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THE AMNESTY FOR PEACE IN THE NIGER DELTA: POLITICAL SETTLEMENT, TRANSITIONAL JUSTICE AND PEACE BUILDING



AUGUSTINE IKELEGBE
ANDREW ONOKERHORAYE

This publication is supported by the *Governance, Security and Justice Program* of the International Development and Research Centre (IDRC), Canada and the *Carnegie Corporation of New York*

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PREFACE

This monograph is one of the final outputs of the research project of the *Centre for Population and Environmental Development (CPED)* titled “*Amnesties for Peace in the Niger Delta: a critical assessment of whether forgiving crimes of the past contributes to lasting peace*” the *International Development and Research Centre (IDRC)* under its *Governance, Security and Justice* program and the Carnegie Corporation of New York.

The overall objective of the study is to critically interrogate the amnesty and the political settlement leading to it, in terms of perceptions, discourses and conversations that undergird it; the nature of bargains, understanding and consensus constructed around it; the content and methods of the Amnesty; the nature of inclusiveness, equity, justness and gender sensitivity; the levels of legitimacy and sustainability of the settlement; the challenges of compliance, implementation and accountability, and the impacts on violence mitigation, conflict resolution, peace building and state building.

We are particularly grateful to the Governance, Security and Justice Program of IDRC and the Carnegie Corporation of New York for the support to CPED which has enabled the Centre to carry out the study and the publication of this policy document.

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CHAPTER ONE

INTRODUCTION

The Niger Delta region of Nigeria, with a population of about 40 million people comprising of several minority ethnic groups, is Nigeria's oil and gas belt, and host to the nation's crude oil and gas reserves and exploitation infrastructure. It is also Africa's largest wetland with extensive lowlands, swamps, estuaries, creeks and rivers. In spite of its resource endowment, the region has been plagued by development neglect, trickle natural resource benefits, and marginality in political representation and the oil economy. The oil and gas infrastructure has led to extensive environmental degradation, destruction of livelihood sources, socio-economic disruptions and extensive poverty. These conditions generated agitation and protests beginning from the 1970s. The Ogoni environmental protests internationalized the agitation and catalyzed further protests which by the late 1990s, turned into a region wide youth driven militant agitation for resource control and state reforms.

The agitation turned into an insurgency between 1998 and 2009, with thousands of youth militias violently engaging the oil companies and the Nigerian security agencies, accompanied by extensive devastation of oil infrastructure, abduction and kidnapping of oil companies' staff, disruption of oil and gas production and attacks on oil tankers on the maritime waters. After almost two decades of agitation and about a decade of low intensity war between the Nigerian military and youth militias, the Niger Delta entered into a new period in its history in October 2009. An Amnesty programme hinged on a DDR programme was adopted in 2009 as a strategy to end the insurgency and restore the oil and gas industry and production.

This study presents some of the interim findings of a comprehensive study of the Amnesty for Peace programme. The general objective of the research is to assess the **impacts, challenges and sustainability of the amnesty programme** and the *political settlements* leading to it, as a strategy of conflict resolution and peace building at the sub-national level. The study attempts to critically interrogate the content and methods of the Amnesty on the basis of issues of inclusiveness, equity, justice, gender sensitivity;

legitimacy, management, challenges, sustainability and impacts on violence mitigation, conflict resolution and peace-building, and nation-building and national stability. Beyond a critical investigation of the Amnesty and its DDDR programme against standards, objectives, best practices and comparative experiences, the study investigates the comprehensiveness, participatory and action basis of the Amnesty; the poor focus on the dynamic capture of the socio-political processes which shape the Amnesty; the specific linkages between political settlements, state and peace building; the linkages between amnesty, justice and peace-building and the basis and prospects for sustainable peace and security.

The research questions for the overall project are:

- i) What are the essential goals, components and methods of the Amnesty programme? What/whose voices, narratives, discourses and visions undergird the framing and content of the political settlement and what were the processes leading to and the terms, agreements, arrangements and understanding around which the legitimacy and implementation of the settlement were based? What tensions or strains exist in the Amnesty's political settlement?
- ii) How broad based and inclusive is the Amnesty and political settlement in terms of participation of all key stakeholders and how accommodative, equitable, fair and just is the settlement in relation to victims, marginal groups, vulnerable communities, women, minority ethnic groups, and diverse segments of militias and non-militant youth? Particularly, how gender inclusive, equitable and sensitive, are the processes, content and benefits of the Amnesty?
- iii) What strategic and policy instruments, methods of implementation and mechanisms for oversight, review and accountability are put in place to ensure implementation success? More specifically, what challenges of compliance, implementation and accountability exist, how have different actors and stakeholders responded to them and how do these affect the sustainability and commitments to the political settlement and peace?

- iv) How have different actors (government officials, militant leaders, political society, civil society, ethnic, cultural and business elite, youth, women, private sector and international organizations) managed and implemented or related to the Amnesty and associated political settlement and with what effects on public confidence, legitimacy, sustainability and the potential for non-conflict reoccurrence? Particularly, how have government efforts and commitment to addressing the grievances and development challenges of the region reinforced the legitimacy and sustainability of the Amnesty?
- v) What lessons can be learnt about political settlement and peace building at sub-national levels, and what models can be developed and replicated in the management of other conflict situations in Nigeria and Sub-Saharan Africa?

In this study, a segment of the study relating to research objectives and research questions pertaining to political settlement, transitional justice and peace building are presented.

2. RESEARCH METHODOLOGY

Apart from desk top research for secondary data, the survey research method was deployed to source primary data for the study. Four research instruments; in-depth questionnaire, social activists (ex-militant) questionnaire, key informant interview schedule and focus group discussions (FGD) are utilized. The questionnaire and FGD were administered in the three core Niger Delta States, while the interviews were conducted in the core Niger Delta States and the Federal capital city of Abuja. The questionnaire, FGDs and interviews focused on obtaining the perceptions and opinion of diverse people (local and urban elite, ordinary people, youth, women, community activists, ex-militant activists, officials of governments, civil society organizations, oil companies, and others in the region) about the conflict in the Niger Delta and Presidential Amnesty Programme (PAP) in the period before, during and since the declaration of Amnesty.

CHAPTER TWO

BRIEF CONCEPTUAL AND THEORETICAL OVERVIEW

Overview of the Transition to Peace

The restoration of positive peace after violent conflict is a daunting task that is complex, sensitive and prone to fragility. This usually involves a multi-staged transition process that ranges from political settlement, peace agreements, disarming and rehabilitation of ex-combatants, processes of reconstruction and economic recovery, the restoration of institutions of democratic governance and justice and processes of reconciliation and peace building. There are often challenges of plurality, inclusion, accommodation, stability and continuity.

There are critical sets of activities or stages in the transition from violent conflicts to peace; the peace agreements or arrangements that is the platform for subsequent activities; the disarmament, demobilization and reintegration programme for ex-combatants; and the institution of processes for reconciliation, justice, recovery and peace (Table 2.1).

Table 2.1: Stages in the Management of Post Conflict Transition to Peace

Stages	Disarmament, Demobilization and Reintegration	Post-conflict reconstruction	Post conflict recovery	Conflict Transformation	Peace Building
Goals	Safe and Secure Environment	Physical Reconstruction, Renovation and Reconstruction of decadent/destroyed infrastructure	Economic recovery. Regeneration of local economies. Employment programmes and employment opportunities	Institution of better resource distribution to communities and groups	Promotion of Peaceful relations and co-existence
Activities	Preventing violent conflict reversals. Controlling and reducing propensity and incentives for further violence	Renovate and rebuild social services, amenities and infrastructures. Reopen/reinvigorate education systems and health care systems. Provide assistance /support to internally displaced and those that suffered losses	Controlling underground and illegal economies. Re-orient attitudes towards production. Revitalize rural livelihood sources and occupation. Improve social wellbeing and reduce poverty	Identify and address group and communal grievances and marginalization. Address issues of equity and justice between oil companies, oil producing and impacted communities and groups.	Redressing past abuses through reconciliation

Ikelegbe (2010:9)

Disarmament, Demobilization and Reintegration (DDR) programmes have become a key component of national and international efforts in the facilitation of transition from war to peace. DDR assists ex-fighters among

others to gain a foothold in civil society so as to prevent them from returning to combat and hence avoid a resumption of hostilities (Banholzer, 2014). The Peace-Building and Recovery Frameworks (2006:3) identifies disarmed combatants in violent conflict situations as a problem that needs to be addressed:

Ex-combatants, especially when they are young, may have become a 'lost generation', having been deprived of education, employment and training during the conflict period, suffering war trauma, becoming addicted to alcohol and drugs, and dependent on weapons and violence as the only means to make their way in the world. When they lose their military livelihood, they are likely to experience difficulties in adapting to civilian life. Male ex-combatants may engage in anti-social behaviour within their families and communities, contributing to an increase in economic and social – especially sexual – violence

It is in response to the imminent threat that returning combatants pose to the peace process, that the international community has turned increasingly to DDR that are designed to facilitate combatants' transition from professional fighters to civilians and to reduce their incentives to take up arms again.

DDR “contributes to achieving a lasting peace process where those involved directly in the conflict can break with the past (Casas-Casas & Guzmán-Gómez (2010:58). The Final Report of the Stockholm Initiative on DDR, (2006: 25), regards DDR as creating a “transitional safety net” to ensure that combatants do not need to return to war in order to survive. In this regard, DDR can be located within the paradigm of peace-keeping and peace-building and is often actually embedded in broader peace operations. DDR also contributes to state-building because it involves a shift from the formal and informal rules of militant groups to the laws defined by the state (Casas-Casas & Guzmán-Gómez 2010:58).

DDR facilitates the management of conflicting parties by seeking disintegration of armed groups, disconnection of ex-combatants from armed groups, demobilization of ex-combatants and the creation of conducive environment for building trust and reducing hostility and reducing poverty. Basically, successful DDR programmes provide the basis for rethinking post-conflict peace process, political and social reconciliation, social and economic rehabilitation and longer term development in the aftermath of war.

Table 2.2: Programmes of DDR Management of Ex-Combatants

Demilitarization	Disarmament	Demobilization	Rehabilitation	Reinsertion	Reintegration	Resettlement
*Withdrawal or restrictions in deployment and location of the military and combatants. *Reduction of operation	Surrender of arms at arms collection centres *Arms destruction *Arms monitoring and control	*Surrender *Registration *Transportation *Cantonment & encampment. *Pre-discharge orientation *Discharge	*Post discharge orientation *Cash allowance *Food and health assistance	*Diverse support and assistance *Housing support *support for children education	*Skills and education verification/identification * Vocational training, skills development * Educational support *Employment and employment support * Business development	* Access to and acquisition of land and water resources *Provision of seeds, tools and credit for agriculture *Social benefits *Pension support schemes *Disability support schemes

Source: Ikelegbe 2010:14

Disarmament entails the physical removal of the means of combat from ex-belligerents (weapons, ammunition), and sometimes of the civilian population and the development of responsible arms management programmes (United Nations, 2006), in order to secure the environment and demonstrate the cessation of violence. **Demobilization** is the formal and controlled discharge of active combatants from armed forces or other armed groups, the disbanding of armed groups, and their re-orientation through programmes in camps or designated locations. **Reintegration** is the social and economic process by which ex-combatants, civilian associates, civil communities, victims of war and IDPs acquire and gain sustainable employment and income through training, education and economic empowerment programmes. The sustainability of the disarmament and demobilization processes depends on the successful social and economic reintegration of ex-combatants. Resettlement is the support provided to demobilized combatants to facilitate access and acquisition of land, tools and credit required for engagement in agriculture such as farming and fishing. It may also involve social benefits, disability support and pension support schemes (Ikelegbe 2010:16).

DDR is a complex process with political, military, security, humanitarian and socioeconomic dimensions which should be planned and closely coordinated as part of broad post-conflict stabilization interventions and political and reconstruction efforts, that seek longer-term stability and make peace irreversible (Conoir 2007:13-14). It is also a complex, delicate and sensitive process of military and political solutions whose effectiveness is dependent on competent, inclusive, impartial, credible and transparent planning and management.

DDR has been relatively successful in building stability, peace and democracy in post conflict situations (Doyle & Sambanis 2006). Yet, it is not an automatic post conflict peace building panacea (Gwinyayi 2007:74). Though DDR designs ought to be rooted in peculiar security and socio-political conditions, there are objectives, pre-conditions and best practices that facilitate high impact designs and implementation (Colletta et al,

1996:13; Fusato 2003; Collier, Hoeffler & Soderbam 2006:1-19). Current reasoning in DDR management raises concerns about inclusiveness and comprehensiveness that includes women, children, vulnerable groups and communities, in terms of targeting, benefits and incentives (Humphreys & Weinstein 2007: 561; Arnold & Alden 2007:11).

Thus, there are certain elements and conditions that contribute to the success or otherwise of DDR. First is the inclusion of all ex-belligerents and factions to avoid the resurgence of violence. Second is the existence of fair eligibility criteria. The idea is to provide a criteria that transparently identifies ex combatants such that the trust among groups and the legitimacy of the programme are ensured (Carames&Sanz 2009). Third is inclusive DDR that embraces critical and vulnerable groups such as those that performed support roles to combatants such as women and children, *dependents of ex-combatants* such as spouses, children (TatjanaStankovic & StinaTorjesen, 2012), disabled combatants, female ex-combatants (Carames 2009a), amnestied political prisoners, war affected civilians, separatist activists, communities that served as bases for ex-combatant (Sanz 2009a) and internally displaced persons. Fourth, is the integration of communities to facilitate resettlement and reintegration of ex combatants into civilian and community life. This has been identified as crucial to sustainable and effective DDR (Carames & Sanz 2009). Fifth is the role of international organizations, development agencies, the private sector and civil society in peace building and reintegration programmes by complementing and collaborating with the state in employment generation, empowerment programmes, social assistance and human capital development. Their involvement, interventions and support are crucial to generating trust and confidence, guaranteeing impartiality and integrity, providing technical assistance and capacity building, and executing specialized programmes.

There has been several disarmament, demobilization and reintegration (DDR) programmes in Africa, which have generated some knowledge and experience. Reflections on these processes, along with those in other war-afflicted countries outside Africa, have enabled stakeholders to take stock of post conflict situations and identify both the lessons learnt and suggested

reforms. The Multi-country demobilization and reintegration programmes (MDRPs) and the United Nations Integrated DDR Standards (IDDRS) evolved from these lessons (Hendricks, 2008). Although several studies exist on the performance of DDR programmes in Africa, adequate attention has not been paid to the home-grown DDR programmes in sub-national conflicts such as the Niger Delta of Nigeria.

The experience in Africa is mixed, with fair successes where external support, and international organizations, civil society and communities were involved. Poor DDRR designs and implementation has been associated with renewal of hostilities (Angola), widespread insecurity (Namibia), uncontrolled proliferation of small arms (Mozambique) and high crime rates (Mozambique) (Kimba 1999:43; Keen 2006:16; Gwinyayi 2007:75). The problems generally associated with DDRR in Africa include poor management, poor funding, lack of trust and confidence, reintegration failures, lack of positive impacts on individual combatants, and the emergence of migrant fighters (Colletta et al 1996:71; Kimba 1999:43; Humphreys & Weinstein 2007:534; Pugel 2007; Keen 2006:16; Gwinyayi 2007).

The Amnesty programme in the Niger Delta, fits into a typical traditional DDR which has been replaced with the second generation DDR as a result of the weaknesses of the former. Traditional DDR focuses mainly on combatants involving a range of activities falling under the operational categories of disarmament, demobilization and reintegration. Second generation programmes on the other hand, includes the larger communities that are affected by armed violence and a number of programmes and activities that can be implemented in order to support the peace process, build trust, contribute to a secure environment and help build the foundation for longer term peace-building.

The Presidential Amnesty Programme (PAP) resting on a DRR was designed to place the Niger Delta region on the path of conflict resolution, peace building, stability and conflict transformation. DRR is essentially a first stage in the management of post conflict transition to peace, which precedes and provides a clement environment for post conflict reconstruction and recovery,

conflict transformation and peace building. Its success then is a form of guarantee and environment not only for non reversal to violence but for the probability for sustainable peace and security.

In the assessment of the programme thus far, scholars have alluded to the somewhat neglect of conflict transformation issues such as developmental neglect, resource control and oil economy participation (Ikelegbe 2010:81-83; Asuni 2011:171; Oluwaniyi 2011:52), the focus on only the ex-militants and exclusive concern with their reintegration (Joab-Peterside, Okodudu, Ekekwe & Obipi 2011:323), absence of agreements, broad based participation and stakeholder-ship, as well as the neglect of reinsertion and resettlement, security sector reform and transitional justice (Ikelegbe 2010:72; Joab-Peterside et al 2011:xxi; Aghedo 2011:16-17). Some scholars have also described the Amnesty as treating the symptoms (Joab-Peterside et al 2011:323), insensitive to gender (Omotola 2011), failing in disarmament (Ikelegbe 2010:68-69; Aghedo 2011:17; Asuni:2011:166), huge in costs because of extensive payments and patronage, (Asuni 2011:166; Oluwaniyi 2011:51), ad hoc and haphazardly designed and implemented (Ikelegbe 2010:72) and flawed in implementation particularly in the rehabilitation and reintegration stages (Asuni 2011:158; Oluwaniyi 2011:53). As a result, there are fears about the sustainability of the peace and security attained.

A post conflict transition to peace (PCPT) has essentially two dimensions. The first is military and security interventions to establish and guarantee minimum levels of law and order. This includes DDR which involves disarmament and demilitarization, and the creation of a secured environment such that the goals of peace building and developmental interventions to help conflict ridden societies and aid recovery from war can be achieved. The second is the political dimension which precedes the PCPT and continues throughout the entire process. This involves the political dialogue, negotiations, settlement and agreements that become the tentative format and framework for PCPT, the design and implementation of programmes of forgiveness, reconciliation and justice for the redress of grievances, abuses and losses emanating from the war and violence; and the building of commitment of political leaders and stakeholders and the development of programmes of peace building. The political dimension is what builds the

trust and commitment of stakeholders, the common ground for the entire process and particularly the structures and processes for peace-building and sustainable peace and security.

Political settlement

Political settlement is defined by the UK Department for International Development (DFID) as “the forging of a common understanding, usually between political elites, that their best interests or beliefs are served through acquiescence to a framework for administering political power”. The most theoretically robust definition of political settlements has emerged from historical political economy, particularly articulated in the work of Khan (1995, 2000), where ‘political settlement’ refers to the balance or distribution of power between contending social groups and social classes, on which any state is based. The term “political settlement” is also commonly used to describe the informal power arrangements or “social order” in a country. The idea that a political settlement refers to a ‘common understanding between elites’ however, downplays the extent to which political settlements are *bargaining* outcomes among *contending* elites.

The key elements of a political settlement are *actors*, *interests*, and *institutions*. In most cases, it is a coalition of powerful elite factions that make up the key actors in a political settlement. The critical element that holds a political settlement together is the alignment of interests within the dominant elite coalition, and the dynamic relationship between elite interests and the broader array of interests in the society. According to the OECD Development Assistance Committee (DAC), inclusive and stable political settlements are considered a critical foundation for both state-building and peace-building, and ongoing fragility and violence are often directly associated with highly exclusionary, predatory, unstable, or entrenched political settlements.

Recent discussions within development policy circles have focused on how state-building and peace-building can support the emergence of inclusive, robust and ultimately sustainable political settlements in the aftermath of war (DFID, 2010). Parks (2010) identified the emergence of a new alliance between excluded groups and elite factions as a major challenge associated

with a non-inclusive political settlement. Such alliances may be used by factions in the dominant coalition to strengthen their position in the current political settlement, or they may be used by excluded elites to press for inclusion in the settlement. In some cases, the impact may be greater inclusiveness, but also greater instability if other factions within the ruling coalition resist such change. In many cases, excluded elites will forge new alliances with the leadership of an emerging middle class, who have an interest in broadening access to power and curtailing elite privileges.

For example, the “People Power” movement in the Philippines in 1986 saw traditionally elite political families, excluded from Marcos’s authoritarian rule, lead popular movements to challenge the political settlement established by Marcos. In 1986, the critical turning point came when key factions of the military joined forces with the popular movement led by Corazon Aquino. The settlement that emerged initially went through a period of significant instability, as elements of the old regime of Ferdinand Marcos and some disenchanted military factions challenged the new political settlement through a series of attempted military coups. Under the subsequent administration of Fidel Ramos, the settlement stabilized considerably, allowing for steady improvements in economic growth and development (Parks, 2010).

There are unresolved questions within the political settlement framework of analysis, particularly in conflict-affected and fragile conditions. The questions of durability or stability of settlements that tend to be evolving among political elites, the achievement of inclusive arrangements in political systems that are deeply exclusionary, and how political settlements operate at the sub-national level where challenges of national and regional elite politics and competition for power are mediated by diverse social forces.

Broadly, the political settlement concept is relevant to the examination of the situation in the *Amnesty Programme* of the Niger Delta region of Nigeria. Essentially, the political settlement approach is deployed to engage the ongoing and dynamic socio-political processes that produced the creative ideas, bargains and solutions, and assurances, understandings and arrangements for resolving the conflicts among elites, leaders and activists

within and outside the region, in the period before and since the Amnesty. This is because the cohesion and stability or incoherence, ruptures and threats inherent in these formal and informal pacts have shaped or are shaping the Amnesty's formulation, implementation, fortunes and impact.

Justice and Peace

Most violent conflict situations involve destructive, atrocious, indiscriminate, and grievous violence that involves harm, murder, rape, torture, human rights abuses, humiliation, slaughter and destructions of properties, livelihoods and businesses. Furthermore, most conflict situations emerge from unjust systems that are characterized with abuses, infringements and victimization. In post conflict situations, there is tendency for victims to seek revenge and justice. The redress of the pains and abuses of victims, actions against perpetrators of abuses, pardon and forgiveness for harm doers, and compensation and relief for victims, is part of a larger process of rebuilding social harmony, peaceful coexistence, cooperative relationships and new systems of equity, justice and social order, thus providing a better basis for reconciliation and enduring peace.

