



## PRESIDENTIAL AMNESTY PROGRAMME IN THE NIGER DELTA: 14 YEARS OF CONFLICT MANAGEMENT OR ORGANIZED STATE CRIME?

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**Abstract:** After years of apparent neglect and poverty, the Niger Delta people responded through an organized struggle against the Nigerian state. In fact, between 2005 and 2009, Nigeria faced a daunting security challenge from Niger Delta militia groups that engaged in an armed struggle for a better deal in the nation's oil gains. It was under this condition of a total breakdown in law and order that the late President Yar'Adua granted general amnesty to all the militants who surrendered their arms to the government forces. This paper examined the effectiveness of the Presidential Amnesty Programme as a conflict management strategy in the Niger Delta as well as explain why the programme is yet to be phased out. Our study was anchored on the criminality of the state framework of analysis and we argued that the PAP is merely an avenue for misappropriation or embezzlement of public funds by politicians and their cronies. We recommend that there is need for a more sustainable conflict management approach that tackles the root cause of insecurity in the Niger Delta.

**Keywords:** Presidential Amnesty Programme, Niger Delta, Conflict management, Corruption and Organized crime

### I

#### Introduction

The Niger Delta constitutes only about seven percent of Nigeria's land mass and approximately seven percent of its population. The region is arguably the single most important economic region in the country because of the location of massive oil and gas deposits in it which the Nigerian state has been exploiting since 1956 (Onuoha, 2008). While the development of Nigeria's oil industry transformed the entire economy of the country from an agro-based economy into a petro-driven economy, the Nigerian state still grapples with the problem of dealing with the wealth it has accrued from the oil and gas resources (Ezirim, 2015). According to Omenma(2011), the social conditions of the Niger Delta people have been deplorable and inextricably linked to oil production-related environmental degradation and poverty since independence. The Niger Delta is subject to environmental

pollution from liquid, solid and gaseous wastes, linked to oil production. This impact negatively on the socioeconomic lives of the people in the region as 75 % of the rural population depends on natural resources for their livelihood (Omenma, 2011).

Since the return to civilian rule in 1999, oil has constituted the bulk of Nigeria's budgetary expenses. However, the rise in oil wealth has not translated into significant increase in living standards in Nigeria. In fact, the rise in poverty and inequality coincides with the discovery and export of oil in Nigeria. Annual reports from the National Bureau of Statistics since 1999 showed that there is a rising level of poverty in Nigeria despite huge earnings from oil (Aroh, 2019). Although poverty is less extreme in the Niger Delta than in northern Nigeria, the divisions between rich and poor are more obvious in the Niger Delta, and decline in Human Development Index (HDI) have been steeper for

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the Niger Delta states than the rest of the federation (Iledare and Suberu, 2010). The region is also the most environmentally devastated place in Nigeria. Though accurate statistics are hardly available, several studies point out that the region ranks quite low on every known indicator of well-being, such as good roads, electricity, potable water, housing, medical care and educational facilities, among others.

After years of apparent neglect and poverty, the Niger Delta people responded through an organized struggle against the Nigerian state. While some groups, such as the Movement for the Survival of the Ogoni People (MOSOP), used non-violent means in their struggle for increased minority and environmental rights, others such as Movement for the Emancipation of the Niger Delta (MEND), Niger Delta Vigilante Service (NDVS); Niger Delta Patriotic Force (NDPF); Niger Delta Peoples Volunteer Force (NDPVF); Itsekiri National Youths Council, (INYC); and several militia groups engaged in armed struggle (Omenma, 2011). Their tactics ranged from attacks on oil installations; oil bunkering, hostage-taking of foreign and local oil workers, kidnapping of highly-placed government officials or their relatives, high level of militancy, and total guerrilla warfare against oil companies and government. According to Nche (2021), between 2005 and 2009, Nigeria faced a daunting security challenge from these Niger Delta militia groups who had engaged in an armed struggle for a better deal in the nation's oil gains. These militia groups contend that for over fifty years of crude oil and gas exploration in the Niger Delta and an estimated earnings of over USD400 billion, there is no discernible positive impact on the development of host communities in the region.

