

The Federal Government's Amnesty Programme in the Niger-Delta: An Appraisal

Oscar Edoror UBHENIN*

Abstract Özet

The purpose of this article is to appraise the federal government's amnesty programme in the Niger-Delta. Specifically, the article seeks to determine the extent to which the amnesty programme has addressed the Niger-Delta conflict, highlight the financial commitment of the federal government to the programme, and identify the implications of the amnesty programme for the economy and society. The article is framed by relative deprivation theory. Based on review of published literature and other media sources, the article discovers that of all the explanations offered for the amnesty by the Nigerian government, threats to economic survival and national security catalyzed the programme. A dismantling of the Nigerian 'rentier state', and clean up of the effects of pollution by multinational oil firms in the region are recommended. The Nigerian government should also draw inspiration from the US government action in ensuring compensation of the Gulf of Mexico oil spills victims.

Keywords: Amnesty, empowerment, Niger-Delta, peace-building, resource conflict

Federal Hükümetin Nijer Deltası'ndaki Af Programı: Bir Değerlendirme

Özet

Bu makalenin amacı federal hükümetin Niger-Delta bölgesindeki af programını değerlendirmektir. Makale özellikle af programının Niger-Delta çatışmasına nasıl bir çözüm getirmeyi amaçladığı, federal hükümetin af programı kapsamındaki ekonomik taahhütleri ve af programının

* Lecturer in public administration at Ambrose Alli University, Ekpoma, Nigeria, oscarubhenin@yahoo.co.uk

ekonomi ve toplum üzerindeki etkileri üzerine yoğunlaşmaktadır. Makale görelî yoksunluk kuramı ile kendini sınırlamıştır. Nijerya'nın "rantiye devlet" özelliğinden sıyrılması ve bölgedeki çokuluslu firmaların yarattığı kirliliğın temizlenmesi gerekliliğii üzerinde durulmaktadır. Nijerya hükümetinin Amerikan hükümetinin Mexika Körfezindeki petrol sızıntısında izlediğii tazminat politikasından ilham almasını tavsiye etmektedir.

Anahtar Kelimeler: *Af, güçlendirme, Niger-Delta, barış inşası, kaynak çatışması*

(1) Introduction

This article is based on review of published literature and other media sources. Addressing daunting gaps in secondary data search would have required the use of primary sources, such as investigation of spoken discourses by undertaking interviews with some of the actors in the field. Other methods, such as questionnaire administration and the focus group could also be used to produce data and insights for the analysis. But resource constraints deterred their use in this study. In spite of these shortcomings, I am optimistic that they were not sufficient to derail the good intentions of the study, particularly with the resort to search for academic journals, technical papers, and published newspaper reports and articles. The internet proved very helpful in this regard. This article is structured into six sections.

The next section discusses the theory of relative deprivation as it affects oil wealth and the deepening poverty in the Niger-Delta. Section three reviews both empirical and theoretical literature pertaining to the subject matter. The fourth section discusses the implementation of the amnesty programme. Section five focuses on the critique of the amnesty programme. The final section concludes the paper with some recommendations.

Nigeria is a federation in which the constituent units that make up the country, predominantly the major ethnic groups, have embarked on separate developmental course. This development flows from the artificial creation of the British colonialists and their adopted policy of divide and rule. As a response, the nationalists had attempted to create a common Nigeria by recruiting actors from various ethnic backgrounds into the anti-colonial struggle. However, as observed by Thomas Imobighe, "they did not quite succeed in evolving a nation with an organic unity."¹ This has precipitat-

1 T.A. Imobighe, 'Introduction: Civil society, ethnic nationalism and nation building in Nigeria', in T.A. Imobighe (ed.), *Civil Society and Ethnic Conflict Management in Nigeria*, (Ibadan: Spectrum Books Limited, 2003), pp.3-35.

ed various forms of incessant and/or sporadic ethno-religious conflicts or what the Freedom House calls “simmering tensions” among the country’s about 350 ethnic groups, as well as between religious communities.² Augustine Ikelegbe rightly observes that, “these conflicts do not only constitute the main threat to the nation’s fledgling democracy, national stability and security but also consistently and stubbornly throw up the issue of the national question.”³ The challenge of peaceful and effective management of violent communal, ethno-religious and political conflicts in Nigeria contributes to the country’s classification as a collapsing, if not fragile state. In fragile and collapsing states there are indications of poor governance and the citizens are bound to retreat into ethnic shelters for succour and their solidarity and sense of patriotism deplete.⁴

In illuminating the instability of the Niger-Delta, an oil-rich region enmeshed in various forms of communal and resource conflicts, a number of descriptions have ensued. The Resident Coordinator of the United Nations system in Nigeria, Alberic Kacou calls the Delta “a place of frustrated expectations and deep-rooted mistrust.”⁵ Ikelegbe describes it as a region that is “generally restive, with pockets of insurrection and armed rebellion.”⁶ The history of oil in the Niger-Delta is often traced to 1956, when the Anglo-Dutch oil giant, Shell discovered oil, the high grade ‘Bonny Light’ crude in Oloibiri in present day Bayelsa State. This culminated in Nigeria’s first export of crude cargo in 1958. Media reports succinctly describe the growth of Nigeria’s oil industry, with a current potential of producing three million barrels of crude oil daily, in spite of the Organization of Petroleum Exporting Countries (OPEC) limit on production of crude oil. Out of a total 126.847 billion barrels held by the Africa continent, Nigeria currently holds 37.2 billion barrels, which translates to 29.3 percent of the continent’s reserve. This earns her the status of the second oil largest reserves in Africa, after that of Libya.⁷

2 Freedom House, *Freedom in the World 2008: The Annual Survey of Political and Civil Liberties*, (USA: Rowman and Littlefield Publishers, Inc, 2008), p.519.

3 A.O. Ikelegbe, ‘Civil Society and Alternative Approaches to Conflict Management in Nigeria’, in Imobighe (ed.), *Civil Society and Ethnic Conflict Management in Nigeria*, pp.36-77.

4 M. Greeley and P. Rose, ‘Learning to deliver education in fragile states’, *FMR Education Supplement*, July 2006, pp.14-15.

5 I. Ibang, ‘Niger delta as albatross’, *The Punch*, 30 May 2008, p.46.

6 A.O. Ikelegbe, ‘The economy of conflict in the oil rich Niger delta region of Nigeria’, *Nordic Journal of African Studies*, vol.14, no.2, 2005, pp.208-234.

