

Legality, Administration and Management of the Amnesty Programme in the Niger Delta Region: The Nigerian Experience

Abraham Owugbosia Stewart

Department of Political Science, Faculty of Social Sciences, Ignatius Ajuru University of Education, Port Harcourt.

Email: abrahamstewart69@gmail.com

Bar. Ezemonye Chieme

Department of Political Science, Faculty of Social Sciences, Ignatius Ajuru University of Education, Port Harcourt.

Email: ezemonye.chieme@iaue.edu.ng

Abstract

The late President Umaru Yar'Adua introduced the amnesty programme in the Niger Delta region due to the militancy in the region. This paper, Legality, administration and the management of the amnesty programme in the Niger Delta region: The Nigerian experience, takes a look at and raises concerns about its real benefits to the ex-agitators vis-à-vis the generality of the people and its prospects for achieving sustainable peace in the region. Using the descriptive and analytic methods, the study relied on secondary sources of data collection. The objectives of the study, among others, are to examine the legal, administrative, and management aspects of the amnesty programme. The study adopted the system theory by David Easton as its theoretical framework. The paper noted that the amnesty programme of disarmament, demobilization, and reintegration is only an elementary stage in peace building and is not comprehensive enough to address the core issues of the Niger Delta. It further observed that there are no proper legal and administrative rules, that isolated cases of post-amnesty disturbances in the region are an indication of the fact that the government is not sincere in its promises to the ex-agitators, and the managers of the programme lack either financial frugality or are administratively inept. The paper concludes that a credible and dependable rehabilitation programme for the militia groups is a sine qua non in checkmating militancy; based on the findings, the paper recommends, among others, that proper application of justice, equality, and fair play in handling the demands of oil-producing minorities may holistically address the teething problems of the Niger Delta region.

Keywords: Legality, Administration, Management, Amnesty Programme, Niger Delta Region.

1. Introduction

The Niger Delta region is very rich in biodiversity, due to its many rivers and sea, freshwater and mangrove forest that harbours much aquatic and wildlife, and is mostly

*Corresponding author
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occupied by the Ijaw (Izon) ethnic nationality, with the Itsekiri, Isoko, Urhobo, Ogoni and many others constituting the minority group. Their way of life is influenced by the natural environment. The presence of many rivers, rivulets, creeks and creeklets, streams, canals etc. is the reason why fishing forms the predominant economic activity, although subsistence farming as well as trade and transportation forms part of their economic life. They had economic and cultural ties with their immediate and distant neighbours in relatively peaceful manner, although disagreements, civil strife and sometimes wars characteristic of all human existence were noticeable, but not on a scale that is known today.

However, upon contact with the outside world, particularly during the trans-Atlantic slave trade, and in the colonial era when palm oil and its allied products became major export commodities, their ways of life became affected. Their traditional economy suffered a setback. The capitalist economy in all its shades became introduced and overran the pre-colonial traditional mode of production. The colonial economic policies such as taxation, wage labour, and forceful cultivation of cash crops were not in agreement with the local system known to them and this affected both the existing market system during and after colonialism as well as the political economy of the Niger Delta as elsewhere [1].

The British, who had consolidated a foothold in the Delta, named it the Oil Rivers Protectorate in 1884, expanded it few years later and renamed it the Niger Coast Protectorate in 1893 and by 1900 amalgamated it with the Southern part of the territory to form the Colony and Protectorate of Southern Nigeria [2]. By 1914 the Southern and Northern Protectorates were married to become Nigeria, a name derived from the Niger territory and by extension an enlarged Delta [2].

The amalgamation, rather than unite the two Nigerias, polarized it. It brought into existence three dominant groups namely — Yoruba in the west, Hausa/Fulani in the North and Igbo in the east. The 1946 Richards' constitution apparently affirms this ethnic cleavage when it introduced regionalism in Nigeria. According to Ejituwu and Enemugwen [3], the formation of political parties in Nigeria at that time reflected this ethnic coloration. The National Council of Nigeria and the Cameroons (NCNC) became an Igbo-dominated party in the east, the Northern Peoples Congress (NPC) was identified as a Hausa/Fulani party and the Action Group (AG) was associated with the Yoruba.

Outside the major groups were smaller ones referred to as the minorities; prominent amongst them were the Ijaws (Izon) who were palpably afraid that in the event that Nigeria gained independence, they would be subsumed by the three dominant ethnic groups, and it was this fear that led to many protest movements at the eve of Nigeria's independence — a fear the colonial government, though addressed it with the setting up of the Sir Henry Willink Commission of 1957, but did not satisfy the locals [4].

In 1956, when crude oil was discovered in commercial quantity by Shell in the Delta at Ikotopiri in Oloibiri district in the present-day Bayelsa State [5], the high expectations and euphoria that came with its discovery soon became their greatest nightmare. The oil proceeds were not felt in the region but elsewhere outside, and oil, as described by Odogu [6], became the sick-man of the nation, being the least developed both in physical infrastructure and in socio-economic terms [7]. This neglect is the driving force that propelled the youths of the area to vent their anger on both the multinational companies and the government and precipitated militancy in the Niger Delta region. The concomitant effect of which led to the advisability of declaration of amnesty for the militants. This paper will therefore take a cursory look at the

legality, administration and implementation of the amnesty programme and examine the issues arising thereof and what ought to be done, the perspectives, and then draw conclusion.

