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Rethinking Conflict in the Niger Delta: Understanding Conflict Dynamics, Justice and Security

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Introduction

The World Bank Development Report 2011 [Conflict, Security and Development WDR 2011] addresses the dynamics of particular forms of intra-state violence, the developmental costs of civil conflict, and the prescriptive demands they generate. 'Conflicted and fragile states', so-called, are challenged by a lethal constellation of forces: by repeated cycles of violence, structural human insecurity, crises of state legitimacy and authority, and a raft of 'new threats' such as terrorism, civil unrest and transnational organized crime. The central thesis of the WDR 2011 is that strengthening legitimate institutions and governments to provide citizen security, justice, and jobs is crucial to breaking (often repeated) cycles of violence. The model of conflict in such states turns on case-specific configurations of domestic and global 'stressors' – security (legacies of violence), economic (low income and education, youth unemployment, natural resource dependency, external price/policy shocks) and justice (sectarian and ethno-religious discrimination, human rights abuses, militarization). In conflicted states it is, WDR 2011 suggests, the robustness of the “immune system,” - the social capability for coping with stress embodied in state and non-state legitimate institutions – and the capabilities of leaders (to transcend sectarian and political differences and develop bargains), and of civil society (to advocate for greater national and political cohesion as well as rules, laws, and organizations) that collectively shape the likelihood of and vulnerability to violence. In light of comparative experiences, WDR argues that 'successful transitions' out of chronic fragility and cyclical violence occur as a result of “inclusive enough” political coalitions/elite pacts in which leaders: (i) send credible and widely meaningful signals of change, and (ii) sustain investments (capital, loyalty, trust) over time to transform the institutions through which security, justice and jobs are delivered in socially inclusive ways. Where international agencies have helped countries to successfully transition from chronic fragility and cyclical violence, this has required careful tailoring of support to local contexts, astute and lasting engagements with national leaders, political networks and coalitions, and actions to support the broad range of institutional capabilities needed to equitably and durably redress often deeply entrenched injustices and insecurity. Where states, markets, and social institutions fail to provide basic security, justice, and economic opportunities for citizens, conflict can escalate; at the limit, states may collapse or implode, descending into the most abject forms of civil conflict. WDR 2011 raises important questions concerning: (i) the genesis, character and dynamics of so-called new threats; (ii) the relations between authoritarian regimes (an important sub-set of which Slater (2011) calls authoritarian Leviathans), institutional legitimacy and forms of conflict and (iii) the opportunities to build trust, confidence and resilience in legitimate institutions – often investing in and recuperating in effect the efficacy of public authorities - especially the priority of transforming institutions that provide citizen security, justice, and jobs.

1 Respectively, University of Port Harcourt, The World Bank and Australian National University, and University of California, Berkeley.

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Through the lens provided by WDR 2011 Nigeria appears, both explicitly and by implication, as an exemplar of certain properties of conflicted and fragile states. First, in the period since the return to civilian rule in 1999 (the Fourth Republic), the government has had to confront two home-grown insurgencies and their related social fields of violence (see Figure 1): Boko Haram in the north draped in the languages of neo-Salafism and Islamism, and the descent into armed militancy and proliferation of non-state armed groups in the Niger Delta most especially since late 2005 with the appearance of the Movement for the Emancipation of the Niger Delta (MEND). Second, Nigeria’s post-colonial trajectory has been forged in the crucible of political conflict and war. It was after all born amidst the extraordinary political violence of the early 1960s and subsequently the horrors of the Biafra war. Ethnic, religious, electoral and military violence, since 1999 in particular have been widespread and arguably endemic (according to UNHCR over 14,000 people were killed due to “religious” violence alone over the last decade alone; 65,000 were displaced in the 2011 elections, and as many again by Boko Haram; NCR and IDMC suggest a figure of over 1 million internally displaced, over 200,000 for the Niger delta alone). And third, as a resource-dependent petro-state, Nigeria figures in policy debates as a textbook case (see Ross 2012; Collier 2007) of the ‘resource curse’, that is to say it is a casualty of a raft of state deficits and dysfunctions (the Dutch Disease, poor fiscal management, authoritarian rule, corruption, “survival of the fattest”, underachievement of HDIs) and relatedly forms of conflict (and civil war) associated with resource predation and looting. The state pathologies are derived from the existence of, and state dependence on, natural resource rents – supernormal (oligopoly or monopoly) profits – which tend to be the product of enclave, capital intensive industries with limited linkages that accrue to landlords (in the case of oil this is typically the state) (see Dunning 2008). The rentier state hinges on the extent to which resources like oil in the Nigerian case provide the fiscal basis of the state (so-called ‘resource-dependency’ rather than ‘resource abundance’) (Dunning 2008). If all of this points to a system generative of, and compromised by conflict, Nigeria is not necessarily fragile however. It some respects is has built durable and enduring patterns of social, political and economic interaction.

The obvious failings of Nigerian secular national development built around oil – the IMF famously concluded that half a century of oil may not have added to the standard of living of the average Nigerian - pose a number of quite fundamental challenges and questions. The analytical architecture and policy framework offered by the WDR’s - and donor programs in general - and for the sorts of prescriptions derived from the ‘resource curse’ literature, fit uneasily with the Niger delta. On the one hand, the recent insurgency in

Figure 1

**Number of Attacks and Casualties: MEND and Boko Haram 2005-2011**

2 Nigeria possesses the largest oil and natural gas reserves in Africa, and the 14th (7th) largest oil (gas) reserve in the in the world (Oyefusi 2012). Proven oil and gas reserves stand at 37.2 billion barrels and 184 trillion cubic feet respectively (Nigeria is in this sense gas rich). Roughly two-thirds of production is on-shore, the remainder is derived off-shore in both shallow and deep water, respectively. Oil revenues typically account for 85% of government revenues and almost the entire export portfolio (by value).
the delta – and the wider field of social conflict - points to complex conflict dynamics where causes and impacts mutate and telescope over time in a way that belies the usual statics dichotomies. A case like MEND must be situated on a wider social field of conflict in which the dynamics of violence and the operations of armed non-state groups may not fit comfortably with the WDR ‘stressor model’\(^3\). Second, in analytical terms, oil (as a resource and/or as oil-dependence) is granted considerable powers yet it is curiously under and over-specified: on the one side, certain agents are strikingly absent (most obviously the oil companies, the oil service companies and the other forces in the oil complex) (see Watts 2011). And third, the danger of a narrow construal of the resource curse – state deficits and dysfunctions – and of a robust allegiance to the category of conflicted and fragile states is that one loses sight of the nature of the elite coalitions and the institution-building that are constructed and reproduced over time (durability).\(^4\)

**Conflict and contentious politics are inherent in any process of change and development, and such struggles can be both socially generative and socially corrosive.** Modern development is typically defined by this double-movement (conflict in other words is not simply ‘failed development’ or the antithesis of development). Of course, the separating lines between generative and corrosive conflict are not always clear or static. Further, responses to violence can have positive or negative effects on the nature of violence and the evolutionary dynamics of conflict. For example, conflicts propelled by legitimate grievances may be derailed or distorted by extortion, organized crime or rent-seeking if policy responses and state interventions made in the name of amnesty or rehabilitation are not well designed and implemented.

**The central, and most abstract general claims of the paper are as follows:**

1. Justice and security institutions are not merely products of formal rules and procedures, but are the on-going product of political and economic contests among elites and society.

2. Insecurity and injustice play out not only in the justice and security sectors, but across a range of issues and sectors, at the national and local level, and through the interaction of state and non-state actors and institutions. In all of these arenas, norms and dispute resolution mechanisms evolve through processes of contestation among groups with varying levels of capacity and power.

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\(^3\) As Cramer and Richards (2011:292-293) put it: “All these methods have to deal with the particular salience of problematic evidence: evidence that is missing or that is distorted by interests; evidence that is coloured by the emotions driving violence, its experience and its interpretation; or evidence that is simply difficult to collect and interpret. Violent conflict is not alone in facing such problems, but may be especially prone to them. Reconstructing violent incidents or episodes and trying to understand the sequence of events, and the motives and causes that led to them, is never easy. The challenges involved ought to be taken as a warning not to get carried away by the temptations to deduce such causes and motives from abstract axioms, or to infer them from patchy and often at best, second-hand evidence”.

\(^4\) Dunning (2008) argues that under some conditions oil rents may have direct authoritarian effects and in other indirect democratic effects. The political consequences of rentier activity may involve both effects simultaneously. Oil has complex and situationally specific institutional and political effects.
3. In conflict-affected settings, threats of violence and the ability to manipulate the outcomes of social contests through violent acts are often part of the way in which societies transition to more enduring political settlements and more capable, peaceful and legitimate institutional arrangements to maintain security and justice.

Naturally there is much less clarity among development practitioners and researchers on how programs might address these concerns in practice, and most particularly how development might avoid exacerbating injustice and insecurity and help build capacity for mitigating them.

