
The Politics of Amnesty in the Delta Niger Challenges Ahead

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Introduction

Armed groups, many affiliated to the Niger Delta-wide political organization MEND, the Movement for the Emancipation of the Niger Delta, proliferated throughout the oil producing states, particularly from early 2006 onwards. In January 2006, MEND declared war on the oil industry pending the resolution of long term political grievances relating to poverty and underdevelopment, the poor regulation of an environmentally polluting oil industry, and the alienation of local people from rights to land and resources in the Niger Delta. Attacks on oil industry infrastructure, the kidnapping of expatriate oil company personnel and the illicit tapping and sale of crude oil became stocks in trade of armed militia, many with political as well as pecuniary objectives. Their actions significantly dented the Nigerian government's revenue base, which relies on oil and gas sales for some 90 percent of its forex earnings. Some estimates point to losses of 100 billion dollars to the Nigerian treasury between 2003-2008 as a result of conflicts¹. By April 2009, crude oil exports had fallen to 1.6 million barrels per day (bpd) in March 2009, down from 2.6 million in 2006.

In April 2009 the idea of an amnesty for armed 'militants'² was first mooted by the late Nigerian President Umaru Musa Yar'Adua in power since May 2007, but met with a less than positive response from most militant quarters. It was followed up in May 2009 by a full scale aerial military bombardment of Gbaramatu and Escravos in Delta state, a key militant stronghold and close to offloading platforms

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¹ Judy Burdin Asuni, 'Blood Oil in the Niger Delta', Special Report, 2009 United States Institute of Peace, p. 1

² The term 'militant' is much contested in the Niger Delta. Although it has entered into common parlance and become the catch all term to describe armed fighters in the Niger Delta, ascribing to them some sort of diffuse 'illegitimate' political intent, often used interchangeably with 'warlord' or 'kingpin', it is not value neutral and contains within it negative connotations which rhyme all too easily with the word 'irritant'. Aware of the political importance of these semantic battles in winning hearts and minds of a wider public, so-called militants have tended to describe themselves as 'freedom fighters', 'patriots' or simply armed combatants, and in so doing seek to highlight the importance of their 'legitimate' political aspirations. In this paper we use the word 'militant' not always in inverted commas, as it has become the 'official' term, whilst not subscribing to the underlying assumptions inherent within this choice of terminology.

of Shell and Chevron. The attack left up to 1,000 people dead, most of them ordinary civilians and many more injured or rendered refugees. The offer of an Amnesty or 'Presidential Pardon' for 'repentant militants' was officially made on 25 June 2009. For a 60 day period between 6 August – 4 October 2009, 'militants' who surrendered their arms, 'renounced militancy' and registered with the government were to be eligible for inclusion in an 'Amnesty program' for rehabilitation and reintegration which included monthly allowances and training. Initially reluctant, one by one key militant leaders from and affiliated to MEND, signed up for the deal. Yar'Adua's amnesty offer was a way of buying out militants and making it pay NOT to attack the oil industry rather than vice versa. The Federal government essentially took over responsibility for paying 'the salaries' of ex-militants and affording their leaders the opportunity to do 'legitimate business' by awarding them state contracts and substantial bonuses, and thereby incorporating them into the apparatus of state. With elections around the corner, for all the hopes it raised, the amnesty was essentially a short term strategy for taking militants out of the creeks and minimizing the potential damage they could cause around election time.

The Amnesty spearheaded a significant lull in hostilities, a noticeable decline in attacks on the oil industry and substantial increases in oil generated income for the Nigerian treasury. Yet for of the first year after militants had surrendered (some of) their arms and declared an indefinite cease-fire (September 2009), little progress was made on the amnesty rehabilitation and reintegration front. The long term illness of the principle architect of the Amnesty, President Yar'Adua, who had become critically ill by November 2009 and was absent from the country for some three months, but had also 'saddled' himself with overall responsibility for the program's implementation, meant that little movement (of funds) was possible without him. In February 2010, Vice President Goodluck Jonathan, the former Governor of the mainly Ijaw³ oil producing Bayelsa state, replaced Yar'Adua first as Acting Head of State, and in May, upon the latter's death, as President of Nigeria. This was the first time a 'minority' from the Niger Delta, and an Ijaw at that, had occupied the post.

The article examines what has happened to militants and militancy in Nigeria's oil producing Niger Delta since the introduction of the Amnesty and in particular in what ways the arrival of Goodluck

³ The Ijaw, are the largest ethnic group in the Niger Delta and one of the largest 'minorities' in Nigeria as a whole. The Ijaw also constitute the main although not exclusive support base of MEND and many other armed groups. Ijaw nationalists speak of an estimated population of between 8 and 12 million Ijaw altogether, indigenous to 6 coastal states from the west to east of Nigeria. They constitute the majority population of Bayelsa state, created in 1996. A major political cleavage in Nigeria, since decolonisation and independence in 1960 has been between majority 'ethnic groups', the composite Hausa-Fulani, the Yoruba and the Igbo, and 'minorities' like the Ijaw of which there are some 300 throughout the country and 40 plus across the Niger Delta states.

Jonathan's presidency has reshaped the post Amnesty program. The paper is divided into three main sections; the first provides a summary of the Amnesty package and assesses the extent of its implementation, the second highlights the principle challenges facing it, whilst the third concluding section reflects on what Jonathan's presidency and the likelihood that he will run for Presidential office in 2011 portends for the future of the 'post Amnesty peace settlement'.

The Amnesty – A Summary

Background to the Amnesty

Neutralizing the nuisance capacity of MEND and its many affiliates, by paying them off, was the principal target of the amnesty deal. The dramatic emergence of MEND in 2005 had changed the character, cohesion and effectiveness of what had been a fragmented set of armed attacks on the oil industry. MEND – an organization in its own right and a umbrella body, with its main support drawn from the Ijaw ethnic group provided the possibility for greater horizontal cohesion across the variety of affiliated youth militia groups and secret cults / gangs, operating throughout towns and villages in the oil producing states of the Niger Delta, with a multitude of aims and ambitions, since the late 1990s. Whilst initially explicitly political in orientation (MEND's first statements called for the release of two high profile Ijaw political figures, imprisoned towards the end of 2005 – the former governor of Bayelsa State, Diepreye Alamieyeseigha and Alhaji Asari Dokubo, the former militant leader of the Niger Delta People's Volunteer Force/Service), many of its affiliates and what became known as simply 'militants' or 'warlords' were less so. The scaling up in the efficacy of Delta-wide militancy since 2006 was also facilitated by the dramatic expansion and accessibility of mobile telephony over inhospitable terrain, facilitated greater co-ordination amongst increasingly better funded and highly mobilised groups.

The federated nature of MEND – whilst a source of strength, also meant the absence of a high command structure leaving it open to fragmentation and making negotiations difficult – with the potential of exclusion of some and inclusion others. By the mid 2008, the conflict had spread in scale and sophistication involving the use of surface to air missiles by militants and direct confrontations between them and the military's Joint Task Force (JTF) on land and sea, with air raids on villages in search of key commanders, with substantial 'collateral' damage and retaliatory attacks by militants on the oil industry. According to a Federally sponsored Technical Committee report, up to 1000 people had been killed in the first nine months of 2008.⁴, caught in the cross fire between the military and armed groups.

⁴ "Report of Technical Committee on the Niger Delta", vol. 1, November 2008, p. 9.

