

## **THE AMNESTY QUESTION IN POST CONFLICT NIGER DELTA AND PEACE-BUILDING**

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### **Abstract:**

*The Niger Delta is the “honey land” of Nigeria where the honey has continually been milked and the bees left to sting the indigenes. The Niger Delta issue has become a perennial crisis, first because of the different positional views of involved stakeholders, the lack of political will on the part of the state to curb it and the non-recognition of the issue as a national problem leading to national insecurity. The thrust of this paper is to ascertain how far the amnesty initiative of late President Umaru Musa Yar’Adua has contributed in peace building within the post conflict Niger Delta region. It discusses the challenges of the amnesty programme with the view that amnesty is only a means to achieving durable peace and not an end in itself. The skepticisms of the amnesty programme are vividly discussed with the opinion that the programme may fail thus with great consequences for Nigeria. Recommendations are made for the amnesty to achieve its goals and by implication putting an end to the bitter lingering squabbles in the Niger Delta region which constitutes national insecurity for Nigeria.*

**Key words:** Amnesty, Niger Delta, National security, Nigeria, Peace Building

### **Introduction**

The cessation of hostilities and the end of vocalized or overt violence does not mean the achievement of peace. Even peace agreements where they exist do not in themselves end wars and build sustainable peace. Rather these situations present an environment where with proper, delicate and committed leadership, the prospects of peace can be translated into lasting peace and the situations that threaten peace are eliminated. If we take the amnesty as a major milestone in the resolution of the conflict, then the region is in a transition to political stability and socio-economic transformation. (Malan, 2008)

One issue that should be of utmost concern to every Nigerian is the Niger Delta crisis because there lays the economic well-being of the nation as a whole. Unfortunately, the issue has been perceived, the notion nurtured, trivialized, treated and assumed to be of paramount and sole concern to the people occupying this region which has culminated into minority question. The region accounts for over 80% of government revenue, 95 % of export receipts and 90% of foreign exchange earnings (Imobighe, 2004). The Niger Delta is the “honey land” of Nigeria generating grievances because Nigeria and the world have licked (still licking) the honey whereas the bees are left to sting the indigenes. Before independence crude oil was discovered in commercial quantities in the Niger Delta region at Otagbagi, very close to Oloibiri in present day Bayelsa State. This ushered in lofty hopes for development coupled with Nigeria’s independence in 1960, which in turn gave high aspirations and expectations of development for the entire country. These hopes have become frenzy euphoric and ecstatic.

However after fifty-two years of independence Nigeria is still dabbling and dragging its feet on the path to economic development and political stability. The Niger Delta after over five decades of crude oil exploitation and exploration has remained undeveloped suffering both human and

ecological devastation. This is one of the paradoxes of want and plenty in the African continent. The Niger Deltans have expressed dysphoria and discontent of their conditions through several peaceful means including appeals, petitions and litigation. Unfortunately the Nigerian state in gross irresponsible insensitivity has not adequately shown any sympathy for this affliction. Being so angst about their future consequent upon the state's irresponsible response to their plight the Niger Delta youths resorted to violent actions to register their anger. This is what is today referred to as militancy in the region.

The federal government of Nigeria and the host communities of Niger Delta have different positional views about the crisis which has contributed to its lingering. Paradoxically, what peace and security means for the federal government is at variance for the people as well as development. To curb this militancy in the region the government of President Umaru Musa Yar'Adua introduced the amnesty programme in order to ensure peace and security. Notwithstanding, the amnesty has guaranteed negative peace in the region with its high skepticisms of transforming it to enduring and lasting peace. This paper will make a brief overview of the Niger Delta crisis, for a proper understanding of the different opinions of the actors. It will discuss the amnesty programme as a means to peace building in post conflict Niger Delta. Finally, an appraisal of the amnesty programme will critically be looked at with recommendations that will strengthen the peace process for a long lasting peace to be the lot of the Niger Delta and Nigeria in general.

### **OVERVIEW OF THE NIGER DELTA CRISIS**

The effort of this paper is not to account historically the Niger Delta conflict but it is proper to state that conflict in the Niger Delta precedes formal colonialism, crude oil discovery and Nigerian independence. Ipso facto, it is well to assert that militancy has been in the region before crude oil discovery alas, the trend since then and now emanated from the struggle for wealth control among other things. Historians (Ayodele, 1999; Hargreaves, 1996; Tamuno, 1999) have traced the era of militancy in the Niger Delta to the time of Jaja of Opobo, Ovonramwen N'Ogbaisi of Benin establishing that the British interest in the Niger Delta or Oil Rivers goes back to 1851 earlier before the 1885 proclamation of the region as a British Protectorate. The militancy at this era, was the resistance of British dominance and control of the oil palm trade by noble Delta kings like Jaja of Opobo.

