

# **NIGERIA: ENDING UNREST IN THE NIGER DELTA**

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## **NIGERIA: ENDING UNREST IN THE NIGER DELTA**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

The Niger Delta is again at risk of sliding into chaos. The 29 May 2007 inauguration of new federal and state governments offered an opportunity to resolve longstanding conflicts afflicting the oil-rich, deeply impoverished region. Six months later, the opportunity is unravelling amid new violence and criminality. Decisive action is necessary to stop militant violence and criminal hostage-taking, initiate quick-impact development projects that can build public confidence in President Umaru Yar'Adua's administration and tackle constitutional and legal issues that have fuelled unrest in the region.

Yar'Adua's early statements and actions raised hopes in the Delta. The selection of Goodluck Jonathan, an ethnic Ijaw and then governor of Bayelsa State, as his running mate responded to the region's demand for representation in the presidency. Yar'Adua identified the Delta as one of seven priority areas in his inaugural address and followed up by initiating consultations with ethnic and militant organisations and endorsing the regional development master plan launched by his predecessor, Olusegun Obasanjo, in March 2007. But none of this has yet led to a comprehensive and credible strategy for ending the violence. Repeated postponements of the Niger Delta summit, initially called for June, and lack of clarity over its participants, methods and goals are eroding confidence and threatening a relapse into even more intensive conflict.

Following the 3 September arrest in Angola of one of its leaders, Henry Okah, the Movement for the Emancipation of the Niger Delta (MEND) resumed attacks on oil installations and hostage-taking. On 18 October, it threatened to extend its bombing campaign beyond the Delta if the federal government agreed to the military's request to raid militants' camps.

Hostage-taking, employed by militants since early 2006 to draw international attention to the Delta crisis, has turned into a lucrative, criminally driven enterprise, with local politicians and their relatives frequent victims, instead of just the oil industry expatriates who were the original targets. The practice has also begun to spread beyond the core Niger Delta, to Ondo State on the western fringe of the region and other parts of the country.

Clashes in Rivers State between politically sponsored criminal gangs in August and deepening splits within the Delta's major militant groups have worsened the security situation. Divisions within militant ranks have reduced prospects for forging a united front to negotiate with the government.

If Yar'Adua is not to lose his opportunity to resolve the Delta crisis, he must urgently go beyond drawn-out consultations with militants and ethnic leaders and translate his promises into credible policies which address the violence and legitimate demands. The federal legislature needs to provide constitutional solutions for the political, economic and environmental grievances that have been at the roots of ethnic and communal agitation for decades. The Rivers State government, whose territory has seen the worst and most recent violence, must act with restraint to avoid aggravating the already volatile relations between ethnic groups in the state.

### **RECOMMENDATIONS**

#### **To the Federal Government and President Yar'Adua:**

1. Appoint an independent presidential envoy of high moral authority from civil society and outside the region to lead an inclusive consultation on process, agenda and participation for the Niger Delta summit and report back within three months; the envoy should:
  - (a) include armed militants and non-armed civil society representatives, including women's groups, from all Niger Delta states and ethnic groups in the consultation;
  - (b) revisit the recommendations of the 2005 Ogomudia report; and
  - (c) review and propose changes to make the peace and reconciliation committees more inclusive and efficient tools for conflict prevention, management and resolution.

2. Stop all attempts to divide and co-opt armed militants by offering contracts and appointments to leaders and instead encourage them to create and articulate a common and realistic political agenda.
3. Proceed immediately with security and infrastructure development assessments as preliminary steps to holding the Niger Delta summit.
4. Institute a judicial inquiry into the Port Harcourt violence and prosecute all political actors identified as having contributed to armed conflicts and political assassinations in the Niger Delta since 1999.
5. Appoint a special federal prosecutor to investigate local and state government officials involved in hostage-taking.
6. Clarify the terms and applicability of its amnesty so as to distinguish between politically inspired militants and criminally motivated gangsters, and accompany it with adequate punishment for the most serious crimes and appropriate compensation and rehabilitation measures for the most affected victims.
7. Strengthen security arrangements in the region by:
  - (a) increasing the manpower and equipment of the Nigeria Police Force for constabulary duties on land, and of the navy for patrolling creeks and waterways;
  - (b) requiring improved collaboration between the police and local security, including private and community-based security organisations; and
  - (c) increasing the means available to the military police, military justice and internal police services to arrest and prosecute any officer of any rank involved in oil bunkering or other organised criminal activities in complicity with Niger Delta armed groups.
8. Identify clearly money allocated in the 2008 budget for Niger Delta development and release all outstanding funds due to the Niger Delta Development Commission (NDDC) since 2001.
9. Implement on a fast-track basis those elements of the Niger Delta Development Master Plan with potential for generating jobs quickly.
10. Provide funding to the Rivers State government, if it proceeds with the demolition and development of the Port Harcourt waterfronts, to ensure that the project is implemented within a framework of comprehensive urban development that minimises the suffering of those that would be displaced and prevents the stimulation of new ethnic conflicts.

#### **To the National Assembly:**

11. Amend the NDDC Act of 2000 to ensure that all relevant oil-sector corporations in the region contribute to funding the commission.
12. Begin the process of amending the 1999 Constitution, particularly to improve provisions for returning more oil revenues to the region from which they are derived, in accordance with recommendations of the 2005-2006 National Political Reform Conference.

#### **To the Rivers State Government:**

13. Ensure that the demolition and relocation of waterfront communities is preceded by comprehensive preliminary work, implemented within a framework of urban development and carried out in a humane and orderly manner, with minimum humanitarian consequences and due respect for the cultural rights of the ethnic communities long resident in those settlements.

#### **To the European Union (EU), the U.S. and other International Partners of Nigeria**

14. Engage with the Yar'Adua Presidency and the National Assembly to encourage a speedy resolution of the Niger Delta crisis, with emphasis on the root causes of the conflict as much as its security consequences, and give assistance as necessary, including by:
  - (a) promoting increased investment and infrastructure development in the Delta;
  - (b) providing greater capacity building aid and enhanced project funding to credible civil society and community-based organisations engaged in civic education, youth programs for attitudinal change, communal healing and restoration of community governance;
  - (c) encouraging the multinational oil companies operating in the region to adhere to best environmental practices, evolve more conflict-sensitive community relations strategies and demonstrate greater transparency in their community development programs; and
  - (d) aiding the Nigeria police and security services, bilaterally and within the framework of the Gulf of Guinea Energy Security Strategy (GGESS), to curb oil theft, money laundering and small arms trafficking in the Delta.

**Dakar/Brussels, 5 December 2007**

## NIGERIA: ENDING UNREST IN THE NIGER DELTA

### I. INTRODUCTION

Starting from his 29 May 2007 inauguration, President Yar'Adua has responded to the Niger Delta's conflicts with a more consultative, conciliatory approach than his predecessor, Olusegun Obasanjo.<sup>1</sup> His government met an important militant demand, freeing prominent Ijaw personalities – Mujahid Asari-Dokubo, leader of the Niger Delta Peoples' Volunteer Force (NDPVF), and Diepreye Alamieyeseigha, ex-Bayelsa State governor.<sup>2</sup> It also began dialogue with militant groups and ethnic organisations, established committees charged with facilitating peace and conflict resolution and signalled readiness to convene a Niger Delta summit.

These initiatives have had some calming effects on the insurgency in the region but they have not yet addressed core grievances and demands – local control of oil and gas resources, greater political representation at the federal level, infrastructure development, economic empowerment and environmental degradation – which have fuelled militancy in the region. There have been delays in beginning implementation of a regional development plan and convening the promised summit. Inertia in translating intent into action and the arrest of a militant leader on gun-running charges in Angola in September provoked a faction of the Movement for the Emancipation of the Niger Delta (MEND) to resume attacks on oil installations and abduction of industry personnel. Criminals masquerading as militants are beyond the Delta.

This report examines the Yar'Adua government's initiatives in the Delta, highlights the costs of the crisis and appraises the response to insecurity in the wider region as well as to the Port Harcourt troubles specifically. It analyses the major issues that need to be addressed urgently in order to end violence, launch regional development and deal with the root causes of the conflicts.

<sup>1</sup> For background on the conflicts, see Crisis Group Africa Reports N°115, *The Swamps of Insurgency: Nigeria's Delta Unrest*, 3 August 2006; and N°118, *Fuelling The Niger Delta Crisis*, 28 September 2006.

<sup>2</sup> In July the government also freed the former speaker of the Bayelsa State House of Assembly, Boyelayefa Debekeme, who had been detained under Obasanjo on charges of terrorism and money laundering.

### II. FALTERING ATTEMPTS TO ADDRESS THE DELTA UNREST

#### A. REACHING OUT TO THE MILITANTS?

A first major conciliatory step by the administration was to concur in the release of Asari, who had been arraigned on 6 October 2005 on charges of planning to overthrow the Obasanjo government and provoke Nigeria's disintegration. On 9 June 2007, a five-member panel of the Supreme Court upheld the Court of Appeal's 6 June 2006 denial of bail on the grounds that he was a threat to national security.<sup>3</sup> However, in a dramatic reversal five days later on 14 June 2007, a Federal High Court in Abuja granted the bail on health grounds.<sup>4</sup>

This was viewed not as a technical decision by a court but a political arrangement requested by the new government to defuse tensions in the Delta, barely a week after the governors of the Niger Delta states had jointly appealed to President Yar'Adua to free the sick prisoner. The action was also in line with the argument by the Ijaw nationalist leader, Edwin Clarke, that Asari's incarceration "was a political issue, which must be treated politically".<sup>5</sup>

The government's action was strongly applauded in the Delta<sup>6</sup> and soon followed by the release of Alamieyeseigha,

<sup>3</sup> The 6 June 2006 verdict, delivered by Justice Olabode Rhodes-Vivour, had held that: "Indeed, the depositions in the affidavit and interview granted to *The Independent* newspaper on [10 September 2005] are unanimous and very disturbing. For example, the appellant (Asari) granted [an] interview to the press wherein he says that he will continue to fight until Nigeria disintegrates. Evidence available to the trial judge and to us, shows beyond doubt the threat to national security. A close scrutiny of the charge and documentary evidence available reveals offences that are a real threat to national security".

<sup>4</sup> Asari's lawyer, Festus Keyamo, told the court his client was hypertensive and diabetic. Bail was on condition he would not take part in any political rally, report to the office of the State Security Service (SSS) weekly and whenever away from his home area, and ask SSS permission for foreign travel.

<sup>5</sup> Tobi Soniyi, "Asari-Dokubo regains freedom", *Punch*, 15 June 2007, p. 5.

