



Mainstreaming Conflict Prevention

A Study of EU Action in ACP Countries

Case Study - Nigeria

The Quaker Council for European Affairs

Produced by the Quaker Council for European Affairs (QCEA)

This study is based on two years of research through questionnaires to European Commission delegations and NGO staff, through interviews with European Commission staff in Brussels, and through desk-based research. This report forms the main document of the study, and builds on six country case studies which are available to download at: www.quaker.org/qcea

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List of Acronyms

These are the main acronyms used in this report:

| | |
|-----------|--|
| ACP | African Caribbean and Pacific (Group of States) |
| APF | African Peace Facility |
| APRM | African Peer Review Mechanism |
| AU | African Union |
| DDR | Disarmament, Demobilisation and Reintegration |
| ECOWAS | Economic Community of West African States |
| EDF | European Development Fund |
| EIDHR | European Initiative for Democracy and Human Rights |
| EOM | Electoral Observer Mission |
| EP | European Parliament |
| EPA | Economic Partnership Agreement |
| EU | European Union |
| HRVIC | Human Rights Violations Investigation Commission |
| MPP3/MPP6 | EC-funded Micro-Projects Programmes |
| NGO | Non-governmental organisation |
| NEPAD | New Partnership for Africa's Development |
| QCEA | Quaker Council for European Affairs |
| SALW | Small Arms and Light Weapons |
| SSR | Security Sector Reform |
| UN | United Nations |
| UNDP | United Nations Development Programme |

1 Introduction

The EU introduced the approach of ‘mainstreaming’ conflict prevention into all elements of its programming and policy-making through the European Commission Communication on Conflict Prevention of 2001 and the ACP-EU Partnership Agreement signed in Cotonou, Benin in 2000 (the Cotonou Agreement). This country report is part of a project studying this new approach. The purpose of this project is to serve as an educational tool about ACP-EU conflict prevention rather than to evaluate what the EU is doing with regard to conflict prevention.

The EU is involved in a wide range of areas and this study has identified seven thematic areas on which to focus: disarmament, demobilisation and reintegration including child soldiers; small arms and light weapons; security sector reform; political dialogue, including good governance, elections and civil society consultation; gender; management of natural resources; and transitional justice. The main report of the study describes in detail what each of these areas entail and what the EU does in general in each of them.

A more thorough examination of EU policy and activity in the seven areas listed above was then conducted through six country case studies. The case study countries are:

- Republic of the Fiji Islands (Fiji)
- Republic of Haiti (Haiti)
- The Federal Republic of Nigeria (Nigeria)
- Somali Republic (Somalia)
- Republic of the Sudan (Sudan)
- Republic of Uganda (Uganda)

The main report and the other case studies are available at: www.quaker.org/qcea

This country report begins with a short background of the situation in Nigeria, describing briefly the complex situation in the country. It is followed by a more detailed analysis of the seven thematic issues listed above and how the EU is involved in each of them. The report provides the results of a questionnaire conducted within this study, which was carried out with the EC Delegation as well as civil society organisations in Nigeria. Finally, recommendations drawn from the results are presented.

2 The Nigerian Conflicts

Nigeria is located in West Africa, and is the most populous country on the continent. The situation in the country is an incredibly complex one. In southern Nigeria disputes over oil in the region cause violent clashes between the local population and government security forces. However, ethnic and religious differences, as well as political and economic issues cause tensions throughout the country, and have repeatedly led to violent confrontations. This chapter begins by describing the civil war that took place in 1967-1970 and continues with the issues that are pertinent in Nigeria today: the oil and ethnic, religious and political tensions.

