

Resolving Conflict through Amnesty Programme in Nigeria: The Niger Delta Experience

Adamson, Duncan Ganiyu

Department of Political Science, Faculty of Social Sciences, University of Nigeria,

Nsukka – Enugu State, Nigeria

Email: duncan7457@gmail.com

Tel: +2348030725440

ABSTRACT

The National question is vexed one that has defiled all attempts of the federal government to resolve. The debate over the granting of amnesty of to the Niger Delta militants may not have assumed the level of the popular IMF debate of 1986, in which the military president, Ibrahim Babangida, left for Nigerians the decision on whether or not the country should obtain loan from Bretton Woods's institution. This nonetheless, attracted national attention. Thus, the continual orchestration of militant activities and strong agitation for resources control by the people of Niger Delta has, as a consequence, created a frontal relationship between militants, from one viewpoint, the Nigerian government and its multinational partners on the other. Thus, the Yar'Adua's administration choice in 2009 to give the militants reprieve came handy and at the right time. Methodologically, the study was carried out using qualitative methodology (content analysis). Various existing documents were analyzed by the researcher to put the work together. It was found out that the amnesty programme and post-amnesty initiatives have been wrought with challenges. It was also discovered in the course of the research that many of the unemployed youth took advantage of its monetary incentives by registering as militants in order to receive the monthly stipend of 65,000 naira's. However, based on this, the amnesty programme provided an umbrella for thousands of jobless youth and wanted criminals seeking an avenue for finding employment and escaping justice.

Key Words: Amnesty, Federalism, Oil, Governance, Politics

Introduction

The Niger Delta violent conflict can be explained as a microcosm of the larger Nigerian state within the context of equity, access to oil resources and power by oil-rich communities, self-determination, ethnic autonomy, lack of political participation and democratic accountability, underdevelopment and widespread poverty (Obi, 2006). Traced to the colonial era, the struggle over the sale and regulation of the prices of palm oil pitted British traders and Niger Delta indigenous traders against each other. The struggle, which led to the death of many natives and almost wiped out an entire community, created the milieu for the coastal Niger Delta subjugation that has lasted till now.

For the past two decades, the Niger Delta district of Nigeria has been portrayed by sporadic eruptions of violence, in which in which small arms and light weapons (SALW) are the weapons of choice. Although it is widely acknowledged that the presence of arms alone does not cause conflict, the readily availability and unregulated use of SALW in the district has been critical to the breakdown of established social structures, norms, and practices. The socially explosive potential unleashed by the availability of firearms has exceeded the regulatory society's weak institutions and customary processes of conflict mitigation. Weapons have enabled a social malcontent to subvert established social institutions that have traditionally constrained selfishly destructive behaviors (Vines, 2005). Coastal area of Niger delta

The discovery of oil in commercial quantities at Oloibiri (now in Bayelsa State) in 1956, and subsequent expansion into other areas in coastal area of Niger delta changed the mode of conflict from palm oil to fossil oil and put the region in a strategic position, both nationally and internationally. The discovery transformed the Niger Delta area, with well more than 400 oil production and a storage facilities and 600 oil fields dissipated inside its swamps and creeks, worked by Transnational Oil Companies (TOCs, for example, Shell, Exxon Mobil, Total, Chevron, Elf, Agip (Eni) and Texaco, in joint ventures with the Nigerian National Petroleum Company (Okoh, 2005). This makes the region both a site of global oil production and international relations, and serves as a background to understanding the problems in the Niger delta area.

With the discovery of non-renewable energy source, the Niger Delta area ascended insignificance in Nigeria 'soil political economy, with export income expanding from 1% in 1958 to practically 98% in the expressed total revenue during the 1990s. In spite of the benefits of the oil and gas economy to the Nigerian state, oil-rich Niger Delta communities wallow in abject poverty, reinforced by the progressive downward revision of the derivation principle of revenue allocation with each regime, and reduction in the 'share' of federal locations to oil-producing ethnic minority states from 50% in 1966 to 3% in the mid-1990s. It was only in 1999 that it was again reviewed upward, to 13% derivation (Obi and Rustad, 2011).

It was against the backdrop of dilemma faced by the oil-rich communities that the Movement for the Survival of Ogoni People (MOSOP) was formed and led by Ken Saro- Wiwa to contest environmental degradation in Ogoniland. Though MOSOP waged effective local non-violent protests, it was followed by a wave of state terror against Ogoni. Major Paul Okutimo, referred to as “wasting operations” directed at crushing the MOSOP protest. A jungle trial prompted the hanging of Ken Saro Wiwa and eight others. Lessons from the MOSOP struggle and Boro's heroic exploits in the 1960s informed the emergence of a new ethnic minority resistance movement in the Niger Delta areas led by the Ijaw.