It was under this condition of a total breakdown in law and order that the late President Yar'Adua granted general amnesty to all the militants who surrendered their arms to the government forces. A 60-day amnesty period was proclaimed by the late president Umaru Musa Yar'Adua on 25 June 2009 and the terms of the amnesty include the

willingness and readiness of militia groups to surrender their arms, renounce militancy and sign an undertaking to this effect. In return, the government pledged its commitment to institute programmes to assist their disarmament, demobilization, rehabilitation (DDR) and provision of reintegration assistance to the militia groups (Nche, 2021; Omenma, 2011). A total of 30,000 ex-militants were enrolled in the programme between 2009 and 2012 (Ushie 2013).

Upon the introduction of the Presidential Amnesty Programme (PAP), the Federal Government (FG) acknowledged that the challenges of the Niger Delta arose mainly from the inadequacies of previous attempts at meeting the yearnings and aspiration of the people also noted that the PAP will set in motion, machinery for the sustainable development of Niger Delta States (Adibe, et al, 2018). PAP represented an effort by the FGN to end the growing tension and hostilities occasioned with vandalisation of oil and gas installations, hostage taking and the high level of other related crime that threatened business environment in the region, as well as address the underlying causes of discontent in the Niger Delta region. The PAP has been managed by three different administrations since it was first unveiled. The first was the administration of President Umaru Musa Yar'Adua who initiated the programme. After his demise in May 2010, his Vice President, Goodluck Jonathan was sworn-in as the President and took over the management of the programme. Following the electoral defeat of President Jonathan in 2015, General Muhammadu Buhari, who was a known critic of the amnesty programme under the past two presidents, became Nigeria's President on May 29, 2015 and was saddled with the responsibility. Importantly, while the programme was expected to last for only five years after its introduction, the FG is yet to phase it out after almost 14 years as successive governments retained the programme despite attempts on two different occasions by the administration of President Buhari to terminate it. This paper thus examined how effective the Presidential



Amnesty Programme has been as a conflict management strategy in the Niger Delta as well as explain why the programme is yet to be phased out.

### **Criminality of the Nigerian State and the Presidential Amnesty Programme: The Theoretical Link**

Ideally, it is the duty of every state to protect its citizens by providing security for them, cater for their well-being and help them prosper. Historically, this has not always been the case as some governments have abused their position of power and committed crimes against their own people. As Ross (2000) noted, sovereign states are often perpetrators of crime whether directly or through complicit actors. Thus, Green and Ward (2005) view state crimes as illegal or deviant activities perpetrated by, or with, the complicity of state agencies. In other words, these crimes are sometimes not directly committed by the government, but by some non-state actors with the complicity of some government officials or local politicians who wants to profit from them either financially or politically. This complicity most times manifest in the form of secret funding or arming of non-state violent actors by government officials or by offering the criminal groups protection from capture and prosecution by government. Kauzlarich and Friedrichs (2003) identified four forms of state criminality which include criminal state, repressive state, corrupt state and negligent state. While a criminal state is said to occur when the government rules outside the law and is used as an instrument to commit crimes against humanity, a repressive state is said to occur when the government withholds the basic rights of her citizens (Kauzlarich and Friedrichs 2003). A corrupt state emerges when the government abuses its political power to steal from the people for personal benefit. This kind of state worsens the inequality between citizens as its corrupt nature often widens the gap between the rich and the poor. While the rich have greater access to essential services because they have the resources to bribe their way to it in a corrupt state, the poor are at the mercy of the state and the powerful. Corruption is endemic in most corrupt states

as government officials and institutions cannot only be bribed, they often demand for it from citizens and businesses (Kauzlarich and Friedrichs 2003). A negligent state occurs when the government consistently ignores or fails to provide for basic needs of the people. According to Green and Ward (2005), state crimes include, but are not restricted to corruption, discrimination, funding terrorism, funding organized crime, war crimes, assassination.

