

Exclusion Issues and Challenges in the Implementation of the Amnesty Programme in the Niger Delta, Nigeria

Policy Brief by

**Centre for Population and Environmental Development,
CPED**

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Preface

This policy brief is the third in the series of communication to policy and decision makers in Nigeria on the on-going 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.

CPED’s Policy Brief Series is designed to draw attention to key findings and their policy implications as projects are being executed. This policy brief presents the findings of the exclusion issues and challenges facing the implementation of the amnesty programme in the Niger Delta region. The qualitative surveys entailed key informant interviews and focus group discussions with stakeholders and other interest groups. The policy brief is therefore based on the outcome of the interaction with key stakeholders including policy makers, community leaders, women groups, ex-militants and youth with respect to the exclusion of key actors in the implementation of the amnesty programme.

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Editor

Introduction

Inclusion is a central element of good governance, and crucial platform of building participation, mobilization, synergy, commitment and goodwill for projects of sustainable development as well as the growing of a crop of contented, satisfied and committed citizenry. Inclusion tends to develop win-win outcomes for stakeholders and satisfactory power and benefit outcomes (Adekanye 2007:197). This is particularly crucial for managing the dynamics of post conflict situations that is usually characterized by volatility, diverse power struggles, plural but conflicting interests and instability. Exclusion undermines good governance as it is associated with discrimination, marginality, neglect, deprivation, disintegration and disempowerment which could generate poverty, frustration, alienation, powerlessness, and anger that trigger social tensions, violent conflicts and threats to sustainable peace, security and development.

The Presidential Amnesty Programme (PAP) which is the main instrument of the management of the post conflict transition has engaged in disarmament, demobilization and reintegration programme for ex-militants in the Niger Delta region. While the immediate goals of cessation of hostilities, restoration of the oil and gas infrastructure, oil and gas production and increasing revenues has been achieved and is driving economic growth in Nigeria, it is necessary to critically interrogate the programme in the context of the nature of conception, content, management and outcomes and how these are impacting on the long term goals of a post conflict transition which includes conflict resolution and transformation, sustainable development, security and peace and strong prospects of non violent conflict re-occurrence.

This policy brief is based on the findings of an on-going research on “*Amnesties for Peace in the Niger Delta: a critical assessment of whether forgiving crimes of the past contributes to lasting peace*” The project is funded jointly by the Canada’s *International Development Research Centre (IDRC)*, Ottawa, Canada under its program Governance, Security and Justice 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. The project’s specific objectives include: conducting a comprehensive review and analysis of the nature, drivers and expressions of violent conflicts in the Niger Delta region and assess the impacts that the amnesty programme has had on

conflict mitigation, peace building, national stability, and the potential for conflict re-occurrence; mapping out the experiences, challenges and lessons facing the amnesty programme as a form of political settlement in the Niger Delta and the implications for sustainable peace and nation building in Nigeria and more broadly in other countries in sub-Saharan Africa; and assessing the extent to which the amnesty programme was inclusive, and whether this inclusiveness contributed to its sustainability.

This policy brief presents the findings of the qualitative surveys of the exclusion issues and challenges emanating from the amnesty programme in the Niger Delta region. The qualitative surveys entailed key informant interviews and focus group discussions with key stakeholders and groups. The policy brief is therefore based on the views of these stakeholders with respect to their perceptions of the exclusion issues associated with the implementation of the programme.

Ethical and Security considerations

The Niger Delta region is still a volatile area despite the relative peace which the Amnesty programme has brought to the region. Consequently, conducting a study in Niger Delta requires both security and ethical considerations. With respect to security protocol, this was designed to protect the researchers in the field and the respondents so that they are not harmed during the process of conducting the surveys. One component of the security and ethical protocol is the fact that the rural communities in which the surveys were carried out are not disclosed so as to protect the inhabitants from any harassment. The research protocol entailing the research methodology and the survey instruments were approved by the University of Benin's Ethical Review Committee. Permission was also obtained from the traditional authorities in the respective communities. For each participant interviewed, informed consent was obtained. Similarly focus group participants also gave their consent before being asked to participate in the discussions. The project research team informed the participants regarding the purpose, methods and procedure of the study. The participants made an informed choice to take part in the study, and did so freely and voluntarily. They were asked to give verbal approval before the commencement of the interactions while in some cases respondents and participants were asked to sign or thumb print on a form to indicate that they had given their informed consent to be interviewed. They were informed that they could refuse to answer any question or discontinue their participation at any time. The privacy of the participants was respected throughout the surveys and all information collected has been kept strictly confidential just as the communities were kept confidential. The participants' anonymity was sustained by substituting their names with numbers or codes. Participants were treated fairly and any unclear information was clarified for them during the focus group discussions and key informant interviews.

