



Ending the Niger Delta's Oil Wars: Will the Crimilegal Settlement Hold?

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A blanket amnesty for militant groups ended the oil wars in the Niger Delta. However, the pact that was struck in 2009 between the federal government and the oil warriors is unstable.

***Author's note:** This article is based on a [research article](#) by Schultze-Kraft (2017) and the author's forthcoming book *Crimilegal Orders, Governance and Armed Conflict* (Palgrave Macmillan).*

The discovery and production of crude oil at commercial levels, which would soon transform Nigeria into one of Africa's biggest oil producers, roughly coincided with the West African country's political independence from Britain in 1960. Independence was followed by the devastating Biafra war (1967-1970), which has [been described](#) as Nigeria's "post-colonial crisis or defining moment". Regional control over oil resources played a crucial role in the southern Igbo people's taking up arms against the federal government in Abuja, which at the time was dominated by northerners, and fight for the secession of Biafra, a self-proclaimed state in the south-east of the country encompassing much of the Niger Delta where the bulk of Nigeria's on-shore oil industry is located.

Ultimately, the war, which caused some three million deaths, did not lead to the disintegration of the Nigerian Federation. However, it also did not result in the creation of a strong, likely authoritarian central state. Instead it yielded the establishment of what Dan Slater [calls](#) a "provisioning pact". This pact has

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been described as constituting a “resource-dependent patrimonial system resting on oil rents. The state’s 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 the oil-bearing territories. Elite privileges could be secured for long periods through military protection but did not require investment in non-coercive and effective public institutions”.

The oil wars that shook the Niger Delta in the 2000s violently challenged this historic pact and promoted the consolidation of a *crimilegal* order on the back of the 2009 amnesty and industrial-scale oil theft. This order is centred on massive elite misappropriation of oil rents through regular patterns of interaction between (armed) state and non-state actors in the Niger Delta and Abuja that are formally embedded in a legal institutional structure, but constantly straddle the margins of, or flagrantly violate, the law (see [Schultze-Kraft 2018](#)).

The Biafra settlement and the birth of the Niger Delta militants

The post-Biafra settlement has been remarkably durable because it has been exclusionary, reflecting the interests of a narrow “elite cartel” integrated by political and military strongmen of varied ethnic and regional provenance. At the same time, Nigeria has not been devoid of violent conflict. To the contrary, there have been many violent political, social and ethnic conflicts after the war in different parts of Nigeria. But they did not result in the break-up of the extant settlement and its replacement by another. After decades of almost uninterrupted military rule, the transition to an elected civilian government in 1999 did little to alter this scenario. Sure enough, the gentlemen’s agreement that was struck in 1999 against the backdrop of mounting social discontent

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and mobilisation, with a focus in the oil-bearing Niger Delta, secured the military's exit from power.

However, it also threw up a new generation of election-rigging politicians who did not represent the local electorate and who relied on the federal government and the ruling People's Democratic Party (PDP) to enforce their will in the various Niger Delta states. Powerful political godfathers, including retired military officers, politicians and influential businessmen emerged, who had previously controlled key posts in the state and the oil industry under military rule and amassed enormous wealth.

Prior to leaving power in 1999 the military government passed a new constitution without popular consultation. A constitutional provision significantly increased the flow of oil revenues to the delta states. But this did not reflect a political concession by the federal centre to the region's social movements' clamour for resource control. Instead, it has had the effect of channelling huge sums of money from the federal account into the coffers of the delta state governments, fomenting what has aptly been referred to as the "decentralization of corruption", "democratization of the means of violence" and "rise of enormous power and wealth at the level of the state governors". As evidenced in 1999, 2003 and 2007, elections turned into violent zero-sum contests between these strongmen, who armed youths in the delta deploying them as saboteurs and storm troopers against their political rivals.

After the elections, these youth groups were again left to their own devices but retained the weapons they had been given, and so the Niger Delta militants were born. This new breed of armed militant group hijacked the discourse of the first generation of non-violent social mobilisations in the 1990s in support of 'resource control' and against federal military repression and environmental

destruction. While the oil wars of the 2000s severely disrupted crude production, loose militant organisations, such as the Movement for the Emancipation of the Niger Delta (MEND), also positioned themselves as central players in the rapidly expanding shadow economy of oil theft locally known as illegal oilbunkering.

The Amnesty and beyond

On 25 June 2009, President Yar'Adua proclaimed an amnesty for the members of the Niger Delta militant groups, which was soon followed by the launch of a post-amnesty programme (PAP) geared toward their disarming, demobilisation and reintegration. The granting of the amnesty was conditioned on the militants' registering with the government and renouncing militancy within a 60-day time window. In return, *they would become* "eligible for inclusion in a [US\$ 250 million] 'amnesty programme' for rehabilitation and reintegration which included training and monthly allowances for four years".

This offer had been preceded by other, ultimately unsuccessful federal initiatives to end the oil wars, including the establishment of the Niger Delta Technical Committee (NDTC) and the Ministry for Niger Delta Affairs as well as increasing military pressure on the militants. In this vein, the amnesty and PAP have been interpreted as Abuja's last-ditch attempt to find a solution to the crisis and reignite Nigerian oil production, which by *early 2009 had* dropped to 1.6 million barrels/day from 2.6 million barrels/day in 2006.

