

**Bangor University**

## **DOCTOR OF PHILOSOPHY**

### **The Renewal of Hostilities in the Nigerian Delta Region in 2016 and the Failure of the Presidential Amnesty**

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**The Renewal of Hostilities in the Nigerian Delta Region in 2016 and the Failure of the Presidential Amnesty**

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**A thesis submitted in fulfilment of the requirements for the Degree of Doctor of Philosophy  
(Criminology and Criminal Justice)**

**School of History, Philosophy and Social Sciences**

**College of Arts, Humanities and Business**

**July 2021**

## **Dedication**

To my Mum and Dad

## **Abstract**

This thesis titled 'The Renewal of Hostilities in the Nigerian Delta Region in 2016 and the Failure of the Presidential Amnesty' investigated the renewal of the hostilities, the alleged sponsor(s) of the perpetrators, the impact of their activities on the oil and gas sector and their environment. Opinions explored consist of research participants' general viewpoints on the presidential amnesty programme. From the creation of PAP to its implementation, it is in some way evident that the PAP was not designed to provide a lasting solution to the Niger Delta conflict. The politicking in the process of its execution has created a mixed reaction among researchers and writers alike. While some researchers identified the many shortcomings of PAP, others question the value of amnesties that ignore past crimes or atrocities committed by militants/combatants. It is argued that attaining peace should not mean overlooking past atrocities and that failure to prosecute those who committed the worst human rights abuses ignores the suffering of their victims, delays long term reconciliation, and propagates a culture of impunity that can contribute to future abuses.

The thesis adopts mixed methods because of the growing consensus that combining the approaches is advantageous in revealing different aspects of reality. Self-administered questionnaires were used as an instrument for quantitative data collection. The questionnaires were distributed in each of the six geo-political zones. Out of the 330 distributed, 287 (95%) were returned and upon these numbers (n=287), the quantitative data was presented and analysed. An in-depth interview was the instrument for qualitative data. The qualitative data was analysed manually using thematic content.

Among other aspects, the study discovered that some prominent individuals led by one ex-militant leader were the sponsors of the new groups, and that the PAP was designed to enrich political godfathers. Respondents agreed that the PAP was genuinely packaged but got derailed at the implementation stage and suggested re-packaging it. The study points out the role played by the politicians as one important factor why the conflict seems to be reoccurring.

## Declaration

I hereby declare that this thesis is the results of my own investigations, except where otherwise stated. All other sources are acknowledged by bibliographic references. This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree unless, as agreed by the University, for approved dual awards.

.....

Yr wyf drwy hyn yn datgan mai canlyniad fy ymchwil fy hun yw'r thesis hwn, ac eithrio lle nodir yn wahanol. Caiff ffynonellau eraill eu cydnabod gan droednodiadau yn rhoi cyfeiriadau eglur. Nid yw sylwedd y gwaith hwn wedi cael ei dderbyn o'r blaen ar gyfer unrhyw radd, ac nid yw'n cael ei gyflwyno ar yr un pryd mewn ymgeisiaeth am unrhyw radd oni bai ei fod, fel y cytunwyd gan y Brifysgol, am gymwysterau deuol cymeradwy.

Yusuf Usman

July 2021

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## Acronyms

ABU	Ahmadu Bello University
APC	Action People's Congress
ATAP	Abubakar Tatari Ali Polytechnic
ATBU	Abubakar Tafawa Balewa University
BP	British Petroleum
BSA	British Sociological Association
BSC	British Society of Criminology
BU	Bangor University
CBLESS	College of Business, Law, Education and Social Sciences

CSR	Corporate Social Responsibility
DDR	Disarmament, Demobilisation and Reintegration
DPR	Department of Petroleum Resource
EFCC	Economic and Financial Crimes Commission
FAAC	Federation Account Allocation Committee
FCT	Federal Capital Territory
FG	Federal Government
FIRS	Federal Inland Revenue Services
FNDIY	Federated Niger Delta Ijaw Youths
FMNDA	Federal Ministry of Niger Delta Affairs
FNDIC	Federated Niger Delta Communities
FUT	Federal University of Technology
HND	Higher National Diploma
IMB	International Maritime Bureau
ICTJ	International Centre for Transitional Justice
IJC	Ijaw Youth Council
IRP	Interview Research Participant
JTF	Joint Military Task Force
JRC	Joint Revolutionary Council
LG	Local Government
MEND	Movement for the Emancipation Niger Delta
MM	Mixed Methods
MOSEIN	Movement for the Survival of the Ijaw Ethnic Nationality
MOSOP	Movement for the Survival of Ogoni People
NASS	National Assembly
NCS	Nigeria Customs Services
NDA	Niger Delta Avengers

NDDC	Niger Delta Development Commission
NDGJM	Niger Delta Greenland Justice Movement
NDLF	Niger Delta Liberation Front
NDPVF	Niger Delta People Volunteer Force
NDVF	Niger Delta Volunteer Force
NCE	Nigerian Certificate of Education
NECO	National Examination Council
NESREA	National Environmental Standards and Regulations Enforcement Agency
NICN	National Industrial Court of Nigeria
NIMASA	Nigerian Maritime Administration and Safety Agency
NNOC	Nigerian National Oil Corporation
NOSDRA	National Oil Spill Detection and Response Agency
NNPC	Nigerian National Petroleum Corporation
NPA	Nigeria Ports Authority
NPRC	National Political Reform Conference
NRMAFC	National Revenue Mobilization, Allocation and Fiscal Commission
NYCON	National Youth Council of Ogoni People
OECD	Organisation for Economic Cooperation and Development
OGIC	Oil and Gas Sector Implementation Committee
OPC	O’odua People’s Congress
OMPADEC	Oil Mineral Producing Areas Development Commission
PAP	Presidential Amnesty Programme
PCC	Public Complaints Commission
PGD	Post Graduate Diploma
PDP	Peoples Democratic Party
QUAL	Qualitative
QUAN	Quantitative

PSTF	Petroleum Special Trust Fund
RD	Red Scorpions
SAM	Surface to Air Missiles
SPSS	Statistical Package for Social Sciences
TCNDR	Technical Committee on the Niger Delta Report
UNODC	United Nations Office on Drugs and Crime
UNEF	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UK	United Kingdom
USA	United States of America
WBCSD	World Business Council for Sustainable Development
YEAA	Youths Earnestly Ask for Abacha
WAEC	West African Examinations Board



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## **Chapter One/Introduction**

### **1.1 Introduction**

Nigeria is not only known as an oil rich country, but also a conflict-ridden one. Conflicts are so rampant that according to Guichaoua (2007, p.10), researchers studying “conflicts could classify Nigeria as one of the most challenging terrains in which to confront various conflict-related theories”. Virtually all conflicts in Nigeria are divided along religious and ethnic lines. This division argued Edosa (2017, p.183) goes with “serious suspicion, distrust, discrimination and antagonism” among its diverse population. The distrust and suspicion among the ethnic groups since independence has resulted in the emergence of ethnic militia groups with claims of championing their ethnic interests like Ijaw Youth Congress (Niger Delta), Arewa People’s Congress (the entire Northern region), Movement for the Actualization of the Sovereign State of Biafra (Southeast), Odua People’s Congress (Southwest) and various other militant groups. In the Nigerian context, ethnic militias “are a particular sort of insurgent groups” (Guichaoua, 2006, p.1659). As a result of antagonism between the various ethnic groups, some of the militia groups have become separatist agitators whose activities often lead to “secession threats” (Tamuno, 1970, p.564). All the distrust and discrimination among the ethnic groups are centred on one thing – oil.

The reason for this research is to scrutinise the renewal of hostilities in the Niger Delta region in 2016 and the failure of the Presidential Amnesty. The Niger Delta area of Nigeria has not known true peace and therefore has not been able to realise its full potential as a key oil and gas-producing area due to continuing agitation and insecurity. Efforts have been made that include reaching out to key militant leaders by the offering of a “blanket amnesty in exchange for their demobilization and high value government contracts to protect the oil infrastructure in the delta” (Schultze-Kraft, 2017, p.618).

According to research by the Institute for Peace and Conflict Resolution (IPCR), there are conflicts in every part of Nigeria, and it appears that “they were on the increase” (IPCR, 2002, p.10). Before the return to democracy in 1999, there were tensions in the Niger Delta region as threats to both expatriates and oil installations were reoccurring following the execution of some Niger Delta

personalities, including Ken Saro-Wiwa, by the military government in 1995. The new democratic government in Nigeria, at both Federal and State level either overtly or covertly, laid the foundation of the violent political climate as politicians vying for government positions recruited and armed youths to assist to enter an elected office in the Niger Delta region and other parts of the country (Human Rights Watch, 2003). The electoral violence was further aggravated due to what Opeyemi (2015) refers to as an unwritten pact between political elites and political thugs. The persistent crisis in the Niger Delta region has been credited to the failure of government to provide a suitable political climate for the people of the region (Onduku, n/d). Peaceful demonstrations to seek for justice in the Niger Delta region has largely been suppressed by the Nigerian security personnel under both military dictatorship and democratic government (Membe, 2013). The Niger Delta, which was only mentioned due to the execution of one of its prominent persons, suddenly attracted global attention through militant activities that affected the global economy (BBC News, 2016). The activities of the militants have been contributing to an enormous loss of oil revenues for the Nigerian government. The region provides the means upon which the nation survives economically but remains underdeveloped at the advantage of e.g. Abuja - the nation's capital.

Nigerians were considered the happiest people on earth in 2003 by investigators from the World Values Surveys, a global setup of social scientists studying varying values and their influence on social and political life. The 2003 study involved about 65 countries and was first published in the United Kingdom's New Scientist magazine (BBC News, 2003a). While those who do not know much or anything about the country called Nigeria were cheerful about the positive result, the majority of Nigerians were not as they wondered how they could possibly be considered the happiest people on earth (Danny, 2014). The year 2003 in Nigeria was tainted with so much bloodshed and political uncertainty that engulfed many parts of the country. It was in 2003 that the Sharia crisis spread like wildfire and consumed the lives of many; there was political violence in almost every part of the country including Kano, Lagos, Enugu, Kaduna, Rivers-Niger, and Delta-Zamfara (Human Rights Watch, 2004). It was also in 2003 that Nigeria struggled to have its first ever-peaceful transfer of power from one democratically elected government to another, the incumbent president, Chief Olusegun Obasanjo was seeking for a re-election, as were all the state

governors. There were several social issues causing discomfort to Nigerians like high profile political assassinations, the Bakassi peninsula issue, the Miss World beauty pageant pandemonium, the Warri crisis, etc.<sup>1</sup>. It was in the mix of these social upheavals that Nigerians were regarded as the happiest people on earth. Nigerians were suffering, but at the same time, smiling, a situation that was like one of the 1970s' songs of the late legendary Afro beat musician Fela Kuti titled 'suffering and smiling' (Abdulkareem, 2017).

In the words of Ralby, "Nigeria has experienced a constant ebb and flow of violence and turmoil since it gained independence" (Ralby, 2017, p.14). Since return to democracy in 1999, virtually every State in Nigeria has been facing one conflict or another that remains to be fully solved up until this time. Most discussions about these problems or conflicts include the Sharia issue in Northern Nigeria and ethnic and militant activities in Southern and Eastern parts of the country. Just barely five months into the new democratic era, while the new government was still struggling to organise itself, Alhaji Ahmad Sani the Governor of Zamfara state (Northeast geo-political zone) announced the introduction of Sharia law (Islamic legal system) as the governing legal system for the state. Eleven other states in the North followed the Zamfara state example (Nmehielle, 2004). Responses from Eastern Nigeria (where non-Muslims are dominant) and the Northcentral or 'Middle Belt' were overwhelmingly negative, the arguments began as to whether the Northern states have or do not have the constitutional rights to introduce Sharia as their governing legal system knowing that the 1999 Nigerian constitution recognised the country as a secular one and forbids the implementation of a "state religion" - both at the federal and state government levels (Kendhammer, 2013). The implementation of Sharia in some Northern States led to the death of about thirty people in a series of violence between Muslims and Christians in 2000 (BBC News, 2003; Mcgreal, 2000).

While the Northern parts were inflicted with Sharia related conflicts, the Southern States like Lagos were facing challenges on how to curb the activities of an ethnic militia group known as the O'odua People's Congress (OPC). OPC members commonly "acknowledged to master magical

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<sup>1</sup> The Warri crisis has claimed many lives and made more than 30,000 homeless. The center of the crisis is the search for a measure of political independence between the Itsekiris and the Ijaws. Both ethnic groups have militia wings that has turned the crisis violent (Courson, 2007, Turshen, 2004 & Human Rights Reports, 2003).

techniques of defence, attack or divination” (Guichaoua, 2010, p.1660). OPC is a complex organisation that has taken on several diverse roles that includes campaigns to look after the interests of the Yoruba ethnic group and seeks autonomy for the “Yoruba race”. Although the classification of the OPC as an ethnic militia group can be accurate, it can also be misleading because not all the acts of violence committed by its followers have been ethnically inspired (Human Rights Watch, 2003). It was not so clear why the OPC waged the series of violence in the early democratic dispensation because the sitting President was from the Yoruba ethnicity. From 1999 to 2003, OPC related violence had claimed almost 500 lives (Human Rights Watch, 2003; Akinyele, 2001). Aside from the OPC crisis, in July 2004, Lagos State was denied its statutory monthly allocation by the Federal government for failing to abolish its newly created local government areas (Oduwale, 2004; Human Rights Watch, 2004). It was a situation that created another political and social tension in the country.

Eastern Nigeria, July 2003, in the Anambra state, the democratically elected Governor Chris Ngige was taken by force into hiding by the Nigerian police force under the orders of a political godfather who had vowed to remove the Governor for refusing to do his biddings (Albert, 2005). The godfather was Chris Uba whom Johnson (2006, p.1) sees as a ‘political Mafioso’, ‘obscenely rich’ and ‘sparsely educated’ politician who practically has the entire Anambra state under his thumb. President Olusegun Obasanjo looked the other way while Chris Uba was suspected not only of having masterminded an attack on Chris Ngige’s life but also either burnt or looted the Governor’s and his deputy’s offices, the state House of Assembly complex and the state-owned Ikenga Hotels, among others (Omunu, 2003; Johnson, 2006). President Olusegun Obasanjo was purported to be a big fan of Chris Uba, which provided him with a form of authorisation to unleash violence in the state having failed to remove the Governor from office. The unchecked violent actions of Chris Uba gave rise to similar scenarios across the Eastern (Niger Delta region) States in Nigeria where activities of godfathers encouraged the blossoming of vigilantes and ethnic militia groups that has transformed into a powerful militant network with lingering militant acts, remaining a threat to Nigeria’s means of economic survival - the oil revenue (Membe, 2013).

## **1.2 Background of the study**

The Niger Delta region became so prominent among Nigerians and across the globe not only from the relevance of oil in Nigerian's daily lives but also from the armed conflict in the region. The armed conflict has been going on from 1998 (occurring and re-occurring until 2016) which crippled the Nigerian economy by reducing the country's oil production capacity to almost 50 percent. The Nigerian Government had, at various points in time, tried many efforts ranging from use of military force to establishment of interventionists agencies like the Niger Delta Development Commission (NDDC) to address the persistent conflict in the region. All the previous efforts by the Nigerian government had failed to resolve the problems of the region. The government of Umaru Musa Yar'Adua (29th May 2007 to 29th May 2011) decided to change strategy by means of granting a Presidential amnesty. The amnesty was granted in the year 2009 to all the Niger Delta militants who met its conditions. All militants had to hand over their weapons to the government and present themselves for rehabilitation and reintegration into the general society (Ikelgbe, 2011; Nwajiaku-Dahou, 2010; Ugwu & Oben, 2010).

The amnesty was in place at the time of the 2015 general elections and the incumbent President Goodluck Ebele Jonathan, an Ijaw man from Bayelsa State (the first man from a minority group in Nigeria to occupy the post) had also decided to seek re-election (for a second term). While the presidential election campaigns were going on, some important Niger Delta ex-militants and politicians held a meeting in Bayelsa State Government house in the capital city of Yenagoa. Eziukwu (2015) reported that in attendance, among other prominent Niger Delta politicians, were ex-militants Alhaji Mujahid Asari Dokubo, the prominent leader of the Niger Delta People's Volunteer Force (NDPVF); Government Ekpudomenowei aka General Tompolo leader of the Movement for the Emancipation Niger Delta (MEND) and others while among the politicians were the State Governor and his deputy and a Presidential aide in person of Kingsley Kuku. At the end of the meeting, all the ex-militants present had threatened war should Jonathan lose the Presidential election. Alhaji Mujahid Asari Dokubo was reported to have said that "for every Goliath, God created a David. For every Pharoah, there is a Moses. Every one of you should go and fortify yourself" (Eziukwu, 2015 p.2). They threatened to go to war and to make the country

ungovernable for whoever wins apart from the incumbent. The ex-militants also promised to reject the result of the election if it did not go in their favour.

There is a feeling among some Niger Deltans (people from the Niger Delta region) that their oil resource is being stolen through oil revenues by other Nigerians whom they regard as not better than foreign thieves and invaders (multinational oil companies) (Gary, 2010; Babatunde, 2018). Just a few weeks after the meeting in Yenagoa, as if to reiterate the threat issued after the meeting, Sahara Reporters Television (2015) released a video of Alhaji Asari Mujahid Dokubo where he issued a fresh threat of dangerous actions to opposition politicians in particular the APC Presidential candidate Muhammadu Buhari who was the main challenger. Goodluck Ebele Jonathan lost the general election and the opposition candidate Mohammadu Buhari, a core disciplinarian from the North won the election.

From January to November 2016, there were renewed attacks on oil installations in the Niger Delta region. Despite Ken Saro-Wiwa's prophecy that non-violent could turn violent in the region, his "gravest fear could not have anticipated the calamitous descent into violence" following Watts (2009, p.14). These renewed violent attacks were more devastating, sophisticated and well-coordinated than the previous ones before the amnesty. The new attacks were even captured by BBC News (2016) and the Economist (2016). On the 10th January 2016, there was an attack on the Bonny Soku Export pipeline in Warri, Delta state. Three weeks later, on 14th February 2016, an under-water oil pipeline to Shell's Forcados export terminal in Niger Delta was damaged. Holodny (2016) said the highly sophisticated attack closed down 250,000 barrels of daily crude oil export and reduced gas supplies to indigenous power plants. The Shell Forcados attack was the first of its kind on a subsea pipeline in the country (Alike, 2017). On February 19th, Clough Creek Tebidaba Agip pipeline Manifold was blown up in Bayelsa state and the Chevron Valve Platform was attacked with dynamite on the 5th of May which caused damage to the platform (Guardian, 2016).

According to Allen (2012), the Niger Delta people are seeing the multinational oil companies as the enemy within, but the government is telling Nigerians to believe that it is their best friend. Allen's (2012) view can be likened to the popular phrase in Nigeria that the 'police is your best



friend' but many Nigerians see it the other way round (Aaron 2015). Allen (2012) further argued that oil development is fuelling social, environmental and political conditions for a permanent state of unrest. The group behind the new attacks in 2016 called itself 'Niger Delta Avengers' (NDA) and they distanced themselves from other known groups in the region, for example MEND, who they claimed as inaccurate representatives of the Niger Delta people.

Chiroma (2016) concurred to the fact that the NDA are extremely dangerous as all their attacks came in quick succession and were well synchronised in both sophistication and measure. The evidence of their sophistication can be seen in the coordinated attacks on both underground and underwater oil facilities in Nigeria. These new militant groups according to BBC News (2016) boast that their members are young, frequent travellers who are educated in Eastern Europe. The underwater attack on a Shell oil pipeline in February 2016 indicated a high level of technical skill (BBC News, 2016; Guardian Newspaper, 2016). Table 1.2.1 below gives account of some of the attacks by the new groups.

The militants behind the renewed attacks on oil installations appeared to be from new groups whose names were never heard of before in the region. Writers like Ebiede and Langer (2017) are of the views that this renewed violence by new militant groups is a result of the many shortcomings of PAP. In March 2016, a group named Niger Delta Avengers (NDA) announced its existence and claimed responsibility for the January and February attacks on oil facilities (the attacked oil facilities belonged to Shell Petroleum). Other groups also announced their existence. The new groups claim to address the grievances of the oil communities in the Niger Delta region. These new militant groups include the NDA, Red Scorpions (RD) and the Niger Delta Greenland Justice Movement (NDGJM). They attacked the region's oil facilities and crippled Nigeria's oil dependent economy as oil production dropped from 2.2 million to around 1.1 million barrels per day in 2010 (Presidential Amnesty Publication, 2014).

**Table 1.2.1: Some renewed attacks on oil facilities 2016**

<b>Date</b>	<b>Oil facilities attacked</b>	<b>Fatalities</b>
10 <sup>th</sup> January 2016	Bonny Soku Export line in Warri, Delta state was attacked Niger Delta Avengers (BBC News, 2016).	No recorded human casualties, unspecified amount of oil spilled into the sea.
4 <sup>th</sup> May 2016	Chevron Valve Platform at Abiteye in Warri South, Delta state. Niger Delta Green Justice Movement claimed responsibility (Owolabi, 2016; Press TV, 2016).	No recorded human casualties, unspecified amount of oil spilled into the environment.
5 <sup>th</sup> May 2016	Escravos-Lagos oil installation system linking Warri to Lagos was destroyed. Niger Delta Green Justice Movement further claimed responsibility (Owolabi, 2016).	No recorded human casualties, unspecified amount of oil spilled into the environment.
13 <sup>th</sup> May 2016	Chevron was hit again just barely a week after repairs on the facility in Makaraba oil field was attacked by Niger Delta Green Justice Movement (Owolabi, 2016).	No recorded human casualties, unspecified amount of oil spilled into the environment.
20 <sup>th</sup> May 2016	The Escravos-Lagos oil installation system linking Warri to Lagos was attacked again after some repairs were done. Red Scorpions claimed responsibility (Maclean, 2016).	No recorded human casualties, unspecified amount of oil spilled into the environment.
1 <sup>st</sup> June 2016	Multiple attacks were carried out again on Chevron's RMP23 and RMP24, hit by the Niger Delta Avengers (BBC News, 2016; Opejobi, 2016).	No recorded human casualties, unspecified amount of oil spilled into the environment.
2 <sup>nd</sup> June 2016	Agip oil pipeline was blown up in Ogboinbiri-Tebidaba creek, Bayelsa state by the Niger Delta Avengers (Opejobi, 2016).	No recorded human casualties, unspecified amount of oil spilled into the environment
3 <sup>rd</sup> June 2016	Agip Brass Tedidaba crude oil line in Bayelsa state was attacked.	No recorded human casualties, unspecified amount of oil spilled into the environment

	Niger Delta Avengers claimed responsibility (Opejobi, 2016).	
15 <sup>th</sup> August 2016	No reported attacks on oil installations but deployment of military personnel and heavy military artillery; reports of heavy fighting between military and militants (Maclean, 2016; Opejobi, 2016; Press TV, 2016).	No exact number but casualties were recorded on both sides' military and militants.
10 <sup>th</sup> -23 <sup>rd</sup> September 2016	Militants blew up an oil pipeline belonging to Shell petroleum. Niger Delta Avengers claimed responsibility (BBC News, 2016; Opejobi, 2016).	Photographs of some captured Nigerian soldiers being humiliated was released, it was not stated if the soldiers were eventually released alive or killed by the militants.
25 <sup>th</sup> October 2016	One attack on Chevron oil facility in Warri was reported; there was another heavy gunfire exchange between Nigerian soldiers and some militants (BBC News, 2016; Maclean, 2016; Opejobi, 2016).	No exact number but casualties were recorded on both sides of the military and militants.

Sources: Owolabi, 2016; Maclean, 2016; BBC News, 2016; Press TV, 2016; Opejobi, 2017.

It is still unclear who was behind the January 2016 bombings of the two Shell petroleum oil installations, but the attacks occurred just a few days after a very powerful ex-militant leader known as Tompolo (discussed in subsequent chapters) was charged by the Economic and Financial Crimes Commission (EFCC) with money laundering and partnering with the National Maritime Authority to divert N32 billion (\$170.73 million) in state funds (Fick, 2016). Onuoha (2016) agrees with Fick (2016) that some attributed the new violence to Tompolo, the ex-militant leader who is currently (trial on-going at the time of writing this part of the thesis 15/07/2021) put on trial in the Federal High Court Lagos in absentia on corruption charges. Others, however, are blaming President Buhari's handling of the presidential amnesty programme. Tompolo has persistently disassociated himself from these new militant groups.

Holodny (2016), Vanguard (2016) and Kanason (2016) argued that these new groups emerged mainly due to inadequacies of the PAP and the demands or goals of these new groups are different from those of the previous militant groups. Among their demands are the immediate release from detention of Nnamdi Kanu (the leader of IPOB, a secessionist group for Southeast geo-political zone of Nigeria (to be discussed subsequently) who stood trial for treason; release from detention of retired Colonel Sambo Dasuki (a former national security adviser to the government of Goodluck Ebele Jonathan) who was on trial for mismanagement of over £1.3 billion meant to fight the Boko Haram insurgency and for criminal breach of trust while in office that the government considers to be a crime. The new group also demanded for the de-freezing of Tompolo's account who had been declared wanted by a high court for refusal to appear before it on charges brought against him by the EFCC. On its website, the NDA threatened that the Niger Delta people would no longer continue to live in Nigeria (a threat to secede) unless the present Federal structure is completely re-structured to address the issue of resource control and true federalism (Niger Delta Avengers, 2017).

Based on the threat made by the ex-militants on the eve of the 2015 general elections, and with this renewed violence, it became pertinent to explore the PAP and to find out if the groups who made this threat are executing their plans. Because of this, the current research seeks to find answers to the research questions outlined below.

### **1.3 Objectives of the study and research questions**

This research work has three primary objectives. First, before the renewal of the conflict in 2016, there were several others, hence, the need to have an understanding of the persistent militant activities in Niger Delta region by reviewing the multifaceted dynamics of some of the key issues and circumstances like the perception of the Niger Delta militants as criminals (and their various criminal activities) and their emergence as militant groups, activities of the multinational oil companies on the Niger Delta environment and what the companies are doing to provide support to the host communities. From the works of the likes of Emeseh (2011), Ebiede (2017), Nwajiaku-Dahou (2010), Okonta (2006), Obi (2014) and Obi and Rustard (2011), we know that negative activities of both the Niger Delta militants and some of the companies on the oil and gas sector

are enormous and include the destruction of the environment, kidnapping of expatriates, illegal oil bunkering or oil theft, etc. Some events (details in subsequent chapters) shaped this persistent conflict and reviewing them not only gives an understanding of the link between politicians and armed groups, but also of the rationale for the research and research questions.

Second, based on the literature review, the study will find out the reason(s) behind the renewal of hostilities in the Niger Delta in 2016 despite the Presidential Amnesty Programme (PAP). Views varied on who is/are behind these new hostilities bearing in mind that the possibilities of occurrence of such hostilities were issued as threats on the eve of the 2015 general elections.

Finally, because of the various divergent opinions on the amnesty like Omokhoa, 2015, Ako, 2012, Hinshaw, 2012, Aluede, 2012 and Obi, 2014 among others, the study will thoroughly examine the PAP under late President Umaru Yar'adua whose idea it was and President Goodluck Ebele Jonathan who eventually implemented the amnesty. It is important to review the amnesty which according to Schultze-Kraft (2017, p.615) were not built on a communally agreed upon peace-making process amongst the government in Abuja and the militant leadership.

For every research work, there must be research questions that are the foundation stones for the whole research work (Kelly, 2012, p.99). Asking the right questions is vital in addressing a research problem. There is a programme (PAP) in place, which is meant to address the Niger Delta problem with more focus on the attacks on oil facilities, and unfortunately, the same problem not only resurfaced but also turned out to be more severe than before. To address its research objectives, the study seeks to provide answers to the following questions:

- Why the renewed hostilities on oil installations in 2016?
- Was the Presidential Amnesty Programme (PAP) under late President Umaru Yar'adua genuinely packaged for the interest of the Niger Delta region?
- Was the Presidential Amnesty Programme (PAP) under President Goodluck Ebele Jonathan implemented as conceived by his predecessor?

## 1.4 Research gap

Many studies on the Niger Delta region concentrated either on theoretical issues or on the activities of the multinational oil companies without paying more attention to the impacts of militant activities on Nigeria's oil and gas sector and even their own environment. Equally, Olaniyan (2017, p.10) suggests that multiple studies have appeared on the various ways the multinational oil companies have contributed to the destruction of the Niger Delta environment with little mention of the other key culprits, the militants. Indeed, no discovery was made on the renewed hostilities in 2016 by examining PAP, the possible short sightedness may have contributed to the renewed violence.

One study relating to the Niger Delta conflict with emphasis on causes of the Niger Delta conflict and disarmament, demobilization, and reintegration (DDR) was discovered to have used mixed methods; the study was carried out in 2011, which is five years before the renewal of attacks in 2016. Okunofua (2011) conducted a survey and interviews to compare the disarmament, demobilization, and reintegration achievement rates between individuals in the Niger Delta region who were registered into the program and those who were not. The study concludes that

*“ while evidence of some level of macro success is clearly indicated in addition to some level of impact on the lives of program participants, the failure to adequately link the DDR to broad economic and social development programs may obviate the tentative gains made and plunge the region into potentially more devastating rounds of violent insurgency and counter-insurgency” (Okunofua 2011, p.3).*

Part of Okunofua's (2011) fear became a reality in 2016 with the renewal of the conflict. Among the gaps this study seeks to fill is a critical examination of PAP under Umaru Musa Yar'adua and under Goodluck Ebele Jonathan and how neglecting key issues may have been responsible for the renewal of the hostilities on oil installations in 2016.

## 1.5 Contextual framework: State Corporate Crime Theory

The Nigerian government is “tied to Shell's apron string”, and because of the enormous economic revenue Shell contributes to the treasuries of the government, the company is commonly seen as “dictating the pace of legislation and influencing its enforcement to Shell's advantage” (Civil

Liberties Organisations 1996, p.16). An examination of the activities of both Shell and the Nigerian government on one hand, and their individual activities on the other hand could provide evidence for state-initiated and state-facilitated crimes.

Civil Liberties Organisations (1996), Cui (2014), Dickson (2010), Frynas (1998), Obasi (2003), and Oluduro (2014) share the view that while some of the multinational oil companies operating in the Niger Delta region could be in part absolved from involvement in the whole Niger Delta conflict, the case with Shell is almost impossible because it is the largest and most influential in the sector. The killing of Ken Saro-Wiwa and other Ogonis in 1998 by the Nigerian government contributed immensely to the interest to scrutinize the relationship between Shell and the Nigerian government because the killings as prophesied by Ken Saro-Wiwa helped in the formation of militant armed groups in the region.

One of the better ways to understand a social phenomenon is to look at it through the views of relevant theoretical frameworks. As mentioned earlier, this thesis will explore PAP, renewal of the conflict and other related issues through State Corporate Crime theory. Friedrichs and Rothe (2014, p.148) acknowledged that state corporate crime is both crucial and useful for an understanding of a complex world. In exploring the State Corporate Crime theory, attempts to establish the links between this thesis and the theory's arguments will be made. The State Corporate Crime theory was chosen because it provides a better application to the thesis. While the State Corporate Crime theory deals with the crimes of the state and corporate organisations, the Resource Curse theory for example, is on less economic growth despite abundant natural resources. The Resource Curse theorists attempt to clarify why nations that are more affluent in natural resources are poorer, more un-democratic and have lower economic growth (Auty, 2003; Hausmann & Rigobon, 2003). Views of scholars like Whyte and Ignasi further supported this study's choice of State Corporate Crime theory because they suggest that "the regulatory practices that govern the production of oil are based upon one over-riding principle: the permission to continue the extraction of oil at the most profitable rate of production" (Whyte & Ignasi, 2016, p.78).

The concept of State Corporate Crime first came into public appearance in the works of Kramer and Michalowski in 1990, providing the background for examining how companies and governments interconnect to produce social harm (Kramer et al., 2002, p.4). Kramer and Michalowski (1990) define the term State Corporate Crimes as *“illegal or socially injurious actions that occur when one or more institutions of political governance pursue a goal in direct cooperation with one or more institutions of economic production and distribution”* (p.4).

According to Griffin and Spillane (2016), Sutherland (1940, p.2) is credited for the concept of corporate crime in the universe of academic criminology. Sutherland’s work gave critical criminologists like Kramer and Michalowski the impetus to develop the “state corporate crime” theory. State Corporate Crime according to Whyte (2009, p.34) might also include the categories of “corporation initiated” and “corporation facilitated” crime. Concerns on the crimes of the powerful have historically been treated as a mildly interesting diversion from the real business of crime and criminal justice, or at worst as the rebel cousin of the family (Whyte, 2009, p.1).

The State Corporate Crime theory by Kramer and Michalowski (1990) identified two forms of state corporate crime i.e. state-initiated and state-facilitated. State-initiated occurs when corporations employed by the government engage in organizational deviance at the direction of or with the silent approval of the government. State-facilitated occurs when governmental regulatory agencies fail to restrain deviant business activities because of the direct collusion between business and government or because they adhere to shared goals whose attainment would be hampered by aggressive regulations.

Lasslett (2014) and Bernat & Whyte (2016) posit that corporate initiated state crime happens when companies (e.g. Shell) directly employ their economic power to force states into taking deviant actions (like the allegation that Shell asked the Nigeria Government to execute Ken Saro-Wiwa). Corporate facilitated state crime happens when companies either offer the means for states to commit a crime (an evidence could be Shell’s buying of weapons for the Nigeria security personnel), or when a company refuses to inform the public about state criminality because the deviant practice(s) directly or indirectly benefit the company concerned. Renewal of the 2016 hostilities on oil installations was a result of “injurious actions” (Kramer & Michalowski 1990, p.4)



that occurred from the failure of PAP as implemented by the Nigerian government and supported by multinational oil corporations operating in the country.

The killing of the Ogonis is an example of alleged state-initiated and state-facilitated crime. The details of the killings are contained in a leaked memorandum dated 12<sup>th</sup> May 1994, sent to the governor of Rivers State and signed by the State Internal Security Task Force, mentioned that “Shell operations still impossible unless ruthless military operations are undertaken for smooth economic activities to commence”. Schemes recommended include “wasting operations during MOSSOP and other gatherings, making constant military presence justifiable” (Human Rights Watch Report 1999, p.6; Lewis 1996, p.6). The company (Corporate) initiated it and provided the funds while the government (State) facilitated it through its security personnel that killed their innocent citizens. Both Shell and the government denied the authenticity of the documents, Shell’s mere denial was not enough to absolve it from the killings that occurred over four years, which led the company in 2009 to pay £9.6million in settlement of legal action for its complicity in the killings (Pilkington, 2009, p.1).

Cruciotti and Matthews (2006) cited the oil spill incidence of Exxon Valdez (incidence discussed in this study) as an example of state corporate crime. The authors argued that the poor decisions made by the oil Company, the Pipeline Service Company, the Alaskan state, the US Coast Guard, and the USA government allowed the accident to happen. Some of the activities of multinational oil companies operating in the Niger Delta region are examples of state corporate crimes both state-initiated and state-facilitated as elucidated by Lasslett (2014). The State Corporate Crime theory is considered a very useful perspective in understanding the complex nature of the Niger Delta crisis.

Multinational oil companies, the State and Federal Government, regulatory agencies, Niger Delta communities and militants made up the complex nature of the Niger Delta conflict and State Corporate Crime theory may be able to provide an explanation of the link between them. The multinational oil companies (Shell in particular) sometimes coerce both the State and Federal Government to do what the company wants, like using the Nigerian army and police to violently suppress peaceful protesters and the killing of Ken Saro-Wiwa (more details in subsequent

chapters). Part of the complexities of the conflict argued by Asuni (2009) is that the kidnapping by Niger Delta militants turned into a lucrative business in Port Harcourt, Rivers State, that was not in any person's interest to end for the reason that even government hostage negotiators and Nigerian security agents were involved and partaking in the proceeds of the act of kidnapping.

AkpoBari (cited in Smith, 2010, p.2) claimed that Shell and the government of Nigeria are seen as "two sides of the same coin" because Shell has an eye and ear in every agency or ministry in Nigeria. Shell is even regarded as more powerful than the Nigerian government. According to a leaked diplomatic cable, Shell claimed that it had inserted staff into all the main ministries of Nigeria giving it access to every government policy and all Niger Delta politicians' every move in the region (Smith, 2010, p.2). Shell according to Sokari (n/d) is an empire in itself that is greater than the Nigerian government. Shell is also not friendly to new entrants into the Nigeria oil and gas sector. According to Smith (2010, p.1), there was a meeting in 2009 at the US embassy in Abuja between the US Ambassador to Nigeria, Robin Renee Sanders and Ann Pickard, Shell's vice-president for sub-Saharan Africa. The latter showed the former how the company had obtained a letter displaying that the Nigerian government had invited bids for oil concessions from China and Russia but when the then Minister of State for Petroleum was confronted by Shell, he denied the letter had been sent. Shell sought to gain sensitive intelligence from the American Government about the two rival oil companies in Russia and China that had submitted bids for oil concessions to the Nigerian government (Smith, 2010).

Former Nigerian Minister of Petroleum Resources Diezani Alison Maduekwe (currently involved in a global bribery scandal involving hundreds of millions of pounds that has pulled in financial investigators from London and Dominica to Houston was a former employee of Shell (Flanagan, 2018). The present Minister of State for Petroleum Resources, who also acts as the Group General Manager of the Nigeria National Petroleum Corporation, was a former employee of Texaco and ExxonMobil (African Business Central, 2015).

At least 500 oil spill related cases (2000-2015) have been filed in Nigerian Courts against Shell. The company hardly obeys court rulings in Nigeria because of disregard for constituted authority. ExxonMobil of recent (details in subsequent chapters) has refused to obey the Nigerian Supreme

Court rulings. This evidence supports the insinuation that the multinational oil companies are bigger than the Nigerian Government (Friends of the Earth Netherlands, n/d; Aribisala, 2018).

Until recently, no regulatory agency in Nigeria's oil and gas sector has ever taken effective action against any multinational oil companies operating in the Niger Delta region to enforce the law. There are relevant laws (discussed in the regulatory agency sub-section) meant to sanction any deviant multinational oil company in Nigeria. The only regulatory agency to have enforced the law on deviant multinational oil companies is the National Oil Spill Detection and Response Agency (details under the oil spill sub-section). The agency fined Shell \$3.6 billion for the Bodo oil spill; again, business as usual, Shell is yet to obey the court ruling.

## **1.6 Limitations**

The study adopted mixed methods because of the benefits from combining both qualitative and quantitative approaches. Self-administered questionnaires were used to collect quantitative data and qualitative data were from interviews. The qualitative data were analysed manually and SPSS was used for the quantitative data. Following data analysis and discussions, aspects of findings were consistent with results of various previous studies.

This study is not exempted of limitations. It is considered ideal for a researcher to acknowledge any limitation. Limitations could come up because of the amount of information a research respondent wish to reveal. Recruiting the right research participants is vital to the success of this study (Singleton & Straits, 2005). The success of any study largely depends on the information given by the research participants; the study was not able to recruit a large number of participants because of time constraint. The disruption of fieldwork limited the number of qualitative research participants from fifteen to eleven.

Limitations remain an integral part of an academic research of this nature and the primary limitation of the current study was the inability to recruit any research participants from any of the oil companies, especially Shell. Their participation may have explained further issues like the corruption scandals, environmental degradation and others. Getting the opinions of the oil companies would have provided a better understanding of their role in the renewal of the

conflict. Smith & Hodkinson (2005) suggest that a researcher can only try to step out of their own societal position because complete objectivity in all social science research is not achievable. The views of some ex-militants could have further enriched the result but because of ethical issues like safety of the researcher, ex-militants could not participate.

## **1.7 Overview**

This thesis encompasses eight chapters.

### **Chapter One**

This chapter begins with an introduction where a part of the Niger Delta conflict is introduced together with other conflicts in Nigeria. It also includes the background of the study, its objectives and research questions, outlines the research gap, and further explores the State Corporate Crime theory as the theoretical framework.

### **Chapter two**

This chapter discusses the history of Nigeria, the six-geopolitical zones and the area known as the Niger Delta region. Agencies and ministries saddled with responsibilities to regulate the oil sector are discussed as well as the three major oil companies: Shell, ExxonMobil and Chevron whose brief history and general activities are highlighted. The chapter further explores how the activities of the oil companies affect the environment. The alleged complicity of Shell in the killing of Ken Saro-Wiwa is discussed and others that some claimed to have laid the foundation for militancy in the Niger Delta region (Dickinson, 2010; Cui, 2014; Burger, 2011). Along the line, the struggle for justice in the Niger Delta region will be portrayed as well.

### **Chapter three**

The chapter addresses one of the study's objectives which is to explore the presidential amnesty programme under President Umaru Musa Yar'adua and President Goodluck Ebele Jonathan. The PAP was the idea of President Umaru Musa Yar'adua who witnessed its creation and proclamation in June 2009. President Goodluck Ebele Jonathan implemented the PAP, which became engrossed in ethnic politicking that later appears to have derailed the programme. The

purpose of amnesties and Disarmament, Demobilization and Reintegration programmes are discussed in the chapter.

#### **Chapter four**

To have an understanding of the persistent conflict in the Niger Delta region, among the objectives of the study is to provide an insight into the multifaceted dynamics of some of the key issues and circumstances like the perception of the Niger Delta militants as criminals. The chapter begins by discussing the divergent views on how to address the militants, some of these views are explored along the Nigerian legal framework. Their classification and how they emerged together with some significant events are highlighted. Three prominent militants, Mujahid Asari Dokubo of Ijaw Youth Council (IYC) and the Niger Delta People's Volunteer Force (NDPVF), Atake Tom of Iceland and the Niger Delta Vigilante (NDV) and Government Ekpemupolo (Tompson) of the Federated Niger Delta Ijaw Youths (FNDIY) and Movement for the Emancipation of Niger Delta (MEND) are introduced and how they rose from ordinary gang leaders to super-rich ex-militants. The chapter concludes by looking at the link between Niger Delta militants, cults, armed groups and politicians.

#### **Chapter five**

Chapter five and the preceding one are connected, both address an objective of the study which is to give an insight in understanding the multifaceted dynamics of some of the key issues in the Niger Delta conflict. This chapter examines some of the negative activities of the militants such as kidnapping, piracy on the coastal waters and oil theft. The persistent call for secession by Niger Delta militant groups and other ethnic groups in Nigeria is highlighted. A discussion of the Niger Delta region not getting enough of the oil money and the revenue allocation policy forms the concluding section of the chapter.

## **Chapter six**

This chapter makes the case for the chosen mixed method design. With mixed methods, there is a complementarity allowing a researcher to measure overlapping but different elements of a phenomenon (Best, 2012).

A survey and interviews (face-to-face and through telephone) were the primary data collection techniques. The next chapter further explores the debate of the root causes of the Niger Delta conflict, namely ethnic conflict and grievances left unaddressed or opportunism and benefits of instability as argued by Luciani (2011, p.16).

## **Chapter seven**

The chapter presents the results of the survey and the interviews. It is divided into two parts: 7a and 7b. The first part deals with the demographics of the survey respondents, views on the renewal of the conflict in 2016, those suspected to be behind the renewed conflict, and general assessments of the Presidential Amnesty Programme (PAP). The second part is on Shell Oil Company's corporate social responsibility, environmental degradation in the Niger Delta region, regulatory agencies in the oil and gas sector, conflict and unity of Nigeria, and what the Nigerian government is doing about the conflict. Quantitative and qualitative data are presented and analysed in this chapter. Fully integrated mixed data analysis is used, it occurs when there is an interactive mixing of qualitative and quantitative analyses that may be characterised as "iterative, reciprocal, and interdependent" (Teddlie & Tashakkori, 2009, p.280).

## **Chapter Eight**

The findings of the study are in this, the final chapter, as well as the study's limitations and a conclusion is presented.

## **Chapter Two: The Nigerian State and its dependence on the oil and gas sector**

### **2.1 Introduction**

Having looked into social upheavals in Nigeria with emphasis on the renewed hostilities on oil installations in the Niger Delta region, efforts made both past and present to address the conflict in the region, it is considered important to further explore the Nigerian state and its dependence on oil and gas. This detailed introduction is considered relevant because it will give the reader a better understanding of why some incidents or events happen like military coups and counter coups in Nigeria. Due to the complex nature of the research topic, it is believed that a thorough information of this nature will explain the politization of the Niger Delta conflict, lead to better comprehension of the challenges and to finding an enduring solution to the conflict. The introduction will further give an understanding of the structure of the Nigerian state which creates “an inbuilt power struggle among the ethnic groups” (Achebe, 2012, p.51). This inbuilt power struggle is what gave impetus to the Warri crisis that witnessed the emergence of vigilantes cum militants.

### **2.2 The Nigerian State**

Chinua Achebe (2012, p.2) quoted an Igbo proverb that tells us that a man who does not know where the rain began to beat him cannot say where he dried his body. Achebe went further in that the rain that beat Africa began 400-500 hundred years ago, from the discovery of Africa by the Europeans, through the transatlantic slave trade, to the Berlin conference of 1885. That controversial gathering of the world’s leading European powers precipitated what Alkali (1996, p.45) called the Scramble for Africa, which created new boundaries that violated Africa’s ancient societies and resulted in tension-prone modern states.

Alkali (1996) and Ayaji (2002) described that the imperial dream of African conquest became a reality when after the Berlin conference, African societies, hitherto well organized and economically advancing, were fragmented and balkanized into new state formations without due regard to their cultures or historical affinities. The colonial conquerors also gave these new countries their own chosen names. For example, Flora Shaw, the colonial correspondent for the

London Times who seventeen years later married Lord Lugard, gave Nigeria its current name in 1897 (Alkali, 1996). The name Nigeria was adopted in preference to the earlier name 'Goldesia' that was suggested in honor of George Goldie of the infamous Royal Niger company (Alkali 1996).

Nigeria is located in western Africa on the Gulf of Guinea and has a total area of 923,768km<sup>2</sup> (356,669sq mi), making it the world's 32<sup>nd</sup>-largest country. Total land area is 910,768 sq (CIA World Fact Book 2017). Nigeria is bordered with French speaking countries which has many consequences for it like the proliferation of French manufactured arms and ammunitions (Parradang, 2014). Nigeria has a coastline of 853 km which runs mainly through seven states (Ajayi 2002).

Nigeria is the most populous region on the African continent, with many ethnic groups. On the exact number of the ethnic groups, there are different figures. Shehu (2015, p.2) put the figure at 250 while Momah (2016, p.15) put it at 371 ethnic nationalities with each having their own dialects. Momah (2016, p.15) further stated that there are three main languages and ethnic groups i.e. Hausa (dominant in the Northern part of the country), Igbo (dominant in the Eastern part of the country) and Yoruba (dominant in the Southern part of the country) who collectively make up 62% of the population. Other large ethnic groups form 33% of the nation's population while other very minor ethnic groups make up the remaining 5% of the population (Shehu 2015). Image 2.1 presents the map of Nigeria showing the 36 states of the federation including Abuja, the nation's capital. Most of these ethnic groups have their distinct states. Nigeria is one of the most linguistically diverse nations in the world (AfDB, 2015).



**Image 2.1: Map of Nigeria of 36 States**



Source: Google (n/d, a).

### **2.2.1. The Niger Delta region**

The Niger Delta region is the hub of Nigeria's oil and gas production, which accounts for more than 80% of Government revenue and 95 percent of the country's export. Academics, social and political commentators differ on what area is seen as the Niger Delta region in Nigeria. There is an agreement among all writers and scholars that there are two principal definitions of the Niger Delta region, the geographical and political definition. The diverse views of the region show part of the controversies surrounding the Niger Delta. The political definition is given by scholars like Orogun (2010) who posits that the region known in Nigeria as Niger Delta comprises of nine states out of the 37 Nigeria states. The states of the Niger Delta are Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers with an estimated population of over thirty million people.

The geographical concept of the Niger Delta is the area in Nigeria where most oil production takes place, which is made up by three states, Rivers, Delta and Bayelsa (Ibaba, 2011). The political concept comprises the three geographical Niger Delta and six neighbouring states (Abia, Akwa-Ibom, Cross-Rivers, Edolmo and Ondo) where oil mining and production takes place but in lesser quantities than three geographical Niger Delta states. Isumonah (2012) argued that the Federal Government of Nigeria used the political definition of the Niger Delta for sharing compensatory development projects in oil producing states through agencies created for that purpose like the defunct Oil Mineral Producing Areas Development Commission (OMPADEC) that lasted between 1992-1999 and the current agency Niger Delta Development Commission (NDDC) (discussed in subsequent chapters).

Etekpe (2009) mentioned two definitions of the Niger Delta namely, historical and political. The historical includes six states (Edo, Akwa Ibom, Cross-Rivers, Delta, Rivers and Bayelsa) at the time of the establishment of the Oil Producing Areas Development Commission (OMPADEC) in 1992 and nine states (Imo, Ondo and Abia plus the six mentioned earlier) at the time of the NDDC from 2000 till date. These varied opinions of writers, researchers and commentators alike are all evidence of policy inconsistencies that is a norm in Nigeria. Whenever there is a change of government, many of the policies of the outgoing government may go along with that government. It also proves in the views of Achebe (2012, p.47) how minorities of the Niger Delta try to fit "into the tripod of the largest ethnic groups that was Nigeria Hausa/Fulani, Yoruba, and Igbo".

OMPADEC was a military government agency that acknowledged only six states as Niger Delta while NDDC is a civilian government agency that acknowledged nine states as Niger Delta. This study will adopt the political definition of the Niger Delta, NDDC's definition. It is backed by the NDDC Act of 2000 and recognized by the 1999 Constitution of the Federal Republic of Nigeria. The Federal Government of Nigeria created the Ministry of Niger Delta Affairs (MNDA) in 2008 that also recognises Abia, Edo, Akwa Ibom, Cross-Rivers, Delta, Rivers, Ondo, Imo, and Bayelsa as the Niger Delta states (MNDA, n/d).

