

# SECURITY WITHOUT JUSTICE: A CRITICAL REVIEW OF DISARMAMENT, DEMOBILISATION AND REINTEGRATION PROCESSES IN THE NIGER DELTA, NIGERIA

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**Olakunle Michael Folami**

Department of Sociology / Criminology & Security Studies  
Adekunle Ajasin University

**Correspondence:**

xtianfayol@yahoo.com

**Afolabi Aribigbola**

Dean

Faculty of Environmental Design & Management  
Adekunle Ajasin University  
Ondo State, Nigeria

**Correspondence:**

aribigbola@aaua.edu.ng

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## SUMMARY

I. SECURITY WITHOUT JUSTICE: A CRITICAL REVIEW OF DISARMAMENT, DEMOBILISATION AND REINTEGRATION PROCESSES IN THE NIGER DELTA, NIGERIA. 2. Journey through the Niger Delta Conflict. 3. Disarmament, demobilization and Reintegration. 4. Reparations - Justice. II. CONCLUSION. III. BIBLIOGRAPHY CONSULTED

## ABSTRACT

The Niger Delta inhabitants became radicalised after Kaima Declaration under the auspices of Ijaw Youth Movement. The conference extensively considered the activities of the multinational oil companies as related to oil exploration and exploitation, and underdevelopment of the Niger Delta region. The decisions reached at the conference included positive and negative consequences towards peace and security in the region. Following this conference, militant groups were formed by various communities that represented at the conference. The militant groups involved in nefarious activities such as kidnapping and killing of oil workers, government officials and foreigners; they also involved in destruction of oil installations. Nigerian Government deployed military to enforce law and order in the region. The presence of military in the region led to confrontation with the militant groups. To resolve the conflict, government began de-radicalisation processes. Amnesty was given to the militant groups, Ministry of Niger Delta was created; this was followed by disarmament, demobilisation and reintegration (DDR) process. It was discovered in this study that radicalisation was a result of neglect, divide and rule, inequality, lack of development. The paper therefore suggested a long process of de-radicalisation programme to sustain fragile peace in the region; this is expected to be combined with transitional justice processes in order to serve the interest of victims of the conflict.

## KEYWORDS

Security, justice, peacebuilding, disarmament, demobilisation, reintegration, reparation

## RESUMEN

Los habitantes del Delta del Níger se radicalizaron tras la Declaración de Kaima, bajo los auspicios del Movimiento Juvenil Ijaw. La conferencia examinó ampliamente las actividades de las multinacionales petroleras en relación con la exploración y explotación del petróleo, y el subdesarrollo de la región del Delta del Níger. Las decisiones alcanzadas en la conferencia incluyeron consecuencias positivas y negativas para la paz y la seguridad en la región. Tras esta conferencia, varias comunidades representadas en ella formaron grupos militantes. Los grupos militantes participaron en actividades nefastas como el secuestro y el asesinato de trabajadores petroleros, funcionarios del gobierno y extranjeros; también participaron en la destrucción de instalaciones petroleras. El gobierno nigeriano desplegó militares para imponer la ley y el orden en la región. La presencia de los militares en la región provocó un enfrentamiento con los grupos militantes. Para resolver el conflicto, el gobierno inició procesos de desradicalización. Se concedió una amnistía a los grupos militantes y se creó el Ministerio del Delta del Níger, al que siguió un proceso de desarme, desmovilización y reintegración (DDR). En este estudio se descubre que la radicalización fue el resultado de la negligencia, la división y el dominio, la desigualdad y la falta de desarrollo. Por lo tanto, el texto sugiere un largo proceso de programa de desradicalización para mantener la frágil paz en la región; se espera que esto se combine con procesos de justicia transicional para servir a los intereses de las víctimas del conflicto.

## PALABRAS CLAVE

Seguridad, justicia, construcción de la paz, desarme, desmovilización, reintegración, reparación

## I. SECURITY WITHOUT JUSTICE: A CRITICAL REVIEW OF DISARMAMENT, DEMOBILISATION AND REINTEGRATION PROCESSES

Nigeria became independent on October<sup>1</sup>, 1960, as a federation of three regions, and later became a federal republic in 1963. In 1963, a military coup ushered in a military regime and the creation of an additional region, the Mid-western region<sup>1</sup>. General Sani Abacha, the late military head of states further divided the country into thirty-six States and categorised them into six geo-political regions, namely: Southwest, Southeast; Southsouth; Northeast; Northwest and North-Central<sup>2</sup>. General Sani Abacha created another six States in addition to the existing thirty States in 1996. Until 1996, no single State was created for the Ijaw, the fourth largest ethnic group and the region with largest oil deposit in the country. The Niger Delta conflict erupted as a result of different factors such as environmental degradation, marginalisation, lack of socio-economic facilities and others. Attempts by the Niger Delta inhabitants to seek justice from the multinational oil companies and the Federal Government of Nigeria to address the age long deprivation, exploitation, neglect and environment abuses by the multinational oil companies and the Federal Government of Nigeria were frustrated. The inhabitants of the Niger Delta region, most especially the youth became restive. The inhabitants of the region formed different ethnic

associations and groups which later crystallised to militant groups. The militant groups vent their angers on oil installations, oil workers, foreigners and government official<sup>3</sup>. To protect the Niger Delta region, government sets up Joint Military Task Force. The confrontations between the militant groups and Joint Military Task Force led to wanton destruction of life and property<sup>4</sup>.

Government introduced various peacebuilding mechanisms to address the Niger Delta conflict such as amnesty, compensation, commission of enquiries, disarmament, demobilisation and reintegration (DDR).

The peacebuilding mechanisms focused on security rather than justice. The problem is that the DDR processes have not provided enduring peace in the region. This study therefore sets to examine the factors that could lead to enduring peace in the Niger Delta. It critically reviews the adopted DDR processes in the region. This study therefore, sets to argue that combination of security (DDR) and justice (reparations) would ensure a durable peace in the post-conflict Niger Delta region.

The first section of this article discusses the roots of the Niger Delta conflict. The second section examines the journey towards conflict while the third section critically looks disarmament, demobilisation and reintegration (DDR) as peacebuilding processes in the Niger Delta region. The

1 FALOLA TOYIN . a history of Nigeria [on line]. HEATON MATTHEW. 1st Edition: New York: Cambridge Press [2008] [10 October, 2022]. Available: [https://edisciplinas.usp.br/pluginfile.php/3949853/mod\\_resource/content/1/Toyin%20Falola%20-%20A%20History%20of%20Nigeria%20cap7.pdf](https://edisciplinas.usp.br/pluginfile.php/3949853/mod_resource/content/1/Toyin%20Falola%20-%20A%20History%20of%20Nigeria%20cap7.pdf)

2 OJUKWU, CHRIS., & NWAORGU, FELIX.. Ethnic Elite Organisation and Political Transitions in Nigeria: Ohanaeze Ndigbo in Perspective. 2013. Vol 9. 1, 106 - 115. ISSN 1712-8056 [Print]. ISSN 1923-6697 [Online]

3 OLOLADE, ISAAC., LAJIDE LABUNMI., OLUMEKUN VICTOR., OLOLADE OLUSOLA & EJELONU BENJAMIN. Influence Of Diffuse And Chronic Metal Pollution In Water And Sediments On Edible Sea-foods Within Ondo Oil-Polluted Coastal Region, Nigeria. Journal Of Environmental Science and Health, 2011. 46, 8, p 898-908. ISSN 21714630

4 AKPAN, NSEABASI., & AKPABIO, EMMANUEL. Oil And Conflicts In The Niger Delta Region, Nigeria: Facing The Facts. Journal of Social Development in Africa, 2010. 24, 1 ISSN 1012-1080.

fourth section specifically examines DDR and its shortcomings in the Niger Delta.

Finally, this article concluded that peacebuilding processes should be a combination security and justices in the Niger Delta post conflict reconstruction.

## 2. JOURNEY THROUGH THE NIGER DELTA CONFLICT

The Niger Delta conflict can be examined from two perspectives: (1) resistance towards environmental degradation; and, (2) resistance toward the Federal Government Joint Military Task Force occupation in response to destruction of oil installations, kidnapping and killing of oil workers, foreigners and security officers by the militant groups. The resistance takes the form of political mobilisation, protests and disobedience, conferences and workshops and formation of militant groups.