Justice in post conflict situations is critical to the rebuilding of society's moral, ethical and social fabric (Ikelegbe 2010:6). A system of justice is a sustainable anchor for peace, which indicates that not only is justice inextricably linked to peace, but that instituting systems of justice for individuals and groups affected by the armed violence and conflicts is a major component of the transition to peace. As Hampson (1996:230) puts it: *without peace there can be justice. Without justice, democratic institutions, and the development of the rule of law, the peace itself will not last.*

Justice in PCPT situations involves legal respite for victims of violence and abuses, trials of perpetrators of human rights abuses and violence, the reforms of the organizations of coercion that usually engage in abuses, and the reform of the institutions of justice such as the judiciary and the law enforcement agencies to guarantee independence of actions and protection of rights. However, there are contradictions and tensions between the demand for justice and the search for peace, such that Hampson (1996) claims that *peace and justice do not always work in tandem*. According to him, the concern for

justice must be tempered by the realities of negotiation and the parties' interests in reaching a political settlement. For example, the need for reconciliation has sometimes limited the search for peace. In some situations such as South Africa, through the Peace and Reconciliation Commission, perpetrators of human rights violation who confessed and showed atonement were forgiven which meant that "victims demands for justice and restitution tended to be waived or denied, in the name of reconciliation" and healing of the new South Africa (Adekanye 2007:202). Similarly as Hampson (1996:203, as cited by Adekanye 2007:201) states:

The need to establish power-sharing structures that accommodate rival factions and interests may well clash with the desires of some to root out the perpetrators of human rights abuses.the need to reform the security institutions of the state, including the police and military, may be at odds with the practical need to bring into the peace process those groups that wield power and have a monopoly on the instruments of coercion in a society. ..the political requirements for reaching a peace settlement may well conflict with the desire to lay the foundations for long term stability.

As a result of these tensions, the issue of management of crimes, human rights violations, impunities and indignities perpetrated by ex combatants and militaries is often contentious. There are two approaches to justice in post conflict situations: retributive and restorative justice. Retributive justice involves the investigation of crimes and abuses, the arrest, prosecution, conviction, and punishment of offenders and culprits, and compensation for victims of abuses and injustice. This produces negative peace (Malan 2008:146) and creates a fear around justice which tends to sustain continued belligerence and violence among militants and state actors (Ikelegbe 2010:6).

Restorative justice involves efforts to resolve conflicts and build lasting peace by addressing issues of crimes and abuses, and offenders and victims in the conflict situation in such ways that there is restoration of losses, responsibility and accountability for actions and engineering of reconciliation and peace between persons, groups and communities (Sa'ad 2008:192). This involves processes of engendering reintegration, reconciliation and restoration of relationships through offenders and culprits taking

responsibility for actions, and being remorseful and apologizing for harms done. It also involves redress for victims; recompense by offenders; relief, treatment, compensation and reparation for victims; redress of past injustices and repair of harms done. Restorative justice helps to open up victims' grievances, redirect blames to those responsible, elicit public acknowledgement for wrong doing, and raise public awareness of harms and abuses suffered by victims (Sa'ad 2008: 194-196).

Restorative justice is crucial to peace building and enduring peace. It helps "former victims to come to terms with traumatic events and experiences (Sa'ad 2008), provides relief to victims, facilitates the process of healings and reconciliation, deters the future perpetration of atrocities and abuses, redresses injustices and grievances, facilitates reintegration and restoration, and helps to bring the conflict to a constructive conclusion (Dugan 2003).

The search for transitional justice in PCTP has involved Amnesty following ceasefire and cessation of hostilities such as in Angola, Burundi, Cote d'Ivoire, DRC, CAR, Liberia and Indonesia (Aceh). Some countries have had conditional Amnesty laws, within a framework of Truth and Reconciliation Commission such as in Burundi, Nepal, Indonesia, Liberia and Afghanistan. The issues of justice, reconciliation and societal healing were components of the Liberian Comprehensive Peace Agreement and DDR. A Truth and Reconciliation Commission was established (Sanz 2009 d).

Amnesty is sometimes deployed in PCPT as part of forgiveness and transitional justice. Amnesty is *a guarantee of exemption from prosecution and pardon from punishment for certain criminal, rebel and insurgent actions hitherto committed usually against the state* (Ikelegbe 2010). It is an act by the state to efface or forget past offences that is granted to persons who are guilty or presumed guilty of crimes particularly those of rebellions acts against the state, armed resistance and associated crimes and abuses. This usually grants pardon or indemnity for all crimes committed during the armed conflict. It indemnifies affected persons in terms of safety and protection from punitive actions, retributions and associated losses, usually within a specified period of time. The granting of Amnesty serves as an incentive for ex-combatants to embrace ceasefire and PCTP. Such amnesty is usually backed by an Act such as the Amnesty for ex-combatants in Uganda which

was amended in 2002 and 2006. However beneficiaries of Amnesty may not be limited to ex-combatants but also collaborators with perpetrators of armed rebellion, dependents and kidnapped persons.

Forgiveness is part of restorative justice in the sense in which it enables victims to give up the hate and revenge emotions, accept reform of offenders as moral goal of justice, and submit to reconciliation as a means of restoring cooperative relationships (Deutsch 2014). In this process, there is psychological and emotional healing, restoration of the dignity of victims and their reintegration into society which facilitates reconciliation and restoration of relationship among parties in conflict. Forgiveness and reconciliation as mechanisms for restorative justice has been undertaken through amnesty programmes and open process through truth and reconciliation commissions.

Peace building

Peace building is a fairly hazy and elastic concept that is conceived so broadly as to be synonymous with a range of other concepts like conflict resolution, sustainable development, state building, human security, sustainable security and post conflict reconciliation. It is the broad, long term, multi-dimensional, multifunctional and integrated component of the range of activities involved in the process of building durable and lasting peace from conflict situations, the other activities including preventive diplomacy, conflict prevention, conflict management, conflict resolution, peacemaking, peace keeping and peace enforcement. Peace-building comprises efforts and interventions undertaken to stabilize and develop conditions, institutions, infrastructures, and relationships in post conflict situations, as part of broad overall efforts of restoring security, peace, stability and growth.

Peace building has been conceived or taken to mean the *practical implementation of peaceful social change through socio-economic reconstruction and development* (Galtung 1975:282-304); *all actions undertaken in a conflict continuum to consolidate peace and prevent recurrence of armed confrontations* (Annan 1998); the construction of durable peace structures in conflict or post conflict situations (Tschirgi 2004:4); *actions to identify and support structures which tend to strengthen and solidify peace to avoid a relapse into conflict* (Boutros – Ghali 1992:11);

and an attempt to reduce the sources of present and ongoing antagonism and build local capacities for conflict resolution in divided societies (International Peace Academy 2001:2).

Peace building seeks to establish or build long term peace; prevent a relapse into violence; remove the underlying causes of violent conflicts; aid recovery, rebuilding, reconstruction and development of conflict ridden societies; build *conditions for long term human security* (Bercovitch& Jackson 2009 :178); *build on, add to, re-orient peace making activities in ways designed to reduce the risk of the resumption of conflict*, and creating conditions conducive to reconciliation and recovery (Juma 2002); and construct durable structures of peace (Bercovitch& Jackson, 2009:182).

The specific content of PB and its boundaries are elastic, and have tended to depend on the perspectives of different scholars, organizations, actors and practitioners. This has tended to include the following:

- i. Implementing and consolidating peace settlements and agreements, usually with external and international assistance (Bercovitch& Jackson, 2009:168)
- ii. Providing humanitarian relief to victims and facilitating an end to military and violent exchanges (Miller 2005:57).
- iii. Ensuring security, law and other (Miller 2005:57).
- iv. The reconstruction and rehabilitation of war torn and conflict ridden societies including humanitarian support and rebuilding of infrastructures and social services.
- v. *Reconstruction of the economy and the promotion of sustainable development* including economic stabilization and development projects (Bercovitch& Jackson 2009 :171).The economic and developmental activities include poverty alleviation, rebuilding infrastructure, community development projects (Griffin 1999:9)
- vi. Rebuilding social and political institutions and undertaking governance reforms.
- vii. Re-establishing norms and modes of non-violence for resolving conflicts (Miller 2005:57).
- viii. *Generating an environment of trust* for social relations (Miller 2005:57)

- ix. The restoration, healing and rebuilding of relationships (Lederach 1997:24) and promoting the conditions that create cooperative relationships (Burton 1990:3).
- x. *Re-building inter-communal relations* and engendering social, personal and societal reconciliation (Bercovitch & Jackson 2009: 171).

Usually, the range of peace-building initiatives tend to be associated: with the arrangement through negotiation of political compromises (Bercovitch & Jackson 2009:173) of agreements that becomes the basis for ceasefire; and the enforcement of cease fires; multi – functional and broad range of peace support operations that includes security, humanitarian, economic and political interventions (Boutros–Ghali 1995); large–scale international intervention and support, funding and direction; and the active involvement of local people and grassroot efforts in the process of peace building, and the programmes and agenda associated therewith (Bercovitch & Jackson: 173)

There are two major perspectives to peace building that have tended to guide programmes and applications to conflict situations. The first is the neo-liberal, western centric model, which emphasize neo-liberal political and economic reforms in the areas of civil rights, elections, good governance, rule of law, constitutionalism, justice, and market reforms as part of overall interventions and the process of “reconstituting political and social order” (Bercovitch & Jackson 2009:180). Though this is the dominant practice of peace-building, an over-emphasis tends to perpetuate new challenges and tensions for the PCTP process. The transformative model is a less technical and less dictated pathway that seeks conflict transformation and durable peace. It incorporates the focus on the underlying structural and root causes of the violent conflict and deeper social transformation of the conflict environment. It is thus more flexible and context specific and more engaging of social forces and actors.

Peace building is however often limited and constrained by diverse challenges rooted in the fragility of the conflict environment and the interplay of diverse internal and external forces that hamstring performance. Hence, peace building generally has contestable results, with *less than an unqualified success*, and *as clearly as many cases of failures, as there are successes*

(Bercovitch & Jackson 177). Bercovitch & Jackson (2009:177) assert that the situations of negative peace building—the “prevention of a return to” violent conflict, is more successful than the positive task of peace building; “building the conditions for long – term security” and eliminating the root causes of the conflict.

CHAPTER THREE

OVERVIEW OF THE AMNESTY FOR PEACE PROGRAMME, 2009-2015

The military and securitization strategy which was adopted from 1990 during the Ogoni protests and subsequent militant agitation in the Niger Delta could be said to have met with failure following the decisive attack on Gbaramantu Kingdom and the militant camps therein in May 2009. The subsequent militia counter attacks on the oil infrastructure brought down crude oil production drastically to its lowest level of below 900,000 by mid 2009. This necessitated a strategic rethink of government approach to the region's agitation and militancy.

The strategic rethink made government to accept that militancy and armed resistance which began between 1998 and 1999, was ostensibly a part of the struggle for fairer distribution of the nation's oil wealth in favour of the impoverished people of the Niger Delta, though some criminals have hijacked the genuine agitations in the region and constituted themselves into very real threats to Nigeria's national security and economic survival. The Yar'Adua Administration privileged the desire to resolve the crisis and commence real transformation of the region, as part of its Seven Point Agenda for governance.

The amnesty for the militants in the Niger Delta was declared by Nigeria's former President Umaru Musa Yar' Adua on June 25, 2009, in accordance with section 175 of the 1999 Constitution which provides that 'the President may grant any person concerned with or convicted of any offence created by an Act of the National Assembly a pardon, either free or subject to lawful conditions'. The Amnesty programme is formulated to achieve sustainable development, peace, reconciliation, healing and human and environmental security in the Niger Delta region (The News, 2009).

A Presidential Panel on Amnesty and Disarmament of Militants in the Niger Delta was set up to manage the process. Militants were expected to embrace the Amnesty within a 60 day moratorium between 6th August and 4th October 2009.

At the expiration of the 60-day grace period on October 4, 2009, a total of 20,192 militants surrendered their arms and ammunition to the Federal Government and accepted the offer of amnesty. Another 6,166 were demobilized in November 2010 to constitute a second phase, while a third phase enlistment of 3,642 former militants was undertaken in October, 2012, thus bringing the total number to 30,000 (<http://thenationonlineng.net/new/fg-enlists-30000-ex-militants-in-amnesty-programme>)

Most of the militant group leaders and members embraced the amnesty and came out of their camps to surrender arms and ammunitions at arms collection centres, designated for arms collection in Edo, Bayelsa, Delta, Akwa Ibom, Cross River, Ondo and Rivers. In Delta State for example, there were arms collection centres at Koko, (Warri, North, LG, Council Secretariat), Burutu (Burutu Primary School), Warri (Federal Government Secondary School) and Otu Jeremy, (Otu Jeremy Secondary School). There were also 4 arms collection centres in Rivers State. There were state coordinators of the Amnesty Implementation Committee, most of which were top civil servants (Ikelegbe, 2010).

The disarmament component of the Amnesty programme was carried out by the Amnesty Implementation Committee, and was essentially a military exercise conducted by the Nigerian Armed forces. The arms surrendered included 287,445 different types of ammunitions, and about 2,760 assorted arms and 18 gunboats among others (Ifeatu, 2010). Disarmament was concluded in December 2009 but the arms and ammunitions collected were stored at the 82 Division of the Nigerian Army in Enugu and in compliance with extant DDR codes as spelt out by the United Nations, were destroyed by the Nigerian Army in Lokpanta, Enugu State on May 25 2011 under the watch of the Amnesty Office (Nigeriamasterweb.com, 2012).

Following the disarmament, there was demobilization exercise which involved the identification, registration and documentation of militants in designated camps. In December 2011, the Amnesty Office completed the Demobilization component of the Presidential Amnesty Programme

(Ugbolue, 2012). The rehabilitation of ex-militants began in June 2010 at the Obubra camp in Cross River State in batches. The programme entailed biometric documentation, wellness check, nonviolence transformational training, and series of counselling and career classification of the ex-agitators. The transformational and reorientation activities in the Camp were tailored to extinguish the belief of the ex-agitators in violence and provide them the more powerful alternative of nonviolence. However, Oluwaniyi (2014) believes that a two-week rehabilitation period is inadequate to demilitarize the mindset of ex-militants and make them fully embrace the values of nonviolence. However, several ex-militants were not mobilized while others had their mobilization delayed at the rehabilitation and transformation stages. Subsequent phases of PAP have enjoyed less recognition, facilities and benefits in terms of demobilization and rehabilitation.

The Presidential Amnesty Programme (PAP) has achieved limited success in terms of the conclusion of disarmament, demobilization and rehabilitation. However, the disarmament programme was incomplete and excluded the disarming of the civil population and the control of arms proliferation (Table 3.3). Very few quality arms were surrendered particularly when related to the number of ex-militants. The demobilization process was accompanied by inadequacies of facilities and provisions. The subsequent phases of PAP have only had partial demobilization and rehabilitation. The reintegration programme is ongoing but though considerable progress has been made, it has suffered from poor monitoring and poor reintegration of ex-militants into communities.

Table 3.1: the DDR in the Niger Delta

S/N	Benchmarks for Success in DDR	Niger Delta
1	Quantity of arms surrendered in relation to estimated stockpiles and availability	Very poor. The number is not commensurate with militia firepower and number of participants in PAP.

2	Control of access to further arms, arms inflow, arms trading and opportunities for rearmament.	Very poor.
3	Number of persons disarmed.	High and perhaps exaggerated
4	Equipping of demobilisation and orientation camps in terms of infrastructures, services and logistics.	Poor facilities and inadequacies in the camps. The second and third phases do not seem to have been adequately demobilised and reoriented.
5	Payments to support ex-militants usually 6-12 months.	This is very high being much more than national minimum wage. Prolonged payments since 2009.
6	Inclusiveness, reintegration benefits to affected families, communities, disabled combatants.	Not provided for.
7	Resettlement into agriculture. Provision of pension/retirement schemes.	Not provided for.
8	Resettlement of disabled, displaced and wounded ex-combatants and community members.	Not provided for.
9	Standards and qualifications for inclusion into DDR.	There is no clear, strict and standard definition thereby allowing all kinds of entrants and later day agitators.
10	Community participation in DDR	Not existent
11	Participation of local and international CSOs and international organizations	Poor

PAP through the reintegration programme has been training middle and high level manpower in petroleum, agro allied industries and marine and other sectors. PAP has successfully placed some of the former Niger Delta agitators in skills acquisition/training centres as well as in formal education within and outside the country (Ugbolue, 2012). Reintegration trainings have taken place in Ghana, Russia, Ukraine, USA, South Africa, Israel, Philippines, Sri Lanka, Poland and India in such vocational skills such as ICT, pipeline welding, Ocean diving, air piloting, boat building and sea faring. 834 ex-militants were placed in about 100 universities at home and abroad in 2013 and 459 in private universities in Nigeria for 2012/2013. In 2013, 2,400 were deployed to vocational training centres at home and abroad (<http://www.informationng.com>, march, 2014, accessed 17/8/14). As at September 2013, 16,683 ex militants had been sent for training while it is planned that 6,000 would be trained in 2014 and another 6,000 in 2015. (<http://thecitizen.com/headlive-21 fg-spend-n260b-on 3000 ex militants>, 16. Feb 2014. Accessed 27/9/2014).

A considerable number of the ex-militants have already graduated from their training programmes. Over 9,192 have graduated from the skills programme in various fields majorly welding and fabrication, but including 66 airplane and helicopter pilots and 61 aviation maintenance engineers. (<http://eworldmagazine.com/index.phpleworld-news/national-news>, 23 June 2014, accessed 14/8/14).

Table 3.2: Ex Militants trained in vocational skills

S/N	Skills	Number
1	Agriculture	239
2	Automobile	207
3	Welding \$ Fabrication	2,204
4	Entrepreneurship	2,2798
5	Carpentry and Plumbing	298
6	Oil Drilling & Marine	916
7	Electrical Installation	89

8	ICT	273
9	Crave & heavy duty machine	1,030
10	Boat building	299
11	Pipe fitting	250
12	Entertainment	60
13	Others	618
14	Total	9,192

Business Day 18: August 2014 <http://businessdayonline.com/2013/04/youth-empowerment> \Accessed 18/8/14

There have been difficulties with the useful engagement or absorption of the ex-militants for full and productive lives after the completion of their post-rehabilitation and reintegration programmes. Efforts have not been substantial and have not resulted in the generation of much employment opportunities. Altogether, PAP has only facilitated employment of 113 former militants as at early 2014 (<http://www.premiumtimesng.com/news> Friday August 2014 accessed 17/8/2014). In 2014, PAP began a pilot scheme for post- training employment and start up business packs and funds in which only about 300 were provided support for specialized businesses such as welding, fish farming and retail business (Soriwei, 2014). Thus, most ex-militants remain jobless and un-productively engaged, relying solely on monthly government stipends and aid from family members and friends (<http://forums.ssrc.org/kujenga-amani/2014/04/07/>).

The programme has been quite expensive particularly because of an extensive system of payments to ex-militants and a large-scale reintegration programme of education, skills acquisition and training within and outside Nigeria. As at February 2014, over \$1.65 billion has been expended on the programme. Of the budgeted sum of about \$.57billion in 2013, about 35% was spent on stipends and allowances of 30,000 ex-militants, while over 55% was allocated for reintegration of ex-militants (<http://thecitizenng.com/headline-2/> Feb 16 2014 Accessed 27/8/14).

There have been several challenges which have at some points threatened the confidence of the ex-militants and stakeholders and the effectiveness and success of the programme. These have included doubts in the commitment and sincerity of the federal government, and poor planning, content,

management, funding, accountability and inclusiveness, which have tended to paint the programme as inadequate in relation to conflict transformation, and sustainable peace and security. The lack of state demilitarization, the continued operations of the Joint Task Force and the lack of security sector reform, the continuing securitization of the management of some post Amnesty ex-militia dissent and violence, are sore issues that remind the region of the repression and human rights abuses associated with the low intensity war between the military and militias between 1997 and 2009.

There is relative security and peace in the region which can be attributed to Amnesty programme particularly the DDR package. PAP has led to a cessation of hostilities between the government troops and armed militias. It has been able to bring youth restiveness under some control. There has been success in the restoration of the oil infrastructure through repairs of pipelines and other facilities, increased oil and gas production which by February 2012 was 2.39million bpd and 4billion standard cubic feet per day in 2011 respectively (The News 2012). However, the real beneficiaries of PAP are the oil companies, the federal government and governments in the federation and the ex-militants. The communities, youth and people of the region have hardly benefitted from the programme.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS 1

Two survey research instruments were designed and administered to two sample categories respectively. The social activists schedule is a partly structured and partly unstructured questionnaire, administered to a social activist sample (SAS) which comprised **443** persons who are involved in the Niger Delta struggle as activists (76.5%) and militant agitators (16.7%). They are largely male (81.9%), aged between 25 and 34 years (80.1%), Christian (90.1%), married (53%) and unemployed (41.3%) and earned monthly incomes of between ₦20,000 and ₦100,000 (50.8%). They were largely from the Ijaw ethnic group (67%) and are drawn from the core Niger Delta states of Bayelsa (39.9%), Delta (31%) and Rivers (29.1%); based on purposive sampling technique.

