

**Repositioning Nigeria's Amnesty Programme for Conflict Transformation and Post-Conflict  
Peace-Building in the Niger Delta Region of Nigeria**

**By:**

**Kingsley C.W. Udegbunam  
Social Sciences Unit,  
School of General Studies  
University of Nigeria, Nsukka**

***Abstract***

*One of the latest attempts to effectively manage the crisis in the Niger Delta region of Nigeria was the declaration of amnesty for all militants in the region by the late President of Nigeria, Umaru Musa Yar'Adua, on the 25<sup>th</sup> of June, 2009. The death of the President did not bring an end to the amnesty programme as a core Niger Delta man, Goodluck Jonathan, became Nigeria's president and has continued with the amnesty programme. This study seeks to examine the contexts, contents and challenges of the amnesty programme with a view to establishing the nature of peace it has achieved in the region, the nexus between the performance of the amnesty programme and the structure of the Nigerian state, and how the amnesty programme can be used for conflict transformation and post-conflict peace-building in the Niger Delta region. Primary and secondary sources of data collection were used for this work. The primary sources were In-depth Interviews (IDIs) with some ex-militants and some members of the ex-militants' communities and Camp Officials. Key Informant Interview (KII) was also used. Secondary sources include relevant books, journals, and other publications on Niger Delta. Qualitative method was used for data analysis. The study argues that a mere declaration of an amnesty, without correspondent actions by the state to remove structural forms of violence that have sustained the crisis in the region, as well as embarking on a radical infrastructural and socio-economic development of the region, will lead to the collapse of the relative peace in the region. It further posits that Nigeria's amnesty programme is capable of bringing lasting peace to the region and the nation as a whole if, and only if, a holistic approach that will take the structure of the Nigerian federalism is taken into consideration. That is, the evolvement of true federalism and the abrogation of all laws that are used to subdue, oppress, and deprive the people of the region from benefiting maximally from the Nigerian commonwealth. It is only when these are done that a genuine transformation of the actors, issues, rules, and structures in the crisis will be achieved in the Niger Delta of Nigeria.*

*Keywords: Nigeria, Amnesty, conflict, post-conflict peace-building, conflict transformation*

## Introduction

The discovery of oil resources in commercial quantity in Oloibiri in 1956, in present day Bayelsa state in the Niger Delta region, and the subsequent exploration that followed attracted national and international attention in an energy driven world economy. Since then the Niger Delta region has witnessed rapid development in oil exploration and exploitation as well as other oil related activities. As Okoro (2005) opines, since the advent of oil exploration over four decades ago, the region has become the main source of revenue and foreign exchange earnings for the Nigerian federation. He added that since 1975, the region's oil resources accounts for 90% of Nigeria's export earnings. For Brisibe (2001), oil and gas are the life wires of Nigerian income and provide 70% of the country's revenues. The economic importance of Nigeria lies in the oil and resources in the Niger Delta. Obi (2009) states that according to some estimates, the region generated about \$500 billion in the past 50 years to Nigeria.

However, in sharp contradictions to the wealth in the Niger Delta region, the United Nations Development Program (UNDP) report (2006) shows high level poverty estimated at an average of 69 percent, low value of Human Development Index (HDI) of 0.564 and absence of basic infrastructure and social amenities. Ibeanu (2008), in his inaugural lecture, asserts that the development of *petro-business* has brought lots of underdevelopment to the region. The wealth of the region has brought nothing but massive hardship to the people, poverty, and deprivation of their means of livelihood, environmental degradation orchestrated by oil spillage, gas flaring, oil pipeline explosions, and gross infrastructural decay as well as youth unemployment, among others. This situation led to series of conflicts in the region. From Saro Wiwa's nonviolent struggle in the 1990s, the conflict escalated with a proliferation of over 150 armed groups with divergent interests and sometimes possessing ideologies and motivations that are difficult to identify.

In responding to the crisis in the Niger Delta region, the Nigerian government adopted different methods which include militarization, establishment of development commissions, committees and panel of inquiries, creating of a ministry of Niger Delta, and the use of amnesty. Of all responses from the Nigerian state, the use of force to suppress legitimate agitators featured prominently as recorded by Ibeanu (1993) Akpuru-Aja (2007) and other authors.

The proliferation of armed groups and subsequent escalation of the Niger Delta conflict, in the wake of failure of military response, led the late President Musa Yar' Adua to declare an amnesty for all militants in the region. The immediate effect of the amnesty was a de-escalation of armed confrontation in the region and the return to normal *petro business*. However, occasional outbreak of

violence between the state and some militants who rejected the amnesty programme has raised serious concern about the nature of peace achieved by the amnesty programme and the need to evolve an amnesty programme that will be capable of transforming the roots causes of conflict in the region. At the moment the negative peace in the region is largely due to politics of ethnic sentiment; the feeling that the region should be calm and allow their “son” (Nigeria’s President) finish his tenure and not because the issues, actors, rules and contexts of the conflict have been transformed. This study therefore concerns itself with how the amnesty programme could be used to transform root causes of conflict and therefore build a positive peace in the region.

