Terrorism in Liberation Struggles: Interrogating the Engagement Tactics of the Movement for the Emancipation of the Niger Delta

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Abstract

The Movement for the Emancipation of the Niger Delta (MEND) emerged in 2006 as an umbrella organization of militia groups in the Niger Delta, pursuing common political objectives of freedom and development. However, MEND's engagement tactics of taking hostages, attacks on oil infrastructure and the placement of bombs and other explosive devices in public places suggest to many observers that this organization's members should be considered terrorists. Using a perspective which views terrorism as crime, this article illustrates how MEND's engagement tactics can be viewed as acts of terrorism.

Introduction

Oil-related conflicts in the Niger Delta [1] date back to the 1970s when Oil Producing Communities (OPCs) began agitations against transnational oil companies (TOCs) over concerns about oil-induced environmental devastation, TOCs reluctance to support community development, and inadequate compensation for damages to properties caused by the operational activities of the TOCs. The failure of the Nigerian Government to adequately address the myriad grievances instigated several developments, resulting in the formation of militia groups that mobilized a violent struggle against the Nigerian State. [2] The Movement for the Emancipation of the Niger Delta (MEND) emerged in this context as an umbrella organization of several militia groups in the region.

As the name suggests, MEND postures itself as a liberation movement. But its use of violence as a strategy of engagement and method to communicate political objectives has raised concerns as to whether their activities fall under the heading of terrorism. However, the meaning and applicability of such a term is highly debated; it elicits different meanings to different people, and at times different things to the same person in different contexts. While it can be viewed through the prisms of crime, politics, communication, religion and warfare, [3] there have been many attempts to create a definition of terrorism that can be applied to various contexts. For example, Article 2 of the UN draft Comprehensive Convention on International Terrorism classifies acts of terrorism as unlawful and intentional means when resulting in:

> *"Death or serious bodily injury to any person; or serious damage to public or private property, including a place of public use, a state or government facility, a*

> *public transportation system, an infrastructure facility or the environment; or Damage to property, places, facilities, or systems (place of public use, a state or government facility, a public transportation system, an infrastructure facility or the environment) resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a government or an international Organization to do or abstain from doing any act." [4]*

While the aforementioned classification could easily apply to MEND's tactical behavior in Nigeria, the question is then whether it can be viewed as a criminal act (when international and national legislation proscribe it as constituting a terrorist act) and/or a method of warfare (when terrorism is seen as a tactic in which civilians or non-combatants are deliberately attacked). [5] In regards to MEND's engagement tactics, both perspectives are relevant. For example, kidnapping/ hostage-taking of TOC personnel, attacking security personnel, and planting explosives in public places are common tactics employed by MEND - these deliberately target non-combatants. On the other hand, MEND's attacks against the Niger Delta's abundant oil infrastructure point more towards a crime perspective.

The main objective of this article is to discuss MEND's targeting behavior and locate it within the context of terrorism. In doing so, it adopts the view that the crime perspective of terrorism is actually more relevant given that the situation under which MEND operates cannot be strictly described as war-time, especially since attacks on oil infrastructure as well as oil company personnel have occurred regularly outside armed confrontations with the Nigerian Armed Forces. When MEND forces have engaged the military in direct combat, such as in the May 2009 confrontation in Gbaramatu Clan [6] of Delta State, non-combatants were not targeted by MEND. Although attacks by MEND have led to the deaths of non-combatants, these are not judged to be deliberate acts. Although the crime perspective of terrorism has been criticized for not distinguishing between terrorism and other forms of violence, [7] it nonetheless captures essential attributes of terrorism—use of violence and the goal of instilling fear in a target population. [8] It also reflects the view by Schmid that terrorism is about the *means* of engagement, while liberation struggles refers to *ends of a struggle*. [9] These definitional aspects provide a useful framework for discussing MEND and the use of terrorism in the Niger Delta. As follows, this discussion will proceed with a brief theoretical explanation of the conflict, followed by analyses of MEND and its tactics. It concludes with some suggestions on the way forward.

The Context of Violence in the Niger Delta

Why do conflicts occur in society? This question has elicited different theoretical perspectives and explanations, as captured by the diversity of conflict literature represented in Table 1.

Table 1: Summary of Selected Theoretical Explanations of Conflict

Type of Theory	Explanation of Conflict
Structural Conflict Theory	This blames conflict on the structure and organization of societies and human reactions to it. For example, people's response to injustice, marginalization, exploitation, poverty, etc.
Realist Theories	These attribute conflict to man's selfish nature which reflects in his personalized pursuit of power for self interest
Frustration-Aggression Theory	This attributes conflict to the outcome of frustration triggered by the gap between needs expectation and need attainment or what is referred to as the "want-get-ratio". People tend to be aggressive when what they get falls below expectation.
Physiological Theories	These theories note that aggression is inherent in human nature, but this aggression only results in conflict if it is activated by man's environment and his responses to failure, success or necessity
Economic Theories	These attribute conflict to resource scarcity and competition, and the commoditization of violence
Psycho-Cultural Conflict Theory	This explains conflict as the outcome of ethnic identity and a culture of conflict
Human Needs Theories	These blame conflict on the competition to satisfy human needs.
Systemic Theories	These explain how conflict lies in the social context within which it occurs, and is triggered by challenges to human comfort and existence such as unemployment, environmental degradation, domination, etc.
Relational Theories	These attribute conflict to the interdependence of sociological, political, economic and historical relationships among people. Examples include history of migration and stereotypes on inferiority-superiority relationships and past conflicts
Biological Theories	These postulate that conflict is inherent in man due to hormonal composition that is aggression prone

