An Analysis of the Amnesty Policy of Nigerian Government on Niger Delta Crisis

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Disagreements must be settled, not by force, not by deceit or trickery, but rather in the only manner which is worthy of the dignity of man.

-Pope John XXIII, *Pacem in Terris.*
Abstract

Oil producing communities of Nigeria known as Niger Delta region has been a region characterized with fierce violent conflict for more than a decade. The conflict is between successive Nigerian Governments and their collaborating oil companies, and militant groups from the region. And the core issues in the conflict are the socio-economic deprivations and denial of resource control which were occasioned by corporate malfeasance and indifference of successive Nigerian Governments to the plight, demands and aspirations of the people of the region. The Nigerian Government who first aggravated the violent conflict in the region through the use of violent repression as an anti-protest measure however proposed an amnesty policy in June 2009 as a non-violent measure to address the crisis in the region. The policy aimed solely at disarming, rehabilitating and reintegrating the militants into the Nigerian state. The implementation of the policy brought a relative peace to the long troubled region for the first time, with the seeming compliance of the militants. This study however argues that the policy has no feasibility of ensuring a genuine and lasting peace in the long troubled region because its focus is not on the root cause of the crisis. Thus it argues that addressing the issue of human rights whose lack is the root cause of the crisis and whose provision has always been demands and the aspirations of the people will instead engender a genuine and lasting peace in the region.

**Key Words:** Amnesty policy, Capabilities Approach, Niger Delta, Nigerian Government, Nigerian State, Threshold of Capabilities, Social Movements, Violent Repression.
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CHAPTER ONE

1.1 Introduction

For several decades now, the Niger Delta region of Nigeria has been a hotbed of conflict in the Nigerian state. The conflict is between the Niger Delta Militants and the Nigerian Government and their Collaborating Multinational Oil Companies. The core issues in the conflict are socio-economic deprivations and denial of resource control. The people of the region suffer untold ecological destruction which has lasted for more than five decades and it is as a result of oil operations which destroy lands, forests, and farms and contaminate the seas which are the means of livelihood of the oil producing communities who are mostly farmers, hunters and fishers. An ecological destruction that World Life Fund observed and reported in its 2006 annual report that Niger Delta is one of the most polluted places on the face of the earth.\(^1\) The attendant impact of the destruction became poverty, diseases, illiteracy, and unemployment and in most cases lack of shelter as search for oil literally displaces many people from their homes. Thus the oil business pauperizes the people of the region to the extent that the Niger Delta region is the poorest region in Nigeria today.\(^2\)

As a result of this, the Niger Delta people whose region was once flourishing agricultural and trade centre of west Africa before the discovery of oil felt dissatisfied with the status quo and expressed their feelings through various non-violent social movements at various times demanding for improved socio-economic condition and resource control. However, the approach of the Nigerian Government to the plight, legitimate demands and aspirations of the Niger Delta people was always that of indifference and violent repression. Hence the continued degradation of the Niger Delta region by the Multinational Oil Companies and constant human right violations in forms of unremitting brutality, arrests, extra-judicial killing, incarceration and rape by successive Nigerian Governments.\(^3\) Consequently, the people of the region felt that the successive Nigerian Governments and their collaborating Multinational Oil Companies have systematically and effectively marginalized and deprived them of their socio-economic and political rights to an extent that they have little or no control over their land, resources and lives. The implication became that non-violent social


\(^3\) Frynas 2001.p.49.
movement became violent in the face of the violent repressive approach of the Nigeria Governments, hence the militancy in the region.

Faced with the violent situation in the region, Nigerian Government under the leadership of late President Shehu Musa Yar’dua took an urgent but different approach which is non-violent this time, in his quest to resolve the violent conflict in the region. Consequently, in June 2009, he announced the amnesty policy which was targeted at the militants who were to lay down their arms. Since the announcement of the policy and its implementation, the Niger Delta region has for the first time enjoyed relative peace since the agitations in the region became violent.

1.2 Research Problem

With the relative peace enjoyed by the oil region since the announcement and implementation of the policy, many Nigerians as well as international agencies applaud the policy a success. Even though the policy seems to be a success, no attempt has however been made to interrogate the feasibility of the policy engendering genuine and lasting peace in the region since the policy has no potentiality of attending to the root cause of the crisis but instead focused only on disarming, rehabilitating and reintegrating the militants into the Nigerian state.

1.3 Research Aim

Since the Niger Delta crisis is a case of social injustice which has its root in human rights violations, the study tends to argue that the amnesty policy of the Nigerian Government will not bring the genuine and lasting peace despite the seeming success, rather, addressing the issue of human rights whose absence caused the crisis and whose provision has always been the demands and aspirations of the people will significantly reduce and perhaps eradicate the crisis thereby engendering a genuine and lasting peace in the region. Consequently, the study will identify human right in a more concrete, practical and persuasive way since the notion can be general and most times illusive.

1.4 Theoretical Framework

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The framework for the study is Martha Nussbaum’s capabilities approach which she argues secures what is essential for a life that one has reason to value. To that effect she introduced threshold of capabilities in her capabilities approach and proposed a list of Central Human Capabilities, and says that ‘if people are below the threshold on any one of the capabilities, that is a failure of basic justice, no matter how high up they are on all the others’. She argues as well that the capabilities approach is specie of human rights approach but notes that while the idea of human rights is by no means crystal –clear, the capabilities approach makes this idea of fundamental entitlement clear, by arguing that the Central Human Capabilities are not simply desirable social goods, but urgent entitlements grounded in justice. It is the duty of the state to ensure the realization and protection these basic entitlements.

1.5 Research Questions

In view of the aim, the study is posing these research questions. The study asks-

1. What are the factors that prompted Nigerian Government to propose the amnesty policy as a way of resolving Niger Delta crisis?

2. What is the feasibility of Martha Nussbaum’s threshold of capabilities suggesting a more concrete, practical and persuasive way that could address the social injustice in the Niger Delta region of Nigeria?

3. What are the possibilities of Nigerian Government applying Martha Nussbaum’s threshold of capabilities in the Niger Delta situation if found to have the feasibility of suggesting practical solutions that could address the root cause of the crisis situation?

1.6 Methodology and Structure

The methodology the thesis tends to adopt is single case study focused solely on the crisis situation in the Niger Delta region of Nigeria since it is an empirical enquiry that investigates a contemporary phenomenon within its real-life context with multiple sources of data. Thus, the thesis examines the historical development of the crisis situation in the region and the

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different response approaches of the Nigerian Government in resolving the crisis. The data used in the thesis are primarily derived from secondary source like academic articles and books that deal on Niger Delta crisis and different responses to the crisis. On the amnesty policy, the thesis relies on newspapers most of which are found in the internet. Regarding Martha Nussbaum’s Capabilities Approach which is the framework of the study, the thesis will rely on her book; *Women and Human Development* where she introduced her capabilities theory and her *Frontiers of Justice* where she elaborates further her version of the theory. From the data content, the thesis tends to draw its analysis content, thus analyzing the content of the policy from Martha Nussbaum’s framework and proposing the possible solution.