### 2.1. POLITICAL MOBILISATION

The description given by Thomas Hobbes in *Leviathan* and his earlier work "On the Citizen" about "the Nature of Condition of Mankind"<sup>5</sup> fits adequately to life experiences in the Niger Delta region. Life, generally speaking, in the region is indeed poor, short, brutish and nasty. Inhumane treatment experienced by the inhabitants of the

Niger Delta region has led to agitations and attacks on the multinational oil companies<sup>6</sup>. The Niger Delta inhabitants' resistance to environmental degradation could be traced to 1966 when Isaac Adaka Boro, a leader of Delta Voluntary Service (DVS) leads a rebellion against the Federal Government and declared the Niger Delta Republic<sup>7</sup>.

Nwajiaku-Dahou notes that in 1966 for the first time, human rights activists demanded equity in the distribution of oil wealth in Nigeria<sup>8</sup>. Chief Gani Fawehinmi, a senior advocate of Nigeria, human rights lawyer and advocate of the Niger Delta people described the human rights movement of Isaac Boro thus:

Adaka Boro fought and died while trying to rescue his people from socioeconomic subjugation. Boro rebelled against two things. He rebelled against the prevailing deficit in the nation's body polity. Second, he rioted against his Ijaw political leadership for ineptitude. He attempted to dismantle the foundation of what he considered to be a decaying institution, and enforce the will or essence of his thoughts to create a brand-new structure<sup>9</sup>.

In 1967, River State was created and Ijaw ceased to be part of the Eastern Nigeria. Ijaw national identity as the fourth largest ethnic group in Nigeria was recognised. After the civil war in the 1970s, the crisis in the region lesse-

5 SADLER, GREGORY. The States Of Nature In Hobbes Leviathan [online]. 2010 [26 October, 2022]. <https://www.semanticscholar.org/paper/The-States-of-Nature-in-Hobbes%E2%80%99-Leviathan-Sadler/da61944499c638b4fd51c843356e54703c7e655a61KPORUKPO, CHRIS. Petroleum, Fiscal Federalism, And Environmental Justice In Nigeria. Space and Polity. 2000. 8, 3 p. 321-354. ISSN 229505>

7 OJAKOROTU, VICTOR. Anatomy of the Niger Delta Crisis: Causes, Consequences and Opportunities for Peace [online]. Münster. LIT Verlag. 2010 [updated] [26 October, 2022]. 155 page. [https://books.google.com.ng/books/about/Anatomy\\_of\\_the\\_Niger\\_Delta\\_Crisis.html?id=VRl5qx1BfMC&redir\\_esc=y](https://books.google.com.ng/books/about/Anatomy_of_the_Niger_Delta_Crisis.html?id=VRl5qx1BfMC&redir_esc=y)

8 NWAJIAKU-DAHOU, KATHRYN. Oil and Insurgency in the Niger Delta: managing the complex politics of petro violence [on line] Cyril OBI AND SIRI AAS RUSTAD , Illustrated. London: Zed Books, 2011. Pp. 255. <https://www.amazon.com/Oil-Insurgency-Niger-Delta-Petroviolence/dp/1848138083>

9 THE HISTORICAL VILLE. Isaac Adaka Boro (1938-1968): The Nigeria's First Secessionist [online.]. 2022. 26 October, 2022

ned when Isaac Boro was killed. The agitation for the protection of environmental rights dominated the Niger Delta struggle in the 1980s. In the 1990s, the inhabitants of the Niger Delta region formed “socio-political movements” to address environmental and human rights abuses. This was championed by the Ogoni people<sup>10</sup>. According to McLuckie & McPhail in the mid-nineties, the Movement for the Survival of Ogoni People (MOSOP) emerged to create more international awareness, demands for environmental rights, and the fair and equitable sharing of oil wealth<sup>11</sup>. Jaja claims that the Ijaw National Congress (INC) was formed in 1994 to challenge environmental and human rights abuses in the region<sup>12</sup>. The congress came together to bring Ijaw nationality under one-fold, to forge ahead politically, economically and socially within the Nigerian federation. The aim of the organisation is to achieve peace and justice for the Ijaws nationwide.

Jaja says:

Ijaw National Congress is not a political body like Ohaneze, Arewa, and Afenifere. Ijaw National Congress believes in the indivisibility of Nigeria but also in the indestructibility of the Ijaw ethnic nationality and identity<sup>13</sup>.

A strong response by the multinational oil companies and the Federal Government of Nige-

ria to the plight of the Niger Delta inhabitants hardened people’s minds resulting in the continuation of the conflict in the region.

The continuous agitation along with the involvement of leaders like Ken Saro Wiwa and others, succeeded in creating international awareness about human rights abuses in the Niger Delta region. The approach of the movement was non-confrontational. MOSOP organised a series of seminars, public campaigns and lectures, meetings, conferences, and peaceful rallies both home and abroad. Ken Saro Wiwa led the most coordinated and successful campaign to externalize the injustice in the Niger Delta in modern history<sup>14</sup>. That said, one of the rallies organised by Ken Saro Wiwa and MOSOP resulted in an internal crisis among the Ogoni people. The crisis led to the massacre of some traditional chiefs who were allegedly by the youth for collecting bribes from the multinational oil companies and the Federal Government<sup>15</sup>. The Military Junta led by General Sanni Abacha court marshalled and sentenced the Ogoni human rights activists to death including Ken Saro Wiwa for their links to these killings. The State sponsor killings of the nine Ogoni human rights activists drew the attention of the international community to the plight of Niger Delta people. According to Robinson, the trumped-up murder case levelled against Ken Saro Wiwa and eight other Ogoni human rights activists was seen by the international community as a gross human

10 BOELE, RICHARD., FABIG HEIKE., and WHEELER DAVID. A Study In Unsustainable Development: The Story Of Shell, Nigeria And The Ogoni People - Environment, Economy, Relationships: Conflict And Prospects For Resolution. *Sustainable Development*. 2001. 9, 2, 2001, p. 74-86. doi:10.1002/sd.161

11 MCLUCKIE CRAIG W, MCPHAIL AUBREY. Ken Saro-Wiwa: Writer and Political Activist [online]. Lynne Rienner, 1999. p. 291. ISBN: 978-0894108839

12 JAJA, CLINTON. View Point: Ijaw National Congress (INC): ‘A Dashed Hope. [online]. 2005. 26 October, 2022

13 Ibid

14 JOHN TONY. Don’t Speak Or Act For Ogoni, Mosop Warns Group [online]. 2017. 26 October, 2022.

15 BIRNBAUM, MICHAEL. Nigeria: Fundamental Rights Denied. Report of the Trial of KEN SARO-WIWA and Others [online]. 1995. 26 October, 22.

rights violation<sup>16</sup>. The unexpected executions however re-energised the people of this region in their campaign for environmental rights and oil exploration based on equity and justice. The Kaiama Declaration Day on 11 December 1998 was critical for the Ijaws<sup>17</sup>. The day was a political turning point in the life of the region when Ijaw youth came together to speak with one voice.

The Ijaw Youth Conference (IYC) was attended by Ijaw youth drawn from over five hundred communities, which represented over forty Ijaw clans. Representatives of twenty-five various organisations signed the memorandum that crystallised the Ijaw struggle for resource control and self-determination. The conference led to the following declaration<sup>18</sup>:

- all land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of our survival;
- cease to recognise all undemocratic decrees that rob the peoples/communities of the right to ownership and control of our lives and resources;
- demand the immediate withdrawal from Ijaw land of all military forces of occupation and repression by the Nigerian State;
- demand that all oil companies stop all exploration and exploitation activities in the Ijaw area;

- Ijaw youths and Peoples will promote the principle of peaceful coexistence between all Ijaw communities and with our immediate neighbours;
- express solidarity with all people's organisations and ethnic nationalities in Nigeria and elsewhere who are struggling for self-determination and justice;
- extend hand of solidarity to the Nigerian oil workers (NUPENG and PENGASSAN) and expect that they will see this struggle for freedom as a struggle for humanity;
- reject the present transition to civil rule programme of the Abubakar regime, as it is not preceded by restructuring of the Nigerian federation;
- call on all Ijaws to remain true to their Ijawness and to work for the total liberation of our people;
- agreed to remain within Nigeria but to demand and work for Self-Government and resource control for the Ijaw people.