This presentation so far suggests that there were clear dividing lines between militants on the one hand and the Nigerian state and oil companies on the other, against whom they were prosecuting a war. Yet closer examination shows that against the backdrop of deep seated grievances, for much of the period since and even prior to January 2006 when MEND erupted, the Niger Delta war 'scenario' pitting militants against the military was as much well rehearsed 'spectacle' of orchestrated violence as real (although its victims are indeed real enough). Increasing evidence suggests that at least prior to the Gbaramatu build up, complicity rather than confrontation characterized relations between militants and the Joint Task Force (JTF), a combined Air Force, Navy and Army unit established permanently in the Niger Delta since 2004. Both 'sides' deliberately tended to try to avoid rather than confront each other in their struggle to secure access to the lucrative security 'contracts' from the oil industry and access to the oil bunkering trade. Indeed where confrontation did erupt, it tended to be when this complicity had broken down. By late 2008, a veritable war economy had successfully grafted itself onto armed violence in the Niger Delta. Direct confrontations with the JTF were not unrelated to competition over oil bunkering supply roots between the military and militants. On May 13 2009, a full-scale military offensive was launched by the JTF, involving aerial bombardments. It was publicly presented as an onslaught against 'violent organised criminals who have crippled the oil and gas industry' in villages in and around Gbaramatu, south-west of the oil city of Warri in Delta State and, was the final straw that broke the camel's back of a much war weary Niger Delta population. Hundreds, if not thousands, of Nigerians died in repeated clashes between the military's JTF and militants near Chevron's Escravos terminal, creating a refugee crisis in Warri.

MEND, Militants, Criminals and Free Riders

As in past amnesties, the announcement of the amnesty package spearheaded a rush to acquire 'militancy' status and a rush to hand in weapons of any kind by would-be beneficiaries, throughout the Niger states and beyond. This was equally the case in states where oil production was minimal and in which there had been little recorded recent history of militant activity, even though the kidnapping phenomenon had become widespread. The lack of clarity about how inclusion was to be determined ie. who could be eligible for stipends and rehabilitation training, and the amounts involved also created confusion and much discontent between would be 'legitimate' militants and 'so called militants' who were also reaping benefits. Many late comers, whose commanders only signed the amnesty deal after the expiration of the amnesty window also protested (as late as August 2010) about their exclusion. The government's stated desire was to separate 'criminal elements' from the rest. Yet by criminalizing

those who refused to sign up to it, the Amnesty appeared to give the JTF a new license to clamp down on would be militants in the creeks, who were thereafter labeled criminals. Rtd Major Godwin Abbe, the former Minister of Defense, who initially headed the Amnesty initiative, was explicit about the JTF's role in the post Amnesty era; to keep 'criminal elements out of the communities to ensure that only the *genuine* inhabitants return and that the people are protected from the activities of criminal opportunists who may want to take advantage of the situation'⁵. Paradoxically by lumping all those willing simply register as state beneficiaries of the amnesty into one basket, rather than separating the 'wheat from the chaff, the Amnesty in effect did quite the opposite. The presumption that it was indeed possible to separate out 'genuine inhabitants' or 'militants' from 'criminals' underestimated the way in which the 'struggle' continued to have deep popular roots, even if so called 'criminal elements' had grafted themselves on to militancy in the context of the war economy. Wole Soyinka, the Nobel laureate⁶, with a long history of active political support to militant organizations in the Niger Delta, spoke of the disingenuous nature of the 'amnesty deal' which deliberately threw together 'principled MEND fighters and their affiliates' with more 'criminal' elements who had little to do with 'the struggle' in order to avoid dealing with the serious political issues of injustice that it raised⁷. Soyinka subsequently became a member of the MEND appointed negotiating body, the Aaron Team, which, particularly after Timi Alaibe's official appointment as Special Advisor to the President on Niger Delta matters in September 2009, came to play a critical role in securing the acceptance of different MEND factions of the amnesty offer.

This was indeed an uphill task, as MEND or those who professed loyalty to MEND; and who were the main targets of the amnesty offer, initially greeted it with some hostility. 'Operation Moses', launched on 12 July 2009, saw the detonating of a bomb in Lagos (Atlas Cove), the first time militants had struck outside the Niger Delta, killing five people. Yet despite this spectacular and deliberate show of strength, the attack was quickly followed up by the announcement of a 60-day cease-fire (which in September 2009 was replaced by an indefinite ceasefire), after it became clear that Henry Okah, a key MEND leader, would be released from prison. The amnesty offer was not extended to many other imprisoned 'militants'

⁵ Major Gen. Godwin Abbe (rtd) Chairman of the Presidential Panel on Disarmament and grant of amnesty to militants in the Niger Delta (Reprinted press statement in Sahara Reporters – posted July 1 2009

⁶ See <http://www.theaaronteam.org/home.html>. The Aaron team, set up in 2009 by MEND, and led by Vice Rtd Admiral Mike Okhai Akhigbe, one time Vice President of Nigeria, and staffed by individuals nominated to negotiate with the Federal government on behalf of MEND after the announcement of the Amnesty offer. It met for the first time with the late President Umaru Musa Yar'Adua on 14 November 2009.

⁷ See Mudiaga Affe and Friday Okolor Punch, 'Niger Delta Amnesty Won't Work', Punch, Friday 24 July 2009

who continued to languish in Nigerian prisons after the 4 October 2009 deadline had passed⁸. Okah was indeed released on 13 July 2009, after 23 months (following his extradition from Angola on gun trafficking and treason charges). He subsequently left Nigeria for South Africa, to undergo medical treatment. His 'inclusion' in the amnesty was de facto, and not premised on demobilization but his release from jail. He continued to express reservations publicly about the amnesty process which may have successfully bought off militant commanders but failed to begin to tackle the fundamental causes of grievance that had given birth to armed struggle in the first place. He insisted on retaining his 'negotiating capacity' (ie the possibility of returning to 'armed struggle') and subsequently returned to Nigeria to engage in direct talks with the late President Yar'Adua right up until late October 2009 (shortly before Yar'Adua became medically incapacitated). These discussions paved the way the 'Aaron Team' to become the official negotiating body on the part of MEND.

The principle commanders with whom the Federal government, conducted indirect talks included, High Chief Government Ekpemupolo (Tompolo), said to command the largest following mostly from Delta State and closely linked to the well established Federated Niger Delta Ijaw Communities organization, FNDIC, which had for years negotiated security contracts (or protection deals) with foreign oil companies and local political officials, Prince Farah Ipalibo (Dagogo Farah) and Victor Ben Ebikabowei (Boyloaf); two commanders who had carved out their own fields of operations and co-ordinated effectively with each other. The inclusion of Boyloaf and his followers in Bayelsa state, with particularly close links to the Bayelsa State governor, Timpre Sylva, was negotiated by the latter, soon after the amnesty announcement was made. A pre-existing amnesty process already underway under the auspices of the Bayelsa State Conflict Resolution Committee, speeded up the acceptance of the Federal offer by Bayelsa militants. Tompolo, from Delta state, was one of the last to sign up to the amnesty deal, his reluctance linked to the destruction of his military base – Camp 5, in May 2009. Yet His final acquiescence gave the Amnesty deal some of the credibility it needed. Ateke Tom, the recently deceased Soboma George⁹ and *Alhaji* Mujahid Dokubo-Asari rival militia leaders from Rivers State (not all necessarily affiliated to MEND and in the case of Asari, with a declining following) put aside their differences to challenge the continued presence of the JTF in the region, as a precondition for signing the amnesty offer, but were initially openly critical of the criminalizing bent of a presidential pardon that militants had not asked for.

⁸ The problem was highlighted by the Eight Man Panel set up in Bayelsa state, January 2010, chaired by Ijaw Council of Human Rights founder, Patterson Ogon

⁹ Death by shooting in Port Harcourt of Soboma George, on 24 August 2010, provoking fears of reprisals. Soboma George long time enemy of Rivers state funded 'militant' Ateke Tom, both with tenuous links to MEND style 'principled' struggle, but still commanding significant followings.