The structure of the study includes;

Chapter one is the general instruction of the study.

The Chapter two of the thesis gives an insight to the development of the crisis by unveiling the explorative and exploitative modus operandi of the multinational oil companies in the region which is one of the primary causes of the crisis in the region. It also discusses the agitations of the people which were as a result of the explorative and exploitative modus operandi of the multinational companies, presenting how it developed from non-violence movement to militancy.

Chapter three discusses the approaches of successive Nigerian Government to the plight and agitations of the people of the region. The initial approach was that of indifference and violent repression. Later approach under the leadership of Shehu Musa Yar’dua was a non-violent approach, introduced by the president in his bid to resolve the conflict in the region in a non-violent way.

Chapter four discusses Martha Nussbaum’s Capability Approach, a philosophical approach that argues for a politically realistic ‘threshold of capabilities’ which has its basis on the universality of human dignity and human flourishing, elements Nussbaum argues are essential for the individuals to live a life ‘one has reason to value’.

Chapter five analyzes the amnesty policy of the Nigerian Government to unveil why it has no feasibility of addressing the crisis in the oil region. Second section of the chapter suggests how to address the human rights lacking in the region in a way that genuine peace and lasting peace in the oil region.
CHAPTER TWO

Development of the Crisis in the Niger Delta Region

2.1 Activities of the Multinational Oil companies and Their Impact on the Niger Delta Region

Niger Delta region is 70,000 square kilometres region located at the southern part of Nigeria. Its inhabitants live in the Nigeria’s present day River, Bayelsa, Delta, Cross River, Akwa Ibom, Abia, Imo, Edo and Ondo States. These States are made up of 40 different ethnic communities with 250 languages and dialects \(^8\) with the Ijaws being the most populous. These people are held together and identified as Niger Delta people, a name commonly used to identify oil producing ethnic communities in Nigeria.

This region contains a large quantity of oil which makes Nigeria the highest oil producing country in Africa and 6\textsuperscript{th} in the world. In 2007 for example, the oil in this region was

\footnote{Watts 2008, p.40.}
estimated at 36.2 billion barrel and it is expected to grow to 40 billion barrels by 2010.\(^9\) The region does not only contain large deposit of oil but its oil is referred to as ‘sweet crude’ because of its high quality. It has low hydrogen sulphide and carbon dioxide which makes it yield high quality distillates, liquefied petroleum gas, gasoline and naphtha.\(^10\) Consequently, oil companies scramble for oil from the region because of the high profit that it yields. For example in the fall of 2007, the landed cost of Nigeria sweet crude in the US – the consumer of almost half of Nigeria oil – was $80 per barrel.\(^11\) And it is estimated that Nigeria makes profit of over $1.5 billion in oil revenues each and every week, supplying a larger share to US crude import than Saudi Arabia.\(^12\) And as of 2007, over 87 percent of Nigerian Government revenues, 90 percent of foreign exchange earnings, 96 percent of export revenues, and almost half of Gross Domestic Product (GDP) is accounted for by just this one commodity –Oil-from Niger Delta region.\(^13\)

Despite the huge oil revenue that accrues from oil of Niger Delta, the situation in the region is a deplorable one because of the high level of poverty, diseases, unemployment and illiteracy in the region. The region which was once the agricultural pride of West Africa because of the fertile agricultural land, forest, rivers, creeks, and coastal waters teeming with fish and sundry water creature is one of the most polluted places in the world today and one of the poorest regions in Nigeria.\(^14\)\(^15\) The people of the region live below national average with an average poverty rate of 83.3 % compared with the national average of 78.3 %.\(^16\) And the mortality rate of the people of the region is 40 years.\(^17\) Part of the reason being that major part of the oil reserve is located in the forests, farms and water ways and even residential areas of the local communities. With heavy explorative and exploitative activities of the multinational oil companies, the means of livelihood of the rural people who are mainly farmers, fishers and hunters are destroyed. The major activities of the oil companies that destroy the means of livelihood of the people of the region are gas flaring, oil spillage and forest encroachment. Gas flaring which is the

\(^9\) Ibid.p.42.  
\(^10\) Ibid.  
\(^11\) Ibid.36.  
\(^12\) Ibid.  
\(^13\) Ibid.P.43.  
\(^17\) Watts,p.42
process of burning natural gas that is associated with crude oil when it is pumped up from the
ground occurs as result of insufficient infrastructures to make use of the natural gas, hence
flaring is employed to dispose of this associated gas.\textsuperscript{18} And this process of gas flaring has
been on for more than half a century that the oil was discovered in the region and has
tremendously increased over the years as oil production increased. For example, the official
data of oil production is estimated at around 2 million barrels per day for the last few years
but reached 2.5 million barrels per day in 2004.\textsuperscript{19} The Shell is reported to account for nearly
half of this or about 1.1 Million barrels per day while Exxon Mobil produces about 570,000
barrels per day while other companies produce the rest.\textsuperscript{20} And according to Mr. Basil Ominyi
, the Chief Executive of Shell Petroleum Development Company ,

On the average, about 1000 standard cubic feet (SCF) of gas is
produced in Nigeria with every barrel of oil. Therefore, with
oil production of some 2.2 Million barrels per day, about 2.2
billion SCF of associated gas is produced every day.\textsuperscript{21}

With regard to this amount of SCF produced in the region, World Bank noted in its 2000
annual report that Nigeria is one of the highest gas flaring nation in the world, contributing
more green house emission than the whole of sub Saharan Africa combined.\textsuperscript{22} The most
worrying aspect of it is that people’s residential homes are literally near these flaring sites.
The roaring of the flares and belching of the dark clouds full of toxins from the leaping fires
of the flaring pollutes the environment of the people .And due to radioactive elements of the
gas flared, people of the region suffer carcinogenic disease, asthma, chronic bronchitis, blood
disorder and other diseases.\textsuperscript{23} And toxic elements in flared gas causes acid rain as well which
acidifies lakes and the people of the region depend heavily on rain and lake water due to lack
of pipe borne water or fresh waters.\textsuperscript{24} Drinking such water leads to slow and massive death of
the people of the region .Apart from the adverse health effect on the people, gas flaring
affects farmlands and forest near the flaring sites and this leads to poor harvest as crops and

\textsuperscript{20} Ibid.
\textsuperscript{21} Ibid
\textsuperscript{22} Ibid.
economic trees shrink and wither, thereby worsening poverty and the death of rain forest respectively.\textsuperscript{25}


The Nigerian Government has set three different deadlines since 1969 to stop the practice and the latest of which is January 2010, yet none has been observed.\textsuperscript{26} And the Nigerian judiciary has over and over again ordered different oil companies to stop gas flaring because “it is a gross violation of the constitutionally – guaranteed right to life and dignity, which include right to a clean environment, poison free healthy environment”\textsuperscript{27}. But none of the oil companies has heeded this injunction, rather gas flaring continued unabated at a very scorching temperature.

