

Amnesty, a gradual drift to the culture of lawlessness in Nigeria

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Abstract

Prior to the administration of late President Umaru Musa Yar'Adua, the word "amnesty" was not so popular among many Nigerians. It was however floated following the insurgency that erupted in the Niger Delta part of Nigeria. Thereafter, it has become a household term and means employed by the government in tackling the incidences of insurrection and restiveness. It has however been observed that the way this is applied might not be the best to the confronting challenges of the nation. The result of the enquiry indicated that the reprieve is gradually becoming a snare and motivation to willful breakdown of law and order in the country. It is therefore, the focus of this paper to historically and critically consider the consequences of its invocation and application in line with established rules and regulations.

Key words: Amnesty, insurgency, insecurity, militancy and lawlessness.

Introduction

There is no country without setbacks in terms of internal crises to her developmental strides. Therefore, that there are problems here and there in Nigeria do not single out the nation as the worst heated in terms of breakdown of laws and orders. However, what may actually affect the nation will likely be the different ways these forces are handled. In the

desperate bid to guard against total collapse of the nation and its eventual disintegration, the leadership of the nation often resorts to managing the problems in a wrong way. This practice of course is gradually degenerating to the institution of the culture of lawlessness.

Amnesty is a well thought out principle aimed at ensuring tranquility in administration. It is a policy designed to check insurgency that might arise as a result of agitations or grievances by individuals or group of persons launched against the state, which will likely impede the smooth running of the state. However, the means of its application call for decorum and strict adherence to the required conditions for its perfect acceleration. Adewumi in a press conference noted that amnesty was for somebody who was ready to repent and show remorse (Suleiman, 2013). He further added that any move on the contrary entails sowing the seed for the perpetration of evil against the state. Okereke (2013) writing on inordinate granting of amnesty observed that “A culture, penchant and antecedent of a promiscuous amnesty is a subtle invitation to future anarchy” (<http://www.nairaland.com/1243685/>).

Amnesty, by implication is aimed at restoring sanity especially when the government is partly responsible for the lawless response. The practice which dates back to the 1960s is systematically brewing the culture of lawlessness counting on its recent applications, which often fall out of its contextual requirement. The 2009 amnesty in the Niger Delta region came at a time when the region was in disarray following series of attacks on the monotonous economic heart of the nation did not raise much eyebrows. At that time, it was considerably accepted and this gave room for enduring dialogue in tackling the insurgency that erupted in the

area. But above that, the factors that precipitated to that can well be blamed on government poor responses, which borders on neglect. However, the later consideration of extending such gesture to the dreaded “Boko Haram” even as the group is not ready to accept it has prompted more questions than answers across the nation and beyond. Reacting to the development, Dibia (2013) observed that amnesty in Nigeria is gradually becoming an industry for the benefit of its organizers, without necessarily providing the needed succour for the nation. It is in response to these uprisings that this paper is poised to address the issue through a critical and objective enquiry. To achieve this objective, attempt will be made towards offering insightful understanding of amnesty, purpose, controversies and its historical antecedence and applications in Nigeria.

The concept of amnesty

The term “Amnesty” is defined as "A pardon extended by the government to a group or class of persons, usually for a political offense; the act of a sovereign power officially forgiving certain classes of persons who are subject to trial but have not yet been convicted"(Gardner, 2009: 99). According to Dibia (2013) amnesty “refers to the official forgiveness granted to those who in the pursuit of their social struggles may have offended the state and their only reward is forgiveness” (<http://www.huhuonline.com/index.php/opinions/1368>). He further maintained that among other things, the cause for struggle should be able to pass the test of public good. In other words, the cause of action must be objectively considered and verdict made before the

granting of amnesty, which is arrived at through all inclusive dialogue and shared understanding.

Purposes

Although amnesty is the prerogative of the executives, it is not however just given. Gyang (2013) maintained that for amnesty to retain its essence, certain fundamental questions ought to be considered, which include: Amnesty for whom, why and when? These questions are of course necessary in order not to lose the essence of the exercise. In other words, it may be extended when the authority decides that bringing citizens into compliance with a law is more important than punishing them for past offenses. It has also been noted that amnesty after a war helps in checking unresolved grievances. While laws on treason, sedition and so on are retained to discourage future traitors during future conflicts, it makes sense to forgive past offenders, after the enemy no longer exists, though not without visible sense of guilty.

