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## **NIGER DELTA CRISIS AND YAR'ADUA'S ADMINISTRATION: CRITICAL ISSUES & HURDLES**

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### **1. INTRODUCTION**

The progression of events in the Niger Delta represents both opportunities to find lasting solutions to the violence in the region as well as serious risks to the corporate existence of Nigeria and international energy. The 2008 budget, the first by the Yar' Adua Administration, shows the extent of the nation's dependence on oil and its vulnerability to risks posed by the prolonged crisis in the Niger Delta. Of the projected total revenue of N1,986 trillion, 80% is expected to come from oil<sup>1</sup>. Nigeria is the 6<sup>th</sup> largest exporter of oil within The Organization of Petroleum Exporting countries (OPEC) and supplier of 12 percent of the energy needs of the United States of America (USA)<sup>2</sup>. The continuous unfolding events in the nation have major repercussions in the entire Gulf of Guinea. No doubt, therefore, that the present debate on the USA's future defence and military strategies in Africa in the guise of AFRICOM have not been unrelated to the challenge posed by the crisis in the Niger Delta. The international implications of the volatility of Nigeria's oil rich region is viewed in its immense influence on the international oil market. In December 2007, the price of oil hit the \$100 mark with attendant consequences on the pump prices of fuel the world over.

#### **WEST AFRICA EARLY WARNING NETWORK (WARN)**

The West Africa Early Warning Network (WARN) is an integral part of the West Africa Preventive Peacebuilding Program co-ordinated by the West Africa Network for Peacebuilding (WANEP). Through its WARN Program, WANEP is setting the stage for a civil society-based early warning and response network in Africa with emphasis on human security.

WARN covers the entire Economic Community of West African States (ECOWAS) sub-region including Cameroon and Chad. Our focus was initially the Mano River Basin countries of Sierra Leone, Guinea, Liberia, and Côte d'Ivoire. We have since expanded to cover the entire West Africa sub-region.

Since 2002, WANEP entered into an agreement with ECOWAS through the signing of a Memorandum of Understanding (MOU) in the framework of capacity building in Conflict Prevention. One of the goals of this agreement is to interface WARN with the ECOWAS Early Warning Systems to optimize early warning conflict prevention in West Africa. In view of this development, WANEP has been operating a liaison office located at the ECOWAS Secretariat in Abuja, Nigeria since April 2003.

<sup>1</sup> Arowolo, A, "Niger Delta: Threat to 2008 Budget", Viewpoint, The Punch, January 7<sup>th</sup>, 2008, Back cover.

<sup>2</sup> Data from the US Energy Information Administration cited in: "US, Sultan Parley on Terrorism", The Guardian, 6<sup>th</sup> November, 2007, page 2. Nigeria is reported to have surpassed Saudi Arabia and Venezuela, and is behind only Canada and Mexico in oil supplies to the US.

Even more important than the issue of oil are the impoverished oil producing communities. The signing of the peace agreements with militant groups on the 6<sup>th</sup> of December 2007 in Bayelsa State opened the debate of validity of piece meal peace agreements. Though negligible in relation to the violence in places like Rivers state, the agreement presents an opening to coordinate various efforts aimed at restoring peace in the region. Present Yar'Adua who on February 25, 2008 was recognized as the legally and duly elected President again made the Niger Delta issue a priority of priorities. This policy brief examines the current dynamics of the conflict, the hurdles and possible outcomes and proffers options for action. Now that the legitimacy of the Yar'Adua administration has been assured, it is an opportunity to make a swerve and accelerated process to avoid continued conflagration. The time seems appropriate to begin the regeneration of the Niger Delta region.

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## 2. CURRENT DYNAMICS OF THE NIGER DELTA CONFLICT

The Niger Delta, sitting on top of about 176 trillion cubic feet of gas and about 35.2 billion barrels of oil reserves<sup>3</sup> is home to about 20million people belonging to more than 40 ethnic groups<sup>4</sup>. The region has always been restive. From the pre colonial times when rebellion broke out over exclusion of indigenes from trade in palm oil, the activism of Isaac Boro, the protests over the degradation of Ogoni land which culminated in the killing of the Ogoni 7 and present day militancy, oil producing communities have long agitated for their rights. The conflict blamed on resource based injustice escalated sharply in February 2006 with the commencement of hostage taking along with attacks on oil installations as strategies to draw attention to the neglect of the host communities. This negatively affected socio-economic activities in the region, leading to a high level of insecurity, a disruption of oil production activities and the evacuation of expatriates who are the main targets of hostage taking.

However the activities of the political elite, representatives of the people and others benefiting from the crisis continue to complicate issues. There has also been a surge in criminal gangs that surfaced mostly during the 2003 and 2007 elections whose activities (kidnaps for ransom) have blurred the lines between genuine protests and criminality. This has frustrated efforts and intervention strategies and heightened the level of violence and criminality. More serious is the looting of federally allocated funds by various governments of the region which maintains the neglect and poverty. In all of this, the conflict continues to escalate to bizarre levels, with local gangs shifting their targets and taking fellow indigenes especially children and elders hostage to settle political scores or simply for money.

While the escalating violence is discouraging, opportunities exist in which solutions can be adopted to end the crisis. A starting point would therefore be to quickly convene the planned summit to enable Niger Delta communities clearly state their needs. This should run concurrently with efforts to recover looted funds and exposing shadows fuelling the crisis in the region.

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<sup>3</sup> "Nigeria: Oil and Gas Reserves", <http://www.mbendi.co.za/indy/oilg/af/ng/p.0005.htm>

<sup>4</sup> "The Impact of Militant Activities in The Niger Delta on Nigeria's Socio-Economic Development", Paper presentation at the Peacebuilding training of the Nigerian Military, NACOL, Onike Lagos, March 2007.

