

The Warri Crisis: Fueling Violence

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I. Summary

Conflict in Nigeria's Delta State during 2003 has led to the killing of hundreds of people, the displacement of thousands, and the destruction of hundreds of properties. Among the dead are probably dozens killed by the security forces. Although the violence has both ethnic and political dimensions, it is essentially a fight over money. In Nigeria, control of government often represents virtually unaudited control over resources. Delta State, which produces 40 percent of Nigeria's oil and receives 13 percent of the revenue from production in the state, has a particularly controversial division of political and government positions and structures, over which representatives of different ethnic groups are struggling. The wholly fraudulent nature of the 2003 state and federal elections in Delta State, as in 1999, means that there is little hope of changing political structures by democratic means, and elections become a focus for violence. In addition, the warring factions are fighting for control of the theft of crude oil, siphoned from pipes owned by the joint ventures that operate Nigeria's oil industry, known as "illegal oil bunkering." Illegally bunkered oil accounts for perhaps 10 percent of Nigeria's oil production, and those who sell the stolen oil, who have low capital costs, make enormous profits from this trade. Both politicians and those who head the illegal bunkering rackets (sometimes the same people) have armed youth militia to ensure their reelection or defend their operations. Among the other factors contributing to the conflict are the widespread availability of small arms, and ongoing impunity for abuses by all sides, including the security forces, since the first round of serious fighting in Delta State in 1997. Finally, the corruption and mismanagement in government that has left the region from which Nigeria derives its wealth poor and underdeveloped, has created a large class of young men who have no hope of legitimate work that would fulfill their ambitions, and are easily recruited into violence.

Because of the sheer scale of the violence over the past year—which many people described to Human Rights Watch as a war—and because many of the alleged abuses have taken place in the mangrove forest riverine areas which have been effectively inaccessible for much of 2003, Human Rights Watch was unable to document these abuses in a systematic and comprehensive way. The following account is based partly on our own research in September 2003, but also upon the reports of informed observers, including nongovernmental organizations (NGOs), government spokespeople, oil company staff, journalists, and the assertions of the political leaders of each of the three ethnic groups involved in the violence—the Ijaw, Itsekiri and Urhobo. Ordinary people on all sides have been victims of violence and continue to suffer the consequences of the fighting; but it seems that the Itsekiri, the smallest group of the three, have been the main victims of violence during 2003, largely at the hands of organized Ijaw militia. There is a great need for detailed and unbiased investigation and reporting of the abuses that have taken place, both by official inquiries and by nongovernmental organisations, so that the impunity that has characterized the crisis can be ended. In particular, the scale of the destruction and loss of life in the riverine areas must be urgently

documented. Those alleged to be responsible for murder and other crimes must then be brought to justice following due process of law.

Finding a permanent solution to the violence in Delta State will be difficult. It must involve both a dedicated effort by government to resolve the political issues under dispute, including the equitable and effective spending of government resources, and the restoration of law and order through effective, impartial, and law-abiding security force action. Those responsible for murder and other crimes must be brought to justice. A negotiated solution to the demands of the different ethnic groups must be found; and fresh elections should be held in Delta State, as in other states where national and international monitors found the level of fraud and violence surrounding the 2003 polls to be so high that the minimum international standards for democratic elections were not met. One contribution to ending the violence may also be an effort to create a system for “certifying” crude oil as coming from legitimate sources, in order to reduce the demand for illegally bunkered oil, and thus the funds going to those organizing many of the ethnic militia.

II. Background

Since before Nigeria’s independence in 1960 there have been tensions surrounding the arrangements for the government of the region surrounding Warri, the second most important oil town in Nigeria after Port Harcourt.¹ Warri itself, the largest town (though not the capital) of Delta State, is claimed as their homeland by three ethnic groups: the Itsekiri, the Urhobo, and the Ijaw. The Itsekiri, a small ethnic group of a few hundred thousand people whose language is related to Yoruba (one of Nigeria’s largest ethnic groups), also live in villages spread out along the Benin and Escravos Rivers into the mangrove forest riverine areas towards the Atlantic Ocean. The Urhobo, a much larger group numbering some millions related to the Edo-speaking people of Benin City, live in Warri town and to the north, on land. To the south and east, also in the swampy riverine areas, are members of the Western Ijaw, part of the perhaps ten million-strong Ijaw ethnic group, the largest of the Niger Delta, spread out over several states.

The question of the “ownership” of Warri has been in dispute for decades—since well before independence—and is the subject of heated debate in the Nigerian courts and media as well as in the homes of Warri. It forms the core argument in the presentation of the various ethnic groups as to the underlying causes of the violence of the last decade. Closely linked to the question of “ownership” is that of representation in the formal structures of government, both at local government and state level. Delta State was created in 1991, with several others, by the military regime of Gen. Ibrahim Babangida.

¹ See Obaro Ikime, *Niger Delta Rivalry: Itsekiri-Urhobo Relations and the European Presence 1884-1936* (New York: Humanities Press, 1969); T.A. Imobighe, Celestine O. Bassey, Judith Burdin Asuni, *Conflict and Instability in the Niger Delta: The Warri Case* (Abuja: Academic Associates Peaceworks, 2002).

Both Ijaw and Urhobo see the current dispensation in the state, in which Itsekiri dominate government structures in the three Warri local government areas (LGAs), Warri North, Warri South, and Warri South West, as unfair. They complain that this dominance means that the Itsekiri and their traditional leader, the Olu of Warri (itself a contested title, having been changed in 1952 from the Olu of Itsekiri), benefit disproportionately from government resources—both at the level of government contracts and appointments, and, for example, when it comes to obtaining “certificates of origin” in order to obtain government bursaries for higher education. Control of government structures also brings other benefits, notably a greater amount of contact with the oil companies, which may lead to the award of valuable contracts. Among the demands of the Ijaw and Urhobo are the creation of new wards and local government areas which they believe would ensure that their ethnic groups are more effectively represented.

Human Rights Watch takes no position on who the “true indigenes” of Warri are, nor on the creation of wards or local government areas. However, the long term peace of Delta State clearly depends in part on the resolution of these political issues in a manner that ensures equitable representation of all those living in the state regardless of origin. Above all, the process of arriving at a final arrangement must be seen to be fair. The concept of “indigene” is itself problematic: all those concerned are Nigerians, and should have equal rights in relation to the government of the state where they live.²

The first major outbreak of violence in the Warri area in recent years was in March 1997, and centered on the creation, by the then military regime, of a new local government area, Warri South West, and the location of its headquarters.³ An Ijaw expectation based on official statements that the local government headquarters would be in Ogbe-Ijoh, an Ijaw town, was disappointed when the location published in the federal government gazette turned out to be Ogidigben, an Itsekiri area. From March to May, widespread clashes continued, in which hundreds of people died on each side. More than 200,000 barrels per day (bpd) production were closed down for some weeks.⁴ The Delta State government under Military Administrator Col. J. Dungs appointed a commission of inquiry into the violence, chaired by Justice Alhassan Idoko, which met during June and July 1997. The report of the inquiry was never published nor its recommendations implemented or incorporated into a government “white paper” setting out the official response to the inquiry’s findings.

Violence has regularly erupted in the region since then, leading to clamp-downs by the authorities. In October 1998, a curfew was declared in Warri town by the new military administrator, Navy Commander Walter Feghabor, after at least five people were shot dead in clashes between Ijaws and

² See, “Jos: A City Torn Apart,” Human Rights Watch, December 2001, for a discussion of the concept of “indigene” under the Nigerian constitution.

³ There were also clashes in 1993, between Urhobo and Itsekiri, into which there was a government inquiry led by Justice Nnaemeka Agu (of which the report was never published), but the violence was not on the same scale as the more recent fighting.

⁴ See, Human Rights Watch, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria’s Oil Producing Communities* (New York: Human Rights Watch, February 1999), pp.111-114.

Itsekiris and a large number of houses set on fire. Violence nevertheless continued, in Warri town and in the surrounding creeks, with attacks on leaders of each community. Oil exports were reduced by several hundred thousand barrels a day for several weeks.

In late May and June 1999, at the time of the hand-over from a military to civilian government in Nigeria, serious violence once again broke out in and around Warri, when new local government officials were due to be sworn in for the contested local government area created in 1997. Up to two hundred people were reported to have been killed in raids by ethnic Ijaw and Itsekiri militia on areas inhabited by members of the other ethnic group. The new civilian governor, James Onanefe Ibori, imposed a curfew which remained in place for months. Hundreds of government troops were once again deployed to Warri town and its environs. Newly sworn-in President Olusegun Obasanjo visited Warri on June 11, 1999, and pledged to find a fair solution to the problems. In September 1999, the Delta State Assembly passed a bill moving the Warri South West local government headquarters from Ogidigben to Ogbe Ijoh. Though the intense fighting of 1999 died down, there were new clashes throughout the next four years, in which, cumulatively, dozens of people were killed. Hundreds of thousands of barrels of oil production were also lost in periodic shut-downs of flow stations following occupation by armed or unarmed youths (a term that in Nigeria can include men up to thirty-five or forty in age), or by other local residents, including women's groups; in some cases based on grievances with the oil companies, in others on discontent with government.

There has been no systematic investigation of the crimes committed in the Warri conflict since 1997, nor of the number of casualties or damage to property caused. There have been few arrests and even fewer, if any, prosecutions for these killings: either the government security forces have shot dead those involved in violence in the course of arresting them; or if there are arrests, the suspects are released after interventions with the police by their leaders. There are also credible reports from across Nigeria that many criminal suspects are summarily executed while in police custody. Often there are no consequences of any kind for those involved in the violence: there have been none for the political leaders of those who are fighting on the ground. The continued impunity for years of brutal violence is a fundamental cause of the renewed outbreak of fighting in 2003.