However, the British dominated the Niger Delta trade without developing the region owing to its fragile, delicate and swampy topography. Oil was first discovered in commercial quantities in August 1956 at Oloibiri, Bayelsa State and exploration began in February 1958. There were 24 oil fields by 1967 and a production of 582, 025 barrels per day (bpd) (Etekpe 2007: 57). The inception of oil exportation got the accompaniment of high hopes for massive development of the region. Pathetically the joy has become dysphoria as the natural endowed blessing has earned agony and penury to the people. The Niger Deltans have used a plethora of means to decry their plight which include petitions, civil agitations and now militant agitation. As a result, Adaka Boro resorted to revolts and nationalism in order to seize the state power to effect the development of Niger Delta. On February 23, 1966 he went far miles to declare the Niger Delta Republic which the federal government declared war against him, wrestled and conquered the insurrection within twelve days.

In the 1990s, the emergence of Ken Saro-Wiwa and the activities of his group, Movement for the Survival of Ogoni People (MOSOP) gave a much leeway to the conflict. For Ken Saro-Wiwa, it was a struggle and quest for self-determination as Naanen (1995) and Osaghae (1997) argue in similar view that the crisis is a struggle against colonialism and minority agitation for a fair deal

in a negatively skewed federalism. The arrest and death of the author Ken Saro-Wiwa gave the Niger Delta struggle an international status and instead of deterring others, myriad of militant groups started emerging. According to Ikelegbe (2010:32)

The turning point in the transformation of demands into political and volatile ones and in the militant agitation for the demands was the Kaiama Declaration of December 1998 made by Ijaw youths. It was this declaration that put resource control in the front burner. It also was the commencement point of militant agitation and militia formation and engagements.

All these emergent militant groups have taken up arms to press home their demands. After waiting for over fifty years, they realized that oil has brought untold misfortune and severe misery. Their land has been over taken for exploitation and exploration, their rivers and waters polluted just like the air, and their occupation fishing and growing of crops has become impossibility without any alternative. The plight of the Niger Deltans is captured in the words of Ikelegbe Augustine *inter alia*;

The grievances of the region have been numerous. These have included disinheritance by federal government laws, loss of control over their resources, marginalization in the oil economy, marginality within the Nigerian federation and militarization and repression through the military and security agencies. In relation to the TNOCs, the region complains of environmental pollution, mistreatment, poor compensation practices, poor benefits, unfulfilled promises, failures to implement memoranda of understanding and inadequate employment and representation. Other grievances are the poverty, deprivation, high youth unemployment and hopelessness, the location of head offices of TNOCs outside the region and the takeover of oil benefits and oil blocks by non-indigenes of the region. (Ibid. 31)

These grievances true is inexhaustible and real facts. The response of the government and the TNOCs led by Shell to the crisis is severe repression, suppression, subjugation and inhumane. Each has a position on the essence of the crisis in the Niger Delta hence what security, peace and development means to the government and the TNOCs is inconsistent with that of the host communities. For the Nigerian state, the Niger Delta is security crisis and not underdevelopment and marginal representation. This explains the reason why the state has often used military confrontation against the poor and innocent people of the region. It equally offers reason why the state has restricted her attention to issues like; communal activities against oil companies, militant activities, murder of state security personnel, destruction of oil facilities, hostage taking and murder of oil workers among others. This further explains why the Nigerian state has christened these people 'vandals', 'criminals', 'saboteurs', 'murderers', 'miscreants', 'militants' and 'skelms'. The Nigerian state has at different times unleashed pain and violence on the people, the Umuechem Massacre of 1990 (Suberu, 1996); the Ogoni Genocide (The News, May 1993; Suberu, 1996); the Odi Massacre of 1999 (Aghalino, 2009) and Gbaramatu Massacre of 2009 (Adebayo, 2009) which has generally been nicknamed total crackdown. In these crackdowns, properties and lives were not only lost but many were raped, maimed, deformed, displaced or forced into exile. (Oshionebo, 2009)