## **2.1. President Yar'Adua and the Niger Delta**

The swearing in of the Yaradua administration in May 2007 and the choice of Goodluck Jonathan, a Niger Delta indigene, as the Vice President raised hopes of finding lasting solutions to the conflict. The government has taken certain confidence building measures aimed at halting the violence and creating space in which grievances and needs can be addressed as well as a secure environment in which socio-economic activities can thrive. There have been consultations with various groups, the creation of the Niger Delta Peace and Conflict Resolution Committees which mediated a peace agreement with militants in core states of the Niger Delta in December 2007, a visit to the creeks by members of the Senate and a huge budgetary allocation to the region in the 2008 budget.

So far, the following actions by the Federal Government and other factors have helped produce a thaw in the tension in the Niger Delta creeks:

- The emergence of Goodluck Jonathan, an indigene of the core Niger Delta as the Vice President has met, to an extent, the aspirations of the people to become part of mainstream governance in the Federation. The assignment of the Niger Delta file to him is seen as a strategy to ensure an informed approach to addressing the legitimate demands of the people.
- The release of Asari Dokubo the leader of the Niger Delta Volunteer Force and D.S.P Alamiesiegha, the former governor of Bayelsa State were aimed at responding to some of the conditions demanded by the militants.
- The visit of the Senate delegation to the creeks was an attempted show of political commitment from the legislators to understand fully the problems of the oil bearing communities. The statement of the Senate President was like balm to a wounded region: "We will legislate for peace in the Niger Delta, we shall provide for the people through appropriation. We will not be frustrated or deterred no matter the odds. We owe it to our conscience and the nation. There is no going back".<sup>5</sup>
- The setting up of the Niger Delta Conflict Resolution Committees in the states of the Niger Delta is perceived as a first step to be followed by a comprehensive disarmament process for the militants. This is in addition to the setting up of the Truth and Reconciliation Commission in Rivers State<sup>6</sup>, to explore the root causes of violence in the state in order to effect peace and reconciliation.

### **Intervention Policies/ Restraining factors:**

The carrot and stick policy inherited from the Obasanjo administration was equally adopted by the Yar'Adua administration with some reservations. The Chief of Defence Staff, Gen. Andrew Azaze who hails from the Niger Delta has got a "large stick" at his disposal. However, the idea of a military solution to the Niger Delta militant restiveness has been downplayed to give peace a chance through political steps. Some of the measures to restrain anarchy include:

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<sup>5</sup> "Senator's Retreat to the Creeks", ThisDay, November 12<sup>th</sup>, 2007, page 17.

<sup>6</sup> The Punch newspaper of January 7<sup>th</sup> published an advertorial by the Commission calling for written memoranda from the public.

*The Joint Task Force (JTF):* The Joint Task Force made up of the Army, the Navy, the Air force, the State Security Services and the Police Force have been deployed and charged with the responsibility of maintaining law and order in the Niger Delta. They are divided into task groups along institutional lines. Starting with the 2003 Warri crisis in Delta state which was effectively contained by the force, the activities of the JTF have been a major restraining factor in the region. This has facilitated some level of security through such achievements as: curbing the activities of militants; securing water ways from the activities of pirates and illegal oil bunkering; reigning in the activities of cult gang groups and violence in Rivers State; guarding of oil installations to support oil production; supporting civil authorities to maintain law and order.

*Allocation of speed boats to militants:* The donation of 10 speed boats to some of the militant groups who participated in the signing of the peace agreement by the Bayelsa chapter of the Niger Delta Peace and Conflict resolution Committee in December 2007 has been commended. These boats are meant to be used for surveillance and monitoring of the activities of criminals on the waterways. It is believed that making the militants part of efforts to secure the Niger Delta waterways would ensure effectiveness as they understand the terrain better. This will significantly reduce criminality which remains a threat to all efforts at peacebuilding in the region.

*Legislation:* Legislation against the activities of cultists such as the Secret Cult and Other Related Offences law enacted in places like Rivers State in the Niger Delta has made it a criminal act to harbour or support cult members in the state, specifying a five year jail term for contraveners.

These factors have, to a certain extent, acted as restraints to full blown violence and anarchy in the region.

Besides government actors, religious institutions have also been active for peace on ground, holding prayer rallies and enjoining youth and elders to shun hostage taking and violence as strategies to make their grievances known. Institutions such as the Justice Development and Peace Commission (JDPC) of the Catholic Church went farther to carry out a comprehensive study of the issues surrounding the Niger Delta problem for an informed intervention for peace to return to the region.

Apart from the sensational reporting in screaming headlines, the media on their part have continued to provide an avenue for various groups to express their needs, interests, grievances and positions. Analytical articles and reports that proffer ways of resolving the crisis have also been published in the various newspapers and journals in the nation.

Civil society, on their part, have been advocating for change, creating awareness of urgent issues to be addressed and reconciling parties. An instance of this was the reported reconciliation between Shell and its host community in Afam Oyiobo community of Rivers state facilitated by the Foundation for Ethnic Harmony in Nigeria<sup>7</sup>.

Traditional institutions in the region which would have been agents of both restraint and peace in their communities of domain are presently a complex factor in the conflict. In certain situations they are the subject of attacks by their subjects on allegations of collusion with oil companies to violate MOUs; they are kidnapped to settle political scores, arrested by the Joint Task Force as colluding with militants or killed in

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<sup>7</sup> "Shell reconciles with Rivers Communities", The Punch September 21<sup>st</sup>, 2007, Page 12.

Chieftaincy tussles. The role of traditional institutions in post conflict peace maintenance in the Niger Delta communities is vital and this present situation constitutes a challenge that must be addressed.

## **2.2. Impact of Niger Delta militancy and violence**

The impact of the crisis is far reaching, with ramifications ranging from local, national to international level.

