



From nationalist movements to organised crime groups

The trajectory of the Niger Delta struggles

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Summary

What began as a struggle for the political and economic autonomy of the Niger Delta region of Nigeria has morphed into organised crime of transnational dimensions that has turned the West African coast and the Gulf of Guinea into one of the most unsafe maritime zones in the world and is decimating Nigeria's economy. The crimes include kidnapping for ransom, maritime piracy, armed robbery at sea, the theft and smuggling of oil and other contraband products, illegal oil refining and bunkering. This report analyses the current drivers of organised crime in the region, arguing that crime has become a fundamental element of the struggle.

Key findings

- The Niger Delta region accounts for most of Nigeria's estimated daily oil production of 2.5 million barrels, which makes the country Africa's largest producer of oil and the sixth-largest oil-producing country in the world.
- State repression, poverty and widespread inequality, politics, greed and institutional corruption in the oil and maritime sectors have shaped the evolution of the struggle from a nationalist movement to an organised criminal enterprise.
- The Nigerian government must tackle issues of environmental degradation, infrastructural underdevelopment, poverty, the lack of job- and income-generating opportunities, especially for the youth, and institutionalised corruption in the oil and maritime sectors.

Introduction

The Niger Delta region accounts for most of Nigeria's estimated daily oil production of 2.5 million barrels,¹ which makes the country Africa's largest producer of oil and the sixth-largest oil-producing country in the world. Despite the slump in oil prices, which resulted in Nigeria's economy contracting by 3.4% in 2020,² the oil sector provides for 95% of Nigeria's foreign exchange earnings and 80% of its budgetary revenues.³

However, the region has been characterised by violence, agitations, and different manifestations of organised crime perpetrated by armed ethnic militias, criminal groups and individuals. As one report noted, 'hardly a day passes without reports in the international and local news media on the growing insurgency by armed militias in Nigeria's oil rich province, the Niger Delta.'⁴

The emergence of ethnic militias in the region since the mid-1990s is the latest dimension of a nationalist struggle for politico-economic autonomy that dates back to the pre-colonial era. The groups have occasioned a shift in the focus, nature and dynamics of the problem from a nationalist struggle to a sophisticated organised transnational criminal enterprise.

Transnational organised criminal activities in the region, which include maritime piracy, armed robbery at sea, kidnapping for ransom, oil theft and oil smuggling, vandalism of oil installations and illegal oil refining and smuggling, have turned the entire Niger Delta maritime spectrum into a dangerous and lawless zone.

In 2014, for instance, it was reported that maritime piracy and pirate attacks in the Gulf of Guinea increased by 33%⁵ and by 2019 that increase had been traced to Nigeria. In June 2019 *The Economist* noted that:

pirates have struck across the region but are primarily a Nigerian problem. They mostly operate out of the labyrinthine waterways in the Niger delta, near which most of West Africa's attacks occur. Piracy is intertwined with the oil-rich delta's myriad other problems.⁶

This has turned the West African coast and the larger Gulf of Guinea into one of the most unsafe maritime zones in the world. In June 2019 it was reported that the largest number of attacks in 2018 took place on the coastline off Nigeria. Part of the reason for this is the 'petro-piracy', targeting tankers from Nigeria's rich oil and gas fields.

Piracy in the form of hijacking and kidnapping for ransom was also common off the coasts of Benin, Ghana, Nigeria, Congo-Brazzaville and Cameroon.⁷ In August 2019 the Nigerian National Petroleum Corporation (NNPC) reported that 'oil theft cost Nigeria 22 million barrels in first half',⁸ with approximately 11 000 barrels of oil per day average theft from SPDC [Shell Petroleum Development Corporation] JV facilities in 2018 alone.⁹

Escalating organised criminal activities in the Niger Delta maritime spectrum leveraged on a nationalist struggle for political and economic autonomy that is rooted in concerns, both real and imagined, among locals in oil-producing communities, about environmental degradation and deprivation.

Several decades of oil exploitation in the region has caused environmental degradation and pollution

Several decades of oil exploitation in the region has caused environmental degradation and pollution.¹⁰ In one community after another vast acres of farmlands and aquatic life have been destroyed by oil spills and the very existence of the people is threatened by the toxic effects of gas flares and the cumulative effects of other disasters.

The consequence has been protracted unemployment, a lack of income-generating opportunities and abject poverty, misery and health hazards, among other environmental and human security issues.

In 1998, for instance, the Environmental Rights Action identified the environmental impact of the oil industry on the Niger Delta as including water pollution and poor health conditions, among other factors,¹¹ and in 2006 the United Nations Development Programme (UNDP) noted that the situation posed 'formidable challenges to sustainable human development in the region'.¹²

This report examines the various stages of the transformation of the nationalist struggle in the region. Specifically, it explores how the struggle for politico-economic autonomy transformed into an organised criminal enterprise of transnational dimension. Generally, the report sought to provide answers to the following questions:

- When and how did the Niger Delta struggle transform into organised crime?
- What factors informed the transformation?
- What has been the impact of the transformation on the legitimacy of the struggle?
- What are the various organised criminal groups in the region and how do they relate to each other (cooperation, competition)?
- What are the key dimensions of organised crime in the Niger Delta and what can we learn from its history and present form to gain insights into its direction and possible interventions?
- What are the local manifestations of organised crime in the region? Are there local barons? Do they invest in the local economy? What are their links to the public authorities? Do they fund elections?
- How can organised crime in the region be tackled and what steps are necessary to prevent the problem from becoming intractable?
- Community service organisations working on the issues in the region;
- Government officials, including the civil defence corps and the navy;
- Informal security groups – community vigilante and neighbourhood watch groups;
- Active and former militants and participants in organised crime and/or their relatives;
- Traditional and religious leaders of oil-producing communities;
- Students, teachers and researchers working on the issues; and
- Individuals from the private sector, or commercial persons with relevant knowledge.

The field consultants submitted raw data which were triangulated and carefully analysed by ENACT researchers. The key findings and recommendations included in this report are the results of the analyses as well as the researchers' experiences and previous studies of issues relevant to this study.

Methodology

The study combined an extensive desktop literature review with qualitative field surveys and analyses. This mixed approach provided multiple sources for data collection. The literature review, which included written sources from international and national media reports, academic articles and reports from governmental and non-governmental agencies, legal materials (legislation, strategies, action plans, and so on), state security records/reports, press releases, speeches and official statements or declarations and other relevant policy documents, sought to provide an understanding of the theoretical explanations and contextualise the analyses within the prevailing policy and academic discourses. The review also served as an important source of secondary data for the analyses.

The field survey was carried out by means of a qualitative method of data gathering and analysis based on semi-structured Key Informant Interviews conducted both face-to-face and telephonically with a carefully selected sample population in Bayelsa, Delta and Rivers states.

Using field consultants, ENACT researchers conducted over 30 face-to-face and telephone interviews using a prepared unstructured questionnaire. The anonymity of some of the respondents has been preserved for their security and safety, as requested. The sample population includes individuals and groups with the most relevant information, predominantly drawn from among the following:

Definition of key terms

Niger Delta

In Nigeria the term Niger Delta is largely used in two contexts. The first is the original sense – a geographical region, as coined and defined by the Henry Willink Commission report of 1958.¹³ In this context, the Niger Delta region is defined as comprising the area covered by the natural delta of the Niger River and the areas to the east and west, which also produce oil.

