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Conflict Obscuring Criminality

The Crime-Conflict Nexus in Nigeria

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INTRODUCTION

Both conflict and organised crime are deeply entrenched in Nigeria. In 2015, the Global Terrorism Index listed Boko Haram as the deadliest terrorist group, with Fulani militants in the Middle Belt of Nigeria responsible for the 4th most fatalities globally.¹ Although there has been a reduction in fatalities in 2016,² new militant groups emerged in the Niger Delta region, making Nigeria home to three active conflicts.

Conflict in all three regions is connected to economic and political grievances, which suggests that armed groups are strategic in nature, responding to the needs of civilians in their area of operation. Increasing literature on the strategic nature of criminal organisations and warring parties highlights a variety of criminal and political motives that evolve over time, adapting to changing situations in order to maximise opportunities.³ While armed groups in all three regions may engage in criminality to sustain their activities, there is no evidence that they are filling governance roles or supporting civilians in their regions.

In parallel, the World Bank identified conflict and fragility as creating conducive conditions for organised crime.⁴ While in some countries, such as Afghanistan and Colombia, illicit and criminal economies are closely linked to insurgency and conflict, this is not the case for Nigeria. Despite several conflict-affected regions and a high concentration of organised crime entities,⁵ for the most part crime and conflict remain separate. The prevalence of corrupt officials and the entrenchment of organised crime means that conflict is not required as a cover to move illicit goods. The banking and transport infrastructure of major cities is more important and useful, whereas the three conflicts underway in Nigeria are in rural areas (see Figure 1). But criminal activity continues to influence local conflict dynamics in all three regions.

Despite claims of a linkage by Boko Haram's leadership, organised crime entities have little to do with the group aside from supplying illicit goods. But Boko Haram has created a profitable protection economy in northeastern Nigeria that is exploited by many other groups and individuals. Organised crime activities in the Niger Delta are largely driven by politicians who use militant groups to assist and provide plausible deniability. Militants in the Middle Belt continue to engage in cattle rustling in order to target their opponents. Aside from the Delta region, criminality is not linked to global illicit flows, but in all three regions criminal activities are fuelling conflict.

Given this complexity, this case study seeks to understand how crime and conflict intersect in Nigeria, focusing on the insurgency of Boko Haram and the emergence of new militant groups in the Niger Delta. The aim is to assess the impact of global illicit flows on local conflict dynamics, while

also considering how international actors can respond. The paper first engages with the nature of conflict in Nigeria and how it has evolved alongside, but separate from 'organised' crime. The forms and function of criminal activity in the two conflict-affected regions is then discussed, followed by an analysis of the impact of criminality on conflict and some recommendations on how international actors can respond.

The analysis presented in this case study is based on extensive desk-based research and fieldwork conducted in Nigeria in November 2016. Local researchers conducted fieldwork in Maiduguri, Kano and Yobe, interviewing government representatives, NGOs, and community members. In Lagos and Abuja, interviews were conducted with journalists, researchers, security analysts, government representatives,⁶ NGOs,⁷ UN agencies⁸ and embassy officials.⁹ Although fieldwork was not conducted in the Niger Delta region, NGOs and experts were consulted either in Lagos or Abuja or via Skype.¹⁰

A COUNTRY OF MULTIPLE CONFLICTS

As a country that brings together diverse ethnic, religious and language groups, with rapid population growth, widespread inequality and high levels of corruption, Nigeria has rarely experienced peace across the whole country. Outside major cities, socio-economic development is uneven, and political divisions influence where resources are directed. The Uppsala Conflict Data Programme indicates that since 1946, Nigeria has experienced different forms of organised violence almost continually.¹¹

The Biafran war, from 1967-1970 is still viewed as one of the worst conflicts on the African continent with over 1 million people killed, the majority a result of famine. The war was a response to the regional differences and lack of representative governance that became entrenched after Nigeria's independence. The Igbo people that dominate the Biafra region sought to secede from Nigeria, in order to manage their own governance.

Many armed groups active in Nigeria since have also been responding to grievances, and the same regional differences and lack of representative governance that sparked the Biafran war. But none could be considered secessionist movements in the same way, although some are demanding autonomy to varying degrees. Even though Boko Haram has called for a caliphate for instance, there have been no attempts to take on a governance role.¹² This is consistent across all conflicts in Nigeria. But they are similar in that they respond to a governance void. Although the state may be present in the regions where conflict exists, they are not protecting civilians and may be complicit in violence.

