

Selective forgiveness and the politics of amnesties in Nigeria

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ABSTRACT

On whether governments should grant state forgiveness to insurgents amid the popularity of amnesty, justice advocates have cautioned that amnesties could be instrumentalised to muddle accountability. This paper demonstrates how domestic peace processes could mimic existing power inequalities, thereby including some groups and excluding others from state forgiveness. By examining the differential treatment of insurgent groups in Nigeria, this paper unpacks how ethnic politics and resource dependence led to amnesties for Boko Haram and the Niger Delta militants, and how the absence of oil and political connections leave Biafra agitators with nothing to exchange for state amnesty.

KEYWORDS

Nigeria; amnesty; state forgiveness; insurgent groups; Boko Haram; Niger Delta; Biafra

Introduction

While certain scholars have applauded the increasing popularity of amnesties in dealing with insurgencies as against complex domestic and international legal measures (McEvoy & Mallinder, 2012; Snyder & Vinjamuri, 2003), human rights activists have raised concerns over how amnesties could be utilised for dubious means such as shielding perpetrators of crimes against humanity, rewarding cronies and muddling accountability (Freeman, 2009; Lessa & Payne, 2012; Mallinder, 2008; Moore, 1991; Roht-Arriaza, 1990). Supporters of amnesty argue on the one hand that it gives rebels an incentive to sheathe their swords, while on the other hand human rights activists fault the argument that sustainable peace can be established without justice. However, there is also division among supporters of amnesties, especially on the issue of how expansive the scope of state forgiveness should be. While moderates argue that those who committed crimes against humanity should not benefit from state forgiveness (Dancy, 2018; Mallinder, 2009; Slye, 2002), radicals contend that a deal with the devil might be the only way to bring violent conflict to an end (Snyder & Vinjamuri, 2003). Related to this existing argument on who deserves state forgiveness are literatures on why governments treat insurgent groups differently, that is, why governments tend to forgive some and continue fighting others (Cunningham, 2006, 2013; Toft, 2001; Walter, 2006). These literatures show that governments also engage in some form of cost–benefit analysis to determine which groups to forgive, and which groups do not deserve government forgiveness, in the face of multiple insurgencies.

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This article seeks to add to the existing debates on the polemics of amnesty by drawing lessons from the Nigerian experience. It seeks to examine this issue against the backdrop of the backlashes against the International Criminal Court (ICC) and other international interventions in Africa, and the increasing support for domestic non-prosecutorial approaches to conflict resolution, such as reconciliation committees and outright amnesties (Alter et al., 2013, 2016). Over the past decade, Nigeria has been beleaguered by three insurgencies spread across three major geographical/ethnic regions: Boko Haram in the north, Niger Delta militants in the south and Biafra agitators in the east. A comparative analysis of the differential treatments of these groups by the Nigerian government could reveal why governments grant amnesty to some rebel groups and not to others. While moderate proponents of amnesties suggest that ‘he who commits more should receive lesser forgiveness’, the Nigerian case seems to contradict this position as the government has doled out blanket amnesties to groups that have committed crimes against humanity.

The Nigerian government has granted amnesties to the infamous Boko Haram insurgents who have killed and abducted thousands of people, and the same largesse was first granted to the Niger Delta militants who were notorious for not only bombing oil installations but also abducting and killing foreign oil workers as well as government security operatives. But the same government has shown little or no interest in granting any clemency to the Biafran agitators in eastern Nigeria, with continued bloody clashes between the secessionists and Nigerian security operatives. Using Mallinder’s (2018) theory of amnesties and inclusive political settlement, and drawing from debates against amnesic amnesties, this article argues that familiar concerns such as resource dependence and ethnic politics have adulterated state forgiveness mechanisms, leading to the inclusion of some insurgent groups and the exclusion of others in the government’s amnesty largesse. The article demonstrates how domestic conflict resolution strategies in Africa often mimic existing power dynamics and patterns of inequality already on the ground, making some rebel groups more likely to be forgiven than others, regardless of the gravity of the crimes committed.