Oil spillage is another activity of the oil companies that destroy the means of livelihood of the people. According to World Bank record, oil spills are generally caused by the companies themselves, with corrosion being the most frequent cause.\textsuperscript{28} This is due to the fact that most of the oil installations are old and poorly maintained. Changing the old installations is expensive and as such oil companies prefer making use of the rusty old pipelines that were installed in the 50s and 60s because it is cheaper for them. And this is contrary to the claims

\textsuperscript{25} Ibid p.690.
\textsuperscript{27} Jike , 2004.p.692
\textsuperscript{28} Frynas 1998, p.464.
of the oil companies that oil spillage is as a result of sabotage. The World Bank reports note that though sabotage has a role to play in oil spillage, its role is very minimal. Most of these rusty and obsolete ‘‘high pressure pipeline crisscross over land that are used for agricultural purpose rendering it economically useless’’ As pipelines pass through people’s villages and farms, whenever there is an oil spillage, human and wild lives are destroyed. Ken Saro Wiwa, the late environmentalist while commenting on the first oil blowout in well 11 in the Bori field in 1970 said that he was a ‘‘ witness to the great damage which the blowout occasioned to the town of Kegbara Dere. Water sources were poisoned, the air was polluted, farmland devastated. I watched with absolute dismay as indigent citizens found neither succour nor help from Shell’’. The situation which Saro Wiwa observed has become rule rather than exception because oil spillage increased in occurrence ever since that incident took place. According to Shell’s 2009 annual report, the company spilled 14,000 tons of crude oil into the creeks of Niger Delta last year, a figure that was more than twice the amount that was spilled in 2008 and quadruple what was spilled in 2007. The reason for the increase in spillage is simple; the pipeline are old and poorly maintained and the oil production is on the high demand due to the global demand of oil and this subjects the old and worn out pipelines to pressure they cannot, hence the spillages.

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29 Ibid
30 Okonta and Douglass 2003.p.77
31 Ibid.p.76.
Forest encroachment is another activity that also destroys the means of livelihood of the people of this region. Crude oil and gas are naturally buried far beneath the earth. Thus oil companies search extensively and perhaps comprehensively different places before oil is discovered and this search involves cadastral and seismic survey. In the process of this search, roads are constructed through which workers and heavy equipments are transported to the suspected sites. And most of the times, people's homes are destroyed, farmlands are rendered economically useless, sacred forests and sacred shrines are destroyed. Though most of the oil companies promise compensation sometimes, but things like the homes of displaced families and the destroyed abode of the gods cannot be adequately compensated.

The above mentioned activities of the oil companies destroy the means of livelihood of the people of the region through degradation of their lands, destruction of their forests with wild lives and contamination of their water and atmosphere. Not only that the people’s environment is degraded, the people also lose their homes to oil business and their spiritual succour are denied them through destruction of sacred forests and shrines as a result of the activities of the oil companies. As a result of this social injustice meted to the region, they started agitating.
2.2 The Agitations of the Niger Delta People

These dehumanizing conditions in the region resulting from the activities of the oil companies made the Niger Delta Communities feel that they were being disinherited by the Nigerian Government and their collaborating multinational companies and started agitating for improved socio-economic situation on the part of the multinational companies and resources control on the part of government. The first of such agitations was in 1966 when Ijaw activists; Isaac Boro along with Samuel Owonaru and Nottingham Dick under the name of the Niger Delta Volunteer Force (NDVF) declared a Republic of Niger Delta. In the event of the declaration, Isaac Boro said,

Remember your petroleum which is being pumped out daily from your veins and fight for your freedom.\(^{33}\)

It was crushed by the Nigerian Government and the activists were condemned to death but were later pardoned. Though the movement was crushed, the apocalyptic pumping of petroleum from the veins of Niger Delta people increasingly came to fruition as the situation in the Niger Delta deteriorated each passing day.

Many years after Isaac Boro was silenced, the ecological and oppressive war waged by the oil companies and Nigerian Government continued until the emergence of the late environmentalist, Ken Saro-Wiwa and his Ogoni People’s Movement. He led and internationalized a non-violent social movement known as Movement for the Survival of the Ogoni People (MOSOP) in demand for improved socio-economic situation and resource control. Though the Ogoni people are not the only tribe affected by the oil operation, their agitation was distinct due to their high level of organization, thanks to their capable leaders, their radical demands and the popular support for MOSOP even on the international level. MOSOP drafted the Ogoni Bill of Right (OBR) which contained a new social contract formula based on human rights and resource control\(^{34}\). Instead of Nigerian Government to address the issues in Ogoni Bill of Right, the military junta then, General Sani Abacha in collaboration with Shell Company on May 22, 1994 arrested Ken Saro-Wiwa along with eight other Ogoni leaders, tried in a kangaroo court and sentenced them to death by hanging.

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\(^{33}\) Watts.. p.37.

\(^{34}\) See Ibeanu and Lukham 2006, p.38.
on trumped charges. The effect of Ken Saro-Wiwa’s and his co-accused death on the Nigerian State was the suspension of the country from Common Wealth with limited sanction. And Nigeria was for the first time in its history branded a rogue state because of his death too. Inspired by the Ogoni case, other communities joined in the struggle for resource control. But as Ken Saro-wiwa had predicted and feared before his death, that

The non-violent struggle would turn to violent in the face of business –as- usual politics …security forces still operate with impunity, the government failed to protect communities in oil–producing areas while providing security to the oil industry, and the oil companies bore responsibilities too for the appalling misery and the political violence across the region.

Today, Ken Saro-wiwa’s fear is a reality. There have been a wide spread of struggle, agitations and violence against the Nigerian State and their collaborating oil companies who are viewed by the people of the region as being in an unholy alliance to impoverish them. The struggle is still a demand for improved socio-economic situation and resource control and there is litany of militant groups in pursuit of this demand. The groups are; Movement for the Emancipation of the Niger Delta (MEND), Niger Delta Volunteer Force (NDVF), The Niger Delta Militant force squad (NDMFS), Niger Delta coastal Guerrillas (NDCG), South–South Liberation Movement (SSLM), Movement for the Sovereign State of Niger Delta (MSSND), the Meinbutus, the November 1875 movement, ELMOTU, the Arogbo Freedom fighters, Iduwini Volunteer Force (IVF), the Niger Delta people’s salvation Front (NDPF) The coalition for militants Action (COMA) The Greenlanders, Deebam, Bush Boys, KKK, Black Brazier, Icelanders and so on. However, some of these groups are criminal minded who are into militancy for pecuniary gains by vandalizing oil pipelines and stealing the crude oil and selling it into lucrative ‘black’ market, kidnapping of expatriate workers and demanding ransom for their release, extortion.