### **Theoretical Framework**

The theoretical foundation for this study is conflict transformation theory. The need for a positive transformation of the Niger Delta conflicts cannot be over emphasized. Conflict transformation thesis affords us the intellectual guidelines for such transformation.

Conflict transformation theory owes its emergence to different schools of thoughts (Miall, 2004). These include European structuralists such as Senghas (1973) and Kirippendorf (1973) who analyzed conflict formations. A collection of Galtung’s (1996) serves as an important contribution to the development of a conflict transformation theory. Other contributors include Curle (1971), Vayrynen (1991) Azar (1990) Rupesinghe (1995, 1998), Lederach (1997) and Miall (2004).

The central thesis of conflict transformation theory is that contemporary violent conflict requires something more than a mere changing of positions and the identification of win-win outcomes. It acknowledges that the very structure of parties and relationships may be embedded in a pattern of conflictual relationships that extend beyond the particular site of conflict. Conflict transformation is therefore a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict (Mail p.4). The theory also recognizes that conflicts are transformed gradually, through a series of smaller or large changes as well as specific steps by means of which a variety of actors may play important roles.

### **Nigeria’s Amnesty Programme**

The amnesty program contained a general pardon to all persons who participated either directly or indirectly in violence in the Niger Delta region. It was a blanket amnesty that included forgiveness and automatic freedom from any form of prosecution whatsoever. The amnesty had a time frame which was from August 6 to October 4, 2009. Within this period, an individual member of the armed groups in the region was expected to surrender his or her weapons in exchange for presidential pardon.

The amnesty also contained a disarmament for willing militants youth in the area. Contrary to all expectations, the disarmament process witnessed the surrendering of about 2,700 sophisticated guns and 300,000 rounds of ammunition by 15,000 militants (Davidheiser and Nyiayaana, 2009). While the

disarmament process could be described as successful, given the initial attendant skepticism and the de-escalation of armed conflict in the area, the limitation of the process lies in its focus on the militants alone without attempting to disarm the community that produced these militants. As Davidheisser and Nyiayaana (p.8) contend, the proliferations of Small Arms and Light Weapons (SALW) orchestrated by protracted intra and inter-communal armed struggles in the region have necessitated a need to disarm some of the communities as well as disband their vigilante groups. Such disarmament process will involve exchange of arms for development program as incentives. This will help to mop up arms in circulation while security operatives focus on checking new forms of importation and proliferations. The various vigilantes will also be disarmed and replaced by government security agents. This is important because some of the ex-militants groups started as vigilante groups. The Government should take the issue of mopping up the communities seriously and factor it in at this post amnesty era.

The amnesty programme also contained demobilization plan. This was to precede reintegration. The Amnesty Committee used the hierarchies of the militants to arrange for their demobilization and even reintegration program. An interview with some of the camp officials reveals that the initial attempt to disregard their leaders and deal with each of them as individuals proved abortive as the Obubra Camp in Cross River State, centre for the rehabilitation programme, temporarily became another militant camp because the ex-militants became very hostile to camp authority and exhibited various acts of indiscipline.

This situation led to a return to dealing with the ex-militants through their leaders, who in turn helped in the maintenance of peace in the camp. The payments of the ex-militants were initially conducted through their various leaders. The Amnesty Committee also enlisted them for the rehabilitation program through their leaders. For instance, the Committee would announce that the camp will open only to ex-militants from a particular leader's camp; sometimes it merged two or more groups.

This method, while ensuring orderliness, did not demobilize the groups. In fact, it further remobilized each camp since each camp saw itself as a group with common identity and cause. Thus after the two weeks stay in camp, the ex-militants were sent back to await the empowerment programme that will reintegrate them into the larger community.

The reintegration programme was in two phases. The first phase was the rehabilitation program that lasted for ten days. The ex-militants were exposed to training courses on types and causes of conflicts, nonviolent methods of conflict management, and the negative impacts of conflict. In other words, attempts are made to *de-psychologise* them of violent mentality. Provisions were also made for counseling by psychologists. Through the counseling provided, each ex-militant decided what kind of vocation he or she would embark upon in the second phase of the reintegration programme.

We need to point out that the period allotted to the rehabilitation programme is rather too short to make any serious impact on people who have spent years as combatants. While the process of rehabilitation was important, the shortness of the time for the re-orientation made the process shallow. The effect was that the ex-militants merely passed through the teaching without time to thoroughly internalize the contents of the programme.

The second phase in the reintegration programme is the skill acquisition or empowerment training for the ex-militants. As earlier pointed out, the counseling period in phase one helped the ex-militants to decide how best they wish to be reintegrated into civilian life. They have chosen to pursue different careers ranging from welding, to engineering, safety management, carpentry, and a few have indicated interest in going back to school. The duration for the second phase lasts from 3 –18 months. This phase also includes helping the ex-militants to establish sustainable means of livelihood by granting them capital and other necessary tools. This is done in conjunction with the Ministry of the Niger Delta Affairs, National Poverty Eradication Program (NAPEP), the Small and Medium Scale Enterprises Development Association of Nigeria (SMEDAN) and the National Directorate of Employment (NDE) (Akinwale, 2010). This phase is still ongoing with many ex-militants undergoing training in various parts of the world.