Polemics of amnesty and the justice versus peace debate

The debate on whether governments should grant amnesty to insurgents has divided scholars into three major positions. The first group, arguing from the human rights perspective, contend that amnesty fails to deliver justice to victims by allowing the rebels to go scot-free after committing heinous crimes such as genocide, torture and rape (Freeman, 2009; Lessa & Payne, 2012; Mallinder, 2008; Roht-Arriaza, 1990). In the words of Roht-Arriaza (1990, p. 472), even if this brings an end to conflicts, ‘for the families and friends of those killed or “disappeared” by death squads . . . the new regime may bring no relief’. Moore (1991) argued that governments could instrumentalise amnesties to reward cronies and exclude political enemies, as demonstrated in the botched amnesties in Nicaragua and El Salvador. Another concern is that freed rebels may reconvene to launch a fresh attack against the state, as in the case of former Yemeni President Ali Abdullah Saleh (Dancy, 2018). The former president, after committing several human rights violations against his people, agreed to step down on the condition of receiving blanket amnesty for himself and his family. Two years later and to the shock

of both domestic and international observers, it was uncovered that Saleh was grooming a rebel group to attack the new government.

Conversely, other scholars argue that amnesty gives insurgents an incentive to lay down their arms. From their consequentialist viewpoint, they argue that amnesties are more realistic solutions to ending conflicts than probabilistic expectation of holding rebels accountable through tribunals (McEvoy & Mallinder, 2012; Snyder & Vinjamuri, 2003). Although some scholars and security analysts admit that amnesty often entails 'a deal with the devil', they argue that it achieves the goal of securing sustained peace in the long run. They further contend that fragile states often do not have the resources and institutions necessary for retributive justice and that the ambiguities of international law often hamper the achievement of retribution (Snyder & Vinjamuri, 2003). Also, in the event of a powerful and influential insurgent group, they observe that bargaining and ignoring the crimes of the past might be the only option for peace.

The third group stands in-between the aforementioned positions by advocating for truth commissions where insurgents publicly confess their crimes and receive public forgiveness. Truth and reconciliation commissions played key roles in resolving conflicts in countries such as Mozambique, South Africa and Uganda, where insurgents participated in local rites of reintegration in exchange for amnesty (Cobban, 2007; Mallinder, 2009). However, Snyder and Vinjamuri (2003) contend that while reconciliation eases tension among the people, it often does not address the grievances of elites in whose hands stability rests. They argue that reconciliation ceremonies would be effective if integrated with a broader negotiation process.

Weighing into this argument, Dancy (2018), in his aptly titled paper 'Deals with the devil? Conflict amnesties, civil war, and sustainable peace', disclosed that blanket amnesty, compared with other forms of amnesty, often falls short of ensuring sustainable peace despite its widening popularity. He argued that previous scholars had mainly appealed to 'psycho-social notions like grievance or deterrence' instead of engaging with empirical facts (Dancy, 2018, p. 394). His quantitative analysis of conflicts and amnesties between 1946 and 2014 revealed that amnesties were more effective when proposed at the end of fighting, not when the battle was still ongoing. Dancy argued that granting amnesty at the height of battle sends ambiguous signals as a result of information asymmetry and could be interpreted by the rebels as a sign of fatigue from the state and an encouragement to keep fighting. In agreement, Moore (1991, p. 733) argued that 'yet appeasement is transparent and for a bully, it is also the license for further abuse'.

Secondly, Dancy's analysis revealed that amnesties are often effective when they do not foreclose persecution of crimes against humanity. In his words, 'amnesties forgiving combatants for extreme violence against civilians are not pacifying: they are not associated with peace spells that are significantly longer than the average duration of peace in non-amnesty contexts' (Dancy, 2018, p. 415). Similarly, Slye (2002, p. 246) distinguished between amnesic amnesties that fail to punish perpetrators of crimes against humanity and accountable amnesties that provide 'some accountability and more than minimal relief to victims'. So, while Dancy and Slye concede that amnesty in itself is not undesirable, they argue that amnesic or blanket amnesty is more problematic in the areas of both conflict resolution and justice delivery.