According to Ibaba, the outcome of Ijaw youth conference led to the formation of Ijaw Youth Council (IYC). IYC, through lobbying and petitions to the Federal Government demanded three contiguous, autonomous and homogenous Ijaw States namely: Bayelsa, Toru Ebe, and Oil River States along the coast of Niger Delta<sup>19</sup>. This demand was largely borne out of the fact that the Ijaws, the

16 ROBINSON, DEBORAH. 2nd. Ogoni: The Struggle Continues. World Council of Churches. 1996

17 IBABA, SAMUEL. Terrorism in Liberation Struggles: Interrogating the Engagement Tactics of the Movement for the Emancipation of the Niger Delta [online]. Perspectives on Terrorism, Vol. 5, No. 3-4, 2011,

18 FELIX TUODOLO OGORIBA, TIMI KAISER-WILHELM. The Kaiama Declaration [online]. 1998. [26 October, 2022]. <http://www.unitedijaw.com/kaiama.htm>

19 Ibid



fourth largest nationality in Nigeria, did not have any State of their own as noted above.

Protests and disobedience

## 2.2. FORMATION OF MILITANT GROUPS

Human rights abuses however are not limited to the activities of the Joint Military Task Force in the region. The formation of ethnic militia groups in the region was largely a response to the insensitivity of the government and the multinational oil companies to the various demands of the Niger Delta people. The ethnic militia groups at various points in the history of the Niger Delta conflict issued threats, ultimatums, ran campaigns, and lobbied to press home their demands. Militant groups in the region have taken up arms against the Federal government of Nigeria because of environmental degradation, long-term neglect and collusion with multinational oil companies to share the oil wealth<sup>20</sup>. But the militant armed struggle endangered the security of life and property in the region. With the proliferation of arms and ammunition in the region, oil installations were frequently destroyed, oil workers, foreigners, government officials and wealthy individuals and their relatives were kidnapped and killed. The militant groups targeted oil installations, local and foreign, oil workers and used women and children as shield against military bombardment<sup>21</sup>.

Historically, following the death of Ken Saro

Wiwa and eight other Ogoni rights activists in Nigeria in 1995, a number of “guerrilla” movements have sprung up in the Niger Delta<sup>22</sup>. The movements came up with both old and new demands from the oil companies and the Federal Government of Nigeria. Prominent among such groups were the Movement for the Emancipation of the Niger Delta (MEND), The Niger Delta People Volunteer Force (NDPVF), the Joint Revolutionary Council (JRC), and the Movement for the Survival of the Ijaw Ethnic Nationality (MOSEIN).

The militant groups engaged in “guerrilla” warfare with the Federal Government. For example, on 4 November 1999, the Egbesu Boys murdered seven policemen in the Ijaw community town of Odi in Kolobuma / Opukoma Council in Bayelsa State<sup>23</sup>. In November 1999 President Obasanjo gave the Bayelsa State Governor, Diepreye Alamieyeseigha a two-week ultimatum to find the killers of the dead police officers. On 19 November 1999, Obasanjo ordered soldiers to attack the Odi community. The attack was led by Lt.-Colonel Agbabiaka with a contingent of 300 soldiers. The soldiers destroyed the town except the church and bank. They killed at least 375 people and a large number of goats and chickens<sup>24</sup>.

## 3. DDR PROCESSES

In this section of the article the peacebuilding processes adopted in the post-conflict Niger Delta region were critically examined. The peacebuilding approaches provided in this article were

20 IKELEGBE, AUGUSTINE. The Economy of Conflict in the Oil Rich Niger Delta Region of Nigeria. *Nordic Journal of African Studies*, 2005. Vol. 14, No. 2, p. 23-56. ISSN: 1459-9465

21 Ibid

22 AGBEGBEDIA, ANTHONY. Gender mainstreaming and the impacts of the Federal Government amnesty programme in the Niger Delta Region. *International Journal of Gender and Women's Studies*, 2014. Vol. 2, No. 2, p. 177-195. ISSN: 2333-6021.

23 RESEARCH DIRECTORATE, IMMIGRATION AND REFUGEE BOARD, CANADA. Nigeria: Egbesu “Boys” or “cult” including membership requirements; whether forced recruitment is practiced and, if so, whether a person can move within Nigeria to avoid this group. 2000 [37 October, 2022]. <https://www.refworld.org/docid/3ae6ad6e18.html>.

24 Ibid.



not linear. The peacebuilding approach adopted in a post-conflict situation depends largely by the roots of the conflict. Generally, peacebuilding processes adopted in the Niger Delta region were designed to achieve security and peace. Peacebuilding processes in the region took the following forms: (1) amnesty; (2) disarmament; (3) demobilisation; and (4) reintegration.

### 3.1. AMNESTY - SECURITY

The Constitution of the Federal Republic of Nigeria makes a provision for a prerogative of mercy (see The Nigerian Constitution<sup>25</sup>. The President of Nigeria usually derives his power from this section of the constitution to make amnesty proclamation. Amnesty is described as “prerogative of mercy” under the 1979 and 1999 Constitution<sup>26</sup>. As part of efforts of government to redress historical conflict in the Niger Delta, amnesty committee was created in 2009. The amnesty proclamation, 2009 states:

Whereas certain elements of the Niger Delta populace have resorted to unlawful means of agitation for the development of the region including militancy thereby threatening peace, security order and good governance and jeopardising the economy of the nation; whereas the Government desires that all persons who have direct-

ly or indirectly participated in militancy in the Niger Delta should return to respect constituted authority; and whereas many persons who had so engaged in militancy now desire to apply for and obtain amnesty and pardon<sup>27</sup>.

The general amnesty was proclaimed for the Niger Delta militants by President Umaru Yar’adua<sup>28</sup>.

Yar’adua introduced amnesty as part of his seven-point agenda to address peace and development in the region. Yar’adua showed a commitment towards redressing years of injustice in the region and broadly the plan was holistic. He set up different committees to work out the modalities for the resolution of the conflict. Yar’adua made one of the surviving Ogoni activists, Ledum Mittee who was charged with Ken Saro Wiwa and others to be the chairman of technical committee. The committees came up with what was referred to as a Roadmap to Niger Delta Development. It was surprising though that the recommendations of the committee did not come out before the announcement of amnesty for the militant groups in the region<sup>29</sup>.

Amnesty for the ex-militants was implemented between 3 August and 4 October 2009<sup>30</sup>. The registration for disarmament took place within

25 USENDU KERESEAKARA . The Prerogative of Mercy Under the Nigerian Criminal Justice System and The Quasi-Judicial Power of The Executive. 2016 [27 October, 2022]. <https://legalresearchersnigeria.wordpress.com/2016/08/13/the-prerogative-of-mercy-under-the-nigerian-criminal-justice-system-and-the-quasi-judicial-power-of-the-executive-by-kereseakara-usendu-esq/>

26 Ibid.

27 UBHENIN, OSCAR. The Federal Government’s amnesty programme in the Niger Delta: An Appraisal. *Yonetim Militimleri Dergisi*, 2013, Vol. 11, No, 21, 2013. p. 179-203

28 Ibid.

29 UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION. Ogoni: Technical Committee Crucial to Delta Security. 2008 [27 October, 2022]. <https://unpo.org/article/8762>

30 AGBEBEDIA, ANTHONY. Gender mainstreaming and the impacts of the Federal Government amnesty programme in the Niger Delta Region. *International Journal of Gender and Women’s Studies*, 2014. Vol. 2, No. 2, p. 177-195. ISSN: 2333-6021 Delta Region”. *International Journal of Gender and Women’s Studies*, 2(2), 2014, p. 177-195.

60-days<sup>31</sup>. Ekine says that several factors prompted the government to call for amnesty in the Niger Delta. According to him, the activities of the militant groups constituted an embarrassment to the government<sup>32</sup>. The international reputation of the country was also in crisis before the government decided on the choice of the peace process. Lucky Ararile, coordinator of the Federal Government Inter Agency Coordinating Committee on amnesty warned that there would be a legal consequence for any militant that refused to accept amnesty. Integrated Regional Information Network reported that:

Amnesty was granted after record levels of violence in the Delta in 2008: in the first nine months of the year, 1,000 people were killed, 300 were taken hostage and the government lost \$23.7 billion to attacks, oil theft and sabotage<sup>33</sup>.

The amnesty programme in the Niger Delta was followed by “post-amnesty” disarmament, demobilisation and reintegration (DDR), a process announced to end by 2015. The disarmament, demobilisation and reintegration of the militants brought about a relative peace to the region<sup>34</sup>.

### 3.2. “POST-AMNESTY” DDR PROCESS

The President Amnesty Proclamation culminated in disarmament, demobilisation and reintegration (DDR) programme in the Niger Delta. It was created to achieve peace and quickly return

the region to the path of development through a series of community-centered reintegration processes.

