

## Mortgaging tomorrow's Security through Today's Graveyard Peace: A Critical Discourse of the Amnesty Programme in the Niger Delta, Nigeria

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### Abstract

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Over the years, as a result of its strategic importance to national development, coupled with perennial and fierce resource-induced agitations, the Niger Delta, Nigeria has become a veritable laboratory for all sorts of government interventionist and management policy measures. Although the implementation of the peace building initiative has brought about cold peace to the conflict-ridden region, the paper argued that the Amnesty Programme does not have the capacity to engender genuine and durable peace to the crisis-ridden region. This is because the focus of the peace-building strategy is geared towards addressing the symptoms rather than the root causes of the Niger Delta conflicts. The post-amnesty security environment is characterized by kidnapping, hostage-taking, oil-bunkering and attacks on critical national oil assets, a vivid indication of the deceptive peace the programme may have fostered on the oil-rich region. This has given peace-loving humanity cause for anxiety. In appraising the amnesty peace initiative, the study adopted a combination of descriptive qualitative and case study research design, with insights from structural violence paradigm. The paper concluded that, until and unless the real drivers of restiveness and violence are holistically and constructively engaged, genuine and sustainable peace and security will continue to elude the region.

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**Keywords:** Amnesty Programme, peace building, sustainable peace, human development, Niger Delta

### 1.1 Introduction

The Niger Delta, Nigeria, is the poorest oil-producing delta in the world. Located in the South-South geo-political part of Nigeria, it often generates keen interest among the Western public. It is an area of great and conflicting paradox. It is a region naturally endowed with viable deposits of hydrocarbons and gas reserves as well as a region of human underdevelopment, urban/rural poverty, neglect of human security and constant social and economic deprivation. Yet, the region is of a strategic importance, in view of the petroleum and its derivatives that have immensely contributed to the economic success that underpins the unity of the Nigeria. Against this background, it is fair to assume that the region accounts for over 80 per cent of government revenue, 95 per cent of export receipts and 90 per cent foreign exchange earnings (Imobighe, 2009, cited in Emuedo, 2013) and 70 per cent of budgetary expenditure. Furthermore, vital establishments, such as petro-chemical plants, refineries, fertilizer plants, major power stations and a liquefied natural gas plant, are found in the area (Nwobueze, 2015:2). Ironically, despite its status as the backbone of the Nigerian economic health and political stability, Niger Delta has been a region of inhuman poverty, misery and hardship, obtuse neglect and underdevelopment and intolerable injustice (Inokoba & Okolo, 2011).

The huge contrast between the region's vast wealth and the pervasive poverty, decaying infrastructure and troubled environment has been variously described as "the paradox of plenty" (Karl, 1997), "Dutch disease" (Sai-i-Martin & Subramanian, 2003), "where vultures feast" (Okonta & Douglas, 2001), "the antinomies of wealth" (Iheanu & Ike, 2006), "oil on troubled water" (Kemedi, 2005), "the resource curse" (Ross, 2003) and "the oil of poverty" (ANEJ, 2004). The troubling socio-economic, political and environment realities of the region justify these descriptions. The tragedy of the Niger Delta is that her people are among the poorest in Africa, while the region is among the richest.

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This condition is entirely man-made. Other oil-producing delta regions in the world are rich because of the abundance of resources and sustainable human development initiatives, but this is not so in the Niger Delta. Albert 2012(28-29) observes that: "For and not too many people think about the future of the people; emphasis is largely on how to make the Niger Delta safer for oil exploitation." Therefore, abundance of resources notwithstanding, neglect of human development and human security by the state and non-state actors are responsible for the misery and hardship suffered by so many people.

Only a paltry 0.000007% of the value of oil extracted has been spent by oil multinational companies on community development, while the State has spent less than 3 per cent of total oil revenues on the region's development (Rowell, 1994). And in response to the initial peaceful overtures to draw attention to their plight, successive Nigerian governments resorted to convoluted security architecture to repress them. It was this unjust and vexed situation that has over the years engendered persistent minority good agitation and violent extremism by a bewildering array of militant groups in the region, with the Movement for the Emancipation of the Niger Delta (MEND) as the arrowhead. According to Keane (1996), cited in Emuedo (2013), the activities of these militant groups turned the Niger Delta into an archetypal "zone of violence", "swamp of insurgency" and "geography of terrorism". The attacks on the oil industry infrastructures severely affected the health of the Nigerian economy; by March 2009, crude oil exports had declined from 2.6 million barrels per day (bpd) in 2006 to 1.6 million barrels per day (NSRP, 2013:3). It was in this environment of severe uncertainty that the Federal Government, under the leadership of President Umaru Musa Yar'Adua, proclaimed an amnesty to the Niger Delta militants in June 2009, in exchange for disarmament, rehabilitation and reintegration, to ensure peace and economic stability in the region (Oluduro & Oluduro, 2012).

The implementation of the amnesty policy, a deceptive hope for peace, has brought cold peace and obstructed the process of transformation. There is no doubt whatsoever that a reduction of militancy facilitated oil production by about 70%, as observed from the rise of oil production from its pre-amnesty level of 800, 000 bpd to about 2.3 million bpd. The temporary halt in active conflict has made it possible for oil production to rise from its pre-amnesty level of 800, 000 bpd to about 2.3 million bpd. Consequently, Nigeria has flaunted and focused on the Amnesty Programme as its road map which will promote a peaceful society in which people do not resort to violence to resolve conflicts. Nevertheless, issues such as lack of opportunities, a strong economy and investment in people, vibrant anti-corruption war, good governance, promoting opportunity for the youth, showing compassion and understanding for fellow citizens, as prerequisites to curb violent extremism and to prevent it from re-emerging in the future are neglected.