Why governments concede to some groups and continue fighting others

Having discussed the problems of amnesty, this paper is equally concerned with why governments are more willing to negotiate with some rebel groups than others. Walter (2006) argued that governments of multi-ethnic states are less likely to give concessions to rebels in order to prevent other groups making similar demands in future. Walter also found a relationship between priced natural resources, such as crude oil, and a lack of state concession. So, governments are also more likely to fight for resource-rich territories. This notion of precedence-setting is also supported by Toft (2001, p. 16), who observed that 'leaders are acutely aware that actions taken towards one ethnic group may serve as an example of what is acceptable for other ethnic groups, thereby becoming a principle of legitimacy'. This implies that governments could fight for even 'barren' lands just to maintain their reputation, thereby deterring future contenders.

Cunningham (2006) introduced the idea of 'veto players', which he describes as the most powerful rebel groups amid other groups without whom peace negotiation cannot be effective. In an event of multiple rebel groups, Cunningham proposed that governments should pay more attention to those groups 'that have greater numbers of troops, more popular support, operate in terrain that provides protection from government attacks, have more advanced military technology and better trained and equipped troops, and have access to funding sources' (Cunningham, 2013, p. 41).

In addition, Mallinder (2018) raised the salient issue that outcomes of negotiations may be inclusive or exclusive depending on those who benefit from them. In most cases, she pointed out, political elites often benefit more from amnesties and peace settlements compared with ordinary combatants, victims of insurgency, internally displaced persons (IDPs) and rebels from minority ethnic groups. She observed how political settlement can include or exclude some groups from amnesty programmes, and advocates for coverage of minorities. Mallinder (2018, p. 69) interestingly observed that 'exclusions may reflect the balance of power between the negotiating parties, public opinion on including former combatants in the political life of the nation, or because those who are excluded are viewed as potential or actual spoilers in the peace process'. While Mallinder did not explicitly refer to the presence of multiple insurgent groups but divisions and power dynamics within a certain group, her theory could be stretched to analyse the nature of amnesties in the face of multiple insurgencies.

Matters arising from the existing discussions

The discussions have shown that even though amnesties could create incentives for rebels to embrace peace, they could likewise be abused to prevent accountability. However, most of these literatures referred to cases of full-blown civil war in fragile states where the bid to end protracted and widespread violence may compel governments into negotiating with the devil. However, rebel groups are also present in resilient states, which in spite of conflicts are characterised by state monopoly of legitimate violence, significant control of territory, monopoly of taxation and institutional hegemony (Putzel & Di John, 2012). This distinction is important because governments of resilient states have more room for manoeuvre and the upper hand in dealing with rebel groups. Admittedly, mishandling of conflicts in resilient states could also lead to deterioration into fragility. Therefore,

amnesty-granting (especially blanket amnesty) should raise more suspicion in resilient states than in fragile states.

Furthermore, while Walter's (2006) 'reputation building' argument can explain why governments of multi-ethnic states are less likely to grant concessions than other governments, it does not explain why a particular government grants concessions to some rebel groups and not others. Walter's comparison is relevant for comparison among countries and not the handling of rebels within a country. However, her argument that governments are likely to fight for lands with rich natural resources is quite salient to this research. Nonetheless, with the popularisation of amnesty, could natural resource dependence not compel governments to negotiate instead of fight with rebel groups in resource-rich areas? Contrary to the argument that governments fight for resource-rich lands, the need for undisrupted access to natural resources can push a government into negotiating with rebel groups in the area, with amnesty offered as part of the agreement.

Cunningham's idea of 'veto players' is also not without problems. Negotiating only with the strongest rebel groups, those that have probably committed more crimes, seems to be rewarding mass murders and punishing those who have committed lesser crimes. In the words of Voltaire (Walker, 2012, p. 417), 'It is forbidden to kill; therefore all murderers are punished unless they kill in large numbers and to the sound of trumpets'. Also, Cunningham's argument implies some kind of relationship between the different rebel groups, hence he advised governments to focus on the more powerful groups. But in a situation where the rebel groups are unrelated and pursuing different courses, how can governments prioritise among the groups?

Mallinder's point on how political settlement, negotiations and the balance of power determine who is included and excluded provides a more convincing explanation. She discussed how this inclusive mechanism could overlap with identity cleavages such as ethnic affiliation, gender and religion. This brings to the fore all possible socio-economic and socio-political factors that would probably be considered before amnesty is granted. So, governments consider the cost and benefits of granting amnesties based on power dynamics, socio-economic consideration, negotiations and public opinion.