**Prescriptively, the Niger delta experience challenges the view that conflicted and fragile states are universally marked by deep structural institutional ‘deficits’ and ‘dysfunctions’**. Nigeria obviously has a conflicted history. But accounts of state fragility or weakness should not be blind to the fact that the combination of oil and nation-building has produced a *durable* and expanded federal system (including the national rebuilding after the Biafran war), a multi-party *partial democratization* (albeit retaining an authoritarian cast) and important forms of *institution building* (increasing separation of powers, more autonomy of the judiciary, a gradual improvement in electoral processes and a proliferation of civil society organizations). To put the matter differently, it deflects attention from the choices and decisions, made under varying degrees of constraints, by powerful political actors to invest in institutions the purpose of which is to accumulate and protect wealth and privilege. The concepts of a “successful failed state” (Soares de Oliveria 2007), of a “semi-authoritarianism”, and of an “authoritarian Leviathan” (Slater 2011) speak to this complex mix of conflict, authoritarianism, parcellized governability, and institutional durability.

The obvious existence of widespread corruption should not be antithetical to the recognition that the state has been informalised for particular purposes, vested with certain state capabilities and made ‘functional’ (networks, pacts, coalitions) in particular ways. Clearly the state has not been vested with the capabilities required for fully representational politics, to promote economically productive or socially equitable investments, or deliver public goods - justice, security, services, livelihoods – effectively and democratically. At the same time, the state has grown the capacity of security and control, through both public and private institutions, to co-opt, redirect and repress popular discontent, to secure oil installations and infrastructure, and to provide the political infrastructure for the system to reproduce itself and withstand shocks. It has become an effective instrument to garner the loyalty of powerful groups and individuals, and direct benefits to particular constituencies. It has enabled extraordinary illicit wealth to be accumulated and secured, with impunity, over time.

In short, the focus on institutional deficits – a foundational claim in the so-called resource curse approach - can deflect attention from the choices and decisions, made under varying degrees of constraint, by powerful political actors to invest in institutions to accumulate and protect wealth and networks of privilege. These investments, expressed through identity, rights, territories, elite networks and pacts, are more or less stable and durable and comprise in the Niger Delta particular sorts of governable (and ungovernable) spaces (Watts 2011), that are more or less unruly, and part and parcel of a fragmented or parcellized sovereignty.
Prescriptively, these perspectives enable us to consider under what conditions might the ‘logic’ of the political order be realigned; how might the system be incentivized to reinvest in public authority; with what strategic interventions, in the Niger Delta, might service delivery, the rule of law, the operations of the security forces, the operations of local government be seen to be a source of political interest and investment; how do and might the actions of donors impact positively (in terms of investing in public authorities, and public good outcomes) on elite choices?

The purpose of this short paper, the first step in larger scope of work, is to ‘rethink’ the dynamics of conflict and violence in the Niger delta in relation to the prescriptive and policy agendas for the region, particularly for the World Bank. There are three sections to follow. The first provides a summary overview of the Niger delta as a region and an historical survey (and periodization) of the descent into, the social forms of and the costs of the conflicts. More attention is given to the escalation of violence and disorder and a deepening insurgency over the 2006-2009 period, and the subsequent implementation of an amnesty and disarmament, demobilization and reintegration (DDR) program from June 2009 to the present. The section identifies four key underlying drivers – the pervasiveness of oil, the history embedded in the region, the youth crisis, and the new geography of revenues (1999-2012) – as central to the understanding of why the amnesty now represents a ‘watershed moment’.

The second section focuses on public authority and the crises of governance. It considers the ways in which the political order built around the federal system of multi-layered government has produced multiple crises of authority: a crisis of federal, state and local government as effective instruments of rule, protection and service delivery; a crisis of customary systems of rule (the chieftaincy system and the parallel system of customary governance); and a crisis in the security system and the extent to which the police, the military and other security agencies not only fail in their most basic functions but may actually be a key presence in the instigation and reproduction of local community resentments and conflicts.

The third section addresses the elite pacts – the provisioning system that has been constructed around the centrality of revenues to the Nigerian state and its political classes – and how one can understand the differential capabilities of the state and the particular political logics driving the sorts of coalitions and elite practice (public ‘disinvestment’) that must be addressed. The final section explores the relations between the rethinking of conflict dynamics, the ordering of political power through provisioning acts and the conditions under which elites might be incentivized – and in what arenas and loci of public action – to reverse or restructure the current system.

I. Framing the Niger Delta

Delimiting the Niger Delta: The Niger delta is a vast sediment pile laid down over sixty million years, an enormous, and strikingly symmetrical, semi-circular arcuate delta, over 28,000 square miles in all, protruding 150 miles into the Atlantic Ocean along the West African littoral (Figure 2). It is one of the world’s largest deltas, comparable in grandeur and scale to the Mississippi, the Ganges and the Mekong. In the delta’s most northern reaches, the River Niger splits into the Nun and Forcados Rivers, which in turn branch and empty into the ocean through a series of inlets and estuaries that punctuate roughly twenty
rainforest barrier islands. Behind the barrier islands lies a remarkable ecology. Mangrove forests occupy a coastal zone up to 40 kilometers wide in an inter-tidal brackish zone of creeks and tidal channels; in Bayelsa, Delta and Rivers States, mangrove and associated coastal vegetation may account for between one third and one half of the total land surface. Behind the mangroves is a vast fresh water forest, accounting for almost half of the region, which actually consist of two distinct environments: an upper (upland) delta flood forest zone in which a diverse array of swamp and cane forests are inundated during the flood period, and a lowland (riverine) tidal freshwater zone, permanently swampy and traversed by narrow muddy channels. In the non-riverine interior, lowland rainforest predominates but large-scale clearance and long-term human occupancy have produced a mosaic of cropped and fallow areas and derived savanna in which grasses and shrubs have permanently replaced the forest canopy.

Figure 2
A Map of the Niger Delta

In political terms, the Niger Delta consists of nine of the thirty-six states within the Nigerian Federation and 185 Local Government Councils (LGCs), occupying a surface area of about 112,110 sq. kms - 12 % of Nigeria’s territory. In 2007 the population of this region was estimated to be 28 million, the overwhelming proportion of which is rural and poor. The core oil-states of the Niger Delta - Bayelsa, Rivers, Delta and Akwa Ibom – cover 45,000 square kilometers, account for half of the regional population and for more than three-quarters of on-shore oil production. Settlements patterns across the delta have been shaped by the terrain, by the hydrology and by flooding patterns within a massive deltaic basin. There are 13,329 settlements in the Niger Delta region, 95% of which have less than 5000 inhabitants. In the riverine zone, the vast majority of people live in dispersed and often quite isolated villages and hamlets - clusters of compounds housing 100-500 people and accessible only along the maze of creeks and tributaries. Here almost 90% of the rural inhabitants fall below the conventional poverty line ($1 per day) dependent largely upon aquatic resources and petty trading for their livelihoods. The upland interior has a more developed agricultural economy – largely tuber-based – and can be very densely settled, sometimes over 800 per sq. km. It consists of a patchwork quilt of rotational farmlands, rubber and palm oil estates, derived savanna and stretches of secondary forest.

Historical Dynamics of Conflict and a Periodization: The Niger delta has experienced three waves of accumulation in relation to the trans-Atlantic and world economies: slavery, palm oil, and petroleum. These phases had radical implications for society, culture and politics; each phased marked by periods of boom and bust, volatility and turbulence. Against a backdrop of commercial dynamism and political vitality seen in the rise of the great trading empires, the city-states, and the so-called Big Houses, as the colonial project ended in 1960, the Niger delta was left bereft as a sort of economic and political backwater. A complex multi-ethnic region in which powerful forms of customary rule co-existed within an emerging federal system, the region remained largely excluded from the dynamics of central political authority.

In the post-colonial era, oil exploration and production has generated considerable friction from the very onset of commercial production in the late 1950s. There has been no simple or linear evolution in the pattern and dynamics of these oil-related conflict – it has mutated and hybridized in complex ways. But there is clearly a four-decade long process during which various forms of protest, political mobilization and state violence have channeled local grievances and political aspirations into something like an armed rebellion, while at
the same time the boundaries between crime, violent accumulation and guerilla warfare have become blurred. This long march of militancy across the oilfields, and the proliferation of non-state armed groups over the last two decades, has been punctuated by political concessions (such as state formation), dedicated government programs for the delta, and also by periods of intense and often violent militarization (Figure 3). There have been key moments of transformation in the trajectory – 1965, mid-1980s, 1990-1995, 1997-1999, 2003-2004, 2005, 2009 - but overall the descent into insurgency and ungovernability over the last two decades has been dramatic, as has been the escalation from forms of popular mobilization from below to armed resistance and deepening criminality. The recent history of the delta certainly does not readily conform to a simple evolution from grievance to greed; the simple dichotomies – clear boundaries between state and militant, In historical terms the shift from non-violent protest to the politics of the AK-47 was swift, a confirmation of Ken Saro-Wiwa’s premonition in 1990 that there was a “coming war”.