To this end, the amnesty policy and programme may not strengthen and solidify peace. This is because the policy is geared towards addressing the symptoms rather than the root causes of the Niger Delta agitation and conflicts. This position is based on the assumption that the cessation of hostilities and the end of vocalized or overt agreements, where they exist, do not in themselves end wars and build sustainable peace. Arising from the foregoing, the paper examined the underlying problems of the conflict and the initiatives taken to manage and transform it, its achievements and failures; it also did a brief analysis of the amnesty programme emerging from the conflict. Serious underlying problems remain which have been inadequately addressed by the peace process or not addressed at all, and such a failure threatens to undermine the progress already achieved. Therefore, the state and non-state actors must address the prolonged neglect of youth-focused and human development initiatives as well as prioritize a more participatory approach in the design and implementation of the human security framework to tackle the challenge of persistent and severe human underdevelopment in the Niger Delta, Nigeria.

To achieve the purpose of the paper, the study adopted a combination of descriptive qualitative and case study research design. Insights were also got from the structural violence theoretical paradigm.

## **2.1.An Overview of the Niger Delta Conflict**

Despite the geo-economic and political significance of the Niger Delta, Nigeria, there is the problem of severe and persistent human underdevelopment resulting in deepening poverty, agony, misery and proclivity for crime

among the youth. Attempts to understand this social problem have mostly focused on reasons for youth militancy rather than the initiatives that have and are being deployed to address it.

There is in the literature a more or less eclectic approach, which focuses on the absence of strong democratic state institutions, poverty, human underdevelopment, availability of light weapons, and factors in the arena of political economy. In this connection, Nwobueze (2015) synthesizes a range of causal explanations of conflicts into two essential categories: insecurity and human under-development.

Institutionalization of corruption and financial mismanagement, disintegrating social contract, and weak institutional base as well as absence of a sustainable human development and human security framework explains the phenomenon of severe and persistent human underdevelopment, resulting in weak, unproductive and violent human capital, neglect and misuse of the youth, growing poverty, rural isolation and lawlessness. Moreover, the ongoing social and economic deprivation, marginalization, and the violent predation of trans-national oil companies are a pointer to why armed youths are willing to fight at the risk of certain death.

In addition, a history of frustrated efforts at gaining productive employment suggests violence as the viable process of earning wealth. This is understandable. The discovery of oil in 1958 was seen as a wellspring of hope because the people of the Niger Delta expected that oil wealth would translate into development. Despite the increase in oil production and oil rents, which facilitated the reconstruction of Nigeria after the Civil War, Nigerian is yet to bring to the front burner the essence of human security to ensuring a condition of peaceful and productive existence which guarantees basic material needs, human dignity, constructive participation in the life of the community, inclusive growth and sustainable livelihoods.

Amaechi (2010) rightly points out that other problems that the people have to live with include, “agricultural land degradation, flooding, fisheries depletion, deforestation, biodiversity loss, water hyacinth expansion, sewage, coastal erosion, oil pollution, industrial air emission, gas flaring and mangrove degradation among others. These problems have had grievous consequences and created long term environmental problems.” The failure of the Nigeria and multinational oil companies to address the problems of underdevelopment and insecurity, which would have adequately harnessed the potential of the youth for peace and development, is a matter of concern. The neglect and lack of concern attracted participation of the youth as critical conflict actors. The youth, therefore, resorted to crime and violent activities, hampering sustainable peace and development (Nwobueze, 2015). Thus, marginalized violent conflict metamorphosed into militancy, maritime insecurity, kidnapping and hostage-taking, crude oil theft, organized bank robbery and attack on critical national oil assets. All this undermined public security and national development. Amaechi (2010) posits that “between 2001 and 2006, Nigeria lost over \$20 billion potential revenue to pipeline vandalism alone.” Okonjo-Iweala (2012) also observes that “Nigeria loses about 400, 000 barrels of oil per day; this results in a loss of ₦160 billion (\$1 billion) monthly to oil thefts by criminal networks. The NNPC admits that Nigeria loses ₦80 billion to pipeline vandalism. Olayinka (2006) claims that oil, which should ideally have been a blessing, has turned to be the main cause of economic regression, social unrest, political brinkmanship and severe environmental degradation.”

A tendency for this very conflict outcome was foreseen even before Nigeria gained independence. In 1957, the British Colonial administration attempted to grapple with this challenge through a commission of inquiry, which looked into the fears of minorities and means to respond to sources of threats to ordinary people’s needs. The aim was to protect and also empower people to contribute by identifying problems and workable solutions to insecurity and underdevelopment stemming from economic deprivation.

In recognition of the fact that violent threats are strongly associated with poverty, lack of state capacity and other forms of inequities, state and non-state actors over the years attempted to work towards the realization of the ultimate goal of a people-centred region but failed, due to lack of political will, to construct that people-centred society of freedom in such a manner that guarantees the political liberties of the human rights of all citizens.

### 3.1. Actions and Responses of the Nigerian Government to the Grievances of the Niger Delta Peoples

At various times, the Federal Government responded to the grievances of the Niger Delta peoples, ranging from violent repressive approaches to non-violent approaches. We will cite some examples. Nwobueze (2015) claims that “the frequency, intensity and severity of militancy in the Niger Delta region led to deployment of security agents.” The most common response is direct repression, involving the use of the armed forces and the police to harass, arrest and detain community leaders and the youth. Another measure in the case of an escalation of hostilities is the use of military action, exemplified by suppression and coercion through security task force troops deployment and, ultimately, the total militarization of the zone. For instance, in August, 2008, the Nigerian government launched a massive military crackdown on militants. They patrolled waters and hunted for militants, searched all civilian boats for weapons, and raided numerous villages in search of militant hideouts. In August 2016, the Nigerian military launched “the Operation Crocodile Smile” to protect critical national assets, while the militants responded in what they described as “Operation Crocodile Tears”. Government operations should be in tandem with the constitutional framework, respect for human dignity and rights. The military onslaught was to compound the challenge. Consequent upon this, the conflict suffered all the three processes of diffusion, contagion and escalation measured in terms of violence, casualties and destruction. The cases of Warri, Odi, Umuechem, Rumuekpe, Ibaa/Obelle, Opia-Ikenyam, Okerenkoko and Ogoni are good examples. Many of the locals have been maimed, women raped and many have met untimely deaths.