However, for the amnesty programme to achieve lasting peace the contents should be able to transform the conflict in the region. To be able to do this, the programme should be re-positioned to transform the contexts, structures, actors and issues in the conflict. At the moment due to narrow contents and militant-centeredness of the programme, focus is limited to personal and group transformation. This is a great mistake that will, in the long run, bring a collapse of the peace process in the region. For a lasting peace in the region to be achieved, attention must also be paid to the transformation of contexts - political, legal, economic, and environmental, of the conflict. For it is only then that the potentials in the amnesty programme to achieve lasting post-conflict peace in the Niger Delta will be realized.

### **Political Context of Nigeria's Amnesty Programme**

When the late President Yar' Adua came to power on May 29, 2007, the government identified the crisis in the Niger Delta as one of the major challenges facing the nation and thus was determined to pay attention to the region. This drive led to the establishment of the Ministry of Niger Delta to supplement the hitherto unfelt activities of the Niger Delta Development Commission (NDDC). It should be noted that the above situation became necessary because of the neglect of the region by successive Nigerian political leaders. At independence in 1960, the constitution allocated 50% as revenue to the regions. However, government gradually and systematically excluded the people of the region from wealth generated from oil in the region. The derivation percentage during these periods

fell to a miserly 2% (Adeyemo and Olu-Adeyemi, 2010). It was only in 1999 that the constitution increased the derivation percentage from 2% to 13%. The above situation was also heightened by the political exclusion suffered by “minority” groups from the region, as the larger political landscape of the State has been dominated by the three major ethnic groups in Nigeria, the Igbo, Yoruba and Hausa. The Yar’ Adua led administration, with a vice president from the Ijaw minority group, announced the inauguration of a forty-five-man committee, to be known as the Technical Committee on the Niger Delta, (TCND) on the 8<sup>th</sup> of September, 2008. At the end of its assignment, part of the recommendations of the TCND was that the state should grant a general or blanket amnesty to all militants groups in the region and proceed to prosecute those who will reject the offer. Such amnesty programme was to include disarmament, demobilization and reintegration for militants who accept the offer.

### **Socio-Economic Context of Nigeria’s Amnesty Program**

There are two key areas that the socio-economic context of the amnesty programme is examined; the issue of insecurity or security, and the need to sustain the state’s petro-economy. Both are intertwined, especially when we consider that security in the region will enhance *petro-business* in the area and by extension global oil market. This links the Nigeria’s internal issues of security and petro-economy to oil politics in the Gulf of Guinea (see Ofehe, 2005; EIA, 2006 ;).

It is generally accepted that the people of the Niger Delta region suffer gross inadequate basic social facilities, not comparable even to other parts of the Nigerian state which make little economic contributions to the nation’s economy (Akpan, 2011). From the absence of health care facilities, to poor road networks, youth unemployment, poor water facilities, the people suffer diverse and various degrees of environmental hazards and total squalor. It was such situation of hopelessness that drove the youth into the act of militancy, hostage-taking, oil thefts and pipe-line vandalism. Hostage-taking and oil related crimes became the hallmark of youth militancy in the region such that between 1999 and 2007, 13,267 cases of pipe-line vandalism were recorded (NNPC, 2007). Expectedly, pipeline vandalism led to huge lost in oil production, exportation and revenue generation. Oil production dropped from 2.7 million barrels to only 700 per day, (EIA, 2009).

A dimension of the economic context of the amnesty is what may be referred to as “oil politics in the Gulf of Guinea”. Prominent parties in this politics include the United States, France, China, India and Brazil. For instance, in 2005, 44% of Nigeria’s oil exportation was to the United States, 25% to Europe, 7% to Brazil, 11% to India and 4% to South Africa (EIA. 2009). The strategic role and interest of the United States in the Gulf of Guinea, a zone in which the French and Chinese equally have interest, have seen the systematic interplay of oil politics which has necessitated the need for more security in the region (Ibeanu and Momoh, 2008). The Gulf of Guinea became more important to

the United States and the West as a result of the events in the Middle East. It has become important to secure the region as an alternative to the volatile Arabian and Persian Gulf (Ianaccone 2007). Such security is purely for economic reasons – to ensure a consistent oil flow from the gulf in the events of any serious crisis in the Middle East. The US considers Nigeria a pivotal state in maintaining security in the Gulf of Guinea and a better way to start was to ensure that there is domestic security in Nigeria. The pressure to ensure such security mounted on Nigerian government played a significant role in the conceptualization and implementation of the amnesty programme.