<sup>6</sup> For example by Ledum Mitee, president of the Movement for Survival of Ogoni People (MOSOP), Patrick Naagbantou, coordinator of the Centre for Environmental/Human Rights and

the self-styled “Governor-General of the Ijaw nation”. Impeached in December 2005 as governor of Bayelsa State, then arrested immediately by the Economic and Financial Crimes Commission (EFCC) and tried for corruption, he was offered a plea bargain. He pleaded guilty to making a false declaration of assets and money laundering, was sentenced to two years in jail and promptly released for time served.<sup>7</sup>

The militants had made the release one of their key demands but they did not end their attacks on oil installations and hostage-taking. In his first interview after release, Asari said he would convene the many “faceless” groups in the region to take a stand against hostage-taking but also hinted that ending the practice could take a long time because criminal elements were involved.<sup>8</sup> The government’s gesture may have earned it some goodwill, especially among the Ijaw, but it has had little effect on curtailing hostage-taking. This may also partially reflect the diminished influence of Asari and Alamiyeseigha; there are serious doubts of their ability to manage militancy in the Delta.

The federal government also sought to defuse tensions with an amnesty for militants. The offer was intended to encourage the fighters in the creeks to end violence and participate in dialogue but has achieved only limited results due to the militants’ continuing distrust. The Ijaw Youth Council (IYC) has demanded that the government issue a formal white paper detailing the terms of its amnesty. Recalling the experience of Asari, who was persuaded to hand in 3,000 guns in 2004, then arrested in 2005, IYC President Chris Ekiyor said the militants did not want to be deceived again.<sup>9</sup>

The government’s offer is problematic for other reasons as well. First, an amnesty to all who have been involved in violence under the mantle of the Niger Delta cause is hardly justifiable. It needs to distinguish as a matter of principle between the militants in such groups as MEND and the Joint Revolutionary Council (JRC), who can

claim with some plausibility to be motivated by legitimate Delta grievances, and rogue elements who have engaged in purely criminal acts. Secondly, whether in the context of legitimate struggle or criminality, violence in the region, including murder, torture, rape and arson, has inflicted deep physical and psychological wounds on many innocent citizens. An amnesty not accompanied by penalties for the most heinous crimes and some sort of redress for victims would legitimise impunity and not contribute to the individual and communal healing needed for genuine peacebuilding.

The new government’s third major strategy has been dialogue with militant groups. On 28 June 2007, Vice President Jonathan travelled to the Delta to talk with militant leaders at Okerenkoko, in Warri South Local Government Area, Delta State. The visit was highly symbolic, not only because it was his first official trip within the country since his inauguration, but also because Okerenkoko, a remote riverine area, is perceived as the headquarters of Ijaw militants operating in Delta, Bayelsa and Rivers States. Jonathan urged the militants to lay down arms and pledged the visit would herald the start of development projects in Ijawland and throughout the Delta but made no specific commitments.<sup>10</sup>

Two weeks later, Jonathan invited Asari to the presidential villa in Abuja. The freed NDPVF leader emerged from the talks to call on fellow militants to stop hostage-taking and other violence and give the government a chance to implement its plans for ending conflicts and reversing decades of injustice in the Delta. Jonathan subsequently met with other senior militants.<sup>11</sup>

These talks have not been as productive as the government expected because they have been complicated by the militants’ disunity. Soon after Asari was freed, he and Okah, a leading MEND figure, began to trade charges.<sup>12</sup> In July, after Asari called for cooperation with the government, he was called “an informant and a spy for the Nigerian government”.<sup>13</sup> Following Okah’s arrest in Angola, Asari said he was neither the leader nor even a member of MEND but was hired for N100 million (\$800,000) monthly by an ex-governor of a Niger Delta state, had tried to eliminate him while he was in jail and

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Development (CEHRD) in Eleme, Rivers State, and Edwin Clarke, an Ijaw nationalist leader.

<sup>7</sup> Alamiyeseigha was convicted of diverting £1.7 million and \$250,000 to foreign accounts through six firms and buying nine properties in London, Lagos, Abuja and Port Harcourt. Forfeited funds were handed over to the Bayelsa State government. While most of his Ijaw kinsmen acknowledge he was corrupt, the demand for his release was fuelled by the perception that he was singled out for impeachment and arrest among similarly corrupt governors solely because of his political disagreements with Obasanjo.

<sup>8</sup> “Dokubo plans to unite militants...”, *The Nation on Sunday*, 17 June 2007, p. 8.

<sup>9</sup> Crisis Group telephone interview, Chris Ekiyor, president of Ijaw Youth Council, 28 November 2007.

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<sup>10</sup> Shola O’Neil, “Jonathan tours Niger Delta, preaches peace”, *The Nation*, 29 June 2007, p. 3.

<sup>11</sup> Madu Onuorah, “Asari-Dokubo in Aso Villa, flays hostage-taking”, *The Guardian*, 13 July 2007, p. 5.

<sup>12</sup> Henry Okah, a MEND factional leader, has been a key figure in supplying arms to Delta militants. Partly based in South Africa, he was also MEND’s “emailer”, responsible for informing the mass media of positions and operations. The split between Okah and Asari dates to a 2005 disagreement over an arms delivery.

<sup>13</sup> MEND email correspondence with mass media organisations in Nigeria, 22 July 2007.

wanted to discredit the Delta struggle: "... a petty criminal and opportunist", who should be held responsible for many violent crimes in the Niger Delta.<sup>14</sup>

Asari's comments on Okah and his characterisation of MEND's threat to launch fresh attacks as criminal have drawn fire from other militant leaders, further deepening cracks in the movement. Comrade Jonjon Oyenife, a former IYC president who is talking with the government, called "Asari-Dokubo... a big disappointment to most of us" and his comments a "betrayal of Ijaws".<sup>15</sup>

Asari has lost much influence among fighters in the creeks. The snatching of his jeep by armed men on the streets of Port Harcourt in mid-July was indicative. Since 26 July, he has largely stayed out of the region, saying he does not want to be drawn into the conflicts in that city. A source asked: "If Asari can no longer guarantee his own safety in Port Harcourt, how can he venture to meet with the boys in the creeks? And if he is out of touch with the boys, how can he claim to be negotiating a peace deal on their behalf?"<sup>16</sup> Recently, a group calling itself Authentic MEND and claiming responsibility for the movement's operations has emerged. In a statement apparently referring to Asari, it alleged that senior members had betrayed Okah by setting him up for arrest, had used MEND to talk their way to power and now were condemning abductions.<sup>17</sup>

The federal government and oil companies have been accused of fomenting divisions to compromise militants. A source told Crisis Group federal officials advised some

militant leaders to form companies, which were then given contracts to protect pipelines and clear bush in the oil region, and directed oil companies to assign 10 per cent in 2008 contracts for senior militants.<sup>18</sup>

The government insists it does not seek to reward militants for unlawful activities.<sup>19</sup> The oil companies deny any deliberate strategy favouring militants but concede they are implementing the government's policy of increasing local content in the industry and do not know the real owners of some of the companies they contract with. At the state level, governments controlled by the ruling Peoples' Democratic Party (PDP) offer militants chairmanships of local councils via the December 2007 elections – sure access to public funds which are often spent with little accountability.<sup>20</sup>

The stated goal is to give militants respectable sources of income but the effect has been to create divisions between those who are favoured and others who are not. Those divisions are impeding efforts by Delta elites to transform the militants into a unified pressure group, whose leaders can guarantee region-wide compliance with agreements reached with the government.

## B. PROBLEMATIC PEACE AND CONFLICT RESOLUTION COMMITTEES

On 2 July 2007, the federal government inaugurated a peace and conflict resolution committee for the Niger Delta.<sup>21</sup> Chaired by Senator David Brigidi, a widely respected Ijaw from Bayelsa State, it has twenty members: two from each of the six states of the South-South,<sup>22</sup> four from the oil firms in the region and one each from the Niger Delta Development Commission (NDDC), the now defunct Nigerian National Petroleum Corporation (NNPC), the Nigeria Police Force and the State Security Service

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<sup>14</sup> Henry Chukwurah, "Asari-Dokubo lashes out at arrested militant", *Daily Sun*, 27 September 2007, p. 4.

<sup>15</sup> "Henry Okah: Ijaw leaders Blast Asari-Dokubo", *The Times of Nigeria*, 17 November 2007.

<sup>16</sup> Asari is now based in Abuja. In a statement he issued on his troubled relationship with Okah on 19 October, he acknowledged that he has received housing assistance from government officials: "My place in Abuja... was paid for with the intervention of Goodluck, but he will testify that when given the option of two places, I elected for the cheaper". See "Asari Dokubo: Me, Henry Okah, 'Jomo Gbomo', Judith Asuni and the Niger Delta Insurgency" Sah'ara Reporters, [nigrianeforum.com](http://nigrianeforum.com), 19 October 2007.

<sup>17</sup> The statement reads in part: "Authentic MEND emerges. The so-called leaders of our group have betrayed our cause using the platform to negotiate their ways to offices [and] lining their pockets with millions, while we remain in the creeks as soldiers of circumstance. They say kidnapping is now criminal because they dine and wine with government officials. They betrayed the master and set him up in Angola, the same man some of them visited in South Africa. Henceforth, we remain the real MEND. The Federal Government should disband its committee on Peace and Conflict Resolution within 72 hours because its leadership cannot use us to make money and present us as criminals. All installations of economic value to the nation in the Niger Delta stand the risk of attack at the expiration of the ultimatum".

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<sup>18</sup> Crisis Group interview, militant leader, Warri, Delta State 19 September 2007.

<sup>19</sup> Lucky Nwankwere, "Talks with militants in order – FG", *Daily Sun*, 25 October 2007, p. 7.

<sup>20</sup> For a detailed study of local government corruption in the Delta, see "Chop Fine: The Human Rights Impact of Local Government Corruption and Mismanagement in Rivers State, Nigeria", Human Rights Watch, January 2007.

<sup>21</sup> At the inauguration, Vice President Jonathan lamented that "Port Harcourt is gradually becoming a ghost town. The economy of Port Harcourt is gradually collapsing", and warned that if present regional trends were not halted, "the whole economy of the Niger Delta will be destroyed". See "Jonathan inaugurates peace committee on N'Delta", *Punch*, 3 July 2007.

<sup>22</sup> The South-South zone comprises six states: Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers States.

(SSS).<sup>23</sup> Designed to liaise with regional actors and security agencies on conflicts across state borders and hostage-taking, it also coordinates similar committees established by federal government directive in each South-South state.