Nigeria exhibits the features of all the four forms of state criminality. Successive governments since 1999 have manifested criminal, repressive, corrupt and negligent tendencies. While the colonial origin of the Nigerian state and incessant military intervention in the country's politics in the 1960s, 1970s, 1980s and the 1990s played a significant in the development of state criminality, uninterrupted civilian rule since May 29, 1999, has done little to change its condition. The character of political leadership in Nigeria remains fundamentally the same. As noted by Adibe, et al (2017), the character of the Nigerian state has fundamentally remained the same with successive civilian governments since 1999 as the state continues to exhibit the same undemocratic tendencies that characterized it under military rule. The state is seen by the political class as an instrument of primitive accumulation (Ibeanu, 1998; Ake, 1985) and that often result in manipulation of government policies or criminal conspiracies by elected and appointed officials for personal benefits.

The criminality of the Nigerian state has created a political system where government policies and programmes which are supposed to be in the public interest are determined or influenced by what political actors stand to gain. In some extreme cases, political actors instigate the social condition they think will best justify their choice of policies and programmes irrespective of the negative impact it may have on the citizens. It is in this context that we explained the link between the criminality of the Nigerian state and the adoption of the PAP in the Niger Delta.



On paper, amnesties initiated by FG and some subnational governments or institutions in Nigeria have been aimed at incentivizing violent non-state actors to surrender their arms and end their armed conflict with both government forces and rival armed groups. However, unlike amnesties offered in most western states like the Immigration Reform and Control Act of 1986 that offered amnesty to about 3 million undocumented immigrants in the United States, amnesty in Nigeria has been riddled with official corruption, sabotage by state actors and ineffective outcomes. It has rather created criminal opportunities for first, armed groups to profit financially from the amnesty scheme, secondly, government officials to misappropriate public funds, and thirdly, some complicit state security agents and political actors to also criminally profit from the amnesty initiatives.

Rather than develop and strengthen the security apparatus of the Nigerian state to effectively tackle insecurity, the political class deliberately undermines these security agencies through underfunding, incompetent appointments/recruitments, and even through deliberate sabotage. This creates opportunity for ‘special’ interventions like the PAP to address the security challenges. In the Niger Delta, rather than equip and train relevant security agencies, the government privatized security management of oil installations and awarded bogus contracts to ex-militant leaders who are cronies of the political class to secure these installations. The Nigerian state devoted substantial resources to the amnesty programme in the Niger Delta, however, the region remains volatile and still suffers from high infrastructural deficit. Money meant for amnesty have been grossly misappropriated and oil related crimes like bunkering, piracy and pipeline sabotage remain almost unabated. Eboh and Eromosele (2020) argued that the Presidential Amnesty Programme (PAP) is a programme used by the political class to enrich few individuals, notably, their cronies. They noted that the programme has failed despite the fact that it gulped N 500 billion from 2009 to 2020. A

report by Nextier Security, Peace and Development (Nextier SPD) about the programme noted that it has failed to achieve its purpose for establishment, which is sustainable human and infrastructural development of the Niger Delta.

Thus, we established the link between the criminality of the Nigerian state and the retention of the PAP beyond its intended termination date on grounds that the programme has become a means through which state actors, particularly the political class carry out primitive accumulation of public wealth. First, they undermine the capacity and capability of the security apparatuses of the state in effectively protecting lives, private properties and public facilities, and in turn, create special intervention strategy (in this case, PAP) as a means to address the problems that could have effectively be tackled by the security agencies if given the adequate support. Huge public funds are invested in these amnesty initiatives with little accountability and the political class in turn, recruits leaders of these armed groups as cronies.