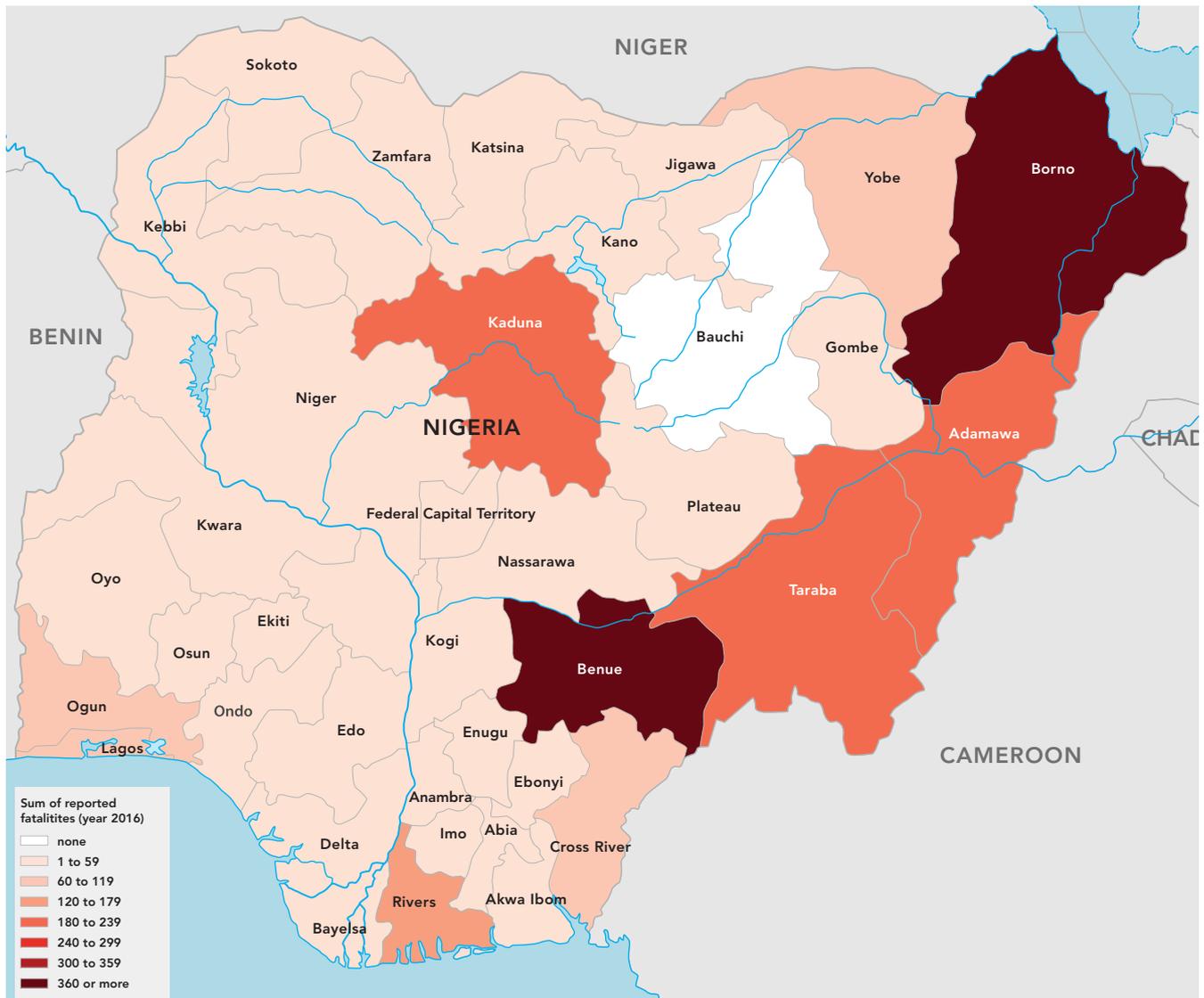


Figure 1 – Current Conflict affected regions of Nigeria¹³

Currently, the Boko Haram insurgency in north-eastern Nigeria receives the most attention. When the founder of Boko Haram, or Jama’atu Ahlis-Sunna Lidda’Awati Wal-Jihad, Mohamed Yusuf, was killed by government forces in 2009, the group became more radical and violent.¹⁴ The group has engaged in guerrilla warfare and propaganda, with franchise groups operating independently resulting in unpredictable and sporadic attacks.¹⁵ The level of violence has shifted over time depending on the government response, resources and allegiances, with reported links to Al Qaeda in the Maghreb (AQIM) and more recently Islamic State.

While Boko Haram is currently responsible for the majority of deaths in Nigeria,¹⁶ violence in the Niger Delta has been ongoing since the mid-2000s. In 2005, the Movement for the Emancipation of the Niger Delta (MEND) emerged as an umbrella organisation advocating for more benefits of the oil industry to remain or return to the

Delta region.¹⁷ Until an amnesty agreement was reached in 2009,¹⁸ the group engaged in sabotage, theft, destruction of property, guerrilla warfare and kidnapping.¹⁹ MEND was the culmination of ongoing violence in the Delta region since the 1960s. The collapse of the oil sector in the 1990s prompted non-violent protests, until violent repression by Sani Abacha’s military regime resulted in their escalation into violent clashes.²⁰

Following a pause in violence because of the 2009 amnesty agreement, a number of new militant groups emerged in the Niger Delta during 2016 conducting attacks on oil facilities and passenger vessels. The two most prominent groups are the Niger Delta Avengers (NDA) and the Joint Niger Delta Liberation Force (JNDLF).²¹ These groups are reportedly formed from young people that grew up in the shadow of MEND, so were exposed to the same grievances, but did not benefit from the amnesty.²² A number of other groups have also emerged, such as the

Asawana Deadly Force of Niger Delta (ADFND) and the Niger Delta Greenland Justice Mandate (NDGJM).²³ The emergence of many different groups in different parts of the region has parallels to the emergence of MEND, which became an umbrella group that united a broad cross section of ethnicities after violent military responses. Given the military response to the emergence of these new groups, there is potential for a new and stronger umbrella movement to be formed, resulting in increased violence. But many are closely linked to political actors.