III. Violence in 2003

The latest round of violence began in early 2003, during the lead up to state and federal elections held in April and May (local government elections have still not been held anywhere in Nigeria since 1999). On the weekend of January 31 / February 1, there was fighting in the Okere district of Warri town between Itsekiris and Urhobos, during primaries being held for the Delta South senatorial district by the People's Democratic Party (PDP), the incumbent party in both Delta State and at federal level. The dispute centered on the number of wards making up the district, and the boundaries between the wards, which Urhobos alleged disadvantaged them. According to local accounts and press reports, Urhobo youths attacked an Itsekiri area on the afternoon of January 31, and began to loot and burn property. Itsekiri

youth collected at the stadium where the primary voting was taking place then retaliated in response to reports of this raid. Over the next couple of days most of a large estate belonging to Chief Benjamin Okumagba, the traditional ruler of the Urhobo in Warri, was destroyed. Government soldiers intervened during the initial Urhobo attack on the Itsekiri neighborhood, and one soldier was reportedly killed in this confrontation. Urhobo witnesses to the events alleged that soldiers patrolling the Okumagba estate were withdrawn before the Itsekiri attack. There were other reports of random shooting or executions by the armed forces during efforts to quell the fighting. Estimates of the number of dead over the few days of violence ranged from twelve to two hundred. The Nigerian Red Cross reported that more than 6,000 people had been displaced.⁵

Violence flared again in March, leading to more prolonged and brutal conflict. The immediate spark for the renewed violence appears to have been a combination of Ijaw political discontent around the same issues of representation that had contributed to the January/February fighting; and a clash between Ijaw militia and the Nigerian navy over illegal oil bunkering.

On March 3, the Federated Niger Delta Ijaw Communities (FNDIC), an organization of youth militants with its support base among the Delta State Ijaw, issued an ultimatum giving the Nigerian government seven days to meet a series of demands—including the redrawing of electoral wards in Warri South West local government area, troop withdrawal from Ijaw communities, reversal of the April 2002 Supreme Court ruling that offshore oil revenue belongs to the Nigerian federal government and is not subject to the constitutional requirement that a 13 percent share be returned to the state of derivation, and withdrawal of expatriate oil company staff—or face “mass action” to “reclaim” the creeks of the riverine areas. FNDIC advised the international oil companies to leave the area until the government met their demands.

The March 10 deadline passed without incident. On March 12, however, there was a clash between government forces and Ijaw militia near the village of Okorenkoko on the Escravos River south of Warri, in which several soldiers and sailors and up to five militia members were killed. According to FNDIC, the clash happened when “men of the Nigerian Navy under the then commanding officers (CO) of Umalokun (now Warri) Naval Base, Warri, Navy Capt Titus Awoyemi were accosted while carrying out illegal bunkering in the areas of SPDC [the Shell Petroleum Development Company of Nigeria Ltd, the joint venture operated by Shell] Jones Creek Oil fields.”⁶ According to other accounts, naval personnel captured the boat being used for bunkering, despite the fact that the people running the illegal bunkering had “settled” (bribed) Capt. Awoyemi so that the navy would take no action. The bunkerers had then hired the youth militia to recapture the boat. Other reports

⁵ Human Rights Watch interviews, September 12 and 13, 2003. See also, “Testing Democracy: Political Violence in Nigeria,” *A Human Rights Watch Short Report*, April 2003.

⁶ “Operation Restore Hope: An act of further militarisation of the Niger Delta,” FNDIC, August 27, 2003. In November 2002, naval personnel reportedly burnt down eleven houses and killed several people in Okorenkoko in reprisal for an alleged attack by youth from the village on a naval escort for ChevronTexaco staff. Kelvin Eberi, “Witnesses: Five killed in Nigerian navy attack after ‘pirates’ rob ChevronTexaco boat,” Associated Press (AP), November 14, 2002; Sola Adebayo, “5 Missing as Naval Men Raid Ijaw Community,” *Vanguard* (Lagos), November 7, 2002.

indicated that in the course of the fighting a number of people not involved in the initial clash, including SPDC staff and their escort of three Nigerian police officers, had been taken hostage by armed youths; the Shell staff were released and the police officers kept (and never accounted for; they are presumed killed). The clash between the navy and youth militia then occurred during an attempt to rescue the policemen.⁷ Capt. Olufemi Ogunjinmi, the naval CO who replaced Capt. Awoyemi in April, told Human Rights Watch that Ijaw militia had disarmed some sailors, and that when others returned to retrieve the rifles they were again confronted by armed militia and some personnel injured. One sailor and several soldiers were killed.⁸ The army reported that they were attacked on the Escravos River by youths they believed to be from Okorenkoko, who killed four of their men.⁹

Following this encounter, FNDIC claimed that government soldiers and navy attacked Ijaw villages in the Escravos River, including Okorenkoko, from March 13, exchanging fire with FNDIC's own supporters, of whom several were killed. The Port Harcourt-based NGO ND-HERO, which had a representative stationed in Warri at the time, spoke to people fleeing Okorenkoko who reported that two naval gun boats and other smaller boats had attacked different villages in the area.¹⁰ Journalists also spoke to witnesses who described indiscriminate shootings both by the government forces and by ethnic militia.¹¹ The commanding officers of the army and navy based in Warri, however, denied to Human Rights Watch that any raid on Okorenkoko or other villages in the area had taken place.¹²

Itsekiri leaders claimed that Ijaw militia then attacked Madangho, Arutan, and other Itsekiri villages near Escravos on March 17, killing perhaps a dozen civilians.¹³ Other observers concurred that the Ijaw had launched attacks on Itsekiri villages, which were taken by surprise. Over the following weeks, many other villages were attacked in what appear to have been well-organised raids, and dozens of people killed. Chevron Nigeria Ltd (CNL; the company's Nigerian registration has not yet been changed to reflect the global merger with Texaco) and SPDC assisted in the evacuation of hundreds of affected villagers, airlifting over 2,000 displaced community members, mostly Itsekiris, who had sought shelter at the CNL Escravos terminal.¹⁴ SPDC also evacuated dozens of people by

⁷ Human Rights Watch interviews, Warri, September 2003; see also, Austin Ogwuda, "Warri Crisis—Police confirm killing of sergeant," *Vanguard* March 19, 2003; "Okorenkoko—Battle on the Jungle Island," *This Day* (Lagos), March 25, 2003; SPDC letter to Human Rights Watch, October 17, 2003.

⁸ Human Rights Watch interview, Warri, September 11, 2003.

⁹ "Field report of military invasion of Okorenkoko community, Warri, Delta State," ND-HERO March 21, 2003.

¹⁰ "Field report of military invasion of Okorenkoko community, Warri, Delta State," ND-HERO, March 21, 2003; "Okorenkoko Community Update," ND-HERO, March 26, 2003. See also, "The Situation in Warri, March 13-19, 2003" and "Warri Crisis Update: March 20-26, 2003," Institute for Democracy in South Africa (IDASA), Abuja, March 2003.

¹¹ Glenn McKenzie, "Witnesses: Nigerian troops shoot villagers during oil unrest," AP, March 21, 2003; Dave Clark, "Niger Delta refugees fear new violence as oil operations paralyzed," Agence France Presse (AFP), March 21, 2003.

¹² Human Rights Watch interviews, Warri, September 11, 2003.

¹³ "International appeal to stop the genocide against the Itsekiris by the Ijaws," Itsekiri Survival Movement, March 25, 2003.

¹⁴ "Chevron Nigeria Limited Shuts in all Western Niger Delta Production," ChevronTexaco Press Release, March 23, 2003; CNL letter to Human Rights Watch, November 4, 2003.

air who had come to its Escravos flow station; the helicopters used were also reportedly fired upon. According to Bello Oboko, president of FNDIC, who did not deny to Human Rights Watch that Itsekiri villages had been attacked by FNDIC supporters, the raids were carried out because the Nigerian government forces had been using Itsekiri communities as bases from which to target Ijaw militia. FNDIC alleged that sixty people had been killed in attacks by Itsekiri militia or the government forces on various Ijaw villages by the end of March, and published the names of eighteen dead.¹⁵

The fighting had a severe impact on oil production, both because some flow stations were themselves attacked, and because of the general insecurity. By March 19, SPDC had closed ten flow stations in Delta State as a result of the violence, evacuating employees and losing 126,000 bpd production; four more were closed a few days later, bringing the total loss in output to 320,000 bpd. Chevron stated that it had closed its onshore facilities, and then its main export terminal at Escravos, closing down output of 440,000 bpd. Both SPDC and CNL declared *force majeure*—an inability to fulfill their obligations due to events beyond their control—on their Nigerian exports.¹⁶ Youth militants destroyed several flow stations after the oil companies abandoned them, including CNL's Olero Creek and Dibi flow stations; and SPDC's Otumara and Saghara flowstations, and a logistics base at Escravos.¹⁷ There was minor vandalization elsewhere. Total (formerly Elf; the joint venture in Nigeria is still known as Elf Petroleum Nigeria Ltd, EPNL) also closed its production in the area. By March 24, combined total loss of production was more than 800,000 bpd, around 40 percent of Nigeria's usual oil output.¹⁸ FNDIC announced that it had seized eleven oil facilities and threatened to blow them up if government attacks on Ijaw villages did not cease.¹⁹ Not till the second week in April did production begin to resume. As of August 11, SPDC was still down 125,000 bpd, and ChevronTexaco by 140,000 bpd; Total had not restarted its own 7,500 bpd closed in since March.²⁰ By October, SPDC was reporting production reduced by 80,000 bpd and CNL still by 140,000 bpd.²¹

¹⁵ "Renewed Hostilities in Warri South-West: The Ijaw Case," FNDIC, April 28, 2003.

¹⁶ Daniel Balint-Kurti, "Shell says Nigeria unrest shuts in 126,000 bpd," Reuters, March 19, 2003; Norval Scott, "ChevronTexaco Declares Force Majeure in Western Niger Delta," *WMRC Daily Analysis* (London), March 21, 2003; "Shell Declares Force Majeure on Forcados, Bonny Loadings," *Platts* (New York), March 21, 2003. A common provision in many contracts, including those for supply of oil, is that the contracting parties shall not be considered to be in breach of the contract for reasons beyond their control (such as catastrophic weather, or other "acts of god"). These provisions are known as *force majeure* clauses; when a company invokes such a clause it is "declaring force majeure."