A plotted history of the politics of the Niger delta highlights a number of key moments and conjunctures in which the Early political mobilization among some ethnic minorities dates back to the 1920s and 1930s emerging out of the ways in which indirect rule and colonial authority empowered some groups over others, and provided differing economic opportunities. In the post-colonial period ethnic mobilization was often an elite enterprise of elders but by the 1990’s a younger generation of more radical youth leaders took over the political reigns (for example the rise of the Ijaw Youth Council in relation to the elder dominated Ijaw national Congress). Second, within six years of Independence (prior to the Biafra war) an insurgent/secessionist movement emerged (the famous 12 Day Revolution of Isaac Boro in February 1966). This rebellion, largely Ijaw in composition, was quickly quelled but it points to the depth of certain ‘republican sentiments’ in the region and the tensions between the growing recognition of oil in the delta and political marginalization. Third, by the late 1960s and early 1970s popular reactions to the oil industry’s ecological footprint and impact on rural livelihoods was increasingly visible reflecting how oil operations ran roughshod over community interest, leaving a bitter and lasting legacy of local resentments and grievances. Fourth the mid-1980’s saw the first forms of organized protest from communities (often involving women) and the crisis of livelihoods. The establishment of MOSOP in 1990, the hanging of the Ogoni 9, and the militarization of the region between 1990 and 1998 represented a fundamental watershed. It marked not simply the proliferation of a large number of forms of ethnic mobilization across the region but by a passing of the political torch to a generation of more militant and activist youth. The larger story here is both the growing centrality of youth politics, and the extent to which the Niger delta injected itself into Nigerian politics, and by the 2000s was arguably the central political challenge for the federation. The electoral cycle (in 1999 but especially 2003 and 2007) as a number of youth groups formed in the dark days of the Abacha administration were co-opted, armed and deployed for political thuggery. MEND marked the appearance of a more organized and militarily capable insurgency emerging from the Warri axis and showed itself capable of closing down the oil industry. Finally the crisis within the region triggered both a military counter-insurgency by the military joint task forces and the subsequent 2009 amnesty.

Figure 3

A Periodization of Militancy in the Niger Delta
In short, different phases of contentious politics - periods of escalation and resurgence, periods of state repression and violence - coupled with accumulating human insecurity contributed the deepening disorder and ungovernability of the 2006-2009 period. Ijaw politics figured centrally in the new post-1995 landscape of militancy but many ethnic minorities were drawn into the militant struggle for oil rents on the one side and illicit activities on the other. With the power of hindsight one can see a set of dynamics developing over four decades in which power moved to a younger generation - the politics of youth movements as much as the demographic youth bulge is fundamental – whose social and economic prospects were limited if not truncated. By the 2000s, the anger, resentment and alienation across a wide trans-ethnic social class of alienated and disempowered youth were palpable and profound.

**The costs of the oil insurgency 2006-2009:** the price of the turn to militancy in the delta, and the proliferation of non-state armed groups, has been nothing short of astonishing. NNPC estimated that between 1998 and 2003, there were four hundred “vandalizations” on company facilities each year (and 581 between January and September 2004); oil losses over that period amounted to more than 1 billion USD annually. In early 2006 MEND claimed a goal of cutting Nigerian output by 30 percent and succeeded in doing so within weeks. Within the first six months of 2006, there were nineteen attacks on foreign oil operations and nearly 2.2 billion USD lost in oil revenues; the Department of Petroleum Resources claims this figure represents 32 percent of the revenue the country generated that year. The Nigerian government claims that between 1999 and 2005, oil losses amounted to 6.8 billion USD, but this is surely a low estimate. In the immediate aftermath of the emergence of MEND in late 2005 and early 2006 one third of national output was shut-in. According to a report leased in late 2008 – prepared by a 43 person government commission and entitled The Report of the Technical Committee of the Niger Delta – in the first nine months of 2008 the Nigerian government lost a staggering $23.7 billion in oil revenues due to militant attacks and sabotage. To this is added the oil bunkering trade (on average 12% of production) which is a multi-billion business and the overall losses are astounding.

Between January 2006 and the summer 2009 over 400 expatriate oil-worker hostages were taken; maritime piracy has shown a marked increase (even after the amnesty). Between 2005 and 2009 there were over 12,000 pipeline vandalizations, and over 3000 oil spills. Over 1 million barrels of output were shut-in as a result of the deepening insurgency by the summer of 2009 (by some estimations output fell to around 1 million barrels b/d in the summer of 2009), 124 of 174 oilfields were shut, Shell’s western operation were closed and Nigeria as a consequence fell from its perch as the largest African producer. According to the Canadian development agency over 200,000 people have been displaced and Amnesty claims there are at least 100 oil-related deaths in the delta every year (a considerable underestimate). By the middle of 2009 as oil plummeted to historic lows and the oil industry was in effect crippled, the military intervention (and the massive destruction it entailed) and the extraordinary reactions by MEND (including a brazen attack on Lagos) clearly pointed to the need for a radical intervention – a truce – or countenance the prospect of a massive insurgency bordering on rebellion. As a way out of the deepening

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5 While bunkering was especially pronounced in the 2003-2005 period (perhaps reaching 300,000 b/d), SPDC in 2012 announced that it alone was losing 150,00 b/d ($5 billion annually). In April 2012 the Minister of Finance claimed that the total figure is an astonishing 4000,000 b/d ($1.2 billion per month).
The social field of conflict: What is the nature of the violent conflicts in the Niger delta and who are the armed non-state actors? The existence of a wide variety of heterogeneous conflicts which are differentially situated with respect to the state, oil companies, generation, social class, ethnicity and organized crime suggests that simple generalizations and dichotomies about violence in the delta will not capture the complexity of the situation and may create policy blind spots. Many of these conflicts are folded into the ideological category of ‘resource control’ (grievance) or alternatively as ‘crime’ (greed), but in reality the field is complex and differentiated involving quite different clusters of actors and agents. Some of these conflicts certainly resemble an insurgency; others are clearly associated with state-sponsored violence; some are electoral; others have family resemblances to ‘mafias’ and vigilante groups. All speak to the existence of a large reservoir of anger and resentments among youth. A large survey of Niger delta oil communities by Professor Aderoju Oyefusi published in 2007 discovered that an astonishing 36.23% revealed a “willingness or propensity to take up arms against the state”. The situation is rendered complex by the fact that:

- Social actors (so-called stakeholders) may be simultaneously involved in number of these conflicts, and differing forms of conflicts may feed off of each other,
- The line between crime and legitimate action is often blurred or difficult to determine,
- Concepts are often inadequate to the realities (for example states typically stand in opposition/contradistinction to insurgents, yet state elites often support insurgents; oil theft as a system may encompasses militants, criminals, military, merchants and political elites).

The social field of violence in the delta encompasses a number of differing agents, actors and dynamics. A large body of research (Ikelegbe 2006; Langer and Ukoha 2009; Obi and Rustad 2011; Oyefusi 2007, 2012) has pointed to the following forms of conflict:

- Violent conflicts between oil companies and community youth groups (over compensation, employment, and access to cash payments)
- Conflicts between communities and companies over host community status, spill compensation (or ritual/cultural site desecration) and MOUs (Ugborodu, Soku)
- Electoral violence and political thuggery (the 2003 elections, and the 2003-4 violence, NDV, NDPVS)
- Vigilante groups (Bakassi Boys)
- Intra and/or inter-community conflicts over rights to oil-bearing lands
- Youth group violence over access to local oil rents and by providing protection services for the oil companies (Nembe)
- Violent chieftaincy struggles (Okrika)
- State violence and abuses by security forces (Odi, Odiambo, Ogoni)
- Urban violence/electoral and ward and LGA determination (Warri)
- Struggles over oil-bunkering territories (Cawthorne Channel)
- Inter-ethnic territorial conflicts (Ogoni-Andoni, Warri)
• Cult-Praternity groups (Icelanders, Bush Boys, Greenlanders)
• Insurgent groups (MEND)
• Organised crime and violent accumulation (kidnapping as business, piracy)

A UN report in 2007 estimated that there were more than 150 conflicts across the delta reflecting the fact that by 2005 there was a dizzying and bewildering array of militants groups, militias and cults and over fifty operating military camps are dotted around the creeks. In any one location a number of these conflicts may co-exist and operate in complex constellations. In Okrika for example, the conflicts encompass youth groups contesting land rights pertaining to a refinery, longstanding chieftainty disputes (complicated by struggles over oil rents), the intrusion of cult groups, political party thuggery over local government, and vigilante groups providing community security. Many of these groups contained a variety of ideologies and more or less explicit ideological and political positions even if many operated under the politics of ‘resource control’. Some groups had strong ethnic affiliations, other claimed to have pan-ethnic aspirations while others represent important fault lines within ethnic minorities along the lines of age, class, clan and lineage. They were often local and territorial addressing complex configurations of larger issues of self-determination and federal principle but also local community grievances (over MOUs, spillage, access to local rents, land tenure). The mere number and proliferation of groups and conflicts speaks powerfully to the existence of a growing sense of fragmented sovereignty and of the existence of what we call “ungovernable spaces”.

Several key points can be made about these conflicts. First, the triggering role of often corrupt and undisciplined military forces instigating or compounding local crises, and more profoundly of pushing political groups toward armed militancy. Second, the ways in which since 1999 electoral politics and the proliferation of local revenue flows (through increased derivation) has deepened and intensified the ferocious struggles over access to rents and what is often seen as “their resource” or “our oil” (local governments in particular emerge as arenas of extraordinary corruption and “chop fine”). Third, the state and the political classes have a history of directly supporting and sponsoring forms of violence and the circulation of arms (the electoral cycle is especially pertinent here as was obvious in 2003 and 2007). Finally, conflicts point directly to the ways in which differing forms of authority, territoriality and identity are drawn together in and around the central political logic of struggles over access to and control over oil revenues among differing forms of elite pacts and coalitions.