### **Official Corruption in the Management of the Presidential Amnesty Programme and Security in the Niger Delta**

Federal Government of Nigeria devoted substantial resources to its amnesty programme in the Niger Delta and between 2009 and 2011, the programme was allocated N127 billion in the national budget. Of this amount, N3 billion was the ‘take-off’ grant, N30 billion was spent on militants’ stipends and N96 billion on feeding the militants. In 2012 also, a massive N74 billion was allocated to the amnesty programme. When this is juxtaposed with the fiscal transfers to the Niger Delta region between 2009 and 2012 (this include N241 billion for the Ministry of Niger Delta Affairs and N 246.6 billion for the Niger Delta Development Commission [NDDC]), the scale of state largesse is astonishing. These fiscal transfers are separate from the sub-national budgets of the six-core oil-producing



states in the Niger Delta, which totaled N1.74 trillion just for the fiscal year 2012 (Ushie, 2013).

**Table 1: Breakdown of budgetary allocation to the Presidential Amnesty Programme, 2013- 2022**

Year	Total budgetary allocation to PAP (in naira)	Amount allocated to Operational cost (in naira)	Amount allocated to Reintegration programme (in naira)	Amount allocated to stipend/feeding (in naira)
2013	66.7 billion	3.7 billion	38.90 billion	23.63 billion
2014	63.28 billion	3.82 billion	35.83 billion	23.62 billion
2015	63.28 billion	5.502 billion	34.15 billion	23.625 billion
2016*	20 billion	1.8 billion	10.3 billion	7.87 billion
2017	65 billion	N.A	N.A	N.A
2018	65 billion	N.A	N.A	N.A
2019	65 billion	N.A	N.A	N.A
2020	65 billion	N.A	N.A	N.A
2021	65 billion	N.A	N.A	N.A
2022	65 billion	N.A	N.A	N.A

**Source:** BudgIT (2022) Breakdown of PAP budget for selected years. \*Additional N 35 billion was appropriated for PAP in 2016 (N.A- no public information has been released on expenditure between 2017 and 2022)

President Buhari’s initial lack of support for the Niger Delta amnesty programme led to a drastic reduction in its budget in 2016 to N 20 billion. Following resumption of attacks on oil production facilities by militants in 2016, there was a supplementary budget of N35 billion released in two installments of N30 billion and N5 billion in 2016 to raise the total budget for the PAP in that year to N55 billion (Premium Times [Nigeria] newspaper, 7 May 2017). Between 2017 and 2022 however, the budget for the programme remained static at N65 billion but no information has been released to the public on the

breakdown of expenditure (The Cable [Nigeria] newspaper, 6 October 2019; Vanguard [Nigeria], 4 January 2022).

Money meant for amnesty has been grossly misappropriated and oil related crimes like bunkering, piracy and pipeline sabotage remain almost unabated. Some of the high-profile cases of corruption involving staff or officials of the PAP are listed in table 2 and it proves that PAP is used by the political class to enrich few individuals, notably, their cronies.