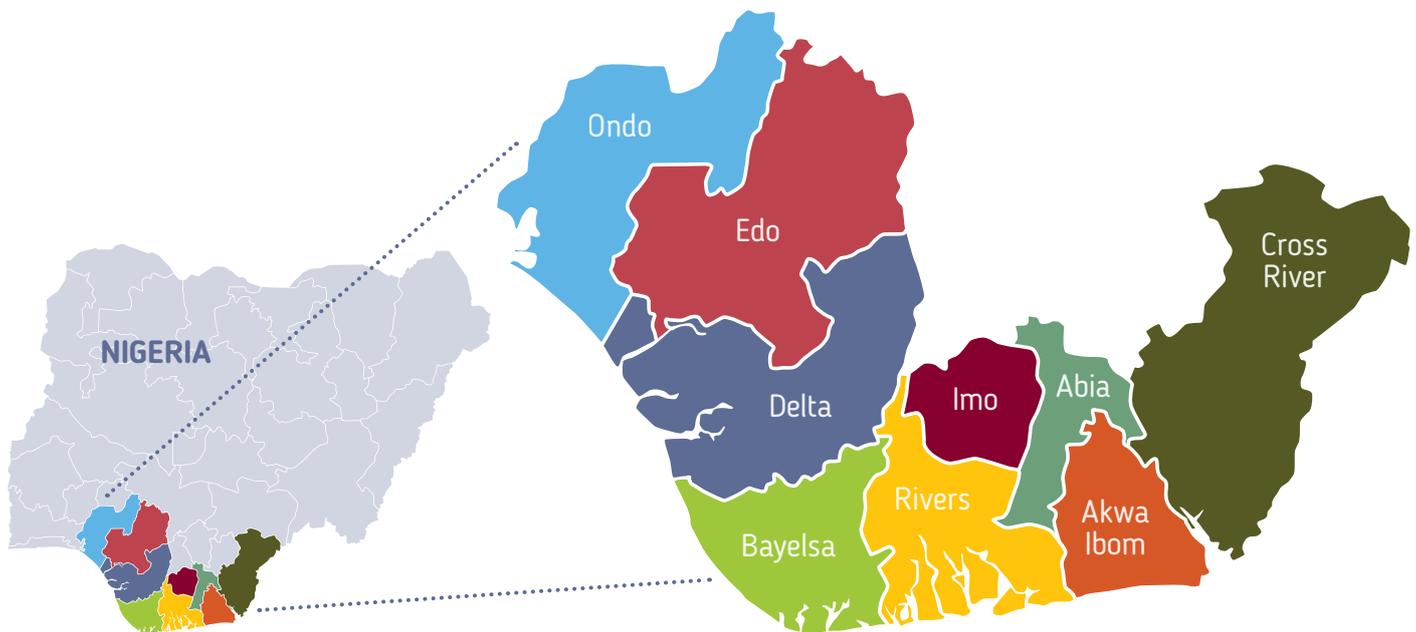
The natural limits of the Niger River Delta can be defined by its geology and hydrology

The natural limits of the Niger River Delta can be defined by its geology and hydrology. Its approximate northern boundaries are located close to the bifurcation of the Niger River at Aboh, while the western and eastern boundaries are around the Benue River and the Imo River, respectively. The area covers approximately 25 900sq km and primarily includes present-day Akwa Ibom, Bayelsa, Cross River, Delta, Edo, and Rivers states.¹⁴ This study uses this definition.

The second definition is what Professor Kinse Okoko has described as the 'political Niger Delta', or the 'broader Niger Delta region'. In this context, the Niger Delta includes 'all oil-producing areas and others considered relevant for reasons of administrative convenience, political expedience and development

objectives', as used by the Niger Delta Development Commission (NDDC). Defined in this way, the land area expands to 75 000sq km, comprising nine states: Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, and Rivers and 185 local government areas¹⁵ (see Figure 1).

Figure 1: Map of Nigeria showing the nine states that make up the 'broader Niger Delta region'



Source: Stakeholder Democracy Network¹⁶

Organised crime

The United Nations Convention on Transnational Organized Crime (UNTOC) does not provide a standard or precise definition of 'transnational organized crime'. Nor does it list the kinds of crimes that might constitute it. This is because there are many elements that might not be present in every case and might also change over time, making a specific definition difficult. Thus, the implied definition of 'transnational organized crime' encompasses virtually all profit-motivated serious criminal activities with international implications. This broad definition takes into account the global complexity of the issue and allows cooperation over the widest possible range of common concerns.

The absence of a standard or precise definition was intended to allow for a broader applicability of the UNTOC to new types of crime that emerge as global, regional and local conditions change over time. However, the Convention defines 'an organized criminal group' in Article 2(a) using four criteria:

- i. A structured group of three or more persons.
- ii. The group exists for a period of time.
- iii. It acts in concert with the aim of committing at least one serious crime.
- iv. To obtain, directly or indirectly, a financial or other material benefits.¹⁷

Based on the above, the Doha Declaration defines organised crime as 'a continuing criminal enterprise that rationally works to profit from illicit activities that are often in great public demand'. Its continued existence is maintained through corruption of public officials and the use of intimidation, threats or force to protect its operations. The declaration also notes that

a general definition has limitations, however, because organized crime activity varies across countries, regions, crime-types, and nature of its organization. Therefore, it is important to know the general elements of organized crime, but greater knowledge is needed to understand how it manifests in different locations and criminal contexts.¹⁸

Piracy

Article 101 of the UN Convention on the Law of the Sea (UNCLOS) defines piracy as

(a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).¹⁹

This definition is also used in Section 3(a), (b) and (c) of Nigeria's Suppression of Piracy and Other Maritime Offences (POMO) Act, 2019. However, other analysts suggest that to be classified as piracy an act must take place on the high seas, that is, in international waters beyond the territorial waters and exclusive economic zones of sovereign states. Attacks within territorial waters constitute armed robbery against ships, or at sea.²⁰

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Armed robbery at sea

Resolution A.1025(26) (Annex, paragraph 2.2) of the International Maritime Organisation's Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships determines that armed robbery against ships consists of:

- (a) any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea;
- (b) any act of inciting or of intentionally facilitating an act described above.

Gulf of Guinea

The Gulf of Guinea region, adjacent to the Atlantic Ocean, touches West, Central and Southern Africa. Countries with a coastline on the gulf are:

- Members of the Economic Community of West African States: Benin, Cabo Verde, Côte d'Ivoire, Republic of the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Nigeria, Senegal, Sierra Leone and Togo.
- Members of the Economic Community of Central African States: Angola, Cameroon, Congo, the Democratic Republic of Congo, Equatorial Guinea, Gabon and São Tomé and Príncipe, although Angola and the Democratic Republic of Congo are also members of the Southern African Development Community.

With a combined population of almost half a billion and its abundant natural resources including oil, gas, timber and minerals, the region is geo-strategically important both to Africa and to the rest of the world. Nearly half the countries in the region produce and export oil, with Angola, Equatorial Guinea and Nigeria among Africa's major oil and gas producers and exporters.