Source: Ademola, 2006 [10]

It is important to recognize how these theories of conflict overlap; conflict settings can hardly be adequately explained from the standpoint of a single theory. Further, the nature and state of mind of the individual is central to the occurrence of conflict, and thus, the same situation can lead to different trends of conflict just as different situations can result in similar dimensions of conflict. From this perspective, conflicts – particularly those involving terrorist or insurgency tactics – must be seen as the product of complex and dynamic interactions between individuals, organizations, and their surrounding environment. [11]

In recent times, the greed thesis of Collier and Hoeffler [12] has been used to explain wars in Africa. This explains violence as the outcome of the activities of conflict entrepreneurs and

profiteers. Thus, insurgency and civil wars are blamed on the greedy behavior of rebel groups seeking to capture natural resource wealth or rents. Whereas this is true to an extent, it fails to explain agitations that are not driven by greed. However, the grievance perspective remedies this deficiency as it blames violence on grievances resulting from deprivation. Relative deprivation (the gap between aspirations and achievements), polarization (greater inter-group heterogeneity combined with intra-group homogeneity), and horizontal inequality (inequality among culturally defined heterogeneous groups) have been noted as variations of grievance theory that account for conflict in different settings. [13]

While this theory goes some way in explaining civil strife in the Niger Delta, it does not do so adequately since the reasons for conflict are not limited exclusively to greed and grievance. In fact, some conflicts interface between these two areas; being triggered by grievance but ending as greed. This view is supported by Collier, who argued that:

> *"A political entrepreneur seeking to fund a loot-seeking rebellion may need to rekindle dormant grievances to generate start-up finance…Grievance may enable a rebel organization to grow to the point at which it is viable as a predator; greed may sustain the organization once it has reached this point." [14]*

In the Niger Delta, deprivation grievances related to the locally produced oil wealth have motivated conflict, but the proliferation of armed groups and other intervening issues resulted in the use of the conflict for personal aggrandizement, leading to oil theft and kidnapping/hostage taking for ransom. It is noteworthy that the need to finance armed groups could lead to illegal exploitation of a country's natural resources. This should not be confused with greed driven conflict.

Though the link between oil, deprivation and conflict in the Niger Delta has been extensively discussed in the literature, it is important to underscore some of the issues related to the Niger Delta context. Four interrelated factors have created conditions for the conflict. First, the Niger Delta is the hub of Nigeria's oil industry. Second, oil is the mainstay of the Nigerian economy and has generated huge revenues for the country, contributing 40% of GDP, about 90% of total earnings, and about 80% of national gross income. [15] Third, oil related environmental problems - such as oil spills and gas flares - have undermined environmental quality and the productivity of the local economies where oil is produced.[16] Fourth, the Niger Delta is a strange paradox as it represents one of the extreme conditions of poverty and lack of development in the country, despite its oil and gas resources. These main factors have motivated conflicts against the Nigerian government, accused of development neglect and deprivation, and against the oil companies for neglecting corporate social responsibility in the region.

Neglect by the Nigerian government is linked to the country's federal system and ethnicity-based identity politics. Nigeria is a federation of 36 states, [17] but the division of governmental powers, skewed in favor of the central government and the placement of natural resources under the control of the federal government has resulted in the states being subservient to a domineering central government. [18] For example, the federal government determines tax laws just as revenues are nationalized and paid into a common account called the Federation Account. On a monthly basis, finance officials of the federal and state governments gather at Abuja, the capital city, to share monies from this account based upon criteria fixed by the federal government. [19] This implies that although oil is located and produced in the Niger Delta, the federal government owns and controls everything—such as granting licenses to TOCs to explore and produce oil, regulating the industry, and determining the monetary value of compensation for damages to properties caused by oil production activities. The local disempowerment arising from all these issues can be linked to the lack of regional development, which is central to the conflict in the region.

The other issue is ethnic politics. The nationalist movement in Nigeria broke into ethnic identities, following the politicization of ethnic consciousness that emerged under colonial rule. This resulted in ethnicity-based political competition after independence in 1960. Ethnic groups engaged in competition for power to advance their group and parochial interests as against the national interest or public good. State laws and policies reflected local ethnic interests, [20] thus undermining good governance. This is a fundamental source of the conditions which have created violence in the Niger Delta, as the people attribute their under-development plight to the outcome of ethnicity-based political domination. This, in turn, is linked to the changes in the revenue distribution criteria, in particular, the derivation component. Derivation has been a major, yet contentious criterion for revenue allocation in Nigeria. At independence in 1960, the derivation share of revenue allocation to the federating units in Nigeria [21] was 50%. However, this was reduced to 45% in 1970, 20% in 1975, 2% in 1980 and 1.5% in 1984; before it was increased to 3% in 1992 and 13% in 2000 due to protests and agitations by the people. [22] In other words, during the period 1960-2000 the percentage of national revenues allocated to the region from which those revenues were derived substantially decreased. This, along with the widespread environmental and economic damage that oil exploration and extraction has caused within this region, result in grievances against both the Nigerian government and the oil companies.