While representatives of the federal government hailed the initiative as a successful peacebuilding effort, the amnesty and PAP did not represent a case of 'peacebuilding' in the conventional sense of the term. What they did represent was an instance of renegotiating the existing provisioning pact to

recover oil output and safeguard the economic and political interests of Nigeria's dominant elite coalition - which now also included the most powerful of the former militant leaders - in the systematic plunder of oil rents. This analysis is echoed by Cyril Obi:

“ the PAP has been less of a DDR programme and more of a political project by a dominant Nigerian elite coalition (comprising top-level state executives, members of their political networks, politically connected retired and serving military and security officials, government officials, traditional rulers and top-level private sector executives) intent on maintaining dominant power relations and preserving the conditions for optimal extraction of oil – the fiscal basis of its power, wealth and hegemony. ”

It is notable that the amnesty and PAP were not the outcome of a formal peacemaking process and/or a ceasefire agreement between the federal government and the militant leadership. There was also no involvement in the process by broader delta communities or of international third parties. It is true that in the period June-August 2007 then Vice-President Goodluck Jonathan,

an Ijawman from Bayelsa state, and other federal and regional officials visited the creeks to confer with militant commanders and other key stakeholders.

However, these informal talks did not bear fruit and it was not until mid-2009 that the bulk of the militant commanders accepted – reluctantly, at first - the presidential amnesty offer, which came in the wake of a tough government military offensive. As Kathryn Nwajaku-Dahou *observes*: “After concerns about their personal security were allayed, key militant leaders began one by one to surrender their arms and engage in negotiations via third parties or directly with the Nigerian state”. More than 26,000 ordinary members of the militant groups were taken to camps where they were paid a monthly stipend and received vocational training. While many of them were also sent on study tours abroad, their leaders were compensated with lucrative security and other contracts in the oil industry, worth millions of dollars.

In the Nigerian context it must not be assumed that the talks between Abuja and the militant leaders and the resulting amnesty were anything out of the ordinary. They represented the common practice of the federal centre seeking to buy off regional dissent without seriously addressing any of the underlying issues. What is more surprising is that the federal government’s economic and judicial concessions to the militants were not coupled with concrete and enforceable measures to stop the massive theft of oil and its sale on global markets. Putting former militants in charge of oil infrastructure protection resembled inviting the fox to guard the henhouse. This suggests that federal elites identified the militants’ ability to cut down oil production by violent means as the main problem, not worrying nearly as much about illegal oil bunkering. It can therefore be assumed that on the back of the 2009 amnesty, Nigeria’s *crimilegal* order, in which diverse federal and regional state elites as well as a

variety of (armed) non-state groups, including militant organisations and transnational corporations, cooperate in the unlawful appropriation of oil rents, has become more deeply 'criminalised'.

While the *crimilegal* governance of oil theft is geared towards mitigating and preventing violence by providing access to the spoils of oil theft to stakeholders with the capacity of taking recourse to armed action, it is inherently volatile and vulnerable to political change. This became manifest with the 2015 election, of Muhammadu Buhari, a former military ruler from the north. Buhari's agenda has included revoking some of the security contracts awarded to delta militant leaders under his predecessor, Goodluck Jonathan. The president also pushed for the indictment of some of the more notorious former oil warriors, such as Tompolo. However, as [Ralby documents](#)

“ on January 14, 2016, Tompolo failed to turn up at court, and a warrant was issued for his arrest. He has since been in hiding. On the day of his scheduled court appearance, a group calling itself the Niger Delta Avengers (NDA) launched a campaign of sabotage and intimidation against both government and industry players, targeting Chevron in particular. [...] Speculation abounds as to who is actually behind the Niger Delta Avengers, but the leading candidate is Tompolo. [...] On August 20, 2016, [...] the NDA declared a conditional ceasefire on its website, expressing an openness to talks with the Buhari government. ”

Conclusion

Despite this recent flare-up, the amnesty and PAP have overall restored relative calm to the region, enabling the oil majors to increase production to pre-crisis levels (though not to the level of Nigeria's full production potential). But Abuja's strategy of buying peace instead of building it, which included a deal with the oil majors which the federal government requested to 'contribute' US\$ 188

million to the PAP, is inherently unstable. Many demobilised mid-ranking commanders and large numbers of former militant foot soldiers are yet to complete reintegration into civilian life. By the same token, unemployment in the delta remains rife and large-scale oil theft and the illegal refining of stolen crude has persisted.

There have also been killings of several former militant commanders, reportedly at the hands of erstwhile comrades in arms who did not demobilise or of demobilised rank-and-file fighters who had quarrels with their ex superiors who were pocketing a percentage of the reintegration stipends. In the worst cases, these instances of violence could herald a replay of the mobilisations seen in the 2000s. Groups that are not part of the now expanded provisioning pact may again take recourse to force and intimidation to press their 'inclusion'. Still others that have stakes in the current *crimilegal* settlement could seek to enroll them in a violent bid to maintain their position or gain the upper hand over other elites, thereby trying to secure their participation in the perennial struggle over the access to, and the distribution of, Nigeria's oil wealth.

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