

POLICY BRIEF

The role of the Delta State Government in the management of the amnesty programme

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This brief examines the role played by the Delta State Government in the implementation of the 2009 amnesty for Niger Delta militants.

The State was allowed a very limited role in planning the amnesty, but was critical in mediation between federal governments and militants initially reluctant to accept its terms. Subsequently, the state government made available logistical support for demobilisation, ensured security in challenging circumstances and provided, through its parallel programmes, complementary support to the aims of the Amnesty Programme. Federal–State relations have been characterised by lack of clarity, consultation and a command culture, while undefined expectations have led to disjointed implementation and some recrimination between stakeholders.

The brief advocates a number of measures to improve co-ordination, participation and governance in this and future programmes aimed at disarmament, demobilisation and reintegration.

BACKGROUND

On 26 June 2009, the Federal Government of Nigeria announced an amnesty and unconditional pardon to militants in the Niger Delta.

The amnesty involved surrender, demobilisation, disarmament and subsequent training of ex-militants (for a brief assessment of the Amnesty Programme, Page 4 of NSRP Policy Brief 2). The programme, scheduled to continue until 2015, has been successful in bringing about a very significant reduction in the disruption of oil production and malicious damage to facilities.

However, the Post-Amnesty Programme (PAP) has been deficient in a number of respects. These include the high and unsustainable stipends; the exclusion of communities and non-combatants, including non-violent youth and women; inadequate attention to employment provision; and lack of attention to the reconstruction and rehabilitation of communities, livelihoods and local economies. The large stipends to ex-militants and the exclusion of non-militant youth from the reintegration programme impart the message that violence pays. Still lacking is a wider political settlement addressing the grievances and root causes of the violence and an inclusive programme of development for the region. In short, the PAP is merely buying a fragile peace, whose sustainability is uncertain, particularly after the end of the programme in 2015.

In Delta State, some ex-militants have expressed grievances over aspects of the implementation of the programme, the exclusion of some from registration, alleged marginalisation of certain militant leaders in the level of benefits and payments, and the inadequacy of the post-amnesty measures to address the region's problems.

This note considers the role of the Delta State Government (DTSO) in the implementation of the Amnesty Programme, which was by and large a federal initiative. In doing so, it should be borne in mind that the capacity of any state of the federation to respond to security matters is circumscribed by the fact that, under the constitution of Nigeria, the power to deploy the security forces, including the police, is vested at the federal level.

PRELUDE TO THE AMNESTY

The Amnesty Programme was deliberated in the National Council of State, on which the governor of Delta State has a seat along with the other governors. Apart from this, the states affected by the amnesty appear to have had little input into its design. The DTSO was, however, quite active in reaching out to militant groups and persuading them to

accept the terms of the amnesty. In advance of the declaration of the amnesty, the State Governor had accompanied the then Vice-President to Camp 5 (a former construction-company base occupied by militants) to discuss the amnesty with the foremost militant leader in the Western Delta. The state government also facilitated other meetings between the federal government and militant ethno-cultural and civil society leaders. Given the low level of trust in which the militant groups held the federal government, these negotiations mediated by the state, and others by leaders of civil society and community leaders, appear to have been decisive in building the credibility of the Amnesty Programme in the eyes of the militants.

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Militants were initially very reluctant to join the amnesty. Even with the mediation of the DTSG, some segments did not surrender their arms; in particular, the militants allied to the Itsekiri and Urhobo ethnic groups, having earlier embraced the DTSG's peace and incorporation efforts, did not initially join the federal-administered Amnesty Programme. They subsequently agitated for additional phases of the amnesty in which they could be included.