The 2009 Amnesty and the DDR Process: In return for acceptance of amnesty, the Federal Government pledged its commitment to institute programs to rehabilitate and reintegrate ex-militants under a Disarmament, Demobilization and Reintegration (DDR) Program. Contrary to the recommendations of the RTCND for an international DDR framework, the Government adopted a “structured DDR” program conceived as a national response to stabilize security conditions in the Niger Delta as a prelude to recovery and

6 The Niger Delta Militant Force Squad (NDMFS), the Niger Delta Strike Force (NDSF), the Grand Alliance, Niger Delta Coastal Guerillas (NDCG), South-South Liberation Movement (SSLM), Movement for the Sovereign State of the Niger Delta (MSSND), the Meinbutus, the November 1895 Movement, ELIMOTU, the Arogbo Freedom Fighters, Iduwini Volunteer Force (IVF), the Niger Delta People’s Salvation Front (NDPSF), the Coalition for Militant Action (COMA), the Greenlanders, Deebam, Bush Boys, KKK, Black Braziers, Icelanders and a raft of other so-called cults.
Three DDR phases are distinguished: disarmament (removing the weapons and destroying them), demobilization (to extinguish the belief of the ex-militants in violence and to provide them a more powerful alternative-non violence) and reintegration (the socio-economic process of becoming a civilian). The Disarmament phase spanned a period of sixty days (60) August 6th-October 4th, 2009. This period witnessed surrender and documentation of small arms, ammunition, explosives, light and heavy weapons\(^7\). The demobilization phase started with encampment of the militants at temporary centres with provision of support packages to help cover the basic needs of the militants and their families (such as food, clothes, shelter, medical services). The multi-camp arrangement was jettisoned for a tidier, safer and far more cost effective single camp structure located in the serene Obubra community in Cross River State with staggered admission of the ex-militants into camp. This phase involved transformational non-violence training, peace-building and conflict resolution training, counseling and career guidance, ending with graduation and demobilization. 23, 358 ex-militants have been successfully demobilized between June 2010-December 2011.

The reintegration phase is designed to enable the ex-militants to acquire real civilian status by training them in skills to gain sustainable employment and income, educational advancement, reconciliation with their communities, and financial empowerment. A December 11 2011 statement says that 7556 ex-militants have graduated (local and offshore) from the program\(^8\). There have been a number of challenges in administering the program including the slow paced process in deployment of ex-militants offshore as a result of complexities in funds transfer and immigration matters, the random emergence of groups queuing up for benefits associated with the amnesty process, a lack of adequate and specialized training centres in Nigeria, low availability of jobs after training, low level of involvement of oil and gas companies in the program and reconciling those ex-militants who have been outlawed by their communities and villages and justice issues. The recent acknowledgement that the federal government paid $40 million in the past 12 months to four Niger Delta warlords - Dokubo Asari, General Ateke Tom, General Ebikabowei Boyloaf Victor Ben, and General Government Tompolo Ekpumopolo - to guard the country’s oil

\(^7\) All “known militant groups” in the Niger Delta were successfully disarmed. 20,192 militants registered and shortlisted for the demobilization stage of the first phase of the program. Out of this number, 822 are women. Arms collected (from August 6th-October 4th, 2009) include 3,124 weapons, 18 gun-boats, 3,693 magazines, and 297,056 round of ammunition. All arms collected were destroyed in Enugu on 25th May, 2011. It is widely felt that the disarmament represented a small proportion of the arms circulating in the delta.

\(^8\) The demobilization phase of the DDR officially ended on September 24th 2011.
pipelines\(^9\) points to the fact that the amnesty and DDR will leave its own legacy. Whether or not pipeline security will be enhanced, the impact on economic diversification, youth employment and on confidence in the government will be limited. The grave danger is that the diversion, delays and logic of unmonitored payments will not only produce dissent and splintering among the militants but actually reproduce the conditions that generated the crisis in the first place. Conflict will be further instrumentalized with the possibility of struggles over amnesty resources shifting the geographical locus of violence from the creeks to the urban centers.

Three years into the DDR the amnesty stands at a watershed moment. On the one hand there are questions of whether the on-going protests among DDR participants (most recently in Abuja), the vast sums of money allocated (in a wholly unaccountable ways) to three commanders for pipeline protection, and the simmering tensions remaining in the delta (the recurrence of attacks since early 2012, sporadic urban violence, continuing struggles among and between militant factions and with the Amnesty office) points to an expensive program simply reproducing the conditions it was meant to address. On the other, there remains the question of how, and in what ways, the most demanding phases of DDR (reintegration) will accomplish its task with the ever-present threat of a return to the creeks (where many arms still remain). Arguably three years of relative peace are as much a function of the presence of a delta man in the Presidency and of the security threats in the north emanating from Boko Haram, as to the effects of the insertion of a new wave of monies through the amnesty program. The amnesty and DDR were never intended in any case to address the larger structural problems – youth unemployment, ineffective and corrupt public institutions, chronic human and ecological insecurity – and necessarily the question of “what now” looms very large.

It is, in view of the historical dynamics underlying the delta crisis, not surprising that the amnesty process should exhibit internal tensions and indeed run the risk of reproducing the very conditions it seeks to redress. The danger is that DDR would turn out to be business as usual rather than a credible and effective program: namely, a vehicle for the distribution of more rents and large revenue flows among a fragmented and splintered set of armed groups while creating lucrative opportunities for the political class and regional elites in and outside of government. The risks embedded in the amnesty are grounded in a number of key underpinning processes:

**(1) The Pervasiveness of Oil and its Ecological Footprint:** The footprint of the oil and gas industry in the Niger delta is enormous and virtually every inch of the region has been touched by the industry directly through its operations. The infrastructural footprint is vast: over 6000 wells have been sunk, roughly one well for every 10 square kilometer quadrant in the core oil states. There are 606 oilfields (355 on shore) and 1500 ‘host communities’ with some sort of oil or gas facility or infrastructure. There are 7000 kilometers of pipelines, 275 flow stations, ten gas plants, fourteen exports terminals (five on-shore at Qua Iboe, Pennington, Forcados, Ecravos, Brass and Bonny, and nine FPSOs), four refineries, and a massive LNG and gas supply complex. The ecological footprint is substantial (all qualified by a remarkable lack of hard scientific data). By conservative oil-

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\(^9\) The breakdown showed that Government Ekpumopolo received the lion’s share of $22.5 million yearly, while former warlord, Dokubo Asari, collects $9million every year to keep his estimated 4000 soldiers at bay. Ateke Tom and Ebikabowie Boyloaf Victor Ben each collect $3.5million apiece.
industry estimates there were almost 7000 oil spills between 1970 and 2000 (and at least 4000 between 2000 and 2010), more than one each day (the real figure might be twice or three times that number - an equivalent of one gallon of oil has been spilled for every 100 square meters of the Niger delta). Gas flaring is declining but associated gas – natural gas found dissolved in crude oil or as a cap above the oil reservoir and released in the extrusion process - still produces 70 million metric tons of carbon emissions a year, that is to say “a substantial proportion of worldwide greenhouse gas” according to the World Bank. Canalization dredging, large scale effluent release, mangrove clearance, massive pollution of surface and groundwater, these are the hallmarks of a half century of oil and gas extraction – again all qualified by data limitations. Some of the most rapid rates of urbanization have compounded these ecological problems; the slum worlds of Port Harcourt and Warri without acceptable sanitation and other pollution controls have also contributed to what a World Wildlife Fund report released in 2006, simply referred to the Niger Delta as “one of the most polluted places on the face of the earth”. Global climate change and rises in sea-level is likely to compound these challenges. Especially important are the implications of oil and gas pollution for aquatic and especially marine ecosystems which are the backbone of the rural livelihoods in the riverine zones. If oil and gas are pervasive ecologically this is no less the case politically since all state and local governments depend overwhelmingly on oil-derived state revenues and the oil and oil service industries through linkage effects dramatically shape the structure and function of local economies. Inevitably oil has, as if it were colonized, the political consciousness.

(2) **Niger Delta History and Embedded Fragmentation:** The delta is a region of great ethnic cultural and historical complexity. Suffice to say there are at least forty different ethnic groups occupying the Niger Delta, speaking perhaps 250 languages and dialects. The Ijaw are the most numerous – by some estimations 14 million strong – but the general picture is one of extraordinary ethnic diversity, a mosaic of heterogeneous and often fractious communities held together by a robust sense of being ‘delta people’. Some form of ethnic identity is of great historical depth and antiquity but the colonial indirect rule and political administration radically shaped the character of ethnic identity. Whether real or fictive, the British used local chiefs as representatives of primordial ethnic loyalties and in this way the prerogatives of customary rule and traditional forms of authority were reinforced, what has been called by Mamdani (2005) a system of ‘decentralized despotism’. At Independence Nigerian nationalist leaders provided civic rights for all Nigerians but provided a bonus, namely customary rights for what they termed ‘indigenes’. In effect this perpetuated the parallel system of governance rooted in chieftaincy. Nigeria had to decide which ethnic groups were indigenous – typically the original settlers who occupied different niches within the delta as a result of successive waves of migration and settlement dating back millennia. The effective elements of the federation are neither territorial units called states nor ethnic groups but ethnic groups with their own states. A federal mandate predicated on customary and civic rights meant that every ethnic group was compelled to seek, particularly with the discovery of oil, its own state or local government council to gain access to the oil-revenue allocation process. Only in this way can we understand why Nigeria, with four regions and fifty local governments in 1960, now possesses 36 states and 774 local governments. But with each new political entity, the non-indigenes continue to grow. Once law endorses cultural identity as the basis for political identity, inevitably ethnic mobilization provides the idiom in which access to oil wealth – a national resource after all - is fought over. The insertion of oil into a multi-ethnic federation not only triggered a particular logic of national fragmentation but also embedded the Niger delta in a way in which it too experienced a sort of splintering as new forms of identity - many wrapped up
with highly contested histories of land, territory and settlement – emerged (Nwajiaku 2012).