The coincidence between the displacement of agriculture as the mainstay of the nation's economy by oil and the reductions in the derivation component of revenue allocation in 1970, [23] is cited by many to vindicate the link between ethnic politics and deprivation in the Niger Delta. Agricultural products such as ground nuts, cocoa, cotton and palm oil, produced in the homelands of the major ethnic groups [24] were the primary source of the country's economy from independence until 1970, when oil became the revenue generator for the economy. While a

50% derivation was allocated to the regions during the period that agricultural products drove the economy from 1960-1970, as noted above the derivation began to decrease dramatically when oil became the nation's dominant economic product beginning in 1970.

The decreases in the percentage share of derivation is perceived by those living in the region as intended to checkmate the shift in revenue from the majority ethnic groups, the custodians of state power, to the politically powerless minority groups. [25] However, this resulted in the Niger Delta being denied of an equitable share of national resources and development funds; both of which brewed discontent. Poorly regulated, abusive resource extraction and production activities – both the fault of the government and TOCs – that resulted in broad environmental degradation further added to the region's discontent. Oil spills arising from operational failures and gas flares have impacted negatively on the economies, leading to productivity declines, occupational disorientation and forced migration of people from their land in search for jobs in other communities. [26] In the face of an unresponsive government, poverty was exacerbated and the communities turned to the TOCs, demanding compensation for damages caused by oil production activities [27] and community development. [28] The lack of support, however, by the oil companies pitched the TOCs against the inhabitants and thus triggered conflicts. Later events transformed the conflict as civil society and youth groups emerged to make political demands, such as resource ownership and control, increase in the derivation component of revenue allocation, and abrogation or amendment of laws governing the oil industry. Militia groups, which emerged later, began using violence as engagement tactic in pursuit of these demands, which are considered the basis of disempowerment and deprivation in the region.

Mapping the Emergence of MEND

Militia violence in the Niger Delta dates back to 1966, when the Niger Delta Volunteer Service (NDVS), led by an Ijaw, Major Isaac Adaka Boro, declared the Niger Delta Republic and took up arms against the Nigerian State. The revolt lasted less than a month, beginning February 23, 1966 and ending a few weeks later on March 6th when leaders of the rebellion were taken into custody by federal troops. They were prosecuted on charges of treasonable felony and sentenced to death, but were later pardoned and released from jail. [29] During the Nigerian Civil war, which lasted between 1967 and 1970, agitations in the Niger Delta died down even though development neglect—arising from ethnicity-based political domination cited as a main reason for the rebellion—was not addressed.

With the end of the civil war in 1970, community protests against TOCs operating in the region emerged. The reasons were centered on demands for development assistance, employment opportunities, payment of compensation for damages to properties caused by oil production activities, awarding of contracts to community members, and environmental protection. The failure of the Nigerian government to effectively address the issues in contention aggravated the

conflicts, which have turned particularly militant and violent since 1997 [30]. It burst into full blown insurgency in 2005. [31] The foundation for militia activities was laid by factors such as inter-ethnic conflicts, intra-community and inter-community conflicts, piracy/oil theft and the use of violence during election campaigns (involving the hiring of armed youths to ensure electoral victory). The thread running through all these factors is the formation of cults/gangs and militia groups, and the proliferation of arms. During 1997 in Delta State, for example, inter-ethnic conflict between the Ijaw and Itsekiri was triggered by the relocation of the headquarters of a local government council (Warri South Local Government) from Ogbe-Ijoh (an Ijaw town) to Ogidigben (an Itskeri community). This led to the formation and proliferation of youth groups, particularly on the side of the Ijaws who were the aggrieved party. [32] Groups such as the Federated Niger Delta Ijaw Communities (FNDIC), Meinbotu Ogbo, Dolphin Ogbo, among others, emerged in this context. [33]

In Rivers State, inter-and intra ethnic contests for oil benefits, intra-community struggles for chieftaincy space, urban-based struggles for the control of illicit business space such as drug dealing, struggle for supremacy over oil theft/bunkering space, and the commoditization of violence in the electoral process by politicians are cited as having instigated the formation and multiplication of armed youth groups. [34] The point to emphasize here is that the existence of armed groups preceded the violent phase of the Niger Delta conflict. These groups merely keyed into the oil-related conflict and transformed into militia groups when the need for a violent response to state repression arose. The militia groups—which can be categorized as private, ethnic and pan-ethnic (see Table 2)—have sought to achieve a variety objectives, including the eradication of injustice and neglect, empowerment and survival of ethnic groups, true federalism, and increases in security, the share of oil revenue, development, self-determination and political representation. [35] Essentially, they sought to liberate the Niger Delta from ethnicity-based political domination, and anchored it on self-determination and resource control. They drew inspiration from the Major Adaka Boro-led revolt in 1966, considered to be an unfinished revolution by the Ijaws. [36]

Table 2: Categories of Militia Groups in the Niger Delta

Private Militia	Ethnic Militia	Pan-Ethnic Militia
1. Niger Delta People Volunteer Force (NDPVF) 2. Adaka Marines 3. Martyrs Brigade 4. Niger Delta Volunteers 5. Niger Delta Militant Force Squad (NDMFS) 6. Niger Delta Coastal Guerrillas (NDCGS)	1. The Meinbutus 2. Arugbo Freedom Fighters 3. Iduwini Volunteer Force (IVF) 4. Egbesu Boys of Africa	1. Movement for the Emancipation of the Niger Delta (MEND) 2. The Coalition for Militant Action in the Niger Delta (COMA) 3. The Niger Delta People Salvation Front

Source: S.I Ibaba and A. Ikelegbe [37]