Whilst publicly selling their acceptance of amnesty as ‘handshake’¹⁰ or platform for beginning frank talks about addressing fundamentals, in private MEND commanders effectively had limited room for manoeuvre and beyond the release of Henry Okah, were unable to extract serious concessions from the Federal government on the political questions, notably on the withdrawal of the JTF; whose human rights abuses and involvement in the oil theft trade, were seen by many Niger Deltans as part of the problem rather than the solution. War weary and increasingly unpopular after the devastating aerial bombardment of Gbaramatu in Delta in May 2009; MEND and associated militants appear to have ‘capitulated’ at least for the time being.

Deep divisions (mainly over money rather than strategy) between MEND commanders continue to lie at the heart of persistent violence involving militants and ex-militants inside and outside the Niger Delta,¹¹ much of which has been heightened in the light of macro level political events that have reshaped Nigeria’s political landscape. The protracted illness and subsequent death of the late President Yar’Adua, the principle architect of the Amnesty, and his replacement by the Ijaw former Vice President, Goodluck Jonathan, now a aspiring Presidential candidate for Nigeria’s 2011 elections, has obliged key ex-militants, like Henry Okah, to re-establish negotiations with a new set of actors, albeit many from the Niger Delta, on the terms of his inclusion in the amnesty settlement. Secret negotiations were apparently underway between Henry Okah and Timi Alaibe over terms and conditions (notably on the sums of money involved)¹², in the week prior to the October 1 2010 twin bomb attacks in Abuja, as Nigeria celebrated its 50 year anniversary of independence. Although Henry Okah, arrested shortly after the bombings, is currently on trial in South Africa and in the light of MEND claiming responsibility for the attacks, being conveniently charged with having masterminded the operation, there is much uncertainty and lack of clear evidence that Okah’s prior knowledge of an imminent attack (as evidenced by mobile phone contacts with the apparent authors, prior to and after the attacks), equates with his role in the orchestration of such.¹³ Clearly the Jonathan administration,

¹⁰ Joint Revolutionary Council Communiqué by Cynthia Whyte, January 2010

¹¹ In 2009 Boyloaf accused Henry Okah of still owing him money which should have been paid to him for weapons sold to prior to his arrest, *Africa Confidential*, Vol. 50, No.17, 28 August 2009, ‘Theater Peace and Votes in the Delta’

¹² *The Nation*, 5 October 2010, ‘Alaibe: Government embraced Okah’

¹³ Whilst MEND via its virtual (email account) ‘spokesperson’ Jomo Gbomo claimed responsibility for the attacks, it is uncertain wheth Henry Okah himself is the author of the statements. His brother Charles Okah, was also arrested on 15 October in Lagos, on suspicion of involvement. See also Henry Okah interview from South African prison to Al Jazeera, in which he claims that Federal Government attempted to pressure him to get retraction of MEND statement claiming responsibility for October 1 bombings

<http://english.aljazeera.net/news/africa/2010/10/2010105115843516850.html>, ‘Ex Mend leader implicates Nigeria’, 5 October 2010

which initially denied MEND's involvement in the attacks, then labeled the authors as 'unpatriotic elements' and 'terrorists' after MEND claimed responsibility, just a few months before Nigeria's 2011 presidential elections and eager to secure the PDP nomination for the Presidential ticket, can ill afford to be seen to be soft on militancy, deeply nervous of any incident likely to threaten Jonathan's chances of success. This would explain the knee jerk attempts to denounce the attacks as politically motivated (with accusations that rival candidate for the PDP nomination, former military Head of state Ibrahim Babangida was behind the attack)¹⁴, the rounding up those suspected of involvement (see recent arrest of Raymond Dokpesi, Media magnate and IBB campaign manager from the Niger Delta, Henry Okah's junior brother Charles Okah, in Lagos, 16 October 2010, and attempt to speed up the passage of anti terrorist laws through the legislature.¹⁵

The package

In July 2009, a budget of N50-52 billion (\$145 million), later N68 billion was controversially announced for the Amnesty program intended for 20,192 registered militants. The actual size of the budget was a constantly shifting target, with different amounts being quoted in the national and international press at different times and the subject of continuous upward revision. Exactly how the budget was to be spent, and the proportion which was to be allocated to monthly allowances versus the proportion allocated to a broader reintegration and rehabilitation package, was also unclear. Over a 42 month period of training, reintegration and rehabilitation in government designated residential training centers¹⁶, ex / repentant militants who registered were to receive monthly allowances of N65,000 over the same period. This was three times the average salary for a young public sector worker in Nigeria but just a little higher than the foot soldier salary, which stood at 50,000 naira (US\$400) in 2006, and substantiates the claim that the amnesty was an attempt to replace an economy of violence with an economy of peace. This could only hold true if militant numbers were accurate. Yet the criteria used to establish eligibility for inclusion were also unclear, with the numbers of intended 'beneficiaries' widely believed to have been inflated. This fueled speculation that militant leaders had deliberately bloated the numbers of their followers in order to increase the size of their own share. Free

¹⁴ *ThisDay*, 2 October 2010, 'Alaibe fingers Okah in Abuja Bombings'

¹⁵ 'Nigerian President vows to tighten anti terrorist laws', 17 October 2010, AFP, StarAfrica.com

¹⁶ The official website actually outlines a 6 year time line for rehabilitation and reintegration
http://nigerdeltaamnesty.org/index.php?option=com_content&view=article&id=54&Itemid=55

riders with little former involvement in ‘the struggle’ were also believed to have ‘surrendered’ weapons in order to take advantage of this rare opportunity. The inflation of figures suggests that stipends intended for would be militants were and continue to be being captured by militant leaders responsible for submitting the names of would be followers. Concerns have been raised by the NGO Stakeholder Democracy Network about the lack of transparency surrounding the quantities of money being thrown at the problem which noted that ‘N65 billion equates to US\$433 million and a theoretical per capita investment of over US\$21,000 in each individual’¹⁷.

Demobilization and disarmament

Demobilization and disarmament was to take place during the 60 day Amnesty window, yet aside from publicly orchestrated and heavily media reported displays of weapons surrendered by the Bayelsa and Rivers state governors, there was no serious attempt at independent verification of arms handed in to determine the provenance (this would have been possibly too high risk, particularly if official suppliers were uncovered), nor to identify the existence of arms caches. Most of the arms handed in by Boyloaf, a militant close to the Bayelsa state governor, for example, consisted of old rusty rifles, 50 machine guns, elderly rocket-propelled grenade launchers and some broken radios¹⁸.

Precise figures for the number of weapons handed in remains unclear. Various sources quote different quantities of arms surrendered, ranging from 2,700 upwards.¹⁹ Past amnesty exercises have shown that the quantity of weapons handed in, whatever the precise figure, does not reflect the quantity of weapons at the disposal of what continue to be armed groups throughout the Delta. Arms caches are likely to still exist and may simply be augmented, as after past amnesty exercises by the funds received from the amnesty program

¹⁷ Akinimo Sampson ‘Kidnapping Persists as Amnesty budget raises’, March 05 2010, AllVoices, <http://www.allvoices.com/contributed-news/5347943-niger-delta-kidnapping-persists-as-amnesty-budget-raises>).

¹⁸ Africa Confidential, Vol. 50, n°17, 28 August 2009, ‘Theater Peace and Votes in the Delta’

¹⁹ ‘Analysis: Nigeria’s Delta Amnesty at Risk of Unraveling’, 23 April 2010, IRIN, <http://www.irinnews.org> See also ‘Amnesty: FG to destroy recovered weapons’ in Vanguard, online edition, 11 October 2009 Lists 2,760 guns of different caliber and types, 287,445 rounds of ammunition, 18 gun boats, 763 explosives and 1,090 dynamite caps’.

itself²⁰. Indeed key ex militant leaders continue to enjoy ever more privileged access to networks both inside and outside the state which guarantees their access to substantial military hardware.