The process of resolving the political violence in the Niger Delta was facilitated by late president Umaru Musa Yar'Adua when he introduced the Amnesty programme. Amnesty laws have been used since ancient times by states wishing to respond to political crisis ranging from dissent to conflict. In recent years, however, they have

become contentious due to a perception that they violate the provision of international laws, particularly those relating to rights of victims, and contribute to further violence. This has agitated the mind of these researchers.

By the end of 2008, it was an accepted fact that military actions alone were not enough to combat youth insurgency in the region. Hence, the Niger Delta Summit was proposed and the United Nation's (UN) Undersecretary General, Ibrahim Gambari, was nominated by the government to act as a mediator in the conflict between the Niger Delta region and the federal government. However, his candidature was dismissed by the Niger Deltans. This dismissal prompted the cancellation of the summit. In light of the alternative recommendation of the Niger Delta group to the President, and the Niger Delta Technical Committee was inaugurated on 8 September 2008. The specification were to collate, review and distil various reports, suggestions and recommendations from the Willink Commission (1958) report to the present, and give a summary of the recommendations necessary for government action and present suggestions for managing difficulties in the Niger Delta (Osaghae, et al, 2011).

After much delay, related to the plethora of political, plenty of political, financial and social issues, the government decided to yield to the committee's report, partly by instituting the Presidential Panel on Amnesty and Disarmament of Militants in the Niger Delta area to implement the presidential pardon. Unlike the recommendations for open negotiations between the government and militias, consultations where at the highest levels of government, and involved individuals from the Niger Delta tip top and top direction authorities of the Niger Delta negotiating with militia commanders (Ikelegbe, 2010).

On 25 June 2009, President Yar'Adua granted presidential amnesty to militants who had straightforwardly or by implication taken an interest in the commission of offenses related with military activities in Niger delta and who were willing to surrender their weapons and renounce armed struggle within a 60-day ultimatum (6 August–4 October 2009).

Arising from our recognition of resolving the Niger Delta conflict through the amnesty programme, the following questions thus, arise. What is the connection between compromise and amnesty? How has the amnesty process influenced the idea of the contention in the Niger Delta? What are the impediments to the resolution of the crisis in the Niger Delta?

Against the above, this paper will explore conflict resolution and the amnesty granted to the Niger Delta militants by the late Umaru Musa Yar'Adua's government in 2009.

Methodological Considerations

Methodology is a research strategy that translate ontological and epistemological principal into guidelines that show how research is to be conducted (sarantakos, 2005), principles, procedures and practices that govern research. In every research, the researcher needs a realistic information that guides reasoning, discussion

calculation and planning (Nweke, N & Nwoba, C, 2016). Taking into consideration that the paper is exploratory, I used the documentary method of data collection. Qualitative source such as, secondary documents was sourced through magazines, books, journals and newspapers. In all, the qualitative descriptive method of analysis was used.

Conflict and Amnesty: Conceptual Clarifications

Put simply, conflict can be defined as a condition of difference between at least two parties, more than at least one issue. Based on the above definition of conflict, conflict resolution manages the settlement of conflict that may have effectively come to fruition. It tends to be by compromise or alienation. Conflicts ought to be resolved before they get to the destruction (or activity) stage.

On the other hand, amnesty is derived from the word amnesia which implies neglect. In reality, to overlook is an integral part of the idea of forgiveness which is urgent for the procedure of reconciliation. Forgiveness is a strategy that involves the exculpating and overlooking of crimes or atrocities focused on one party by another prompting, or as an outcome of a conflict between them. Amnesty discovers its foundations in absolution which thusly discovers its underlying foundations in the tenets of some religions such as Christianity and Islam. For instance, the holy Bible instructs in Luke 17:3-4.

Take heed to yourselves. If thy brother trespass against thee, rebuke him; and if he repent forgive him. And if he trespass against thee seven times in a day, and seven times in a day turn again to thee, saying, I repent: thou shalt forgive him (Luke 17: 3-4, Holy Bible KJV).

Pardoning suggests that a party is excusing another who wants to be pardoned. However, this occasionally considered as a troublesome alternative strategy of dispute resolution. This is so on the grounds that it is necessary for a victim of war who suffered the misfortune of dear ones or other damages to the cold hands of war to forgive those who committed such crimes and atrocities.

A conscious understanding of the connection between conflict resolution and amnesty is that despite the difficulty in pardoning one who is considered as an enemy, not forgiveness for crimes committed against innocent people, conflict resolution able to transcend the trauma they are under as a consequence of the terror of war, and move into the domain of forgiveness and give the parties amnesty.

Legally speaking amnesty in criminal law is a sovereign act which confers a pardon in the form of innocent people who have been otherwise guilty of crimes against the state, for example, subversion, resistance and conspiracy. However, the use of amnesty for conflict resolution has varied in several nations previously.