Analytical approach

This article seeks to examine the underlying factors which influence different treatments of rebel groups by a resilient state using Mallinder's (2018) concept of amnesties and inclusive political settlements since it offers a better explanation for the differential treatment of insurgent groups. It seeks to utilise this concept in explaining how interactions with different regional political and economic factors lead to the inclusion or exclusion of some groups in receiving state forgiveness, using Nigeria as a case study.

Nigeria is an interesting case because, since the return of democratic rule in 1999, it has witnessed three major insurgencies, namely: the Niger Delta militants, Boko Haram and Biafra agitators. While Nigeria has granted blanket amnesties severally to the Niger Delta militants and Boko Haram with little reciprocity from them (Ikelegbe & Umukoro, 2016; Nwankpa, 2014; Sändig, 2015), it has shown little interest in negotiating with the Biafra agitators. This paper argues that ethnic politics has adulterated the fight against the Boko Haram insurgency as the northern-led Nigerian federal government has shown undoubted signs of restraint in combating the insurgents of northern and (radical)

Islamic extraction. For the Niger Delta, the hand of the federal government was forced to the negotiating table after military incursion in the region negatively affected crude oil production, the mainstay of the Nigerian economy. With neither political power in the centre nor an ample quantity of crude oil, insurgents in eastern Nigeria have nothing to exchange for state forgiveness.

Boko Haram, Niger Delta militants and Biafra agitators

While the group has existed under different names and guises, Boko Haram caught local and international headlines in 2009 with its series of bombing and other acts of violence mostly in north-eastern Nigeria (Nwankpa, 2014; Sändig, 2015). After the death of its first leader, Mohammed Yusuf, at the hands of security operatives, which many people consider an extra-judicial killing (Sändig, 2015), Boko Haram continued to terrorise Nigeria and other neighbouring countries in the Lake Chad Basin. In spite of the thousands who have been killed, kidnapped or maimed by this terrorist group, political heavyweights in northern Nigeria such as the Sultan of Sokoto and the Arewa Consultative Forum (an influential pressure group in the region) have called for an unconditional amnesty for Boko Haram insurgents (Nwankpa, 2014). These supporters of amnesty for Boko Haram pointed to the Niger Delta crisis in southern Nigeria and the generous offer the Nigerian government gifted the insurgents in the oil-rich region in the Niger Delta Amnesty Programme. Even then private citizen but former military head of state Muhammadu Buhari, who was later elected president in 2015, claimed there was a double standard in the handling of the Niger Delta militants in the south compared with Boko Haram in the north. In an interview in 2013, he said that ‘They [Niger Delta militants] were trained in some skills and were given employment, but the ones in the north [Boko Haram] were being killed and their houses were being demolished. They are different issues, what brought this? It is injustice’ (The Nation, 2013). He took a swipe at the Goodluck Jonathan administration, which he later succeeded, for its generosity towards the Niger Delta militants while sending soldiers to obliterate Boko Haram. So, northern leaders were agitating for amnesty for Boko Haram because of the state forgiveness received by insurgents in the south.

However, Nwankpa (2014) faulted this comparison between Boko Haram and the Niger Delta insurgents by arguing that while the latter is a justice-seeking rebellion which seeks to receive fair rents from the crude oil drilled from its soil, the former is an extremist group with a totalitarian agenda to Islamise the country, making it less deserving of state compromise, let alone state forgiveness. Nonetheless, characterising the Niger Delta insurgency as a justice-seeking rebellion might be quite short-sighted as the insurgency has metamorphosed over the years from a justice-seeking to a loot-seeking one (Agboga, 2020). Environmental degradation and poor living conditions which are underlying causes of the rebellion are yet to be addressed, while the government settles major rebel group leaders to prevent disruption of access to oil fields. As Agboga (2020) noted, earlier military incursion in the area drastically affected Nigerian foreign earnings as crude oil accounts for 70% of its total export, forcing the hand of the government to negotiate with the insurgents. It was reported in 2016 that Nigeria lost 700,000 barrels of crude oil per day because of militancy in the Niger Delta, immensely affecting the country’s foreign exchange (The Wall Street Journal, 2016).