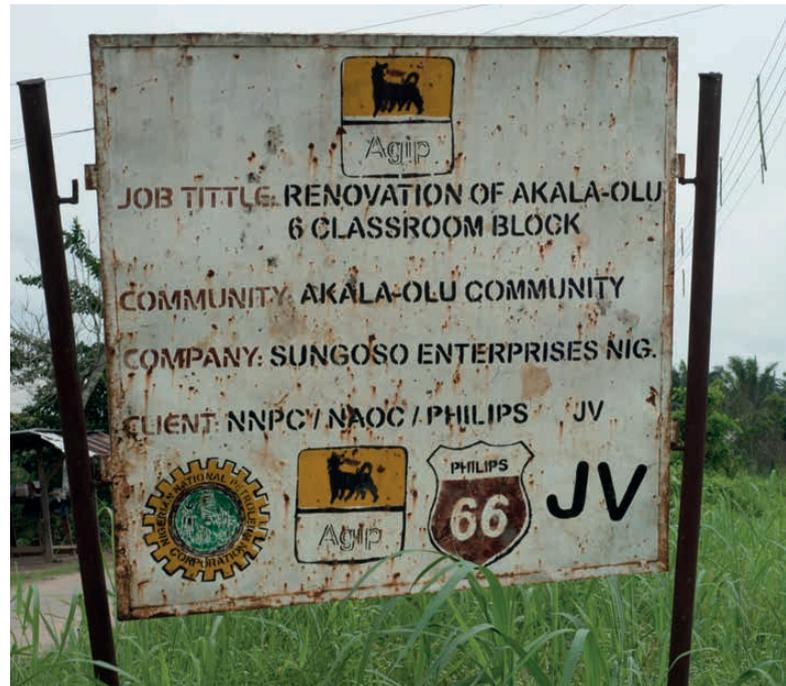
DISARMAMENT AND DEMOBILISATION

Delta State appointed its Attorney General as co-ordinator to the Amnesty Implementation Committee. Other state officials worked with the Presidential Panel on the Amnesty and Disarmament of Militants that organised and received the demobilising militants, or at the Armament Reception Depots. In all contexts, these representatives of the DTSG sought to assuage the fears of surrendering militants and assure them of the sincerity of the federal government's intentions.

Senior members of the Delta State administration see themselves as having taken considerable risks in reaching out to the militants and visiting camps. They have made it known that they would not be prepared to recommence negotiations should the amnesty break down and hostilities be renewed.

The three disarmament centres (at Koko Local Government Council Secretariat, Warri North LGA; Burutu Primary School, Burutu; and Otu Jeremy Secondary School, Otu Jeremy) were managed by the military. However, the DTSG provided transport, welfare and logistical support for the disarmament process and the initial programmes of the Post-Amnesty Programme; for example, by making available demobilisation camps and facilities at Agbarho and Ogbe Ijaw. However, these camps were criticised by the ex-militants as providing poor facilities and living conditions, with a shortage of space and of beds.

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ENSURING STABILITY FOR THE AMNESTY

Subsequent to the amnesty, the DTSG has acted to ensure sustained peace and security, the continuing production of oil and gas, and an environment conducive for the amnesty to continue. In doing so, it has faced considerable challenges, stemming from growing disenchantment with the amnesty, rivalry among ex-militant leaders and protests over exclusion.

There have been numerous breaches of security since the onset of the amnesty. These have included attacks on pipelines in the Batan and Forcados areas in December 2009; the Movement for the Emancipation of the Niger Delta's (MEND) detonation of two bombs outside a conference on the stalled implementation of the amnesty hosted by Vanguard Press in March 2010; and violent protests by ex-militants seeking inclusion in phases two and three of the amnesty since 2012 – protesting militants reportedly set ablaze a gas pipeline in Ughelli North LGA in March 2013. There was also a bomb attack on a hotel in Osubi, near Warri, in February 2012, and an attack on the home of the Minister of Niger Delta Affairs in Ogbagboghene, Burutu Local Government Area (LGA) in January 2013. In addition, there has been a rise in sea piracy since 2010 and crude oil theft is also once again on the increase.¹ Kidnapping by criminal gangs has continued to be rampant in the state. Criminality rose markedly in the state between 2010 and 2012, and this has been attributed in part to disgruntled ex-militants.

1. United States Institute of Peace (2011) *Special Report: Conflict in the Niger Delta – More than a Local Affair*, Washington DC: USIP.

The state government also had to contend with bids by militants to return to their former activities and establish new camps. When 'General' John Togo and his followers denounced the amnesty and returned to the creeks in 2010, the DTSG negotiated with them and agreed to convey his grievances to the federal government. More than half of the militants agreed to be reintegrated into the programme, although the continued intransigence of Togo himself led to his demise in May 2011 in an airstrike by the JTF.