A third conflict is also underway in the middle belt, between Fulani herdsmen and indigenous pastoralists. Although communal violence has been underway for nearly 15 years, the intensity has increased resulting in 630 deaths in 2015 and twice as many in 2014.²⁴ Tensions are rising over resources—land, water and grazing rights. The lack of governance in the region has resulted in a lack of clarity over property vs grazing rights. Criminal activities such as cattle theft have escalated into more systematic attacks and militancy. Because the nature of this conflict differs from those in the northeast and Niger Delta, in that violence is not directed towards the state and it is primarily retaliatory, lacking in strategic objectives, it has not been a focus of this study.

Although all three of these conflicts are in some form a response to grievance, armed groups do not seek to fill governance gaps that exist in their regions. Organised crime in Nigeria operates in a relatively autonomous fashion and in some cases chooses to strategically take advantage of opportunities presented by conflict.

ORGANISED CRIME A SEPARATE PHENOMENON

Globally, Nigerian organised crime has become 'notorious for its armies of imaginative criminals, formed into organisations with international reach'.²⁵ Organised crime in West Africa in recent years has often been cited in connection with the cocaine trade, and specifically Colombian drug trafficking organizations seeking a transit hub after direct shipments to Europe were increasingly intercepted in the Atlantic Ocean.²⁶ Colombian traffickers in particular sought to take advantage of weakness and fragility to establish a new transshipment route for cocaine being moved to Europe, and one that complicated the response of law enforcement. Nigerian organised crime however, is qualitatively different and not directly linked to the conflicts present across the country.

To begin with, Nigerian organised crime is much more established than in other countries of the region, such as Cape Verde or Guinea Bissau for instance, where the transit of cocaine is relatively recent. Since the 1960s, both Nigerian and Ghanaian smugglers have been transporting cannabis to Europe, later expanding to heroin and cocaine.²⁷ While conflict has fluctuated in Nigeria, organised crime entities

have continued to grow. As a result, they predate the current conflicts. Ellis describes four areas where organised crime networks have flourished—the diversion of profits from the oil industry; fraud, particularly credit card and advance fee fraud; drug smuggling; and human trafficking.²⁸ These illicit activities are facilitated by global networks strengthened by university cults, as well as effective entrepreneurship and social skills that allows groups to penetrate a wide variety of markets. Ellis outlines how historically, the accumulation of wealth in Nigeria relied on the maintenance of extensive networks of social relationships—skills that can be readily applied to organised criminality.²⁹

The weakness of the Nigerian state and the corruptibility of officials³⁰ also creates an ideal operating environment, which means organised crime networks do not need to maximise instability and fragility to protect or disguise their activities. In addition, smuggling activities tend to be dominated by particular groups. The drugs trade for instance, is heavily controlled by the Igbo ethnic group.³¹ While middle management and couriers might be recruited from other ethnic groups, control of the trade remains centralised. When these ethnic groups are not involved in conflict, they will not willingly engage with conflict-affected regions.

There are reports of drugs moving through the northeast of Nigeria. However, this is mainly to supply Boko Haram militants rather than direct involvement of the group in drug trafficking. Given the tensions that exist between ethnic groups,³² those that control the drugs trade would be reluctant to share revenues, and moving drugs by land through the northeast does not provide a strategic advantage, as air and sea routes are the primary conduits. In 2013, the National Drug Law Enforcement Agency (NDLEA) launched an investigation on links between drug trafficking and Boko Haram, which found that while drugs were transported to the region there was no evidence of the group's involvement in the trade.³³

Even though Nigeria is notorious for both conflict and organised crime, the linkage between them is not strong. Organised crime entities in Nigeria avoid conflict-affected areas. This does not mean crime is not a feature of these areas, but it tends to be localised and opportunistic. However, it can still be on a significant scale. Given the presence of oil in the Niger Delta, there is a strong linkage between the oil industry, crime and conflict. The nuances of this criminality, in both the northeast and the Niger Delta will be the focus of this report.

CRIMINALITY AND BOKO HARAM

Boko Haram has reportedly paid individuals to support their efforts, whether gang members in Diffa, Niger being recruited to commit acts of violence,³⁴ informers in strategic towns and villages paid to warn of military movements,

or business owners having their allegiance bought. This requires ready access to funding to sustain. Boko Haram may wish to tap into global illicit flows,³⁵ but the groups' structure and leadership is a deterrent for transnational organised crime networks. Despite linkages with other violent extremist groups,³⁶ the clandestine nature of Boko Haram isolates the group from global illicit flows. The pattern of 'peaks and valleys' of Boko Haram attacks, as described by security analysts also means the group is an unpredictable partner, which is only exacerbated by its cell-based structure.³⁷ While organised crime groups will supply the group, whether with drugs or weapons, Boko Haram and its cells will not be relied upon to facilitate global flows. As a result, criminality is more localised—an opportunistic protection economy reinforced by violence, where all goods moving through Boko Haram territory are taxed. This is classic mafia behaviour, but it is not linked to *global* illicit flows.