7 M. Ayankola, ‘Niger delta crippling oil and gas production, investments’, *The Punch*, 26 May 2009, p.12; M. Ayankola, ‘Nigeria holds 29.32% of Africa’s oil reserves – OPEC’, *The Punch*, 26 July 2011, <http://www.nigeriamasterweb.com/paperfirms.html> (accessed: 26 July 2011).

The Niger-Delta is noted for its biodiversity because of the region's high content of diverse plant and animal species, including many exotic and unique flowers and birds,⁸ but the region has probably turned out to be the most polluted in the world.⁹ Current literature¹⁰ points out the magnitude of these ecological disasters. In 2006, environmental groups reported that "up to 1.5m tons of oil - 50 times the pollution unleashed in the Exxon Valdez tanker disaster in Alaska - has been spilled in the Delta over the past half century."¹¹ In 2009, Amnesty International also accused the oil corporations of human rights outrage because of the equivalent of at least 9m barrels of oil spilled in the region.¹² It is not surprising, therefore, that the Niger-Delta people have complained for decades regarding the issues of environmental pollution, poverty and under-development in the region. They believe they have not got a fair treatment from the Nigerian state.

Agitation by youths in the region precipitated a regime of restiveness, which resulted in the formation of several militia groups, some based on ethnicity, and frequently target oil corporations and their employees for hostage taking, vandalism, kidnapping, and sometimes, outright murder. The Freedom House says kidnapping in the region is fueled by ransom payments, of which some government officials receive a cut.¹³ The Freedom House report may be a subject of debate, regarding what Osumah and Aghedo call 'the commodification of kidnapping'¹⁴ but the overall costs of conflict in the region are available for anyone to enumerate, albeit with enormous challenges.¹⁵ In 2006 alone, the federal government reportedly lost about N500 billion on account of restiveness in the region.¹⁶ The problem became worse in 2008, with an estimated US \$6.3 billion in oil

8 O. Ibeanu, *Oiling the Friction: Environmental Conflict Management in the Niger Delta, Nigeria*, Environmental Change and Security Project Report, 6, Summer 2000.

9 L. Onyekakeyah, 'Biodiversity: a forgotten stuff in Nigeria', *The Guardian*, 3 August 2010, p.73.

10 M. Khor, 'Pay developing nations for eco-disasters', *South Bulletin*, vol.49, 2010, pp.2-4.

11 *Ibid.*

12 Amnesty International, *Nigeria: Petroleum Pollution and Poverty in the Niger Delta, Summary*, London: Amnesty International Secretariat, 2009).

13 Freedom House, *Freedom in the World 2008: The Annual Survey of Political and Civil Liberties*.

14 O. Osumah and I. Aghedo, 'Who wants to be a millionaire? Nigerian youths and the commodification of kidnapping', *Review of African Political Economy*, vol.38, no.128, 2011, pp.277-287.

15 O.E.Ubhenin and F. Aiya, 'Methodological challenges of enumerating the costs of Niger delta conflict', *Journal of Human Security*, vol.6, no.2, 2010, pp.58-71.

16 M. Okeke, 'Govt to spend N71.7b on NDDC in 2008', *The Guardian*, 20 September 2007, p.80.

stolen, and another US \$28 billion in – deliberately not produced¹⁷ in comparison with decline in crude oil to the tune of 500,000 barrels per day. This translates to a revenue loss in the region of US \$40 million per day. Another impact of the conflict could be found in major escalations between 30 and 40 percent across key upstream projects, as contractors were compelled to factor in their contract bids, 'Niger-Delta premium', covering community expectations, kidnaps, and higher insurance premium.¹⁸

On assumption of office in May 2007, former Nigeria's President Umaru Musa Yar'Adua included the Niger-Delta as part of his administration's seven-point agenda. The government scheduled a meeting with the stakeholders in the region, which Reuben Abati described as "an insincere attempt to keep the people talking."¹⁹ The Yar'Adua's administration also proposed a Niger-Delta summit that died on the ground of controversy, and created the Niger-Delta Ministry to focus mainly on the needs of populations in the region.²⁰ To address the worrisome situation in the Niger-Delta, and considering the failure of previous efforts at resolving the conflict, the government set up the Niger-Delta Technical Committee, which was mandated to collate and review all previous reports and recommendations on ways of resolving the conflict.²¹ Thereafter, the Presidential Committee on Amnesty and Disarmament of Militants in the Niger-Delta was mandated to design a framework of disarmament, demobilization and rehabilitation or reintegration of the militants. This culminated in the presidential proclamation of amnesty on 25 June 2009, to encourage non-state combatants in the Delta to abandon violence, which lapsed on 4 October 2009, pursuant to section 175 of the Constitution of the Federal Republic of Nigeria.²²

In the amnesty document government acknowledges the inadequacies of previous state interventions at meeting the population's needs. Government also noted the threat to peace, security, order and good governance and the Nigerian economy by militant agitation of certain elements of the

17 C.S.M. Duggan, *Nigeria: Opportunity in crisis*, Harvard Business School, N9-709-048, Rev,14 August, 2009.

18 Y. Lawal, 'Niger-delta govts, US, UK meet over oil security', *The Guardian*, 2 August 2007, pp.1&2.

19 R. Abati, 'The Niger delta ministry', *The Guardian*, 12 September 2008, p.67.

20 *Ibid.*

21 I. Chiedozie, 'N' delta committee submits report, says Nigeria lost \$20.7bn to crisis', *The Punch*, 2 December, 2008, p.2.