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36 Ibid.
37 Ibid.
CHAPTER THREE

Approaches of the Nigerian Government to Niger Delta Crisis

3.1 Violent Repressive Approach of the Nigerian Government

Nigerian state is one characterized with institutional failure and endemic corruption, hence varied and recent studies ranking it as a failed nation.\(^{40}\) A failure that the former head of Economic and Financial Crimes Commission (EFCC), an agency that fights corruption, Nuhu Ribadu, put the matter with precision: the Nigerian state is an ‘organized crime’.\(^{41}\) Such institutional failures and endemic corruption range from money laundering and fraud on gargantuan scales, missing billions and inflated contracts in virtually every aspect of public life, area boys, touts, mobile police all taking their cuts and commissions on the most basic of every day operations.\(^{42}\) Reporting on the degree of decrepitude of the Nigerian institutions, National Intelligence Council (NIC) of the USA made an unflinching apocalyptic report in March 2005 that Nigeria will collapse in 15 years time.\(^{43}\) Stressing the extent of the fall, NIC which in its previous reports had correctly predicted the fall of Soviet Union and Yugoslavia notes that ‘a failed Nigeria probably could not be reconstituted for many years—if ever—and not without massive international assistance’\(^{44}\).

It was due to the failed nature of the Nigerian state that the Nigerian Government could not implement the laws governing the oil operations as stated in the Nigerian National Corporation Act.\(^{45}\) It was in reference to this that the earliest non-violent social movement MOSOP (Movement for the survival of Ogoni people) lamented in its Bill of Right when it


\(^{41}\) Watts 2008,p.44.

\(^{42}\) Ibid.


\(^{44}\) Ibid.

wrote, ‘That neglectful environmental pollution laws and substandard inspection techniques of the Federal authorities have led to the complete degradation of the Ogoni environment, turning our homeland into an ecological disaster’. The implication became the ever increasing gas flaring, oil spillages and forest encroachment that destroy the means of livelihood of the people of the region and pollute their atmosphere.

And the successive Nigerian Governments made no significant attempts to alleviate the deteriorating situation in the region by way of providing infrastructures. Commenting on the situation, the United Nations report on human development in the Niger Delta region made unflinching assessment when it sadly notes that the ‘‘appalling development situation’’ reflects the shameful fact that after a half century of oil development ‘‘the vast resources from an international industry have barely touched pervasive local poverty’. And that if Bayelsa State, the highest oil producing state in Nigeria were to be a sovereign state, it would according to its Human Development Indices (HDI) be ranked roughly 160th poorest nation in the world. For example, literacy rate in the core oil states are barely 40 percent, the proportion of primary school children enrolled is, according to Niger Delta Environmental Survey (NDES), 39 percent. The degree of decrepitude in primary schools is simply staggering: no desk, no teaching materials, no teachers and no roof. Each secondary school serves 14,679 people serving a catchment area of 55sq.km. In terms of health care, ratio of a doctor is 1:27,000 in Delta State(and 1 to 282,000 in some of the local government area in Southern Ijaw, Bayelsa State).One secondary health care facility for every 131,000 people serving an area of 583 square km. The number of persons per hospital bed is three times higher than the already appalling national average. Commenting on deteriorating situation in the Niger Delta, the EFCC chair Nuhu Ribadu sadly noted apocalyptically in 2006 that if the Niger Delta situation is not taken seriously, it might end up like Somalia.

And it was such ever increasing corporate malfeasance and indifference of the Nigerian Government to the plight of the people of the region that aggravated the demand for resource control by the people of the region since the Nigerian Government whose primary

47 Watts 2008,p.44.
48 Ibid.
49 Watts 2008,p.44.
50 Ibid.
51 Ibid.
52 Ibid.
responsibility is the protection of their rights is indifferent to them.\textsuperscript{53} The non-violent social movements which championed the demands of the people however became violent as the Nigerian Government first resorted to violent repression as an anti-agitation measure. For example, the killing of 80 people and burning of 100 houses at Umuechem by the Nigeria mobile police who were invited by Shell Eastern Division Manager on 29 October 1990, in anticipation for ‘impending attack’ on oil facilities allegedly planned for the following day.\textsuperscript{54} However, a judicial commission of inquiry set up by the state found that there was no imminent threat of attack and that the mobile police displayed ‘a reckless disregard for lives and property’.\textsuperscript{55}

It was the same with case of Ken Saro Wiwa, a non-violent activist who internationalized the Ogoni people’s movement which unveiled to the world the ecological horror in the Niger Delta region and in this case, the Ogoni land. He and his co-accused were hanged by the Nigerian Government on a charge widely believed to be a trumped one. Litany of such cases abound in the region like the incidents at Obagi (1993 and 1994) Brass (1993), Nembe Creek (1993), Rumuobiokani 19994) and Opueke (1994).\textsuperscript{56} As the non-violent movement became violent, the Nigerian Government still held tight to their approach even under democratic regimes. An instance was in 1998, when the Ijaw Youths Council (IYC), a pan-Niger Delta Umbrella body of various Ijaw youths organizations held a meeting that came up with the ‘Kaiama Declaration’ which stated the grievances, objectives and demands of the IYC as well as signalled the intention of Ijaw youths to adopt a confrontational approach to the state in their demand for resource control and improved socio-economic condition of the people of Ijaw.\textsuperscript{57} IYC demanded that immediate cessation of oil exploitation and exploration in Ijaw land and gave the oil companies nineteen day ultimatum to withdraw their staff from Ijaw land.\textsuperscript{58}

The expiration of the nineteen-day ultimatum set the stage for violence as the Nigerian government under the democratic rule of president Olusegun Obasanjo sent armed military personnel into Ijaw that savagely repressed the uprising.\textsuperscript{59} In retaliation, the Ijaw youths

\textsuperscript{53} Isike et al 2007,p.27. 
\textsuperscript{54} Frynas 1998,472. 
\textsuperscript{55} Ibid. 
\textsuperscript{57} Ibid,p.19. 
\textsuperscript{58} Ibid. 
\textsuperscript{59} Ibid.
killed twelve policemen in a place called Odi in early November 1999. The killing was repressively met by Nigerian State through the now infamously Odi massacre.  

The violent repressive approach of the Nigerian government which at this stage has become a culture has helped in winning some form of legitimacy for the militant groups in the region who were viewed as fighting for self preservation in the face of proximate potential extinction occasioned by the ecological war of the oil companies and now the repressive and violent approach of their own government whose primary responsibility is the protection of the rights of the people.