In a nutshell, the area known today as the Niger Delta region consists of nine states that have oil deposits and exploration (image 2.1.1 shows the map of these nine states). There is a huge difference in the quantity of oil deposits between these states, while the six states under the Southsouth geo-political zone (Akwa-Ibom, Bayelsa, Cross-Rivers, Delta, Edo and Rivers) have large quantities and to an extent Ondo state, the other states have less.

The vast Nigerian crude oil reserves are geologically situated in the Niger Delta region which according to Orogun (2010) consists of states that are ethno-culturally diverse similar to other states that make up the federation of Nigeria. About forty indigenous groups belong to the region. Major cultural groups in the region include the Ijaws, Itsekiris, Urhobos, Isoko, Edos, Igbos, Yorubas, Ogbia, Ibibios, Kalabaris, Efiks and the Ogonis. This region has confirmed crude oil deposits of about 24-31.5 billion barrels and projected 124 trillion cubic feet of natural gas. Despite the abundant wealth in natural resources, there is a complete neglect to transform the natural wealth into economic and social development in the region. The abject poverty and the growing value of oil reserves has created an expression of rebellion that has turned the region into an area of violence and armed conflict (Omotola, 2009).

**Image 2.2.1: Map of Niger Delta and the states in the region**



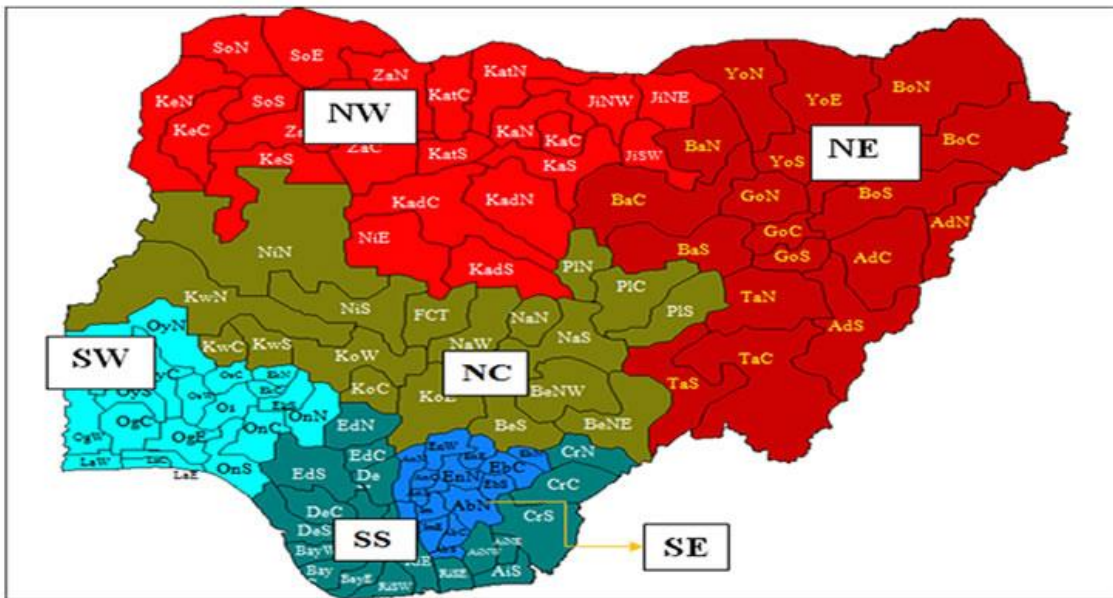
Source: International Business Times, 2015.

### **2.2.2 The six geo-political zones**

Presently, Nigeria is divided into 36 states and a Federal Capital Territory (also known as FCT, Abuja). The 36 states are further grouped into six geo-political zones namely: Northeast (six states), Northwest (seven), Northcentral (six), Southeast (five), Southwest (six) and Southsouth (six). Nigeria's 36 states are politically divided into the six geo-political zones for the purpose of ease of resource sharing (Image 2.2.2 shows a map of the zones). Chinweuba et al. (2014, p.98) argued that the geo-political zones were never created based on geo-political locations but states with similarities in culture, ethnic groups and common history were classified into a zone.

Olawale (2018, p.1) said that the essence of zoning the thirty-six states in six geo-political zones is to keep Nigerians in harmony.

**Image 2.2.2: Map of the Six Geo-political zones in Nigeria**



NW is Northwest, NE is Northeast, NC is Northcentral, SW is Southwest, SS is Southsouth and SE is Southeast. Source: Google (n/d, b).

### **Northeast (NE) geo-political zone**

The states under this zone are six namely Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe. This is the zone where the terrorist group called ‘Boko Haram’ has their solid base. The people are predominantly agrarian and nomadic in nature. There is an on-going search for oil in the zone where over \$3 billion was reported to have been sunk into the exercise by the Federal Government for more than 30 years (Francis & Orizu, 2017; Sanyaolu, 2016).

### **Northcentral (NC) geo-political zone**

There are seven states in the zone including Abuja, the capital of the nation. The states are Benue, Nasarawa, Niger, Plateau, Kogi, Kwara and Federal Capital Territory (FCT, Abuja). The zone is also known as ‘the middle belt’ of the nation. The people of the zone are also predominantly agrarian. In fact, one of the states in the zone, Benue state, is nicknamed ‘food basket of the nation’ while

Nasarawa state is nicknamed 'home of solid minerals' because of an abundance of mineral resources in the state. Yahaya (n/d) claimed that the zone is the most heterogeneous of all the geo-political zones in Nigeria because it is made up of people with various ethnic background who do not understand each other's language.

#### **Northwest (NW) geo-political zone**

The Northwest geo-political zone is claimed to be the largest of the zones and the most populous (Olawale, 2018 p.1). The population of the zone is almost that of the Southsouth and Southeast combined. The zone consists of seven states which are Jigawa, Kaduna, Kano, Kastina, Kebbi, Sokoto and Zamfara. The people of this zone are also dominantly agrarian. Gold deposits in this zone is said to be more extensive than those of the Republic of South Africa. The present state Governor of Kaduna once made a speculation that a local government in the state, i.e. Birnin Gwari local government area, has more gold than South Africa (Egbejule, 2016).

#### **Southeast (SE) geo-political zone**

The geo-political zone is represented by five states which are Imo, Enugu, Anambra, Ebonyi and, Abia (a state in Niger Delta). The zone is homogenous because all the states have many socio-cultural characteristics in common which include religion, ancestral origin, and family system as well as the local language which is Igbo (Ibenegbu, n/d). The zone is abundantly blessed with Oil/Gas and other resources.

#### **Southsouth (SS) geo-political zone**

The zone constitutes the bulk of the Niger Delta region. There are six states under the zone which are Akwa-ibom, Rivers, Cross Rivers, Bayelsa, Delta and Edo. The zone is also heterogeneous like the three in the North. The common feature that binds the people of the zone is religion and they are mainly agrarian. Unfortunately, environmental degradation as a result of the activities of multinational oil companies operating in this zone has denied the people their cherished occupation of farming and fishing. Regrettably, the problem of environmental degradation has no sign of ending any time soon. Ibenegbu (n/d) said the zone that is less than 7% of the total

area of the country is the same that produces what is used in sustaining the nation's economy i.e. oil.

### **Southwest (SW) geopolitical zone**

The zone is the second most populous among the six geo-political zones in Nigeria. The zone is also acknowledged to be the most educationally advanced one; it is even alleged that some households in the zone compete with one another in terms of number of professors in their houses. Nobel Laureate Wole Soyinka is from this zone (Olawale, n/d). The states under the zone are six which include Lagos, Ondo (a state in Niger Delta), Ogun, Osun, Oyo and Ekiti. The zone is also homogeneous because they speak one common local language, Yoruba (Yahaya n/d); Oil/Gas is found in the region.

Dependence on oil revenue and corruption made the northern regions overlook the exploration of its enormous agricultural wealth's and other natural resources. The entire southern zone relies on the north for many agricultural products like beef, vegetables, yam, tomatoes, pepper, and others. Apart from the oil that the entire country is dependent upon, the north is dependent on the southsouth and southwest for palm oil, garri, cassava, cashew, plantain, etc. The southwest provides cocoa, kolanuts, timber, rubber and more to other zones (Shehu, 2015).

### **2.3 The Nigerian economy**

Nigeria is potentially a rich country by all comparative indices, with significant crude oil production, export amounting to about 2.34 million barrels per day, and natural gas exports of about 25.96 million m<sup>3</sup> in 2011 (Shehu, 2015, p.6). Some like Sanusi (2013) agreed that Nigeria is a country with abundant potentials capable of making it one of the greatest economies in the world. Unfortunately, these potentials remain a dream which is yet to be realised.

Shehu (2016, p.23) and CIA Fact Book (2017) postulate that Nigeria is one of Sub-Saharan Africa's largest economies and relies mainly on oil as its primary source of foreign exchange earnings and government revenues. According to BBC News (2007), Nigeria is the economic powerhouse of West Africa that contributes nearly fifty per cent of the regional GDP, primarily through its oil and gas sector. The type of crude oil Nigeria produces needs little refining, however due to

corruption, the country is unable to refine its own petroleum (Samuel, 2014). There are three refineries in Nigeria that are not functioning well and unfortunately, crude oil has to be taken abroad to be refined and sold back to Nigeria (Sanusi, 2013).

The Organization of the Petroleum Exporting Countries (OPEC 2016) put Nigeria's proven crude oil reserves at 37,453 million barrels while the proven natural gas reserves are 5,475.2 billion cubic meters (m<sup>3</sup>). Oil, being the backbone of the nation's economy, plays an important role in not just shaping the economic but also political destiny of the country. The oil boom in the mid-70s is said to have led Nigeria to disregard its strong agricultural and light manufacturing centres in favour of an unhealthy dependency on crude oil (Odularu, 2008). Before the discovery of oil, Nigeria was dependent on the agricultural sector contributing about 95 per cent to its foreign exchange earnings and generating more than 60 per cent of its employment capacity (World Bank 2013 cited in Nweze & Edame, 2016).

The country is presently dependent on oil revenue, Nigeria has earned more than \$340 billion from oil revenue in more than four decades, but over 70 per cent of its population, especially of the Niger Delta region are without basic infrastructure (Obi 2004). Also, poverty has remained the single biggest factor blamed for crimes committed by the less privileged ones in Nigerian society (Isaac, 2010).

In addition to petroleum, Nigeria is one of those countries in Africa that has a wide range of mineral resources. Nigeria is richly endowed with precious metals and industrial stones such as barites, gypsum, kaolin, tin, iron ore, coal, limestone, zinc, lead and marble. In addition, it has large areas of good arable land. Most of these are yet to be exploited and even those that are exploited are sourced at a very low level. Despite abundant natural resources, Nigeria has one of the highest rates of absolute poverty in the world which some blame on poor leadership. The Economist (2007) concludes that the trouble with Nigeria is simply and squarely a failure of leadership.

So attractive and lucrative is the flow of oil money (some refer to it as easy money), that the wealth that comes with it is apparently worth killing for (Polgreen, 2006). In other words, oil money has created a huge income inequality in Nigeria which Emejuiwe (2017) said has given



birth to corruption and insecurity, the two major obstacles to Nigeria's development. Emejuiwe further stated that the Nigerian lawmakers are the highest paid lawmakers in the world with an annual salary of \$189,500, which excludes allowances. Osisioma (2015) concludes that because of skyrocketing remunerations coupled with impunity to misappropriate and embezzle, political and public office holders in Nigeria can turn into multi-millionaires or even billionaires overnight.

Nigeria's economic growth is presently driven by the growth in agriculture, telecoms and services (Niyi, 2018). The country is blessed with agricultural land which CIA Factbook (2007, p.1) put at 78 percent and this partly explained why the present government of Muhammadu Buhari is paying more attention to the agricultural sector with the sole aim of diversifying the economy which has mainly been centred on the oil and gas sector. The present government appears to be working hard to ensure there is less dependency on oil revenue.

### **Relative poverty across the six geo-political zones**

The World Bank (2016, p.16) stated, "Whether poverty has declined and by how much, the debate has been lively in Nigeria recently". Poverty is common in Nigeria, Kazeem (2018) and Kharas et al. (2018) argued that the country has become the poverty headquarters of the world. The level of poverty varies across the six geopolitical zones. There are scanty up to date statistics on relative poverty in Nigeria, even from the National Bureau of Statistics, the agency responsible for gathering vital statistics. An anonymous Northern member of the political elite once stated that "in Nigeria, poverty wears a northern cap; if you are looking for a poor man, get somebody wearing a Northern cap" (cited in Dapel, 2018, p.1). Abject poverty is a principally "northern phenomenon", as the World Bank (2016, p.30) observed that 75 percent of chronically poor families reside in the northern region (northeast, central and west), while a mere 25 percent reside in the south (southeast, south and west).

## **2.4 The Political system**

Nigeria gained political independence on the 1<sup>st</sup> October 1960 but retained Queen Elizabeth II as apparent head of state until the adoption of a constitution in 1963, pronouncing the nation a Republic. Nigeria had a Federal system of Government that lasted until 1966, when the democratic Government of Sir Abubakar Tafawa Balewa was overthrown and Balewa was killed

in a military coup (the coup also played a role in the civil war lasting for about three years), more details in subsequent chapters. The military, which had become extremely politicized, seized power from the civilians claiming to be a force for the restoration of democracy (Ojo, 2014). The 1966 coup was the first military coup in the history of Nigeria and a series of more and more authoritarian military governments ruled the country for 33 years until the restoration of democracy in 1999. The different military regimes were in place between 1966-1975 (under General Yakubu Gowon), 1975-1983 (Generals Murtala Ramat Muhammad and Olusegun Obasanjo), 1983-1993 (Generals Muhammadu Buhari and Ibrahim Badamasi Babangida) and 1993-1999 (Generals Sani Abacha and Abdulsalam Abubakar). A very large part of Nigeria's oil revenue was alleged to have been stolen and embezzled under these military regimes (Toyin, 2015; Ukpere & Frank, 2012; George et al., 2012).

At present, the political system of Nigeria is a Presidential System of government designed after that of the United States of America with executive powers vested in an elected President and the elected 36 State Governors. Nigeria operates as a Federation consisting of three tiers of Government i.e. Federal, State and Local, with a separation of powers and functions between these tiers. The Federal is headed by a President, the States by Governors while Local Governments (774 in number) are governed by Chairmen (Shehu, 2015). The Federal Government is made up of three arms i.e. the Executive (headed by the President), the Legislature or National Assembly (a bicameral legislature headed by a Senate President) and the Judiciary (headed by the Chief Justice of the Federation). The seat of the President is vested with much power that many have been calling for the restructuring of the country because the President has always come from among the three major ethnic groups (mainly between the Hausas, the Yorubas and the Igbos) in the country. Goodluck Ebele Jonathan, an Ijaw man was the first person from a minority ethnic group to rule Nigeria between 2010-2015.

The President is the head of Government, the Chief of Staff and Grand Commander of the army forces of Nigeria, he is entitled to two four-year terms as are the State Governors. The Local Government Chairman's office is subject to State legislation. The country is presently under the leadership of Muhammadu Buhari (a retired General), who had ruled the country earlier in 1987

under Military regime. Nigeria is currently practicing a multi-party system (BBC News, 2015). After the return to democracy in 1999, the country had been ruled by the same political elite using platform of the People's Democratic Party (PDP) that has monopolised power until 2015. The party according to the Guardian Newspaper (2012) and Yemisi (2014) was said to be founded by many corrupt Nigerians like James Ibori who journalists referred to as a petty thief who eventually became one of the richest men in Nigeria. The PDP ruled Nigeria for 60 years probably because all the past military leaders except Muhammadu Buhari were (allegedly) members of the party (Soyombo, 2014). Unfortunately, for the party, between the periods of 2013-2014 the political tide changed against it mainly due to high records of corruption and the country's high level of insecurity (Ogunlesi et al. 2015).

The Government of Goodluck Ebele Jonathan (under PDP 2010-2015) not only witnessed allegations of corruption but also insecurity largely due to terrorism, impunity and lack of freedom of speech. Goodluck Ebele Jonathan, who was fond of saying he never had shoes as a child due to poverty, was alleged to be so corrupt that he was reported in 2014 to have accrued a net worth of about \$100 million (£60 million) (BBC News, 2015). PDP's power monopoly came to an end in the 2015 presidential election which fourteen candidates contested but only the incumbent Goodluck Jonathan of PDP and the opposition party candidate General Muhammadu Buhari of Action People's Congress (APC) stood out as having a realistic chance of winning (Soyombo, 2014; BBC News, 2015).

Muhammadu Buhari of APC who had earlier contested for the presidential election without success won the election. Ardo (2015, p.2) opined that PDP was defeated not because Muhammadu Buhari came with new campaign promises different than what he had promised in his previous election attempts, rather because of PDP's internal politics that includes negligence of key fundamental issues like dishonest leadership - both at governmental and party levels. Ardo (2015) further accused PDP of worsening the poverty level in the country as there is glaring disparity in the earnings and standards of living amongst Nigerians.

Nigeria is an inherently difficult country to rule which Human Rights Watch (2007) attributed to the forced marriage of different ethnic groups to form Nigeria by the Colonial Masters. As in

agreement with Ted Gurr (cited in Ardo, 2015 p.2), expectations were on the rise and reality is nose diving, thus the possibility of rebellion emerged. Nigerians used their voters' card and voted Goodluck Ebele Jonathan out to register their opposition against his government in the 2015 presidential elections, which was postponed for several weeks in order to buy more time when the incumbent perceived the momentum of the rebellion. Despite the postponement on the grounds that the military could not guarantee security for the election and needs six weeks to end the Boko Haram insurgency, a move which some became suspicious of because there was no magic that will end an insurgency that the same military had been confronted with for almost six years (Adekoya 2015). Also, Obasi (cited in Baker 2015) said the postponement was nothing but pure politics because Jonathan and his ruling party PDP were in shallow waters and desperately needed to buy time to regain steam. Among the disturbing part of Goodluck Ebele Jonathan's presidency was his inability to at least address some key problems in the Niger Delta region, although Jonathan was not just the first to come from the region but the first from a minority ethnic group to rule Nigeria.

Okeowo (2015) concludes that ethnic divisions have driven the Nigerian politics since the Colonial masters brought together all the ethnic groups with no particular commitment to each other to form the country Nigeria. Voting has always been on an ethnic basis rather than on issues, campaigns are mostly based on sentiments not on issues and politicians distribute their resources and attention along ethnic lines (Okeowo 2015). Some as the only election in contemporary Nigeria saw the 2015 general election in that the ethnic divide among the six geo-political zones was not very pronounced except in two zones i.e. the Southsouth (where the incumbent came from) and the Southeast. Muhammadu Buhari was largely voted for because he is regarded as above corruption and to have greater incentive to address the single most dangerous problem in the country which is the Boko Haram insurgency.

## **2.5 The Legal system**

Nigeria's legal system is largely influenced by the legacies of colonialism. Many of the laws that govern the nation's judiciary are based on the concepts created by the British Commonwealth (Federal Judicial Service Commission, n/d). Sokefun and Njoku (2016) also corroborated this fact

when they said that the Nigerian legal system is fundamentally a colonial inheritance which springs from British colonial rule in Nigeria. Nigeria operates a mixed legal system consisting of English law, Islamic law and traditional law. It also has a written constitution which is the supreme law of the land.

The present Constitution came into effect on the 29<sup>th</sup> of May 1999 when the Military government of General Abdulsalami Abubakar handed it over to the elected government of Chief Olusegun Obasanjo. The Constitution is popularly referred to as the '1999 Constitution'. The Constitution recognises Courts as either superior or Lower Courts. The Constitution identified these Courts as superior, listing based on order of hierarchy: the Supreme Court, the Court of Appeal, the Federal High Court, the High Court of the Federal Capital Territory, a High Court of State, the National Industrial Court, the Sharia Court of Appeal of the Federal Capital Territory, Sharia Court of Appeal of a State, the Customary Court of Appeal of the Federal Capital Territory and the Customary Court of Appeal of a state. The lower courts are the Magistrate Courts; Sharia courts and customary courts. Federal Courts like Federal High Courts and Appellate Courts have Federal jurisdiction while the State Courts have jurisdiction over state matters. Final decision on all appeals is with the Supreme Court (Shehu, 2015).

All courts in Nigeria base their jurisdiction on the Constitution (Sokefun & Njoku, 2016). With regards to the hierarchy of laws, after the Constitution, which is the supreme law of the land, the Act of National Assembly takes superiority over any other law, followed by State laws, by-laws, regulations or directives arising from an existing law. There are two distinct criminal legal systems in place created by colonial masters, and these are the criminal code, which is mainly applicable in the southern parts of the country, and the penal code (drawn from a mixture of the Glorious Quran and the Hadith) applicable in the northern parts. The difference in criminal legal system is said to be a result of accommodating the differences in the lives of people of northern and southern Nigeria (Onanuga et al., 2012). There is an on-going effort by the present government to merge both the criminal law and penal code.

The 1999 Constitution is full of many inconsistencies that some are even questioning its authorship based on its preamble, which states that 'we the people of the Federal Republic of

Nigeria hereby agreed'. The 'We' which referred to all Nigerians does not really reflect the views of Nigerians because the selection process of those who drafted the constitution was based on military influence and dictates which some argue to lack any form of democratic process. Senior Advocates of Nigeria (SAN) like Yusuf O. Ali (n/d) among others have consistently questioned the authorship of the Constitution and they concluded that it is nothing but military enactments/degrees, which were endorsed by few persons selected by the military government to represent Nigerians. The Constitution in the views of Emeseh (2011, p.70) is nothing but an "unjust law". Schultze-Kraft (2017, p.619) referred to it as a constitution which "the military government had passed without popular consultation before leaving office". One is tempted to ask why since 2003 many Nigerians have been calling for a thorough review of the Constitution. Although, some insignificant changes have been made to the Constitution since it came into existence. There is also an on-going effort by the present National Assembly to amend the constitution.

The Judiciary is one of the most corrupt institutions in Nigeria, not only undermining the fight against corruption in the country but also undermining the right to justice by under-privileged Nigerians (Hamza 2010). The Judiciary in Nigeria is hardly seen as the last hope of the common man because justice within the institution always appeared to be for the highest bidder. According to a 2017 report by the United Nations Office on Drugs and Crime (UNODC), the judiciary (some Judges) is considered the second most corrupt institution in Nigeria. The police are considered the first most corrupt institution (UNODC, 2017). The corruption in these institutions can also be a reason why oil-producing communities are seeking for justice abroad. It helps in understanding why multinational oil companies are hardly punished or sanctioned in Nigeria.

Reiman (1990) had argued that the criminal justice system in some countries is not meant to reduce crime or to achieve justice but to project the visible image of the threat of crime to the public. In Nigeria, corruption has eaten deep into the criminal justice system to the extent that the life of a less privileged Nigerian has little importance. For example, Mustapha (2012) reported that a judge in Plateau state sentenced one Obinah John (26 years old) to death by hanging for

stealing the sum of about £4.40 and two rolls of a sachet milk valued at about £1. In addition, Silas (2017) reported another judge in Lagos state to have sentenced a 25-year-old hairdresser to death by hanging for stealing a laptop and a phone. Ujumadu (2017) reported that a judge in Anambra state sentenced two young men to death for stealing a woman's handbag and a Nokia phone.

Ironically, in 2009, a judge in Delta State (second richest state in Niger Delta) dismissed all money laundering charges against James Ibori, a former governor of the state. The judge was alleged to have been bribed with \$5 million to clear James Ibori of all forms of corruption related charges brought against him by the Economic and Financial Crimes Commission (BBC News, 2009; Ekeke, 2012). Unfortunately for James Ibori, he was arrested in 2010 by Interpol in Dubai and extradited to the United Kingdom in 2012 where he was tried, pleaded guilty and was sentenced to 13 years in jail by a London judge for the same offences he was cleared of by a Nigerian judge. Among his crimes was the embezzlement of about \$157 million and the inability to justify buying properties in the UK worth over \$35 million when his salary as Delta State Governor was less than \$25,000 (Shirbon, 2012; Guardian Newspaper, 2012).

Additionally, in 2013 according to Ezeamalu (2013, p.1), a Federal high court judge convicted and freed a criminal. This was not an ordinary Nigerian criminal but an elite Nigerian criminal who has been in the Nigerian civil services for years and had risen to the position of Assistant Director: The Economic and Financial Crime Commission (EFCC) dragged Mr John Yakubu Yusuf to the Federal High court in Abuja for embezzling approximately £127,880,000 million. The accused pleaded guilty to the three charges brought against him, yet to the greatest surprise of many, the Judge sentenced the accused to just two years in jail or a fine of about £999.60 for each of the charges. The convicted man paid the money instantly and was driven home in his high-class Mercedes Benz sedan. The judgement seems to have been arranged which attracted immediate outrage and astonishment in the court (Ezeamalu, 2013; Premium Times, 2013; Shehu, 2013). The EFCC lawyer Rotimi Jacobs (SAN, i.e. Senior Advocate of Nigeria) was reported to have been in tears and found it surprising (Nnanna, 2013).

The Federal Government under Muhammadu Buhari is said to be vigorously fighting corruption in the country but unfortunately, the judiciary seems to be the major obstacle in the fight. It did not come as a surprise to many Nigerians when in October 2016, the Federal Government gave the country's secret police (known as Department of State Service i.e. DSS) a marching order to invade and search the homes of seven senior allegedly corrupt Judges which included two Judges of the Supreme Court. The DSS reported that a large amount of cash in both local and transnational currencies were recovered from the Judges who were arrested and detained (Vanguard 2016). One of the Judges was alleged to have stashed about two million US Dollar (\$2,000,000 USD) in his house but unfortunately, the DSS could not thoroughly search the Judge's house because the state governor mobilized thugs with support from another security agency to disrupt the operation (Vanguard 2016). The sum of cash recovered during the searches included 93,558,000 naira; \$530,087; £25,970 and €5,680 (Ugwuanyi 2016). Reuters (2016) reported that about \$800,000 were seized in the raids on the Judges.

On the 15<sup>th</sup> October 2016, Vanguard Newspaper Editorial claimed that many Nigerians see the arrest of the Judges for alleged corruption as long overdue. These are just a few cases meant to give a glimpse of the Nigerian justice system. The raids on judges that expose how corrupt some of them are also explain why powerful individuals are getting away unpunished when they commit crimes in Nigeria - powerful individuals can easily buy justice<sup>2</sup>.

## **2.6 Discovery of oil in Nigeria**

Part of the colonialist drive was the quest for natural resources and cheap labour, so was the drive for the discovery of oil in Nigeria. The pursuit of a secure supply of oil within the British Empire resulted in the search for oil possibilities in many African colonies, especially along the West Coast where oil seepages occurred over a wide area (Steyn, 2003, p.180; Obasi, 2003, p.1; Oluduro, 2014, p.25).

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<sup>2</sup> For the regular occurrence of cases in Nigeria, in which justice is for the highest bidder, see Premium Times (2017); Oliomogbe, Akenzua and Aliu (2017); Young (2017) and Parfitt (2015).



The first shipment of Nigerian crude oil exports (8500 tons) arrived in Rotterdam on 8 March 1958. The colonial government, in line with new developments in world oil politics in the 1950s, also passed the Petroleum Profits Tax Ordinance in 1959, in terms of which the Nigerian government obtained 50 % of the profits of the oil companies (Tamuno, 2011, p.15; Civil Liberties Organization, 1996, p.3; Ikime, 1977, p.21).

At Independence in 1960, Nigeria had a small oil industry in which Shell-BP produced 20,000 barrels per day (Oluduro, 2014, p.25). Notwithstanding a strong competition in the world oil market due to over-production in the early 1960s, the Nigerian oil industry grew at great pace in the decades for both political and economic reasons. Politically, the closeness of Nigeria to the major industrial markets and its location along the Atlantic coast on the right side of the Suez Canal made it a cherished oil source, especially in times of political instability in the Middle East. Economically, the low sulphur content of Nigerian crude, in comparison with the relatively high sulphur content of most major oil producers (Saudi Arabia, Kuwait, Iran and Iraq) made the country's crude oil very popular on the Western markets (Steyn, 2003, p.182).

The promising oil production enticed a number of multinational oil companies into Nigeria. The oil industry is organised into three sectors, the upstream, the downstream and the service sector. The upstream sector is characterised by exploration and production of crude oil, it is the most important sector in the nation's economy. The downstream sector involves transmission, refining and marketing of petroleum products. The oil service sector provides exploration support services and drilling services, among others (KPMG, 2014).

Within five years of Independence, no fewer than nine multinational oil companies had become very active in Nigeria. These multinational oil companies are Shell-BP, Mobil, Tenneco, Texaco, Gulf (now Chevron), Safrap (now Elf), Agip, Philip and Esso. Japan Petroleum, Occidental, Deminex, Union Oil, Niger Petroleum and Niger Oil Resources soon joined these multinational oil companies in the late 1960s. The peak of that period was the creation of the Nigerian National Oil Corporation (NNOC), the predecessor of the Nigerian National Petroleum Corporation (NNPC), and the admission of Nigeria into the Organisation of Petroleum Exporting Countries

(OPEC) in July 1971 (Obasi, 2003, p.1). NNPC is the major government regulatory agency in the Nigerian oil and gas sector.

### **2.6.1 Nigerian National Oil Corporation (NNOC)/Nigerian National Petroleum Corporation (NNPC)**

The Nigerian National Oil Corporation (NNOC) was created under Nigeria Federal Government Decree No. 18 of 1971, as the overseer of Federal Government's interest in the oil and gas sector. It became very key to the Nigerian economy. The corporation and its successor is fully owned by the Nigerian state, its mandate was to "participate in every aspects of petroleum that include exploration, production, refining, marketing, transportation and distribution" (Directory of Company Histories, 2005, p.3). To carry out its objective and protect the interest of Nigeria, the corporation between the periods of 1971-1973 acquired a 33.3 percent stake in the Nigerian Agip Oil Company, and 35 percent in Elf, Shell-BP, Gulf and Mobil. To consolidate its grips on the Oil companies, NNOC in 1974/1975 through requisition increased its stakes in Shell-BP, Gulf, Texaco and Mobil to 55 percent (Obasi, 2003).

Through requisition in 1979, the NNOC further increased its stakes in the exploration and production activities in the multinational oil companies to 60 percent (Oluduro, 2014). NNOC's stake in Shell ventures was also raised to 80 percent, this was when BP lost a 20 percent stake following a disagreement with Nigerian Government over apartheid in South Africa (Directory of Company Histories, 2005, p.3). Attempts from the Nigerian Government to reform its oil company rest largely on the interest to put it on a strong par with the multinational oil companies. Therefore, the NNOC was reconstituted as the Nigerian National Petroleum Corporation (NNPC) on the 1<sup>st</sup> of April 1977. The Decree No. 33 that created the NNPC vested the assets and liabilities of the NNOC in the NNPC. The latter continued to operate and function as a holding company for the Federal Government of Nigeria.

The NNPC also regulates the partnership between the NNPC and the major oil companies operating in Nigeria. NNPC's major partners have been Shell, Chevron, Texaco, Mobil, Agip, Elf, and Total or their predecessor companies. There is an increasing number of concessions that is being given to non-Western international oil companies like Chinese, Korean, Indian, Indonesian

companies in both upstream and downstream sectors. A number of smaller indigenous or local companies also engage in exploration and production operations (Nwokeji, 2007, p.8).

NNPC is seen by some as a conduit of corrupt Nigerian leaders to siphon money. As far back as 1978, for example, there was an allegation that \$3.5 billion went missing which had to be remitted by NNPC to the treasury (Okonjo-Iweala, 2018). In the 1990s, \$12 billion was found unaccounted for by NNPC and in 2013, figures that went missing in NNPC were \$50 billion, \$20 billion and \$12 billion (Okonjo-Iweala, 2018, p.49). Okonjo-Iweala was Nigeria Minister for Finance at two different times; it was during her second stint as Finance Minister (2011/2015) that the Governor of the Central Bank of Nigeria (the Governor was eventually sacked for blowing the whistle and later became the present Emir of Kano) accused NNPC of not accounting for \$49.8 billion (Sam, 2016).

On the financial activities of the NNPC and why corruption is common, Okonjo-Iweala concludes that

*“its design and the act underpinning it gave it such latitude and flexibility in the management of its finances that one can only surmise it was designed to act as a source of extra budgetary funds by those who controlled it”* (Okonjo-Iweala, 2018, p.52).

Allegedly, the NNPC is home to corruption, just in February 2017, operatives of the Economic and Financial Crimes Commission found a cash haul to the tune of \$9.8 million and £74,000 stored in a huge safe inside a building belonging to a former Group Managing Director of the corporation (Premium Times 2017). Many of the financial activities of the NNPC right from its inception have remained shrouded in secrecy. This secretiveness is seen as a measure of the corporation to continue being “relevant to the calculus of the political leadership” (Nwokeji, 2007, p.5).

### **Multinational oil companies and human rights issues in the Niger Delta region**

Until recently, virtually all, multinational oil companies operating in the Niger Delta region of Nigeria were Western international companies. These international Western Oil Companies are Shell, Chevron, ExxonMobil, Texaco, Agip (Eni), Elf, and Total while the non-western include Sinopec, China National Offshore Oil Corp, and Petronet LNG Ltd. The three largest i.e. Shell, Mobil and Chevron will be discussed. Obi (2009, p.124) argued that the multinational oil

companies have, through their policies in the Niger Delta region, been implicated in the Niger Delta conflicts through their pay offs to 'pro-company' groups, militias, elites and local chiefs.

Shell is the largest and most prominent of all the oil companies operating in the Niger Delta region. Shell's oil businesses cover more than 100 countries across the globe but the Nigerian partner is the leading corporate player because it accounts for a high percentage of the company's entire universal production (Oluduro, 2014). The company's predecessor Shell D'Arcy was a pioneer of oil exploration in Nigeria and presently Shell is the leading oil company and the oldest oil company in the Niger Delta. Shell changed its name from Shell BP Petroleum Company of Nigeria Limited to Shell Petroleum Development Company of Nigeria in 1979 (Oluduro, 2014, p.31). Presently, the company operates 44 onshore oil mining licences covering more than 30,000 square kilometres that contain over 50 percent of Nigeria's oil and gas reserves (Odisu, 2015). Shell's measure of operations is huge, connecting an infrastructure of 6,200 kilometres of pipelines, more than 1,000 oil producing wells, 87 flow stations, 8 gas plants and 2 large terminals at Forcados and Bonny (Oluduro, 2014). Shell has about 4,000 staff of which 50 percent are Nigerians. There are another 8,000-contract staff and it is estimated that contractors working for the company employ another 20,000 people (Obasi, 2003, p.1).

Shell Oil Company is more concerned about its business interests in Nigeria than the government or Nigerians. While the company had good relations with some Nigerian Presidents like Abacha, the relationship was not cordial with others like President Umaru Musa Yar'adua. When President Umaru Musa Yar'adua in August 2007 started the implementation of the Oil and Gas Sector Implementation Committee (OGIC), a proposed oil sector reform policy inherited from his predecessor President Olusegun Obasanjo, he instituted a committee which he asked to review the OGIC report and come "with a workable document" within a week (Adeniyi, 2011, p.45). The committee submitted its report as mandated, which the president directed to be presented at the Federal Executive Council (the highest decision-making organ in the nation's executive arm of government). The council endorsed the report that was eventually sent to the National Assembly as "the Petroleum Industry Bill (PIB)" for their deliberation and enactment into law

(p.45). The PIB aims to increase transparency, attract external investors and encourage growth in Nigeria's oil and gas sector.

Wikileaks cables show that Shell vowed to ensure that "PIB was not passed" and if passed at any level, it "would be a version that would favour" it and not the "Nigerian stakeholders" (Adeniyi, 2011, p.48). The PIB bill was debated in the National Assembly for more than a decade before it was passed by both houses in January 2018 (Bada, 2018; Payne & Eboh, 2018). The president called a meeting between Shell International and the government where the proposed reforms were thoroughly explained and support of the company was sought at that period.

There are several harsh international criticisms of Shell in Nigeria relating to its alleged complicity in human rights abuses, widespread corruption and environmental degradation. Burger states that

*"Shell has also been implicated in government military actions that have resulted in the killing of non-violent community, human rights and environmental activists and local villagers, as well as the oppression of ethnic minorities. They've been seen as being complicit in widespread corruption and as a large contributor to the self-enrichment of government officials and powerful, local interests. They've also been viewed as a principal agent of widespread environmental degradation in what's recognized as one of the world's biodiversity hotspots"* (Burger, 2011, p.1).

The killing of Ken Saro-Wiwa was among the high-profile human rights abuses that Shell was accused of complicity (Pilkington 2009). The company in 2009 agreed to pay \$15.5 million (£9.6m) in settlement of a legal action for its involvement in the killing of Ken Saro-Wiwa and eight other Ogonis (Pilkington, 2009, p.1). Shell's complicity in alleged human rights violations in Nigeria made London Royal Geographical Society "drop the company as a patron and (it) returned a \$60,000 donation" (Lewis, 1996, p.2).

Mobil Exploration Nigeria is another oil company active in the Niger Delta region. It operates more than 90 offshore platforms about 300 producing oil wells at a capacity of more than 500,000 barrels of oil per day and natural gas liquids (Oladuro, 2014). The company, known as ExxonMobil following a merger in 1999, is the second largest company in Nigeria's oil and gas sector, starting operation in Nigeria nearly six decades ago (Obasi, 2003; Oladuro, 2014; ExxonMobil, n/d; Yahaya, n/d; Azaiki, 2007).

Like Shell, ExxonMobil is also accused of human rights abuse complicities in the Niger Delta region. The company is also accused of showing lack of respects for labour law when after using more than 800 special Nigerian police to suppress peaceful protest and protect the company's assets, it recently "decided to fire the police officers" without following due process (Mckenzie, 2004, p.1). The affected workers never resorted to violence but rather, sought for lawful redress by taking the company to court. The case has taken over 15 years within the Nigerian legal framework. The case worked its way up from the Public Complaints Commission (PCC) to the High Court through to the Appeal Court and lastly to the Supreme Court (Mckenzie, 2004; Obi, 2009; Adesomoju, 2018; Alike 2016).

The ruling of the Supreme Court was in favour of the sacked workers but ExxonMobil has, until the time of writing, refused to abide by the ruling of the Appeal Court and has even approached the National Industrial Court of Nigeria (NICN) seeking for permission to use force to stop the sacked workers from picketing its buildings. The NICN rejected the company's request, confirming that it is the lawful right of Nigerian workers to picket the buildings of their employers whenever there is an industrial dispute (Adesomoju, 2018; Alike, 2016). It is assumed that ExxonMobil knows it is not acceptable for a lower court to over-rule or vacate the verdict of the Supreme Court. The company's action is regarded as an example of how multinational corporations are disrespectful of constituted authority in developing countries like Nigeria (Aribisala, 2018, p.1).

Chevron commenced its oil related operation in Nigeria in 1961; it is the third largest oil producer in the country. The company is the operator of the Agbami oil field, the second largest deep-water oil field that produces more than 200,000 barrels of crude oil per day (Chevron website 2018). The largest deep-water oil field is the Bonga that is controlled by Shell (Obasi, 2003). Chevron also operates the Escravos terminal, a crude oil and liquefied gas (LPG) export facility (Oladuro, 2014; Chevron, 2010)

Chevron, like Shell and ExxonMobil, is also not exempted from allegations of alleged complicities in human rights abuses in the Niger Delta region. According to Ezeudu, (2011, p.35), Chevron frequently engages the services of Nigeria's coercive forces like the military and police to protect

its facilities and disperse civilian protests. A peaceful protester lost his life in 1997 while the Nigerian Mobile Police, an extremely abusive force that were engaged by Chevron (Human Rights Watch, 1999, p.15), killed another two unarmed protesters in 1998. Chevron's helicopters and speedboats were used in attacks on peaceful anti-oil protesters in 1998 and 1999 (Human Rights Watch, 1999; Oladuro, 2014).

## **2.7 Multinational oil companies and the Niger Delta environment**

The discovery of oil also came with attendant consequences for the natural environment. Oil spillages are the most obvious consequences of oil exploitation and has been a problem for decades. Almost all the oil companies operating in the Niger Delta region are guilty of killing the Niger Delta environment with oil spills. The Niger Delta region is one of the most populated regions in the world, while the region's ecosystem has been declared as one of the most endangered ecosystems in the world (Anejionu et al., 2015).

Deutsche Welle (2016) portrayed the problem of oil spillage as that of David versus Goliath. On one side are Royal Dutch Shell (the fourth largest company in the world) and ENI (fourth largest oil company in the Niger Delta region), Italy's biggest industrial enterprise. On the other side are the local people: forty different ethnic groups, with 70 per cent of the population living below the poverty line. According to Amnesty International (2015), every year, there are hundreds of oil spills in the Niger-Delta caused by old and poorly maintained pipelines or criminal activity such as oil theft. These spills have a devastating impact on the fields, forest and fisheries that the majority of the people depend on for their food and livelihoods. Oil spills also contaminate drinking water and expose people to serious health risks. Locals in this region have to drink, cook and wash in polluted water, eat fish contaminated with oil and toxins (that is in rare cases where they find a fish). The air the local communities breathe is filled with oil, gas and all sorts of pollutants (Tickell, 2016, Agboola et al., 2011; Mitee, 2012).

The entire Niger Delta environment is at the mercy of multinational oil companies operating in the region notably Shell, Mobil, Agip, Elf and Texaco. Getting the exact figure on the frequency of oil spills in this region is very difficult but oil spills are very frequent and have been occurring for a very long period of time most especially involving Shell as the largest oil exploration

company in the region. In 2014 alone, Amnesty International (2015) blamed two oil companies (Shell and Eni) for more than five hundred spills in the Niger Delta. Even going by the figures on Shell's official website according to Amnesty (2015, p.2), the amount of oil spills is tremendous as between the period of year 2007 to 2014, the company estimates that 1,693 (see table 2.7.1) separate spills led to more than 350,000 barrels of crude oil being lost.

**Table 2.7.1: Volume of oil spilled into the Niger Delta as reported by Shell**

<b>Year</b>	<b>Total number of spills</b>	<b>Approximate total volume in barrels</b>
<b>2007</b>	320	26000
<b>2008</b>	210	100000
<b>2009</b>	190	120000
<b>2010</b>	170	23000
<b>2011</b>	207	18000
<b>2012</b>	192	22000
<b>2013</b>	200	20000
<b>2014</b>	204	22000
<b>Total</b>	1693	351000

Source: Amnesty International, 2015, p.3

A BBC reporter (Duffield, 2010) said that environmentalists call the Delta the "global capital of oil pollution". In November 2014 during a court case in the United Kingdom, Shell was finally forced to admit that its figures on oil spill were flawed, especially for the Bodo (Ogoni area) oil spill where Shell claimed that only 100,000 barrels were spilled but an independent assessment calculated that the figure was higher (Duffield, 2010). Audrey Gaughran (the Director of Global Issues at Amnesty International) said that "Shell has refused to engage with us and only now that they find themselves in a UK court have they been forced to come clean" (Amnesty International 2014). Ms Gaughran further stated that:

*"In any other country, this would be a national emergency. In Nigeria it appears to be standard operating procedure for the oil industry. The human cost is horrific, people living with pollution every day of their lives"* (Gaughran cited in Amnesty International 2014, p.9).

Following the legal action in the UK, in January 2015, Shell was forced to accept responsibility and the company agreed an out-of-court settlement of \$84million (£55million) with local



residents of the Bodo community for two incidents of oil spills in 2008. In one of its press releases titled “Nigeria: Alarming number of oil spills blight Niger Delta”, Gaughran through Amnesty International (2015, p.5) also captured the Bodo case this way:

*“If all oil spills could be scrutinised the way the two Bodo spills were then the true scale of the damage and Shell’s financial liabilities would be revealed. But this is not only about liabilities- there is a very serious human issue. Shell is cheating people out of just compensation. The Bodo case makes it clear just what it takes to get this company to own up to the truth about oil spills, six years and the UK court proceedings. What about all the hundreds of other communities this company has potentially cheated?”*

In the particulars of the claim documents submitted on the 23<sup>rd</sup> March 2012 to the High Court of Justice Queens Bench Division, the Bodo community is a Nigerian fishing dependent community of about 49,000 inhabitants living in 35 villages in the Gokana Local Government area of Rivers State. The community is said to be located on the North East edge of creeks and mangrove wetlands also known as Bodo creek that comprises of about 9,230 hectares of land, swampland and waterways (the creeks). There are two oil flow stations operated by Shell within the Bodo community. The defendant was reported to have carried out oil exploration and exploitation in the area since 1994 but the area remains extremely vulnerable to oil spills. The Bodo community has had only minor cases of oil spills from neighbouring communities before the occurrence of this and the creeks were ecologically sound (Bodo v Shell court documents 2012).

The Bodo v Shell court documents (2012) also provide details that include the applicable law under which the claimant brought the case to the UK as well as the factual basis for the claim. Croft (2017) argues that the case against Shell is brought to the UK because the local people do not have confidence in the Nigerian judicial system as similar cases have been delayed for many years.

In March 2016, Shell was slammed with another fresh environmental claim in the London High Court from two communities who said they were severely affected by the repeated large scale oil spills from the company’s pipelines. The two communities are Ogale and Bille, both in Rivers State. According to Amnesty International (2015), Shell repeatedly put the blame for the oil spills on illegal activities in the Niger Delta but court documents revealed that internal emails and

reports showed that senior employees of the company had expressed worry as far back as 2001 of the need to change oil pipelines in the Niger Delta region.

Omorie (2016), Iguh (2016) and Amnesty International (2014) were of the view that the activities of oil companies have not been positive to both the people inhabiting the region or their environment. There are devastating effects of oil on their environment and the locals mainly attribute this to oil spillage due to negligence of the oil companies and sometimes due to acts of sabotage. Oil spillages have completely denied the locals their traditional means of livelihood that is farming. Their farmlands and waters are nothing but oil that is not only dangerous to their health but also to their environment.

The success of the Bodo community in London against Shell had opened a door of hope for the entire Niger Delta region. Shell has never been brought to its senses in addressing the issue of environmental degradation until the intervention of the London court. Before the case against Shell in the UK, there were similar cases against the company in the United States of America (USA), the UK case was mainly pursued due to success of the US case and because there was a precedent (Al-Jazeera News, 2016). The case in the USA was entertained under the Alien Tort Statute, a 1789 statute giving non-U.S. citizens the right to file a suit in USA courts for international human rights violations, and the Torture Victim Protection Act, which allows individuals to seek damages in the USA for torture or extrajudicial killing, regardless of where the violations take place (see Supreme Court of the USA, 2012; Becker, 2014; Centre for Constitutional Rights, n/d).

Are all these out of court settlement monies paid by Shell adequate compared to similar cases in other parts of the world? Some see it as better than nothing. Exxon Company spent a sum of \$2 billion on clean-ups for the oil spill in the American state of Alaska in 1989. The company paid \$1 billion as settlements to both the state government of Alaska and the Federal government. Exxon was further slammed with another \$5 billion as punitive damages following the suit against it by more than 32,000 fishermen and landowners. The United State Supreme Court reduced the punitive damage amount to \$507.5 million in 2008 (Liptak, 2008). Again, British Petroleum (BP) was reported to have spent almost \$10 billion on settlements and clean-ups when the company

spilled oil in the Gulf of Mexico in 2010. A judge in the USA ruled that BP spilled about 3.1 million barrels of oil but the company said it was less than that (Webb, 2010; Griffin et al., 2015).

There are still some legal debates as to whether the UK courts have the rights to entertain the Shell case or not despite some successes recorded earlier by the plaintiffs like in the Bodo case. In January 2017, the UK High Court has ruled those tens of thousands of Nigerians affected by oil pollution cannot proceed with a legal challenge in the UK against Shell and its Nigerian subsidiary (Vaughan, 2017).

## **2.8 Oil spills compensation in the Niger Delta region**

Irrespective of the cause of oil spills, all the oil companies operating in the Niger Delta region have very clear responsibilities under the law of the country to both prevent and then remedy the harm caused by spills. Unfortunately, even Shell and Eni (who Amnesty International regarded as the most transparent among its competitors in Nigeria) are failing to fulfil their responsibility to respect the rights of communities living in the Niger Delta region (Amnesty International, 2018). The oil companies are not paying adequate compensation to communities in the Niger Delta region. Eni's pipelines 92 km long "18 Tebidaba Brass oil pipeline" has been identified as "Africa's leakiest stretch of pipeline" because no other African country reports anywhere near the 261 spills Eni reported to have occurred in 2014 along this pipeline (ibid. p.16).

The Bodo spill was discussed extensively earlier, just a brief mention here in respect to the amount of money paid as compensation. When the Bodo community approached Shell for compensation over the two incidents of oil spill that occurred in 2008, the company only admitted paying £4,000 based on 4,000 barrels of oil the company claimed to have spilled (Amnesty International, 2018). With the assistance of Amnesty International, Shell was forced in a UK court to admit to misreporting the size of a massive oil spill and with credible evidence against it, Shell was forced to pay £55 million in compensation to the Bodo community for over 500,000 barrels of oil spilled (Dummett, 2015). If the case had been heard in Nigeria, Shell could have gotten away with this also.