## **AMNESTY: THE PATH TO PEACE BUILDING IN THE NIGER DELTA REGION**

It will be fair to acknowledge the non-confrontational response of the federal government to the Niger Delta conflict. Many committees and commissions have been instituted to consider the issue, while the committees have been empowered to proffer solutions in advisory capacity to the government, the commissions have been created to effect development in the region. The first major attempt at redressing the problem of the oil producing communities was the establishment of Niger Delta Development Board (NDDDB) in 1961 (Aghalino, 2004) apart from the Willink commission Report before Nigeria's independence. By 1976 Decree No 37 established among other Basin Authorities, the Niger Delta Basin Development Authority to replace the NDDDB. Going the way of its predecessor, Oil Mineral Producing Areas Development Fund Committee was set up in 1986 principally to disburse the 1.5 per cent fund from Allocation of Revenue meant for the development of the area. However, the Supreme Court passed judgement not in favour of the committee aborting it prematurely. Gen. Ibrahim Babangida on 19 July, 1992 through Decree No. 23 established the Oil Mineral Producing Areas Development Commission (OMPADEC).

To our day, we have the Niger Delta Development Commission (NDDC) in which life was fused into it by the National Assembly in accordance with section 58(a) and 5 of the 1999 constitution after President Olusegun Obasanjo's refusal to assent to the bill. This singular act seemed to be a resolute will by the government to effect development as special bodies were empowered to supervise and direct the activities of the commission. The NDDC, since its establishment on 5 June, 2000 has very little to account for the huge funds allocated to it for the region's development. Apart from these commissions myriad of committees have been set up to make recommendations on how to end the Niger Delta crisis by means of development. These committees include; Belgore Report 1992, Don Etiebet Report 1994, Popoola Report 1998, Ogomudia Report 2001 and the Report of the Technical Committee on the Niger Delta, November, 2008 among other reports relating to the Niger Delta especially those of the United Nations and non-government organizations. In 2008 the ministry of Niger Delta was created to work with the NDDC in bringing about development within the region.

In spite of all these commissions and committees, the Niger Delta has remained undeveloped and the crisis lingers to the level of low intensity war. For the Niger Deltans, the government has always and only assumed what their problems are but has never made effort to engage them in dialogue to know their true plight. Corruption, lack of political will and political intrigues between the federal government and oil state governments have had greater consequences in obfuscating and distracting these commissions from its statutory functions. Because of these reasons the people assume that all these positive responses of the federal government to the anti-oil protests are mere guilt assuaging projects which does not satisfy their yearnings. The question to ask is do we need commissions and committees to develop Niger Delta? Aghalino (2004:125) answers viz;

... the federal government does not need to set up commissions to address the Niger Delta crisis. Certainly no commission is needed by the federal government to direct the oil firms to give preference to the indigenes of the Niger Delta in their recruitment drive of the federal government and the oil firms. For example, the federal government massively developed Lagos without recourse to a commission. The federal government has spent billions of naira checking the ocean surge in Victoria Island, Lagos, without

recourse to commission. What, perhaps is needed is political will devoid of intrigues and power-play between the federal government and the oil bearing states governments.

However, one of the committees, the Report of the Technical Committee on the Niger Delta which was headed by Barr. Ledum Mitee submitted its findings and recommendations to the federal government in November, 2008. One of the highlights is the recommendation of amnesty programme which took the late President Umaru Musa Yar'Adua about seven months to announce. The amnesty proclaimed gave a 60 day unconditional amnesty period for militants in the Niger Delta to surrender their arms, unconditionally renounce militancy and sign an undertaking to this effect. In return, the government pledged its commitment to institute programme to assist their disarmament, demobilization, rehabilitation and provision of reintegration assistance to the militants. These are major preconditions to address wider development challenges in the Niger Delta. The amnesty is presently the current track on the pathway to peace building in the Niger Delta.

### **THE AMNESTY PROGRAMME: AN APPRAISAL**

An amnesty is an exoneration and pardon from punishment for certain criminal, rebel and insurgent actions committed usually against the state and society. An amnesty is always backed by law and has a specified period of time for the assumed offenders to admit the offence and accept pardon. Amnesty guarantees an interregnum of peace, cessation of hostility and a state of unsecured quiet which necessitates a post conflict scenario for peace building.