Albert (2012:4) asserts that “experiencing violent conflict can be extremely traumatic. Many people from communities experiencing violent conflicts suffer from post-traumatic stress syndrome, which contributes to poor mental and physical health, reduced quality of life and in some cases, greater difficulties in work, education and family life and increased violent behaviour”. The adverse effects of military onslaught have confirmed the danger of focusing on “what ifs”. This is a clear indication that threats will change nothing; rather, commitment to freedom from want, freedom from hunger, freedom from deprivation, freedom from ignorance, freedom from suppression and freedom from fear will do.

Other conflict-management strategies employed by government include the employment of traditional leaders who are financially induced to compromise sustainable human development and human security; huge financial inducement to militant leaders by the governors in the Niger Delta states. The non-involvement of civil society is also a failing when sustainable development is intended.

Nevertheless, there have been key hope-raising developments in recent times. Investigations revealed that derivation payments increased from 0% to 1.5% in 1982, 3% in 1992 and 13% in 1995 for the development of the Niger Delta. How well these derivation payments have enhanced protection and empowerment is beyond the analysis of this paper.

Other basic steps led to the establishment of intervention agencies, such as the Niger Delta Basin Development Board (NDBDB) and Oil Mineral Producing Area Development Commission (OMPADEC) to tackle the challenges of human security in the oil-producing areas of Nigeria, both of which made minimal impact because of corruption and elite rascality; more recently, the Niger Delta Development Commission (NDDC), which was created in 2007 to establish a strong and progressive society in which every citizen will work, enjoy freedom from fear and freedom from want; and the Ministry of the Niger Delta Affairs (MNDA), to address the question of “fear” that there is lack of political will to articulate and implement people-centred development policies and programmes.

Other initiatives include the establishment and finance of federal and state government university education to promote inclusive and sustainable development as a priority for institutional development; Industrial Training Fund (ITF), as a response to the nation’s needs for industrial training and manpower development; Petroleum Technology Development Fund (PTDF), saddled with the responsibility of the development, promotion and implementation of petroleum technology and manpower development through research and training of Nigerians as graduates, professionals, technicians, and craftsmen in the fields of engineering, geology, geosciences, management, economics and relevant fields in the petroleum and minerals industry in Nigeria or abroad; the National Youth Service Corps (NYSC), to enhance leadership and peace in Nigeria; the National Directorate of Employment (NDE), to combat youth unemployment; Tertiary Education Trust Fund (TETFund), aimed at addressing the critical needs of the

country's developmental aspirations; SURE-P, to reduce youth unemployment in Nigeria through the use of women and youth empowerment schemes.

An evaluation of multinational oil companies' youth-focused and human development initiatives shows that such efforts at facilitating gainful/productive self-employment for empowered youths significantly doused tension. Nwobueze (2015) acknowledges that several economic empowerment programmes introduced to build the capacity of youths in the Niger Delta have curtailed youth restiveness and brought about conflict transformation. Nevertheless, institutional weakness, lack of political will, poor awareness of YHDIs, governments' misplaced priority through emphasis on infrastructural, rather than, human development, non-participatory approach, and insincerity as well as misapplication of development funds are factors inhibiting government and multi-national oil companies (MNOCs) from optimally harnessing the youth potential for peace and development. Therefore, "none of these initiatives adequately addressed key human development issues – sustainable peace, the linkage between youth and development, how to use educational strategies to avoid the terrors of crime and violence, peace education, and what would appear to be a collective striving for dignity and equality that propelled the youth in the Niger Delta in the direction of resistance, agitation and crime. Consequently, peace has eluded the Niger Delta, Nigeria". It is, therefore, recommended that, while MNOCs need to look at more youth-focused programmes and initiatives to empower the youth of the Niger Delta, a more participatory approach in the design and implementation of such well-focused programme and promotion of peace education, especially in school curricula, will strengthen stakeholders' initiatives in pursuit of sustainable peace and development.

It is well established that most of the conflict-management strategies employed by state and non-state actors in the past have yielded too few peace outcomes. An important step to end youth militancy in the Niger Delta was the Amnesty Programme. The initiative brought armed youths closer to the state in the negotiation sphere. However, adequate investment in youth-focused and human development initiatives to transform resource-induced social conflicts arising from weak and unproductive human capital was jettisoned. The continued interest which the armed and unarmed youths show in oil theft and illegal refining in the Niger Delta calls for serious concern.

In the short term, the availability of weapons and idle youths will contribute to a relapse of hostilities. The number of people going hungry is increasing. Most of the youths are unemployable. Environmental sustainability proves elusive. The Niger Deltans are yet to enjoy good health owing to deplorable state of health care service. Thus, the development plans have mostly missed the link between the youth and peace and development in the Niger Delta or anywhere else.

### **3.2. The Amnesty Programme and Elusive Peace in the Niger Delta**

The period 2006 and 2009 witnessed one of the most brutal violent conflicts in the history of conflict and management in the Niger Delta, Nigeria Armed militant groups aggrieved by years of alleged neglect of human development, oppression and deprivation by Nigeria held the region and Nigeria to ransom through kidnapping and hostage-taking of expatriates and national oil workers (with over 200 oil workers as victims); blowing/shutting down of oil infrastructure, setting off of car bombs, and illegal bunkering with frequent violent, skirmishes with Nigerian soldiers (Wodu, 2014).