1.1. Geographical Location of the Niger Delta Region

The Niger Delta region is bounded to the north by Aboh, the Benin River to the west, and Imo River to the eastern side and swamp forests from the Atlantic Ocean to the south by a collection of mangroves [8]. It is said to be Africa's largest delta measuring about 7,000 square kilometres, one third of it is made up of wetland, and believed to be the largest mangrove forest according to Alagoa and Tamuno [9], and the third largest wetland in the world, second to Mississippi and Pantana [10]. It is characterized by three geographical belts namely: the sandy beach belt at the Atlantic seabed, the salt water as well as the fresh water belt [11].

The Niger Delta, as it is known to many today, was artificially expanded to cover all nine oil-producing states of the South-South geo-political region of Nigeria, thus the states of Abia, Akwa-Ibom, Bayelsa, Cross Rivers, Edo, Imo, Ondo, and Rivers State. The decision was the product of a political arrangement created by the civilian administration of former President Olusegun Obasanjo in 2000 to assuage certain political interest for the sake of development purposes. However, historical and cartographical evidences as affirmed by both the Sir Henry Willink Commission's report of 1958 and that of the 1997 Niger Delta Environmental Survey refers to the former three divisions of Ogoni, Degema and Brass together with the western Ijaws as the core Niger Delta [12]. Going by their report, the present Bayelsa, Delta and Rivers states metamorphosed from these three divisions and are therefore the core Niger Delta region. Going by this historical antecedence, the core Niger Delta region is therefore classified into four namely: the Western Delta and its fringe, the Eastern and its fringe, the Northern Delta and the Central Delta [13].

1.2. The Early Economy of the Niger Delta Region

There is no gainsaying the fact that the Niger Delta, from pre-colonial through the colonial times to the present, had an overbearing contact with the outside world, particularly western nations, which created different types of crisis in the area. The activities of different agents, particularly European traders, administrators/colonialists and lately some multinationals, had either directly or indirectly precipitated the crisis in the region. In recent times, the activities of multinational oil companies generated reactions, particularly among the locals in oil-bearing communities, that made the Niger Delta "unsafe" for both foreigners and the Nigerian peoples alike, and this led to the declaration of the Presidential Amnesty.

As stated above, the Niger Delta environment is crisscrossed with many rivers, creeks, canals, tributaries and the Atlantic Ocean. This natural endowment dictated the type of occupation. Expectedly, fishing is the predominant occupation and is done all round the year around the coastal lines. However, in the fresh water belt the abundance of arable land with forest resources support the cultivation of food and cash crops. Furthermore, lumbering and rearing of domestic animals, hunting of games, palm frond gathering and palm oil production, canoe carving, wood and craft works equally hold sway. These economic activities were carried out at subsistence level just to provide for the immediate household, but with time, the scope was expanded and the surpluses were exchanged with their immediate and distant neighbours alike. Ikime [14] described it as "south-south, north-north, east-west and west-east trade."

In the 15th century, when the Portuguese traders arrived in the region, the traditional economy had begun to experience some changes. The Niger Delta people, taking advantage

of their strategic location, became active middlemen between the European merchants and the hinterland traders [14]. The shift of attention to partake of the emerging new economic order stifled the traditional economic growth. This situation became compounded with the coming of the Trans-Atlantic slave trade and later the trade in palm product. Traditional means of livelihood which had sustained families were neglected or abandoned. The colonial era dealt even a heavier blow on the economy of the people with the introduction of some obnoxious and alien economic policies by the capitalist bourgeoisie. Forced and wage labour, taxation, introduction of modern printed currency and banks and many more became issues they were to grapple with. In all of these, traditional economic activities even in the face of “suffocation” still managed to satisfy local needs. However, post-colonial Nigeria marked a watershed in the economic life of the people, particularly with the discovery and exploitation of crude oil and gas [15]. The petro-dollar economy made other economic activities less attractive for two reasons: first, the locals now sought to look for avenues offered by the emerging oil industry to make quick money and shy away from other economic activities; and secondly, the operations of the oil prospecting companies had destroyed the environment and made traditional occupations less profitable. The latter reason appears to be the last straw or blow that broke the camel's back. It led to agitations, protests and militancy in the Niger Delta region [16].

1.3. An Overview of the Niger Delta Crises

Agitations in the Niger Delta pre-date the discovery and exploitation of crude petroleum oil. First, in the pre-colonial era, the Niger Delta potentates vehemently resisted the attempts made by European administrators to diplomatically lure them into signing the so-called protection treaties. Again, there were also attempts made by European merchants to circumvent the African middlemen and forcefully penetrate the hinterlands to get the source of supply of slaves and raw materials. These were all resisted. The bold and determined manner in which these nationalists of the time — King Jaja of Opobo, King Pepple of Bonny, King Koko of Nembe and Nana of Itsekiri and others outside the region — resisted and fought for their rights are too familiar to warrant further details.