Post conflict transition ensures comprehensive changes in terms of structures, institutions, orientations and attitudes. It is very sensitive and involves socio-political engineering, economic recovery and military and security interventions. Collier, Hoeffler and Soderbam (2006) have found that post conflict economic growth and economic recovery for example reduces substantially the risk of conflict reversion. Unresolved grievances, poverty, decay of trust, intention and confidence and unfocused leadership are among the factors which can cause relapse to conflict. Post conflict reversion is very costly and dreadful. Stages in the management of post conflict transition to peace are sequentially disarmament, demobilization and reintegration. (DDR)

Peace building is an all-encompassing whole process of facilitating and strengthening enduring peace. According to Fisher et al (2000:14) peace building involves “understanding programmes designed to address the causes of conflict and the grievances of the past and to promote long term stability and justice”. It is an effort to ensure socio-political and economic stability of the society. Peace building is proffering durable solution to a conflict ridden society to achieve durable peace. They further stated that peace building does not only address conflict behaviours but more importantly the underlying context behaviours that gave rise to violence. (The causes and triggers)

Disarmament is a form of weapons control strategy both at production and circulation. In a post conflict society, it is the surrender of arms by ex-combatants at designated sites or camps which signifies end to fighting. Disarmament is essentially a military operation, designed to manage the instruments of violence (arms and ammunition) such that a secure and stable environment (Gwinyayi, 2007) is made possible for post conflict transition and implementation of peace agreements. The success of disarmament is determined first by the quantity of arms surrendered in relation to the estimated stockpiles and available arms, secondly by ensuring inaccessibility of arms and arms flow which guarantees no possibility of rearmament. While disarmament controls the physical tools of violence, demobilization controls the human tools of violence.

Demobilization is the first step of transition from combat and militarized life to civilian life. It involves dismantling and disbandment of non-state fighting forces and paramilitary forces that are usually assembled in camps for a change of life orientation. The transition process is usually managed through pre-discharging and post-discharging orientations which includes counseling on non-violent life and life career. Disarmament and demobilization are part of a military process but reintegration is a civilian process and the overall success depends on the proper execution of each phase.

Reintegration involves the absorption of ex-combatants into the society through gainful training and empowerment. It is geared towards economic independence and self-empowerment and peaceful and civil roles of ex-combatants in the society. Reintegration addresses the specific needs of ex-combatants by offering support in terms of skills development, education, professional training, micro credit and assistance to return to peaceful and sustainable livelihoods. It is broader than disarmament and demobilization cutting across economic and social life of the demobilized persons. Reintegration goes far beyond ex-combatants to include war veterans, families and communities of ex-combatants and veterans and disabled combatants. It takes years to achieve reintegration.

The present difficulty lies in discussing how much the amnesty programme has achieved. Some scholars who wrote at the early stage of the amnesty were of the opinion that the promised land is near or has been reached, maybe because of the unsecured quiet it produced. Latter writers came to identify certain lapses especially in the implementation process and funding that will limit the amnesty from achieving its purpose. This paper shares this opinion and believes that it is only a thing of time for the region to revert to open violent conflict. This position may be judged and considered pessimistic, cynical, hasty, rash and tendentious but present conditions and events are more attuned to this stance. Except urgent efforts are made to refocus the drifting programme on the right course, again, it is only a thing of time for the region to revert to open violent conflict.

The amnesty programme is now on the third stage of transition which is reintegration but what is worrisome is the success of disarmament and demobilization because the overall success is dependent on the success of each. Other worries include the legality of the amnesty, who and who are truly the militants? The amnesty is not backed by law or even a gazette meaning it is not an established policy. It is only a presidential proclamation without any legal status and in Nigeria where there is no policy continuation by succeeding governments what happens to amnesty and the militants when a new president assumes power. Imagine it! The militants have openly accepted criminality but their assumed pardon has no legal backing therefore they are liable to punitive justice. Ikelegbe (2010:74) put it this way;

It was in a sense, a form of surrender without losing the low intensity war. It was a great show of statesmanship by the president, a massive gamble on the path of government and a big risk taken by militants. This in essence is the greatest weakness and vulnerability of the programme. A surrender without defeat and without negotiated agreements and substantial efforts at address and resolution of grievances and problems that root the conflict, is an imposed and fragile peace that is highly susceptible to pushes beyond the precipice.