Protection Economies

Since Boko Haram first emerged there has been much speculation on where their funding comes from and its potential links to criminality. Comolli has provided the most comprehensive review of how funding has evolved – from early beginnings that relied on subsistence agriculture in Yobe and small trading activities, followed by the taxing of small businesses created through micro-finance, membership fees and voluntary donations.³⁸ During a later affiliation with AQIM, there is evidence of financial support coming from the organization in the form of seed funding, equipment and weapons.³⁹ However, extortion has been the primary funding source, extending from small-scale extortion to kidnapping for ransom and the taxation of all commodities passing through the region.

Boko Haram has provided loans and payments to their supporters to establish small businesses.⁴⁰ There is an expectation that a proportion of any profit made from these businesses will be directed back to Boko Haram. This is quite minor extortion, as it is an implicit understanding when receiving money from Boko Haram that this will be expected and therefore rarely requires violence to enforce. Although there have been reports of individuals receiving money from Boko Haram fleeing their hometowns.⁴¹

Further along the scale, there are allegations that payments have been made to deter attacks from Boko Haram. Comolli reports that 'payments are expected from almost anyone, from villagers in rural areas to businessmen and local civil servants, who receive calls and text messages with requests for specific sums of money, failing which violence will follow'.⁴² There are also reports that political leaders at different levels have paid Boko Haram to ensure that people under their watch are not subjected to violence, that properties are not attacked and schools are safe.⁴³

Boko Haram has also engaged in kidnapping for ransom. Many cases were linked to an offshoot of Boko Haram

—Ansaru—such as the kidnapping of Chris McManus from the UK and Italian Franco Laminolara in 2011; Francis Collomp from France in 2012; and seven expatriate employees from construction company Setraco in 2013.⁴⁴ The 2013 kidnap of a French family in Cameroon by Boko Haram allegedly resulted in a \$3 million ransom.⁴⁵ Nigerian news reported in 2014 that Boko Haram was making \$1 million for every wealthy Nigerian abducted.⁴⁶

Although high value illicit commodities like narcotics do not pass through northeast Nigeria, many other commodities do, and Boko Haram controls trade routes, extracting rents. The cattle trade has been one of the most lucrative, as it is one of the few livelihoods that continues in the region. Boko Haram has engaged in cattle theft, as well as collecting rents from herders. In 2014/15, Boko Haram reportedly controlled cattle markets in the northeast of the country, extracting profits from the sale of cattle.⁴⁷ Losses were not reported by the cattle grazing association for fear of reprisals, but also because there was no other form of protection.⁴⁸ In early 2016, the Nigerian military closed a number of cattle markets to limit their role in funding Boko Haram. The result was widespread unemployment and food insecurity, which only fuelled the humanitarian crisis and created further dissatisfaction.⁴⁹

Because cattle herders have been travelling along certain roads for many years, criminals have also used their movement as a cover to get away from particular areas. The political situation in the middle belt, with conflict between Fulani herders and pastoralists, means the government rarely intervenes with the herders as any involvement would be accused of taking sides in that conflict.⁵⁰

Taxation, or passage fees have also been applied to other businesses, particularly fishing and any kind of smuggling.⁵¹ This varies according to what is moving through the region, and is thus opportunistic and ad hoc. Moreover, the forms of extortion and taxation engaged in by Boko Haram differ across the region, as they are managed by cells and depend on what is passing through their area, and what opportunities are available.

These activities all form part of a protection economy created by Boko Haram in areas under their control, where the group governs illicit flows and extracts rents through extortion.⁵² Although this is a classic mafia technique, that takes advantage of governance vacuums, its use by Boko Haram differs from how it is used by other organised crime groups in several ways. Although Boko Haram may provide something in return—business loans, passage for taxed commodities, or refrain from attacks in certain areas—this does not extend to even the primitive state functions described by Skaperdas.⁵³ Rather the group is primarily extractive. The cell-based nature of Boko Haram also makes the protection activities unpredictable, which differs from mafia-driven protection economies, where affected communities at least

benefit from a level of protection from violence and other forms of extortion.

Because of the extractive nature of Boko Haram's protection economy, the revenues raised are used to sustain the group's activities. It therefore has a direct impact on local conflict dynamics, by financing further attacks and sustaining footsoldiers. However, because of the dynamics outlined above, the protection economy is not linked to global illicit flows, as groups moving these commodities tend to avoid the northeast of Nigeria.

General Criminality

The fragmented nature of Boko Haram has also resulted in random acts of crime, with different cells exploiting available opportunities. In 2011 and 2012, bank robbery was a common tactic, particularly in Borno, Yobe and Adamawa regions. Car theft has also been a popular tactic, as has the hijacking of convoys.⁵⁴ As with the taxation of commodities, such activities are opportunistic, based on what is possible in a given area.