The socio-economic context was also characterized by deficit in security in the region and other parts of Nigeria especially in the neighbouring south eastern states. There was increase in hostage-taking and kidnapping of people from various works of life. According to the Niger-Delta Development Monitoring and Corporate Watch (NIDDEMCOW) between 1999 and June 2007, a total of 308 hostage cases occurred in the region (*The Tide, Tuesday, July 10, 2007 p. 18*)

The situation was similar in other parts of the Gulf of Guinea. According to Ushigiale (2009) some Niger Delta militants were recruited and paid \$5000 to overthrow the government of former President Mbasogo of Equatorial Guinea in March 2005 and February 2009. Scholars have argued that if the mission of overthrowing a legitimately constituted government in Equatorial Guinea by Niger Delta Militants had been successful, it would have bolstered their credibility and ushered in an era of grave insecurity in the Gulf of Guinea, as the insurgency could have spilled over to Cameroon, Gabon, Sao Tome and Principe and all countries in the region where there are suppressed agitations for regime change (Gilbert, sect 6 para 8). Besides, militant youths launched not less than eight offensive attacks against Cameroun, between 2007 and 2009 (ICG, 2009).

### **Environmental Context of Nigeria's Amnesty Programme**

The extraction of oil involves the finding and removal of hydrocarbons by drilling deep into the earth. This is a major aspect of transforming a natural resource such as oil and gas into energy fuels. In the process of this interaction between man and his environment, a lot of environmental problems are generated; these include oil spillages, gas flaring, water contamination, tree poisoning, atmospheric pollution, to mention but a few (Obi, 2009).

Since Shell Petroleum Development Company (SPDC) successfully discovered oil in Oloibiri in 1956, other Multinational Oil Companies (MNO) such as Chevron Nigeria Limited (CNL), Nigerian Agip Oil Company Limited (NAOC), Mobil Producing Nigeria Unlimited (MPNU), ELF Petroleum Nigeria (EPNL), and Texaco Overseas Petroleum Nigeria Unlimited (TOPCON) have joined Nigeria's petro-economy. The growth of the oil industry has also led to a tremendous increase in oil related pollution that has in turn led to other environmental problems in the Niger Delta. The exploration of oil in the region has generated large-scale environmental contamination, dilapidation,

and outright desolation through dredging, construction of access canals to create paths to installations, oil spillages, gas flaring, oil well blow outs, improper disposal of drilling mud, and pipeline leakages and vandalism. Between 1976 and 1996, it was estimated that well over 60,000 oil spills occurred in the region, and over two million barrels of crude oil leaked into the environment (Ojakorotu and Gilbert sect. 2 para.3). Eyinla and Ukpo (2006) explain that Shell alone acknowledged that it spilled about 106,000 barrels from Jone's creek between 1997 and 1998.

Similarly, statistics from the International Crisis Group (2006) and Watts, (2008) reveal that CNL, NAOC, EPNL, MPNU, and Shell are the worst offenders in the act of gas flaring, which releases poisonous carbon dioxide and methane from not less than 275 flow stations in the Niger Delta. Further statistics reveal that the MNOCs flare not less than 75% of the crude-associated gas, which translates to about 2.5 billion cubic feet daily in the Niger Delta (Ojakorotu & Gilbert, sect. 3 para. 6). In addition, there is the pollution of the aquifer (underground water) environment, especially through the process of pumping back drill waste into old oil wells which is known as cutting re-injection. This process has been used for several years by several waste management companies in collaboration with the MNOCs. The waste companies dumped the wastes in rivers, seas and the environment while pretending that they have re-injected the waste into old oil wells. This was the practice for several years before the introduction and the use of the current method of infiltration (Ojakorotu & Gilbert, sect. 3 para 7). As a result there is a high level of destruction of farmland and aquatic species. We should remember that the original occupations of the Niger Delta people were farming and fishing. Thus in the process of oil exploration in the region, farmland has lost its fertility, means of livelihood destroyed, distraction and loss of aquatic resources, contamination of natural sources of drinking water, atmospheric pollution, rapid corrosion of roofing sheets, gradual but systematic extinction and migration of wildlife and the general destruction of biodiversity as well as rural urban migration. The above and other environmental situations contributed in radicalizing insurgent groups in the area.

### **Legal Context of Nigeria's Amnesty Programme**

There is a need to examine the various laws in Nigeria that have helped to sustain structural violence in the region. These laws actually helped in escalating the crisis as they were instruments of oppression used by the Nigerian governments against the people of the region (Moro, 2009). These obnoxious laws predate independence in 1960.

The first of these laws was the Mineral Acts of 1946. Section 3 of the Act states that all minerals found in the colonial territory belonged to the Crown, and to no other, no matter where the mineral was derived from. Similarly, post independence Nigeria went even further. In 1969 the military government of General Yakubu Gowon (rtd) promulgated the Petroleum Decree of 1969). Section one of the Decree (now Act) puts the entire property and control of all petroleum in, under, or