Advantages of using amnesty may include avoiding expensive prosecutions (especially when massive numbers of violators are involved); prompting violators to come forward who might otherwise have eluded authorities; and promoting reconciliation between offenders and society. An example of such was the amnesty granted to conscientious objectors and draft dodgers in the wake of the Vietnam War in the 1970s, by President Carter in an effort to heal war wounds in the United States of America (<http://en.wikipedia.org/wiki/Amnesty>). That is to say that amnesty provides the platform for dialogue and peaceful resolution of issues for national interest. The true essence of it is to sue for peace and societal well-being.

Controversies over amnesty

Amnesty often raises a number of issues of fierce debate. It can at times raise questions of justice. Examples include the proposed amnesty for the Boko Haram insurgents in Nigeria, which many have argued is irrational for a group that does not have any genuine cause of action against humanity. Gyang (2013) noted that the group from all intents does not deserve amnesty. He further called for caution on the use of amnesty warning that it “will become a free license for anybody who wants to do anything and get away with it” (<http://dailypost.com.ng/2013/04/10>). Mains in Soni (2013) sanctioned that, “The issue of granting of amnesty to the Boko Haram group should not even arise in the first instance because up till today nobody can actually point out who members of this group are” (<http://www.vanguardngr.com/2013/04>).

Adopting clues from the international realm, there was the Ugandan government's offer not to prosecute alleged war criminal Joseph Kony, in hopes that further bloodshed would be avoided, which prompted David Smock saying that, "The downside of it is the impunity that it implies; that people can commit atrocities and say that they will only stop if they are given amnesty..." (<http://en.wikipedia.org/wiki/Amnesty>). In the United States, there were rubbles on whether illegal immigrants should be granted some form of amnesty. It was proposed that illegal immigrants should be able to come forward and immediately receive probationary status. (<http://en.wikipedia.org/wiki/Amnesty>). This was also criticized as being a reward for breaking the law.

Controversies also rise towards amnesties given to alleged perpetrators of the most serious crimes of international law, which include genocide,

crimes against humanity, war crimes, and aggression (Bassiouni, 1998). However, even in the midst of the running controversies, Cassesse (2003) suggested that there should be room for amnesties which were imperative to achieving peace. While acknowledging the imperative of amnesty towards achieving peace; an enduring peace can only be realized through transparent and truthful dialogue, built on mutual understanding and appeal to issues other than sentiments.

Historical antecedence of agitations in Nigeria

In human existence, agitations are inevitable. It cannot be ruled out in any society no matter its composition, even in the family which is the smallest unit of the society. The Nigerian experience is not an exception, considering her heterogeneous nature and aggregation of interests. Often times, these agitations can be seen as insurgence, even when genuine courses are attached to it. For instance, the dogged moves of Odumegwu Ojukwu in the late 1960's against injustice in the country which later resulted to civil war were tagged insurrection. However, the misconception was better understood and appreciated by many Nigerians especially after his death, which has earned him several posthumous awards. The implication therein is the fact that not every agitations or confrontations are geared towards insurgency.

In Nigeria, such moves and even on the contrary are not rare, as uprisings in Nigeria have over the years become matters of international discuss and concern. This indeed gave credence to the assertion made by Dibia (2013), that “an un-discussed nation is an un-resolved nation which has no business with peace” (<http://www.huhuonline.com/index.php/opinions/1368>). Since January

1914 when Nigeria was created by Britain, in what can be described as an “incompatible marriage”, forcing together diverse autonomous tribes, several fundamental ethno-religious issues have been on the front burner to rip the country apart (Nwokedi, 2006; Ani, 2010). The failure of the political leadership to sincerely assemble the ethnic enclaves together in a National Conference to discuss how they would like to live together in peace is one major issue clamouring for attention. This failure has resulted in sectional riots, agitations, uprisings, wars and now persistent militant groups inflicting terror on and making Nigeria unsafe. Nobody in Nigeria can proudly sleep with two eyes closed. In seeking solace to these, the government has discovered amnesty as the solution to militancy. Dibia (2013) observed that granting amnesty the way it is being done in Nigeria would ultimately lead to amnesty for all Nigerians. In Nigeria, there are several of such struggles against the Nigerian State, which have in one way or the other threatened her peaceful co-existence. The event that gave birth to the nation witnessed hitches at its pristine state. There were the resistance by the North not to be joined together with the South to form Nigeria, the Aba Women’s Riot of 1929 which has the semblance of Susan Anthony resistance against disenfranchisement of American women in 1872, the nationalists’ agitations for independence and non-inclusion, the Eastern Minorities agitations, the agitation by the Yorubas of Western Nigeria against the imposition of the late S. L. Akintola as the leader of the Yoruba that eventually led to the imprisonment of Obafemi Awolowo, who was later granted amnesty by General Gowon and the middle-belt riots against the perceived neglect and oppressive policies of the ruling Northern Peoples