Again, the amnesty is one sided. The amnesty should also be for the Joint Task Force who equally engaged in criminal, atrocious and inhumane acts tantamount to crime against humanity

in the Niger Delta. The military operations have been harassments, human rights abuses, brutality, rape, torture, arrests and detentions, extortion, plundering and destruction of properties. In Odi, Gbaramatu, Ogoni, Odioma, Choba, Ikon, Ikenyan and Umuechem all have suffered these forms of assault, criminality and violence from the government security forces. The attack on Odi in 1999 was estimated to have killed about 2,483 persons and displaced 20,000 people (Ukaogo, 2010). This is more than the number of deaths per annum in low intensity armed conflicts involving open hostilities. Therefore the amnesty is supposed to extend to these military personnel who have rudely indulged in crimes against innocent civilians.

Concerning the funding of the amnesty programme, there is a juxtaposed opinion of underfunding and over funding. However, it will be appropriate to share the latter opinion and amend the former. The amnesty is not underfunded but has been misappropriated funded leading to delays, diversions and reductions of the stipulated amounts. This is not under funding. In fact, the programme appears to be a new largess, lucrative business for militant leaders, NGOs and politicians alike. While in camps they were paid ₦ 1,500 per day feeding allowance and ₦ 20,000 per month for a maximum of three months for the period of demobilization. This monthly stipend has since been increased to ₦ 65,000. Comparatively, graduates in National Youth Service Corps orientation camp are fed on ₦ 100 per meal three times a day and for the twelve months of service are paid about ₦ 19,975 per month, thus the amnesty is not in any way underfunded. This is about the militants not to talk about their leaders who have become billionaires overnight. According to Oluokun (2012:38-40);

... about ₦ 127 billion was budgeted for the Niger Delta amnesty programme from 2009-2011. A further analysis indicated that of the amount, ₦ 3 billion was spent in 2009 as take off grant for the initiatives, while ₦ 30 billion and ₦ 96 billion were spent respectively in 2010 and 2011 for payment of stipends and training of the ex-militants; ₦ 74 billion, equivalent to the budget of some states in the country, was allocated for the programme in the 2012 budget... ₦ 15 billion contracted awarded to the Global West Vessel Specialist Limited GWVSL, a firm widely believed to be owned by Tompolo, to supply 20 vessels for the use of the nation's military authorities to secure the waterways... the federal government maintain an annual pipeline and maritime security contract with Asari Dokubo for US \$ 9.5 million, or ₦ 2 billion, ...Boyloaf and Ateke Tom are annually being paid US \$3.8 million (₦ 1.2 billion) each to protect pipelines in the Niger Delta.

However, the above does not suggest under funding but reckless and senseless spending which has created problem for the amnesty. The amnesty has sharply deviated and has culminated into bribery of militants for peace. The effect is already manifesting as many jobless youths in the region and outside have taken the title of ex-militants and are agitating to partake in the amnesty banquet. Apart from the 6,166 militants who were incorporated into the programme in November 2010 after the October 4, 2009 deadline another 3,642 persons have formed the third phase making up the number to 30,000 ex-militants now in the programme (Ibid. 38-39). This is a product of over funding and deviation from the objectives of the programme. It will not be a surprise that fourth, fifth and sixth batches will soon follow. Opeyemi (2012: 79) states "this has made even the non-militant youths to begin to indulge in militancy in order to become beneficiaries of such economic packages that accompany the amnesty programme". In a way it

supposes that the Nigerian government after all is well buoyant to pay unemployment benefits to the Nigerian unemployed youths even if it is ₦ 5,000 per month.

Another problem with the amnesty is that it tends to have a narrow scope perception of the agitation that is only based on militancy. Conflict transformation does not centre on people alone but also rehabilitates the torn community. The entire programme has been haphazardly designed, packaged and implemented. It is obvious that the programme has been ad hoc and has lacked a consistent permanent structure. The rehabilitation of the environment, destroyed communities and even other members of the community who are not ex-militant are not part of the programme. For the government, the amnesty is a success since daily oil production is at its peak but the root grievances remain unattended and the region undeveloped. On Tuesday February 21, 2012 the petroleum resources minister, Mrs. Diezani Alison-Madueke in a keynote address stated;

The nation's actual crude oil (+condensate) production rose to an average of 2.39 million barrels per day, consistently maintained above the budgeted production level of 2.30 million bpd... similarly gas sales rose by more than 70% to an average 4 billion standard cubic feet per day in 2011 and for the first time, industry supplied more domestic gas than was consumed by the power and industry sector. The Nigerian Liquefied Natural Gas Company (NLNG) had one of its most successful years, with production of peaking at 21.2 million metric tons in 2011 alone. Thanks, in no small part, to the amnesty programme which allowed unhindered access to oil and gas operations and activities. (The News, 2012a:49)