¹⁷ SPDC letter to Human Rights Watch, October 17, 2003; CNL letter to Human Rights Watch, November 4, 2003.

¹⁸ Daniel Balint-Kurti, "Nigerian militants threaten to blow up oil facilities," Reuters, March 23, 2003; "Nigeria violence hits Chevron," BBC website, March 24, 2003.

¹⁹ The facilities seized were SPDC's Jones Creek, Egwa I and II, Odidi I and II and Batan flow stations, CNL's Otunana, Makaraba and Abiteye flow stations, and EPNL's Oponami and Kwoko flow stations. Dulue Mbachu, "Violence rages in Nigeria's oil region," AP, March 23, 2003.

²⁰ "Nigeria's oil majors cautious about returning to Niger Delta," *Platts Commodity News*, August 11, 2003.

²¹ SPDC letter to Human Rights Watch, October 17, 2003; CNL letter to Human Rights Watch, November 4, 2003.

On April 11, armed Ijaw militia in about seven speedboats attacked Koko, an Itsekiri community and the headquarters of Warri North local government area, situated on the Benin River. Because Koko is accessible by road, this raid has been possible to document; villages attacked in the mangrove forest area remain inaccessible because the waterways are effectively closed. During the attack, the militia killed at least one government soldier and perhaps tens of civilians (including four children) and burnt down around fifty buildings, including the local government secretariat and the residential quarters of soldiers stationed in the town on “peacekeeping” duties as a result of the crisis. The militia broke into the armory used by the soldiers and reportedly took 105 rifles as well as ammunition; the army later said that only eight rifles were taken.²² There was no pre-existing dispute between Koko and neighboring communities that would explain the attack. Koko is not an “oil producing community” in that there is no flow station located there.

Human Rights Watch visited Koko in September 2003. While some rebuilding had taken place, many people who had fled the town had not returned, and traffic on the river, usually a busy thoroughfare, was nonexistent. According to residents, dozens of Ijaw militants carried in up to nine speedboats attacked the village from the river without warning at around four in the afternoon. The youths, dressed in civilian clothes and wearing red or white headbands, were already shooting as they approached the shore at the local government secretariat, where several tens of soldiers were stationed. Residents reported that—although the attack had been rumored for a couple of weeks, so they should have been prepared—the soldiers did not offer any resistance but simply ran away, abandoning the machine gun which was set up at their base on the shore. The machine gun was later taken away by the attacking militia. The militia had also fired a machine gun during the attack; though it was not clear whether this was the one abandoned by the soldiers, or they had attacked with a machine gun already in their boats.

A young man living close by the house of the pastor of the Four Square Gospel Church—itsself next to the house where the major commanding the soldiers in the village was billeted—told Human Rights Watch of a particularly horrific incident. Members of the Ijaw militia came to the building and set it afire. While the house was burning, “the enemy,” as the young man put it, threw four children, aged from around seventeen down to about six, into the fire. The pastor was away from the village at the time of the attack; the bodies of the children had been buried in the grounds of the house. Professor Lucky Akaruese of the University of Port Harcourt, who is from Koko and has led efforts to report the attack, told Human Rights Watch that it was believed that around forty or fifty people had been killed by the militia—though it was hard to be sure, since some may have run away into the bush rather than being killed. Around ten of the dead had been beheaded. Human Rights Watch cannot confirm these figures. Other eyewitnesses described looting and burning of buildings. One soldier who had been separated from his colleagues was also killed.²³

²² Sola Adebayo, “105 rifles missing as Ijaw youths loot military armoury,” *Vanguard*, April 17, 2003; Vincent Nwanma, “Nigeria’s President Facing Sticky Oil, Ethnic Issues,” *Dow Jones* (New York), April 17, 2003.

²³ Human Rights Watch interviews, September 8, 2003.

The militia remained in the village for more than three hours, until after seven in the evening. They only left when a military armored car came, called by Delta State Commissioner for Housing Dr. Ideh, who lives in the village and phoned for assistance from his house. Neither the Delta State nor the federal government had provided any relief assistance to the people affected by the violence by September: although Governor Ibori had promised that those whose houses were destroyed would be given access to an existing nearby new government housing development, this promise had not been fulfilled.

Residents told Human Rights Watch that soldiers from among those who had been in the village on the day of the attack had informed them that the officer in command had accepted money from the militia in order to offer no resistance. Human Rights Watch was unable to corroborate these accounts—the soldiers based at Koko had been redeployed and replaced—but they are serious allegations which deserve investigation at the highest level by both civilian and military authorities. The major currently in command of the soldiers based in Koko would make no comment on these reports. The officer commanding the 7th Amphibious Battalion based at Warri, Lt.-Col. Gar Dogo, told Human Rights Watch that an internal board of inquiry had investigated the allegations and found them not to be true.²⁴

Despite the fighting, which—in addition to causing the displacement of thousands of people, effectively prevented all travel in the waterways once it broke out—the Independent National Electoral Commission (INEC) and Delta State Independent Electoral Commission (DSIEC) decided to go ahead with the three days of voting scheduled for April and May in the three Warri LGAs affected by serious violence. National Assembly elections were held on April 12, gubernatorial and presidential elections on April 19, and state house of assembly elections on May 4.

Violence continued throughout this period, as FNDIC threatened to consider any delivery of election materials an “act of war.”²⁵ In addition to the raid on Koko, headquarters of Warri North LGA, there were clashes in Warri town in early April, and Ijaw militants attacked the INEC offices in Warri South and South West LGAs on April 12, polling day. Voting was prolonged into Sunday. Gun fights between youth militia and the military took place throughout the polling period.²⁶ Ijaw militia reportedly attacked the Itsekiri village of Ugbuwangu near Warri, on April 14, but were prevented from entering Warri town by the army and navy.²⁷ The governorship election faced similar problems, and there were further attacks by Ijaw militants during the lead up to State Assembly elections held on May 4. Ijaw militia reportedly attacked Egbokodo, Warri South (near the Warri Refining and Petrochemical Company) on April 27; and Orere, Warri North, on April 28,

²⁴ Human Rights Watch interview, September 11, 2003

²⁵ Dulue Mbachu, “Voting begins in Nigeria despite violence threats,” AP, April 11, 2003.

²⁶ “Youths ‘sack’ poll body’s offices in Delta State, accuse it of rigging,” *Guardian* (Lagos), April 13, 2003; Glenn McKenzie, “Violence mars 2nd voting day in Nigeria,” AP, April 14, 2003.

²⁷ “6 feared dead in fresh Ijaw, Itsekiri clash,” *Vanguard*, April 13, 2003.

killing several civilians and destroying property.²⁸ On May 2, Ijaw militia in speedboats approached the naval base in Warri, exchanging fire with the troops stationed there; several members of the militia and at least one sailor were killed.²⁹ Unsurprisingly, little polling took place on the day.

Although the worst fighting in the riverine areas appeared to have died down by May, there were several further clashes between supporters of the PDP and the Alliance for Democracy (not along ethnic lines) in May, June and July, in Effurun, part of the Warri urban area, over control of the Uvwie LGA. Dozens of people were reported to have been killed in this violence. There were further clashes in Effurun in September.

No sooner had the Delta State government announced, in July, a relaxation of the curfew imposed in February, than violence flared up again. Attacks and counter-attacks continued in the creeks, including an Ijaw attack on the Itsekiri village of Abi-Gborodo in late July (home of secretary to the Delta State government Dr Emmanuel Uduaghan), reportedly in reprisal for an Itsekiri attack on a boat traveling to the Ijaw community of Burutu; further Itsekiri attacks on four Ijaw villages, including Mangorogbene in Sapele LGA followed.³⁰ Gun battles raged again for several days in mid-August in the McIver market and NPA/Milla areas of Warri.³¹ Once again, a heavy deployment of government troops and mobile police was needed to restore order, and the hours of curfew were increased. On August 22, a spokesperson for the Nigerian Red Cross said that they estimated that about 100 people had been killed in the latest outbreak of killing, and 1,000 injured; several thousand had been displaced and taken temporary shelter in church buildings.³² FNDIC reported that fifty-four Ijaw were killed in the August violence.³³ In late July and early August, further fighting in the riverine areas was also reported, with Ijaw attacks on Itsekiri villages being followed by reprisal attacks on Ijaw communities, once again with dozens of deaths.³⁴

By September, Itsekiri leaders claimed more than thirty of their communities had been attacked by Ijaw militia and remained virtually deserted. Meanwhile, Ijaw informants asserted that around nine Ijaw communities had reportedly been attacked either by Itsekiri militia or by members of the government security forces. Counting communities affected is in itself difficult, since one

²⁸ Sola Adebayo, "Itsekiri youths repel planned Ijaw attack of Egobokodo," *Vanguard*, April 29, 2003; "Four feared dead in fresh attack on Itsekiri," Itsekiri Survival Movement, April 30, 2003.

²⁹ Joel Olatunde Agoi, "Oil workers evacuated from rigs, but violence continues," AFP, May 3, 2003; Human Rights Watch interview Naval Capt. Ogunjinmi, September 11, 2003.

³⁰ Human Rights Watch interviews, Warri, September 2003.

³¹ On July 16, Governor Ibori had announced that Ijaws resident in these areas should leave their homes, on the grounds they had been taken by force from Itsekiris in 1997. He did not, however, propose any process for determining the true owners of the properties, nor for rehousing those who would be affected.

³² "100 die in Delta fighting, Red Cross says," U.N. Integrated Regional Information Networks (IRIN), August 22, 2003.

³³ Bello Oboko, "Characters and Colours of the Warri Peace Process: Why no genuine cease fire agreement yet in Warri," FNDIC, September 2003.

³⁴ Sola Adebayo, "15 killed in fresh Warri war," *Vanguard*, July 25, 2003; "25 die in reviewed Delta violence; women seize oil facility," IRIN, July 29, 2003.