2.1 The Nigerian Civil War / 'Biafran War' (1967-1970)

The Nigerian Civil War was the result of an attempted succession of the south-eastern provinces of Nigeria to become the 'Republic of Biafra.' Due to colonial divisions of Africa which typically did not respect traditional or tribal borders, there had been a long history of tension between northern, eastern and western communities within the country. The questionable elections of 1965, which saw a northern party take power, triggered a series of coups and counter-coups. Ethnic tensions and inter-communal fighting were frequent during this time and, with the discovery of oil in the Delta region, unhelpfully sandwiched between south-western and south-eastern regions, concerns over how this new-found wealth would be divided only served to escalate the violence still further. In 1967, the Igbo-dominated south-east declared itself independent from Nigeria, annexing non-Igbo areas, including the Niger delta and the Cross River Basin in the process. A civil war followed and it has been estimated that approximately three million people died as a result of the conflict. The Biafran Republic was dissolved and the south-eastern communities were reabsorbed into Nigeria in 1970. Many Igbos returning from Biafra had been replaced in their previous jobs by northern or western Nigerians and the currency exchange from Biafran currency to post-war Nigerian currency led to a significant reduction in wealth in south-eastern communities. Neither of these factors helped to promote reconciliation in post-conflict Nigeria and it is unsurprising, therefore, that religious and ethnic tensions still remain, accompanied by a large amount of post-war weaponry and ammunition.

2.2 'Black Nectar'- Oil and Conflict

Nigeria is Africa's biggest oil producer and the twelfth largest in the world. In 2002, oil and gas exports accounted for more than ninety-eight per cent of export earnings and about eighty-three per cent of federal government revenue. Oil production is particularly high in the Delta region of southern Nigeria. Rebel groups as well as local communities object to the devastating impact that the presence of oil companies has had on the environment and livelihoods, not to mention their objections to the way in which oil revenues are distributed. There is significant violence targeted against these foreign oil companies. Companies are accused of polluting the waters, thereby threatening local fishermen, flaring gas leading to acid rain, as well as human rights violations to suppress dissent in the region. The primary rebel group active in the Delta is the Movement for the Emancipation of Niger Delta (MEND) and their protests have often taken a criminal form as well as a violent one. Rebels regularly kidnap oil workers, demanding ransoms from their employers. The black market in oil is extremely lucrative and it is thought that rebels sell stolen oil to eastern Europe in exchange for arms and use this to fuel their campaign of violence against the oil industry. Government attempts to resolve tension in the Delta through military force has not proved successful in the past, with civilians often bearing the brunt. A recent Human Rights Watch report details the brutality with which security forces have attempted to suppress the uprisings in the Delta Region but also call for oil companies to take more action against these atrocities as well.¹

¹ Human Rights Watch, *Oil Companies Complicit in Nigerian Abuses* [on-line], accessed 11 May 2007, available at http://hrw.org/english/docs/1999/02/23/nigeri804_txt.htm

2.3 Religious and Ethnic Tensions

In analysing the situation in Nigeria in 2002, the Human Rights Violations Investigation Commission, discusses the 'problem of religion in Nigeria' and states that:

'Religious intolerance has been the main cause of communal clashes with attendant loss of lives and gross human rights violations.'²

Although there are roughly the same number of Muslims and Christians in Nigeria, the communities are divided literally as well as metaphorically. The Islamic population is concentrated mainly in the north of the country whereas Nigerian Christians predominantly live in the south. Post-colonial divisions of the country into a federal structure caused further problems. This federal structure not only inequitably incorporated minorities into ethnically-dominated regional bastions but also created a disproportionately large northern region.³ As a result of the religious demographics in each region, tensions increased between the predominantly Christian south who feared the more populous Muslim north, while the economically poorer north feared the richer and better educated south.

Tensions further increased as criminal law sections of the Islamic Sharia code of conduct were introduced into some 11 northern states, beginning with Zamfana in 1999. The application of this criminal law includes flogging, removing hands and/or feet, and even death for certain transgressions. Although non-Muslims in these northern states are not governed by such laws, there is a strong feeling among Christians that the new laws represent an increasing 'Islamisation' of Nigeria and, with it, an intolerance of other religions and faiths. Following the adoption of Sharia law in Zamfana in the late 1990s, the Supreme Court for Sharia in Nigeria was created, an organisation designed to promote the adoption of Sharia throughout Nigeria. In response to these growing inter-religious tensions and divisions, violence erupted in the same year in Kaduna over the succession of an Emir. It is thought that over 100 people were killed in the violence. The following year, similar violence erupted again in Kaduna over the introduction of Sharia in the State and thousands of people died in the riots. Ethnically-targeted reprisal attacks were subsequently made against the southern Christian population. Further rioting and protests in Jos in 2001 led to still more deaths.