### 3.2 From Violent Repressive Approach to Non-Violent Approach

As the Nigerian Government unleashed its state terror through its violent repression, the social movement which has become violent at this stage became more violent in its approach as the number of militant groups increased, making it very difficult to explore and exploit oil in the region.

Consequently, the 2.5 million barrels of oil production per day in Nigeria dropped to less than half of that number, making Angola which was the second highest oil producing country in Africa to become the first. Faced with the reality of such a drastic drop in oil production and its implications on the country whose economy is heavily dependent on oil, President Yar’Adua took a non-violent path in resolving the crisis in the region in its bid to patch the bleeding economy. Thus, on 24th June, 2009 he announced the 60 day amnesty policy. Announcing the policy, the president said,

> I hereby grant amnesty and unconditional pardon to all persons who have directly or indirectly participated in the commission of offenses associated with militant activities in the Niger Delta.

The policy which lacked much detail only stated that militants who lay down their arms within 60 days (6th August 2009 – 4th October 2009) will not be prosecuted for the crimes committed in the process of crippling Nigeria’s oil industry. Speaking further on the policy, the president noted that the policy is not only concerned about the militants laying down their arms, but also concerned about reintegrating and rehabilitating those of them ready to lay

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60 Ibid.
61 Ibid. 2008, pp.114-115
63 Ibid.
64 Ibid.
down their arms into the Nigerian society. Commenting on the implementation plan of the amnesty, Dr. Tmiebi Koripamo – Agary, a member of the presidential Amnesty Implementation Committee noted that militants are expected to go to the nearest screening centre, turn in their arms, register, take the oath of renunciation (of armed violence) and receive the residential amnesty and unconditional pardon, register for a rehabilitation and reintegration program. Koripamo-Agary noted as well that disarmament of the militants is only a first step towards bringing much needed development to the Niger Delta since there cannot be development without peace.

Since the announcement of the amnesty policy, thousand of ammunitions, machine guns and grenade launchers have been handed in. Many militants have turned themselves in as well though major militant groups like the Movement for the Emancipation of the Niger Delta (MEND) which viewed the policy with suspicion promised cease fire but not disarmament of the group because according to them, the policy has no room for dialogue and it does not address the root issues that gave birth to the struggle. However, the policy seems to be a success because its announcement and the seeming compliance of the militants brought relative peace to the long troubled region for the first time.

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66 Slow start for Niger Delta Amnesty. Ibid.
67 Ibid.
68 Ibid.
CHAPTER FOUR
Martha Nussbaum’s Capabilities Approach

4.1 The Capabilities Approach: Difference between Sen’s and Nussbaum’s

Capabilities Approach is a normative theory proposed by Martha Nussbaum. The theory was pioneered by the Nobel Winner, economist Amartya Sen in Development Economist. According to Nussbaum, Sen uses the concept ‘to indicate a space within which comparisons of quality of life (or as he sometimes says, standard of living) are mostly fruitfully made. Instead of asking about people’s satisfactions, or how much in the ways of resources they are able to command, we ask instead, about what they are actually able to do or to be’. 69 Contrary to Sen’s version, Nussbaum noted that her goal in her own version of the capabilities approach ‘is to go beyond the merely comparative use of the capability space to articulate an account of how capabilities, together with the idea of a threshold level of capabilities, can provide a basis for central constitutional principles that citizens have a right to demand from their government’. 70 Thus the difference can be structured in the following ways;

First, Nussbaum notes that her own version of capabilities theory is a partial theory of justice because its concern is only the account of minimum core social entitlements 71 and as such, the notion of threshold plays more important role in her version of capabilities theory than the notion of full capability equality. 72 Her theory does not say anything about how justice would treat inequalities above the threshold. 73 The threshold of capabilities which is important for her will serve as a practical and realisable policy guide for policy makers. Consequently, she intends to make it ‘real and concrete rather than abstract’. 74 This distinguishes it from Sen’s full capabilities theory and as Nussbaum wrote, Sen nowhere uses the idea of a threshold. 75

Second, both versions of capabilities theory asserted some form of equality as a necessary ingredient in achieving well being of human person. Nussbaum claimed that her version of Capabilities Approach is philosophically grounded in Marxian/Aristotelian ideas of human dignity and flourishing. Unlike her’s, Sen’s version of Capabilities Approach lacks this

69 Nussbaum 2008, p.12
70 Ibid.
71 Nussbaum 2007, p.75
72 Ibid.
73 Ibid.
74 Ibid, p.xvii.
75 Ibid, p.12.
grounding but only made reference to them in his work. Thus she writes ‘nor has Sen ever attempted to ground the Capabilities Approach in Marxian/Aristotelian idea of truly human functioning’. 76

Third, while Sen did not provide list which can serve as a political and social framework, Nussbaum’s version of the approach did through her list of the Central Human Capabilities which she sees ‘as basis for a specifically politically conception and a specifically politically overlapping consensus’. 77

Having presented the differences in the two versions of Capabilities Approach, this work will go into more details to unveil why Nussbaum’s versions accounts for a development paradigm that is fully human.

4.2 The Idea of Human person in Nussbaum’s Capability Approach

Martha Nussbaum who’s Capabilities Approach is feminist based especially as it pertains third world women personally lived with Indian women in March 1997 and December 1998 in her bid to write a real and concrete work. 78 She writes in her book that ‘women in much of the world lack support for fundamental functions of a human life. They are less well nourished than men, less healthy, more vulnerable to physical violence and sexual abuse. 79 Nussbaum observed that in many nations of the world, women are not full equals under the law: they do not have the same rights to make a contract, the same rights of association, mobility and religious liberty’. 80 Nussbaum observes as well that women themselves are burdened with what she called ‘double day’ because of duo responsibilities of a taxing employment outside their homes on the one hand and the domestic responsibility of house work and child care on the other hand. For her, this inhibits the opportunities for play and for the cultivation of their imaginative and cognitive faculties. 81 Thus she argues that all these unequal social and political circumstances give women unequal human capabilities. She went further to argue that the capabilities approach should be able to provide for people in general and third world women in particular who have not lived lives they truly value simply because

76 Ibid.p.13
78 Ibid.pp. xvi and xvii.
79 Ibid.p.1.
80 Ibid.
81 Ibid.
they are women, real opportunities to lived those lives. In explaining the approach, Nussbaum presents two-fold intuitive ideas as a foundation for a capabilities approach. She writes,

The intuitive idea behind the approach is two-fold; that certain functions are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life and second, this is what Marx found in Aristotle- that there is something that is to do with these functions in a truly human way, not merely an animal way.\(^{82}\)

The first part of the intuitive idea deals with what makes ‘the good life’ which is connected to the concept of human flourishing. According to Aristotle, the question of ‘good ‘is all about what it means to flourish\(^{83}\) which for him is connected to notion of living well as the ultimate end of human life. That is why he said that the ultimate end of human life is *eudaimonia* which he described as the state of living well.\(^{84}\) Commenting on this Aristotelian idea, Nussbaum writes,

To the Greeks, *eudaimonia* means something like ‘living a good life for a human being’; or as a recent writer John Cooper has suggested,’human flourishing ‘.Aristotle tells us that it is equivalent to living well and doing well.\(^{85}\)

Explaining further on the above observation, Nussbaum wrote that ‘we believe that human life is worth living only if a good life can be secured by effort, and if the relevant sort of effort lies within the capabilities of most people.\(^{86}\) This idea is apropos to Aristotle’s who writes in his *Nicomachean Ethics* that ‘‘it is evident that *eudaimonia* stands in need of good things from outside: for it is impossible or difficult to do fine things without resources’’\(^{87}\). Resources are necessary ingredients for the attainment of this end (*eudaimonia*) though not ends in themselves. Good life is able to do and able to be,\(^{88}\) which is actualized through the availability of resources.