Table 4.1: Dominant Social Characteristic of the Social Activist Sample (SAS)

S/N	Social characteristics	Dominant characteristics
1	Age	25-34 years (80.1%)
2	Sex	Male (81.9%)
3	Religion	Christian (90.1%)
4	Marital Status	Married (53%)
5	Employment	unemployed (41.3%)
6	Monthly income	₦20,000 – ₦100,000 (50.8%)
7	Ethnic group	Ijaw (67%)

The In-depth schedule (INIS) is a partly structured and partly unstructured questionnaire that was administered to the general public in the core Niger Delta States (Bayelsa 33%; Delta 37.4; Rivers 29.6%) using purposive sampling. There are **2,444** respondents who are majorly drawn from the age sets 15-24 (25.5%) and 24-34 (65.1%). They are mostly male (62.8%), Christian (81.5%) and educated at the secondary school level and above

(77.2%). About half of the sample (48.8%) are married. Most of the respondents are either unemployed (39%) or engaged in business, trading, farming and artisanship (36.1%). Only 25.6% are employed in the government and private sector organizations. The respondents' monthly income is majorly below ₦100,000 (95.3%). The data elicited from the questionnaires are presented in percentages, and bar and pie charts.

Table 4. 2: Dominant Social Characteristic of INIS

S/N	Social characteristics	Dominant characteristics
1	Age	25-34 years (65.1%)
2	Sex	Male (62.8%)
3	Religion	Christian (81.5%)
4	Marital Status	Married (48.8%)
5	Highest Education	Secondary + 77.2%
6	Occupation	Not employed (39%)
7	Monthly income	₦20,000 – ₦100,000 55.5%

Three core issues are investigated here: political settlement and the formulation and stability of the PAP; transitional justice and peace building.

Political Settlement and Formulation of the Amnesty Programme

The major influence in the formulation of PAP is attributed by INIS to the policy programme of the Yar'Adua administration, which privileged peace in the Niger Delta as part of a Seven Point Agenda (47.1%). There were other issues such as raising or improving oil and gas production in the circumstance of depleting oil revenues, and containing insecurity so as to provide a conducive environment to develop the region.

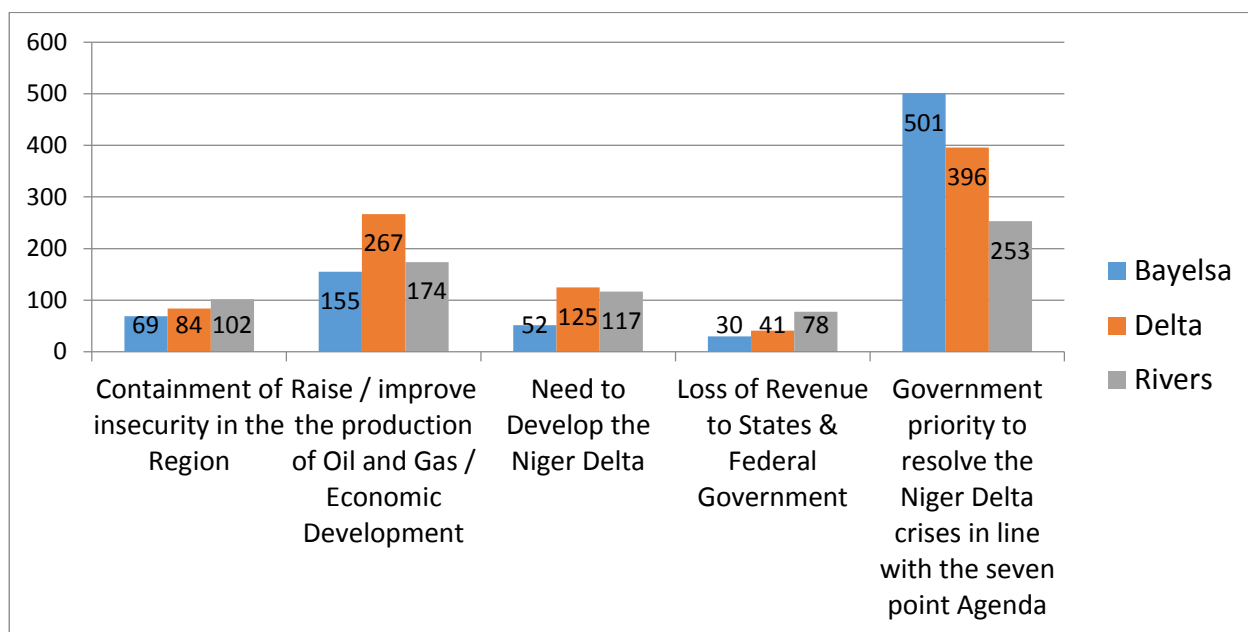


Figure 4.1: Nature of Influence over the Formulation of Amnesty Programme (INIS)

The INIS believes that the region’s leaders were consulted in the formulation of the PAP (71.8%). In terms of the specific influence of leaders, groups and organizations that were consulted, the most important were political leaders and state government officials (44.3%) and top regional and ethnic leaders (32.9%).

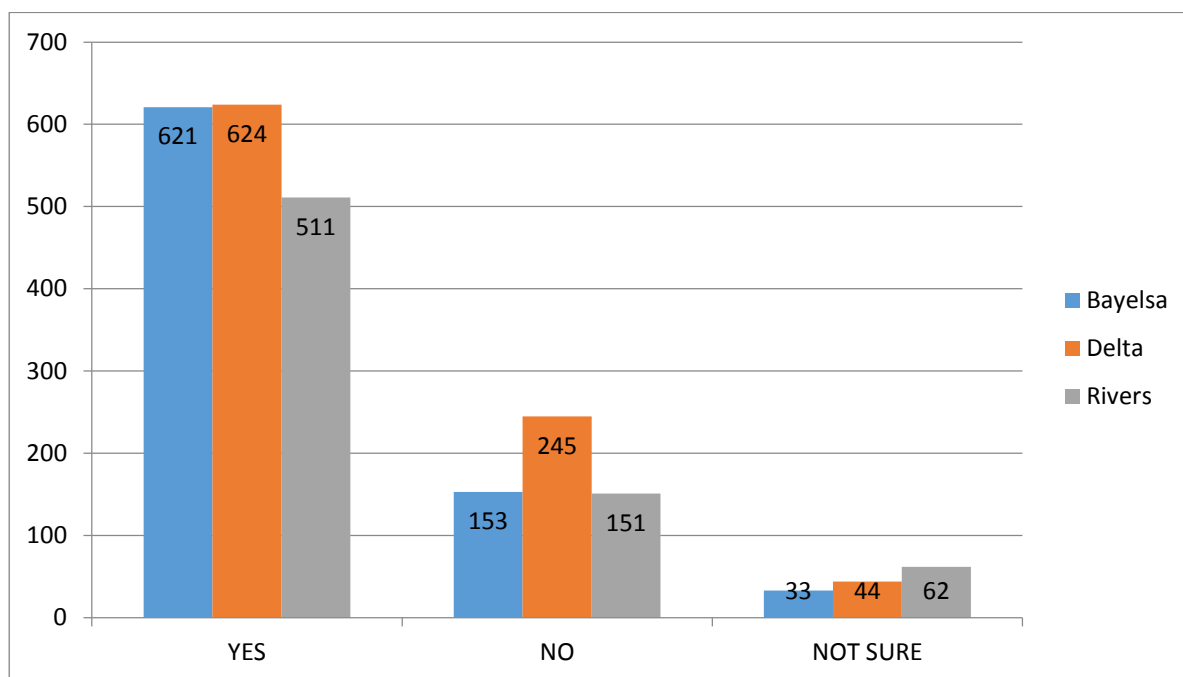


Figure 4.2: Consultation of the Niger Delta leaders on the formulation of Amnesty programme (INIS)

Significant in the perceptions of respondents is the fact that community leaders and the oil companies were hardly consulted in the process of formulating the policy (Figure 4.2). Though traditional leaders were consulted, they were mainly the very topmost and more particularly those of the Ijaw ethnic group. This is not surprising as the majority of the ex-militants are Ijaw. However the actual weight of the groups and persons that were consulted on the actual formulation and content of the PAP is not known.

The investigation of interests served by the PAP (INIS) reveal that it is that of the majority of the region (43.8%), and particularly the ex-militants group (10%). However it is not in the interest of the non-militant youth who are in majority (31.5%), and the non Ijaw ethnic groups that were excluded (1.6%).

FORGIVENESS AND TRANSITIONAL JUSTICE

Perception of who needs Forgiveness

Four major actors in the violent conflicts are perceived by the SAS to need forgiveness for their roles (Figure 4.3): governmental actors at the federal and state levels (8.6%), ex-militant youth (EM), (59.1%), the police (14.9%), and past leaders and politicians in the region, who are seen to be compromised and treacherous (14%). Surprisingly, the oil companies are not seen as requiring forgiveness, as only 2.5% think they do. For the INIS sample, three major categories of actors are perceived to need forgiveness: the government and state actors (65.4%), ex-militants (14.6%) and past leaders, politicians (7%).

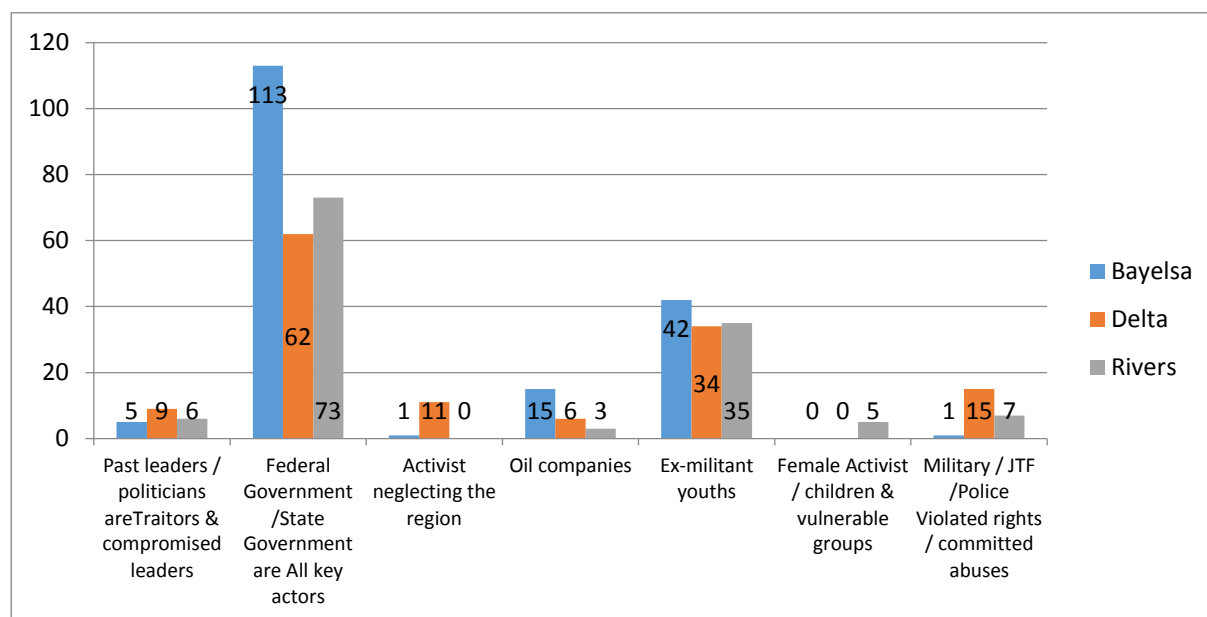


Figure 4.3: Perception of those who need forgiveness in the Niger Delta conflict list (SAS).

More specific investigations however reveal that 76.5% of SAS and 75.9% of INIS opine that the military and security agencies (MSA) need to be forgiven in the communities where they operated.

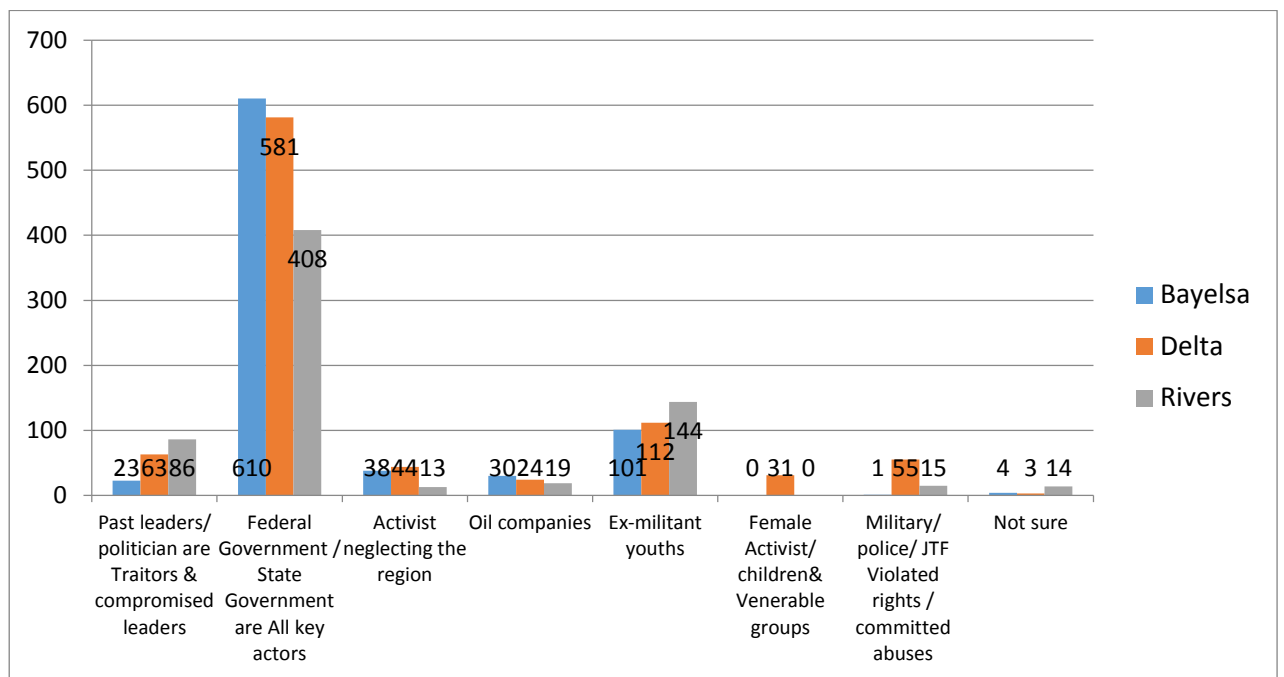


Figure 4.4: Perception of those who need forgiveness in the Niger Delta conflict (INIS)

To the INIS sample, the MSA unduly favoured the government rather than the people (55%), and acted under instructions to the detriment of the people (46%). To the SAS, the MSA were simply operating under directives, (59.6%), even though they perpetrated atrocities and rights abuses (40.4%). The perception of the MSA not requiring or needing forgiveness by the other SAS and INIS respondents, is based on the fact that they were doing their jobs and performing duties and responsibilities under instructions of their commanders.

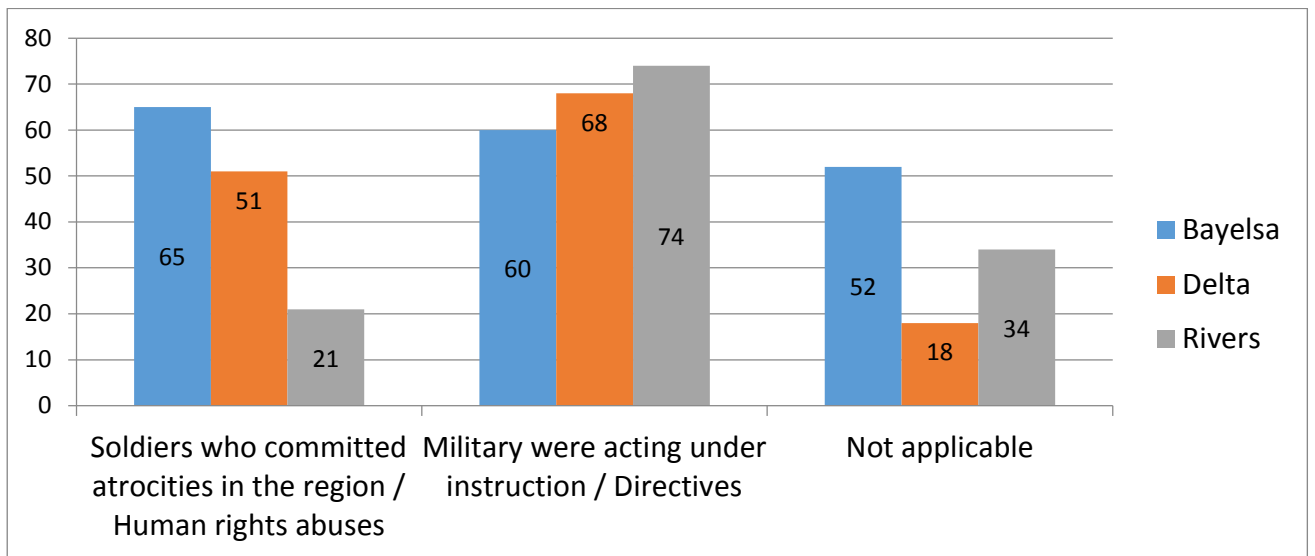


Figure 4.5: Reasons for believing that Military and Security Agencies need to be forgiven by the communities where they operated (SAS).

The SAS opine too that ex-militants need forgiveness in the communities where they operated (85.6%), because of abhorrent conducts. The INIS sample (84.5%) also believes that the EM requires to be forgiven. The reasons given are numerous, but the major is the bad image that they painted of the communities and people of the region to the nation and the world (43.1%). Forgiveness is also important if peace and security is to reign (17.4%). A minority of the INIS sample (15.5%) think that the EM does not need forgiveness. The reasons advanced include the fact that their activities were warranted by the conditions of the region (54.7%) and therefore the EM were freedom fighters, who fought to improve the conditions of their people (41.1%).

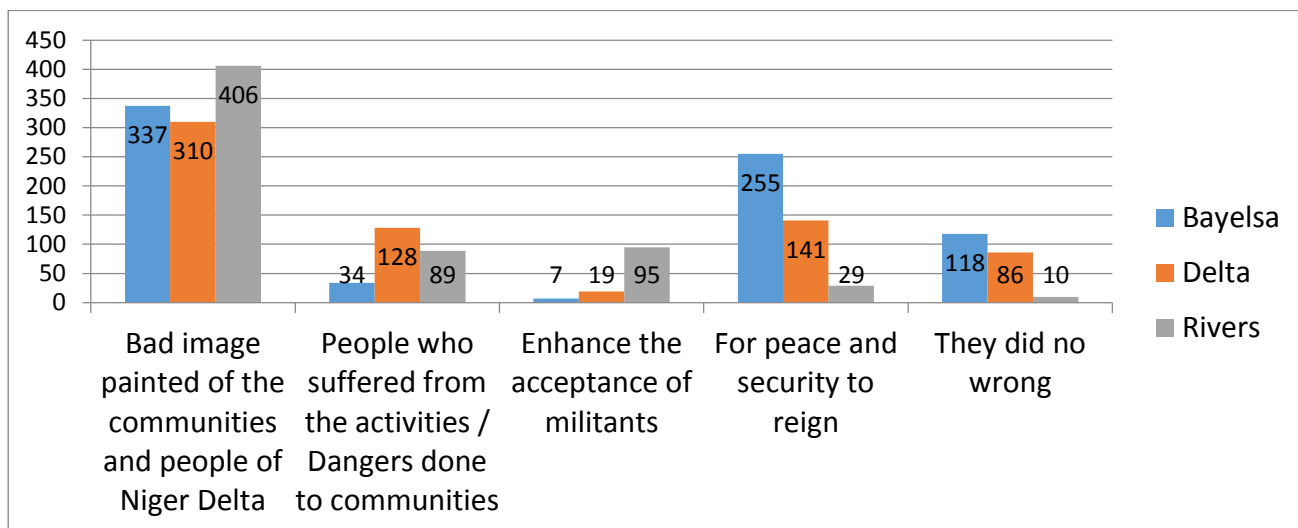


Figure 4.6 Reasons for thinking that ex-militants need to be forgiven by the communities where they operated (INIS)

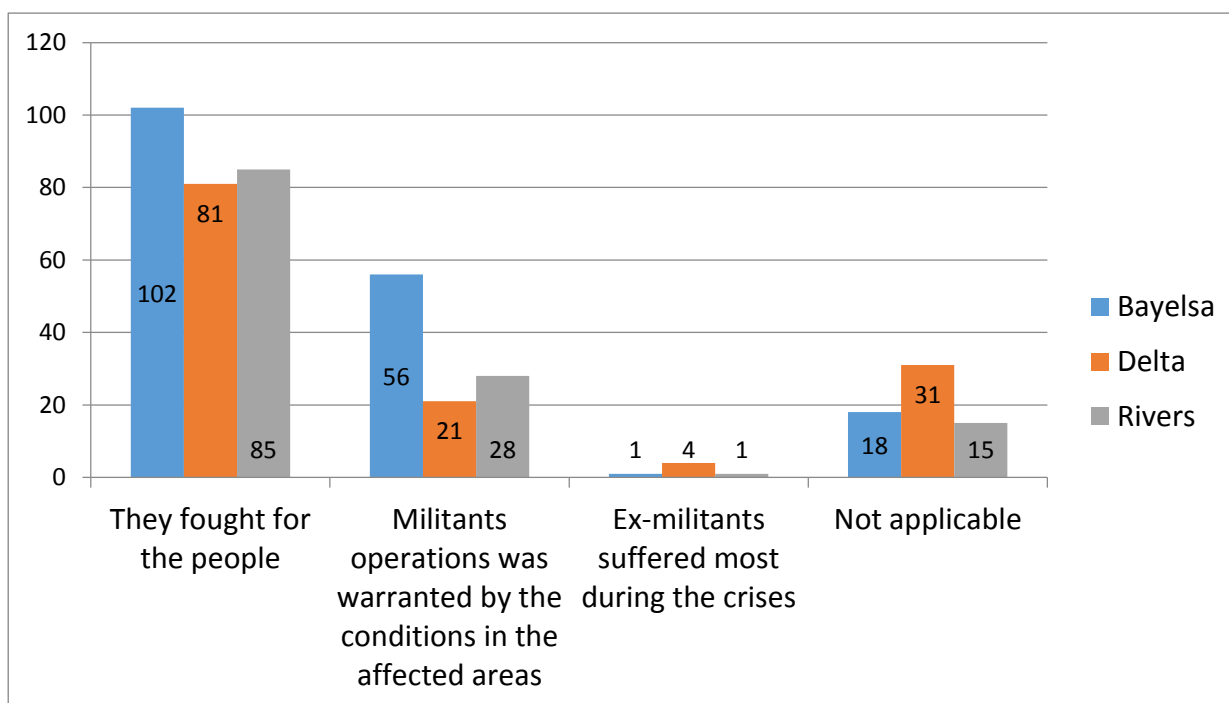


Figure 4.7: Reasons for believing that the ex-militants do not need forgiveness by the community where they operate (SAS)

However, to the SAS, they have to be forgiven because they were freedom fighters (70.7%), warranted by the deep grievances and dire conditions of the region (27.7). However, those who think that ex-militants do not need forgiveness (14.4%) believe that they did no wrong (40.6%).