“community” can consist of several distinct settlements regarding themselves as part of the same traditional governance structures. Certainly, thousands of people have been displaced, many of them for months. Numbers of casualties are unknown, but FNDIC claimed to Human Rights Watch a total of around 130 Ijaw dead, including its members; the publicity secretary of the Itsekiri Leaders Forum stated that about 250 Itsekiri had died in 2003—and around 2,000 since 1997.³⁵ Among the government security forces, the army claimed in September that nine soldiers had been killed since March; and the navy that one sailor had been killed and eight injured.³⁶

A handful of oil company or service contractor staff are among those killed and injured in the violence, but there is little evidence that they have been targeted as oil company staff; rather they appear to have been in the wrong place at the wrong time. However, a member of staff of a catering company attached to Chevron’s Escravos terminal—the only fatality among CNL staff or contractors—was killed by a bullet indiscriminately fired from a boat passing by the terminal.³⁷ Two SPDC contractor staff have been killed.³⁸ Government security force personnel deployed to protect oil company facilities have been killed and/or kept hostage even when civilians captured at the same time have been released—such as the three Nigerian policemen presumed dead who were escorting Shell staff at the time of the March 12 clash in Okorenkoko. Ijaw militia have continued to take oil company or contractor expatriate staff hostage and demand ransom payments for their release. All have been released unharmed; it is often unclear if ransoms are paid, though the oil companies usually deny such payments. In August 2003, SPDC Managing Director Ron van den Berg circulated an internal memo to all staff stating that, effective immediately, “There shall be NO Cash Payments to communities other than those specified for legitimate business reasons.” This rule would include ransom payments.³⁹ CNL states that it has taken the same position since July 2002, being “resolved not to pay for work not done or other schemes for extortion.”⁴⁰ Three expatriate staff contracted to SPDC were held hostage for ransom in June and released two weeks later. An oil service company expatriate worker for CNL was taken hostage in Warri in late July and held for a week. Another expatriate oil service worker was taken hostage and later released in August.⁴¹

The Nigerian government has given little if any assistance to people displaced by this violence. Delta State Deputy Governor Elue stated to Human Rights Watch that relief had been given “in genuine cases” but was unable to suggest any budget for that relief, or other contacts for us to speak to in

³⁵ Human Rights Watch interviews, September 2003.

³⁶ Human Rights Watch interviews, Lt.Col. Gar Dogo, Commanding Officer, 7th Amphibious Battalion, David Ejoor Barracks, Effurun; Capt. Olufemi Ogunjinmi, Warri Naval Base, September 9, 2003.

³⁷ CNL letter to Human Rights Watch, November 4, 2003.

³⁸ SPDC letter to Human Rights Watch, October 17, 2003. Total had not responded to Human Rights Watch’s queries before this report went to print.

³⁹ SPDC letter to Human Rights Watch, October 17, 2003.

⁴⁰ CNL letter to Human Rights Watch, November 4, 2003.

⁴¹ “Nigeria Risk: Alert—A shift in Ijaw tactics?” *Riskwire*, Economist Intelligence Unit (London), August 4, 2003; “British oil worker kidnapped in Nigeria,” Reuters, August 5, 2003.

order to obtain further details.⁴² In Warri town, some people reported that the federal government had sent some minimal supplies, including mattresses, rice and gari (cassava). Chevron also made a donation of U.S.\$50,000 to humanitarian relief, distributed with the assistance of the International Foundation for Education and Self-Help (IFESH), a U.S.-based NGO that has undertaken development work in the area, including for Chevron; this was matched by \$50,000 from the U.S. Embassy.

In these clashes Itsekiri leaders have consistently claimed that the Ijaw are the main aggressors. Though Human Rights Watch cannot confirm this on the basis of its own investigations, due to problems in accessing the communities involved on both sides, we believe—on the basis of interviews with informed observers from numerous perspectives—that Itsekiri villages have been the main victims of organized attack in the violence since March 2003 and that there have been more Itsekiri deaths and displaced persons. The oil companies, who overfly the areas affected, confirm that most of the affected communities remained deserted by mid-September.

The degree to which prominent figures in each ethnic group are able to command the loyalty of the ethnic militia operating in Delta State, and to which there is a unified command structure at all, is not clear. But each ethnic group asserts that the other is responsible for initiating the violence, and that leaders on the other side should be held responsible for the actions of their “own” people. Itsekiri leaders, for example, stated to Human Rights Watch that they believed that Chief E.K. Clark, a prominent Ijaw figure, should be prosecuted for “war crimes.”⁴³ While there may not be a unified command among the Ijaw militia, there does appear to be a much greater degree of coordination among the Ijaw youth militants operating in Delta State than there has been in past outbreaks of fighting.⁴⁴ Human Rights Watch’s interviews with eyewitnesses of the raid on Koko are in conformity with accounts of highly organized raids on Itsekiri communities by armed Ijaw militants. Armed militia from Itsekiri communities are also operating in the creeks, and the level of organization among Itsekiri fighters seems to have increased in recent months. In Warri town, the violence of August 2003 appears to have been initiated by the Itsekiri. Armed Urhobo militia have also been responsible for violence, though on a lesser scale. In addition, there is widespread “sea piracy” in which armed gangs attack those traveling on the waterways for purely criminal motives. Among those carrying out sea piracy are no doubt people who may on another day be using the same weapons for ethnic/political purposes. On all sides, ordinary poor people are the main victims of violence and of the economic effects of violence. The crisis has caused and continues to cause immense suffering in Delta State.

The government has not only failed to ensure that its security forces effectively protect civilians, but also that the police arrest, investigate and prosecute those guilty of murder and other crimes in

⁴² Human Rights Watch interview, September 10, 2003.

⁴³ Human Rights Watch interview with J.O.S. Ayomike, Itsekiri Leaders Forum, September 8, 2003.

⁴⁴ This coordination does not, however, reach to Ijaw militia operating in neighboring Bayelsa or Rivers States, though some individuals from those areas are reported to be fighting in Delta State—conflict among Ijaw communities is at least as likely as violence between Ijaw and other ethnic groups in other parts of the delta.

relation to the violence. Though there have been some arrests, Human Rights Watch is not aware of any successful prosecutions in relation to the violence in 2003 or previous years.

Government efforts to negotiate an end to the violence have also been inadequate, even though military and police spokespeople have emphasized the need for a political solution to the conflict in Delta State—perhaps in recognition that the terrain of the mangrove forest areas, ideal for guerrilla warfare, would make a military victory difficult to achieve. In early April, President Obasanjo appointed a committee to try to find a solution to the Warri Crisis, chaired by Gen. Theophilus Y. Danjuma (rtd), former minister of defense. In June, Gen. Danjuma visited Warri, but the committee held no public hearings and did not request formal submissions from interested parties. He was reported as indicating that there was no possibility of any compensation from the federal government to any of those affected by the violence.⁴⁵ In September, during a visit to Warri, President Obasanjo said that he was considering the final report from Danjuma, which reportedly had “remained secret even from members of the committee.”⁴⁶ At state level, Delta State Governor James Ibori has proposed a “road map” for peace, recognizing the disputes over the local government arrangements and the “need for the ethnic groups to meet and fashion out an indigenous framework that would guarantee a fair, just, and equitable coexistence.”⁴⁷ What exactly that would involve in practice, and in particular whether it would require the creation of new local government areas (which under the constitution can only be done at federal level), has not been made entirely clear. In September, President Obasanjo visited Warri and met with leaders of the different ethnic communities. He was quoted as saying that “accommodation should be the focus rather than separation,” appearing to indicate that he did not support the creation of new local government areas.⁴⁸ While the level of violence has died down since the period of the elections in March-May, tension remains high and can break out into violence at any excuse. In October 2003, fresh clashes between ethnic militants led to the deaths of more than a dozen people.⁴⁹

IV. The Elections in Delta State

Delta State produces approximately 40 percent of Nigeria’s oil. According to Nigeria’s 1999 constitution, 13 percent of federal revenue from natural resources is returned to the state from

⁴⁵ Sola Adebayo, “Warri Crisis—Danjuma rules out compensation for victims,” *Vanguard*, June 13, 2003.

⁴⁶ Segun Owen, “Nigeria’s Obasanjo talks peace in Warri,” Reuters, September 19, 2003.

⁴⁷ “Warri: The Road Map to Peace,” Address by Governor Ibori to the Delta State House of Assembly, August 28, 2003; published in the *Vanguard* of August 29, 2003.

⁴⁸ Kingsley Omonobi and Osaro Okhomina, “Obasanjo vows to tackle Niger Delta crises,” *Vanguard*, September 22, 2003.

⁴⁹ “Security task force probes youths’ attacks on 29 persons,” *Vanguard*, October 16, 2003; “Fresh violence threatens fragile truce in Niger Delta,” IRIN, October 23, 2003.

which it came, on a “derivation” basis.⁵⁰ Delta State is thus the richest state in the Nigerian federation, and control of its government structures a major prize both for the individuals and the political parties concerned. Nigeria regularly appears at or near the bottom of Transparency International’s Corruption Perception Index, and control of government structures in some states can represent virtually unaudited control of funds.

It is thus hardly surprising that among the main causes of the 2003 fighting in Delta State (as in 1999) have been disputes over the manner in which state and federal elections would be run, and the lack of confidence in the institutions responsible for resolving those disputes and ensuring the vote would be free and fair. INEC and the DSIEC in particular failed to carry out voter registration in a fashion that persuaded anybody that the number of voters registered conformed to any reality of population on the ground; they also failed to put in place systems to demarcate ward boundaries according to a process that could be seen to be fair. The federal and state governments, meantime, have taken no effective action since 1999 to resolve the longer-term dispute over the configuration of local governments in the Warri area. The failure of successive Nigerian federal governments to conduct an accurate census has exacerbated the registration and demarcation problems at state level.