The region also boasts a coastline that extends for more than 6 000km and includes 19 of Africa's coastal states and six landlocked countries that depend on them for access to the sea. It has a total surface area of 2.35 million sq km.²¹

The gulf, which links Africa to Europe and Asia and has been described by the European Union as a 'critical maritime route' to be supported to improve maritime security worldwide,²² has been plagued by insecurity, notably a resurgence of piracy and armed robbery at sea, since about 2003, with the perpetrators originating principally from Nigeria's Niger Delta region.

In response to the major threat this poses to international trade and the oil and gas industry, countries in the region, in association with the African Union and its international partners, have devised strategies to make coastal waters safer. In 2013 one key approach, now known as the Yaoundé Architecture for Maritime Security, emerged from a Summit of Heads of State and Government on Maritime Safety and Security in the Gulf of Guinea, held in Cameroon's capital, Yaoundé, in 2013. This involved a regional legal, policy and institutional framework to address piracy in the Gulf of Guinea.²³

History of the Niger Delta struggles

The struggles for autonomy in the Niger Delta region have gone through several phases. They began in the pre-colonial era with 'the resistance to British rule and protests against colonial expedition'²⁴ and lingered until the pre-independence period, which was characterised by decolonisation struggles.

The initial reason for the rebellion was the absence of infrastructural facilities and positive development in the region.²⁵ From agitation for ethnic and minority rights, the struggle metamorphosed into demands for autonomy, pan-ethnic resistance to environmental pollution caused by oil multinationals, armed insurgency and organised crime.

Ethnic and minority rights

In the pre-independence period unrest in the region was underpinned by the

ethnic and minority rights issues that coloured early nationalist politics and thus shaped Nigeria's decolonisation process. Ethnic criteria determined the evolution of political parties in the 1950s, thereby complicating the polarisation of national and regional politics.²⁶

Fears of domination by major ethnic groups and of being neglected developmentally because the region is a minority area drove the demand for a Niger Delta state. To address these fears, on 23 November 1957 the colonial government established a commission to ascertain the facts and recommend measures to allay the fears of minority ethnic groups. The commission, headed by Sir Henry Willink, submitted a report containing, among others, the following points:

- Problems cannot be solved by creating more or new states;
- Fundamental human rights should be entrenched in the Constitution to safeguard the interests of minorities;
- The police should be under federal control; and
- Minority areas should have special councils.

Although the Willink Commission did not recommend the creation of states, it did, recommend the establishment of a 'special development board for the Niger Delta areas'. This led to the establishment of the Niger Delta Development Board (NDDDB) in 1959. The NDDDB was set up by statute in the independence era 'to meet the peculiar developmental needs of the region'.²⁷

1960s–1970s: Demand for political and economic autonomy

The establishment of the NDDDB failed to address the fears of the people of the region, a failure that led to a more forceful and significant demand for autonomy. A significant development during this phase of the struggle was the revolt in 1966, when the Niger Delta Volunteer Force (NDVF), under the leadership of its Commanding Officer, Isaac Jasper Adaka Boro, declared part of the region a republic.

In a well-documented account Cyril Obi recalls that

the earliest violent attempt at the local control of oil took place in February 1966, when an ethnic minority Ijaw militant, ex-policeman and undergraduate led a group of youths named the Niger Delta Volunteer Force (NDVF) in an abortive attempt to secede from Nigeria and establish a Niger Delta republic. At stake then, as now, was the ownership and control of the oil in the Region.²⁸

This event was described as the Niger Delta revolt. Thus, the conflict began as a nationalist movement demanding the creation of 'The Niger Delta Peoples Republic' as a means to free the region from the oppression, underdevelopment and neglect it had suffered.²⁹ The revolt, which lasted for only 12 days, was crushed by federal security forces and was followed by a period of peace that lasted until the early 1970s.

1980s–1990s: Pan-ethnic resistance to environmental pollution

The third phase of the struggle began in the mid-1980s, when communities in oil-bearing areas, pan-ethnic groups and armed ethnic militia began a series of demonstrations, protests and violent revolt against the environmental degradation and pollution caused by oil multinationals.

This phase lasted until 2009, when the federal government unveiled a Presidential Amnesty Programme for militant groups in the region. A major development during this phase was the formation by pan-ethnic groups of social justice movements to advance the struggle. One of these groups was the Movement for the Survival of the Ogoni People (MOSOP), which was formed in 1990 under the leadership of Kenule (Ken) Saro-Wiwa, an environmental rights activist, opinion leader and community mobiliser.

MOSOP presented the Ogoni Bill of Rights to the federal government. Among other things, it provided for

political autonomy to participate in the affairs of the Republic, the political control of Ogoni affairs by Ogoni people, control and use of Ogoni economic resources for Ogoni development, adequate and direct representation as of right for Ogoni people in all Nigerian national institutions and the right to protect the Ogoni environment and ecology from further degradation.³⁰

On 10 November 1995 Saro-Wiwa and eight other leaders of MOSOP were accused of masterminding the gruesome murder of Ogoni chiefs attending a pro-government meeting in Gokana on 21 May. They were summarily tried and found guilty by a special military tribunal and hanged by the military government of General Sani Abacha.

The murders gave the military an excuse to justify undertaking 'wasting operations' in the region

While undoubtedly the killings of the Ogoni Chiefs were brutal – they were reportedly 'attacked by a mob and beaten and hacked to death', 'the precise chain of events leading to the murders is a source of great controversy'.³¹ Whatever the fact, the murders gave the military an excuse to justify undertaking 'wasting operations'³² in the region.

Some analysts have argued that Saro-Wiwa's crime was not the murder of the Ogoni chiefs but that he was 'an outspoken critic of the Nigerian government, which he viewed as reluctant to enforce environmental regulations on the foreign petroleum companies operating in the area'.³³ Some respondents who spoke with ENACT on condition of anonymity confirmed this.

According to one,

the actual reason for the execution of Saro-Wiwa and his group was that they were fighting for the rights of the people. For instance, in August 1990, the Movement for the Survival of the Ogoni People (MOSOP), a non-violent action group, was formed under the leadership of Saro-Wiwa, through which

community protests against SPDC spread across the Niger Delta. That same year, the Ogoni elders signed the Ogoni Bill of Rights.³⁴

Thus, both the federal government and the oil multinationals, especially the Shell Petroleum Development Corporation, considered the activities of MOSOP a threat to their economic interests.³⁵ As another respondent noted, the agitation for economic autonomy or the call for states in the Niger Delta to receive an increased percentage of the Oil Derivation Fund was perceived by the military government, and has continued to be perceived by successive governments, as mutinous.³⁶

1990s-2000s: The era of armed insurgency

The killing of Saro-Wiwa and the other MOSOP leaders in 1995 gave rise to a dangerous phase in the struggle: the emergence of resistant and armed ethnic militias who unleashed violence in the region. This phase was characterised by armed violence, the kidnapping of expatriate oil workers for ransom, the vandalism and destruction of oil pipelines and other oil installations and disruption of socio-economic activities by armed ethnic militias.

The activities of these militias, most of whose members were young people, resulted in what has been described as the 'collapse of public order in the Niger Delta region'.³⁷ By 1998 the region was characterised as a 'lawless zone, where youths disrupted oil production activities and engaged in kidnapping and hostage-taking activities and communities frequently engaged, with little provocation, in violent and destructive strife'.³⁸ Over time this degenerated into a state of militancy and armed violence led by ethnic Ijaw militant groups.