### **2.8.1 National oil spill detection and response agency (NOSDRA) and the Bonga oil spill**

According to sources like BBC (2017), Onoyume (2017) and Opejobi (2016) about 40,000 barrels of crude oil was spilled into communities along a distance of 185 kilometres affecting locals in Bayelsa, Delta and Ondo states. Bonga is one of Shell's oilfields in Nigeria. It is said to be about 60 square kilometres big in an average water depth of 1,000 metres and produces 202,000 barrels of oil per day and it accounts for 10 percent of the monthly oil flows from Nigeria (Bassey, 2011). The oilfield is also known in the oil sector as OML 118 (Oil Mining Licence 118). In December 2011, during Shell's exploration activities within this field, there was a rupture at one of the company's machines that resulted in over 40,000 barrels (6.4 million litres) of oil spewed into the sea. Such an oil spill figure can never be trusted because past incidents show that the company consistently underreports the amounts and impacts of its carelessness (Bassey, 2011). While the extent of the spill is thought to be underestimated by Shell, the cause of the spill was proven as resulting from an operational failure (The Telegraph, 2011; NOSDRA n/d cited in Simire, 2014; Ezeamalu, 2018; Omafuaire, 2017).

The government agency NOSDRA said the spill affected approximately 950 square kilometres of water surface and affected a great number of sensitive environmental resources (Brock and Eboh, 2012). There were doubts on the spill figures presented by Shell and as expected, independent experts were engaged by the NOSDRA to assess the spill. NOSDRA is a Federal Government agency established in 2003 that among its functions shall be responsible for surveillance and to ensure compliance with all existing environmental legislation in the petroleum sector including those relating to prevention, detection and general management of oil spills, oily wastes and gas flares. The agency is also to enforce compliance with the provisions of international agreements, protocols, conventions and treaties relating to oil and gas and oil spill response management and such other related agreements as may from time to time come into force (Brock & Eboh, 2012).

The agency is empowered by law to penalize any oil company that fails to notify the agency in writing, by fax or electronic mail of any oil spill not later than 24 hours after the occurrence. Failure to report within this time shall attract a penalty in the sum of about £4,167 for each day

of failure to report the occurrence. The law further empowered NOSDRA to impose a fine not exceeding approximately £10,417 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment on officials of any company that failed to clean up an oil impacted site within two weeks of the occurrence of the spill (NOSDRA Act 2006 as amended).

Upon receipt of the assessment report on the Bonga oil spill from an Independent International Consultant, NOSDRA in 2015 for the first time is said to have taken a bold decision as the agency sued Shell over the spill, demanding payment of a fine of \$3.6 billion. The fine was levied on Shell by NOSDRA and expected to be paid within 14 working days (letter dated 19<sup>th</sup> December 2014, with reference number NOSDRA/DFA/131/VI/409). Shell refused to pay the fine and did not respond to the letter within the 14 working days. The fine consists of \$1.8 billion as compensation for the damages done to the environment and consequential loss of revenue by the affected shoreline communities as well as punitive damage of \$1.8 billion (Ezeamalu 2018). Brock and Eboh (2012), reporters with Reuter's news agency, see the Bonga oil spill fine as one of the biggest in the history of Africa's largest energy industry.

Jalla (2017 cited in Omafuaire, 2017, p.1) is of the view that as expected, in their usual characteristic manner of being unresponsive to the government of the country in which they operate and their constant disregard and deliberate contempt for authorities in Nigeria since it started oil exploration in the 1950s, Shell has failed and defiantly refused to pay the recommended compensation. In 2016, Shell through its legal unit, dragged NOSDRA before a Lagos Division of the Federal High Court challenging the fine. Shell argued that the NOSDRA Act empowering the agency to conduct remedial and damage assessment regulations encroaches on the judicial powers exclusively vested in the Courts and the Legislative powers of the National Assembly. Shell further argued that the imposition of the fine of \$3.6 billion by NOSDRA is a violation of its right to fair hearing. Shell asked the court to declare that NOSDRA cannot, in the light of Sections 1 to 6 of the 1999 constitution, perform its enforcement functions because it is in contravention of the provisions of the Nigerian Constitution (Oritse, 2014; Jibueze, 2018; Ezeamalu, 2018 & Omafuaire, 2017).

Unfortunately, for Shell, in May 2018 the Federal High Court dismissed the suit by the company and resolved all issues in NOSDRA's favour. In her judgement, Justice Olatoregun held that NOSDRA acted in line with its powers and did not violate Shell's rights in any way. The judge further found that Sections 5, 6, and 7 of the NOSDRA Act that empower it to impose penalties do not violate the 1999 Constitution of the Federal Republic of Nigeria (Ezeamalu, 2018).

Some observers believed Shell would proceed to the Nigerian Supreme Court for a final appeal. There are different views on both the amount of fine and the judgement. Gosden and Blackden (2012) were of the opinion that the fine of \$125,000 for each barrel of oil spilled into the Bonga field is too high in contrast to \$4,300 per barrel of oil spilled by BP into the Gulf of Mexico. Reuters (2013) claimed that BP paid about \$10,550 per barrel of oil in the Gulf of Mexico oil spill. These two writers failed to consider that Shell has never been asked to pay any reasonable fine for all the oil it has spilled into the Niger Delta environment. This is the view of Bamgboye (2018) who sees the amount of fine as even too little considering the fact that there are many oil spills which Shell never accounted for and the magnitudes of those affected by the Bongo oil spill is never thoroughly considered. From the day the incident of Gulf of Mexico happened to this year (2020), there is no single case of reported oil spill by BP from that oil field. There is a constant oil spill by Shell in the environment that they operate in Niger Delta region, Shell officially claimed that 90,000 barrels of oil had spilled from 2013 to 2018 and that all the spills were a result of sabotage (Shell, 2018).

There are questions because of comparison between these fines levied on Shell by NOSDRA and that of the American government levied on BP. In the views of Ellis (2016), due to the murky science of oil spill accounting, the environmental impact of an oil spill varies enormously, beginning with what kind of oil was spilled, location of the spill and above all, the volume spilled. In addition, the time taken to visit the oil spill site is another factor, which oil companies operating in Nigeria like Shell are taking for granted, sometimes citing security as a challenge. For example, according to Amnesty International (2018), it took Shell 252 days (almost 9 months) to visit one oil spill, even though it was just outside the fence of a large facility operated by Chevron, the oil spill site was a remote location that even has an airstrip.

The Nigerian Senate Committee Chairman on environment, Senator Oluremi Tinubu, lauded the Bonga Court case when she stated that *“the decision of the court dismissing the suit and upholding the fine is a victory for our environment and the affected communities. Beyond ensuring the remediation of these areas, it will also serve as deterrent to other players in the oil sector”* (Thisday Newspaper, 2018, p.1).

Elemigbe (2018) and Francis (2018) also lauded the judgement. Oil spills have been occurring in the Niger Delta since the early periods that Oil exploration began in the region in the 1950s. It was estimated that between 9-13 million barrels (1.5 million tons) of oil has been spilled into the Niger Delta environment over the past 50 years (Gabriel, 2004; Ukoli 2005 cited in Kadafa, 2012, p.3). On the harms done to the environment, the Nigeria government or any of its agencies has never taken any serious punitive measure action against any of the oil companies until this recent one i.e. the Bonga oil spill.

### **2.8.2 Global oil spills, Niger Delta oil spills and payment of compensation**

In April 2010, there was an oil spill from the deep-water oil rig owned and operated by Swiss Transocean limited and leased by oil company British Petroleum (BP). The oil rig is situated in the Gulf of Mexico, the oil spill is prominently labelled as ‘Deep water horizon oil spill of 2010’. The Gulf of Mexico deep-water horizon oil spill was given a priority to the extent that it is regarded as the worst so far in world history. Due to the attention this oil spill received, on the 24th of May 2010, a 10-year independent research program “The Gulf of Mexico Research Initiative” (GoMRI) was established to investigate the impacts of the oil, dispersed oil, and dispersant on the ecosystems of the Gulf of Mexico and affected coastal States in a comprehensive context of improving fundamental understanding of the dynamics of such events and their environmental stresses and public health implications (GoMRI, n/d).

Figures differ, but BP made it the largest accidental ocean spill in history in the Gulf of Mexico. British petroleum officially never provided an exact figure of the oil spilled, the company said the figure of oil spilled into the Gulf of Mexico was less than the figures reported in the media (Smithsonian Institute, n/d). The denial of the estimated figure of oil spilled by BP was not

surprising to some analysts because it appears to be a norm among the oil companies anywhere in the world to dispute oil spill figures just like Shell and Eni are doing in Nigeria.

The Gulf of Mexico oil spill was just one incident, BP was reported to have paid almost \$10 billion as compensation, for cleaning-up of the environment and for research aimed at understanding the dynamics of the oil spill events (Webb, 2010). Oil spill is a thing of daily occurrence due to either sabotage or the Oil Company's negligence. Almost all Nigerian oil spills that occurred outside the Niger Delta region are because of vandalism as reported by NOSDRA, spills could also be a result of direct theft from oil pipelines, poor maintenance of oil facilities, or of the oil companies' operational spills (NOSDRA, n/d).

Until recently with the Gulf of Mexico incident, the interests in knowing exactly where spilled oil goes and how quickly it moves when spilled into open water has been very low. Frost (2014) concludes that scientists still cannot provide adequate information about it. The global process of water movement that is also known as 'global ocean conveyor belt', is much better understood than the small, local movements that occur on a daily, weekly, and even monthly scale. Scientists are though increasingly able to track oil spills and monitor how fast they move (GoMRI, n/d).

As stated earlier in this work, getting the exact figure of oil spill in Nigeria and Niger Delta in particular is very difficult but there is a consensus among researchers and analysts that oil spill occurs daily in the Niger Delta (Amnesty International, 2015; Omotola, 2009; Kukah, 2011). Tickell (2016), UN environment (2017) and Amnesty International (2015) were of the opinion that most oil spill figures given by oil companies in the Niger Delta region underestimate true figures that are suggested to be 100 times the figures when verified by experts (Tickell, 2016).

There are laws regarding oil spill compensation and these include the Constitution of the Federal Republic of Nigeria; the Land Use Act 1978; and the Petroleum Drilling and Production Regulation 1969. The Oil Pipelines Act provides that compensation shall be paid to any person suffering damage because of the existence of the rights conferred by the licence or a leakage from a pipeline or an auxiliary installation (Section 11(5) Oil Pipelines Act 1990).



Where oil spill occurs because of sabotage, no compensation is paid and that is partly why the oil companies are quick to allude oil spills from their pipelines are acts of sabotage (to be discussed subsequently). Clause 11 (5) of the same Oil Pipelines Act states that if oil spill occurs due to an act of sabotage or third-party interference then the community gets no compensation from the oil company irrespective of the extent of damage caused to the community. This may be a reason why the oil companies suggest that saboteurs caused spills. In their recent work on activities of oil companies in the Niger Delta, Amnesty International (2018) researchers identified about 89 oil spills that were wrongly labelled as theft or sabotage when in fact they were operational spills. Of this figure, 46 were from Shell and 43 from Eni, if confirmed, it means that communities were not compensated. It could be suggested that the state facilitated these crimes by turning a blind eye and doing nothing on the said oil spills despite evidence.

Even going by the conservative figures presented by Shell and Eni, they had collectively spilled 136,821 barrels (21.6 million litres) of oil into the environment within the period of January 2011 to December 2017 (Amnesty International, 2018, p.3). Amnesty International (2018) opined that hundreds of new spills happen every year and in 2007 alone, Shell admitted having spilled 55,809,000 litres of oil. On the level of oil spills in Niger Delta region, a researcher with Amnesty International, Dummett (2017, p.2), stated 'the total number of oil spills occurring in the Niger Delta is really disturbing'.

## **2.9 Gas flaring in the Niger Delta region**

Gas flaring refers to the burning of associated gas that goes with the extraction of crude oil from oil fields during oil drills. It is the means by which excess natural gas is let loose from oil wells and burned into the air (Iguh, 2016, p1). The second destroyer of the Niger Delta environment is gas flaring, this has been a recurrent problem since the beginning of oil exploration in Nigeria. According to Climate Justice Programme (2005, p.4), there is more gas flaring than anywhere else across the globe. The country still allows gas flaring despite being a signatory to the Global Gas Flaring Initiative that is championed by the World Bank. Estimates are extremely untrustworthy, it is roughly estimated that about 2.5 billion cubic feet of gas associated with crude oil are flared

every day. This estimate is equivalent to about 40 percent of Africa's entire natural gas consumption in 2001 (Friends of the Earth International, 2005).

All the oil exploration companies operating in the Niger Delta are guilty of gas flaring, the main perpetrators are the three major companies discussed above. Other minor perpetrators are Total and Agip. For over ten years, the three main perpetrators have made promises to end gas flaring, but no tangible steps have been taken to show their readiness in ending it despite Nigerian Government and Court orders (Friends of the Earth International, 2005, 2007; Omoregie, 2016).

Gas flaring, in the view of Agboola et al. (2011, p.69), is not an accident but a deliberate attempt to cut cost at the detriment of the host communities and the Niger Delta environment. The authors argued that because the oil companies are profit-oriented, they care less for the Nigerian people and the environment. To flare the gas is much cheaper to the oil companies than to convert it to domestic use. One is tempted to ask if there are no regulatory agencies in the Nigerian oil and gas sector that will ensure implementation of laid down rules and regulations. The Climate Justice Programme concludes that

*"it is a story of appalling carelessness, greed, corruption, double standards and environmental racism. Perhaps, above all, it is a story of serial, cumulative and shameful failure, on the part of British colonialism, the oil companies and the Nigerian ruling elite"* (Climate Justice Programme, 2005, p.5).

## **2.10 Effect gas flaring on population, health and the environment**

The companies in the region are not only committing an environmental crime against communities but against humanity. This point is strongly expressed by Mitee (2012) who stated that

*"it would be safe, therefore, to assert that in the hierarchy of rights, the rights to a secure and protected environment is first amongst equals. It is for this reason we assert that the egregious and pervasive violation of environmental rights in the quest for oil should be elevated to the pedestal and punished as crimes against nature, similar in gravity to crimes against humanity"* (Mitee, 2012, p8).

While there is abundant literature on oil spillages by the oil companies in the Niger Delta region, surprisingly, there is little independent scientific data on the long-term effects of oil spills on the host communities (Mitee, 2012). Amnesty International (n/d), Steve (2007), Asuni (2009), Ellis (2016) and Adewale (1989) talk about oil spills in the Niger Delta region and its impacts on the

communities. The impacts can be enormous which can affect coastal ocean ecosystems, human health and the economy as seen in the Gulf of Mexico oil spill in 2010 (Frost, 2014). Nigeria is reported to have a history of catastrophic oil spills that have wreaked havoc on the environment and the host communities (Gaffey, 2017).

A commonly cited scientific report is that of the United Nations Environment Programme (UNEP) of 2011 that carried out two years of environmental assessment of Ogoniland. The findings of the UNEP are categorized into vegetation, aquatic, public health, institutional issues and oil industry practices. Among its findings on vegetation, the UNEP (2011, p.10) shows that when oil is spilled on lands, fires regularly break out and kill vegetation and create a crust over the land which makes revegetation very difficult. On aquatic ecosystems, the research discovered that the surface water throughout the whole creeks contains hydrocarbons whose moving layers vary from heavy black oil to thin shines. In addition, on public health, the research pronounces that

*“of most immediate concern, community members at Nisisoken Ogale are drinking water from wells that is contaminated with benzene, a known carcinogen, at levels over 900 times above the World Health Organization (WHO) guideline. The report states that this contamination warrants action ahead of all other remediation efforts”* (UNEP, 2011, p.11).

Human health wise, the impact of oil spills in the Niger Delta region on generations, yet unborn could only be imagined (UN environment, 2017). According to Bruederle & Hodler (2017), the first to investigate the causal effects of onshore oil spills on neonatal and infant mortality rates and child health, found that oil spills double the neonatal mortality rate in the region. The study was a scientific inquiry on the effects of nearby oil spills that occurred prior to a child’s conception or during pregnancy. The empirical strategy relied on sibling comparisons i.e. they compare mortality rates of infants of the same mothers, some conceived before the first nearby oil spill and some conceived thereafter. The conclusion of the study is that oil spills in the Niger Delta region could kill 16,000 babies a year.

The worrying part of the UNEP report is the assumption that it will take almost 30 years to clean oil spills from the Niger Delta region (UNEP, 2011, p.12). Oil theft is a contributory factor to oil spilled in the Niger Delta region, but oil companies remain the main culprits of the spills. Shell and Eni are the two major companies with the highest cases of oil spill in the Niger Delta region,

the two companies spilt almost 21.7 million litres of oil into the environment between 2011-2017 (Amnesty International, 2018). Gas flaring is also another means by which the oil companies are destroying the Niger Delta environment.

### **2.11 Multinational oil companies and corporate social responsibility (CSR)**

Investigating corporate social responsibility (CSR) and human rights abuses among oil companies in Nigeria, Amao (2012) concludes that oil companies have for quite a while picked up a negative reputation in human rights abuses and labour rights in the global economy and politics. There are high expectations of corporate social responsibilities from the oil companies, most especially Shell which is the largest and whose oil exploration activities have denied the locals the means of their livelihood that is farming. There is no law put in place in the area of CSR by the Nigerian Government, CSR is at the discretion of the companies. CSR is defined as the monetary, lawful, ethical and discretionary expectations that society has of organisations at a given point in time (Ijaiya, 2014, p.67).

Different definitions of CSR have appeared since 1960 (Ijaiya, 2014). It is generally observed to mean organisations or companies reaching beyond their basic business responsibilities of abiding by the law and regulations, maximizing profits. Meeting the needs of the shareholders to limit the effects of their activities on the global environments and to support and promote the communities in which they operate is part of CSR (Anderson and Bieniaszewska, 2005 cited in Musa et al., 2013, p.3). Three international institutions, the World Business Council for Sustainable Development (WBCSD); the Organisation for Economic Co-operation and Development (OECD); and the Dow Jones Sustainable Indexes (DJSI) have been at the forefront of underlining the need for governments and companies to adhere to the principles of CSR (Gordon, 2001). Some of the multinational oil companies are member of either one or two of these international institutions championing CSR (Gordon, 2001).

The Ogoni crisis of 1998 that led to the killing of Ken Saro-Wiwa was what brought into limelight the developmental projects like construction of health facilities, educational facilities, provision of portable water, etc., put in place supposedly to ease poverty and underdevelopment by the oil companies operating in the Niger Delta region. Before the Ogoni crisis, there was no interest

in the CSR of multinational oil companies in the Niger Delta (Ijaiya, 2014). From the information available on their websites, the multinational oil companies claimed to have been carrying out adequate CSR.

Shell claimed to have since 2006 supported community driven development programmes in the Niger Delta region that are delivered through the Global Memorandum of Understanding (GMoU) i.e. an agreement that brings communities together with representatives of State and Local Governments. From 2006 to 2016, Shell reported to have spent a total of \$228 million to fund development projects like building health care centres in rural communities in River states (Shell, 2017).

ExxonMobil appeared to be doing more corporate social responsibility than any other oil company operating in the Niger Delta region. The company has displayed commitment to an unmatched and outstanding corporate responsibility scheme in areas like education, road infrastructure, health, human capacity development and rural community development. ExxonMobil recruits more than 35% of its workforce from Akwa-Ibom, its host state (Adeoye, 2016). The company claimed to have invested about \$60 million in the past 8 years to support the economic advancement of women in the Niger Delta region. It also claimed to have contributed more than \$210 million to community assistance projects in its host state from 2002-2014 (Adeoye, 2016; ExxonMobil, n/d).

On corporate social responsibility, Chevron also have a GMoU in place ever since 2005. The company claimed that from the inception of the GMoU, it has in partnership with the NNPC contributed more than \$150 million to fund the GMoU. Between 2008 to 2017, Chevron claimed to have spent almost \$18 million on community scholarship programmes because the company believes that people and communities can only thrive if education and job training is provided (Chevron Corporate Responsibility Report, 2017, p.12).

While there is physical evidence such as the construction of educational and health care facilities to prove corporate social responsibility by the companies, more money has been given to individuals than the efforts put in place to benefit the communities. This view is expressed by Asaju:

*“what they usually would leave as CRS (corporate social responsibility) is not the traditional thing, but corrupting social responsibility given to individuals or because of individuals and not for communal benefit” (Asaju, 2012, p.31).*

## **2.12 Summary**

This chapter started by looking at the history of Nigeria, the six-geopolitical zones and the area known as the Niger Delta region. Agencies and ministries saddled with responsibilities to regulate the oil sector were discussed as well as the three major oil companies Shell, ExxonMobil and Chevron whose brief history and general activities were highlighted. The chapter further explored how the oil companies damaged the environment. Insight was provided on the alleged complicity of Shell in the killing of Ken Saro-Wiwa and others that some claimed to have laid the foundation for militancy in the Niger Delta region (Dickinson, 2010; Cui, 2014; Burger, 2011). Among others, the next chapter (three) will be reviewing the Presidential Amnesty Programme. Along the line, the struggle for justice in the Niger Delta region will be outlined as well.

## **Chapter Three: Struggle for justice and emergence of the Presidential Amnesty Programme**

### **3.1 Introduction**

In line with the objectives of the study, this chapter will be discussing the background to the emergence of the PAP, its creation under President Umaru Musa Yar'adua and its implementation under President Goodluck Ebele Joathan. Before the discussion on the PAP, the struggle for justice and the emergence of armed conflict in the Niger Delta region will first be scrutinized.

### **3.2 Struggle for justice and emergence of armed conflict in the Niger Delta region**

The name Ken Saro-Wiwa comes to many people's mind whenever struggle or agitation relating to the Niger Delta is mentioned. Ken Saro-Wiwa was a charismatic non-violent environmentalist, human rights activist, a writer and educationist engaged in seeking justice for the people of Niger Delta. His full name is Kenule (Ken) Saro-Wiwa regarded as a protégé (just like all the ex-militants and the ones operating in the region presently) of Isaac Adaka Boro who had a different approach to activism. Ken Saro-Wiwa was a poet who believed in the use of non-armed activism. He was one of the brains behind the creation of the Movement for the Survival of Ogoni People (MOSOP) whose struggle for the region unfolded between the 1980s and mid-1990s (Alabi, 2017; Birnbaum, 1995).

Before the activism of Ken Saro Wiwa, another charismatic and energetic young man Isaac Adaka Boro had in the late 60s laid the foundation for violent activism in the Niger Delta region. Isaac Jasper Adaka Boro was a Student Union President at the University of Nigeria, Nsukka where he studied Chemistry at undergraduate level in 1966. He left university to form the group Niger Delta Volunteer Force (NDVF) in order to protest what he perceived to be injustice against, and exploitation of the Niger Delta people by the Federal Nigerian government and the oil companies (Odunfa, 2006; Osha, 2006 & Zainab 2017). As the leader of the militia group, Isaac Jasper Adaka Boro had in February 1966 declared the Niger Delta Republic, fought with Federal troops for 12 days before being over-powered, arrested and jailed for treason.

According to MOSOP (1991, p.1), the people of Ogoni land including the Chiefs (leaders) met again in August 1990 to sign what they referred to as "the most important declarations to come

out of Africa in recent times: the Ogoni Bill of Rights''. As a people, they stressed their loyalty to the Nigerian nation but with their own independence which colonial masters (British) denied them and gave to Nigeria. The Bill called for sole control of Ogoni affairs by the locals as well as usage of economic resources for Ogoni improvement, enough and direct representation of right for Ogoni people in all national institutions and the right to protect the Ogoni environment and ecology from further degradation (Kriesch, 1995; Aigbogun, 1995).

After the declaration of the Ogoni Bill of Rights, there was a serious internal crisis within the Ogoni people, this led MOSOP to produce a youth wing known as National Youth Council of Ogoni People (NYCON) headed by Ken Saro-Wiwa. Emmanuel et al. (2009, p.230) argues that the youth wing was a "militant" wing and they were responsible for the killing of some local Chiefs whom they "labelled as saboteurs" and arch political rivals because they sometimes challenge Ken Saro-Wiwa's decisions. In response to this heinous act, under Degree Cap53 Laws of Federal Government of Nigeria, the government set up a three-man Civil Disturbances Special Tribunal, which tried Ken Saro-Wiwa and other Ogoni leaders. Birnbaum (1995, p.15) argued that 'strictly speaking, the tribunal is not a military one since only a member of it is a military officer and it does not follow courts martial processes'. Guilty verdicts were issued on nine leaders of the youth wing, including Ken Saro-Wiwa. They were executed on the 10th of November 1995 (FGN 1996). The killing of Ken Saro-Wiwa changed the entire process of seeking for justice in this region.

Some scholars and commentators argue that Ken Saro-Wiwa was innocently executed while some believed his execution was justified. Writers like Pilkington (2009) and Adiamas (2009) are among those who believe that Ken Saro-Wiwa was innocent of the crime he was executed for. Some accused Shell Company of giving out a huge amount of money to get him executed in order to eliminate a major threat to the company's business interest in the Niger Delta region. Evidence for the allegation was that just days after the execution of Ken Saro-Wiwa and others, Shell informed the world that it would proceed with a \$13.8 billion liquid natural gas project in Nigeria. According to Shell (quoted in Adiamas, 2009 p.2), "there have been suggestions to that the project should be deferred or cancelled because of the recent events in Nigeria. But you have to be clear



who will be hurt". This statement from Shell then was criticized by Greenpeace (2010) as a wrong move sending the strongest signal to the military regime that it was 'business as usual'.

Other writers who were with the opposite opinion regarding the innocence of Ken Saro-Wiwa include a renowned Nigerian priest, Reverend Father Hassan Mathew Kukah. Many Nigerians know Hassan Mathew Kukah not only for his Catholic influence but also for his fearless criticism of the government in Nigeria. Hassan Mathew Kukah was among the Nigerians appointed in 1999 to serve in Nigeria's Truth Commission also known as the Human Rights Violations Investigations Commission (some Nigerians referred to it as Oputa Panel) which was established by the civilian administration (1999-2013) of Chief Olusegun Obasanjo. The commission was set up with an aim to heal the wounds of the past through reconciliation. Hassan Mathew Kukah wrote a book in 2011 titled "Witness to Justice: An Insider's Account of Nigeria's Truth Commission". The book gave a very vivid account (he was personally present in the Niger Delta region to hear from all sides in the Ogoni conflict unlike others who gave accounts of what some have written on the conflict) of the activities that led to the execution of Ken Saro-Wiwa. Kukah (2011 p.153) said

*"It is clear that the military did bear some of the blame for its strong-arm tactics in Ogoniland, the Ogonis themselves especially MOSOP have to come to terms with the fact that they played very bad politics. Ken Saro-Wiwa, despite all his talents seemed to have become carried away with both his international connections and support". On the scene of the crimes in Ogoniland, the author further stated: "What we find are debris of historical distortions created by the colonial state, demons that had slept for decades now coming to life. Colonialism laid the foundation for the injustice that would later stir the furnace of violence across the convoluted edifice called Nigeria" (Kukah, 2011, p.156).*

The author finally concludes that

*"It was the Nigerian state that set the scene for the dance of death that took place in Ogoniland. The Ogonis were the actors on a script written by the colonial state but which had been dusted up by the military state. The community was inexorably sucked into the vortex of a furnace that had been lit by the oil from the community. It was naturally only a matter of time before the play reached its denouncement. We are thankful that somehow, we have found some solace, some respite or reprieve and people are carrying on with their lives" (Kukah, 2011, p.157).*

In 1996, the families of Ken Saro-Wiwa and other Ogonis took Shell to a United States of America Federal Court in New York for complicity in the killing, torture and other human rights abuses by Nigeria's former military regime against peaceful campaigners in the Niger Delta region. The case was taken to the United States of America under a 1789 law that permits US Courts to hear

human rights cases brought by foreigners over actions that happened abroad (Unrepresented Nations and Peoples Organization, 2009; Mouawad, 2009). Following negotiations that lasted for almost 13 years, in 2009, Shell paid \$15.5 (£9.6) million in an out-of-court settlement (Mouawad, 2009).

Two decades after the hanging of Ken Saro-Wiwa, the consequences of the Niger Delta militancy and conflict have escalated in both human and economic terms. Among these consequences is the emergence of various militant groups to undermine the activities of the multinational oil companies using different methods, tactics and strategies thereby challenging the Nigerian State. According to the Presidential Amnesty Office (2014), before the death of Ken Saro-Wiwa on the 10th of November 1995, he had warned that he was the last of non-violent activists as those coming after him would be different and the struggle would go on. Omadjohwoefe (2011) supports this, Ken Saro-Wiwa's prophesy, arguing that the struggle/agitation in Niger Delta became more violent following the persistent use of military might by the Nigerian government and the killing of Ken Saro-Wiwa. It was against this background with the alleged support of some politicians that some youths of the region started to form armed militant groups (image 1.6.1 and 1.6.2 present the militants displaying their arms in a speedboat) such as the Niger Delta People Volunteer Force (NDPVF) headed by Mujahid Asari Dokubo, which according to Laccino (2015) was one of the largest militant groups in the region. Niger Delta Vigilante (NDV) is another armed group led by Ateke Tom, the Niger Delta Liberation Front (NDLF) led by John Togo and the Movement for the Emancipation of the Niger Delta (MEND) led by Tompolo (these three groups and their leaders will be discussed subsequently).

**Image 3.2.1 and 3.2.2: Niger militants displaying their arms in a speedboat**



Source: International Business Times, 2015.



Source: International Business Times, 2015.

### **3.3 Background to the Presidential amnesty programme (PAP)**

The Economist (2016) narrated that a thousand years back, there was an English King called Aethelred (the unready) who used to pay marauding Vikings sacks of precious coins not to attack his kingdom. The trouble was that when the Vikings got the sweet taste for Danegeld (as it was later known), they kept coming back for more. The king got to learn a harsh lesson that when you reward a bad behaviour, you get more of it. Before the Presidential amnesty, Rivers State government had earlier granted some armed groups' amnesty. It appeared to have rewarded a bad behaviour because more groups came for a reward (Steve, 2007).

There were expectations that with return to democracy in 1999, the instability in many parts of Nigeria, most especially the Niger Delta region, would come to an end. Unfortunately, the instability remained in many parts of the country throughout the tenure of President Olusegun Obasanjo from 1999-2007. There was a change of government in 2007 that saw Umar Musa Yar'adua emerging as the winner after promising to quell the Niger Delta rebellion. The Niger Delta region had become almost synonymous with insurgency. Umar Musa Yar'adua stated in his inauguration speech on the 29th May 2007 that "The crisis in the Niger Delta commands our urgent attention. Ending it is a matter of strategic importance to our country. I will use every resource available to me, with your help, to address this crisis with a spirit of fairness, justice, and corporation" (Aduwo, 2007, p.1).

Worried by the prolonged and persistent armed conflict in the region of Niger Delta, the new government of President Umaru Musa Yar'adua on the 25th of June 2009 issued a presidential amnesty, the Presidential Amnesty Programme (PAP). But before PAP, there were amnesty programmes in some States in the Niger Delta region, like Bayelsa and Rivers. Citing section 175 of the constitution of the Federal Republic of Nigeria, the president, who said the militants and their leaders had until October 4, 2009 to renounce militancy, declared, "I hereby grant amnesty and unconditional pardon to all persons who have directly or indirectly participated in the commission of offences associated with militant activities in the Niger Delta" (Adeniyi, 2011, p.74). The programme was designed to encourage all the armed groups and individuals in the region to drop their arms and embrace peaceful means of advocacy. In return, the government

for its part would be responsible for rehabilitating former fighters of the various militant groups through training, acquiring skills in productive ventures, scholarships in foreign countries and provision of employment among others. The amnesty package also not only ignored but forgave all forms of crime committed by the militants be it against the state, oil companies, individuals or their communities. In turn, the militants or armed individuals were to commit to non-violent political means in the pursuit of their demands (Burchard, 2015; Wodu, n/d; Asuni 2009).

The idea of PAP was a response to “domestic politics involving competing factions of the Nigerian ruling elite (over high oil stakes) and international pressures on the government to rein in the insurgent/armed groups whose acts of sabotage and kidnapping of expatriate oil workers disrupted oil production and exports” (Obi, 2014, p.250). Both corporate actors (the multinational oil companies) and individuals (Nigerian ruling elites with interest in the sector) are after the protection of their business interest as PAP is “specifically focused on getting armed groups in the region to renounce the use of violence” (Obi, 2014, p.250) and not to address the key issue that brought the use of violence. Because of the zeal to protect business interest, there is a possibility of a state-initiated and state-facilitated crime as argued by Corporate Crime theorists like Kramer and Michalowski (1990), Lasslett (2014) and Bernat and Whyte (2016). This is a threat overtly or covertly created by corporate and individual actors. Due to the possibility that both the “creator and enforcer of law can also be a criminal agent” (Mathews and Kauzlarich, 2000, p.282), the study employs the Corporate Crime theory.

### **3.4 Presidential amnesty programme under Umaru Musa Yar’adua: Ledum Mitee Report of 2008**

Based on campaign promises, in the year 2008, President Umar Musa Yar’adua established a committee to review the Niger Delta issue. The committee was chaired by Mr Ledum Mitee (Ledum Mitee was tried alongside Ken Saro Wiwa’s as his deputy at that time, he was the only one acquitted among those tried) and consisted of 44 men and women, all were said to have a thorough knowledge of the Niger Delta terrain and individually have a history of activism for the Niger Delta cause (the committee is also known as Mitee committee). The committee had among its terms of reference to collect, review, and filter all the previous reports and recommendations

on the region starting from the Sir Henry Willinks report of 1958 to the present and to provide a summary of recommendations for the government to identify the best way of addressing the problem of the Niger Delta region. The Technical Committee on the Niger Delta Report (TCNDR) provided comprehensive short, medium- and long-term recommendations to the challenges in the region (TCNDR Report, 2008).

The committee claimed to have taken a deep look into past government efforts in addressing the problem, reviewed the impact of the efforts on the Niger Delta region and made recommendations most of which were presented in the previous reports. The committee just like the Ogomudia report of 2001, developed wide-ranging recommendations grouped into short, medium- and long-term measures and set out the respective roles of Federal, State and Local Governments for implementing these recommendations.

Among the short-term recommendations to Federal Government was:

- the establishment of a genuine and authoritative Disarmament, Demobilisation and Reintegration (DDR) institution whose process should include foreign negotiators to plan, implement and oversee the DDR programmes at regional, state and local government levels (TCND Report, 2008, p.66)
- to grant amnesty to all militants in the region who are willing and ready to participate in the DDR programme; to exclude from amnesty and ban the activities of those militants who are not participants in the DDR process and not ready to give up their arms (TCND Report, 2008, p.66).

Among the short-term recommendations to Niger Delta State Governments was:

- to establish community demobilization and reintegration committees particularly in areas most affected by conflict in the region
- to establish meaningful projects like health facilities and schools (TCND Report, 2008, p.67).

Among the short-term recommendations to Niger Delta Local Governments was:

- to expose criminal elements and their sponsors within the locality and

- to create an awareness campaign sensitising locals about the DDR process aimed at discouraging the creation of new militant camps (TCND Report 2008, p.67).

There were other reports similar to Ledum Mitee's report by previous governments in efforts to address the Niger Delta problem. Among such reports are the Sir Henry Willink report (1958), Alfa Belgore report (1992), Etiebet report (1994), Vision 2010 report (1996), Popoola report (1998), Ogomudia report (2001) and Niki Tobi report on the National Political Reform Conference (NPRC 2005).

The amnesty programme was a recommendation of the Ledum Mitee Technical Committee on Niger Delta. President Umar Musa Yar'adua gave its details in June 2009. For a 60-day period of 6th August-4th October 2009, militants who voluntarily surrendered their arms, gave up militant acts and registered with the government were eligible for inclusion in an amnesty package for rehabilitation and reintegration which involves monthly payments and training (Nwajiaku-Dahou, 2010). According to a Presidential Amnesty publication, then Minister of Interior who was later appointed Minister of Defence, General Godwin Abbe (retired) had earlier proposed a similar plan of a presidential amnesty as a way of managing the Niger Delta crises. General Godwin Abbe oversaw the successful disarming of 20,192 militants (there were accusations that the number was inflated) who gave up their arms by the 4th October 2009 (Eze, 2016). This process of surrendering arms was what actually kickstarted the implementation of PAP under the presidency of Goodluck Ebele Jonathan (more details in the next section) through the platform of Disarmament, Demobilization and Reintegration (DDR) (Presidential Amnesty publication, 2014).

David (2015, p.12) had argued if not for the proclamation of the amnesty by President Musa Yar'adua, the agitation by the Niger Delta militants would have been a threat to the survival of the country which may have led to secession. But for the PAP, such proposals can be dismissed because the militants now have a sense of belonging. David's view is opposed by Eze (2016) who claimed that PAP only diverted the attention of the militants away from blowing oil pipelines to smuggling and piracy on the coast of the Gulf of Guinea.

Some suggest that the former President Umaru Musa Yar'adua established PAP with genuine interest, but it was partly derailed when his successor took over as President after his death (Adeniyi, 2011). Just a few days to a scheduled two-day official visit to Rivers State for President Umaru Musa Yar'adua to give details of a concrete agenda for the Niger Delta, his health had deteriorated to the point that he was flown to Saudi Arabia where he spent several weeks and struggled with an undisclosed ailment. He died in May 2010. Umaru Musa Yar'adua never lived to implement PAP, he only established it as promised to address the problem of the region.

### **3.5 Implementation of the presidential amnesty programme under Goodluck Ebele Jonathan**

Vice President Goodluck Ebele Jonathan, an Ijaw man from the Niger Delta region became Umaru Musa Yar'adua's successor and, there were high expectations from the government to address the issue finally. Implementation of PAP commenced under the new government of President Goodluck Ebele Jonathan. Nevertheless, PAP under government was embroiled in inter-ethnic politics and rivalry among the Niger Delta elites and politicians. Nwajiaku-Dahou captures the inter-ethnic politics:

*"The political weight of Bayelsa politicians within the Federal administration particularly since Goodluck Jonathan's elevation to the post of Vice President in 2007, his subsequent appointment as President and the appointment of Timi Alaibe, as Amnesty Coordinator following his role as chief negotiator on behalf of militants and later Special Advisor to the President on the Niger Delta, has had repercussions on the way in which the Federally sponsored amnesty program is perceived locally. Jonathan's choice of Alaibe has ruffled many feathers, notably those of the Governor of Bayelsa, Timpre Sylva, who fears being upstaged by his rival. Sylva had a year earlier spearheaded a Bayelsa-wide, 'cash for peace' initiative, which involved paying off militants, rather than endorsing military strikes against them, as in Delta and Rivers states" (Nwajiaku-Dahou, 2010, p.23).*

Timi Alaibe supervised all the surrendering of militant weapons at arms collection centres but was not invited for the same exercise in Bayelsa. Ukiwo & Ebiede (2016, p.115) suggest that Timi Alaibe was excluded in the Bayelsa exercise because the Bayelsa state governor wants "to prevent a potential rival from breaking into his network of client militants". While still at the implementation stage, Timi Alaibe resigned because "he wants to run for governor of Bayelsa state" (Butty 2010); the incumbent Timipreye Sylva wanted re-election. Ironically, both belong to the same ruling party, the People's Democratic Party, and only one of them can contest the election under the party. Faced with this political rivalry, it is obvious that the "election-rigging



politicians” (Schultze-Kraft, 2019, p.81) and “political gladiators” (Omilusi, 2015, p.295) expect the militants to play a vital role in the election process.

Others involved in the inter-ethnic politics include Chief Edwin Clark, an Ijaw elder statesman from Delta state. Chief Edwin Clark was very powerful in Goodluck Ebele Jonathan’s government. It was insinuated (Akintide, 2015) that only the Chief decides who is appointed into the Federal government. Another prominent Niger Delta politician is Peter Odili (discussed in subsequent chapters), a former governor of Rivers state, he was very influential that the Nigeria Supreme Court protected him from been tried of any form of financial crimes (Sahara Reporters, 2009). Michael (2013) alleged that there was no transparency in documentation of militants who surrendered to participate in the amnesty programme, the eventual figure published was fabricated in order to divert the money into private accounts. Some of the international scholarship recipients were never involved in any form of militant related acts, but political associates of powerful Niger Delta politicians.

From the creation of PAP to its implementation, it is in some way evident that the PAP was not designed to provide a lasting solution to the Niger Delta conflict. The politicking in the process of its execution has created mixed reaction among researchers and writers alike. The many shortcomings of PAP as identified by, e.g. Nwajiaku-Dahou (2010), Michael (2013), Obi (2014) and Ukiwo & Ebiede (2016), could be responsible for the renewed hostilities in 2016. Could these shortcomings or those behind the threats be responsible for the renewed hostilities in 2016? The present study attempts to provide an answer to who is/are responsible for these renewed hostilities in 2016.

### **3.6 Presidential Amnesty Programme/Disarmament, demobilization and reintegration: Failure or success?**

Some writers question the value of amnesties that ignore past crimes or atrocities committed by militants/combatants. Among these writers is Harsch (2007) who said that attaining peace should not mean overlooking past atrocities and that failure to prosecute those who committed the worst human rights abuses ignores the suffering of their victims, delays long term reconciliation

and propagates a culture of impunity that can contribute to future abuses. The current events in the region seem to support scholars like Harsch.

The best starting point is to examine the motive behind the whole programme of PAP. According to the International Crisis Group (2015), the advocates of PAP claimed that the primary objective is to disarm the insurgents and to stabilise the security situation in the region. Nwajiaku-Dahou (2010, p.5) said that the main target of PAP was to neutralize the military strength and capacity of the Movement for the Emancipation of Niger Delta (MEND) and its many affiliates by paying them off because MEND in 2005 had changed the consistency and efficiency of what has been a fragmented set of armed attacks on oil installations in the Niger Delta region. The amnesty offer was a package meant for buying out militants by giving them money and stopping them from attacking the oil industry.

The Transitional Justice Institute (2013) argued that amnesties are more likely to be viewed as legitimate where they are primarily designed to create institutional and security conditions for the sustainable protection of human rights and require individual offenders to engage with measures to ensure truth, accountability and reparations. Can the Nigerian amnesty be regarded as illegitimate? Obi & Rustard (2011) had argued that the conceptualization of PAP was not in line with the Technical Report which suggested its establishment, it was not a result of open negotiation but instead, of a negotiation between the government and some Niger Delta elites on behalf of the militant leaders. It was more of a top to bottom approach which neglected all issues of human rights abuses against the Niger Delta people who were victims of atrocities committed by their own young people. Obi & Rustard (2011, p.200) conclude that the DDR process was adopted without a visible road map because the militants were considered as the greatest threats to the oil and gas sector and that once the militants were taken out of the equation, stability will return. Moreover, that is why issues of transitional justice, especially killings committed by all parties to the violent conflict were simply swept under the carpet.

The Nigerian amnesty has been criticised from the outset, many saw it as a failed package that was unable to address the problems of the Niger Delta region. At the time the Niger Delta amnesty was pronounced, scholars and political commentators alike warned of the possible

catastrophe that will follow the amnesty. Scholars like Kemedi (cited in Hinshaw, 2012, p.5) prophesied that “everybody seems to believe that the problem of Niger Delta is over, it’s just on pause, the challenge is to move from pause to stop”. Hinshaw (2012) supports arguing that while “the gilded pacification campaign” offered by the Nigerian government has been seen as a success story by some, others say the program has sent a different message to the young men in the Niger Delta region: that militancy promises more rewards than risks. Hinshaw (2012, p.2) refers to the Niger Delta militants as “oil bandits”. Newsom (2011) also sees the amnesty failing because it did not deal with the root issues of the conflict.

The programme was accused to have been carefully packaged with the spirit of a “Ghana Must Go” (have the money and disappear) mentality, a kind of corruption in Nigeria. Aluede (2012) argued that the amnesty programme is not for the overall interest of the majority of Niger Delta people but just to enrich some ex-militants who are considered as powerful in Niger Delta politics. A part of the reason why numerous scholars and commentators viewed the strategy as only a transient measure with the primary aim to resume regular oil production from the region is that it did not comprehensively address the underlying drivers of the militancy in the Niger Delta region (Ako, 2012 & Paki; Ebiefa, 2011).

What the Federal Government of Nigeria referred to as an amnesty programme is mostly faulty and does not constitute amnesty, as the basic requirements of an amnesty have not been met for the fact of not resolving the major causes of crises in the region (see Omokhoa, 2015; Schultze-Kraft, 2017). There is no peace deal or official agreement between the Federal Government on one hand and between the people of the community and the ex-militants on the other hand. Representatives of the Federal Government only had meetings with state governors, regional and traditional leaders on the crises in the region. Prominent politicians from the region persuaded (alleged to have bribed them) key ex-militants like Mujahid Asari Dokubo, Atake Tom and Tompolo to accept the amnesty offer (Michael, 2015, p.5). This was partly the reason behind the inter-ethnic and political rivalry among the Niger Delta politicians under Goodluck Ebele Jonathan’s government (Michael, 2015).

Critics of the amnesty also argued that it is the most expensive amnesty package in the world as it is above the United Nations standard of \$100 stipends to be paid a beneficiary of a government amnesty (Kolanle, 2015). Newsom (2011) said the amnesty as a programme suffered from short-sighted planning while Nwajiaku-Dahou (2010) believed that the amnesty initiative and the manner in which it was staffed from its inception was mired in political controversy. On money spent to year 2011, figures are difficult to come by but Obi & Rustard (2011, p.201) reported that about £1.6 billion has been spent on the amnesty programme. A hefty part of this amount was used in contract fees e.g. for setting up rehabilitation centres and money paid (bribes) in winning over militant leaders while the implementation of a comprehensive plan for the development of the troubled region was not started (Obi & Rustard, 2011).

Ugwu and Oben (2010) identified three major shortcomings of the amnesty among which are (1) the programme neglected many important aspects of the technical committee recommendations (Ledum Mitee's committee report); (2) it did not address the issue of resource control i.e. community representatives having a major say in oil related issues in the region and (3) the amnesty did not include all the names of repentant militants on the list of those designated for training, payment of allowances and employment.

The amnesty was perceived by many as an opportunity to address the causes of the main conflict in the region but failed to do so due to inertia and poor governance (International Crisis Group, 2015). From the foregoing, it is evident that the manner in which the amnesty programme is being managed is not capable of providing a lasting solution to the problems of the Niger Delta region because it was developed without recourse to the underlying factors (or triggers) responsible for the conflict. Some of these triggers include the damage caused to the environment (the main source of livelihood for the locals) which has largely been contaminated with oil. Another trigger is the issue of resource control as many are not happy with the present means of control by the Federal Government, etc. Inadequacies associated with PAP has been credited to be responsible for the growth of criminal acts like piracy on Nigerian coastal waters (details subsequently).

The International Crisis Group (2015, p.2) stated that going by its primary objective of disarming the insurgents and stabilising the security situation in the region, the programme has achieved meaningful results because kidnapping and attacks against foreigners have fallen. Available reports indicate that between the years 2006-2009, a total of 138 expatriates were kidnapped (Presidential Amnesty Publication, 2014). Some writers like Mutiu (2014) claimed there is evidence to link the amnesty to the reduction in number of kidnappings, others like Starr (2014) are of the contrary view (see subsequent chapter for evidence to support whether there is a reduction or not in kidnappings). In the year 2010 only four foreigners were kidnapped in Rivers State; three were kidnapped in 2011; seven in 2012; and three in 2014 (The Telegraph, 2010; Reuters, 2014). Improved security has enabled petroleum production and exports to increase from about 700,000 barrels per day (bpd) in 2009 to between 2.2 and 2.4 million bpd since 2011. The amnesty has also helped the government save about \$18.7 million daily it previously used to fight the insurgency in the region. Before the amnesty i.e. 2007-2008, it was alleged that the Nigerian government lost about £1.3 billion to the Niger Delta war (Vanguard Newspaper, 2009; Browne, 2010).

With the announcement of the amnesty, over 30,000 (including 822 women) purported militants (there was no independent source to confirm their status as militants or not) surrendered their arms and signed up between October 2009 and May 2011 (Presidential Amnesty Publication 2014). The militants were paid a monthly stipend of about \$400 and were undergoing different forms of vocational and academic training in Nigeria and some parts of the world (Presidential Amnesty Publication, 2014). The Presidential Amnesty office applauded its success to include an increase in the nation's oil and gas earning by 46% in 2010 to nearly \$59 billion dollars up from \$31 billion dollars in 2009 (Presidential Amnesty Publication 2014, p.iii).

### **The purpose of amnesties and Disarmament, Demobilization and Reintegration programmes**

Practitioners of the presidential amnesty and DDR differed on what constitutes an amnesty. The International Centre for Transitional Justice (ICTJ) suggests that just as there are no two matching DDR programs across the globe, there are also no two matching amnesties (ICTJ, 2010). The

centre identified at least four general types of amnesty that could apply in situations in which a DDR program is in place or under consideration:

*“(a) Amnesties that are planned as part of a DDR process but that grant a very broad scope of impunity to former combatants, thus tending to facilitate disarmament and demobilization.*

*(b) Amnesties that are planned as part of a DDR process but that grant a more narrow scope of impunity to former combatants, thus potentially complicating disarmament and demobilization.*

*(c) Amnesties that are not planned as part of a DDR process but that grant a very broad scope of impunity to former combatants, thus tending to facilitate disarmament and demobilization.*

*(d) Amnesties that are not planned as part of DDR process but that grant a more narrow scope of impunity to former combatants, thus potentially complicating disarmament and demobilization” (ICTJ, 2010).*

ICTJ (2010) further argued that combatants will be more likely to disarm and demobilize when they do not risk prosecution.

Ikelegbe (2010, p.8) sees amnesty as a certification of exemption from indictment and exoneration from certain criminal, revolt and extremist activities up to a point carried out as a rule against the state. Simajanoska (2017, p.15) sees amnesty as “an act that in form of a law is being brought by the parliament, which grants to an unidentified number of persons release from being prosecuted, full or partial release from execution of the penalty with a more favourable one or annulation of the legal consequences from the verdict”. Amnesty is a pardon normally granted by a government to a person or class of individuals usually for offence committed, especially political offences, the act of a sovereign power formally forgiving certain classes of individuals who are subject to trial but have not yet being convicted (Azinge, 2013, p.2).