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In July 2013 an incident occurred that could have re-ignited the longstanding and bitter conflicts between the Ijaw and Itsekiri ethnic groups and brought an end to the amnesty. This occurred when youths from the Gbaramatu community attacked several Itsekiri communities in a dispute over local political appointments, killing about 20 people and destroying over 30 buildings. The DTSG deployed security forces, including the JTF, to the affected communities, while at the same time using its negotiators to liaise with ex-militant and community leaders, who were able to mediate a truce. The DTSG subsequently set up a committee to ascertain the level of destruction so as to begin the process of rebuilding.

The state government has continued to provide logistic support to the JTF and pay their allowances, which has accounted for a good proportion of the state security vote since the onset of the amnesty. In addition, DTSG, through its Security and Peace Committee, has solicited the support of youth in maintaining security, including the guarding of oil facilities after they have been vandalised, and has awarded surveillance contracts to former militant activist leaders to secure oil infrastructure. The Delta State Waterways Security Committee continued to provide intelligence on crime and security matters to the state government and security forces and liaise with potentially disorderly elements in communities. Community development authorities still function in the Warri region and other community and social activists persist in their efforts to broker peace locally and reduce crime and kidnapping. While there is no formal mechanism representing ex-militants, communication with the state government occurs informally as the need arises, including talks on the security of the oil production facilities. These channels have facilitated the award and execution of pipeline surveillance contracts by the federal government.

COMPLEMENTING THE AMNESTY

The government has sought to complement the amnesty through its three-point development agenda of peace and security, human capital development and infrastructural development. Programmes that support the amnesty include those relating to reintegration and reconstruction.

(i) Reintegration programmes

The DTSG has established skills acquisition centres for both ex-militant and non-militant youth, and more are under construction. The Delta State Economic Reintegration Programme (DESERP), which operates under the auspices of the Delta State Oil Producing Areas Development Commission (DESOPADEC), was established in 2010 with the aim of helping citizens of the state to attain financial self-reliance through involvement in productive activities, creating new job and economic opportunities, providing access to credit facilities for small- and medium-scale enterprises, and creating opportunities for acquisition of new skills. DESERP is also supported by the World Bank Assisted State Employment Expenditure for Results, with counterpart funding from the DTSG. It is intended that about 20,000 youths would be empowered through special vocational skills and employment in public works. The government has also trained youths in various agricultural skills and encouraged and supported them to form cluster farms. The government also has a training camp for skills development at Ugbokodo, which is supported by United Nations Development Programme (UNDP). However, some of these training programmes, including cluster farming, have met with very limited success, partly because the trainees lack the motivation for the sustained application necessary for transition to legitimate livelihoods.

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The DTSG has also reserved quotas in some agencies for the recruitment of ex-militants. Some of these have not been filled. Other initiatives include the development of the Warri Industrial Business Park and the Oleri and Ogwashi Uku Tourism Parks, which aim to accelerate economic development and tourism so as to provide employment for youth.



(ii) Reconstruction programmes

The government has begun the reconstruction of Okerenkoko and Ugborodo towns, which were destroyed by military action before the amnesty. The design phase was completed, land has been cleared and contracts awarded for the construction of houses. However, the houses have remained at the foundation level and the project seems to have been abandoned. The cause of the suspension of work is not clear, though one perspective is that ex-militants had sought to intervene in the contracting process.

FAILURES OF CO-ORDINATION

There has been very little consultation with the state government on strategic matters relating to the amnesty. During the early phase of the amnesty, the federal government required the states to provide rehabilitation camps as part of the disarmament process. After the demobilisation exercise, the DTSG was not integrally involved in the implementation of the programme; for example, the re-orientation and non-violence training, as well as the reintegration programmes, were organised and managed by the Presidential Amnesty Implementation Committee.

As documented above, Delta, like other states, even in the absence of a clearly defined role, implemented many initiatives that supported the broad objectives of amnesty, in addition to the critical role of ensuring security and defusing potential crises. In spite of this, the federal level did not consider the efforts of the states sufficient or effective. Expressing dissatisfaction with the role of the states in complementing the amnesty, the chairman of the Post-Amnesty Programme stated in a recent interview:

They now have so much money for the essence of developing their states. But what development programmes or projects are ongoing in the various states, and are they people-oriented? Are they such projects that our boys that are trained now can come and get keyed into, in terms of post-training engagement? The answer is 'no'.