But, the death of President Yar’adua in 2010 came as a set back to the programme. The ascension to the Presidency by his Deputy, Dr Goodluck Ebele Jonathan, who is from the region, renewed people’s hope that the Niger Delta would get redress and the reintegration process would lead to enduring peace in the region. It remains unclear, after amnesty, if the government continued to use military forces to sustain peace in the region. The use of military force undermined the avowed commitment of the Nigerian government to peace and prevention of a wider engagement with local communities on their grievances against the State and multinational oil companies<sup>35</sup>.

#### 3.2.1. DISARMAMENT - SECURITY

Demilitarising armed groups by controlling and reducing the possession and use of small and lights weapons followed the amnesty declaration in the Niger Delta. Designated venues for arms collection were created in the Local Government Areas in the nine States of the Niger Delta. The collection was monitored and supervised by the military under the auspices of the Federal Government Amnesty Committee, headed by a civilian. The collection of arms and ammunition, and registration of ex-combatants took place following the submission of a weapon. Like other disarmament processes, the Niger Delta disarmament focused on the ex-militant groups only. A total

31 Ibid.

32 EKINE, SOKARI. Blood and Oil: Testimonies of Violence from Women of the Niger Delta. Independently published, 2021

33 THE NEW HUMANITARIAN. Analysis: Niger Delta Still Unstable Despite Amnesty. 2011 [27 October, 2022]. <https://reliefweb.int/organization/tnh>

34 Ibid.

35 UKIWO, UKOHA. From ‘Pirates’ to ‘Militants’: A Historical Perspective on Anti-State and Anti-Oil Company Mobilization Among the Ijaw of Warri, Western Niger Delta. African Affairs, Vol. 106, No, 425, p. 587-610. ISSN: 1436799

26,358 ex-militants registered with the DDR process. Militants submitted 287,445 different types of ammunition, 2,760 arms, 18 gunboats, 763 pieces of dynamite, 1,090 dynamite caps, 3,155 magazines and numerous bullet proof jackets, RPG chargers, walkie talkies, dynamite cables, knife, cartridges and AK 47 bayonets at the various designated centres<sup>36</sup>. A breakdown of the submission showed that 82,406 ammunitions were received from Rivers State, 52,958 from Delta, 139,877 from Bayelsa, 9,748 from Cross River, 9,725 from Ondo, 959 from Akwa Ibom, as well as 722 from Edo State<sup>37</sup>. Overall, a huge quantity of sophisticated arms was recovered under the disarmament programme<sup>38</sup>. In fact, unofficial figures have revealed that 133 females out of 26,568 ex-militants were demobilised in the Niger Delta<sup>39</sup>. This is discussed in more detail below.

### 3.2.2. DEMOBILISATION - SECURITY

The demobilisation of ex-militants in the Niger Delta involved those that handed in their weapons being moved to rehabilitation camps in Obubura, Cross River State. The militants received different forms of training on peace. In other words, from August to October 2009, weapons were exchanged for micro credit, job training, lump-sum payment and employment. The training was organised by professionals from Nigeria and abroad,

and oil companies as mentioned (discussed below under reintegration). A total 8,299 militants, excluding women, were reported to have registered after the proclamation and received amnesty<sup>40</sup>. The following shows the distribution of the number of ex-militants from each State of the Niger Delta that were demobilised: a total 4,869 militants were demobilised in Bayelsa State; 1,061 in Delta; 1,047 in Rivers; 750 in Ondo; 250 in Edo; 162 in Akwa Ibom; and 160 in Imo State<sup>41</sup>. About 15,000 ex-militants from different 60 militant camps participated in the exercise<sup>42</sup>.

### 3.2.3. REINTEGRATION - SECURITY

The process of social reintegration of ex-militants was organised and implemented by the Federal Government of Nigeria. A sum of ₦10.14 billion was earmarked for the reintegration programme in 2009. Government commenced payment of ₦65,000 allowances to the ex-militants that participated in demobilisation processes. Though it is scheduled to end in 2015, the allowance is continuous; it will be given to ex-militants until they get employment. In October 2009, after an estimated 8,000-15,000 fighters had come forward, the government announced a \$1.3 billion jobs and infrastructure program for the Niger Delta. For example, before reintegration in the Niger Delta, many youths were wi-

36 AGBEGBEDIA, ANTHONY. Gender mainstreaming and the impacts of the Federal Government amnesty programme in the Niger Delta Region. *International Journal of Gender and Women's Studies*, 2014. Vol. 2, No. 2, p. 177-195. ISSN: 2333-6021

37 Ibid.

38 EMILE LEBRUN, GLENN MCDONALD, ANNA ALVAZZI DEL FRATE, ERIC G. BERMAN, AND KEITH KRAUSE. *Small Arms Survey*. 2013 [27 October, 2022].

<https://www.smallarmssurvey.org/sites/default/files/resources/Small-Arms-Survey-2013-Prelims-Intro-EN.pdf>

39 Ibid.

40 AGBEGBEDIA, ANTHONY. Gender mainstreaming and the impacts of the Federal Government amnesty programme in the Niger Delta Region. *International Journal of Gender and Women's Studies*, 2014. Vol. 2, No. 2, p. 177-195. ISSN: 2333-6021

41 OLUDURO, OLUBAYO & OLUDURO, OLUBISI. *Nigeria: In Search of Sustainable Peace in the Niger Delta through the Amnesty Programme*. *Journal of Sustainable Development*. 2012. Vol.5, No.7. ISSN: 1913-9063.

42 Ibid.

thout employment. But at present many are now meaningfully engaged in learning and acquiring skills in various universities, polytechnics and technical institutions all over the world. According to the former President of the Ijaw Youth Council and Leader of the Niger Delta People Volunteer Force, Alhaji Mujahid Dokubo-Asari, “the people managing the reintegration project have used the project to rehabilitate many ex-militants who lived a life of criminality reinserting them into the civil society”<sup>43</sup>. But there are many more that still need to be helped.

For example, according to Olokor<sup>44</sup>, the Federal Government of Nigeria’s ₦74bn allocation of rehabilitation and retraining of the Niger Delta ex-militants in the 2012 budget was insufficient. He demanded that 10-days of oil production proceeds should be allocated to a reintegration process which could amount to \$ 20 million. That said, the reintegration process was became a critical stage in the DDR on the Niger Delta. In early 2010, civil society worked with other international oil and gas companies in Nigeria to set up skills training for former militants to try to help them find long-term employment<sup>45</sup>. In 2011, as part of its social responsibility programme, the Shell Petroleum Company paid about \$1.1 million to the oil-bearing communities in the Niger Delta as compensation for the environmental damages. Many militants were also sent to foreign countries

like Russia for training in medical services. Israel offered the militants training in farming, while Daytona Aviation Academy, Washington promised to provide training in aviation to the militants<sup>46</sup>. Many other militants were trained in different skill acquisition within the country. As of 28 November 2012, 12,000 ex-militants had been trained in different fields like pipeline welding and crane operations.

The Presidential Amnesty Office in Abuja also reported that 2,013 former militants had been offered employment in maritime, welding and fabrication companies at home and abroad. In the same year, the Nigerian National Petroleum Corporation signed contracts with ex-militants’ leaders to the tune of \$39.5m (₦6.3BN) to protect oil pipelines<sup>47</sup>. The former Governor of the Central Bank of Nigeria, Sanusi Lamido noted that the Federal Government has spent between 2009 and 2013, ₦260bn on Niger Delta ex-militants for training and oil pipeline protection. The training is mainly for male ex-militants to reintegrate them into the civil society<sup>48</sup>. Human Rights Watch claims the Federal government has spent some ₦305 billion on salaries, bribes, compensations, seminars and nonviolence training programmes given to the militants<sup>49</sup>. The oil companies are also spending millions every month to pacify restless youths and communities. Okpi notes that by 2014, about 30,000 ex-militants had registered

43 OKONOFUA, BENJAMIN. Paths to Peacebuilding: Amnesty and the Niger Delta Violence. Dissertation (PhD). Georgia State University. 2011 [27 October, 2022]. [https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1061&context=sociology\\_diss](https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1061&context=sociology_diss)

44 OLOKOR, FRIDAY. N74bn not enough for amnesty programme- Dokubo- Asari. 2012 [27 October, 2022]. <https://punchng.com/ex-militants-fault-amnesty-probe-dokubos-suspension/>

45 Voicu-Dan Dragomir & Elena Roxana Anghel (Ilcu). Social responsibility practices regarding facilities granted to employees and consumer protection in selected European companies. *Amfiteatru Economic*. 2011. Vol.13, No. 29, p.86-103.