Militia activism was preceded by the mobilization of a number of civil society groups who used enlightenment, declarations, dialogue, rallies and protests as their strategies. [38] Such groups include the Movement for the Survival of the Ogoni People (MOSOP), Ijaw National Council (INC), the Ijaw Youth Council (IYC) and Movement for the Survival of the Ijaw Ethnic Nationality in the Niger Delta (MOSIEND). While the activities of MOSOP brought the Niger Delta question—and in particular, the plight of the Ogoni ethnic group—to the fore of international discourse, the murder of the Ogoni leader Ken Saro-Wiwa and eight other of his associates in 1995 by the General Abacha-led military government set in motion a process of radicalization of youth groups. This radicalization was consummated in 1998 when the Nigerian Government responded violently to the 1998 Kaima Declaration – a document produced from a meeting held by Ijaw youths in Kaiama, Bayelsa state who met to discuss the survival of the Ijaw nation in Nigeria. The ten-point resolution that was born out of the meeting included the following passages:

> *"All land and natural resources (including mineral resources) within Ijaw territory belong to Ijaw communities and are the basis of our survival….we cease to recognize all undemocratic Decrees that rob our peoples/communities of the right to ownership and control of our lives and resources….we demand the immediate withdrawal from Ijaw land of all military forces of occupation and repression by the Nigerian State…..we demand that all oil companies stop all exploration and exploitation activities in the Ijaw area." [39]*

The youths resolved to implement these decisions from December 30, 1998, yet their attempts met state repression that lead to violent confrontation between the youths and security forces – consequently providing the setting for the transformation of youth groups into militia organizations. In addition to casualties and damages to personal property, there were larger confrontations such as the total destruction of the Odi community in Bayelsa State by federal troops in November 1999, a reprisal attack for the killing of eight policemen by militias based in the community. Similar circumstances led to military attacks and destruction of the Odioma community of Bayelsa State in 2005. Another event included military attacks on Okerenkoko, an Ijaw Community in Delta State, by federal troops with the objective to destroy the base of youths engaged in oil theft/bunkering. Many observers describe the three-day attack, which took place February 15-18, 2005, as the primary reason for the birth of MEND. Several Ijaw militia groups united their efforts under one umbrella (MEND) with the political objective of liberation. [40] In sum, MEND emerged in 2005 as an umbrella organization of the militias in the region, in an attempt to unite forces for effective engagement with the Nigerian government. Before the formation of MEND, the different militia groups in the region operated in an uncoordinated

manner. The leaders of these groups - which met to create MEND – sow that they were ill-prepared for dealing with the firepower of the Nigerian military, making them vulnerable to defeat. MEND emerged to address this challenge.

The Engagement Tactics of MEND: Acts of Terrorism?

As already noted, terrorism can be viewed as both a tactic of politico-military engagement [41] and as a criminal act. [42] Combining the two perspectives produces a framework of analysis that can be used to make the case that MEND's use of violence as an instrument of engagement or insurgency that amounts to terrorism. This is particularly reflected in three kinds of activities: hostage-taking, attacks on oil infrastructure, and placing bombs in public places.

(1) Hostage-Taking as Instrument of Engagement

One of the prominent tactics used by MEND to drive home its political objectives of resource control and self-determination has been the targeting and seizure of foreign oil workers as hostages. Unlike other groups described as fringe elements by Okonta [43] —who saw hostage taking as a commercial enterprise and thus exchanged those seized for ransom—MEND's hostages were viewed as political tools meant to draw the attention of the Nigerian government and international community to the local grievances and the groups demands. [44] Table 3 provides data on the trend of attacks by MEND to demonstrate the intensity of violence and the discernible elements of terrorism.

Table 3: Trend and Nature of Attacks by MEND: 2006-2008

Object/Target/Location of Attack	Number per Year		
	2006	2007	2008
Oil Company Personnel/oil infrastructure	13	8	20
Non-oil related infrastructure/facility	-	2	-
Security Personnel	4	3	6
Number of hostages	45	41	31
Number of Deaths	41	80	179
Number Injured	NA	30	2

Source: NDTC Report [45]

As illustrated in Table 3, MEND took a total of 119 hostages between 2006 and 2008, while 300 deaths were recorded in the course of attacks. In 2006, 28 of those killed were soldiers, while three were security guards and two were oil workers. In 2007, 71 of those killed were neither oil

workers nor security personnel. However those killed in 2008 were oil workers and security personnel. The high number of "civilian" deaths in 2007 was due to MEND's attack on public places such as a filling (gas) station owned by the Nigerian government in Port Harcourt, the Rivers State capital. Also, 11 of the hostages in 2007 were leaders of the Peoples Democratic Party (PDP) [46] in Ondo State; they had been taken hostage for local political demands. Although hostage-taking is a distinct activity of MEND, it requires attacks on oil workers and facilities and thus sometimes results in unintentional deaths. Though MEND typically apologized for such deaths it cannot exonerate itself from the deaths caused by its actions.