Survey Methodology

Using the random sample survey methodology key stakeholders in the Niger Delta region were selected from Bayelsa, Delta and Rivers States for key informant interviews. In conducting the interviews, a qualitative, descriptive and exploratory research design was used to examine a variety of issues relating to exclusion issues and challenges emanating from the amnesty programme in the Niger Delta region. The population of the qualitative survey comprised key

stakeholders comprising traditional leaders, political leaders, women and the youth including former militants. Key informant interviews entailed collecting data by means of unstructured questionnaires which lasted between 60 and 120 minutes each, using the direct contact approach. The unstructured interviews were carried out more like normal conversation, but with a purpose which in this case is their assessment of the implementation and impact of the amnesty programme on sustainable peace in the Niger Delta region. During the interviews probing questions were asked in order to elicit more information from the participants and show participants that the researcher was interested in their experiences. The interviews were recorded by means of a tape recorder to prevent loss of data, and transcripts were made of the recordings.

The transcripts and notes from the focus group discussions and key informant interviews were analysed using content analysis. At the first step of the analysis, the transcripts and notes were reordered to the topics addressed by the discussion. At the second step of the analysis, issues that were brought forward repeatedly or were discussed at length by the participants, and relevant parts from each FGD and notes were ordered by these issues, using a 'cut and paste' method. The third step was to make a summary of the results for each FGD, based on the issues examined in the discussions. The summaries were reviewed by an external expert to test whether the summaries were good representations of the FGDs and the summaries were then revised based on the expert's comments. Finally, an overall summary of the discussions was made.

Components of exclusion in the implementation of the amnesty programme

The components of exclusion identified by key stakeholders include the following:

Exclusion of Some Ex-Militants

The Amnesty package has tended to use the subjective criteria of internal lists submitted by the armed groups, supported by some form of verification by military committees set up by the Defence Headquarters. The weakness of the criteria is demonstrated in the over-bloated size of ex-militants, which seemed to have crowded out the real militants who tended to have come out in later phases. The subsequent inclusion of more ex-militants into the programme between October 2009 and 2012 was a result of agitation for inclusion. There could be several reasons for this. First is that the genuineness or sincerity of programme intentions became clearer as progress was made. It has been argued that some militants were wary of amnesty programme and stayed out of it. Some may have stayed back as part of organized back up force in the event of failure of the programme. There have been numerous protests by former ex-militant groups over non inclusion in the second and third phases of the project, even though they surrendered their arms. In March 2013, ex-militants protesting non documentation of 315 militant camps in Delta State and non inclusion in the third phase by the Presidential Inter- Agency Task Force, set ablaze a gas pipeline in OML 30, in Ughelli North LGA of Delta State. Up-till October 2013, some excluded ex-militants were still allegedly planning to stage protests in Abuja, over agitation for inclusion in the programme.

Exclusion of some ex-militants from the reintegration process

There have been complaints that many ex-militants are still excluded even after submitting arms particularly in the phases 2 and 3. There are also claims that the distribution of reintegration slots

among ex-militant groups and camps was inequitable. Some ex-militant leaders and ex-militants camps are alleged to be given preferential treatment in the selection of ex-militants for demobilization and reintegration as well as payments of reinsertion benefits. There were protests among ex-militant leaders that their camps were allocated very few slots for monthly stipend relative to the number of persons who surrendered and the arms they surrendered in the third phase of the Amnesty in Edo and Delta States.

Exclusion of Some Ex-Militant Leaders from Benefits

There have been complaints about the privileged access to demobilization and reintegration enlistments by some ex-militant leaders and their camps, and the privileged and inequitable treatment of some ex-militant leaders to the detriment of others. For example, surveillance contracts were awarded in 2011 by NNPC to ex-militants leaders, worth N6.36. The specific contracts ranged from Mr. Tompolo Ekpomupolo (N3.6 b), Asari Dokubo (N1.4 b), Ebikabowei Boyo of (N608 m) and Ateke Tom (N960.8 m). These contracts and other possible benefits have been protested as being discriminatory. Part of the grievances of late General Togo who went back to the creeks in 2011 until he was subdued by JTF was unfair and discriminatory treatment. Ex-militants in Aqua Ibom State protested in Uyo in September 2012 over non inclusion in surveillance contracts awarded by the NNPC and lopsided and deliberate neglect of Aqua Ibom people in the Amnesty Programme.

Exclusion of Victims of the Niger Delta Crisis

Inclusive amnesty programmes normally provide benefits and assistance packages for disabled combatants, dependent children of ex-combatants, female ex-combatants, child soldiers, women partners of ex-combatants, vulnerable persons, internally displaced persons, war affected civilians, ex-combatant communities, amnestied political prisoners, and elderly persons connected to armed groups. However, the amnesty programme exclusive as it targets only militants without consideration for the victims of militancy and hostage taking in the region. Mothers who have lost children, children who had lost fathers, families that have lost homes and persons who have been displaced by the conflict were not included in the amnesty package, presumably as a result of their lack of means of violence.