*Oil Production and Revenue and the 2008 Budget:* The Nigerian economy is a mono product one, with a high level of dependence on oil. The sector is responsible for 90% of exports, 80% of oil government revenue and 40% of GDP. The 2008 budget projects a revenue of N1.986 trillion with 80% coming from oil, while other sectors provide a mere 20%.<sup>8</sup> This revenue is predicated on a sustained production of 2.1m barrels per day, already recognizing a shut-in of about 800,000 barrels from a previous production level of 3m bpd<sup>9</sup>. With the events in the Niger Delta and the threats to cripple the sector completely from militants, this fiscal projection is already threatened. The consequence of late has been mass retrenchment of oil workers, destruction of oil production facilities, vandalization of oil pipelines, loss of lives and reduction of international investments in the sector. This has also affected future projections to increase daily production to 4m bpd and reserve addition plans of increment from the present 35bn barrels to 40bn barrels by 2010.<sup>10</sup>

A reduction in production also brings out the international implications of the conflict. It has not helped an already volatile international oil market under supply strains due to the state of affairs in the Persian Gulf, the US / Venezuela face off and the ever burgeoning demand for oil. This can only result in ever rising oil prices which, though profitable for producing countries in the short term, can lead to long-term damage to world economies, and in the long run a reduction in oil demand.

*Chain Impact on Key Sectors:* The attacks on oil installations and production facilities have had direct negative impact on sectors key to social and economic stability of the nation. The blowing up of the Chanomi Creek Channel pipelines immediately cut off the crude oil supply to the Warri refinery. This affected local refining capacity, and in turn led to a sustained importation of refined fuel, regular increases in prices of petroleum products, high transport costs, increase in the prices of goods and services as well as social and political crisis. These attacks also impacted installations that transport gas to power stations, negatively affecting generation capacity and ultimately power supply. Erratic power supply remains a major obstacle to Nigeria's development. The centrality of energy to all facets of human endeavour is evident in the negative ripple effect this

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<sup>8</sup> "2008 Budget Speech by His Excellency, President Umaru Musa Yaradua, GCFR, at the Joint Session of the National Assembly on November 8<sup>th</sup>, 2008. – ThisDay, November 9<sup>th</sup>, 2007, page 13.

<sup>9</sup> "Wages of Niger Delta Crisis by Oil Engineers", The Guardian, November 6<sup>th</sup>, page 3. (the Nigerian Association of Petroleum Explorationists (NAPE) disclosed that since the beginning of 2007, Nigeria has been losing 800,000 bpd since the escalation of the Niger Delta conflict.

<sup>10</sup> "Oil Reserves: 40bn barrels target no longer feasible – NNPC", the Punch, August 7<sup>th</sup>, 2007, page 17. Statement by former group MD of NNPC at the 31<sup>st</sup> National Conference of the Society for Petroleum Engineers in Abuja in August 2007.

situation has created.

*Abandonment of development projects:* The insecurity in the region has led to the abandonment of development projects, further compounding the poverty and neglect that is at the root of restiveness in the Niger Delta. This happened in the dualization of the Bodo/Bonny road project in Gokana council of Rivers State when an expatriate working on the project was taken hostage. The expatriate contractors evacuated all staff subsequently, abandoning the project. Even the repair of vital installations destroyed by militants pose challenges as the insecurity discourages potential bids for the jobs. For instance finding contractors to repair the Chanomi Creek Channel pipelines destroyed by militants was a big challenge and took over two years to effect the repairs. The Warri refinery which receives crude through the damaged pipeline lay idle all through this period.

*Increase in the costs of doing business in the zone:* Majority of the Niger Delta contractors have relocated their businesses due to the breakdown of law and order, resulting from an increase in criminal activities. Those who have the courage to remain working in key upstream projects now factor in a “Niger Delta Premium” to cover such eventualities as possible ransom for kidnappers, community demands as well as higher insurance premium. This has driven up the overall cost of doing business in the region.

*Militarization – physical and psychological:* The increase in gun related violence and armed attacks in the Niger Delta are indicators of a proliferation of small arms. This is made possible by the instant wealth that activities of militancy yield through ransom for hostage taking, illegal oil bunkering and criminal acts such as alleged bank robberies. Guns have therefore replaced the use of dialogue in settling communal disputes, resulting in an upsurge in violence and gun related deaths. This is coupled with the presence of the Joint Task Force whose mandate is to secure the Niger Delta and create a secure context for oil production to continue. The suggestions to improve the capacity of the force to effectively secure the region can only lead to an increase in the weapons circulating in the area and further militarization. Of even more concern is the militarization of the psyche of the people especially that of the youth who have come to believe in the power of the gun.

*Priorities in the budgeting process:* The threats to national security posed by the Niger Delta crisis has led to the prioritization of security in the budget to the detriment of other sectors key to the wellbeing of citizens such as education, health, transport and the power sector. The Niger Delta and Security received N444bn, which amounts to 20% (the highest) allocation from the entire appropriation for the year<sup>11</sup>. Though security remains a fundamental requirement for development and peace, it was the enduring mismanagement of the region that has warranted this present huge cost to the nation. This is in addition to a military overstretched in both regional and sub regional peace keeping operations.

*Insecurity of lives and property:* The legitimate grievances of the Niger Delta have provided a smokescreen behind which all shades of people hide presently to perpetuate heinous crimes – cultists, armed robbers, child kidnappers, illegal oil bunkers, and thugs

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<sup>11</sup> “FG pegs Budget at N117 to \$1”, ThisDay, November 9, 2007, pg 6. The budget allocated N444.60 to the Niger Delta and Security in line with the President’s 7 point agenda.

amongst others. The result is a region that has an axe to grind with the Federal Government, but is also waging a self destructive war on itself. During the August cult / gang war in Port Harcourt in Rivers State, no less than 40 people were killed, majority of them civilians. The New year's day attack on Port Harcourt in Rivers State in retaliation for the bombardment of the base of the leader of the Niger Delta Vigilante led to the killing of over 14 people which included policemen, innocent civilians and the bombardment and destruction of several police stations whose armoury were the targets of the attackers. This is also added to the regular hostage taking which have of recent included toddlers and elders of the communities. This state of insecurity has negatively impacted all aspects of life in the Niger Delta especially business activities and developmental projects abandoned as affected companies evacuate staff, thereby further complicating the poverty problems of the region.