In the colonial era, particularly on the eve of Nigeria's political independence (1954–60), the institutionalization of regionalism in the 1956 Richards constitution bred minority ethnic discontent and opened another round of protests and agitations. There was palpable fear among the minority ethnic groups that in the emerging nationhood they would be subsumed by the three major ethnic groups of Hausa/Fulani, Yoruba and Igbo, and the Ijaws took the lead to agitate for the creation of states. The Rivers state creation movement led by Hebron Tom George and others like Chief P. G. Warmate, Chief Melford Okilo, His Royal Majesty Francis Alagoa, Mingi X of Nembe, Chief Napoleon Graham Douglas, Ken Saro Wiwa and many more drew the attention of the British Parliament through copies of memoranda to the effect that the Willink Commission's report did recognize the Riverine people as a peculiar group in the Eastern region [17]. Their agitations led to the appointment of the first commission in the colonial era known as the Sir Henry Willink Commission of 1957 to seek ways of addressing the fears of the minorities [18].

2. Research Method

2.1. Research Design and Sources of Data

This study employed the descriptive and analytic methods. It relied on secondary sources of data collection, drawn from books, journal articles, official reports and commissions,

newspaper reports, charters and declarations of Niger Delta movements, and oral interviews with key stakeholders and administrators associated with the amnesty programme [19]. The objectives of the study, among others, are to examine the legal, administrative and management aspects of the amnesty programme and to assess its real benefits to the ex-agitators vis-à-vis the generality of the people and its prospects for achieving sustainable peace in the region [20].

2.2. Theoretical Framework

This paper adopted the system theory of David Easton [21]. Easton applied the general system theory to the study of the political system. Other pioneers of the system theory are Gabriel Almond, G. C. Powell, Morton Kaplan, Karl Deutsch and Robert Dahl. The system theory is the behavioural approach to the study of politics. As such it can be used to study political institutions such as the amnesty programme of government. A system is a set of elements standing in interaction; and a political system is a system of interactions found in the societies, which performs the functions of integration and adaptation (both internally and vis-à-vis other systems in the environment) [22]. The graphical illustration of the system is presented below.

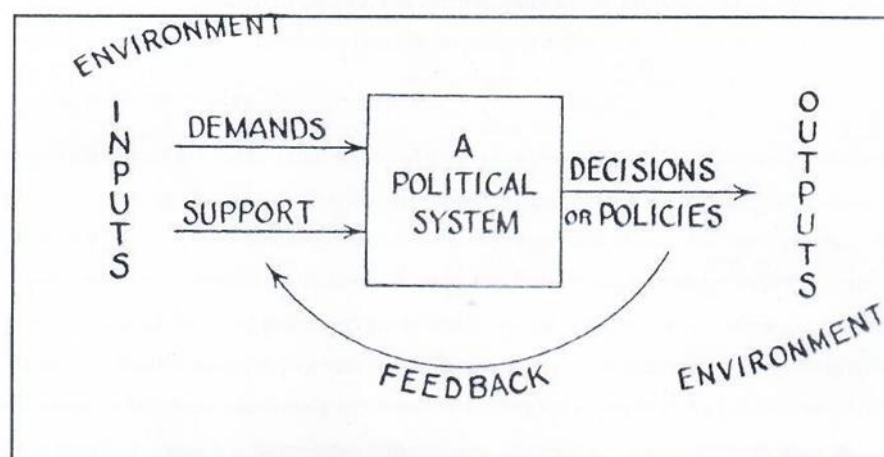


Figure 1. Flow model of the System Theory.

Source: Easton [21].

The system theory is relevant to this study for the understanding of democratic leadership and the delivery of amnesty. Democratic leadership operates in Nigeria in the Niger Delta environment. The region is the system, and the government implements the amnesty programme. The region makes inputs and demands into the system. These inputs and demands are evaluated and converted by leadership into output. The outputs come out as decisions and policies for the authoritative allocation of values. It is by this that social service policies and programmes are formulated and delivered [23].

3. Results

3.1. The Amnesty Programme

Amnesty represented an opportunity to stabilize the region for constructive conflict resolution negotiations. It was not the first time that an amnesty initiative had been put forward to resolve the violence in the region, but this time it was an offer backed with solid proposals for the necessary disarmament, demobilization and reintegration of the region's militants [24].

Despite this, however, the programme was not able to address regional violence, largely due to the lack of attention to the peculiar type of conflict in the Delta and the issues that gave rise to it. Thus, in order to fully appreciate the task of conflict resolution there, it is important to look at past attempts at conflict resolution in order to consider ideas for the future.

Following criticisms of the military option, especially when it became obvious that the use of force by the JTF was aggravating rather than resolving the conflict, an amnesty programme was set up by the Federal Government on 25 May 2009 under the leadership of a former president, Umaru Musa Yar'Adua. Amnesty was the Federal Government's effort towards bringing enduring peace, security, stability and development to the region.