Prior to this, Nigeria was acclaimed as the highest producer of oil and the largest exporter of the product in Africa. As a result of violence and killing, which hindered the exploration and exploitation of oil, the nation's oil production capacity dropped from 2 million bpd to 800, 000 bpd. This drop in oil production resulted in an inevitable decline in Nigeria's oil revenues, and led to the nation's displacement as the largest producer of oil in Africa (Wodu, 2014). This situation also led to a sharp decline in economic activities and rise in urban/rural poverty and crisis, and a lull in foreign direct investment, leading to downsizing of staff, rising unemployment and general insecurity, which spilled to even the urban areas with a sharp increase in cultism, gangsterism, armed robbery, kidnapping and proliferation of small arms and light weapons as well as attack on critical national oil assets.

Against the backdrop of insecurity and decline of Nigeria's economy caused by the violent activities of militants, the then President of Nigeria, late Umaru Musa Yar'Adua, established the Presidential Amnesty Programme (PAP) on 25th June 2009 as a means to curtail the rising insecurity and decline in Nigeria's oil revenues caused by the violent activities of several militant groups in the region.

According to Ndutumi Alaibe, the then National coordinator and Chief Accounting Officer of the Federal Government Amnesty Programme for Niger Delta militants:

The amnesty programme was a response to security conditions in the Niger Delta at the time. It was a response by the then President to reduce fundamentally the violence that was taking place... it was decided that there was a need to get the militants to lay down their weapons. That was the basis of the amnesty which was meant to stabilize, consolidate and sustain the security conditions in the Niger Delta region, as a requisite for promotion of economic development in the area (quoted from Agbibo, 2014:20).

In the amnesty document, the national government acknowledged the threat to peace, security, order and good governance and the Nigerian economy by militant agitations of the region.

The amnesty proclamation also noted the need to harness the energies of able-bodied youths for the development in the region (Ubhenin, 2013:6). Consequently, the presidential document declared that:

all persons who have directly or indirectly participated in the commission of offences associated with militant activities in the Niger Delta were to surrender and hand over all equipment, weapons, arms and ammunitions including execution of the renunciation of Military Forms specified in the schedule (quoted in Ubhenin, 2013:6)

Specifically, the amnesty policy stated that militants who freely surrender their arms within 60 days (6th August 2009 to 4th October 2009) will not be prosecuted for the crimes committed in the process of disrupting the Nigerian oil industry. President Yar' Adua made it clear that the deal was aimed at demobilizing, reintegrating and rehabilitating militants willing to surrender their arms to the Nigeria (Agbibo, 2014:21). Derived from the Greek word *amnestia*, amnesty is a legal action that mainly comprises disarmament (the giving up of arms by ex-combatants at designated centres), demobilization (the transition conversion from militarized to civilian life), and reintegration (the absorption of converted militants into productive, economic life). It is "a guarantee of exemption from prosecution and pardon from punishment for certain criminal, rebel and insurgent, actions hitherto committed usually against the state" (quoted in Ubherisn, 2013:12).

The Disarmament, Demobilization and Reintegration (DDR) element was part of the policy recommendation of the Niger Delta Technical Committee [NDTC] – a committee established in 2008 by the Yar'Adua administration to determine appropriate peace building strategies in the restive region. Made up of scholars and opinion leaders drawn from the region, the 45-member committee under the leadership of Ledum Mitee (then MOSOP President) was inaugurated to collate and review all past reports on the Niger Delta; and appraise their recommendations and make other proposals that will help the Federal Government to achieve sustainable development, peace, human and environmental security in the Niger Delta region (Oluduro & Oluduro, 2012). The NDTC's recommendations include appointing a mediator to facilitate discussions between government and militants; granting of amnesty to some militant leaders; launching a disarmament, demobilization and rehabilitation campaign, increase in the percentage of oil revenue to the Delta to 25 per cent from the current 13 per cent; establishing regulations that will compel oil companies to have insurance bonds; making the enforcement of critical environmental laws a national priority; exposing fraudulent environmental clean-up of oil spills and prosecuting operators; and ending gas flaring by December 31, 2008 as previously ordered by the Federal Government. As part of the recommendations of the TCND, the government was requested to improve the operational integrity of the security forces and police in the region as well as settle all displaced persons from Bakassi not later than December, 2009 (Report of the TCND, 2008).

The PAP contained only three elements of TCND Report, namely:

- i) The release of Henry Okah;
- ii) The granting of amnesty to militants; and
- iii) The setting up of a DOR programme.

And to make matters worse, the government failed to make any reference to the committee in the training or implementation of the policy (Albert, 2015), thereby raising some doubts on the motives and intentions of the government on the amnesty policy. The PAP was set to run from 2010 to 2015. It was reported that, by the end of the amnesty period in October, 2009, 20,192 ex-militants (and non-combatants) had surrendered their weapons – consisting of 2,760 arms of different classes, 287,445 ammunition, 3,155 magazines, 1,090 dynamite gaps, 763 explosives and sticks of dynamite, and 18 gun boats – to the Presidential Amnesty Committee (Oluwaniye, 2013:51). With the closure of the amnesty window, other ex-militants – who were reluctant to participate in the amnesty programme but later realized the benefits accruing to those who disarmed – joined, increasing the total number by 6,166 (Oluwaniye, 2013). Again, in November 2010, after the October 4, 2009 deadline, 3,642 persons joined the amnesty, giving a total of 30,000 ex-agitators now in the programme (Omokhoa, 2015). The disarmed militants were moved to designated collection points and camps in six Niger Delta states. In addition, the ex-militants were to receive a monthly stipend of ₦65,000 each and undergo training on various vocational skills at home and abroad. This was added to secure gainful employment for them on completion of the training and get them reintegrated into the society.