Boko Haram is also a consumer of illicit goods. This is the groups' primary interface with organised crime entities. While large quantities of drugs are not moving through northeastern Nigeria, drug use among militants has increased. Tramadol, which is widely trafficked throughout West Africa, is the most prominent. Tramadol is thought to keep militants active for days without eating.⁵⁵ In 2016, a truck was intercepted in Borno State travelling from Maiduguri towards the border with Niger with a large quantity of Tramadol, cannabis and other chemical substances.⁵⁶

Boko Haram also supports the arms trade by purchasing weapons coming from Niger, Chad and Cameroon.⁵⁷ Many weapons have been stolen through raids on police and military stations, which are then sold.⁵⁸ However, many are also coming from further afield. A Boko Haram member responsible for smuggling weapons arrested in 2015 disclosed that weapons were sourced in Sudan and smuggled through neighbouring countries concealed in trucks transporting food.⁵⁹ In February 2015, an individual that was part of a Boko Haram sleeper cell was arrested in Diffa, Niger. He had established legitimate companies that were providing weapons, ammunition and cash to the group.⁶⁰

The connection to drug and arms trafficking points to Boko Haram's role as a consumer of global illicit flows, but not an active participant in their movement. The group does have international connections, particularly with other Islamist groups. The early links with AQIM have already been outlined. Although much has been made of the pledged allegiance to Islamic State, the renaming of the group to Islamic State – West Africa Province, there is no evidence that any material support has been provided, although there is clearly an ideological influence.⁶¹ Just as there is evidence that organised crime

groups are reluctant to engage with Boko Haram because of its unpredictable nature, there appears to be reticence on the part of Islamic State also, as the group announced a governor of Islamic State in West Africa, with no mention of the Boko Haram leader Abubakar Shekau.⁶²

MILITANT GROUPS IN THE NIGER DELTA

At first glance, the new militant groups in the Niger Delta appear to be a new incarnation of MEND – engaging in violence as a result of political and economic grievances. Like their predecessors, the militant groups have highlighted how the region has not benefitted from the revenues generated by oil, and as with other regions of Nigeria, formal governance is weak. Their emergence is linked to previous amnesty programmes, from which this new generation of militants had not benefited from directly.⁶³ While this argument makes sense given the continued lack of development in the region, the reality is much more complex.

There is clearly an element of rent seeking in response to grievances. For example, oil theft and local refineries have been used to generate revenue locally, bypassing official channels. A report by the Stakeholder Democracy Network (SDN)⁶⁴ quotes a local oil refiner claiming 'the government and oil companies are collecting our oil, and we don't have jobs, no money, so we have to collect the oil and refine our own'.⁶⁵ In 2013, when the report was drafted, oil theft was estimated at 100,000-150,000 barrels of crude oil a day. As oil prices have decreased, oil theft has become less valuable, but it still remains the highest value commodity in the region.

But oil theft is not solely down to militant groups, as there is a strong linkage between criminals, militants and politicians. Nigerian politicians often hire thugs to intimidate their opposition and supporters. The NDA have reportedly been used for this purpose, which also provided them with weapons.⁶⁶ Some also argue that militants have hijacked government structures, providing resources to support candidates.⁶⁷ Although this is difficult to substantiate, there are numerous accounts that arrested individuals are rarely prosecuted because law enforcement and judicial officers are paid off, indicating some linkage between militants and political actors.⁶⁸

Because of the complex nature of oil theft, it relies on a number of different actors with militants, criminals and politicians each playing a different role. Communities are often blamed for vandalising oil pipelines because of anger and desire for attention. But a desire for wealth, power, status and recognition are also driving militants, politicians and criminals, which makes them more strategic and systematic in stealing oil. And ultimately, communities do not have the skills and equipment to vandalise pipelines and steal oil: 'Bunkering and pipeline vandalism are not

poor men business. When you go in-depth you will see that some prominent persons are behind it. The instrument they use for bunkering and vandalism is not what the ordinary man can afford. The key players are somewhere while those boys we see around are just labourers'.⁶⁹ According to Stakeholder Democracy Network, about 75% of stolen oil is sold in crude form and laundered on international markets while the remaining 25% is sold as locally refined products on local, regional, national and international markets.⁷⁰ Transporting and selling the stolen crude, and the locally refined products requires skills and connections that are beyond militant groups. While they provide the labour and cover, this points to organised criminal involvement alongside high-level officials.

Some politicians are also linked to oil servicing companies that are contracted to fix pipelines when they are damaged, which means they profit from the destruction caused by militant groups.⁷¹ This is not limited to politicians. As part of the amnesty programme, key militants were also awarded similar contracts.⁷² Although the practices around these contracts are starting to change, with key individuals such as ex-militant Tompolo being prosecuted, it highlights how far the profits of oil bunkering spread. State security officers that are employed to protect the oil pipelines are also complicit, with many cases identified of officers being paid to allow militants or others to tap pipelines under their watch.⁷³

The political connections surrounding oil bunkering has meant that kidnapping in the Niger Delta has also witnessed a resurgence as an alternative criminal activity. Due to the economic situation, kidnapping has become common across the country. However, in the Delta, it is a sophisticated operation. Targets include expatriates, dual nationals and Nigerian elites. Criminal groups use the names of militant groups as a cover to avoid being held accountable.⁷⁴ They have camps where they can hold several victims simultaneously. The operation is very professional; they have multiple victims so they can wait for a decent ransom. They also pay authorities for intelligence.⁷⁵ This appears to be one area where criminal groups are operating independently from political actors and militants, although they do pay off security officials for intelligence to protect their activities.⁷⁶