In the wake of these riots and to address growing inter-religious tensions in the country, President Olusegun Obasanjo announced the formation of a National Security Commission. Executive Governor of the Zamfana State, El Haji Ahmed Makarfi, accorded chieftaincies to a number of ethnic groups in the Christian south marking their independence from the Muslim Emirate of Zazzau. This political manoeuvre was further reinforced by recognising the *customary laws* of each of these groups and empowering the newly appointed chieftaincies the power to organise their own judicial systems in addition to state magistrate court systems and Sharia law. Some argued that this system would lead to confusion and a conflict of laws but it in effect offered the Christian and animist communities a shield⁴ against the Sharia legal code within their jurisdictions.

In 2001, further fighting broke out in the Plateau State, which began as a land dispute between the predominantly Christian Tarok farmers and the mainly Muslim Hausa cattle herders. The conflict spiralled into burning of villages and sectarian clashes. By 2004 sectarian violence was still present and, in May 2004, President Obasanjo declared a state of emergency. It is estimated that the Plateau State conflict claimed more than 2,000 lives and has left thousands of displaced persons throughout the country.

² Human Rights Violations Investigation Commission, 'Summary, Conclusions and Recommendations', *Synoptic Overview of HRVIC Report: Conclusions and Recommendations* (May 2002), page 38, [on-line], accessed 11 May 2007, available at

<http://www.nigerianmuse.com/nigeriawatch/oputa/OputaSummaryRecommendations.pdf>

³ Ryan Leith and Hussein Solomon, *On Ethnicity and Ethnic Conflict Management in Nigeria* [on-line], accessed 11 May 2007, available at http://www.accord.org.za/ajcr/2001-1/accodr_v2_n1_a5.html

⁴ Global Security.org, *Nigerian Christian/Muslim conflict* [on-line], accessed 11 May 2007, available at www.globalsecurity.org/military/world/war/nigeria-1.htm

2.4 Political Tensions

Since gaining independence from Britain in 1960, Nigeria has experienced long-term political unrest. Various leaders rose to power through military coups, which have hindered democratic development for decades. During military rule under General Abacha, all civilian democratic institutions were dissolved, and the government and elected officials were replaced with military officers. Unofficial political parties and any form of political opposition were suppressed, resulting in the deaths of nine opposition activists during his rule. Only upon his death in 1998 did military rule in Nigeria come to an end and multi-party democracy return. President Obasanjo was elected President of Nigeria in 1999 and, although violence in Nigeria did not end with this Presidency, it was considered by the international community to be a step in the right direction. The next Presidential elections were held in April 2007, and were deemed by international and Nigerian observers as flawed, with 'systematic electoral abuses.'⁵ Umaru Yar'Adua of the ruling People's Democratic Party (PDP) won these elections.

⁵ Stakeholder Democracy Network, *Further Rigging: Nigeria General Elections 14 & 21 April 2007*, Election Observation Report: Akwa Ibom, Bayelsa, Delta and Rivers State, p. 3

3 Small Arms and Light Weapons and Disarmament

In 2002, the Nigerian Customs Service reported that it had intercepted small arms and ammunition worth more than 30 million US dollars at border posts in a six month period. In a single haul in November 2003, it collected 170,000 rounds of ammunition and in 2004 the Nigerian government announced that it had seized some 112,000 illegal firearms.⁶ From these figures alone, it can be seen that small arms and light weapons (SALW) are a significant problem in Nigeria. In his address to the UN General Assembly in 2005, President Olusegun Obasanjo commented that “the availability and wide circulation of small arms and light weapons pose the greatest danger to peace and security, especially in our region.”⁷

3.1 High levels of SALW

There are various factors which are considered to contribute to the level of SALW in Nigeria.