Among the most notable of the groups was the Niger Delta People's Volunteer Force (NDPVF), created in late 2003 by Alhaji Mujahid Dokubo-Asari. The group was involved in oil siphoning, attacking oil company infrastructure and fighting with rival gangs. In September 2004 the NDPVF declared an 'all-out war' against the Nigerian government and demanded that international oil companies in the Niger Delta cease to operate.

Asari was arrested in September 2005 and released from jail in June 2007 after a ceasefire was declared. He began peace talks with then President Umaru Musa

Yar'Adua, during which he called on militants in the region to end hostage taking and other violent activities. However, in November 2007 Asari reportedly warned the government that the NDPVF ceasefire was temporary and would end if the group was provoked.³⁹

Another group was the Federated Niger Delta Ijaw Communities (FNDIC), led by Government Ekpemupolo, popularly known as Tompolo. Based in Warri, Delta State, the FNDIC was responsible for shutting down a large chunk of oil output from the western delta in 2003 and for attacks on Chevron, while Tompolo himself is thought to be a major oil bunkerer.⁴⁰

While Asari was in detention 'the most coherent and well-organised armed group', Movement for the Emancipation of the Niger Delta (MEND), was formed at the beginning of 2006. Led by Henry Okah and later by Farah Dagogo, MEND emerged, well trained and equipped with a formidable arsenal and boasting of a fluctuating membership of between 5 000 and 10 000.

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It claimed responsibility for a string of kidnappings and increasingly audacious attacks on oil facilities, some of them many miles offshore. It was also heavily involved in the oil-bunkering trade, which provided a steady stream of income for the purchase of weapons.⁴¹

In 2007 the Niger Delta Vigilante Force (NDVF) led by Ateke Tom was formed. One of several groups to enjoy strong backing from politicians, who used them to help rig elections, the NDVF was involved in some of the heaviest clashes in 2007 in the oil hub of Port Harcourt.⁴²

The increasing frequency of violence committed by militia groups in the region, the destruction of oil facilities and the kidnapping and taking as hostages workers for the oil multinationals had, by January 2009, significantly reduced investment inflows to the upstream sub-sector of the oil industry in Nigeria. It is estimated that in 2008 alone Nigeria lost over N3 trillion in foreign exchange earnings to militancy in the Niger Delta.⁴³

As a crisis management strategy, on 25 June 2009 President Yar'Adua unveiled the presidential amnesty programme (PAP). An offshoot of the Yar'Adua administration's socio-economic development blueprint for Nigeria – the 7-point agenda, the programme was aimed at the disarmament, demobilisation, rehabilitation and reintegration of repentant militants through the provision of training and re-orientation programmes to prepare them for full reintegration into society.

Militants who were willing to take part were offered presidential pardon, participation in a rehabilitation programme and training, in exchange for turning in their weapons and voluntarily renouncing violence.⁴⁴ However, both internal and external factors, combined with institutional and policy inadequacies, rendered the amnesty programme ineffective as a crisis management strategy. It failed to address the challenges and violence and criminality remained prevalent in the region even in the post-amnesty phase of the struggle.⁴⁵

From nationalist struggle to organised criminal enterprise

Although there have been some studies of the criminal dimension of the Niger Delta struggles,⁴⁶ they have generally approached the issue from the perspective of the way oil exploitation by multinational corporations in collaboration with the Nigerian state has occasioned violent conflict and mindless brutality and corruption among the leaders in the region.⁴⁷

This narrow focus has resulted in some research biases and methodological shortcomings. For example, there is a recurrent tendency in many of these studies to see the issue purely in terms of state failure or state intervention.⁴⁸ While this focus may have helped to expose the root causes of the conflict, not many studies have focused primarily on how it has changed from a political movement into an organised transnational criminal enterprise.

One thing that is evident is that the shift in the focus, nature and dynamics of the struggle was the result of the emergence of ethnic militias.

As one analyst has noted, the direct link between illegal oil bunkering, militancy and conflict was demonstrated in the attacks from 12 to 14 May 2009 on Tompolo's camp. The militants and the military clashed over the protection of Tompolo's bunkering interests, triggering

massive air and land attacks on the militants' stronghold. The attacks resulted in 1 000 deaths, including innocent women, children and elderly people, as well as two hostages who were held by Tompolo at the time.⁴⁹

Thus, since the late 1990s the struggle for the politico-economic autonomy of the Niger Delta region has taken on a character completely at variance with its original intent and purpose. The original purpose of the Niger Delta struggle was what Professor Ibaba Ibaba has described as 'the struggle for development'.⁵⁰

The 'aims of these militias have changed from asking for fairness and equity in the distribution of the wealth of the Nigerian state into a serious form of criminality involving the kidnapping of expatriates for ransom and, lately, politicians and relatives.⁵¹ As far back as 2007 Ukoha Ikiwo⁵² had drawn attention to the transformation in the dimension of the struggle, presenting some historical perspectives and circumstances that account for the shift in focus.

Accounts from both secondary sources and field interviews conducted by ENACT staff indicate that many factors and circumstances occasioned the transformation.

Political factors

Some argue that politics and the greed of people in the region are responsible. According to some accounts, this change began with the 1998 one-million-man march of 'Youths Earnestly Ask for Abacha' in Abuja and the mobilisation of young people as political thugs during the 1999 general elections. Muhammad Buhari, now President of Nigeria, agrees with this account. In 2013 he noted:

All Nigerians that are following events know this reality. The Niger Delta militants started it. The reality of what occurred was that some governors wanted to win their elections and they were facing serious challenges of return. They employed these boys and armed them to fight their opponents. After their forceful victory, they could not retrieve the weapons and they stopped paying the boys for not obeying them [by returning the weapons]. The irate youths then started kidnapping and it became the order of the day. They were kidnapping oil expatriates and collecting dollars as ransom. A boy of 18 to 20 was getting almost 500 dollars in seven days, what will stop him doing it? And why will he go to school to spend 20 years

and then come back to work for peanuts? That is if he will among the lucky ones that will get a job.⁵³

Some have asserted that the funds raised from kidnapping were used not just to procure arms and ammunition to sustain the violent side of the struggle but also to sustain the quest for affluence of the leaders of the ethnic militia groups and fund the political ambitions of 'some prominent individuals from the Niger Delta who have become bigtime politicians at the state and federal levels in Nigeria'.⁵⁴

Some argue that politics and the greed of people in the region are responsible

During the amnesty era the Niger Delta struggle metamorphosed into a battle to enhance individual political ambitions, when key activists, militants and organised crime barons began either to take up 'political posts' and 'juicy contracts', especially during the Yar'Adua/Jonathan administration, or became the 'traditional rulers' of their communities.

Poverty and environmental factors

A more nuanced view is that the transformation was caused by 'pervasive poverty'⁵⁵ among the people amid the affluence of the Nigerian state and expansive inequality occasioned by decades of oil exploration and environmental degradation. For instance, in 2018 Amnesty International⁵⁶ reported that

the Niger Delta suffers from an epidemic of oil spills. Every year hundreds damage the environment and devastate the lives of people living there. Neither the powerful actors in the oil industry, nor the Nigerian government, have yet been able to put into practice lasting solutions that prevent the spills, and then clean them up effectively. The cumulative impact of decades of contamination makes the Niger Delta, Africa's most important oil-producing region, one of the most polluted places on earth.