In all these short comings how well did the disarmament and demobilization process which the government declared a success go? Lack of facilities, delays of funds, lack of qualified counselors was all obvious obstacles during demobilization. In disarmament, facts remain that the disarmament that took place was never thoroughly carried out. Ammunitions and weapons surrendered by militants are not commensurate to their number and estimated amount of arms expected. The arms surrendered totaled 1,798 rifles, 1,981 guns of various types, 70 RPGs, 159 pistols, one spear and six cannons (Agbo, 2011). The arms delivered at the designated sites were purported to be new weapons which were purportedly bought by the Niger Delta states governors just to keep the programme going. Within months while the disarmament as completed, MEND set off two car bombs on 15 March, 2010 in Warri where a post amnesty dialogue was being held (The Guardian 2010:1-2) which attests that the disarmament was not successfully carried out. For the third batch of the ex-militants, nobody knows when their disarmament occurred but that depends if they were once militants and had guns.

The truth is that amnesty has failed to address the core root causes of the Niger Delta grievances. In his 2009 independence speech, the late President Umaru Musa Yar'Adua stated that "with a view to engendering lasting peace in the area, we proclaimed a general amnesty... 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 properties, human capital development, land tenure and wealth creation" (The Guardian, October 2, 2009). There is no ecological rehabilitation in the amnesty programme and poverty, lack of infrastructure and unemployment is on daily increase. Unfortunately Dan Alabarah, Head of Media Department of the Amnesty Programme in the Presidency stated that their mandate is "to train these former



agitators and reintegrate them back to the society. The responsibility of developing the region lies at the doorstep of the Niger Delta Ministry” (Oluokun, 2012:42). This does not only speak of lack of plan for the programme but an open insincerity about government intentions. The position of the Ijaw Foundation that amnesty was not a genuine effort to achieve peace in the Niger Delta because it deliberately failed to address the fundamental causes and issues of the conflict is now being ratified by the government. Also limiting the amnesty indicates the fact that it was not implemented from the Technical Committee’s stipulated guidelines thus it has become a policy summersault. However all these have great consequences because conflict reversion is very costly.

Finally, let us peruse into the future of what may happen if the conflict reverts while stating that Bayelsa producing the vice president then and now the president helped in the militants embracing amnesty. Constitutionally the president stands the chance of second term (though he promised he won’t contest again) and the northerners are agitating to cling on the power again. However should President Jonathan contest 2015 that means Boko Haram will go wild and if Boko Haram has been suppressed, a new group will crop out from the north to disturb the peace of the country once more. Conversely if he honours his words and decides not to contest, the militants will return to the creeks to continue agitation because the amnesty (sure a failure then) would not have addressed the root causes of their grievances. This is the dilemma of 2015 Nigeria. No government can award contracts to ex-militant leaders and fund the amnesty so handsomely like the present administration does. There’s high tendency of serious internal conflict in Nigeria at the collapse of the amnesty capable of producing refugees. This will tell on the whole of African continent because by the time the south west moves into Benin Republic, the whole bread in that country will finish in one hour. This ugly situation needs to be averted by every possible means.

#### **AMNESTY: THE WAY FORWARD**

The amnesty in a way has compounded the Niger Delta problem as will soon be the case. The huge funds spent on ex-militants and their leaders should have been used to assuage considerably the environmental and infrastructural demands of the people and rehabilitate their communities. This is a true step to attaining true peace. After these militants get trained, their agitations for development will become more severe in violent and non-violent ways because they have fully been exposed to know their rights. However, the federal government has to adopt some measures to avoid this future conflict which is being incubated under the amnesty programme.

It is very much out of place to recommend establishment of commissions to develop the Niger Delta region because NDDC and its predecessors have proved dysfunctional. The first effort in solving the Niger Delta problem is to convene a dialogue that will encompass all the stakeholders involved. However this dialogue has to be convened by an independent third party with no alliance to the government or the TNOCs. This dialogue will provide the opportunity for the people to duly air their grievances and the preferential ways they want their problems to be solved.