Election issues triggered both the February and March violence. The clash in early February between the Urhobo and Itsekiri in Warri town during the PDP senatorial primaries was over the issue of electoral wards. FNDIC’s March 3 statement demanded among other things that “INEC should disregard the fraudulent voters’ registration exercise earlier conducted in Warri South West Council until INEC/DSIEC are able to conduct a fair and just delineation of electoral wards.”⁵¹ In a situation where there was absolutely no confidence that the polls themselves would be free and fair, those who felt frustrated by the existing systems for dividing up power (and thus wealth) then turned to violence. Of course, those leading the violence do not necessarily have any commitment to a more equitable distribution of resources, beyond securing their own share; but they are able to draw on an inexhaustible well of alienation from the current regime and its corruption, and frustration at the impossibility of changing government through peaceful means, in recruiting those who will fight for them.

Both the Alliance for Democracy (AD) and the All Nigeria People’s Party (ANPP) in Delta State called for the April 12 National Assembly elections to be rescheduled in Delta State, citing fraud and the absence of attempts even to hold the poll in some areas; they repeated the call following the gubernatorial elections. AD gubernatorial candidate Great Ogburu claimed that many of his supporters were arrested in the early hours of the April 19 gubernatorial and presidential poll, and

⁵⁰ Section 162(2) of the 1999 constitution provides that: “The President, upon the receipt of the advice from the National Revenue Mobilisation, Allocation and Fiscal Commission, shall table before the National Assembly proposals for Revenue Allocation from the Federation Account, and, in determining the formula, the National Assembly shall take into account allocation principles especially those of Population, Equality of States, Internal Revenue Generation, Land Mass, Terrain, as well as Population Density: provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than 13 percent of the revenue accruing to the Federation Account directly from any natural resources.”

⁵¹ Sola Adebayo, “Warri War—The battle in the creeks, the agonies of victims,” *Vanguard*, March 30, 2003.

called for the cancellation of the results; candidate for the All Progressive Grand Alliance (APGA) Prince Ned Nwoko alleged intimidation of his supporters by PDP “thugs” acting in collusion with the police. On April 20, the day after the poll, armed youths stormed a private radio station in Effurun, just outside Warri, and forced it to announce Ogburu’s victory; later in the day, the state-owned radio station announced the victory of the incumbent, Governor Ibori. Just days before the vote, the Court of Appeal ordered a retrial of a case in which two members of the Delta State PDP had asked the court for Ibori to be disqualified as a candidate on grounds that he had been convicted of criminal negligence and breach of trust in 1995.⁵² On April 28, Ijaw leaders demanded the suspension of state assembly and local government elections in Warri North, South and South West LGAs until a “permanent solution is found to the Warri crisis.” They stated that: “A situation where the minority Itsekiri will be chairmen, vice chairmen and councillors as well as House of Assembly members in all the three Warri LGAs will not be accepted and allowed by the majority of Ijaws of Warri anymore.”⁵³ The Urhobo Progressive Union also called for the May 4 state assembly elections to be called off, stating that “the Urhobo people cannot and will not participate in a sham election which will further perpetuate the injustice of the past years.”⁵⁴ The uncertainty until the last minute as to whether elections would actually be held and on what basis increased the likelihood of violence right up to the three polling days in April and May.

All independent national and international observers reporting on the 2003 elections in Delta State shared a consensus that they were wholly illegitimate. The European Union (E.U.), for example, the largest international delegation to the Nigerian elections, noted serious irregularities in Delta State in the presidential, gubernatorial and national and state assembly elections, including widespread intimidation, ballot box snatching, multiple voting, polling stations that did not open at all, forgery of results, hundreds of votes added in favor of the ruling party at collation centers, ruling party control of the election process, and other abuses—such that “the minimum standards for democratic elections were not met.” Delta State was one of several in which the E.U. stated that the elections “lack credibility and appropriate measures must be taken to provide voters with a truly democratic electoral process.”⁵⁵ In Warri South and Warri South West, the local government areas worst affected by the pre-election violence, the Independent National Electoral Commission website simply lists the results for the gubernatorial race as “not available.”⁵⁶ Despite all of this, Delta State Deputy Governor B.S.C. Elue denied to Human Rights Watch that there had been any irregularities at all in the conduct of the elections.⁵⁷

⁵² Sola Adebayo, “Armed youths force radio station to announce Ogburu winner in Delta,” *Vanguard*, April 21, 2003; “Saturday polls—Gubernatorial winners,” *Vanguard* April 21, 2003; “As Appeal Court Upturns Abuja Ruling....” *This Day*, April 17, 2003.

⁵³ Sola Adebayo, “Ijaw want assembly, LG polls suspended in Warri LGs,” *Vanguard*, April 29, 2003.

⁵⁴ Oma Djebah, Eddy Odivwri, “Govt moves to stop violence in delta,” *This Day*, May 3, 2003.

⁵⁵ European Union Election Observation Mission statements and report available at www.eueomnigeria.org.

⁵⁶ Election results available at www.inecnigeria.org.

⁵⁷ Human Rights Watch interview, September 10, 2003.

Unless the government of Delta State is perceived to have electoral legitimacy there is little chance that it will be able to resolve the crisis of violence that surrounded its creation. The level of fraud and violence in Delta State was beyond the type that can be solved by election tribunals appointed to adjudicate disputed results: the elections should be reheld, starting from the voter registration process, taking into account the recommendations made by the various observer groups. The lack of confidence in the electoral process, meanwhile, increases the likelihood of violence being used as the means of allocating government positions.

V. Illegal Oil Bunkering

Under the Nigerian constitution, all minerals, oil and gas in Nigeria belong to the federal government. Oil extraction outside the framework of an agreement with the federal government is illegal, as is the possession of crude oil by anyone not licensed to do so; specific crimes have also been created relating to damage to oil installations (including for the purpose of siphoning off crude oil or petroleum products).⁵⁸ Yet theft of crude oil, known as illegal oil bunkering, accounts for perhaps 10 percent of Nigeria's daily production and is a highly organized operation.⁵⁹ Governor Ibori has stated that as much as 300,000 bpd (or 15 percent of production) are lost because of bunkering activities.⁶⁰ The major oil companies operating in Nigeria have stated that this is likely an overestimate; for the whole Niger Delta, illegal oil bunkering probably reaches a maximum 150,000 or 200,000 bpd. But these figures also fluctuate significantly, responding to periodic efforts to police the riverine areas more effectively.⁶¹ There are other claims that the theft of oil is greatly underreported, reaching more than 250 million barrels for the year 2002 (that is, more than 650,000 bpd).⁶² The illegally bunkered oil is sold to refineries in Nigeria, in nearby West African states (including Côte d'Ivoire and Cameroon), or further afield.

Illegal bunkering leads to the loss of billions of dollars in public funds. Those funds could be used to fund initiatives to reduce violence or to protect and fulfill human rights; including ensuring proper

⁵⁸ See "The Niger Delta: No Democratic Dividend," *Human Rights Watch Short Report*, October 2002, pp.27-28.

⁵⁹ "Bunkering" is a term used to describe the process of filling a ship with oil (or coal). "Illegal oil bunkering" is a euphemism for theft.

⁶⁰ Olly Owen, "The Economics of Nigeria's Delta Conflict," *WMRC Daily Analysis* August 5, 2003; "Nigerian Pres, Governors Vow to End Pipeline Vandalism," *Dow Jones Energy Service*, July 31, 2003. On illegal bunkering, see generally the information at www.legaloil.com. Nigeria's total oil production under the quota set by the Organization of Petroleum Exporting Countries (OPEC) is 2.018 million bpd, though the actual output varies above and below this figure.

⁶¹ Kenneth Ehigiator, "Oil smugglers accused of fueling Warri crisis," *Vanguard*, August 21, 2003; SPDC letter to Human Rights Watch, October 17, 2003. According to Shell, illegally bunkered oil from SPDC facilities had fallen in October 2003 to around 5,000 bpd in the Western Division and 25,000 bpd overall.

⁶² "Oil Theft - What Does Obasanjo Know?" *Vanguard*, December 29, 2002.

training for the security forces, not to mention the establishment of schools, hospitals and other essential services in the neglected riverine areas. There is also an urgent need to improve the transparency and effectiveness of government budget management spending, in order to reduce the diversion of funds into private hands. Reducing illegal bunkering will not in itself necessarily improve government spending practices, but the diversion of revenues before they reach government coffers means that there is not even the possibility that these resources will be used for the public benefit.

The fight for control of illegal bunkering opportunities has also significantly escalated the violence in Delta State and worsened the human rights abuses suffered by its people. Oil has become literally the fuel for the violence—despite the fact that in theory it should be easy to stop its theft (it is hard to hide a tanker and easy to trace its owner). Some clashes in the creeks appear to have no political component whatsoever, but are simply a straight fight for opportunities to steal oil; in other cases, motives are mixed.

Illegal oil bunkering is effectively Nigeria's most profitable private business. The stolen crude can currently be sold at around U.S.\$15 to \$20 per barrel on the spot market, assuming some level of discount for its illegitimate origin. Since there are virtually no capital costs—the infrastructure belongs to the Nigerian government and the oil companies—the cleared profit is therefore around U.S.\$2-3 million daily (750 million to a billion dollars annually), assuming a figure of 150,000 bpd stolen oil. The Nigerian government is far more severely affected by this theft than the oil companies, since the government share of revenue from each barrel of oil is much higher than that of the private shareholders in the joint ventures that produce most of Nigeria's oil.⁶³ The loss to the Nigerian government from illegal oil bunkering amounts to figures in the order of U.S.\$750 million to \$1.5 billion annually at oil prices between nineteen to thirty dollars a barrel, assuming bunkering at around 150,000 bpd (close to 55 million barrels a year); or \$3.5 to \$6.2 billion annually, if the figures are as high as 250 million barrels stolen each year. Governor Ibori has stated the amount lost is around \$3.5 billion a year.⁶⁴

⁶³ Under the terms of the 2002 Memorandum of Understanding between the oil companies and the Nigerian government, according to Shell, "at an oil price of \$19 barrel, the Government's take in taxes, royalties and equity share is \$13.78 barrel. Of the remaining \$5.22, operating cost and future investment take the lion's share with about \$1.22 left to be shared as a margin among private shareholders. [The SPDC joint venture is owned 55 percent by the Nigerian government, 30 percent by Shell; 10 percent by Total (formerly Elf), and 5 percent by Agip.] At \$10 per barrel, Government's take falls to \$5.12 barrel, while the margin to be shared amongst the private shareholders reduces to 88 cents. At \$30 per barrel, the government's take increases to 24.13 per barrel, while the margin shared by the private partners increases to \$1.87." *2002 People and the Environment Annual Report* (Lagos: SPDC, 2003), p.6. The oil price was around U.S.\$25-\$30 in March/April 2003 (as the Iraq campaign came to its close), when the shut-down was at its height.