Sändig (2015) added a third player to the comparison – Biafra agitators. While the Nigerian/Biafra war ended in 1970, the country is yet to heal from the injuries of the war. Biafra agitators from eastern Nigeria continue to point at the horizontal inequalities in the corridors of power. While different Igbo pressure groups have existed since the war, Biafra agitators gained new verve under the leadership of Nnamdi Kanu, the de facto leader of the Indigenous People of Biafra (IPOB) not (IGBO). The group caught local and international attention in 2015 after its leader was arrested by the Buhari-led administration and charged with treason for calling for the secession of the Igbos.

The group gained steam after the 2015 election which Buhari won despite getting only 5% of the votes from eastern Nigeria. While he declared he was ‘for nobody and everybody’ in his inaugural speech, a few months later Buhari backtracked in an international conference by disclosing that ‘the constituents [which], for example, gave me 97% [of the vote] cannot in all honesty be treated on some issues with constituencies that gave me 5’ (Sahara Reporters, 2015). The 5% was obviously eastern Nigeria, predominantly composed of Igbos who fought against the Nigerian government in the civil war in the 1960s, and many saw this as an encouragement to discriminate against those from that part of the country.

Coincidentally, no Igbo was among the key office holders in the federal legislature or among Buhari’s kitchen cabinet and security chiefs. IPOB was also labelled a terrorist group by the Nigerian government in 2017 for calling for the secession of the Igbos, a label which the group challenged in court unsuccessfully (Sahara Reporters, 2018). But unlike with Boko Haram, the US, UK and France, to mention but a few countries, refused to recognise IPOB as a terrorist group, with a spokesperson for the American Embassy in Nigeria, Russell Brooks, commenting that while the US is committed to Nigeria’s unity, ‘the Indigenous People of Biafra is not a terrorist organisation under US law’ (Vanguard, 2017).

In comparing IPOB with Boko Haram, the difference is quite clear – while the latter is a radical group with an uncompromisable agenda, the former is a secessionist group rebelling against alleged unequal distribution of power. Their modes of operation are also quite different, with Boko Haram attacking both civilians and security forces of the state while IPOB has utilised social media campaigns as well as bloody clashes with state security operatives. The damages, attacks and death toll have been inarguably higher with Boko Haram. It is claimed that about 36,000 people have been killed by Boko Haram (Voice of America, 2021), with millions of people displaced, making it the worst insurgency in the country. The deaths recorded in IPOB campaigns have often been as a result of clashes with police and soldiers sent to quell the activities of the group. How then is it the case that Boko Haram, an internationally recognised terrorist group, has been able to attract more state forgiveness than IPOB? Should justice as well as forgiveness not be dished out according to the extent of wrongs committed?

Who deserves to be forgiven? Political settlement and the distribution of amnesties

Many Nigerians have denounced the double standard of the Buhari-led government in dealing with insurgencies, and insecurity in general across the country. While the government often spares no resources in moving against real or perceived enemies of

the state in the southern parts of the country, the same government downplays the severity of security lapses in the north. In a news article appropriately titled 'Buhari unleashes maddening heat on agitators, turns blind eyes as blood-thirsty bandits, terrorists revel in cash', the writer contrasted the overzealousness of security operatives in southern Nigeria, exemplified in the numerous military operations in the Niger Delta, the tactical recapture and extradition of the IPOB leader, Nnamdi Kanu, and violent suppression of protests in the south-west, compared with the tepid response to more urgent security concerns in the north, which has been beleaguered not by Boko Haram alone but also by bandits and killer-herdsmen (Vanguard, 2021c).

Attempting to refute the presence of this double standard, the governor of Kaduna State, a key ally of the federal government, Nasiru El Rufai, claimed that the government seemed harder on southern agitators because IPOB and other southern agitators were more identifiable than Boko Haram and other criminals in the north. This comment drew widespread condemnation, including from the Christian Association of Nigeria (CAN), who accused the government of making excuses for northern criminals while going after perceived enemies of the state in the south (Vanguard, 2021a). The government has literally paid millions to Boko Haram and bandits for the release of abducted persons in the north while flexing its muscles in the south in the form of heavy military operations. At this point, it is difficult to ignore the ethnic undertone of the security strategy of the Nigerian government, which seems in a hurry to compromise with criminal elements from the north and crush those in the south.