46 Ibid.

47 OKPI, ALLWELL. FG spends N260bn on 30,000 ex-militants. 2014. [27 OCTOBER, 2022]. <http://www.punchng.com/news/fg-spends->

48 Ibid.

49 HUMAN RIGHTS WATCH. World Report. 2013. [27 October, 2022]. <https://www.hrw.org/node/259847>

for amnesty programme<sup>50</sup>. The Presidential Amnesty Programme Committee stated that over 16,000 out of the over 30,000 enrolled Niger Delta ex-militants have received training in different fields within and outside Nigeria. Senior politicians in Nigeria then asked Shell Petroleum Development Corporation (Shell) to support the amnesty program.

Though, it was called “post amnesty” but the logic was to integrate socio-economic development into the overall implementation, which was the one of the goals of the reintegration process as a whole. Kingsley Kuku, the presidential adviser on Niger Delta affairs and Chairman of the Presidential Amnesty Programme (PAP) feels that DDR programme has assisted in the reduction of violence and that the reintegration process has exposed the underprivileged Niger Delta youth to vocational and educational training home and abroad. However, the problems with the post amnesty DDR programme in the Niger Delta was that it was not accompany by the truth telling, prosecution, institutional reforms nor did it bring justice and adequate reparations that inhabitants of the region wanted<sup>51</sup>. It is to those wider problems that we now turn.

### 3.3. SHORTCOMINGS OF THE NIGER DELTA DDR PROCESS

DDR in the Niger Delta has been criticised for adverse planning and implementation, technical and administrative problems, large-scale corruption and the non-involvement of large segment of society, such as women and victims<sup>52</sup>. A two-week rehabilitation period is not enough for demobilisation<sup>53</sup> and there was much political interference in the programme. For example, many militants that were later absorbed into the programme were not the actual militants that participated in the disarmament process. Many “gate crashers” were connected to powerful political networks in the region<sup>54</sup>. Human Rights Watch reported that the DDR programme did not enjoy overwhelming support of the political elites, as political electioneering in the region has been linked with violence, criminality and rearming the ex-militants that have participated in disarmament process<sup>55</sup>. Agbegbedia notes that aggrieved agitators have resorted to public demonstration, issuing threats, engaging in protests, destroying public property and in some cases, return to criminality, such as kidnapping, oil stealing and robbery<sup>56</sup>. While criticising the disarmament process, Ekine claims that the conditions of the DDR agreement were dictated and forced by the government on a section of militant groups and civil society groups seeking justice because many of them knew the

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50 Ibid

51 HEMEN PHILIP FAGA, RITA ABHAVAN NGWOKE. The Niger Delta Agitation for Resource Control: Making Sense of Common Law Private Property Ownership Principles in the Management and Control of Oil Resources in Nigeria. *Studia Iuridica Lublinensia*. 2021. Vol 30, No, 5. ISSN: 1731-6375

52 Ibid.

53 OLUWANIYI, OLUWATOYIN. Post-Amnesty Programme in the Niger Delta: Challenges and Prospects. *Conflict Trends*. 2011. p. 48-54. ISSN: 1561-9818

54 OJELEYE, OLUKUNLE. The Application of Demobilisation, Disarmament and Reintegration (DDR) .at the Sub-National Level in the Niger Delta. 2011. *Civil Wars*, 13(2), p. 141-156. ISSN: 1369-8249

55 NWOZOR, AGAPTUS. Power Rotation, Ethnic Politics and the Challenges of Democratization in Contemporary Nigeria'. *African Study Monographs*, 2014, 35(1).

56 Ibid

DDR process was a political venture that would not provide the region with justice. They believe it was a ploy to buy justice<sup>57</sup>.

Community consultation and allegations of government insensitivity to ethnic dimensions in the region also undermined the peacebuilding process envisaged through DDR. Many ethnic groups are complained of exclusion from the distribution of State largesse (community-based reintegrated), such as the Urohobo and Itsekiri. These ethnic groups have turned to violence, in expectation of some form of development projects<sup>58</sup>

Most of the ex-militants were rehabilitated in the first phase of the programme. There were many others waiting endlessly for the second and the third phase of reintegration programme<sup>59</sup>. There was also complaint about a delay in allowance payments to the ex-militants, and a lack of consideration of the family of the ex-militants. The rehabilitation aspect of the programme so far, which include about 80% of the budget allocated had been expended on payments of consultants and contractors while just 20% devoted to the rehabilitation of ex-militants<sup>60</sup>. The programme has created a new 'peace industry' in the Niger Delta, with the emergence of capitalist derive of many that have positioned themselves strategically to gain from DDR processes, such as contractors, consultants and mediators or 'peace

ambassadors<sup>61</sup>.

Furthermore, post-amnesty reintegration made no provision for the employment of ex-militants who had completed their rehabilitation vocational and educational training and those that were sent abroad for training. Some were trained but had no jobs to take up afterwards. Proper reconciliation/reinsertion of ex-militants into the community did not take place<sup>62</sup>. The DDR programme failed to consider the acceptance of ex-militants into the community that were subjected to atrocities in the past by the ex-militants. Although in some places, ex-militants were not perceived as threat, in other places where atrocities committed by the militants were serious, people were not happy seeing their former abusers walking freely<sup>63</sup>. Many people grumbled that the DDR has elevated militia generals from "warlords" to "rich lords"<sup>64</sup>. Reintegration suddenly turned the ex-militants into government employees while ignoring the human rights abuses the ex-militants had committed.

The communities and civil society that have agreed to peace were in turn excluded from community-located reintegration, while grappling with the adverse effects of oil exploration and exploitation particularly environmental degradation and loss of livelihoods<sup>65</sup>. The failure of the States and Federal Government to address envi-

57 EKENI SOKARI. A Wake-up Call. *New Internationalist* 2010 [28 October, 2022]. <https://newint.org/blog/majority/2010/10/05/wrong-a-wake-up-call>

58 Ibid

59 EKINE, SOKARI. We are sorry! *New Internationalist*. 2010 [28 October, 2022]. <https://newint.org/author/Sokari%20Ekine?page=6>

60 IGONI, DANIELS. N'Delta ex-militants allege non-payment of 108-month allowances. *Punch*. 2020 [28 October, 2022].

61 Ibid

62 OLUWANIYI, OLUWATOYIN. Post-Amnesty Programme in the Niger Delta: Challenges and Prospects. *Conflict Trends*. 2011. p. 48-54. ISSN: 1561-9818

63 Ibid

64 Ibid

65 NWOZOR, AGAPTUS. Power Rotation, Ethnic Politics and the Challenges of Democratization in Contemporary Nigeria'. *African Study Monographs*, 2014, 35(1).



ronmental related issues and systemic approach towards provision of public infrastructures and social goods through reintegration undermined the effectiveness of the DDR programme<sup>66</sup>.

Thus, the DDR programme is criticised for its inability to reflect local needs and aspirations. According to Nwajiaku-Dahou<sup>67</sup>, post amnesty DDR in the Niger Delta is not focused on the needs of the Niger Delta inhabitants. It contains no decision on infrastructure, environmental disaster, poverty, destruction of means of subsistence, resource control, the nature of federalism, and issues such as rape. Omo-Irabor, a human rights campaigner and one of the key figures in the Niger Delta Road Map Plan Committee critically examining the contribution of reintegration to the communities affected by conflict said:

There is no infrastructure, no roads, development, schools, bridges or employment for the youth, and this is the region that produces the wealth of the nation. Oporoza community in Delta States says they need development, including access to clean water<sup>68</sup>.

He went further:

When the government wanted to reconcile, we thought they would address the is-

sues (but) they started paying the boys as if that was the issue in the first place<sup>69</sup>.

As mentioned above, the DDR was designed as an attempt at resolution of the Niger Delta conflict. Abidde<sup>70</sup> says that the DDR processes were seen as a quick fix. There was no long-term arrangement for the social welfare and well-being of inhabitants of the Niger Delta, and there was a general failure to implement the various recommendations in the Niger Delta Master Plan Committee. Overall, the approach and methods adopted by the government were not attuned with the UN IDDRS policy on DDR.