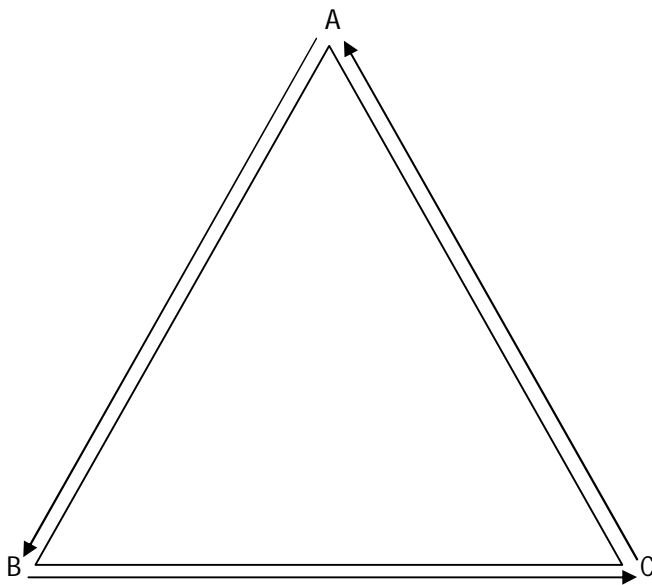
upon any lands in the powers of the state. One of the excuses that have been adduced for the Petroleum Act is that the law was meant to protect the oil resources against secessionist Biafra (Moro p. 176). This argument does not hold due to later development in the Nigerian legal statutes. At the restoration of democracy on October 1, 1979, ten years after the civil war, section 40 (3) of the 1979 constitution puts all lands in any Nigerian territory with minerals, oil and natural gas under the government of the federation. The same law was included in section 44 (3) of the 1999 constitution of Nigeria, thirty years after the civil war.

The 1978 Exclusive Economic Zone Act that transferred the natural resources in the continental shelves from the coastal states (Sagay, 2006) to the Federal Government transferred the revenues accruing to oil-producing states from the continental shelves to the Federal Government, Moro (p.184). Similarly, the Land Use Decree (now Act) of 1978 that puts all land in the country under the state governments to hold in trust for Nigerians but arrogates all land with petroleum in them to the federal government, is an instrument of oppression against the region. By this law, the people of the Niger Delta lost their means of livelihood to oil exploration and exploitation without adequate compensation. The effects were poverty, crime and militarization of the struggle for emancipation. The Land (Title vesting) Decree (now Act) makes provision for the federal government to assume the ownership of any land, hundred meters limit to the 1967 Shoreline of Nigeria (Moro p. 193). This implies that any lease granted by any corporate or incorporated body or any state government in respect of such lands shall cease from having any effect and such body or government has no right to institute a legal action against the state.

The Inland Waterways Authority Decree No. 13 of 1997, enacted during the late Sani Abacha, made all the navigable waters in Nigeria the property of Government of Nigeria. And as Moro (p. 195) opines, more than ninety percent of the navigable waterways in Nigeria are in the Niger Delta, and it invariably means that Government of Nigeria, again, owns all the rivers that are navigable in the Niger Delta and the inhabitants are meant to pay fishing rents and royalties to the Government.

These laws made peaceful resolution of the crisis impossible and aided physical violence. If the people should go to court, the court will interpret the laws as they are found. All appeals to repeal these laws went unheeded because their enactments were conscious, deliberate and systematic. Thus amnesty became a first step that will enhance physical security and allow the Nigerian government to begin a process of repealing these laws as was indicated by the late President Yar' Adua. It should be noted that there is a strong relationship between context, attitude and behavior. Using Galtung's (1969) ABC Triangle Model of conflict analysis, one examines and attempts to establish the relationship between these variables. The ABC model considers conflict as a triangle and reveals mutual linkages and interrelationship between the three variables in the triangle. The variables are (A) Attitudes; (B)

Behavior; and (C) Context. The conflict could emerge from any of the three variables, and determine the outcome of others.



### **ABC Model of Conflict Analysis**

It could be argued that the Niger Delta crisis emanated from context. The various socio-economic, political, environmental and legal situations made the people of the area to develop certain negative perceptions against the Nigerian state. Such perception sees the Nigerian state as an enemy and oppressor. The need for liberation could be said to have led to the violent forms of behavior that escalated the situation until an amnesty became an option.

### **Challenges of Nigeria's Amnesty Programme**

The Amnesty Program faced some challenges. One major challenge was the poor planning and implementation of the programme. It has been argued that the programme was rushed to prevent possible disruption of the under 17 World Cup tournament, held in Nigeria (Ojo 2009). This rush affected the implementation of the rest of the program. Part of the reasons for the hasty planning was the pressure from foreign actors on the Nigerian government for peace and stability in the Gulf of Guinea for the sole aim of ensuring constant flow of oil. The demobilization camps in Okrika, Aluu,

and Tombia, all in Rivers State and Agbarho, Delta State opened without any camping facilities (Davidheiser and Nyiayaana, 2009). The camps had no medical facilities, no electricity and had no water supply and the general living conditions in the camps were grossly insufficient. In fact, one of the ex-militants died in the camp due to lack of medical care (p. 6). In Aluu camp, some of the ex-militants slept on bare floor and even outside in the cold. Subjecting demobilized ex-militants to a living condition worst than they had in the creeks was not the best for group that needed rehabilitation and reintegration.

The amnesty programme was also faced with delay in the payment of the US \$40 subsistence allowance approved for the militants. This led them to engage in post-amnesty criminal activities. For instance, the ex-militants camped in Aluu went on rampage, robbing both students and staff of the University of Port-Harcourt, disrupting academic activities and looting any available shops. There were protests over unpaid allowance in other parts of the region such as Yenagoa and Warri. Similarly, the crime rate in some of the communities in the region rose. Eponta, reports of the arrest of four ex-militants by the police in Akwa Ibom State for kidnapping. In Okrika, residences complained of sudden disappearance of live stocks, a situation they attributed to the presence of the “boys”.