These committees could play important roles in facilitating resolution, or even preventing conflicts, and have been involved in negotiations with militants to join the peace process and for hostage releases. In late November, the Brigidi Committee obtained a cessation of hostilities pledge by militants in Ondo State, though the militants said they would not disarm until convinced of the federal government's actions on unemployment and infrastructure problems.<sup>24</sup> At a 29 November meeting with militants at Ezetue (Pennton), Bayelsa State, the committee extracted a commitment from the fighters to join the peace process; but their leader (who identified himself as General Boyloaf, commanding the Bayelsa Division of MEND) said his men would observe a twelve-month ceasefire only if the federal government facilitated Okah's return from Angola to Nigeria and "respects his human rights".<sup>25</sup>

These are modest but significant steps toward ending armed conflict region-wide. However, the peace and conflict resolution committees have been hampered by the mistrust between governments and militants, raising serious doubt about what they can accomplish. Udens Eradiri, the IYC secretary general, alleges that some members of the Brigidi committee are questionable characters, and its composition does not reflect the government's stated intention of addressing conflicts:

They are people who have been involved at various levels in sponsoring hostage-taking, yet these persons are those used as members of the committee. The committee is evil. It is a committee that will continue to perpetuate hostage-taking in the region, and encourage violence in order to have something [to do].<sup>26</sup>

The JRC has condemned the Delta committee "in full terms", called its terms of reference "irrelevant" to the

root causes of the region's conflicts and its membership rife with "incompetence", and concluded that the initiative is "doomed to fail". It has vowed never to be "party to such grim wastage of badly needed funds and show of incompetence".<sup>27</sup> Similarly, on 14 October, Authentic MEND gave the federal government a 72-hour ultimatum, which was ignored, to disband the committee if it wanted to keep the peace in the Delta.<sup>28</sup>

The state committees have attracted similar criticism. In Rivers State, the NDPVF spokesperson, Onengiya Erekosima, dismissed its activities as "lacking focus".<sup>29</sup> Militants and leaders of warring gangs ignored the committee's invitation to its Port Harcourt peace concert on 11 October, where they had been expected to renounce violence.<sup>30</sup> A militant leader told Crisis Group the committee was merely a repeat of a similar panel set up by former Rivers State Governor Peter Odili in October 2004, "whose only result was the enrichment of its members".<sup>31</sup>

### C. UNFULFILLED PROMISES

The Yar'Adua government has made the Niger Delta Development Master Plan pivotal to its efforts to transform the region but the president's statements have created some confusion and a sense of betrayal. In an April 2007 interview, he said, "what I have been advocating is what the federal government launched last week. That is the overall master plan for the development of the Niger Delta".<sup>32</sup> At the June G8 summit in Germany, he said he envisaged something "similar to the Marshall Plan for the development of Western Europe after the Second World War".<sup>33</sup> But it has never been clear whether more is intended than the Niger Delta Master Plan Obasanjo launched in March 2007. Nothing new has appeared, and many believe they see a pattern of deception and dashed hopes similar to what they had experienced under successive federal administrations.

<sup>23</sup> The members of the committee are: Senator David Brigidi (chairman); Kingsley Kuku (secretary); George Timinimi and Godwin Ebosa (Delta State); Alhaji Hassan Douglas and Jerry Needam (Rivers State); Chief James Jephtah and Joshua Benamesia (Bayelsa State); Esoetok Ikpong and Elder Bassey Ekpa (Akwa Ibom State); Chief Asaka Umeh and Barrister Bassey Okim (Cross River State); and Prince Francis Iyasere and Florence Gbinije Erhabor (Edo State).

<sup>24</sup> "Militants Promise to end the violence in Ondo State in Nigeria", [www.africaoiljournal.com](http://www.africaoiljournal.com), 27 November 2007

<sup>25</sup> Bisi Olaniyi, "MEND Gives FG Condition for Ceasefire", *Punch*, 1 December 2007.

<sup>26</sup> Maureen Chigbo, "Gunmen on the Rampage", *Newswatch*, 23 July 2007, p. 19.

<sup>27</sup> Cynthia Whyte, spokesperson, Joint Revolutionary Council, wire statement to media, 11 July 2007.

<sup>28</sup> Femi Folaranmi, "MEND gives FG 72-hour ultimatum", *Daily Sun*, 15 October 2007, p. 7.

<sup>29</sup> Okafor Ofiebo, "Worsening Violence", *The News*, 20 August 2007, p. 36.

<sup>30</sup> Kelvin Ebiri, "Kidnappers reduce ransom demand for Rivers Deputy Speaker's father", *The Guardian*, 12 October 2007, pp. 1-2.

<sup>31</sup> Crisis Group interview, militant leader from Rivers State, Abuja, 1 October 2007.

<sup>32</sup> Ademola Adegbamigbe, "Nobody can hold me hostage" *The News*, 2 April 2007, p. 24.

<sup>33</sup> Madu Onuorah, "Yar'Adua Seeks UN, Others' aid on Niger Delta, Electoral Reforms", *The Guardian*, 9 June 2007, p. 7.



The new government is still working on a stakeholders summit on the Niger Delta, initially planned for 4 June 2007, but postponed to allow more extensive consultations. According to a statement signed by Babagana Kingibe, secretary to the federal government, it is meant to “consider all ideas and existing initiatives, including the Niger Delta Master Plan, and come up with an Action Plan with a view to accelerating an enduring solution to the Niger Delta crisis”.<sup>34</sup>

Both the process leading to the summit and its goals have been criticised, however. With the date already postponed three times, the government is now accused of foot-dragging.<sup>35</sup> The initial consultations with militant or potentially violent groups, whom the government rightly saw as posing the greatest threats to the peace process, sent unhelpful signals that only the violent were being engaged, while many civil society leaders were being ignored.

The government delegated Vice President Jonathan to steer the consultations, assuming he would inspire confidence because he is from the Delta. This has drawn a complaint, however, that it implies the Delta is not the government’s highest priority. Benjamin Wilcox, a PDP leader in Rivers State, said, “yes, President Yar’Adua has told Vice President Goodluck Jonathan to take charge of the Niger Delta, but everybody knows the role of the Vice President....The Vice President is a non-starter... Why is it that it is when it comes to the Niger Delta that they mandate to the deputy?”<sup>36</sup>

Jonathan’s consultations have been criticised as too focused on his Ijaw kinsmen. Non-Ijaws cited as evidence of bias that he visited militants in an Ijaw community in June but not other ethnic groups. The government has sought to dispel complaints by broadening the consultations to draw in leaders of all major groups<sup>37</sup> but the impression persists that Ijaw interests will dominate the summit agenda. The government must ensure representation of all interests and tendencies.

More fundamental is what the summit is designed to achieve. Joe Evah, president of the non-governmental Ijaw Monitoring Group (IMG), argued:

The summit will merely be a repetition of things that have been said again and again over the last

twenty years. The problems of the Delta and the demands of its peoples are too well known. What more do they want to discuss? If they want peace and security in the Niger Delta, all they need is to refer to the Ogomudia Report of 2002,<sup>38</sup> which Obasanjo threw aside. If the Yar’Adua government is sincere, then all it has to do is to act on the recommendations of that report.<sup>39</sup>

Samuel Ibiye, secretary of the militant Grand Alliance of Niger Delta (GAND), asked:

What is the idea behind it? Are they going to take our issues seriously and implement the recommendations this time around? As far as we are concerned, it is not necessary. How many confabs did they hold before they developed Abuja? They already know the problems, and so the summit is not necessary.<sup>40</sup>

Progress is also being impeded by perceptions of inconsistency. For instance, leaders of some militant groups told Crisis Group they are disappointed the government has changed their interlocutor from Jonathan to the secretary to the federal government, Babagana Kingibe, and then to Defence Minister Mahmud Yayale Ahmed. The shift to the minister has been interpreted as “an indication that the government still views the Niger Delta problem as one that can be resolved within a military context rather than a comprehensive developmental framework”.<sup>41</sup>

<sup>34</sup> Ahamefula Ogbu, “Yar’Adua Convenes First N/ Delta Summit”, *ThisDay*, 1 June 2007, p. 1.

<sup>35</sup> The summit was originally planned for June 2007, then shifted to October and then to November. Crisis Group was told by presidency sources that it may now have to wait until early 2008.

<sup>36</sup> “Yar’Adua should revisit 50% derivation, says Wilcox”, *The Guardian*, 5 October 2007, p. 9.

<sup>37</sup> On 2 October 2007, Vice President Jonathan met with eleven leaders of the Itsekiri ethnic group, led by the Otsodim of Warri, Chief Isaac O. Jemide.

<sup>38</sup> See “Ogomudia Report: Report of the Special Security Committee on Oil Producing Areas”, reproduced by the Community Defence Law Foundation, Port Harcourt, 2007.

<sup>39</sup> Crisis Group interview, Joe Evah, president of IMG, 16 October 2007. The Ogomudia Report was submitted to Obasanjo on 19 February 2002 by a Special Security Committee on Oil Producing Areas, chaired by the then chief of army staff, Lt. Gen. Alexander Ogomudia. It recommended, among other things, an immediate “upward review of the minimum 13 per cent derivation to not less than 50 per cent” and repeal of some laws, including the Land Use Act of 1978 and the Petroleum Act of 1969, which it said “dispossess[es] oil producing areas of their land”. It was not signed by three of its 23 members, including the presidential adviser on national security, and its revenue-sharing recommendation was unacceptable to the political elite, especially in the northern states. Militants point to Obasanjo’s failure to act on the recommendations as evidence federal leaders want a summit that generates only talk, not action. The Land Use Act vests all land in the state, to be held in trust on behalf of the people, and reduces the rights of traditional landowners and residents to those of mere occupants. The Petroleum Act vests ownership of all petroleum in the state, which has sole control over exploration and production licenses and can allocate these without reference to those on whose traditional land the activities will be conducted.

<sup>40</sup> Henry Chukwurah, “You’re evil, irresponsible, militants tell PDP”, *Saturday Sun*, 20 October 2007, p. 11.

<sup>41</sup> Crisis Group interview, Bello Oboko, president of Federated Niger Delta Ijaw Communities, Abuja, 16 October 2007.

Militant leaders say the government is not implementing actions that were to precede the summit. A document made available to Crisis Group shows that none of the following have begun: an assessment of the Delta security situation to prepare troop withdrawals from certain areas by the second week of October; a review of cases of all those detained in connection with militant activities, to be carried out from 18 September to mid-October; and an assessment of rehabilitation work needed in eight communities damaged by military operations, to be undertaken from 18 September to 17 October. The failure to meet timelines has raised questions whether the government can be trusted to honour summit commitments. Militant leader Jonjon Oyeinfie said: “The Federal Government is not serious about the whole thing. We have been saying this for weeks, and now everything is going out of control”.<sup>42</sup>

The federal government and the Delta’s militant and civil society leaders also differ on what the summit’s central issue should be. The government seeks a comprehensive ceasefire agreement that will allow implementation of its development plan. The militants and many ethnic activists insist the summit should negotiate greater “resource control”, a catch-all term referring to the right of states and communities to exercise political power over natural resources within their territories.<sup>43</sup>

A May 2007 document analysing the demands of all major groups in the Delta concluded: “Special federal interventionist agencies have failed lamentably to deliver on the promise of development. The old order must give way. ...Resource control is the central question in the Niger Delta today”.<sup>44</sup> Tom Polo, leader of a strong militant group in Warri South Local Government Area, Delta State, said the region’s right to control its petroleum and gas resources remains a key demand: “We want to control our resources ourselves”.<sup>45</sup> Resource ownership and exploitation are regulated by the constitution, which cannot be altered unilaterally by the presidency. To move the peace process forward, however, the federal government could give assurances it will support an increase in statutory allocations to the region.