*Violation of Cultural Norms and Values:* The adoption of hostage taking as a strategy to express the region's grievances and the present inclination to extend it to the settlement of political and communal grievances has led to the abduction of even children and the elderly, including traditional leaders. This has destroyed the sense of both security and community. This is also a consequence of the breakdown of societal and communal values and the traditional institutions as a result of elders in the community being perceived, in certain instances, as colluding with the oil companies to undermine MOUs signed with communities. The reported killing of 3 Chiefs in Ogbogoro community near Port Harcourt Rivers State is an example of the extent of the manifestation of the devaluation of the traditional institution. This is a problem that will remain long after restiveness in the region has been addressed.

*Destruction of the psychology of hard work and merit:* Hostage taking and the huge instant financial rewards that it brings has created the thinking that crime pays. The youth are no longer interested in education and honest work. This promises to be a challenge in disarmament efforts. The gun now erroneously is a justified means to or access to a fair share of the resources in the region; it is a means to quick money and young militants can now drive fabulous cars in a region ridden by suffering and misery. Society has come to accept this new way of life and its new heroes. Some youths are prepared to turn down genuine jobs as the lucrative 'militancy industry' has become a major lure.

*Negative Image for the nation:* Most foreign news items from Nigeria in relation to the Niger Delta project images of masked men on speed boats carrying rocket launchers and AK 47 rifles. This has created a very negative image for the country, affecting Nigeria's standing internationally and ability to amongst other things attract Foreign Direct Investments. This negative image is not helped by instances of sensational headlines and reporting by the local media which help to sell newspapers. However, it must be recognized that the media alone cannot change the course of history in the Niger Delta and hence cannot take all the blame.

### **3.0. FUNDAMENTAL FACTORS MILITATING AGAINST PEACE EFFORTS**

Certain key factors have continued to fuel the conflict and instability in the Niger Delta. Some of these are as old as the crisis itself, while some have evolved from the recent changes in the socio-economic landscape in the region as well as the federation. These

include:

*Corruption and Poor Governance Culture:* Corruption and unaccountability have been largely responsible for the apparent status quo of neglect, marginalization and poverty by preventing the Federally allocated funds to the region from making any meaningful impact on ground. Ironically, it is these same issues that have constituted the rallying point for agitations and agitators, often blaming the Federal Government for all the ills. It is reported that between June 1999 and May 2007, the nine Niger Delta States received a total of N3.186trillion, while the Niger Delta Development Commission received N3.8trillion<sup>12</sup>. Yet the region has little or nothing to show for this allocation. Prominent indigenes have begun to call for these monies to be accounted for. By diverting attention on local politicians and chiefs, militants are also sending a message that the problem or enemy is also within.

*Cultism and Criminal Gangs:* The activities of cult groups and criminal gangs which have led to increased adoption of military interventions. Criminal activities such as allegations and media reports of gun running resulted in the detention of a member of MEND in Angola, leading to threats by the group to cripple the oil industry. Also activities of Pirates allegedly belonging to the Niger Delta Vigilante led by Tom Ateke were said to be responsible for the raid on Okrika community in Rivers State.<sup>13</sup> This resulted in the retaliatory attacks by the group and the violence in Port Harcourt on New Year's Day, leaving 14 people dead.

*State Governments' Response:* The reported threat by the Rivers State governor to arrest the parents of militants in the face of continued criminal activities pours fuel on already hot coals of conflict. This has been condemned by Civil Society as unacceptable in a situation already characterized by violence and tension and in a polity that upholds democracy and the rule of law. There is also an alleged lack of sincerity inherent in reports that some state government officials continue to patronize criminal and cult groups in the area, arming them and awarding them juicy contracts, in return for protection and support to rig elections<sup>14</sup>. Perceived preference for one group over another leads to violent confrontations for control of territory resulting in the anarchy and the death of over 40 people witnessed in Rivers State in August 2007. Media reports allude to the existence of about 103 of such cult groups in Rivers State alone<sup>15</sup>, recruited and armed by politicians

*Shadow parties:* Vested interests of shadow parties involved in piracy, illegal oil bunkering, gun running amongst other illegal activities negate efforts at restoring sanity and order to the Niger Delta. These groups are conflict entrepreneurs. They will therefore frustrate all efforts at dialogue or the implementation of developmental projects

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<sup>12</sup> "Senator's Retreat to the Creeks", ThisDay November 12<sup>th</sup>, 2007, page 17, "Monarch, Ijaw leader Faults Clark's comments on NDDC", The Guardian, 13<sup>th</sup> September, 2007, page 4. An Ijaw leader, Edwin Clarke, had called for the suspension of funds to the NDDC till it accounts for huge allocations made to the agency in 9 years..

<sup>13</sup> <http://allafrica.com/stories/2007121309950.html>, "Amaechi: Options Against Renewed Violence", The Punch, Jan. 7<sup>th</sup>, 2008, pg 65.

<sup>14</sup> "AC Faults Yar'dua's Claim on Niger Delta Crisis", The Guardian 30<sup>th</sup> October 2007, pg 5. "Clarke explains Call for Emergency Rule in Rivers State", The Guardian, 28<sup>th</sup> August, 2007, pg 1 & 4.

<sup>15</sup> same as 14 above.

to douse the fire of crisis in the region. Strategies to neutralize their activities must be devised.

The management of information in relation to government's planned actions can also be blamed on vested interests in higher circles. The leaking of a classified memo of the Joint Task Force in which the President was advised to adopt a more military approach to curtail the activities of militants, was seen as violating the agreement requiring the Federal government to begin the phased withdrawal of troops from the Niger Delta communities<sup>16</sup>. This is further worsened by the lumping together of Security and the Niger Delta and giving it the biggest allocation in the 2008 budget. The impression has as a consequence been created that the allocation, which would have been seen as a sign of government commitment to developing the region, is meant to purchase more weapons to annihilate Niger Delta communities.

*The delay in the convening of the Niger Delta Peace summit initially slated for June, 2007.* This is portraying the Federal Government as dragging its feet and so trying the patience of the oil producing communities. Those benefiting from the crisis could capitalize on this to escalate the conflict. In addition, the prioritization of certain parts of the region in talks and implementation of developmental projects and the perceived exclusion of others such as Ondo State, a relatively stable oil producing state which accounts for more than 10% of the nation's oil, could encourage resort to violence as is already visible in the recorded incident of hostage taking of PDP Chieftains that took place in the state recently<sup>17</sup>.