A conscious understanding of the connection between conflict resolution and amnesty is that despite the difficulty in pardoning one who is considered as an enemy, not forgiveness for crimes committed against

innocent people, conflict resolution able to transcend the trauma they are under as a consequence of the terror of war, and move into the domain of forgiveness and give the parties amnesty.

Theoretical Considerations

To do a proper analysis, the theory of relative deprivation has been picked to underpin this study. The theory of relative deprivation is established on the ideals of the French sociologist, Emile Durkheim, and it accentuates the substance of individuals' desires and reality. As argued by Durkheim, a breakdown in social attachment or solidarity to social change or strife. This social bond is based upon a mutual consciousness and a typical history and experience. Chizea and Iyare(2006) had succeeded with regards to tying the breakdown in the social attachment to fast social changes, for example, changes in regime and open public policies. To them, social awareness changes slower than the general public does as individuals become unfit to relate themselves to their society with a quick change to the needs of the whole society.

Another significant supporter of the relative hardship hypothesis is the contention examiner Ted Robert Gurr. Gurr(1970) developed this hypothesis to comprehend the development of political brutal clash. In his perspectives, disappointment sets in when individuals begin encountering a hole between what their life 'is' and what their (acikerisim.lib.comu.edu.tr) life 'ought to be'. Subsequently, a rough breakdown of the general public will, in general, happen when this dissatisfaction and the whole called 'relative hardship' are experienced by numerous individuals. Gurr's explanation was based on the contrast between groups' desire and actual access to success and power, a methodology that is firmly identified with the 'group entitlement theory'.

The relative deprivation theory feeds into what Folarin (2007) calls 'the economy of wretchedness'. According to him, environmental degradation makes social hardship, to be specific: financial anomie and social deprivation, thereby developing an economy of misery; the condition of being thrown down, the state of frequently-marginalized groups. He included that the significance of objection to the spatial economy is "the home of the former in the compelling outcome of the latter." In an economy of misery, the unavoidable results of the battle are the further etching of disempowerment and cleavages that dissolve the likelihood of a united front to engender status change, prevail on policy, or urge favourable outcomes.

Relative deprivation consequently suggests the socio-economic denials that eventually culminate in servility; it "happens when a group feels deprived in contrast with other similar groups, or when its desires are not met." Hence extended violent conflict may swing to be the outcome of alienation, and the estranged finds him or her more segregated and estranged from society. Thus a state of perpetual anxiety emerges from an inferiority complex, a procedure 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. It is the clash of minds between two unequal classes, with the weaker class or minority other missing 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' with respects to the human interests that encourage the continuation of war as opposed to its resolution (Folarin, 2007).

The theory of relative deprivation is a primer in debates with respect 'greed versus grievance'. As noted in the literature, if the primary motive behind the conflict is greed, not a 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 develops up to grievance.

For “this tendency is disturbed by the failure of states, globalization and the progression of economic forces, encouraging the privatization of violence and giving rise to increased competition for natural resources.” The Niger-Delta struggle is the result of the difference between the wealth generated by oil for the few and the developing destitution of many that fuelled discontent and anger.

The theory of relative deprivation is a primer in debates with respect 'greed versus grievance'. As noted in the literature, if the primary motive behind the conflict is greed, not a 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.

The theory of relative deprivation, therefore, situates the Niger-Delta struggle and the announcement of amnesty as a conflict resolution mechanism. However, the theory does spare how to address the 'ethnic cauldron' that may seem inescapable in any conflict, particularly in the light of networks and groups that have endured human and material misfortune during the conflict.

The Pros and Cons of Amnesty

Derived from the Greek word 'amnesia', amnesty is a legitimate action that significantly involves demilitarization (the surrendering of arms by ex-combatants at designated centres'), demobilization (the transition conversion from militarized to non-military personnel life), and reintegration (the absorption of converted militants into productive, economic life). It is “an assurance of exception from prosecution and pardons from punishment for certain criminal, rebel and insurgent actions hitherto committed usually against agitator and extremist activities the state.”

The experiences with amnesty in different nations have inspired various perspectives on Amnesty reconciliation and social attachment. Despite substantial economic progress and social progressions in different places of the country, the Niger Delta crisis had manifested in poverty, low human development and environmental degradation, and these threaten social attachment. The amnesty is a reminder of the fact that “without peace and harmony, there can be no development and without equity, there can be no peace.” The Nigerian government's

unconditional pardon reached out to all people who were being prosecuted for offences related to militant activities focuses in the direction towards peace and harmony. The Movement for the Emancipation of the Niger Delta (MEND) leader, Henry Okah was freed in July 2009 as a major aspect of amnesty deal after dropping treason charges against him. But the Niger Delta Peoples Volunteer Force (NDPVF) leader, Dokubo- Asari rejected the amnesty offer since it was granted in the court of law. (Idahosa, 2010)

In his opinion, individuals who accepted the amnesties were notable 'generals' pseudos and gullible 'foot soldiers'. However, 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 Niger Delta militant groups (This Day, October 2, 2009)

Second, amnesty serves as an incentive to warlords to relinquish power and extremists to come out of hiding. In other words, it brings people back into the social community. Having seen the amnesty as a legitimizing power in the Niger Delta struggle, the leaders and members of militant groups came out of the creeks to grasp the offer. However, MEND spokesperson Jomo Gbomo criticized those who embraced the amnesty and suggested that 'unknown commanders' within the MEND order would supplant all commanders who accepted the amnesty. Other benefits of amnesty include the opportunity to know the truth and save the victims from the trauma of trials (This Day, October 2, 2009).