Yar’Adua’s provisions for the Niger Delta, as outlined in the 2008 appropriation bill presented to the National Assembly on 8 November, are also controversial. The

president said N444.6 billion (\$3.4 billion), 20 per cent of the budget, was earmarked for security and the Delta<sup>46</sup> but also that he proposed “a total allocation of N444.60 billion for the military and the police”. This has been interpreted to mean the only allocation for Niger Delta development was the N69.8 billion (\$560 million) specified for NDDC projects. Some senators and other leaders in the region claim the budget prioritises arms acquisition to suppress legitimate demands for Delta development. Joe Evah of IMG spoke of a “provocative” act, which has left the Niger Delta people dumbfounded.<sup>47</sup>

Senate President David Mark attempted to defuse the outrage by explaining that the budget is for development of the region, not exclusively for security<sup>48</sup> but he has not been convincing. MEND said it regards the budget as “tantamount to a declaration of war”, and its fighters are “determined to make the military busy enough to justify the huge budget for security in the region”.<sup>49</sup> The controversy and the consequent hardening of MEND’s position could seriously undermine peace efforts. To avoid this, the National Assembly needs to rework the budget to ensure more attention to infrastructure and human security. While military and police need additional funds, this should not be at the expense of the Delta’s pressing development needs.

<sup>42</sup> “Nigerian Rebels Blow up Shell Oil Pipeline in Fresh Attack”, Reuters, 15 November 2007.

<sup>43</sup> For further details on the controversy over resource control, see Crisis Group Report, *Fuelling The Niger Delta Crisis*, op. cit.

<sup>44</sup> “Justice not Charity: Manifesto of the Niger Delta”, Community Defence Law Foundation, Port Harcourt, May 2007, p. 29.

<sup>45</sup> Gilbert da Costa, “Nigeria Oil Militant Criticizes Government over Delta Neglect”, Voice of America interview, 30 November 2007.

<sup>46</sup> 2008 Budget Speech by President Yar’Adua, joint session of the National Assembly, Abuja, 8 November 2007. Education was allocated 13 per cent of the budget, agriculture and water resources 7 per cent.

<sup>47</sup> Emma Amaize, “N-Deltans shocked by Yar’Adua’s N444 bn security budget”, *Vanguard*, 17 November 2007.

<sup>48</sup> Kenneth Ehigiator, “N444.6 bn N-Delta vote not for Arms, David Mark clarifies”, *Vanguard*, 17 November 2007.

<sup>49</sup> Statement in an email to media organisations in Nigeria, signed by Gbomo Jomo, 15 November 2007.

### III. THE RISING TOLL

The hope that Obasanjo's departure and a new government with Delta representation would reduce armed militancy across the region has been dashed. The persistence of insecurity and deepening criminality in the region over the past half year is continuing to take a toll on Nigeria's economy and society, with the effects including loss of oil revenues, exodus of foreign workers, alienation of capital investment, decline of businesses from the oil service to the hospitality industry and the spread of hostage-taking to other parts of the country.

#### A. CONTINUING VIOLENCE

There are three major trends since the April 2007 elections: continuing (though fewer) attacks against expatriates and oil industry facilities by militants driven by a pan-Niger Delta agenda; abductions of hostages by criminals driven by greed; and violent clashes between gangs originally sponsored by local politicians for electoral purposes, particularly in Rivers State.

##### 1. Attacks on expatriates and oil facilities

Instead of reducing militant activity immediately after the elections, MEND opted for a defiant show of strength. Militants attacked pipelines supplying the Brass terminal, temporarily reducing Nigerian Agip Oil Company (NAOC, a subsidiary of Eni of Italy) production by over 75 per cent. Once satisfied it had made its point and in deference to moderates who wished to test the new government's promise to address Delta grievances, MEND released many of its hostages and declared a one-month ceasefire. After its expiration on 3 July 2007, it threatened to renew attacks, arguing in response to Okah's September arrest that "you [the Nigerian government] cannot frame someone who is an integral part of a peace process, isolate him and then not expect trouble".<sup>50</sup>

MEND has stepped up its attacks on major oil facilities since October 2007. On 12 November, it attacked the Qua Iboe terminal in Akwa Ibom State, saying the purpose

was to seize guns, ammunition and outboard engines in preparation for imminent combat against Nigerian troops.<sup>51</sup> Two days later, it claimed responsibility for an attack on a crude oil pipeline feeding the Forcados export terminal in Delta State, spilling a large volume of oil and forcing the Shell Petroleum Development Company (SPDC) to reduce daily output by 20,000 to 50,000 barrels.

The movement has threatened that "in due time" its campaigns would "strategically focus on Angolan concerns in Nigeria", in reprisal for Okah's detention.<sup>52</sup> It has also repeated a threat first made in late October to bomb major bridges and other non-oil sector infrastructure outside the Delta. If it succeeds in striking at Angola's embassy or other interests in Nigeria, it could produce serious difficulties for bilateral relations. If it carries out its threat to hit targets beyond the Delta, and particularly if such attacks cause significant casualties, it could open new and dangerous tensions between the Ijaw and affected ethnic groups.<sup>53</sup>

##### 2. Politicians, gangs and the Port Harcourt violence

July and August 2007 saw the worst fighting in Port Harcourt since early in the decade. Armed with automatic weapons and rocket-propelled grenade launchers, and travelling in fast vehicles, two rival groups fought gun battles across the city, initially without police or local military intervention. At the centre of the violence in which more than 100 people died were two figures who have led political thuggery in Rivers State for close to a decade: Ateke Tom of the Niger Delta Vigilantes (NDV) and Soboma George of the gang known as the Icelanders. Rivers State government invited the army and police to crack down but Crisis Group interviewees said these gang leaders are players in the high stakes of Rivers State and Niger Delta politics, and the gangs were formed by and enjoy strong backing from politicians, including some in the present government.<sup>54</sup>

Gabriel Asabuja, an NDPVF leader, said the foundation for the reign of terror the state experienced in July and August was laid by an unnamed former governor and former minister from the state who funded the import of "no less than four container loads of arms and ammunition", which were distributed to members of a particular gang

<sup>50</sup> Kelvin Eberi, "Security chiefs exculpate MEND in attack on oil firm", *The Guardian*, 3 October 2007, p. 3. The government denied involvement in Okah's arrest and requested extradition. Official statement by the Nigerian government, signed by Olusegun Adeniyi, special adviser to the president on communications, 2 October 2007. "Nigeria Requests Extradition of two militant leaders in Angola", *Leadership*, 18 November 2007. Nigeria and Angola do not have an extradition treaty but on 18 November, Angolan President Eduardo dos Santos promised Okah would be released to Nigerian authorities once Luanda concludes certain legal procedures.

<sup>51</sup> The terminal, which handles 420,000 barrels per day (bbl/d), reopened after two days, "ExxonMobil Reopens Qua Iboe Terminal After Brief Shutdown", *Platts Commodity News*, 14 November 2007.

<sup>52</sup> MEND statement to mass media organisations, signed by Don Pedro, 21 October 2007.

<sup>53</sup> MEND says it would warn of attacks outside the Delta so as to avoid or minimise civilian casualties.

<sup>54</sup> Crisis Group interview, Charles Harry, president of Ijaw Republican Assembly, Port Harcourt, 26 September 2007.

to fight the opposition during the 2003 elections.<sup>55</sup> These gangs, allegedly recruited for electoral violence in 2003 and again in 2007, were said to have retained their arms to now fight each other for local supremacy.<sup>56</sup>

### 3. The criminal hostage-taking industry

Apart from the politically motivated hostage incidents for which MEND has claimed responsibility, a surge in criminal hostage-taking in the region resulted in at least seventeen kidnappings involving 60 victims between 1 June and 10 October 2007.<sup>57</sup> Most hostages were abducted in traffic, between homes and work places; others were taken after attacks, mostly on oil companies. At least two civilian workers – a Nigerian and a Colombian – and an unspecified number of police and military have been killed in the process. Some kidnappers claim to be politically motivated militants, demanding a better deal for the Delta, but are only interested in extorting ransom. A Port Harcourt-based human rights activist said, “militancy has become a cloak for all forms of criminality in the Niger Delta. The Niger Delta cause has become everything for everybody”.<sup>58</sup>

Victims have increasingly included elderly relatives of prominent persons,<sup>59</sup> as well as children. The most notable was Margaret Hill, a three-year-old Briton snatched on 5 July from the car taking her to school and released on 8 July.<sup>60</sup> Others have included relatives of local politicians,

including the mothers of the former Rivers State governor<sup>61</sup> and a federal legislator.<sup>62</sup>

The shift from targeting foreigners, known in the local hostage industry as “white gold” or “Any Time Money (ATM)”,<sup>63</sup> to Nigerians is partly a result of the mass exodus of expatriates from the region and stronger security around the remaining few. It is also related to the April 2007 election irregularities. After the elections, the cash from local politicians to gangs dried up, compelling criminals to seek other sources of easy, illicit money. Seizing relatives of local politicians is also revenge for promises made but not respected by some candidates. On 12 September, when Mike Okiro, inspector general of police, displayed three suspected kidnappers of 70-year-old Laura Canus, mother of Bayelsa State legislator Yousuo Amalanyo, he advised politicians always to keep promises to campaign workers to avoid similar troubles.<sup>64</sup>

Abductions usually follow a pattern: the victim is released in exchange for a ransom that may be reduced from an original demand as high as N150 million (\$1.2 million) to some N10 million (\$80,000).<sup>65</sup> Governments in the region claim they do not pay and only help those doing the negotiating with “logistics”. This is disputed. In Ondo

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<sup>55</sup> Henry Chukwurah et al, “Soldiers foil militants’ kidnap plot”, *Daily Sun*, 11 July 2007, p. 4.

<sup>56</sup> Crisis Group interviews, civil society leaders and security officials, Port Harcourt, 23-27 September 2007. For a detailed account of the role of politicians in sponsoring electoral violence in Rivers State, see “Criminal Politics: Violence, ‘Godfathers’ and Corruption in Nigeria”, Human Rights Watch, October 2007.

<sup>57</sup> Reports obtained by Crisis Group, from headquarters of the Rivers State Police Command and media, Port Harcourt.

<sup>58</sup> Crisis Group interview, Anyakwee Nsirimovu, executive director of Institute for Human Rights and Humanitarian Law, Port Harcourt, 22 September 2007.