No demilitarization in sight

However unpopular amongst ordinary Niger Deltans, there is currently no plan for withdrawal of the Joint Task Force and no plan for its consolidation or reduction, although redeployments have taken place away from entrances to cities, and are concentrated on strategic locations and nautical points on the creeks. JTF checkpoints have been augmented by an increased number of police checkpoints. Although there have been no reported incidents since the amnesty of JTF / ex militant confrontations (on the Gbaramatu scale), the JTF have been deployed to quell violent ‘ex-militant’ protests (Warri August 2010²¹) and continue to act with impunity in the course of their daily checks on war weary populations. In Bayelsa state ordinary citizens are still obliged to raise their arms above their heads on approaching military checkpoints, with any resistance provoking brutal often fatal reprisals.²²

In place since 2004, the highly prized JTF, is not only an instrument of the Federal government but of state governments who increasingly deploy security functions to them in order to insulate themselves against potential militant threats. Well entrenched in networks of patronage at state level benefitting from access to Governor slush funds – locally known as the ‘Security Votes’ and well entrenched in the oil bunkering business, the JTF is in no hurry to leave. Oil companies and state governments (who have equally at times sponsored militants against the JTF) are also in no hurry to see them go.

²⁰ After the 2004 Federally sponsored Arms for Cash program, any of the militia and cult members amassed huge fortunes from the “arms trade”. This enabled them to purchase less sophisticated weapons and submit them in exchange for N250,000 cash / US\$1,800. The profits made from the lucrative trade were often the subject of militia leader boasts. Asari apparently bought two rocket launchers from “a friend” and submitted them to government for a cash reward of about N3.5m. He paid a fraction of the money to his source, and kept the rest. See Niger Delta Project for Environment, Human Rights and Development, *A Harvest of Guns*, August 2004 Report No. 1 and *Guns Everywhere; No One is Safe*, October 2004, Report No. 2

²¹ Julius Osahon, ‘Ex Militants Riot in Warri’, *Next*, 2 August 2010

²² See Commentary on recent CLO report, Sunday Odibash ‘Post Amnesty Era: JTF Renewed hostilities in the Niger Delta’, *National Daily Newspaper*, 2 September = 2010

Amnesty institutions

A number of different and often competing official bodies were established, or existing bodies given new responsibilities, for implementing the amnesty program. Appointments to these bodies were often political and were as much informed by the need to settle old scores as to address the critical questions in hand. Consequently institutions associated with the amnesty themselves became arenas of intense political competition. These institutions have tended to end up being headed by those with electoral aspirations, who use them to consolidate their own political bases or patronage networks. Shortly after the announcement of the Amnesty in June, and its acceptance by militants in July, a Presidential Committee/Panel on Amnesty and Disarmament of Militants was set up and headed by the Minister of Defense – Maj. General Goodwin Abbe, a native of the Niger Delta. Its objective was to oversee the disarmament process. Acknowledging difficulties and delays in implementation on all aspects of the post-Amnesty plan, in November 2009, the Presidential Committee on Amnesty was broken up into five distinct committees. The then Vice-President Goodluck Jonathan was charged with responsibility for inaugurating the committees and ‘overseeing’ their work, yet lacked any authority to sign off on budgets allocated to each committee which remained within the President’s control. Yar’Adua’s absence and long term illness made it difficult for the committees to function, leading to accusations of fraud and embezzlement of funds from some ex militant quarters. Violent protests from disarmed militants in and around Port Harcourt, Rivers state and Yenagoa, Bayelsa state, angry at not receiving much promised monthly stipends nor being able to access long awaited training or work opportunities were frequent in late 2009 and in the first half of 2010. In spite of widespread (admittedly unproven but also uninvestigated) allegations of fraud and mismanagement with respect to Abbe’s Panel²³, Abbe remained in office until his sacking as Minister of Defense, following Jonathan’s assumption of office as ‘Acting President’ 9 Feb 2010 and the disbanding of the Federal Executive Committee. Jonathan’s intention was to divest himself of the so called ‘cabal’ (of mainly Northern ministerial office holders) that had opposed his succession of the late President Yar’Adua. Abbe was eventually replaced by a no less controversial figure, the Special Adviser to the President on the Niger Delta Region, Timi Alaibe.

In addition to the amnesty program budget *per se*, the budgets of key institutions with a mandate to address the development problematic in the Niger Delta were augmented, with a view to creating the conditions for greater progress on the ‘reintegration’ aspects of the amnesty program. The budgets of the Niger Delta

²³ See Sola Adebayo, ‘Militants Threaten to Drag FG’s Amnesty Committee to EFCC’, *Sunday Punch*, 3 January 2010

Ministry and the Niger Delta Development Commission were increased as were the allocations of budgets by State governments of the Niger Delta to development projects. Coordinating the multiple initiatives of what are effectively competing institutions has been a challenge, further contributing to a widespread inertia that has plagued the post Amnesty rehabilitation initiative. In addition, during both the Yar'Adua dispensation and the present Jonathan administration, political rivalries between the individuals or groups of individuals with decision making powers within these institutions, have undermined any serious effort to focus on the critical issues. The Niger Delta Ministry itself, created by Yar'Adua in 2008, has persistently suffered from a lack of funding, partly due to the active resistance amongst Niger Delta legislators who sit in the Federal House of Representatives, who view it as a 'publicity stunt' and who have blocked the approval of adequate funding for an institution which competes with the Niger Delta Development Commission and with initiatives from other Federal ministries, intended for the Niger Delta, in which they may have a personal stake, in terms of the award of contracts.²⁴ The Niger Delta Ministry was also set up by Yar'Adua to give additional profile to the President's initiatives, notably the amnesty. In addition to the Amnesty programs approved N52 billion (or N68 billion) budget, the Niger Delta Ministry created by Yar'Adua in 2008 also drew up a budget of an additional N122.63 billion (US\$144.63 million) for the reintegration of ex-militants with details on the costs of socks (N5 million.) and vests (N2 million.) for militants, whilst being vague about the purposes to which a payment of N1.65 billion for 'scientific reorientation' or N4.5 billion for 'skills acquisition programs' and a further N150 million for a public information campaign would be put²⁵.

Thus fueling speculation amongst Niger Delta legislators that the Niger Delta ministry has simply become an institution to augment amnesty pay offs to militants, rather than contribute to development initiatives in the broader sense. This highlights the short termism of the amnesty package, more concerned with buying off militants, and buying time before elections, to establish normalcy and a resumption of previous levels of economic activity in the Niger Delta.

²⁴ *Next*, 27 August 2010, Bassey Udo and Festus Owete Bassey Udo and Festus Owete 'Stalemate on Niger Delta Development',

²⁵ *Africa Confidential*, 24 July 2009, Vol. 50, n°15, 'Amnesty not Honesty', *Africa Confidential*, 6 November, 2009, Vol. 50, n°22, 'Abuja Buys a Delta Amnesty',

Principal Results

Ceasefire Holds

For all its flaws, the amnesty succeeded in establishing a ceasefire which has held more or less since July 2009. Subsequently attacks on the oil industry, losses from oil bunkering and the kidnapping of expatriate oil company personnel have declined, whilst oil production is climbing back up to 2006 output levels (2.2 million bpd (August 2010)²⁶).

Protests Proliferate

The long term illness and subsequent death of the main architect of the amnesty program meant that almost a year after it was signed, little real progress was made on the reintegration and rehabilitation front. 'Ex-militants' complained bitterly for almost a year that promised allowances and training were either not forthcoming or ill suited to their needs and in January 2010 threatened to break the ceasefire.