3.1.1 Regional Instability

West Africa hosts many countries which have experienced large-scale internal conflicts. Nigeria has provided military and police support to peacekeeping missions in Liberia and Sierra Leone, and has hosted refugees from other war-torn countries. It is often reported that these refugees bring weaponry and ammunition with them across the border and then sell them on.

3.1.2 Smuggling

‘Smuggling constitutes the greatest source of illegal arms in Nigeria.’⁸ It is estimated that there could be as many as 1000 illegal smuggling routes, which form a network of roads around Idi-Iroko in the Egbado area of Ogun State. A large amount of smuggling takes place through the Niger Delta. The city of Warri has been acknowledged as ‘the hub of gun trade in the Niger Delta’, from where smugglers go out to sea from ships anchored in the high seas. Smuggling also takes place over land borders, including Benin, Niger, Cameroon and Chad. It is even thought that the effect of internal conflicts in Sudan reach as far as Nigeria. A report by the Network on Police Reform in Nigeria (NOPRIN) explains that Nigerian Police are not adequately equipped in terms of training, personnel or resources to reduce the flow of illicit arms into Nigeria through the border.

3.1.3 Local and National Manufacturing of Weapons

Local manufacturers produce small arms for civilian purchase but many guns are stolen from, or worse provided by, security agents (the police and military), whose guns are manufactured by the Defence Industries Corporation (DIC). In December 2001, President Obasanjo indicted security agents for supplying arms and ammunition to warring factions. He commented:

“most of the ammunition we have found in wrong hands have come from security agencies... the police, the military... only recently, we found that 3000 rounds of ammunitions were sold here in Abuja by the police and in 10s by the military.”⁹

⁶ Lisa Misol, Small Arms and Conflict in West Africa: Testimony of Lisa Misol, Human Rights Watch Researcher, Before the Congressional Human Rights Caucus, Human Rights Watch (20 May 2004) [on-line], accessed 21 March 2007, available at http://hrw.org/english/docs/2004/05/20/africa8680_txt.htm

⁷ IRIN News, *Guns Out of Control: the continuing threat of small arms* [on-line], accessed 21 March 2007, available at <http://www.irinnews.org/InDepthMain.aspx?InDepthId=8&ReportId=58954&Country=Yes>

⁸ Mike Okiro, ‘Proliferation of illegal arms and ethno-religious violence in Nigeria’, in Etannibi E. O. Alemika and Innocent C. Chukwuma, eds., Network on Police Reform in Nigeria (NOPRIN), *Crime and Policing in Nigeria: Challenges and Options*, (CLEEN Foundation: 2004), pp. 77-78

⁹ Quoted in *ibid.*, pp. 78-79

3.1.4 The Civil War

Following the end of the civil war in Nigeria, no attempt was made to collect and dispose of the weapons and ammunition used in the conflict. It is assumed then that this weaponry has been absorbed back into the population.

3.1.5 Oil Companies in the Delta

Some have reported that multinational companies, such as Shell, operating in the Delta have imported the arms used by various factions within oil producing communities.¹⁰

3.2 National Work on SALW

3.2.1 Economic Community of West African States

Nigeria is one of sixteen signatories to the voluntary Economic Community of West African States (ECOWAS) Moratorium on the Importation, Exportation and Manufacture of SALW.¹¹ Some heralded the Moratorium as a coordinated and sustainable regional approach to tackling SALW in West Africa, whilst others have argued that its voluntary nature has impaired its effectiveness. In 2006, ECOWAS put forward its new legally-binding Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials.¹² Some of the key points of the Convention include:

- A ban on international small arms transfers except those for legitimate self-defence and security needs, or for peace support operations.
- A ban on transfers of small arms to non-state actors not authorised by the importing Member State.
- Regulation of artisan (or local) arms manufacturers. The Convention requires Member States to create an inventory of the arms made by these local manufacturers.
- Procedures for sharing information. The Convention requires Member States to establish national databases or registries of all small arms in their jurisdiction.
- Regulation of small arms possession. The Convention provides a stringent regulatory scheme for anyone wishing to possess small arms. This involves a licensing and registration scheme.
- Management and security of stockpiles. Many small arms in West Africa are stored in government military stockpiles. The Convention requires Member States to ensure the security and proper management of these stockpiles, to prevent diversion to unauthorised users.¹³