22 Nigeria First, Amnesty Proclamation Pursuant to Section 175 of the Constitution of the Federal Republic of Nigeria, being text of President Yar'Adua's Amnesty Proclamation, 25 June 2009, http://www.nigeriafirst.org/printer_8923.shtml (accessed: 15 February 2011).

region. The amnesty proclamation also acknowledged the need to harness the energies of able-bodied youths for development in the region. Consequently, "all persons who have directly or indirectly participated in the commission of offences associated with militant activities in the Niger-Delta" were to surrender and hand over "all equipment, weapons, arms and ammunition" including "execution of the renunciation of Militancy Forms specified in the schedule."²³

The disarmament, demobilisation and reintegration process was followed by a monthly stipend for the ex-militants. An initial component of the programme was the payment by government of millions of dollars to the militant leaders for handing in their weapons at the outset. Government also invited the 'top generals' as they call themselves for extended stays in the uppermost executive floors of Abuja's Hilton Hotel, where they spent weeks or months, "rubbing shoulders with the country's leading politicians and influence peddlers, who often live in the floor's \$700-a-night art-deco-rooms."²⁴ Educational and vocational classes have also been arranged for the ex-militants in foreign sites, such as Houston, London, Seoul and South Africa. In 2011, Nigeria's state oil company, Nigeria National Petroleum Company (NNPC) commenced paying Mujahid Duku-bo-Asari \$9 million a year, by his account to pay his 4,000 former foot soldiers to protect the pipelines they attacked in the past. NNPC also signed a \$22.9 million-a-year contract with Government 'Tompolo' Ekpemupolo to guard and maintain pipelines his boys used to attack. NNPC also gives \$3.8 million yearly apiece to Generals Ebikabowei 'Boyloaf' Victor Ben and Ateke Tom "to have their men guard Delta pipelines they used to attack."²⁵

Three years after the proclamation of amnesty in the Niger-Delta, violence has dropped and crude oil production has risen back up to 2.6 million barrels per day. But the amnesty is beginning to attract unpleasant comments from the oil industry watchers and conflict analysts. The amnesty has been described as a "gilded pacification campaign", which the Nigerian government regards as "a success story."²⁶ Dimieari Von Kimedi says the Niger-Delta conflict is "just on pause. The challenge is to move from pause to stop."²⁷ Chris Newsom says "the amnesty process opened a door for stabilization but did not reduce the long-term potential for violence or

23 *Ibid.*

24 D. Hinshaw, 'Nigeria's former oil bandits now collect government cash', *Wall Street Journal*, 22 August, 2012, www.wsj.com/article/SB100014240... (accessed: 23 August 2012).

25 *Ibid.*

26 *Ibid.*

27 *Ibid.*

deal with root conflict issues.”²⁸ Most of the graduates from the vocational study sites have yet to be matched with jobs, the complex development-related issues have yet to be addressed, the disarmament process was not holistic, and there is a resurgence of criminal activities in the region.²⁹ The Niger-Delta has continued to witness an alarming rate of oil bunkering that takes away almost 20 percent in potential state revenue. A conservative estimate puts the stolen crude oil at 50,000 barrels per day.³⁰ The oil theft business has been abandoned by former kingpins that are now highly remunerated by the Nigerian government. Many militants who are not well paid and those not paid at all by the amnesty are finding their ways back to the creek. “Now oil theft appears to be on the rise again.”³¹ Between January and August 2012, the Joint Task Force (JTF) raided illegal oil bunkering sites that led to the discovery of 2,700 illegal refineries in Bayelsa and Rivers states.³² In three months ending July 2012, the Delta State Police Command arrested over 150 persons for kidnapping, robbery and other criminal activities, averaging 50 persons in a month.³³

If anything, the Niger-Delta amnesty draws attention to the ‘no victor, no vanquished’ rhetoric that ended the Nigeria/Biafra civil war in which the discovery of crude oil and ethnic and regional tensions were major factors. The amnesty that followed the civil war can be categorized as an ‘unfinished business’, to use the words of Ade Ajayi.³⁴ This article fills the gap in literature, regarding the application of a peaceful mechanism to address the Niger-Delta conflict. Points of relevance can also be extracted to other societies facing similar governance challenges.

(2) Theoretical Framework

To do a proper analysis, the theory of relative deprivation has been chosen to frame this article. The theory of relative deprivation is founded on the

28 C. Newsom, *Conflict in the Niger Delta: More Than a Local Affair*, (Washington, DC: United States Institute of Peace, 2011), Special Report, no.271.

29 *Ibid.*

30 *Ibid.*

31 *Ibid.*

32 A. Godwin, ‘JTF devises new strategy to check crude oil theft’, *The Guardian*, 13 August 2012, p.4.

33 F. Igbekoyi, ‘Delta police command arrested 150 kidnapers, robbers within 3 months’, *Daily Trust*, 25 July 2012, www.dailyindependentnig.com/2012/08/del... (accessed: 20 August 2012).

34 J.F. Ade Ajayi, *Unfinished Business: Confronting the Legacies of Slavery and Colonialism in Africa*, (Amsterdam/India: SEPHIS/CSSSC, 2002).

ideals of the French sociologist, Emile Durkheim, and it emphasizes the substance of people's expectations and reality. As argued by Durkheim, a breakdown in social cohesion or unity leads to social change or conflict. This social bond is built upon a shared consciousness and a common history and experience. Jonem had re-iterated this belief in his analysis of four main theories of conflict, which contribute to a deeper and comprehensive understanding of the development of conflict through stages.³⁵ Chizea and Iyare had succeeded in tying the breakdown in social cohesion to rapid social changes, such as changes in regime and public policies. According to them, social consciousness changes slower than the society does as people become unable to relate themselves to their society with a rapid change to the needs of the whole society.³⁶

Another important contributor to the relative deprivation theory is the conflict analyst Ted Robert Gurr.³⁷ Gurr developed this theory to understand the growth of political violent conflict. In his views, frustration sets in when people start experiencing a gap between what their life 'is' and what their life 'should be'. Therefore, a violent breakdown of the society tends to occur when this frustration and the gap called 'relative deprivation' are experienced by many people. Gurr's explanation was based on the contrast between groups' expectation and actual access to prosperity and power, an approach that is closely related to the 'group entitlement theory'.³⁸ The relative deprivation theory feeds into what Sheriff Folarin calls 'the economy of abjection'.³⁹ According to him, environmental degradation creates social dislocations, namely: economic anomie and social deprivation, thereby constructing an economy of abjection; the state of being cast down, the state of frequently-marginalized groups. He added that the relevance of abjection to spatial economy is "the habitation of the former in the compelling outcome of the latter."⁴⁰ In an economy of abjection, the inevitable results of the struggle is the further engraving of disempowerment and cleavages that erode the possibility of a united front to engender status change, prevail on policy, or compel favourable outcomes.

35 B. Chizea and T. Iyare, 'Nigeria's raging ethnic conflicts: The role of small arms and private military companies (PMCs)', *The Constitution*, vol.6, no.1, 2006, pp.71-100.