The use of hostage-taking helped achieve some of MENDs political demands such as the release of Alhaji Asari Dokubo, the leader of the Niger Delta Peoples Volunteer Force, from prison. The insecurity that resulted from such hostage-taking incidents also negatively impacted oil production activities: TOCs withdrew their personnel (in particular, foreign workers in vulnerable areas), leading to the closure of operations and reduction in oil production. This, in turn, achieved one of MEND's objectives of instilling fear in the TOCs as a means of forcing them out of the region and disrupting production. [47] Furthermore, such actions would qualify as terrorist acts under the draft UN Comprehensive Convention on International Terrorism, as they resulted in deaths and injuries, and were meant to compel the Nigerian Government and the TOCs to meet their demands

(2) Attacks on Oil Infrastructure

In addition to hostage-taking, direct attacks on oil infrastructure were also meant to disrupt production and thus force the Nigerian Government and the TOCs to respond to MEND's political demands. This should be considered separate from the profit-motivated sabotage of oil installations, which is done to enhance oil theft/bunkering or cause environmental pollution that can then be blamed on the oil companies for property damages and compensation. MEND's attacks on oil infrastructure—such as oil pipelines, flow stations, manifolds and well heads—have damaged facilities and equipment, disrupted production and reduced oil production and export. For instance, in 2008 Nigeria's oil production capacity was nearly 2.6 million barrels per day, but attacks had reduced this production to just 1.1 million. [48]

The intense militia attacks on oil infrastructure and the drastic cut in oil production is regarded as the reason that the Nigerian Government created and launched the 2009 amnesty program in the Niger Delta. [49] This program sought to restore peace and ensure unfettered oil production in exchange for pardoning the militias who revolted against the state. Although the amnesty program was part of several recommendations made by the Niger Delta Technical Committee in 2008, [50] the acceptance and isolation of the amnesty policy from others suggests that the government was forced to do so due to the dwindling oil revenues caused by attacks and the dangers this presented to the Nigerian economy.

Classic definitions of terrorism often include the use of violence to compel a government or society to act in a certain way. [51] Indeed, the draft UN Comprehensive Convention on International Terrorism partly views terrorism as the compulsion of a government to take an action due to the threat of violence. [52] Similarly, the UN draft Convention also describes terrorism as the use of violence to cause damage to the environment. One consequence of attacks on oil infrastructure is damage to facilities and equipment such as oil pipelines and manifolds, which results in oil spills. Significant oil spills are known to have caused severe damage to the environment, resulting in the destruction of fauna and flora, soil nutrients, crops, economic trees and marine life. [53] Thus, this tactic of engagement by MEND also warrants the label of terrorism.

(3) Placement of Bombs and Explosives in Public Places

Another common characteristic of terrorism is the placement of bombs and explosives in public spaces, resulting in property destruction and loss of human lives. Significantly, this tactic has been employed by MEND in its mobilization and revolt against the Nigerian State. In 2006 for example, MEND detonated car bombs in Port Harcourt and Warri. Although the bombs were exploded in military locations (headquarters of Amphibious Brigade of the Nigerian Army in Port Harcourt and headquarters of the Joint Task Force in Warri), the Port Harcourt explosion led to the death of three civilians. [54] Also in March 2010, MEND placed and detonated two vehicle bombs near a Delta State government guest-house in Warri while political leaders and other stakeholders were inside for a meeting to discuss policy interventions for sustaining the peace in post-amnesty Niger Delta. Three persons were reported to have died in the incident. [55] Again, on October 1, 2010, MEND detonated a car bomb near the Eagles Square in Nigeria's capital city Abuja, where guests, including President Goodluck Jonathan and foreign friends of the country had gathered to celebrate Nigeria's 50th independence anniversary. Twelve persons died, while 17 were injured in the Abuja blast. [56] In all these incidents, MEND claimed responsibility and linked it to its political struggle which seeks to emancipate the Niger Delta from ethnicity-based political domination and its consequences which is linked to the region's lack of development.

But MEND's attack on public places indicates a shift in its targeting objectives from energy to non-energy infrastructure. Although the organization had used car bomb attacks in the past, these were targeted at soldiers and security operatives. Thus, civilian deaths were unintentional. But its recent attacks on public places, as witnessed in Abuja and Warri, had direct consequences for civilians and made it appear that the civilian population was the actual target. MEND linked these attacks to its political objectives of self-determination and resource control. The Warri attack was intended to draw attention to the fact there has been too much talk but little action in attempts to resolve the Niger Delta crisis. In MENDs view, concrete plans and actual

implementation was required rather than conferences and workshops. Again, MEND justified its Abuja attack on the grounds that President Jonathan has been slow to address the regions concerns. But the respective March (2011) and June (2011) bomb threats suggest a disconnect between the groups targeting behavior and political objectives of self-determination and resource control. In March 2011, MEND threatened to bomb Abuja, Lagos and the Niger Delta, and advised Nigerians to stay away from political campaign venues of President Jonathan. Although it noted that the bomb threat was due to the President's reluctance to address their concerns, the advice that people should stay from his campaigns suggests other undeclared objectives. In June 2011, the movement threatened to attack oil infrastructure of the Italian ENI Group in the Niger Delta, citing allegations that ENI was supporting the NATO-led bombing of Libya. The attacks were to be carried out as a mark of solidarity with the Libyans. [57]

Conclusion

MEND took shape in 2005 and emerged in 2006 as an umbrella organization of militia groups in the Niger Delta to advance the political objective of liberation started by Major Isaac Adaka Boro and the Niger Delta Volunteer Service in 1966. The goal of freedom from ethnicity-based political domination was reactivated by the youth movement in the late 1990s after both the Nigerian Government and TOCs had failed to resolve conflicts that had erupted in the early 1970s. The youth movement embarked on anti-state mobilization, requesting development and a fair share of the oil wealth. Yet the Nigerian government's ineffective policy initiatives and violent responses set in motion a process of radicalization, resulting in the formation of several militia groups who had the capacity to directly confront the military and other security organizations such as the anti-riot police. [58] MEND, which became the arrowhead of this plethora of groups, adopted demonstrative public violence as a strategy of engagement.