Amnesty can simply be seen as an official pardon by a government to someone or a group of people for committing an offence or acts *classified* by the *government* as criminal. Amnesty is ideally given following a peaceful negotiation by all parties involved in crisis or conflict, that is the perpetrators of the conflict; victims of acts of the perpetrators and the government.

The United Nations Rule of Law tools for post-conflict states suggests that the concept of amnesty refers to the legal measures that have the effect of:

- (a) Prospectively barring criminal prosecution and, in some cases, civil actions against certain individuals or categories of individuals in respect to specified criminal conduct committed before the amnesty's adoption; or
- (b) Retroactively nullifying legal liability previously established (United Nations 2009).

On the other hand, the United Nations (2014, p.25) defined DDR as: -

*"Disarmament is the gathering, documentation, control and discarding of small arms, ammunition, explosives and light and heavy weapons of combatants, and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes"* (lacking in the Nigerian DDR).

Demobilization is the official and organised discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion (a form of transitional assistance to help cover the basic needs of ex-combatants and their families and can include safety allowances, food, cloths, shelter, medical services, short term education, training and employment) (United Nations, 2014, p.25).

Reintegration is the process by which ex-combatants attain civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time frame, primarily taking place within communities (Rodano, 2011).

DDR also refers to the process for gathering and disposing of weapons and ammunition, disbanding or transforming the opposing force, and assisting former combatants' transition back to civil society (Rodano, 2011).

Amnesty/DDR is often considered as a post-conflict instrument but remarkably many contemporary amnesties were extended by the state while the conflict was on going. Amnesties granted while conflict is on-going like the one in Nigeria is, according to Reiter (2014), a carrot

amnesty used by the state in an effort to find peace or, at the very least, to remove some armed actors from the conflict scene.

The Nigerian government decided to run its own DDR without neither the support of United Nations nor that of any foreign government or non-governmental organizations (NGOs). The United Nations adopt a lead role in most single country DDR programs in Africa, supported by NGOs. In countries like Burundi and Congo where the DDR is also handled by national governments without support of the UN, the DDR programme has been engulfed with charges of endemic corruption (Hanson, 2007). The Nigerian DDR under the amnesty office has been in the news more for corruption than for what it is set to achieve. The Vanguard Newspaper Editorial (2018) states that since its inception, PAP has been plagued by allegations of corruption, all the past Coordinators (who are designated as Presidential Advisers on Amnesty) have been accused of involvement in massive corruption. The immediate past coordinator of PAP, Mr Boroh, was in 2016 alleged by some ex-militants to have been pocketing a staggering sum of \$700,000 of ex-militant school fees by inflating the number of ex-militants undergoing training in Saint Kitts and Nevis from 50 to 70. Due to the persistent allegations against Mr Boroh, the President eventually sacked him in March 2018 (Jeffery, 2018; Premium Times, 2018).

### **3.7 Summary**

The chapter addressed one of the study's objectives which is to explore the PAP under President Umaru Musa Yar'adua and President Goodluck Ebele Jonathan. The PAP was the idea of President Umaru Musa Yar'adua who witnessed its creation and proclamation in June 2009. President Goodluck Ebele Jonathan implemented the PAP whose processes were seriously engrossed in ethnic politicking that later appears to have derailed the programme. The purpose of amnesties and Disarmament, Demobilization and Reintegration programmes were discussed in the chapter. PAP has not really addressed the key issues in the Niger Delta conflict.



## **Chapter Four: Niger Delta violence – Terrorism, militancy or criminality?**

### **4.1 Introduction**

The persistent conflict in the Niger Delta region has seen the upsurge of a “plethora of so-called militant groups” (Schultze-Kraft, 2017, p.614). The Niger Delta militancy has gained a bad name as “Nigeria’s greatest security challenge” (Sampson, 2010, p.29), aside from the Boko Haram insurgency. Some writers and commentators like Emami (2016) regard the Niger Delta militants as not only criminals but also terrorists. The militants are regarded as criminal syndicate (Watts 2008) that are ready and capable to openly confront federal and state security forces. Others like Bassey (2016) never see them as criminals. To understand the groups and their activities in the Nigerian legal framework, it is considered pertinent to discuss these varied opinions on the labelling of the Niger Delta militants.

### **4.2 The term crime/criminal, terrorism/terrorist and militant**

The words terrorist, militant and criminal are among the common words found in the contemporary field of research within criminology and other disciplines interested in the study of law, security and politics. While the words militant and criminal appeared to have a common meaning, the word terrorist does not. The word terrorist is so popular among researchers, writers and journalists to the extent that suggestion is given to be careful how one uses it because it is seen as a value-laden concept. The BBC Editorial Guidelines (n/d, p.1) stated that “the word terrorist itself can be a barrier rather than an aid to understanding”. Petty or ordinary criminals, cultists (discussed later) and gang members are what mostly made up militants in the Niger Delta (Francis et al., 2011).

A number of scholars and writers see the Niger Delta militants as terrorists (e.g. Hallmark, 2017; Rufai, 2017; Okhomina and Onukwugha, 2017; Chinwokwu, 2013; Ibeagbu, 2007). While some do not (McGragor 2016; Mayah 2016). It is assumed by researchers like Ibeagbu (2007) that both militants and terrorists are criminals. On this note, it is considered worthy to have a look at the meaning of terrorist, militant and crime/criminal. Just as it can be argued that all terrorists are militants but not all militants are terrorists, so too can it be argued that all terrorists and militants are criminals. Both militants and terrorists have their own agenda that is usually achieved using

terror and violence (Satar, 2015). Some scholars regard the Niger Delta militants as criminals and terrorists while some do not see them as such. Some of the militants are not even seen as criminals by some writers, and the militants also never consider their acts as criminal, as they see their acts as taking what belongs to them in the fight for a common cause (Francis et al., 2011). The common cause according to the Niger Delta militants is the liberation of the region from injustice and cruelty of multinational oil companies operating in the region (Niger Delta Avengers, 2017).

Fighting for a common cause similar to the ones claimed by the militants requires individuals to assemble and such assembling could be illegal. The Nigerian Criminal Code Act 1990 (chapter 10 section 69) states that any individual who participates in an illegal or unlawful assembly is guilty of a misdemeanour and is legally responsible to imprisonment for one year. Section 69 of the Act defines an unlawful assembly as “When three or more persons, with intent to carry out some common purpose, assemble in such a manner or, being assembled, conduct themselves in such a manner as to cause persons in the neighborhood to fear on reasonable grounds that the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly” (Criminal Code Act, 1990). The Niger Delta militants are known to have caused serious economic and social damage to the Nigerian state and Nigerians generally. The World Bank has labelled them as criminals and violence entrepreneurs (World Bank, 2003, p.4).

The concept of crime according to Lacey and Zedner (2012) is so familiar that it is taken for granted by both the learned and the unlearned. From the legalistic point of view, it is the violation of the criminal law (Burke, 2005; Lilly et al., 2002; Akers, 1991). In a nutshell, a criminal is someone who breaks criminal law and is punished for it.

### **The term terrorism/terrorist**

Despite the impact of the acts committed by Niger Delta militant terrorists on the global economy, there is little media attention because the militants have no ties to radical Islamic groups like al-Qaeda and ISIS (Hallmark, 2017). What constitutes a terrorist act lacks a global

consensus because the concept is regarded through a political prism (BBC Editorial Guidelines, n/d, p.1). To Spencer (2006), the term terrorism is one of the most disputed in the social sciences for lack of clear distinction between it and guerrilla warfare, crime or mad serial killer. In the views of Jenkins (1980), the difficulty of defining the term 'terrorism' has led to the cliché that "one man's terrorist is another man's freedom fighter" (cited in Boaz, 2010, p.1).

Despite the availability of numerous publications on the term 'terrorism', it remains an intellectual hard nut to crack. The term is on many people's expressions and in the news every now and then, yet, lacks a workable definition (Whittaker, 2004). It is one of the most extensively discussed topics contemporarily, but among the least understood (Laqueur, 2001). An attempt to understand what the term stands for, is confronted with a "somewhat pedestrian historical and, in respect of the modern accepted usage of the term, a uselessly anachronistic description" (Hoffman, 2006, p.2).

There is no universally accepted definition of the term 'terrorism', scholars as for example Laqueur (2003, p.6) conclude that "a comprehensive definition of terrorism does not exist nor will it be found in the foreseeable future". Despite the non-availability of a universally accepted definition of the term "terrorism", a selection of legal, academic and non-academic definitions will be briefly looked into. It is not within the scope of this thesis to discuss how to overcome the biases and arguments surrounding the meaning of terrorism. Among the widely quoted academic definitions is the one given by Laqueur (2003) who says it involves violence and the threat of violence. Bjorgo (2005) states that terrorism is a set of techniques of combat rather than a recognizable ideology or movement and involves premeditated use of violence against (primarily) civilians in order to achieve a psychological effect of fear on others than the immediate targets.

The legal profession according to Bruce (2013, p.27) desires a definition for the purpose of successful prosecution and conviction of accused terrorists. Prosecution of terrorists in the U.S. is under the Homeland Security Act of 2008, section 8 which emphasises the danger to human life, covers the critical infrastructure and key resources, but also includes the psychological and political aspects. In the United Kingdom, there has been a series of laws passed by the Parliament, the most prominent among the laws is the Terrorism Act 2000 that understands terrorism in

similarity to the 'Criminal Code Act 1995' of Australia (Home Office, 2007). Under the UK Terrorism (Prevention) Act, 2011 (UK), an act of terrorism means an act that "that is deliberately done with malice, aforethought and which may seriously harm or damage a country or an international organization; is intended or can reasonably be regarded as having been to (i) unduly compel a government or international organization to perform or abstain from performing any act" (Act 2011, p.2).

In Australia, terrorism is covered under its Criminal Code Act 1995 part 5.3 Divisions 100-106 and the law defines an act as *"a terrorist act if it aims to coerce or influence the public or any government by intimidation to advance a political, religious or ideological cause, and causes death, serious harm or danger to a person; serious damage to property; serious risk to the health or safety of the public; and serious interference with, disruption to, or destruction of critical infrastructure such as a telecommunications or electricity network"* (Australian Government Attorney-General's Department, n/d, p.4).

According to Zhou (2015), there are three non-academic definitions of terrorism that are influential as used by the United Nation in its Draft Comprehensive Convention on International Terrorism, by the European Union in its Framework Decision of 2002 on Combating Terrorism, and by United States of America State Department in its annual reports on terrorism to the U.S. Congress. Terrorism is generally defined by four key elements: violence, target, motivation and organization. Violence is the main objective element of terrorism. Traditionally, targets for the violence are limited to persons only but recently, also include both objects and property - be it personal or not. The third element is motivation which the United Nations and the European Union said may be "to intimidate a population or to compel a government or an international organization to do or to abstain from doing an act" (United Nations, 2001). The fourth element is terrorism has to be committed by individuals at the request of an organizational entity.

As earlier stated, the Niger Delta militants are not regarded as terrorists but freedom fighters, which is similar to how some people regard Boko Haram or IPOB. On the various perceptions of these groups, Bricks (2015, p.3) stresses that all those who make a living by making others suffer are called 'terrorist'. Commentators like Abiodun (2017, p.1), labelled not just the Niger Delta

militants but also all similar emerging groups in Nigeria as “terrorists”. Boko Haram terror group rationalises its killing that included devout Muslims by labelling them as “unbelievers”, Niger Delta Avengers sees Nigerians as “occupiers”, and IPOB call Nigeria a “zoo” and other Nigerians as “animals” (Abiodun, 2017, p.4). Abiodun concludes that Nigerians should never be fooled into seeing some groups as terrorist and others as saints, “terrorism is terrorism and all terrorists should be treated alike. What is good for Boko Haram should be good for NDA, IPOB and MOSSOB” (Abiodun, 2017, p.5). Niger Delta militants and Boko Haram (two groups with different motives) have over the years engaged in acts terroristic in nature as contained in Nigeria’s Anti-Terrorism Act, 2011.

It took until 2010, when terrorism had fully evolved due to activities of Boko Haram fighters (resulting in the death of about 37,000 and displacements of millions, Mikailu, 2016; Global Terrorism Index, 2017), for the Nigerian legislature to accept that “terrorism had no borders, religion, gender, race, ethnicity and nationality” (Ejeh et al., 2019, p.189). The Nigerian Legislature adopted the Anti-Terrorism Act on February 22, 2011. It is adjudged to be in conformity with international standards (Bhura, 2012). The Act was amended in 2013, presently known as the Terrorism (Prevention) (Amended) Act, 2013.

Under the Terrorism (Prevention) (Amended) Act, 2013, a terrorist is any natural person who:

*“Commits, or attempts to commit, terrorist acts by any means, directly, unlawfully and wilfully; participates as an accomplice in terrorist acts; organises or directs others to commit terrorist acts; or contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the group to commit a terrorist act”.*

Under the same Act, terrorism means an act that “that is deliberately done with malice”, aforethought and which

*“May seriously harm or damage a country or an international organization; is intended or can reasonably be regarded as having been to unduly compel a government or international organization to perform or abstain from performing any act; (Terrorism (Prevention, Amended) Act 2013). Life imprisonment is the penalty for anyone convicted of this crime” (Terrorism (Prevention) Amended Act, 2013).*

Probably the above-mentioned Anti-Terrorism Act influenced the understanding of Emami (2016) to regard the Niger Delta militants as terrorists.

The renowned activist from the Niger Delta region, Chief Ayiri Emami, regards the Niger Delta militants as “terrorists” because their acts have only “succeeded in exposing their terrorists’ tendencies” (Emami, 2016, p.1). Chief Ayiri Emami is not just an activist from the region, he is a billionaire politician and the reigning ‘Ologbotsere’ (Traditional Prime Minister) of Warri Kingdom in Delta state. Despite the description of their acts as “petro-terrorism” (Orogun, 2010, p.461), ex-militants cannot be regarded as terrorist because the law (PAP) has forgiven them for all the sins or atrocities committed both against the state and against individuals. Tobor (2016, p.30) argued that there is a danger “in adopting the sweeping appellation of terrorism on any individual or groups because it evokes demeaning emotions and incites an ideological mind-set that seems to alter the very fundamentals at stake in any contextual scenario”.

### **The term militant**

However, unlike the concept of terrorist, the concept of militant has less controversy over its meaning. This term ‘militant’ is one of the words used to portray anybody with emphatically held perspectives (e.g., militant Christian, militant atheist) (Quamruzzaman, 2010 & Obi, 2001). A militant group usually maintained a forceful stance while in pursuit of its cause and mainly confrontational until the aim(s) are achieved. Various writers (Briggs, 2007; Obi, 2001; Osaghae et al., 2008; Falana, 2007; Quamruzzaman, 2010) extensively discussed this concept. Inokoba and Imbua (2010) identified three types of militants: intellectual militant, militant mobiliser and violent militant.

This study considers the term ‘militant’ as someone who favours confrontational or violent means in support of a cause - be it political or social. In the context of the Niger Delta, Briggs (2007) and Osaghae et al. (2008) define militants as armed men who make political demands, including the release of imprisoned leaders, cash compensations for communities, change of electoral candidates and a greater share of oil revenues, among others. ‘Militant’ also refers to anyone or any group of people that are not trained soldiers but have armed training and have the capacity to act as an army (Falana, 2007).

Osaghae et al. (2008, p.33) argued that on the objectives of militants in the Niger Delta, there seems to be an agreement of interests between the militants and some of the Niger Delta leaders

and elders. It includes e.g. the right of states and communities to resource control; a broad-based development programme to transform the region; protection of land; dignity, culture, freedom, environment and natural resources of the Niger Delta people. Non-proscription of Niger Delta militants as terrorists by the Nigeria government is what differentiates them from being called terrorists but militants.

Osaghae et al. (ibid.) opines that the relationship between cults and militant groups is very close, in fact, most militants are loose federations of cult groups. Uchenna (2014, p.171) argued that the term 'cult' is a socially constructed phenomenon and its meaning is dependent "on time", place and "who is defining it". 'Cults' refers to groups of persons committed to providing security and economic opportunities for each other and their individual communities, who are swearing an oath of allegiance and secrecy and depend on mostly violent means to achieve their goals (Osaghae et al., 2006). Cult groups usually have an initiation process after which they pledge their faithfulness under vow to the group. Once a person becomes a member, he is in for life except for exceptional circumstances. They are referred to as secret cult groups because their activities are always secretive, and meetings are conducted at odd hours. Wole Soyinka (the Nobel Laureate) together with six other friends were credited to have formed the first secret cult group known as Pyrates Confraternity (PC, also known as Original Seven) in 1952 at the University College Ibadan (NAS 2016). Over time, many male dominated secret cult groups were formed across the country that include Second Son of Satan, Black Scorpion, Black Beret, Executioners, Dreaded Friend of Friends, Red Sea Horse, etc. Female dominated secret cult groups include Black Brazier (Black Bra), Daughters of Jezebel and Damsel.

The return to democracy offered opportunities for the gangs to become rich and they developed their own agenda. Boas (2011) highlighted that some of the militants who had worked for politicians initially developed interests of their own. A good example is Asari Dokubo who started as a mere gang leader who later became powerful but ended up charged with treason because of the allegation that he had declared that the Niger Delta region should secede from Nigeria.

### **4.3 Classification of armed and non-armed groups in the Niger Delta region**

Not all the armed groups in the Niger Delta region are regarded as militants, some are regarded as cult groups exploiting the situation in the region, even those classified as militants were also accused of the same exploitation. Asuni (2009, p.7) suggests that the armed groups in the Niger Delta region are 'nebulous and hard to categorize'. The history or origin of all the armed groups operating in the Niger Delta region is related to the Nigerian 'cult' phenomenon. The term 'cult' in Nigerian context refers to the criminal gangs that originally appeared as fraternity organizations among students in Nigerian university campuses (Boas 2011). In addition, Asuni (2011) argued that many of these groups branched off into street gangs, became involved in unlawful activities such as drug dealing and oil bunkering and were hired as political thugs.

Francis et al. (2011) classified the groups operating in the Niger Delta region into four, namely the advocacy groups; confraternities and cults; vigilantes; and militant groups. The advocacy groups are peaceful ethnic groups that champion their collective interests, such groups use the mass media, petitions, seminars and lobbying. Examples of established advocacy groups are the Movement for the Survival of Ogoni people and the Ijaw Youth Council. The second category is the confraternities and cults (discussed earlier). The third is the vigilantes, they are community-based groups that are mostly meant to ensure communal defence and protection from predatory enemies. Although activities of the vigilante groups made it difficult to distinguish them from armed militias. Examples of vigilante groups are the Bakassi Boys in Abia state and the Bush boys in Rivers State.

The fourth type is the militias, they are trained armed forces that are self-motivated and self-sustaining. Some are large and well organised, while some are small gangs of freelancers who work under a warlord. Contrasting the vigilante, they are not community based and members move freely between locations. "Militias sustain themselves with well-paid security contracts in the public or private sector, political enforcement, armed services, piracy, oil bunkering, or sales of drugs and weapons" (Francis et al., 2011, p.128). The rise of several more militant groups has also fuelled the emergence of over twenty armed resistance groups in the region (Obi 2001). The militant groups do vary in their policies, some are into hostage taking while others are not



(Francis et al. 2011). Because of the complexity of their genealogies (Watts 2008), it is important to explore how militants emerged in the Niger Delta region.

#### **4.4 Emergence of Niger Delta militants/armed groups**

The most prominent individual to champion the rights of minorities in the Niger Delta was Ken Saro-Wiwa (discussed above). A decade since the hanging of Ken Saro-Wiwa, the potential consequences of the Niger Delta militancy and conflict had escalated in both human and economic terms. This gave rise to the emergence of various militant groups. Prominent among such established groups are the Movement for the Emancipation of the Niger Delta (MEND), the Joint Revolutionary Council (JRC), the Niger Delta People Volunteer Force (NDPVF) and the Movement for the Survival of the Ijaw Ethnic Nationality (MOSEIN), and most recently, in February 2016, the Niger Delta Avengers (NDA).

The little-known group NDA at the time published its list of demands to President Muhammadu Buhari, failing which the group would bring to a halt the Nigerian economy by attacking oil installations. In what the group termed 'Operations Red Economy', it outlined its grievance with Buhari's government. The new group condemned Buhari's lack of Federal character (a government policy that ensures equal job placement of Nigerians across the thirty-six states) in appointments and regarded his anti-corruption war as targeted at former President Goodluck Jonathan and the government's opposition figures. The new group also called for secession of the entire Niger Delta region. After their first major attack in February 2016, the Niger Delta Avengers (NDA) released a statement that 'we want our resources back to restore the essence of human life in our region for generations to come because Nigeria has failed to do that. The world should not wait until we go (the way of Sudan). Enough is enough' (cited in Gaffey, 2016, p.1).

The group also demand the immediate release from detention of Nnamdi Kanu (the leader of the secessionist group IPOB standing trial for treason) as well as the release from detention of retired Colonel Sambo Dasuki (a former national security adviser to the government of Goodluck Ebele Jonathan) standing trial for corruption and mismanagement. They are also demanding the de-

freezing of the account of Tompolo who is declared wanted for refusing to appear court (Niger Delta Avengers, 2017).

A renowned Niger Delta activist Mr Emami labelled militant groups and those behind this new violence as ‘terrorists’. He also viewed Tompolo behind the renewed violence. The activist said

*“I believe that no matter the names they come up with every day, the bombing of pipelines is the handiwork of one man who is running away from justice in connection with the fraudulent acquisition of land for the Nigeria Marine University projects, as well as contracts controversially awarded by Nigeria Marine Administration and Safety Agency running into billions of naira. No one should be fooled by making it look like a witch-hunt”* (Emami, 2016, p.1).

Authors like Ibaba (2005) suggested that different elements have led to the militant activities in the Niger Delta region, including the legislative issues of revenue sharing within the various components of Nigeria, human rights infringements, disappointment of corporate social obligations by multinational oil companies as well as accountability and transparency failures in government administration. The reality on the ground in the Niger Delta region is what gave birth to youth restiveness. Ibaba further argued that none of these militant groups had violent preferences at their beginning, they started as a peace-loving assembly of youths.

#### **4.5 From ordinary gang leaders to superrich ex-militants**

As stated earlier, some of the ex-militants were once members of a gang or cult group. The most powerful among them with an alleged support from vested interests became leaders of their groups, and subsequently rose from ordinary gang leader to super rich ex-militant. The quantitative data of this work is expected to give an idea of the public’s understanding of the involvement of politicians and the emergence of militant groups. This study considered it worthy to have a glance at some of these groups, to also have a look at three most prominent militant groups and their leaders who can influence other militant groups. These are Mujahid Asari Dokubo, Ijaw Youth Council (IYC) and the Niger Delta People’s Volunteer Force (NDPVF), Atake Tom, Icelandier and the Niger Delta Vigilante (NDV) and Government Ekpemupolo (Tompolo), Federated Niger Delta Ijaw Youths (FNDIY) and Movement for the Emancipation of Niger Delta (MEND).

#### **4.5.1 Mujahid Asari Dokubo, Ijaw Youth Council (IYC) and the Niger Delta People's Volunteer Force (NDPVF)**

Mujahid Asari Dokubo was assisted by Governor Peter Odili in 2001 to become the president of Ijaw Youth Council in a controversial election which some believed was never held (ActionAid Nigeria, 2008 & Marquardt, 2007). Peter Odili's aim was to weaken the IJC's leadership that he sees as an obstacle to his political supremacy in Rivers State. Mujahid Asari Dokubo paid Peter Odili back by engaging in voter fraud and silencing political opponents. Peter Odili in return overlooked Mujahid Asari Dokubo's oil bunkering activities (Human Right Watch, 2008).

As the President of Ijaw Youth Council, Mujahid Asari Dokubo (box 3.4.1 presents more about Dokubo) had an enormous influence on Ijaw youths not just in Rivers State but in other Ijaw areas in the Niger Delta region like Bayelsa, Delta, Akwa-Ibom, Edo and Ondo states. Dokubo is said to have become increasingly militant and his goals were against that of IJC core leadership. led him to begin building a private militia organisation that became known as Niger Delta People's Volunteer Force (Business Day Africa cited in Marquardt, 2007). He named his militia group after Isaac Adaka Boro's Niger Delta Volunteer Force (NDVF). The PM News (2012) suggested that Dokubo has an estimated four thousand 'soldiers' under his command.

#### **Box 4.5.1: Mujahid Asari Dokubo**

Mujahid Asari Dokubo was born to a middle-class Christian family of a judge in Warri, Delta State of Nigeria. Mujahid Asari Dokubo was formerly known as Melford Dokubo Goodhead Jr. He converted to Islam, which he said he found fascinating because the religion allows him to correct the ills of society and fight oppression (Marquardt, 2007; Nigerian Biography, 2015; Ehiabhi, 2015). He studied law at the University of Calabar, was at a time in the University, the President of the National Union of Rivers State Students before dropping out in his third year due to tensions between him and the University management (Marquardt, 2007; International Crisis Group, 2006). Mujahid Asari Dokubo attempted to complete his law degree at the Rivers State University of Science and Technology where he again dropped out (International Crisis Group, 2006; Amungo, 2004).

He is regarded as the most prominent of the ex-militant leaders not just in the Niger Delta region but Nigeria as a whole (Nathaniel, 2016, Human Rights Watch, 2008; International Crisis Group, 2006). Mujahid Asari Dokubo was among the founding members of Ijaw Youth Council (IJC) in 1998. He was the first vice president of the council. Among the main concerns of the council is to peacefully seek for redress of all perceived injustice by Federal Government of Nigeria and multinational oil companies done to the Ijaw people and their environment.

#### **4.5.2 Atake Tom, Icelfander and the Niger Delta Vigilante (NDV)**

In an interview granted to the Vanguard Newspaper, Atake Tom was asked how did the Icelfander group became a large group that has been patronized by politicians? Atake Tom said that

*“it all started when I was in Port Harcourt, around 1999. The people, particularly in Okrika, my hometown, noticed an emergence of a cult group that was involved in stealing, robbery and brigandage. They indulged in raping girls, snatching girls from fellow folks in the town, causing confusion in the town, particularly during ceremonies and all that”* (Onah, 2009, p.1).

It was alleged by Human Rights Watch (2007) and International Crisis Group (2006) that Governor Peter Odili’s administration sponsored Atake Tom in an unsuccessful and bloody attempt to crush Asari Dokubo and his group members. In an interview Atake granted Human Rights Watch (2007, p.4), he was quoted to have said that Governor Peter Odili had promised cash and jobs in great quantities for himself and his ‘boys’ and that in return, *“any place Odili sent me, I conquered for him. I conquered everywhere”* (Human Rights Watch, 2007, p.4).

Atake Tom is said to be good in recruiting and nurturing youths to be hardened criminals through his cult group of Icelanders which later and presently is known as Niger Delta Vigilante (NDV). Atake Tom (box 4.5.2 presents more about Atake Tom) became prominent through a blend of lucrative criminal activity and political patronage most especially after the 2003 elections in Rivers State. Atake Tom was alleged to be part and parcel of the political thugs used to rig the elections in 2003 who after the elections claimed that the politicians failed to live up to their promise of cash and providing jobs for the boys. Last (2007, p.2) met Atake Tom in one of his bases who reported to be said that,

*“if the president and his people will settle (pay) us, we will leave this place. There will be peace. The elections will not change anything. If they want to keep peace, we will keep the peace. If they don’t want, we will destroy it”.*

#### **Box 4.5.2: Atake Tom**

Atake Michael Tom was born in the Okrika Local Government Area of Rivers state to very influential and committed Catholics. In his community, his main occupation was fishing, selling of sand from local beaches and farming. There is no known literature that Atake Tom attended any higher institution but only primary and secondary school. Atake Tom is popular in his community (Onah, 2009).

He is alleged to in 2007 have written a letter to the Rivers state Governor requesting for amnesty in response to an offer of clemency and rehabilitation the government offered to any militia who surrendered. In November 2017, the former militant leader was crowned as the 'Amanyabo' (king) of Okochiri town in Wakirike, Rivers State, the traditional head of his community. Atake Tom is reported to have a net worth of \$10 million (Odunsi, 2017; Onoyume, 2017; Onah, 2009).

Image 4.5.1: crowning of the new king of his community, Chief Atake Tom



**Source:** Daily Post/Odunsi 2017.

#### **4.5.3 Government Ekpemupolo (Tompolo) Federated Niger Delta Ijaw Youths (FNDIY) and Movement for the Emancipation of Niger Delta (MEND).**

This militant group will be discussed in more depth compared to NDPVF and NDV because it was the activities of MEND that almost crippled the Nigerian economy and are somewhat responsible for the establishment of PAP. The Warri crisis in 1997 between the Ijaws and Itsekiris was

instrumental in making Tompolo a militant. The Warri crisis was a result of the relocation of a newly created Warri South local government area that was moved from Ogbe-Ijoh (an Ijaw area) to Ogidigbin (an Itsekiri area). The 1997 Warri crisis is an example of the in-built power struggle between ethnic groups as argued by Achebe (2012, p.51). The Warri crisis recorded loss of lives and property as well as the taking of 100 workers of Shell petroleum hostage (IRB, 1998 & Walker, 2009).

Tompolo (for more on Tompolo see box 3.4.3 below) came to limelight after the Warri crisis, he created the Federated Niger Delta Communities (FNDIC) that fought the Itsekiri groups on the streets of Warri town and in the creeks (Walker, 2009). The Warri crisis propelled Tompolo as a ruthless soldier and a good manager of forces who later joined the Ijaw Youth Council from where he met Mujahid Asari Dokubo and other to be militant leaders like John Togo, Farrah Dagogo, Boylof, among others. He was a highly respected member of IYC not just because he is a brave soldier, but because he has a lot of money. Tompolo was not comfortable with the internal politics within the IYC and that made him abandon the group to form a new one that will violently confront the insensitivity of the Federal Government and the multinational oil companies to the exploitation and degradation of the people and environments of the Niger Delta region (Udeze, n/d; Abubakar and Chung, 2012; Murray, 2007; Odunlami, 2012).

After leaving the IYC, Tompolo started to mobilize vigilantes and cult group leaders from the Niger Delta region to a place he called 'Camp 5'. A dangerous camp established to fight for what they called a common struggle by creating a platform that represents them. It is believed that it was in this camp 5 that Tompolo established the dreaded militant group called Movement for the Emancipation of the Niger Delta (MEND) (Walker, 2009). This group was formed as an umbrella organisation of all the militant groups operating in the Niger Delta region. Tompolo once boasted that, apart from Mujahid Asari Dokubo and Atake Tom, every other militant leader (General as they are called by their followers) had his militant training at camp 5 (Owen, 2009; BioNetworth, 2017; Walker, 2009).

MEND officially began its terror by kidnapping nine foreign oil workers in the Niger Delta region. Among the nine were three Americans, two Egyptians, two Thais, one Briton and one Filipino (Eze

2014). MEND became so strong and powerful that it was alleged that the Delta State Governor was paying Tompolo the sum of about £4.5 million as security allowance monthly (Amaize et al., 2009). Tompolo was also alleged to be secretly employed by the Federal Government security outfit Joint Military Task Force (JTF) to help them with useful information that will assist in keeping the trouped waterways safe from pirates (more details on piracy in subsequent chapter). The romance between Tompolo and the then JTF can best be described as 'using a favoured criminal to catch unfavoured criminals'.

Unfortunately, the understanding between Tompolo and the JTF went sour when the former allegedly killed 11 soldiers over a disagreement. The new commander of the JTF Brigadier-General Sarkin Yaki Bello did not waste time in declaring Tompolo wanted for the killing of the soldiers. Bello's men stormed the headquarters of Tompolo desperately searching for him but were not able to get him. During the military onslaught against Tompolo and other militants, documents were recovered from Tompolo's dreaded 'Camp 5', these documents are suspected to have details of those sponsoring the militants that include some top politicians, personalities and corporate organisations like banks (Abonyi & Ogbu, 2009).

Thisday Newspaper (one of the local dailies) had on its front page of Friday, 5th June 2009 a bold caption titled 'Yar'adua gets list of Militants Sponsors: to brief National Assembly Leaders and Niger Delta Governors on Monday'. These documents were reported to contain details of "protection money" being collected by Tompolo from some Federal Government agencies and the State Government in Niger Delta. The Newspaper also reported that an undisclosed top military official said 'Tompolo is like an Al Capone to all the militants and their activities are nothing but a pure organised crime, the details in these documents will surely shock Nigerians if released'. Unfortunately, the alleged sponsors are still unknown despite strong indications at that time (2009) and the Federal Government's intention to expose them.

Tompolo was, in 2016, declared wanted by the Economic and Financial Crimes Commission and has remained on the run since. He is wanted in a case of conspiracy and the illegal diversion of approximately £122,928,000 and £43,024,900 belonging to the Nigerian Maritime Administration and Safety Agency (NIMASA). All efforts made by the Nigeria security agencies to



catch him have proved unsuccessful. While he is on the run, it is believed that Tompolo still presents a powerful danger to the Nigerian military (Udeze, n/d; Walker, 2009).

**Box 4.5.3: Government Ekpemupolo (Tompolo)**

Chief Government Owezide Ekpemupolo, popularly known as Tompolo was born to a well-connected royal family of Ijaw descent from Okerenko, in the Gbaramatu kingdom of Delta state. His parents are one of the most respected families in the community by virtue of their traditional and social status. Like his friend and ex-militant leader Atake Tom, Tompolo did not attend any higher institution. His parents are very rich, they have a business firm and executed some contracts for Shell Petroleum (The Nations Newspaper, 2017, Walker, 2009; Gaffey, 2016). Tompolo was a contractor with Chevron, supplying them with diesel for their operations on the Escravos creeks.

Tompolo's acceptance of the Federal Government amnesty influenced other militant leaders to embrace peace. With his acceptance of the amnesty, Tompolo, like his two prominent friends Mujahid Asari Dokubo and Atake Tom, were individually awarded a very lucrative contract by the Federal Government of Nigeria to guard the nation's oil pipelines (Oyibode, 2016). To further pacify him, without following any known procurement process in Nigeria, Tompolo was also awarded a multi-million-dollar contract to procure war ships/naval vessels for the Nigerian navy (a dangerous offer capable of undermining national security) (Eke, 2016). Tompolo is regarded as the richest of all the ex-militants and one of the most influential Nigerians today despite his violent past (Odunlami, 2012). Tompolo owns a private jet 'LearJet 60SE' that is worth \$13.3 million and Tompolo has established a foundation named 'Tompolo Foundation', which is involved in humanitarian activities like provision of health facilities and education in the Niger Delta region (Odunlami, 2012).

**4.6 Selected key events that assisted the emergence of militants/armed groups**

In order to have an in-depth understanding of the Niger Delta conflict, some selected historical events are considered to address one of the research questions which seeks to know if vested interest are sponsoring the militants. The chain of events can be tracked back to the period when some youths from Niger Delta visited Abuja on the 2nd of March 1998 for the '2 million-man march'. In February 1998, all local governments in Nigeria were directed by General Sani Abacha (Military Head of State) to sponsor five thousand Nigerian youths each to attend a two-million-

man march in Abuja which was tagged 'Great March' by its organisers Youths Earnestly Ask for Abacha (YEAA) (John, 2011).

The march was a political gathering meant to support General Abacha's transformation from military dictator to civilian ruler. It was reported that as the Niger Delta delegates entered Abuja on the 2nd of March 1998, many of them thought that they had entered a different country and not Nigeria (Presidential Amnesty Publication, 2014, p.3). They saw strong and long bridges where there was no water or ponds; there are bridges well-tarred and constructed. They saw well-tarred highways stretching to heavens, modern buildings everywhere as well as many on-going capital projects. Many of the youths were left wondering if Abuja is really part of Nigeria. The seed of armed agitation was said to have started germinating in the minds of these Niger Delta youths from the moment they were convinced that they were indeed in a part of Nigeria, a part that was solely created from oil money derived from the Niger Delta region (Presidential Amnesty Publication, 2014, p.3). They compared it with the poverty of infrastructure and basic amenities in their own region (Presidential Amnesty Publication, 2014, p.3).

The first major event that occurred after the said Abuja visit was the creation of Ijaw Youth Council (IYC). David (2010) is of the view that the creation of IYC was the starting point on which the contemporary violent militancy was built. The activities of the IYC were somehow confrontational to the Federal Government of Nigeria and since then, the relationship between the youth groups in the region and the Federal Government has been and remains until today one of mutual suspicion.

### **July 1998**

Just barely four months after the Abuja visit, Niger Delta locals, mainly youths, met in July 1998 at Kaiama (Kolokuma/Opokuma local government area of Bayelsa State) and established the Ijaw Youth Council (IJW). This event occurred only a few days after the mysterious death of General Sani Abacha in the previous month. At the meeting, the youths approved a declaration demanding all lands and mineral resources within their territory to belong to 'Ijaws'. IYC also stopped to recognise all military decrees enacted by all the previous Nigerian Military

Governments without the input and permission of the Niger Delta people (Human Rights Watch, 1999d; Presidential Amnesty Publication, 2014).

The Kaiama declaration was an Arab-spring like awakening in Ijaw-land and among the entire Niger Delta people especially the youths. Based on this resolution, the youths demanded the Federal Government to withdraw all military personnel from the region and pending the issue of resource control and land ownership in Ijaw communities, asked oil companies to leave the Niger Delta region because they are tired of gas flaring; oil spillage and being labelled as saboteurs/terrorists. The youths finally stated that the various steps to implement these resolutions would commence on the 30th December 1998 and strongly demanded oil companies to withdraw from the region before that date to avoid being caught up in unspecified actions of IJC youths (Tekon, 2013; Osaghae et al., 2008; Ezejiofor, 2016, p.28).

### **December 1998**

On the 11th of December 1998, hundreds of youths from the region assembled in the birthplace of Isaac Adaka Boro in Bayelsa State. The essence of the gathering was to pronounce the enforcement of the Kaiama Declaration stating many reasons why the Federal Government and all the oil companies should comply with their demands or leave the region. In addition, on the 28th of December 1998, the youths announced the start of a peaceful operation called "Operation Climate Change" which ran from the 1<sup>st</sup> to 10th of January 1999. According to Osaghae et al. (2008) the youths, having taken a centre stage following the Kaiama declaration, had given all the multinational oil companies in the region two weeks to pay compensation for destroying their environment.

Youths supporting the Kaiama declaration took to the streets in some Ijaw communities within Bayelsa state for a peaceful demonstration on the 30th of December 1998. According to Ukeje (2001) and Human Rights Watch (1999d), about two thousand youths called "Egbesu boys" marched peacefully to Bayelsa state Government house in Yenagoa where they were shot at by the police leaving three of them dead. The youths re-assembled in the evening and raided military and police checkpoints where they seized weapons and ammunition. In the night, there were reports that two Nigerian military warships chained off the coast of Delta and Bayelsa state, and

fifteen thousand armed personnel were moved to various parts of Bayelsa to disperse the estimated two thousand youths in the town (Ukeje, 2001). The demonstrations had ended with tear gas and direct gunfire (Ukeje, 2001). The Ebgesu boys are cult groups that exist within Nigerian Higher Institution campuses most especially in the Eastern, West and Southern parts of the country. Osaghae et al. (2008) acknowledged that some Niger Delta communities set up cult groups to protect their communities from external aggression. Human Rights Watch (2008) concludes that in various parts of Nigeria including Rivers State, some prominent politicians are cult members.

Nigeria returned to democracy on the 29th of May 1999 when the military government led by General Abdulsalam Abubakar handed over to the elected government of Chief Olusegun Obasanjo. This development should have opened the political arena to Niger Delta protest movements and facilitated consultations with Federal and State Governments and with oil companies to stop the spread of violence, however unfortunately the reality has been more complex and problematic (Luckham, 2006). There were high expectations because all the previous atrocities committed against the innocent people of the Niger Delta were under military dictatorship. Although, there was scepticism about the personality of the new civilian president, Nwajah (1999) observed that the new president may find it difficult to leave behind his military background (as a retired general who ruled the nation under military dictatorship from 1978 to 1979) even in the environment of democracy.

Unfortunately, this new democratic government also committed what can be referred to as either state initiated or state facilitated corporate crimes in the Niger Delta region just the same way the military governments did. During the election campaigns across the country, some politicians were alleged to have assembled and armed groups to intimidate political opponents and help in ballot paper snatching (a common way to rig elections in Nigeria). The link between armed groups and politicians will be discussed in detail subsequently.

### **November 1999**

There were only three months of relative peace in the Niger Delta region after restoration of democracy when Nigerian coercive forces committed another crime against the people of the

region (Human Rights Watch, 1999c). On the 20th of November 1999 the Nigerian army embarked on an operation code named "Operation Hukari 2" in Odi Bayelsa state to identify the abductors and killers of twelve police officers. The police officers were carrying out operational activities in the state following the unrest of the Kaiama declaration protest. Some youths, objecting the presence of police officers in the community, had apprehended seven of the police officers and slaughtered them (Human Rights Watch, 1999c). Not satisfied with that, they kidnapped another five officers and killed them (Human Rights Watch, 1999c). The situation appeared to have gone out of control, which led to an enraged President Olusegun Obasanjo giving the Bayelsa state governor Chief Diepreye Alamieyeseigha a two weeks ultimatum to identify the culprits or face the consequences.

With the expiration of the President's ultimatum, the army was deployed and by the end of their activities, the Nigerian army razed the entire Odi village down. People were massacred, the only visible objects left were two buildings, one belonging to a church and the other to a bank (Human Rights Watch, 1999). The Federal Government claimed that only 43 people were killed, but reports put the deaths of civilians at 2,500 (Human Rights Watch, 1999c, p.2; Courson, 2006, p.3). The matter turns into that of litigation and over \$300 million was awarded to the community by the Federal High Court in Port Harcourt. About \$122 million was eventually paid after an agreement between the Federal Government and the community (Bolou, 2017; Onishi, 2001; Human Rights Watch, 1999c, p.2; Courson, 2006, p.3).

Nwajah (1999) claimed that the Federal government was aware that governor Alamieyeseigha was unable to handle the situation because intelligence reports suggested that some of the suspected murderous youths, including Ken Nneweira (a renowned cult member among the locals), were linked to the governor's electioneering campaigns. A handsome reward of money was promised to the youths after the elections but unfortunately, the governor could not fulfil the promise made to these youths who had ran out of patience and hence imposed terror across Bayelsa state (Nwajah, 1999).

President Olusegun Obasanjo did not wait for the expiration of the ultimatum given to the state governor when he declared a state of emergency in Bayelsa and deployed military to bring back

law and order in the state. The military ended up creating more violence by wiping out the complete community of Odi. Delta and Rivers State were also not left out with allegations of politicians recruiting and providing arms for youths in order to suppress political opponents (Bolou, 2017; Onishi, 2001).

Among the characteristics of the 1999 Nigeria general election in many parts of Niger Delta region and some other parts of Nigeria was the recruitment and arming of youths by politicians to instil fear in opponents. This characteristic was more prominent in the 2003 general election that also contributed to the emergence of extreme violence in the Niger Delta region. Human Rights Watch (2005, p.2) concludes that the return to democracy in 1999 worsened youth militancy as unscrupulous politicians used hired “thugs” to carry out violence to ensure their success at the polls. Prior to the 1999 and 2003 general elections, all the political parties, most especially the ruling PDP, recruited and armed youth groups to terrorise opposition politicians and their followers (Human Rights Watch, 2005).

#### **April 2003 general elections in the Niger Delta region**

The general election turned out to be more of a solidification of the existing cult and armed groups in the Niger Delta region because the groups became more violent and daring. ActionAid Nigeria (2008) argued that the April 2003 election did not only make things worse and condemnable but also unacceptable because the ruling elite had a rare privilege to change things for the better or worse. Ishiekwene (2003) said that the April 2003 election saw a new dimension of election rigging. The April 2003 election according to ActionAid Nigeria (2008, p.23) was more of a “privatised and de-regulated violence” carried out by the state security personnel and ethnic militia armed by the political elites. The current situation therefore, is a consequence of the privatisation and de-regulation of the state apparatus of coercion and the attendant arming of cult groups by political leaders who are out to acquire power at all cost (ActionAid Nigeria, 2008).

Some gang leaders, cult members and low-level thugs who were interviewed by Human Rights Watch acknowledged to have planned and carried out acts of paid violence on behalf of the ruling party PDP in order to rig the 2003 elections in Rivers State (Human Rights Watch, 2007). The patronage of cult groups in Rivers State will be discussed here because it was the activities of

these groups that contributed immensely to the emergence of more violent groups across the Niger Delta region.

Human Rights Watch (2008) and Boas (2011) suggest that Rivers state is the wealthiest state in Nigeria but unfortunately the state has some of the worst socio-economic indicators in the world. Its people lack access to employment, education, good health care, portable water, and other basic amenities of life. Instead of mobilizing the resources of the state in developing it, its politicians have largely wasted the money. It is alleged that state government not only squandered the money but also used it to sponsor violence in the state. A Human Rights Watch Briefing Paper (2005) titled "Rivers and Blood: Guns, Oil and Power in Nigeria's Rivers State" stated that Warri Delta state has primarily been the main site of violence in the region but from 2003 the centre of violence moved to Rivers State. Corruption has remained a major contributor to poverty in the Niger Delta region that makes the uneducated, unemployed youths to remain potential recruits for violence. In the 2006 budget of the state, a paltry sum of \$22 million was budgeted for health services while a total of about \$16,500,000 per year was allocated for the governor's office transportation, and \$10 million for catering and entertainment (Human Rights Watch report, 2007, p.13).

The Governor of Rivers State Peter Odili (between 1999 and 2007, a member of the ruling party PDP) was alleged to have worked closely with Mujahid Asari Dokobo, a prominent Ijaw youth leader who was very influential in the Ijaw Youth Council and became the council's president. The Governor was said to have a personal rapport with Mujahid Asari Dokobo. Human Rights Watch (2007) interviewed a gang leader who reported that in 1999 and 2003, Governor Peter Odili called and informed them that they will be working for him and Mujahid Asari Dukobo was the intermediary between the gangs and the Governor. The interview also revealed that the Governor gave some group members cash and promised them other incentives after the election. This money-spinning venture by the Governor encouraged the youths to be gang members because they do not have any other employment opportunity in the state (Human Rights Watch, 2007).

Unfortunately, the same gang/cult groups who were contracted to terrorise the community and opposition in the 2003 election were not paid. The unfulfilled promises resulted in a frosty relationship between the Governor and Mujahid Asari Dukobo. International Crisis Group (2006) claimed that the bad relationship started when Asari Dukobo began criticising the conduct of the election as a sham and unacceptable. The misunderstanding between the two was speculated to have led the State Governor to contract Atake Tom, a leader of the Icelanders cult group. Atake's Icelanders later transformed into the Niger Delta Vigilante (NDV), a group which was reasoned by ActionAid Nigeria (2008) to be more of a paramilitary outfit funded by the government to launch a military campaign against the Asari phenomenon (their rival groups) in the state. This was partly how the present violence and militant groups came about in Rivers state.

#### **April 2007 general elections in the Niger Delta region**

As foreseen (IRIN 2004b; Topman 2003; Human Rights Watch 2005; USAID 2006), the 2007 general election in many parts of the Niger Delta region, most especially Rivers State, turned out to be full of violence as usual with new armed groups. Before the election, Atake Tom had fallen out with the government and his deputy Soboma George was contracted to take over from Atake. Soboma George also formed a new-armed group named Outlaws that later became an integral part of the Movement for the Emancipation of Niger Delta (MEND). It was stated by some cult members that Rivers State government officials gave out between \$38,500 to \$77,000 to many cult groups in return for assisting the ruling party, PDP, in rigging the election (Human Rights Watch, 2007, p.2). Soboma George was alleged to be the leader who violently helped rig the election that brought Celestine Omehia to power. Soboma George once killed a prominent cult member in 2005, he was arrested by the police and detained in Central Police station in Port-Harcourt but was broken out of detention in what Naagbanton (2010) compared to the Israeli Operation Entebbe in Uganda. The covert operation was carried out by his teenage cult members led by a 13-year-old then nick-named the 'Last Don'.

After winning the elections, Human Rights Watch (2007) claimed that Soboma George did not hesitate in killing Prince Igodo, the leader of another extremely violent cult group named Deebam cult, who was reported to have perfected a plan to disrupt the new government's inauguration



on 29th May 2007. It was suspected that Prince Igodo didn't profit from the Peter Odili/Celestine Omehia election windfall to armed groups throughout the state and hence his plan to disrupt the inauguration (Naagbantun, 2010). Soboma George arose from the 2007 elections as Rivers State's most powerful and politically connected gang leader. He was so powerful that he became Rivers State government's "Chief Security Officer" (Human Rights Watch 2008). Soboma's influence within Rivers State government circles gave rise to another wave of violence. There was severe fighting between Soboma's group and Atake's group. This led the Rivers State police command to declare the two group leaders "wanted". Just like in the 1999 and 2003 election violence, various armed groups in the region benefited before they fell out with their political sponsors.

Human Rights Watch (2007, p.1) quoted Rivers State Governor Celestine Omehia who acknowledged efforts of politicians to engage militia leaders in the past, the Governor was reported to have said "It is like the carrot and stick, we gave (armed gangs) the carrot and they never changed. Now we are giving the stick and we will continue with the stick and it is going to be permanent".

The government of Celestine Omehia did not last long as the Supreme Court of Nigeria, following an appeal by Rotimi Amaechi, removed him from power. Rotimi Amaechi had challenged the legality of their party's (PDP) primaries in the state where he argued that he had won the primaries and should have been on the ballot instead of Celestine Omehia as the party's gubernatorial candidate (Human Rights Watch, 2008). At the end of the legal tussle, the Supreme Court passed a judgement in favour of Rotimi Amaechi. The court installed Amaechi instead of ordering to re-run the election because both are of the same party. The Premium Times Editorial (2014) summed up the case this way: "Mr Omehia was removed from office as Rivers State Governor in October 2007 after holding office for five months. The Nigerian Supreme Court at the time ruled that he had usurped Mr Amaechi's ticket for the election, and accordingly handed Mr Amaechi the top job". Rotimi Amaechi made good efforts in addressing the problem of youth violence in the state.