After more than five years of the post-amnesty programme, the Nigeria appears to be basking in seemingly ephemeral peace in the Niger Delta. Undoubtedly, the programme succeeded in halting the violence in the region, especially between 2010 and 2014. In terms of favourable outcomes, the spate of violence – including kidnapping and killing – has reduced, while the production of oil increased from 700,000 bpd to 2.4 million bpd (Oluwaniye, 2013). Mr. Kingsley Kuku (the Chairman of the Amnesty Programme Implementation Committee) estimated that Nigeria and multinational oil companies earned an extra ₦6.3 trillion (US \$39.3 billion) in 2012 alone through the stability brought by the amnesty (NSRP, 2013). In spite of the positive outcomes, low-level kidnapping, illegal bunkering (or oil theft), killing and protest from disgruntled ex-agitators continue to undermine the success of the process.

Although the PAP has led to a lull in violence and ephemeral peace in the Niger Delta since 2009, it affords only a cosmetic and *pro tem* solution to the protracted resource-conflict of the region. The PAP mistakes effects (or symptoms) of the conflict for its causes; the armed militants and the violent conflicts are all products of pervasive human underdevelopment. The harsh socio-economic, political and environmental reality and endemic corruption are the root of many development challenges undermining efforts to ensure a peaceful region. Corruption costs the regional economy about ₦15 billion that could be going towards education, health care, infrastructure, food, security, and other initiatives where money is needed to make investments that give young people the sense of future.

Corruption is not just a disgrace and a crime; it is also dangerous. It is more demoralising, more destructive, more disempowering to the youth/citizen than the belief that the system is rigged against them, the belief that the system is designed to fail them, and that people in positions of power are crooks who are embezzling the future of our own people. Except the causes and effects of corruption are tackled, no amount of cash payouts (or bribes) to armed militants, especially their “generals”, can seriously address the underlying issues of government neglect of human development, political sponsorship of violence, and environmental degradation that continue to fuel violent resistance in the Niger Delta.

Deeper analysis indicates that the amnesty deal is non-participatory, ill-conceived, poorly packaged, and insincerely and fraudulently implemented to the detriment of the people and communities of the Niger Delta. First, the PAP suffered from conceptual ambiguity and confusion. According to Albert (2015), the amnesty deal failed to approximate the requirements of the two versions of term in his discourse of the Niger Delta amnesty.

One version connotes a state of power asymmetry in a conflict: a post-conflict situation between a victor and vanquished (or defeated) party. In this scenario, amnesty is packaged by the victorious side as part of its post-conflict peace-building strategies. People who benefit from such gestures include rebels, insurgents, military deserters and other categories of people who stand the chance of being prosecuted for their past criminal acts. The other version of amnesty is the South-African brand of amnesty, which Nigeria claimed to have adopted: both parties to the conflict consider themselves to have hurt each other in the course of the apartheid rule in the country. To restore harmonious relationship, both sides confessed the wrong they did to each other, asked for forgiveness and were granted amnesty by the government for such criminal acts (Albert, 2015).

The PAP differs from the two models presented above on the ground that the Federal Government that introduced it did not attain victory over the Niger Delta warlords. Yet, according to Albert (2015), it was packaged as a victor's benevolence. Similarly, the PAP was not a product of negotiation and dialogue between the Niger Delta militants and the Nigeria. The latter simply decreed it and employed carrot-and-stick strategies to make the militants accept it. This questions the sustainability of the initiatives and its ability to enthrone enduring peace in the troubled region.

Unlike the South African variant of amnesty, which was encapsulated in its post-apartheid Truth and Reconciliation Commission (TRC) and was employed as a post-conflict peace-building mechanism preceded by conflict management (negotiation between white and Black South Africans), the Niger Delta amnesty deal was imposed on the people of the region by the Federal Government. The PAP was packaged without consultation, concrete negotiation or a mediation process that could have clearly articulated the other key components of the peace process which the amnesty deal was supporting (Albert, 2015). It was marketed as a "comprehensive" DDR exercise, yet reintegration was scarcely addressed. There was no provision for mediation, dialogue, reconciliation or institutional reform.

Ikelegbe (2010:74) argues that:

A surrender without defeat and without negotiated agreements and substantial efforts to address and resolve the grievances and problems that root the conflict, man imposed fragile peace that are highly susceptible, push beyond the precipice. Apparently, the amnesty deal was conceived as both an instrument of conflict management as well as post conflict peace building. Operationally speaking, this is not attainable because peace making (that is, negotiation or mediation) always goes ahead of peace building (the role of the amnesty policy). Putting peace building process ahead of peacemaking process, as the PAP has demonstrated, will always lead to enthronement of fragile or unstable peace.

Again, for amnesty to truly play its role as a post-conflict peace-building mechanism, it must be broad enough to treat both the state and the group that offended the state as perpetrators of crimes that would require the amnesty deal (Albert, 2015). In most instances, as demonstrated by the Niger Delta situation, state violence, physical, psychological or structural, creates many of the problems that led to the conflicts that amnesty deals respond to. It is a known fact that in the course of counter-insurgencies launched by the state against militant groups, the human rights of the rebels are equally violated. It is within this logic that Albert (2015) asserts that an amnesty makes meaning where both the militant groups and the state participate in the amnesty process with a view to building a new future. Unfortunately, the PAP is a one-sided policy that indicted the militants as offenders, while it was silent on the several atrocities committed by the Nigeria against the agitators as well as communities of the Niger Delta. To elaborate this, Albert (2015) avers that the amnesty deal fell short of the requirements of the best global practices; the reason is that it failed to empower the victims, most especially the Niger Delta communities which were devastated by the oil industry and destroyed in the course of the several military operations that took place in the region. The PAP failed to create a platform for the victims of the several military assaults and violent clashes between the militants and the Joint Task Force (JTF) to come out to state what the perpetrators did against them.