36 *Ibid.*

37 T.R. Gurr, *Why Men Rebel*, (Princeton, NJ: Princeton University Press, 1970).

38 D. Horowitz, *Ethnic Groups in Conflict*, (Berkeley, Ca: University of California Press, 1985); D. Smith, 'Trends and cause of armed conflict', in A. Austin, M. Fischer, N. Ropers, (eds.), *Transforming Ethnopolitical Conflict*, (Germany: Berghof Research Centre for Constructive Conflict Management, 2004), pp.111-127.

39 S. Folarin, 'Niger-delta: Environment, Ogoni crisis and the state', *The Constitution*, vol.7, no.1, 2007, pp.37-61.

40 *Ibid.*

Relative deprivation thus connotes socio-economic denials that ultimately culminate in abjection; it “occurs when a group feels deprived in comparison to other similar groups, or when its expectations are not met.”⁴¹ Hence protracted violent conflict may turn to be the outcome of alienation, and the alienated finds himself or herself more isolated and alienated from society. Thus a state of perpetual anxiety arises from an inferiority complex, a process that is completed by subordination and humiliation of the powerful class. The long-term consequence of deprivations and alienation are well captured in the literature.⁴² It is the battle of wits between two unequal classes, with the weaker class or minoritarian other losing out in tussle. Finally this theory strengthens debates on a complex mix of poverty, grievances, envy, greed and the new opportunities generated by globalization that typifies ‘new wars’ regarding the human interests that encourage the continuation of war rather than its resolution.⁴³ For “this tendency is aggravated by the failure of states, globalization and the liberalization of economic forces, encouraging the privatization of violence and giving rise to increased competition for natural resources.”⁴⁴ The Niger-Delta conflict is the outcome of the contrast between the wealth generated by oil for the few and the deepening poverty of many that fuelled discontent and anger.⁴⁵

The theory of relative deprivation is a primer in debates regarding ‘greed versus grievance’. As noted in the literature, if the principal motive behind conflict is greed not grievance, either profit or political power may be a growing motivation for violence. On the other hand, violence could be a response to a range of grievances that place leadership at the centre of stoking the embers of conflict. Yet the absence of needs satisfaction leads to a feeling of relative deprivation, which builds up to grievance. The theory of relative deprivation therefore situates the Niger-Delta conflict and the

41 *Ibid.*

42 J. Townsend, *Measure and Explanations of Poverty in High and Low Income Countries*, (London: Penguin, 1970); J.E. Dougherty, and R.L. Pfaltzgraff, *Contending Theories in International Relations*, (USA: J.B. Lippincott Co, 1971); S.P. Varma, *Modern Political Theory*, (New Delhi: Vikas Publishing House Pvt Ltd., 2005).

43 V. Dudouet, *Transitions from Violence to Peace: Revisiting Analysis and Intervention in Conflict Transformation*, (Germany: Berghof Research Centre for Constructive Conflict Management, 2006); J.J. Hewitt, J. Wikenfeld, and T.R. Gurr, *Peace and Conflict*, (Boulder, CO: Paradigm, 2008); K. Naidoo, *Boiling Point. Can Citizen Action Save the World?*, Development Dialogue, no.54, (Uppsala: Dag Hammarskjöld Foundation, 2010); A. Oberschall, ‘Conflict theory’, K.T. Leicht and J.C. Jenkins (eds.), *Handbook of Politics: State and Society in Global Perspective*, (Handbooks of Sociology and Social Research, Springer Science + Business Media, LLC, 2010), pp.177-193.

44 Naidoo, *Ibid*, p.136.

45 Amnesty International, *Nigeria: Petroleum Pollution and Poverty in the Niger Delta, Summary*,

proclamation of amnesty as a conflict resolution mechanism. However, the theory does not tell how to address the 'ethnic cauldron'⁴⁶ that may appear inevitable in any conflict, particularly in the light of communities and groups that have suffered human and material losses during the conflict.

(3) Literature Review

The literature is replete with evidence-based studies on the Niger-Delta conflict, and peace-building efforts in the region. However, four studies were selected for review in this article. At the instance of the Nigerian federal government, the United Nations Environment Protection Programme (UNEP) conducted a two-year study comprising desk review, fieldwork and laboratory analysis of the environmental and public health impacts of oil contamination in Ogoniland.⁴⁷ The Ogoniland covers around 1,000 sq km (386 sq mile) in Rivers State in southern Nigeria, and has been the site of oil exploration since the late 1950s, with effects of environmental contamination. The UNEP team of international and local experts "collected more than 4,000 samples of soil, fish and air, and investigated in depth, 69 of the many hundreds of oil spills in Ogoniland over the past 50 years. They studied 5,000 medical records and had over 260 meetings with communities."⁴⁸ Among others the study report found heavy contamination of land and underground water courses as old as 40 years after oil was spilled and failure by the Royal Dutch Company Shell and others to meet either minimum Nigerian or own standards. "It calls for a clean-up fund of \$1bn (£614m) for spills, and says it will take 25-30 years to restore the environment."⁴⁹

In his attempt to fill the gap regarding the effects of violent conflict in the Niger-Delta, Ibaba S. Ibaba⁵⁰ conducted an empirical study involving 30 communities in Bayelsa State. In all, "a total of 600 questionnaires were administered, while 30 focus group discussions were conducted, each bringing together ten persons."⁵¹ The study found an adverse effect of

46 Naidoo, *Boiling Point. Can Citizen Action Save the World?*

47 UNEP, *Environmental Assessment of Ogoniland*, (Nairobi: United Nations Environment Programme, 2011).

48 J. Vidal, 'Niger delta oil spills clean-up will take 30 years, says UN', *The Guardian*, 4 August 2011, <http://ourworld.unu.edu/en/niger-delta-oil-spills-clean-up-will-take-30-years-says-un/> (accessed: 7 September 2012).

49 *Ibid.*

50 I.S. Ibaba, 'Violent conflicts and sustainable development in Bayelsa state', *Review of African Political Economy*, vol.36, no.122, 2009, 555-573.