\(^{82}\) Ibid.p.72.  
\(^{83}\) Ibid.p68.  
\(^{84}\) Nussbaum 1986, p.6.  
\(^{85}\) Ibid.  
\(^{86}\) Ibid.p.320.  
\(^{87}\) Nicomachean Ethics, 1099 31-3.  
\(^{88}\) Nussbaum 2008,p.71
The second part is on a life lived in a dignified way and hence deals with human dignity. On this she wrote ‘‘we judge , frequently enough, that a life has been so impoverished that it is not worthy of the dignity of the human being, that is a life which one goes on living , but more or less like an animal, unable to develop and realize one’s human power’’\(^89\). Making this philosophical conception of human power, Nussbaum makes connection to Karl Marx whose theory on labour emphasized that human person is an end in itself and as such should not be treated as merely ‘‘means to an end’’. Marx who took his stand by departing from Kant in some important respects (stressed along with Aristotle) that the major power of human being need material support and cannot be what they are without it.\(^90\) He however noted that his Aristotelian heritage is shaped by the Kantian notion of inviolability and dignity of the person.\(^91\) Capturing this Marxist stand, she wrote that ‘the core idea is that of human being as a dignified free individual who shapes his or her own life in cooperation and reciprocity with others, rather than being passively shaped or pushed around by the world in the manner of a flock or animal’’.\(^92\) A life that is really human is one that is shaped through by these human powers of practical reason and sociability.\(^93\)

In summary, Nussbaum asserts that ‘Capabilities Approach makes each person a bearer of value and end’.\(^94\) Nussbaum while quoting Marx holds that it is profoundly wrong to subordinate the ends of some individuals to those of others .That is the core of what exploitation is, to treat a person as a mere object for the use of others.\(^95\) Thus she argues that, ‘‘what this approach is after is a society in which persons are treated as ends each worthy of regard, and in which each has been put in a position to live really humanly’’.\(^96\) Nussbaum however rephrased Marx’s \textit{principle of each person as end}, articulating it as a \textit{principle of each person’s capability}: the capabilities sought are sought for each and every person, not, in the first sinistance, for groups or families or states or other corporate bodies though she argued that may be important for the realization of capabilities.\(^97\)

\(^{89}\) Nussbaum 2008,p.72.  
\(^{90}\) Ibid.p.73.  
\(^{91}\) Ibid.  
\(^{92}\) Ibid.  
\(^{93}\) Ibid.  
\(^{94}\) Ibid.p.73  
\(^{95}\) Ibid.  
\(^{96}\) Ibid.p.74.  
\(^{97}\) Ibid. P.74.
4.3 The Threshold of Capabilities as a Realisable Political Approach

In the bid to make her framework realizable in human society, Nussbaum proposes an idea of threshold of capabilities or social minimum. According to her, it is the duty of political and social institutions to ensure that citizens achieve a decent kind of life and well being that will enable them to flourish and live a life worthy of dignity. She argues, ‘in certain core areas of human functioning, a necessary condition of justice for a public political arrangement is that it delivers to citizens a certain basic level of capabilities’. The basic level of capabilities is what she calls threshold of capabilities or social minimums. Nussbaum argues that threshold of capabilities is a *seneguanon* for human development because it provides an adequate and sufficient level for people to really flourish and live a life of worth. For example, while she arguing for shelter, she says, ‘an adequate house or other shelter seems to be inherent in the idea of human dignity, and it seems right that constitutions all over the world are beginning to recognize the right to housing as a constitutional entitlement’. Leaning on Nussbaum’s argument, I think that making shelter a constitutional entitlement portrays the fact that the government values the worth of its citizens. And such entitlement enables the citizens to flourish because they enjoy peace of mind.

Nussbaum argues as well that threshold of capabilities is applicable in pluralistic society because it enjoys overlapping consensus. According to her, ‘the capabilities approach remains focused on the person as the ultimate subject of justice, thus refuses to compromise on the justification of the capabilities list itself’. Nussbaum acknowledged varieties of cultures, within and across nations, an overlapping consensus, given the differences in cultures, is intended to serve as a political conception for just social arrangement. For her, it can serve as a fundamental principle in promoting the idea of social minimum of capabilities.

4.4 The Ten Central Human Capabilities

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98 Ibid. p.71.
99 Nussbaum 2007, P.293.
100 It is a term used by John Rawls and according to Nussbaum, he (Rawls) means that people may sign on to this conception as the freestanding moral core of a political conception, without accepting any particular metaphysical view of the world, any particular view of the person or human nature. (See Nussbaum 2008, p.76)
In contrast to and in the bid to address the criticism of Sen’s capabilities approach which did not identify any capabilities list in deference to pluralistic society, Nussbaum identifies a set of basic capabilities. Her reason for the list is ‘to provide a philosophical underpinning for an account of basic constitutional principles that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires.’  

She argues that the list isolates those human capabilities that can be convincingly argued to be a central importance in any human life in whatever else one pursues or chooses. And for her, the central capabilities ‘are not just instrumental to further pursuits; they have value in themselves, in making the life that includes them fully human. They are held to have particularly pervasive and central role in everything else people plan and do.’ She notes that though the list serves as a guide for policy makers and governments, she however stated that it is open-ended and subject to revisions as it suits a particular society especially with attention to their histories.

Below is Nussbaum’s list of ten central human capabilities which ensures full human dignity if each and every one of the features in the list is satisfied. They are as follows:

1. Life: Being able to live to end of a human life of normal length and not dying prematurely.
2. Bodily Health: Being able to have good health which includes reproductive health, adequate nourishment and shelter.
3. Bodily Integrity: Being able to have physical security with rights over one’s body.
4. Senses, Imagination and thought: Being able to use the senses to imagine, think and reason and to do things in a ‘truly human’ way informed and cultivated by an adequate education.
5. Emotion: Being able to have attachments to things and people outside ourselves.
6. Practical reason: Being able to form a conception of the good and engage in critical reflection about the planning of one’s life.
7. Affiliation: A. Being able to live with others and sympathize with them. B. Having the social basis of self – respect and non humiliation. Not to be discriminated on the basis of sex, race, religion, caste, ethnicity or national origin.