Congress (NPC). All these agitations were for the common good and executed without arms.

In the same vein but in different dimension were the Isaac Adaka Boro's Ijaw uprising and the Biafran struggle led by Odimegwu Ojukwu. The federal government quelled the agitations and charged Boro for treason for which he was jailed; but later granted amnesty by General Gowon in May 1967; while Ojukwu was also granted amnesty during the Second Republic under Shehu Shagari. His struggle against injustice was however better appreciated posthumously. These struggles were aimed at attaining the common good for subjects notwithstanding the use of arms. The leaders never intended prosecuting the struggle at the expense of their people and never solicited for amnesty of any kind; rather, the well-being of their subjects.

The Niger Delta Experience

The Niger delta area of the country can be best described as the economy base of the nation because of the oil deposit in the region. Following the discovery of oil and its subsequent exploration in 1956, there was a shift from agriculture to oil, which of course has lifted the nation to international acclaim as an oil producing state. However, the exploration of this all important "liquid gold" fall short of local expectations and anticipations of an improved environment. Ani (2010: 56) noted that in spite of all, "the people are impoverished, despoiled, alienated and marginalized". After years of peaceful disposition, the patient dog forced itself off the chain seeing that the bones were not forthcoming. It was on this self realization that the youths took to the Creeks to salvage their condition. In prosecuting the struggle, several groups were formed.

These include Ijaw Youth Council (IYC), the Niger Delta People's Volunteer Force (NDPVF) led by Mujahid Dokubo-Asari and the Niger Delta Vigilante (NDV) led by Ateke Tom (both of which are primarily made up of Ijaws). The Operation Climate Change was launched which disrupted Nigerian oil supplies through much of 1999 by turning off valves through Ijaw territory. In the context of high conflict between the Ijaw and the Nigerian Federal Government, the military carried out the Odi massacre, killing scores if not hundreds of Ijaws under democratic government (Dibia, 2013). This as expected did not go down well with the humiliated region. Consequently, the oil rich region became volatile and the economy was threatened. At that point, the government became concerned not necessarily on the plight of the people but mainly because of the dwindling economy. In an attempt to stop this, force was employed to quail the situation but to no avail. The situation rather escalated and new dimensions were conceived.

First was the introduction of the Niger Delta Development Commission (NDDC) established by President Olusegun Obasanjo in 2000 with the sole mandate of developing the petroleum-rich Niger Delta region of southern Nigeria. The commission however could not provide the needed succor for the region. As a result, the agitations and violence attacks on the oil companies continued with the infiltration of light weapons and guns. In a swift response, the Nigerian government in August 2008 launched a massive military crackdown on militants. They patrolled waters and hunted for militants, searched all civilian boats for weapons, and raided numerous militant hideouts (<http://en.wikipedia.org/wiki/Amnesty>). This still did not salvage the

situation and at long last on July 6th 2009, the federal government under Umaru Musa Yar' Adua announced its plans to grant the Niger delta militant youths an unconditional reprieve to quell the uprising in the region. This lasted for 60 days beginning on 6 August 2009 and ending 4 October 2009. The President signed the amnesty programme after consultation with the National Council of State. During the 60 day period, armed youths were required to surrender their weapons to the government in return for training and rehabilitation by the government (BBC News, August 26th, 2009). During the 60 day period militants led their groups to surrender weapons which included; Rocket-propelled grenades, guns, explosives, ammunition and even gunboats were all surrendered to the government.