Human Rights Watch<sup>71</sup> reported that reintegration in the Niger Delta did not give adequate consideration to the socio-economic needs of the people, gender inequality, poverty, environmental degradation and unemployment. It should be noted that not all the warring/justice seeking groups, and their leaders demanded a more holistic reintegration deal. Some sections of the militant groups believed that recognition of victims and affected communities would provide the region with freedom and should be the first step, while others simply wanted a trial and justice in resolution of the conflict<sup>72</sup>.

At present, the reintegration programme of the ex-militants is now under severe threat as a

66 ADEKOLA, OLALEKAN, GORDON MITCHELL. The Niger Delta wetlands: threats to ecosystem services, their importance to dependent communities and possible management measures. *International Journal of Biodiversity Science, Ecosystem Services & Management*, 2011. Vol 7, No1, p.50-68. ISSN: 2151-3732

67 NWAJIAKU-DAHOU, KATHRYN. The Political Economy of Oil and Rebellion in Nigeria's Niger Delta. *Review of African Political Economy*, 2012. Vol.39, No.132. ISSN: 289-313

68 AMNESTY INTERNATIONAL. Nigeria: The 'True tragedy': Delays and failures in tackling oil spills in the Niger Delta. 2011 [28 October, 2022]. <https://www.amnesty.org/en/documents/afr44/018/2011/en/>

69 Ibid.

70 EBIEDE, TARILA MARCLINT; LANGER, ARNIM; TOSUN JALE. NIGER DELTARISING. *Disarmament Demobilisation and Reintegration: Analysing the Outcomes of Nigeria's PostAmnesty Programme*; 2019 [28 October, 2022].

71 HUMAN RIGHTS WATCH. *World Report*. 2013. [28 October, 2022]. [https://www.hrw.org/sites/default/files/wr2013\\_web.pdf](https://www.hrw.org/sites/default/files/wr2013_web.pdf)

72 Ibid



result of dwindling in government's revenue. This has affected the government's commitment to maintaining cash payments and support to ex-militants to abandon violence; this has also been affected by the reduction of the crude oil price at the global market from 120 dollars to less than 60 dollars decreasing overall government revenue.

#### 4. REPARATIONS - JUSTICE

Central to the thesis is the notion of reparations and thus it is important to discuss what constitute reparations in the legal lexicon and generic epistemology, and situate it within reparations ontology. It is also necessary to understand reparations in the context of post conflict peace processes in the Niger Delta. Reparations are generally awarded by court or administrative panels; it is a relief supposed contribute to the protection from future harm, or compensation for past harm or injury. These include compensation for losses that can be proven; to have taken place; and, for which the injured party has the right to be compensated<sup>73</sup>. According to Magarelli<sup>74</sup> the right to remedy and reparations are well documented under international human rights law and humanitarian law. The basic principles and guidelines on the rights to remedy and

reparations for victims of violations of international human rights and humanitarian law state that reparations shall be effective and adequate. Effectiveness and adequacy can only be achieved if reparations meet the needs of victims as they result from the harms suffered. There are different ways of thinking about reparations. It could be explained from a psychological perspective, as a way of repairing psychological trauma<sup>75</sup>, a legal remedy, or as addressing the harms suffered by victims as a result of gross violations of human rights<sup>76</sup>.

According to Correa, Guilleart & Magarrell<sup>77</sup> in some cultures, active participation in criminal proceedings may be essential, whereas in others, the admission of guilt by the wrongdoer will be most important. In some contexts, the fact that one can never undo what was done or make adequate reparations may mitigate reparations, whereas in others, the symbolic effect is understood to be extremely beneficial and worthwhile. If reparations are a monetary award, it should be proportional to the gravity of the violation and the harm suffered. It should be provided even if the perpetrator has not been identified and should include measures to prevent further human rights violations from happening in the

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73 REDRESS. Torture survivors perceptions of reparation: A preliminary survey. Surrey: Aldridge Print Group, 2001 [28 October, 2022]. REDRESS. Torture survivors perceptions of reparation: A preliminary survey

74 MAGARRELL, LISA. Reparations In Theory And Practice. International Centre For Transitional Justice. 2007 [28 October, 2022]. MAGARRELL, L. REPARATIONS IN THEORY AND PRACTICE. INTERNATIONAL CENTRE FOR TRANSITIONAL JUSTICE

75 HAMBER, BRANDON. Gender, memorialisation and symbolic reparations 1st Edition. In RUBIO. Rubio-Marin, The gender of reparations unsettling sexual hierarchies while redressing human rights violations. 2009 Cambridge: Cambridge University Press.

76 UNITED NATIONS AND THE RULE OF LAW. Transitional justice [28 October, 2022]. UNROL.ORG. Transitional justice - United Nations and the Rule of Law

77 CORREA, CHRISTIAN., GUILLEART, JULIE., & MAGARRELL LISA. Reparations and victim participation: A look at the truth commission experience. 2009 [28 October, 2022]. <https://www.google.com/search?q=CORREA%2C+C.%2C+GUILLEART%2C+J.%2C+%26+MAGARRELL.+Reparations+and+victim+participation%3A+A+look+at+the+truth+commission+experience.+2009&oq=CORREA%2C+C.%2C+GUILLEART%2C+J.%2C+%26+MAGARRELL.+Reparations+and+victim+participation%3A+A+look+at+the+truth+commission+experience.+2009&aq=chrome..69i57.2694j0j15&sourceid=chrome&ie=UTF-8>

future. According to Goldblatt<sup>78</sup>, the Reparations and Rehabilitation Committee (RRC) of the Truth and Reconciliation Committee in South Africa recommended that reparations were legal and moral obligations that were necessary to “restore human and civil dignity” and to enable victims to come to terms with the past. The report also recommended that the reparations policy should be guided by the following principles: restitution, rehabilitation, restoration of dignity, and the reassurance of non-repetition.

Like other forms of resolution of the Niger Delta conflict, reparations are also central to post conflict peace processes. Reparations are expected to restore, compensate victims of various human rights abuses and provide guarantee of non-repetition of conflict in the future. It is a good avenue for individual victim who wish to come out to testify before truth and reconciliation commission to receive compensation for gross violation of human rights. In keeping with these principles, urgent interim reparations, individual reparations, symbolic reparations, community rehabilitation programs, and institutional reform are understood as being the most desirable forms of reparations<sup>79</sup>. Reparations for gross violations of human rights are recognised by international human rights law and also enshrined in African Charter of Human and Peoples’ rights<sup>80</sup>. In the Niger Delta, demands for reparations could, and historically have, taken different forms including a focus on the political, economic, cultural and psychological. The Federal Government of Nigeria established a Human Rights Violations and Investigations Commission to investigate human

Rights abuses in Nigeria since independence and also, awarded amnesty and reparations to the militant groups who have been waging war against the government and multinational oil companies in the region, as noted.

The first approach adopted by the Federal Government of Nigeria was to set up a Human Rights Investigation Commission on a large scale to address various forms of human rights violations in Nigeria immediately after the independence. It should be noted that the commission was not set up specifically to address Niger Delta problems. The methods adopted by the Federal Government of Nigeria towards the peace-building processes in the region cast doubt on the sincerity of government in the amicable settlement of Niger Delta crisis. Ten years after the Human Rights Violations and Investigations Commission had been established; amnesty and reparations programmes were introduced in the Niger Delta.

## 4.1. TYPES AND FORMS OF REPARATION

Reparations can either be symbolic or financial (compensation), as well as individual or collective.

### 4.1.1. FINANCIAL REPARATIONS - JUSTICE

In many cases, monetary reparations in the form of monthly payments, lump-sum payments, pensions, skill-training, micro credit program and others are essential to ensure victims’ survival

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78 GOLDBLATT, BETH. Evaluating the Gender Content of Reparations: Lessons from South Africa. In *What Happened to the Women? Gender and Reparations for Human Rights Violations*, 2nd Edition. In: RUTH Rubio-Marín, 48-91. New York: Social Science Research Council, 2006.

79 Ibid

80 SARKIN, JEREMY. Providing reparations in Uganda: Substantive recommendations for implementing reparations in the aftermath of the conflicts that occurred over the last few decades. *African Human Rights Law Journal*, 14(2). ISSN: 1609-073X

and well-being. At the collective level, funds for community rehabilitation programs ensure that survivors of gross human rights violations receive proper treatment. Monetary compensation programs may also deter the state from future abuses by imposing a financial cost on such misdeeds<sup>81</sup>. Looking at the importance of reparations, Abi & Nwosu<sup>82</sup> noted that the delay over the payment of compensation by Mobil Producing Nigeria had thrown many families into abject poverty because oil companies have oil spilled on their lands and it has become infertile.