Upon entering office, Rotimi Amaechi constituted a Government's Truth and Reconciliation Commission that was mandated to identify the sources of killing, maiming and other cult related

violence in the state. The commission was given three months to submit its report. According to Onwumere (2008), while the commission was proceeding in examining the degree of damages done to the people of Rivers State by its own people, the usual happened, i.e. members were attacked by alleged cult members. The Commission was able to complete its work and gave recommendations which include a peace talk between cult groups and state government. A peace agreement was signed but violence continued because some cult groups found it difficult to keep to the agreement, especially the Atake Tom group. The stiff stubbornness of Atake Tom made the State Governor infuriated and he declared Atake Tom wanted, dead or alive. The Governor also asked for the deployment of the military Joint Task Force (JTF) to identify any cult member or whoever houses a cult member without reporting to the appropriate authority (Andrew, 2013). A scholar concludes that once the election processes are over, these armed youths were usually left to their own means of survival, but they retained the arms they had been provided and that was how *“the Niger Delta militants were born”* (Schulze-Kraft, 2017, p.619).

#### **4.7 Amnesty in Rivers State**

The capital of Rivers State Port-Harcourt was turned into a war zone between mid-year 2003 to end of the year 2004 because of bloody confrontations between Mujahid Asari Dokubo’s group (NDPVF) and Atake Tom’s group (NDV). All sorts of weapons were displayed and used by the two groups with Atake Tom’s group showing more military might. The Nigerian military was reported to have turned a blind eye to the violent clashes between the two groups which led Mujahid Asari Dokubo to claim that the attitude of the military towards the bloody clashes was an indication that they were supporting Atake Tom to ensure that he (Mujahid Asari Dokubo) was eliminated (ActionAid Nigeria, 2008, p.67). With glaring facts of the State Governor favouring Atake Tom, Mujahid Asari Dokubo gradually framed his rhetoric to “demand for resource control and self-determination” which has been the crux of activism in the region (ActionAid Nigeria, 2008, p.71).

Mujahid Asari Dokubo’s hope was to draw sympathy from other political fronts within the Niger Delta region but unfortunately no sympathy came to him and this made him retreat completely to the creeks. The persistent violence in the state led the Rivers State Police command to declare both Mujahid Asari Dokubo and Atake Tom “wanted” but the violence was seen to be beyond

the capacity of the Nigerian Police to handle. Mujahid Asari Dokubo was so frustrated, it led him to declare an “all-out war” against the Federal Government. He threatened to secede and attack multi-national oil companies in the Niger Delta region. Dokubo even went to the extent of giving multi-national oil companies operating in the region an ultimatum of two weeks to stop operation and evacuate its personnel or face guerrilla tactics. He was later arrested and charged for treason (Last, 2007; IRIN, 2004a).

Mujahid Asari Dokubo’s warning ignited a major panic among energy companies across the globe that caused the price of oil rise to a new record of \$50 per barrel (Marquardt, 2007 & ActionAid Nigeria, 2008). Multi-national oil companies also withdrew some of their workers from oil fields that led to the cutting of the oil output by 40,000 barrels per day (ActionAid Nigeria, 2008). Saddled with the persistent violence in the Niger Delta region; the drop in domestic oil output and the new global oil price, in October 2004 President Chief Olusegun Obasanjo was compelled to invite both Asari Dokubo and Atake Tom to Abuja for a Presidential peace meeting. The President gave these two militant leaders and their followers an amnesty (pardoned them for all atrocities committed) and asked them to submit weapons in their disposal to the government and be paid. No official details are known on what the President’s amnesty entailed, except that money was promised to whoever surrenders his/her arm be it a militant, cult member or mere criminal (Ama, 2004).

Following the Abuja meeting, the Rivers State government offered amnesty to any militia who surrendered, the amnesty included a cash payment of \$1000 by Federal Government with an additional \$1800 by the State Government for one assault rifle returned; members were exempted from prosecution and there was a release of some that were previously held captive in exchange for weapons (Oyibo, 2000; Human Rights Watch, 2005). The militants surrendered their weapons to the government in Port-Harcourt and in return, they got paid cash as agreed at the Presidential meeting. It was reported that old weapons were traded to claim the monetary reward while sophisticated weapons remained in the possession of the militants (Oyibo, 2000). ActionAid Nigeria (2008 p.17) referred to this amnesty deal as “the arms buy back deal”. The

Economist (2016b, p.2) quoted a Niger Delta gang member who said that “a gun is an investment that yields excellent results because the only language the government listens to is violence”.

The peace deal between the Federal Government, State Government and the militants did not stop the violence (Newsom, 2011; Hinshaw, 2012; Okuyade, 2011; Human Rights Watch, 2008) because subsequent events led to another round of violence in the region. In any case, the deal completely failed to discuss or address the root cause of the violence and the source(s) of arms being used by the unemployed youths for political violence. The deal was primarily concerned with the two militants and their groups Mujahid Asari Dokubo (NDPVF) and Atake Tom (NDV). Human Rights Watch (2005 p.3) concludes that the deal failed to address the sponsorship and manipulation of youth groups by political leaders that is a major root cause of the violence. The Human Rights organisation warned that failure to address this cause of the violence would give politicians a chance to re-mobilise these youths for other elections.

#### **4.8 The link between Niger Delta militants, cult, armed groups and politicians**

The return to democracy in 1999 came with some challenges to new politicians that never have any grass root base or influence. These new generation politicians are labelled by Schultze-Kraft (2019, p.81) as “election-rigging politicians” that lack a real base in the voting public but have to depend on the “Federal Government and the ruling party Peoples Democratic Party” (PDP) to impose their will in their various states (Schultze-Kraft 2019, p.81). It is alleged that the ruling party purposely armed some cult members just to kill: a cult member was quoted in an interview with Human Rights Watch (2007 p.1) that “my duty is to send you to hell”. It is worth mentioning that the links which Omilusi (2015, p.295) refers to as an “unwritten pact” between politicians and cult groups is a common phenomenon not only peculiar to the Niger Delta region but all parts of the country.

Omilusi (2015, p.295) argued that in Nigeria, “political gladiators” always prepare for an election “just the way armed forces” prepare “for war”, because the politicians engage in “recruitment and training of armed political thugs”, and provide them with “arms and fake security agent’s uniforms”. Baba (n/d, p.16) claimed that politicians in Sokoto state depend on the youths for political campaigning i.e. informing electors to vote for a particular candidate which is sometimes

“through violent ventures”, in return the youths get incentives plus “the chance of being elevated to higher political status”. The youths “benefit enormously” if their party constitutes the government (Baba, n/d, p.16).

Based on facts, some commentators suggest that there is a linkage between militants, cults, armed groups and politicians in the Niger Delta region. Human Rights Watch (2008) and Boas (2011) maintained that in various parts of Nigeria including Rivers State, some prominent politicians are cult members because they are university graduates and that the relationships they cultivate with militants today is not a novelty for them, but in fact a continuation of an intimate relationship between politics and violence that they internalized in the formative campus years of their life.

The “Vikings” cult (aka Supreme Vikings Confraternity) according to Boas (2011, p.121) was originally founded at the university of Port Harcourt, River State in 1984. It has since expanded and has members in universities all over southern Nigeria. Its current and past members have been elected to high office in Nigeria, including the Rivers State House of Assembly (according to unverified sources, in such high numbers that the Assembly should be renamed the “Viking House”). Ateke Tom’s NDV (Icelanders, also known as the Germans) were originally the “street wing” of the “Vikings”. Similarly, the campus-based cult the “Klansmen” started the “Deebam” as its “street wing”. Many of these secret cult groups became superpowers of violence with the return to democracy in 1999. The Niger Militants not only storm troop political opponents in the Niger Delta region, their braveness in this political act in the Niger Delta region made the Godfather (name withheld) of Southwest politics to recruit some of them (militants) to the Ekiti state gubernatorial re-run election in 2008 to work against the ruling party (Adeniyi, 2011).

To make sure that ex-militants remain financially stable and important elements in the Niger Delta scheme of affairs, some powerful Niger Delta politicians ensured that the Federal Government put the ex-militants in charge of safeguarding oil infrastructure, which Schultze-Kraft (2019 p.151) compared to “inviting the fox to guard the henhouse”. Stopping the ex-militants from safeguarding the oil infrastructure was among the insinuated reasons for the renewed conflict in 2016.

#### **4.9 Summary**

To have an understanding of the persistent conflict in the Niger Delta region, among the objectives of the study is to provide an insight into the multifaceted dynamics of some of the key issues and circumstances like the perception of the Niger Delta militants as criminals. The chapter began by discussing the divergent views on how to address the militants. Some of these views were explored along the Nigerian legal framework. Their classification and how they emerged together with some selected events that helped in their emergence were highlighted. Three prominent militants i.e., Mujahid Asari Dokubo of Ijaw Youth Council (IYC) and the Niger Delta People's Volunteer Force (NDPVF), Atake Tom of Iceland and the Niger Delta Vigilante (NDV) and Government Ekpemupolo (Tompson) of the Federated Niger Delta Ijaw Youths (FNDIY) and Movement for the Emancipation of Niger Delta (MEND) were portrayed including how they rose from ordinary gang leaders to superrich ex-militants. The chapter concluded by looking at the link between Niger Delta militants, cult, armed groups and politicians. The next chapter will provide further explanation on some of their activities and how these ex-militants became rich. Most of their activities played a role in the creation of the PAP.

## **Chapter Five: A few getting rich at the expense of their environment.**

### **Negative activities of militants on the oil and gas sector**

#### **5.1 Introduction**

There is a general agreement about the magnitude of environmental degradation either because of acts of sabotage by individuals or operational oil spills by the multinational oil companies. Watts (2009) and others alike strongly linked the causes of the conflict to ethnicity and political side-lining, while the Economist (2016c) maintained that there is no particular motivating factor for the troubles in the Niger Delta region. The most prominent issue is that the cults, gangs and militants engaged in bunkering, kidnapping, and oil theft are mostly criminals who use local discontent as a cover to profit themselves and pay masters financially. The World Bank has labelled the Niger Delta militant as criminals and violent entrepreneurs (World Bank 2016). The Nigeria Government remained more concerned about the economic impact of the militants' activities and hence, the various efforts of the government to find solutions to the problem have failed because impacts on innocent persons and others were not considered. In a change of strategy to address the problem, the Nigerian Government under President Umar Musa Yar'adua announced and implemented the PAP.

The impact of Niger Delta militancy on the Nigeria oil and gas sector also had a far-reaching universal consequence because of its influence on the global oil price (Ekpeyong & Danye, 2010). The consequences of militant activities to the environment, through oil spills caused by illegal tapping to siphon crude oil from the multinational oil companies' pipelines. This illegal act of siphoning has remained a common phenomenon, and this, the multinational oil companies use to exonerate themselves of oil spills in order to avoid paying fines (Human Rights Watch 2008). Still, the militants' activities are compounding the damages on the environment caused by the multinational oil companies. Vidal (2013, p.2) characterizes the impact of militant activities on their own environment as the "culture of rape and destroy". Ejibunu (2007) has argued that the Niger Delta conflict arising from the activities of various militant groups that operate in the region has brought some consequences not just for the oil and gas sector, but also for other economic

activities and governance in general. Johnson (2017 p.1) concludes, “militants (especially NDA) pose a potential threat to the stability of the Nigerian economy and government”.

## **5.2 Niger Delta militants and kidnapping**

Militants in the Niger Delta region are not only into kidnapping for ransom, they are also involved in other illegal activities like oil theft or oil bunkering, pipeline vandalism, piracy and drug business (Saheed, 2016). Kidnapping, especially of expatriates, has been the primary tactic of the militants in the Niger Delta region. It became a common occurrence in the region following the “operation Orida danger” by MEND in 2006, abducting four expatriates. This tactic was among the reasons that brought the Niger Delta militancy into global limelight (Reuters, 2014).

Expatriates remain primary targets of the militants because they believed that they would earn more ransom money without much delay from its employers (multinational oil companies). Ransom is usually given for anyone kidnapped by the militants. The kidnappers (Hyslop, 2012) typically demand a ransom of not less than about \$200,000 per person. Da Costa (2009) reported that on the 16<sup>th</sup> of April 2009, the Niger Delta militants kidnapped a Canadian Julie Ann Mulligan. They demanded \$700,000 as ransom, the ransom was then reduced to \$136,000 after negotiation and the victim was eventually released on the 29<sup>th</sup> of the same month (she spent 15 days in the militants’ den of terror).

Militants in the Niger Delta region from 2006 to 2009 have kidnapped more than 200 expatriates (BBC News 2009). From 2010 to 2014, a conservative estimation of expatriates kidnapped by Niger Delta militants is 150 (researcher’s compilation from different sources like Cunningham, 2015; Reuters, 2014 & Idia, 2015). The impact of kidnapping by militants is still a big problem not only in the Niger Delta region, but also in Nigeria generally. Militants’ acts of kidnapping have spread to other parts of the country, especially the North, where culprits are labelled either “unknown armed men”, “Fulani herdsmen” or “bandits” (The Guardian, 2018; Mohammad, 2018). Most multinational construction companies like Julius Berger are afraid to embark on any road or related construction work in the Niger Delta region. It was reported that because of kidnapping, Julius Berger abandoned road projects like the Kaiama-Port Harcourt road and Yenagoa-Oporoma road (Rivers State). Julius Berger claimed to have paid almost 430 million



Naira in one year to militants for the release of their abducted employees (Ngozi et al., 2012). More than 80% of expatriates working in Rivers State have either left Nigeria or moved to other parts of the country that they considered safer compared to the Niger Delta region.

### **5.3 Militant activities and the reduction of multinational oil company's employees**

Rampant kidnapping of expatriates in the Niger Delta region by the militants, pipeline vandalization and oil theft, are expected to affect businesses. Current and potential employees will not be comfortable working in an environment where safety of lives is not guaranteed. With the slump in oil prices and cuts on daily crude oil out-put because of militants' activities, multinational oil companies are forced to cut costs. Downsizing is among the measures taken by Shell, the company planned to lay off about 6,500 of its workforce in 2020. This measure was part of the company's \$4 billion reduction in operating costs (Odu, n/d). Earlier in May 2008, Shell had laid off about 1,000 employees. This act angered the Nigeria legislators and led to the summoning of the head of Nigeria National Petroleum Corporation to the lower House Chambers. He told the legislators that:

*"we were taken aback, because we were not duly consulted when we heard that Shell was downsizing. We are aware of the company's difficulties and also aware of the financial cost on the \$1.2 billion over performance. It is a very strange financial position. We are aware of the Ogoniland issue and aware of the vandalisation, which not only Shell is facing. We hope to be able to overcome that soon"* (Head of NNPC cited in Nkwazema, 2008, p.2).

Shell is not alone in taking the measure of downsizing, ExxonMobil also laid off six percent of its workforce in Nigeria and planned to lay off more subsequently (Adams, 2018).

### **5.4 Niger Delta militants, gangs and piracy on the coast of Nigeria**

Nigeria appeared to have taken over from Somalia in terms of pirates' activities across the African coastline, largely because of the Niger Delta militants. According to Lucia (2015, p.8) the rise of acts of piracy in the Gulf of Guinea is linked particularly to local militias in the Niger Delta region.

The United Nations Convention on the Law of the Sea defines piracy as

*"any illegal acts of violence or detention, or any act of depredation, committed for private ends by crew or the passengers of a private ship or private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such as ship or aircraft"* (United Nations Convention on the Law of the Sea 1982, p.61).

A pirate can be referred to as someone who uses violence to steal personal belongings, cargo or valuable items in coastal areas. An alleged ex-soldier informed Ross (2013, p.1) that when repentant Niger Delta militants received money from the amnesty programme, they went and purchased guns to carry out acts of piracy on the coastal areas. Marex (2014, p.1) refers to the repentant militants as “militants-cum pirates” that have raided commuter vessels, kidnapped oil staff and ambushed Joint Task Force patrols. Having taken to piracy, Niger Delta militants have become a major threat to the free movement of oil cargo on the West African coastal waters. Monetary gain is a major motivator to the Pirates, who not only steal the goods found in a vessel, but also cease the crew and demand a ransom. Piracy made the International Maritime Bureau (IMB) conclude that the Nigerian waters is “extremely dangerous” (Marex, 2014, p.1).

According to Lucia (2015) pirate activities vary from minor scale robberies to well-organised criminal gangs, and the organised criminal gangs tend to use a great level of violence. Pirate acts in the Gulf of Guinea spread from Ivory Coast in the West, towards Nigeria and down in the direction of Congo (Democratic Republic of Congo). Baldauf (2012) maintained that a mixture of economic opportunism by criminal gangs and absence of governmental capacity to stop them on shore drive this criminal act. Baldauf further maintained that in recent time, Pirates steal ships and direct them to meet up with other bigger ships particularly contracted to discharge the volumes of stolen oil.

In supporting Baldauf (2012), an alleged ex-pirate informed Bello that sometimes “we hijack to get money and ransoms. It depends on the ship. We can even get (anything) 200 million Naira (\$555,000, €430,330) and 900 million Naira” (cited in Bello 2018, p.2). The criminal enterprise of piracy in the Gulf of Guinea involved some Nigerian government officials. Starr (2014) claimed to have been informed by a suspected Nigerian pirate gang member arrested in 2012 that a network of government officials provides information on the situation and content of a vessel. The gang member stated that once the assignment is completed, they would inform the points men (government officials) who after that, get in touch with the cabal (usually regarded in Nigeria as some powerful politicians and elites that are present in government) that takes charge of the hijacked vessel (Baldauf, 2012). He claimed that they usually meet at a chosen point on the high

sea from where the stolen goods would be put in different oil facilities for circulation by oil marketers. The gang member further claimed that they are “not directly involved in the sale of the product, only assist to convey the product to a designated point by acting as escorts in case of confrontation. My gang has about 3,000 various weapons that are kept in different parts of the country” (cited in Starr, 2014, p.3).

Acts of piracy by criminal enterprise in Nigerian coastal areas has been growing at an alarming rate (UNODC, 2013): Piracy has generated attention in the Gulf of Guinea and these attacks happen because there is a flourishing black marketplace for fuel in West Africa. A multifaceted transnational network of players are involved in pirate criminality at the regional and worldwide levels. Evidence indicates that organised and trans-border criminal individuals are increasing from the Niger Delta (UNODC, 2013). International Crisis Group (2012) claims that a few stolen vessels off Benin (Cotonou) ended up in the Niger Delta region and that suggests militants or gangs based in the region are collaborating. In a recent report for the period January-September 2018, the ICC International Maritime Bureau reports a disturbing development of these criminal acts. Table 5.4.1 provides locations of *actual* and *attempted* pirate attacks from January 2013-September 2018.

**Table 5.4.1: Figures on pirate attacks across African water coasts**

<b>Location of pirate attacks</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Nigeria	31	13	12	31	20	41
Other African Countries, Angola, Benin, Cameroon, Democratic Republic of Congo, Gabon, Ghana, Guinea, Gulf of Aden, Ivory Coast, Kenya, Liberia, Morocco, Mozambique, Red Sea, Senegal, Sierra Leone, Somalia, South Africa, Tanzania, and Togo.	48	31	14	21	21	23
<b>Total</b>	<b>79</b>	<b>44</b>	<b>26</b>	<b>52</b>	<b>41</b>	<b>64</b>

Source: extract from ICC International Maritime Bureau Reports of 2017 and 2018.

Table 5.4.1 shows the growing trends of pirates' acts in Nigeria. This study is not concerned with the difference between actual and attempted pirates' acts, the concern is to point out that piracy acts is growing at an alarming rate because of the activities of the Niger Delta militants. Nigerians not only perpetrate attacks on Nigerian coastal waters, pirate attacks on the coast of Benin waters are also linked to the Niger Delta (Image 4.3.2 is of suspected pirates paraded by the Nigerian Navy). UNODC (2013) attributes the rising acts of piracy in the Gulf of Guinea to the chaos that surrounds the regional oil industry. The ICC International Maritime Bureau Report (2018, p.20) emphasized that

*"All waters in Nigeria remain risky. Off Bayelsa/Brass/Bonny Island/Port Harcourt: recently there has been an increase in the number of reported attacks/hijackings/kidnapping of crews off these areas. Vessels are advised to take additional measures in these high-risk waters".*

**Image 5.4.2: suspected pirates on parade**



The Nigerian Navy at a defence jetty in Lagos parades suspected pirates aboard a naval ship after their arrest, August 20, 2013. The four pirates had purportedly taken over a barge and its crew

on August 14 on the eastern edge of the Nigerian coast, close to the port city of Calabar (Cross River State). Source: Reuter/Akinleye in Schuler, 2013, p.1.

### **5.5 Niger Delta militants and oil theft or oil bunkering**

No nation state on the planet is more recurrently associated with the phenomenon of “oil theft than Nigeria” (Ralby, 2017, p.14). The act of theft or oil bunkering is different from the illegal refineries. It requires a well-organised criminal network, as this act usually happens on a large scale that involves some community members, some Niger Delta elites, militants, cabals, criminal rings, oil executives and the Nigerian state through its security agencies like the Army and Navy (Murdock, 2013). Oil theft, argued Katsouris & Sayne (2013), began in the late 70s and early 80s when Nigeria was under military governance. Then, it was alleged that top military personnel began thieving or permit others to steal oil, to enrich themselves and stabilise their rule. The stealing of oil then was small, maybe a few thousand barrels daily. Return to democracy in 1999 intensified oil theft when more public officials and “political godfathers” became involved (Katsouris & Sayne, 2013, p.5).

Stealing and loading of crude oil into large vessels is a phenomenon attributed to many actors, the lucrative business is as complicated as the Niger Delta conflict. In the words of Ken (2013, p.3), it is a “complex network, the value chain is long and complicated”. An established fact is the agreement among multinational oil companies, government officials and researchers that there is an existence of an illegal business called oil theft or oil bunkering (Murdock, 2013; Umejei, 2015; Vidal, 2013). It is also established that just like the conflict itself, the actors in this business are diverse. The only controversial aspect of the phenomenon of oil theft in Nigeria is the amount of oil that is alleged to be stolen. On an official visit to the United States of America, the sitting Nigerian President was asked just how many barrels of Nigeria’s oil is stolen in a day? He replied, “250,000 barrels per day of Nigerian crude are being stolen and people sell and put the money into individual accounts” (Garba, 2015, p.1). There are varying educated guesses of the amount of crude oil stolen on a daily basis in Nigeria. Some say it is about 150,000-200,000 barrels (Vidal, 2013). Others say it is about 300,000-400,000 barrels (Handen, 2016; Umejei, 2013). The Chatham House report claimed that “100,000 barrels of oil are stolen daily from the

Niger Delta, about five percent of the two million plus barrels per day output. Some analysts put the total amount of stolen oil much higher, at 400,000 barrels a day” (Murdock, 2013, p.1).

Umejei (2015) argued that the honest and sincere answer to the question on how many barrels of Nigeria’s oil is suspected to be stolen is “no one knows” (Umejei, 2015, p.3). It is alleged that all the Nigerian oil wells are not adequately metered in a manner that allows an independent verification and this makes it impossible to have an accurate estimate of the nation’s crude reserves also. This massive discrepancy is a signal of how difficult it is to get some key facts in the “murky” world of the Nigerian oil and gas sector (Ross, 2012, p.1). It is a common belief in the oil and gas sector that only trusted expatriates know how much crude oil Nigeria extracts on a daily basis (Bassey, 2013).

Vidal (2013) acknowledged that oil theft is a crime with universal impact, and it is second only to the global drugs trade for the money it makes. The business also affects the prices of oil across the globe, an oil thief admitted to a Sky news correspondent that they are aware that their illegal activities can affect global oil prices and prices inside Nigeria but he insisted that they have no alternative but to engage in the business (Crawford, 2018). A Chatham report claimed that oil theft affects economies across the globe because the thieves launder money in foreign countries and stolen oil disrupts the oil markets.

While some identified three ways of oil theft, others acknowledged two. Katsouris & Sayne (2013) identified three primary types of oil theft: a) small scale pilfering and illegal local refining. This type is carried out by local groups who use tools like hacksaws to cut and siphon oil from pipelines or wellheads and manifolds. b) large-scale oil theft in the oil field which is more industrial and carried out by sophisticated networks of workers that tap into oil infrastructure onshore. c) oil theft at export terminals, this involves pumping oil onto oil tankers above the approved limit (this researcher has personally witnessed this type of oil theft at the Kaduna refinery).

Oil theft occurs in two ways according to Umejei (2015, p.2), the first means used by the thieves is to “tap either the pipeline (easy in cases where maintenance is shirked, and the metal is corroding) or the wellhead. From there, the oil is placed on small barges and taken out to sea, where it is loaded onto large ships lurking out of sight of the authorities”. The second means is

multinational companies who “pump more oil than their licenses allow. This type of bunkering (the local term for oil theft) often involves a number of oil company staff and NNPC, as well as top government officials who give the oil lifting contracts” (Umejei, 2015, p.2). Kemp (2015) summed up that the illegal business is flourishing because the oil thieves (with support of security personnel) seem to be enjoying some sort of partnership that pays well and the oil companies seem to be happy with that.

Only a minimal part of the stolen oil is refined locally, Cocks (2012, p.1) believes that 90% of it is refined in Singapore and sold on world markets by organised criminal networks in the Balkans. Attention is only given to the local gangs who steal small amounts of oil for local refining, while ignoring the industrial scale of the crime that involves politicians, the Nigerian security personnel, Western banks and global organised criminal networks that drains Nigeria’s resources more (Cock, 2012).

In a documentary by Sky News on how oil thieves are running the Niger Delta region, the correspondent, Crawford (2018) was visibly seen in pain and sympathy for the environment. The correspondent said “we were totally unprepared for how bad it was. It was as if we were in a different planet, everything was black, the mangroves were dead, and the roots were in black water. It was like going through a graveyard, a graveyard of mangroves”. Crawford (2018) concludes that “It was a horrendously bleak picture; it was the saddest thing that I have ever seen, that a whole ecosystem can be so destroyed as it was”.

In its editorial, the Sun Newspaper (2013) emphasised that the impacts of the oil theft business include the help it gives in funding other transnational criminal links by creating important contacts between oil thieves, bandits, and drug and arms traffickers. While giving a talk on TEDxYouth, a former Governor of Nigeria’s Central Bank, Sanusi lamented that

*“Nigeria is the only country in the world where you have something called oil theft where vessels can simply come and take crude oil and literally just drive out of the country. You see the numbers every day one hundred thousand, two hundred thousand, four hundred thousand barrels a day. Nobody even knows how does anybody take oil in a vessel and leave a country, we’ve got the Navy, we’ve got NIMASA, we’ve got security services. You’ve got all companies themselves”* (Sanusi, 2013).

The militants never see their act of oil theft as criminal, “the oil thieves abiding argument is that they are the true owners of the oil” (Hansen, 2016, p.2). It is reported that due to the oil theft business, Nigeria lost about N1.6 trillion and N995 billion in 2016 and 2017 respectively (Eboh 2018). This translates to a loss of approximately \$8.9 million daily and a collective loss of around N2.6 trillion over the two-year period (Adugbo & Agabi, 2018). Katsouris & Sayne (2013) and Garrick (n/d) argue that oil theft in Nigeria is a thorny issue and when so many people are feeding from the business of oil theft, it is doubtful if anyone in Nigeria has the political will to stop the business. Ralby (2017) also concludes that the network of beneficiaries of the illegal business makes it tough to stop and there are fears of whether anyone capable has the will to even reduce it. The conclusion, it appears, is that oil theft cannot be stopped any time soon in Nigeria.

#### **5.6 Niger Delta militants and illegal oil refineries**

Watts (2005) argued that among the ignored aspect of the oil complex is oil theft commonly known as oil bunkering in the Niger Delta. Illegal oil refinery is also another phenomenon common in the Niger Delta region, engaged in mostly by the militants and local community members. Illegal oil refinery refers to the secret and risky drill of crude oil, where militants or local community members hack into oil pipelines, steal crude oil, refine it locally and sell it to both local and international markets (Taylor, 2013). There is a high level of complicity in the running of illegal oil refineries in the Niger Delta region by the militants. Image 4.5.1 illustrates work in progress on a typical illegal oil refinery in Bayelsa state. Illegal oil refinery business operates side by side with oil theft. The business of illegal oil refinery in the Niger Delta region has reached an apex that it is seen as an informal economy. The Stakeholders Democracy Network (SDN) suggests that the quick growth of the business across the Niger Delta region has given rise to an informal and entrepreneurial wealth that is individually managed in each community along a guarded value-chain (SDN, 2018). The guarded value-chain has five key parts that include tap installation, operating the tapping point, supply of stolen crude for international markets and local refining, local refining into various products and, distribution and marketing of refined products.



The SDN (2018) report provides a detailed explanation on how the illegal business operates in the Niger Delta and the motivating factors behind the growth of the business. The report also discussed the economic, political and societal factors, the networks and its impacts. A medium size illegal oil refinery costs around £3000 to establish but can earn back more than that in a few weeks (Taylor, 2017; Vidal 2013). The illegal business can earn above £500,000 a month, but the operators alleged that they pay large bribes to the Nigerian security (Taylor, 2017; Vidal, 2013; SDN, 2018). The Nigerian military reported that around 181 illegal oil refineries were destroyed in 2016 with the arrest of 748 suspects running the business. Crude oil and refined oil worth about £1.3 billion were taken away. The military also reported to have destroyed about 50 similar refineries in the first few months of 2017 (Owolabi, 2017). The conspiracy of silence among the key actors covers up an enormous illegal industry (Watts, 2005)

**Image 5.6.1: Typical illegal oil refinery in Bayelsa state.**



Source: Reuters/Akinleye in Schuler, 2013, p.2

## **5.7 Oil, Niger Delta militants, MASSOB, IPOB and the unity of Nigeria**

Conflict is a powerful state of affairs that is capable of destroying the foundations of a nation. The persistent Niger Delta conflict has made communities in the region think that they are being uncared for and destroyed to build up the other parts of the country like the Federal Capital Territory. This assumption has remained a major challenge in the building of a united Nigeria. From MEND, NDPVF, NDV to the contemporary like NDA and NDGJM, secession has remained a common demand that Niger Delta militants issue to the Nigerian government. Wealth from oil has been an important uniting point for the continued sustenance of “Nigeria as a single political entity” (Akinola, 2018, p.302). Nevertheless, before the demand to secede from Nigeria by the Niger Delta militants, there was a socio-cultural group known as Movement for the Actualisation of Sovereign State of Biafra (MASSOB) and the Indigenous People of Biafra (IPOB) that has been clamouring to secede from Nigeria.

It is agreed by public analysts, writers and researchers alike that MASSOB is a secessionist movement that derived a perceived right to secede since the Nigerian Civil War, popularly known as Biafra War (Uche, 2008). The struggle for the Igbos to secede from Nigeria started in 1967 when a war was fought between the Nigerian government and the breakaway state. Colonel Chukwuemeka Odumegwu Ojukwu (popularly called Ojukwu, born to an Aristocratic family that at some time sat on the boards of Shell BP) had on the 30th May 1967 announced a breakaway of the Eastern Region under a new name called Republic of Biafra. The republic represented separatist ambitions of the Igbo ethnic group, whose leadership under Colonel Chukwuemeka Odumegwu Ojukwu felt they could no longer co-exist with the Northern dominated Federal Government. The new republic introduced its own currency (see Image 4.6.1 and 4.6.2). Control over oil production was part of the reasons that led to the war and this will be investigated briefly. The Nigerian civil war was fought over maintaining a united Nigeria.

Limited literature discusses extensively the role of oil in the Nigerian civil war, but there is evidence that oil was a major driver to the war. Oil revenue became an important issue in May 27th, 1967 when General Yakubu Gowon (President) divided the country into 12 states. The Eastern region was divided into three States namely: South Eastern State (present day Cross

Rivers State), Rivers State and East Central State (presently comprises of Abia, Anambra, Ebonyi, Enugu and Imo States) (Uche, 2008). The creation of new states removed the oil producing areas (the geographical Niger Delta as highlighted earlier) from the core Igbo States. Barely three days after the creation of the new republic of Biafra, the Nigerian government placed a shipping restriction (excluding oil tankers) on the breakaway territory, a measure taken with the hope that the new republic's leadership will have a change of mind. The geographical Niger Delta fell under the control of the Biafra Republic and that made it possible to demand for oil royalties from the multinational oil companies. Because of the important role oil played in encouraging the breakaway and its potential for supporting the breakaway, among the first Decrees enacted by the new Republic's leadership was the Revenue Collection No. 2 decree of 1967 (Moses, 2013). Shell was requested to pay about £3.5 million as royalties for its operation for half a year (Moses, 2013). The oil company refused to make the payment because it would not only have given the new republic recognition but also some financial power over Nigeria whose officials were the signatories to the instruments governing the activities of the company. The new Republic put in place some government structures like the Ministry of Information, the Biafran military, and the Bank of Biafra that produces the secessionists' currency (Achebe, 2012).

#### **Image 5.7.1 and 5.7.2: Biafran currencies**



Source: The Biafra Telegraph (n/d).

In an effort to force Shell to pay the requested sum, Biafran soldiers took over Shell's oil facilities in Port Harcourt (Rivers State). This sparked off diplomatic activity between Shell, the UK High Commission in Nigeria, the Foreign and Commonwealth Office and the USA. Shell promised to pay the new Republic a nominal sum of £250,000, a promise that provoked the UK High Commissioner and later made Shell not pay a penny to the new republic (Uche, 2008). However, some (Uke, 2015; Sam, 2012; Uche, 2008 & Chris, 2009) submit that Shell secretly paid the new Republic a certain amount of money in order to protect its facilities. The republic of Biafra needed money to buy weapons and to recruit soldiers to be able to defeat their enemy, Nigeria. The USA, the UK and many others were in support of the Nigerian government, while France, Israel and a few others supported the new Republic. France was accused of hoping that one of its business interests (ELF) would be given huge concessions for oil mining (Anthony, 2000). At the start of the civil war, Uche (2008, p.111) alleged that Britain has no option than to support "One Nigeria" because "Britain was at the time desperate to keep Nigerian oil flowing in order to mitigate the impact of its domestic oil shortfalls caused by the Middle East Six Day War".

Isaac Jasper Adaka Boro (in prison for treason offences as earlier mentioned) was enlisted into the Nigerian army to help protect the unity of Nigeria. His skill in guerrilla war tactics (having used it to defeat the Nigerian police in a bloody battle to protect his proclaimed Niger Delta People's Republic) was considered valuable so he was forgiven by the Nigerian government. Isaac Jasper Adaka Boro was a boost to the Federal troops that kept away the opponents from taking over many parts of the Niger Delta especially Rivers State. He is regarded as an inspiration and a demigod to Niger Delta militants, but undoubtedly, he fought for the unity of Nigeria (Esther, 2016). Boro was accidentally killed while the war was ongoing and buried as a national hero in Lagos. The Nigerian government received tremendous support from the UK and the war ended on January 13th, 1970 following the surrender of the new republic. More than 100,000 military fatalities from both sides were counted and at least two million Biafran civilians died of hunger (Nwajiaku-Dahou, 2009; Campbell, 2012).

Almost 50 years after the civil war that almost ended the unity of Nigeria, its campaigners (Igbos) are still clamouring for secession led by groups like the MASSOP and IPOB. IPOB is contemporarily

the most vocal group. The activities of IPOB in Southeast Nigeria have always resulted in confrontation with the Nigerian security forces especially the army. In an effort to curtail all secessionist campaigns, the Nigerian military launched an operation named 'Operation Python Dance I and II' in the entire Southeast states. The military operation worsened into violent clashes in which members of IPOB claim some of their members were killed. The group IPOB, was outlawed and labelled a terrorist group by an executive order of the Nigerian President. The move was blocked by the Federal High Court (Akasike et al., 2017; Gaffey, 2017). IPOB is still challenging the labelling in a Nigerian Court. The USA and the EU said they do not consider IPOB as a terrorist organisation but promised to support efforts for Nigeria's unity (Gaffey, 2017).

The Nigerian government picked holes in the position of the USA on labelling IPOB a terrorist organisation. The Nigerian Minister of Information and Culture said that "it is very unfortunate, if countries decide to pick and choose which organisations are terrorists and which are not, bearing in mind that terrorism has no boundary" (quoted in Ndujihe, 2017, p.1). Writers like Ken (2017), Obasi (2017) and Taylor & Sam (2017) remain stunned that a group that caused economically and socially lesser harm to Nigeria is outlawed and labelled as a terrorist group, while the most dangerous groups in the Niger Delta region are not considered as such. Both the Niger Delta militants and IPOB or MASSOB derived so-called inspirations from those who first led their struggle, Isaac Adaka Boro for the Niger Delta militants and Ojukwu for IPOB and MASSOB members. Surprisingly, Isaac Jasper Adaka Boro and Ojukwu had believed in the unity of Nigeria before their deaths (Matt, 2010).

Most Niger Delta militants and members of IPOB are young people with no memory of the sorrow the Nigerian Civil war caused because they were not born then, the groups are regularly cautioned and advised by various community elders to embrace dialogue not violence (Tayo, 2017). These conflicts, especially the Niger Delta conflict, have remained a huge challenge in nation building. As Nigeria is an oil dependant country, it is vital to point out for now that oil is indispensable for the survival of the nation.

### **5.8 Niger Delta region not getting enough of the oil money, the revenue allocation policy**

An insight will be provided despite the view that the history of revenue allocation in the views of Watts (2008) is far too complex. As a federating entity, any revenue accrued to the centre (Federal Government) is to be shared among the three tiers of government that is the Federal, State and Local Governments. Revenue is distributed to the three for “economic development”, this is also referred to as “fiscal federalism” (Dang, 2013, p.2). Right from political independence to date, many state and local governments depend on statutory allocation from the Federal government for financial survival while the federal government depends mainly on oil revenue. Other sources of Federal Government revenue are taxes that include company income tax, personal income tax, stamp duties, custom and excise duties taxes. Nigeria has many revenue collection agencies such as the Federal Inland Revenue Services (FIRS), Nigeria Customs Services (NCS), Department of Petroleum Resource (DPR) and Nigeria Ports Authority (NPA).

Actual fiscal federalism began in the 1926/1927 fiscal year when the budgetary policy of Nigeria was “centralized”. This policy under a single authority did not come with any challenge until regionalism, with its creation of “three” regions, was introduced (Oluduro, 2014, p.91; Ewetan, 2012). The creation of three regions came with many challenges like finding a suitable “fiscal arrangement” for the constituent units (Ewetan, 2012, p.91). Since then, commissions have been established to work out an agreeable and unbiased revenue allocation formula and have produced a number of diverse criteria for revenue allocation that include derivation, national interest, needs, population, land mass, equality of states, and terrain among others. An independent agency, the National Revenue Mobilization, Allocation and Fiscal Commission (NRMAFC) was established in 1989 (Babalola, 2019).

Section 161 (1) of the 1999 Constitution states that “The Federation shall maintain a special account to be called Federation account into which shall be paid all revenues collected by the Government of the Federation” (Constitution of the Federal Republic of Nigeria 1999 section LL90). Upon consulting the NRMAFC, Section 162(2) of the Constitution gave the Nigerian President the power to present a revenue formula before the National Assembly (NASS). Presently, a committee known as Federation Account Allocation Committee (FAAC) meets

monthly to allocate the revenue to the three tiers of government based on an agreed sharing formula which is Federal Government (FG) 52.68%, States 26.72% and Local Government (LG) 20.60% and an additional 13% derivation given to oil producing states from oil proceeds centred on the derivation principle (Ugoh et al., 2012; Onuigbo, 2015). The NASS has described the current sharing formula as illegal because it did not receive its approval (Ameh, 2018).

## **5.9 Summary**

Chapter five and the preceding one are connected, both are addressing an objective of the study which is to give an insight into the multifaceted dynamics of some of the key issues in the Niger Delta conflict. This chapter examined some of the negative activities of the militants, namely kidnapping, piracy on the coastal waters and oil theft or oil bunkering. The persistent call for secession by Niger Delta militant groups and other ethnic groups in Nigeria was highlighted. The issue of how the Niger Delta region is not getting enough of the oil money and revenue allocation policy is the concluding section of the chapter. The following chapter is the methodology one which gives details on the methods adopted and how answers to the research questions were sought.

## **Chapter Six: Methodology: Understanding public perception of the Niger Delta conflict**

### **6.1 Introduction**

The chapter is concerned with the methodology adopted for the study. Research methodology, according to Teddlie and Tashakkori (2009), is a comprehensive approach to scientific inquiry stipulating how research questions should be asked and answered. This includes worldview considerations (philosophical stand), general preferences for design, sampling logic, data collection, guidelines for making inferences and the criteria for assessing and improving quality.

To address its research objectives, the study seeks to provide answers to the following questions:

- Why the renewed hostilities on oil installations in 2016?
- Was the Presidential Amnesty Programme (PAP) under late President Umaru Yar'adua genuinely packaged for the interest of the Niger Delta region?
- Was the Presidential Amnesty Programme (PAP) under President Goodluck Ebele Jonathan implemented as conceived by his predecessor?

A mixed method approach is adopted because of the growing consensus that combining approaches is advantageous in revealing different aspects of 'reality' (Lazaraton, 2005). One important question a mixed methods researcher needs to ask according to Mckim (2015, p.21) is, "is mixed methods going to add more value than a single method?". Quite a number of literatures are available on the Niger Delta conflict, but only a few of these discuss the renewed conflict which witnessed the emergence of new dreaded militant groups like the Niger Delta Avengers (NDA) and others. Most literatures on the Niger Delta used single methods, i.e. either qualitative or quantitative. The present study aims to have a robust research, hence, the justification for bringing together methods (Griensven et al., 2014; Brooks & Wallen, 2018).

By combining quantitative and qualitative data a fuller picture can be produced because they complement each other, with qualitative proving meaning and richness to quantitative data. This research work is the first that seems to adopt mixed methods in carrying out research on the of renewal of the Niger Delta conflict.



## 6.2 Mixed methods

A mixed methods approach was adopted because only a single thesis on the Niger Delta conflict was discovered to have adopted mixed methods research. The study conducted by Okunofua (2011) was primarily on the amnesty and the Niger Delta violence, her study uses both survey questionnaires and in-depth interviews concurrently as sources of primary data collection.

Long-lasting fruitless debates about the advantages and disadvantages of quantitative versus qualitative research are said to be mainly responsible for the emergence of mixed methods (Feilzer, 2010, p.6). Mixed method (MM) research in the views of Teddlie and Tashakkori (2009) has emerged as an alternative to the dichotomy of qualitative (QUAL) and quantitative (QUAN) traditions. The debates about how individuals see or interpret the truth has been in existence since the period of ancient philosophy. The debates of Plato and Socrates about singular or universal truths versus Sophists like Protagoras and Gorgias about multiple or relative truths is a debate that continues to affect how an individual views knowledge in contemporary times, what an individual is looking for, what an individual expects to find, and how an individual is to go about finding and justifying 'knowledge' (Johnson et al., 2007).

### 6.2.1 Benefits of using mixed methods design

With the distance between qualitative and quantitative, supposedly diminishing, mixed method became the foremost paradigm and is typically seen to offer researchers with the "best of both worlds" (Angouri, 2018, p.35; Griensven et al., 2014; Brooks & Wallen, 2018). The proponents of mixed methods research believed that the best means to avoid the philosophical strangulation of qualitative and quantitative research designs is to use a mixed methods design. Gray (2015), Best (2012), Creswell & Clark (2011) as well as Halcomb & Hickman (2015) have identified five major benefits of using mixed methods:

1. **Triangulation:** refers to the combination of both qualitative and quantitative method which allows for one method to compensate for the shortcoming or weakness of another as they remain independent and run side by side. It is the combinations and comparisons of numerous data sources, data collection and analysis procedures or inferences that occur at the end of a study. Triangulation can focus either on a sole case or multiple cases;

a sole case is when the same respondents who fill a questionnaire are also interviewed and results are combined and compared (Creswell & Clark, 2011).

2. **Initiation:** is mainly concerned with convergence i.e. it uses mixed methods to discover inconsistencies and new viewpoints. The focus of initiation is to generate new insights that may lead to reframing research questions, it takes along with it “fresh insight and a *feeling of a creative leap*” (Rossman & Wilson, 1985, p.637).
3. **Complementarity:** unlike triangulation, complementarity allows a researcher to measure overlapping but different elements of a phenomenon. It permits researchers to clarify and to apprehend some levels of analysis that are different from the primary object of research (Best, 2012).
4. **Development:** it allows the use of one result to develop or influence another study. A respondent could be drawn from a quantitative sample to be interviewed using qualitative method on the same aspect i.e. mixed methods (Best, 2012; Creswell & Clark, 2011).
5. **Expansion:** it uses mixed methods to broaden and widen the range of a research study (Best, 2012; Creswell & Clark, 2011).

### 6.2.2 Criticism of mixed methods

Gorard (2007, p.31) said that “Mixing methods is wrong, not because methods should be kept separate but because they should not have been divided at the outset”. Doyle et al. (2009) opines that despite the fact that mixed methods has much to offer a researcher, there has been criticism against it. Many of the critics of mixed methods focus on the ‘incompatibility thesis’, i.e. the assumption or belief that quantitative and qualitative methods cannot be mixed in a single research study because they have different ontological and epistemological origins (Bryman, 2007, p.43; Guba & Lincoln, 2005, p.192). Giddings (2006, p.195) concludes that mixed methods is nothing more than “*positivism dressed in drag*”.

In defence of mixed methods, its scholars have descended heavily on those criticising mixed methods on that basis and suggested the adoption of a pragmatic approach (Feilzer, 2010;

Onwuegbuzie 2002; Tashakkori & Teddlie 2003; Johnson & Onwuegbuzie 2004). Regarding pragmatism, Feilzer said, “it side steps the contentious issues of truth and reality, accepts philosophically, that there are singular and multiple realities that are open to inquiry and orients itself toward solving practical problems in the real world” (Feilzer, 2010, p.8)

Many mixed methods writers and researchers have moved on to identify the “best” worldview that provides a foundation for mixed methods research. Tashakkori and Teddlie (2003) wrote that pragmatism is mainly regarded as the paradigm for mixed methods research. Pragmatism draws on many ideas like ‘what works’ using various approaches and appreciating either objective or subjective knowledge or reasoning.

The pragmatist research paradigm was adopted for this research due to a number of reasons. Carrying out a research involving ethnic militias in Nigeria especially violent militia groups, like MEND or NDPVF among others, in the Niger Delta region can be very perplexing and intricate. This research work was conducted following a pragmatist research paradigm on the grounds that this approach allows the choice of research method that has the best probability of answering the research questions (Feilzer, 2010; Teddlie & Tashakkori, 2009). In a nutshell, the research approach was considered more appropriate because of “degree of freedom, openness and flexibility associated with the approach” (Feilzer, 2010, p.14).

The methodology adopted followed a multi-strand mixed method research design in which in-depth interviews and self-administered questionnaires were used to collect data. Reviews of relevant literature, official documents and reports supported this study. As a result of time and financial constraints, the study did not carry out a pilot survey despite its advantages.

### **6.3 The quantitative data collection (phase one)**

Quantitative research, Jupp (2006, p.156) said, produces ‘points’ about the world and behaviour which are viewed as adding to the sum of human knowledge. Self-administered questionnaires were used to collect the quantitative data for this research work. A total number of three hundred questionnaires were distributed across the six universities selected to represent each of the geo-political zones of Nigeria. The questionnaires were distributed evenly i.e. 50 per

university or other higher institutions of learning like polytechnics. The questionnaires were disseminated in hard copies (paper based). Both academic and non-academic staff were targeted respondents because they must have acquired a certificate (at least Senior Secondary Certificate Examination) to be qualified for employment.

Since it is not possible for this study to seek the opinion(s) of the entire Nigerian populace, there is a need to select a part of it and hence, sampling. Sampling according to Robson (2002, p.260) is an important part of enquiry in a study. It is taking a part out of a whole population. In sampling, the word 'population' has a very specific meaning and refers to the group of people or other unit of analysis that is the centre of the study. Sampling is seen as a technique used to select groups from a broader population. Sampling involves selecting units of analysis (people or artefacts) in a manner that helps the researcher to answer research questions.

There are basically two types of sampling, i.e. probability sampling (random) and non-probability (non-random) sampling (Jupp, 2006). The probability (random) sampling uses a random selection which ensures that all units in the population have an equal possibility or chance of being selected. A mixed methods sampling technique was used for this study that involved the choice of units or cases using both probability sampling and purposive sampling strategies (see Teddlie & Tashakkori, 2009).

The first set of data collected was the quantitative, the respondents were randomly selected from University students and lecturers by research assistants. The respondents were cordially approached by the assistants (who are lecturers), who after explaining what the research is all about, gave out the self-administered questionnaires and asked to return them within three days to their class representatives (elected representatives of the students). For the lecturer respondents, they were politely asked to drop it with the secretary of their various departments. Students and lecturers in five departments were contacted for easy retrieval of the questionnaires. The questionnaires were administered on educated Nigerians. The reason for targeting educated Nigerians was to utilize time, administering a questionnaire on an uneducated individual takes a lot of time as the questions need to be read to him/her. Literacy in the opinion of United Nations Educational, Scientific and Cultural Organization (UNESCO, 2006,

p.149) is both complex and dynamic, and perhaps, a reason why there are not any globally accepted meaning and standards of literacy. UNESCO (2006, p.149) defined literacy as the “ability to identify, understand, interpret, create, communicate and compute, using printed and written materials associated with varying contexts”. The most common meaning of literacy is the ability to read and write at a set age. In Nigeria, according to Macrotrends (n/d) and Amos (2018), a total population of 59.6 percent of those aged 15 and above can read and write (male 69.2 percent and female 49.7 percent).