Again, the passing into law of Petroleum Industry Bill (PIB) and its genuine implementation will go a long way in assuaging the plight of Niger Deltans. However, the bill has to be reviewed in order to accommodate more of the demands of the people. “Another important thing is that the PIB will significantly address environmental challenges associated with exploration and drilling of oil... in the case of NNPC, the PIB will separate the NNPC as a business from also being the regulator. It would unbundle the NNPC so that the regulator will be different from the business” (The News, 2012b: 48-49). One important thing is that the Petroleum Industry Bill will make the

oil communities stakeholders in the oil economy and will increase their participation and decision making in the oil economy.

However, this paper recommends that the operating license of all the TNOCs in the Niger Delta be withdrawn immediately. The government should engage other companies that will be willing to explore oil in line with international best practices. To this end, the new companies must avoid oil spillage, flaring and other dangerous and hazardous oil exploration practices. For any of the current companies operating in the region who may want to come back, such company should first clean up all spillages in its operating domain and pay compensations to the affected communities. Such company should enter into a new agreement with both the government and the host communities to live up to its corporate social responsibility. License withdrawal is a pragmatic measure in addressing the Niger Delta problem since none of the companies will like to stop enjoying the oil benefits from the region and at the same time knowing that many other companies will love to occupy their place.

Furthermore, many scholars have called for restructuring of the Nigerian federation and derivation formula as a way of addressing the Niger Delta problem. Revising revenue derivation and proper federal structure to accommodate and represent all the regions of the country will immensely help in solving this problem. This paper does not undermine the effectiveness of this measure in dousing the problem but its concern is that lack of political will by government will make it unachievable. However, it recommends that, the federal system of government in Nigeria should be jettisoned because it is dysfunctional and unsuitable for a society like Nigeria which is driven much by 'ethnic national' inclinations. Incorporating equal development for the diverse parts of the country seems infeasible in the present system of government and has created deep feelings of sidelining and marginalization. It is recommended here, that Nigeria adopt a confederacy to facilitate the development of the diverse ethnic nationalities. First it will not only address the lapses of the federal system as practiced but will also address the question of self-determination by the Niger Delta and other regions in Nigeria. It will also in a way resolve the issue of Land Act because the regions will determine their development being stronger than the centre.

As earlier stated, no commission or ministry is needed to be set up to bring development in the Niger Delta. The federal government should deploy tractors to the region to begin work on roads while good drinking water is provided for the people without waiting for NDDC or using any commission. It is better for the government to award contracts directly and hold the contractors responsible for non-execution than giving funds to the commissions only to be embezzled. Moreover, it is not just awarding contracts, but it should be awarded to reputable and well-known companies with time limit for completion. Some contracts have been awarded in the past to companies that only existed on paper without offices and equipment. Massive infrastructural development of Niger Delta is the sure answer to the desired peace.

Lastly, there is the need to have a social reengineering of the Niger Delta area. So many abuses have been committed by the Nigerian security forces, loss of lives, properties, detentions, torture, rape and all the social ills. Many communities have experienced total crackdown and some militants are still held and being tried in law courts. These militants should be released in line with the amnesty programme as an effort in social reengineering of the region. The government should choose his choice of words when addressing these people because it tends to influence them and make them act in such manner in which they are addressed. They have been labeled as criminals instead of freedom fighters or at worst militants and this simply has shaped

government's perception and actions. Families and communities should be rehabilitated and compensated to socially stabilize and reintegrate them back to the society.

## **CONCLUSION**

The Niger Delta region is mix porridge of ills, misgivings, agony, penury, displeasure and disenchantment. The problem is perplexed and complex and the amnesty programme has achieved negative peace within the region. Unfortunately, the government has relaxed and felt accomplished creating a situation of possible reversion to open conflict. As much as the amnesty has secured an environment for maximum daily oil production, peace, security and development for the government has been achieved. But this is on the least the truth. Unfortunately, the amnesty has proved incapable of bringing infrastructural and human development to the region as the government has indirectly accepted. For this reason, the amnesty programme will soon collapse except adequate effort is made to prevent the sad occurrence. By and large, the collapse of the amnesty is a relapse to open hostility and again reversion to conflict is very costly.