<sup>59</sup> In July 2007, Hansel Seibarugu, 70-year-old mother of Wenipre Seibarugu, speaker of the Bayelsa State House of Assembly, was abducted by gunmen at Akaibiri village, Ekpetiama; she was released fifteen days later, to the leadership of the state’s peace and reconciliation committee, headed by Japheth James, who said no ransom was paid. On 12 September, 30-month-old Nuseiba Usman was abducted from her parents’ home by ten gunmen, who invaded the NNPC estate at Eleme, Rivers State; an N5 million (\$40,000) ransom was demanded but, under intense pressure from the Joint Task Force (JTF) and SSS, the kidnappers abandoned her on a bush path. Her parents and security officials said no ransom was paid.

<sup>60</sup> Her father was married to a Nigerian woman and had lived in the country for many years. He died shortly after the traumatic incident. On 26 June, Michael Stewart, three-year-old son of Linda Somiari Stewart, member of the Rivers State House of Assembly representing Okrika Constituency, was seized at

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Tantua International School, Elelenwo, a Port Harcourt suburb. The kidnappers demanded N10 million to N12 million (\$80,000 to \$96,000). He was released four days later, “after a reasonable ransom was paid”. On 12 July, Samuel Amadi, three-year-old son of Eze Francis Amadi, traditional chief of Iriebe community outside Port Harcourt, was snatched by gunmen while being driven to school; an N50 million (\$400,000) ransom was demanded.

<sup>61</sup> Celestine Omehia. Other abducted parents of local politicians include: the mothers of the speaker of Bayelsa State House of Assembly, Wenipre Seibarugu, and Bayelsa State legislator, Yousuo Amalanyo; and the fathers of the Rivers State deputy speaker, Lawrence Nwile, and Bayelsa State legislator, Ebiondu Komonibo.

<sup>62</sup> On 19 October 2007, gunmen abducted Madam Goldcoast Dickson, 70, mother of Henry Seriake Dickson, a member of the House of Representatives representing Sagbama Constituency, Bayelsa State.

<sup>63</sup> Compared with other criminal enterprises, ransom for expatriate hostages is said to come as rapidly as the cash from the automated teller machines (ATMs) recently installed by several Nigerian banks.

<sup>64</sup> Kingsley Omonobi and Chris Ochayi, “I-G tasks politicians on promises to campaign workers”, *Vanguard*, 13 September 2007, pp. 1, 15.

<sup>65</sup> N50 million (\$400,000) was demanded for Mrs Seibarugu, mother of the state assembly speaker, see Godwin Ijediogor and Willie Etim, “Speaker’s Kidnapped Mother regains Freedom”, *The Guardian*, 4 August 2007, pp. 1-2. N50 million was also demanded for Margaret Hill but Emma Okah, chief press secretary to the Rivers State governor, said no ransom was paid; Henry Chukwurah, “How kidnappers of British kid lost N50m ransom”, *Daily Sun*, 10 July 2007, p. 4.

State, the government said it paid none of the N500 million (\$4 million) demanded by those who abducted eleven PDP leaders; the state chapter of the opposition Labour Party said N25 million (\$200,000) was paid.<sup>66</sup>

The need for intermediaries able to negotiate with hostage-takers in the remote creeks is generating a shadow industry of “conflict merchants”,<sup>67</sup> who take a substantial slice of the ransom. A source said, “this new layer of profiteers includes both local and state government officials, plus security operatives. It is going to perpetuate the hostage-taking business and make it even more difficult to curb”.<sup>68</sup>

Some see the government and its 2005 arrest of the NDPVF’s Asari as responsible for this proliferation. Joe Evah argued that:

It was the government that opened the doors to the multiplicity of militant groups in the Niger Delta today. When Asari was in control of the creeks in the Niger Delta before his arrest, we didn’t have numerous militant groups in the region. But people have come to see that hostage-taking can fetch them cheap money.<sup>69</sup>

Criminal hostage-taking has drawn considerable criticism, and the abduction of children has been unanimously condemned. MEND denounced Margaret Hill’s kidnapping as “an abomination” and vowed to “search for the abductors and mete out suitable punishment at the appropriate time”.<sup>70</sup> However, it has never identified the culprits and nothing further has been heard about the threatened punishment. On 22 August, Meinbutu, a pioneer militant group in the Warri flank of the Delta, warned those engaged in commercial hostage-taking and other criminal activities it would make the region uncomfortable for them.<sup>71</sup> These statements reflect concern among the politically motivated militants that such acts can squander what goodwill agitators in the Delta have earned over the years and erode international and national support for their cause.

But kidnapping is spreading beyond Port Harcourt, used to blackmail people, extort money, recover debts and

exact vengeance. For instance, on 12 July gunmen seized seven staff of a dredging company in Onitsha, Anambra State.<sup>72</sup> On 9 October, workers abducted eleven Indian expatriate staff to compel the Ajaokuta Steel Company Limited (ASCL) in Kogi State (500km from Port Harcourt) to improve work conditions.<sup>73</sup> Developments in the Delta may be encouraging emergence of a new genre of crime across the country.

## B. REVENUE LOSS AND ECONOMIC DESTABILISATION

In May, immediately following the elections, violence in the Delta cut Nigeria’s crude oil output by nearly 1 million bbl/d, plunging production to its lowest level since early 2003.<sup>74</sup> On 27 June, Ann Pickard, vice president for exploration and production, said Royal Dutch Shell Plc had dropped plans to resume operations in the western Niger Delta in 2007.<sup>75</sup> On 8 July, Funsho Kupolokun, then managing director of the NNPC, disclosed the country was still losing 600,000 barrels of oil daily because of conflict and insecurity in the Delta.<sup>76</sup>

These disruptions have reduced both export revenue and the amount going to the federation account. The National Bureau of Statistics reports that, due to the Delta unrest, merchandise trade for the second quarter of 2007 was 2.47 trillion (\$19.8 billion), a decrease of N208.4 billion (\$1.7 billion, 7.8 per cent) from the year’s first quarter. Over the same period, the balance of trade declined 6.8 per cent, to N850.5 billion (\$6.8 billion). In spite of soaring prices, the value of oil exports for the quarter was N1.61 trillion (\$12.9 billion), a decrease of 5.8 percent over the first quarter.<sup>77</sup> If this trend persists, it could eventually affect the country’s economic stability.

<sup>66</sup> “Kidnap: Ondo Govt paid N25 million ransom, LP alleges”, *Daily Sun*, 17 September 2007, p. 7.

<sup>67</sup> This term was used by the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), in a communiqué at the end of its workshop in Calabar, Cross River State, on 30 September 2007.

<sup>68</sup> Crisis Group interview, militant leader, Warri, Delta State, 19 September 2007.

<sup>69</sup> Onyedika Agbedo, “Only Credible People from Niger Delta Should Be In Government”, *The Guardian*, 7 July 2007, p. 60.

<sup>70</sup> MEND email to selected media organisations in Nigeria, 6 July 2007.

<sup>71</sup> Lucky Oji, “Meinbutu group warns hostage takers”, *Vanguard*, 23 August 2007, p. 7.

<sup>72</sup> John Ameh, “Gunmen kidnap seven persons in Onitsha”, *Saturday Punch*, 14 July 2007, p. 12.

<sup>73</sup> Yakubu Lawal, “Ajaokuta workers release kidnapped child, 11 expatriates”, *The Guardian*, 15 October 2007, p. 15. For some other indications of the recent spread of kidnappings beyond the core Niger Delta, see for instance: in Calabar, Anietie Akpan, “Police parade suspected killer of kidnapped kid”, *The Guardian*, 19 October 2007, p.64; and in Abia, Vincent Ujumadu, “Kidnappers abduct don’s wife in Abia”, *Vanguard*, 22 October 2007, p. 12.

<sup>74</sup> “Oil Market Report”, International Energy Agency, June 2007; Richard Swann and Edward Ugboma, “Attacks Shut in 170,000 b/d More in Nigeria; Bonny Light Outage Brings Total near 900,000 b/d as Violence Escalates”, *Platts Oilgram News*, 16 May 2007; and “Bumpy Start for Nigeria’s New President”, *Petroleum Intelligence Weekly*, 4 June 2007.

<sup>75</sup> Hector Igbikiowubo, “500,000 bpd Nigeria crude to remain shut-in through 2007”, *Vanguard*, 28 June 2007, pp. 1, 15.

<sup>76</sup> Collins Olayinka and Lewis Asubiojo, “Niger Delta crisis cost Nigeria 600,000 barrels of oil daily”, *The Guardian*, 9 July 2007, p. 3.

<sup>77</sup> “Niger Delta crises cause N208 bn drop in foreign trade

Nigeria, Africa's biggest producer, has a daily crude oil output of 2.6 million bbl/d at peak production<sup>78</sup> but unrest in the Delta since the start of 2006 has reduced oil output by about 17 per cent.<sup>79</sup> Less vulnerable offshore production is growing – it currently is 900,000bbl/d but eventually could add 500,000bbl/d. The International Energy Agency and the U.S. Energy Information Administration estimate that daily output could exceed three million barrels if the government restores security.<sup>80</sup> Meanwhile, however, the Niger Delta crisis is undercutting Nigeria's influence in the Organization of Petroleum Exporting Countries (OPEC), where under normal conditions, it would be the third, not the sixth largest producer.

### C. EXPATRIATE AND INVESTMENT FLIGHT

The worsened security situation in the Niger Delta has prompted a massive exodus of foreign personnel. Some of the major oil companies have evacuated most of their expatriate staff. At the first Rivers State stakeholders meeting on 21 August 2007, then Governor Omehia warned that the Shell Petroleum Development Company (SPDC) was planning to relocate its major businesses from Port Harcourt to Lagos. If the country's largest oil company pulls its headquarters out of the state, its subsidiaries will follow, increasing unemployment, poverty and hunger.

Lonestar Drilling Company, a Shell contractor, did not wait: in early July it evacuated 120 employees from the Nembe area of Bayelsa State after five of its expatriates were abducted from Soku in Akuku-Toru local Government Area, Rivers State.<sup>81</sup> In mid-June Nigerian Agip Oil Company (NAOC) evacuated all of its workers from Bayelsa State, following militants' threats to attack its Obama flow station and avenge the killings of Ijaw youth by soldiers at Ogbainbiri a week earlier.<sup>82</sup> "The most dangerous areas have been abandoned by oil company operators", said Francis Perrin of the publication *Arab Oil and Gas*. Despite the election of a new president in April, "we don't have the impression the government has the means to find a lasting solution".<sup>83</sup>

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value", *Businessday*, 23 August 2007, pp. 1-2.

<sup>78</sup> *International Petroleum Monthly*, U.S. Energy Information Administration, October 2007; in recent years, though, monthly averages have not exceeded 2.5 million bbl/d.

<sup>79</sup> *Ibid*, comparing peak months in 2005 with the June 2007 low.