The amnesty did not also follow any known conventional pattern. A political amnesty is usually a product of negotiation between warring parties in the absence of victory by any of the parties. The terms of the amnesty would be contained in a comprehensive accord which the parties in conflict would be signatory to. Political amnesty could also be at the discretion of the winner in an armed conflict where the victorious party decides to announce amnesty for the vanquished (Adejumobi, 2009). However, Nigeria's amnesty did not reflect any of the above conventions. There is no any peace agreement between the government and the militants nor did the government win the battle in the creeks. Although it may be argued that the amnesty programme needed not follow any conventional method because the state never officially declared war on the militants. Notwithstanding, contemporary conflicts, especially intra-state conflicts, do not necessarily need official declaration of war but still accommodate ceasefires, peace agreement, and post-conflict structure.

The fact that the government retains the operations of the Joint Task Force (JTF) in the region is a problem that should have been taken care of in the conceptualization of the amnesty programme. Perhaps, the fear of the unknown made the government to allow the JTF to run in parallel with the amnesty programme. But this would have been taken care of if there was a peace accord. The negotiating process will afford the militants opportunity to discuss their grievances in details with the government and their demands accommodated in a peace accord.

The second flaw in the conceptualization of the amnesty is the way the programme was rushed. Government had no reason to rush the process. Rushing the program gave the government no time to

explore the potentials within the amnesty to achieve lasting peace in the region. The government would have thoroughly examined the various ways amnesty could be exploited to, not only achieve true cease fire, but also promote genuine peace and development by extending the programme to communities in the region.

The militants-centered nature of the amnesty reduced the potentials for post-conflict peace building in the region. The amnesty from its conception narrowed the problem in the Niger Delta to activities of militants that make development impossible. But the militants were products of neglect and systematic deprivations of people in the region, thus the amnesty could have also focused on the communities in order to adopt a holistic approach to resolving the crisis. It seems what the government did was to yield to external pressure with economic interest in the Gulf of Guinea and provide a short cut to resolving the problem. The argument here is that genuine and rapid development should go simultaneously with the declaration of an amnesty. While the youth are being disarmed, demobilized, rehabilitated, and responsibly reintegrated, the communities are being developed in terms of physical infrastructural and social amenities and the various obnoxious laws that have repressed the people are reviewed. The narrow focus of the amnesty programme denies Nigeria the much needed opportunity to ensure a lasting post-conflict peace in the region.

### **The structure of Nigerian state and the performance of the amnesty programme**

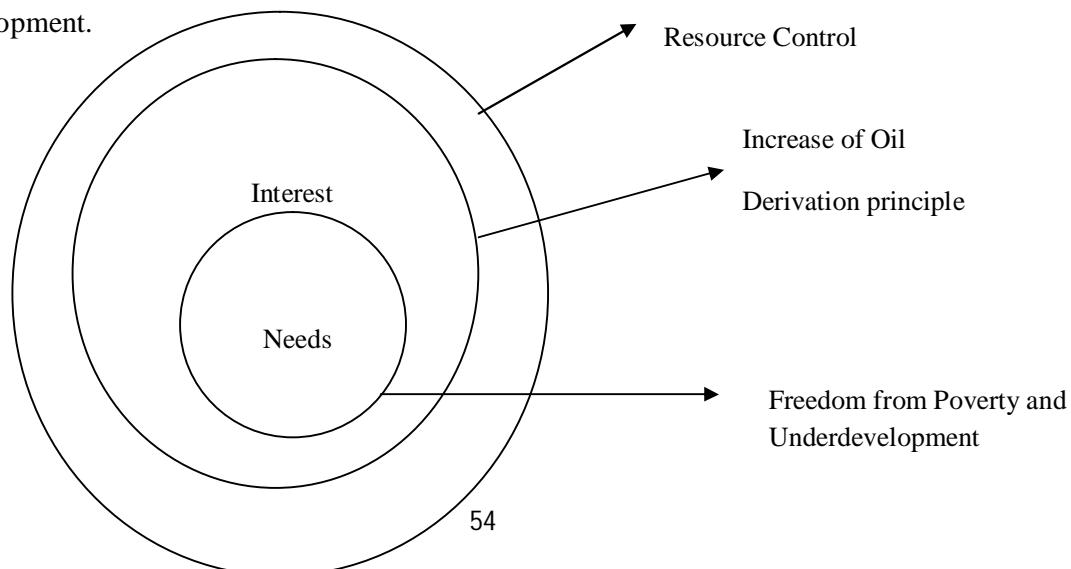
Nigeria practices a unique form of federalism that is not known to any book. The legal structures in Nigeria contained the biggest obstacle to an amnesty programme that would have brought about positive peace in the Niger Delta. Nigeria operates a “federal” state with 36 components units and a federal capital territory, Abuja. Unlike the United States’ federalism, where the federating units decided to join the Union, Nigeria Central Government under various military dictatorships arbitrary created its federating units with the latter relying heavily on the former especially on fiscal issues. Revenues are shared monthly based on a formula generated by a Federal agency – the Revenue Mobilization and Fiscal Agency (RMFA). This is so because the central government controls the major sources of revenue especially mineral and oil resources. With this fiscal structure Nigeria will not be able to attend to the Niger Delta crisis effectively and an amnesty alone cannot address the question of neglect, deprivation and underdevelopment of the region.