Oil bunkering however, relies on a symbiotic relationship between militants, criminals and state actors, where each group is using the others, either directly or indirectly to maximise opportunities for profit. This is not new in the oil-producing region. Okonta has described Nigerian politics as 'a struggle for control of the country's oil largesse, which, once secured in the form of loot, is used to further consolidate political ends'.⁷⁷ Ellis traces this back to the 1970s, when senior officials leveraged their contacts to evade quotas, allowing numerous Presidents to benefit from the official state revenue and a private income from oil smugglers.⁷⁸

Much of the siphoning of oil revenue has been driven by large and powerful organizations. However, the involvement of smaller syndicates, made up of militant groups, student cults and other criminal groups with shifting alliances to state actors has been widely discussed, with individuals and groups profiting from bribes, 'security' payments or providing services to bunkerers.⁷⁹ Former governors in the Niger Delta have also been accused of allowing militants to partner with bunkerers in exchange for the support they have provided in rigging elections.⁸⁰

Since the election of President Buhari in 2015, the oil sector has come under increased scrutiny, with the President himself taking responsibility for the Nigerian National Petroleum Company. These developments have coincided with the resurgence of militancy in the Delta region. Politicians eager to continue benefitting from the oil industry now require more discretion. This has raised suspicions among NGOs active in the region that these politicians are encouraging the militant groups to provide cover for their activities.⁸¹ Given the history of the relationships between different actors connected to the oil industry, this is a reasonable assumption, as all groups are eager to keep the revenues flowing.

IMPACT ON CONFLICT

In the two regions, the dynamics of criminality are significantly different. Global illicit flows are relatively absent from the northeast of Nigeria, Boko Haram being a consumer of certain illicit goods rather than an active player in the transnational illicit trade. Criminality is primarily localised, taking advantage of all opportunities available in the region. In contrast, global demand for oil links criminality in the Niger Delta into larger, more organised networks. But in both regions, criminality is linked to conflict – conflict provides a cover for criminal activity and creates a shared strategic space for groups to maximise their own gains. This creates an interest from multiple sides to maintain the conflict, and financial gains of criminal activity also sustains conflict.

Conflict as Cover

Militant groups are not the only actors exploiting conflict to pursue illicit activities. Keen has highlighted how endemic disorder and a 'state of emergency' benefits many actors beyond those instigating conflict.⁸² The unpredictable nature of Boko Haram has deterred many international organisations from having a presence in the northeast of Nigeria, or ensured their presence is centralised in major towns where they can be better protected. This had the effect of removing independent observers that could witness and report on criminal activity.

Residents remaining in the region are left to support themselves and their families however they can. The northeast of Nigeria was already lacking economic opportunities,

which was one of the reasons Boko Haram gained traction initially.⁸³ The military has further undermined the opportunities that exist by closing cattle markets. Consequently, criminality provides one of the few viable options.

In Maiduguri, a syndicate adopted Boko Haram's practice of calling residents demanding money and threatening violence. Syndicate members claimed they were from Boko Haram, but when they were arrested all members were Christian and had no link to Boko Haram.⁸⁴ Civilian vigilantes have also engaged in cattle rustling and armed robbery while chanting Boko Haram phrases.⁸⁵

Although the leadership of Boko Haram plays a prominent role in the media, the rest of the group is 'faceless' and operates in a franchise, cell-based style.⁸⁶ This makes it relatively easy for anyone to claim that they belong to Boko Haram when caught engaged in criminal activity. Increased violence and criminality conducted in the name of Boko Haram however, has the effect of making the group appear stronger and more violent than they are, and further deters international organisations from having a presence in the region.

These practices are not limited to civilians. In one instance, a military officer was arrested after stealing a car and killing the driver.⁸⁷ The military has also been connected to the looting of shops.⁸⁸ This is part of a broader trend of state security officers using the conflict as a cover to generate revenue. Soldiers and police are also reported to have sold their weapons to Boko Haram, decreasing the state capacity to respond to attacks.⁸⁹ Since cattle rustling has become harder for Boko Haram, the group has used middlemen to get cattle to market, which has included state security officials. Of 30 people arrested in October 2016, four were serving soldiers, two were police officers and there were several members of the Civilian Joint Taskforce.⁹⁰ As a result of these practices, the public safety environment has changed. A wide range of groups are emerging with different modus operandi, with new crimes coming up.⁹¹

As noted above, conflict is also providing a cover for state actors in the Niger Delta. In this connection, Ellis has described Nigeria as a 'political kleptocracy', particularly when the oil industry is concerned. State actors have historically engaged with a range of criminal and militant actors in the Delta to ensure they benefit from oil theft. With a President keen to eliminate corruption, particularly in the oil sector, supporting militant groups provides effective cover for the continuing siphoning of oil revenues.