Another account asserts that the

political domination and economic marginalization, environmental degradation

and sub-human living conditions of many oil-producing communities in the Niger Delta region, combined to engender resistance and protests against the State and multinational oil companies.⁵⁷

Some local residents of Delta State, who spoke with ENACT, indicated that the people of the region have been impoverished by the environmental pollution caused by oil-production activities. This raises the ongoing debate in the region, among scholars and policy analysts, as to whether what is happening is 'criminality or attempts to earn a living by an impoverished people'.

According to Cyril Obi,⁵⁸ who supports this argument, the climate of distrust of Shell and of Nigeria's state and federal governments has been exacerbated by the fact that the destruction of the livelihoods of fishermen and farmers has led many of them to engage in criminal activities.⁵⁹ It has also been argued that persistent oil theft in the region, for instance, is not just 'a tool for confronting the establishment' but also 'a means of facilitating and maintaining a predatory and exclusionary social order and ethnopolitical settlement'.⁶⁰

State repression

State repression in the region and the crisis of governance and state failure in Nigeria that manifests in institutionalised corruption within the oil and maritime sectors and the absence of regulatory frameworks to ensure that multinational oil corporations maintain environmentally friendly operational standards have also been identified as factors that not only transformed the struggle but also sustain organised crime.

The state's 'repressive approach to the struggle' began with the suppression of the 1966 revolt led by the Niger Delta Volunteer Force which was formed by Isaac Jasper Adaka Boro. The second manifestation was the execution of Ken Saro-Wiwa and the other eight 'Ogoni patriots', which⁶¹ created a violent reactionary and resistant movement led by the youth across the Niger Delta region. The involvement of the youth took a decisive turn 'characterised by militancy against the repression suffered at the hand of Abacha regime'.⁶²

The resort to crimes such as kidnapping was part of the effort to sustain the resistance against the government's brutal suppression and marginalisation of the people and the environmental degradation of the region.

Henry Alapiki has noted that the resistance turned violent in direct response to state terrorism as a preferred approach to the maintenance of law and order. For example, on 4 January 1999 about 100 soldiers from the military base at Chevron's Escravos facility attacked two Ijaw communities in Opia and Ikiyan in Delta State to flush out 'militants'.

Chief Bright Pablogba, the traditional ruler of Ikiyan, who came to the riverside to negotiate with the soldiers, was shot dead, along with a seven-year-old girl and dozens of others. The soldiers set the villages ablaze, destroyed canoes and fishing equipment, killed livestock and burnt churches and traditional shrines. The inhabitants of the two villages became refugees in neighbouring communities.⁶³

The resistance turned violent in direct response to state terrorism as an approach to the maintenance of law and order

Although some analysts have argued that the shift in the focus of the struggle began with the killing of Saro-Wiwa and his cohorts there is a strong argument that the root cause of the shift might in fact be a disconnect between the leaders of the nationalist movement, especially since Adaka Boro, and the neo-activists in the region. For instance, there is evidently no link, political, philosophical, or ideological, between the objectives of Boro and those of the leaders of the third phase of the Niger Delta struggle, especially the armed militia groups.

Corruption in the oil industry

The last factor respondents identified is corruption in the oil sector, which is fuelled by weak regulatory and institutional frameworks and a total absence of transparency in the oil industry. A 2013 Chatham House study found that 'Nigeria's oil industry is one of the world's least transparent in terms of hydrocarbon flows, sales and associated revenues'.⁶⁴

This absence of transparency has enabled the NNPC to sustain a practice of selling crude to middlemen. This creates a confusing, high-risk marketplace that offers cover for stolen barrels to reach oil markets locally and

internationally.⁶⁵ Thus, oil theft, illegal oil bunkering and refining and smuggling are sustained by institutionalised opacity and corrupt practices within the industry.

Demographic factors

An important factor that fuels criminality in the Niger Delta is the demography of the region. The Niger Delta has a population of more than 30 million⁶⁶ – more than 23% of Nigeria’s total population – and one of the highest population densities in the world, with 265 people per square kilometre, a number that is increasing steadily.⁶⁷

According to Professor Ibaba, the population consists predominantly of young people without much education and few sustainable jobs and income-generating opportunities.

This is complicated by a lifestyle that has resulted in excessive procreation and childbearing, mostly out of wedlock. This demographic characteristic adds to the pressure on resources in the region because young people often take to criminality as a means of survival.

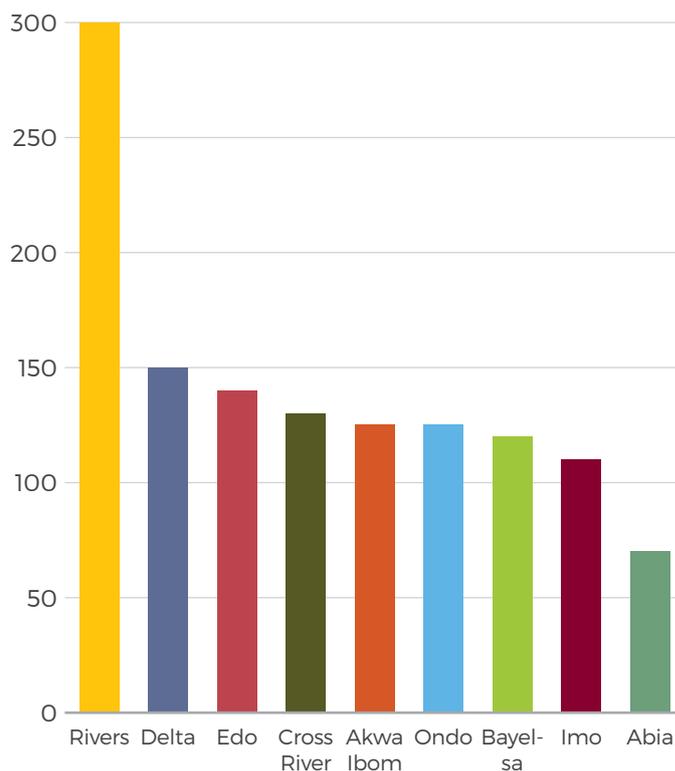
Nigeria’s former Minister of Petroleum Resources, Mrs Diezani Alison-Madueke, recently described the situation as ‘a travesty of an unfolding tragedy’, noting that irresponsible boys tend to become irresponsible men, thus creating a vicious cycle.⁶⁸

Ethnicity and nationalism remain key factors leading to violence among groups in the region

Whatever the factors that account for the transformation, the operations of criminal syndicate groups in the region have, since the early 1990s, not only increased the ‘ungovernability of the oil fields of the Niger Delta’ but have also ‘thrown into dramatic relief the enormous fragility of Nigeria’s oil economy’.⁶⁹

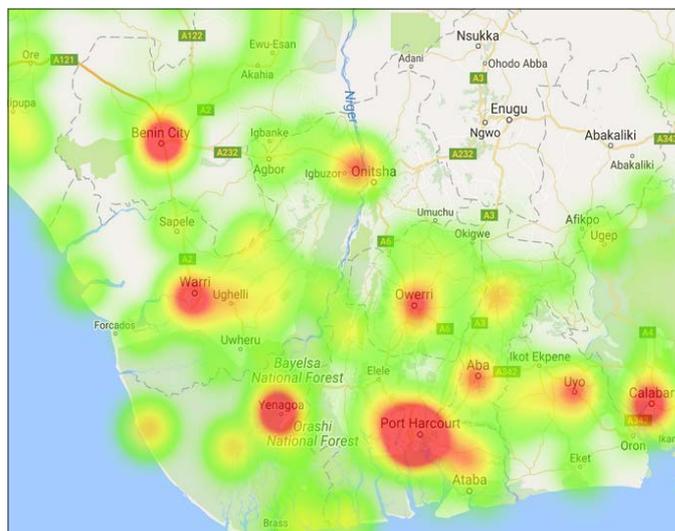
Two points need to be made here. The first is that the fact that the struggle has been transformed into a criminal enterprise does not mean it no longer exists. The actors have changed tactics and now express and sustain it through organised crime, which has become an end in itself and the fundamental aspiration.