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102 Nussbaum 2008, p.5.
103 Ibid, p.74.
104 Ibid.
105 Ibid.p.75
106 Nussbaum 2007, p.296.
8. Other species: Being able to live with concern for and in relation to the natural world.

9. Play: Being able to laugh, play and enjoy recreations.

10. Control over one’s environment: (A) Being able to participate in political process that govern ones life (B) Being able to own property and seek employment on equal basis.

Nussbaum however emphasised that the list is a list of separate components. She argues that ‘we cannot satisfy the need of one of them by giving a larger amount of another one. All are central importance and all are distinct in quality’. At the same time, the items on the list are related to one another in many complex ways. For example, if one has all the principles but he is always in constant fear of being killed due to insecurity, then his well being is compromised. Thus Nussbaum argues that any lack in one of these, no matter what else he or she has will be lacking in humanness.

4.5 Critique of Nussbaum’s Capabilities List

Most critics of Nussbaum’s capabilities approach direct their criticism not on the threshold of capabilities since people are unarguably entitled to a set of basic capabilities. Rather, criticisms are directed to her list of capabilities. First, according to critics, Nussbaum capabilities list fails to account for certain exception as a result of complexity of human life and culture. On this, Des Gasper asks, ‘Why make a list of universal capabilities?’ According to Gasper, Nussbaum’s setting of the criteria assumes that ‘a deep thinking individual could rationally determine what is rationally binding in a situation’. What this means is that Nussbaum seems to arbitrarily prescribe what is good for people irrespective of culture and time. Gaspers criticism concerns procedure because Nussbaum’s capabilities list is one party arbitrary prescription of what is good life without the participation of the sectors who are stakeholders in the issue. Thus he argues that such procedure ‘overrides the individual preference and rights to construct the meaning of their life as they see fit’

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108 Nussbaum 2008,p.81
109 Nussbaum 2007,p.222.
111 Ibid.
112 Ibid.
Nussbaum however argues that the list is the starting point of a universal concept of what it really means to be human and the making of the list is to make it concrete. According to her, the list is not ‘exhaustive account of political justice; there may be other important political values, closely connected with justice, that it does not include’. Thus she noted that it is an ‘open-ended and subject to ongoing revision and rethinking, in the way that any society’s account of its most fundamental entitlements is always subject to supplementation (or deletion). To make it more inclusive which will include not only the policy makers but the stakeholders in issue, Alkire suggested participatory procedure. Alkire writes that participation plays a constructive role in clarifying value and value priorities. For her, ‘participation refers to the process of discussion, information gathering, conflict and eventual decision making, implementation and evaluation by the groups directly affected by the activity’.

Nussbaum acknowledged the importance of participation when she writes that ‘the items on the list ought to be specified in a somewhat abstract and general way, precisely in order to leave room for the activities of specifying and deliberating by the citizens and their legislatures and courts’. Though Alkire spelt out the detail of the participatory procedure, Nussbaum however acknowledged participation as a necessary ingredient for the realization of the theory in the society. Through participation, the people affected by the issues will make decisions that affect them, there by empowering them.

The second criticism is on contradiction of non-prioritization of the capabilities list. According to Philip McReynolds, Nussbaum writes that the capabilities list represents an authentic moral pluralism and each component in the list is an independent good or value in the sense that each is independently worthy of pursuit and none of the components is subordinate to the others or to any overarching single ends. McReynolds argued that in Nussbaum’s list, two capabilities – practical reason and affiliation – stand out from the rest of the list. Nussbaum acknowledged this when she writes ‘Among the capabilities ,two-

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113 Nussbaum 2008, p.78
114 Nussbaum 2007, pp.75-76.
115 Ibid.
117 Ibid., p.129
118 Nussbaum 2008, p.72.
practical reason and affiliation- stand out as of special importance since they both organize and suffice all the others, making their pursuit truly human’.\textsuperscript{120}

The essence of Nussbaum’s list is to promote the need to take people’s actual aspirations seriously since it entails human right. On this Nussbaum writes ‘the fact that human beings desire something does count, it counts because we think that politics, rightly understood, comes from people and what matters to them, not from heavenly norms’.\textsuperscript{121}

Even though many of the criticisms on Nussbaum’ capabilities approach hover around capabilities list, but there are more to Nussbaum’s philosophy than her list.\textsuperscript{122} And as David Crocker write that Nussbaum’s list should be seen ‘not as condition, but as relevant criteria,\textsuperscript{123} the list does not set a standard for human decency, rather it indicates the basic criteria that must be met and the need for social and political institutions who are duty bound to promote the list .Doing so will address urgent and real issues of human development especially in the third world nations.

\textsuperscript{120} Nussbaum 2008,p.82.
\textsuperscript{121} Ibid,p.14.
\textsuperscript{122} See Gasper 2004,pp.187-188.
\textsuperscript{123} Crocker 1998,p.173.
CHAPTER FIVE

Analysis

5.1 An Analysis of the Amnesty Policy

This thesis has examined the historical development of the crisis in the Niger Delta region, the inability of the Nigeria Government to address the crisis situation, the amnesty policy of the Nigerian President- Shehu Musa Yar’dua which aims at resolving the conflict in a non violent way, and Martha Nussbaum’s capabilities approach.

From our study, the cause of the crisis in the oil region is the lack of human capabilities which are fundamental for one to have a decent and dignifies life. Such capabilities lacking in the region include shelter, food, education, employment, security etc. The Ogoni Bill of Rights written by the MOSSOP (Movement for the Survival of Ogoni People), one of the earliest and most organised non-violent social movements in the Niger Delta, concisely and succinctly presented these human capabilities lacking in the region in the following way,

That the search for oil has caused severe land and food shortages in Ogoni one of the most densely populated areas of Africa...That neglectful environmental pollution laws and substandard inspection techniques of the Federal authorities have led to the complete degradation of the Ogoni environment, turning our homeland into an ecological disaster... That the Ogoni people lack education, health and other social facilities...That it is intolerable that one of the richest areas of Nigeria should wallow in abject poverty and destitution... That the Ogoni people wish to manage their own affairs. 124

It is the lack of these capabilities which are fundamental for human functioning that Nussbaum regards as both unjust and tragic because the people are systematically falling below the threshold in core areas of human capabilities 125 and as such calls it capabilities failure. 126 According to her, such situation calls for an urgent attention. 127

Nigeria Government in its effort to resolve the crisis in oil region proposed an amnesty policy targeted at the militants who were to lay down their arms. However since the cause of the Niger Delta crisis is capabilities failure and the demands of the Niger Delta people right from

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126 Ibid. P.6
127 Ibid.
the days the social movements were non-violent to the time it became violent, has always been improved human capabilities, it can safely be inferred that addressing the issue of capabilities failure which has always been the aspirations of the people will bring about a genuine and desired peace in the region. The question then is; what is the possibility of the amnesty policy addressing the issue of capabilities failure in the long troubled region and to what extent?