Because the conflicts provide a cover for criminal activity, it can be expected that those benefitting have an interest in maintaining the conflict. In the northeast, this applies to the local criminal groups that are engaging in small-scale activities and blaming Boko Haram. The aim is merely to respond to the lack of other opportunities however.

Although organised crime entities tend to avoid the region for the movement of commodities, armed groups continue to consume illicit goods, which means they also benefit from ongoing conflict. In the Niger Delta, the conflict is used more strategically to disguise the involvement of criminal and state actors in the theft of oil.

Competing for Governance

In conflict-affected areas in many countries, there is a growing trend of criminal actors, armed groups and state actors competing with one another for governance. This arises from the increasingly strategic nature of these different groups, but particularly criminal and armed groups – with political motives that evolve over time. At first glance, this should be pertinent for the two conflict-affected regions of Nigeria. The emergence of Boko Haram is in part attributed to governance failures, and particularly the failure of the Nigerian state to provide security to residents in the North.⁹² Northern Nigeria has the lowest level of socio-economic development, infrastructure and employment in the country. Rather than seeking reparations for this inequality, however, Boko Haram has blamed the Nigerian state and offered an alternative Islamic utopia, promising better alternatives to existing opportunities in Northern Nigeria.⁹³ MEND also emerged to counter the lack of state presence in the Delta region and to return more benefits of the oil industry back to communities in the region.⁹⁴ However, rather than competing for governance, criminal and political actors in Nigeria are operating in a shared strategic space where all groups are maximising their own opportunities for private gain.

In both regions, the rhetoric of militant groups suggests they have governance ambitions. Boko Haram advocates for a caliphate as an alternative to the social vices of the Nigerian state: 'the best thing for a devout Muslim to do was to "migrate" from the morally bankrupt society to a secluded place and establish an ideal Islamic society devoid of political corruption and moral deprivation'.⁹⁵ Although diverse, and not yet well understood, the Niger Delta militant groups have adopted a similar narrative to MEND, challenging the grievances experienced in the region as a result of the oil industry and seeking to provide redress for residents.

However, in neither region is support to communities a core focus of any actors – criminal, militant or state. Reviewing the strategies of Boko Haram, Ladbury et al. find that the group has not established a civil administration to deliver on the governance and services that a caliphate would be expected to provide; instead the group has focused on population control and instilling fear.⁹⁶ Boko Haram actually provides few benefits to populations under its control, and its use of violence has only alienated civilians.⁹⁷ There has also been no strategy to engage women and girls as supporters; rather they have been subjected to abduction, imprisonment, rape and forced marriage.⁹⁸

Similarly, in the Delta region, although militant groups claim to represent community grievances, benefits received are rarely shared. Stakeholder Democracy Network has recorded the case of Rumuekpe, a town where leaders received royalties from the Shell Petroleum Development Company, but funds were held by leaders and their families rather than distributed to the community. The result was 'waves of conflict between three factions competing for power and the oil handouts that come with it'.⁹⁹ Between 2005-2008, 100 people were killed and 18,000 displaced.¹⁰⁰ These dynamics create competition between different groups, fuelling tension and conflict. This is evident in the emergence of multiple militant groups also, rather than a powerful umbrella movement like MEND was.

In both regions, state governance is weak. With state actors also taking advantage of the insecurity and engaging in criminality, they are also alienating civilians. While this creates a vacuum that in other contexts may be filled by criminal groups, this is not the case in either region. Criminal actors in both regions have chosen to operate clandestinely rather than pursue more strategic and governance objectives.

The allegiances between militant, state and criminal actors is fluid and constantly evolving. In the northeast, each group appears to operate in isolation, each taking advantage of the instability to pursue their own agenda. Because oil bunkering is more strategic and requires more participants at different stages of the supply chain, relationships of convenience have emerged between conflict, state and criminal actors, as outlined above.

In the current climate, with Buhari cracking down on corruption, particularly in the oil sector, state actors need the militant groups to disguise their involvement. This is a dangerous game, particularly as many militants were armed by state actors and have since become difficult to control. For instance, a series of new attacks were launched in late 2016 despite negotiation attempts.¹⁰¹ However, state actors can rely on official mediation processes, which are already underway, in an attempt to bring militants back in line and further distance themselves.¹⁰² Criminal groups are also using the militants as a cover, ensuring that they carry the blame for all violence and criminal activity in the region.

While this relationship is working currently, it is not sustainable. Militant groups will inevitably escalate and become more difficult to control, as they are armed and have the ability to generate revenue. Although state actors can fall back on the official mediation efforts to keep militant groups in line, there is a real risk of increased conflict.

CONCLUSIONS AND RECOMMENDATIONS

In both the northeast of Nigeria and the Niger Delta criminal activity is fuelling local conflict dynamics. Those benefitting

from criminality have an interest in maintaining the conflict to disguise their activities. Armed groups generating revenue from criminal activity also have the resources to sustain fighting. In the northeast, criminal activity is supporting Boko Haram. But the engagement of other individuals and groups in criminality under the guise of Boko Haram makes the group appear more powerful and dangerous than it is. In the Niger Delta, the use of militant groups to disguise oil theft bolsters armed groups that can easily escalate.