<sup>80</sup> The government's target is four million barrels a day in 2010.

<sup>81</sup> Kelvin Ebiri, "Oil Firm evacuates 120 workers over militants' threats", *The Guardian*, 10 July 2007, p. 95.

<sup>82</sup> Kelvin Ebiri, "Agip Evacuates Workers from Bayelsa", *The Guardian*, 30 June 2007, p. 7.

<sup>83</sup> "Nigeria loses ground in OPEC in face of unrest", Agence France-Presse, 1 October 2007.

The exodus is not limited to oil companies. Following attacks on their residential quarters in March and June, when twelve staff were kidnapped, and after 203 Indian staff had fled the state, the Eleme Petro-chemical Company shut operations on 23 June.<sup>84</sup> Most major road-building and construction companies have seen their work in the region halted by militants and other gunmen.

A 9 July 2007 document, prepared for President Yar'Adua by the permanent secretary in the federal ministry of transportation, Nu'uman Barau Dambatta, indicated that militants and criminals had seriously hampered work on nine major projects, worth N266 billion (\$2.2 billion). These were in Akwa Ibom, Bayelsa, Delta, Rivers, Imo and Anambra States and were now mostly suspended "due to the deteriorating level of insecurity of lives and property in the region as a result of kidnappings and other violent activities of the militants and some communities".<sup>85</sup>

Citing a 12 June memo informing Yar'Adua that the construction company, Julius Berger Plc, had withdrawn from Port Harcourt International Airport, it added that most companies now demanded additional payments under the "special risk" clause of the Standard Conditions of Contract. Those demands may make it even more difficult for governments to deliver on the major infrastructure projects needed to transform the region.

Banks are increasingly reluctant to give loans to companies in the region. Kenneth Donye, chairman of the Akewa Group of Companies, which recently acquired Burutu Port in Delta State under the Obasanjo privatisation program, says his company has been turned down by seven banks for the N3 billion (\$24 million) needed to modernise obsolete facilities.<sup>86</sup> International aid is also being lost. On 17 October, the Netherlands' ambassador, Arie van der Wiel, said the insecurity in the Delta is the major obstacle to Dutch efforts to improve infrastructure. Without better security, the region will not receive the capital it needs to sustain development.

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<sup>84</sup> Soni Daniel, "203 Indians Flee Rivers; Eleme Petrochemical Shut Down", *Saturday Independent*, 23 June 2007, pp. 1-A2.

<sup>85</sup> "Suspension of Work on Major Projects in the Ministry located in Bayelsa, Rivers, Delta, Akwa Ibom, Anambra and Imo States Due to Pervasive Insecurity and Youth Restiveness", Federal Ministry of Transport, Memo Ref. No.WR.14505/V.I./216 dated 9 July 2007, Abuja. The listed projects are: rehabilitation of the Port Harcourt International Airport; dualisation of the East-West Road Sections I, II, III and IV; completion of dualisation work on the Benin-Warri Road; construction of Eleme Junction flyover and dualisation of access road to Onne Port; construction of Bodo-Bonny Road; and dualisation of Owerri-Onitsha Road. Emeka Madunagu, "Insecurity stalls projects in Niger Delta, Anambra – FG", *Saturday Punch*, 14 July 2007, p. 8.

<sup>86</sup> Emma Amaize, "N-Delta Crisis: Banks withhold loans from investors", *Vanguard*, 15 October 2007, p. 10.

## IV. GOVERNMENT RESPONSES TO THE SECURITY CRISIS

### A. DEPLOYING THE JTF: NECESSARY BUT INSUFFICIENT

In response to the August fighting in Port Harcourt, the federal government sent the Joint Task Force (JTF) – military, police and other security services – to the city. Hundreds of soldiers have been deployed to assist the police in maintaining law and order in the city and its environs. Chief of Army Staff Lt. Gen. Luka Yusuf indicated this deployment may stretch beyond the initial six months.<sup>87</sup> The state government imposed a dusk-to-dawn curfew, which has kept gangs off the streets at night and ended the nocturnal battles.

Most Port Harcourt residents applaud these steps. Many believe reported cases of human rights abuses by soldiers are an acceptable price for restoring a semblance of peace to a city under criminal siege. Some, however, argue that results have been limited. According to the executive director of Civitas Nigeria, the “military has done a good job, in the sense that it has reduced the power of one of the groups that featured prominently in the violence, but it has not solved the problem because there are many groups involved”.<sup>88</sup> The executive director of the Institute for Human Rights and Humanitarian Law in Port Harcourt notes that:

None of the leaders of the gangs has been arrested so far. And this raises the question: how do the kingpins always escape before the military storms their bases? Do they get tipped by insiders? As long as these guys are still hanging around, they remain potential threats to the security of the environment.<sup>89</sup>

Ending gang violence in the city – and in Rivers State as a whole – requires a more comprehensive response than chasing the criminals out of their Port Harcourt waterfront bases. Crisis Group was repeatedly told that fighting the gangs is a superficial response to a deeply rooted problem:

The gunmen in Port Harcourt are not militants but politically sponsored thugs and gangs. Fighting them, without getting to the politicians who formed and continually sponsor them is like trimming the leaves and branches of the tree while the stem and roots

are still left firmly on ground. And unless we get to the roots of the matter, it is only a matter of time before more groups will emerge, with probably greater strength and firepower than we experienced in the recent past.<sup>90</sup>

If there is to be a permanent end to gang violence, a judicial inquiry is needed into what went wrong in Rivers State that led to the mushrooming of these groups from 1999 to 2007.

On 18 September, a largely Ijaw group, the Niger Delta Elders, led by the Ijaw nationalist Edwin Clarke, met with Yar’Adua to impress on him the need for effective handling of the Rivers State crisis. It alleged that most of the principal officers of the state government were known “cultists”, who recruited and financed the activities of the over 103 “cult” gangs in the state<sup>91</sup> and called on the president to set up an investigating panel. Yar’Adua indicated the federal government was prepared to investigate, asked Clarke to “put the allegations in writing” and promised that if the need was confirmed, he would set up a judicial commission of inquiry.

Many in the region do not think any further investigation is needed for the president to set up the commission: “All he needs to do is to ask those who served as commissioners of police or directors of the State Security Service (SSS) in the state since 1999 to brief him – and then the courage to set the inquiry going”. Even if confronted with the evidence, it is doubtful Yar’Adua will support a process that could reveal much that would be prejudicial about governance in Rivers State and its post-1999 PDP leadership.

Yet, an inquiry is imperative. A judicial probe would explain the gangs’ emergence and put names to some of the bloodiest incidents that have occurred in the state over the past eight years.<sup>92</sup> The sponsors need to be publicly identified and prosecuted. Such steps would discourage criminality and violence not only in Rivers State but also across the entire region.

### B. DEMOLITION OF THE WATERFRONTS

The state government’s longer-term strategy for ridding Port Harcourt of criminal gangs involves demolishing

<sup>87</sup> Deji Elumoye and Juliana Taiwo, “PH: Troops May Remain Beyond 6 Months”, *ThisDay*, 21 August 2007, pp. 1, 6.

<sup>88</sup> Crisis Group interview, Nimi Walsen-Jack, executive director of Civitas Nigeria, Port Harcourt, 26 September 2007.

<sup>89</sup> Crisis Group interview, Anyakwee Nsirimovu, executive director of Institute for Human Rights and Humanitarian Law, Port Harcourt, 22 September 2007.

<sup>90</sup> Crisis Group interview, civil society leader, Port Harcourt, 25 September 2007.

<sup>91</sup> The “cults”, as they are called in Nigeria, are essentially criminal organisations, some sponsored by, or allied to, local politicians; initiation processes usually involve ritual activities by which members swear an oath of allegiance, secrecy and solidarity.

<sup>92</sup> Crisis Group interview, Charles Harry, president of Ijaw Republican Assembly, Port Harcourt, 25 September 2007.

the waterfronts, slum communities where most of the criminals live and violence has occurred. On 21 August 2007, then Governor Omehia announced the decision to tear down 25 such communities for an urban renewal program and to dislodge the hoodlums using them as hiding places and landing points.<sup>93</sup> This announcement threatened to rekindle old ethnic animosities.

The two significant ethnic groups in Port Harcourt and environs are the traditionally riverine Ijaws, the majority of waterfront residents, and the Ikwerres from the upland. The Ijaw perceived the demolition plan as an attempt by Omehia, an upland Ikwerre, to remove them from the city; they warned the demolition would generate large-scale displacement and disrupt lifestyles and livelihoods. Leaders accused Omehia and some senior officials of his administration of having links to armed gangs involved in the August fighting; said they had no confidence in his ability to manage the crisis; and called on Yar'Adua to proclaim emergency rule in Rivers State – he said it was not yet warranted<sup>94</sup> – to force Omehia to hand power to a presidential appointee for at least six months.<sup>95</sup> Omehia's Ikwerre kinsmen rejected the call and welcomed the proposal to demolish the waterfronts and rid the city of militia fighters.<sup>96</sup>

The Omehia government sought to reassure citizens of its good intentions by promising 6,000 new housing units would be built in place of the shacks currently in the area to accommodate some of the displaced. The governor designated his deputy, Tele Ikoku, an Ijaw, to work out the details of the project.

The 50,000 to 100,000 estimated residents of the waterfront communities would face humanitarian difficulties and the risk of human rights abuse if demolition goes ahead. "Our fears stem from the fact that residents of most of the waterfronts, especially the Okrikas<sup>97</sup> who have for generations lived all their lives in these waterfronts and fishing settlements as original aborigines, will become homeless", explained Miebaka Biapuka, spokesperson of the Okrika Ethnic Nationality Survival Organisation. "For the residents of these waterfront slums, who have

borne much of the brunt of the fighting, it would be a cruel blow for them to have to lose their homes as well".<sup>98</sup>

In his 18 September meeting with the Niger Delta Elders, Yar'Adua promised to initiate dialogue with the state government to resolve the issue peacefully. Following the nullification of Omehia's governorship,<sup>99</sup> the new governor, Rotimi Amechi, suspended the demolition plans and promised a review. If the state government eventually goes ahead without much wider consultation and credible planning, it could drive Rivers State into serious ethnic conflict. The Ijaw leader, Clarke, charged hyperbolically that "trying to move the people from their ancestral land would amount to cultural genocide. It would be just like what is happening in Sudan...and these are some of the things that led to the outbreak of the First and Second World Wars".<sup>100</sup>

One pro-Ijaw group, GAND, has already served notice that it will invade communities in the upland area if the government proceeds with the demolition and vowed that its men will "defend these waterfronts till we die".<sup>101</sup> An armed confrontation could transform some of the violent gangs in the region into ethnic armies, earning them legitimacy among their people and making them even more difficult to control.