⁶⁴ "Nigerian oil theft rampant," BBC website, August 1, 2003, quoting an interview on the BBC's Network Africa program. See also "Oil Theft—Overview," *Information Paper No. 1*, www.legaloil.com, October 2003, which gives slightly different figures for the revenue split between government and companies. In practice, the theft of oil depletes Nigeria's oil reserves, thus depriving future generations of the revenue that would otherwise accrue to government from the development of such resources. In the short term, Nigeria meets its daily OPEC quota while also pumping an extra 10 percent or so for the benefit of the illegal bunkerers.

Illegal oil bunkering—long prevalent in the delta—has become a sophisticated operation that no longer requires the cooperation of oil company staff to operate equipment at wellheads or allow access—though there are still reports that they are involved. The bunkerers tap directly into pipelines away from oil company facilities, and connect from the pipes to barges that are hidden in small creeks with mangrove forest cover. Frequently, both in the riverine areas and on dry land, the police and military are involved in the process or are paid off to take no action against those tapping into pipelines. Violent conflict that clears the creeks of other traffic makes bunkering easier to carry out; though violence that significantly closes down production also reduces bunkering, since it is much easier to steal oil from the larger pipelines after the gas has been separated from it, for which the oil company facilities must be operational.

In November 2001, the Nigerian federal government set up a Special Security Committee on Oil Producing Areas, “to address the prevailing situation in the oil producing areas which have, in recent past, witnessed unprecedented vandalism of oil pipelines, disruptions, kidnappings, extortion and a general state of insecurity.” Reporting to President Obasanjo in February 2002 (in a report that has not been published), the committee noted that a “major threat to the oil industry ... arises from the activities of a ‘cartel or mafia’, composed of highly placed and powerful individuals within the society, who run a network of agents to steal crude oil and finished produced from pipelines in the Niger Delta region.”⁶⁵ The committee indicated that many of the militant youth groups responsible for halting or diverting oil production and preventing free traffic on the waterways “could be enjoying the patronage of some retired or serving military and security personnel.”⁶⁶

Despite this high-level recognition of the seriousness of the problem, there appears to be no proactive government strategy for investigating the organized illegal oil bunkering rackets. There have been some seizures of the vessels involved. More than nineteen vessels used in the illegal bunkering business are reported to have been seized by the army and navy in the year to July—though it is often not clear what happens to their cargoes thereafter.⁶⁷ Speaking to Human Rights Watch, Capt. Ogunjinmi said that the navy had captured six boats since he had taken command of the Warri naval base in April (excluding small barges), and handed over several dozen people to the police for prosecution.⁶⁸ In August, the navy announced that it had arrested ten foreigners (among them Senegalese, Burkinabe, Togolese, Ivorians and Beninois) and a number of Nigerians for involvement in oil smuggling, and seized four ships; in late October, several more ships were arrested, with a reported combined cargo of oil worth several hundred million dollars.⁶⁹ But there

⁶⁵ Report of the Special Security Committee, paragraph 40.

⁶⁶ *Ibid.*, paragraph 51.

⁶⁷ “Niger Delta moving from agitation to rebellion?” IRIN, July 8, 2003.

⁶⁸ Human Rights Watch interview, September 10, 2003.

⁶⁹ Hector Igbikiowubo, “Government loses ₦149b oil revenue to Warri war,” *Vanguard*, August 26, 2003; “Nigerian navy arrests Russian, Romanian ‘oil smugglers,’” AFP, October 22, 2003; Kingsley Omonobi, “Navy arrests 7 ships with crude worth \$250 m,” *Vanguard* November 3, 2003.

are few if any successful prosecutions for involvement in the theft of oil, and it is not always clear what happens to the cargoes of oil that are seized. Moreover, the oil companies say that they frequently report suspicious ship movements to the authorities—with the waterways all but closed to normal boat traffic, any vessel that does not belong to an oil company is probably involved in bunkering—but no action is taken.

Those running the rackets at the top are apparently untouchable. In May 2003, a new Economic and Financial Crimes Commission began work at federal level to investigate various forms of fraud. Its head has freely admitted that “you have government institutions responsible for taking charge of the whole thing [crude oil theft]: the sale of the product, the security of the area.”⁷⁰ The commission has reportedly arrested two executives from small Nigerian-owned oil companies for stealing oil; but has as yet laid no charges.⁷¹ Its work is also apparently not linked to any parallel efforts by the police. The Nigerian Police Force Commissioner responsible for federal operations stated to Human Rights Watch only that any crime reported to the police would be “thoroughly investigated,” but could not identify any proactive measures being taken to tackle illegal oil bunkering.⁷² Police Affairs Minister Broderick Bozimo, interviewed in the media, has also not put forward any serious strategy for investigation and bringing to court those responsible for bunkering at the highest levels, though he has promised additional policing in the riverine areas.⁷³ Delta State Deputy Governor Elue stated to Human Rights Watch that the Nigerian government “is beginning to identify the bunkerers among the people high up; intelligence will fish them out.”⁷⁴ Governor Ibori has blamed criminals with their own armies, dealing with non-Nigerians.⁷⁵ According to many statements to Human Rights Watch, however, individuals very close to Governor Ibori are themselves involved. Others mentioned are senior figures in the current and former governments in Delta and other Niger Delta States, and in the federal government in Abuja. Protestations by those same people that they are acting against the culprits are met with skepticism by those who bear the brunt of the violence the business generates.

In a measure apparently designed to address the demand side of the illegal oil bunkering equation, the federal government has begun to take some action to reduce the sale of oil to neighboring states. On August 10, Nigeria closed its border with Benin, accusing the Benin authorities of turning a blind eye to oil smuggling. The Nigerian federal government has also embarked on a strategy of signing contracts with neighboring countries for supply of petroleum products to ensure they source oil from lawful suppliers. On August 19, Nigeria signed an agreement with the government of Côte d’Ivoire for the supply of 30,000 bpd of crude oil; Ivorian Minister for Mines and Energy Monnet Leon Emmanuel admitted that much of the crude oil delivered to his country was stolen from

⁷⁰ Daniel Balint-Kurti, “Nigerian anti-fraud tsar targets oil thieves,” Reuters, November 12, 2003.

⁷¹ Ibid. See also, “We’ll bring the high and mighty to justice—crimes commission boss,” *Daily Trust* (Abuja), October 9, 2003.

⁷² Human Rights Watch interview, Police Commissioner Lawrence Alobi, Abuja, September 18, 2003.

⁷³ “Bunkerers are behind the Niger Delta Crises, says Police Affairs Minister Bozimo,” *Vanguard*, September 22, 2003.

⁷⁴ Human Rights Watch interview, September 10, 2003.

⁷⁵ Austin Ogwuda, “Warri: Governor blames crisis on oil syndicate,” *Vanguard*, August 26, 2003.

Nigeria.⁷⁶ In November 2003, President Obasanjo announced that the Nigerian government would publish budgets, records of revenue collection and other statistics in line with the international “Publish What You Pay” campaign and the British government’s Extractive Industries Transparency Initiative.⁷⁷ Increased transparency should make a contribution both to the proper management of official government revenues and to the measurement of the extent of theft of crude oil.

In June 2003, Shell proposed the certification of oil exports based on the chemical fingerprinting of crude oil to prevent stolen oil from being sold on the open market.⁷⁸ The oil companies operating in Nigeria have developed the technology to trace oil to individual flow stations and even individual wells, meaning that if a ship is stopped and it contains oil that does not appear to have a legitimate source, a sample can be taken and the place it was taken from identified. In theory, if there is no record of a sale from that source to the owner or operator of the vessel concerned, then the Nigerian government should be able to confiscate the oil if it intercepts a vessel in Nigerian territorial waters; or it should be possible to require those purchasing oil, such as refineries, to verify the provenance of the crude they are buying. In principle, it should be possible in this way to create a paper trail for crude oil similar to or better than that established for rough diamonds by the Kimberley Process, which aims to halt the trade in “conflict diamonds” from Africa’s war zones.⁷⁹ Even if such a system cannot halt the sale of stolen oil completely, it should at minimum mean that stolen oil will have to be sold at a greater discount on the international spot market, thus undercutting the profits of the illegal bunkerers and the incentives to fight for control of supply.

VI. Security Forces

Several hundred soldiers and sailors are permanently deployed to Delta State, operating out of the David Ejoor Barracks, Effurun, and Warri Naval Base. One of their primary duties is to protect oil installations, regarded by the Nigerian government as a national security priority. Following the clash on March 12 that sparked the worst violence in 2003, the government deployed hundreds of additional soldiers, sailors and mobile police to Warri town and into the creeks surrounding Warri. In August, the federal government established a new joint security task force in Delta State—including army, navy, air force and mobile police—known as “Operation Restore Hope.” By mid-September, when the overall control of the operation was taken over by Chief of Defence Staff Gen. Alexander

⁷⁶ Vincent Nwanma, “Nigeria Shuts Border with Benin to Stop Oil Smuggling,” *Dow Jones Energy Service*, August 13, 2003; Vincent Nwanma, “Nigeria, Ivory Coast Supply Deal to Help Stop Piracy,” *Dow Jones Energy Service*, August 20, 2003.

⁷⁷ See text of President Obasanjo’s speech, “Nigeria: From Pond of Corruption to Island of Integrity,” November 7, 2003, available at www.transparency.org. See also www.publishwhatyoupay.org and www.dfid.gov.uk.

⁷⁸ See “Fingerprinting oil,” *Information Paper No. 2*, November 2003, www.legaloil.com, for a description of the chemical fingerprinting of oil.