#### 4.1.2. FINANCIAL REPARATIONS IN THE NIGER DELTA

In the Niger Delta, there have been different forms of reparations given to the inhabitants of the region. The reparations range from financial reparations to symbolic reparations, as well as practical forms of assistance. Reparations in the Niger Delta can be viewed as donations, contributions and special assistance from the individuals, oil companies and the federal government. The Deputy Governor of Delta State donated items worth hundreds of thousands of naira to the Egbolide community to alleviate the suffering of people who are facing difficulties as a result of the recent face-off between the military Joint Task Force and renegade militant group headed by John Togo<sup>83</sup>. Pilkington<sup>84</sup> notes that in Nigeria, the oil giant Shell paid \$15.5 million (£9.6 mi-

llion) in a settlement of a legal action in which the company was accused of having collaborated in the execution of writer Ken Saro-Wiwa and eight other leaders of the Ogoni tribe of southern Nigeria. The settlement was one of the largest pay-outs agreed to by a multinational corporation charged with human rights violations. The scale of the payment was seen by experts in human rights law as a step toward international businesses being made accountable for their environmental and social actions. Thurston<sup>85</sup> notes that in September 2008, Ministry of Niger Delta Affairs was formed by the Federal Government of Nigeria. From August to October 2009, the government offered amnesty to Delta militants, encouraging them to turn in their weapons in exchange for micro credit, job training, lump-sum payment and employment. In October, after an estimated 8,000-15,000 fighters had come forward, the government announced a \$1.3 billion jobs and infrastructure program for the Niger Delta. In 2011, the Shell Petroleum Company paid about \$1.1 million to the oil-bearing communities in the Niger Delta as compensation for the environmental damages.

As of 28 November 2012, 12,000 ex-militants had been trained in different fields like pipeline welding and crane operations. The Presidential Amnesty Office in Abuja also reported that 113 former militants had been offered employment in maritime, welding and fabrication companies at

81 RUBIO-MARÍN, RUBIO. The Gender of Reparations Unsettling Sexual Hierarchies while Redressing Human Rights Violations. [online]. RUBIO Rubio-MariN, New York: Cambridge University Press. 2009 [28 October, 2022]. <https://www.cambridge.org/core/books/abs/gender-of-reparations/gender-of-reparations-in-transitional-societies/310D21F41C71C1DC0EF061C7923510B4>

82 EUCHARIA OLUCHI NWAICHI, LAWRENCE C. CHUKU, ERHIEYOVWEN IGHOAVWOGAN. The Effect of Oil-Spillage on the Soil of Eleme in Rivers State of the Niger-Delta Area of Nigeria". 2009 Research Journal of Environmental Sciences, Vol. 3, No.3, ISSN: 316-320.

83 UTUAMA, TUWERE. Youth Restiveness And Education: A Sociological Study Of The Niger Delta Region Of Nigeria, 2010 [online]. <https://ir.unilag.edu.ng/bitstream/handle/123456789/4317/Youth%20Restiveness%20and%20Education%20a%20Sociological%20Study%20of%20the%20Niger%20Delta%20Region%20of%20Nigeria.pdf?sequence=1&isAllowed=y>

84 DONOVAN, JOHN. Shell pays out \$15.5m over Saro-Wiwa killing. 2009 [28 October, 2022]. <https://royaldutchshellplc.com/2009/06/09/shell-pays-out-155m-over-saro-wiwa-killing/>

85 THURSTON, ALEX. Amnesty for Boko Haram: Lessons from the Past. 2013 [online]. [https://www.brookings.edu/wp-content/uploads/2016/07/brookings-analysis-paper\\_alex-thurston\\_final\\_web.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/brookings-analysis-paper_alex-thurston_final_web.pdf)

home and abroad. In the same year, the Nigerian National Petroleum Corporation signed contracts with ex-militants' leaders to the tune of \$39.5m (N6.3BN) to protect oil pipelines<sup>86</sup>. The former Governor of the Central Bank of Nigeria, Sanusi Lamido noted that the Federal Government has spent N260bn on the Niger Delta, ex-militants between 2009 and 2013 for training and oil pipeline protection. He notes that training of the ex-militants had about N160bn since the inception of amnesty programme in 2009. The training is for ex-militant who are majorly men to reintegrate them into the society<sup>87</sup>. The Federal government currently spends some N305 billion on salaries, bribes, compensations, seminars and nonviolence training programmes given to the militants<sup>88</sup>. The oil companies are also spending millions every month to pacify restless youths and communities<sup>89</sup>. Okpi<sup>90</sup> notes that by 2014 30,000 ex-militants had registered for amnesty programme. The Presidential Amnesty Committee stated that over 16,000 out of the over 30,000 enrolled Niger Delta ex-militants have received training in different fields within and outside Nigeria.

The committee has planned to send another 12,000 ex-militants for training in 2014 and 2015<sup>91</sup>

#### 4.1.2. SYMBOLIC REPARATIONS - JUSTICE

In a report by the South African Truth and Reconciliation Committee, symbolic reparations are referred to as measures that facilitate the communal process of remembering and commemorating the pain and victories of the past<sup>92</sup>. Such measures, which are seen as mechanisms to restore the dignity of victims and survivors, include exhumations, tombstones, memorials, monuments, and the renaming of streets and public facilities. In acknowledging the role of civil society in the process of reconciliation and healing, the South African Reparation and Rehabilitation Committee argued that reparations should be viewed as a "national project" that is a "multi-faceted process and [that] can be approached from many sides by different people"<sup>93</sup>. Amaize<sup>94</sup> claims that compensation can also be nonmaterial. Other common methods of nonmaterial reparations are as listed; apology, visiting, establishing days of remembrance, legal interventions to expunge criminal records, issuance of declarations of death, cultural protection, and reburial ceremonies.

Apart from financial reparations, symbolic reparations were also given to the Niger Delta inhabitants, which included acknowledgment, apology and other mechanisms. In 2010, the Shell Oil Company organised a conference to say "we are sorry". Under the "we are sorry" banner emblazoned with Shell's logo, a member of Shell's ethical Affairs Committee, Bradford Houpe an-

86 SULE, RAPHAEL NOAH Ethno-Religious Conflicts, Mass Media And National Development: The Northern Nigeria Experience. 2015 [online]. <https://irepos.unijos.edu.ng/jsui/bitstream/123456789/1147/1/RAPHAEL%20NOAH%20SULE.pdf>

87 Ibid.

88 Ibid.

89 Ibid.

90 Ibid.

91 JIKE, VICTOR. Oil Companies and Host Community: A Probable Scenario for Reciprocal Empowerment. *Journal Of Human Ecology*, 2010. Vol. 30, No.2, p. 131-142. ISSN: 2320-9186

92 FERSTMAN, CARLA, GOETZ, MARIANA. Reparations for victims of genocide, war crimes and crimes against humanity. 2nd Edition. 2009. Leiden. Brill | Nijhoff.

93 Ibid.

94 AMAIZE, EMMA. How I escaped JTF bombardment of Oporoza.2009 [online].<https://www.vanguardngr.com/2009/06/how-i-escaped-jtf-bombardment-of-oporoza/>

nounced a new dawn for the company. He gave a four-minute-long apology to the people of the Niger Delta for ruining their land. The event was planned in what looked like a truth and reconciliation programme.<sup>95</sup> However, Donovan<sup>96</sup> feels that the Niger Delta people need a genuine and purposeful truth and reconciliation that will address the environmental and human rights abuses, not a caricature conjured by the Shell Oil Company. Ekeni<sup>97</sup> notes the responses of the inhabitants of Niger Delta to the apology tendered by the Shell oil company this way:

They are sorry for the oil and gas spills which made our rivers toxic. They are sorry for the gas flares that sink up our villages. They are sorry for the fact that we cannot eat our fish. That we cannot grow on our land, that we cannot drink our water.