The blanket amnesty offered to Boko Haram with little reciprocity reinforces this point. Apart from the amnesty programme there was an attempt to de-radicalise and reintegrate ex-Boko Haram fighters into the so-called 'Operation Safe Corridor' – a programme which observers have denounced for its lack of transparency. Victims of the insurgency continue to languish in IDP camps while the government throws big 'graduation' parties for the de-radicalised fighters. 'Why should rehabilitating the perpetrator be more important than bringing succour to the victims?' Bishop Kukah, a popular Nigerian cleric and social commentator, asked (Peoples Gazette, 2021). In a moving interview with the media, one of the internally displaced persons castigated the government for its dalliance with Boko Haram while millions of IDPs languished in poverty and despair without adequate government support. He lamented thus:

I am worried that government would start rehabilitating what they called repentant Boko Haram and abandon us their victims in the IDP camp to suffer hunger and deprivation. If that is how it wants it, we will be compelled to join Boko Haram so that government can pay attention to us. I lost my father and all members of my family to Boko Haram before I escaped to this camp and see my life, the government can't pay attention to me but it can rehabilitate repentant Boko Haram. (Vanguard, 2020b)

The governor of Borno State, the epicentre of Boko Haram attacks, Babagana Zulum, denounced Operation Safe Corridor as unproductive. 'It has been confirmed that the concept of de-radicalisation or Safe Corridor is not working as expected', Mr Zulum said. He continued by disclosing that 'quite often, those who have passed through the Safe Corridor initiative, or have been de-radicalised, usually go back and rejoin the terror group after carefully studying the various security arrangements in their host communities, during the reintegration process' (Peoples Gazette, 2021).

To add insult upon injury, a bill was considered for debate in the Nigerian federal legislature aimed at establishing a National Agency for the Education, Rehabilitation, De-radicalisation and Integration of Repentant Insurgents in Nigeria, which would be tasked with spending part of the already meagre education budget on foreign studies for ex-Boko Haram fighters (Vanguard, 2020a). The Socio-Economic Rights and Accountability Project (SERAP), a popular non-governmental organisation in the country, lambasted this move by arguing that ‘this bill erodes justice and makes a mockery of the suffering of victims, and the unspeakable human tragedy, humanitarian crisis and appalling atrocities committed by the Boko Haram terrorist group’ (Vanguard, 2020a). SERAP further argued that in a country with 13 million out-of-school children, awarding Boko Haram foreign scholarships is just absurd. Similarly, in polls conducted by Premium Times (2020), a popular national newspaper, over 90% of Nigerians opposed this proposed commission for ‘repentant’ Boko Haram fighters. The Buhari-led administration doubled down by introducing a media regulation which prohibited media houses from reporting on terrorist attacks in the country, a move that was denounced by several members of the civil society as an attempt by the government to gag the media from exposing the severity of insecurity in the country, especially in northern Nigeria, and the failure of the government in stemming the tide (Vanguard, 2021b).

Furthermore, Njoku (2020) exposed the acute clientelism frustrating the fight against Boko Haram, disclosing how military contracts are awarded often on a patronage basis, rife with corruption, and with dire effects on the war against insurgency in north-eastern Nigeria. More revealing, in his interviews with soldiers at the battlefield, Oriola (2021) discovered demoralisation among soldiers as a result of inadequate battle ammunitions and poor welfare. The soldiers also expressed shock at the information leak and sophisticated weapons of Boko Haram, hinting at the never-ending question of how the latter gets its funding and who are its internal spies or even financiers. Mallinder’s (2008) theory of amnesties and inclusive political settlement, which underscores how group dynamics affect who gets state forgiveness, becomes relevant here. In the case of Boko Haram, there is little doubt that ethnic politics has muddled the fight against the terrorist group and dampened the Buhari-led administration’s security strategy. In fact, the situation would have been different if Boko Haram had been based in another region of the country.