However, there are dark sides in the amnesty. First, in most cases, if not all, amnesty has been granted against a background of atrocious human rights infringement. Without prejudice to the intention of the Nigerian government, the contention is that amnesty in the Niger-Delta does not critically address the issue of impunity. It supports a culture of impunity, undermines the rule of law, serves despot who has abused human rights, denies victims of the opportunity to recognize what probably happened to their friends and family, and ultimately reduces the chances of reparation of victims.

Amnesty is an aberration against the international convention, which specifies that perpetrators of human rights infringements ought to 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. Worryingly, Nigeria possesses a high and rising position on the Genocide Watch list of countries destined to have the following holocaust.

A second dark side of amnesty is its inability to distinguish who the culprits of violence are; Media reports say that the civilian populations in the Niger Delta region were traumatized amid the pinnacle of the armed struggle and sequential oil wars. Some Ijaw groups had accused the Nigerian government of committing 'genocide' against the people of Ijaw nationality. 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.” At an early stage of the implementation of the amnesty, the militants under the aegis of MEND favoured 'armistice' to the amnesty. Their inclination for an armistice – a detente that allows parties to discuss terms for an end to the conflict – was because, in their opinion, they were freedom fighters and not criminals as the government portrayed them to be. (Idahosa, 2010)

A second dark side of amnesty is its inability to distinguish who the culprits of violence are; Media reports say that the civilian populations in the Niger Delta region were traumatized amid the pinnacle of the armed struggle and sequential oil wars. Some Ijaw groups had accused the Nigerian government of committing 'genocide' against the people of Ijaw nationality. 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.” At an early stage of the implementation of the amnesty, the militants under the aegis of MEND favoured 'armistice' to the amnesty. Their inclination for an armistice – a detente that allows parties to discuss terms for an end to the conflict – was because, in their opinion, they were freedom fighters and not criminals as the government portrayed them to be.

From Protests to Violent Conflict

The paradox of rising unemployment, environmental degradation, poverty, and underdevelopment in the midst of massive flows of a wealth-generating resource (oil) has exacerbated the grievances of the Niger Delta's oil producing communities. Consequently, since the 1960s local protests have emerged, and when peaceable methods produced few results, these demands became increasingly violent.

Beginning in the late 1960s, the prominent dissident Isaac Boro drew together, many of the more active discontented elements and consolidated them into the Niger Delta Peoples Volunteer Force. The 1967 twelve-day revolution led by Isaac Boro and his declaration of a Niger Delta Republic was a landmark event in the intensification of the area's conflicts. That temporary coalescence of the militants and the accompanying articulation of certain section of the population's grievances in a bold and concrete political goal provided a powerful precedent for militants to later draw on. The defeat of Boro's forces and their dissolution signaled a new stage in the conflict cycle.

As the conflict drivers remained extant, the struggles continued in modified form, beginning with a period of relative quiescence succeeded by a gradual growth in organized politically motivated violence. Following the classic “few too many” scenario of conflict escalation (UNDP Report, 2006), there was a proliferation of contending parties in the post-Boro era, extending through the late 1980s. This escalation period was characterized by numerous, disparate and often poorly organized nonviolent protests by a cross-section of local residents. These protests ranged from written petitions to authorities to large public events and rallies, such as dancing by female demonstrators outside the local headquarters of oil companies. In 1990, under the internationally acclaimed writer Ken Saro-Wiwa's leadership, the Movement for the Survival of the Ogoni

People (MOSOP) redefined and revolutionized non violent struggles in the Niger Delta by adopting local and international public awareness strategies, such as mass community mobilizations and media campaigns, MOSOP drew unprecedented local and global support for the Ogoni struggle for self-determination.

The Ogoni struggle which is a subset of the greater Niger Delta uprising was directed against both the Nigerian state and the multinational oil companies particularly the Royal Dutch Shell, which has a significant stake in the country's energy sector. Niger Delta inhabitants have attributed much of the regional environmental damage to Shell's abusive production activities that have decimated local livelihoods, compounded poverty, and undermined the region's social fabric.