*Environmental Impact:* The alleged extension of the Flares Out deadline by the Department of Petroleum Resources from December 2007 to December 2008, with oil companies lobbying for a further extension to 2010 has not been well received in the affected communities. This is perceived as a preference by the government to pitch its tent with the oil companies who derive their profit at the expense of the environment, the health of affected communities and the economy. Gas flaring has very negative health implications for communities in the flaring vicinities. Geoscientists have warned that these communities are daily exposed to millions of kilowatts of heat as well as a continuous cocktail of toxins<sup>18</sup>, with all round negative consequences. Nigeria flares about 25 billion cubic feet of associated gas annually, with an attendant revenue loss of \$2.5 billion<sup>19</sup>.

*Visible wounds of perceived marginalization and injustice* such as the fact of poverty and deprivation in the midst of plenty, visible unemployment, the degradation of Ogoni land, the abandoned and degraded Oloibiri, where oil was first discovered in 1958, after oil exploitation and the destroyed community of Odi sacked by the military. These are

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<sup>16</sup> Adebayo S, "Disquiet within Joint Task Force over leakage of document", The Punch, 17<sup>th</sup> December 2007, page 8., See also the December 14<sup>th</sup>, 2007 press release of the Ijaw Youth Council (IYC) in Oporoza Delta State titled " The Niger Delta Peace Process: A Critical Review", published in The Punch, December 17<sup>th</sup> 2007, page 88.

<sup>17</sup> "Group Condemns the Exclusion of Ondo from Talks", The Guardian, Aug. 21<sup>st</sup>, 2007, pg5

<sup>18</sup> See " Crude Oil Production Raises Ris of Cancer Among Nigerians", The Guardian, December 11<sup>th</sup>, 2007, Front Page.

<sup>19</sup> The Punch, December 10<sup>th</sup>, page 33.

issues around which militants mobilize community hatred for the federal government and oil companies and recruit youth into militant groups.

*Corporate Social Responsibility:* Lack of commitment by oil companies to the highest dictates of Corporate Social Responsibility seen in such issues as delays in cleaning up of pollutions resulting from production activities provoke communities to destruction of oil installations. An example could be seen in the blowing up of a water disposal unit of an oil company by the host community in Odimodi, Asaba – Delta State due to pollution by drilling sludge. The alleged complicity of communities in sabotaging these facilities further complicates the situation. The perceived refusal to absorb indigenes in the work force in line with MOU local content prescriptions also remains an inflammatory factor.

*War journalism?* The apparent pursuit of ‘war journalism’ rather than ‘peace journalism’ by the Nigerian media can be found in the following headlines which do not really help the cause of efforts geared towards searching for solutions and peace: -“We’ll Return Fire for Fire, JTF tells MEND”, (This Day, January 7<sup>th</sup> 2008, page 7/9); “Militants Blow up Port Harcourt Refinery Jetty” (The Punch December 20<sup>th</sup>, 2007, page 8); “Niger Delta: Military Suffers 22 Attacks in 5 years” (The Punch December 6<sup>th</sup> 2007, page 8); “Crude Oil Pollution Raises Cancer Risk Among Nigerians” (The Guardian, December 11<sup>th</sup> 2007 Cover Page); “Time Up For Niger Delta Criminal Gangs says Yayale” (The Guardian, August 21<sup>st</sup> 2007, Front Page); “Militants Strike in A’lbom, Sieze Naval Boats”(This Day Nov. 13<sup>th</sup>, page 7). These headlines lean more towards ‘War journalism’ which pitches opposing sides against each other. It is victory oriented, rather than focusing on the search for solutions and de-escalating the conflict<sup>20</sup>.

#### **4. ENVISAGED SCENARIOS (Next 6-12 Months)**

There is apparently no ready made solution to the Niger Delta crisis that has reigned for decades. However, public opinion and militant demands claim that certain actions by the Federal Government can constitute a major breakthrough. The good case scenario below captures one of such ideals.

##### **Good Case Scenario:**

The Niger Delta Peace Summit is convened and various agreements are reached. The government and the people adopt and effectively commence implementation of a sustainable integrated development plan in line with the Niger Delta Master Plan. The marginalization of the Niger Delta is reversed through active inclusion in national politics, improved Corporate Social Responsibility by International Oil Companies, graduated increased derivation formula and recognition of legitimate rights. Effective and consented disarmament of militia groups begins and a conducive environment for resumption of full production and continued dialogue is created. The Joint Task Force and some former militant groups work hand in hand to maintain law and order. International investments increase and jobs for unemployed youth are created. Kidnaps cease, political bickering subsides, and militant are transformed into veritable peace and development actors/ambassadors. The Niger Delta is gradually transformed from “*Paradise Lost*” to “*Paradise Restored*”<sup>21</sup>.

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<sup>20</sup> The converse is peace journalism which is peace and people oriented, truth oriented, and solution centred

<sup>21</sup> Italicized words taken from the Speech by the NDDC Managing Director during the

**Bad Case Scenario:**

Key negative indices in the present efforts to address the crisis are recorded as follows: The Federal Government tries and jails key members of militant groups accused of criminal activities; The debate on increase in derivation is deadlocked due to opposition by the Northern Senators; Gas flares out deadline is extended to 2010 as requested by international oil companies, considerably angering communities who bear the brunt of its negative impact; Budgetary allocation to the Niger Delta is channelled more towards increasing the capacity of the Joint Task Force to bombard militant bases than to the developmental needs of the communities. Communities harbouring militants are razed; Cult gangs create a state of anarchy in Rivers State, kill key government officials and paralyze social and economic activities. A state of emergency<sup>22</sup> is declared which the militants defy; Full scale violence erupts and oil companies shut down operations and evacuate, prices of oil skyrocket but there is nothing from Nigeria (the 6<sup>th</sup> largest producer of oil) to cushion the market and to sell to realize national revenue, with the nation going into financial crisis; Huge refugee flows are sent into neighbouring countries with neither the capacity nor the space to absorb them and this spreads the crisis across West Africa. This is complicated by the fact that the Nigerian military are engaged in full combat and cannot be called upon to keep the peace. The international community interested only in oil security sides the militants and supplies them arms. The conflict is sustained.