It involved granting of national and unconditional pardon to all armed militants in the Niger Delta region who in turn were to surrender their arms and ammunition, sign an undertaking not to return to the creeks and continue with the struggle and also sign the military re-unification forms. Amnesty followed the recommendations contained in the 2008 report by the Niger Delta Technical Committee (NDTC), initially established by the Federal Government and chaired by MOSOP president Ledum Mitee, to assess initiatives taken in the region and provide a comprehensive report and recommendations. The 45-member committee was inaugurated on 8 September 2008 to collate and review all past reports in the Niger Delta, appraise their recommendations and make other proposals that would help the Federal Government achieve sustainable development, peace, human and environmental security in the Niger Delta Region [25]. The amnesty programme included a disarmament, demobilisation and reintegration process.

The first stage of the programme led to 26,808 ex-combatants accepting the offer. Of them, 20,192 accepted the offer on or before 4th October 2009 and 6,616 during November 2009 [26]. The second stage involved government setting up demobilization camps for the demilitarization and rehabilitation of the ex-militants; while the third stage involved government's engagement with the leadership of the combatants and ex-combatants, as well as non-combatant youths, for employment and socio-economic empowerment. This therefore brought an end to the spate of bombing and kidnappings in the region, and led to an increase in oil outputs. Despite this seeming success, amnesty was alleged to be riddled with cases of corruption which made it less effective than it should have been. As a result, five years after amnesty new militant groups emerged in the region, namely the Niger Delta Avengers (NDA), the Joint Niger Delta Liberation Force (JNDLF), the Niger Delta Red Squad (NDRS), the Adaka Boro Avengers (ABA) and the Niger Delta Greenland Justice Mandate (NDGJM). In response, the Federal Government deployed 3,000 military personnel to the region with a plan to deploy 10,000 more by the year 2017 in addition to launching Operation Crocodile Smile aimed at restoring peace to the region [27]. Criticisms have however followed the deployment of troops and particularly the use of force in the region. Critics are of the view that the new security measures will further worsen the security situation in the region and they therefore called for dialogue. In response to this call, the government proposed a \$10 billion (~~₦~~4 trillion) infrastructural rebirth investment programme for the region. Leaders and stakeholders from the region rejected this, however, on the grounds that they were not consulted before it was proposed [28].

In addition, the Federal Government in November 2016 convened a peace dialogue in which President Buhari met with leaders from the region in Abuja to discuss the way forward. At the meeting, leaders of the region led by Edwin Clark presented a 16-point agenda to the Federal Government and although the president welcomed the requests in addition to stating

that the reports of amnesty would be implemented, peace remains elusive. Some critics have attributed the rise in militancy to the failure of the 13% derivation principle and amnesty to produce development in the region. The result has been pressure and a call for “resource control” or “fiscal federalism” [29].

3.2. Impact of the Amnesty Programme on the Niger Delta Conflict

No doubt, scholars are of the opinion that the amnesty package initiated by President Musa Yar'Adua's administration has brought some level of success that has impacted positively on the lives of the repentant militants in the Niger Delta. They also agreed on the following impact of the programme. It is a known fact that with the proclamation of the amnesty there seems to be relative peace and security have since returned to the region. Furthermore, the Federal Government has therefore met with the aim of restoring peace and safety as the nation's economy has returned to normal. Consequently, at the height of the conflict in 2009, Nigeria's crude production dropped from 2.2 million to 700,000 barrels per day, and as a result of the post-amnesty period, crude oil production increased from 1.9 to 2.4 million bpd in 2013. In 2014 it also increased to 2.6 million and in 2015 it further rose to 2.7 million bpd [30]. Additionally, with the declaration and implementation of the amnesty package, ex-agitators who embraced the amnesty offer had since been disarmed, demobilized and are either undergoing training or have been trained in their respective training centres. Presently, it is evident that the Federal Government has so far enlisted 30,000 ex-fighters in the amnesty programme [31].

The amnesty is supposed to improve the human capital development of the country, which is at present low. In a way the programme has presented an opportunity to build capacity of youths as well as reintegrate agitating youths of the Niger Delta into the mainstream in Nigeria as a confidence-building strategy while gradually addressing the root causes that necessitated the conflict in the first place [32], [33], [34]. If well implemented, amnesty could serve to negate the “resource curse” theory in Nigeria that resource-rich economies such as Nigeria, Congo, Angola, etc. are more prone to mismanagement, underdevelopment and violence. According to Onukwugha, Eke-Ogiugo and Okhomina [31], the amnesty package has helped in the reduction of violent crime as most youths who were involved in anti-social activities have been integrated into the programme, thereby making violence unattractive; such crimes include attacking oil installations, engaging in illegal oil bunkering and kidnapping of oil workers. It is however a fact that violence has now declined but not disappeared. To this end, there is no gainsaying that amnesty has made significant impact on the socio-economic activities and lives of the people in bringing stability in the Niger Delta. As a result, the remarkable achievements and stability generated considerable goodwill for Nigeria among international partners and friends. Besides, the amnesty package rebranded and gave Nigeria a positive image among the comity of Nations [35].