In January 2010, an 'eight man panel'²⁷ headed respected Ijaw civil society actors and public personalities, and initially set up by ex-militants and members of the sub committees of the Presidential Panels on amnesty launched a scathing critique of the amnesty program draft plan. They noted that significantly proportionally higher amounts of the funds were to be spent on consultants fees for training and reorientation than on would be ex-militants notably between (80-90 per cent), that psychological counseling was inappropriate, that those who had borne the consequences of armed conflict, notably mothers and children who had lost fathers and sons and homes and been displaced by the conflict had been left out of the amnesty package. This group also criticized the training institutions envisaged deemed to be inadequate or non existent, as was the content of the training envisaged itself which they claimed was ill suited to the ambitions of Niger Deltans, who aspired to becoming more than 'cobblers' or 'petty traders', but to be equipped to compete for professional careers in the oil and gas industry.²⁸

Real or perceived disparities between amounts paid to ex militant commanders and those paid to ordinary fighters, fueled conflicts within former militant groups and generated incentives for taking up arms against those deemed to have benefited at their expense. Just as in the past (2004), this manifestation of discontent is likely to be used as leverage with which to jockey for better or more

²⁶ 'Crude oil production rose by 1.5 per cent in 2009',

²⁷ See footnote 8 above.

²⁸ 'Niger Delta Militants: Why we accepted Yar'Adua Amnesty' 25 January 2010, Pointblanknews.com

equal treatment or settlement by Federal and state government, by those excluded from the current amnesty settlement. The lack of transparency with respect to the disbursement of amnesty funds rather than contributing to the creation of an economy of peace could potentially be fueling the reassertion of an economy of violence.²⁹

Prior to Jonathan's confirmation as President, the threat of a resumption of hostilities was high. Indeed in January 2010 MEND reissued a threat to resume its war on the oil industry, although little action followed. On 15 March 2010, militants loyal to MEND also claimed responsibility for the detonation of explosives in Warri, Delta state, outside the hotel during a meeting of governors from some Niger Delta states organised by *The Vanguard* newspapers, to discuss the modalities of the post Amnesty program. Both incidents suggested a desire on the part of militants to demonstrate that their continued nuisance capability in the face of little movement on the post Amnesty settlement plan (MEND spokesperson also claimed that they were responding to claims by Delta State and Bayelsa State governors that they were a 'media creation' and only existed in 'cyber space'). The bomb blast in Warri on March 15 2010 perhaps speaks to the desire of militants to get their voice heard – a response to claims by the Delta State governor that MEND was no more than a media creation. 'Violence' makes news, peace less so as evidenced by the reluctance and local and international press initially to take up the story about militants agreeing to the amnesty initially.

Frustrations about the lack of serious movement on rehabilitation and reintegration also contributed to rising incidences of kidnapping and renewed oil theft and attacks on oil company installations. Nigerian security officials claimed that former militants fed up with the delays were regrouping and were behind a renewed wave of kidnappings, robberies and oil theft. Industry sources also note a sharp rise in bunkering — the theft of industrial quantities of crude oil — and illegal refining, as militants who took part in the amnesty but have not been retrained seek other sources of income as late as June 2010. Royal Dutch Shell was forced to declare a *force majeure* on Nigerian Bonny crude oil liftings for May and June in early May 2010 because of leaks and fires on a key pipeline blamed on 'thieves'. Former rebels are also believed to be behind an attack on an oil pipeline in Brass River that forced Italian oil firm Agip to also declare a *force majeure* — freedom from contractual obligations — on its exports³⁰.

²⁹ See 'Political Spills', *Africa Confidential*, Vol. 51, n°16, 6 August 2010, on recent violence in Warri, August 2010 sparked off by violent protests by ex militant who complained about their exclusion from rehabilitation program.

³⁰ Africa Times, 13 May 2010

Rehabilitation Begins

Yar'Adua's replacement by Goodluck Jonathan in February 2010, did begin to speed things up. Timi Alaibe's appointment as Chairman of the Amnesty Committee, saw the launch of the awaited rehabilitation training center in Obubra, Cross River State and greater investment in web based communication about the program³¹. In June 2010 onwards the training center was initially committed to receiving batches of 2000 ex militants every two weeks for non-violent conflict resolution training and careers advice. The figure was later revised down to 678 by the time third batch arrived in August, for reasons of manageability. The NGO Foundation for Ethnic Harmony in Nigeria, in partnership with US University of Rhodes Island Center for Nonviolence and Peace Studies which promotes the philosophies of Martin Luther King, which has been running non violent conflict resolution training in Bayelsa State since 2005, is the main service provider / facilitator awards train 'ex militants' diplomas certified by a US academic institution. In response to widespread criticism that skills training and careers advice is ill suited the aspirations of the 'former combatants' and that the 'reintegration and rehabilitation aspects of the program have not been forthcoming, the Minister for the Niger Delta Godsay Orubebe, in July 2010 announced the registration of 13,000 ex militants for higher education courses³². This was followed up in August by Alaibe's announcement that from 20 August, 1,140 ex-militants from the first batch of 'rehabilitated militants' would be assigned to vocational training centers and formal education institutions in Nigeria and abroad, on 150 different courses with a focus on the business development skills.³³ These announcements were clearly made in response to protests that had begun to proliferate again in July and August 2010 in Abuja, Warri and Ondo. It is too early to tell whether the initiatives they envisage will actually see the light of day.

Even prior to Alaibe's appointment, attacks on the oil industry had already seen a noticeable decline as had threats of a resumption of hostilities³⁴, the kidnapping of expatriate personnel and levels of oil theft. Yet the kidnapping of ordinary and high profile Nigerians in the Niger Delta and in the south east of Nigeria has become endemic. Whilst the decline in attacks and expatriate kidnappings would

³¹ See Federal Government of Nigeria Amnesty Program website - http://nigerdeltaamnesty.org/index.php?option=com_content&view=article&id=54&Itemid=55

³² ENowNow, 14 July 2010.

³³ NBF Topics, 11 August 2010, 'Post-amnesty: Vocational training for ex-militants begins Aug. 20 — Alaibe' By Mike Odiegwu, Calabar

³⁴ In January 2010, a threat was made by MEND loyalists to resume attacks on the oil industry, but never amounted to much. They are likely to have been linked to attempts by militants and Ijaw nationalist groups to bring pressure to bear on the Federal government to implement and improve the amnesty program. Recently however, Henry Okah, the militant leader dramatically released from prison as part of the amnesty deal in July 2009, is however rumored to be secretly canvassing for a resumption of hostilities.

suggest that alternative sources of income are not being sought by some 'ex-militants', the rising levels of kidnapping suggest that many are beyond its reach.

The Amnesty: Main Challenges

Economy of Peace still far off

Allowances unpaid or not paid regularly, huge disparities between payments made to foot soldiers and former militant commanders, limited access to rehabilitation training and allowances for those who surrendered weapons after the deadline, inappropriate training provision, limited employment prospects, the absence of a broader political settlement involving the broader Niger Delta population that has born the costs of conflict, and the politically motivated staffing of bodies responsible for implementing and coordinating the amnesty program, are among the numerous flaws of the Amnesty, widely reported in the local and international press. These flaws have also been the subject of violent protests throughout the Niger Delta states and beyond, many accompanied by threats of a resumption of attacks on the oil industry and on key Federal institutions by disgruntled ex-militants. The highly politicized nature of the amnesty process, over which political personalities from the Niger Delta fight, has also meant that although the flaws are real enough, protests have also been deliberately orchestrated to political purpose.

Protests from ex-militant quarters were rife in the months following the expiration of the amnesty window (October 2009), as stipends were delayed, rehabilitation and rehabilitation plans revealed to be ill thought through, and the top down non inclusive security obsessed manner in which the program was initially introduced (coordinated by the then Minister of Defense, Rtd Major General Goodwin Abbe) perceived as highly provocative. Whilst the decline in attacks on the oil industry since June 2010 and expatriate kidnappings suggests that the Amnesty is working for some ex-militants, the frequency with which often violent protests by disgruntled 'ex-militants' continue to occur suggests that the Amnesty is failing others. The kidnapping of expatriate oil workers has declined, the kidnapping of wealthy and ordinary Nigerians has spiraled both inside and increasingly beyond the Niger Delta. Gunshot wounds continue to be a major cause of injury and death in Port Harcourt, the capital of Rivers state. The recent death by shooting (24 August 2010) of former militant leader – Soboma George – in Port Harcourt, suggests that armed violence continues to feed insecurity in the Niger Delta and that the amnesty has not put an

end to it. Indeed in creating such huge disparities between ex militants, it has created new fissures that are potentially fueling further violence and score settling. Rather than replacing an economy of violence with one of peace it has created a new type of political economy fueling new forms of violence.