51 *Ibid.*, p.556.

violent conflicts on sustainable development, in addition to productivity, wealth creation and poverty reduction. Ibaba concludes that "governance based on accountability, transparency, and the pursuit of the public good or common interest is the most likely means to end the violence."⁵²

In their attempt at constructing 'a causality thesis', regarding youth militias, self determination and resource control in the Niger-Delta, Osaghae *et al*⁵³ deployed questionnaires, oral interviews and focused group discussion sessions to source primary data in sites in Bayelsa, Rivers and Delta states. The research instruments addressed the themes of self determination, resource control, the Niger-Delta struggle including its methodology, the place of youth, the militias, and the issues in the resolution of the conflicts and the effects of the conflicts. The researchers analyzed elicited data in the open-ended questionnaires by a question by question content analysis of responses, which were then categorized, with frequency counts and computation of percentages presented in tables. The researchers also transcribed the focus group and oral interviews from tapes, thereby deriving insightful comments from content analysis. The study discovered that "the ensuing frustration, discontent and anger pushed the youths towards militant actions, when confronted with state and corporate insensitivity, abuse, intimidation, violence and militarization."⁵⁴

Central to the current literature on the Niger-Delta conflict is the report sponsored by the Centers of Innovation at the US Institute of Peace, drawing on the experiences of Chris Newsom and Stakeholder Democracy Network over a period of four years in the region. Newsom worked with civil society counterparts and colleagues during breakfasts, evenings and weekends discussing the challenges of the Niger-Delta.⁵⁵ The report discovers that efforts to end the Niger-Delta conflict have not received sufficient from either the Nigerian government or foreign donors. Second, the potential costs of the ongoing violence are being undervalued because of failure to direct attention at the deeper trends. Third, the report suggests fragility in the Niger-Delta would "likely return either to intermittent conflict or full-blown insurgency within six to eighteen months if a 'business as usual' approach is taken to interventions."⁵⁶ Newsom recommends

52 *Ibid*, p.571.

53 E.E. Osaghae, A. Ikelegbe, O.O. Olarinmoye, and S.I. Okhomina, *Youth Militias, Self Determination and Resource Control Struggles in the Niger-delta Region of Nigeria*, (Dakar: CO-DESRIA Research Reports, 2011), no.5.

54 *Ibid*, p.88.

55 Newsom, *Conflict in the Niger Delta: More Than a Local Affair*.

56 *Ibid*, p.1.

the adoption of governance at the grassroots, heavy donor investment in democratization, and learning from a decade of setbacks and poor investment choices.

Newsom found that sufficient attention has been paid to the conflict both by the Nigerian government and foreign donors. But the report did not explain in detail, the business as usual approach to conflict resolution that was captured it captured. The strengths of the reviewed empirical literature, notwithstanding, no efforts were made by the studies to address the threats to national security and economic survival in the Niger-Delta. The culpability of multinational oil firms in heightening the tension in the region was also mentioned in passing.

Derived from the Greek word '*amnestia*',⁵⁷ amnesty is a legal action that majorly comprises disarmament (the giving up of arms by ex-combatants at designated centres), demobilization (the transition conversion from militarized to civilian life), and reintegration (the absorption of converted militants into productive, economic life). It is "a guarantee of exemption from prosecution and pardon from punishment for certain criminal, rebel and insurgent actions hitherto committed usually against the state."⁵⁸ The experiences with amnesty in various countries have elicited diverse views.⁵⁹ Amnesty promotes reconciliation and social cohesion. Despite substantial economic progress and social advancements in other parts of the country, the Delta debacle had manifested in poverty, low human development and environmental degradation, and these threaten social cohesion. The amnesty is a reminder of the fact that "without peace, there can be no development and without justice, there can be no peace."⁶⁰

The Nigerian government's unconditional pardon extended to all persons who were being prosecuted for offences associated with militant activities points in the direction of peace. The Movement for the Emancipation of the Niger Delta (MEND) leader, Henry Okah was freed in July 2009 as part of the amnesty deal after dropping treason charges against him.

57 J-K Gadzama & Partners, *Proclamation of Amnesty to the Niger-delta Militants: Matters Arising*, Newsletter, Vol.3, No.3, July-September, 2009, www.gadzama.com (accessed: 13 March 2011).

58 A. Ikelegbe, *Oil, Resource Conflicts and the Post Conflict Transition in the Niger Delta Region: Beyond the Amnesty*, (Benin City: CPED Monograph Series, no.3, 2010), p.6.

59 H. Kivengere, 'The issue of amnesty revisited: What has been their long term effect', *The Role of Parliaments in the National Reconciliation Process in Africa*, proceedings of regional seminar organized jointly by the Parliament of Burundi, the Inter-Parliamentary Union and the International IDEA, Bujumbura, 7-9 November, 2005), pp.52-55.

60 R. Facah, A. Adegbuyi, J. Ogbodu and B. Okeowo, 'Amnesty: Tompolo gets heroic welcome', *Nigerian Compass*, 5 October, 2009, pp.1,4&14.

But the Niger Delta Peoples Volunteer Force (NDPVF) leader, Dokubo-Asari rejected the amnesty offer because it was granted in the court of law. In his opinion, those who accepted the amnesty were many well-known 'generals' pseudo and gullible 'foot soldiers'.⁶¹ Yet the Freedom House report saw the release of Dokubo-Asari by an Abuja court in June 2007 after 18 months of detention as a move that supported Yar'Adua's agenda for peace talks with the Delta militant groups.⁶²

Second, amnesty serves as an incentive to warlords to abandon power and insurgents to come out of hiding. In other words, it brings people back into the social community. Having seen the amnesty as a legitimizing force in the delta struggle, the leaders and members of militant groups came out of the creeks to embrace the offer. However, MEND spokesperson Jomo Gbomo criticized those who embraced the amnesty and suggested that 'unknown commanders' within the MEND order would replace all commanders who accepted the amnesty.⁶³ Other benefits of amnesty include the opportunity to know the truth and save the victims from the trauma of trials.

However, there are dark sides in amnesty. First, in most cases, if not all, amnesty has been granted against a background of atrocious human rights violations. Without prejudice to the intention of the Nigerian government the argument is that amnesty in the Niger-Delta does not address the issue of impunity. It encourages a culture of impunity, undermines the rule of law, serves tyrant who have violated human rights, deprives victims of the opportunity to know what probably happened to their loved ones, and ultimately reduces the chances of reparation of victims.⁶⁴ Amnesty runs counter to the international convention, which specifies that perpetrators of human rights violations should be prosecuted. This would have been unattainable before the treaty establishing the International Criminal Court (ICC) came into force on 1 July 2002. ICC judges the most serious crimes of concern to the international community as a whole, including acts of genocide, war crimes, crimes against humanity and crimes of aggression.⁶⁵ Worryingly, Nigeria occupies a high and rising position on the Genocide Watch list of countries most likely to host the next holocaust.⁶⁶

61 *Ibid*, p.14.