3.3. The Collective Non-Violent Approach to Management in the Niger Delta Region

In 1990, Ken Saro-Wiwa, an environmental civil rights activist, adopted a non-violent strategy under the banner of the Movement for the Survival of Ogoni People (MOSOP) to demand, among other things, the correction of environmental issues in Ogoniland [36]. He could not live to tell the story as he was gruesomely killed by hanging in 1995. In the same year 1990, Umuechem community in Etche Local Government Area of Rivers State was completely burnt down by the Mobile Police Force on the promptings of the Anglo-Dutch transnational oil company, Shell, and scores of innocent and defenceless protesters killed [37]. In 1992 the Movement for the Survival of the Izon Ethnic Nationality in the Niger Delta

(MOSIEND) presented an Izon people's charter to the government and people of Nigeria with an appeal to the international community for urgent intervention. They wanted the issue of state creation and the revenue allocation formulae applied to oil income addressed, the right to control the use of oil and gas and all other resources found in their territory, among other demands [38]. In a similar manner, fifty-two traditional rulers from the Ogbia kingdom, the territory from where the first oil well was discovered, in a charter drafted by the Movement for Reparation to Ogbia (Oloibiri) (MORETO) in 1992, demanded the repealing of the constitutional provisions appropriating all minerals to the federal government and to restore at least 50% of their rights to the ownership of oil and payment to the landlords of the area all rents and royalties from the revenue from crude oil since 1956 [39]. In 1998, youths from more than five hundred communities from about 40 clans representing 25 organizations cutting across the length and breadth of the Niger Delta gathered at the ancient town of Kaiama to deliberate on the best way to ensure the continuous survival of the indigenous people of the Ijaw ethnic nationality within the Nigerian state. The Kaiama Declaration desired that all land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of their survival [40]. On 30th November 1999, Odi town in Kolokuma/Opokuma local government area was sacked by the federal forces under the civilian government of former President Olusegun Obasanjo. It was a reprisal attack following the killing of twelve police officers by an armed gang led by one Ken Niweigha. Although there was no apparent identifiable political agenda that could be linked to this gruesome act, even though the gang used some of the rhetoric of the Ijaw Youth Council (IYC) that was agitating for a fair share of the oil proceeds, the Human Rights Watch [41] stated that it may not be unconnected with the rising clamour from the oil producing areas for a greater share of the oil wealth. However, establishing a concrete nexus between the motive of the gang and the Niger Delta struggle remains elusive and contentious.

There is no gainsaying that many strategies have been put in place to resolve the ongoing imbroglio in the Niger Delta. However, these efforts have failed to have the desired effect of ushering in the needed peace. The failure of the various strategies is probably due to the fact that they lacked sufficient elements of democracy, accountability, equity and active public participation of all stakeholders [42], which is why Abidde [43] opined that “peace cannot be dictated; it has to be a natural born child of a just and humane environment.” In view of this situation, this article proposes Collective Nonviolent Conflict Management (CNCM) as an alternative approach. This approach is based on collective or cooperative problem solving to conflict management. CNCM is a multilateral non-violent and democratic approach to conflict resolution involving a team of negotiators, a mediator and parties to a dispute working together to find a lasting solution. It is an emerging phenomenon in international relations and combines the elements of nonviolence such as dialogue, negotiation and mediation in resolving conflict, building trust and seeking a “win-win” solution [44]. Nonviolence as an ideology and a practice is not a new approach to conflict resolution but has been accepted for decades. It rejects the use of violence as a conflict resolution mechanism and serves as a potent force for resolving conflict and bringing about social change [45]. CNCM as an approach is similar to the Collective Conflict Management (CCM) approach of Crocker and others [44], which involves countries, international and regional/sub-regional organizations, and, importantly, non-governmental organisations or private actors addressing potential or actual security threats in a concerted action to: control, diminish or end violence associated with conflict through combined peace operations and/or mediation, conflict prevention and avoidance; assist,

where appropriate, with a negotiated settlement through peace building, cross-border management and other cooperative efforts and measures; help address the political, economic and/or social issues that underlie the conflict; and/or provide political, diplomatic and economic guarantees or other long-term measures to improve local security conditions which involve international, regional/sub-regional and local actors and institutions supporting negotiation to end a conflict.

CNCM is a multilateral arrangement involving all parties in the conflict management process working together with parties to the conflict to find solutions to their problems. Negotiation is facilitated by a mediator acceptable to both parties. The mediator is a neutral person and a national of another country. The approach is voluntary, informal, improvised and adapted to the ad hoc situation; and because of the peculiarity and distinctiveness of each region, it is most effective when it occurs within regions [44]. Negotiations should preferably take place on neutral ground, for instance in a neighbouring country. In the case of the Niger Delta conflict, Ghana provides an appropriate location for negotiations.