Figure 2: Conflict fatalities in the Niger Delta: January–December 2019



Source: ACLED and Nigeria Watch⁷⁰

Figure 3: Heat map of lethal violence reported from January to December 2019



Source: All data sources formatted for the P4P Peace Map⁷¹

Some respondents who spoke with ENACT noted that ‘this criminal dimension of the agitations has had implications for the legitimacy of the struggle, having been hijacked by groups engaging in outright criminality.’⁷²

The second point is that the existence of organised crime as the new dimension of the the struggle does not take away its political and, particularly, ethnic dimensions. There are still ethnic and nationalist struggles, groups and demands in the region within the context of both local and transnational organised crime.

In other words, although organised crime, especially for profit, is clearly the current dimension of the struggle, ethnicity and nationalism remain key factors leading to violence among groups in the region. Thus, the Niger Delta conflicts have various causes and facets that are intertwined with one or other aspect, becoming more prominent at different periods but remaining interlinked as both cause and effect.

Dimensions of organised crime

The organised criminal groups in the region include ethnic militia groups and individuals.

Kidnapping and hostage taking

Kidnapping and hostage taking for ransom began after the killing of Ken Saro-Wiwa and was used by ethnic militia groups as a tool to advance the struggle. Between April 2002 and April 2004, 71 oil workers, including four military escorts, were kidnapped and more than N50 million and US\$5 million) collected in ransom.⁷³

Similarly, figures released by the Niger Delta Development Monitoring and Corporate Watch showed that between 1999 and 2008 there were 308 hostage-taking and kidnapping incidents in the region. Bayelsa State recorded 131 incidents, Rivers State 113, Delta State 45 and Akwa Ibom State 15.

According to the report, 18 oil workers were taken hostage in Bayelsa State in 2003, five in 2004 and 39 in 2006, while between January and June 2007, 69 persons were taken hostage, of whom 50 were soldiers. River State recorded two incidents in 1991, one in 2005, 55 in 2006 and 60 as at June 2007, with 26 soldiers, one woman and a three-year-old child involved.⁷⁴

The targets were mainly expatriate oil workers and the ransom collected was used to procure arms and ammunition. The intention, according to some respondents who spoke to ENACT, was to frustrate the activities of oil companies operating in the area and, by extension, Nigeria's economy.⁷⁵

By the time President Yar'Adua initiated the amnesty programme in 2009 foreign investors had relocated from Nigeria to other countries and SPDC's production output had dropped from 1 000 000 bpd to about 700 000. As the crisis intensified oil production had dropped to 250 000 bpd. It is estimated that in 2008 alone Nigeria lost over N3 trillion in foreign exchange earnings to militancy in the Niger Delta.⁷⁶

Since then, the targets of kidnapping have expanded to include local staff of the oil multinationals, politicians, state officials and private individuals who can afford the ransom. At that point, kidnapping even served as a political tool. However, in the Niger Delta region and across Nigeria, kidnapping for ransom is no longer used as a political tool.

In 2008 alone Nigeria lost over N3 trillion in foreign exchange earnings to militancy in the Niger Delta

According to John Campbell, the current wave of kidnappings is different from the politically motivated and usually geographically located crime of the past. It now takes place all over the country, with demands for ransom ranging from US\$1 000 to US\$150 000 depending on the kidnappers' estimate of what the victims and their family or organisation can pay.⁷⁷

Kidnapping has indeed become the most lucrative criminal enterprise in Nigeria and is expanding to the West African sub-region. Three Nigerians – Joh Orji, Chika Innoidim John and Udoetuk Wills – are currently standing trial for the kidnap and murder of four girls from Takoradi in Ghana.⁷⁸ A Nigerian, Chukwudubem Onwuamadike, popularly known as Evans, who, until his arrest in 2017, was a notorious kidnapper, held a Ghanaian passport, according to sources in the Nigeria Police Force.⁷⁹

Maritime piracy and armed robbery at sea

Instances of maritime piracy and armed robbery at sea are also escalating in the region. Although piracy in the Gulf of Guinea dates back to the early twentieth century,⁸⁰ in 2014 the coast around Nigeria was listed as being among 'the world's most dangerous waters'.⁸¹

According to the ICC International Maritime Bureau, incidents of actual and attempted piracy and armed robbery of ships on Africa's West Coast rose from 47 in 2011 to 64 in 2019⁸² and in 2019 the United Nations Office on Drugs and Crime reported that between 2015 and 2017 the total cost of countering these activities, was US\$2.3 billion.⁸³

Despite the enactment by the federal government in June 2019 of the POMO Act, incidents of piracy and armed robbery in the region continued to increase. In December 2019 alone there were four pirate attacks in Nigeria's waters and on 2 January 2020 pirates kidnapped three seafarers and killed four security personnel on board a dredger off Forcados terminal in Nigeria.⁸⁴

By 2019 the Gulf of Guinea was described as 'the world's worst piracy hotspot' and in February 2020 two international shipping groups, Baltic and International Maritime Council and the International Association of Independent Tanker Owners threatened to report Nigeria to the United Nations if action was not taken to stem the increase in attacks on their vessels and personnel.⁸⁵ According to *The Economist*, piracy in the region is 'primarily a Nigerian problem' because the pirates operate mostly 'out of the labyrinthine waterways in the Niger delta'.⁸⁶

Oil crime*

Oil crime, which includes illegal oil bunkering, pipeline vandalism, oil theft, illegal oil refining and fuel smuggling, are very recent dimensions of the burgeoning organised criminal activities in the region. On average, Nigeria loses about 400 000 barrels a day to crude-oil theft.⁸⁷

Illegal oil bunkering and refining and the smuggling and transportation of stolen crude oil have cost the Nigerian economy billions over the years – the Nigeria Extractive Industries Transparency Initiative estimates that about US\$42 billion has been lost to oil theft in the past ten years. According to the report of a government committee set up to investigate oil theft in Nigeria, US\$1.35 billion was lost between January and June 2019 alone.⁸⁸

Those involved steal the oil from pipelines using rubber hoses to direct it into barrels aboard small craft and large

dugout wooden boats, deep in the maze of creeks in the Niger Delta region. Crude oil is also stolen by tapping the pipelines of oil multinationals and siphoning the oil. Stolen oil is refined and sold on local, regional and international markets.