Many of the recommended responses engage with the dynamics of the conflict and fit within a broader conflict resolution response. Because the conflict is providing a cover for criminality, this would in turn make criminal activity more difficult. Conflict in Nigeria, whether the Boko Haram insurgency, the emergence of new militant groups in the Delta or the increasing tension between herdsman and pastoralists in the Middle Belt stems from a lack of governance, an inequitable and opaque distribution of resources, and perceived differences in how ethnic or religious groups are treated by leaders. Responding to both the conflict and criminality in conflict-affected areas will require efforts to rebuild governance and promote socio-economic development. However, there are several more direct responses that engage with way criminality functions in each region. More immediate responses include increasing the presence of observers in the region to name and shame criminality, but also engaging with the private sector to secure the oil trade.

Rebuilding Governance

The evolution of the conflicts in northeast Nigeria and the Niger Delta, where all actors are working for their own self-interest, exploiting the governance void, but not seeking to fill it, has implications for how the international community responds. In both regions, the governance void is a key factor—although the state is present, it is not governing, not supporting or protecting communities, which allows criminal and militant groups to expand their activities. The governance void also supports other groups, especially state actors that mirror the activities of militant groups. This has only worsened the level of trust in state institutions, as evident in the underreporting of losses by the Cattle Herders Association. Residents have no authority to turn to, so they maximise opportunities that present themselves. In this context, state based responses to criminality that rely on law enforcement are redundant because of the high likelihood of complicity.

A stronger bond is required between leaders and the people they represent, at the local, state and national level. The current lack of social contract in both regions provides an opportunity for state actors to reclaim their leadership. This is easier in the northeast. Although Boko Haram has always had a ready cadre of recruits because of the grievances felt in the region, the group's lack of support for the communities where it operates suggests that this

has waned. While people may still be engaging with the group, this is more because there are no alternatives. In this context, enhancing governance and accountability would make criminality by all actors less viable, but also make the broader activities of Boko Haram less viable.

Addressing Grievances

More effort is required to address socio-economic issues and challenges in both the northeast and the Niger Delta. Even though the militant groups in the Delta are not directly responding to grievances, they continue to use them as a justification for violence. In the case of MEND, the group was able to capture the conscience of the international community, and mobilize support because of the damage caused by the oil industry. The damage not only justified the group but also made its tactics appear rational, even if there was strong disapproval. Even individuals who were kidnapped by MEND reportedly understood its rationale for violence.¹⁰³

While the new militant groups have not yet reached the same level of coordination and sophistication, this could happen in future. The amnesty programme only benefitted youth who handed over weapons and agreed to stop fighting. While the amnesty has improved the circumstances of those who participated, there was only a limited amount of broader assistance to enhance development in the region more broadly. The next generation of young people have not benefitted and are now in a similar position to the original fighters. Although the amnesty programme was effective in bringing the conflict to an end, a broader response needs to engage with the grievances that were driving militancy, or the cycle will continue, as is evident with the emergence of new militant groups. Providing employment opportunities would be a more sustainable solution to stop fighting, alongside an equitable distribution of resources – including payments by oil companies – to ensure it benefits whole communities and not just leaders.

Naming and Shaming

The volatility of both the northeast of Nigeria and the Niger Delta has prompted many international actors to withdraw from the region. In the northeast this is linked to the unpredictability of attacks, but also targets on public markets, roads, federal buildings, refugee camps and other locations frequented by international actors. In the Niger Delta, kidnapping, armed robbery and other violent attacks against the expatriate community have been a deterrent. Alongside this, the state is inadequate in protecting civilians, and if present is often complicit in criminality. This creates an environment of impunity for any actor to engage in criminal activity.

In the short term, an increased presence of observers in the northeast, whether international organisations or journalists, would bear witness to the criminality of all actors and report it. This would make inaction, complicity and criminal

activity more difficult and force the state into action that could begin to repair the social contract. However, for journalists and other local observers, this is a dangerous role and requires support.

Protecting Pipelines

Unpicking the crime-conflict nexus in the Niger Delta is difficult, given the diverse actors with an interest in the oil sector. Although Buhari's crackdown on corruption is escalating violence, a similar naming and shaming approach to that suggested above, which reveals who is involved, could be highly beneficial. However, there are some important figures benefiting from oil loot, which makes this dangerous.¹⁰⁴

While international actors can engage with the factors that provide cover for the involvement of low level militant and criminal groups, stopping large scale looting requires strengthening the security of oil pipelines. To avoid the complicity of the military and other state actors, private actors can be effective. An example is the Secure Area Anchorage, which is protecting shipping lanes, offshore oil rigs and pipelines in Nigeria.

Challenging Corruption

Protecting pipelines is likely to be met with violence if it disrupts powerful interests. In the Niger Delta, violence and conflict are being used strategically to conceal entrenched looting and lucrative relationships. If conflict in the region is no longer an effective cover, the result is likely to be retaliation by vested interests. Ultimately, avoiding this requires challenging the corruption that underpins the oil sector, and indeed the broader Nigerian economy. Although not perfect, Buhari has made this his mission and that needs to be supported.

ENDNOTES

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