Rehabilitation but no Reintegration

Big questions remain unanswered about the usefulness of the rehabilitation program's skills training and career advice with widespread complaints that training falls short of the expectations for high status internationally recognized qualifications that will equip 'former militants' for employment opportunities on the production side of oil and gas industry. In January 2010, critics also lamented the fact that 80-90 per cent of the amnesty budget is being spent on consultants rather than on ex militants³⁵. Jonathan's government has tried to address some of these concerns at least by communicating the program's intentions to send militants to technical colleges at home and abroad for training programs and four year long courses. Yet the amnesty program remains disconnected from the much stalled and non transparent work of the multitude of development agencies (NDDC, Niger Delta Ministry, State government led development initiatives) with the express mandate for addressing the structural problems of poverty and underdevelopment in the Niger Delta. The lack of coordination between these rival institutions is compounded by the fact that the settling of political scores tends to guide decisions regarding appointments and funding allocations, rather than policy relevance. These institutions tend to end up being headed by those with electoral aspirations who use them or are widely believed to be using them to consolidate their own political bases. Timi Alaibe's appointment as Coordinator of the Amnesty program epitomizes this trend.

Defective Demobilization

During the 60-day demobilization and disarmament period, despite the spectacular displays orchestrated by the Rivers state and Bayelsa state governors, no independent verification of arms surrendered actually took place and many arms caches remain intact. Independent verification would have indicated provenance and may have raised more difficult questions about official suppliers. As in the past, 'arms for cash' style pay offs may encourage further arms proliferation in a region of highly porous badly policed borders. In 'incorpo-

³⁵ Akanimo Samson, 'Niger Delta Panel Faults Amnesty Plan', *Next*, January 22 2010

rating' ex militant leaders, and giving them unencumbered access to the Presidency and other state institutions, the amnesty may have also soldered relationships between ex militants and the state in ways which could further facilitate their access to networks of official suppliers of military hardware, upon which they already relied in part, prior to the amnesty arrangement.

The possession of small arms continues to be commonplace throughout the Niger Delta and is linked in part to the poor regulation of oil and gas sector and the manner in which oil companies and politicians have for decades, armed youth groups to defend their interests. This has now backfired with devastating consequences on oil companies and the wider population.

The decision to retain a sizable quantity of arms, in a context in which militants enjoyed little room for manoeuvre was a means of holding on to the little negotiating power they enjoyed, i.e. their ability to inflict damage on the oil industry, if not on the Nigerian security forces. For individual armed groups, maintaining arms caches was also a way of increasing their relative weight vis a vis other armed groups, and therefore also increasing their status in the pecking order necessary for maximizing levels of 'financial settlement'. In this light, it may only be possible to envisage slow progressive disarmament, which would have to go along with demilitarization. Given that demilitarization appears not to be on the cards, it would be difficult to envisage much progress on the effective disarmament. Without either, the potential for the resurfacing of armed violence remains high.

Oil Bunkering

Current estimates suggest the much expanded, but not new industry in stolen oil, is worth some 60 million USD / day³⁶. This includes small scale bunkering i.e. the illicit tapping of pipelines and wellheads for local refinement and sale, larger scale bunkering for sale to international partners, and the 'legally lifted' under invoiced oil that understates the amounts of oil actually lifted by faking bills of lading. Militant activity had provided an 'enabling environment' for this illicit activity, which had long been a feature of Nigeria's oil economy, to thrive (though the scale of losses to the Nigerian treasury suggested it had got out of control – whose control?). The amnesty package, in targeting one layer of a highly intricate web, the ex-militants, has not even begun to tackle what is effectively a hornet's nest. Whilst the oil theft trade has been reined in to some extent, it still continues. The current chairman of the Amnesty panel, in May 2010, lamented losses of 1 million barrels per day since May 2009, costing the

³⁶Judith Burdin Asuni, 'Blood Oil in the Niger Delta', Special Report, 2009 United States Institute of Peace

government about 8.7 billion naira in lost revenues. In June 2010, industry sources also note a sharp rise in bunkering — the theft of industrial quantities of crude oil — and illegal refining³⁷.

In a speech in September 2009, the former Chairman of the Amnesty program, the Defense Minister, Rtd Major General Abbe, claimed that an amnesty for militants did not mean that the JTF would spare oil bunkerers (as if militants could be separated out from oil bunkerers as wheat from chaff). The amnesty in paying off militants, essentially took them out of the oil bunkering equation, giving the JTF, freer rein in controlling and policing access to the oil theft economy. Yet relying on the JTF to rein in the oil theft industry appears to overlook the role of the JTF in the oil bunkering business itself, and the centrality of oil bunkering to the conflicts between the JTF and armed groups in the Niger Delta.

Competing Notions of Security in the Niger Delta

The insurgency ‘situation’ sharpened and institutionalized long established heterodox forms of ‘security provision’ (or ‘protection’) by local youth to oil companies. War, insurgency and the militarization of youth groups were indeed an attempt to use force to secure claims for the awarding of contracts to those designated by the leadership of the armed group in question, and to permit access to the lucrative illicit oil economy that they both afford. As stated in the official amnesty program website, among its desirable benefits was an increase in ‘revenues accruing to the Federation account’, ‘business activities and foreign direct investment’³⁸. Reinforcing the role of the JTF was seen as the principal vehicle for guaranteeing security for the oil and gas sector. The amnesty was a confirmation of Nigeria’s military supremacy over militants (as evidenced by the Gbaramatu adventure a month earlier), and of its desire to carve out its niche in security provision for the oil and gas sector. The Amnesty offer, was backed by threats of a ‘bloody war’ if militants did not surrender by October 4th. Defense Minister Goodwin Abbe who headed the Presidential Panel on Amnesty was opposed to negotiating with militants and to any talk of withdrawal of the military (Joint Task Force) from Gbaramatu as a precondition for talks. The security imperative however toned down under Jonathan and known JTF sceptic, Alaibe, remains a live issue. Yet the presence of key insiders like Alaibe, known for his close associations with militants in the

³⁷ Reuters, ‘Update 3 – Shell Nigeria declares Force Majeure on Bonny Oil’, 7 May 2010

³⁸ http://nigerdeltaamnesty.org/index.php?option=com_content&view=article&id=54&Itemid=55

region, has once again thrown open the debate about who can legitimately and effectively provide security for the oil and gas sector in the Niger Delta.

The amnesty deal was intended to increasingly insulate oil companies from over exposure to militant pressure. Yet by taking militants out of the equation or at least ring fencing their leadership (quite literally, as evidenced by the state provision of security to ex militant leaders like Tompolo who currently relies on a Mobile Police Force escort for 24 hour protection), it has tipped the balance firmly in favour of the official enforcers of peace and security, the JTF, who no longer have to compete with militants over security contracts and oil bunkering.