As noted earlier in this study, the amnesty policy is focused only on the militants as the president noted when the policy was announced. Hence the emphasis of the presidential implementation committee on disarmament, rehabilitation and reintegration of the militants in the Nigerian society. And what prompted the proposal of the policy was because the militancy in the region has severe adverse effect on the oil industry which is the economic life wire of the country which is an oil state. The militancy reduced the production capacity of the oil sector to less than half, making Angola the second highest oil producing nation in Africa to become the first. This implies that the policy aims only at stopping the violent conflict against the state and the oil companies to ensure the continuous flow of oil. It was in line with this that Kenneth Omeje argues that ‘the prime concern of the Nigerian state in the management of conflict in the Niger Delta has been to maximize the oil revenues’. As the policy literally made no mention of plans of addressing the lacking capabilities in the oil region, it has no potentiality on improving the human capabilities of the people of the region. The interest and end which prompted the Nigerian Government to intervene in Niger Delta crisis is the oil revenue. It has always been its interest and end in any conflict management strategy in the region. There was nothing about addressing the demands and aspirations of the people of the region in the policy which would have warranted treating them as ends and as such ensure that they get the basic entitlements necessary for human functioning and flourishing. And Nussbaum while quoting Marx notes that it is wrong to subordinate the ends of some individuals to those of others because that is the core of what exploitation is, to treat a person as mere object for the use of others.

It is a truism that Dr. Tmiebi Koripamo-Agary, a member of the Presidential Amnesty Implementation Committee argued that there cannot be development without peace. While Koripano-Agary’s argument seem plausible since there is violence militancy in the region for some time now, it should however be noted that capabilities failure in the region is an issue.

129 Nussbaum 2008,p.73.
that has lasted for half a century that the oil was discovered in the region. And none of the successive Nigerian government has ever made any significant attempt to address it. And even a year after the policy was proposed and implemented, with the seeming compliance of the militants in the region which brought relative peace, the capabilities state in the Niger Delta region is still the same with no plan by the government, either proximate or remote one, to address the situation.

It was as a result of this persistent indifference of the Nigerian Government to address the root cause of the crisis that many people in the region entertain fears that there may be a resurgence. With regard to this, Sabella Ogbobode Abidde, an activist from the oil region notes that ‘with respect to the amnesty – it may blow up because there are no proper and genuine attempts at post-conflict reconstruction. There are no plans underway to tackle the cause of the agitation’. 130 Such a fear is a reasonable one because the amnesty policy of the Nigerian Government which has no proper and genuine post conflict plans but only aims at the disarming, rehabilitating and reintegrating the militants can be likened to one treating symptoms of a disease while the disease persist. Such a disease must eventually resurface and may be in a worse form because it is still untreated. And so will Niger Delta crisis if the real issue in the crisis which is capabilities failure is not urgently addressed.

5.2 The Way Forward

As earlier argued that the root of Niger Delta crisis is that of capabilities failure and its provision has always been the aspirations of the people. Thus addressing the capabilities lacking in the region will bring about genuine and lasting peace in the region. Realizing these human capabilities in the Niger Delta is a matter of urgency due to the degree of failure of capabilities in the region. A failure Michael Watts called in his book, *Curse Of Black Gold: 50 years of oil in the Niger Delta* ‘a perfect storm of waste, corruption, venality and missed opportunities’. 131 And it was this failure that prompted the international community to viewed Nigeria state as an unjust state as Nussbaum argues that a state should be called when it fails to realize and protect human capabilities. 132 Hence Nigerian state being branded rogue state in 1995 when the environmentalist; Ken Saro Wiwa and his co-accused were hanged, ranked

131 Watts 2008 ,p.44
as a one of the failed state in the world by the Fund for Peace and as one of the most corrupt states in the world by Amnesty International, positions that the country has progressively held for years now.

However to address these capabilities failures occasioned by institutional failure in Nigerian state, what is needed, and to this end is that the social and political institutions in Nigeria should be restructured from the federal level down to the state level so as to be human capabilities sensitive. Such restructuring will serve as an effective way of protecting the people of the region in particular and Nigerian in general from illegitimate control and abuses by the state that has coercive control on the citizenry. It will also allow for more judicious use of the oil proceeds for both Niger Delta people and Nigerians in general and ensure that the environment of the people are protected by ensuring standard inspection techniques and stopping and addressing ecological destruction occasioned by the oil companies whenever it occurs. Furthermore, it will ensure secured access to business opportunities, employment opportunities and guarantee secured access to social amenities like health care, road, water etc., which are the basic rights of the people that have been denied them over the years and curb the kleptomaniac culture that has become a rule at the different level of the government today.

This restructuring is not just necessary but urgent because it will not only fulfil the aspirations of the people of the region who have yearned for it for years now but denied them, it will also give legitimacy to Nigerian social and political institutions whose mantle of legitimacy lies with the realization and protection of such capabilities and who have been seen by the international community as a rogue, failed state and corrupt state consequent of the lack of such capabilities.

5.3 Conclusion

From the analysis, this study has argued that the amnesty policy of the Nigerian Government aimed at resolving the Niger Delta crisis does not have any feasibility of resolving the crisis in the region in a way that genuine and lasting peace will be ensured in the region despite the relative peace brought about by the seeming compliance of the militants. The reason being that the root cause of the crisis is the capabilities failure and its provision has always been the
aspirations of the people of the region for years now but policy focused solely on disarming, rehabilitating and reintegrating the militants who are more of symptoms of the capabilities failure.

To address the capabilities failure which has been the aspirations of the people and which will invariably engender genuine and lasting peace in the oil region if addressed, the study suggested the restructuring of Nigerian social and political institutions to be capability sensitive since it was the institutional failure in Nigerian state that occasioned the capabilities failure in the Niger Delta. Only such restructuring can ensure secure access to the essential human capabilities needed for the region to function and flourish again. And this secured accessed to the human capabilities will guarantee genuine and lasting peace in the region since it is what lacks and has always been the aspirations of the people of the region. Such restructuring may take years, perhaps generations to actualize, but the consciousness that it is what needs to be done and the political will to move towards its realization is also necessary.

Nussbaum argues that capabilities are not just social goals, but urgent entitlements grounded in justice.\textsuperscript{133} Thus addressing capabilities failure in the oil region is a matter of urgency and must be addressed by the state whose primary duty it is to do so and whose mantle of legitimacy lies in the realization and protection of such capabilities.

\textsuperscript{133} Nussbaum 2007,p.290.
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