Locals in oil-producing areas use indigenous technology to refine the oil in illegal artisanal 'bush refineries'. The refined oil is then transported, or smuggled, and sold. The NNPC has maintained a practice of selling crude to middlemen and this creates a confusing, high-risk marketplace offering cover for stolen barrels to reach oil markets locally and internationally.⁸⁹



An illegal oil refinery site near River Nun in Bayelsa State, 27 November 2012.

Source: REUTERS / Akintunde Akinleye – stock.adobe.com

However, there are arguments, especially by Amnesty International that sometimes, what oil multinational companies claim to be oil theft by organised criminal gangs and local opportunists is actually the result of negligence on their part. Lack of maintenance of the oil pipes often leads to corrosion and cracked pipes, with resultant oil seepage.⁹⁰ Statistics vary, but this is undoubtedly an important element of oil theft and oil pollution in the Niger Delta.

* A more detailed report on oil crime in the Niger Delta region is part of a series by ENACT that focuses on organised crime in the Niger Delta region.



A lonely tree stands at a polluted site where illegal oil refiners work in the Bodo creek, Ogoniland near Nigeria's oil hub city of Port Harcourt.

Source: REUTERS / Akintunde Akinleye – stock.adobe.com

Smuggling

Another organised criminal activity that has been prevalent across Nigeria's vast Niger Delta maritime spectrum, especially Akwa Ibom, Bayelsa, Cross River and Delta states, is the smuggling of refined stolen oil, rice and arms and narcotics, carried out in dugout wooden boats.

In five Oron local government areas in Akwa Ibom State sizeable wooden-boat-building centres dot the riverbanks. Oron, Ibaka, Calabar, Ebugu and Ewang are regional hubs for people travelling for business to Gabon, Cameroon, Equatorial Guinea and São Tomé & Príncipe. Oron is also the hub of booming and coordinated smuggling of stolen or illegally refined fuel.

Large quantities of fuel are loaded into barrels and ferried in wooden and flying boats from communities to Edina in Cameroon. In addition, a high proportion of fuel-smuggling activities takes place from Ibaka, the longest fishing shoreline in Nigeria and home to the Nigerian Navy Forward Operation Base as well as the Ibom Deep Seaport Project.

In December 2019 the Nigerian Navy in Akwa Ibom state arrested eight suspects with 112 drums (each drum holds

300 litres) of premium motor spirit (petrol) in a wooden boat heading to Cameroon.⁹¹

In February 2017 the Nigerian Navy Ship Pathfinder in Port Harcourt announced the confiscation of a vessel and two large wooden boats, each transporting 240 000 litres of stolen diesel worth N70 million. Twelve suspects were arrested. In September 2019 it was estimated that Nigeria was losing N2 billion a day to petrol smuggling and a total of US\$750 million had been lost by the end of that year.⁹²

In September 2019 it was estimated that Nigeria was losing N2 billion a day to petrol smuggling

Rice smuggling has also been prevalent in the region. Calabar in Cross River State is the hub and similar activities have been reported in Akwa Ibom and Delta states. At the end of December 2019, 1 831 bags of smuggled rice were seized by the Navy in Akwa Ibom

State in several operations and another 1 439 bags in January 2020.⁹³

In January 2020, at Utan Creek off Tomshort Island, members of the navy arrested smugglers travelling in a large wooden boat laden with foreign parboiled rice from Cameroon worth N130 million. In two separate operations on 19 January 2020 the navy seized two large wooden boats carrying 692 bags of foreign rice and 181 drums of premium motor spirit worth N75.3 million.⁹⁴

The most worrying problem is the smuggling of arms and narcotics into separatist bases in Cameroon and across the Gulf of Guinea. Evidence points to an observable rise in secessionist movements in the gulf, from the renewed quest for the sovereign state of Biafra in south-east Nigeria to the Ambazonia separatist movement in north-west and south-west Cameroon.

An ENACT study indicates that illicit flows of small arms and light weapons (SALWs) ferried across the maritime spectrum in the Gulf of Guinea may have been fuelling both crises.⁹⁵ The rebellion in Cameroon, which started in 2016, has been complicated by burgeoning terrorist

operations in the northern part of the country and across the Lake Chad Basin region.

Most of the organised crime in the region started with the emergence of ethnic militia groups and has been perpetrated using 'tools of violence'.⁹⁶ Initially these tools of violence included SALWs.

Most of the organised crime in the region started with the emergence of ethnic militia groups

In 2006 Victor Ojakorotu Ufo Okeke-Uzodike⁹⁷ traced conflicts and criminality in the Niger Delta to the proliferation of arms procured in exchange for stolen oil. The arms included revolvers and pistols, sporting rifles, AK47 assault rifles and shotguns from France (through Benin) and military weapons and cartridges from the United States (through Côte d'Ivoire).



Niger Delta youths display weapons surrendered by former militants at an arms collection centre, Tourist Beach, Port Harcourt.

Source: REUTERS / Austin Ekeinde - stock.adobe.com

Over time, however, the weaponry of organised criminal groups in the region has evolved and now includes sophisticated and heavy weapons such as 'machine guns, rocket launchers, anti-aircraft guns, and ammunition'.⁹⁸

Currently, not all participants in organised crime in the region can be associated with ethnic militias. Interviews by ENACT staff showed that most pirates, kidnappers and illegal oil bunkerers do not have links with either the legitimate struggle or with the armed ethnic militias.

There are assertions that the proceeds of organised crime, especially funds raised from kidnapping, piracy and armed robbery at sea, oil theft and illegal oil refining, are used for different purposes, including fuelling further conflicts in the region, investment in legitimate businesses such as building private schools and shopping malls and hotels within and outside the region and to acquire chieftaincy positions.

In 2017, for instance, Ateke Tom, leader of the Niger Delta Voluntary Force, was crowned Amanyanabo of Okochiri town in Wakirike, Rivers State.⁹⁹

Proceeds are also being used to sponsor ex-militants and pirates standing for public office and to fund the political ambitions of 'some prominent individuals from the Niger Delta who have become bigtime politicians at the state and federal levels in Nigeria'.

One respondent stated that 'one emerging danger in the Niger Delta region is that militants and criminals are using the proceeds of crime to bankroll themselves into politics, blocking legitimate efforts by state actors and security agencies to curb criminal activities'.¹⁰⁰

Tackling organised crime

Since the struggle began in the pre-independence era successive governments have made efforts to address the concerns of the region. From the creation of development interventionist agencies such as the Niger Delta Development Board in 1959 to the Oil Mineral Producing Area Development Commission (OMPADEC), established in 1992, there have been state responses to environmental insecurity there.

The most recent of these include the unveiling of the PAP in 2009 and the establishment of the Niger Delta Development Commission (NDDC) in 2000.¹⁰¹

While the development interventionist agencies were established to address the developmental needs of the region, the amnesty programme was specifically created to address militancy, violence and criminality in the region. Under its terms militants who freely handed over their weapons and demobilised would receive benefits that included a presidential pardon, formal education in Nigeria or abroad, small loans to start businesses and a monthly allowance of about US\$400.

The enactment of the POMO Act 2019 is the federal government's latest legislative effort to address the challenges of piracy, armed robbery at sea and related maritime offences.