Drawing from the perspectives of terrorism as, on the one hand a crime and, on the other a violent tactic for the achievement of political goals, this analysis of MEND's engagement tactics (i.e. use of hostage-taking, attacks on oil infrastructure and the placement of bombs and other explosive devices in public places) concludes that they are rightly considered to be acts of terrorism. The deaths and injuries, the destruction of oil infrastructure and damages caused to the environment arising from its politically motivated actions are also in line with the description of terrorism in the draft definition of the UN Comprehensive Convention on International Terrorism. [59] Even though the MEND organization seeks freedom for its people, its tactics and behavior undermine the moral claims and strength of the organization and, ultimately, the attainment of peace in the region. Ending the use of violence and bringing dialogue and negotiation into MENDs engagement tactics are thus essential requirements for the resolution of the Niger Delta conflict and for the restoration of peace in the region. The current relative peace

pervading in the region as a result of the Nigerian Government Amnesty Program [60] vindicates this point.

The Anti-terrorism Act recently by passed by the Nigerian parliament will certainly support the containment of terrorism by groups such as MEND. But it's uncertain – if not unlikely – that it will end such activity as previous legislative efforts failed to do so. For example, in 1975 the Nigerian government enacted the Petroleum Production and Distribution (Anti-sabotage) Decree 35 to steer people away from the sabotage and disruption of oil production. Despite the fact this law "empowered the military to execute without civil recourse, anyone preventing the procurement or distribution of petroleum" [61] it did not deter groups, such as MEND, from attacking oil installations and disrupting production. Presently, MEND appears to be led and driven by militants who are either dissatisfied with the implementation of the Amnesty Program or who do not support the program. This suggests that a more violent MEND could re-emerge and start another campaign of violence if the conditions which created the conflict are not addressed. At the moment, the Amnesty Program has neglected non-armed youths, focusing instead on ex-combatants. This appear to be a reward for engaging in violence and ,with the fundamental conditions which triggered violence intact, it is highly probable that MEND may become prominent again in the future as a violent non-state actor. Furthermore, if not properly managed, MEND may become a franchise for perpetrating terrorism. With the leadership vacuum created by the acceptance of the amnesty offer by the Nigerian Government, the organization can be hijacked by faceless groups or individuals to pursue goals other than those which originally motivated the Niger Delta struggle. To overcome this danger, one likely option will be for the ex-MEND leaders to transform the organization into a civil society organization that will pursue their original goals within the context of peaceful democratic mainstream politics.

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Notes

[1] The Niger Delta is located in the southern part of Nigeria, and is the hub of Nigeria's oil industry. By geographic definition, it is made of six states- Akwa-Ibom, Bayelsa, Cross River, Delta, Edo and Rivers States. But the political definition, accepted in policy circles by the Nigerian government includes Abia, Imo and Ondo States; making it a total of nine states and several ethnic groups, with the Ijaw as the largest group.
[2] Michael J. Watts, 'Petro-Insurgency or Criminal Violence? Conflict and Violence in the Niger Delta', Review of African Political Economy, No.114, (2007), p. 637-660
[3] Alex P. Schmid, "Frameworks for Conceptualizing Terrorism," *Terrorism and Political Violence,* Vol. 16, (2004) , 197-221.
[4] Ibid.,. 199.
[5] Alex P. Schmid, Misleading Theories, Myths, Misinterpretations and Popular Fallacies on Terrorism, Presentation at the First European Meeting on the Terrorist Threat and the Fight against Terrorism, Paris, February 11-12, 2010; also: C.L. Ruby, 'The Definition of Terrorism', *Analysis of Social Issues and Public Policy*, Vol.2, No.1, (2002), 9-14.
[6] Gbaramatu is one of the several clans that make up the Ijaw nation in Nigeria.
[7] Ariel Merari, "Terrorism as a Strategy of Insurgency," *Terrorism and Political Violence,* Vol. 5, No. 4, 1993, 213-251.
[8] Ibid.
[9] Alex P. Schmid (ed.) The Routledge Handbook of Terrorism Research. London: Routledge, 2011, 19-23.