To begin the process of removing structural violence, which include all the obnoxious laws mentioned earlier, will not in any way be an easy task. There is a fundamental problem that establishes a nexus between the performance of the amnesty, and by extension the crisis in the Niger Delta, and the structure of the Nigerian state. The structure of the state, especially the legal structure, does not allow for a fundamental and radical management approach to the crisis as the ex-militants would want. Unless those structures are removed, the president cannot holistically and realistically handle the

problem of the region. The National Assembly must be actively involved as well as the federating units in removing these laws in order to lay the foundation for conflict transformation.

As a conflict management strategy the amnesty programme cannot provide the state with a lasting peace if implemented in isolation of the socio-political structure of the Nigerian state. The success of the amnesty could only be deepened and made permanent if and only if, there is a comprehensive approach that will include all stakeholders. Such approach will not just focus on militants but much more on the communities that have suffered series of deprivations and effects of oil exploration in the region since 1958. Nigeria must adopt community development approach simultaneously with the amnesty programme. Massive durable road constructions, provision of portable drinking water, skill acquisition for the unemployed youth, housing programme, cleaning of oil spills and other environmental hazards, and provisions of other social amenities such as electricity to the people of the region will have to be adopted. To achieve this will certainly require huge sum of money which the present fiscal structure does not allow, thus there is an urgent need for the Nigerian state to ensure the removal of structural factors that will impede massive developmental programme in the region. The various obnoxious laws that were highlighted earlier in this paper should be carefully amended or totally expunged to allow the Federal Executive to embark on massive reconstruction of the region. This should be seen by other regions of the nation as a *sine qua non* for lasting peace in the region and the state at large. Rather than perceive such massive development programme as cheating or marginalization, other regions of the federation should support the process since it will bring about lasting peace in the economy, which will in turn, ensure development in all regions of the federation.

It is in the light of the above that one may argue that agitation by the militants for resource control should be objectively examined, with a view to adopting a common ground that will guarantee peace, unity and economic growth to the nation. While the agitation for resource control may be described as the positions of the people of the Niger Delta, their interest is a higher percentage in derivation from oil resources, and their needs might just be freedom from poverty and underdevelopment.



### **Onion/Doughnut Model of conflict analysis**

While positions and interests may be sacrificed during negotiations, needs cannot be compromised. The fragile peace in the Niger Delta was not because the position of the people was met or even discussed, nor was it because the constitution has increased the 13% derivation to 50% (interest) but was because ex-militants were promised freedom from poverty through the amnesty programme, and opportunity to develop the region. A renege on these promises will jeopardize such fragile peace. Likewise, an extension of this promise to the whole region, accompanied with actions, will see a region that will not only be at peace with itself but also with other regions of the Nigeria state. Why then will the Nigerian state not meet the needs of the people if it considers their positions and interest impossible?

As Achebe (1983) rightly argues, the problem with Nigeria is leadership. The Federal Executive and the National Assembly have all the instruments with which to meet the needs of the Niger Delta people and thereby restore lasting peace to the region. In these two arms of government reside the powers to amend the constitution and to take decisions of radical approach to development issues in the region. Leadership and power are very important in both peace and conflict situations and they play central role in the management of the crisis. A proper use of power by leaders will help to effectively manage the crisis in the Niger Delta Albert (2003). Thus Nigerian leadership has failed in generating and sustaining development policies and programmes that will ensure freedom from poverty and underdevelopment in the region. Instead, as Ibeanu (2008) would agree, development has underdeveloped the region, affluence has brought affliction to the people, and wealth has impoverished the Niger Delta area.

### References

- Achebe, C. (1983). *The trouble with Nigeria*. Enugu: Fourth Dimension.
- Adejumobi, S. (2009). "Niger Delta: what amnesty?" *The Guardian* July 13.
- Adeyemo, D. & Olu-Adeyemi, L. (2010). "Amnesty in a vacuum: the unending insurgency in the Niger Delta", in V. Ojaborotu, & L.D. Gilbert, (eds).2010. *Checkmating the resurgence of oil violence in the Niger Delta of Nigeria*. Available at <http://www.nigerdeltabook.com/book/ad/asp>.
- Akinwale, A.A. (2010)." Amnesty and human capital development agenda for the Niger Delta". *Journal of African Studies and Development*. Vol. 2 (8), pp.201-207
- Akpan, O. (2011). *The Niger Delta question and the peace plan*. Ibadan: Spectrum Books Ltd.
- Akpuru-Aja A. (2007). *Basic concepts, issues and strategies of peace and conflict resolution*. Enugu: Keny & Brothers Enterprises.
- Albert, I. O. (2003). *Mainstreaming positive leadership in conflict transformation in Nigeria*. Centre for Social Science Research and Development. Positive Leadership Series, No. 7.
- Azar, E. (1990). *The management of protracted social conflicts*. Aldershot: Dartmouth.
- Curle, A. (1996). *Making peace*. London: Tavistock.
- Davidheiser, D. & Nyiayaana, K. (2010). "Demobilization or remobilization: the amnesty programme and the search for peace in the Niger Delta". A paper presented at the second International Conference on National Resources, Security and Development in the Niger Delta, March 8-11, 2010 at Niger Delta Wetland Center, Yenagoa, Bayelsa State, Nigeria.
- Energy Information Administration (EIA) (2006). *Official energy statistics*. Washington, D.C.: US government.