62 Freedom House, *Freedom in the World 2008: The Annual Survey of Political and Civil Liberties*.

63 Facah, Adegbuyi, Ogbodu and Okeowo, 'Amnesty: Tompolo gets heroic welcome'.

64 Kivengere, 'The issue of amnesty revisited: What has been their long term effect'.

65 E. Dachy, 'Justice and humanitarian action: A conflict of interest', in Fabrice Weissman (ed.), *In the Shadow of Just Wars: Violence, Politics and Humanitarian Action*, (London: C. Hurst and Co. (Publishers) Limited, 2004), pp.314-324.

66 J. Cope, *Biopolitics and the possibilities for genocide*, 2009, <http://socialsciences.exeter.ac.uk/politics/postgrad/ma/cope.pdf> (accessed: 14 May 2011).

A second dark side of amnesty is its inability to identify who the perpetrators of violence are. Media reports say that the civilian populations in the Delta region were traumatized during the peak of the armed struggle and serial oil wars. Some Ijaw groups had accused the Nigerian government of committing 'genocide' against the people of Ijaw nationality.⁶⁷ MEND had also accused the JTF of "carrying out punitive scorched earth policy on communities around oil facilities as a way of permanently relocating the people from their ancestral homes and turning the area into an oil mining area."⁶⁸ At an early stage of the implementation of the amnesty, the militants under the aegis of MEND preferred 'armistice' to the amnesty. Their preference for armistice – a truce to allow parties discuss terms for end to conflict – was because in their opinion, they were freedom fighters and not criminals as the government portrayed them to be.⁶⁹ Therefore, if the militants fought a just cause can they be held liable for the human rights violations in the region?

Third, the Niger-Delta amnesty falls short of total disarmament and demobilization. It left arms in the hands of many militants, who were not demobilized, thus the propensity to greater sabotage, vandalism and cultism. Criminal violence may soar, as the respective destructive technology and capacity may be utilized for atrocious activities. In addition, the illicit activities that provided significant resources to the rebel groups may fuel future conflict and violence. Some believe that the resurgence of militancy in the regions is a reflection of the failure of the amnesty programme. For example, the clashes between ex-militant groups and the death of top ex-militant Soboma George who was reportedly killed by unknown members of a cult group in Port Harcourt had the potential to spark a cult war in the region.⁷⁰ Sources pointed to politically motivated wave of militancy in the region, because politicians wanted the return to arms so that they could use the militants as some of the key thugs who would help them rig elections in the 2011 general elections.⁷¹ However, the 'crippled giant' has

67 S. Adeleye, J. Ogbodu and A. Oyetunji, 'JTF destroys second camp, militants block oil channel', *Nigerian Compass*, 19 May 2009, pp.1,4,6,8.

68 K. Ebiri, H. Oliomogbe and N. Bello, 'Militants prefer truce, JTF denies killing monarch', *The Guardian*, 6 July, 2009, pp.1,2.

69 *Ibid.*

70 C. Akasike, 'Top ex-militant leader, Soboma George, killed', *The Punch*, 25 August, 2010, <http://www.punchng.com/Articl.aspx?theartic=Art20100825595446> (accessed: 8 September 2010); P. Ohia, 'Amnesty: Flawed data used to exonerate oil firms in N'Delta', *Thisday*, 25 August 2010, <http://www.nigeriamasterweb.com/paperfrmes.html> (accessed: 25 August 2011).

71 C. Ajaero and G. Azubike, 'War in the creeks', *Newswatch*, 20 December 2011, pp.12-18.

learnt to walk as the elections were adjudged by both domestic and international observers as generally 'free, fair, and credible'.⁷²

Fourth, the amnesty did not make provision for the role of multinational oil corporations who have been accused by environmental activists of fueling human rights violations and resource depletion in the region. This feeds into the issues of compensation and victim's protection and livelihoods that need to be addressed. With particular reference to current research findings, there are strong linkages in situations of violent conflicts between threats to people's protection and threats to their livelihoods.⁷³ In the Niger-Delta there is lack of accountability of oil corporations such as Shell, Exxon and other giants who extract oil. Such accountability ought to be to the oil-bearing communities or their representatives.

In 2011 alone Shell reportedly paid about \$1.1 million as compensation for perceived damages to host communities as a result of the 15,408 barrels of oil spill recorded in the same year. The corporation confirmed the volume was "unfortunately caused by operational failures, such as equipment and human error."⁷⁴ Shell is not alone in the 'gross accusation' of oil spillage with devastating effects on the communities. For example, between 13 and 24 August 2012, Ibeno and Eket - both host communities of the Mobil platform - encountered the oil spills at Qua Iboe fields operated by Mobil Producing Nigeria Unlimited. The spills affected their means of livelihood, namely, fishing, including colossal damage and contamination to their equipment.⁷⁵ Perhaps, "mismanagement of the environment subsists because the people of the Niger-Delta do not have the capacity to assess the levels of degradation that oil extraction has inflicted on the environment."⁷⁶

The Niger-Delta experience regarding compensation and accountability for oil spillage is in contrast with the US \$20 billion that BP has set up to compensate the victims of oil spill in the Gulf of Mexico. Thus the perception of the Gulf spill is described as a metaphor for the daily occurrences in the oil fields in the Niger-Delta.⁷⁷

72 S.O. Akhaine, 'Nigeria's 2011 elections: The crippled giant learns to walk?', *African Affairs*, 110/441, 2011, pp.649-655.

73 S. Jaspers and S. O'Callaghan, *Challenging Choices: Protection and Livelihoods in Conflict*, HPG Policy Brief 40, May 2010.

74 S. Salau, 'Shell records 15,408 barrels of oil spill in 2011', *The Guardian*, 19 September 2011, p.45.

75 E. Gbemedu and T. Anichebe, 'Oil spill: Anguish on Niger Delta's coastlines', *National Mirror*, 25 November 2012, www.nationalmirroronline.net/new/oil-sp... (accessed: 2 January 2013).