In other words, the amnesty should be extended to the JTF and other security forces that equally engaged in criminal, atrocious and inhumane acts tantamount to crime against humanity. The military onslaughts on Niger Delta communities, such as Odo, Gbaratoru, Ogoni, Odioma, Choba, Ikon, Ikenya and Umuechem, were all characterized by wanton harassment, human rights abuses, brutality, rape, torture, arrests and detentions, extortions, plunder and destruction of property (Ekumaoko, 2013). This clearly poses an obstacle to public trust and confidence in the security forces. Confidence is further undermined by continuing human rights violations, such as extra-judicial killings and sexual exploitation. Further, continuing corruption and misuse of weapons by members of the security forces, particularly the impunity with which security men engage in unlawful acts, seriously hamper the emergence of the rule of law. For there to be meaningful amnesty deal, these affected communities need to tell their own side of the story and be compensated for damage and hurt done to them by the country. Importantly, for there to be trust and confidence, the security forces must also come under the amnesty platform. It may be needful to provide human rights training for the security forces to tackle such issues as corruption and the culture of impunity. The amnesty deal, as it is now constituted, may not bring about the much desired durable peace because it is built on unresolved grievances and anger of the people of the Niger Delta.

The paper also doubts the sustainability of the amnesty process on account of its questionable legal backing. The PAP is not backed by law or even a gazette. It is only a presidential proclamation without any legal status. In a country where there is no policy continuation by succeeding governments, what happens to the programme and the militants when a new government assumes power? This partly explains the initial foot-dragging of the Buhari government towards the PAP and welfare of the ex-militants. It took the threat and blackmail of returning to the creeks by the ex-agitators for the Buhari government to take necessary steps to continue funding the programme.

There are conflicting ideas as to what constitutes peace between the initiators of the amnesty deal, the Nigerian government, and the ex-agitators and the Niger Delta communities. To the government, peace is attained when there is unfettered or unhindered production of oil and its export out of the region. That is, the government is simply satisfied with the militants stopping their violent and disruptive activities on oil production in the region. This partly explains why there is so much foot-dragging on the part of the government on following through the all-important reintegration aspect of PAP as well as massive investment on infrastructural development of the region. On the other hand, for most of the ex-agitators, especially their greed- and grievance-induced commanders, peace is the continuous and unhindered payment of their undeserved and humongous stipends and largesse (or ransom) by the Nigerian government. This basically is why the ex-lords are quick to blackmail the government with returning to the creeks whenever the payment of their largesse is delayed. And for the Niger Delta communities, peace is a situation when poverty, infrastructural deficit and socio-economic, political and environmental injustice plaguing the region are addressed. Durable and real peace becomes a mirage under this environment of conflicting ideas of peace by the contending parties to the Niger Delta situation.

Besides, the amnesty deal is not holistic and all-embracing enough to engage the Niger Delta conflict situation. It is generally seen as a selective and haphazard implementation of the all-embracing recommendations of the TCND (Ejovi & Sunday, 2013; Albert, 2015). It was reported that Ledun Mitee, the chairman of the TCND, distanced his committee from the Amnesty Programme by accusing the government of piecemeal implementation of the recommendations of his committee without a white paper on the report as done to the results of previous panels (Albert, 2015:390). He further observed that: "I do not think they have started implementing our report. Amnesty is supposed to be the end and not the beginning...We recommended a whole package to create an enabling environment" (Quoted from Albert, 2015:391). Mitee also wondered how the demobilization and rehabilitation can be carried out when there is no agreement on how the conflict can be resolved. He noted further: "I have my difficulties with the way they (government) have presented amnesty as a solution in itself" (cited in Albert, 2015:391). He seriously doubted how the mere giving up of arms by the agitators will bring about lasting peace to the troubled region.

Apparently, the amnesty programme was not implemented as recommended by the report of the TCND. Rather than engage in formal negotiation and agreement with the militants, the consultations were at the highest levels of the Federal Government, involving the Niger Delta elite/elders and top government officials of the region negotiating with the militant commanders who were only interested in what would come into their pockets, or for their own personal aggrandizement. This was a serious challenge to the amnesty deal, as the militants on the ground felt cheated and sidelined by the government. This, in a lot of ways, shows that the government has not really learnt any lessons from the previous interventionist mechanisms that all failed to deliver because they were all designed as top-bottom policy strategies. Security historians are of the opinion that the interventionist programmes are for the people and not by the people of the Niger Delta.

Another challenge to sustainable peace in the Niger Delta is lack of political will and sincerity of purpose in the implementation of the amnesty deal by the Nigerian government. It is widely reported that while the Nigerian government was busy encouraging militants to lay down their weapons through its DDR programme, it was at the same time embarking on extensive militarization of the region through extension and consolidation of its checkpoints and bases, mounting of electronic surveillance systems in several communities, buying of sophisticated military weapons and equipment and their relocation to the region. As rightly observed by Daniel Volman, the Director of the African Security Research Project, in Washington D.C., while the militants were disarming, the Federal Government was busy “buying hundreds of millions of dollars worth of sophisticated weaponry and military hardware in preparation for new offensive in the Niger Delta” (cited in Albert, 2013:393). After more than five years of the amnesty deal, the JTF and other military outfits have not been withdrawn from the region as recommended by the TCND Report. This situation has failed to restore trust and confidence to both the citizenry and militants in the region, hence the post-amnesty crisis characterized by lawlessness.