- Eyinla, P. & Ukpo, J. (2006). *Nigeria: the travesty of oil and gas wealth*. Lagos: Catholic Secretariat of Nigeria.
- Galtung, J. (1996). *Peace by peaceful means and conflict development and civilization*. London: Sage Publication.
- Ianaccone, A. (2007). *Toward a reform agenda for the Niger Delta: a report of the African programme*. Washington, D. C.: Center for Strategic and International Studies.
- Ibeanu, O. & Momoh, A. (2008). *State responsiveness to public security needs: the politics of security decision-making*. Conflict, Security and Development Group Papers. No.14, June, 2008.
- Ibeanu, O. (1993). "Ogoni: oil and environmental conflict in Nigeria". *Nigeria Now*. Vol.2, No. 10, 1993
- Ibeanu, O. (2008). "Affluence and affliction: the Niger Delta as a critique of political science in Nigeria". *An Inaugural Lecture of the University of Nigeria*. Nsukka: UNN Press.
- International Crisis Group, (2009). "Fuelling the Niger Delta Crisis". Africa Report, No.118, 28 September.
- Krippendorff, E. (1973). "Peace research and the industrial revolution". *Journal of Peace Research*, Vol. 10, 185-201.
- Leaderach, J.P. (1995). *Preparing for peace: conflict transformation across cultures*. New York: Syracuse University Press & Washington, D. C: USIP Press
- Leaderach, J.P. (1997). *Building peace, sustainable reconciliation in divided societies*. Washington: US Institute of Peace Press
- Miall, H. (2004). *Conflict of transformation: a multi dimensional task*. Available at <http://www.berghofhandbook.net>.
- Moro, A.I. (2009). *Socio-political crisis in the Niger Delta*. Ibadan: Spectrum.
- NNPC, (2007). *Annual Statistical Bulletin*. Abuja: NNPC
- Obi, C. (2009). "Nigeria's Niger Delta: understanding the complex drivers of violence oil-related conflict". *Africa Development Vol. XXXIV*, No.2 pp.103-128.
- Ofehe, S. (2005). *Nigeria's government betrayal of the people of the Niger Delta*. Available at: <http://www.onlinenigeria.com/articles/ad.asp>.



- Ojakorotu, V & Gilbert, L.D. (eds) (2010). *Checkmating the resurgence of oil violence in the Niger Delta of Nigeria*. Available at <http://www.nigerdeltabook.com/book/ad/asp>.
- Ojo, J. (2009). "Yar' Adua's amnesty has Failed- N' Delta leaders". Available at <http://www.nigerianbestforum.com/blog/?p=30325>. Accessed on 30 December, 2009.
- Okoro, E. (2005). *Conflict in the Niger Delta: the way forward*. Available at <http://www.adakaborocenter.org>.
- Pensky, M. (2008). *Amnesty on trial: impunity, accountability and the norms of international law*. Available at <http://www.creativecommons.org>.
- Rupesinghe, K. (1998). *Civil wars, civil peace*. London: Pluto.
- Rupesinghe, K. (ed) (1995). *Conflict transformation*. London: Macmillan
- Sagay, I.O. (2006). "Rights over continental shelf", in N. Tobi (ed) *A living judicial legend*. Essay in honour of Honourable Justice Karibi-White (CON), Florence and Lamard Ltd.
- Senghaas, D. (1993). "Conflict formations in contemporary international society". *Journal of Peace Research*, Vol. 10, 163-184.
- Udejaja, G.et al. (2009). "The filthy lucre from kidnapping". *The Guardian*, October 6 2009.
- Ujumodu, V. (2009). "GUO transport boss, Godwin Okeke, kidnapped". *Vanguard*, Monday 24 August.
- UNDP. (2006). *Niger Delta human development report*. Abuja: UNDP
- Ushigiale, J. (2009). "Nigeria: Maduekwe visits Equatorial Guinea over attack". Available at: <http://allafrica.com/stories/2009>.
- Vayrynen, R. (ed) (1991). *Perspectives on the resolution of the national and international conflicts in new directions in conflict theory, conflict resolution and conflict transformation*. London: Sage.
- Watt, M. (2008). Anatomy of an oil insurgency: violence and militants in the Niger Delta, Nigeria in K. Omeje (ed.) *Extractive economies and conflicts in the Global South: multi-regional perspective on rentier politics*. Aldershot: Ashgate.