⁷⁹ See www.kimberleyprocess.com.

Ogomudia from Brig.-Gen. Elias Zamani, military detachments had begun to be deployed to oil facilities in the riverine areas.

Nigerian government security forces of various types are deployed to protect the facilities of all the oil companies operating in Nigeria, and this security is stepped up at times of violence such as that in Delta State during 2003. The oil companies contribute to their upkeep while they are deployed at oil facilities, but they remain under the command control of the Nigerian government. In the case of SPDC, for example, around 400 unarmed “supernumerary” police, whose wages the oil companies also pay, are deployed in the company’s Western Division (into which Delta State falls), as well as around 265 armed doghandlers and mobile police. Under normal operations, some one hundred army or naval personnel are deployed to SPDC oil facilities designated by the government as of national security importance (such as the major crude export terminals); but as of October 2003 around 350 Operation Restore Hope task force personnel were deployed at or near SPDC’s main facilities in the swamp area.⁸⁰

The commanding officer (CO) of the 7th Battalion, based in Effurun, Lt.-Col. Gar Dogo, would not tell Human Rights Watch how many soldiers were deployed in Delta State, though press reports indicate the total may be in the region of 2,000, supported by 900 mobile police.⁸¹ The naval CO, Capt. Olufemi Ogunjinmi, stated to Human Rights Watch that there were 800 sailors based at Warri Naval Base and throughout the creeks. Some of these were deployed at oil facilities for “static security,” others were on patrol. The navy has reportedly recently acquired two helicopters for surveillance of the creeks.⁸²

Though the cost to the Nigerian government of this security deployment is large, the additional expenditure itself benefits individuals in government in general and the security forces in particular. In September 2003, a Delta State official indicated that the additional cost to Delta State of the security force deployment in response to the crisis was of the order of ₦200 million (U.S.\$1.43 million) a month.⁸³ State governors are the chief security officers for their states, and the manner in which this money is spent is therefore largely within Governor Ibori’s discretion. The individual soldiers, policemen and sailors deployed also benefit from their combat duties: they are paid substantially increased wages when they are on active duty.⁸⁴ For the illegal oil bunkerers to operate, they must also pay off those who are supposed to be stopping them to turn a blind eye; more senior officers in the army, navy, and mobile police thus also benefit from the theft of oil.

⁸⁰ SPDC letter to Human Rights Watch, October 17, 2003. ChevronTexaco would not respond on the record to Human Rights Watch on this point (CNL letter to Human Rights Watch, November 4, 2003) and EPNL did not respond to Human Rights Watch’s queries before this report went to print.

⁸¹ Abraham Ogbodo, “Delta Govt Spends ₦200 m Monthly to Keep Soldiers in Warri,” *Guardian*, September 14, 2003.

⁸² Muiyiwa Odu, “Illegal bunkering: navy arrests 2 ships, 15 expatriates,” *Daily Champion* (Lagos), September 2, 2003.

⁸³ Abraham Ogbodo, “Delta Govt Spends ₦200 m Monthly to Keep Soldiers in Warri,” *Guardian*, September 14, 2003.

⁸⁴ Figures cited to Human Rights Watch were that the supplement is up to ₦30,000 (U.S.\$215) extra each month, but we could not verify this amount with the authorities.

While the deployment of additional security forces, including army and naval troops, has in some cases contributed to the restoration of order, they have too often failed to offer any real protection to civilians threatened either by organized armed ethnic-political militia, or by “sea pirates,” those engaged in armed robbery for purely criminal gain. Residents of both the Itsekiri community Koko, and the Urhobo Okumagba estate in Warri, reported to Human Rights Watch how soldiers either ran away at the first sign of trouble or were mysteriously withdrawn from the area immediately before an attack by opposing ethnic militants. In both cases, they asserted that the attacking group—whether Ijaw or Itsekiri—had paid the soldiers to leave and allow free rein to the aggressors. Ijaw leaders, meanwhile, accuse the security forces of bias, of giving tacit or even active support to the Itsekiri militia. Itsekiri, Urhobo and Ijaw all see the failure of the state government security forces to protect them as criminal and accuse them of bias. For example, a Koko resident told Human Rights Watch:

The state governor should resign, because he has failed to protect us. We think that he has his hands in the fight, because he saw what happened in 1997 [when Koko also attacked during the first “Warri crisis”] but didn’t do anything to stop it. He is in support of the Ijaw. I want to define this as not being crisis: this is war.⁸⁵

The army and navy have strenuously denied any suggestion of bias in their operations.

As during past deployments, the security forces themselves have also carried out serious abuses. In 1999, the Nigerian army completely destroyed the town of Odi, Bayelsa State, killing hundreds of people, after a dozen policemen were killed by youths in the town. In 2001, soldiers killed more than two hundred unarmed civilians in several towns and villages in Benue State, in central-eastern Nigeria.⁸⁶ No soldier has been arrested, prosecuted, or disciplined, to Human Rights Watch’s knowledge, in respect of these massacres. Soldiers and mobile police deployed anywhere in Nigeria, especially in emergency situations, routinely extort money from passing motorists, commercial vehicles, and motorbike taxi drivers (okadas); and often beat those who cannot or will not pay or force them to do frog jumps or other humiliating activities. These practices are carried out openly, without attempting to conceal them from passing journalists or human rights researchers. Sometimes, those who do not pay are simply shot dead. The same is true in the creeks of the mangrove forest areas.

There have also been other much more serious abuses in Delta State. Human Rights Watch interviewed eyewitnesses who described how soldiers under the command of a major burnt down the Idama Hotel Warri, belonging to Urhobo and PDP leader Chief Okumagba on Sunday February

⁸⁵ Human Rights Watch interview, September 8, 2003.

⁸⁶ See Human Rights Watch reports: “The Destruction of Odi and Rape in Choba,” December 1999 and “Military Revenge in Benue: A Population Under Attack,” April 2002. On Odi, see *A Blanket of Silence: Images of the Odi Genocide* (Port Harcourt: Environmental Rights Action, 2002). For violations in the delta, see also, *The Price of Oil*; “Crackdown In The Niger Delta,” *A Human Rights Watch Short Report*, May 1999; “Update on Human Rights Violations in the Niger Delta,” background briefing, December 2000; and “The Niger Delta: No Democratic Dividend,” *A Human Rights Watch Short Report*, October 2002. All available at www.hrw.org/africa/nigeria.php.

2, 2003, in the disturbances surrounding the PDP primaries.⁸⁷ The soldiers flogged staff working in the hotel and detained a staff member for five days. The attack took place despite the fact that twenty mobile police had been billeted in the hotel for several years and were present at the time. Although the attack was reported to the police, no action had been taken. In August 2003, three mobile policemen were arrested by the army on charges of selling arms to and fighting on the side of one of the ethnic militia, but cleared after an internal police investigation.⁸⁸ These are serious allegations that deserve urgent investigation by the appropriate authorities, including not only internal army or navy inquiries but also by the civilian police, and by a public judicial inquiry into the crisis in Warri. Unlike previous inquiries, the report of such an independent investigation should be made public, and its recommendations acted upon.

During 2003, the U.S. government has delivered to the Nigerian navy three (the total will be five) former coastguard “buoy tenders,” 180-foot flat-bottomed boats of World War II vintage, unarmed at the time they were handed over. The donation of these boats has been in the pipeline since 2001, and, according to the U.S. Embassy, was not connected to the crisis in Delta State. Two of the boats have been moved to Warri naval base, and have had some weapons mounted on them, but they have not apparently been deployed in the riverine areas. The U.S. Embassy told Human Rights Watch that there was no basis whatsoever for reports in the Nigerian press that U.S. marines would be deployed to oil facilities in the Niger Delta.

VII. Small Arms

The militia groups operating in Delta State—Ijaw, Itsekiri, and Urhobo—are well armed. Among the weapons in use are fully and semi-automatic rifles, shotguns, machine guns, and shoulder-fired rockets (known as “bazookas”); as well as more traditional weapons such as fishing spears and cutlasses used for agriculture.⁸⁹ These weapons are readily available for purchase in Warri at prices that according to one investigation range from around ₦80,000 (U.S.\$570) for a shotgun or ₦120,000 (\$850) for a Kalashnikov rifle, to up to ₦300,000 (\$2,150) for a “bazooka.”⁹⁰ While Human Rights

⁸⁷ Human Rights Watch interviews, September 12, 2003.

⁸⁸ Sunny Ogefere, “Police clear officers over alleged arms deals in Warri crisis,” *Guardian*, August 27, 2003; Austin Ogwuda, “Police Commissioner clears men of complicity in Warri crisis,” *Vanguard*, August 27, 2003.

⁸⁹ Nigeria may be home to some one million private small arms; see *Small Arms Survey 2003* (Small Arms Survey/Oxford University Press, 2003), chapter 2.