So far in the execution of the programme, the government has spent billions of naira in the training and resettlement of ex-militants and provision of basic amenities in the Niger Delta region. At least, the ex-militants enjoyed the monthly stipend of #65,000 while on training and this amount was paid to thousands of people who were earlier abandoned in penury at the expense of their nature given endowment. Now, the region is witnessing a face lift in terms of both human and material resources. To be realistic, if half of the huge amounts expended on the region in the name of amnesty were earlier extended to them, possibly the issue of militancy would not have aroused in the first instance. This of course must have prompted the statement issued by the former militant leader Asari Dokubo, who was firm in saying that the amnesty granted to the ex-militant was a bribe and was never accepted by people like himself, pointing out that the government failed to do the right thing

first (Ukaibe, 2013). Although, the amnesty can be said to be stabilizing the social condition in the region, the fact still remains that whatever peace that currently exists in the region is only achieved due to the accelerated attention given to the region by the government in terms of resource allocation and not the granting of amnesty. The peace of amnesty is only but fragile and can only last for a while, just as there are series of complaints and threat by people who felt they were left out and not carried along in the programme.

The Boko Haram experience

The extension of amnesty to the members of the Boko Haram is now a far reaching mind-boggling issue in Nigeria. It has also attracted the wide attention of the international communities. Already, the United States government has included the floated Boko Haram leader Abubakar Shekau, in its list of most wanted global terrorists (Okereke, 2013). While some political elites and leaders especially from the northern extraction are calling for the extension of such gesture to the group, many Nigerians have remained skeptical on the desirability of amnesty to a group that has no genuine course and without visible identity, upon brutal offensive on humanity.

Boko Haram is an indigenous radical and militant Islamic sect in Nigeria that turned itself into a Jihadist movement in 2009, with strong opposition to anything Western (Bartolotta, 2011 and Farouk, 2012). This deceptive ideology has strongly rooted the group against Western life in all its ramifications, with concerted attacks on the government and its various institutions. The group has so far caused much harm more than one can imagine of any civil war, leading to destruction of

structures and lost of thousands of lives including security operatives and innocent school children through bombing and outright shooting. There is no doubt that Boko Haram through its unpredicted activities has declared war of terror in Nigeria. Mantu (2013) noted with dismay that any gathering in Nigeria today will not be far from the mourning of loved ones killed by Boko Haram. The scourges of the group are so severe that nobody is free from its recklessness not even the Muslims. Notable Muslim leaders had at various fora condemned the activities of the group. The Sultan of Sokoto [Sa'adu Abubakar](#), the spiritual leader of Nigerian Muslims, has called the sect "anti-Islamic" and, "an embarrassment to Islam" (www.AllAfrica.com). The Niger State governor, [Babangida Aliyu](#) also criticized the group, saying, that Islam is known to be a religion of peace and does not accept violence and crime in any form, insisting that Boko Haram does not represent Islam (Abbas, 2011). Since the uprising of the group in 2009, it has threatened the unity and existence of the nation through indiscriminate killing of people and destruction of properties in such a manner that should let loose the sleeping lions. The nefarious activities of the group have almost become a daily occurrence in the country, with each day opening up with its ugly news.

However, notwithstanding the threats and condemnation of the group, the federal government in a lustful search for peace set up a committee for the consideration of amnesty to the strayed group. This of course did not go without public comments and criticisms. So many people including Christian leaders across the country have been reacting against the bid by the government to appease the sect with amnesty instead of

compelling them into submission, as recalcitrant elements that deserve no pardon. Some believe that the government must have been motivated by political gratification rather than the sheer search for peace and stability in the North. Okereke (2013) warned that such gesture will definitely not serve the country right. In the same vein, Mains, the Bauchi State Secretary of the Christian Association of Nigeria, (CAN), in Soni(2013) insisted that the move is likely not unconnected with 2015 presidential aspiration, which he cautioned is very suicidal. Speaking at a press conference in Ado-Ekiti as part of the activities heralding the 2013 Law Week of the Nigeria Bar Association (NBA), the branch Chairman, Joseph Adewumi, noted that granting amnesty to members of a sect who have refused to show themselves in the public was a share waste of time, money and resource. He regretted that it is unfortunate that the federal government finally succumbed to the pressure of the northern leaders by considering the extension of amnesty for the terror group, which he described as an attempt by the northern leaders to have their share of the “national cake” (Suleiman, 2013).