For the Nigerian state, Ogoni's calls for self-determination and autonomy were “counter to national policy, not the least by having highlighted long-standing tensions between the country's ethnic mosaic and its political centralization.” After Shell pulled out of Ogoniland in 1993, following a massive rally of more than 400,000 people and a surge in international attention to the protest movement, the Abacha regime felt compelled to stop the Ogoni political mobilization from inspiring or spreading to other marginalized Nigerian groups. By 1995 the Ogoni protest movement was ruthlessly crushed by the Abacha military regime, which seized and hastily executed Saro-Wiwa and eight other MOSOP leaders. In addition to prompting widespread international condemnations and the imposition of sanctions on Nigeria, the hanging of the renowned author further inflamed passions and further radicalized Niger Delta youths (Annegret, 2010). In this instance, the arrest did not stop the unrest.

In the main, the repression bolstered the arguments of those who averred that violence is the only viable approach to the struggle and the only means of obtaining concessions. Consequently, beginning in the 1990s, multinational oil companies (the facilities and staff) became targets for violent youth campaigns. Seizure, occupation, and stoppage of oil company operations became particularly common. The lucrative potential of such actions intersected with the widely felt grievances and feelings of unjust deprivation, leading to a marked increase in the further proliferation of militant groups in the Niger Delta (UNDP Report, 2006).

With the expansion of the democratic space in 1999, the machinations of electoral politics have further complicated youth dynamics and tensions in the Delta. It became commonplace for political parties and leaders to arm groups of young men in order to mobilize them as instruments of political pressure and coercion. This practice became widespread prior to and during the 1999, 2003, and 2007 elections when politicians encouraged the formation of youth and cult groups, arming and using them for political violence, intimidation, and election rigging (The Vanguard, June 13, 2008). These youth groups included the Niger Delta Vigilante Group led by Ateke Toms and the Niger Delta Volunteer Force headed by Asari Dokubo, among others. Most members of the groups were illiterate, unemployed youths who were promised jobs and viewed the groups as a means of self-advancement. Abandoned by their political patrons after the elections, the youths were left with no viable

livelihood sources except their guns, which became their means to develop pathways of accumulation (Amazie, 2008)

This reliance on violence led to armed militant groups who engaged in arms thefts infiltrating the regional political struggle. Arms, thus, became a conflict-specific capital (Dean et al, 2004), contributing significantly to the emergence of a complex insurgency characterized by various combatants. This was illustrated in 2006 when MEND, a prominent militant movement, emerged on the scene and began carrying out frequent attacks on the region's energy infrastructure. Targets mainly included onshore assets such as pipelines, oil facilities, and energy sector employees. However, some attacks were also carried out offshore, a key example being the 2008 attack on Shell's Bonga oil platform, located 75 miles off the coast of the Niger Delta, which temporarily stopped production activities (Welch, 1995). MEND was so effective in its violent campaign that it disrupted production by 25 percent between 2006 and 2009. The intensity of the insurgency coupled with the military response by the Nigerian government brought enormous turmoil to the region.

To address the violence and stabilize the region, in 2009, the Amnesty Programme was launched by the late President Umaru Musa Yar'Adua's regime. Yet, as discussed, the diversity of the multifaceted Niger Delta complicates the conflict situation, requiring a well-designed, robust response. Watts captured the character of rebellion in the Niger Delta when they noted,

Insurgency in the region is complex and multifaceted because some of the groups were at once environmental, youth, human rights, ethnic militia and democratization movements (Okonta and Douglas, 2001).

The crucial question is whether the Amnesty Program strategy adequately responds to the complexity and dynamics of the longstanding unrest in the region. The following section looks at this process in greater detail.

Effectiveness of the Amnesty Program in Solving the Niger Delta Problem

Under the 2009 Amnesty Program, the federal government proclaimed a blanket amnesty with a time frame of 60 days – August 6 to October 4, 2009 – for all Niger Delta militants. By this proclamation, militants who surrendered their arms within the specified period were unquestioningly granted freedom from prosecution for participation in armed rebellion against the state or in armed criminal acts. This non-retributive approach may seem to suggest that forgiveness was accorded a role in the disarmament process and in the resolution of conflict in the region, yet the design of the amnesty initiative rests on the prospects of forcible disarmament influencing militants' calculations of utility maximization leading them to choose to participate. The state's advantages in resources and power were expected to cause the militants to fear that amnesty rejection would risk a determined offensive and a consequent military defeat.

Sanguine in its stronger position, the state apparatus has an extended history and entrenched tendency to assume a paternalistic stance toward the inhabitants of the Delta backwaters. Indeed, in the state's narrative, amnesty is portrayed in a manner congruent with the prevailing social metaphor, based in the long-standing West African wealth in people's societal orientation of patron-client relations and exchange based social networks (Ikelegbe, 2005). Amnesty is therefore depicted as a gift bestowed by the state on its penitent subjects whose misdeeds and crimes it had magnanimously chosen to forgive.