The deployment of security matters to the JTF alone, which oil companies finance and provide transport facilities for (JTF staff in Escravos wear Chevron identity badges and JTF operatives accompany oil company boats and worker detachments or on road construction projects) in a way that excludes ex militants (not all foot soldiers are in receipt of contracts and lavish sums as commanders are) could however eventually contribute to future instability. The 'sabotage' of oil infrastructure and 'oil bunkering' has for many years been used to bring pressure to bear on oil companies to award contracts to perpetrators or those designated by them. Squeezing militants out in this way could increase the incidence of kidnapping and other illicit activities, to compensate for losses in revenue from stolen oil, in a context in which opportunities for alternative or similarly lucrative employment are non-existent. This may explain why a large proportion of amnesty funds, contract awards and other bonus are believed to have been used to pay off militant leaders. It is worth noting that one of the initially controversial Federal proposals put forward after the amnesty was to oblige oil companies to officially recruit local youth as 'surveillance' or security operatives. Although rendering this long established practice explicit provoked a public outcry, at least in the national press, it reflected an acknowledgement of how important conflicts over the provision of oil company security had become to conflicts within the Delta.

The politics of Amnesty

The amnesty initiative and the manner in which it was staffed from its very inception was mired in political controversy. Competition between Niger Delta political figures each vying to secure political hegemony locally has continued to threaten to derail the amnesty process and prospects for peace more generally in the Niger Delta. Although MEND's roots lie more squarely in Delta state, the political weight of Bayelsa politicians within the Federal administration particularly since Goodluck Jonathan's elevation to the post of Vice President in 2007, his subsequent appointment as President, and the appointment of

Timi Alaibe, as Amnesty Coordinator following his role as chief negotiator on behalf of militants and later Special Advisor to the Presidency on the Niger Delta, has had important repercussions on the way in which the Federally sponsored amnesty program is perceived and received locally. Jonathan's choice of Alaibe has ruffled many feathers, notably those of the Governor of Bayelsa, Timpre Sylva, who fears being upstaged by his rival. Sylva had a year earlier spearheaded a Bayelsa-wide, 'cash for peace' initiative', which involved paying off the militants, rather than endorsing military strikes against them, as in Delta and Rivers states. The Federal Amnesty program essentially replicates the Bayelsa initiative which ensured that JTF operatives did not engage armed groups in combat and in turn that the latter did not carry out operations that could attract military reprisals. In turn militia leaders received cash monthly from the state government and also agreed not to carry out operations against the state (although this did not always work according to plan). Each camp commander is said to have received monthly allowances of up to US\$67,000 in so called 'protection money', as far back as 2005 when Goodluck Jonathan was governor of the state³⁹.

The role of the Bayelsa State Governor, Timpre Sylva, nervous of Alaibe's attempts to use the Amnesty to challenge his position as governor of the state, in orchestrating protests against the Amnesty program and in organizing and arming 'disgruntled' ex militia in the state, cannot be understated (see the July 1 2010 stoning of the car of Chairman of the Amnesty Committee Timi Alaibe upon his recent visit to Obubra transformational training center⁴⁰). As the election season approaches, it is likely that irrespective of the amounts thrown at the amnesty program, these 'protests' and associated violence will continue. There is also a risk that increasingly disgruntled ex militant constituencies, will be recruited as in the past by aspirant politicians as electoral enforcers / political thugs. Rumoured reports of militia recruitment in Bayelsa state by the incumbent Governor, Timpre Sylva, the recent creation of a Bayelsa state vigilante service and the 'ex-militant endorsement' of Sylva's plan to continue his mandate up until 2012 (because it only began in 2008 due to delays in holding elections in the state), does not bode well for the maintenance of peace and stability in this key state⁴¹.

With extensive patronage networks and substantial political weight in the state fostered during his years as managing director of the NDDC, it is an open secret that Alaibe has for many years

³⁹ Africa Confidential, Vol. 50., n°17, 28 August 2009, 'Theater Peace and Votes in the Delta'. Jonathan took over as Governor in 2005 following the impeachment and imprisonment of former highly popular governor of Bayelsa, Diepreye Alamieyeseigha, which gave birth to MEND. Launched in January 2006, MEND gave oil companies an ultimatum to quit the Niger Delta, pending the release of the former governor, amongst other demands.

⁴⁰ Interview with equally not very impartial Barrister Onyema, FEHN, who suspects Sylva's involvement in Obubra protests against Alaibe

⁴¹ See Stakeholder Democracy Network News June, July, August 2010

coveted the governorship of the state. Alaibe's support to Sylva's opponents, who have tended to sponsor alternative and competing militant rehabilitation initiatives in the state, has also politicized the 'amnesty' question and given Alaibe's chairmanship of the Amnesty Panel, a less than impartial flavour. In September 2009, the once powerful but recently impeached (June 2010) Speaker of the State House of Assembly and Deputy Governor, Peremobowei Ebebi, sponsored a rehabilitation initiative for ex militants, organized by none other than the NGO today contracted to provide militant rehabilitation training in Federal Government's Amnesty program – The Foundation for Ethnic Harmony. Governor Sylva was adamantly opposed to the initiative⁴². Given Jonathan and Alaibe's presumed support for the Ebebi camp which has repeatedly attempted to organize impeachment proceedings against Sylva (in June 2010 prior to Sylva's impeachment, in the wake of bomb blasts in the state, President Jonathan had even threatened to declare a state of emergency in Bayelsa and send administrators in to run the state), politically motivated protests against the Federal Amnesty program are perceived in Bayelsa state as 'fair game'.

Of all the Niger Delta states, Bayelsa is likely to be the state in which the unraveling of the amnesty package is likely to be most pronounced. The widely reported violence generated by conflict between the Ebebi and Sylva camps is compounded by the real or presumed impartiality President himself and the current coordinator of the Amnesty program, both heavily invested in particular political outcomes in the state from which they hail. Yet whilst united in their opposition to the current incumbent governor, this shallow show of unity could come apart at the seams, if Alaibe declares his intention to run for the governorship of the state. Alaibe has a more extensive network of militant support than Jonathan who can ill afford to have a potentially even more formidable opponent as Governor in the largest oil producing state in the region and home to the largest Ijaw population in the country.

⁴² <http://www.fehnnigeria.org/Achievement.html#Transformation>

Concluding Remarks

Yar'Adua's announcement of a Presidential Pardon on 25 June 2009 was essentially conceived as a means of buying off militants and re-establishing oil and gas production in the Niger Delta. The ceasefire which it paved the way for has more or less held since then, as suggested by the noticeable decline, albeit not complete eradication of, major attacks on oil industry facilities, in the kidnapping of expatriate personnel, and in the number of visibly armed militants on the streets. Whilst protests from disgruntled ex militants continue, and the kidnapping of ordinary Nigerians has escalated, the amnesty, although much flawed, did create a noticeable lull in hostilities, and provide the necessary breathing space for re-establishing economic activity – at least for the oil and gas sector and at least in the Niger Delta itself. Yet, as the twin bomb attacks in Abuja which MEND claimed responsibility for and which killed 12 people on 1 October 2010 spectacularly demonstrated, militancy is not yet dead in Nigeria, even if its scope and nuisance capacity has spread beyond the Niger Delta. It is too early to speculate about the causes and culprits of this recent attack, although much mud is being slung, as yet unincorporated ex militants are being rounded up on terrorist charges. The Jonathan administration, in the light of its presidential ambitions, clearly seeks to be seen to be in control of a situation which was initially ineptly managed. A growing Ijaw militant constituency of supporters behind the idea of an 'Ijaw presidency', came out condemn those responsible for the attacks, denouncing armed struggle, and distancing themselves from Henry Okah and his faction of virtual militants deemed to lack legitimacy. Jonathan's presidency is clearly transforming the face militancy in the Niger Delta, which for the incorporated few is not longer necessary or attractive.⁴³

Although lauded nationally and internationally as a package that might finally begin to address the underlying causes of 'discontent' in the delta, which caused young men to 'carry gun' in the first place, the amnesty package, based on buying loyalty of militant leaders and to some extent of their supporters, has not made much headway, in addressing broader concerns. Grinding poverty and underdevelopment in states that supply the oil and gas upon which the rest of the country relies continue as do persistently high levels of youth unemployment and the absence of viable alternative