**5. OPTIONS FOR RESPONSE:**

The following options to work towards the best case scenario and avoid the worst case are recommended.

**To the Federal Government:**

Several steps that include political, military, social, legal and economic responses all embedded in political will to resolve the current crisis of the Niger Delta need to be taken.

*Fight Against Corruption:* For the revenue allocated to the Niger Delta to make any impact, reverse the neglect of the region and avoid conflict protraction, the issue of corruption must be addressed through a targeted effort. This will involve first recovering stolen funds to be returned and invested in the communities to make meaningful and immediate impact. Thereafter communities can then be supported to create structures for involvement in the budgeting process to ensure an end to diversion of public funds.

*Implement the Niger Delta Development Master Plan:* There is a need for an integrated, coordinated approach in the implementation of the Master plan through the activities of the, Federal, State and Local Governments as well as the intervention of development partners. Roles need to be clarified and harmonized. The plan for Mega, Regional, State and Local government projects therefore creates a good road map.

Since the NDDC is going to be the vehicle for actualization of the Master Plan, its activities need to be monitored. The call by an Ijaw Elder for the commission to account for all monies received by it amounting to over N3 trillion since 1999 is in order and in line with the need for transparency and effectiveness in implementation. Immediate

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retreat of members of the Senate to the Creeks in November, 2007.

<sup>22</sup> Sections 305 (4) of the Nigerian Constitution provides for the declaration of a state of emergency in situations of "breakdown of public order and public safety in the Federation".

focus should however be on aspects of the plan that can yield immediate visible measurable benefits to the communities. It must also be realized that this plan is a not a static document, but a dynamic one open to continuous improvement to reflect unfolding realities.

*Constitutional Reform:* This should address the demands for increase in derivation by the region. Suggestions have been made for an increase from the present 13% to 50% in small tranches to avoid sudden financial shock to the other parts of the nation and resentment from the North. However it must be noted that this must be placed in a frame work of transparency and accountability in the management of the resources of the region. To this end, there have been calls for the 'Immunity Clause' that the members of the Executive in Nigeria currently enjoy to be removed from the Constitution as a deterrent to the looting that this is perceived to encourage.

Other legal issues such as the Land Use Act of 1978 and laws which, make oil bearing communities squatters in their own land will also need to be addressed.

The contention behind the Land Use Act is that it vests both the land and the oil it contains in the Government who hold it in trust for the people. It also gives the government power to appropriate land in situations where over riding public interest so demand. For the Niger Delta, this translates to the following:

- Laying of pipelines to facilitate oil production is interpreted as "over riding public interest" and this means that whole ancient communities can be uprooted to make way for exploration and exploitation activities. This happened to the Finima community in 1980 when the entire community was relocated to make way for the Nigerian Liquefied Natural Gas (NLNG) project.
- A situation whereby Oil revenues and royalties are expropriated by government and not the people who own the land that harbour the oil and who bear the brunt of the negative impacts of exploration and production activities.

Prior to the Act, communities had direct dealings with the Oil Companies over land acquisition and access for their operations, leaving only mining rights as the exclusive preserve of the government.

Owning land confers a people with a sense of identity and belonging in a particular society and location, as distinct from foreigners who have to meet certain criteria prior to owning land. Vesting both oil and land rights in government has created a sense of dispossession in the communities. Attacks on oil installations, hostage taking, militancy as well as such unilateral declarations as the 1990 Ogoni Bill of Rights and the 1998 Kaiama declaration are the responses of the Niger Delta communities to the perceived injustice<sup>23</sup>.

*Convene the Niger Delta Conference:* Delay in convening the conference might lead to the participation of those who are no longer key in resolving the conflict and lead to perceptions of lack of seriousness on the part of government. Also the positions of parties to the conflict are quite fluid as the conflict continues to evolve, manifesting new dimensions. This delay might result in adopting stale approaches and involving parties whose relevance have waned.

In choosing delegates to such a conference, care must be taken not to create more problems while trying to solve existing ones. Already arguments have commenced as to

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<sup>23</sup> Ogon Patterson, "Land and Forest Resource Use in the Niger Delta: Issues in Regulation and Sustainable Management.  
<http://globetrotter.berkeley.edu/GreenGovernance/papers/Ogon2006.pdf>

representation in line with the percentage of oil located in the communities of various ethnic groups (Ijaw, Itshekiri, Ilajes, etc). In this regard conflict sensitivity becomes extremely important.

Prior to this conference, it is also important to take note of Communiqués, Press Releases and Open Letters published by various Niger Delta groups in the media as they could form sources of information to elicit interests and needs towards resolving the crisis.

*Hands on Governance.* Some of the activities of governors in the Niger Delta States have demonstrated the need for hands on governance to effectively address the issues in the region. An example of this was the visit by the governor of Delta State to militants in Madagho community in Warri South West Local government which averted a planned attack on the Escravos flow station due to perceived breach of MOU with regard to agreements to absorb indigenes into the company's work force. This was also seen in the visit of the governor of Rivers State to the Okrika community in Rivers State to enjoin the community members to end any form of support for militancy. There was also the visit of the Bayelsa state governor to dialogue with militants in the creeks which eventually led to the signing of the peace agreements.

*A DDR programme.* For restoration of law and order and ultimately peace, there is a need to address the proliferation of arms in the region. The request for the assistance of the UN in organizing the Niger Delta Peace summit in the United States is a right step towards addressing the international dimension of the conflict in relation to international arms dealers. There is also need for the involvement of the National Action Network on Small Arms (NAANSA) and ECOWAS through its small arms unit in the disarmament process. This is due to the obvious lack of capacity of the nation's National Committee on small arms (NATCOM) to effectively control the present proliferation, misuse and illegal possession of small arms in the Niger Delta and across the nation. Disarmament in the Niger Delta will also need an approach that recognizes the unique nature of the level of operations and rewards of militancy. Token measures will therefore not work.