Exclusion of the Youth

Numerous youth in the Niger Delta, particularly the uneducated and unemployed see the amnesty programme as their hope for empowerment and human capital development and have organized themselves and protested in order to compel inclusion in the programme. But the amnesty programme excludes community youths and the youth of the region. However, there have been attempts in some stages of the programme to incorporate some community youth, particularly at the reintegration stage. In the second phase, some youth from several oil-impacted and polluted communities were included. Several components of the amnesty programmes such as the vocational training, economic empowerment and employment creation should not have been limited to the militants. This has sent a wrong signal to others who have been excluded from the

exercise that crime pays and may serve as a driving force for others to want to take arms for recognition.

Gender Exclusion

The amnesty programme was meant for both women and men who in one way or the other, were involved in the militant activities. However, the implementation process, especially after the surrendering of arms in the context of sustainable peace and development in the region, has become lopsided whereby men dominantly were considered in the entire amnesty programme. For instance, in the first phase of the Amnesty Programme 20,192 ex-militants registered for the programme out of which only 0.3% were female. Though some women have been trained in specialized skills centres, in general, there seems to have been no plans for the inclusion of women's needs and concerns in the programme. Yet, some of these women have served as wives, girl friends, combatants, concubines, cooks, informants and couriers in the militant formation. Some women were taken into forced slavery, while others were physically and psychologically abused. In fact, the existence and needs of female combatants have historically been overlooked, just as the neglect of the many and complex roles that women play during war and peace. These neglects lead to a less effective and less informed amnesty programme that does not fully extend to the community level and that may not lead to long-term or sustainable peace.

Exclusion of Conflict Affected Communities

The role of communities in facilitating resettlement and reintegration of ex combatants into civilian and community life has been identified as crucial to any sustainable and effective amnesty programme. The host communities are now regarded as part of reintegration programme and thus should be empowered to participate in the design, planning and execution of reintegration programmes. In the Niger Delta amnesty programme, poor community reintegration makes for reluctance of ex-militants to return to home communities. The "ex-combatant versus society dichotomy" is more effectively broken through community involvement and projects that are mainstreamed by the amnesty programme. The lack of community integration is also responsible for relocation of ex-combatants to urban areas with less likely potential for social stigmatization rather than return to home communities.

Exclusion of Non Ijaw Militant Groups

The narrow basis of the amnesty programme is further manifested, when it is realized that the armed resistance or militia phenomenon was largely in the creeks and waterways. More dominantly, militancy was an Ijaw and associated dialectical groups' phenomenon. Thus the reinsertion payments, human capacity and economic empowerment of 30,000 ex militants is like the settlement of Ijaw youth. However, in the later phases, this settlement has included a sprinkle of Itsekiri and Urhobo youth and other youth who were part of the Ijaw led militia movement. Consequently in the main, it can be claimed that amnesty programme by leadership and beneficiaries is dominantly Ijaw. Thus, activities and beneficiaries of the programme are concentrated among the youth of Bayelsa, and parts of Rivers, Delta and Ondo States. The non Ijaw ethnic groups and Akwa Ibom, Cross River, Abia and Edo have been agitating for more

inclusion in the activities of the programme and even in the appointments and development activities of the federal government.

Policy Recommendations

Based on the findings with respect to the issues and challenges of the amnesty programme as implemented to date, the following policy recommendations are provided below.

- The amnesty programme needs to redesign its goals, content, benefit structure and breath in such ways that they are more inclusive and comprehensive. This will mean that the programme, if it is to continue, will have to include issues that are germane to post conflict transformation and peace-building. In its relationship with the federal government, it should tease out more comprehensive strategies for managing sustainable peace and development. This means that the programme should be connected or linked to or become part of a wider programme of economic recovery, transformation, transitional justice, reparation and resettlement.
- There should be a comprehensive programme for addressing the grievances of the region and transforming the conflict situation.
- There have to be a concrete programme of peace-building comprising relationship building, rebuilding of broken relations, social capital and mechanisms of peace and advocacy, peace works volunteering, early warning systems and conflict prevention.
- The issues of exclusion in the current amnesty programme must be addressed and mechanisms worked out to ensure a system that is satisfactory, acceptable and supported by all segments of the Niger Delta people. The benefits should move beyond ex-militants to youths, women, vulnerable groups, communities affected by the Niger Delta conflict, home communities of ex-militants, and social and community activists.
- There has to be inclusion within the ex-militants in the distribution of benefits. All ex-militants who passed through the eligibility process should be included. There should be provision of spaces for all disarmed militants rather than a situation where those who claimed to have disarmed are still excluded from reintegration benefits.
- The system of payment of monthly stipends should be transparent and accountable. Payment should be made directly to the ex-militants rather than the current system of payment through their commanders.
- The issues of post reintegration training in terms of employment and economic empowerment should be comprehensively addressed because training ex-militants without employment in the post 2015 period is a clear pathway to another Armageddon. Therefore intergovernmental and inter stakeholders structures for synergizing efforts for employment has to be put in place for not only ex-militants but for other Niger Delta youths.