Forgiveness can indeed be critical to successful conflict resolution, but a different model of forgiveness may be essential for that outcome to be actualized in the Niger Delta. Given Niger Delta residents' historical memories of betrayal and widespread distrust of the Nigerian state, a multilateral peace process appears necessary. The state's reductionist construction of amnesty as a beneficent gift to militants, who were criminalized in this narrative, undermined the process of forgiveness, reconciliation, and the prospects of achieving durable peace in the region. The set, static, and bounded forgiveness decreed from the state should be replaced by a mutually constituted peace agreement generating from an interactive dialogue between all stakeholders and parties.

The state's approach to the disarmament process and peace building in the region reflects its longstanding predilection for a power-based rather than interest-based negotiated settlement. From a realist theoretical standpoint, any forgiveness associated with the Amnesty Program is coercive since the peace plan is grounded in the use of force or the threat thereof, a corollary of Clausewitz's notion that "war is a diplomatic means in another context." This approach has not worked in the past, but it nevertheless appears to have been the underlying logic of pre-amnesty peace talks, in which the structural determinants of militancy were ignored. That flawed approach defined the nature and character of the Amnesty Program. The DDR design consequently lacks a specific strategy for addressing the substantive political issues such as fiscal federalism, which has been at the core of disturbances in the region. The key question, then, is whether the Amnesty Program's carrot and stick strategy will be enough to successfully resolve the conflict in the region without addressing its root causes. A careful examination of the disarmament results may provide some clues to the answer of the preceding question. In 2009, when Nigerian president Umaru Musa Yar'Adua proposed amnesty as an arms control policy and peacemaking intervention that would stabilize the Niger Delta, many analysts saw little or no incentive for the militants to disarm. Surprisingly, however, the amnesty has been quite successful. During the amnesty grace period, upward of 2,700 operable and sophisticated guns and 300,000 rounds of ammunition were surrendered by 15,000 militants to the Presidential Amnesty Committee headed by the minister of defense at the time, rtd. General Godwin Abbe.

Since then more militants have enlisted in the Amnesty Program, taking the number to just over 20,000. Needless to say, the quantity of weapons surrendered and the number of participating militants in the disarmament process were unprecedented (Human Right Watch, 2003). However, these numbers should not be taken at face value as an unqualified indicator of success because conflict entrepreneurs in the Delta. Have rented some of the

surrendered arms. More important, the disarmament was only partial, as the militants had held some of the arms back themselves, highlighting their continued mistrust of the government and lack of confidence in its commitment to the peace-building agenda. For example, it was only on December 8, 2010, that Ateke Tom, a prominent commander in the Niger Delta Area, Vigilante Group, handed over his six militant camps in Rivers state to the Joint Military Task Force (JTF). By retaining some of the arms and militant camps, the militants maintained the option of armed conflict, underscoring the continued volatility in the Delta region. The activities of repentant militants such as John Togo, Tamunotonye Kuna and Keiti Sesse lend further credence to the foregoing. Togo, Kuna and Sesse were key commanders of MEND who accepted the amnesty and surrendered their arms but later returned to the creeks and resumed hostilities. In fact, they regrouped under the aegis of Niger Delta Liberation Force (NDLF) and embarked on a new offensive, including such activities as the November and December 2010 bombings of the country home of Timi Alaibi, Presidential Adviser on Niger Delta Development Commission and of the Nigerian National Petroleum Company in Delta State. The NDLF demanded among other things the immediate convocation of a post Amnesty dialogue between aggrieved militants and the federal government in order to address what they called “grey areas” in the Amnesty Program implementation. Kuna and Sesse were captured along with a cache of weaponry, equipment, and funds. At that time, John Togo vowed “to fight on even with the last drop of his blood, to see the Niger Delta liberated from the clutches of bond masters represented by the Federal government” (Hazen and Horner, 2007).

Post-Amnesty Program

Demobilization is the opposite of remobilization (Galtung, 1969). The United Nations, cited in Weinstein and Humphreys, defines demobilization as

The process by which parties to a conflict begin to disband their military structures and combatants begin the transformation into civilian life (BBC News, March 15, 2010).

This process is typically achieved by assembling, quartering, and disarming combatants and usually involves “offering them some form of compensation to encourage them to meet their basic needs and their transition to civilian life” (The Telegraph, 2010). Swiftly removing combatants from their fighting role is central to the demobilization approach as it denies them associated economic, social, and political opportunities they developed during the conflict.

The standard model calls for activities to reorient former combatants to civilian life as part of a broader effort to transition from war or conflict to peace. Thus it is a complex process where disarmament activities are quickly followed by reintegration efforts (Doyle and Sambanis, 2006). In other words, “Once disarmed, combatants begin the process of returning to civilian life in demobilization sites where they receive basic necessities, reinsertion allowances, counseling, and eventually transportation to a local community where they elect to live permanently” (This Day, October 2, 2009).