As a result of this lack of trust of the intentions of the government concerning the amnesty deal by the militants, security watchers are of the opinion that during the process of disarmament, militants may not have ceded their full arsenal (Ekumaoko, 2013; Emuedo, 2013). There is a general agreement that the disarmament aspect of the PAP was not thoroughly and transparently carried out. The ammunition and weapons surrendered by the militants were not commensurate with their number and the estimated amount of arms expected. The arms and ammunition handed in by the militants totalling 1,798 rifles, 1,981 guns of various types, 70 RPGs, 159 pistols, one spear and six cannons were certainly low when compared with the 26,358 militants that registered for the amnesty programme (Emuedo, 2013). The arms delivered at the designated sites were purported to be new weapons which were purportedly bought by the governors of the Niger Delta states just to keep the programme going. It was also reported that during the arms buy-back deal by the Rivers State Government in 2004, Asari Dokubo ceded 2,377 G3 rifles, 611 AK 47s, 47 GPMGs and two rocket launchers. However, Dokubo only ceded unserviceable and outdated weapons unfit for fighting and then used the funds to acquire modern weaponry (see Dokubo’s interview in Emuedo, 2013).

Another fundamental flaw of the Amnesty Programme is the fact that a holistic appraisal of the disarmament, demobilization and re-integration (DDR) strategy was not carried out. Successful disarmament will depend on the employment of appropriate strategies, weapons assessment, target audiences, targeted items, time-table, inducements and disposal of the collected weapons. These measures were not employed. It may be claimed that there are no reliable estimates of the quantity or types of guns currently possessed by the militants of the Niger Delta. However, it may be deduced that their ability to intimidate the security forces indicate they have a significant quantity and quality of firearms. Paradoxically, the absence of holistic appraisal of the armament creates a security vacuum, which makes idle youths to rearm. Therefore, the region is still ridden with arms and this is evident in the various attacks – especially by the new militant group, the Niger Delta Avengers (NDA) –that have been carried out even after the disarmament exercise. The disarmament programme needs to be firmed up because, as long as the militants are still at large, the region remains very unsafe and at risk of relapsing into violence.

The highly selective approach to DDR, with its exclusive focus on settling the arms-bearing militants without progressive thinking for the real victims of militancy and violence, is another credible threat to durable peace and stability of the region. Mothers, unarmed youths, children and other members of the civilian population that were devastated and displaced by the conflict were not included in the amnesty package.

The exclusion of grassroots organizations and the alienation of the local knowledge for peace-building and reconstruction in the Niger Delta raise some questions on the sustainability of the current unstable peace in the region (Oluduro & Oluduro, 2012; Obi & Rustad, 2011). As a result of this situation, Ibaba (2011:245) poses the following questions:

Does the surrender of arms renunciation of violence by militias bring the frustration of the entire population to an end? Are the militias the only deprived Niger Deltans? Are the amnesty program and the attention given to the ex-combatants not reinforcing the frustrations of those who did not take up arms against the Nigerian State? My answer to the first two questions is no, but the answer to the third question is in the affirmative. This brings us to the point that violence could occur in the region if the frustration which supports insurgency are not resolved. Resolving these frustrations is therefore a requirement for peace-building in the region.

In other words, the empowerment aspect of PAP through the training programme and job opportunities must not be restricted to the militants. It must be extended to all the local citizens in the region; otherwise, it could send a wrong signal to law-abiding and peaceful people who have been excluded from the PAP exercise that crime pays and may serve as a driving force for others to want to take arms for recognition (Oluduro & Oluduro, 2012). Setting the militants alone while neglecting the deplorable situation, underdevelopment and poverty, and governmental and corporate misgovernance, all of which led to the militancy and later criminality in the region will, no doubt, spell doom for the Amnesty Programme. This is because the number of militants currently being reintegrated under the programme constitutes only a small percentage of the Niger Delta population, which under the 2006 population figure was 31,224,577 million people (Oluduro & Oluduro, 2015). The roles of women and girls in militancy have often been invisible and their needs overlooked. Therefore, an inclusive approach must be undertaken so that the needs of armed and unarmed men and women are equally addressed in the post-amnesty phase. Increasing economic opportunities, such as through income-generating projects, and providing educational, vocational and employment assistance, may be needful. Enduring peace in the region can only be guaranteed if the large body of the law-abiding population have access to economic, social and political reintegration benefits.

Another major challenge to the achievement of the stated goals of the amnesty initiative is the allegations of lack of transparent, corruption and mismanagement, especially among the managers of the process. According to security analysts and scholars, the programme has become a new largesse, lucrative business for the politicians, militant commanders and non-governmental organisations (NGOs) (Ekunaoko, 2013; Emuedo, 2013; Oluwaniyi, 2013). Much of the programme's fund goes towards paying ex-militant commanders, managers of the programme and the ever-increasing number of consultants and contractors to the extent that the programme itself, especially during the Jonathan presidency, was seen as a very lucrative business, rather than a transformational strategy. As a result of the profitability of the initiative, several NGOs were formed specifically to milk the programme. According to a panel of the DDR, about 80 per cent of the budget had gone on payments to the programme's managers, consultants and contractors, leaving just 20 per cent for the rehabilitation of ex-militants (Oluwaniyi, 2013).

As noted by Ekumaoko (2013), the amnesty initiative is not underfunded; rather, funds are continuously misappropriated, leading to delays; diversions and reduction of the stipulated amounts. Apart from the common instances where militants of lower cadres were shortchanged, the idea of paying this army of jobless militants ₦65,000 far and above the minimum wage of ₦18,000 to hard working Nigerians is an act of unpardonable injustice and corruption. Worse still, are the payoffs made to former militant generals in the form of multi-billion dollar security contracts to guard the oil pipelines that they once destroyed (although the government had justified this as expedient) (Wodu, 2014). This has instigated the perceptions that the Amnesty Programme may have only succeeded in enriching a powerful class of ex-militant generals that are primary beneficiaries of a war-economy.