**Table 2: Some high-profile cases of corruption in the Presidential Amnesty Programme**

S/no.	Incidents	Sources
1	In 2016, Kingsley Kuku (former Special Adviser to President Goodluck Jonathan on Niger Delta) and two of his former aides (Henry Ugbolue and Lawrence Pepple) were arraigned for awarding themselves amnesty contracts running into millions through companies they had interest in	<a href="https://www.efcc.gov.ng/news/1847-amnesty-scam-efcc-arraigns-two-former-aides-to-kingsley-kuku">https://www.efcc.gov.ng/news/1847-amnesty-scam-efcc-arraigns-two-former-aides-to-kingsley-kuku</a>
2	In 2019, Nigeria’s House of Representatives set up an adhoc committee to investigate corruption allegations against Charles Dokubo (then Special Adviser to President Muhammadu Buhari on Niger Delta Affairs). Dokubo was accused by another top-ranking PAP official of siphoning about N 8.5 billion of the programmes’s funds through contractors	<a href="https://businessday.ng/amp/uncategorized/article/amnesty-reps-sets-adhoc-cottee-to-probe-dokubo-over-allegations-of-corruption">https://businessday.ng/amp/uncategorized/article/amnesty-reps-sets-adhoc-cottee-to-probe-dokubo-over-allegations-of-corruption</a>
3	In 2019 also, PAP officials were accused of conspiracy in the looting of properties worth about N 60 billion from the amnesty training complex in Boro-town, Kaiama, Bayelsa state	<a href="https://saharareporters.com/2022/08/11/alleged-60bn-theft-ex-niger-delta-justice-ministry">https://saharareporters.com/2022/08/11/alleged-60bn-theft-ex-niger-delta-justice-ministry</a>
4	In 2022, the Federal Government launched a probe over scholarship fraud by Niger Delta amnesty staff. It was uncovered that about 40 to 60 percent of scholarship beneficiaries were not eligible for it and most paid amnesty officials bribe to get it	<a href="https://punchng.com/fg-probes-ndelta-amnesty-workers-suspects-scholarship-fraud/?amp">https://punchng.com/fg-probes-ndelta-amnesty-workers-suspects-scholarship-fraud/?amp</a>
5	Also in 2022, the National Security Adviser received a petition from ex-militant leaders accusing the then interim administrator of PAP (Major General Barry Ndiomu [rtd]) of using his position to arm-twist the Amnesty Office to pay N 3.8 billion to companies for jobs not done	<a href="https://www.thisdaylive.com/index.php/2022/10/28/ex-militant-leaders-petition-nsa-demand-suspension-of-amnesty-boss/amp/">https://www.thisdaylive.com/index.php/2022/10/28/ex-militant-leaders-petition-nsa-demand-suspension-of-amnesty-boss/amp/</a>

**Source:** Authors’ compilation from the listed sources

The activities of the Nigerian law enforcement agencies remain under serious scrutiny as many security agencies are widely considered to be part of the problem over allegations of complicity. Both security forces and politicians have been indicted in fueling insecurity in the Niger Delta and sabotaging the PAP (Katsouris and Sayne, 2013). Nigeria’s crude oil is being stolen on an industrial scale by militants and other criminal groups and

politicians, government security forces, oil industry personnel, oil traders and community members benefit to varying degrees, along with these organized criminal groups. Adibe (2016) also noted that evidence of bribe payments by security personnel to their superior officers for official posting to areas in the Niger Delta where illegal oil activities thrive further proves complicity of security agents in the crime. Nigeria’s oil industry has a reputation



for illegality, with corruption and fraud present throughout the value chain. This reinforces insecurity in the Niger

Delta region and undermines the effectiveness of amnesty in curbing it (Katsouris and Sayne, 2013).

**Table 3: Some organized militant groups that emerged in the Niger Delta in the post-amnesty era**

Militant Groups	Dates of Formations
Niger Delta Avengers (NDA)	March 2016
Red Egbesu Water Lions	May 2016
Egbesu Mightier Fraternity	May 2016
Joint Niger Delta Liberation Force (JNDLF)	June 2016
Reformed Egbesu Boys (A faction of Red Egbesu Water Lions that negotiated with the Buhari government)	June 2016
Niger Delta Red Squad	June 2016
Adaka Boro Avengers	June 2016
Asawana Deadly Force of Niger Delta	June 2016
Niger Delta Revolutionary Crusaders (NDRC)	July 2016
Niger Delta Greenland Justice Mandate (NDGJM)	August 2016
Niger Delta Volunteers (NDV)	September 2016
Niger Delta Justice Defence Group (NDJDG)	September 2016

**Source:** Premium times (2016). Available at <https://www.premiumtimesng.com/news/top-news/213051-18-new-armed-groups-spring-nigeria.html>