The multilateral approach to conflict resolution has been found to be best suited for resolving natural resource conflicts in the 21st century [46], [47]. Multilateral non-violent conflict resolution mechanisms have been successfully used in the Liberia peace process, the Philippines–Mindanao talks, the Afghanistan–Pakistan border dispute and the Horn of Africa Piracy [44].

3.4. Characteristics and Challenges of the Collective Non-Violent Approach

The collective non-violent approach is usually undertaken by an ad-hoc arrangement or coalition that deals with specific security challenges and immediate conflict management needs in the situation concerned. It is a democratic problem-solving approach that gives parties to a conflict equal opportunity to participate in finding common solutions to their problems. It involves communicating face-to-face with one another, dialoguing, and negotiating, thereby building trust. This is very important in the Niger Delta case as the issue of lack of trust on both sides has impeded the process of dialogue. It is particularly effective when one or more key actors at the official or unofficial level are prepared to take the lead and mobilise partners who are willing to support a shared undertaking. It comprises peace building and conflict transformation processes from their inception to their conclusion, including the implementation of formal peace settlements, which has been lacking in the peace processes in the Niger Delta so far. Its challenges are as follows: (i) It needs a supportive environment as parties to the dispute must agree to the process and cooperate with the team, otherwise it would not succeed. (ii) Because of the issue of sovereignty, a State may be reluctant to adopt an approach that may be seen as foreign interference in its domestic politics. (iii) It is expensive as it requires using a neutral location such as another country and paying members of the team of negotiators and the mediator. (iv) It requires members to have the right skills and resources for the success of the task at hand and as a result it needs long-term planning, training and mobilisation of resources which depend on availability of funds. It is ineffective where one or more key actors are not prepared to take the lead and mobilize partners for the task.

3.5. The Presidential Amnesty Programme and its Administrators/Managers

The introduction of the Presidential amnesty programme for the ex-militants, according to Dabby [48], took a cue from the Bayelsa state amnesty programme put in place by the administration of Chief Timipre Sylva. As governor of the state, he granted amnesty to some Niger Delta militant commanders known as “generals” in the persons of Ebikabowei Victor Ben

alias General Boyloaf, Eric Paul alias General Ugunboss, Africa Okparasia alias General Africa, Pastor Reuben and others to lay down their arms as their activities spelt dire consequences for the economy of the state, about 500 barrels of oil production being shut daily. The amnesty granted to them led to relative peace in the region and oil production level soared and then a “peace House” located at the Azikoro axis in Yenagoa was established [49]. It was the success of the Bayelsa experience that inspired Governor Sylva to sell the idea of amnesty to the presidency that its offer could be a way out for the nation to avert a looming economic danger posed by the activities of the aggrieved youths. Crude oil production was disrupted as a result of the activities of the militants leading to loss of billions of United States dollars and there were serious security implications for their action. The presidency therefore, on the prompting of Governor Sylva according to Dabby, started consultations with different Ijaw leaders on how to douse the tension in the region, although there were other issues. Some of the leaders contacted, according to Toriomo [50], who later became members and signatories to the technical committee on the Niger Delta, included Dr. Ledum Mitee (Chairman), Chief Charles Uwensuyi Edosomwan, Obongawan Grace Ekong, Amb. (Prof.) Lawrence Ekpebu, Brig. Gen. Cletus Emein, Chief John Anderson Esemokumo, Hon. Nduese Essien, Abom Tony Esu, Chief Timi Alaibe, Dr. Sam Amadi, Mr. Sam Amuka-Pemu and Etubom Anthony Asuquo and others.

Inaugurating the committee in 2008, Ebele Goodluck Jonathan remarked: “...the committee is therefore expected to collate, review and distil the various reports, suggestions and recommendations on the Niger Delta from Sir Henry Willink's commission reports... to the report of the National Political Reform Conference (2005).” He further remarked that the technical committee was inaugurated to come up with recommendations that will lead to “the urgent resolution of the crisis in the region” [51]. One of the recommendations made was for the presidency to proclaim amnesty for Niger Delta militants. This was quickly effected, perhaps because of its perceived gains to quieten the region for optimal exploitation of the oil resources to boost the national economy, while other recommendations were pushed to the back seat.

The amnesty programme was to last for an initial time frame of 60 days to run between 6th of August to 4th of October, during which time the militants were expected to lay down their arms to be assembled at designated screening centres in the region [52]. The entire programme was designed to be in three phases — disarmament, demobilization and reintegration (DDR). The first phase required the militants to surrender their weapons; the second phase involved a training/rehabilitation programme at Obubra in Cross River state to be done in batches for one month to re-orientate, counsel and morally rejuvenate them to keep their physical and spiritual sanctity away from further unpatriotic acts. During the rehabilitation programme, they were asked to choose different careers such as welding of oil and gas pipeline, marine services, fabrication and welding technology, exploration, production and processing technology, education, among other vocations. They were then sent abroad for training. The third phase was reintegrating them back to society upon their return with a promise of payment of ₦65,000 monthly stipend with other incentives for them to start a new life. To fulfill these, an administrative machinery with a secretariat was put in place. An amnesty office was established and sited in the nation's capital, Abuja, and a coordinator was appointed to manage the programme. The question is: did those called up for service live up to expectation?