[10] Stephen Ademola Faleti, "Theories of Social Conflict," in Best, S. G. (ed), *Introduction to Peace and Conflict Studies in Africa: A Reader.* Ibadan: Spectrum Books Limited, 2006.
[11] For more on this, see David Kilcullen, *The Accidental Guerilla* (London: Oxford University Press, 2009), and James J.F. Forest, "Terrorism as a Product of Choices and Perception," in *Terrorizing Ourselves*, edited by Benjamin H. Friedman, Jim Harper and Christopher A. Preble (Washington, DC: CATO Institute, 2010).
[12] Paul Collier, & Anke Hoeffler, 'On the Incidence of Civil War in Africa', *Journal of Conflict Resolution*, Vol.46, No.1, 2002, 13-28.
[13] Syed Mansoob Murshed, & MohammadZulfan Tadjoeddin, 'Revisiting the Greed and Grievance Explanations for Violent Internal Conflict', *Journal of Internal Development*, No.21, 2009, 87-111.
[14] Paul Collier, Rebellion as a Quasi Criminal Activity, *Journal of Conflict Resolution*, 2000, Vol.44, No. 6, 839-853
[15] Samson R. Akinola, 'Restructuring the Public Sphere for Social Order in the Niger Delta through Polycentric Planning: What Lessons for Africa?', *African and Asian Studies*, No. 9, 2010, 55-56.
[16] Ademola M. Adeyemo, 'The Oil Industry, Extra-Ministerial Institutions and Sustainable Agricultural Development: A Case Study of Okrika Local Government Area in Rivers State', *Nigerian Journal of Oil and Politics*, Vol. 2. No. 1, 2002, 60 -78 ; Ademola Adeyemo, 'Environmental Policy Failure in Nigeria and the Tragedy of Underdevelopment of Niger Delta Region', University of Port Harcourt Inaugural Lecture Series, No. 63, 2008, 37- 98; United Nations Development Program (UNDP), Niger Delta Human Development Report, Abuja, Nigeria, 2006, 75-80.
[17] The 36 states are grouped into 6 geo-political zones as follows: South-West Zone (Ekiti, Lagos, Ogun, Ondo, Osun and Oyo); South-East (Abia, Anambra, Ebonyi, Enugu and Imo); South-South (Akwa-Ibom, Bayelsa, Cross River, Delta, Edo and Rivers); North-West (Jigawa, Kaduna, KANO, Katsina, Kebbi, Sokoto, and Zamfara); North-East (Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe); and North-Central (Benue, Kogi, Kwara, Nassarawa, Niger, Plateau). The Federal Capital Territory, Abuja is also placed under the North-Central Zone.
[18] Ben Naanen, 'Oil Producing Minorities and the Restructuring of Nigerian Federalism: The Case of the Ogoni People', *Journal of Commonwealth and Comparative Politics*, Vol.33, No. 1, 46-78. - The second schedule of the 1999 Nigeria constitution (which is a repeat of previous constitutions) provides for the exclusive legislative list made of 68 items and reserved for the federal government. The concurrent legislative list on which both the federal and state governments have powers on has 30 items. Meanwhile a federal law supersedes state laws whenever there is a conflict. Section 4(3) of the 1999 constitution also provides that "the entire property in and control of all minerals, mineral oil and natural gas in, under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in such a manner as may be prescribed by the National Assembly.
[19] These criteria include population, equality of state, land mass, need and the principle of derivation which requires that a percentage of revenues derived from natural resources in any state should be paid to it.
[20] Okwudiba Nnoli, *Ethnic Politics in Nigeria.* (Enugu, Nigeria: Fourth Dimension Publishers, 1978).
[21] From the twilight of colonialism in the late 1950s up to 1967, the federating units in Nigeria were known as regions (the Northern, Western, Eastern and Mid-Western Regions). From 1967, they were renamed State; there are presently 36 in number.
[22] Ibaba Samuel Ibaba and Augustine Ikelegbe, "Militias, Pirates and Oil in the Niger Delta," in :W. Okumu and A. Ikelegbe (eds.), *Militias, Rebels and Islamists Militants: Human Insecurity and State Crisis in Africa,* (Pretoria, South Africa: Institute for Security Studies, 2010), 236.
[23] Details on trends and changes in revenue allocation and the linkages to oil are discussed by Gini F. Mbanefoh and Festus O. Egwaikhide, Revenue Allocation in Nigeria: Derivation Principle Revisited, in: K. Amuwo, R. Subeu, A. Agbaje and G. Herault (eds.), Federalism and Political Restructuring In Nigeria, Spectrum Books Limited, (Ibadan, Nigeria,, 1998), 213-231
[24] Nigeria is made of over 250 ethnic nationalities; the Hausa-Fulani, Igbo and Yoruba are noted as the dominant groups. Out of the 11 heads of the federal government since independence, all except one, President Goodluck Jonathan who succeeded the late President Umaru Yar'adua last year, are of one of the three major groups.
[25] Gini F. Mbanefoh and Festus O. Egwaikhide, op cit, 223.
[26] The United Nations Development Program (UNDP), Niger Delta Human Development Report, Abuja Nigeria, 2006; Ademola M. M.Adeyemo,op. cit.
[27] Although the compensation rates were determined by the Nigerian Government, the communities see the oil companies as those responsible for the damages; thus their inability to pay adequate compensation for damages caused by their oil production activities is considered a conspiracy between the government and the companies to deprive the people.
[28] The Oil companies later responded by providing basic infrastructure such as clean water, electricity, health facilities, agricultural support, class room blocks, scholarship and micro-credit. But a number of factors, including corruption, and structural deformities in the country's development process limited the impact of this support on the communities.
[29] Ike Okonta, *Behind the Mask: Explaining the Emergence of the MEND Militia in Nigeria's*, Oil-Bearing Niger Delta, Niger Delta Economies of Violence. Working Paper, No. 11, 2006; T. Tebekaemi, The Twelve-Day Revolution by Major Isaac Jasper Adaka Boro, Idodo Umeh Publishers, (Benin City, Nigeria: 1982)
[30] Augustine. Ikelegbe, Beyond the Threshold of Civil Struggle: Youth Militancy and the Militarization of the Resource Conflicts in the Niger Delta, African Study Monographs, 27(3), 2006, 87.
[31] Michael Watts, op cit. 369.
[32] The Ijaw and Itsekiris have been pitched against each other from the colonial days, over Ijaw perception of Itsekiri domination and contestations over the ownership of Warri land (Warri is the name of the area occupied by the Ijaw, Itsekiri and Urhobo, who are also part of the land conflict). The Ijaws had sought for a separate local government as part of efforts to deal with the problems of Itsekiri domination. Although the creation of the Warri South Local Government did not meet this desire as both ethnic groups were still mixed, the location of the head quarters in the Ijaw area brought some relief to the people. The relocation of the local government headquarters created the condition for the violence which resulted in ethnic hate and attempts by each side to annihilate the other.
[33] Ukoha Ukiwo, From "Pirates" to "Militants" : A Historical Perspective on Anti-State and Anti-Oil Company Mobilization Among the Ijaw of Warri, Western Niger Delta, *African Affairs*, 106/425, 2007, 600-602.
[34] Sofiri Joab-Peterside, On the Militarization of Nigeria's Niger Delta: The Genesis of Ethnic Militias In Rivers State, *African Conflict Profile*, Vol., No. 2,(2005), 30-51.
[35] Augustine Ikelegbe, 2006, op cit, 96. xxx
[36] It is considered unfinished because its objectives of freedom and development are yet to be achieved.
[37] 1baba Samuel Ibaba & Augustine Ikelegbe, Militias and Pirates in the Niger Delta, paper presented at Institute of Security Studies (ISS), Workshop on Militia and Rebel Movements: Human Insecurity and State Crisis in Africa, Pretoria South Africa, April 20-21, 2009, 13.