Table 3 shows some of the militant groups that emerged in the Niger Delta in the post-amnesty period. Most of these armed groups have the backings of some politicians. They receive financial and other logistical support from these politicians that help to increase their capacities to commit acts of violence in the region (EUAA, 2022). According to Aroh (2019), these armed groups carried out multiple attacks on oil installations and undermined oil revenue. The Niger Delta Red Squad for instance blew two oil pipelines belonging to Shell in June 2016. On 8 July, a new group called Niger Delta Revolutionary Crusaders (NDRC) bombed the Brass Creek Manifold in Bayelsa state. Within 24 hours of the announcement of its formation, the Niger Delta Greenland Justice Mandate reportedly blew up a major oil pipeline operated by the Nigerian Petroleum Development Company (NPDC) in Isoko. The NDA attacked oil facilities in the region, causing the shutdown of oil terminals and a fall in

Nigeria's oil production to its lowest level in twenty years. The attacks caused Nigeria to fall behind Angola as Africa's largest oil producer. These attacks undermined oil production and revenue in the early years of the Buhari administration and the situation was worsened by a global decline in oil prices. Nigeria inevitably, went into an economic recession during this period. In early 2020, the NDA threatened to resume attacks on oil facilities over what was perceived to be non-payment of amnesty related benefits accrued to them (Aroh, 2019; Agbo, 2021).

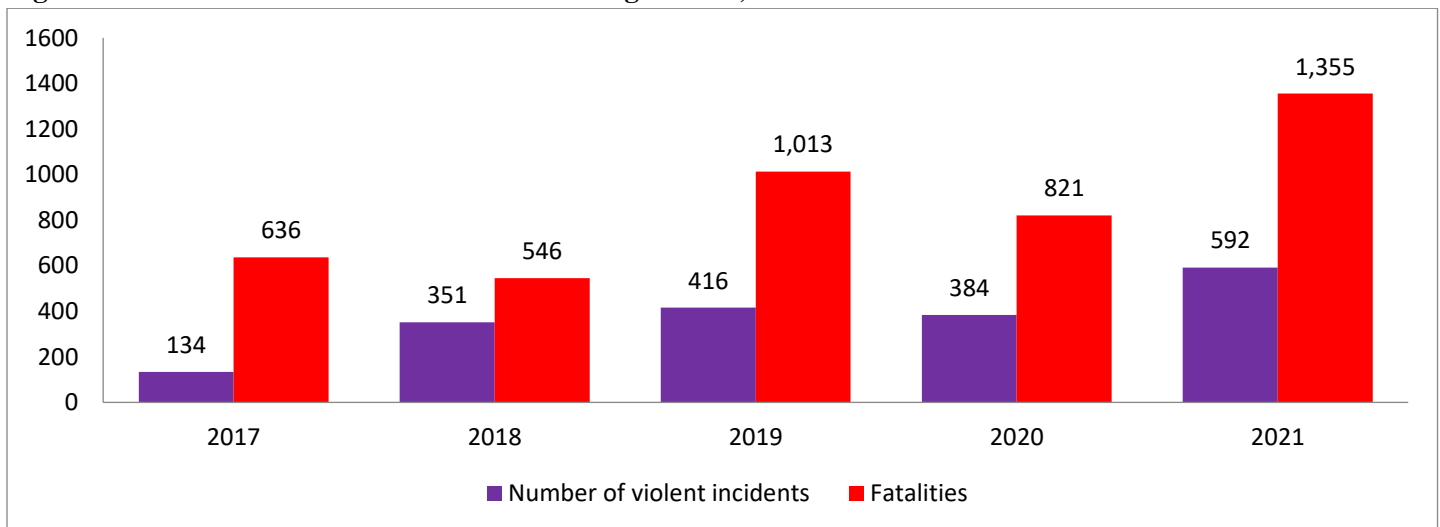
Politicians continue to sabotage the Nigerian state's effort to curb insecurity in the region in so far as it guarantees the continuation of the PAP that is badly managed and provides opportunity for embezzlement of public funds (Eboh and Eromosele, 2020; Aroh, 2019). A 2019 Council on Foreign Relations (CFR) on insecurity in the Niger Delta argued that while the PAP may have led to reduced attacks on oil producing facilities and increase in oil