Exchanging oil for state forgiveness

After realising that continuous military incursions in the Niger Delta were drastically affecting crude oil extraction from the region, a situation where the country was losing thousands of barrels of oil worth millions daily, the Nigerian government and oil companies were compelled to the negotiating table as the Nigerian economy began to falter because of its diminishing oil export. Key leaders of the different Niger Delta militant groups were paid off in the form of ostensible security contracts to protect the oil installations they had been bombing in the region (Watts, 2009). The government also issued a blanket amnesty to all militants in the region who surrendered their arms. This amnesty programme, which began with the Yar’Adua administration, was continued by Goodluck and passed on to Buhari. While the bombing and vandalising of oil installations in the region have reduced, the Niger Delta remains an unstable flash point for sporadic violence

and criminal activities. Agboga (2020) argued that this was the consequence of ignoring the major causes of the insurgency in the first place as the region remains underdeveloped coupled with the unfulfilled promise of environmental clean-ups after oil spillages. The Nigerian government (and oil companies) mainly settled those who would likely disrupt their oil exploration without addressing the underlying cause – setting itself up for future blackmail. So, contrary to Walter's (2006) position that governments would fight for lands with natural resources instead of granting amnesties, the Niger Delta situation shows that governments could be forced to negotiate to gain access to prized resources in regions controlled by insurgents; thereby exchanging state forgiveness for access to natural resources.

Silver or gold, I have none: Biafra agitators versus the Nigerian government

On 24 November 2016, Amnesty International released a damning report accusing the Nigerian government of killing 150 'peaceful pro-Biafra activists' at an event to mark Biafra Remembrance Day (Amnesty International, 2016). Since then, bloody clashes between Biafra agitators have continued, with the Nigerian government accusing the secessionists of stockpiling arms to attack the state. Before his arrest, leader of the IPOB, Nnamdi Kanu, used Radio Biafra to mobilise support and level several allegations at the Nigerian government. After he was granted bail following a protracted court battle, he fled the country and continued his online campaign against the Nigerian government. Meanwhile, bloody clashes continued between IPOB members and state security operatives, which included attacks on police stations and prisons.

Amidst this chaos and deteriorating situation, one wonders why the issue of amnesty was not suggested. It could be argued that the secessionist ambition of Biafra agitators prompted this sort of response from the Nigerian government following Walter (2006) and Toff's (2001) observations that countries with many ethnic groups tend to be less compromising with secessionists to avoid similar agitations elsewhere within the country. But both Boko Haram and the Niger Delta militants have also displayed secessionist tendencies by declaring or threatening to declare themselves independent from the Nigerian state (The Cable, 2016).

Furthermore, the military incursion in eastern Nigeria has escalated the situation, drawing both local and international sympathy for the secessionists. While the government need not give in to their demands, more inclusive gestures such as appointing an Igbo as one of the security chiefs or into other salient positions would have helped to de-escalate the situation. Also, Biafra agitators have shown signs that they are ready for some compromise, as witnessed when an Igbo man emerged as the presidential running mate in a major political party in Nigeria. While IPOB had formerly called for a boycott of the 2019 general election, the emergence of Peter Obi as the running mate of Atiku Abubakar of the People's Democratic Party (PDP), the largest opposition party in Nigeria, diminished the call. In fact, PDP cleared all the eastern states in the presidential election but, as in 2015, struggled to win other regions, especially in the north (INEC, 2019).

Comparing IPOB with the Niger Delta militants, one major difference is the absence of crude oil in commercial quantities in the region occupied by the former. Just like IPOB, the Niger Delta militants had several bloody clashes with security operatives and vandalised public properties as well as oil installations. Interestingly, one of the militant

leaders in Niger Delta, Asari Dokubo, was also arrested and charged with treason, just like Nnamdi Kanu of IPOB. However, Asari Dokubo's case was indefinitely suspended after the militants reached a settlement with the government. He also became a major beneficiary of the lucrative amnesty largesse gifted to the militants in the form of ostensible security contracts to protect oil installations (Agboga, 2020; Watts, 2009). The Wall Street Journal (2012) alleged that the Nigerian government and oil companies pay Asari Dokubo and other heads of militant groups \$9 million per year for uninterrupted access to crude oil in the region. On the other hand, Nnamdi Kanu and other Biafra agitators, who have no crude oil or any other substantial resources to attract compromise from the government or exchange for state forgiveness, have been excluded by the Nigerian government from any discussion on amnesty.