Since the previous section laid out the amnesty process, highlighting the disarmament phase, this section will delve into the post-amnesty environment, specifically looking at the demobilization and reintegration efforts. Since the official end of the disarmament campaign in October 2009 there have been two attempts by the government to develop a sustainable and effective post-amnesty program. The first took place between October 2009 and May 2010 and the more recent effort was launched in June 2010 and continues to date.

Conclusions

The 2009 Amnesty Program (AP) represents the Nigerian state's latest undertaking in its continuing search for appropriate policy responses to the challenges and demands of the oil producing communities in the Niger Delta axis. The Amnesty program was geared towards the surrendering of arms by militant groups in exchange for freedom from prosecution is a home grown disarmament, demobilization, and reintegration (DDR) initiative that aims to achieve the cessation of armed conflicts in the Delta region. As will be elucidated, this paper contends that the Amnesty Program is fundamentally flawed with little potential for promoting security and human development in the Delta.

At the end of the twentieth century, DDR programs became a vital element in the peace-building model used by prominent international institution like the United Nations (UN). The DDR process is a product of the currently hegemonic security paradigm, which centers on governmental monopolization of violence and aims for military institutions to be consensually transformed into peaceable citizens. The DDR process has thus become a standard part of peace agreements, with fighters commonly being offered incentives to obtain their consent and participation. An analysis of world DDR initiatives in 2007 reveals that in more than two-thirds of the cases a DDR plan was implemented based on carefully negotiated and thoroughly multilateral peace agreements between the government and other combatants (Carames et al, 2007).

To enable ex-combatants' return to civilian life and ensure successful conflict resolution, these agreements not only defined the specific activities of the DDR project, the implementation strategy, monitoring, and evaluation mechanisms but also laid the basis for establishing the institutional and legal frameworks for the DDR plan. In that regard, Spear (2002) lists five main factors critical to the success of disarmament and demobilization projects. These include the feasibility and aims of the peace agreement, understanding, the implementation environment, the ability and resources of the implementers, the disposition of the warring parties, and the successful verification of treaty implementation. The multilateral nature of successful DDR programs is critical. The involvement of ex-combatants important partners in the design and implementation of DDR programs promotes participation and a feeling of ownership of the process by ex-combatants, heightening their commitment to conflict cessation (Gwinyayi, 2007). It is quite possible that benefits could accrue from tweaking the DDR model in response to particular conditions and contexts.

The Nigeria's Amnesty Program and its applicability within the Delta axis, not only lacks such contextual fine tuning but is also missing some of the essential elements of a DDR program. For example, rather than a product of multilateral dialogue and negotiations among all stakeholders and parties, the Amnesty Program was unilaterally decreed from above by the state. Consequently, the Amnesty Program lacks a consensually constituted and comprehensive peace agreement serving as a guiding framework undergirding its implementation. A more fundamental problem, perhaps, is the fact that critical stakeholders, including key militia association like the Movement for the Emancipation of the Niger Delta (MEND), have seriously contested the Amnesty Program initiative. This has affected the nature and sustenance of the programme.

Thus, the amnesty programme of Nigeria Government in the Delta region; militants cannot be compared with that of the Biafra in 1970. Niger Delta amnesty programme was not like that of the Biafra amnesty which reintegrates the secessionist back to the society. The amnesty in the Niger Delta was basically concern about the monthly stipends been paid directly to these militants.

Policy Option

The Niger Delta had been hindered by the heterogeneous nature and the weak capacity state. As a result, the politicization and ethnicization of the resource allocation process by the state and its elites have heightened the series of contestations and crisis. The failure of government over the years to redress the defects in the system has heightened the crisis level while the government was quick to brand the activity as mere criminality to be dealt with by military force. The application of force increases the level of the conflict.

Another issue to address is the corrupt tendencies of the leaders in the areas. The states that made up the Niger Delta areas have money much more than the other States of the federation but the Governors and other political leaders often embezzle this money instead of investing it in development. For, instance, most of the former and present Governors from the Niger Delta was accused of series of alleged corrupt practices (Idahosa, 2010).

The international community has an important stake in the resolution of the conflict in the Niger Delta and the amnesty programme. Nigeria's oil is vital for global energy security; the security of the Gulf region likewise a requirement of international maritime trade. The heavy presence of the military in the Niger Delta cannot ensure the stability of the oil supply to the global market. Naked power, even with the best-specialized consultants and electronic gadgets. (Especially through multinational organizations operating in the territory), is bound to fail and dangers sliding all the more profoundly into a second rate civil war (Idahosa, 2010).

The current amnesty extended to the militants lacks merit and the much needed confidence to effectively resolve the crisis. The Nigerian Government has to look beyond amnesty offer. Without meaning to support the penchant by the ex-militants to play Oliver Twist by always asking for more, there is the need for federal government to periodically re-design their programmes to meet with the aspirations of the ex-militants, especially in the long term. One way in which this could be achieved is by empowering the ex-militants economically, through

programmes that are design to turn idle ex-fighters to gainfully self-employed young men and women. In this connection, Agricultural programmes such as poultry, fish farming, producing, crop cultivation, should be introduced in to the ex-militants.