(3) Generational Politics and the ‘Youth Problem’\textsuperscript{10}: The composition of non-state armed groups in the contemporary moment (‘new wars’ so called) sometimes seems to reflect a distinctive organization of conflict, ‘irregular symmetrical warfare,’ in which groups have no clear ideology, are fluid and fragmented, factionalized, defensive and parochial. The available data on combatants and militants in the delta suggest a more complex picture and points to a deep youth crisis, and points to stresses and strains within a gerontocratic social system. The youth problem is certainly about poverty, low income, and low education (Oyefusi 2007) but some of the survey data suggest that militants have surprisingly high levels of education (Langer and Ukiwo 2009). The youth problem is not simply demographic or unemployment (the youth bulge in Nigeria indicates that 45% of the unemployed are 12-25 years old); it reflects a multi-faceted generational social crisis. Survey data indicates the extent to which militant groups are composed of young men, often rural and un- or underemployed. A surprising number (over 20% in Langer and Ukiwo's study of 100 militants) have post-secondary education, and a significant proportion have completed secondary school. In ideological terms most studies establish that questions of justice, marginalization, land, and security figure centrally in the worldview of disaffected youth. Studies indicate that significant proportions of those interviewed were prepared to take up arms (if they had not already done so) or continue violence (if they had). The loss of confidence in elders and in institutions of authority was endemic to a social class of young men who, in various ways, were experiencing a crisis of social reproduction.

MEND and other non-state armed groups generally are not the product of single causes, any more than their goals and missions are singular and uniform. If each is in some way expressive of a structural crisis of youth that is deeply embedded in the multiple crises of legitimacy and authority, then one might claim plausibly that there is a powerful thread linking youth militancy to a political order that, as Hoffman (2012: 67) says, "denies them recognized forms of authority". Not unexpectedly this denial assumes many forms and many discourses: a crisis of identity, of rights, of social exclusion, of masculinity, of the spirit, of employment and so on. These conditions engender disputes over oil-property, struggles over corrupt chieftainship, violence among and between youth groups and security forces over access to oil company contracts and rents, inter-ethnic battles over electoral wards, local government boundaries and territorial authority (including oil bearing lands), violent exchanges over bunkering territories by competing militias, vigilante

\textsuperscript{10} Youth is an important category and key to the politics of inter-generational and national political conflicts. Gore and Pratten (2003) point out that: “Youth is a complex, fluid and permeable category which is historically and socially situated. As such it is a site for particular and localized framings of human agency constituted by various intersecting and contested discourses……youth has been portrayed as a transient, subordinate and deviant category……Youth and their organizations are located within the ‘deep’, vertical politics of patrimonialism……the category of youth has emerged since the watershed of economic reforms in the late 1980s and early 1990s as a key factor in Nigerian political dis-course". With the reduction in public sector employment opportunities and with personal networks of patronage squeezed, the category of youth has crystallized into what they call an extended social category in terms of its duration; ‘extended youth’, irrespective of actual age, refers to a set of economic and social circumstances and with little prospect of future advancement.
groups offering protection services, and the deployment of young men by politicians for electoral thuggery. In short the crisis of youth reflects a number key concerns: citizenship, masculinity, religious identity, authority, institutional legitimacy, respect, and employment, all of which overlap and intersect with one another. As Hoffman (2012: 13) notes, the overlap between nationalist sentiment, economic exclusion, religious ideology, and gender (in Sierra Leone in his case) are such that existentially “these forces are interchangeable...the dividing line between them effectively erased”. This constellation of sentiments and senses of injustice is expressed in different ways and suggests that a militant group or a youth organization cannot easily be classified as addressing one mission or purpose.

**The New Political Geography of Revenue 1999-2012:** The customary assessment of the Niger delta’s marginal position in the federation has changed during the Fourth Republic. Since 1999, one can argue that the Niger delta came to occupy the centre-stage of Nigerian politics, in part because of the ungovernability of the oil fields (the election of Goodluck Jonathan as President of the federation and the growing significance of so-called Godfathers from the region on the national political stage and within the PDP endorse the point). But more fundamentally the landscape of revenue flows has been transformed since the 1980s and early 1990s. Partly driven by increases in derivation (and relatedly the monies from the excess crude account), statutory revenue allocation to the core-oil states is now enormous. In addition dedicated federal agencies (NDDC, the Ministry of the Niger Delta, the Ministry of Niger Delta Affairs, and of course the allocations of the amnesty program) collectively account for a staggering inflow of monies. The six core oil states have annual budgets of $11.2 billion for 2012; NNDC had a budget of $1.6 billion in 2010, and the Ministry of Niger Delta Affairs (2009-2012) and Ministry of the Niger Delta account for $1.6 billion and $1.55 billion respectively; the amnesty program (2009-2011) ran to $819 million and another $447 million in 2012; and all of this excludes the estimated community development and security spending of the transnational oil companies (perhaps another $500 million) [see Newsom 2011]. Furthermore in material and economic terms, since the adoption of Sharia in the twelve northern states in 2000, the conditions in the Muslim north have declined to the point where that region, and less so the Niger delta, appears as the country’s most materially deprived region (Lubeck 2011). None of this is to suggest that poverty in the delta lowland and creek communities or human security is less compelling in the delta, any more than the completion of the amnesty process should suggest that the problem of militancy has been resolved. But the incontestable fact is that the fiscal landscape of the delta has changed; there is every reason to believe that in the short to medium term revenue flows – and *ipso facto* the extent to which legitimate institutions can invest, allocate

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11 In the work on the civil defense force militias in Sierra Leone, Peters (2012), Hoffman (2012) and Richards (1996) all make the point that the ethnic character (the Mendeness) of the movement was only one expression of a broader constellation of discourses on the state, lineages, spirituality, self-defense, civic rights and so on.

12 Across the Shari’a states human development: malnutrition is almost twice the national average in the Shari’a states; the human poverty index is 45.88 compared to 27.8 in the non-Shari’a states; female literacy in the north is 17% compared to 69% in the south; the percentage of married women using contraception is 3.4% in the Shari’a states compared to 14% nationally; and not least total fertility rates in the north are over seven per woman making for a massive youth bulge (the comparable figure in the Niger delta is 4.7). This setting is of course key to the rise of Boko Haram.
and monitor the deployment of these revenues - will continue to be a dominant part of the development landscape.

In sum, the Delta has risen to the position of a site of global, national and local contestation. Three processes since the return to civilian rule have fundamentally shaped the rise of the delta as a zone of insurrection: first, the growing decentralization of corruption to resource rich state and local governments, the decentralization of powers to ever more powerful regional Godfathers, and the decentralization of violence (the proliferations of arms, often through the leakiness of the military) and the proliferation of armed non-stated groups of various stripe. Second, continued fragmentation, in which multitudes of local competitions and conflicts impels the creation of more local state and ethnic/indigene institutions. And third, an intensified round of elite competition, driven by the post 1999 revenue boom, in and outside of the state: within the state as growing security operations and revenues flows provided new rents and opportunities for gatekeeping and comprador activity; and outside of the state as youth groups, chiefs, and local political classes grappled over community payments, compensation, bunkered oil and other rents.

II. Public Authorities, Human Insecurity and the Crises of Governance

The descent in violence in the delta points to a larger picture of striking deficits and dysfunctions in the federal system. Revenue flows are not organized for the common good; the operations of this system oscillate between a personalized and patrimonial system of ensuring access to oil rents (public office as a prebend) and the coercive armor of the state when it is enrolled to protect the continued functioning of this system. While we will document here the effects of the operations of this system – focusing on the multiple crises of authority governance and the conditions of injustice and insecurity produced within the Niger delta – we also argue (especially in the following section) that deficits and dysfunction thinking should not obscure the ways in which the patrimonial system is organized, produces patterns of selective investment and capability, and certain loci of institutional achievements (the growing independence of the judiciary, the struggles over the electoral process spearheaded by INEC in 2011 and so on).

Crises of Authority: as we have seen the so-called ‘restive youth’ problem points to larger structural crises of authority and legitimacy rooted in a political order shaped by oil and the politics of oil revenues. Argenti (2007), discussing Cameroon, talks of the “double marginalization” of youth as traditional and national authorities failed. Nigeria offers up a version of this marginalization in which multiple crises of authority among customary, religious and formal state institutions associated with an ordering of power that, following Slater (2011), we call a provisioning system. This crisis of legitimacy encompassed both public and civic institutions. First, the federal state had failed to deliver development and was synonymous with graft and limited capabilities (“carry go” as the local vernacular has it); but this was no less the case with the institutions with which most Nigerians had some modicum of direct contact (namely local governments, elections, and the judiciary, all of which were limited at best and bankrupt at worst, and public services such as schooling, water provision and power). Second, the institutions of customary rule – whether the relics of the old emirate system in the north or the chieftaincy systems in the south – were no longer legitimate and effective systems of authority either, and most youth felt excluded from their
gerontocratic orders. Niger delta chiefs were not unusually violently ejected from office by rebellious youth angry at their pocketing of monies paid to them by oil companies for purported community development. The gerontocratic order has in effect been contested and in some cases subverted over the last two to three decades. Even religious authority and institutions – most obviously in the north over the so-called ‘true Islam’ - have been subject to debate and questions as the boundaries between religious practice and state power has been eroded. Finally there is the special case of the security forces – especially the police and army – whose purpose was to provide protection and impose law and order. In practice the police have become objects of utter contempt and illegitimacy, not only for their corruption (the endless roadblocks and taxes levied on vulnerable travelers for example), but also because of the extent to which so much of the urban and rural violence in both regions was triggered by excessive police actions. The post-colonial history of violence in the north and south is littered with the wreckage of state repression, extra-judicial killings and undisciplined security forces. The fact that the police in the north are referred to popularly as dogs, and the fact that the mobile police (the infamous MOPOLS) are held in such contempt across the oilfields says much about popular imaginings of the state.