Perception of Amnesty granted to Ex-Militants

The Federal government Amnesty to ex-militants is perceived as quite appropriate and right (88.9%) (SAS). First, it was necessary for procuring security, stability and peace (50.5%) and creating room for dialogue and reconciliation (5.1%). Second, the EM were worthy of pardon because they were fighting for resource benefits for the region (24.1%), and are therefore freedom fighters (12.9%). Those who opined that Amnesty was not appropriate in SAS (11.1%) did so because it unduly favoured the government.

In fact, ex-militants are perceived to have done no wrong by engaging in militancy (86%) (SAS). Their violent engagements of the state and the oil companies was justified because of the grievances of the region (49.9%), insensitivity of the government (5.8%), and the fact that violence tends to orchestrate governmental attention (43.6%).

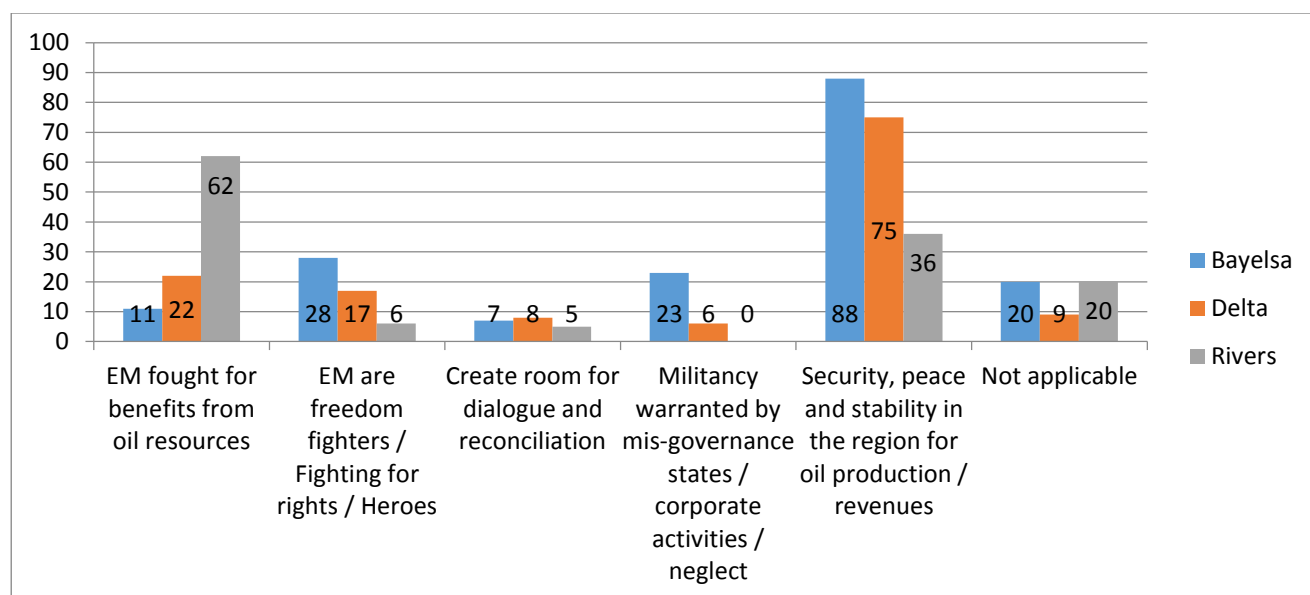


Figure 4.8: Reasons for believing that the Amnesty granted by Federal Government to Ex-militants was right and appropriate (SAS)

The Federal government's pardon to the ex-militants is also seen by INIS as a very positive development in the process of resolving the crisis (91.5%). Those who objected to the pardon did so because they felt it was unduly driven by government (57.7%) and oil companies' interests (42.3%).

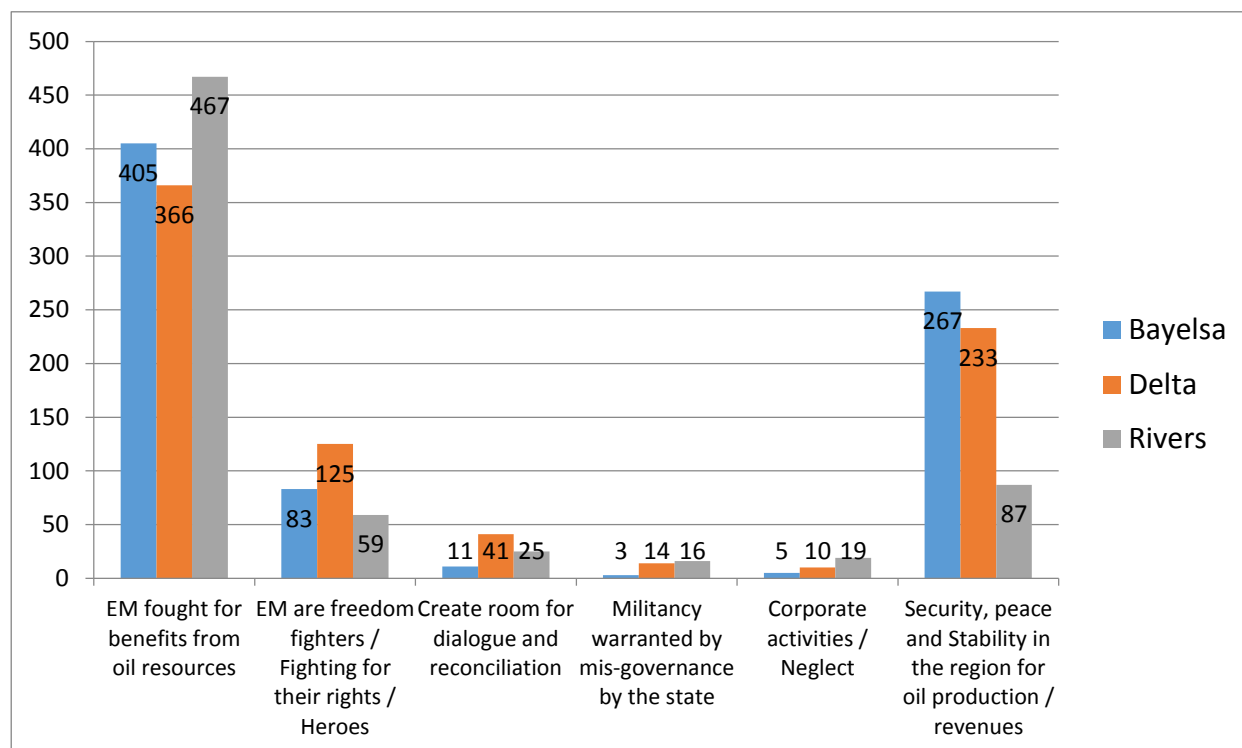


Figure 4.9: Perception of Federal Government pardon to Ex-militant (INIS)

Though the pardon was right and appropriate, it was driven more by the federal government interest in protecting the oil and gas infrastructure and consolidating its revenues which was plummeting (Figure 4.9). However, the pardon created the space for the emergence of security, stability and peace in the region (26.3%), as well as dialogue and reconciliation between government and protagonists (3.4%). Some of the respondents saw pardon as warranted and justified because armed militants fought for regional causes (11.9%) which wouldn't have occurred if not for state mis-governance (1.5%) and poor corporate social responsibilities (1.5%).

Perception of Need for Justice in the PAP

The issue of justice and those that need it in the PAP and Post PAP period was investigated in the INIS sample. The results indicate that all the people of the region are perceived to need justice for the situation of marginality, disinheritance from the resources, military repression and poor state of development in spite of resource endowments. More specifically communities need justice (16.6%). They suffered from pollution, human losses, human rights abuses, human indignity, military repression, devastation of properties and even damages from militant activities. The other groups who need justice are ex-militants and youth (9.4%) and women, children and other vulnerable groups who suffered from the violence (4.7%).

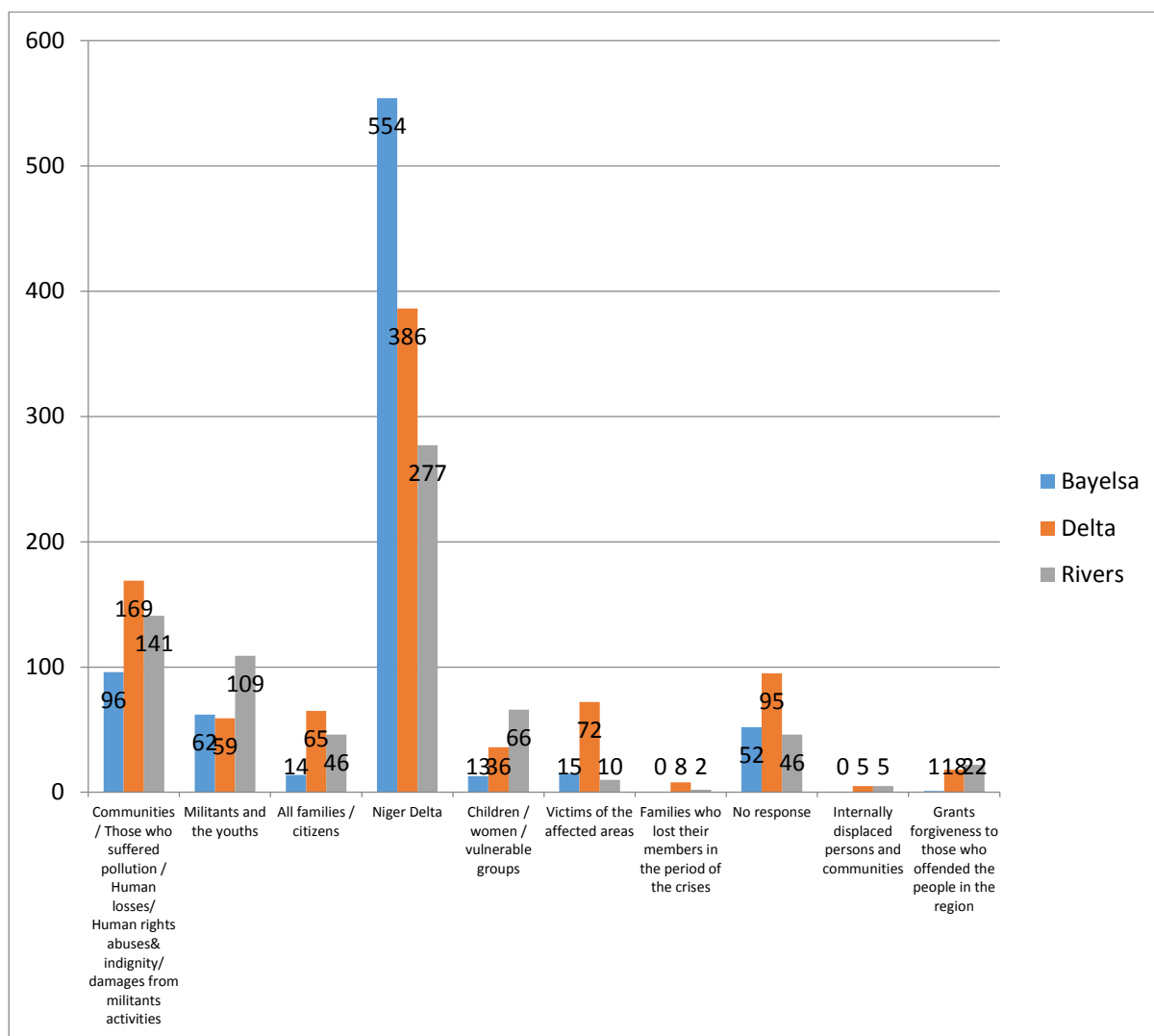


Figure 4.10: Perception of those who need Justice (INIS)

The SAS also thinks that all citizens of the region (56.2%), but more specifically, communities that suffered pollution (15.6%) require justice in the PAP and post PAP period.

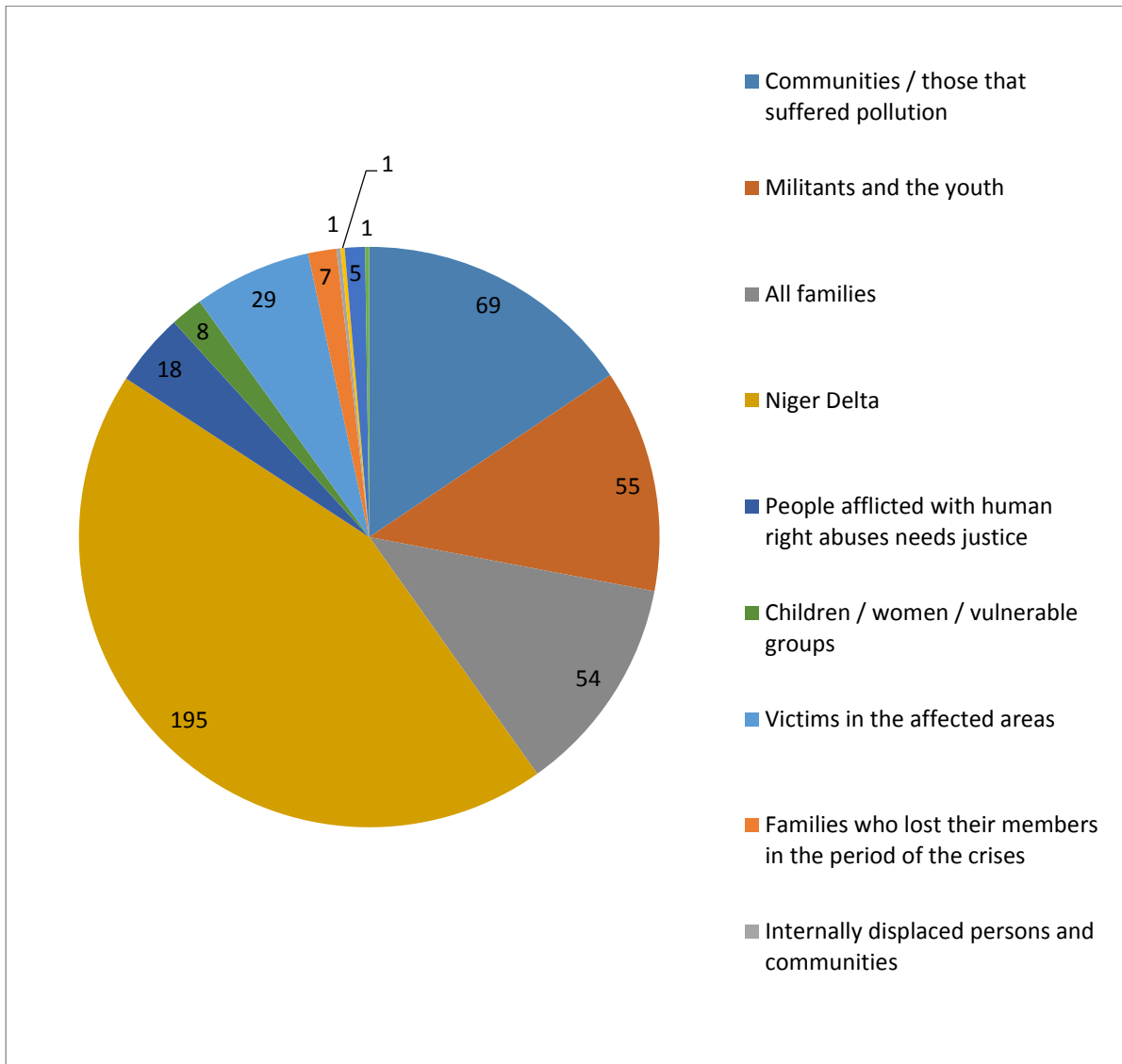


Figure 4.11: Perception of those that need justice (SAS)

The SAS believe that those who were victims of human rights abuses, violence and destruction occasioned by the crisis have not received justice (76.5%), principally because justice has not been on PAP and Post PAP agenda (82.3%). Only a few of the victims of militancy and human rights (27.8%) abuses are perceived by SAS to have received justice.

Perception of Relationship between Justice and Sustainable Peace

The SAS believes that sustainable peace cannot be achieved in the region without justice (83.7%), because justice, equity and forgiveness strengthens peace (84.9%) and reduces the re-occurrence of violent conflicts (15.1%). Similarly, the INIS sample opines that sustainable peace cannot be achieved without justice and forgiveness (76.6%) because justice and forgiveness reinforces and strengthens peace (57.7%). The peace that lacks justice and forgiveness is unsustainable because violence and insecurity tends to reoccur (42.3%).



Figure 4.12: Perception of Relationship between Justice and Peace (INIS)

For the SAS, the few (16.3%) who think sustainable peace can be achieved without justice predicate their belief on the continuity of PAP (51%) and overall development of the region (49.0%). In other words, these would assuage the need for justice (Figure 4.13).

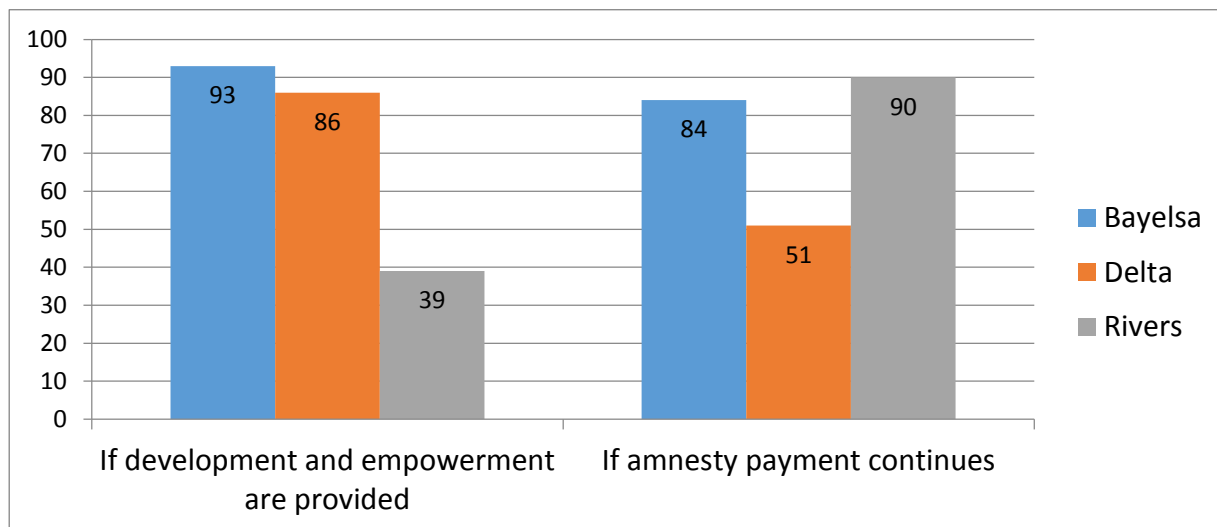


Figure 4.13: Reasons for believing that sustainable peace can be achieved in the Niger Delta without forgiveness and Justice (SAS).

For the INIS, sustainable peace embedded in justice and forgiveness can be achieved only when the region's poverty (37.3%), development challenges (19.4%) and other problems (9.3%) such as the poor resource benefits, poor participation in the oil industry and lack of compensation to communities are resolved (Figure 4.15). Besides resolving the region's problems, the sense of justice would be strengthened by transparent and inclusive management of programmes (7.4%) increased commitment of the federal government to resolving problems (6.7%) and the willingness of the federal government to dialogue and reconcile with the region (4.5%).