Oluokun (2012:38-40) gives a detailed picture of how the amnesty budget of 2009-2011 was skewed in favour of the militant commanders:

...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 2012 budget... ₦15 billion contract 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 an annual pipeline and maritime security contract with Asari Dokubo for US \$9.5 million or ₦2 billion... Boyloaf and Ateke Tom were annually being paid US \$3.8 million (₦1.2 billion) each to protect pipelines in the Niger Delta.

Apparently, the amnesty has sharply deviated from its primary goal and has culminated in 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 agitating to partake in the amnesty feast. 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 130,000 ex-militants now in the programme (Ekumaoko, 2013:7). Evidently, as a result of the lucrative nature of the amnesty deal, it has become an incentive for non-militant youths to begin to indulge in militancy in order to become beneficiaries of such financial packages that accompany the Amnesty Programme. This reason can be employed to explain the emergence of the Niger Delta Avengers (NDA) that has been blowing up and disrupting the oil industry's installations in the region since the emergence of the Buhari administration.

At this juncture, it is imperative to also consider a contrary opinion to the above position; this viewpoint argues that the amount of money given to the generality of the militant foot soldiers is too meagre to discourage them from embarking on violent and criminal activities in the region. The "paltry" financial rewards granted to the lower cadre militants during amnesty are incomparable with the huge amount of money that accrues to them during illegal oil bunkering, hostage-taking and other violent activities (Akinwale, 2010). According to the African Report (2007), cited in Ugwu & Oben (2012), for a foot soldier militant, the monthly stipend of ₦65,000 is only a minuscule portion of such sums as \$100 million paid as ransom for kidnapping one or few foreign oil workers. Such sums of money are also a far cry from the amount of \$109 billion (₦283 billion) and \$3 billion (₦430 billion) Nigeria lost to illegal oil bunkering in 2006, and the first seven months of 2008, respectively (Ugwu & Obey, 2012). The point here is that militancy cum criminality and the gains from it are too tempting to be entirely stopped by the amnesty programme. These gains from militant-cum-criminal activities are why militancy and the criminality that is associated with it have continued unabated in the region even up to the present day. This is basically why the John Togo militant group had to abandon the amnesty package midstream, and returned to the creeks to continue their criminal act of vandalizing oil pipes and kidnapping of oil and gas workers in the region (Ugwu & Obey, 2012). Kingsley Kuku, former Special Assistant to the then President on amnesty admitted that "the programme lacks the capacity to prevent crime in the Niger Delta."

From the foregoing challenges of the amnesty deal, it is less surprising that the initiative has not ruled out the threats of resumption of hostilities in the region; in fact, the post-amnesty phase has been characterized not only by the threat of the resumption of militancy, but also by occasional attacks carried out by MEND and other dissatisfied militant groups. To make matters worse for the security of the region, since the emergence of the Buhari administration (29 May, 2015), the ephemeral peace of the Niger Delta has degenerated into full-scale war on the oil industry infrastructure. As if to fulfil their threat of returning to the creeks if President Jonathan was not re-elected for a second term, the NDA and other militant groups have commenced full-scale war on oil installations, thereby compromising the relative peace enjoyed by the Niger Delta region as a result of the amnesty deal.

#### 4.1 Conclusion and Recommendations

This paper has argued that the amnesty programme in the Niger Delta was poorly designed, packaged and implemented. As a result of its faulty conceptualization, the programme was only geared towards engaging the symptoms of the Niger Delta crisis. It was not designed to address and remedy the root causes of the resource-induced unrest and war in the region.

As a fallout of the above point, the paper argued that the amnesty deal does not have the requirement to move from the phase of relative peace to sustainable peace. What is being witnessed now in the region is relapse to the dangerous pre-amnesty era of active militancy and criminality.

The ultimate success of such efforts might depend on progress in reforms in several government sectors in the state and, fundamentally, on changes in governance practices. In other words, while amnesty programmes can make important contributions to the consolidation of security and stability in the short term, in the medium and long term, small arms control efforts need to be supplemented with youth- focused and human development initiatives. Further, articulation and implementation of a human security framework on a sustainable basis, good governance, credible emergence of a critically viable civil society as well as empowered and enlightened citizenry would make a considerable contribution to combating youth violence in the medium and long terms. To this end, creation of neutral, independent and professional institutions and the consolidation of the rule of law will serve as the bridge to peace.

In the meantime, there is urgent need for a more holistic and all-embracing peace-building strategy, as recommended by the TCND Report. Amnesty alone will only bring graveyard peace to the region. Sustainable peace can only be enthroned through a comprehensive peace process which entails addressing the socio-economic, political and environmental issues that triggered militancy in the region in the first place. The TCND recommendations have all that is required to reduce the violent conflict significantly and the capacity to initiate long-term regional development, save the region from further violence and organized criminality. In this context, most importantly, development initiatives in the Niger Delta should be people-driven and adopt a bottom-up community-driven development approach to power full participation and support of the beneficiaries, individual contribution and integrity, capital, and cooperation and collaboration.

To attain inclusive growth and sustainable peace in the Niger Delta, the Nigerian government must change its perception of the amnesty as a scheme purely to ensure continued and unfettered extraction of oil. It must be seen as a platform to promote and consolidate peace, jump-start development, and improvements in the quality of life, discourage the ongoing degradation of the environment, curtail the ongoing social and economic deprivation, end corruption and curb elite rascality in the region.

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