Upon its introduction, the amnesty programme was directly placed under the office of the President and Navy Capt. Caleb Olubolade (Rtd.) was appointed to only supervise and coordinate the disarmament of those who were prepared to surrender their weapons, which was the first phase of the programme. Put differently, Olubolade was only to collect the arms from them. The process kick-started with Boy Loaf, Ateke Tom, Tom Polo, Farah Dagogo and Chief Bibopreghe Ajube alias Shoot-at-sight. These were popularly referred to as the “big five.” According to Dabby and Tebegha [53], the big five were the first set to surrender their weapons and signed a deal with the federal government. These and other generals (warlords or commanders) were then sent to Obubra, Cross River state, for a six months orientation programme to free their mindset from belligerent activities to a positive one. They were basically trained in peace building and thereafter sent to different overseas countries to learn different vocations. The president then appointed Air Vice Marshal Lucky Ochuko Ararile as the pioneer coordinator of the programme on 25th June 2009 [54].

While this process was ongoing, Samson Dabby, president, amnesty vendors forum, stated that another group of delegates began to agitate and clamoured to be part of the programme, and the federal government, seeing that the first phase was yielding positive results, conceded to their demand and gave them another six months timeline to surrender their arms. At this time, the presidency had appointed Chief Undutimi Alaibe to succeed Ararile as the special assistant to the president on Niger Delta and coordinator of the presidential amnesty. The programme was overseen by a board with the coordinator as its chairman and the big five as members. So the second batch of delegates were equally incorporated into the programme and its generals and the foot soldiers were sent abroad for training. He stated that it was during Chief Alaibe's time that the second phase (Demobilization) of the programme started in full scale [55].

Following Chief Alaibe's resignation in 2011 to contest the governorship election of Bayelsa state, Hon. Kingsley Kemebradigha Kuku was appointed special adviser to the president on Niger Delta affairs and chairman of the presidential amnesty office. During his time, another group came up agitating to be included in the programme. This was the third batch, and after their incorporation, relative peace returned to the Niger Delta and Kuku worked seriously on the demobilization and reintegration phases like his predecessor and concentrated more on education and training [48]. During his tenure many youths who were sent abroad for training were absorbed in public offices including the amnesty office.

In 2015, the amnesty programme was shifted from the office of the president to the office of the National Security Adviser (NSA) and Brigadier General Paul T. Boroh was recommended for the position as special adviser to the president on Niger Delta affairs and coordinator, presidential amnesty programme. According to Dabby, president of the amnesty vendors forum, the NSA Babagana Monguno and Boroh, the coordinator, lacked the competence, experience and knowledge about the issues that led to the amnesty and so they began to run the programme like a military affair and it ran into troubled waters. The amnesty vendors forum president claimed that the programme became like a conduit pipe through which huge sums of public funds meant to run the programme were siphoned. Similarly, consultants and contractors were not paid and empowerment programmes were closed. It came to a point that some concerned people started agitating for his removal and consequently P. T. Boroh was removed and quizzed by the anti-graft agency, the Economic and Financial Crimes Commission (EFCC).

In 2022, the presidency yielded to pressure and a new interim administrator, Major Gen. Barry Ndiomu, was appointed. Ndiomu, on assumption of office, revealed that there were about 2,984 students currently benefiting from the presidential amnesty scholarships in various higher institutions. The administrator admitted that there were challenges in the programme over the years, but despite that, between 2015 and 2022, the scheme had produced 121 first-class grades with “tremendous success in education and skill acquisition” [56].

4. Discussion

At the disarmament stage of the programme, it was realized that some of the militants may have failed to submit all guns and ammunition at their disposal. Two sources, Bariwe and Dabby [57], in separate interviews, appeared to share the same view that the disarmament phase was apparently fraught with insincerity on the part of both the foot soldiers, the field commanders and their warlords (the generals). While Bariwe claimed that only about 80% of the arms were surrendered, 20% of the most sophisticated weaponry was retained for purposes of self defence.

The freedom fighters whose interest it is to defend the Niger Delta territory are different from those who blew up oil pipelines or involved in kidnapping for ransom and other vices. The freedom fighters were not part of the amnesty programme and kept back their weapons, stressing that even those that turned in their guns submitted grade two and three types. Dabby on his part stated that the delegates had deep distrust and suspicion of the intention of the federal government in the amnesty programme and this made them surrender only few of their guns and kept back a greater amount of the grade one model still in their custody. Therefore, a cursory look at these claims appears to carry some credibility, looking at it from the fact that Asari Dokubo, styled as a freedom fighter, and his foot soldiers did not submit their guns and were not part of the amnesty programme.