76 O. Ubhenin, 'Sustainable development in the Niger-Delta: Imperatives for corporate citizenship', *The Constitution*, vol.6, no.4, December 2006, pp.70-83.

77 Khor, 'Pay developing nations for eco-disasters'.

The gaps highlighted in the foregoing review of empirical and theoretical literature fall within the purview of what this article seeks to fill.

(4) Implementation of the Niger-Delta Amnesty Programme

The proclamation of amnesty in the Niger-Delta by former President Yar’Adua, on 25 June 2009 received commendation from the National Council of States, which is the highest nation’s advisory body. The Nigerian government has demonstrated commitment to the programme through financial allocation to the programme, which amounts to N127 billion between 2009 and 2011. See table 1 below. The Ministry of Niger-Delta Affairs also got the sum of N181 billion during the same period. See table 2.

Table 1: Budget receipt by the Niger-Delta amnesty programme, 2009-2011

Year	Budget receipt (N)	Purpose
2009	3bn	Program take-off grant
2010	30bn	Feeding, stipends and reintegration for ex-militants
2011	90bn	Feeding, stipends and reintegration for ex-militants
Total	N127bn	

Source: Author’s compilation from media source⁷⁸

Table 2: Budget receipt by Ministry of Niger-Delta Affairs, 2009-2011

Year	Budget (N)
2009	97bn
2010	46bn
2011	39bn
Total	N181bn

Source: Author’s compilation from media source⁷⁹

78 N.M. Abdallah, ‘FG budgets N305 billion for N/Delta: S/South states to spend N1.7 tr’, *Daily Trust*, 5 March, 2012, www.dailytrust.com.ng/index.php/oth... (accessed: 23 August 2012).

79 *Ibid*

Following the disarmament, demobilization and reintegration processes, including arms collection, oath of renunciation, presidential pardon, and registration for reintegration, the 60-day amnesty lapsed on 4 October 2009. A total of 26,358 ex-militants registered for the amnesty programme. As at 28 November 2012, 12,000 had been trained in different fields like pipeline welding and crane operations. The Presidential Amnesty Office in Abuja also reported that 113 former militants had been offered employment in maritime, welding and fabrication companies at home and abroad. This is a pointer to the level of success recorded in the reintegration component of the amnesty programme.⁸⁰

Sadly, however, the lavish expenditures on the amnesty programme have been described in the popular media as a 'political liability' to the Nigerian government. The year 2012 budget proposal allots a whopping \$450 million to the amnesty programme, which is more than what the government spends to deliver basic education to children.⁸¹ Table 3 shows the 2012 budget of N305 billion for projects execution in the Niger-Delta and running of its interventionist agencies.

Table 3: Federal government's budget for Niger-Delta for year 2012

<i>Amount (N)</i>	<i>Purpose</i>
N116.5 billion	South-south region-based federal projects (29.6%) of all regions
N54.89 billion	Statutory transfer to NDDC
N60 billion	Statutory transfer to Ministry of Niger Delta Affairs
N74 billion	Amnesty program for ex-militants

Source: Author's compilation from media source.⁸²

On their parts, the South-South states also proposed to expend the sum of N1.7 trillion for year 2012. The six South-South states, in addition to the other oil producing states, namely: Abia, Imo and Ondo, make up the Niger-Delta. See table 4 below.

80 *Vanguard*, '113 ex-militants offered employment in Nigeria, abroad – says Amnesty Office' 28 November, 2012, <http://www.vanguardngr.com/2012/11/113-ex-militants-offered-employment-in-nigeria-abr...> (accessed: 2 January 2013).

81 D. Hinshaw, 'Nigeria's former oil bandits now collect government cash', *Wall Street Journal*, 22 August 2012, www.wsj.com/article/SB100014240... (accessed: 23 August 2012).

82 Abdallah, 'FG budgets N305 billion for N/Delta: S/South states to spend N1.7 tr'.

Table 4: South-South States budget for year 2012

<i>State</i>	<i>Population</i>	<i>Budget (N)</i>
Akwa Ibom	3.9m	397.1 bn
Bayelsa	1.7m	222bn
Cross River	2.8m	144.6bn
Delta	4.1m	383.39bn
Edo	3.2m	150.9bn

Source: Author's compilation from media source.⁸³

Having envisaged the palpable lack of employment for all in the region, the Presidential Amnesty Office has also embarked on entrepreneurship scheme for ex-militants who have completed their training in various vocations in the entrepreneurship pilot scheme. As part of the reintegration component of the amnesty programme, the entrepreneurial scheme is intended to prepare beneficiaries for self-reliance. The scheme comprises a three-week intensive training, preparatory to start their businesses. It enables the beneficiaries create business outlets that are branded, and equipped with seed money. An interesting element of the entrepreneurial scheme is the 12-month monitoring and evaluation period. Within this period also, beneficiaries are expected to maintain log books and monthly reports at least to measure the growth in their choice business. To achieve proper funding and monitoring of the scheme, the Presidential Amnesty Office collaborates with banks. The scheme does not give cash to beneficiaries, it pays for business locations and equips the place with tools or items that would enable them operate their choices business.⁸⁴

(5) A Critique of the Amnesty Programme

The amnesty document, entitled "Amnesty Proclamation Pursuant to Section 175 of the Constitution of the Federal Republic of Nigeria", and dated 25 June 2009 is clear on its *raison d'être*. However, the events that preceded the amnesty suggested that it had become an obligation, rather than merely a right or a justification, an apology to Popovski and Turner on the just cause of war.⁸⁵ Therefore, despite the reasons advanced in the

⁸³ *Ibid.*

⁸⁴ W. Shadare, 'Amnesty office begins trainees' entrepreneurship scheme', *The Guardian*, 3 September 2012, www.nguardiannews.com/ (accessed: 3 September 2012).