## **Reference**

- Adebayo, S (2009) Niger Delta: We Have Lost Over 2,000 Persons- Gbaramatu Kingdom. Punch. Retrieved August 28, 2012 from <http://archive.punchng.com/articl.aspx?theartic=Art20090523643265>
- Agbo, D (2011) Arms Recovered from Ex- Niger Delta Militants Destroyed. Legal Oil. Retrieved August 20, 2012 from <http://www.legaloil.com/newsitem.asp?documentidx=1307016053&category=news>.
- Aghalino, S.O (2004) "Combating the Niger Delta Crisis: An Appraisal of Federal Government Response to Anti-Oil Protests in the Niger Delta, 1958-2002". *Maiduguri Journal of Historical Studies*, 2.
- Aghalino, S.O (2009) The Olusegun Obasanjo Administration and the Niger Delta Question 1999-2007. *Stud. Tribes Tribals*, 7(1)
- Ayodele, C.O (1999) Topics on Economic History of Nigeria. Akure: Blessing Press Limited.
- Collier, P; Hoeffler, A & Soderbam, M (2006) Post-Conflict Risks. Oxford: Centre for the Study of African Economics (CSAE WPS 2006)
- Etekpe, A (2007) The Politics and Conflicts Over Oil and Gas in the Niger Delta Region: The Bayelsa State Experience. Port Harcourt: Niger Delta Forum Study Group Series BP005
- Fisher, S. et al (2006) Working With Conflict, Skills and Strategies for Action. Zed Books Ltd, London, U.K and New York, U.S.A.
- Gwinyayi, A (2007) Post Conflict Disarmament, Demobilisation and Reintegration of Former Combatants in Southern Africa. *International Studies, Perspective* Vol. 8.
- Hargreaves, J.D (1996) Decolonization in Africa. London and New York: Addison Wesley Longman Ltd.
- Ikelegbe, A (2010) Oil, Resource Conflicts and the Post Conflict Transition in the Niger Delta Region: Beyond Amnesty. Centre for Population and Environmental Development (CPED) Benin City, Ambik Press.
- Imobighe, T.A (2004) Conflict in Niger Delta: A Unique Case or a model for Future

- Conflicts in Other Oil Producing Countries in Rudolf Traubmern and Douglas Yates (eds) *Oil Policy in the Gulf of Guinea: Security and Conflict, Economic Growth, Social Development*. Bann. Friedrich Elbert Stifting.
- Malan, J (2008) "Understanding Transitional Justice in Africa" in J. Francis (ed) *Peace and Conflict in Africa*. London & New York: Zed Books.
- Naanen, B (1995) "Oil Producing Minorities and the Structure of the Nigerian Federalism: The Case of Ogoni People". *The Journal of Commonwealth and Comparative Politics*. Vol. M. No. 1
- Oluokun, A (2012) "The Ugly Bribe For Peace" *The News Magazine*. Vol. 39. No. 11
- Opeyemi, A.I (2012) *Militancy in the Niger Delta and National Integration in Nigeria: A Historical Analysis* in Victor. O. Edo and E.F Kennedy Salami (eds) *Issues and Trends in Nigeria's Development*. John Archers Ltd, Ibadan.
- Osaghae, E (1997) "The Ogoni Uprising, Oil Politics, Minority Agitation and the Future of the Nigerian State" *Journal of Modern African Studies*.
- Oshionebo, E (2009) *Regulating Transnational Corporations in Domestic and International Regimes: An african African Study*. Toronto, Buffalo & London: University of Toronto Press.
- Suberu, R.T (1996) *Ethnic Minority Conflicts and Governance in Nigeria*. Ibadan: Spectrum Books Ltd
- Tamuno, T.N (1999) "British Colonial Administration in Nigeria in the Twentieth Century" in Obaro Ikime (ed) *Groundwork of Nigerian History*. Ibadan: Heinemann Educational Books.
- The Guardian (2010) *Bomb Blast Abort Amnesty Dialogue*. Tuesday March 16. Pp. 1-2
- The Guardian, October 2, 2009.
- The News Magazine (1993, May 17) pp.18-20
- The News Magazine. Vol. 38. No. 10 (12 March, 2012a) p. 49
- The News Magazine. Vol.38. No 17 (30 April, 2012b) Pp. 48-49
- Ukaogo, V (2010) *Gowon's Three R's and Yar'Adua's General Amnesty: Policy Failures and Sub-Regional Security Challenges in the Bight of Benin and Biafra*. Paper Presented at 2<sup>nd</sup> International Conference on Natural Resource, Security and Development in the Niger Delta at Niger Delta Wetland Centre, Yenagoa 8-11 March.