The chairman went on to accuse the Niger Delta State governors of allowing local protest to disrupt the federal government programme. The chairman's critique of state performance was echoed by the Joint Revolutionary Council, a militant mouthpiece, which alleged in 2010 that some state governors had refused to complement the Post-Amnesty Programme with state funds, as well as criticisms that ex-militants had some of their demobilisation camps in Delta State.

Since it appears never to have been spelled out just what the states were expected to provide, unclear expectations combined with poor co-ordination have resulted in misunderstandings and mutual recrimination between levels of government. A point was reached quite early in the programme in 2009 when the governors of the Niger Delta states threatened to pull out of the programme altogether. Subsequently, however, they fell behind the federal government when the programme stalled, as occurred again in March 2010, because of a crisis of confidence due to the ill health of the late President Yar'Adua. At that juncture, the then Acting President Goodluck Jonathan consulted regional, cultural, militia, DTSG officials and other stakeholders. Generally however, it does seem that states are called upon only at points of crisis.

It was only in April 2013 that the National Council on Niger Delta Affairs was inaugurated, bringing together government, traditional rulers, technocrats, experts and civil society. However, neither the planning nor the implementation of this federal initiative were undertaken in a participatory or inclusive manner as far as agencies of government, civil society, participating militants or the citizens of the Delta as a whole were concerned. From the start, the institutional culture of the organisations implementing the Amnesty Programme was one of command and imposition, and it proved difficult to reorient this towards the more collective form of decision-making that would have been appropriate for the complexity of the task at hand and the number of stakeholders needed to be engaged. Perhaps inevitably, the absence of participation and engagement led to a disjointed and unco-ordinated implementation.

Where the government of Delta State did play a critical role was in keeping the amnesty enterprise afloat in the face of disaffection, threat and violence from militants of various kinds, and other disgruntled stakeholders.

The real challenge will come in 2015, when stipends are scheduled to be phased out, and the inadequacy of measures to generate employment is likely to become apparent. To address this considerable challenge, all levels of government and other interested parties will need to act in concert for the continuing peaceful development of the Niger Delta.

LESSONS AND POLICY IMPLICATIONS

The Amnesty Programme was conceived and planned with negligible input from DTSG. It was rolled out in an *ad hoc* manner, and showed little evidence of having been thought out in any detail, especially with regards to the all-important requirements for the effective reintegration of ex-militants.

The assistance of Delta State was sought in negotiations with militants so as to gain their acceptance for the programme, and in the provision of demobilisation camps. Once the demobilisation facilities had been provided and the disarmament ceremonies had taken place, the programme became largely a federal affair, and was so regarded by the states. While the federal level seems to have had an expectation of partnership with the state, especially in the areas of developing human capital, enterprises and employment, this role was neither specified nor negotiated. Delta State does implement employment programmes, but these are not particularly designed for the ex-militants participating in the amnesty. Drawing lessons from the evidence and analysis in this brief, the following measures are advocated. They would be appropriate not only for the remainder of the amnesty, but also for the follow-on programmes that will be needed to build upon its achievements.

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- A clear, comprehensive and explicit structure of inter-governmental collaboration is required for the amnesty and equivalent DDR programmes, including for consensus building, planning, implementation and monitoring. Local government also has a distinct and important role to play.
- The experience of the amnesty demonstrates that there is considerable scope for improving the design, planning, organisation and implementation of DDR programmes, especially in the areas of reintegration, training, entrepreneurship and employment generation.
- A culture of consultation and partnership will be important to gain the collaboration of the broad range of stakeholders necessary for the success of DDR in the Niger Delta, both within and beyond government.
- Openness (including on budgetary issues) and participation will also go some way towards addressing the challenges of governance and lack of transparency that have hampered the Amnesty Programme to date. Civil society and community-based organisations have a role to play in ensuring that programmes are transparent and have the required impact at the community level.
- The international community may have a role to play in enabling state and federal governments to draw upon international best practice.



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This Policy Brief is based on a paper prepared for NSRP by Professor Augustine Ikelegbe, Department of Political Science, University of Benin, Benin City. It is based on interviews with members of the administration and other key informants in the state, as well as primary and secondary literature.

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