Such a confrontation is avoidable. If the Rivers State government proceeds, it must ensure that the demolition and relocation of waterfront communities is preceded by detailed preliminary work and implemented within a framework of comprehensive urban development. The project must also be carried out in a humane and orderly manner, with minimum humanitarian consequences and due respect for the cultural rights of the ethnic communities long resident in those settlements. The federal government should provide special funds to assist the Rivers State government in carrying out what would clearly amount to major urban development, so as to minimise the suffering of the displaced and prevent the initiative from stimulating new ethnic conflicts.

### C. STRENGTHENING SECURITY ARRANGEMENTS

The government has also taken steps to enhance the effectiveness of security agencies. The Rivers State commissioner of police, Felix Ogbaudu, says the police

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<sup>93</sup> Address by Sir Celestine Omehia, governor of Rivers State, second session, Rivers State Stakeholders' Meeting, Port Harcourt, 21 August 2007..

<sup>94</sup> Madu Onuorah, "Yar'Adua rules out emergency rule in Rivers", *The Guardian*, 31 August 2007.

<sup>95</sup> "Who are the cultists in Rivers State – Why Celestine Omehia should step down for peace and stability to be restored in Rivers State", statement by Niger Delta Elders, signed by Chief Clark and secretary of the Forum, Dr M.P. Okonny, 26 August 2007.

<sup>96</sup> Statement by Committee of Rivers Patriots, signed by Tamuno Tonye-Princewill, 27 August 2007.

<sup>97</sup> The Okrika are an Ijaw sub-group.

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<sup>98</sup> "Nigeria: Demolition plans bring new ethnic twist to Port Harcourt conflict", IRIN Lagos, 28 August 2007.

<sup>99</sup> The April 2007 election of Celestine Omehia was nullified by an election court.

<sup>100</sup> Ben Agande and Jemitola Onoyume, "Yar'Adua vows to probe P-Harcourt crisis", *Vanguard*, 19 September 2007, pp.1, 15

<sup>101</sup> *Ibid*, p. 15.



have all they need to stop armed conflict and combat crime in the region: “Government has empowered us more than ever before. A lot of logistics support has been provided for us. So, we are a lot stronger now”.<sup>102</sup> The army, which was drafted to help police in quelling the Port Harcourt violence, has redeployed some troops from the now relatively calm Warri axis to concentrate on more volatile Port Harcourt. The navy has moved most of its serviceable boats from the eastern port of Calabar to the creeks around Port Harcourt. In recent months, police, army and other security agencies have shown greater alertness and a more pro-active stance, which has helped block some gang attacks on the waterways.

Yet, continuing incidents indicate that more needs to be done to minimise conflict and improve security. Pointing to the critical deficiencies, a senior police officer in Delta State told Crisis Group:

Our numbers need to be increased, our men need to be better trained for operations in the creeks, we need to be better equipped to carry on our duties, and we need greater cooperation from the local people. We say these things over and over again but we don't ever get the desired response from the authorities and the people. I don't mean the Inspector General; I'm talking about the political authorities and the people in this region.<sup>103</sup>

The operation in Rivers State since August 2007 has also stretched military resources. In August, the army chief complained to the minister of state for defence, Fidelia Akuabata Njeze, that equipment was running low; the force was fully involved in internal security but “without being supported with additional logistics”. Brigadier General Sarkin-Yaki Bello, commander of the “2 Amphibious Brigade” and chairman of the JTF in Port Harcourt, said his operations have been inhibited by lack of equipment and proper medical arrangements.<sup>104</sup>

The navy, which shares with the police the challenge of combating crime on the waterways and high seas, is similarly handicapped. On 3 October 2007, Chief of Naval Staff Vice Admiral Ganiyu Adekeye testified to a Senate committee that it was under-equipped to fight militants and criminals in the Delta. In small arms, which are most relevant to the challenges posed by militants, pipeline vandalism and hostage-taking, “our reserve is almost zero”.<sup>105</sup> The shortfall results from the army's insistence

that it must control the weapons for land combat, leaving the navy and airforce only a minimal number. The situation in the Delta calls for greater flexibility and better coordination between the services.

One way of blocking the creeks and intercepting the movements of militants into Port Harcourt would be to use floating platforms but the navy chief said, “most of our platforms are aged. Most of them entered the fleet in the 1980s, and presently they require repairs and major refit to make them operational”.<sup>106</sup> The police, army and navy all need better equipment, particularly to intensify anti-bunkering activities and curb the influx of arms. Long-term commitment to regional security requires specialised police units and equipment. The capacity of Delta police also needs to be boosted considerably by development of a special marine component to improve security on the inland waterways. This should further be complemented by better collaboration with both private and community-based security elements, for example to ensure timely investigation and prosecution of hostage-taking and other criminal acts.

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<sup>102</sup> Anayochukwu Agbo and Klem Ofuokwu, “The Battle is Not Over Yet”, *TELL*, 3 September 2007, p. 34.

<sup>103</sup> Crisis Group interview, senior police officer, Warri, Delta State, 18 September 2007.

<sup>104</sup> George Onah, “Bakassi: Cameroon hasn't accused Nigeria, says Azazi”, *Vanguard*, 17 November 2007.

<sup>105</sup> Adekeye elaborated: “We don't have any AK-47 rifles in our

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reserve...What we do is that any time there is need for us to make use of these weapons, we run to our sister service, the army, for them to loan us these weapons...Navy is always having casualties in Niger Delta because we are the ones going after the militants in the sea and the least equipped. A case in point is when our patrol boat went after a group of militants in the sea. We later found out that while they had five...[m]achine guns, our patrol boat had two. Their firepower outweighed our own and they escaped...We cannot deploy our warships with the heavy firepower to those areas to combat these problems or it will mean wiping out the towns and villages in the Niger Delta”. Kingsley Omonobi, “Why we suffer casualties in Niger Delta, by Adekeye”, *Vanguard*, 4 October 2007, p. 7.

<sup>106</sup> *Ibid.*

## V. DEALING WITH THE POLITICAL CAUSES

The Yar'Adua government particularly needs to focus more vigorously on the issues that have been at the core of conflicts in the region: good governance, infrastructure development, economic empowerment of the local people, and legislative and constitutional reforms.

### A. PREPARING THE SUMMIT

The Niger Delta summit still represents a good opportunity to craft the political process necessary to ease the tensions and show the federal government's dedication to ending the crisis and addressing its root causes. The preparations need to be credible and inclusive and avoid the usual pitfalls of communal rivalry and patronage.

The president should appoint a special envoy mandated to consult with both the armed and non-armed representatives of the Delta, including women's groups, on participation in the summit and its agenda. The envoy should have strong moral authority, be from civil society and, to avoid the appearance of having a direct stake in the conflicts, come from another region of the country. He or she should discuss in particular the recommendations of the Ogomudia report, which Obasanjo ignored in 2005, along with the declarations and other manifestos articulated by various groups in the Niger Delta. The envoy should also be mandated to propose changes to the mandate and statutory composition of the peace and reconciliation committees, so they bring in all stakeholders, including women, and become an efficient tool for conflict prevention, management and resolution in the region.

It is essential that the government simultaneously halt all efforts to divide or co-opt the armed group leaders and instead encourage them to develop a common position from which to articulate a realistic political agenda during the consultations and the summit. The government needs reliable interlocutors and should try to counteract fragmentation of the armed groups and their transformation into criminal gangs. A confidence-building measure and signal of commitment to end the Delta crisis would be to begin infrastructure development, security assessments and other measures already agreed to in the region immediately, as preliminaries to the summit.

The government should also appoint a federal prosecutor at once to institute a judicial inquiry into Delta violence, including recent events in Port Harcourt, and to target the involvement of state and local government officials in assassinations and hostage-taking, with a view to prosecuting politicians who have sponsored gangs since 1999.

## B. IMPLEMENTING THE DEVELOPMENT MASTER PLAN

To restore the credibility of his pledge to end the crisis, Yar'Adua needs to act fast on the Niger Delta Development Master Plan he inherited from his predecessor and which is estimated to require about \$50 billion over fifteen years. There is an immediate need to overcome funding problems that for six years have hampered the NDDC, the commission that will have to implement it.<sup>107</sup> Under the law that created it, the NDDC should have received more than N500 billion (\$4 billion) in that period from the federal government and the oil majors operating in the region. Instead it has received only N239 billion (\$1.9 billion). The president needs to make good quickly his promise to release the outstanding federal funds and to require the companies to make good on their obligations.<sup>108</sup>

A loophole in the NDDC's 2000 law, which states that corporate contributors are to be oil and gas processing companies, is partly responsible for the \$300 million shortfall in corporate funding. Some companies have argued they are involved only in shipment and marketing, not processing. For example, the Nigerian Liquefied Natural Gas Company (NLNG) has never contributed to the commission and has obtained a court ruling in its favour because it is not involved in processing. The National Assembly needs urgently to amend the NDDC Act to facilitate collection of future corporate funding; specifically, the provision for corporate entities to contribute 3 per cent of their budget to the commission should be extended to cover corporations involved in any oil-related business in the Delta.

The federal government has declared 2008 the year for starting implementation of the master plan. A crucial first step should be to release immediately all outstanding funds due to the NDDC since 2001 and clearly identify all money allocated to the commission in the 2008 budget. Fast-tracking the work of the NDDC is imperative and will require improved collaboration between the commission and state governments in the region. It is also essential to prioritise the plan's job-creation elements. Evah of the Ijaw Monitoring Group suggested the federal government should provide special incentives for establishment of

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<sup>107</sup> The commission was set up by the federal government in 2001 to fast-track the socio-economic and infrastructure development of the Niger Delta.

<sup>108</sup> Chinedum Emeana, "NDDC records 52% funding deficit in 5 years", *Financial Standard*, 15 October 2007. The NDDC is owed some \$2.1 billion for the past six years, including \$1.8 billion from the federal government and \$300 million from the oil companies.

oil-related small- and medium-sized industries.<sup>109</sup> Starting such projects quickly in areas free of violence would have a positive impact on youth.

But job creation as a means of weaning youth from crime and violence will achieve only limited results unless accompanied by vigorous programs designed to treat the attitudes of young people, heal communal wounds and restore community governance. Thus, there is also an urgent need for extensive rehabilitation efforts targeting youth who are largely unemployable or unmotivated to improve themselves, including a civic education and youth counselling program. Donors could help by providing greater capacity building assistance and enhanced funding for credible civil society and community-based organisations that are implementing such projects.