As shall be indicated in the questionnaire, the categorised educational qualifications of respondents will be O levels, Diploma/NCE, HND/1st Degree, PGD/Masters and PhD. O levels refers to secondary school education that involves passing the senior secondary school certificate examination conducted either by the West African Examinations Board (WAEC) or the National Examination Council (NECO). The Diploma is a form of educational certificate that is offered by both Universities and Polytechnics in Nigeria, it is almost equivalent to the Nigerian Certificate of Education (NCE) that is offered by the Colleges of Education and the Nigerian Teachers Institute. The Polytechnics offer the Higher National Diploma (HND) and it is equivalent to a 1st degree as offered by the Universities. Both the Polytechnics and Universities offer a Post Graduate Diploma (PGD), which could be equivalent to a Master’s degree. The PhD is the peak of academic qualification.

A university or higher institution of learning was considered one of the best places to access educated Nigerians because staff are considered to have met up with the features of literacy as identified by UNESCO. Educated Nigerians were selected because of the assumption that they could have an in-depth and up-to-date knowledge of events relating to the Niger Delta. Such knowledge could have been acquired through the various sources of information like media or formal education in any of the institutions of higher learning where ‘General Studies’ (GNS) courses (modules) are taught. It is also anticipated that educated participants would be more ready to participate in the research because they know its importance.

The geo-political zones where the questionnaires were distributed are the Northeast, Northwest, Northcentral, Southeast, Southwest and Southsouth. A colleague (academic staff) was employed

as a research assistant in each state that represents a zone. States that are considered safe for both the research assistants and the respondents were chosen to represent each geo-political zone, Bauchi state (Northeast), Kaduna state (Northwest), Niger state (Northcentral), Enugu (Southeast), Ibadan (Southwest), and Rivers (Southsouth). The questionnaires were sent to the research assistants through a registered mail service company, returned questionnaires were also sent to the researcher while still in Nigeria through the same channel, except for the questionnaires from the South-East and South-West zone. Just a day after sending the questionnaires to research assistants, the Academic Staff Union of Universities (ASUU) embarked on an indefinite industrial action. In some universities like in Enugu and Ibadan, the non-academic Staff Union had earlier started industrial action that paralyzed the entire academic activities in some universities and partially paralyzed non-academic activities.

Faced with this challenge of industrial action in most of the universities, other higher institutions of learning that were not affected by any industrial action were selected as an option. Institutions of higher learning in both Enugu and Ibadan were all affected, which made the research assistants (who were Doctorate students in this zone) postpone the distribution of questionnaires until the strike was called off. After the strike ended, the questionnaires from the two zones were distributed and subsequently sent to the UK.

This study targeted 300 research respondents, 50 from each of the six geo-political zones (data collected between August-October, 2017). The researcher did not need to be physically present, because a self-administered questionnaire saves time and ensures anonymity. The questionnaires were evenly distributed (55 each) across the six geo-political zones in the country. The target number of respondents from each zone was 50 but 55 questionnaires were distributed in order to handle late returns.

#### **6.3.1 Quantitative data collection technique**

A questionnaire was the main instrument used to collect the quantitative data. Table 6.3.1 below provides details of higher institutions (places of distribution) where the questionnaires were distributed, numbers distributed and numbers returned per geo-political zones.

**Table 6.3.1: Distribution of questionnaires per geo-political zones**

<b>Geo-political zone</b>	<b>Place of distribution</b>	<b>Number distributed</b>	<b>Number returned</b>
Northeast (Bauchi state)	Abubakar Tafawa Balewa University (ATBU) and Abubakar Tatar Ali Polytechnic (ATAP)	55	48
Northcentral (Niger state)	Federal University of Technology (FUT) and Niger State College of Education (COE)	55	52
Northwest (Kaduna state)	Ahmadu Bello University, State Polytechnic and Shehu Idris College of Health Sciences and Technology	55	47
Southeast (Enugu state)	University of Nigeria Nsukka (UNN)	55	50
Southsouth (Rivers state)	River State University of Science and Technology, River State College of Arts and Sciences and River State Polytechnic	55	42
Southwest (Oyo state)	University of Ibadan (UI)	55	50
<b>Total</b>		<b>330</b>	<b>289</b>

The self-administered questionnaires (see appendix 1) had items of different formats. Close-ended questions with options of answers like ‘yes’, ‘no’ or ‘I don’t know’ were provided to select from. Likert-type questions contained answer options like ‘strongly agree’, ‘agree’, ‘disagree’, ‘strongly disagree’ and ‘not sure’. There were also open-ended questions to have detailed information from the respondents. The questionnaire consisted of four sections made up of 43 questions and has five pages. The first section sampled demographic information of the respondents. The second section asked questions in relation to the amnesty programme, the third section on environmental degradation and Shell Company, while the fourth section is on the present situation. Asking demographic information of respondents permits a researcher to know his respondents’ age, gender, level of education and state where the respondent is from. While some writers were of the opinion that the PAP was not genuinely packaged to address the problem of the Niger Delta region, some held a contrary view. Hence, the reason for seeking the opinion of Nigerians by asking them questions like if PAP was established with consideration for

the genuine interest of the Niger Delta people or not, if PAP under Yar'adua is the same as under Jonathan and if PAP can address the problem. The third section asks questions like if oil companies have shown more or little interest in cleaning the Niger Delta environment and if regulatory agencies are doing much in compelling oil companies to clean up oil spills from their oil wells and pipelines. The section also seeks answers to questions on militants getting funds from vested interests (name of vested interest is to be provided if response is to the affirmative) and if Shell Company has done much or little in terms of corporate social responsibility. The last section on the present situation has questions like if the renewed violence is to make the country un-governable as threatened by some militants on the eve of the 2015 general elections and if the militants can be labelled as terrorists or not.

#### **6.4 The qualitative data collection (phase two)**

Qualitative methods include, for example, interviewing, ethnography and participant observation, case studies, life histories, and discourse analysis (Jupp, 2006). Miles and Huberman (1994) described qualitative data as 'sexy' and suggest:

*"They are a source of well grounded, rich descriptions and explanation of processes in identifiable local contexts. With qualitative data one can preserve chronological flow, see precisely which events led to which consequences, and derive fruitful explanations. Then, too, good qualitative data are more likely to lead to serendipitous findings and to new integrations; they help researchers to get beyond initial conceptions and to generate or revise conceptual frameworks"* (Mills and Huberman 1994 cited in Bazeley, 2013, p.4)

According to Bazeley and Jackson (2013), qualitative research will be chosen in situations where a detailed understanding of a process or experience is wanted, where more information is needed to determine the boundaries or characteristics of the issue investigated. This research requires information from some stakeholders in the crisis ravaging the Niger Delta region and some of them are the traditional leaders, politicians, militants, security personnel, civil right activists, and the oil companies most especially the major oil company Shell. In-depth interviews were adopted to collect qualitative data through purposive sampling. Those planned to be sampled were traditional rulers from the Niger Delta region, politicians, ex-militant leaders, oil Companies and the Nigerian government if possible.



The logic and power of purposive sampling lies in the choice of “information rich cases” for studies and such rich cases are those usually that a researcher can learn a great deal from about key issues of central importance (Patton, 1990, p.169). Purposive sampling means choosing information rich cases whose study will light up the research questions. Patton (1990, p.169) had identified sixteen purposive sampling strategies, including deviant case sampling, homogenous sampling, typical case sampling, intensity sampling, maximum variation sampling, critical case sampling etc. This study adopts the maximum variation sampling which aims at

*“capturing and describing the central themes or principal outcomes that cut across a great deal of participant or program variation. For small samples a great deal of heterogeneity can be a problem because individual cases are so different from each other. The maximum sampling strategy turns that weakness into strength by applying the following logic: Any common patterns that emerge from great variation are of particular interest and value in capturing the core experiences and central, shared aspects or impacts of a program”* (Patton, 1990, p.172).

Data were collected through in-depth interview in the second stage of the data collection. Interviews enable a researcher to capture verbal and non-verbal cues and also give room to ask for more clarification from the interviewee. The respondents were politicians, academics, military personnel who have experience of the region, experts in criminal aspects of the conflict and others who are either stakeholders or have a sound knowledge of the Niger Delta conflict. The adoption of maximum variation sampling assisted the researcher to obtain more detailed information of each case and it allows to identify shared and disagreed patterns on each case. In terms of sample size, “there are no rules in sample size in qualitative inquiry”. Qualitative sample size depends on “what you want to know, the purpose of the inquiry, what’s at stake, what will be useful, what will have credibility, and what can be done with available time and resources” (Patton, 1990, p.184). A total number of eleven in-depth interviews were carried out, of which two in-depth interviews were carried out during stage one (quantitative data collection) of the fieldwork.

#### **6.4.1 Qualitative data collection technique**

The primary technique adopted was the in-depth interview (see Appendix 4), supported by secondary sources that included reports and other relevant literature. The in-depth interviews were conducted with the aid of a semi-structured interview schedule i.e. a list of questions.

Structured interviews offer a rich and broad view of issues and respondents can give more in-depth responses (David, 2015). The semi-structured interview schedules started with questions on the respondents' views on the activities of the Niger Delta militants, followed by his/her views on the renewed hostilities against the oil installations in 2016. Similar to a question in the quantitative data, respondents were asked to say something on the allegations that some vested interests were behind the new hostilities. They were incited to express their views if these renewed hostilities make the country ungovernable as threatened by some militants on the eve of the 2015 general elections. What is their assessment of agencies like the National Oil Spill Detection Response Agency (NOSDRA), National Environmental Standards and Regulations Enforcement Agency (NESREA) and Federal Ministry of Environment? Do they support the labelling of Niger Delta militants as terrorists or not? Is the conflict capable of leading to secession, is it a threat to the survival of Nigeria as a nation? In addition, what do they think are better ways in providing a lasting solution to the problem of the Niger Delta region?

The selected participants were recruited through an invitation letter with details of the research and a consent form (Appendix 3). They agreed to participate by giving the researcher a date, time and their choice of venue for the interview. The duration of the interview was 60-90 minutes. The respondents were provided with an information sheet that contains the key components of the study and what was expected from them as research respondents. Their confidentiality was guaranteed and a consent form was issued to them documenting their agreement to be interviewed. More explanations were provided where demanded and assurance was given that on no account would their responses be used for any other purpose apart from the one relating to this academic pursuit. In addressing the issue of confidentiality, the participants in the in-depth interview were given a label.

## **6.5 Bias in research**

Objectivity is not only a concern in every social research, but a cherished value that must be adhered to (Pandey, 2014, p.1). However, some argued that complete objectivity is not achievable in social research, only partial. The debate has been between objectivity and subjectivity, it is not within the scope of this study to go into the arguments on whether it is

possible to achieve objectivity in research or not. A researcher's pre-conception(s) of the study result is capable of bringing in bias into the research, this can be due to socially oriented factors like ethnicity and personal beliefs. Smith & Hodgkinson (2005) suggest that researchers can only try to step out of their own societal position because most social research is an incomplete reworking of partial understanding of partial data. Neutrality is desirable in research, but it is sometimes very difficult to maintain. This made Christiane Amanpour conclude that

*“there are some situations one simply cannot be neutral about, because when you are neutral you are an accomplice. Objectivity doesn’t mean treating all sides equally. It means giving each side a hearing”* (cited in Goodreads, n/d, p.1).

While the topic of the research does not appear to suggest a view one must agree with, the researcher feels that he is neutral because he is not from the Niger Delta region, and he is neither culturally nor ethnically affiliated to the Niger Delta people.

## **6.6 Ethics**

Ethics begins and ends with the researcher him/herself. Before, during, and after conducting a study, it is ideal to reflect on research actions. Consideration of ethics in social research should always be a major part of the research process from the beginning of the research to the end. The term Ethics, according to Jupp (2006, p.96), refers to “moral philosophy dealing with the standards by which behaviour should be regulated”. The ethics of social research in the views of Miller and Brewer (2003, p.95) is “about creating a mutually respectful, win-win relationship in which participants are pleased to respond candidly, valid results are obtained, and the community considers the conclusions constructive”. Ethical research depends on the integrity and values of individual researchers. If ethics is to be taken seriously, it cannot be expressed and laid aside but must instead guide the actions of researchers.

Many disciplines, establishments, and professions have criteria for behaviour that suit their particular objectives. These criteria also help members of the discipline to organise their actions and to establish the people's trust in the discipline (Resni, 2015). The College of Business, Law, Education and Social Sciences (CBLESS) ethics committee guidance and approval were requested and permission to proceed to fieldwork was granted on the 21st of July 2017. This research work was guided by the Bangor University (BU) Research Ethics guidelines. Conformity with other

important professional bodies research ethical guidelines such as the Statement of the Ethical Practice for the British Sociological Association (BSA, 2002) and the British Society of Criminology's Statement of Ethics (BSC, 2015) was insured.

Before moving to the fieldwork, letters of introduction and informed consent forms with details about the study were obtained from the University, adopted and given to the respondents. All respondents were provided with adequate information, it was made clear to the participants that they are free to withdraw their participation consent at any time without any explanation and were guaranteed that their responses are for nothing more than for academic purposes. To ensure the anonymity of the respondents, use of name was avoided and instead, codes were assigned to each respondent. Any risk to participants and to the researcher was carefully considered.

#### **6.7 Data storage**

With the permission of the 15 interviewees, interviews were all recorded using three devices: a Bangor University encrypted mini-radio recorder, a mini audio recorder with a memory card and the researcher's iPhone (voice recorder). These three devices were used to minimise the risk of losing the data either due to poor audio or losing any of the devices. Immediately after any interview, the recording is sent as an attachment to the researcher's email and saved on the Bangor University OneDrive as permitted by the University. As stated above, each interview is ascribed a label as interview research participant (IRP) with a corresponding number e.g. IRP1, IRP2, IRP3 etc. Research participants were assured that no unauthorized access would be given to anyone not connected to the study. The hard copies of the quantitative data were stored in a protected cabinet file provided by the University, to which only the researcher had access. All data were stored in line with Bangor University's data protection requirements.

#### **6.8 First fieldwork experience and challenges of conducting research in Nigeria**

The continually changing nature of our social world means that we will never run out of social queries or social phenomena to study (Holt & Walter 2009). While some social phenomena can easily be studied, others cannot. Research generally has some challenges most especially in the environment where it is to be done, safety of a researcher is very important as well as that of the

subject (research respondent). Security and time are the major problems in conducting research in Nigeria, adequate security measures need to be put in place before a researcher can visit some places to conduct research, e.g. the Niger Delta region. Timing is a problem because most professionals in Nigeria are keeping two jobs making them too busy to give time to a researcher (Woryi, 2018). In the views of Ngozi et al. (2016), factors identified as challenges to conducting social research in Nigeria include a lack of quality tertiary education and lack of funding among others.

Many parts of the Niger Delta region is not considered safe either for inhabitants or for a researcher and therefore, regarded as a no-go area to collect data for this study. Instead, for the qualitative data, research participants were identified within Abuja, Lagos and Kaduna, places considered to be among the safest in the country (Damilola, 2018). Letters of introduction and consent forms were sent to the research participants at least two months before the scheduled fieldwork. The research respondents were given a regular reminder through emails or through phone calls.

An important point worthy of note here is that the insecurity in the Niger Delta region and unpredictable nature of armed groups has made it a difficult task for researchers to contact militants except in rare cases. Only journalists, especially the international ones, have considered taking the extreme risks of meeting militants in their hideouts across the Niger Delta region.

Two face-to-face interviews were conducted during the first field trip in August 2017. Another set of face-to-face interviews were carried during a second visit to Nigeria in April 2018. The other four interviews were conducted in June 2019 through telephone due to the researcher's inability to travel to Nigeria again.

## **6.9 Summary**

The chosen research methodology aligned with the research aims and allowed the collection of the sort and quality of data required to answer the research questions. In chapter six, I made a case for the chosen mixed method design as the ideal for this study. Survey and interview (face-to-face and through telephone) were the primary data collection techniques. Among other

topics, the next chapter will further explore the debate on whether the root causes of the Niger Delta conflict are, on the one hand, ethnic conflict and grievances left unaddressed or on the other hand, opportunism and benefits of instability as argued by Luciani (2011, p.16).

## **Chapter Seven: What do Nigerians think of the renewed conflict in 2016, the role of oil companies and corporate social responsibility in the Niger Delta conflict**

### **7a.1 Introduction**

The chapter presenting findings from the research collated for this study is divided into two parts. The first part deals with the demographics of survey respondents, views on the renewal of the conflict in 2016, those suspected to be behind the renewed conflict, and general assessment of the Presidential Amnesty Programme (PAP). The second part is on Shell Oil Company's corporate social responsibility, environmental degradation in the Niger Delta region, regulatory agencies in the oil and gas sector, conflict and unity of Nigeria, and what the Nigerian government is doing about the conflict. Both quantitative and qualitative data are presented and analysed in this chapter. Fully integrated mixed data analysis is used, it occurs when there is an interactive mixing of qualitative and quantitative analyses that may be characterised as "iterative, reciprocal, and interdependent" (Teddlie & Tashakkori, 2009, p.280).

Self-administered questionnaires were used as an instrument for quantitative data collection. 55 instead of 50 (to ensure that targeted respondents were met) questionnaires were distributed in each of the six geo-political zones, details of distribution are earlier mentioned in chapter six. Out of the 330 distributed, 287 (95%) were returned and upon these numbers (n=287), the quantitative data will be presented, and the analysis based on. The study used computer aided applications like the Statistical Package for Social Science (SPSS) and Microsoft Excel spreadsheets for quantitative analysis. A non-response is coded as missing in SPSS. Analyses of the qualitative data will be presented concurrently with the quantitative data.

An in-depth interview was the instrument used for qualitative data, to ensure confidentiality. The participants in the interview were given a label as IRP (interview research participant) with a corresponding number that is based on chronological order. The qualitative data is analysed manually using thematic content analysis, which according to Thomas (2006) allows research findings to emerge from the significant and dominant themes inherent in raw data.

Confidentiality according to Remler & Ryzin (2015, p.557) means not revealing the identity of a person directly involved in a study, "persons" here refers to interview research participants. In

line with research ethics, and to ensure confidentiality, there is no question on the demographics of the interview research participants (IRPs). Views of these IRPs are considered useful because among these are stakeholders that include Niger Delta politicians, academics who had researched and written extensively on the Niger Delta issue, a bishop and human rights activists, the PAP office, and an expert in criminal aspects of the conflict. There are eleven IRPs whose responses are analysed along with survey responses and some selected literature.

All the results from the questionnaire were presented and analysed. A few were not captured in these chapters, but in the appendix (see Appendix 7).

## 7a.2 Presenting the survey findings I: Demographics

Gender, age as well as educational qualifications are the demographic details collected. 64% of the respondents indicate their gender as male and 34% as female, and the rest did not indicate their gender, which is categorised as missing. Northcentral and Northeast had more than 70% male respondents compared to Southsouth and Southwest that had 50%. The Southeast, Southsouth and Southwest geopolitical zones had more than 40% female representation while Northcentral, Northeast and Northwest had less than 40%.

**Table 7a.2.1: Gender of respondents**

Geopolitical zones	Male	Female	Missing	Number
Northcentral	72.0%	24.0%	4.0%	50
Northeast	87.5%	12.5%	0.0%	48
Northwest	68.1%	31.9%	0.0%	47
Southeast	58.0%	42.0%	0.0%	50
Southsouth	50.0%	50.0%	0.0%	42
Southwest	50.0%	48.0%	2.0%	50
<b>Total</b>	<b>64.5%</b>	<b>34.5%</b>	<b>1.0%</b>	<b>287</b>

Pearson chi-square 29.171, df=10, p<.001, n=287.

Source: fieldwork 2017.



### Age of respondents

Nigeria's estimated population as at 2018 is 186,000,000 (National Bureau of Statistics, 2019). The National Population Commission (NPC, 2018) states that almost half of the population consists of youths, defined as persons between 15 and 34 years of age. Table 7a.2.2 shows that the respondents were predominantly older than the average Nigerian.

**Table 7a.2.2: Age of respondents**

Geopolitical zones	20-29 Years	30-39 Years	40-49 Years	50 and above years	Number
<b>Northcentral</b>	16.0%	48.0%	24.0%	12.0%	50
<b>Northeast</b>	14.6%	33.3%	27.1%	25.0%	48
<b>Northwest</b>	23.4%	44.7%	23.4%	8.5%	47
<b>Southeast</b>	16.0%	48.0%	34.0%	2.0%	50
<b>Southsouth</b>	19.0%	28.6%	38.1%	14.3%	42
<b>Southwest</b>	20.0%	36.0%	40.0%	4.0%	50
<b>Total</b>	<b>18.1%</b>	<b>40.1%</b>	<b>31.0%</b>	<b>10.8%</b>	<b>287</b>

Pearson chi-square 24.864, df=15, p=.052, n.s., n=287.

Source: fieldwork 2017.

### Educational qualification of respondents

This variable is one of the most important, because the study seeks the views of educated Nigerians on the research topic, see the chapter on methodology for more explanations on these categories. In Northcentral, Northwest, Southsouth and Southwest HND/first-Degree holders are more than 50%. Northeast and Southeast had more PGD/master's degree holders than other regions (43.8% and 70.0% respectively). Overall, almost half of the entire respondents (49.1%) were either HND or first-Degree holders. Only Northwest, Southeast and Southwest have a few PhD holders. The educational achievements contrast with the sample of the general population with its literacy rate of 63 percent (Amos 2018).

**Table 7a.2.3: Educational qualification of respondents by geopolitical zones**

Geopolitical zones	O levels	Diploma/NCE	HND/1 <sup>st</sup> Degree	PGD/Masters	PhD	Missing	Number
<b>Northcentral</b>	4.0%	4.0%	62.0%	30.0%	0.0%	0.0%	50
<b>Northeast</b>	4.2%	14.6%	37.5%	43.8%	0.0%	0.0%	48
<b>Northwest</b>	12.8%	14.9%	55.3%	14.9%	2.1%	0.0%	47
<b>Southeast</b>	0.0%	0.0%	16.0%	70.0%	12.0%	2.0%	50
<b>Southsouth</b>	11.9%	14.3%	54.8%	19.0%	0.0%	0.0%	42
<b>Southwest</b>	8.0%	10.0%	70.0%	8.0%	4.0%	0.0%	50
<b>Total</b>	6.6%	9.4%	49.1%	31.4%	3.1%	0.3%	<b>287</b>

Pearson chi-square 101,229, df=25, p<.001, n=287.

Source: fieldwork 2017.

### **7a.3 PAP as a solution to the Niger Delta problem? Views on the renewal of the conflict in 2016**

The Niger Delta region is where Nigeria's enormous oil wealth comes from. While Jike (2004, p.688) refers to the Niger Delta region as the "engine room that propels and drives economic growth and development in the larger Nigerian society". Others like Obi & Rustad (2011, p.2) describe the Niger Delta conflict as "complex web of petro-violence". The Niger Delta people are referred to by Sam (2015) as 'potopoto' (dirt or swampy), a term used to describe the people as poor that live in squalid conditions. They are poor because the oil companies, argued Sam (2015, p.9), want them to remain poor, "not because they do not have what it takes to be rich".

In a poll on the Niger Delta conducted by NOI/Gallup in 2007, Nigerians were asked if both oil companies and the national government are doing enough for the people of Niger Delta. About 92 percent of the respondents believed the government was not doing enough for the Niger Delta inhabitants while about 46 percent were dissatisfied with the performance of oil companies operating in the region. About 30 percent of the respondents were 'undecided' on whether oil companies were doing enough for the region (NOI/Gallup, 2017).

Conflict is rampant in all parts of Nigeria and a key reason behind all conflicts in Nigeria argued the Institute for Peace and Conflict Resolution (IPCR) is the "dependence of Nigeria on a single

source of revenue” (IPCR, 2002, p.59). Because of Nigeria’s dependence on oil revenue, Ibeanu (2000, p.21) suggests that oil has become “central to the survival of the Nigeria state”. Unfortunately, the Niger Delta region and its people have only seen relative peace especially since the Ogoni crisis of 1990 that led to the killing of some prominent non-violent Niger Delta activists. The region has become synonymous with “conflict”, conflict that remains a threat to the single source of revenue for survival for Nigeria.

As stated earlier, the Nigerian government came up with many different approaches aimed at addressing the conflict, the most recent by the government is the Presidential Amnesty Programme (PAP). An important argument in this conflict is that politicians in the Niger Delta region remain the guilty party in the conflict because it is either “they secured the services of existing cults and gangs” or they “facilitated the formation of new ones” to achieve their electoral goals (Ukiwo, 2011, p.25).

While some hailed the establishment of PAP, others condemned it right from inception. Abiodun (2017), Schultze-Kraft (2019), Economist News (2016) and Obi (2014) picked holes in the view that PAP did not address the key issues, and the International Crisis Group (2015), and Mutiu (2014) claimed the PAP is a success. Obi (2014) supports the assumption that PAP was not established in line with the recommendations of the report that suggested its creation. Obi (2014, p.256) believes that PAP takes on a different approach to DDR because the Nigerian ruling elites embrace a method over which it had “complete control and which could be amenable to aid politics at the local, regional and national levels, while also protecting top state officials and networks involved in complicit unions with the Niger Delta militia groups”.

In the technical report setting up the PAP, the first recommendation to Federal Government is to establish a “credible and authoritative DDR institution and process including international negotiators to plan, implement, and oversee the DDR programmes” (Technical Committee Report 2008, p.66). Because of the “Nigerian factor” (corruption), the meeting between Abuja (government) and militant leaders to bring about an amnesty was not surprising to Nigerians. This is a common exercise of the Federal Government seeking to buy off “regional dissent without addressing any of the underlying issues in any real way” (Schultze-Kraft, 2019, p.151).

Molly (2011, p.128) dismisses the DDR (PAP) as a “fiction”, a “super Band-Aid” which will only provide short-term breathing space because of the lack of a wider political solution to the Niger Delta crisis. The PAP is perceived by Abiodun (2017, p.4) as “smokescreen for conflict entrepreneurs and terror sponsors to make money”. Economist News criticised the monetary benefit of PAP to the militants because it is “far more than the UN offers other African rebels to disarm” (Economist News, 2016b, p.2).

Going by its primary objective of disarming the insurgents and stabilising the security situation in the region, the programme has achieved meaningful results because kidnapping and attacks against foreigners have fallen (International Crisis Group, 2015, p.2). Presidential Amnesty Publication (2014) reports that between the years 2006-2009, 138 expatriates were kidnapped. While Starr (2014) is of the contrary view that there is no proof to link the amnesty to the reduction in the number of kidnappings, Mutiu (2014) was in support because only 14 expatriates were kidnapped in the periods of 2010 to 2012. One visible *temporary achievement* of PAP is an improved security system in the region that permits petroleum production and exports to increase from about 700,000 barrels per day (bpd) in 2009 to between 2.2 and 2.4 million bpd since 2011 (Presidential Amnesty Publication, 2014). The government was able to save about \$18.7 million a day it previously used to fight the insurgency in the region (Presidential Amnesty Publication 2014). Before the creation of PAP, in the period 2007-2008, it was alleged that the Nigerian government lost about £1.3 billion to the war against the Niger Delta militants (Vanguard Newspaper 2009 and Browne 2010). The temporary achievement only lasted until 2016 when new security threats emerged from the region.

### **Awareness of renewal of the conflict**

Renewal of the conflict in 2016 was well pronounced as reported by BBC News (2016), Amaize and Brisibe (2016) and Vanguard Newspaper (2016). The PAP was ongoing when the new hostilities began across the region. Some blamed the new hostilities on ex-militants and politicians because they had threatened to make the country ungovernable if Jonathan is not re-elected as president in the 2015 elections (Vanguard Newspaper 2016). Others accused the prominent ex-militant Tompolo. These new hostilities in 2016 were captured by E.A.D.W (2016,

p.1) as a “second insurgency”. Fick (2016, p.2) submits that “political sponsorship” has been suggested but “remains unproven” and Tompolo has been “fingered as their leader”. The hostilities first occurred the day that Tompolo was meant to appear in a court for a case of collusion and the illegal diversion of about £122,928,000 and another £43,024,900 belonging to the Nigerian Maritime Administration and Safety Agency (NIMASA) (Fick, 2016).

This renewed conflict was well known, as indicated by the majority of the respondents, as 74.2% said they are aware of the renewal. The knowledge of the renewal of the conflict was more pronounced among respondents in the Northcentral region where almost 100% responded “yes”, but less in the Southwest (62%). The difference may be because some Nigerians are more interested in national discourse than others. Many Northerners pay more attention to international news outlets like the BBC Hausa services, Radio Deutsche Welle and others.

**Table 7a.3.1: Awareness of renewal of the conflict**

<b>Geopolitical zones</b>	<b>Yes</b>	<b>No</b>	<b>I don't know</b>	<b>Number</b>
<b>Northcentral</b>	96.0%	2.0%	2.0%	50
<b>Northeast</b>	77.1%	2.1%	20.8%	48
<b>Northwest</b>	63.8%	17.0%	19.1%	47
<b>Southeast</b>	76.0%	12.0%	12.0%	50
<b>Southsouth</b>	69.0%	14.3%	16.7%	42
<b>Southwest</b>	62.0%	24.0%	14.0%	50
<b>Total</b>	74.2%	11.8%	13.9%	<b>287</b>

Pearson chi-square 28.599, df=10, p<.001, n=287.

Source: fieldwork 2017.

### **Renewed conflict affects the oil and gas sector**

Does the conflict affect the oil and gas sector? The answer to this question was sought, the “agreed” responses between geopolitical zones ranged between 71 and 88 percent. The 2016 renewed hostilities brought severe hardship on Nigerians because the source of money, the oil and gas sector, was on stand still.

**Table 7a.3.2: Renewed conflict affects oil and gas sector**

<b>Geopolitical zones</b>	<b>Agree</b>	<b>Disagree</b>	<b>Neither agree nor disagree</b>	<b>Number</b>
<b>Northcentral</b>	88.0%	10.0%	2.0%	50
<b>Northeast</b>	78.7%	17.0%	4.3%	48
<b>Northwest</b>	74.5%	17.0%	8.5%	47
<b>Southeast</b>	80.0%	8.0%	12.0%	50
<b>Southsouth</b>	71.4%	16.7%	11.9%	42
<b>Southwest</b>	82.0%	14.0%	7.0%	50
<b>Total</b>	79.4%	13.6%	7.0%	<b>287</b>

Pearson chi-square 10.044, df=10, p=.437, n.s., n=287.

Source: fieldwork 2017.

### **Government to use military might if new militants refuse to negotiate**

At the peak of the renewed hostilities in 2016, the new militant groups like the NDA and the NDGJM had refused to negotiate with the Federal government, a situation that led some advocating the government to use military force that will compel the new militants to come to negotiations. The Economists News suggests that the government should never negotiate with these new groups, but “arrest those who have committed the acts of violence” (Economists, 2016b, p.2).

Some do not support the use of military power against the militants, Molly (2011, p.129) argued, the Joint Task Force (JTF) made of the police, army and navy had become a part of “the problem and a prime contributor to the maintenance of the status quo”. A prominent Niger Delta activist, Chief Ayiri Emami, is not in support of using the military in the region to fish out criminals, economic saboteurs or violent agitators because of innocent people which the “militants possibly use as shield may suffer casualty” (Emami, 2016, p.2).

Views were sought and more than 50% in the three Northern regions and Southwest agreed that the Government should use military force, while more than 50% in the Southsouth and Southeast were against this. It is understandable that Southsouth (the Niger Delta states) disagree with the use of military might against the new militants because of their experience of a similar scenario

in 2009 when the military went after Tompolo. All answers taken together suggest significant unease about the use of military power in quelling militant unrest.

**Table 7a.3.3: Government to use military might if new militants refuse to negotiate**

Geopolitical zones	Agree	disagree	Neither agree nor disagree	Number
<b>Northcentral</b>	56.0%	32.0%	12.0%	50
<b>Northeast</b>	62.5%	31.3%	6.3%	48
<b>Northwest</b>	51.1%	31.9%	17.0%	47
<b>Southeast</b>	14.0%	68.0%	18.0%	50
<b>Southsouth</b>	16.7%	50.0%	33.3%	42
<b>Southwest</b>	58.0%	32.0%	10.0%	50
<b>Total</b>	43.6%	40.8%	15.7%	<b>287</b>

Pearson chi-square 52.323, df=10, p<.001, n=287.

Source: fieldwork 2017.

### **Groups implementing threats**

As mentioned earlier, during the presidential election campaigns, some important Niger Delta ex-militants and politicians held a meeting in Bayelsa State Government house in the capital city of Yenagoa. At the end of the meeting, all the ex-militants present at the meeting threatened war should Jonathan lose the Presidential election (Eziukwu, 2015 p.2). They vowed to make the country ungovernable for whoever wins apart from the incumbent.

On this presumption of the threats by the Niger Delta militants and some politicians, more than 30% respondents with the exemption of Northcentral “agreed” with the assumption that the groups were implementing their threat. In Northcentral and Northeast, more than 40% “strongly agreed”, while 40.5% of respondents in Southsouth were “not sure” about the presumption. In other words, belief is much lower in the Southsouth region. The conflict has been going on and off there since 1998, and perhaps, this is the reason for the difference in opinion.

**Table 7a.3.4: Groups implementing threats**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	54.0%	28.0%	0.0%	8.0%	10.0%	50
<b>Northeast</b>	41.7%	47.9%	2.1%	4.2%	4.2%	48
<b>Northwest</b>	29.8%	44.7%	2.1%	6.4%	17.0%	47
<b>Southeast</b>	16.0%	40.0%	22.0%	8.0%	14.0%	50
<b>Southsouth</b>	7.1%	31.0%	19.0%	2.4%	40.5%	42
<b>Southwest</b>	26.0%	36.0%	4.0%	18.0%	16.0%	50
<b>Total</b>	29.6%	38.0%	8.0%	8.0%	16.4%	<b>287</b>

Pearson chi-square 84.029, df=20, p<.001, n=287.

Source: fieldwork 2017.

### **Ex-militants behind the renewal of conflict**

Commentators like Moses (2017) think it is more than a coincidence that the NDA launched a renewed deadly attack on an oil facility to announce their existence on the day that Tompolo was due to appear in court. Although Tompolo has since distanced himself from this new group, the unconvincing coincidence has made Tompolo the leading ‘prime sponsor’ of those behind the renewed attacks in 2016. Tompolo is quoted to have said that “you know some mischievous persons have continued to point fingers at me. They said that I am either behind you or directly carrying out the destruction of oil pipelines across the Niger Delta region. I still maintain that I know nothing about your group and the destruction of crude oil facilities in the Niger Delta region” (Tompolo quoted in Reports Afrique News, 2016).

Surprisingly, respondents in five of the geopolitical zones agreed to the accusation that ex-militants are behind the renewed hostilities, only the Niger Delta respondents (Southsouth) indicate the contrary. Despite their ethnic differences, the Southsouth respondents’ views could be an expression of support for the ex-militants because some of the Niger Deltans believed that their communities are destroyed to develop other parts of the country like Abuja.



**Table 7a.3.5: Ex-militants behind renewal of conflict**

Geopolitical zones	Yes	No	I don't know	Missing	Number
<b>Northcentral</b>	76.0%	6.0%	18.0%	0.0%	50
<b>Northeast</b>	79.2%	12.5%	8.3%	0.0%	48
<b>Northwest</b>	57.4%	6.4%	34.0%	2.1%	47
<b>Southeast</b>	64.0%	2.0%	34.0%	0.0%	50
<b>Southsouth</b>	35.7%	14.3%	50.0%	0.0%	42
<b>Southwest</b>	56.0%	24.0%	20.0%	0.0%	50
<b>Total</b>	62.0%	10.8%	26.8%	0.3%	<b>287</b>

Pearson chi-square 47.009, df=15, p<.001, n=287.

Source: fieldwork 2017.

### **Interview responses on renewal of conflict and groups implementing threats**

As mentioned earlier, demographics of IRPs was avoided in order to protect their identity. On the renewal of the conflict, there seems to be an agreement among the majority of the IRPs that there was a renewal of the conflict that was a result of the support the fighters receive from the elites in the region. This view was expressed by IRP5 who stated that:

*The Niger Delta Militancy was originally meant to struggle for better living standard and the development of Niger Delta but was hijack for selfish economy reason. The new conflict has justified the view of those that are pointing accusing fingers on the Niger Delta elites as primary backers of the youths in the region (IRP5).*

The renewal of the conflict was also seen as taking advantage of the volatility of the region for selfish interest. IRP1 mentioned that

*Militancy in the Niger Delta region is nothing short of a fraud, used as an instrument by some people to enhance their access to oil wealth, and not necessarily for the development of the area (IRP1).*

Other IRPs also support this, IRP2 captured the view concisely when he stated that

*The Niger Delta Avengers (NDA) are not those granted amnesty, they are another group trying to spring up from the Niger Delta base on the fact that I may say well to some extent it may have a political undertone but it has nothing to do with the 30,000 people granted amnesty, it has nothing to do with the office of the special adviser to the President to the Niger Delta (IRP2).*

Eziukwu (2015) and Fick (2016) argued these new hostilities are meant to frustrate the present government and to divert its attention from prosecuting one of the ex-militants whom the government has declared wanted. IRP3 summed up that

*The renewed hostilities on oil installations in 2016 is that, it is done or carried out in order to distort the government of Muhammadu Buhari who won election in 2015 against Goodluck Ebele Jonathan who is from the Niger Delta region and whom they see as their brother. To make governance difficult for Muhammadu Buhari was what necessitated the renewed hostilities on oil installations (IRP3).*

These interview quotes support many of the literature reviewed like Nwajiaku-Dahou (2010, p.23) who states that the politics of ethnicity by the Niger Delta politicians influenced the perceived politics of the PAP that created loopholes capable of aiding formation of new militant groups. Ukiwu & Ebiede (2016) gave credence to Nwajiaku-Dahou's view. To corroborate these views, IRP3 stated

*Vested interests were behind the renewed conflict because before the 2015 general elections, there were statements from some individuals who promised to make the country ungovernable. Also, daily crude exploration figure is not static and in order for those with criminal intent to get what they want, the hostilities need to continue so that inaccurate oil exploration figures shall be maintained that profits both the corrupt government personnel and the oil companies' employees. Vested interest led to the renewal of hostilities in the region (IRP3).*

Supporting IRP3's view, IRP1 said

*Because the federal government decided that militants or ex-militants will no longer be given the job of protecting the oil installation, and decided instead to be using state security agents, that was basically why the hostilities re-began.*

It is good to note that these militants' groups are all the same brothers, sisters, kith and kin; they are all children of the same communities, environment and leadership (Kukah, 2018). They have the same appetites and are enticed to the huge resources that remain around them. Along with this is the fact that their social and economic conditions have not changed (Fick, 2016). In the opinion of IRP4, the groups are attracted to the same resources in their environment. He mentioned that:

*It is difficult to say, but we do not know how we can measure the effect of the last attempts to rehabilitate the members of the new groups. A country that resorts to appeasement in the face of violence will only continue to create circles of violence and new agents of violence until it has*

*the courage to first, understand the nature of the structure that has continued to create conditions for the anger of the agents of violence (IRP4).*

The renewed hostilities on the oil facility in 2016 aimed to frustrate the government, it was an act of sabotage (Onuoha 2016 and Fick 2016). This was echoed by IRP6 who stated that

*Looking at the demand presented to government by “those behind the hostilities” you will find out majority of it are purely for personal economic gain, e.g. contracts for protection of pipelines that was cancelled (IRP6).*

IRP6 was saying that because the Federal Government decided that militants or ex-militants will no longer be given the job of protecting the oil installation, and decided instead to be using state security agents, that was basically why the hostilities re-began. IRP3 shared a similar view that daily crude exploration figures are not static and for those with criminal intent to get what they want, the hostilities need to continue so that inaccurate oil exploration figures shall be maintained which profits both the corrupt government personnel and the oil companies' employees. This is in line with State Corporate Crime theorists because the beneficiaries are in both the government and the oil companies. Vested interests led to the renewal of hostilities in the region.

IRP3, 4 and 6 strongly agreed that vested interests were behind the renewal of the conflict but cannot give a name. The IRPs concluded, in the words of one of them, that:

*Most of those in the oil and gas sector are corrupt and are culprits as well in the Niger Delta conflict (IRP6).*

#### **7a.4 Availability of funds aiding conflict**

Armed conflict in any part of the world, argued Jeffs (2010, p.23), is sustained by the availability of “funds” and “arms or weapons”. Funds are easily available to the Niger Delta militants whom Gillies (2009, p.3) refers to as groups of “well-armed young men” whose activities are supervised by “powerful figures” in the Niger Delta region.

There was no breakdown of categories and number of arms submitted by the ex-militants during the disarming exercise as a precondition to be amnestied, only a total figure was given of 2,760 different calibre arms, 287,445 of various kinds of ammunition, 3,155 magazines, 1,090 dynamite

caps, 763 explosives and 19 gunboats (Awolusi, 2009). The weapons surrendered were alleged to have been destroyed at an army military depot in Enugu state, no single eyewitness is known to the “so called weapons destroyed” (Muggah, 2009, p.4). There are fears that the surrendered weapons may find their way back to the militants because there are cases of “Nigerian army weapons” being sold to potential buyers (Daniel, 2018, p.21).

Availability of funds could be a reason why militants continue to be active. There is the possibility that if sources of funds are blocked or curtailed the militancy would be curtailed as well. Respondents were asked if they think that the availability of funds is aiding the Niger Delta conflict, “strongly agree” and “agree” were overwhelming answers in the six geopolitical zones.

**Table 7a.4.1: Availability of funds aiding conflict**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	44.0%	44.0%	6.0%	6.0%	-	50
<b>Northeast</b>	37.5%	47.9%	8.3%	2.1%	4.2%	48
<b>Northwest</b>	44.7%	48.9%	-	2.1%	4.3%	47
<b>Southeast</b>	36.0%	52.0%	2.0%	6.0%	4.0%	50
<b>Southsouth</b>	31.0%	52.4%	9.5%	4.8%	2.4%	42
<b>Southwest</b>	42.0%	46.0%	6.0%	2.0%	4.0%	50
<b>Total</b>	39.4%	48.4%	5.2%	3.8%	3.1%	<b>287</b>

Pearson chi-square 12.843, df=20, p=.884, n.s., n=287.

Source: fieldwork 2017.

## **7a.5 Respondent’s knowledge of the PAP**

### **Awareness of amnesty granted before the PAP**

Some streets in capital cities of Southsouth especially in Rivers and Bayelsa were centres of violence and display of weaponry abilities by militants, cults and gangs. The persistent violence sometimes between Nigeria security personnel and militants or among the various rival cult groups, made the State government with support from the Federal government consider granting amnesty to all armed groups. However, before the state amnesty, the Federal Government had in 1967 granted amnesty to Isaac Jasper Adaka Boro and enlisted him into the army to help protect the unity of Nigeria.

Isaac Jasper Adaka Boro remains a major source of inspiration to many of the Delta militants. The study asked if the respondents are aware of any amnesty granted to someone before the PAP. Almost 60% in Northeast and Northwest indicate “no”, in Northcentral 58% “I don’t know”. Southeast, Southsouth and Southwest answered positively 50%, 69% and 60%, respectively, suggesting a stronger memory of past amnesties. This may also suggest a greater awareness of local history.

**Table 7a.5.1: Awareness of amnesty granted to someone before the PAP**

Geopolitical zones	Yes	No	I don’t know	Number
<b>Northcentral</b>	10.0%	32.0%	58.0%	50
<b>Northeast</b>	16.7%	58.3%	25.0%	48
<b>Northwest</b>	21.3%	57.4%	21.3%	47
<b>Southeast</b>	50.0%	34.0%	16.9%	50
<b>Southsouth</b>	69.0%	11.9%	19.0%	42
<b>Southwest</b>	60.0%	16.0%	24.0%	50
<b>Total</b>	37.3%	35.2%	27.5%	<b>287</b>

Pearson chi-square 86.313, df=10, p<.001, n=287.

Source: fieldwork 2017.

### **Heard of Isaac Jasper Adaka Boro**

Almost all in Southsouth answered “yes” that they have heard of Isaac Jasper Adaka Boro. This is expected because he is from the region and there are some of his monuments spread across the States of the region. Only the Northern regions had more than 50% negative answers. This may not be unconnected to the fact that activities of Isaac Jasper Adaka Boro as a Niger Delta activist and hero of the civil war had no direct impact on the Northern region, his impact was on the Southern regions. He fought the civil war in most parts of the Southeast states, and his remains were laid to rest in a national cemetery in a Southwest state.

**Table 7a.5.2: Heard of Isaac Jasper Adaka Boro**

<b>Geopolitical zones</b>	<b>Yes</b>	<b>No</b>	<b>Number</b>
<b>Northcentral</b>	46.0%	54.0%	50
<b>Northeast</b>	12.5%	87.5%	48
<b>Northwest</b>	25.5%	74.5%	47
<b>Southeast</b>	62.0%	38.0%	50
<b>Southsouth</b>	97.6%	2.4%	42
<b>Southwest</b>	70.0%	30.0%	50
<b>Total</b>	51.6%	48.4%	<b>287</b>

Pearson chi-square 87.354, df=5, p<.001, n=87.

Source: fieldwork 2017.

### **Knowledge of Isaac Jasper Adaka Boro charged with treason**

On the question, if they are aware that Isaac Jasper Adaka Boro was charged with treason or not, the response is almost like the one preceding this. Results in table 7a.5.3 showed Northcentral 58% "I don't know", Northeast 66% "no" and Northwest 74.5% "I don't know". Southeast and Southwest has about 40% "yes", Southsouth 83% "yes". Again, this has shown that in the Southsouth, many people have knowledge about Isaac Jasper Adaka Boro's life.

As mentioned in previous chapters, Adaka Boro laid the foundation for violent activism in the Niger Delta region. Most Niger Delta militants adore him and believed that their present acts of militancy are a continuation from where Adake Boro stopped in the 60s. Adaka Boro's struggle, perhaps, made the people of the Niger Delta region to share the view that oil companies and the Nigerian government are their enemies (Adewale, 1989).

**Table 7a.5.3: knowledge of Isaac Jasper Adaka Boro charged with treason**

Geopolitical zones	Yes	No	I don't know	Number
Northcentral	10.0%	32.0%	58.0%	50
Northeast	4.2%	66.7%	29.2%	48
Northwest	2.1%	23.4%	74.5%	47
Southeast	44.0%	16.0%	40.0%	50
Southsouth	83.3%	9.5%	7.1%	42
Southwest	40.0%	14.0%	46.0%	50
<b>Total</b>	<b>29.6%</b>	<b>27.2%</b>	<b>43.2%</b>	<b>287</b>

Pearson chi-square 141.949, df=10, p<.001, n=287.

Source: fieldwork 2017.

### **Knowledge of the existence of PAP**

The study commenced by asking about their knowledge on the existence of the PAP, more than 90% answered 'Yes' that they are aware of the existence of PAP.

**Table 7a.5.4: Knowledge of the existence of PAP**

Geopolitical zones	Yes	No	I don't know	Number
Northcentral	94.0%	6.0%	-	50
Northeast	89.6%	8.3%	2.1%	48
Northwest	95.7%	2.1%	2.1%	47
Southeast	96.0%	4.0%	-	50
Southsouth	88.1%	9.5%	2.4%	42
Southwest	82.0%	16.0%	2.0%	50
<b>Total</b>	<b>90.9%</b>	<b>7.7%</b>	<b>1.4%</b>	<b>287</b>

Pearson chi-square 10.649, df=10, p=.386, n.s., n=287.

Source: fieldwork 2017.

### **The present nature of PAP can address the conflict**

It is not surprising that a majority believes that the present nature of PAP cannot address the conflict in the Niger Delta region. Commentators like Michael (2013) and Nwajiaku-Dahou (2010) had argued that the present nature of PAP was established with the mind-set of come and take the money and disappear. The responses in the Niger Delta indicate that only 35.7% "disagree", 23.8% "strongly disagree" and 33.3% are "not sure" if the present PAP can address the conflict.

More than 30% in Northcentral, Northwest and Southwest “strongly disagree”. In Northeast 50% “strongly disagree”.

**Table 7a.5.5: Present nature of PAP can address the conflict**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	10.0%	18.0%	18.0%	38.0%	16.0%	50
<b>Northeast</b>	2.1%	6.3%	16.7%	50.0%	25.0%	48
<b>Northwest</b>	6.4%	19.1%	21.3%	31.9%	21.3%	47
<b>Southeast</b>	-	12.0%	24.0%	26.0%	38.0%	50
<b>Southsouth</b>	2.4%	4.8%	35.7%	23.8%	33.3%	42
<b>Southwest</b>	10.0%	8.0%	18.0%	36.0%	28.0%	50
<b>Total</b>	5.2%	11.5%	22.0%	34.5%	26.8%	<b>287</b>

Pearson chi-square 60.004, df=20, p<.001, n=287.

Source: fieldwork 2017.

#### **PAP did not address the key issues of the Niger Delta conflict**

For all geopolitical zones the overwhelming majority agreed or strongly agreed that PAP did not address the key issues of the Niger Delta conflict. Yet, in Northcentral, a higher percentage than elsewhere were “not sure” (16%).

**Table 7a.5.6: PAP did not address the key issues of the Niger Delta conflict**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	22.0%	52.0%	2.0%	8.0%	16.0%	50
<b>Northeast</b>	14.6%	68.8%	6.3%	8.3%	2.1%	48
<b>Northwest</b>	23.4%	66.0%	4.3%	-	6.4%	47
<b>Southeast</b>	22.0%	66.0%	-	6.0%	6.0%	50
<b>Southsouth</b>	28.6%	61.9%	4.8%	2.4%	2.4%	42
<b>Southwest</b>	14.0%	70.0%	4.0%	6.0%	6.0%	50
<b>Total</b>	20.6%	64.1%	3.5%	5.2%	6.6%	<b>287</b>

Pearson chi-square 55.304, df=20, p<.001, n=287.