*Addressing Environmental Degradation.* The request by the Federal Government for the United Nation's Environmental Programme to carry out a comprehensive environmental assessment of oil impacted sites in the Ogoni communities is a peacebuilding move towards healing the wounds of the past (the killing of the Ogoni 7 by the military was tied to protests over environmental degradation in Ogoni land). This should be followed by the clean up of the sites, payments of compensation and a strict adherence to the flares out deadline to put an end to gas flaring and its attendant negative impact. The activities of the recently inaugurated Flares Reduction Committee charged with creating a road map to eliminate routine flaring within a realistic time frame in collaboration with government, oil companies and other stakeholders are also key in this regard.

*Giving Women a Voice.* The women in the Niger Delta have complained about their exclusion from the search for solutions to the crisis. Yet the women, who experience far reaching impact of the situation have been working actively, adopting non violent strategies to achieve better results in addressing the problems of the region as witnessed in the Ugborodo women / Chevron stand off. The Niger Delta crisis has had far reaching impact on the women in the region, especially grassroots women who rely on the environment for resources to sustain their families. With the destruction of farmlands, pollution of rivers and the environment through oil spills and gas flaring, these

women and their families are experiencing desperate times. This was the root cause of the protest by Ugborodo women. Again the poverty and lack of opportunities in the region has left them without alternative livelihood skills. They therefore bear the brunt of the destitution faced by most families in the Niger Delta. In addition, they also experience the trauma of watching their children resort to various illicit ways such as militancy and crime to survive life in the Niger Delta environment.

This exclusion can be seen in the complaint of Delta State Women that no women were appointed to the board nor as directors in any department of the Delta State Oil Producing Area Development Commission (DESPODEC). Excluding women from the peace process will not capture their experiences and perspectives and does not augur well for a holistic approach towards addressing the conflict. It is moreover a violation of the provisions of UN Resolution 1325, The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), The AU Solemn Declaration on Gender Equality and the Protocol to the African Charter on Women's Rights in Africa, all of which Nigeria is signatory to.

*Same problem, Different Manifestations.* Effectively addressing the Niger Delta crisis will require an understanding of the unique manifestations of the problem in the various states, while also keeping in mind features common to all. For instance, Rivers State manifests Cult Group violence, Delta State faces inter-ethnic conflict, Bayelsa State, hostage taking. However issues such as environmental degradation, unemployment, militancy amongst others are common features. This understanding will facilitate effectiveness through both unique and general strategies in post crisis Peacebuilding.

*Keeping Military Interventions within limits.* The interventions of the Joint Task Force in view of the activities of militants, cult groups and criminals are key to the maintenance of law and order and as a restraint against anarchy. However there is still need to keep activities within limits to avoid a repeat of incidents such as the razing of Odi in Bayelsa State by the military in 2000. The deployment of the security operatives to Niger Delta communities must be carefully managed to avoid further escalation in the violence in the state. There have also been reports of alleged extortion by security agents. These should be investigated and if true discouraged to avoid further compounding issues in an already volatile region. The Joint Task Force needs to deploy in such a way as to not appear as a visible symbol of the continued oppression of communities by the Federal authorities. This is the underlying factor, coupled with the realities of neglect in the region, responsible for the sympathy towards the actions of both criminals and militants alike seen as defying the region's oppressors.

*Employment Generation.* All development efforts must first be aimed at creating employment to absorb the teeming unemployed youth and the militants to be disarmed and demobilized as a fallout of the peace agreement signed in December 2007. Ensuring implementation of the Local Content Policy by the International Oil Companies (IOCs) and targeting the participation at the oil bearing communities through affirmative action will also go a long way in ensuring their participation in the management of the resources in their communities. The Local Content Policy of the Federal Government is aimed at developing local capacity for increased participation in the oil sector. It is hoped that this will ensure that the quantum of the percentage of locally produced materials, personnel, goods and services rendered to the industry are increased, generating more employment and benefits to Nigerians. It expects to achieve a 70% execution of

contracts locally by 2010, from the present target of 45%<sup>24</sup>. This will give members of oil producing communities a direct stake in the industry and make them part of efforts to find solutions to the crisis and secure the region.

*Exposing Shadow Conflict Entrepreneurs.* Some of the demands of the militants have been met. These include: the ceding of the Vice Presidency of the nation to the region; the release of D.S.P Alamiesiegha and Asari Dokubo. Yet rather than reduce, violence has continued, indicating that some core root causes have not been identified to ensure they are addressed. The activities of shadow parties benefiting from the conflict cannot be ruled out. Intelligence agencies might need to carry out a thorough investigative work to unmask these conflict entrepreneurs.

Speculations are rife as to those responsible for arming the various cult groups in Rivers State. A judicial enquiry also needs to be instituted and those found responsible tried and jailed as persons who have sabotaged national interests and security. This should deter further use of gangs for selfish political motives.

*Increased Maritime Security:* The use of water ways to route huge supplies of arms needs to be blocked through improved capacity of the navy to effectively police these arms routes. Elimination of an inflow of arms will make disarmament efforts effective and create room for dialogue to address the issues in the conflict. However the recent media reports of alleged complicity by military personnel in arms supplies to militants needs to be thoroughly investigated and if true, decisively dealt with to enhance efforts at attaining a Niger Delta free from the circulation of illicit arms.

*Granting of amnesty.* While the grant of amnesty is necessary to enable militants lay down their arms and silence the drums of war, the terms must be clearly defined to also deal decisively with those that committed heinous crimes. Murdering local government officials, abduction of community elders, bombing and looting the armoury of police stations and robbing of banks do not constitute legitimate agitation, but exist in the realm of low criminality.

### **To the International Community**

*Shun narrow interests:* Avoid the pursuit of narrow interests anchored solely on achieving security of oil production. If the focus is rather aimed primarily at addressing the needs of the oil producing communities, the social license for International Oil Companies to operate might be restored, in the long term realizing the goal of supply security.

*International criminals:* Address the international criminal dimension of the crisis by naming and shaming arms dealers supplying arms to militants.