The illegitimacy, indeed the ethical and moral bankruptcy, of these multiple and overlapping networks of customary and modern governance created a vast space of alienation and exclusion, a world in which the armies of impoverished youth were neither citizens nor subjects, a social landscape in which the politics of resentment could fester (Richards 2011). Rural and urban, federal and local, religious and secular, customary and modern, the crises of authority were instrumental in the creation of a rural and urban underclass, alienated and excluded from the worlds of legitimate authority, and from the market order. Contempt is the ruling ideology. These floating populations – the lumpenproletariat, qu’ranic students and land-poor peasants in the north, the unemployed youth in the delta detached from the old gerontocratic order, each unable to fulfill the norms of personal advancement through marriage, patronage and work – occupied a social moratorium (Vigh 2006). Youth occupied a social space of massively constricted possibility, a world in which economic recession and the dreadful logic of provisioning and self-interest reduced millions to the level of a vast underclass. The fact that youth occupied an unenviable space at the interstices of the multiple crises of authority (and a material world of limited employment, truncated aspirations and opportunities – dramatically confirms the observation of Murray Last (2007) that young men (and women too) occupied a world of material, political and spiritual insecurity.

This system produced, in sum, a “new economy of persons” (Mbare 2002), all swimming in a very deep sea of anger, alienation and exclusion. In some cases, the resentments were directed toward a violent assertion of autochthony, that is the often exclusionary attachments and belongings of individuals and groups to particular places and identities, sometimes directed at strangers or non-indigenes, sometimes against state or corporate predators or unaccountable chiefs and elders. If these conflicts and their perpetrators appeared as agents of disorder in their own way too they were creative and generative; new forms of solidarity and identity were built; in some case forms of rule were upended and institutions overthrown; in others forms of rule and forms of social structure were reconfigured. It all spoke to forms of territorial fragmentation (parcellised sovereignty) and to the dispersion of political energy, however, rather than unified political projects or institution building capable of providing clear alternatives to the crisis of confidence and trust in existing institutions.
States of Poverty, (In)Security and (In)Justice: The UNDP report on the Niger delta (2005) refers to the “appalling development situation” and the shameful fact that after a half century of oil development “the vast resources from an international industry have barely touched pervasive local poverty”. By almost any measure of social and material achievement, the core producing oil states are exceptionally low.

Figure 4
Incidence of Poverty (% falling below the poverty line): Niger Delta, 1980-2004

(Figure 3): according to UNDP between 1996 and 2002 the Human Development Indices actually fell in the core oil-producing states. Literacy rates in the core states are barely 40%, the proportion of primary school children enrolled is, according to a Niger Delta Environmental Survey (NDES), 39%. The degree of decrepitude in primary schools – whether in Port Harcourt or the further reaches of the riverine areas - is exceptional by any standard. Each secondary school serves 14, 679 people serving a catchment area of 55 square kilometers. The ratio of doctor-to-population is 1: 27,000 in Delta State (and 1 to 282,000 in some of the local government areas in Southern Ijaw, Bayelsa State). There is one secondary health care facility for every 131,000 people serving an area of 583 square kilometers. However the most recent UNDP (2008-9) poverty report indicates that income per capita and HDI/HPI indices are higher in the South-South state than most of the other Nigerian states. Conversely, unemployment and inequality are much higher. Oyefusi (2012) claims that unemployment in the region was 24% in 2008, with rates in Akwa Ibom and Bayelsa reaching 43% and 41% respectively. The average unemployment rate for the region apparently doubled between 2004 and 2008. Outside of the urban areas only 20% of settlements are linked to a national grid that does not function in any meaningful sense. A striking discovery of the UNDP study was the fact that local government areas with oil facilities are more likely to have significantly higher indices of human poverty. Were Bayelsa a sovereign state it would, according to its HDI, be ranked roughly 160th in the world.

The Ogoni crisis marked a historically unprecedented militarization of the Niger delta. The presence and behavior of military and security forces – the Joint Task Force has been an almost constant presence - has often been deplorable as the Oputa Commission detailed in 1999. Military intrusion into host communities and in dealing with popular protests have contributed directly to both suspicion of the military and widespread resentment towards the Nigerian authorities who have perpetrated human rights abuses, including extra-judicial killings. Abuses by security forces in Odi, Odiama and other communities sometimes (if exaggeratedly) invoked claims of ‘genocide’. There is also a widespread suspicion that military forces are directly involved in oil bunkering. Two new reports published in 2012 – by Amnesty International and by the Open Society Justice Initiative - provide damning evidence of endemic corruption and indiscipline. A common experience of policing is the demand for bribes from motorists at roadblocks and at its worst, the reports allege the police rub chemical mace and hot chili pepper into the genitals of those it arrests, drawing out dubious confessions officers use as an excuse to summarily execute those they describe as "armed robbers." The report alleges officers called the soon-to-be dead suspects "rams" or "bush meat." The police investigations typically employed torture to draw out confessions. The officers drove nails into suspects' hands or heads, shoved pins into the genitals or hung suspects upside down in a method referred to as "suicide," the report claims. Political elites hire more than 25% of the officers as private security guards. The
judicial system is weak (and often inaccessible for the poor). The backlog of litigation for cases and claims pertaining to the oil industry – compensation, property disputes and so on – runs to many thousands, and studies (Frynas 2000) document how cases require long periods of time before they are finally adjudicated. The overwhelming sense is that the rule of law is a chimera, and that many institutions purportedly designed to protect life and property provide few protections, are ineffective and at worst are responsible for a deep sense of personal and community insecurity. The growth of vigilante groups and private security companies speaks to the vacuum created by the weaknesses of state security institutions. The picture, in terms of the provision of health, educational and other basic needs such as water and power, is deplorable especially in the riverine communities.

III. Elites, Provisioning Pacts and Public Authority

The inventory of dysfunctions and deficits should not imply a cold inevitability to the logic of the resource curse, or ignore the sorts of agency exercised by powerful actors, and the networks and institutional forms built around a demonstrably authoritarian and partially democratized political project (what we might call ‘violent democracy’). Elites have used (congenitally) fragmented state and non-state institutions to order and reproduce power, enabling some kinds of justice (massive but ephemeral payouts, dedicated), but not others (redistributive justice that runs schools and clinics, fair dispensation through formal courts), and some kinds of security (illicit wealth secured with impunity, some protection for oil installations, and some kinds of loyalty), but not others (regular experience of safe, unfettered movement, personal safety and property). How, then, are we to make sense of these conflict conditions and the deplorable forms of injustice and insecurity experienced as part of a generation of person largely excluded from, and holding contempt for, forms of public authority and rule? And can the logic by which the availability of oil rents seems to provide a set of incentives by which elites do not invest in public authorities be broken? Is this system, in short, recuperable? And if it is what is the conceptual apparatus by which one might identity entry points or points of leverage by which incentive structures for the prevailing elite coalitions and pacts might be transformed?

Provisioning Pacts and the limits of Public Action: an institutional geography populated by multiple failures and deficits – crises of authority and rule coupled, a politics of resentment, material deprivation – comprise a radical challenge to the very idea of secular national (oil-based) development. As we have seen, the inventory of dysfunctions – corruption, organized brigandage, oil theft, industrial stagnation, failing service provision, unruly security forces - could make for a long discourse in itself. And yet it remains the fact that Nigerian political classes are capable of ordering and reproducing power, albeit in a highly volatile and selective way. This political order – and it can be seen in the Niger delta as much as in the world inhabited by Boko Haram – has enabled some kinds of justice (massive but ephemeral payouts, dedicated), but not others (redistributive justice that runs schools and clinics, fair dispensation through formal courts), and some kinds of security (illicit wealth secured with impunity, some protection for oil installations, and some kinds of loyalty), but not others (regular experience of safe, unfettered movement, personal safety and property). To the extent that the Niger delta crisis grew from this soil, there is an obvious question: under what conditions – and through what incentives – might elites and elite coalitions see it in their own interest to invest in (and upgrade) public authorities?
One way to address this challenge is through a comparative institutional and political history of the sort offered by Slater (2011) in his account of different forms of what he calls authoritarian Leviathans in southeast Asia, and the order and reproduction of power associated with different sorts of trajectories across the region. Slater’s key claims are that:

- The sorts of coalitions and elite collective action congruent with durable authoritarian regimes will only arise if contentious class politics, prior to the consolidation of the authoritarian Leviathan as such, are seen by powerful economic and political classes as endemic and unmanageable – that is to say their class property, privileges and positions are threatened by urban insurrection, radical redistributive demands, and communal tensions (2011:55).
- Elites support state centralization as a reactive, and reactionary, bulwark against popular mobilization from below, and in turn this facilitates state building especially in the first instance through the state’s coercive apparatuses, but more generally through building institutions and networks which provide the foundations for durability.
- Violence and state-making are inter-related, integral to the creation of what he calls “protection pacts” – class and elite coalitions (state officials, economic elites, middle classes and communal elites) unified by “shared support for heightened state power and tightened authoritarian controls” (2011:5).