### C. URGENT REFORMS

A key demand of militant and ethnic pressure groups in the Delta is early repeal of certain laws and amendment of constitutional provisions on “derivation” – the share of oil revenues that are to be returned to the region from which they are derived. On 18 September, the militant group GAND referred to longstanding community grievances in insisting that the first step toward meaningful dialogue be repeal of the Land Use Act, the Petroleum Act of 1969 and other laws impeding Delta development. The review of all petroleum laws announced by Minister of State for Energy (Petroleum) Odein Ajumogobia, in September offers an opportunity to remedy the controversial provisions of the 1969 act, which are perceived as disempowering Delta communities, as well as other controversial legislation.<sup>110</sup>

Yar’Adua has indicated that his administration will pursue constitutional review and seek to introduce major innovations such as a National Council of Traditional Rulers.<sup>111</sup> It is also not too early for the president to commit himself publicly to amendments that address particularly the derivation provision. The National Political Reform Conference in 2005-2006 already accepted an increase from the present 13 per cent to 18 per cent. Yar’Adua needs to assure the Delta that he means to respect this. It is necessary to wait for the tribunals ruling on petitions against the controversial April elections to finish their work, as their decisions may have a bearing on the constitution review process, but the region needs an indication of government thinking before the process actually begins.

The government should also give intense attention to the reforms of the petroleum sector itself, which were announced by the Federal Executive Council on 29 August 2007 and are a product of the July 2005 recommendations of the National Council on Privatisation (NCP). These have a broad rationale that goes far beyond resolution of the conflict in the Niger Delta but they are important to the conflict there in several ways, most importantly as part of an effort to counteract the marginalisation of the Delta’s population from the benefits of the oil and gas industry.

The Nigerian government, which receives about 80 per cent of its money from oil and gas,<sup>112</sup> has to ensure that the industry is effective, and it can continue to obtain a share of its immense revenues in line with international standards. But it must also make certain that the revenues are used to enhance welfare rather than being sidetracked by corruption and mismanagement<sup>113</sup> and that the products of a reorganised industry are regularly available for Nigerians, particularly those in the Delta.

Niger Delta unrest is both a cause of oil and gas sector management problems and their effect. The reform program must, therefore, be seen to be doing more than just creating new structures. It must also be part of a larger effort by the Yar’Adua government to free itself from old political networks and vested interests,<sup>114</sup> not least so that it can create legitimacy for itself after an election that fell far short of doing that. Though discussion of petroleum sector reforms and their relation to governance in Nigeria is beyond the scope of this report, these will be addressed in a subsequent Crisis Group report.

### D. INTERNATIONAL ENGAGEMENT

The international community, notably the European Union (EU), the U.S. the UK and other partners which have long been engaged on Niger Delta problems, can give important help through diplomatic persuasion, security assistance and economic support. It should engage with the Yar’Adua administration and the National Assembly to encourage a speedy resolution of the region’s crisis, with emphasis on the root causes of the conflict as much as its security consequences, and give technical aid as necessary.

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<sup>109</sup>Crisis Group interview, Joe Evah, president of Ijaw Monitoring Group, 16 October 2007.

<sup>110</sup>Hector Igbikiowubi, “FG reviews oil laws, 2007 bid round”, *Vanguard*, 17 September 2007, pp. 1, 15.

<sup>111</sup>Lucky Nwankwere, “Yar’Adua vows to pursue constitution amendment”, *Daily Sun*, 11 July 2007, p. 4.

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<sup>112</sup> Extractive Industries Transparency Initiative (EITI) report on Nigeria, at [www.eitransparency.org/Nigeria](http://www.eitransparency.org/Nigeria).

<sup>113</sup> Ensuring transparency is central to this effort, in particular implementing the Nigeria EITI Act, signed into law by President Obasanjo on 28 May 2007.

<sup>114</sup>Yar’Adua has cancelled the sale – approved by his predecessor’s administration – of two refineries to business interests associated with the Obasanjo government.

The UK, which is helping with police reform, should include assistance for establishing, training and equipping the special marine police for the Niger Delta, which the Nigerian government has contemplated.<sup>115</sup> The U.S. and UK, within the framework of the Gulf of Guinea Energy Security Strategy (GGESS), should give the government greater technical assistance, in particular for establishing a region-wide network of radar and communication facilities, which could improve efforts to curb the oil thefts, money laundering and small arms trafficking that have aggravated Delta insecurity. They should also promote economic transformation of the region through investment and infrastructure development and further encourage the multinational oil companies to adhere to best environmental practices, evolve more conflict-sensitive community relations strategies and be more transparent in their community development programs.

## VI. CONCLUSION

Immediately after the April elections, government officials sounded optimistic about significant early improvement in the Niger Delta. Instead, the intervening months have seen increasingly incendiary threats from MEND and continued volatility in the creeks. On 1 December, at the closing ceremony of the army's largest combat training program, "Exercise Eagle Ring 5", Defence Minister Yayale Ahmed expressed concern that despite government efforts toward ending unrest in the Niger Delta, the situation remains a threat to national security, "as militants are still busy carrying out their operations".<sup>116</sup>

The Yar'Adua administration has taken the first tentative steps toward confronting the region's problems but these have to be deepened and sustained. Improving security and building peace in the Delta requires not more rhetoric but determined efforts by government, oil companies, international development agencies and the people of the region alike. The government must go beyond seemingly interminable consultations and quickly come to grips with the core issues that have defined the conflicts in the region for over two decades. If it wastes the present opportunity, worse violence and lawlessness is highly likely.

**Dakar/Brussels, 5 December 2007**

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<sup>115</sup> "Government plans special police for the Niger Delta", *The Guardian*, 16 September 2003, p. 17.

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<sup>116</sup> Aisha Wakaso, "FG: N'Delta Still Threat to National Security", *Thisday*, 2 December 2007.

## APPENDIX A

### MAP OF NIGERIA



APPENDIX B

MAP OF THE NIGER DELTA



## APPENDIX C

### GLOSSARY OF TERMS AND PERSONALITIES

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<b>Alamieyeseigha, Solomon Peter Diepreye</b>	Former governor of Bayelsa State, impeached December 2005, convicted of corruption charges, freed in July 2007.
<b>Amaechi, Rotimi</b>	Governor of Rivers State; installed in October 2007 following a successful appeal to the electoral court.
<b>Asari-Dokubo, Mujahid Abubakar</b>	Leader, Niger Delta People's Volunteer Force
<b>ASCL</b>	Ajaokuta Steel Company Limited
<b>Brigidi, David</b>	Former senator from Bayelsa State and chairman of Presidential Committee on Peace and Conflict Resolution in the Niger Delta.
<b>Clarke, Edwin Kaigbodo</b>	Ijaw nationalist leader
<b>EFCC</b>	Economic and Financial Crimes Commission
<b>EU</b>	European Union
<b>Evah, Joe</b>	Coordinator, Ijaw Monitoring Group, a pro-Ijaw non-governmental organisation
<b>GAND</b>	Grand Alliance of Niger Delta
<b>GGESS</b>	Gulf of Guinea Energy Security Strategy
<b>Harry, Charles</b>	President, Ijaw Republican Assembly (IRA) and secretary general, Pan Niger Delta Action Council (PANDAC).
<b>IMG</b>	Ijaw Monitoring Group
<b>IRA</b>	Ijaw Republican Assembly
<b>IYC</b>	Ijaw Youth Council
<b>JRC</b>	Joint Revolutionary Council
<b>JTF</b>	Joint Task Force
<b>MEND</b>	Movement for the Emancipation of the Niger Delta
<b>NAOC</b>	Nigerian Agip Oil Company
<b>NCE</b>	National Council on Energy
<b>NDDC</b>	Niger Delta Development Commission
<b>NDPVF</b>	Niger Delta Peoples Volunteer Force
<b>NDRDMP</b>	Niger Delta Regional Development Master Plan
<b>NDV</b>	Niger Delta Vigilantes
<b>NLNG</b>	Nigerian Liquefied Natural Gas Company
<b>NNPC</b>	Nigerian National Petroleum Corporation
<b>Oboko, Bello</b>	President, Federated Niger Delta Ijaw Communities (FNDIC)
<b>Odili, Peter</b>	Former PDP governor of Rivers State, 1999 – 2007
<b>Ogomudia, Alexander</b>	Retired general from Delta State, former chief of defence staff and chair of Special Security Committee on Oil Producing Areas, which submitted 2002 report (the "Ogomudia Report").
<b>Okah, Henry</b>	MEND factional leader responsible for informing the mass media of its activity, arrested in Angola in September 2007 for gun running, said to be a key figure in supplying arms to Delta militants.

<b>Omehia, Celestine</b>	Former PDP governor of Rivers State (29 May-October 2007), whose election was nullified by an election court.
<b>OPEC</b>	Organisation of Petroleum Exporting Countries
<b>PDA</b>	Products Distribution Authority
<b>PDP</b>	Peoples' Democratic Party
<b>SPDC</b>	Shell Petroleum Development Company
<b>Tom, Ateke</b>	Leader, Niger Delta Vigilante (NDV), an armed group in Rivers State
<b>Tom Polo</b>	Militant leader in the Warri South area of Delta State
<b>UK</b>	United Kingdom
<b>U.S.</b>	United States of America



## APPENDIX D

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 145 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates twelve regional offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in sixteen additional locations (Abuja, Baku, Beirut, Belgrade, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kampala, Kathmandu, Kinshasa, Port-au-Prince, Pretoria and Yerevan). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia,

Guinea, Liberia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda, Western Sahara and Zimbabwe; in Asia, Afghanistan, Bangladesh, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Phillipines, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the rest of the Andean region and Haiti.

Crisis Group raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: Australian Agency for International Development, Austrian Federal Ministry of Foreign Affairs, Belgian Ministry of Foreign Affairs, Canadian Department of Foreign Affairs and International Trade, Canadian International Development Agency, Canadian International Development Research Centre, Czech Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Foreign Office, Irish Department of Foreign Affairs, Japanese International Cooperation Agency, Principality of Liechtenstein Ministry of Foreign Affairs, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Danish Ministry of Foreign Affairs, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Kingdom Foreign and Commonwealth Office, United Kingdom Department for International Development, U.S. Agency for International Development.

Foundation and private sector donors include Carnegie Corporation of New York, Carso Foundation, Compton Foundation, Ford Foundation, Fundación DARA Internacional, Iara Lee and George Gund III Foundation, William & Flora Hewlett Foundation, Hunt Alternatives Fund, Kimsey Foundation, Korea Foundation, John D. & Catherine T. MacArthur Foundation, Charles Stewart Mott Foundation, Open Society Institute, Pierre and Pamela Omidyar Fund, Victor Pinchuk Foundation, Ploughshares Fund, ProVictimis Foundation, Radcliffe Foundation, Sigrid Rausing Trust, Rockefeller Philanthropy Advisors and Viva Trust.

**December 2007**

## APPENDIX E

### INTERNATIONAL CRISIS GROUP REPORTS AND BRIEFINGS ON AFRICA SINCE 2004

#### CENTRAL AFRICA

*Northern Uganda: Understanding and Solving the Conflict*, Africa Report N°77, 14 April 2004

*HIV/AIDS as a Security Issue in Africa: Lessons from Uganda*, Issues Report N°3, 16 April 2004

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