*Targeted Support:* Target support to developmental programs aimed at the youth to reverse the impact of neglect, violence and militarization of the psyche. This should form the foundation for peace in the region.

*Support developmental efforts and the fight against corruption.* This should also target ending buying of stolen oil to discourage illegal oil bunkering using such instruments as

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<sup>24</sup> Local Content: Oil Firms May Miss 2010 Target", November 12<sup>th</sup>, 2007, pg 1 & 6.

the Kimberly process. International Oil Communities from their countries should also be pressured to adhere strictly to best practices of Corporate Social Responsibility.

*Support fully the Gulf of Guinea Energy and Security Strategy*, This must be done, while recognizing the Sovereign rights of West African states to drive the process and ensure that all actions keep in mind the corporate existence of the Nigerian Federation. All efforts must be placed in the framework of the maintenance of international peace and security, a responsibility assumed by all members of the United Nations.

#### **To Oil Companies:**

- Avoid divide and rule tactics and sincerely implement agreements under the Global Memorandum of Understanding (GMOU). This document is drafted to regulate the relationships of Oil Companies with their host communities, stating the needs of the communities to be met by the Oil companies in return for communities ensuring a Peaceful environment and Freedom for Oil companies to operate. In view of the continuous agitations by the host communities, questions have been raised as to whether these MOUs are a resource for peace or conflict. While communities have complained of non implementation of MOUs, Oil companies have complained that they signed the documents under duress and that the communities do not create the enabling environment for the implementation of these agreements.

To address these issues, it is hoped that an enforcement mechanism for the MOUs will be put in place, a template for the MOUs to create standardization is developed and that a participatory partnership between governments, oil companies and communities in carrying out development projects is created.

With the renegotiation of the GMOUs between the oil companies and the communities coming up, it is hoped that sustainable agreements that address the needs and interests of all parties are drawn up to sustain lasting peace.

Efforts must be made to ensure that the GMOUs also achieve the following:

- Adopting and localizing international best practices in Corporate Social Responsibility.
- Adopt a strategy of wide consultations in the production process.
- Clean up oil spills speedily.
- Adhere to the dictates of the Local Content policy.
- Remain committed to the Flares Out deadline.
- Meet the demands of host communities for absorption into the workforce. This is especially important in relation to disarmed and demobilized militants to avoid a return to criminality and violence.

**To the Media:** Although the media is a reflection of the society in which it operates, the following are some of measures to adopt.

- ❑ A strategy of objectively reporting the conflict without sensationalizing issues or demonizing any side.
- ❑ The sides of all parties must be reported without bias. In this way it can facilitate the search for solutions. Peace Journalism, rather than War journalism should be practiced to aid the search for solutions.
- ❑ The media should also focus attention on dynamics in the region especially the deliberations of the planned summit, the implementation of the Niger Delta Master Plan and the fight against corruption. The media remains a key player in all planned interventions, especially the fight against the looting of the resources allocated to the region which has sustained poverty, neglect, agitations and violence.

### **To Civil Society:**

Civil Society has its work cut out in the search for solutions to the conflict. This includes:

- ❑ Conducting assessment of specific communities and helping them articulate realistic positions to be presented at the Niger Delta summit.
- ❑ Engaging the people in the budgeting process to make governments in the region accountable. A first step would be to facilitate the participation of communities in the deployment of funds recovered by anti graft agencies. It is only when the people who are the victims of corruption feel the direct benefit of recovered funds and identify those who masqueraded as fighting for their interests that the war against corruption will gather momentum and become effective in the region.
- ❑ Help set measurable benchmarks in relation to the Niger Delta Master Plan and collaborate with beneficiary communities to track them.
- ❑ Assist in the Disarmament, Demobilization and Reintegration process for ex-militants, especially in Community Arms Collection, Counselling and Skills Training of ex- militants.
- ❑ Facilitate the work of the Truth and Reconciliation Commission and the Niger Delta Conflict Resolution Committees and ensure the participation of all sides, including the militants; Work out strategies for reconciliation between and within communities divided by the sub conflicts that exist under the bigger crisis in the region.
- ❑ Organize training for communities in Conflict Management and the Youth in Peace Education.
- ❑ Support the process of reversing the debasement of traditional institutions in collaboration with government. Their role is vital in stabilizing communities.

### **To the Oil Producing Communities:**

- ❑ To take responsibility for the maintenance of security in the region by discouraging criminality and hostage taking. No meaningful development can take place in the face of the level of insecurity created by the activities of a combination of criminals and militants.
- ❑ Dialogue remains the best option and the planned Niger Delta Peace summit presents the opportunity to explore this. The best strategy is to articulate the demands of the region and present them under a united front.
- ❑ Take ownership of the fight against corruption by creating platforms to facilitate participation in the budgeting process and holding those who have prevented resources allocated to the region through looting of funds responsible.
- ❑ The Regional Development Councils (RDCs) present a structure through which communities can hold Oil Companies, Local Governments and the Niger Delta Development Commission (NDDC) accountable for the resources channelled to ensure the development of the region. To make them effective, the goal must always be for the representatives of the communities in the RDCs to put the interests of the communities above personal ones. This is the only way to neutralize the divide and rule tactics and the corruption which negates the interests of the communities and sustains restiveness.
- ❑ To begin the process of rebuilding the traditional institutions presently debased.

### **CONCLUSION.**

The Niger Delta crisis is basically about: Interests: oil producing communities to have a say in the management of resources derived from their land and Needs: to benefit in a way that ensures their needs as individuals and groups are met. However it has been

made complex by protraction, allowing it to be hijacked by a variety of parties – genuine and opportunistic. This has blurred the line between genuine agitations and the activities of criminals, the culpability of the region’s leaders in the looting of resources meant for their people, buyers of stolen oil, arms dealers as well as a plethora of invisible shadow parties. This therefore calls for creativity and comprehensiveness in the strategies to identify the roots of issues and address them. The input of a variety of stakeholders, local and international is therefore key to the search for solutions. There is no appropriate time than now that President Yar’Adua’s mandate has been legitimized.