The amnesty programme was specifically created to address militancy, violence and criminality in the region

The fact that state responses have not been effective in curtailing the escalating organised criminal activities within the region has been linked, among other factors, to institutionalised corruption in the implementation agencies and weak legal and institutional frameworks. The amnesty programme, for instance, was seen by many as 'an incentivisation of criminality'.¹⁰²

A major shortcoming of the programme has been its failure to tackle wider socio-economic grievances such as the lack of social development in local oil communities, environmental pollution and the exclusion of local communities from the governance of oil production in the region. The consequence is that it triggered new violence.

Those who were not part of any armed militant group started to form new groups or join existing ones in order to benefit from the amnesty programme. In some instances they purchased weapons from the black market to enable them to participate. In the process, new militant groups, including the Niger Delta Avengers, Red Scorpions and the Niger Delta Greenland Justice Movement, emerged and began to attack the region's oil infrastructure, resulting in the reduction of Nigeria's oil production from 2.2 million to about 1.1 million barrels per day in 2016.¹⁰³

On the other hand, the NDDC has become 'a disturbing cesspool of corruption',¹⁰⁴ resulting in institutional instability. Similarly, the POMO Act, enacted in 2019, has proved largely ineffectual in combating maritime piracy.

The fact that the Act is a standalone law that operates independently of other domestic laws such as those governing firearms, kidnapping and money laundering, limits its effectiveness in the face of evolving crimes like piracy. It also makes no provision for strengthening maritime security agencies such as the Nigerian Navy or administrative institutions such as the Nigerian Maritime Administration and Safety Agency, nor does it contain provisions to deal with corrupt practices by Nigeria's maritime agencies, which also fuels piracy.¹⁰⁵

In February 2019 Nigeria's immediate past Minister of State for Petroleum Resources, Ibe Kachikwu, announced the launch of a tracking software system to 'accurately track crude oil from the production wells to vessels on the onshore and offshore to their final destinations'. The essence of the technology is to enable the Department of Petroleum Resources (DPR), the industry regulator, to track crude oil and liquefied natural gas to their final destinations. The launch of the system was followed by the development of an online licensing system to regulate transactions in Nigeria's downstream oil sector.

These technologies were intended to help undercut endemic corruption within the oil industry, including the tracking of 'rogue' or 'dark' ships smuggling stolen crude oil across the Niger Delta maritime spectrum.¹⁰⁶ The fact that the cost of the contract for installing the tracking software system, which has been awarded to a relatively young French firm, Kpler, has been immersed in secrecy, lends credence to theories of corrupt practices in the industry.

The federal government is proposing the establishment of modular refineries as a way to address oil theft and illegal oil refining, with 13 firms granted licences since in 2018. However, locals in oil-producing communities are pushing for the formalisation of the illegal and artisanal oil refining process. The challenge is that these locals do not have the modern technology, or the funding required to build and operate modular refineries.

According to Fyनेface Dumnamene, Executive Director, Youth and Environmental Advocacy Centre, Port Harcourt, it costs between US\$50 000 and US\$55 000 in addition to a N1.5 million (US\$4 000) processing

fee to license the construction and operation of modular refineries.

'This amount of money is too much for the average artisanal refinery operator to afford,' said Dumnamene. He also argued that because artisanal refining uses indigenous technology and the operators refine over 150 000 barrels of crude oil per day as against the 30 000 refined by modular refineries, it creates more jobs.

It is argued that the implementation of the modular refineries proposed by the government will result in the exclusion from the economy of a deregulated downstream oil sector. The consequence may be that those excluded will resort to violent protest, which will result in the resurgence of militancy and perpetuation of criminality in the region.

Addressing the lingering challenges of oil theft and its impact in the Niger Delta region has become imperative

Government sources argue, however, that formalising artisanal oil refining will increase organised criminality in the oil industry, environmental degradation in oil-producing communities and loss of revenue to the government. According to Donald Tyoachim, Director of the Nigerian Extractive Industries Transparency Initiative, the formalisation of artisanal refining would need to address the challenge of the source of crude for the operators as well as the challenge of a weak regulatory framework in the industry, which also encourages oil theft.

Whatever the options, addressing the lingering challenges of oil theft and its impact on the state economy and the well-being of oil-producing communities in the Niger Delta region has become imperative. Stakeholders need to agree on the best way out. To do this, the federal government must consider adopting a broad-based and inclusive approach that will accommodate both foreign investment and the employment by the locals of indigenous technology. This raises the need for collaboration between the government and the communities to ensure compliance with set standards.

Government will also need to deal with the opacity of and corruption in the oil industry, including the practice by the NNPC and DPR of selling crude to middlemen, thus providing opportunities for stolen crude oil to find its way to the marketplace. To achieve this, it must work with the National Assembly to pass the Petroleum Industry Bill expeditiously.

Government will also need to set up legal task forces, with dedicated courts, prosecution teams and specially trained judges to prosecute oil thieves and corrupt officials. Most fundamentally, it must develop policies explicitly aimed at reducing the ability of organised criminal groups to operate at sea and on land.

Another factor that accounts for the failure of state responses to organised crime in the delta is the excessive militarisation of the responses and the nature and pattern of the military operations. Military responses in southern Nigeria are seen as an attempt to suppress every dissenting voice, including those making legitimate demands.

This is implied in the code names given to the operations in the south-east and south-south regions, namely, Operation Crocodile Smile and Operation Python Dance. Compared with code names such as Operation Safe Corridor and Operation *Lafia Dole* (peace enforcement) conducted in the northern regions, the names in the south connote suppression and repression. Given that the objectives of the various operations in the southern regions have been perceived as oppressive, the local support needed for their success has not been forthcoming and they have failed.

The strategic weakness of the operations in terms of codenames is complicated by the evident incompetence of the military institutions in their engagement with the civil populace. Whether in the Niger Delta region or in other regions in Nigeria, the military has earned a reputation for human rights

violations in its theatres of operations and has been accused of war crimes.¹⁰⁷

This pattern of human rights violations by the military resurfaced with the shooting of peaceful #EndSARS protesters at the Lekki Toll Gate in Lagos on 20 October 2020. Brutality and human rights violations associated with the military reflect a decades long failure to address the challenges, which is symptomatic of deeper military as well as state failings.¹⁰⁸

Conclusion

Beyond the establishment of institutional and legal frameworks, the Nigerian government will need to deal with the fundamental causes of organised crime in the region. ENACT found that this crime is underpinned by a struggle for economic emancipation that is rooted in real and imagined fears of environmental degradation, deprivation and exploitation by oil companies that have left the region underdeveloped and the people impoverished.

The Nigerian government will need to deal with the fundamental causes of organised crime in the region

Although a review of data released by the National Bureau of Statistics suggests that poverty and deprivation in the Niger Delta are not necessarily the worst in Nigeria, what makes it harder is the oil wealth amidst the poverty. There is a feeling in the region that others, especially the elite, are feeding on its wealth. Addressing these root causes may be one way to curb organised crime in Nigeria's Niger Delta region.

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ENACT builds knowledge and skills to enhance Africa's response to transnational organised crime. ENACT analyses how organised crime affects stability, governance, the rule of law and development in Africa, and works to mitigate its impact. ENACT is implemented by the ISS and INTERPOL, in affiliation with the Global Initiative Against Transnational Organized Crime.

Acknowledgements

ENACT is funded by the European Union (EU). This publication has been produced with the assistance of the EU.