From the foregoing, it is therefore recommended that:

- a. The amnesty programme should include all stakeholders.
- b. Oil multinationals should be included in discussing and implementation the amnesty programme
- c. The amnesty programme should be managed in such ways that should provide gainful employment for the disarmed militants
- d. There should be a post- amnesty assessment to enable the process to succeed.
- e. The elicited diversion of funds meant for amnesty programme should be checked and blocked. The government should look beyond the amnesty programme, there should be other educational programme for the ex-militants.

References

- Aghalino, S.O. (2002). Institutional Approach to the Development of the Oil - bearing Enclave in Nigeria: The OMPADEC Example. *Journal of Humanities* 8(2).
- Aghalino, S.O. (2000). Petroleum Exploitation and the Agitation for Compensation by Oil Mineral Producing Communities in Nigeria. *Geo Studies Forum* 1(1 & 2), 11-19.
- Annegret, M (2010) "Nigeria: A Prime Example of the Resource Curse? Revisiting the Oil-Violence Link in the Niger Delta," *GIGA working Papers*, No. 120, p. 19, http://www.giga-hamburg.de/dl/download.php?d=/content/publikationen/pdf/wp_120__maehler.pdf.
- Chizea, B & Iyare, T (2006). Nigeria's raging ethnic conflicts: The role of Small Arms and private Military Companies (PMCs). *The Constitution* 6(1), 71-100.
- Dean, P. J & Sung, H. (2004). *Social Conflict: Escalation, Stalemate and Settlement*, (3rd ed.) New York: McGraw Hill
- Doyle, M & Sambanis, N (2006). *Making War and Building Peace*. Princeton: Princeton University Press.
- Folarin, S (2007) Niger-delta: Environment, Ogoni crisis and the state. *The Constitution* 7(1), 37-61.
- Galtung, J (1969). Violence, Peace, and Peace Research. *Journal of Peace Research* 6(3), 167-191.
- Gurr, T (1970). *Why Men Rebel* Princeton, NJ: Princeton University Press.

- Gwinyayi, A (2007). Post-conflict Disarmament, Demobilization and Reintegration of Former Combatants in South Africa. *International Studies Perspective* 8 (1), 73-89.
- Holy Bible (King James Version) <https://www.biblestudytools.com/kjv/>
- Human Rights Watch (2003). *Testing Democracy: Political Violence in Nigeria*. Human Rights Watch Briefing Report 15, no. 9 (2003)
- Ikelegbe, A (2005). The Economy of Conflict in the Oil-Rich Niger Delta Region of Nigeria. *Nordic Journal of African Studies* 14 (2), 217.
- Ikelegbe, A (2010). *Oil, Resource Conflicts and the Post Conflict Transition in the Niger Delta Region: Beyond the Amnesty*. (Benin City: CPED Monograph Series, no.3), p.6.
- Idahosa, O (2010) *The Niger Delta crisis: implication for Nigeria foreign policy*: A paper presented at the 2nd National conference of Centre for Peace, Diplomatic and Developmental Studies University of Maiduguri, 22nd – 26th February 2010.
- Obi, C (2006). *Youth and Generational Struggle for Resource Control in the Niger Delta: Prospects for the Nation-state Project in Nigeria*. Dakar: CODESRIA Monograph Series, pp. 3–6.
- Obi, C & Rustad, Siri Aas (2011). *Introduction: Petro-violence in the Niger Delta – The Complex Politics of an Insurgency*. In Obi, Cyril and Rustad, Siri Aas (eds.) *Oil and Insurgency in the Niger Delta: Managing the Complex Politics of Petro-violence*. London: Zed books.
- Okoh, R (2005). *Conflict Management in the Niger Delta of Nigeria: A Participatory Approach*. *African Journal of Conflict Resolution*. 5 (1), 91–110.
- Okonta, I and Douglas, O (2001). *Where Vultures Feast: 40 Years of Shell in the Niger Delta* (Benin City: Environmental Rights Action/Friends of the Earth, 2001).
- Sarantakos, S. (2005). *Social Research* (Third Edition). Melbourne, Macmillan Educational Press. This Day, October 2, 2009
- The Telegraph, October 1, 2010
- The Vanguard Lagos, June 13, 2008
- UNDP (2006). *Niger Delta United National Human Development Report* http://hdr.undp.org/en/reports/nationalreports/africalnigeria_nigeria_hdr_report.pdf.
- Vines, A (2005). Combating Light Weapons Proliferation in West Africa. *International Affairs*, 81(2), 341-360.
- Welch, C (1995). The Ogoni and Self-Determination: Increasing Violence in Nigeria. *The Journal of Modern African Studies* 33(4), 635-649.