The amnesty granted to the ex-militants of the Niger Delta is now being used by many as a yard stick for doing same to the dreaded members of the Boko Haram without considering the fundamental factors that precipitated it. Meanwhile, that is not the issue of contention here. First and foremost, the aggrieved group ought to be known, their demands well articulated and readiness to accept amnesty assured. All these were swept under the carpet by those who see amnesty as the best option for the members of the Boko Haram.

To see how radical the group is, members of the group still turned down the offer of amnesty proposed by the federal government with unabated bomb attacks. In a statement credited to the leader of the group Abubakar Shekau, where he proudly ridiculed the government, claiming that it was the Nigerian government and not Boko Haram that should be granted amnesty, threatening to deal with anyone who claims to represent the sect under the programme (Soni, 2013). At the long run the government was then bound to declare total military clamp down on them through the declaration of state of emergency in three volatile northern states of Yobe, Borno and Adamawa. The development was seen by many as the best option the government should have explored instead of dallying with the group that has no jot of sense of humanity. Reacting to the decision Ibrahim Mantu, a former deputy Senate President of Nigeria from the North, among other things said,

Quite frankly, I must confess to you that I was personally very disturbed about the unwillingness of the Federal Government to exploit this option in the first place in order to nip the situation in the bud. It was unfortunate that it was allowed to develop into a cancerous state and as you now see, the boldness and courage of Boko Haram is being emulated by other criminal elements who feel they have an axe to grind with the government (Mantu, 2013, Sunnewsonline.com).

He further maintained that the boldness with which the group operates even with impunity deserves such action, lamenting that the nation has been thrown into constant mourning as a result of the activities of the group.

Above all, the readiness of the federal government to grant amnesty to the Boko Haram which they are not even ready to accept, precipitated in

the setting up of the presidential amnesty committee indicates the willingness of the government to vote yet another billions of naira for their rehabilitation, training and monthly allowances. Then, if such amounts are in the coffers of the government, what then stops it from using it to tame the tides of restiveness through the provision of massive employment opportunities for her teeming unemployed youths, rather than bathing the water while it has gone up to the ankle? It is obvious that the incidences of insurgency in the country are as a result of frustrations inflicted by hardship and miserable conditions in the country, of which the government contributes. Mohammed (2011) was apt when he noted that violent uprisings in Nigeria are ultimately due to "the fallout of frustration with corruption and the attendant social malaise of poverty and unemployment (www.irinnews.org). Before now, not many will believe that the federal government has such huge amounts of money being expended in cushioning the ex-militants of the Niger Delta region. Therefore, the granting of amnesty on any provocation should not be seen as the sole panacea to insurgency. If the practice is not well articulated and checked, it might gradually degenerate to lawlessness, impunity and impedes the nation's vision for greatness.

The way forward

As ways of checking the ugly trend, the following recommendations are made:

1. The issue of revenue allocation has been the problem of Nigeria federalism. To that effect, effective management of the national resources and equitable distribution will reduce unnecessary agitations which precipitate to insurgency.

2. Government should allocate more funds for the education of youths in the North; this is because most of the youths conscripted into Boko Haram are stark illiterates with no sense of humanity. By so doing, terrorists would not be able to brainwash or indoctrinate them on their cause.
3. Both political and religious leaders should avoid undue sentimental attachment to issues of national concern and interest.
4. Religious leaders should try more to instill high sense of morality on their followers and guard against infiltration of their religious teachings.
5. Parents should be up to their duties of bringing up responsible children.
6. Employment opportunity for the teeming unemployed youths will help to check their restiveness.
7. Political leaders should be conscious of their speeches, especially while presenting public addresses. This is because, so many sectoral violence in Nigeria were instigated by unguarded utterances of those who are looked upon for inspiration as leaders.
8. Above all, governments at various levels should be ready at any point in time to defend its sovereignty and guard against breach of its constitution at all cost. This will go a long way in checking unnecessary uprisings in the state.

Conclusion

The granting of amnesty or rather its contemplation in recent times in Nigeria is systematically falling short of the expectations of many and its relevance. Amnesty is a veritable tool of national integration and development, which has helped many nations overcome their numerous

challenges arising from misunderstandings and pursuit of factional interest. However, its abuse holds a very bleak future and should be abhorred by any intent. If this trend is not curtailed in Nigeria, it might end up encouraging insurgence since amnesty will be anticipated as the end result.

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