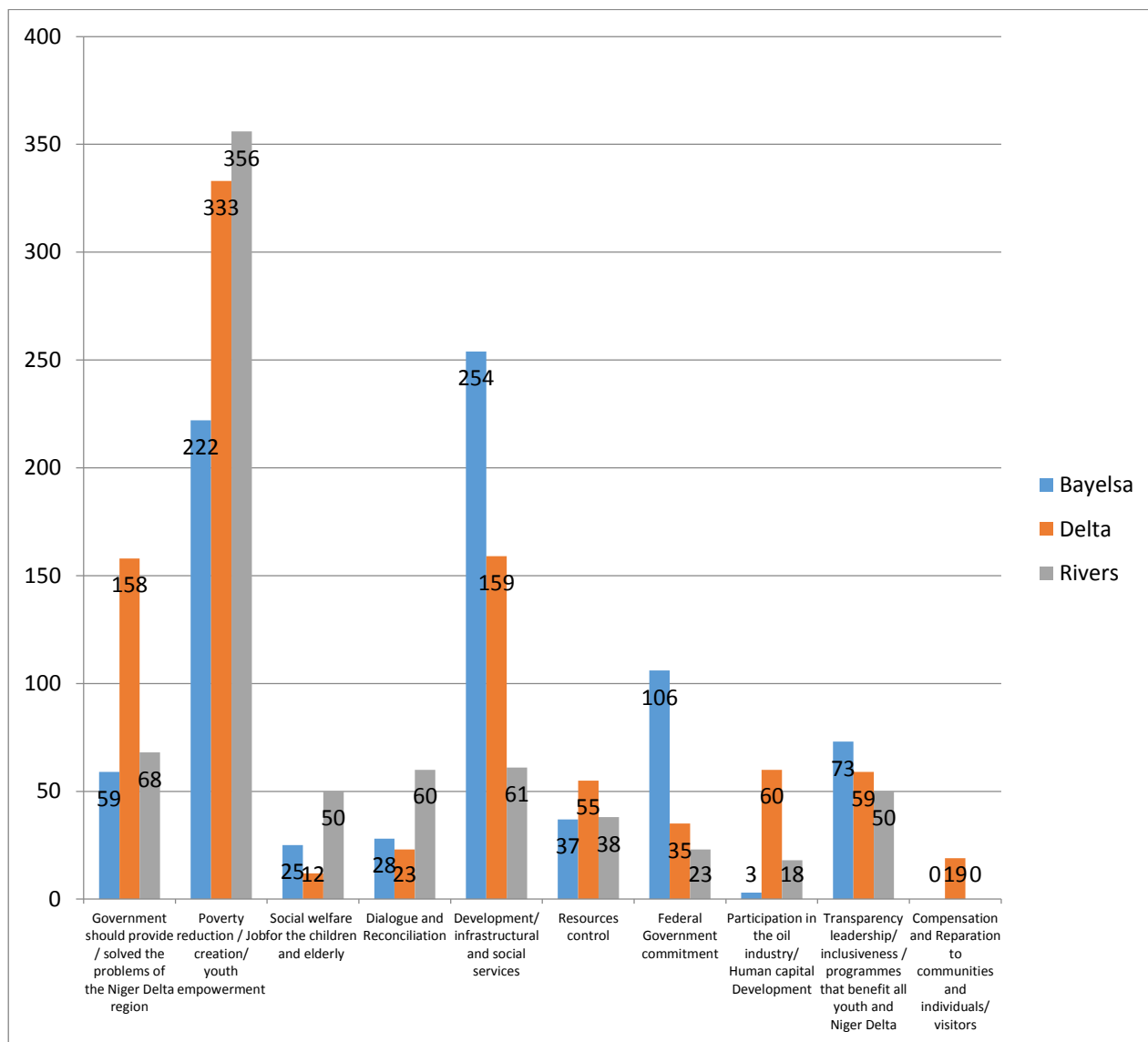


Figure 4.14: Ways in which Justice and Peace can be achieved in the Niger Delta

For the SAS, the simultaneous achievement of justice and peace would require more than PAP. The list includes developing social and physical infrastructure (33.4), resolving other problems of the region including lack of adequate resource benefits, poverty (15.6%), creating jobs, empowering youths and develop human capital (13.5%) and strengthening government

commitment to resolving crisis through initiatives that include dialogue and reconciliation (7.2%).

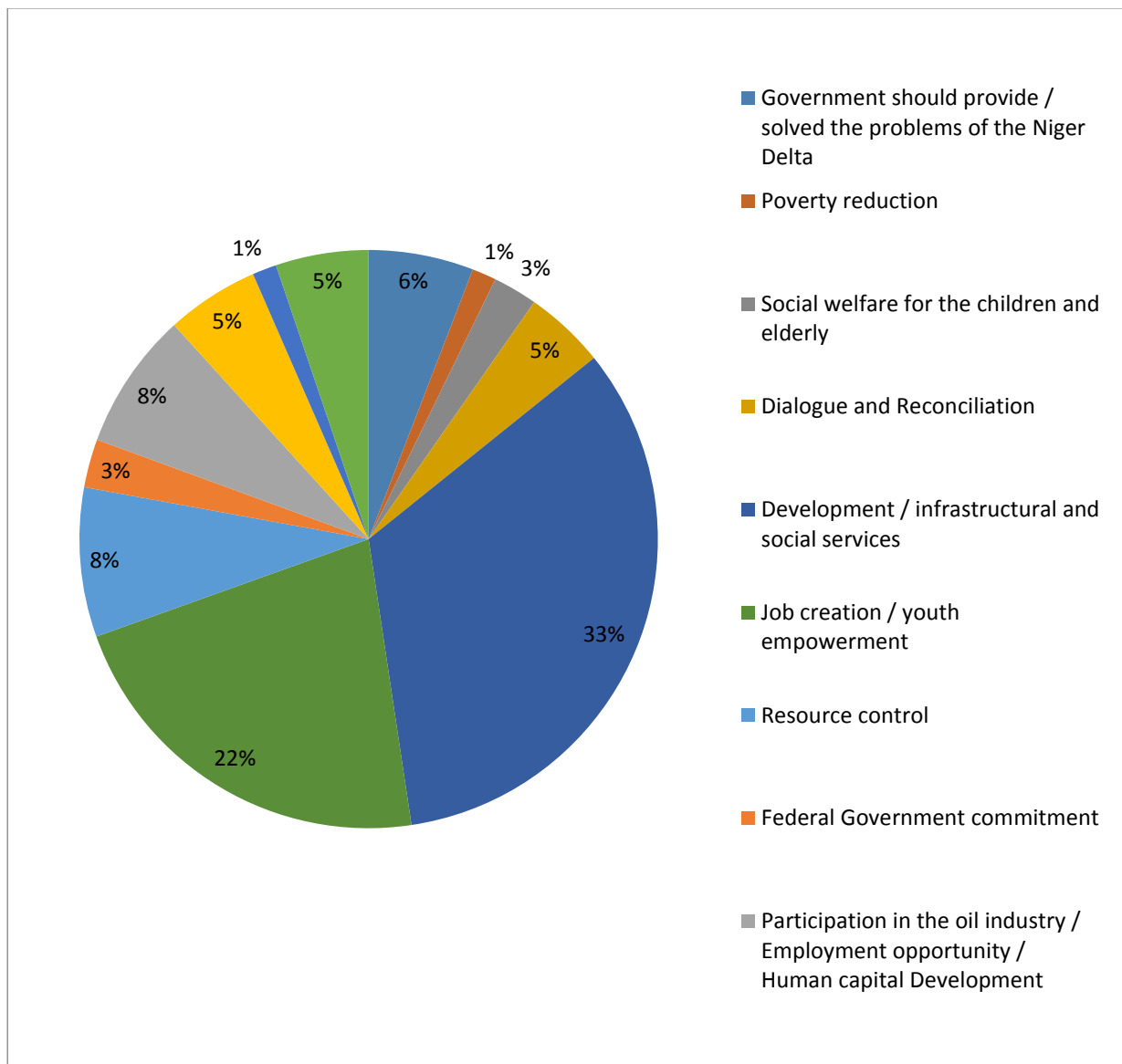


Figure 4.15: Ways in which Justice and Peace can be achieved in the Niger Delta (SAS).

The listing of what is required for the simultaneous achievement of justice and peace by SAS provides insight into what justice means to the region. In the order of preference, justice involves the development of infrastructure and social services (33.4%), job creation and economic empowerment of the youth (22%), resource control (8.4%), participation in the oil industry (7.7%), federal government resolution of the region's grievances and problems (5.9%) and compensation and reparation to the communities for pollution and losses. Put simply, justice means the redress of the region's grievances and tackling of their problems.

PAP AND PEACE BUILDING

Perception of PAP Contribution to Peace and Security

Both samples believe that PAP has contributed largely to the current peace and security in the region (Figures 4.16 and 4.17). The reason for this assessment was investigated in SAS (Figure 4.18). This is mainly attributed to the fact that PAP has taken away the militants from the creeks and militant engagements (63,4%). As a consequence, there has been no more clashes between militants and the security agencies (16.7%) and armed struggle and fighting ((5.2%) in the region. There is however an allusion to peaceful settlement that now exists between the federal government and the region (6.8%).

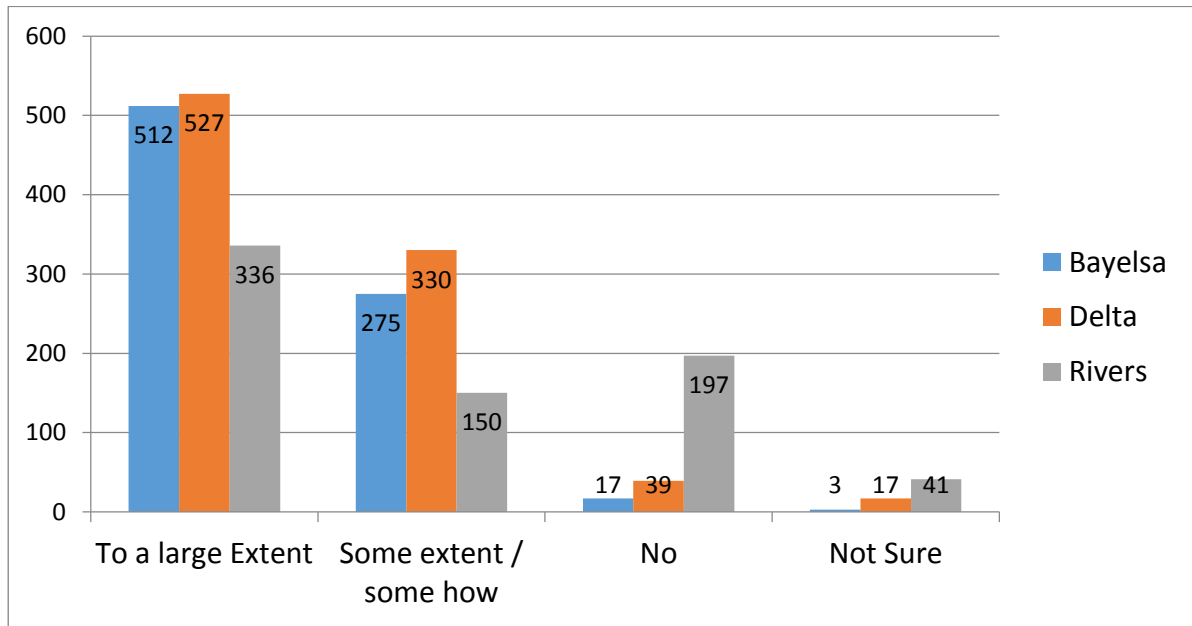


Figure 4.16: PAP and the return of Peace and Security (INIS)

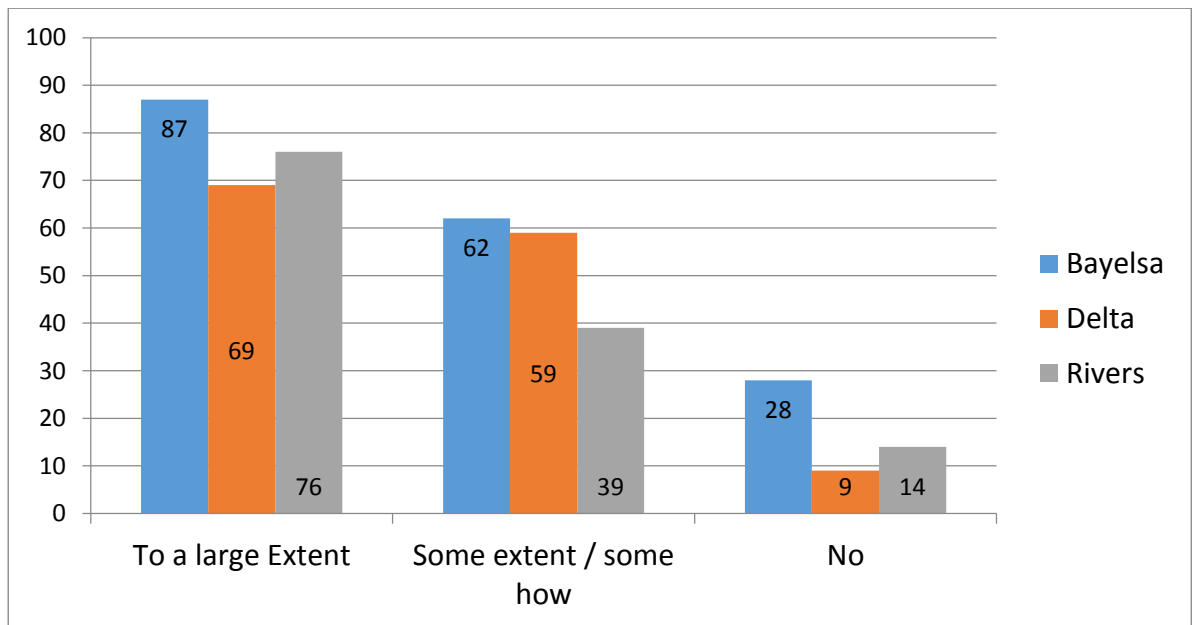


Figure 4.17: PAP and the return of Peace and Security (SAS)

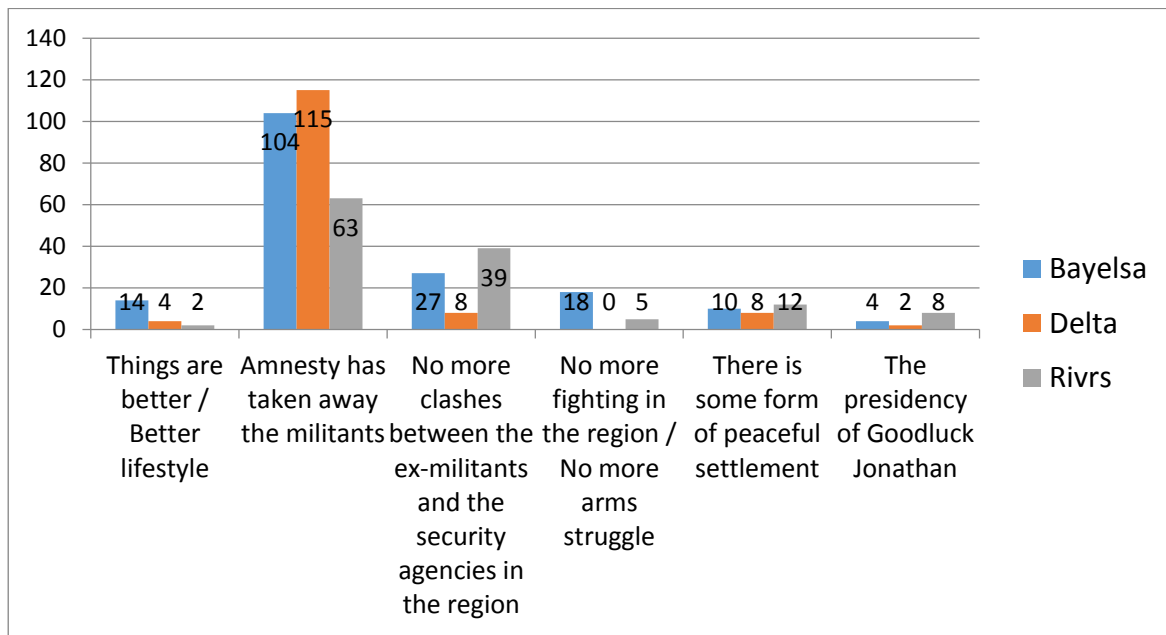


Figure 4.18: Reasons for Current Peace & Stability in the Niger Delta (SAS)

To further investigate the attribution of current peace and security to PAP, its effectiveness in containing youth restiveness, the main factor indicated in the violent conflicts in the region is investigated. To the SAS, PAP has been fairly effective in containing youth restiveness (Figure 4.19) because of the empowerment of the youth (34.1%), and monthly payments (12%), which have led to reduction in militancy (17.8%), violence and confrontations (9.2%) and enhanced peace and security (11.3%).

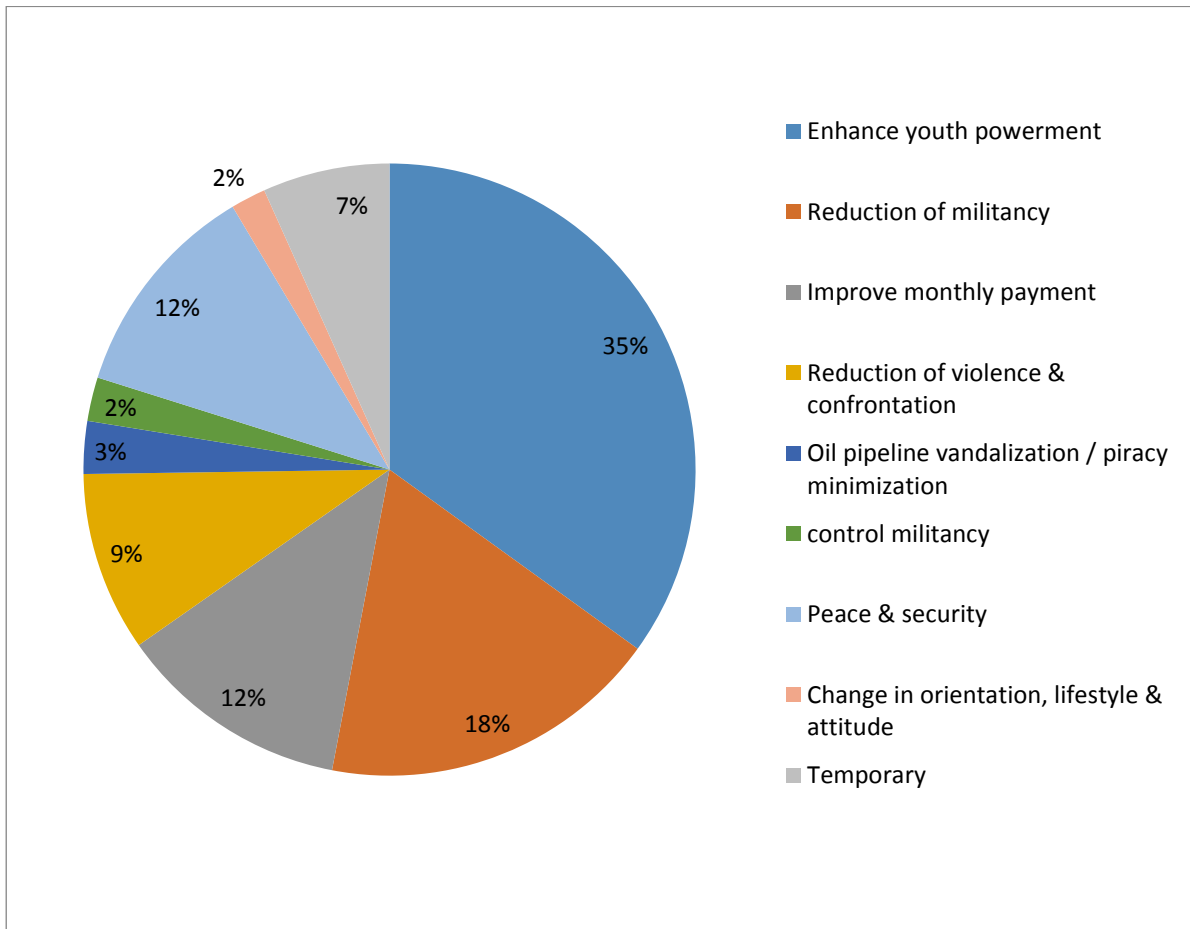


Figure 4.19: Effectiveness of Amnesty Programme in containing youth's restiveness in the Niger Delta (INIS)

However, PAP is not seen by INIS as lasting and inclusive solution to youth restiveness and militancy (54.5%). It does not address youth restiveness and agitation adequately (6.4%) and its economic empowerment programme is not effective (7.7%). However it has granted freedom from persecution of the ex-combatants who have now withdrawn from the creeks (17.7%) and enhanced their human capital development (14.5%).