The southeast Asian cases are, of course, framed by the Japanese invasion (and subsequent defeat), by the Cold War, and by powerful Left (and often Communist inspired) popular movements. Out of this conjuncture and forms of contentious politics emerged the ordering of power, patterns of extraction and organization capable of drawing together coercive, remunerative and symbolic power into a phalanx of authoritarian political institutions constructed around class protection. State capacity, military cohesion and party strength is held together – that is to say politically ordered - by forms of extraction (flows of resources particularly around direct taxation), institutions, and historical experiences and memories that convince powerful social forces that “they have more to fear from each other than the state” (2011:20). He identifies three: what he calls domination (open-ended authoritarianism and state-centralization like Malaysia), fragmentation (flimsy coalitions and institutions as in Thailand), and militarization (driven by secessionist regional rebellions rather than attempt to seize state power as in Burma).

Independent Nigeria emerged in quite differing circumstances from post-1945 Cold War Asia in which the following conditions held. First, its post-colonial crisis or defining moment emerged from what Slater calls a ‘regional rebellion’ – what was to become the Biafra war – amidst considerable ethno-regional enmity. Military and authoritarian rule came to dominate the post-civil war stage. This appears to make the Nigerian political order – the protection pact - a complex amalgam of militarism and fragmentation. Second, the game changer was the presence of massive oil and gas resources, the oil complex (Watts 2012). The foundational contentious politics of the 1960s coincided with the moment at which the sources of state revenue shifted dramatically from indirect taxing of peasants to rents

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13 In this sense Slater’s argument turns on two claims: that the most profound forms of postwar contentious politics were generative of revolutionary impulses, and that differing (geographically and nationally specific) counterrevolutionary reactions explain divergent southeast Asian pathways of authoritarian Leviathan. The specific forms of contention, and the antecedent conditions prevailing in differing pre-colonial states, matter to the forms of coalitional pact.
derived from petroleum and other hydrocarbons, resources that were constitutive, in part, of what the civil war was fought over (the oil resources were located in the territory claimed by Biafra). Oil – capable during the oil boom years of the 1970s of accounting for upward of 85% of government revenues and 98% of export revenues – provided a resource flow that did not require the sort of protection pact upon which direct revenues through taxation could be levied. And third, the patrimonial political order put in place after the defeat of Biafra came to be constructed around twin principles: the capture of oil revenues (which rested on a sort of state dispossession and a politics of resentment); and the political mechanisms (revenue mobilization and allocation as it is called in Nigeria) by which oil revenues were sown within a fragile and contested federation (which also produced a politics of dispossession and resentment). The politics of fiscal federalism ruled the day.

Nigeria became an example of what Slater calls a ‘provisioning pact’, a resource-dependent patrimonial system resting on oil rents. The Nigerian state’s statutory monopoly over oil, establishing joint ventures with transnational oil companies and its own national oil company, permitted the direct capture of oil rents though it was predicated on a sort of dispossession from the vantage point of oil-bearing territories. Elite privileges could be secured for long periods through military protection (military rule and a robust security state) but did not require investment in non-coercive and effective public institutions for their long term interests in virtue of access to oil rents by patrimonial and other means.

The Logics of Oil-Dependence: Oil in this sense played a contradictory role in Nigeria. Its capture by the state had a strong centralizing effect but the political mechanisms by which the revenues were to be distributed (by fair means of foul) in a federal system cross-cut by ethnically-based claims and a parallel system of customary rule had the effect of centering and fragmenting the polity. On the one hand, oil funded a strong military and a raft of new federal institutions. On the other it drove a vast multiplication of states and local governments (from four states in 1967 to 36 currently, and from roughly fifty local government councils to almost 800 now) and the creation of a vast state-salaried class, all of which emboldened sub-national forms of identification. Oil was a national resource controlled by the state, deployed in the service of building an oil nation and a state-territory; but at the same time oil as geography, as landed property and as oil rent generated a raft of other more local territorial identities (oil bearing chiefdoms, oil minorities and so on), communities of various stripe struggled for their cut of the action. Oil, in short, provided a unique coloration to the provisioning pact, – holding Nigeria together and yet pulling it apart. Integration (holding together) comes through a sort of purchasing of political consent but is incapable of addressing the contradictions of the provisioning of the elite pact: namely, there is no incentive to invest in public authority on the one hand and popular everyday experience of what passes as state-led development as one of injustice, insecurity, broken confidence and deepening frustration on the other. It is from these contradictory dynamics that the crisis of youth and the conflicts within the delta emerged.

The logic of the provisioning pact rested on a number of political principles the effects of which are dramatic:

- The first was the capture of oil rents by the state through a series of laws and statutory monopolies (the 1969 Petroleum Law being the foundation stone). In effect the conversion of oil into a national resource conferred two things: first it became the basis of claims making. That is, citizens could, in virtue of its national character,
plausibly claim their share of this national cake as a citizenship right. Second, it flew in the face of robust traditions of customary rule and land rights. The logic of indigeneity and the authorization of communities' forms of rule in effect institutionalized a parallel system of governance associated with chieftaincy in the south or Caliphal rule in the north. Its life was further prolonged as indigeneity as a category enshrined in the Nigerian constitution; in a multi-ethnic polity indigenes looked to customary institutions as a source of legitimacy and authority and no where more so than around questions of access to and control over land. Oil nationalization trampled on local property systems and land rights and complicated the already tense relations between first settlers (indigenes) and newcomers (that is to say the historical complexities of waves of settlement and in migration all typically surrounded by considerable juridical and legal ambiguity). For the Niger delta and its sixty ethnic groups, the raft of oil laws inevitably was construed locally as expropriation and dispossession – the loss of “our oil” – while the footprint and consequences of the industry (public and private) generated numerous resentments.

- The second is the political and institutional mechanisms by which revenues were allocated with a federal system – both vertically (from federal center to state and local government) and horizontally (the metrics by which the value of the allocations were to be determined). The politics of revenue allocation is central to how the provisioning pact works and what its driving forces are. The broad contours of the revenue allocation process are clear. The federal center captured a disproportionately large share of the revenues; the states and local governments depend heavily on statutory allocations. Since the 1960s the principles of allocation in effect demolished the principle of derivation, reducing it from 50% to roughly 1% between the mid-1960s and mid 1980s. Fiscal centralization reflected a calculus by which monies for developmental purposes re-directed away from the centers of oil production to non-oil ethnic majority states. The federal centre became a hunting ground for contracts and rents of various kinds. Derivation politics (and the loss of

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14 Suffice to say that the sources of public revenue in Nigeria are proceeds from the sale of crude oil, taxes, levies, fines, tolls, penalties and they accrue in general to the Federation Account. The Federation Account excludes the derivation account by which a percentage (currently 13%) of revenues from resources flow directly to their states of origin (enhanced derivation necessarily benefits the oil-producing states). It also excludes the various federal government dedicated accounts and so-called “first charges” (including Petroleum Trust Funds, National Priority Project Funds, External Service Funds, NNPC Joint Venture Payment Account). The balance of the total federally collected revenues are paid into the federation account which is currently roughly 60% of the total, down from over 90% in 1970. Oil revenues are the main source of public revenue, accounting for about 80% to 85% of the total. In the period 2001-10, oil revenues averaged 27% of GDP while tax revenues averaged 6.4%. In 1992 the vertical allocation system – the proportion of revenues allocated to differing tiers of government - was changed to 48.5%, 24% and 20% for federal, state and local government respectively. The current vertical allocation – adopted by then Minister of Finance, Dr. Ngozi Okonjo-Iweala in March 2004 is 52.68%, 26.72% and 20.60% for federal, state and local government respectively. Local governments and states rely overwhelmingly (over 70% for local governments, over 50% for the states) for their revenues on the federation account – that is to say, the dependence on centralized oil revenues have been at the expense of other forms of internal revenue generation. These figures confirm, of course, the centralizing effect of capturing oil rents but the details, hammered out in a raft of revenue commissions over half a century, are the subject of intense contestation and controversy.
revenues within the allocation process) inevitably became an axis of contention between the delta and the federal center and laid the basis for what became in the 1990’s the delta’s clamor for “resource control”. But the debates over a just derivation and the revenue sharing process continue unabated15.