⁴³ *Daily Champion*, 7 October 2010, 'We Rejected IBB Lobby to Bomb Abuja -Ex-Militants'

opportunities for generating income. All caused in part by the destruction of farming and fishing livelihoods as a result of the environmental and social decay wrought by over 50 years of unregulated oil and gas production. Addressing these fundamentals might begin to create the conditions into which ex militants might truly become 'reintegrated' in a manner which contributes to sustainable peace rather than engendering greater instability. Civil society groups inside and outside Nigeria (SDN, ICG, Coventry Cathedral) have persistently highlighted the lack of any serious attempt to address the factors that pushed them to 'boys' to take up arms in the first place – the loss of rights over lands and water, the unregulated oil and gas industry and the absence of political or legal recourse to institutions at state or federal level

Today, Nigeria stands at a crossroads. Presidential, legislative, and gubernatorial elections are just around the corner, scheduled controversially for January 2011. For the first time in its history, a southern minority, from the Niger Delta, an Ijaw man, occupies the Presidential seat, long deemed to be beyond the reach of 'minorities' from the oil producing South South (one of the country's six geo political zones) of the country; the Niger Delta. Ending minority marginalization from the political center has been for some twenty years a major 'cause célèbre' amongst southern minorities deemed to lie at the heart of the developmental inequalities from which the Niger Delta suffers. If Jonathan does decide to run for the President, it is doubtful whether he will be able to secure or be believed to have secured 'clean' free and fair elections, which have been painfully absent from the Niger Delta since 1999 (2003, 2007) and which have also encouraged youth to invest in violent extra political avenues to make their voices heard, or to simply get what is deemed to be theirs by right. Jonathan will be obliged to secure a PDP victory, with himself at the helm, by any means necessary in the Niger Delta states, creating a potentially highly explosive situation.

Most Niger Delta Governors initially did not support the idea of Jonathan being appointed as Acting President in February 2010, fearing that being lumbered with him now would mean forestalling their chance of choosing their South-South Presidential candidate in the near future ie 2015 (based on an unwritten agreement within the ruling PDP that power rotates ever two terms between North and South, and every four terms horizontally between one of three geopolitical zones in each region). The principle Ijaw elite association – the Ijaw National Congress (INC) had up until recently (July 2010) sought to discourage Jonathan from standing for President in 2011. Slowly however Ijaw elites and governments from states in the South South are gradually getting on board. Whilst the potential symbolism of Jonathan's descent from Ogbia, in Bayelsa state, may have not been lost on members of the Ijaw political class (most Ijaw political elites have come from there), although Jonathan is an Ijawman, he is endowed with few organic links to a militant political traditions and is widely perceived as having arrived at his position by force of

circumstance, and by the deft political manipulation of his one time muse and king maker, former President Obasanjo. Indeed militants attacked his house and have repeatedly shunned him, since his appointment by a much vilified former President Obasanjo, as running mate and later Vice President in 2007. Yet as events unfold, this lack of militant roots, may matter less and less, and the power of incumbency, more and more in determining his ability to co-opt one time hostile governors. His faceoff with the only Ijaw governor in the region, Timpre Sylva from Bayelsa – who openly challenged Jonathan's appointment, is likely to be resolved one way or another. Yet Jonathan's recent failure to impeach Sylva or declare a state of emergency do not suggest that Jonathan is in control politically in his home state, the only homogeneous Ijaw state in the country and an important symbolic homeland for Ijaw nationalists (within MEND and beyond). The decision by former military Head of State Ibrahim Babangida to throw his hat in the ring and declare his intention to seek the PDP nomination, with the former Governor of Rivers state (and former Presidential and Vice Presidential aspirant) Dr Peter Odili as his running mate, is likely to compound Jonathan's problems of a less than solid political base should he chose to do battle with Babangida for the PDP ticket.

Jonathan's 'emergence' initially as VP and now as President, is not unconnected to his 'ethnicity' as Ijaw, within Nigeria's political culture of ethnic national cake sharing and the division of spoils along ethnic lines. The presumption being that if the Ijaw can be settled – i.e. Ijaw political elites – then the 'struggle' and associated 'Niger Delta restiveness' led by 'militants' with the blessing and financial backing of an increasingly wealthy Ijaw political class (with direct access to Federally distributed grants) can be settled once and for all. Lacking his own established networks, Jonathan is likely to draw on support from his political sponsor and revive the networks associated with him. How he will marry the incompatible demands of his dual mandate – addressing the fundamental causes of discontent in the delta and at the same time satisfying the interests of his kingmakers and sponsors – steeped within Nigeria's ethnic settlement culture – is difficult to predict. Within the wider Nigeria, Jonathan represents the 'candidate' best able to buy off militant warlords and so buy peace. The symbolic capital associated with his Ijawness is a bonus. Yet Jonathan's ability to 'settle' the Ijaw politically also signals the death knell of 'the struggle' (already much diluted in political content by 2008), in much the same way as his 'mentor Obasanjo's 'arrival' on the PDP Presidential ticket in 1999, spearheaded the death of a Yoruba opposition that had grown up around the Action Congress after the debacle surrounding Babangida's annulment of the 1993 Presidential elections and the subsequent imprisonment and death of Yoruba Presidential victor, MKO Abiola. Obasanjo's emergence as the PDP candidate of choice in 1993, despite him lacking a political base in his own home state, and the 'cooption' of Yoruba elites within the administration during his two terms in office, served to defuse the threat that Yoruba nationalist politics had once posed to the integrity

of the Nigerian state. Could Jonathan's nomination as the PDP candidate also follow the same pattern?

Jonathan's presidency so far appears at least superficially to have tamed the resistance which once characterized attitudes towards him in the Delta. He inherited some critical levers which he has been able to work to his advantage – the Amnesty package was one – the challenge before him was simply to get the post Amnesty package up and running and get the funds flowing. This he appears to have done, although criticism by those excluded is mounting, particularly as the electoral season gets underway. Support then from ex militant quarters and the Niger Delta more broadly cannot be taken for granted and Jonathan can ill afford, even if he gears up to run for the Presidency in 2011, to take his eye off the ball on the post Amnesty implementation front. Mounting, though admittedly partly politically motivated dissatisfaction is emerging about the irrelevance of the Amnesty deal both amongst the targeted militants themselves, who have been paid off for now, but whose futures are bleak, and to the lives of most Niger Deltans whose interests have largely been ignored by the amnesty deal. Jonathan's intention to run for presidential office in 2011 is likely to be a major distraction, as it will focus his attention on securing the PDP party presidential nomination at the primaries, or failing which, ditching the PDP for another political party. Yet whilst the prospect of a Jonathan Presidency after 2011 has also sharpened antagonisms between Niger Deltans and 'the rest', and raised fears in the North that they may be 'robbed' of 'their turn to eat' in the wake of Yar'Adua's death. Jonathan's decision to run for the presidency on a PDP ticket may equally be divisive in the Niger Delta itself. Many discordant notably non-Ijaw voices in the South South remain convinced that backing Jonathan, as seductive as his name seems, amounts to little more than wishful thinking and that would be better to wait until their 'turn' comes around, to secure the candidate of their choice (in 2015)⁴⁴.

⁴⁴ See Henry Omoru 'IBB Jonathan's Camp in Fire Exchange', Vanguard, Wednesday 15 September 2010 on the recent spat between Media Mogul, Raymond Dokpesi, from Edo state, former South South People's Assembly Chair, who has decided to run Ibrahim Babangida's campaign, and is defending the right of the North to have 'their turn'. His family has received threats of kidnapping as a result and the South South Elders Forum has been highly critical of his stance. Dokpesi was arrested or 'taken in for questioning' following the October 1 bombings in Abuja, as part of a Jonathan led campaign to allege Babangida's politically motivated involvement in the attacks