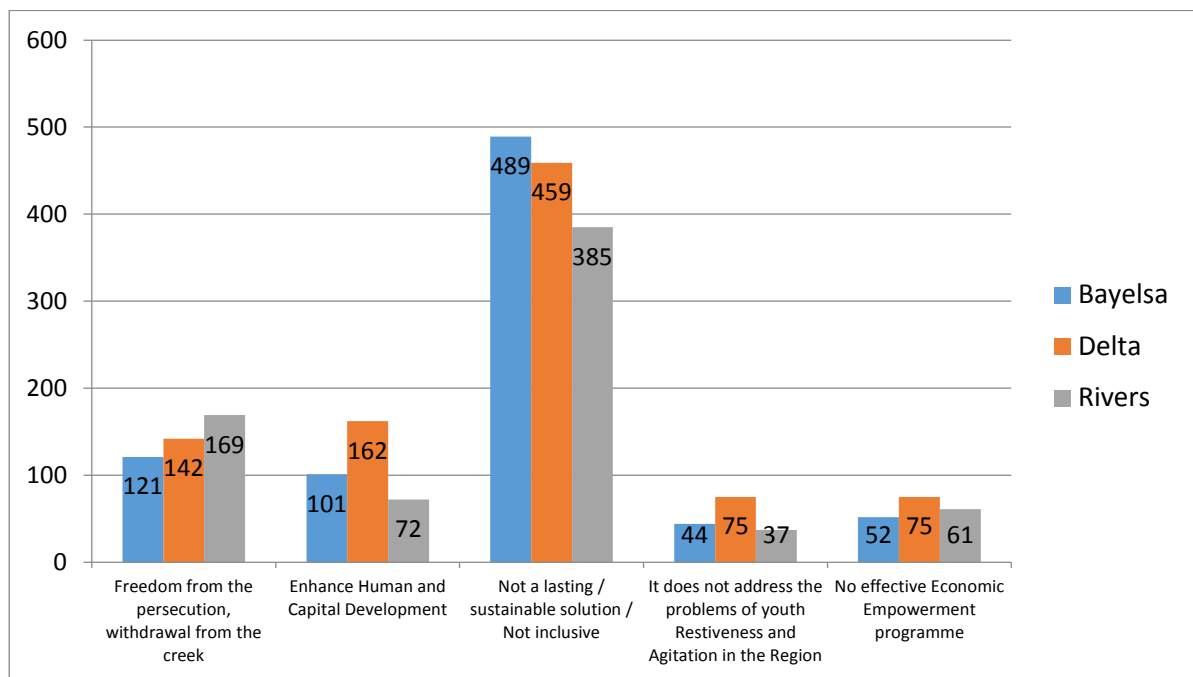


Figure 4.20: Amnesty Programme as Solution to Youth Restiveness and Militancy in Niger Delta (INIS)

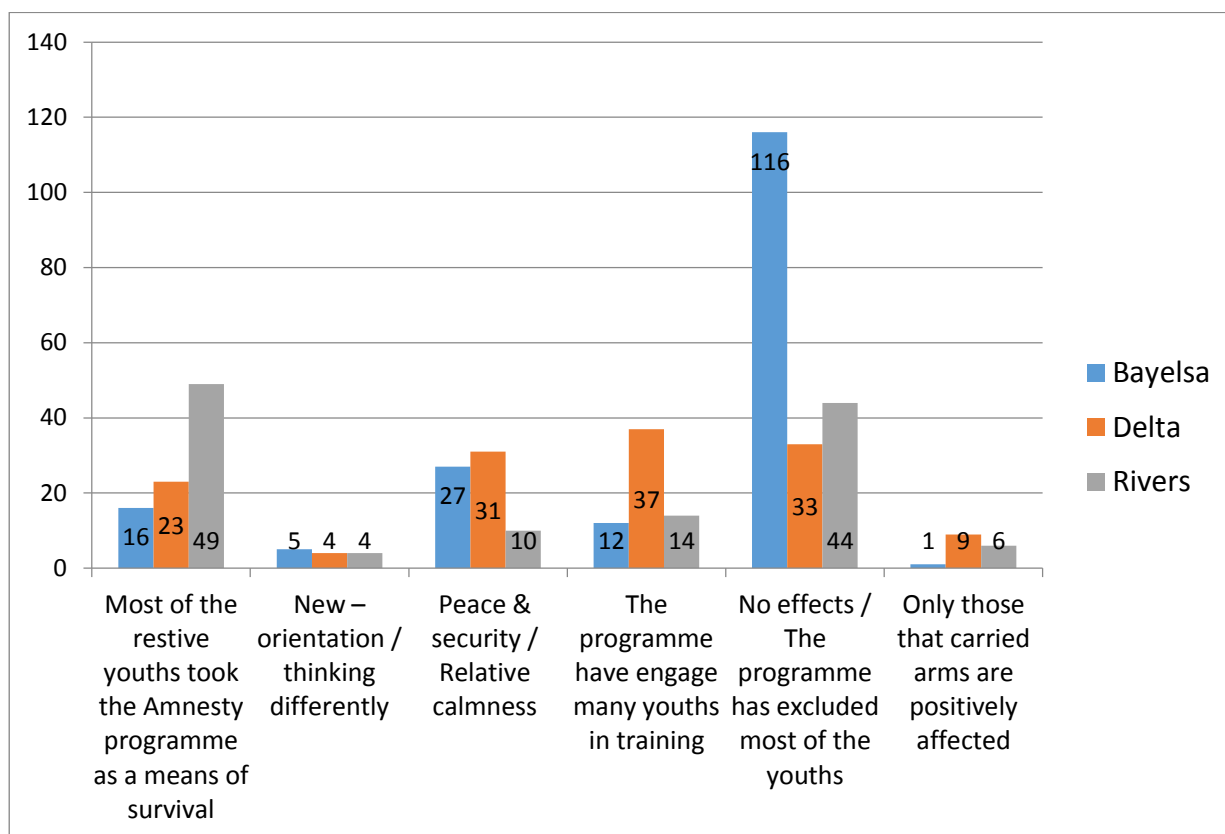


Figure 4.21: Perception of Amnesty programme as Solution to Youth Restiveness (SAS)

Similarly, in the SAS sample, PAP is not seen as having lasting effects or being a lasting solution to youth restiveness (Figure 4.21). Though some youth have been engaged (14.2%), which have brought some peace and security (15.3%), the overall effect has been little because it excluded the majority of the youth (43.6%).

Perceptions of the Durability and Sustainability of Current Peace and Security

The INIS respondents think that peace has returned with the introduction of the PAP (87.2%), even though there is an emerging increase in insecurity and criminality in recent times. However, 60.7% of them do not think that the current peace and security is durable or sustainable (Figure 4.22).

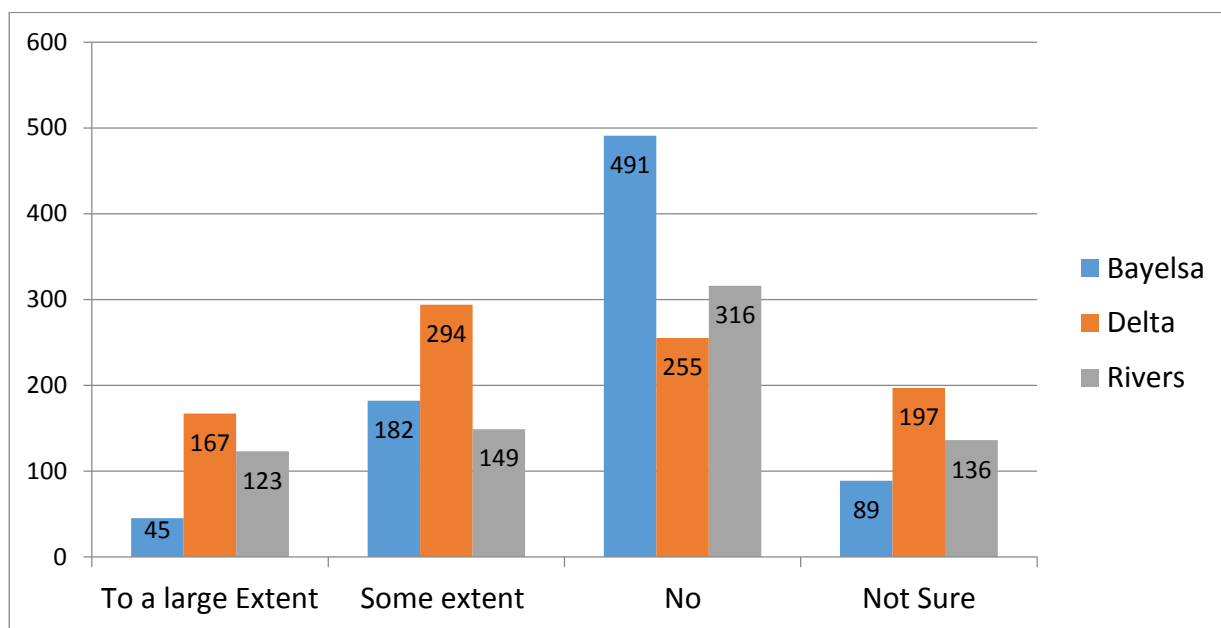


Figure 4.22: Perception of Durability of Current Peace and Security

The SAS also believes that peace has returned to the region (52.3%), but 40.8% of this number think that the peace achieved is shaky or not sustainable. However, unlike the INIS, the peace achieved is majorly seen as durable (67.3%), though 35.2% of this thinks that it is limited and uncertain.

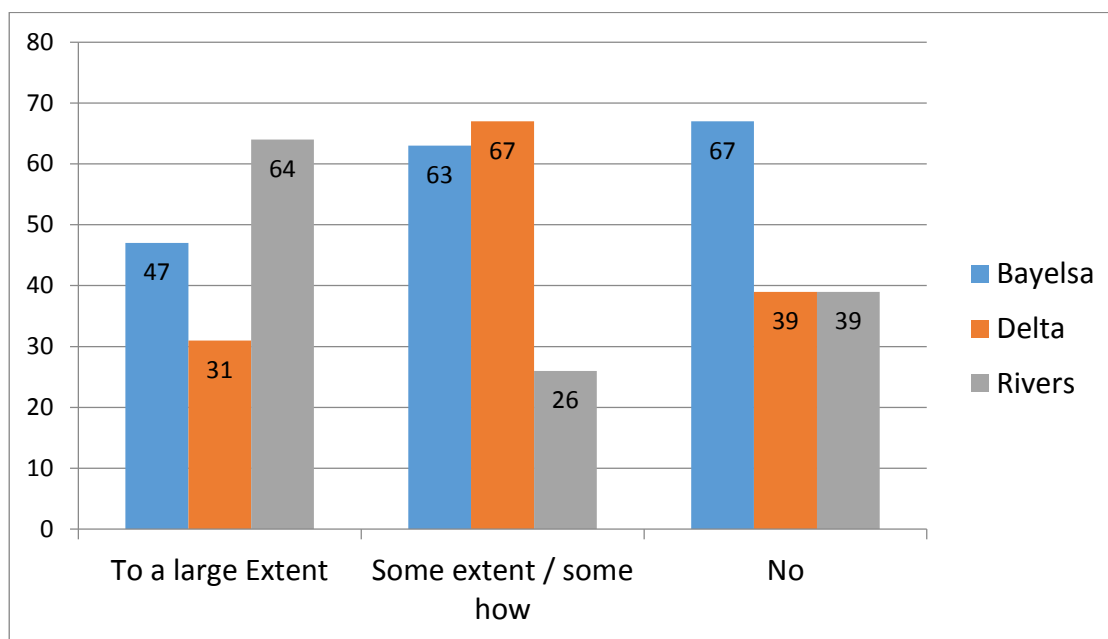


Figure 2.23: Do you think the current peace and security in the Niger Delta would last (SAS)

Perceptions of Triggers for Violent Conflict Re-occurrence

To further investigate the sustainability of current peace and security, we sought to know its fragility or otherwise by interrogating the conditions that could possibly trigger reoccurrence of violent conflicts.

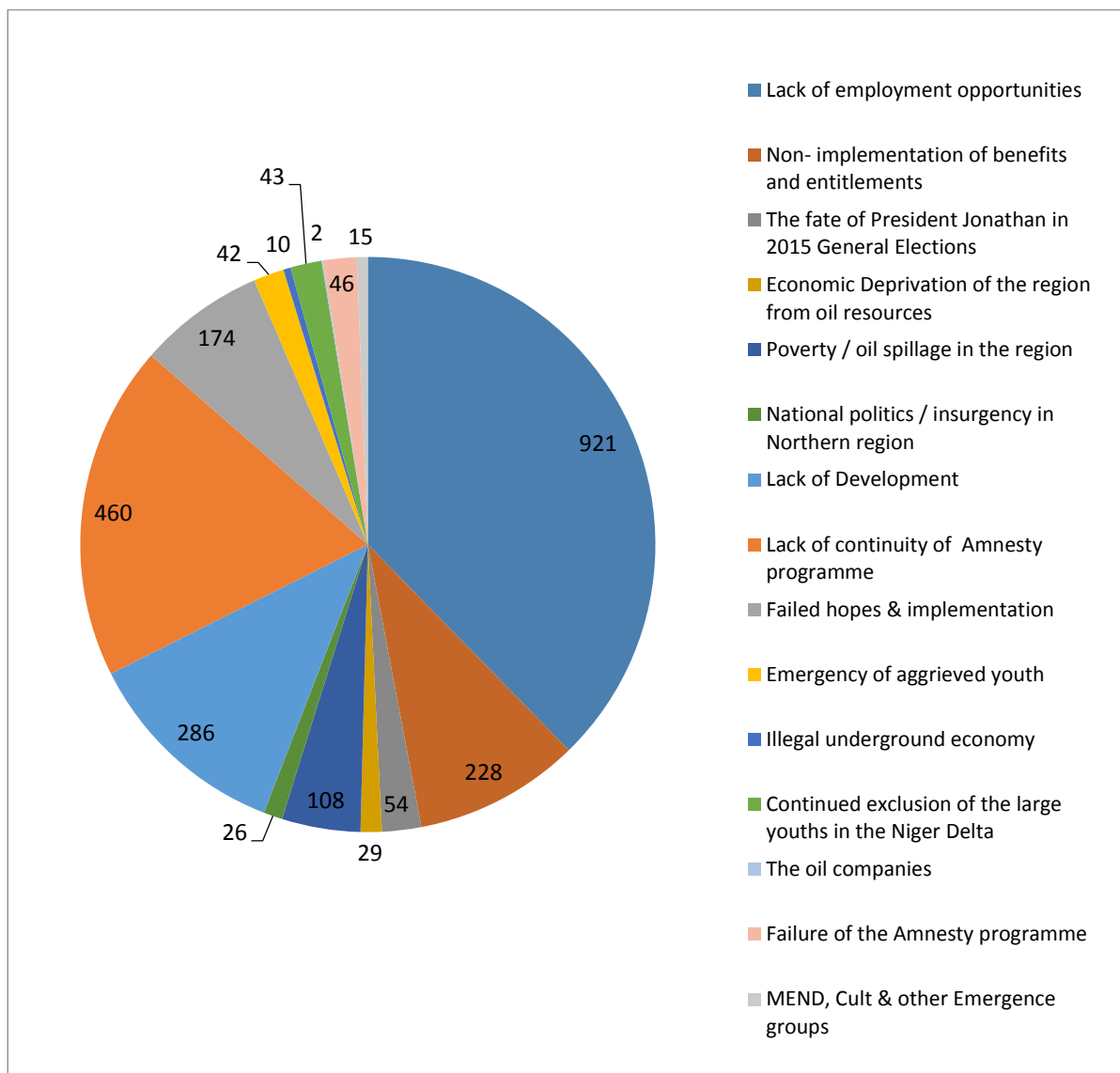


Figure 4.24: Conditions that May likely lead to reoccurrence of violent conflict in the Niger Delta (INIS).

In the INIS, several conditions that could trigger violent conflict re-occurrence are listed. The first are youth based conditions (41.2%), including unemployment (37.7%); continued exclusion of youth from development programmes and the possible emergence of aggrieved groups. The second are PAP based conditions (37.1%), including discontinuation of PAP (18.8%), non implementation of PAP benefits and entitlements (9.3%), failed hopes as

a result of the nature of implementation (7.1%) and failure of PAP (1,9%). The third are regional grievances and development challenges (17.3%), including lack of development (11.7%) and poverty (4.4%). Unemployment which is largely among the youth is the single most important condition that could possibly trigger renewed violent conflicts. Then the issues around the termination and failure of PAP are definitely crucial to the status of sustainable security.

The study further investigates the forces, groups and persons that could possibly cause violent conflict reoccurrence in the INIS. Those identified are emergent aggrieved youth, including those excluded from the AP (28.9%), and aggrieved beneficiaries of the AP (21.6%) and militant groups that could emerge in addition to the existing MEND and cult groups (8.9%). Apart from groups, there are conditions such as poverty and development deficits, unemployment and environmental pollution, national political challenges including the fate of former President Jonathan and the threat of Boko Haram in the region that could also trigger violent reoccurrence.

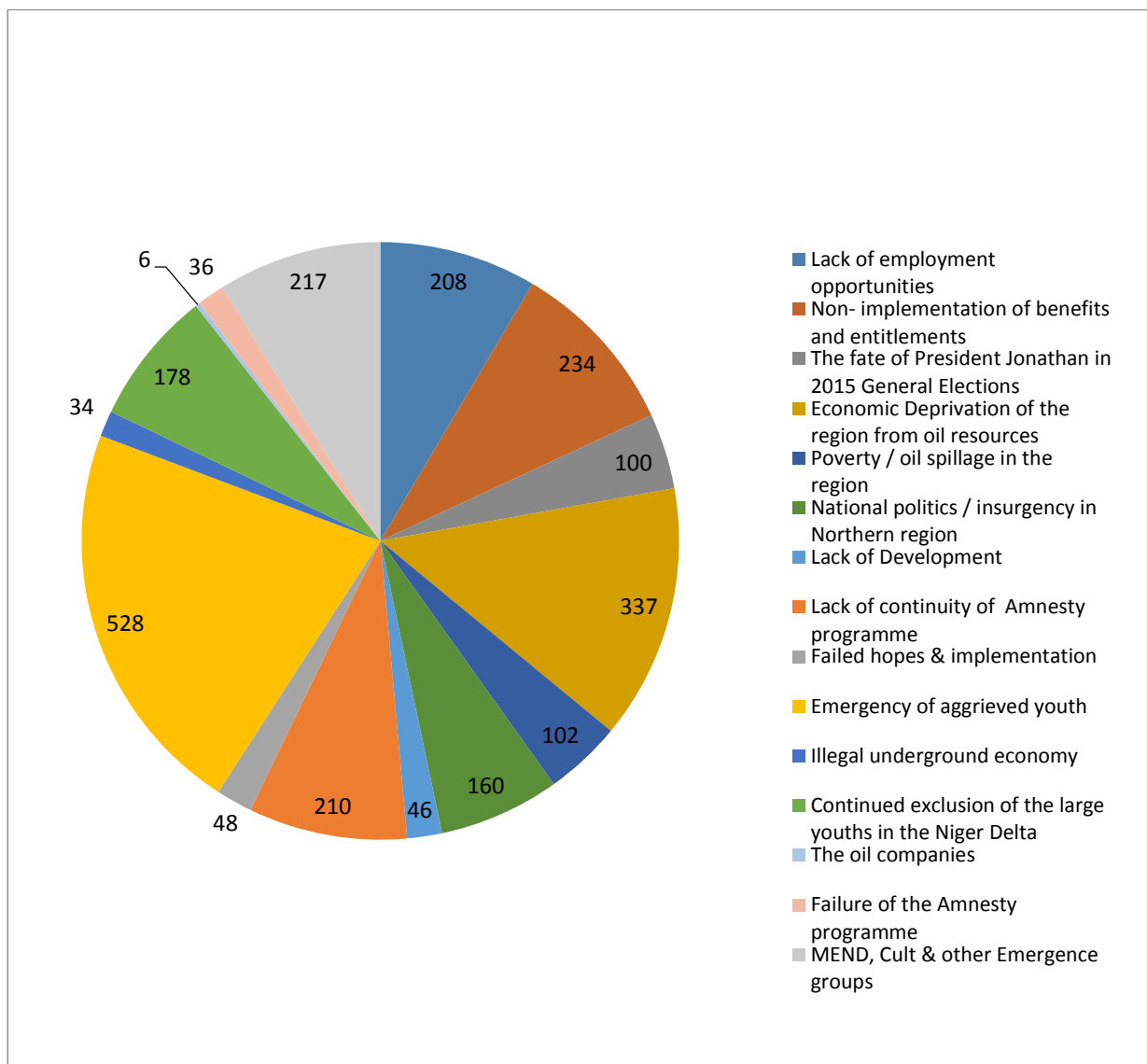


Figure 4.25: Forces / Groups / Persons that could trigger the reoccurrence of violent conflict in the Niger Delta (INIS)

In the SAS, the forces, groups and persons that could trigger violent conflict reoccurrence is also investigated. They are largely youth based (59.5%) including youth grievances (31.8%), exclusion of youth (9.9%), lack of employment opportunities (17.8%) and militant youth groups such as MEND (2.5%). Others are PAP based (15.6%), including failures to successfully implement and achieve Amnesty benefits (12.9%) or discontinuation of the

AP (5.4%). Only few of the SAS sample alluded to regional development challenges (10.6%), poverty and deprivation (1.8%) and regional fortunes on the national political configuration (6.1%). The latter is interesting because the fate of former president Goodluck Jonathan, the insurgency in the north and national politics are seen as threats to peace in the region.

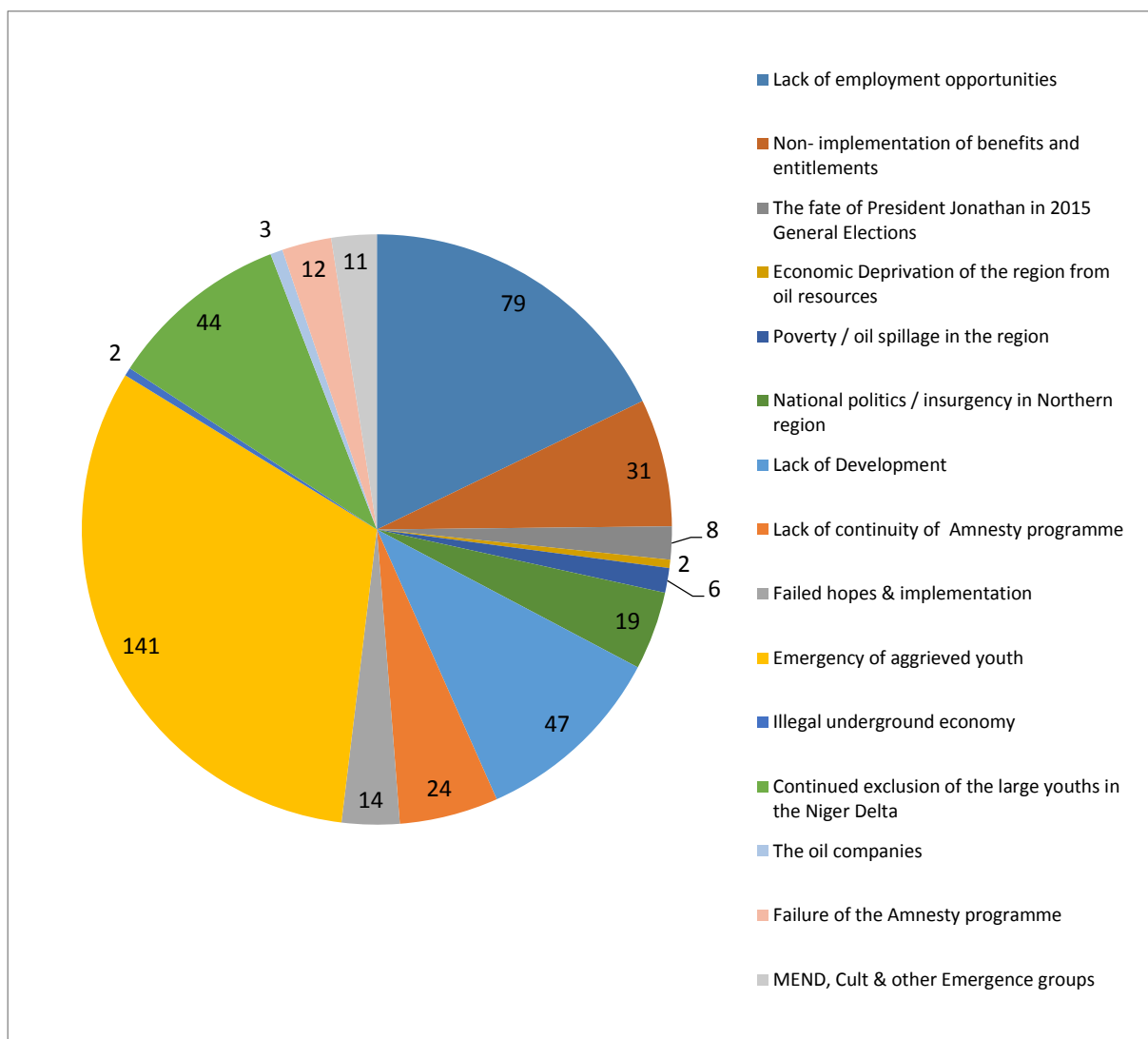


Figure 4.26: Forces / Groups / Persons that could trigger the reoccurrence of violent conflict in the Niger Delta (SAS)

The implications of these findings are that the relative peace and security is fragile because of the numerous threats of violent conflict re-occurrence rooted in the existing and possibly occurring conditions in the region which mostly revolve around the conditions of the youth, PAP and existing regional grievances and challenges of development.