Regarding the conflict in the Niger Delta, the memory of those who lost their families is undauntedly fresh. There was no formal process of remembering those who were killed by any institution or organization. For example, there is no official remembrance for the traditional chiefs who were murdered by aggrieved mobs and whose death culminated in a preconceived trial and the slaying of human rights activist Ken Saro-Wiwa and other eight Ogoni leaders. In a similar vein, Ken Wiwa Jr., in an interview noted:

It's been almost 10 years since my father was executed. And it's this year that we manage to retrieve his bones. We're going to give him a proper burial<sup>98</sup>

Amaze reported vivid accounts of the Joint Task Force's (JTF's) December 1, 2010, invasion of Ayakoromor community in the Burutu Local Government Area of the Delta State. He gave details of how he escaped death and how his kinsmen were killed and homes were razed. He also narrated how soldiers carried out mass burial of the slain villagers<sup>99</sup>. The Odi massacre, which involved heavy artillery, grenade launchers, mortar bombs, and sophisticated weapons, is another case of mass burial in the Niger Delta. Fashakini<sup>100</sup> says that Odi massacre was ruthless, savage, and barbaric. The operation could only have been intended to achieve mass violation. It is difficult to establish the number of those killed, but many were reportedly buried in mass graves, others burned in a mass cremation, and still others disemboweled and dumped in the River Nua. The conflict mentioned above has not been recognised and marked officially. Human Rights Watch<sup>101</sup> therefore argues that it is crucial to have formal apologies, prosecutions, and punishment of those responsible for the human rights violations; truth commissions and war crime tribunals to investigate serious human rights violations, and the public exposure of the truth of what happened<sup>106</sup>.

95 ZALIK, ANNA. The Niger Delta: 'Petro Violence' and 'Partnership Development. Review of African Political Economy, 2004 Vol.31, No.101. p. 401-424, ISSN:0305-6244

96 DONOVAN, JOHN. Shell Apologises for Human Rights Violations in Niger Delta. Royal Dutch Shell plc .com. 2010[online]. <https://royaldutchshellplc.com/2010/05/13/shell-apologises-for-human-rights-violations-in-niger-delta/>

97 Ibid.

98 THE NEW HUMANITARIAN. Symbolic Burial of Ken Saro Wiwa. 2015 [2 November, 2022 <https://www.thenewhumanitarian.org/news/2000/04/25/symbolic-burial-ken-saro-wiwa>

99 Ibid.

100 FASHAKIN, ROTIMI. Obasanjo should face trial for Odi massacre- CPC. THE PUNCH, 2013[online]. <https://www.brandiconimage.com/2013/03/obasanjo-should-face-trial-for-odi.html>

101 HUMAN RIGHT WATCH. NIGERIA. 999[Online] <https://www.hrw.org/africa/nigeria>



The types and forms of reparations offered in the Niger Delta cannot resolve the myriad of environmental and human rights abuses suffered by the inhabitants of the region, and the violence against women in particular. Reparations in Nigeria offered by the government cannot satisfy the demands of women in the Niger Delta. Niger Delta women know that reparations can only provide comfort for individual(s); and can bring divisions. Reparations given to the militants though not spread to women can only provide short-term solution to Niger Delta problems.

Reparations can be of two types: individual reparations and collective reparations. Both concepts of reparations are recognised under international human rights law<sup>102</sup>. According to Article 75 of the Rome Statute and Rule 97(1) of its Rules of Procedure and Evidence (RPE), the court may “award reparations on an individualized or collective basis or, both,” and “upon request or on its own motion in exceptional circumstances” International Criminal Court, Rule 98(3)<sup>103</sup> indicates that the “court may order that an award for reparations against a convicted person be made through the Trust Fund for Victims if the number of the victims and the scope, forms, and modalities of reparations make a collective award more appropriate”<sup>104</sup>.

### 4.3.1. INDIVIDUAL REPARATIONS - JUSTICE

Individual reparations are largely the compensation given to victims for wrongdoing suffered during a war or conflict, but can also be more sym-

bolic. Individual compensation is paid directly to victims who have passed through the appropriate judicial or administrative procedures. For reparations to be adequate and to address many of the victims in a post conflict society the victims must be made aware of their right to reparations and the proper procedures entailed.

They should also be informed of any legal representation available to assist them in the collection and analysis of evidence in support of their claims and in presenting such evidence to the court. Victims’ heterogeneity must be recognised, and respect must be shown for different victims’ traditions and cultural sensitivities. Where security issues exist, precautionary measures must be taken to ensure the safety of victims. Individual reparation could be awarded by a national, state, or international court, such as the International Criminal Court (ICC). Examples of such reparations include apology, social benefit for children and the aged, recognition of death, security and protection, weekly or biweekly/monthly stipends, psychological supportive mechanisms to handle trauma, vocational training, employment opportunity, and scholarship. Another example of individual reparations is the aforementioned general amnesty for militants, in so far as it included jobs, training, and monthly payments to those who agreed to surrender their weapons. Senior politicians in Nigeria then asked Shell Petroleum Development Corporation (Shell) to support the amnesty program. In early 2010, civil society worked with other international oil and gas companies in Nigeria to set up skills training for former militants to try to help them find long-term employment<sup>105</sup>.

102 Ibid.

103 United Nations Treaty Collection. Penal Matters. 2012. [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&amp;mtdsg\\_no=XVIII-10&amp;chapter=18&amp;clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&amp;mtdsg_no=XVIII-10&amp;chapter=18&amp;clang=_en)

104 Ibid.

105 AJIBOLA IYABOBOLA. Nigeria’s Amnesty Program: The Role of Empowerment in Achieving Peace and Development in Post-Conflict Niger Delta. Sage Open. 2015[3 November, 2022]. <https://journals.sagepub.com/doi/10.1177/2158244015589996>

### 4.3.2. COLLECTIVE REPARATIONS - JUSTICE

There is no agreement among researchers, civil society organisations, academics, and international law operators on what specifically should be regarded as collective reparations. However, the acceptability of the concept continues to enjoy its relevance at both the national and international level. Sociologists define people engaging in collective behavior as collectivists, or a large number of people characterised by any one or more of the following: limited interaction, limited loyalty, and limited division of labor<sup>106</sup>. In addition, a collective is a more transitory category than a group, and its boundaries are much less clearly defined. Rabat argues that collective reparations can be narrowly understood as measures that address pre-existing groups tied by a cultural or ethnic link. Rule 98(3) of the Rome Statute<sup>107</sup> clearly states that delivery of collective reparations through the Trust Fund for Victims must include a number of victims and the scope, forms, and modalities of reparations. The court is urged to adopt an understanding of collective reparations that is able to encompass the specificities and cultural particularities of the cases it confronts. The notion of communities extends to peoples, indigenes, or those who are connected by a strong and unique bond with their ancestral land that determines their culture, ways of life, beliefs, and survival.

## III. CONCLUSION

In this paper, the Niger Delta conflict was contextualised within oil exploration and exploita-

tion on one hand, and environmental abuses on the other hand. As examined in this study, the causes of the Niger Delta conflict were identified as agitations over oil exploration and exploitation, environmental degradation, marginalisation and lack of socio-economic facilities. Also, a critical review of methods of peacebuilding adopted in the Niger Delta was carried out. It was revealed that amnesty, disarmament, demobilisation and reintegration and other forms of peacebuilding processes have been carried out in the region. Different forms of compensation were given to the inhabitants of the region. The compensation ranges from financial compensation to practical forms of assistance. Reintegration processes in the Niger Delta can be viewed as donations, contributions and special assistance from individual oil companies and the Federal Government which lacked the key principles of the reparations. The principle of reparations suggested that peacebuilding mechanisms should include human rights protection and justice.

The peacebuilding processes in the Niger Delta recognised former militants in a narrowly defined way. It should be noted that different efforts have been made to recognise the victims of human rights abuses, such as the creation of commissions and panels of enquiry. But these are *ad hoc* arrangements, which were not meant to address victims' rights. In summary, looking at the criticisms against amnesty and post-amnesty DDR adopted in the Niger Delta in this paper; it is clear that peacebuilding processes in the Niger Delta has some limitations. While acknowledging the relative peace and stability recorded in the oil production as a result of DDR, DDR has not

106 LUMEN. Collective Behaviour.[online][2 November, 2022]. <https://courses.lumenlearning.com/wm-introductiontosociology/chapter/collective-behavior/>

107 MALIN ÅBERG. The Reparations Regime of the International Criminal Court. Reparations or General Assistance? 2014 [online]. <https://www.diva-portal.org/smash/get/diva2:801293/FULLTEXT01.pdf>



led to effective and enduring peace in the Niger Delta region; additional peacebuilding mechanisms should be considered. One such peacebuilding mechanism is reparations. To ensure DRR is strengthened, it has to be combined with reparations. Therefore, this paper concluded that enduring peace could be provided if DDR - security is complemented with reparation - justice in the Niger Delta region.

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