[38] Ibid., 98.
[39] The Kaima Declaration, Resolutions of all the Youths Conference held at Kaima, Bayelsa State, to Explore Strategies for the Survival of The Ijaw Nation in Nigeria, December 11, 1998
[40] Ike Okonta, 2006, op. cit.
[41] Alex P. Schmid, 2011, op. cit., 64-67.
[42] Alex P. Schmid, 2004, op. cit., 197.
[43] Ike Okonta, 2006, op cit,14.
[44] Ibid; Michael Watts, 2007, op. cit.; Ukoha Ukoha, 2007, op. cit.
[45] NDTC (Niger Delta Technical Committee), Report, Report of the Committee set up by the Nigerian Government to Appraise Previous Reports of Commissions and Committees with a view to Determine Appropriate Policy Options for Development and Conflict Resolution in the Niger Delta.
[46] The Peoples Democratic Party (PDP) is one of the over 60 registered political parties in Nigeria. It is the ruling party in the country, and as at the time of the kidnapping and hostage taking of its officials in Ondo State, it was also the ruling party there. Presently, Labor Party rules in Ondo State.
[47] Michael Watts, 2007, op. cit.; I. Okonta, 2006, op. cit.
[48] See BP Statistical Review of World Energy (June 2009); available online at http://bp.com/statisticalreview. Also, see Chris Ajaero, Nigeria's Lost Trillions, *Newswatch Magazine,* May 4, 2009, 21. Notably, in February 2011 President Goodluck Jonathan announced that Nigeria's crude oil production had recently increased to 2.6 million barrels per day in large part due to dividends from the Amnesty Program. See http://allafrica.com/stories/201102221027.html
[49] Ottoabasi Abasiekong, MEND should Learn from ETA, *Businessday*, March 21, 2011,14.
[50] Niger Delta Technical Committee Report, 2008, op. cit.
[51] Cf. Alex P. Schmid (ed.), 2011, op. cit., 99-148.
[52] Alex P. Schmid, 2004, op. cit., 51.
[53] Ademola M. Adeyemo, 2008, op. cit.
[54] Augustine Ikelegbe, Popular and Criminal Violence as Instruments of Struggle: The Case of Youth Militias in the Niger Delta Region. *Paper presented at the Nordic African Institute, Post Conflict Program Workshop, Oslo, Norway August, 2008.*
[55] Dangerous Dimension: Bombing should not acquire a life of its own, like kidnapping, its precursor; *The Nation* (Newspaper's editorial/ opinion comment), March 22, 2010, 15.
[56] Bisi Olaniyi, Sanni Ologun & Jude Isiguzo MEND Threatens to Bomb Lagos, Abuja and Niger Delta. *The Nation* (Newspaper), March 15, 2011, 1-2.
[57] Bisi Olaniyi, Sanni Ologun & Jude Isiguzo ,Ibid; Also see Daily Sun Newspaper, June 7, 2011,p.15
[58] Michael Watts, 2007, op. cit., 639.
[59] Alex P. Schmid (ed.), 2011, op. cit., 51.
[60] As part of efforts to resolve the Niger Delta Conflict, the Nigerian Government proclaimed Amnesty for all militants in the area, including MEND leaders and members. The program offered pardon for all those who took arms against the state, in return for disarmament and reintegration. Over 20,000 militias, including key leaders and members of MEND surrendered thousands of sophisticated arms and ammunitions, and renounced militant activities. They have since been sent for non-violence training, while many of them have been sent for training in skills acquisition and enhancement. Some have been sent to tertiary institutions to acquire higher education in their chosen fields of study. Since the Amnesty Program, hostage taking of oil workers have ceased while attacks on oil infrastructure have reduced significantly. However, some members of MEND are still carrying on with violent engagements as shown by recent attacks on oil facilities and threats to bomb selected targets in the country and the Niger Delta persist.
[61] Cited in Godwin Nwabueze, Public Policies and Underdevelopment: A Critical Appraisal of the Structural Adjustment Program; in: Steve Onyeiwu and Darlington Iwarinie-Jkja (eds.), Issues in the Political Economy of Structural Adjustment in Nigeria. Port Harcourt: SIJ Publishers, 1991, 22-34. Also see, Johnson Nna, The Niger Delta: State Legislation and Disempowerment. (Owerri, Nigeria: Springfield Publishers, 2001), 18-23.