CHAPTER FIVE

DATA PRESENTATION AND ANALYSIS 11

THE SAMPLE

The research investigation in addition to the structured and unstructured questionnaire (SAS and INIS) depended on key informant interviews (KII) and focus group discussions (FGD). The KII and one FGD each were conducted in four local governments each in Bayelsa (Yenagoa, Ekeremor, Sagbama and Southern Ijaw), Delta (Warri South, Warri Southwest, Bomadi and Burutu) and Rivers (Port Harcourt, Okrika, Gokana and Asari Toru). The key informant survey (K11) consisted of interviews conducted among members of the public who were social activists, opinion leaders, community leaders, members of civil society and youth organizations, and top officials of government agencies and oil companies. A total of 116 key informant interviews were conducted in Bayelsa, Delta and Rivers States and the Federal Capital Territory. The results of the interviews were presented in excerpts and summaries. The FGDs which comprised of between 8 and 12 discussants each comprised community, youth and civil society activists and opinion leaders drawn from identified communities in the local government areas but including the major cities of Port Harcourt, Warri and Yenagoa. A total of 11 FGDs were conducted in the sampled local government areas in Bayelsa, Delta and Rivers States. The results are presented in summaries and excerpts.

DATA PRESENTATION AND ANALYSIS

POLITICAL SETTLEMENT

The majority of the KII believe that PAP was conceived by late President Yar'Adua, as part of the Seven Point Agenda of his Administration, purposely to restore security and peace in order to boost petroleum production and government revenues. The real reasons for the formulation

and implementation of PAP are attributed to the oil economy and oil revenues. According to an interviewee at Tombia, Port Harcourt (23/5/ 2014)

It is as a result of the ex-militants activities that were hampering the production of the crude oil, which had triple effects on the economy since we operate a mono-economy. it is the need to have a peaceful oil exploitation and exploration activities and reverse the reduction in crude oil production.

There were consultations largely with leaders in the region, comprising ethnic and regional elders, traditional rulers, political leaders, governors and other top officials of State governments and ministers and top officials of the Federal government who were from the region, and top civil society activists. The KII also think that PAP is actually a product of the consultations between the Federal government and these leaders.

Our respondents state that *there were allot of consultation both in the creeks and in Abuja (Interview at PH, Abuluma community 19/6/14). The ex-generals in the Niger Delta and the Governors were consulted (Interview at Marine Base, Port Harcourt city 12/5/ 14).* According to a respondent in Abuluma, PH,(19/6/14), *During the period in the creek, lot of people like activists that supported our struggle come to see us, they were later identified by the government to form a link between us and them.* According to another respondent in Port Harcourt (11/5/ 2014), *leaders were consulted. I was in the creek when delegate came to meet my boss and ask him to come to an agreement terms with the Federal Government.* Some individual leaders that were consulted and identified by our respondents include: *Chief Tonye Briggs, Chief Edwin Clark, HRM Harold Spiff and Ama Pepple (a key informant in Trans-Amadi community, PH, 14/5/14).* According to key informant from Ugbokodo:

The late president Yar 'A dua met with the elder statesmen like E.K. Clark, former governors of Bayelsa State (Timipre Silva, Alamiesieghan) present governor of Delta State and Rivers State and some militant leaders like Tompolo and others” (Interview at Ugbokodo, Warri South Local Government Area, Delta State, 25/5/14).

Our respondents state clearly that certain promises were made to the political and ethno-regional leaders and ex-militant leaders as part of the consultation and negotiations for the surrender of youth for DDR. These include: *state pardon and social and economic development when we lay down our arms*(Interview at Port Harcourt 11/5/ 2014), *giving the leaders surveillance contract and mobilization of the foot soldiers*(Interview at Borokiri community in Port Harcourt 11th May, 2014) *increase in derivation, infrastructure, training the ex-militants and incorporating them into the society* ((Interview at Tombia, Port Harcourt 23/5/2014), *Implementation of the Niger Delta master plan, the Niger Delta ministry, resource control and speedy completion of the East West Road* (Okrika, Kalio-Ama community 30/7/14), *give ex-militant basic skills that will make them face the society in terms of competitiveness* (Interview at Orogbum community, Port Harcourt 13/5/2014), *agreement on the sharing formula-how oil revenues will distributed equally and how the region will be developed* (interview, Abuja water community, Port Harcourt 12/5/2014). A key informant in Karakorose, SILGA LGA, Bayelsa State (25/6/2014), was quite clear of promises made to ex-militant leaders:

The government promised to develop the region and increase the derivation funds. They promised ex-militants leaders that they will pay the money some of them used in buying arms and ammunition (weapon), settle them with some millions which they will use to take care of themselves and their families, they also promise them houses, cars and salary for both the leaders and the boys.

There were several informal and verbal agreements and terms reached in the consultations and negotiations between the government leaders and individual leaders and stakeholders of the Niger Delta. There were agreements on the training in various skills, scholarship and educational opportunities, economic empowerment and employment for ex-militants who would be granted amnesty and would not be prosecuted for actions, once they renounce militancy and enter into a disarmament, demobilization, rehabilitation and reintegration programme. The second area of agreement was the development of the region, the implementation of the development plans and recommendations of the various committees on the resolution of

the Niger Delta crisis. According to a key informant, *they assured our leaders that if the crisis stopped and business increases, then they will begin to develop the region* (Interview at Foropa, Bayelsa State, 25/6/2014).

The specific terms of these agreements are not known but some of our respondents alluded to the terms such as *give us the Niger Deltans development and we will give you (Federal Government peace)*(Interview at Abuja, 18/6/14), *the increase in derivation and the white paper on the Niger Delta should be signed by the FG.*(Interview at Elekahia community, Port Harcourt, 10/6/ 2014),*contract/monies should be given to ex-militants leaders in exchange for ceasefire and allowing the oil companies to continue their work* (Interview at Rumowoji, Port Harcourt 20/5/ 2014), *ex-militants youths will submit their arms on the condition that the Federal Government must pay them monthly stipend and reintegrate them* (Interview at Marine Base community, Port Harcourt 12/5/ 2014), *socio-economic and infrastructural development* (Interview at Asari Toru, Buguma community, Asaiga LGA 20/5/14). According to FGD respondents (Izonfade,Burutu, Delta State, 28/6/14),

the federal government and Niger Delta leaders agreed that to bring employment, reduction of suffering, to engage the ex-militant in entrepreneur programme, scholarships, training and payment of salary for youths, to develop the region and empower the people of Niger Delta; the militants have to surrender their arms and embrace peace,

However, some of interviewees had reservations about the quality of negotiation and the interests involved. Thus they think that the leaders consulted *did not consider the youth and elite from the region particularly those young and enterprising ones in the creative department of the economy who are really the hope of this nation* (Interview, Buguma, Asari-Toru LGA3/5/2014), *the consultation was for their own selfish interest and purposes not infrastructural development* (Interview, Port Harcourt, Fimie, 8/6/14).

The Federal Government is regarded as a major beneficiary of the Amnesty Programme because the latter provided security in the region for extensive exploitation of crude oil and gas and the accompanying revenues to the

government. Again, the most favoured segment was the ex-militant or arms bearing youth. However within the arms bearing youth are the leaders and their foot soldiers and those mostly favoured are, Tompolo, Boyloaf and Tom Ateke. In short, a major source of protest has been that of ex-militants who tended to have lost out to the privileged ex-militant leaders in the cash payments, oil surveillance contracts and from reintegration programme.

TRANSITIONAL JUSTICE

Our key informants are of the view that all actors in the conflict need forgiveness because of the destructions and pains orchestrated in the communities during the period. The Federal government is alleged to have marginalized, repressed and perpetrated violence against the people. The Federal Government and the multinational oil companies neglected the region for years, destroyed the environment and gave little back to the region in the form of derivation. The Federal Government and the multinational companies have been unjust in the treatment of the communities. The ex-militants perpetrated criminal activities, havoc, pains and social destruction in the communities. The political leaders betrayed their followers and have not pursued justice for them. Some political leaders instigated conflict instead of peace and have been greedily conniving with the Federal Government and oil companies in the mistreatment of the region.

There are different opinions about whether the military and security agencies need to be forgiven for their activities in the region for the sake of peace and as part of peaceful resolution of the conflict. Some believe that security agencies need forgiveness because of the untold hardship and abuses they perpetrated against peoples' lives and properties; the innocent people that were killed, brutalized and abused; the properties that were destroyed and the internal displacements of persons; the arrests and torture of persons, the infringement of the rights of citizens and other atrocities against indigenes in the region and the low levels of professionalism displayed in their relations with citizens. To some of our other respondents, *the security agencies need not to be forgiven because they were asked to and directed by the government to kill and to burn down our houses (Amassoma Southern Ijaw LGA, Bayelsa State 18/6/14); It is the government that should be vicariously held*

for every misconduct of the security (Interview Amadi Ama, Port Harcourt 13/5/14).

Militancy was an avenue where the voice of the militants and the region could be heard; it was the only way of resistance; the only way for seeking for change and attention from the government and also to demand for resource rights. Therefore, the militants did nothing wrong because militancy was the only way in the circumstances to demand for change, to make change and seek liberation for marginality and oppression; the only way for fighting for their right, fighting for justice and fighting against injustice. Militancy was an expression of discontentment and frustration (Interviews at Agudama, Southern Ijaw LGA 12/6/14, Tombia, Port Harcourt 23/5/ 14).

However, there is also the perception that some ex-militants had gone astray and they were no longer focused on the causes of seeking justice from the Nigerian State. In other words, *some started fighting for themselves and using militancy for criminal benefits and self interested purposes rather than for the region; the youth were no longer on track for the fight for resource control, rather they become problems to traders and host communities; some militants became problems to the leaders and communities because of the wrongs that they perpetrated.* In Rivers State, some militants perpetrated several wrongs some of which include, *raping, oil theft and killing of innocent people while we fought for the right of the people (Interview at Amassoma Southern Ijaw LGA 18/6/14.)*

There is the perception that the issue of forgiveness should be given some focus for the sake of reconciliation and peace building. *According to FGD respondents (Izonfode, Burutu, Delta State, 28/6/14),*

Okrankoko and Ayakoromo were bombarded by the military leading to the killings of people, the militants that operated in the community needs to be reconciled, also the innocent civilians who lost their loved ones. There is need for the communities to forgive them; People still have grievances against the military, militants who operated in their host communities need to be forgiven.

The government was right in granting Amnesty to ex-militants because *it was the only way to end the fighting in the region and facilitate development; the only way to create environment for restoration; the only way of calming the situation and an avenue to bring peace and security in the region; this was the major reason we left the creek, without amnesty there would be no peace and the government revenue will be very low (Interview at Abuluma, Port Harcourt 19/6/14).*

Those that need justice are specifically identified by interviewees to include: the host communities that lost their properties, farm lands, livelihoods, fishing and other valuables in the conflict; individual victims of the crisis; those who were tortured, abused and maimed in the region and those who were victims of human rights abuses. Even the region needs justice for the marginality, trickle benefits from its resource endowments, devastation of its environment, and extensive repression and state violence. According to a key informant:

this part of the country is majorly the bread winner of the country, the area is so underdeveloped; The Niger Delta needs justice, they are the marginalized ones, meanwhile, the region is the foremost economic power centre of Nigeria since 1956 when oil was gotten in commercial quantity. so that is why we need justice.; they produced what has turned Abuja into a mega city, but where oil is produced at Oloibiri in large quantity does not have electricity, not even development (Interview, Trans Amadi, Port Harcourt 28/5/2014).

The victims of the violent conflicts are perceived to have been denied justice. This is because *there is no record of government adequate compensation of such groups*; the victims are not recognized and compensated, the disabled and communities that have been destroyed have not received justice and those whose properties were destroyed have not received justice in any way. The victims have not received justice because they were left out of the Amnesty Programme. The communities and houses destroyed have not been built and compensation has not been made to the people in the region. There is no compensation whatsoever and the victims of violence were not included in the programme; The victims remain aggrieved because they have been neglected and relegated in the current scheme of things in the post Amnesty

Programme and there have been no compensation for those who lost their love ones (Interviews at *Buguma, Asari-Toru LGA 3/5/2015; Bundu, Port Harcourt 13/5/2014; Ogbummuabali, Port Harcourt 20/5/2014; Rumuwoji, Port Harcourt 11/5/2014*). According to a key informant in Orogbum Community, Port Harcourt (20/5/14), *the elderly whose sources of lively hood was destroyed should be compensated.*

According to FGD respondents:

the communities who were badly affected during the cause of the fight, the rape victims, those family who lost their love ones, those people who were brutalized, injured and robbed etc. Victims should be paid for their loss; houses burnt should be re-built, job opportunities have to be created for those who lost their sources of livelihoods (Izonfade, Burutu, Delta State, 28/6/14).

The general perception is that there has been no justice to the Niger Delta people in the current dispensation. While a few of them have received some benefits, the ordinary citizen in the region and activists who suffered losses in the struggle have not received any form of compensation and remedy. Even with the PAP, the former agitators have not had equal treatment and justice. While some who have the potentials to make trouble have been incorporated, others are still waiting to be recognized. According to our interviewees, *there is no justice on our side because some of the leaders after collecting bribe from Abuja settle ex-militant generals who they know can oppress them and leave the rest (Amassoma, Southern Ijaw LGA, Bayelsa State 18/6/14); There is no justice , there is no fairness, the leaders of the ex-militants are not treating their subordinates well(Ogoloma community, Okrika, 1/8/14); those abused have not been rehabilitated (Orogbum community, Port Harcourt 13/5/2014);*

The Nigerian elite do not seem to have acceded to the demands for justice and equity by the Niger Delta people. This is demonstrated by the refusal to address the grievances of the region and the demand for justice and equity. To some respondents, there can be no justice without the tackling of the issues of resource control, lack of development and infrastructure. PAP is not enough particularly as it is not accompanied by programmes of justice,

forgiveness and reconciliation which are not on the agenda of the post conflict transition to peace thus far.

PAP AND PEACE AND BUILDING

PAP is seen to have contributed to the restoration of relative peace and security in the region in three areas: The first is that PAP has calmed down restive youths, thereby reducing associated tendencies such as youth violence, youth crimes and associated social tensions. Second, by disarming youths and enabling surrender and disengagement of youth militias, there is a general feeling and sense of security to conduct individual and family social activities and businesses. According to a respondent in Tombia, Port Harcourt (23/5/14), *PAP has helped by taking the ex-militants from the creek and ended the destruction of petroleum installations.* Third, the engagement of the youths in training, skills acquisition and education has occupied them such that the inclination and space for criminality and violence has declined.

The key informant interviewees believe that current efforts of peace building through the PAP have been weakened by three factors. The most major is the lack of inclusion of PAP. By not ensuring broad participation and engagement, a large section of the youth and population are left out, thereby constituting a large population of persisting frustration, which could be the social base for the next militant engagement. Second, the lack of attention and even political commitment to address the grievances of the region, pertaining to resource control, participation in the oil economy and the development of industries and infrastructures, is weakening PAP and the overall efforts at conflict resolution and peace building.

Third, the nature of funding, implementation and management of the PAP is weakening it as the major plank of peace building effort. The interviewees think that PAP is poorly funded, poorly implemented and monitored and poorly managed. The majority of the KII think that the ex-militants have not been empowered enough to prevent a return to militancy and the creeks. The training and education programmes and the employment opportunities thereafter are not effective enough to prevent violent conflict reoccurrence.

The KII believes that the Federal government is doing a lot by way of training, empowering and engaging the ex-militants, but it is not doing

enough in two areas. The first is that it has not tackled the grievances that led to militancy. Second, all the stakeholders in the region have not been engaged. PAP has excluded the majority of the youth and population of the region. As a result, it could be argued that the government is not doing enough to checkmate the renewal of militancy or violent conflicts.

The termination of PAP is also seen as threatening to peace and security in the region. According to some respondents, *if the payment is stopped and the amnesty comes to an end in 2015, there will be violence (Interview at Oporoma, Port Harcourt 20/5/2014); if there is still marginalization in the region and money that was supposed to be paid to beneficiaries is not directly paid into their bank account, there could be further violence (Interview at Marine Base, Port Harcourt 12/5/ 2014),*

Our key informants tend to think that continued unemployment and poverty, continued lack of developmental deprivation and stoppage of the Amnesty Programme without a better option could lead to reoccurrence of violent conflicts. Other issues that could cause reoccurrence of conflict are *non-implementation of agreement, abandonment of the Agitators, Non-compensation of victims of the struggle and Non-settlement of ex-militants (Tombia, Port Harcourt 23/5/ 2014).*

Two sets of policy activities are crucial to the occurrence or non-reoccurrence of violent conflicts in the region. The first set of policies is first and foremost, policy or reforms that address core grievances and demands of the region. These are in order of preference, the issues of re-federalization of the country through strengthening regional autonomy and reducing the powers and resources at the centre. The second is the satisfaction of the demands for massive developmental attention. The third is issue of resource control or at the least, significant increase in the benefits from crude oil and gas resources. The second set of policy activities pertains to PAP. The effective funding, management and performance outcomes of PAP are seen as crucial to sustainable peace and security.

The failure of the PAP and the non resolution of the grievances of the region are predicted to have dire consequences for the nation. Violent conflict *reoccurrence is bound to occur if the amnesty programme finally comes to an*

end because it will make the boys go back to the creeks. According to several key informants, the crisis will worsen the situation and nature of the struggle and this time, children too will be recruited and they will join the struggle (Interview at Rumukuchi Community, Port Harcourt 1/5/14); there will be total chaos and anarchy in the region and the country will lose billions of dollars from oil revenue (Interview at Trans-Amadi, Port Harcourt 14/5/14); the youth will go back to the creek and fight for an independence state (interview at Port Harcourt 11/5/2014); there will be violence and insecurity, exploration activities in the region will be brought to a halt and the continuous marginalization of the minority ethnic groups and agitation (Interview at Gokana, Bera community, 28/5/2014); will lead to crisis and if it is not properly managed, could later lead to war (Interview at Orogbum community, Port Harcourt 13/5/2014); I see war in the region if there is no resolution of the conflict (Interview at Fimie community, Port Harcourt 19/6/14).

PAP is seen as having limited utility for the resolution of the Niger Delta crisis. *To some respondents, Only the programme cannot work. The only solution is to stop oppression of the region by the Federal Government (Interview at Elekahia community, Port Harcourt, 10/6/14).* According to a key informant in Federal Capital Territory (Abuja) dated 5th June 2014,

as much as the amnesty is a starting point, there is need to sustain the programme mapped out to empower and reintegrate the ex-militant into the larger society. If the government continues to pay the ex-fighter without empowering them and the government stop doing that, the militant will go back to the creek.

Some of our respondents think that there are alternatives to Amnesty Programme in achieving peace in the Niger Delta. ***According to FGD respondents (Izonfade, Burutu, Delta State, 28/6/14):***

Amnesty is not the only solution or answer in terms of peace achievement, youths can do much better than this amnesty programme in the sense that the government can create jobs for them to work and earn a good standard of living; there can be skill acquisition through training, the government can also release funds for them to start businesses and for them to be independent; All of this is another means of survival not just the Amnesty programme.

CHAPTER SIX

POLITICAL SETTLEMENT, TRANSITIONAL JUSTICE AND PEACE BUILDING IN THE PRESIDENTIAL AMNESTY PROGRAMME: DISCUSSION OF FINDINGS

INTRODUCTION

The central challenge of the Amnesty programme is the consolidation and sustainability of the security and peace that currently exists. There is some measure of peace and security but the situation is deteriorating with emerging cases of militancy and militant attacks on oil and gas infrastructure since late 2015. There have been restlessness and protests by ex-militants about the access and distribution of benefits of PAP as well as the nature of management. There is still lack of legislation but there remains some consensus on the utility of the programme. Thus PAP is still hinged on trust, informal agreements and confidence and is therefore prone to fragility. However, the programme is expected to terminate in 2016. There is now a new management and it is hoped that it may be able to strengthen performance, accountability and legitimacy. There is still lack of broad and inclusive focus and substantial material development pertaining to infrastructure development, poverty reduction, employment generation and environmental restoration. This means that PAP stands alone, resting on only DDR for ex-militants, as the instrument for peace building and preventing a reoccurrence of violent conflict.

POLITICAL SETTLEMENT

Informal arrangements and assurances within and outside the region were forged that constructed a terrain of trust and confidence upon which the Amnesty was founded. The ensuing embrace of the Amnesty, cessation of hostilities and violence and the somewhat peace, were thus based on some settled issues among some principal stakeholders, among which were militia leaders, ethno-regional leaders, state governors and the presidency between 2007 and 2009.