Source: fieldwork 2017.



### Government to continue with the present nature of PAP

Whether the PAP is established in the interest of the Niger Delta people or not, an attempt was made to find out if the government should continue with the present nature of PAP. 78% across the whole geopolitical zones disagreed.

**Table 7a.5.7: Government to continue with the present nature PAP**

Geopolitical zones	Agree	disagree	Neither agree nor disagree	Number
<b>Northcentral</b>	20.0%	70.0%	10.0%	50
<b>Northeast</b>	10.4%	83.3%	6.3%	48
<b>Northwest</b>	17.0%	72.3%	10.6%	47
<b>Southeast</b>	18.0%	76.0%	6.0%	50
<b>Southsouth</b>	9.5%	85.7%	4.8%	42
<b>Southwest</b>	12.0%	82.0%	6.0%	50
<b>Total</b>	14.6%	78.0%	7.3%	<b>287</b>

Pearson chi-square 33.166, df=20, p<.005, n=287.

Source: fieldwork 2017.

### Government to repackage the present nature of the PAP

PAP can best be described as a “renegotiation” of the existing “provisioning pact” to improve oil production and to protect the economic and political interests of “Nigeria’s dominant elite coalition” that now includes the most “dominant of the ex-militant leaders” in the spoils of the oil wealth (Schultze-Kraft, 2019, p.150).

It is assumed that because of the belief that the present nature of PAP rewards criminality, the majority of the respondents wanted the government to reorganise the PAP. More than 70% in Northcentral, Northeast and Northwest shared this view, and in Southeast, Southsouth and Southwest more than 60%. Almost 70% of the entire respondents supported the view that PAP should be repackaged.

**Table 7a.5.8: Government to repackage present nature of PAP**

Geopolitical zones	Agree	Disagree	Neither agree nor disagree	Number
<b>Northcentral</b>	74.0%	12.0%	14.0%	50
<b>Northeast</b>	77.1%	10.4%	12.5%	48
<b>Northwest</b>	72.3%	17.0%	10.6%	47
<b>Southeast</b>	68.0%	12.0%	20.0%	50
<b>Southsouth</b>	64.3%	16.7%	19.0%	42
<b>Southwest</b>	60.0%	24.0%	16.0%	50
<b>Total</b>	69.3%	15.3%	15.3%	<b>287</b>

Pearson chi-square 22.749, df=20, p=.301, n.s., n=287.

Source: fieldwork 2017.

### **Interview responses on the general assessments of PAP**

Obi and Rustard (2011) had argued that the programme completely failed to address the key issues, this view was shared by all the eleven IRPs except two who held a contrary view. The majority view was that:

*There is no country where the pardoning of offenders is accompanied with a scheme of empowerment without end. The PAP has become like a self-empowerment tool to the extent that those who have never carried arms before as militants have often turned themselves in as ex-militants simply to benefit from the amnesty booty (IRP4).*

The only two with contrary views are IRP2 and 6 who believe that PAP was genuinely packaged not just for the interest of the region alone but also for the entire nation:

*Because if you look at their agitation you will realize that the barrel of oil been produced per day dropped drastically, it dropped to 700 barrel per day but it was after the proclamation of the amnesty program that the barrel of oil per day increased to about not less than 1.5 million. In 2009, incremental annual oil proceed was 31 Billion Dollars and a year after the granting of amnesty in 2010 it increases to 59 Billion Dollars just to be sure. So in that case it was genuinely packaged for the people of Niger Delta and the country in general (IRP2).*

IRP6's view was that President Umaru Musa Yar'adua genuinely designed PAP with good intentions because he tried his best as it:

*Involved all the stakeholders and the late president has good intention to the programme to maintain stability in the region for the growth of Nigeria Economy (IRP6).*

An IRP summed up that:

*Frankly, there is not much to say because we hear very little of the programme. It definitely no longer has the appeal that it had at the beginning. All the big boys simply managed to appropriate billions of naira and dollars and retreated to their various kingdoms. The programme definitely has not had a broad impact beyond the fact that it enriched the big boys who had become the entrepreneurs of violence which they used to trade off with government and the oil companies (IRP4).*

It has been suggested that the PAP, as implemented under President Goodluck Ebele Jonathan, is not a continuation of the one designed under President Umaru Musa Yar'adua (Nwajiaku-Dahou 2010). While President Goodluck Jonathan was maneuvered by his fellow Niger Deltans, President Umaru Musa Yar'adua from the north and may not be willing to play to the gallery of the Niger Delta politicians<sup>3</sup>. This partly explained how the two presidents differed. There was some support for this opinion, for example, IRP9 stated that: *"PAP almost turned to an avenue for political patronage" (IRP9).*

Giving further credence to Nwajiaku-Dohou's (2010) opinion, IRP4 concludes that

*It is very difficult for me to understand how and why the Jonathan administration did not fast forward the Amnesty programme. He had the resources but I think under Jonathan, politics and inter-ethnic and inter-clan jealousies and quarrels undermined the process. Definitely, the speech changed and I can say the same thing based on my experience and frustration of getting the Jonathan government to address the issues of the clean-up of Ogoniland after the release of the report in 2010 (IRP4).*

On the presumption that PAP rewarded criminality, eight IRPs held similar views that PAP is never meant to provide a solution to the region's social injustices, and PAP was a mockery because,

*As long as government rewards only the leaders of violence and their agents, doing nothing to change the social structure of injustice, you will continue to have a situation where the wealth of yesterday's agents of violence will trigger the same urge for violence by a new group (IRP4).*

A similar belief was expressed by IRP11 that PAP

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<sup>3</sup> During the first field work in August 2017, before the interview at the amnesty office, I was introduced to a youth (an employee of the amnesty office) who was presented to me as an ex-militant and beneficiary of the amnesty scholarship scheme abroad. After the interview, I asked for a private chat with this supposed to be ex-militant and to my surprise, he confided in me that he was never at any point in his life a militant, his Uncle (perhaps one of the Niger Delta politicians or elites) got him enlisted into the amnesty programme as one.

*Should be targeted at the region entirely through provision of infrastructural development and not majorly aimed at empowering criminals (IRP 11).*

IRP7 gives an interesting view, she argued that ex-militants are not the only benefactors of PAP even the political elites that run the affairs of the programme are patrons. She suggests that

*It is a wrong assumption to think that PAP rewards criminality only by giving ex-militants lofty allowances and contracts, what about those at the helms of the affairs of PAP that pays out huge amounts of money to non-existing ex-militants. From inception of PAP, all its past leaders were removed from the office because of allegations of misappropriation of funds (IRP7).*

It is not surprising that the majority of the participants suggest the repackaging/restructuring of PAP. One has the opinion that the programme should be stopped completely. Some of the interviewees expressed

*Without hesitation, the government should as a matter of urgency, go back to the drawing board and come up with a better programme that will provide an enduring solution to the Niger Delta problem (IRP11).*

*My own answer is a form of question, what do you do when a policy meant to address a problem appears to have not just woefully failed (IRP7).*

*I strongly recommend the re-packaging of the programme, to meet the yearnings of the entire region, and not some criminals and their sponsors in government (IRP5).*

*We all know that PAP needs re-packaging (IRP6).*

*I suggest its termination with immediate effect (IRP1)*

## **7a.6 Summary of discussion**

The study's quantitative respondents consisted of 287 respondents, 65 percent of which were male. All the respondents were educated Nigerians, about half of the respondents of the quantitative survey were graduates with either a first degree or the higher national diploma (HND). Interestingly, 74% showed that they were aware of the 2016 renewal of the Niger Delta conflict and 79% agreed that the conflict affects the oil and gas sector. The respondents (67%) support the view that those behind the renewed conflict were the same group of people who threatened to make the country ungovernable. In other words, ex-militants were behind the new hostilities. Similar views were expressed by most of the respondents in the interviews. The results also reveal the suspicion that militants get funds from vested interests that include Niger Delta politicians among others.

On their knowledge of PAP, both survey and interview participants are aware of the PAP, the majority of the respondents believe that the programme is not developed for the interest of the Niger Delta people. 85 percent expressed the view that PAP did not address the key issues of the Niger Delta region, 58% stated that the programme rewards criminality, 78% disagree with a continuation of it while 69% suggest repackaging of the programme. The results, taken together, revealed wide-spread distrust in the amnesty programme and the powers behind it.

### **7b.1 Presenting the survey findings II**

It is argued that the Nigerian oil and gas sector has corruption and fraud present throughout “the value chain” (Katsouris & Sayne, 2013, p.1). Similarly, a U.S. Non-governmental delegation report (1999, p.23) described the industry as an “outlaw oil industry”. Critics have maintained that oil companies operating in Nigeria turn a profit and indeed “fostered Nigeria’s political instability and corruption which weakened the government’s capacity to regulate the industry” (Ibeanu and Luckham, 2006, p.16). They are also accused of being “reckless in their operations” in the Niger Delta region because, as opined by Fayemi et al. (2005), standards are never enforced by regulatory agencies who depend on “oil companies for the cause of oil spillage and the quantity of oil lost” (Ibeanu & Luckham, 2006, p.29). The oil companies are also alleged of not doing genuine community development projects.

### **7b.2 Lack of corporate social responsibility**

#### **Shell is the largest Oil Company operating in Niger Delta region**

The main multinational oil companies operating in the Niger Delta region are Shell, which accounts for more than 40 percent of the volume of production, followed by Mobil and Chevron (U.S. Non-governmental Delegation, 1999; Oluduro, 2014). Commentators like Yemie (2016), Amnesty International (2018a) and Cui (2014) stated that oil companies are never seen as a positive force because they destabilise and pit one community against another.

Being the first to start an oil exploration business in the Niger Delta region, Shell is assumed as the largest oil company in the oil and gas sector. On this assumption, about 70% of the respondents agreed.

**Table 7b.2.1: Shell is the largest oil company operating in Niger Delta region**

Geopolitical zones	Yes	No	I don't know	Number
<b>Northcentral</b>	68.0%	18.0%	14.0%	50
<b>Northeast</b>	70.8%	10.4%	18.8%	48
<b>Northwest</b>	68.1%	12.8%	19.1%	47
<b>Southeast</b>	76.0%	8.0%	16.0%	50
<b>Southsouth</b>	78.6%	4.8%	16.7%	42
<b>Southwest</b>	70.0%	14.0%	16.0%	50
<b>Total</b>	71.8%	11.5%	16.7%	<b>287</b>

Pearson chi-square 5.562 df=10, p=.85, n.s., n=287.

Source: fieldwork 2017.

### **Shell must share some responsibilities in the Niger Delta conflict**

As Shell is the oldest and largest oil company, some of its activities are always regarded as unfriendly to both the Niger Delta people and their environment. The company has long been accused of complicity in human rights abuses in the Niger Delta like the killing of Ken Saro Wiwa (Pilkington, 2009). The U.S. Non-governmental Delegation Report (1999, p.23) concludes that “these corporations’ acts of charity and development are slaps in the face of those they claim to be helping”.

The study attempts to find out if the Nigerians’ feel that Shell must share some responsibilities in the Niger Delta conflict. “Strongly agree” and “agree” are by far the most frequent answers from respondents across the zones.

**Table 7b.2.2: Shell must share some responsibilities in the Niger Delta conflict**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	30.0%	50.0%	8.0%	6.0%	6.0%	50
<b>Northeast</b>	12.5%	60.4%	12.5%	4.2%	10.4%	48
<b>Northwest</b>	12.8%	53.2%	21.3%	4.3%	8.5%	47
<b>Southeast</b>	26.0%	64.0%	2.0%	-	8.0%	50
<b>Southsouth</b>	28.6%	52.4%	7.1%	2.4%	9.5%	42
<b>Southwest</b>	10.0%	56.0%	16.0%	8.0%	10.0%	50
<b>Total</b>	19.9%	56.1%	11.1%	4.2%	8.7%	<b>287</b>

Pearson chi-square 26.869, df=20, p=.139, n.s., n=287.

Source: fieldwork 2017.

### **Views on Shell's corporate social responsibility**

Corporate social responsibility, argued Ite (2004), can contribute to addressing the needs of disadvantaged communities, at the same time, whether intentional or un-intentional, it could damage the same communities. Idemudia (2011, p.177) is of the view that oil companies only engage in providing social infrastructure, while neglecting "the root causes" of "conflicts in the communities".

Host communities are denied their means of livelihood because of oil related activities, therefore, a lot in terms of corporate social responsibility is expected from Shell to reduce the suffering of the host communities. The company claimed to have from 2006 to 2016 spent a total of about \$228 million on corporate social responsibility (Shell, 2017).

Respondents were asked two separate questions, namely if Shell has done little or much regarding corporate social responsibility. Table 7b.2.3 shows the respondents' views on how much Shell has done in terms of corporate social responsibility. Interestingly, "disagree" and "strongly disagree" were the most common answers with 70 percent disagreeing that Shell had done much in terms of corporate social responsibility. Similarly, few disagree to the statement that Shell has done "little" in terms of social responsibility (Table 7b.2.4).

**Table 7b.2.3: Shell has done much in terms of corporate social responsibility**



Geopolitical zones	Strongly agree	Agree	Disagree	Strongly disagree	Not sure	Number
Northcentral	4.0%	8.0%	20.0%	50.0%	18.0%	50
Northeast	2.1%	12.5%	47.9%	20.8%	16.7%	48
Northwest	2.1%	8.5%	46.8%	21.3%	21.3%	47
Southeast	2.0%	6.0%	48.0%	20.0%	24.0%	50
Southsouth	-	2.4%	50.0%	26.2%	21.4%	42
Southwest	8.0%	4.0%	40.0%	30.0%	18.0%	50
<b>Total</b>	<b>3.1%</b>	<b>7.0%</b>	<b>41.8%</b>	<b>28.2%</b>	<b>19.9%</b>	<b>287</b>

Pearson chi-square 30.018, df=20, p=.070, n.s., n=287.

Source: fieldwork 2017.

**Table 7b.2.4: Shell has done little in terms of corporate social responsibility**

Geopolitical zones	Strongly agree	Agree	Disagree	Strongly disagree	Not sure	Missing	Number
Northcentral	28.0%	30.0%	20.0%	10.0%	12.0%	0.0%	50
Northeast	18.8%	27.1%	16.7%	2.1%	33.3%	2.1%	48
Northwest	12.8%	44.7%	21.3%	2.1%	17.0%	2.1%	47
Southeast	14.0%	34.0%	18.0%	8.0%	26.0%	0.0%	50
Southsouth	16.7%	40.5%	19.0%	2.4%	21.4%	0.0%	42
Southwest	4.0%	22.0%	6.0%	14.0%	40.0%	14.0%	50
<b>Total</b>	<b>15.7%</b>	<b>32.8%</b>	<b>16.7%</b>	<b>6.6%</b>	<b>25.1%</b>	<b>3.1%</b>	<b>287</b>

Pearson chi-square 62.943, df=25, p<.001, n=287.

Source: fieldwork 2017.

### **IRPs views on Shell Oil Company and oil companies sharing some responsibilities in the persistence of the conflict**

As the largest and most prominent oil company operating in Nigeria, Shell has been seen as even more powerful than the Nigerian Government (Pilkington, 2009; Oluduro, 2014; Wikileaks cables cited in Smith, 2010). Because of the company's huge influence on governance in Nigeria and business interest in the Niger Delta region, Shell remains the easily-accused company on human rights abuses. Dickinson (2010) and Cui (2014) have argued that Shell's complicities in human rights abuses in the region has made the company be regarded as a common enemy. Part of the activities of Shell and other oil companies has turned the Niger Delta environment into one of

the worst in the world (World Bank Group, 1995). Ijaiya (2014) assumes that the 1998 Ogoni crisis that led to the killing of the Ogoni nine and Ken Saro Wiwa was the beginning of interest by researchers and commentators alike in the activities of oil companies and their host communities in Nigeria. Following the interest in their activities, some have not only accused the oil companies of complicity in the persistence of the conflict, but also of inhumanity to their host communities. While some IRPs blame the oil companies, others were neutral. IRP9 put almost the entire blame on the oil companies when he states that

*I think the multinational oil companies should share about 70-80% of the responsibility for the Niger Delta conflict generally. It is the activities of the multinational oil companies that caused the agitation in the first place. If Ken Saro-Wiwa and other Ogonis were not killed, if the multinational oil companies did not pollute the land and water of the region, which is the means of livelihood of the people of the region, the agitation would not have evolved (IRP9).*

His opinion is similar to IRP5 who claimed that

*The way and manner which oil companies treat their hosts communities in Nigeria is different from the way they do in advanced countries like Scotland and Australia. This differences in dealing with host communities across the globe cannot exonerate them from blames like complicity in the Niger Delta conflict (IRP5).*

IRP1 appears to be neutral in his view, he states that

*I cannot authoritatively say the allegation is true or not because I don't have enough information to make such judgement but it's a possibility (IRP1).*

One of the IRPs put the blame not only on the international oil companies (IOCs) but also on others. He stated that

*The oil companies of IOCs have some share of blame the same way the Niger Deltans themselves and the Nigerian State – it is a three-fold scenario (IRP7).*

### **Interview responses on Oil Companies' corporate social responsibility**

Cobb (1997) argued that the fact that multinational oil companies are paying huge amounts of money to the Nigerian government does not permit them to neglect the Niger Delta environment. Opinions among the IRPs seem to be the same as they all believe that not just Shell, but all the oil companies operating in the Niger Delta have performed below expectations in terms of corporate social responsibility. For example, up till date, none of the oil companies in the region have built a single modular refinery, not to talk of a regular refinery that will give many

people in the region jobs and will improve the economic status of the region. Only when that is done according to IRP4,

*Then we can say Shell or one of the oil companies has done corporate social responsibility that correspond with what they are earning from the Niger Delta region (IRP4).*

IRP3 shares a similar view as she argued that anyone would agree that multinational oil companies have not done much corporate social responsibility in the region. She further stated that:

*They claimed to be doing real corporate social responsibility and yet, at the same time continuous killing of their host means of survival that is land and water. I do not think they deserve even a pass mark on the aspect of corporate social responsibility (IRP3).*

IRP9 argued that poor practices of corporate social responsibility by the oil companies operating in the region is a factor that drives the conflict. His words are:

*I have said it before and I will continue to say it that the multinational oil companies are the major shareholders in this conflict, owing to their failure to do corporate social responsibility (IRP9).*

Only one of the IRPs, that is IRP8, gave a positive response regarding corporate social responsibility and thinks that they have tried, and would have done more if the environment were more conducive to development in terms of the people shunning the vices of kidnapping, vandalism, etc.

### **7b.3 Oil companies are primarily responsible for environmental degradation**

While it is a fact that militant activities like oil theft and oil bunkering contributes to the environmental degradation in the region, operational spills by the oil companies are suggested to contribute more. Mr Justice Aikenhead ruled in the Bodo court case in 2014 that failure of Shell to take realistic steps to look after, maintain or repair its infrastructure, could also make the company liable to pay for oil spills resulting from illegal oil stealing from its oil pipelines (Amnesty International n/d).

There is a significant difference in answers across the six geopolitical zones to the question whether oil companies are responsible for environmental degradation. In Northcentral 46% answered "strongly agree" and 40% "agree", Northeast 33.3% "strongly agree" and 52.1%

“agree”, Northwest 36.2% “strongly agree” and 48.9% “agree”, Southeast 48% “strongly agree” and 34% “agree”, Southsouth 42.9% “strongly agree” and 31% “agree”, and in Southwest 16% “strongly agree” and 46% “agree”. The result tells us that even the Northern regions that experience no direct impact of environmental degradation because of activities of oil companies share their views with those directly impacted in the Southern region. There is widespread agreement among respondents that the Niger Delta environment is at the mercy of the oil companies.

**Table 7b.3.1: Oil Companies are responsible for environmental degradation**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	46.0%	40.0%	10.0%	2.0%	2.0%	50
<b>Northeast</b>	33.3%	52.1%	6.3%	2.1%	6.3%	48
<b>Northwest</b>	36.2%	48.9%	8.5%	2.1%	4.3%	47
<b>Southeast</b>	48.0%	34.0%	4.0%	4.0%	10.0%	50
<b>Southsouth</b>	42.9%	31.0%	4.8%	2.4%	19.0%	42
<b>Southwest</b>	16.0%	46.0%	12.0%	10.0%	16.0%	50
<b>Total</b>	36.9%	42.2%	7.7%	3.8%	9.4%	<b>287</b>

Pearson chi-square 33.874, df=20, p=.005, n=287.

Source: fieldwork 2017.

### **Years of environmental degradation**

The Niger Delta in the views of Friends of the Earth (n/d) is the fifth most oil polluted area on the globe with the equivalent of 50 Exxon Valdez’s already spilled by 2006 in the region. On the duration of environment degradation, many (69%) of the respondents indicate that the Niger Delta environment has been degraded for more than twenty years.

**Table 7b.3.2: Duration of environmental degradation**

<b>Geopolitical zones</b>	<b>05-10 Years</b>	<b>11-20 Years</b>	<b>21-30 Years</b>	<b>31-40 Years</b>	<b>Above 40 Years</b>	<b>Number</b>
<b>Northcentral</b>	2.0%	14.0%	32.0%	26.0%	26.0%	50
<b>Northeast</b>	14.6%	20.8%	27.1%	25.0%	12.5%	48
<b>Northwest</b>	8.5%	19.1%	27.7%	19.1%	25.5%	47
<b>Southeast</b>	6.0%	18.0%	16.0%	26.0%	34.0%	50
<b>Southsouth</b>	4.8%	16.7%	31.0%	23.8%	23.8%	42
<b>Southwest</b>	14.0%	36.0%	24.0%	12.0%	14.0%	50
<b>Total</b>	8.4%	20.9%	26.1%	22.0%	22.6%	<b>287</b>

Pearson chi-square 28.456, df=20, p=.099, n.s., n=287.

Source: fieldwork 2017.

### **Much is not done by regulatory agencies to make oil companies clean up the environment**

Most of the regulatory agencies in the industry like the “Department of Petroleum Resource” and others lack both the liberty and wealth needed to “regulate the very sophisticated operations in the oil industry” (Soremekum, 2011, p.106).

Having made a good effort by imposing a fine on Shell, the National Oil Spill Detection and Response Agency's (NOSDRA) main challenge according to the International Crisis Group (2015, p.12) remains inadequate professional personnel and facilities, as the agency depends greatly on “almost everything from logistics to collection of soil and water samples from impacted areas on voluntary cooperation and support from oil companies and facility owners who are often reluctant to help it assess damage they may have caused”.

Most of the respondents “agree” that regulatory agencies in the oil and gas sector are not doing much to ensure multinational oil companies clean-up the Niger Delta environment. Overall, 27.6% “strongly agree” while 43.4% “agree” answer and 16.4% “not sure”. Scepticism could be a reason for the stronger responses in the Northcentral region.

**Table 7b.3.3: Regulatory agencies not doing much to make oil companies clean up the environment**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	48.0%	42.0%	2.0%	2.0%	6.0%	50
<b>Northeast</b>	22.9%	50.0%	12.5%	2.1%	12.5%	48
<b>Northwest</b>	23.4%	53.2%	2.1%	2.1%	19.1%	47
<b>Southeast</b>	32.0%	46.0%	12.0%	2.0%	8.0%	50
<b>Southsouth</b>	26.8%	34.1%	7.3%	2.4%	29.3%	42
<b>Southwest</b>	12.0%	34.0%	14.0%	14.0%	26.0%	50
<b>Total</b>	27.6%	43.4%	8.4%	4.2%	16.4%	<b>287</b>

Pearson chi-square 51.660, df=20, p<.001, n=287.

Source: fieldwork 2017.

There are agencies like the Niger Delta Development Commission (NDDC) set up by the Federal Government to facilitate the even development of the Niger Delta region. Some of these agencies failed and have become means of siphoning public funds (Ikelebge, 2010). A part of the NDDC's mission is to ensure that the Niger Delta region is socially stable, but the agency in the views of Omotola (2007, p.83) is "unproductive and ineffective". Through agencies like the NDDC, the Niger Delta region gets a substantial share of the oil revenues, but the money is embezzled (Economists News, 2016). Many have called for the scrapping of the NDDC.

On the NDDC, in 2004, a communique issued at the end of an advocacy workshop on Oil Revenue Management and Budget Monitoring in Niger Delta States called for the outright scrapping of the NNDC for its alleged corrupt dispositions, incompetence, and irresponsiveness to the troubles of the people (African Network for Environment and Economic Justice 2004). Surprisingly, despite the persistent call since 2004 to dissolve the NDDC, only recently President Muhammadu Buhari called for a forensic audit of the operations of the NDDC from 2001 to 2019 (Olokor, 2019, BBC News, 2019).

This study attempts to find out the views on the performance or failure of the NDDC and other agencies. Respondents from the supposed beneficiary region of these agencies, the Southsouth, predominantly believe that the agencies are a failure as 28.6% "strongly agree" and 59.5% "agree"; in other regions views were similar.

**Table 7b.3.4: NNDC and others have failed**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	42.0%	46.0%	4.0%	6.0%	2.0%	50
<b>Northeast</b>	45.8%	39.6%	-	8.3%	6.3%	48
<b>Northwest</b>	29.8%	61.7%	2.1%	2.1%	4.3%	47
<b>Southeast</b>	38.0%	56.0%	4.0%	2.0%	-	50
<b>Southsouth</b>	28.6%	59.5%	-	2.4%	9.5%	42
<b>Southwest</b>	12.0%	54.0%	12.0%	6.0%	16.0%	50
<b>Total</b>	32.8%	52.6%	3.8%	4.5%	6.3%	<b>287</b>

Pearson chi-square 43.776, df=20, p<.005, n=287.

Source: fieldwork 2017.

### **The assessment of regulatory agencies like the National Oil Spill Detection Response Agency (NOSDRA)**

All the oil companies doing business in Nigeria have failed to fulfil their responsibility to respect the human rights of their host communities (Amnesty International, 2018). Some suggest that Shell and other oil companies are too powerful to be compelled by regulatory agencies to clean up the Niger Delta environment (Dickinson, 2010; Cui, 2014). No regulatory agency in the oil and gas sector has ever attempted to coerce oil companies to clean up oil spills or pay compensation, until 2015 when NOSDRA sued Shell Oil Company over the Bonga oil spills. Shell Oil Company has rejected the judicial verdict that awarded the sum of \$3.6 billion as a fine against the company. As at this time, Shell Oil Company is yet to pay the fine and the researcher is unable to verify from both the oil company and the Supreme Court registry if an appeal has been filed or not.

As they are interested in the Niger Delta issue, most of the IRPs shared the same view, only two of the IRPs have a contrary opinion on the assumption that oil companies are too powerful to be compelled to clean-up the environment. IRP3 is of the opinion that this applied to the time before President Muhammadu Buhari came to power in 2015. The level of corruption in previous governments provided the atmosphere for such an assumption. President Muhammadu Buhari gave NOSDRA the strength to take the bold decision of suing Shell Oil Company. IRP3 further states that:

*This assumption was completely true, but that was before the election of Muhammadu Buhari as the President of Nigeria in 2015. I strongly believe that all the Oil Companies knows the President's antecedents when he was the Federal Commissioner (Minister) of Petroleum and Natural Resources in 1976. This action of NOSDRA has proven that no oil company is above the law in Nigeria (IRP3).*

Opinion differs on the assessment of regulatory agencies, IRP2 opined that they are a failure as he postulates that

*They have failed in this regard owing to high-level corruption in the oil and gas sector. Corruption is one major problem that is killing the country as a whole. These agencies have been bought over by the multinational oil companies via corrupt practices, so enforcement is now difficult to implement on defaulting multinational oil companies. Clean up of oil spills is not common in the region because the regulatory agencies have failed in that regard (IRP2).*

Moreover, IRP3 held a different view, he states:

*My assessment of their role since 2017 to date has improved going by what we see of their activities and programmes on the television. It is another question whether what we see is the reality of what is obtained in the Niger Delta region, but I am happy with the activities of National Environmental Standards and Regulations Enforcement Agency in terms of creating awareness and preventive mechanisms been put in place. Other agencies, as stated earlier, have more or less been dormant owing to corruption in the system (IRP3).*

IRP7 opined that the regulatory agencies are not doing too well because

*They do not have capacity in terms of funding, human and intellectual to engage the companies. In addition, there is no political will from the government due to vested interests (IRP7).*

The quantitative results above (Table 7b.3.4) complement the qualitative interviews on the key role corruption is playing in the Niger Delta conflict, and this by implication is another reason why there was a renewal of hostilities in 2016. Corruption remains a major problem in Nigeria, Ellis (2016) argued that it originates in politics and the state itself or at least has significant and strong connections to the state.



#### **7b.4 Views on what the present government is doing to address the problem and if conflict could lead to secession**

Many people of the Niger Delta have maintained that wealth from their communities is being used in developing other non-oil producing parts of the country like Abuja. These views and the resultant frustration made some Niger Delta youths take up arms against the government and the oil companies (Okeke-Uzodike & Ojakorotu, 2006). For many communities in the Niger Delta region, there is little difference between the oil companies, especially Shell, and the Nigerian state (Ibeanu, 2000, p.21).

Because of the insinuation that the renewed conflict is to make governance difficult for this present administration, the study attempts to find out if respondents are aware of what the government is doing to address the problem. Over 70% of the entire respondents answered affirmative.

**Table 7b.4.1: Awareness of what the present government is doing to address the problem**

<b>Geopolitical zones</b>	<b>Yes</b>	<b>No</b>	<b>I don't know</b>	<b>Number</b>
<b>Northcentral</b>	70.0%	12.0%	18.0%	50
<b>Northeast</b>	75.0%	18.8%	6.3%	48
<b>Northwest</b>	72.3%	23.4%	4.3%	47
<b>Southeast</b>	72.0%	14.0%	14.0%	50
<b>Southsouth</b>	73.8%	16.7%	9.5%	42
<b>Southwest</b>	78.0%	18.0%	4.9%	50
<b>Total</b>	73.5%	17.1%	9.4%	<b>287</b>

Pearson chi-square 10.937 df=10, p=.362, n.s., n=287.

Source: fieldwork 2017.

#### **The Niger Delta Conflict as Nigeria's greatest security challenge**

The Niger Delta conflict in the opinion of Zacks (2016) has been perceived as Nigeria's major security challenge. As argued by Matt (2017, p.15), without peace in the Niger Delta region there would be no "oil wealth" that will permit the "government to execute" an effective response to other security challenges like the Boko Haram and even the militancy in the region. The study considers it important to find out if the respondents see the conflict as Nigeria's greatest security

challenge. 'Yes' is the most frequent answer among the respondents. But in the secessionists' region (Southeast), 60% of the respondents indicate 'No', they believe the conflict is not Nigeria's greatest security challenge.

**Table 7b.4.2: Conflict Nigeria's greatest security challenge**

<b>Geopolitical zones</b>	<b>Yes</b>	<b>No</b>	<b>I don't know</b>	<b>Number</b>
<b>Northcentral</b>	66.0%	28.0%	6.0%	50
<b>Northeast</b>	72.9%	27.1%	-	48
<b>Northwest</b>	59.6%	29.8%	10.6%	47
<b>Southeast</b>	22.0%	60.0%	18.0%	50
<b>Southsouth</b>	42.9%	45.2%	11.9%	42
<b>Southwest</b>	56.0%	36.0%	8.0%	50
<b>Total</b>	53.3%	37.6%	9.1%	<b>287</b>

Pearson chi-square 36.034 df=10,  $p < .001$ ,  $n=287$ .

Source: fieldwork 2017.

#### **Interview responses on awareness of what the present government is doing to address the Niger Delta problem**

In addressing the problem, some observers are not sure what President Muhammadu Buhari has done so far that is different from previous attempts at addressing the Niger Delta conflict (Kukah, 2017). The President never visited the Niger Delta, although on his behalf, the government has promoted the Ogoniland Clean-up Programme. The government is accused of focusing more on appeasement and under the table transactions with the same local elites who have been feasting on their people, while no one knows how this will play out. However, clearly, it appears that the government favours pacification and it is not certain that much will change because Nigerians still hear the threats of violence on an occasional basis by some Niger Delta elites (Kukah, 2017). Others like Rotimi (2018) gave credit to the government on the efforts made to the present time in addressing the Niger Delta problem. President Muhammadu Buhari's government so far is seriously monitoring the clean-up programme in Ogoniland. All the interview research participants expressed that they are well informed about what the current government is doing to address the Niger Delta problem.

IRP4 and 7 mentioned a committee headed by the Vice President Yemi Osinbajo (SAN) where he engaged with almost all the stakeholders in the Niger Delta issue. Recommendations for the implementation level were provided and they included:

*Construction of Federal Maritime University in Delta State and academic session has already begun. Ogoni clean-up is ongoing, the President should be given credit on this cleaning up of the Ogoni environment because an ex-President from the region woefully failed to help clean his own environment (IRP4).*

*The government has issued more than 40 licences to build modular refineries, construction of three modular refineries in Delta, Imo and River States are at the stage of completion. Custom duty waivers were given to investors to speed up works on the entire ongoing modular refineries project (IRP7).*

IRP9 stated that

*The President has continued with the amnesty programme, ensured that the NDDC gets requisite budgetary allocations, and has never for once delayed payment of the 13% derivation to the Niger Delta states. These are commendable efforts (IRP9).*

Others like IRP1, 2, 3, 9 and 11 are aware that the present government is making efforts on infrastructural development of the Niger Delta region like the construction of the 120 billion Naira Bonny Bodo Road in Rivers State, the Afam Fast Power Project in Akwa Ibom State, and construction of the East-West Road. IRP2 further states that:

*The present government is not only making efforts to ensure that everyone is given what is due to him/her, but also revisiting all abandoned capital projects in the region like the East-West road project that was awarded in 2006 and alleged to be designed to fail (IRP2).*

### **7b.5 Abuja developed at the expense of Niger Delta region**

The foundation of armed agitation was said to have been laid in the minds of many Niger Delta youths when they compared Abuja to their region and they began to think of how to coerce the Federal Government to develop it (Presidential Amnesty Publication, 2014). The questionnaire respondents agreed that Abuja, the capital of Nigeria, is developed at the expense of the Niger Delta region. Overall, 51.2% “agree”, 33.4% disagree” and 15.3% “neither agree nor disagree” to this view. The affirmative responses in the three Southern regions are more frequent than in the Northern regions. Over 68% in Southeast “agree”, 69% in Southsouth “agree”, and 58% in

Southwest “agree”. While in the Northern region, only 42% of the respondents in Northcentral “agree”, 27.1% in Northeast “agree”, and 44.7% in Northwest “agree”.

**Table 7b.5.1: Abuja developed at the expense of the Niger Delta**

Geopolitical zones	Agree	disagree	Neither agree nor disagree	Number
<b>Northcentral</b>	42.0%	46.0%	12.0%	50
<b>Northeast</b>	27.1%	70.8%	2.1%	48
<b>Northwest</b>	44.7%	38.3%	17.0%	47
<b>Southeast</b>	68.0%	14.0%	18.0%	50
<b>Southsouth</b>	69.0%	7.1%	23.8%	42
<b>Southwest</b>	58.0%	22.0%	20.0%	50
<b>Total</b>	51.2%	33.4%	15.3%	<b>287</b>

Pearson chi-square 60.385, df=10, p<.001, n=287.

Source: fieldwork 2017.

## 7b.6 Summary of discussion

More than 70 percent of the respondents shared the view that Shell is the largest oil company operating in the Niger Delta region, many support the views that Shell must share some responsibilities in the Niger Delta conflict. The result indicated a bad perception on the corporate social responsibility by the oil companies in the Niger Delta region. The majority of the respondents expressed views, which corroborate Vidal’s (2010), that oil companies are regarded as primarily responsible for environmental degradation of the Niger Delta region. The result further supports the view that regulatory agencies like the NOSDRA and interventionist agencies like the NDDC have failed to fulfil their mandates due to corruption, and that the region’s wealth is misappropriated.

## **Chapter Eight: Findings, Limitations and Conclusion**

### **8.1 Introduction**

The current study's primary objectives were first, to have an understanding of the persistent militant activities in the Niger Delta region by reviewing the multifaceted dynamics of some of the key issues and circumstances like the perception of the Niger Delta militants as criminals (and their various criminal activities) and their emergence as militant groups, activities of the multinational oil companies on the Niger Delta environment and what the companies are doing to provide support to the host communities. From the works of authors like of Emeseh (2011), Ebiede (2017), Nwajiaku-Dahou (2010), Okonta (2006), Obi (2014) and Obi & Rustard (2011), we know that negative activities of both the Niger Delta militants and some of the companies on the oil and gas sector are enormous and include the destruction of the environment, kidnapping of expatriates, illegal oil bunkering or oil theft etc. Some significant events (discussed earlier) shaped this persistent conflict and reviewing them not only gives an understanding of the link between politicians and armed groups, but also of the rationale for the research and research questions.

Second, based on an extensive literature review, the study aimed to find out the reason(s) behind the renewal of hostilities in the Niger Delta in 2016 despite the Presidential Amnesty Programme (PAP). Views varied on who is/are behind these new hostilities, bearing in mind that threats of such hostilities were issued on the eve of the 2015 general elections.

Finally, due to the various divergent opinions on the amnesty, the study examined the Presidential Amnesty Programme (PAP) under late President Umaru Yar'adua, whose idea it was to grant the amnesty, and President Goodluck Ebele Jonathan, who eventually implemented the amnesty. The amnesty according to Schultze-Kraft (2017, p.615) was not built on a communally agreed peace-making process.

Research questions are the foundation stones for any research (Kelly, 2012, p.99). Asking the right questions is vital in addressing a research problem. There is a programme (PAP) in place, which is meant to address the Niger Delta problem with focus on the attacks on oil facilities, but

unfortunately, the same problem resurfaced. To address the research objectives of this study, answers were sought to the following questions:

- Why the renewed hostilities on oil installations in 2016?
- Was the Presidential Amnesty Programme (PAP) under late President Umaru Yar'adua genuinely packaged for the interest of the Niger Delta region?
- Was the Presidential Amnesty Programme (PAP) under President Goodluck Ebele Jonathan implemented as conceived by his predecessor?

As the study aims to achieve a robust result, mixed method was adopted. There is a growing consensus that combining approaches is advantageous in revealing different aspects of 'reality' (Lazaraton, 2005). Self-administered surveys were used to collect the quantitative data for this research work. A total number of three hundred questionnaires were distributed across the six geo-political zones. The questionnaire was distributed evenly i.e. 50 per zone. Out of the targeted 300 respondents, 287 (97%) were retrieved. This number (287) forms the basis of the quantitative analyses. For the qualitative part, in-depth interviews were used. The interview research participants (IRP) were eleven. Their views were considered valuable as among them are stakeholders that include Niger Delta politicians, academics who had researched and written extensively on the Niger Delta issue, a Bishop and human rights activists, the PAP office, and experts in criminal aspects of the conflict.

## **8.2 Explaining the renewed hostilities on oil installations in 2016**

In Nigeria, the year 2016 was characterized by many security challenges like the Boko Haram insurgency, secessionist movements in Southsouth geopolitical zone, and the Fulani herdsmen crisis. The renewed hostilities in 2016 made the state of affairs worse. DiChristopher (2016) wrote that Nigeria may have more trouble with the Niger Delta Avengers (NDA) than it can handle. Results of this research suggest that the renewal of the hostilities was well communicated and there was little doubt left about the effect of the hostilities on the oil and gas sector. In the study, some respondents felt that those behind the 2016 renewed conflict are people who threatened to cause hostilities and to make the country ungovernable if President Goodluck Ebele Jonathan

lost the 2015 general elections. It could be recalled that President Goodluck Ebele Jonathan, an Ijaw man from the Niger Delta region, decided to seek re-election in the 2015 presidential elections. His fellow Niger Deltans, including several prominent politicians and ex-militant leaders, held a gathering at the end of which they threatened to make the country uncontrollable should anyone but Jonathan win the election.

This finding further supports the views of Onuoha (2016), Emami, (2016), Fick (2016), and Moses (2017), that the new hostilities were an act of saboteurs, assisted by a prominent ex-militant leader. It is clear that the primary suspect behind the renewed conflict is this ex-militant leader (Tompson) despite his persistent denials of any link to the new militant groups. The 2016 renewed conflict was partly instigated to frustrate President Muhammadu Buhari who won the 2015 election. The conflict is also because of vested interests in the oil and gas sector that believed they can only achieve their self-centred goals through an insecure atmosphere in an environment of threat and instability. As argued by Schultze-Kraft (2019, p.151), influential Niger Delta politicians make sure that the Federal Government puts the ex-militants in charge of safeguarding the oil infrastructure. From the literature and the results obtained from the study, those *perceived* to be behind the hostilities include politicians in the Southsouth geopolitical zone, traditional rulers and business interests with oil wells.

As stated earlier, many reasons or factors contributed to militancy in the Niger Delta region like the “unwritten pact” (Omilusi, 2015, p.295) between politicians and cult groups since the return to democracy in 1999. As part of the research questions, the author considers it worthy to look at the justification(s) for the Niger Delta militant actions and correlate them to provisions of the Anti-Terrorism Act 2011. To announce their presence, new militant groups like NDGJM and NDA from January to May 2016 blew up oil installations and made some demands (these acts and demands were mentioned in previous chapters). The attacks on the oil pipelines definitely harmed Nigeria by cutting down oil production that the country is dependent upon. As they are labelled terrorists, Tobor (2016, p.30) argued that there is a danger “in adopting the sweeping appellation of terrorism on any individual or groups because it evokes demeaning emotions and

incites ideological mind-set that seems to alter the very fundamentals at stake in any contextual scenario”.

Aside from criminal sources of funding like oil bunkering and pirate acts on the coastal waters, there are vested interests, especially politicians, which provide additional funds to militants. This finding (as indicated by respondent’s views on the question about vested interest providing funds to Niger Delta militants) somehow support the reports by the Thisday Newspaper (2009), that politicians, businesses and some state governments provide the militants with funds. Even more, Hazen and Horner (2007, p.85) suggested that by allowing an ex-militant leader to import high calibre weapons, some of the militant groups in the Niger Delta region are even “better equipped and trained than the Nigerian security forces”. While this view is debatable, it is certain that the militants are familiar with the creeks, a circumstance that can give them an edge over the security personnel (Chiroma, 2016). The above scenario aggravates the Niger Delta conflict.

### **8.3 Implementation of the Presidential Amnesty Programme (PAP)**

The study discovered that the PAP is well known and well understood among Nigerians. The PAP as designed under President Umaru Musa Yar’adua is believed to be genuinely conceived, packaged and meant to solve the problem of the region. There was non-compliance with the technical report that established PAP (as explained in chapter three under the subheading “Background to the Presidential Amnesty Programme”). Additionally, the sudden death of President Umaru Musa Yar’adua before the full implementation of the PAP/DDR provided the avenue for inter-ethnic struggle that appeared to have derailed the programme completely by making it a means of ‘rewarding political patronage’.

President Umaru Musa Yar’adua was from the North-west geopolitical zone, he established PAP for the interest of the Niger Delta people in particular and Nigerians in general. His successor President Goodluck Ebele Jonathan from the Southsouth geopolitical zone got PAP completely derailed from its implementation. It remains unclear why a President from the region could not have addressed the problem when opportune to do that. After all, Nigerians pay allegiance to their states of origin before the nation, which is part of the problem as to why the amnesty is seen to have failed (Hinshaw, 2012; Newson, 2011).



At the eve of the implementation of PAP, the politics of ethnicity followed by Niger Delta politicians was very visible on the corridors of power. Nwajiaku-Dahou (2010, p.23) referred to this as a “politics of amnesty” that from its “initiative and the manner in which it was staffed from its very inception was mired in political controversy”. At the early stage of PAP, while the Ijaw state Governor of Bayelsa was able to convince the militants in-state to subscribe to the programme, his Ikwerre and Urhobo counterparts in Rivers and Delta state were not able to tame the militants, the “politicization of the amnesty process” started (Ukiwo & Ebiede, 2016, p.115). The early subscription of different militant groups to the programme became an important factor used by the three state governors to play inter-ethnic politics and to convince President Goodluck Ebele Jonathan of their commitment to the programme. Their interest was politically motivated as a part of a rivalry between Niger Delta politicians each competing to “secure political hegemony locally” (Nwajiaku-Dahou, 2010, p.23) and it became a threat to the amnesty development.

As evident in the findings of this study, the PAP got it wrong from the implementation process to this present time. And for this reason, little wonder the corruption scandals that engulfed the PAP office from its inception. Some of its past leaders were removed from office because of corruption related offences. One of the ex-heads of PAP who served from 2011 to 2015, along with two other key principal officers is presently facing charges by the Economic and Financial Crimes Commission (EFCC) on “bordering criminal conspiracy, false declaration of assets and fraudulent acquisition of property” (EFCC Website 2019 and Premium Times 2015). Indeed, PAP is full of corruption. Despite the existence of the Treasury Single Account (TSA), a unified structure of government accounts that aims to ensure accountability and transparency in government finances, the immediate head of PAP was alleged to have enrolled ‘non-existing militants’ into the programme (Premium Times, 2015). He was ousted following a series of petitions centred on corruption. Following investigations by the EFCC, he was also arraigned alongside a principal officer. The duo are said to have, at different times, dishonestly converted about £2.2 million and \$1.9 million into personal funds (Premium Times, 2019).

The findings further support the conclusion of e.g. Schultze-Kraft (2019) that PAP rewards criminality. Since “allegations of corruption and ineptitude have always dogged the amnesty programme” (Premium Times, 2018, p.2) and because of the belief that it rewards criminality, and the inability to address the conflict, a re-packaging of PAP is needed. It is indeed doubtful how the PAP will succeed when it failed to consider the innocent lives lost because of the activities of the ex-militants. PAP should be stopped immediately because the resources channelled into it is enough to fund other measures such as establishing skills acquisition centres to empower the youths.

#### **8.4 Shell and corporate social responsibility**

If some of the multinational oil companies operating in the Niger Delta region could be in part exonerated from complicity in the whole Niger Delta conflict, the case with Shell is almost impossible. The killing of Ken Saro-Wiwa and other Ogonis in 1995 by the Nigerian government contributed immensely to the interest to scrutinize the relationship between Shell and the Nigerian government. The killings as prophesied by Ken Saro-wiwa helped in the formation of militant armed groups in the region. The findings that Shell must share responsibilities in the Niger Delta conflict give credence to the arguments of Corporate Crime theorists on state initiated and state facilitated crime.

An example of Corporate State Crime is the high level of corrupt practices between the multinational oil companies and the government. Cases of corruption involving both the executives of the multinational oil companies and Nigerian government officials as far back as the early 1990s are common. A recent case of corrupt practices became public in 2012 following Global Witness reporting of an oil deal (Global Witness 2019). In 2011, Shell and Eni oil company “paid \$1.1 billion in a murky deal” for the acquisition of Oil Prospecting Licence (OPL) 245 (Global Witness, 2019; Gilblom et al., 2019; Taylor, 2019). In leaked emails, the two companies know that the money is going to be shared among individuals that include some of their companies’ senior executives, former British secret police officers, the FBI, a former Nigerian minister of petroleum and a former President of Nigeria (Padmore, 2018). It was reported that law enforcement agencies in the Netherlands raided corporate offices of Shell in The Hague and documents were

removed (Jack, 2017). The case is currently at the “centre of (a) criminal trial of the companies and their top executives” (Global Witness, 2019, p.3). This corruption case in the views of Carmouche (2019, p.1) is one “of the biggest corruption scandals in the history of the oil sector”.

It appears that Shell is taking advantage of the corrupt governance system in Nigeria. As if there are two jurisprudences in the country, one for the “rich and connected” and the other, for the “poor” (Adeniyi, 2016, p.2). Adeniyi (2016) further argued that the latter no matter how insignificant therein breaches are, are punished harshly. On the other hand, the rich and the connected who have the means to secure the services of senior legal practitioners are most likely to get away with any crime, no matter how serious.

On environmental degradation, the activities of the two companies Shell and Eni remain the major killers of the Niger Delta environment (Amnesty International, 2015). The findings revealed that regulatory agencies like NOSDRA and NESREA could not do much to make oil companies like Shell clean up the environment because the agencies rely on Shell and others for most of the technical expertise needed to measure and examine impact(s) of oil spill. This is another indication of Corporate State Crime because the state has failed to provide the agencies the necessary tools needed to discharge their functions effectively (United Nations Environment Programme, 2011). However, NOSDRA claimed to have contracted independent international experts on the Bodo oil spill that led to Shell being fined \$3.6 billion. The study discovered that regulatory agencies are not doing enough to make oil companies clean up the environment.

In 1996, the Niger Delta Environmental Survey (NDES) was set up to “reconcile industry, environment and community interests in the Niger Delta.” (Imevbore and Gundlach, 1997, p.1). This is a brainchild of Shell which Civil Liberties Organisations (1996, p.15) refers to as a “fraud”, that on the surface looks like a “laudable venture” but “Shell is not sincere in it because there is a lengthy hidden agenda which is revealed by scrutiny of the steering committee’s Terms of Reference and Shell’s Briefing note”. The NDES, amid others, wishes to avert attention of the host communities from further demanding Shell to provide community development projects. Instead, “the survey is to lay emphasis on other sources of environmental degradation” (Civil Liberties Organisations, 1996, p.15), and “apportion degrees of blame and responsibilities

amongst culprits” (NDES Chairman Gamaliel Onosode cited in Civil Liberties Organisations, 1996, p.15).