Is an external arbiter needed?

In 2015, SERAP dragged the Nigerian government to the Economic Community of West African States (ECOWAS) community court over the appalling living conditions of three million internally displaced persons in the country, forced to leave their homes and livelihoods because of the activities of Boko Haram (Premium Times, 2015). That same year, a group of activists in the Niger Delta sued the Nigerian government in the ECOWAS court over the allocation of oil fields in the region. A year later, the leader of IPOB, Nnamdi Kanu, dragged the Nigerian government to the same court for an alleged illegal detention after he was remanded in custody even after a Nigerian court granted him bail (Daily Post, 2016).

These court cases show that while there have been push backs against international interference in conflict resolution in Africa, exemplified in backlashes against the ICC by several countries in Africa (Alter et al., 2013, 2016), regional courts based on the continent enjoy more legitimacy because they appear less imperialist in character. While these court cases and many more like them have had varying degrees of success, they join in putting pressure on governments, naming and shaming them on the international stage and forcing governments to defend their position. This article advocates for the empowerment of regional courts because they are less influenced by domestic power dynamics and inequalities, since leaving peace processes to governments alone might lead to the exclusion of some groups because of existing domestic inequalities. These courts could serve as the midpoint between domestic conflict resolution mechanisms and distant international regulations, where aggrieved groups could challenge and express their dissatisfaction with local peace processes.

Conclusion

As the popularity of amnesty in resolving domestic conflicts continues to gain ground, it is important to note that state forgiveness is a double-edged sword that could cut both ways. While it is important for governments to be open to both military and non-military interventions in dealing with insurgencies for the timely resolution of conflicts, the politicisation of the peace process remains a real concern. As demonstrated in this case study, state forgiveness was not commensurate with the extent of crimes committed, especially when the treatments received by the different insurgent

groups are compared. In fact, Boko Haram, despite being recognised as a ruthless terrorist group both domestically and internationally, has enjoyed more audience with state forgiveness than Biafra agitators, whom foreign powers have refused to recognise as terrorists. This article explains this anomaly by uncovering how ethnic and identity politics enabled Boko Haram to garner sympathy from northern political elites who control the central government. The protracted war against Boko Haram, demoralisation of soldiers at the battlefield as disclosed by Oriola (2021), and corruption in the allocation of military contracts revealed by Njoku (2020), compared with the ruthlessness of security operatives against insurgents in southern Nigeria, undoubtedly show a lopsided security strategy. In addition, with crude oil as their bargaining chip, Niger Delta militants succeeded in attracting state forgiveness and lucrative contracts for former rebel leaders. On the other hand, Biafra agitators, with nothing to exchange, are left to the full wrath of the Nigerian military with no glimpse of pacification.

All these demonstrate that domestic peace processes could mirror already existing patterns of inequality in the state, thereby giving insurgents different levels of access to state negotiation and eventual forgiveness depending on what political connections and resource endowments they possess. So, the Nigerian government engages in some form of cost–benefit analysis before granting amnesty to insurgent groups. The government gauges what it hopes to gain or lose while deciding whether to keep fighting a group or offer the option of amnesty, a ploy that leads to granting state forgiveness only to groups that have something to give in return; in the case of Boko Haram – elite/ethnic appeasement; and for Niger Delta militants – undisrupted access to crude oil. Following Moore's (1991, p. 733) observation that 'we may contrive forgiveness to keep a powerful wrongdoer on our side', the Nigerian government has contrived these blanket amnesties for Boko Haram and Niger Delta militants not just because of magnanimity, but for what it stands to gain from them. It is against this notion of exchange that this article denounces amnesties doled out by the Nigerian government as state forgiveness to the highest bidder. The article finally advocates for the empowerment of regional courts, which enjoy more domestic legitimacy than international law, to check the excesses of governments and push for more fairness and transparency in peace processes.

Disclosure statement

No potential conflict of interest was reported by the author.

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