The political settlement process was hinged on the commitment and sincerity of late President Umaru Yar'Adua, and confidence in the few ethnic and regional leaders and militia leaders that were consulted. The political process also initially involved the support or acquiescence of prominent ethno-regional leaders and politicians across the nation, as well as civil society leaders and prominent social activists who believed in a new pathway of peace and therefore gave their support. As a result, the national conversations in 2009 were clearly united in support of the Amnesty. This seeming consensus in national conversations was evident in the approval of the Amnesty before its declaration by the National Council of State. Essentially the motive of most of these persons was in conflict and violence mitigation and the resolution of the economic strangulation of the nation contingent to the near collapse of the petroleum sector.

There are clear concerns about the lack of concreteness of agreements, the lack of clear articulations and expressions of the understanding reached, the lack of inclusiveness of the process particularly outside the prominent Ijaw leaders, prominent militia leaders, the governors of the core Niger Delta States and selected officials of the federal government. The stability of the arrangements is suspect, as there have been ruptures and shifting loyalties. These have shaped the lack of clear post Amnesty programme of resolution of the region's problems.

The consultations that took place within the region were with few national leaders particularly of the Ijaw ethnic group. This was because Amnesty Programme was perceived as package to stop criminality in the Niger Delta that reduced oil production on the region. Since militancy was largely an Ijaw affair, the concentration of political settlement efforts was mainly targeted at prominent Ijaw ethnic leaders, and political leaders of oil producing states. Particular emphasis was placed on the consultation of those who had access to the ex-militants formation and were respected by the youths of the region.

However, the details of the arrangements and the compromises and concessions made by the presidency, national leaders, Niger Delta leaders and militia leaders were not declared. There have been allegations that specific promises were made to top militia leaders relating to oil blocks, surveillance of oil pipeline contracts, resolution of the development

challenges and political grievances of the region. Some specific promises pertaining to

What is clear is that the process was largely informal, hence no formal agreements were made. Further, there were certainly clear influences by certain political leaders including Chief Timi Alaibe, then Special Adviser to the President on Niger Delta affairs, the then vice president Goodluck Jonathan and one of the respected Ijaw and regional leader, Chief Edwin Clark and some others. Responses from the KII and FGDs point to political leaders such as the governors of Bayelsa, Delta and Rivers states, the former Governor of Bayelsa state, Deprieye Alimaseigha, and Ijaw youth leaders such as Chris Ekiyor and T.K. Ogoriba. The then vice president, Dr. Goodluck Jonathan and Chairman of NDDC, Timi Alaibe served as arrow heads of these consultations and mediations between the Government, ethnic and regional leaders and the ex-militants. The leaders consulted were expected to reach out to the militants and convince them to lay down their arms on the ground that the Federal Government was ready to meet up with their demands.

The PAP was not based on any formal recorded agreement, but on some understanding that the Amnesty programme would provide the peaceful environment needed to speed up development of the Niger Delta and quicken the resolution of their grievances. The specific terms of understanding were expressed during the meetings held with different militant leaders at Aso Rock before they surrendered to the Amnesty Programme. These included the release of detained leaders such as Henry Okah, late D.Alamiseigha and Asari Dokubo, reintegration of ex-militants into the society, surveillance contracts to the ex-militant leaders for the protection of oil pipeline, development of the Niger Delta region and empowerment of the youths (ex-militants), construction of East-West road and dredging of lower River Niger. From the above, it can be noted that two forms of compensation was promised by the Federal Government; compensation for youths who engaged in militancy through reintegration of the militants and compensation of the communities through infrastructural development and economic empowerment.

The regional component of the settlement seems to have remained intact. However, the cross regional and national settlement seem to have become unstable and non durable. The mitigation of violent conflicts, the achievement of some peace and security and stabilization of crude oil production seemed to have frittered the initial national goodwill, compromises and concessions made, and arrangements reached particularly in relation to issues of regional equity, access to resources, resolution of the region's grievances and a post Amnesty programme of development. These were manifested in the de-emphasis of these issues, the divisions that emerged around them and the inability to resolve them through legislation as has been manifested in the perennial failure to pass the Petroleum Industry Bill in the National Assembly and the failure of consensus around these issues at the National Conference held in 2014.

Thus the national compact that seemed to prevail on the need for concessions and resolution of the Niger Delta crisis did not last. In the National Assembly, the resistance to ten percent equity of oil companies' production to oil producing communities have stalled the Petroleum Industry Bill for almost a decade. At the national conference, there was resistance to increase in derivation based revenues which was the major demand of the Niger Delta people.

There has thus been a seeming rupture of the informal pacts, assurances and understanding that were reached between the federal government, national leaders and regional leaders. The greatest manifestation of this has been the clear lack of a post –amnesty programme of resolution of the region's problems, the lack of action on promises of extensive development and the concentration of efforts on only reintegration of ex-militants. The governors of the region reacted angrily to this situation in 2010 when they threatened to withdraw support from the PAP because of the absence and lack of seriousness about a post-Amnesty programme.

The lack of durable and stable settlement around the Amnesty is a consequence of the lack of inclusiveness of the political processes that led to the Amnesty. The very limited involvements of individuals and groups, privileged influence of a few individuals and groups, the absence of broad engagements and agreements among the ethno-regional leaders at national

levels, and the very political and governmental push for a framework of ideas and understanding for mitigating the violence are indicated in the emergent fluid and unstable agreements and arrangements around the Amnesty.

There is emerging restlessness in the nation over the prolonged tenure of PAP, the unending agitation and threats by the ex militants over their demands for prolongation of the programme, the high cost of its execution, the poor quality of management, the excesses and political involvement of some ex-militant leaders, the recurrent threats to return to the creek particularly over the political fortunes of former president Goodluck Jonathan, and emerging attacks on oil and gas pipelines by ex militants and probably some new combatants. These constitute threats to the stability of the political settlement and the fortunes of PAP. Fortunately, the Buhari Administration has continued the programme under a new management.

TRANSITIONAL JUSTICE

The Presidential Amnesty Programme (PAP) was a somewhat legal approach to security, politics and conflicts (Amoda 2009). It granted a general pardon to release the criminally-culpable from the just punishment of the law; and deliberately overlooked offenses of the ex-militants against the government. Thus the relationship assumed by government between it and the Niger Delta militants is juridical; the militants are pardoned instead of being punished for engaging in criminal activities in order to foster peace and progress. In other words, PAP is an implicit acceptance by the government that militant activities in the Niger Delta is the product of neglect and underdevelopment which can be attributed to corruption and lack of political will of governments. PAP is thus based on the acceptance of the fact that violent conflict can easily develop if large numbers of people become convinced that taking up arms is not only legitimate but may perhaps be the only way to secure the necessities of life. In other words, militancy may occur if people feel that they are in an unjust situation and must therefore decide to rectify it (Smith, 2002).

This contention is buttressed by President Yar'Adua's statement in his 2009 Independence Day broadcast that 'with a view to engendering lasting peace in the area, we proclaimed a general amnesty and granted unconditional pardon

to all those who had taken up arms as a way of drawing attention to the plight of the people of the Niger Delta. He pledged that:

on this day and in the spirit of rededication, we renew our commitment to confronting the challenges of critical infrastructure in the Niger Delta, food security, security of lives and property, human capital development, land tenure and wealth creation' (The Guardian, 2009).

In spite of this legal and judicial approach, transitional justice was not envisaged, planned and mainstreamed into PAP, beyond the amnesty granted to ex militants. Thus the victims of the violence, repression, rights abuses and the extensive devastation of communities and properties and other collateral damages done to the region in the course of the activities of the military, security agencies, militias, activists and protesters in the confrontations and violence in the region were left out in the post violent conflict period. There was no compensation to those who lost their personal properties or who lost their loved ones. Most of the victims of the Niger Delta struggle remain aggrieved and have not received any justice. They were left out and relegated in the current scheme of things in the Amnesty Programme.

More crucially, the issues of forgiveness, reconciliation and restoration of relations are not mainstreamed in the PAP and post conflict period. The strained relations between communities, between oil companies and communities, between security agencies and communities, between ex-militants and security agencies, between militias and communities, between militia groups, between civil society, between the region's citizens and the military, and between security agencies and oil companies have not been on the agenda. There have been no attempts at reconciling groups or eliciting remorse from those that perpetrated abuses, losses and destruction in the course of the struggle and forgiveness from the victims of abuses and losses. The victims of the struggle have not been compensated, as they are excluded from the Amnesty and post amnesty activities. The victims of human rights abuse have not been compensated or received justice.

The perception emanating from this study is that the issues of forgiveness, reconciliation and justice are important elements of transitional justice.

There are divergent views on who needs forgiveness: the Federal Government and its officials who neglected the region over the years and give little back to the region in terms of derivation funds and development; the political leaders in the region who betrayed the citizens of the region by colluding with the Federal Government to neglect the region; the ex-militants who took up arms against the Federal Government but whose segment perpetrated atrocities such as kidnapping, killings, vandalization, piracy, rape and destruction, thus contributing to the pain, sorrow and suffering in the communities where they operated; the military and security agencies who perpetrated atrocities and psychological trauma in the region in the name of peace keeping, thus offending the people of the Niger Delta; and the oil companies that neglected the communities, devastated their environments and livelihoods, paid pitiable compensations and caused a number of violent protests and conflicts.

Hence, there are a number of groups that need to show remorse just as there are many that need forgiveness. There are victims of the activities of the federal government, military, militias, oil companies and even belligerent communities that need to forgive and be reconciled to these groups.

Just as the government was right in granting amnesty to ex-militants, as the only way to stop the fighting and violence, restore peace and security and create a peaceful environment for oil production in the region; the government ought to have provided the platforms for aggrieved groups and victims as well as perpetrators of abuses, such as truth and reconciliation commission for the expressions of confessions, remorse, forgiveness, reconciliation and restoration of relationships. Thus, a post amnesty programme and a post conflict transition are being implemented without recourse to issues of pardon, forgiveness, relief, healing, reconciliation and justice.

More importantly, the issue of justice is also not on the agenda of the post amnesty period. The region needs justice because of marginalization, underdevelopment, trickle benefits from its oil and gas resources, the destruction of the environmental basis of their livelihoods and livelihood sources, mistreatment by oil companies, and extensive poverty and unemployment, in spite of being the bread basket of the nation for over five

decades. The agitation for resource control brought immense suffering, repression and devastation to the region. There has been no *substantial relief for the majority of the citizens of the region since the PAP.*

The perception of the justice that the region needs is that of federal government commitment and action in respect of the grievances and demands. Thus justice means the development of the regions infrastructure and social services, the provision of job opportunities and employment programmes, the alleviation of poverty, environmental remediation, human capacity building and empowerment programmes, resource control and increased derivation based revenues, and participation and equity ownership in the oil economy. More specifically, in the light of post amnesty direction, justice also means the compensation of victims of the Niger Delta struggle and continuation of amnesty programme in a much more inclusive manner.

PEACE –BUILDING

The problem in the Niger Delta region is that negative peace, the temporary cessation of violence and insecurity is being taken as permanent peace and security. Positive peace that is connected to conflict transformation, the restoration of relationships, the creation of social systems that serves the needs of the whole population and the constructive resolution of conflict is not being cultivated. PAP is training and paying 30,000 youth and thus delinking them from current aspirations to resort to violence. It is being assumed that the settlement of the few ex-militant elements is tantamount to the settlement of the problems, needs and aspirations of the region. There have been no serious efforts at addressing the conditions that generated the deep grievances and anger that triggered armed resistance and violence. The programme has not addressed the needs of the youth, the communities and the citizens of the region. That is why the Integrated Regional Information Networks (IRIN, 2012) has argued that the amnesty programme was not designed to address Niger Delta's socio-political and developmental problems, but was a method of buying relative peace with the aim of obtaining unhindered access to oil.

The Amnesty Programme is tantamount to the purchase of peace, because of the massive system of diverse payments of stipends or allowances, economic empowerment, human capacity building and diverse support to those who have made trouble or are capable of making trouble and thereby disrupt crude oil and gas production and associated revenues. The somewhat commodification of the amnesty as evidenced by the large expenditures on monthly payments is somewhat reinforced by the extensive compensation to ex-militant leaders by way of payments through them for their fighters, surveillance contracts, appointments and influence or access to power.

The probability of violent conflict reoccurrence is high first because of the narrow action basis and focus of the PAP, the exclusionary nature and discriminatory basis of PAP benefits, the poor levels of management and legitimacy and fears about the continuity or otherwise of PAP and its re-integration payments. Second is the non resolution of the grievances and demands of the region and the non existence and failed promise of a post Amnesty programme of development for the region. As it stands, Amnesty programme is not developing the Niger Delta. Thus the situations of poverty and unemployment, inadequacy of revenue benefits and participation in the oil economy, environmental devastation and inadequate development attention are persisting.

There are pointers to violent conflict reoccurrence. First, there is a reasonable quantum of disgruntled ex-militants who are being linked to violent criminality and growing incidence of criminal violence in the creeks and water ways, particularly in Bayelsa State. Disarmed militants are alleged to be finding new opportunities outside oil based militancy, because of increasing frustration with irregular and incomplete payments of monthly stipends and disgruntlement over exclusion from the demobilization and reintegration phases. Second, there is a resurgence of militancy which is manifesting in the renewed attacks on oil and gas pipelines since late 2014. MEND claims to have resumed hostilities directed at the oil infrastructure and particularly cutting oil production to zero by 2015 under the code name Hurricane Exodus (Ikelegbe 2014).

The **next challenge** facing the nation is what will happen with the 30,000 ex-militants, when the monthly stipends is stopped with the probable termination of the programme in 2016, as only a trickle of those trained have been employed or provided business start up support. How will the nation handle this population of youth, trained in arms, hitherto used to armed resistance as a means of livelihood, when they become frustrated and angry and possibly turned on the society, the governments, the oil companies and the oil economy and infrastructure. What portends does a new militancy conducted by more educated, trained and exposed personnel have? Already some ex-militant leaders such as Ramsey Oyakemeagbegha are warning that the termination of the Amnesty could trigger fresh crisis (Imoh, 2014). The ex-militant leader of Ebipa-Opre Ex-militants Forum argues that apart from the fact that the conditions which trigger militancy are yet to be addressed, idle ex-militants without further reintegration payments could tend towards violence, criminality and militancy.

The relative peace in the Niger Delta is like a time bomb. Widespread violent conflict could explode at any time. The lack of conflict transformation means that any accentuation of the ND problematic, threat to regional interests, or major development that affects the fortune of the region can be expected to generate or accentuate grievances, frustration and anger that can drive ex-militants to the forest and creeks in a new resistance. Already the demand of the region for resource control and increased derivation funds in the 2014 Constitutional Conference, and the politics associated with the 2015 presidential elections particularly pertaining to the fortune of former president Goodluck Jonathan, as well as the threats of Boko Haram attacks in the Niger Delta have elicited threats from former ex-militant leaders in the region ([http:mail. Iyep.com.ng/news/item](http://mail. Iyep.com.ng/news/item) JULY 18, 2014. Accessed 21/8/14).

CHAPTER SEVEN

CONCLUSION AND POLICY RECOMMENDATIONS

The Amnesty programme was introduced in order to end problems of insecurity and underdevelopment in the Niger Delta. It had immediate effects in the cessation of hostilities, indicated by a ceasefire by MEND, emergence of relative peace and security, restoration of the oil infrastructure, extensive growth of petroleum production, oil and gas exports and revenues and improved human security. Since then, relative peace and security has been maintained, amidst emerging protests by excluded ex-militants, sustained criminality in terms of kidnapping and piracy; economic crimes such as crude oil theft and illegal crude oil refining, and more fears of emerging militancy indicated by recent attacks on crude oil and gas infrastructure.

PAP is not broad based and inclusive in terms of participation of all key stakeholders. Consultation was exclusionary in the sense that it was dominantly among the political and cultural elite in the Ijaw ethnic group and the states where militant activities were dominant. Consultation was also at the top and did not go down to the communities. The consultations mainstreamed the interests of the ex-militants, some ex-militant leaders and the Ijaws, rather than the interests of the majority of the youth and the entire ethnic groups in the region.

The terms reached in the consultation and negotiations included socio-economic and infrastructure development, derivation, implementation of the Niger Delta master plan and technical report, the DDR for ex-militants and surveillance and other contracts for ex-militant leaders. Of these, only the DDR and surveillance contracts were implemented. There are reservations about the quality of negotiations and the interests that were pursued. Some think that the exclusionary nature of PAP can be attributed to the self interested actions of those consulted or those who contributed to the terms of the settlement.

The political settlement was not accommodative, equitable, fair and just in relation to victims, marginal groups, vulnerable communities, women, minority ethnic groups, and diverse segments of militias and non-militant

youth. Particularly it was not gender inclusive, equitable and sensitive in terms of the processes, content and benefits.

PAP has not provided space for the expression and redress of abuses and infringements; atonement, pardon and forgiveness; compensation, rehabilitation and relief for victims; the institution of systems and processes of justice for individuals and groups affected by the violent conflicts; redress of past injustices and harm done to the region; and opportunities for societal healing, reconciliation, restoration of relationships and reintegration. There have been no reforms in the security sector or any substantive efforts to deter future perpetuation of abuses and atrocities.

The major actors in the violent conflicts in the region need forgiveness. Though the MSA acted under directives and the EM fought for freedom, the combined sum of the effects of their activities was extensive suffering, pains and losses for citizens during the violent conflicts. The amnesty granted to the EM is thus appropriate, not just because of excesses among them, but because it was necessary for procuring security, stability and peace, and resolving the crisis.

There is the perception that those who suffered losses and were badly affected by the violent conflicts need to be compensated as part of justice and peace building. Victims still remain aggrieved and there are still grievances against the MSA, EM and other actors in the struggle. These victims have been neglected in PAP and post amnesty programmes.

The Niger Delta people and the communities need justice given their extensive suffering, abuses, losses and damages during the violent struggle. However, the people have hardly received justice because justice has not been on the agenda of PAP and post conflict activities. Meanwhile, justice, equity and forgiveness are seen as essential to peace building and durable peace, because they reinforce and strengthen peace. PAP that is not accompanied by justice and reconciliation is not enough. There can be no sense of justice in the region, until the grievances and demands that drove the violent conflicts have been addressed. Justice to several people in the region means addressing the region's grievances and tackling their problems. Unfortunately, the Nigerian elite seem to have refused to address the

grievances and accede to the demands for justice by the people. However, certain programmes of the government can assuage the need for justice. These have to do with interventions to address poverty, unemployment, development, resource benefits, compensation and participation in the oil industry.

In the absence of substantive peace building interventions and efforts, the Niger Delta environment remains fragile and prone to violence reoccurrence. Peace building has not been privileged as part of an overall process of restoring security, stability and growth. There has been no peace building structures and processes to engineer social change and transformation and build capacity for conflict resolution; and no socio-political engineering to restore and support peaceful relationships and reduce divisions, tensions and antagonisms. There have been no broad efforts for re-establishing the norms of non violence in the resolution of conflicts, building an environment of trust, rebuilding inter-communal and inter-group relations and trust and engineering personal, group and societal reconciliation. Therefore the conditions for long term peace and preventing a relapse into violence have not been laid.

Though there is relative peace, and youth restiveness has been reasonably contained because of PAP payments, trainings and empowerment, PAP is not seen as lasting solution to youth restiveness and militancy. Actual efforts towards a PAP that is lasting solution are scanty because of exclusion and inadequacy. Furthermore, there are several conditions that could trigger violent conflict reoccurrence. The youth remains aggrieved because of exclusion and PAP remains poor in management and benefits. The conditions of poverty and unemployment remain extensive and regional grievances, demands and problems have not been addressed. The failure of PAP in terms of outcomes and benefits, the probable termination of the programme and the non resolution of the grievances of the region are seen as threatening to peace and security, and particularly could lead to violent conflict reoccurrence. The implementation of PAP has not addressed adequately the root causes of violent conflicts and militancy in the Niger Delta. The promise of a post PAP programme of development and redress fizzled out. As a result, the

implementation of the programme lacks public confidence, legitimacy, sustainability and potential for non-conflict reoccurrence.

The sustainability of the current peace and security is already in question. First the current high levels of oil theft and sea piracy which may have some participation of either new or former ex-militants is an indication that the crisis in the region and militancy has not been resolved. Second, there is emerging evidence of militancy and violence as indicated by recent attacks on oil and gas pipelines in the region. Third, the recent anti-corruption charges and actions against a prominent ex-militant are generating new tensions and fears about a possible return to the creeks by a faction of the ex-militants. Fourth, the unease of ex-militants about the tenure of PAP and its possible termination raise fears about the management and future of the entire project of post conflict transition to peace. The impression that is being given is that PAP payments has to be unending if the ex-militants are to be preserved from returning to violence. In comparative terms, this long period of payments is unusual just as it is unrealistic in terms of the cost.

The implementation of the amnesty programme has to be done in a comprehensive manner, and as part of a broader package of stabilization and peace-building programmes inclusive of political, social and economic programmes. The programme needs to incorporate a sustained focus on the restorative justice system, inclusive of traditional justice systems. Systematic efforts of peace-building need to be integrated into the implementation of the programme, with specific frameworks and initiatives of reconciliation and peace building put in place.

An integrated programme of Post Amnesty, inclusive of legislations, projects and efforts to redress the exploitation, marginalization, inequity and injustice against the region, in favour of massive development, resource control, equity participation, environmental restoration and economic empowerment is essential. The federal government has concentrated its attention to settling ex-militant leaders and buying their support, rather than substantial developmental attention to the region. Therefore, the issues at the root or base

of Niger Delta crisis remained unresolved contrary to the promises made by late President Yar'Adua, and what was initially outlined as what government will do in developing the region in the post Amnesty period.

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