The NDES exercise ended up in a series of controversies and accusations of insincerity by both Shell and the government that led to a stalemate. In an attempt to indicate seriousness to address the environmental problem in the Niger Delta region, in 2007, the government in consultation with other stakeholders in the oil and gas sector, invited the United Nations Environment Programme (UNEP) to “consider an assessment of oil pollution in Ogoniland” (UNEP, 2011, p.6; Shoraka & Emmanuel, n/d). According to the UNEP, the assessment covers “contaminated land, groundwater, surface water, public health, industry practices and institutional issues” (UNEP, 2011, p.8). At the end of the assessment, UNEP concludes that “the environmental restoration of Ogoniland is possible but may take 25 to 35 years” (UNEP, 2011, p.8). The report contains several recommendations that “once implemented, will have an immediate and positive impact on Ogoniland” and will bring long-lasting developments for the local communities and the country in general (UNEP, 2011, p.12). The UNEP is accused of being partial towards “Shell who funded the study as they had taken information from government figures supplied by oil company data” (Shoraka & Emmanuel, n/d, p.10). In the present study, respondents’ perceptions suggest that oil companies have shown little interest in cleaning the Niger Delta environment.

The study revealed just like Vidal (2010) that oil companies are regarded as primarily responsible for environmental degradation of the Niger Delta region and the destruction has been occurring for about forty years now. Continuous pollution of the Niger Delta environment is equal to continuous abuses of the people’s human rights. These rights are contained in the 1972 United Nations Conference on the Human Environment which stated that “man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations” (United Nations Conference on the Human Environment, 1972, p.4). Pollution of the Niger Delta environment did not begin in recent time but in the early stage of oil exploration by Shell. Unfortunately, Shell has not only

earned a bad reputation among its host communities but even among some of its staff. The head of Environmental studies for Shell in Nigeria, Bopp Van Dessel, voluntarily left his job in 1994 expressing the dissatisfaction he felt because he is “unable to defend the company’s environmental record without losing his personal integrity” (cited in Amnesty, 2018, p.11).

Despite the activities of the Niger Delta militants like oil bunkering and illegal refineries contributing to the environmental degradation, theirs remain tiny compared to that of the oil companies. The environment remains the primary source of the people’s means of livelihood because they are mainly farmers and fishermen/women, and by destroying their environment, these means have been denied. It is expected that the oil companies will put in place some measures through corporate social responsibility to ameliorate their suffering. But the people remain in abject poverty despite the assertion by the oil companies of following corporate social responsibility.

In this study, respondents held a dim view of corporate social responsibility by the oil companies. Whenever confronted with the unfriendly attitudes towards the people and the community, Shell is fast to point out that none of its competing companies or even government has delivered community projects matching its efforts in Ogoniland. What Shell always fails to mention, argued Civil Liberties Organisations (1996, p.15), is that it is “also the oldest and largest exploiter of the people’s resources”. Shell’s corporate social responsibility in Nigeria is nothing more “than just window-dressing” (Mehra 2012, p.2). The hazards Shell created by far overshadow what it has provided to safeguard human life in Niger Delta region, perhaps, this is what made researchers like Sanchez (2016) conclude that the corporate social responsibility in the oil and gas sector is a paradox. Asaju (2012, p.1) also argued that corruption is common among government officials (elected and appointed). It is clearly impossible for businesses to clean up because what they usually would leave as CSR is not the traditional thing but “corrupting social responsibility” with favours given to individuals or because of individuals and not for communal benefit.

To be fair to Shell, it appears the company is putting in resources in the Niger Delta to better the people’s condition; but Shell’s commitment to corporate social responsibility is questionable. Since the oil companies are not doing enough to develop the Niger Delta region, much is expected

from the Federal government and hence the creation of interventionist agencies saddled with responsibilities to develop the region.

Cruciotti & Mathews (2006) quoted the Exxon Valdez oil spill as an example of State Corporate Crime. The many spills in the Niger Delta like the Bodo spill also fall in this category. On oil spills in the Niger Delta region, poor decisions were not only made once by the State (Nigeria) and the corporate actors (Shell and others) but similar decisions are being made again and again.

### **8.5 Findings on views about government agencies not doing much with their mandates**

The NDDC in the views of Isidiho & Sabran (2015, p.37) is mandated to pull the Niger Delta region, which is characterised by “corruption and economic hoax”, out of the “socio-economic, environmental and political problems” that have consumed the region. Isidiho & Sabran (2015) further recognised corruption as the paramount problem of the entire society that has found its “ugly and devastating effects in all sectors of the polity including the NDDC” (Isidiho & Sabran, 2015, p.38). President Goodluck Ebele Jonathan recently stated that among the reasons why agencies like NDDC have failed is because “these bodies are highly political and lack continuity as tenures are hardly completed” (cited in Ezeamalu, 2017, p.1). The president may be right, but the fault has been with the appointer (in this case the Nigerian president) for mostly failing to consider credibility and track records for appointments to head such agencies. The appointments are mostly based on religious, ethnic or political affiliation. Failure of equipping these regulatory agencies is another evidence to support the arguments of State Corporate crime theorists.

The NDDC is funded through three primary means that include a monthly contribution from the Federal Government comprising of a 15% statutory allocation and 50% from an ecological fund due to the Niger Delta states, and a 3% contribution of total budgets of oil and gas producing companies (Paki & Ebienfa, 2011). While sympathisers of the NDDC argued that the agency is not properly funded, they mostly fail to give a justifiable reason for the proper use of the supposed insufficient funds given to the agency over the years. Paki & Ebienfa (2011, p.138) claimed that the oil companies have failed in funding the agency and the “Federal Government is not sincere with the funding of the NDDC”. The persistent call to scrap the NDDC made President

Muhammadu Buhari order a forensic audit of the activities of the agency and re-composition of its board (Sahara Reporters, 2019; Nwachukwu, 2019).

The Federal Ministry of Niger Delta and the NDDC are two of the interventionist agencies established primarily for the development of the Niger Delta region, but appear to have “overlapping mandates, portfolios and practices” (Francis et al., 2011, p.108). As President Goodluck Jonathan rightly observed, most Federal Government agencies like NDDC are highly political (Francis et al., 2011). As long as appointments of heads of government agencies like the NDDC are made based on political affiliation instead of merit, the agencies are at risk of being unduly politicised. It is recommended that appointments should be based on merit and whenever an appointee is found wanting like for mismanagement, the government should have the political will to prosecute such persons if required by law. Anyone found to have enriched himself with the agency’s funds should be prosecuted. In addition, the president should ensure that competent and credible people are appointed to run the affairs of an important agency like the NDDC and any other agency.

#### **8.6 Respondents’ awareness of the present government’s actions**

This study’s respondents were very familiar with the 2016 renewed hostilities, hence keen to understand what the government was doing to address the problem. A major effort made so far by the government is the commencement of the cleaning up of the Ogoniland as recommended by the UNEP. Work is ongoing on the second Niger Bridge as well as construction of the East-west road. The government recently approved the reconstruction of the East-west road which is considered an important project not just by the government but also by Niger Deltans because it not only connects three major states in the region, Akwa-Ibom, Delta and Rivers, but also has been neglected by previous governments. Goodluck Ebele Jonathan’s administration inherited the project without doing much on it. The present government argued that the project that was first awarded in 2001 was designed to fail (Kang’ereha, 2018; Dakaa, 2017).

Following a series of secret meetings with the government, since 2017 no one appears to know or hear about the new militant groups behind the 2016 hostilities. Kukah (2017) believes that President Muhammadu Buhari’s administration is concentrating more on appeasement and

under the table dealings with the same local elites who have been taking advantage of the less privileged Niger Delta people. Due to the link between politicians and armed youths, their appeasement would never play out well.

From the 2003 general election, the Stakeholder Democracy Network (SDN) concludes that “an important lesson was learnt: a monopoly of firepower is needed to secure the elections” (SDN, n/d, p.1). Going by antecedences of all previous elections in the Niger Delta region in particular and Nigeria in general where the “election rigging politicians” (Schultze-Kraft, 2019, p.81) relied on armed youths to get into office, this study professes that later event(s) would vindicate the view that politicians used the armed youths to achieve their electoral success because the majority of the ex-militants “have become a willing tool in the hands of the politicians” (Centre for Democracy and Development, 2019, p.12).

## **8.7 Conclusion**

The purpose of this research was to find out the reason(s) behind the 2016 renewal of hostilities in the Niger Delta despite the Presidential Amnesty Programme (PAP) that was developed out of the persistent militant activities in the Niger Delta region. The study was designed to answer three primary research questions. The findings of the research added to the existing body of knowledge with more emphasis on job creation by empowering the youths and on the diversification of the Nigerian economy. While some researchers have predicted the renewal of the conflict due to the poor packaging and implementation of the PAP, of such researchers none has identified the need to diversify the economy. The research findings indicated that many Nigerians are aware of the efforts of the current government in addressing the Niger Delta conflict, but no one knows what encouraged the new militant groups to reduce activities. If as suspected, the government bought them over by giving them money as has been the practice, then the government needs to prepare for the emergence of other groups of militants soon. To further explore and understand the research topic, the State Corporate crime Theory was used which Friedrichs & Rothe (2014) recognised as valuable for making sense of a continuously complex world. Adoption of the State Corporate Crime theory provided an insight to comprehend the corruption involving the Nigerian government and the multinational oil companies.



This research concluded that the PAP rewarded criminality, was poorly packaged and implemented, and did not address the key issues of the Niger Delta region. The study also found that despite the government not designating the Niger Delta militants as terrorists, many respondents considered them as terrorists. Their activities are that of terrorism as stipulated in the Terrorism (Prevention) (Amended) Act, 2013. Some call them freedom fighters but an ex-Rivers State Commissioner for Information argues, “you cannot call these people (Niger Delta militant groups) freedom fighters because the same people they are supposed to be protecting are the victims of their criminality” (cited in Nwozor, 2010, p.32).

The many security challenges inherited by the government of President Muhammadu Buhari in 2015 made some Nigerians advocate for the crushing of the new militant groups behind the renewed conflict in 2016. Nigerians are generally tired of hearing about the Niger Delta conflict.

The escalation of criminality in the Niger Delta region, masked as vigilantes, cult groups, freedom fighters or militants, is traceable to the 2003 general elections. Evidence shows that many politicians in the Niger Delta region and Nigeria in general armed the youths to achieve their political gains. Most of these youths are unemployed, can hardly afford three square meals per day and that makes them vulnerable to be agents of violence in the hands of the politicians. So many of the politicians that armed the youths have their kids studying abroad, on either parent’s sponsorship or government’s. I met a youth in the Amnesty office who confided in me that he was never a militant, he was enlisted on PAP as one so that he can go for his second degree (masters) abroad. The link between politicians and armed youth violence is very complex because sometimes, either directly or indirectly, the federal government is also a beneficiary by getting into office through such violence.

The Niger Delta region has over the years been blessed with prominent technocrats and businessmen turned politicians who had the opportunity to empower some of the youths with sponsorship to study or capital to start up a small business. The elites of the region seem not to care about the plight of their people, even though they have the ability, individually or collectively, to transform the region and to compel the oil companies to do what is needed to support and develop the region.

Finally, unlike the elites from the Niger Delta region, their counterparts in the South-west geopolitical zone and other zones do contribute to the development of their communities. It is known that the country is divided along ethnic and religious lines and many Nigerians pay allegiance to their ethnic groups or regions above Nigeria, but most Niger Deltan's allegiance is to their region or the elites.

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## Appendix 1: Self-administered questionnaire



### SELF-ADMINISTERED QUESTIONNAIRE

This survey seeks the views of Nigerians on the “**Militant Activities on the Oil and Gas Sector and the Unity of Nigeria as a Nation**”. Your candid response will contribute meaningfully to the research and any information given will be treated with high confidentiality and for academic purpose i.e. doctoral thesis which is part of the requirements for the award of a PhD by the University. If you would like any additional information about this survey, please don’t hesitate to contact either Mr Usman Yusuf at School of Social Sciences, Bangor University, LL57 2DZ, United Kingdom. Mobile: (UK) +44(0)1248382961, (Nigeria) +2348033208445. Email: sop884@bangor.ac.uk OR Professor Martina Feilzer, Head of School of Social Sciences. Phone: 01248 382222. Email: m.feilzer@bangor.ac.uk

**Instruction:** Please note that completion of this questionnaire is voluntary and when providing answer to the questions, kindly tick ( ) against one response only unless otherwise indicated. ND refers to Niger Delta

### Section A: Demographic Information (North-West Geo-political Zone).

**1. Are you from this geo-political zone?**

- Yes ( )  
No ( )

**2. If yes, please indicate your state of origin and if no, kindly skip to question no.3.**

- Kaduna ( )  
Kano ( )  
Katsina ( )  
Kebbi ( )  
Jigawa ( )  
Sokoto ( )  
Zamfara ( )

**3. Please select your age group**

- 20-29 Years ( )  
30-39 Years ( )  
40-49 Years ( )  
50- Above Years ( )

**4. What is your gender?**

Male ( )

Female ( )

**5. What is your educational qualification?**

Primary School ( )

Diploma/NCE ( )

HND/1<sup>st</sup> Degree ( )

PGD/Masters ( )

PhD ( )

**Section B: On Amnesty Programme**

**6. There is an on-going presidential amnesty programme (PAP) started by Yar'adua's administration to address the ND conflict.**

Yes ( )

No ( )

I don't know ( )

**7. PAP was established with consideration for the genuine interest of the ND people.**

Strongly agree ( )

Agree ( )

Strongly disagree ( )

Disagree ( )

Not sure ( )

**Section C: On Environmental Degradation/Shell Oil Company**

**8. Oil companies are responsible for environmental degradation in the ND region.**

Strongly agree ( )

Agree ( )

Strongly disagree ( )

Disagree ( )

Not sure ( )

**9. For how long do you think environmental degradation has been going on in ND region?**

05-10 years ( )

11-20 years ( )

21-30 years ( )

31-40 ( )

41-above years ( )

**10. Oil companies have shown more interest in cleaning-up the environment in the ND region.**

Strongly agree ( )

Agree ( )

Strongly disagree ( )

Disagree ( )

Not sure ( )

**11. Oil companies have done little to clean-up the environment in the ND region**

Strongly agree ( )

Agree ( )

Strongly disagree ( )

Disagree ( )

Not sure ( )

- 12. Regulatory agencies like National Oil Spill Detection Response Agency (NOSDRA) and National Environmental Standards and Regulations Enforcement Agency (NESREA) are not doing much in compelling oil companies to clean up oil spills from their oil wells and pipelines.**

Strongly agree ( )

Agree ( )

Strongly disagree ( )

Disagree ( )

Not sure ( )

- 13. Shell petroleum company is the major oil company in the ND region**

Yes ( )

No ( )

I don't know ( )

- 14. Shell Petroleum Company must share some responsibility for the ongoing ND conflict.**

Strongly agree ( )

Agree ( )

Strongly disagree ( )

Disagree ( )

Not sure ( )

- 15. Shell Petroleum Company has done much in terms of corporate social responsibility in the ND region.**

Strongly agree ( )

Agree ( )

Strongly disagree ( )

Disagree ( )

Not sure ( )

- 16. Shell Petroleum Company has done little in terms of corporate social responsibility in the ND region.**

Strongly agree ( )

Agree ( )

Strongly disagree ( )

Disagree ( )

Not sure ( )

- 17. Is it possible that militants get their funds from vested interests within Nigeria?**

Yes ( )

No ( )

I don't know ( )

*If your answer is yes, respond to question number 29 and if your answer is either no or I don't know, kindly skip to question number 30.*

- 18. Kindly give a name of any vested interest you think is capable of providing funds to ND militants**

.....  
.....

**19. Availability of funds to the militants is also responsible for the continuation of the conflict in the ND region**

- Strongly agree ( )  
Agree ( )  
Strongly disagree ( )  
Disagree ( )  
Not sure ( )

**20. Militants get their funds from criminal activities like kidnapping, oil theft, piracy and others.**

- Strongly agree ( )  
Agree ( )  
Strongly disagree ( )  
Disagree ( )  
Not sure ( )

#### **Section D: Present Situation**

**21. With the appointment of President Muhammadu Buhari in 2015, there were renewal of hostilities in the ND region by some militant groups like the Niger Delta Avengers (NDA).**

- Yes ( )  
No ( )  
I don't know ( )

**22. In the eve of the 2015 general elections, some ND groups promised to make the country ungovernable to whoever wins the general election apart from Goodluck Ebele Jonathan. Hence, these new hostilities.**

- Strongly agree ( )  
Agree ( )  
Strongly disagree ( )  
Disagree ( )  
Not sure ( )

**23. Are you aware of what the present administration of President Muhammadu Buhari is doing in addressing the problem of the ND region?**

- Yes ( )  
No ( )  
Don't know ( )

**24. The government should continue with original package of PAP in providing solutions to the problems of the region.**

- Agree ( )  
Disagree ( )  
Neither agree nor disagree ( )

**25. The government should re-package the original package of PAP in providing solutions to the problems of the region.**

- Agree ( )  
Disagree ( )  
Neither agree nor disagree ( )

**26. Some ex-militants are behind this renewed violence in the Niger Delta region.**

- Yes ( )

No ( )  
I don't know ( )

**27. The Government should use military might as some of the ND militants refused to come to table for negotiations**

Agree ( )  
Disagree ( )  
Neither agree nor disagree ( )

**28. Some Nigerians suggest that the new militant groups in ND region could be classified as terrorists.**

Agree ( )  
Disagree ( )  
Neither agree nor disagree ( )

**29. Renewed militant activities affect the oil and gas sector that Nigeria is dependent upon more than ever before.**

Agree ( )  
Disagree ( )  
Neither agree nor disagree ( )

**30. Nigerian cities like Abuja have been developed at the expense of the ND region.**

Agree ( )  
Disagree ( )  
Neither agree nor disagree ( )

**31. The conflict in ND region is a major threat to the survival of Nigeria as a nation.**

Agree ( )  
Disagree ( )  
Neither agree nor disagree ( )

**32. The conflict is capable of breaking up Nigeria.**

Agree ( )  
Disagree ( )  
Neither agree nor disagree ( )

**33. The ND militancy is Nigeria's present greatest security challenge.**

Yes ( )  
No ( )  
I don't know ( )

**34. What suggestion to solve the current ND crisis would you give to the government?**

.....  
.....  
.....  
.....

**Thank you**



## Appendix 2: Participant information sheet

Coleg Busnes, y Gyfraith, Addysg a Gwyddorau Cymdeithas, Prifysgol Bangor  
College of Business, Law, Education and Social Sciences, Bangor University



### **PARTICIPANT INFORMATION SHEET** *VERSION 1: 22/05/2017*

School of Social Sciences  
Bangor University, Bangor, Gwynedd, LL57 2DG, UK  
Phone: 01248 382222  
Email: [socialsciences@bangor.ac.uk](mailto:socialsciences@bangor.ac.uk)

**Title of Research:** Militant Activities on the Oil and Gas Sector and the  
unity of Nigeria as a nation.

**PhD Candidate**

**Mr Yusuf Usman**

Email: [sop884@bangor.ac.uk](mailto:sop884@bangor.ac.uk)

Telephone:

+44(0)1248382961

**Primary Supervisor**

Professor Martina Feilzer

([m.feilzer@bangor.ac.uk](mailto:m.feilzer@bangor.ac.uk))

**Secondary Supervisor**

Professor Stefan Machura

([s.machura@bangor.ac.uk](mailto:s.machura@bangor.ac.uk))

**Invitation to take part**

You are being invited to take part in this research study titled “Militant Activities on the Oil and Gas Sector and the Unity of Nigeria as a Nation”. *This research work is for academic purpose i.e. doctoral thesis which is part of the requirements for the award of a PhD by the University.*

### **What is the purpose of the research?**

In the eve of the Nigeria general elections in 2015, some Niger Delta groups threatened to make the country ungovernable to whoever wins the election apart from the then incumbent Goodluck Ebele Jonathan who is from the Niger Delta region. The then incumbent lost the general election and a core disciplinarian in person of Mohammadu Buhari from the North won the election. Therefore, with this renewed violence, it became pertinent to find out what went wrong with the PAP or are these groups who made this threat executing their plans? On this note, the work intend to find answers to but not limited to the following questions which includes; are these new groups different from the previous militant groups in terms of their membership, cause, and tactics? Was PAP genuinely packaged for the interest of the Niger Delta region or for some reasons? What are the better ways in providing a lasting solution to the problem of the region? Is the conflict a threat to the survival of Nigeria as a nation? What are the perceptions of Nigerians on the conflict?

### **Do I have to take part?**

You are invited to take part in this interview because you are a major stakeholder in the topic undergoing research and the decision to partake is yours entirely. If you decide to take part, you will be given this information sheet to keep and be asked to read and sign a consent form during the interview session. Even if you decide to take part in the study and along the line, you feel like withdrawing, **you are free to do that at any time point without giving a reason** and this will not affect the research. **Any information collected during the study will be treated confidentially and for academic purpose only.**

### **Study Procedures**

The study procedure involves an interview with a topic guide. The interview session is expected to last approximately for 60-90minutes.

### **What are the possible disadvantages and risks of taking part?**

The researcher believed that you are not in any form of risk or disadvantage state in taking part of this research study.

### **What are the possible benefits of taking part?**

As a stakeholder, your participation should be seen as a chance to contribute in efforts been made in finding solutions to the problems of the Niger Delta region.

### **Will my taking part in this research be kept confidential?**

Any personal information collected during the study will be kept confidential and anonymised by replacing your names with codes. All data will be stored on Bangor University password protected files and locked in filling cabinets. No personal information will be reported should this study be published.

### **Who is organising and funding the study?**

The study is being funded by the Petroleum Technology Development Trust Fund (PTDF), a Federal Agency under Ministry of Petroleum Resources.

**Who do I contact if I have a complaint?**

If you have any complaints or comments regarding the study you can address / contact the Head of the School of Social Sciences (Professor Martina Feilzer, who is also the supervisor of the study) by phone: 01248 382222, or by email: [m.feilzer@bangor.ac.uk](mailto:m.feilzer@bangor.ac.uk). Complaints or comments can be made at any period during your study participation.

Thank you.

### Appendix 3: Participant informed consent form to record interview

Coleg Busnes, y Gyfraith, Addysg a Gwyddorau Cymdeithas, Prifysgol Bangor  
College of Business, Law, Education and Social Sciences, Bangor University



**Title of Research:** Militant Activities on the Oil and Gas Sector and the  
Unity of Nigeria as a Nation.

**PhD Candidate**

**Mr Yusuf Usman**

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Professor Martina Feilzer

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**Secondary Supervisor**

Dr Julia Wardhaugh

[\(j.wardhaugh@bangor.ac.uk\)](mailto:j.wardhaugh@bangor.ac.uk)

### **PARTICIPANT INFORMED CONSENT FORM TO RECORD INTERVIEW**

**Please tick boxes or initial**

1. I confirm that I have read and understand the Information Sheet  
(Version 1 dated 22/05/2017) for the above study. I have had the  
opportunity to consider the information, ask questions and have had  
these answered satisfactorily. ☐
2. I understand that I may register any complaint I might have about  
this interview with Professor Martina Feilzer, Head of the School  
Of Social Sciences. ☐
3. I agree to take part in the above study. ☐

**Signature of Participant** \_\_\_\_\_ **Date** \_\_\_\_\_

**Name of Person taking consent**\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Appendix 4: Interview topic guide



### INTERVIEW QUESTIONS

**Code of Respondent:** .....

**Category of Respondent:** .....

#### Questions:

- What are your views on the activities of Niger Delta militants?
- What are your views on the renewed of hostilities on oil installations in 2016?
- What will you say on the allegation that some vested interests were behind the hostilities?
- Who do you think were behind the renewal of the conflict?
- Are you aware of what the present government of Muhammadu Buhari is doing to address the Niger Delta conflict?
- Do you see this renewed conflict as a threat to the unity of Nigeria that can make Niger Delta people to call for secession?
- Are you aware that at the eve of the Presidential election in 2015, some ex-Niger Delta militants made a threat that they will make the country ungovernable if incumbent President Goodluck Jonathan loses the election? If yes you are aware, are these groups implementing their threat?
- In your own views, what would you say on the allegation by some Nigerians that some oil companies must share some responsibility for the on-going conflict in the Niger Delta region?
- Do you think that multinational oil companies have done much in terms of corporate social responsibility in the Niger Delta region?
- Do you think that multinational oil companies have done much in terms of cleaning the environment in Niger Delta region?
- What is your assessment of regulatory agencies in enforcing environmental laws by compelling oil companies to clean up oil spills from their oil wells and pipelines in Nigeria?

- What is your assessment of agencies like National Oil Spill Detection Response Agency (NOSDRA), National Environmental Standards and Regulations Enforcement Agency (NESREA) and Federal Ministry of Environment?
- What do you say about multinational oil companies operating in the Niger Delta and cleaning of the Niger Delta environment?
- Was Presidential Amnesty Programme (PAP) under late President Umaru Yar'adua genuinely packaged for the interest of the Niger Delta region?
- Was continuation of Presidential Amnesty Programme (PAP) under President Goodluck Ebele Jonathan same as the one of his predecessor?
- What is your general assessment of the Presidential Amnesty Programme?
- Do you support the continuation of PAP as it is, or it should be re-package?
- Do you support the labelling of Niger Delta militants as Terrorists? Either yes or no, why?
- Do you support the use of force against militants anytime they refuse to lay down their arms?
- Are you aware of what the present government of Muhammadu Buhari is doing to address the Niger Delta conflict?
- Do you support President Muhammadu Buhari's present effort (s) in handling the Niger Delta conflict?
- Is the conflict capable of leading to secession, is it threat to the survival of Nigeria as a nation?
- What do think are the better ways in providing a lasting solution to the problem of the Niger Delta region?

**Thank you!**

## Appendix 5: Ethics approval letter

COLEG BUSNES, Y GYFRAITH, ADDYSG A GWYDDORAU  
CYMDEITHAS COLLEGE OF BUSINESS, LAW, EDUCATION AND  
SOCIAL SCIENCES



26/07/2017

Annwyl/ Dear Usman Yusuf

### **Yng/ Re: Militant Activities on the Oil and Gas Sector and the Unity of Nigeria**

Diolch am eich cais diweddar i Bwyllgor Ymchwil Moeseg CBLESS.

Mae'r pwyllgor wedi ystyried eich cais, ac fe wyf yn awr mewn sefyllfa i roi caniatâd, ar ran y Pwyllgor Ymchwil Moeseg CBLESS, i chi gychwyn eich prosiect ymchwil.

Dymunaf yn dda i chi gyda'ch ymchwil.

---

Thank you for your recent application to the CBLESS Research Ethics Committee. The Committee has considered your application and I am now able to give permission, on behalf of the CBLESS Research Ethics Committee, for the commencement of your research project.

I wish you well with your research.

Yn gywir iawn/ Yours sincerely





Dr. Marguerite Hoerger

Chair, CBLESS Research Ethics Committee

Cadair, Pwyllgor Ymchwil Moeseg CBLESS

Cc: Goruchwyliwr/ Pennaeth Ysgol

Supervisor/Head of School

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Registered charity number:  
1141565

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## **Appendix 6: Some regulatory agencies**

### **Federal Ministry of Petroleum Resources**

The Federal Ministry of Petroleum Resources is the government administrative arm saddled with the responsibility for policy formulation, implementation and provides the general direction to other agencies in the oil and gas sector for the exploration and gas production of both oil and gas resources. The ministry also provides a supervisory role to the operators and stakeholders, to ensure compliance with all the applicable laws and regulations in the oil and gas sector (Federal Ministry of Petroleum Resources n/d and KPMG 2014, p.10). Second to the Ministry of Petroleum Resources is the NNPC that is discussed elsewhere.

### **Department of Petroleum Resources (DPR)**

This agency is also known as the petroleum regulatory agency of Nigeria that has the constitutional responsibility of ensuring compliance to rules, regulations and guidelines in the oil and gas sector. Discharging these responsibilities consist of monitoring of operations at drilling sites, refineries, pump stations, producing oil wells, retail outlets, production platforms and flow stations. The agency is also responsible to ensure that the health and safety, as well as that environment regulations in the oil and gas sector conform to national and international best oil field practices (DPR n/d and KPMG 2014, p.10).

### **National Environmental Standards and Regulations Enforcement Agency (NESREA)**

Among the main objectives of establishing this agency is to develop the mechanism to monitor and assist or where expedient direct the response, including the capacity to mobilize the necessary resources to save lives, protect threatened environment, and clean up to the best practical extent of the impacted site. The agency's vision is to create, cultivate and sustain a zero tolerance to oil spill in the nation's environment (NESREA n/d).

### **National Oil Spill Detection and Response Agency (NOSDRA)**

NOSDRA is the only agency that has demonstrated some levels of seriousness in the discharge of its responsibilities in the oil and gas sector. Information about this agency can be found under the sub-heading 'National Oil Spill Detection and Response Agency (NOSDRA) and the Bonga oil spill'.

Some of the interventionists' agencies created by the Government with the intent to help the Niger Delta people ameliorate the burdens of oil activities on them include:

### **Niger Delta Development Board**

This board was created in 1961 following the recommendations of Sir Henry Willink's report of 1958, this was the first developmental agency established by the Nigerian government. Edigbin

and Okonmah (2008) said the board was established to take care of the Niger Delta problems. Omonisa (2015) argued that the establishment of the board could be seen to be the origin of the unsuitable terminology for oil producing states, because as at the time the board was created, oil had already been discovered in present day Ondo state which is not in Niger Delta region. It was argued that the board was named so as to satisfy the yearnings of the Niger Delta people by making them feel the board was strictly for them and the board “died a natural death” when the nation came under military leadership in 1966 (Omonisa 2015, p.5). Ikelegbe (2010) believed that the board was actually denied funds and government attention that led to its demise and achieved nothing in terms of physical development apart from some few surveys and researches.

### **Oil Mineral Producing Areas Development Commission (OMPADEC)**

The Alfa Belgore report of 1992 actually paved way for the establishment of Oil Mineral Producing Development Areas Commission (OMPADEC) by the military government of General Ibrahim Badamasi Babangida in July 1992. Omonisa (2008) condemns the naming of these agencies because oil is not only found in the Niger Delta region but also in other regions like the South-East (Abia and Imo States) and South-West (Ondo State). This agency according to Omotola (2007) is one of the most notable and comprehensive official responses to the crisis in the Niger Delta region. With the creation of OMPADEC, the government doubled the financial allocation to oil producing states from 1.5% to 3%. Among its responsibilities were to collect and administer the monthly financial allocation from the federation account and to use the allocation for the development of projects as agreed upon with the locals in the oil producing areas. The commission did not perform well but later became a conduit for public fund being looted. In 1996, the senior management of the agency was fired because of allegations of mismanagement (Human Rights Watch 1999). The agency was even referred to as a contract itself between the military head of state and some Niger Delta elites rather than a development agency (Ikelegbe 2010, Omonisa 2015).

### **Petroleum Special Trust Fund (PSTF)**

The military government of General Sani Abacha scrapped OMPADEC and replaced it with Petroleum Special Trust Fund (PSTF). The mandate of PSTF was not just the oil producing states but the entire country. The agency made some efforts of ensuring meaningful developments across the country (Omonisa 2015). The present Nigerian president was the head of this agency throughout the period it existed (1994-1999).

### **Niger Delta Development Commission (NDDC)**

During the 1999 presidential election, Chief Olusegun Obasanjo had campaigned to the Niger Delta people that if elected as the President, he promised to establish an agency that would

immediately and fundamentally address the crisis in the region. He eventually won, sworn in and hence, the Niger Delta Development Commission which came into existence in year 2000 (Omotola 2007). The NDDC on its website (nddc.gov.ng 2017) stated that their mission is to expedite the quick, even and sustainable development of the Niger Delta region into an area that is economically prosperous, socially steady, ecologically renewing and politically peaceful.

Scholars like Omotola (2007) believed that despite the statistics (some of which may be fabricated) of projects executed, the environmental and developmental crises are still in existence in the region. NDDC is troubled with excessive federal control, inadequate partnership with states and centralized structure and programming. Ikelegbe (2010) summed up by saying that NDDC has not made a significant difference to the development status of the region in spite of its good public relations. NDDC was also a conduit for siphoning public funds as it was reported that a former chairman of the NDDC Board gave an herbalist 'witch doctor' the sum of 800 million naira (local currency) which is an equivalent of 5.1 million US dollar to help consolidate his position as the head of the board (Oviasuyi and Uwadiae 2010). Like in a fairy tale, the herbalist had asked the former Chairman to give the said amount of money to be burnt to ashes in rituals performed to pacify the 'gods' (Oviasuyi and Uwadiae 2010).

### **Ministry of Niger Delta Affairs**

The ministry was created in 2008 to formulate and coordinate policies for the development and security of the ND region comprising of the following states: Abia; Akwa Ibom; Bayelsa; Cross Rivers; Delta; Edo; Imo; Ondo and Rivers. The government claimed that the establishment of the ministry is another attempt to solve the development issues and challenges, including the perceived sense of exclusion, environmental degradation, poverty and unemployment in the region (nigerdelta.gov.ng 2016).

It is worth noting that the creation of this Ministry did not represent more funding to the region in the federal budget. For example, the Ministry was allocated N50 billion in the 2009 budget while the budget for NDDC was cut down from 77.1 billion naira to 27.12 billion naira. Instead of increasing resources for development of the region, the initial funds for NDDC in the 2008 budget was shared between the two government organs. Briefly, the creation of the ministry was regarded as a lip service and deceitful effort just to show that government was doing something important to address the issue whereas it does not have the political will to do so (Ikelegbe 2010).

Oviasuyi and Uwadiae (2010) concluded that one can definitely say without any fear of conflict that all these interventionist establishments were not really meant to bring meaningful development to the region but served as mere beautifying effort. In its editorial, the Guardian

Newspaper (2017) also agreed to this fact as it noted that many of these government interventionist agencies have not made much difference in the area.

## Appendix 7: Other data

### PAP is not developed for the interest of Niger Delta people

Opinions of respondents in the questionnaire survey differ on if PAP is developed for the interest of the Niger Delta region or not. On these varied views, the study asked if PAP was not developed for the interest of the Niger Delta, and more than 40% in Northcentral, Northeast and Southeast “disagree”. In Northwest, Southsouth and Southwest more than 40% “strongly disagree”. Overall, over 75% “disagree” and “strongly disagree”. 24% in Southeast and 23.8% in Southsouth were “not sure” of their opinion.

### PAP is not developed for the interest of Niger Delta

Geopolitical zones	Strongly agree	Agree	Disagree	Strongly disagree	Not sure	Number
Northcentral	10.0%	6.0%	42.0%	30.0%	12.0%	50
Northeast	8.3%	2.1%	56.3%	25.0%	8.3%	48
Northwest	4.3%	2.1%	34.0%	48.9%	10.6%	47
Southeast	-	6.0%	48.0%	22.0%	24.0%	50
Southsouth	-	14.3%	19.0%	42.9%	23.8%	42
Southwest	4.0%	2.0%	20.0%	66.0%	8.0%	50
<b>Total</b>	<b>4.5%</b>	<b>5.2%</b>	<b>36.9%</b>	<b>39.0%</b>	<b>14.3%</b>	<b>287</b>

Pearson chi-square 60.004, df=20, p<.001, n=287.

Source: fieldwork 2017.

### Present nature of PAP rewards criminality

On the question if the present nature of PAP rewards criminality or not, 36% respondents in Northcentral indicate “strongly agree” and another 36% “agree”, Northeast 25% “strongly agree” and 52.1% “agree”, Northwest 19.1% “strongly agree” and 51.1% “agree”, Southeast 14% “strongly agree”, 24% “agree” and 24% “not sure”, Southsouth 7.1% “strongly agree”, 38.1% “agree” and 31% “not sure”, Southwest 6% “strongly agree”, 40% “agree” and 28% “not sure”. In general, 18.1% “strongly agree” and 40.1% “agree”.

### Present nature of PAP rewards criminality

Geopolitical zones	Strongly agree	Agree	Disagree	Strongly disagree	Not sure	Missing	Number
Northcentral	36.0%	36.0%	12.0%	6.0%	10.0%	0.0%	50
Northeast	25.0%	52.1%	14.6%	2.1%	6.3%	0.0%	48
Northwest	19.1%	51.1%	8.5%	2.1%	17.0%	2.1%	47
Southeast	14.0%	24.0%	20.0%	18.0%	24.0%	0.0%	50
Southsouth	7.1%	38.1%	14.3%	9.5%	31.0%	0.0%	42
Southwest	6.0%	40.0%	12.0%	14.0%	28.0%	0.0%	50
<b>Total</b>	<b>18.1%</b>	<b>40.1%</b>	<b>13.6%</b>	<b>8.7%</b>	<b>19.2%</b>	<b>0.3%</b>	<b>287</b>

Pearson chi-square 55.727, df=25, p<.001, n=287.

Source: fieldwork 2017.

### PAP is developed for the interest of Niger Delta people

On the question if PAP was developed for the interest of Niger Delta people or not, 50% in Northcentral and Northeast “strongly agree”. Interestingly in the Southsouth, 16.7% “strongly agree” and 31.0% agree that PAP is for their interest. Generally, more than 60% think PAP is for the interest of the Niger Delta people. 28.6% in Southsouth and 38% in Southwest “not sure” of their opinion.

### PAP is developed for the interest of the Niger Delta people

Geopolitical zones	Strongly agree	Agree	Disagree	Strongly disagree	Not sure	Number
Northcentral	52.0%	26.0%	2.0%	10.0%	10.0%	50
Northeast	50.0%	41.7%	0.0%	0.0%	8.3%	48
Northwest	29.8%	36.2%	10.6%	4.3%	19.1%	47
Southeast	38.0%	34.0%	10.0%	2.0%	16.0%	50
Southsouth	16.7%	31.0%	14.3%	9.5%	28.6%	42
Southwest	14.0%	38.0%	8.0%	2.0%	38.0%	50
<b>Total</b>	<b>33.8%</b>	<b>34.5%</b>	<b>7.3%</b>	<b>4.5%</b>	<b>19.9%</b>	<b>287</b>

Pearson chi-square 55.304, df=20, p<.001, n=287.

Source: fieldwork 2017.

### Oil companies have shown little interest in cleaning up the Niger Delta environment

Despite these long years of degrading the Niger Delta environment, unfortunately oil companies have shown little interest in cleaning up the environment according to the majority

of the respondents, “strongly agree” and “agree” answers are more frequent in all the six geopolitical zones.

#### **Oil companies have shown little interest in cleaning up the environment**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	34.0%	32.0%	18.0%	4.0%	12.0%	50
<b>Northeast</b>	20.8%	52.1%	0.0%	6.3%	20.8%	48
<b>Northwest</b>	25.5%	48.9%	10.6%	2.1%	12.8%	47
<b>Southeast</b>	32.0%	44.0%	12.0%	4.0%	8.0%	50
<b>Southsouth</b>	11.9%	52.4%	7.1%	9.5%	19.0%	42
<b>Southwest</b>	14.0%	46.0%	18.0%	6.0%	16.0%	50
<b>Total</b>	23.3%	45.6%	11.1%	5.2%	14.6%	<b>287</b>

Pearson chi-square 28.256, df=20, p=.103, n.s., n=287.

Source: fieldwork 2017.

The preceding question asked if oil companies have shown little interest in cleaning-up the Niger Delta environment, while the following question reverses the case, i.e. if the companies have shown more interest in the cleaning. Again, “disagree” and “strongly disagree” answers are more frequent in the six geopolitical zones.

#### **Oil companies shown more interest in cleaning the Niger Delta environment**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	6.0%	8.0%	28.0%	48.0%	10.0%	50
<b>Northeast</b>	10.4%	4.2%	39.6%	31.3%	14.6%	48
<b>Northwest</b>	6.4%	6.4%	27.7%	42.6%	17.0%	47
<b>Southeast</b>	10.0%	2.0%	56.0%	30.0%	2.0%	50
<b>Southsouth</b>	4.8%	4.8%	52.4%	26.2%	11.9%	42
<b>Southwest</b>	4.0%	8.0%	44.0%	32.0%	12.0%	50
<b>Total</b>	7.0%	5.6%	41.1%	35.2%	11.1%	<b>287</b>

Pearson chi-square 23.841, df=20, p=.249, n.s., n=287.

Source: fieldwork 2017.

#### **Much is not done by regulatory agencies to make oil companies clean up the environment**

Most of the respondents “agree” that regulatory agencies in the oil and gas sector are not doing much to ensure multinational oil companies clean-up the Niger Delta environment. Overall, “strongly agree” answer is 27.6% while “agree” answer is 43.4% and “not sure” 16.4%. Scepticism could be a reason for the responses in the Northcentral.



### Regulatory agencies not doing much to make oil companies clean up the environment

Geopolitical zones	Strongly agree	Agree	Disagree	Strongly disagree	Not sure	Number
<b>Northcentral</b>	48.0%	42.0%	2.0%	2.0%	6.0%	50
<b>Northeast</b>	22.9%	50.0%	12.5%	2.1%	12.5%	48
<b>Northwest</b>	23.4%	53.2%	2.1%	2.1%	19.1%	47
<b>Southeast</b>	32.0%	46.0%	12.0%	2.0%	8.0%	50
<b>Southsouth</b>	26.8%	34.1%	7.3%	2.4%	29.3%	42
<b>Southwest</b>	12.0%	34.0%	14.0%	14.0%	26.0%	50
<b>Total</b>	27.6%	43.4%	8.4%	4.2%	16.4%	<b>287</b>

Pearson chi-square 51.660, df=20, p<.001, n=287.

Source: fieldwork 2017.

### Respondent's views on classification/labelling of militants as terrorists

The acts of the Niger Delta militants are described as "petro-terrorism" (Orogun 2010, p.461). Interestingly, on the classification/labelling of militants as terrorists, the zones in the North and the Southwest have more than 50% "agree" answers to the label, while Southsouth (Niger Delta states) and Southeast (Igbo states and Biafra) had more than 50% "disagree" answers with also more than 30% "neither agree nor disagree" answers. These two regions have something in common, that is a history of calls for secession. The data suggest that the people of the Niger Delta region see the acts of the militants as a struggle for the region. One may conclude that while other Nigerians view the Niger Delta militants as terrorists, the people of the region perceive them differently. The Southeast is the region of the IPOB, a proscribed group that has been struggling to secede from Nigeria.

### Militants to be classify/label as terrorist

Geopolitical zones	Agree	disagree	Neither agree nor disagree	Missing	Number
<b>Northcentral</b>	70.0%	18.0%	12.0%	0.0%	50
<b>Northeast</b>	56.3%	37.5%	6.3%	0.0%	48
<b>Northwest</b>	63.8%	19.1%	14.9%	2.1%	47
<b>Southeast</b>	16.0%	52.0%	32.0%	0.0%	50
<b>Southsouth</b>	16.7%	50.0%	33.3%	0.0%	42
<b>Southwest</b>	52.0%	36.0%	12.0%	0.0%	50
<b>Total</b>	46.3%	35.2%	18.1%	0.3%	<b>287</b>

Pearson chi-square 64 .625, df=15, p<.001, n=287.

Source: fieldwork 2017.

### Militants get funds from vested interests that include politicians and others

As reported by Thisday Newspaper (2009b) vested interests (individuals, businesses and state governments) provide militants with funds. In addition, according to Wikileaks cables (cited in Smith 2010, p.3) Shell claimed that two prominent Niger Delta politicians were not only sponsoring the fighters but also planned to provide them with surface to air missiles (SAMs).

Responses to this question differed significantly between the regions suggesting differing views on this contentious question. Northcentral 58.0%, Southsouth 38.1% answered “yes”. Overall, 40.8% of the six geopolitical zones answered “yes” and 37.3% answered “I don’t know”.

### Militants get funds from vested interest that includes politicians and others

Geopolitical zones	Yes	No	I don’t Know	Missing	Number
<b>Northcentral</b>	58.0%	16.0%	26.0%	0.0%	50
<b>Northeast</b>	25.0%	33.3%	37.5%	4.2%	48
<b>Northwest</b>	51.1%	14.9%	34.0%	0.0%	47
<b>Southeast</b>	46.0%	8.0%	46.0%	0.0%	50
<b>Southsouth</b>	38.1%	19.0%	42.9%	0.0%	42
<b>Southwest</b>	26.0%	32.0%	38.0%	4.0%	50
<b>Total</b>	40.8%	20.6%	37.3%	1.4%	<b>287</b>

Pearson chi-square 33.927, df=15, p<.01, n=287.

Source: fieldwork 2017.

### **Militants get funds from other criminal sources like piracy and oil bunkering**

Aside funds from vested interests, the militants also get funds from other criminal sources like hostage taking, pirate acts and oil bunkering. Osaghae et al. (2006, p.25) maintained that militants' source for funds for the purchase of arms mainly through "oil bunkering". Oil bunkering is a criminal offence under the Special Tribunal (Miscellaneous Offences) Degree No. 20 (1984).

On this question, the result from the survey indicates "strongly agree" and "agree" are the frequent answers. Almost 75% of the whole respondents, 88.4% in Northcentral, 91.7% in Northeast, 68% in Southeast and only 59.5% in Southsouth believe that criminal sources like piracy and oil bunkering are means of funds for the Niger Delta militants.

### **Militants get funds from other criminal sources like piracy and oil bunkering**

<b>Geopolitical zones</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Not sure</b>	<b>Number</b>
<b>Northcentral</b>	44.0%	44.4%	2.0%	10.0%	0.0%	50
<b>Northeast</b>	35.4%	56.3%	0.0%	6.3%	2.1%	48
<b>Northwest</b>	31.9%	46.8%	6.4%	2.1%	12.8%	47
<b>Southeast</b>	14.0%	54.0%	6.0%	10.0%	16.0%	50
<b>Southsouth</b>	19.0%	40.5%	7.1%	4.8%	28.6%	42
<b>Southwest</b>	30/0%	28.0%	12.0%	10.0%	20.0%	50
<b>Total</b>	29.3%	44.9%	5.6%	7.3%	12.9%	<b>287</b>

Pearson chi-square 48.210, df=20, p<.001, n=287.

Source: fieldwork 2017.

### **Classification of vested interests**

This question has only been answered by respondents who agreed that militants get funds from vested interests, prompting them to name or classify the vested interest. The majority of the respondents did not provide the names because they either said no funds from vested interest or claimed not to know. Niger Delta politicians remains the vested interest mentioned by a minority of respondents (between 8% in Southwest and 22% in Southeast). Cabals in Nigeria refers to a collection of some powerful individuals that have influence in all government establishments. More than 7% of the respondents in Northcentral, Northeast and even the Southsouth mentioned oil companies as the vested interest.

### Classifications of vested interests

Geopolitical zones	Niger Delta politicians	Oil companies	Foreign government	Politicians and traditional rulers	Cabals	Missing	Number
<b>Northcentral</b>	12.0%	8.0%	2.0%	0.0%	8.0%	70.0%	50
<b>Northeast</b>	14.6%	8.3%	0.0%	6.3%	4.2%	66.7%	48
<b>Northwest</b>	12.8%	4.3%	12.8%	8.5%	0.0%	61.7%	47
<b>Southeast</b>	22.0%	2.0%	4.0%	6.0%	0.0%	66.0%	50
<b>Southsouth</b>	14.3%	7.1%	0.0%	2.4%	0.0%	76.2%	42
<b>Southwest</b>	8.0%	14.0%	2.0%	0.0%	2.0%	74.0%	50
<b>Total</b>	13.9%	7.3%	3.5%	3.8%	2.4%	69.0%	<b>287</b>

Pearson chi-square 44.327, df=25, p<.01, n=287.

Source: fieldwork 2017.

### Conflict a major threat to Nigeria's unity

Wealth from oil has been an important uniting point for the continued sustenance of "Nigeria as a single political entity" (Akinola 2018, p.302). The Niger Delta militancy has gained a bad name as "Nigeria's greatest security challenge" (Sampson 2010, p.29), aside the Boko Haram insurgency.

The conflict is also considered as a threat to Nigeria's unity as indicated by the respondents where more than 50% in Northcentral, Northwest, Southeast and Southwest answered "agree". 47.9% respondents in Northeast "disagree", Southsouth 33.3% "disagree" and 23.8% "neither agree nor disagree". Respondents in Southwest 30% answered "disagree" and 20% "neither agree nor disagree". Overall, 60.6% "agree" that the conflict is a major threat to Nigeria's unity.

### Conflict threat to Nigeria's unity

Geopolitical zones	Agree	Disagree	Neither agree nor disagree	Number
Northcentral	76.0%	22.0%	2.0%	50
Northeast	47.9%	47.9%	4.2%	48
Northwest	70.2%	23.4%	6.4%	47
Southeast	74.0%	14.0%	12.0%	50
Southsouth	42.9%	33.3%	23.8%	42
Southwest	50.0%	30.0%	20.0%	50
<b>Total</b>	<b>60.6%</b>	<b>28.2%</b>	<b>11.1%</b>	<b>287</b>

Pearson chi-square 36.625, df=10, p<.001, n=287.

Source: fieldwork 2017.

### Conflict capable of breaking-up Nigeria

That Nigeria depends on oil and gas and considering the persistent calls by groups from the Niger Delta region to secede from Nigeria, the study attempts to find out if the Niger Delta conflict is capable of breaking up Nigeria in the view of the respondents. 50% in Northeast "disagree" and 12.5% "neither agree nor disagree". In Northcentral, Northwest, Southeast, and Southsouth more than 50% "agree" that the conflict can break up Nigeria.

### Conflict capable of breaking up Nigeria

Geopolitical zones	Agree	disagree	Neither agree nor disagree	Missing	Number
Northcentral	52.0%	40.0%	8.0%	0.0%	50
Northeast	37.5%	50.0%	12.5%	0.0%	48
Northwest	59.6%	28.9%	8.5%	2.1%	47
Southeast	64.0%	24.0%	12.0%	0.0%	50
Southsouth	54.8%	21.4%	23.8%	0.0%	42
Southwest	40.0%	30.0%	24.0%	6.0%	50
<b>Total</b>	<b>51.2%</b>	<b>32.8%</b>	<b>14.6%</b>	<b>1.4%</b>	<b>287</b>

Pearson chi-square 32.503, df=15, p<.001, n=287.

Source: fieldwork 2017.

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