In summary, the delta crisis and its patterns of conflict emerge out of the provisioning pact and its logics. This provisioning system is rooted in the dependence on, and the capabilities of, the state to capture oil rents deployed to “purchases consent” among political elites. This provisioning system is not stable in the sense that it can operate under military or electoral forms of authority and rule, and is in turn shaped by the turbulences of oil revenues (price boom and bust cycles) and by its effects within and on the federal system of government. The constitution of a provisioning system within the delta – a region unlike the north in which oil is located territorially and over which communities attempt to exercise customary claims and rights – had multiple effects. It lubricated – through the informalization of state power and powerful local actors – a multi-layered crisis of authority and economic stagnation, which underwrote the so-called youth crisis (that is a social class for whom development was experienced as radical insecurity and injustice). The state itself, and its form of public authority, exhibited selective capabilities (a combination of dysfunction and efficacy). Over the last fifteen years this provisioning had to confront the challenges to its operations as a result of the wide social field of conflicts – including after 2006 something like an armed insurgency – which the logic of its operation had produced. In keeping with a longer history of provisioning, this resulted in militarization (the stick of the May-June 2009 counter-insurgencies) and (the carrot of the amnesty program and the DDR). The forms of ungovernability – and their attendant territorial fragmentation and social splintering – that the delta crisis represented was addressed – by oil companies, political classes, government institutions, chiefly powers and indeed armed groups themselves – by choices that did not produce (to return to Slater) a protection pact, but the reproductions of conditions out of which the crisis had emerged in the first place. The implications of this debilitating set of dynamics for the provision of public goods oriented to justice and security are, of course, profound.

IV. Challenges for Peace, Security and Legitimacy

We have argued that the political order constructed around oil-dependency in Nigeria had dramatic consequences for the conditions out of which the Niger delta has emerged as a ‘zone of conflict’. The politics of dispossession and resentment – driven by the political processes of rent capture and revenue allocation in a federal system driven by power ethno-regional forces – are integral to understanding the so-called youth crisis which we described in terms of a core set of inter-related and overlapping core concerns (citizenship, identity, masculinity, poverty) – what we called a crisis of social reproduction. Key to this crisis is how the Nigerian political order and its developmental failures manufactured multiple crises of authority and legitimacy. At the same time, the provisioning system resembled a violent economy: that is to say, while conflicts and disorder could consume the region’s particular systems, wealth acquisition and privilege could be reproduced; the costs of doing business might rise, lives might be lost, communities wracked by violence, vast

15 In August 2012 Northern Governors and supported by Arewa Consultative Forum, (ACF) questioned the 13% derivation linking it to northern poverty. The Governor of Delta state, and other governors, responded with a claim that the proper figure is 50%.
quantities of oil stolen, but particular patterns of accumulation, acquisition and privilege could continue (especially with oil at $100 a barrel!).

The provisioning system in Nigeria, as we have described it, exhibits a powerful ability to reproduce itself over time. The contested politics of fiscal federalism simultaneously produces (and reproduces) multi-layered and fragmented forms of territory and rule, at the same time that the system manufactures all manners of dissent and conflict (the ‘crises of authority’ discussed earlier). The provisioning system, if unstable, is nevertheless durable because of the twin operations of state coercion (the ability of the security forces to intervene) and networks of patronialism and elite rent-seeking (to selectively mollify dissent/manufacture consent). And yet these twin processes contribute to, and help reproduce, a set of conditions marked by insecurity, injustice and violence.

The durability of the provisioning system, in short, tends to produce conditions of ungovernability and selective forms of effective investment by the state. The tensions between these forces within the provisioning fact – coupled with the dominant role of oil in fiscal politics – grants to Nigeria its specificity. Yet, the reproduction of the provisioning pact will always generate challenges to its operations from within – most dramatically a Boko Haram, or a MEND. In short, the system will always generate spaces and opportunities – in Slater’s term ‘threats’ at various levels and within multiple public arenas – in which agency and alternative forms of authority and accountability might be generated and created.

The broad thrust, then, of rethinking conflict dynamics in the Niger delta requires a much more nuanced understanding; simple categorizations and dichotomies are all challenged and this rich tapestry also arrests equally simple minded thinking about ‘entry points’ and ‘pathways of change’. Several important implications flow from this analysis:

- That conflict causes and dynamics involve mutations and complex causality - which belies magic bullet, ‘this is the binding constraint’ analysis;
- That territorial scales are not separate, but vertically imbricated via patronage – which belies the normal privileging of ‘community’ or LG or state as the ‘most promising site of engagement’;
- That state and citizen rights are compromised by plural ethnic / customary rights – which belies the privileging of the ‘state’ as the problem or solution; and
- That there are multiple sites of contest – around all core functions of the state (security, justice, services, economic opportunity) – which belies an easy default to ‘get schools functioning well’, or ‘sort out the police or the courts’, or ‘diversify the non-oil economy’.

Rethinking too has the merit of causing us to arrest, or complicate, the wholesale ‘dysfunction and deficit’ thinking. We must acknowledge, in other words, the ‘functionality of dysfunction’ by which we mean that the selective capability and efficacy of public authorities is ‘purposive’; oil structures the fields of possibility, but elites have created provision pacts that function to protect accumulation, and create certain kinds of security and justice. This usefully arrests the tired ‘gap filling’ of institutional deficits, via training, capacity building, and managerialist approaches.

The challenge of this mode of analysis is to grasp how a provisioning system – whose internal logic is powerful and compelling even if it is durably crisis-prone – might plausibly
assume the qualities of a protection pact? How can the political order and resource-depency be reformed – or incentives made available to ruling elites – so that oil can, so to speak, be made to serve the purposes of democracy rather than authoritarianism, or legitimacy, security and jobs, rather than violence, conflict and resentment? Under what circumstances might elites – the powerful players within the provisioning system – act to arrest the chronic decline in public authority and promote popular justice and security? What might inclusive political coalitions look like and how might they be constructed? And, what interventions might plausibly impact upon political, social and economic dynamics to directly or indirectly affect the fairness, credibility and accessibility of security and justice?

There is, naturally, a risk here: to invoke nuanced complexities of multiple causality, interactions among territorial scales, systems of order and power, can lead to defaults to exhortatory, rhetorical (and potentially exculpatory) policies. For example: “We must arrest the informalization of the state and ensconce the rule of law through formal-legal institutions”; or “we must restore confidence in security forces and the judiciary”; or “rebuild the integrity of public finance management systems” and so on, followed by the customary long shopping list of actions.

That said, we believe that following this analysis, there are some crucial arenas or theatres of potential contestation and change – spaces which are inevitably produced by the operations of the provisioning system - which open the possibility for thinking about the conditions under which elites might invest in public authority in ways consistent with the effective provision of public goods and the development of institutions instrumentally capable of addressing injustice and insecurity.

While it is important to avoid over inscribing or essentialising the conditions under which elite choices are made, it is reasonable to consider their different dimensions. Here, consider three dimensions: the basis of State level fiscal politics; the nature of the core functions being considered – the political incentives around investments in education for instance, differ from those around the regulation of oil spills - and different kinds of organisation at community level.

First, the operations of state-level provisioning systems may be quite different. The fiscal politics of Edo State and Bayelsa State are categorically different: The share of locally generated revenue – from taxes and fees, to total revenue – ranges from comparatively high in Edo, to less than 5% in Bayelsa. In principal, this alters the incentives of government elites to respond to constituency politics. Is it purely incidental, therefore, that Bayelsa and Edo differ in other important respects: the deviation of expenditure from budget varies considerably – ranging from 92% in Bayelsa to 24% in Edo - or that the collection of local taxes in Edo has increased dramatically over the past 3 years?

Second, the political incentives around different core State functions vary. For instance, the opportunities and entry points around resolving disputes over allocations to and performance by education authorities may be substantially different to contests relating to investments in urban infrastructure/drainage. The question here is to think about the site-specific potentials for change.

Third, at community level, the nature of local authorities presents different challenges and opportunities. The theatre of host communities and Memoranda of Understanding which simultaneously include oil companies, chieftainships, local governments and civic groups
(NGOs, community organizations, youth groups) is an especially important ground for thinking about provisioning politics. Whereas the structure, functioning and political dispensation of LGAs are largely artifacts of the State, communal and chieftaincy organisations created to contest and allocate payments by oil companies into trust funds respond to a different set of incentives. And these differ again from ‘community development committees’ created under the auspices of a donor-funded program, e.g., FADAMA, where the ‘rules of conduct’ are inscribed in unique ways (planning, budgeting, investment management and accountability arrangements).

Bibliography


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FIGURES IN THE TEXT

Figure 1

Number of Attacks and Casualties: MEND and Boko Haram 2005-2011

Blue: Boko Haram
Red: MEND
Green: Other

Source: Institute for the Study of Violent Groups, New Haven 2012
Figure 2

The Ecology of the Niger Delta
Figure 3
A Periodization of Militancy in the Niger Delta 1955-2009
Figure 4

Incidence of Poverty (% falling below the poverty line): Niger Delta, 1980-2004

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<tr>
<td>Nigeria</td>
<td>28.1</td>
<td>46.3</td>
<td>42.7</td>
<td>65.6</td>
<td>54.4</td>
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| Edo/Delta     | 19.8 | 52.4 | 33.9 | 56.1 | Delta 45.35  
              |      |      |      |      | Edo 33.09   |
| Cross River   | 10.2 | 41.9 | 45.5 | 66.9 | 41.61 |
| Imo/Abia      | 14.4 | 33.1 | 49.9 | 56.2 | Imo 27.39  
              |      |      |      |      | Abia 22.27  |
| Ondo          | 24.9 | 47.3 | 46.6 | 71.6 | 42.15 |
| Rivers/Bayelsa| 7.2  | 44.4 | 43.4 | 44.3 | Rivers 29.09  
               |      |      |      |      | Bayelsa 19.98 |

Source UNDP 2006, 58.