⁸⁵ V. Popovski and N. Turner, *Religious Perspectives on the Use of Force*, UNU-WIDER Policy Brief 2007.

proclamation, one can adduce at least four possible justifications for the amnesty. First, the activities of militants groups in the Niger-Delta had become a threat to the nation's economy and security. Former president Yar'Adua confirmed this when he noted: "the criminals have hijacked genuine agitations in the region and constituted themselves into very real threats to Nigeria's national security and economic survival."⁸⁶ The claim by the government was no figment of imagination. In January 2006 before the militants took up arms, the nation's daily production of crude oil was 2.6 million barrels per day. This had reduced to 1.7 million barrels per day before the amnesty proclamation. Hence the country was fast losing its position as a top oil exporter.⁸⁷

Second, the Nigerian government was moved to urgently differentiate between the criminal elements and those who had genuine issues in the region. When the militants took up arms in 2006 they claimed to be "fighting for a fairer distribution of the nation's oil wealth for the impoverished people of the Delta, where most of the oil is drilled but which has seen little money from the country's top export earner."⁸⁸ To a large extent the amnesty suggested Nigerian government's acceptance of the claim by the non-state combatants in the region that they were fighting a just cause. The surprise in the literature however is that so much less has been mentioned about the basic principles of just war, in terms of a just cause, right intention and proportionality. As noted by Nichols, "concepts like preemption and prevention are really about the timing and method of war; they say nothing about the moral content of the conflict itself, and in the end emphasis on them obscures the fundamental question of justice."⁸⁹ Duggan opines that "many of the attacks appeared to be motivated by money rather than principle, though the Delta continued to suffer from the severe poverty and environmental damage which had initially sparked the rebellion."⁹⁰ It was therefore not out of sound judgment for the government to separate the genuine intentions from the criminal motives as far as the Niger-Delta conflict is concerned.

Third, the Nigerian government's policy direction as embedded in the 'seven-point agenda' portrayed a genuine desire to commence real

86 R. Facah, 'Militants want to ruin economy – Yar'Adua', *Nigerian Compass*, 5 June 2009, pp.1&8.

87 *Ibid.*

88 *Ibid.*, p.4.

89 T.M. Nichols, 'Just war, not prevention', *Ethics and international Affairs*, Vol.17, No.1, 2003, pp.25-29.

90 Duggan, 'Nigeria: Opportunity in crisis', p.14.

infrastructural and human development in the Niger-Delta. Perhaps, the authorities discovered that this would not be possible in an environment devoid of peace, stability and harmony. In apparent response to this challenge former President Yar'Adua noted that, "developments in the nation's Delta region over the past few weeks have necessitated the federal government's decisive action against armed criminal elements."⁹¹ The 'decisive action' was the deployment of military personnel via the JTF to dislodge the militants from their camps and hideouts in the Niger-Delta. Indeed the federal government's decision to establish a joint army, navy and air force patrol was "purely a militarist approach to the resolution of the crisis."⁹²

Fourth, the militants, in their foreseeable campaigns, made the military option easier to pursue. One example, though by no means the only one, concerns MEND's claim that it ordered the blockade of key channels for oil vessels as part of its campaign to cripple the country's multi-billion-dollar oil and gas industry. This immediately had a bandwagon effect on the world economy.⁹³ Were the government apprehensive of the level of arms build-up by the non-state combatants in the region, the arms surrendered following the amnesty deal would have either confirmed or laid to rest their military might. For example, when one of the militant leaders, Government Ekpomupolo (aka Tompolo) embraced the amnesty, he surrendered a large cache of arms, including: 16 GPMGs, 14 AK47, 17 FN and 17 G3 rifles, 3 BMGs, 2 AGMs, 97 AK47 magazines, 9 FN magazines, among others.⁹⁴

(6) Conclusion

Perhaps there is an obligation in the use of force and the just war, but less attempt has been given to the basic principles of just war, regarding a just cause, right intention and proportionality. The moral content of the conflict itself is obscured by concepts, such as preemption and prevention. Second, the motivation for militant attacks in the Niger-Delta also comes to the front burner in the theoretical review. This motivated the Nigerian government to separate the genuine intentions from the criminal motives in region, particularly with the failure of the militarist approach to the

91 Facah, 'Militants want to ruin economy – Yar'Adua', p.8.

92 O. Ibeanu and A. Momoh, *State Responsiveness to Public Security Needs: The Politics of Security Decision-making: Nigeria Country Study*, (London: CSDG Papers, no.14, June, 2008), p.34.

93 Adeleye, Ogbodu and Oyetunji, 'JTF destroys second camp, militants block oil channel'.

94 Facah, Adegbuyi, Ogbodu and Okeowo, 'Amnesty: Tompolo gets heroic welcome'.

conflict resolution. The real threat to the nation's economic survival and national security was one of the most important catalysts for the proclamation of amnesty in the Niger-Delta. To address the insecurity in the region, and perhaps guarantee access to oil revenue, the Nigerian government is compelled to expend huge billions of naira to development projects in the region. Part of this fund has been used in training the ex-militants to enable their reintegration into the society. Thus far a good number of the ex-militants have been trained in various fields, including entrepreneurship and job placements for some.

There are strong linkages between criminal activities such as kidnapping for ransom and the conflict. There is also a linkage between criminality and unemployment in the Niger Delta, and the region has been reported to be the worst affected part of the country.⁹⁵ Unemployment has also been linked to the recent upsurge in illegal local refineries, which leads to environmental despoliation, including loss of land and aquatic lives.⁹⁶ The non-availability of job opportunities creates the leeway for criminality in the region.

Perhaps also, a dismantling of "the rentier state, including the patterns and culture of accumulation it supports,"⁹⁷ would be the departure point for ending the conflict. Oil corporations should actively engage in the cleaning up of the effects of pollution in the region to restore the agricultural productivity of the people. To achieve this noble objective, the Nigerian government should borrow a leaf from the way US government succeeded in getting the oil company BP to set aside US \$20 billion into a fund to meet claims for compensation losses arising from the Gulf of Mexico oil spill. Finally, where the Nigerian state actors are involved in using state apparatus as a 'symbolic façade' behind which they consolidate personal and network of economic exploitation, the expected benefits of amnesty in the Niger-Delta will remain contested.

95 *The Guardian*, 'Unemployment highest in Niger-delta, says NESG', 31 March, 2011, pp.16&17.

96 S. Oyadongha, 'Bayelsa community raises alarm over upsurge in illegal refineries', *Sweet Crude*, a Vanguard monthly review of the Nigerian energy industry, Vol.2, No.23, 2011, p.52.

97 K. Omeje, 'Oil, conflict and accumulation politics in Nigeria', *Environmental Change and Security Project Report*, Vol.12, 2007, pp.44-49.

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