⁹⁰ Joel Bisina, “Reducing Small Arms, Increasing Safety, Security and Minimizing Conflicts in the Niger Delta Region,” paper presented at a roundtable organized by African Strategic and Peace Research Group (Afstrag), Benin City, Nigeria, June 2003. These prices are surprisingly high; another recent paper suggests that an imported Kalashnikov rifle was available in Nigeria at around ₦50,000 (U.S.\$350) during 2001. Adedeji Ebo, “The Political Economy of Illicit Small Arms Proliferation in Nigeria: Issues for a Human Security Agenda,” paper presented as part of the International Action Network on Small Arms (IANSA) Week of Action, Nigerian Defence Academy, Kaduna, June 2003. Increased demand due to the elections and to the upsurge

Watch could not itself investigate the weapons flows to Delta State, among the immediate sources of weapons reported to us were weapons issued to thugs hired by politicians—including by Governor Ibori—to intimidate their opponents during the election campaign, or to youth hired to protect the operations of illegal oil bunkerers. Politicians allegedly paid youth operating on their behalf during the elections up to ₦10,000 (\$70) to participate in attacks and intimidation of political opponents. Similar sums are apparently paid for youth to protect illegal oil bunkering activities. Among those hired are former policemen and soldiers or sailors. The origins of the weapons are less clear, but many have likely been recycled from other areas of violent conflict in Africa. Boats carrying arms are reported to offload at Warri town and Bonny, Rivers State, among other places. In 2002, the Nigerian Customs Service reported that it had intercepted small arms and ammunition worth more than ₦4.3 billion (U.S.\$30 million) at border posts during the first six months of the year.⁹¹ Cross-border flows of small arms in West Africa are contrary to a 1998 small arms moratorium agreed by the Economic Community of West African States (ECOWAS), under which states in the sub-region commit themselves not to import, export, or manufacture small arms or light weapons. In addition to importing weapons, armed militants steal (as in Koko) or purchase small arms from government soldiers and sailors. Sometimes, members of the security forces appear to be arms dealers themselves. Some small arms are made in Nigeria itself, especially in the industrial zones of the south-east, including Aba and Awka.⁹²

Arms proliferation in the delta (and elsewhere in Nigeria) has substantially increased the casualties from the violence, and has already made it significantly more difficult to achieve a peaceful resolution to the political issues involved. In June 2003, a coalition of nongovernmental organizations in the delta launched a “Mop up the Arms” campaign.⁹³ Nigeria is a signatory to the ECOWAS moratorium, and in May 2001 President Obasanjo established a national committee on its implementation. But practical action remains limited. In September 2003, the federal government announced an “arms surrender” policy to recover weapons being used by the ethnic militia in the Niger Delta. A few guns were handed over as a symbolic gesture, but no real strategy for recovering firearms seems to be in place. Any process to resolve the crisis must involve a carefully thought-out program for disarmament and demobilization of the ethnic militia, and the creation of legitimate alternative income generating activities or other community development projects for affected communities. Simple weapons raids on the villages where they live by government forces will likely achieve little in the way of arms recovery, is likely to result in abuses against civilians, and be counterproductive in the longer run by increasing the alienation of ordinary people from the government forces. Conflict

in violence in Delta State specifically may have driven prices up in Warri during 2003. The exchange rate used here is ₦140 to one U.S. dollar, the rate prevailing on the parallel market in March 2003.

⁹¹ “Focus on the dangers of cross-border crime,” IRIN, October 30, 2002.

⁹² Human Rights Watch interviews, Warri, September 2003.

⁹³ See “Focus on efforts to remove small arms from the Niger Delta,” IRIN, October 13, 2003.

documented by Human Rights Watch in other parts of the country suggests that strategies to take weapons out of circulation should be deployed nationwide.⁹⁴

VIII. Conclusion

The Warri crisis is in many regards a classic example of a “resource war.” Many of those on the ground on all sides claim that it is indeed a war; and the level of weaponry deployed by the various militant groups does indeed indicate a dangerous escalation in the violence. The solutions to the crisis must therefore address the equitable distribution and illegal diversion of resources: both by attempts to improve the democratic legitimacy and accountability of government (including the re-holding of the elections in Delta State and strong measures against corruption), and by closing off the possibilities for the theft of crude oil and its sale on the open market.

The Nigerian government, both at state and federal level, has failed to intervene in ways that fully address the multi-layered dimensions of the problems in Delta State, focusing only on security force interventions and pro forma meetings with elite groups that lead to no concrete outcomes. There is a tendency for politicians to lay the entire blame for the violence on criminals carrying out illegal oil bunkering, without acknowledging that many of those running illegal bunkering operations are allegedly within government. Nor is there official recognition that corruption, mismanagement and discrimination in the spending of public funds mean that competition for political office—especially at election time—also leads to violence; which in turn undermines the legitimacy of those who hold those offices. The government must seek to analyze the many sources of conflict in the Niger Delta and elsewhere, and the actors that have a role to play in ending it; and include both civil society and the international community in efforts to find sustainable solutions.

Much as there is a need for additional security in the Niger Delta, especially Delta State, policing and other security operations cannot be successful unless they are impartial and do not themselves result in further violations of human rights. Given the difficulty of conducting police operations in the terrain of the delta, government efforts to end violence must have the support of the people living there. But though there is widespread anger at the impunity enjoyed by those employing violence, public support for government action will require a level of professionalism on the part of the security forces that has not yet been displayed.

As in every other outbreak of ethno-political violence in Nigeria, impunity is a major cause of continued conflict. There is an urgent need to end the impunity of the ethnic militia and their

⁹⁴ See, for example, the following Human Rights Watch reports: “The ‘Miss World Riots’: Continued Impunity for Killings in Kaduna,” July 2003; “Testing Democracy: Political Violence in Nigeria,” April 2003; “The O’dua People’s Congress: Fighting Violence With Violence,” February 2003.

organizers, of those controlling the illegal oil bunkering activities, and of the security forces when they are themselves responsible for abuses. Since the first outbreak of serious violence in 1997, there have been no credible investigations of the responsibility for murder and other crimes, and few arrests or prosecutions. Various government commissions of inquiry and similar exercises have not led to any action against those alleged to be responsible for violence. Perpetrators assume that they will get away with murder.

The Warri crisis is not necessarily typical of the entire delta: though many of the same issues surrounding management of the oil revenues (legal and illegal) arise across the delta, the particular political dynamics of Delta State, based on the three-way ethnic split in the Warri local government areas, have given the conflict over oil a much greater urgency. The situation in Delta State is, however, a warning of what the other oil producing communities could face unless the underlying causes of the violence are addressed. The crisis in Delta State could itself be much worse at the time of the next scheduled state and federal elections in 2007, and during any earlier local government elections, unless action is taken.

IX. Recommendations

To the Nigerian Federal and Delta State Governments

- Identify and rapidly bring to justice, in accordance with international standards, those responsible for organizing the violence in Delta State, as well as those who carried out the killings. Launch thorough, prompt and impartial investigations into the conduct of the security forces during the violence of 2003 and the previous outbreaks of violence in Delta State, in particular into the allegations of security force bias and misconduct made by either side, make public the results of this investigation, and bring to justice those implicated in abuses.
- Put in place an integrated strategy for investigating illegal oil bunkering activities, up to the highest level, and for ensuring that such investigations and resulting arrests and prosecutions are not affected by political considerations.
- Ensure that all communities, regardless of ethnicity, in Delta State receive equal protection from the security forces. Deployment of additional security, especially to the riverine areas, will not assist in finding a permanent solution to the crisis unless the security forces act professionally and impartially, without themselves carrying out human rights violations.
- Take steps to reschedule federal and state elections in Delta State (and other states where national and international monitors found such serious irregularities that no genuine election could be said to have been held) ensuring that the rescheduled elections fulfill minimum international standards. For all elections, the government should implement the reforms suggested by the teams observing the 1999 and 2003 elections. Amongst other things, the Electoral Act should be thoroughly reviewed; the independence of INEC should be guaranteed, the role of the state electoral commissions clarified, and the capacity for electoral administration

strengthened; a permanent system of voter registration should be put in place; and improved systems for ward and constituency delimitation should be established.

- In order to ensure, among other things, that competition for government resources does not contribute to violence among ethnic groups, especially at election time, put in place proper controls over federal and state government spending—in consultation with the World Bank, International Monetary Fund, and other relevant international agencies—to ensure that budgets are properly audited, off-budget spending eliminated, and government resources allocated in a non-discriminatory manner.
- Provide relief assistance to individuals whose houses or livelihoods were destroyed during the violence.
- Intensify and encourage dispute resolution initiatives and other measures aimed at preventing further violence, including by taking steps to negotiate solutions to the political disputes that underlie the violence, and by supporting civil society grassroots and leadership initiatives to foster dialogue and cooperation among Ijaw, Itsekiri, and Urhobo communities. In attempting to resolve the crisis take into account the recurring violence of previous years and the findings of investigations and studies into the 1997 and 1999 clashes. Special efforts should be made to listen to the grievances and suggestions of the various communities affected by the conflicts.
- Strengthen controls over government-held weapons to ensure they cannot be diverted into private hands. Prevent arms inflows to the delta, including by improving border security. Learning from the experience of other African countries, develop a program for the disarmament of the armed militia operating in the delta that does not depend on indiscriminate raids into the communities where they are believed to live. Press for the strengthening of the ECOWAS small arms moratorium and its implementation, which should be expanded to encompass all weapons categories, developed into an information-exchange mechanism, and be made binding.
- Explore the possibilities of oil certification as a means of reducing the role of illegal oil bunkering in fueling the violence, by reducing the income that can be made from the illegal sale of oil.

To foreign governments, intergovernmental organizations, and the oil companies

- Urge the Nigerian government at state and federal level to seek a peaceful resolution to the political issues raised by the various parties to the Warri crisis and to ensure that all Nigerians receive equal protection of the law.
- Urge Nigerian government and security force officials to ensure that members of the security forces deployed to quell violence in any future incidents of unrest refrain from excessive use of force, extrajudicial executions, and other human rights violations.

- Fund thorough national and international monitoring of future elections, basing diplomatic responses to the elections on the findings of election observers. Urge the Nigerian government to rehold the 2003 elections in Delta State and in other states where minimum international standards were not met.
- Support appropriate national and local dispute resolution initiatives aimed at defusing inter-communal tensions in Delta State and elsewhere, and urge both federal and state government institutions to do likewise.
- Fund independent human rights groups to carry out thorough, impartial documentation of the human rights abuses committed in the course of the violence in Delta State and to press the government to take action to prosecute those responsible and provide equal protection for all ethnic groups in the state.
- Provide funds for relief assistance to those affected by conflict in Delta State and elsewhere in Nigeria.
- Governments providing training, weapons or other military equipment to the Nigerian military should suspend all such assistance until the Nigerian government has shown a commitment to ending the impunity which still protects the military, including at minimum bringing to justice those responsible for the killings and destruction in Benue State in 2001, and in Odi, Bayelsa state, in 1999.
- Explore, as part of other initiatives to increase transparency in the exploitation of primary resources, the possibilities of oil certification as a means of reducing the role of illegal oil bunkering in fueling violence.

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