production since the Buhari administration reinstated the programme, the region remain inherently unstable, with multiple militias and warlords competing for supremacy and larger share of government's payoff. CFR (2019) further reported that there were 416 violent incidents that resulted in over one thousand deaths in 2019 which was a significant increase from the 351 violent incidents that resulted in 546 deaths the previous year. As reported in Premium times (2020), the Foundation for Partnership Initiative in the Niger Delta (PIND) in its Niger Delta Annual Conflict Report for 2019 noted that proliferation of organized armed groups was one of the leading causes of the violent incidents that resulted in fatalities that year. In its 2021 report, PIND also reported that militancy/illegal oil bunkering related clashes, communal conflict, clashes

between rival cult groups, organized criminality and separatist agitation were the most lethal forms of violence in 2021 as measured by fatalities per incident. According to the report, every incident of militancy/illegal oil bunkering in 2021 resulted in at least in six fatalities (PIND, 2021). The resultant effect of institutional weakness is that even indicted public officials are often not prosecuted for their crimes. For instance, despite public outcry by civil right groups like the Niger Delta Anti-Corruption Forum (NDACF) to arrest and prosecute public officials and contractors involved in awarding phony contracts and hijacking PAP's scholarship scheme, no arrest was ever made (Imukudo, 2021).

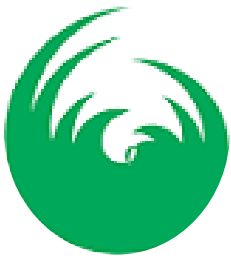
**Figure 1: Violent incidents and fatalities in the Niger Delta, 2017-2021**



**Source:** PIND, Niger Delta Conflict Annual Report (2017-2021)

Figure 1 shows that the Niger Delta remains volatile despite amnesty for ex-militants. Although oil production improved significantly in the post-amnesty era, official corruption leads to poor accountability in the management of the PAP. For instance, no record of how the annual budgetary allocation of N65 billion to the PAP between

2017 and 2022 was spent has been made public (The Cable [Nigeria] newspaper, 6 October 2019; Vanguard [Nigeria], 4 January 2022) and some of the programme's top administrators like Kingsley Kuku in 2016, Charles Dokubo in 2019 and Barry Ndiomu in 2022 have either been accused or charged for embezzlement of the PAP



funds (Thisday [Nigeria] newspaper, 28 October 2022; EFCC, 2016). Sabotage by politicians is also still one of the leading causes of continuous militant attacks in the post-amnesty period.

In light of these findings, we argued that there is need for a more sustainable conflict management approach that tackles the root cause of insecurity in the Niger Delta as the PAP is merely an avenue for misappropriation or embezzlement of public funds by politicians and their cronies. The programme is unsustainable and has led to reduction in government investment in critical sectors of the economy like education, infrastructure and health.

### Conclusion

We examined the effectiveness of the Presidential Amnesty Programme as a conflict management strategy in the Niger Delta as well as explain why the programme is yet to be phased out. Our study was anchored on the criminality of the state framework of analysis and we argued that the PAP is merely an avenue for misappropriation or embezzlement of public funds by politicians and their cronies. The programme is unsustainable and has led to reduction in government investment in critical sectors of the economy like education, infrastructure and health. The programme has failed to achieve its objectives so far despite the fact that it gulped N 500 billion from 2009 to 2020 because its failure is fundamental to continuous allocation of resources that is mostly mismanaged by political actors to the programme. Thus we recommend that there is need for a more sustainable conflict management approach that tackles the root cause of insecurity in the Niger Delta.

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