Moreover, frequent threats by the ex-delegates to return to the creeks at the slightest provocation suggest that their confidence is anchored on a hidden strength. This again meant that at the disarmament phase, there was failure to establish the exact number of agitators since not all weapons were surrendered and there was no registration of surrendered weapons for effective tracking. It may then be reasonable to argue that the disarmament phase of the programme actually did not fully demobilize the region in terms of the reduction in the quantity of arms in circulation.

The interim administrator, Major General Barry Tariye Ndiomu, alluded to allegations that the database of the programme was inaccurate, stating that at the time of the disarmament and demobilization stage in 2009, thirty thousand ex-agitators were captured and wondered why the number still remained the same after many years. He observed: “...when I took over office, they still had the same thirty thousand” — even though some had since graduated from the university and got gainfully employed [56].

Aside from the issue of inaccurate database, there are also improprieties in the payment of the sixty-five thousand naira monthly stipends to the ex-agitators. Investigations revealed that the category of bulk stipend payments made to some of the ex-militant leaders show that a single leader receives multiple payments in their accounts with a single Biometric Verification Number (BVN). What this means is that a single BVN received 33 stipend payments of ₦65,000 monthly. The bulk payment as opposed to the single individual payment was conceived from inception of the programme for the militant commanders to receive the bulk

sum and in turn expected to disburse to those ex-agitators in the list that were not properly accounted for during the disarmament and demobilization phases. The bulk payment has seemingly become an avenue of shortchanging some while enriching others.

The Ijaw Youth Council, the umbrella body of all the youths of the South-South region fighting for the wellbeing of the Ijaw ethnic nationality in the Niger Delta, pointed accusing fingers at the officials of the presidential amnesty programme, the National Security Adviser, Major General Babagana Monguno, and some of its staff in the amnesty office for conspiracy. According to Joseph Oyinkuro [58], the NSA instructed Col. Dikko and some senior staff members of the amnesty office to ensure that he (Dikko) fed in 40 slots into the overseas training programme before the expected termination date of the programme.

The greatest issue with the amnesty programme appears to be in the implementation of the rehabilitation phase. Dabby [48] stated that over 80% of the funds are spent on payment of consultants and contractors, while 20% alone are committed to rehabilitation of militants. Besides, there is the issue of inflating or over-bloating of the actual registered list of beneficiaries, irregular and/or non-payment of their monthly stipends, huge disparity of allowances between the foot-soldiers and their commanders and generals, as well as lack of prospect of employment after their training and politically motivated appointments of coordinators and staffers of the secretariat, among others.

Another critical issue is the legal framework of the amnesty scheme. Government and the necessary organs of government have not backed the amnesty programme with a law that will guard the amnesty implementation; therefore, different operators and administrators are not equipped with the necessary rules and regulations for the success of the amnesty programme in Nigeria.

The last phase is the reintegration, which is to train and reintegrate them into society. It has three units: vocational training, education, and post-training and empowerment. While the vocational unit places ex-militants in vocational training programmes, the education unit enrolls ex-militants in tertiary education institutions and the post-training empowerment unit takes care of ex-militants who have completed their training to help find employment opportunities [59]. From the initial short-term structured five months vocational training in Nigeria, the amnesty administrators restructured it to long-term training and educational programmes locally and abroad to widen their chances of getting employment in the labour market.

Another issue that seemingly militates against the success of the amnesty programme is the attitude of some Niger Delta elders. According to Toriomo, chairman of phase one amnesty group in Yenagoa, some prominent elders, commanders and generals from the region have been compromised and they cannot speak out. Most of the elders from the region who are supposed to speak are wining and dining with the leadership of the programme, vying for fat contracts. Similarly, big-time militant commanders like Ateke Tom, Tompolo and "Shoot-at-sight" are alleged to have become close friends to the managers of the programme and the NSA and have turned blind eyes to their excesses and can no longer speak out. Worse still, the leadership of the Ijaw National Congress and the Ijaw Youth Council appears to have become willing tools in the hands of the managers of the programme.

5. Conclusion

From the issues arising in the legality, administration, implementation and management of the presidential amnesty programme in the Niger Delta, it thus appears that the programme

has succeeded more on the side of the federal government — because the cease-fire has provided an enabling environment for the continuous exploitation of the oil resource — than for the beneficiaries and the majority of the population of the Niger Delta people, while the problems of the region from which agitations in the region continue to fester and there is no permanent solution in sight. The conspiracy theory that funds meant for the amnesty programme are being siphoned through consultancy services and feeding of fictitious names into its database appears to hold sway.

The administration hierarchy, acting in consonance with some prominent elders from the Niger Delta and some super ex-militant commanders, continue to feed fat from the programme. Corruption, administrative ineptitude, no legal framework, greed, nepotism, connivance and lack of entrepreneurial zeal on the part of most of the ex-agitators (beneficiaries) are identified as some of the issues militating against the success of the programme.

As it is now, the majority of the ex-delegates are left in a hopelessly despondent situation that is seemingly calling for remobilization to the creeks if urgent steps are not taken to particularly checkmate the unwholesome practices of the managers of the programme. As one of the sources rightly stated, a time bomb is set and may explode at any time, and where this happens, the consequences are better imagined than discussed.

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