¹⁰ *ibid.*, p. 79

¹¹ The text of the Moratorium is available at <http://www.grip.org/bdg/g1649.html>

¹² The text of the Convention is available at <http://www.iansa.org/regions/wafrica/documents/CONVENTION-CEDEAO-ENGLISH.PDF>

¹³ International Action Network (IANSA), *ECOWAS Convention on Small Arms: Interview with lead international consultant* [on-line], accessed 21 March 2007, available at <http://www.iansa.org/regions/wafrica/ecowas-interview.htm>

3.2.2 The National Committee on SALW

In 2001, in keeping with SALW 39 Article 5 of the Code of Conduct of the ECOWAS Moratorium, the Nigerian federal government established the National Committee (NatCom) on SALW.¹⁴ NatCom was responsible for monitoring all aspects of SALW proliferation, circulation and reduction. It is involved in an element of disarmament, demobilisation and reintegration (DDR) activity also in the sense that it registers, detects and coordinates the destruction of all collected illicit weaponry. However, responsibility for the destruction of arms, as proposed in the Bamako Declaration¹⁵ has now been transferred to a committee within the Ministry of Defence.¹⁶

3.2.3 Legislation

The 1959 Firearms Act is still the main legal instrument for tackling SALW in Nigeria. Following the adoption of the United Nations (UN) Programme of Action, President Obasanjo ordered the drafting of a bill setting out stricter penalties for contravening firearms laws. In 2001, the President further proposed a 10-year jail sentence (without the option of a fine) for illegal possession of firearms as well as a cash reward for any information leading to the arrest and prosecution of anyone in illegal possession of firearms.¹⁷ This draft law is yet to be presented to the National Assembly.

In July 2005, the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, entered into force and Nigeria ratified it in 2006.

3.2.4 Collection of Weapons

Some efforts have been made to retrieve illegal firearms from the public.

The Inspector-General of police in February 2004 advised Nigerians in possession of prohibited firearms to surrender them within 30 days. The public were encouraged to inform the police about people in possession of illegal firearms. In July 2001, 428 rifles, 494 imported pistols, 287 locally made pistols and 48 locally made Dane guns valued at over 50 million Naira¹⁸ were destroyed publicly. Later the same year, State Commissioners of Police were stopped from granting licenses to all categories of firearms and, as mentioned above¹⁹, the president proposed a 10-year jail sentence for illegal possession of firearms.

3.2.5 Implementing the UN Programme of Action on SALW

The UN Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was adopted at a UN Conference, of which Nigeria took part, in July 2001. In 2005, Nigeria further adopted the International Instrument to Enable States to Identify and Trace Illicit Small Arms and Light Weapons.

Speaking at the UN Review conference of the PoA to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects in 2006, Ambassador Adekanye reaffirmed Nigeria's

¹⁴ Institute for Security Studies, Chapter 2: Institutional, legal and administrative procedures, in *African Commitments to Controlling Arms and Weapons*, p. 23 [on-line], accessed 21 March 2007, available at <http://www.iss.co.za/pubs/Other/ahsi/Sabala/chap2.pdf>

¹⁵ For text see <http://www.globalpolicy.org/security/smallarms/regional/bamako.htm>

¹⁶ Ebo Adedeji, 'Overview of Small Arms Implementation Structures in Nigeria', in Kizito Sabala, *Implementing the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons (2000) and the Mine Ban Treaty (1997): Performance and Progress (2003)*, p. 20 [on-line], accessed 23 March 2007, available at www.africanreview.org/forum/docs/feb04partmeet/APFO%20draft%201.doc

¹⁷ *ibid.* p. 33

¹⁸ 50 million Naira equals to around 270 000 Euros. According to an article in worldpress.org, the average salary for government employees was in 2003 30,000 naira per month.

Jean-Christophe Servant, *Imagined Nigeria, Real Nigeria* (April 30, 2003) [on-line] accessed 16 April 2008, available at <http://www.worldpress.org/Africa/1075.cfm>

¹⁹ In section 3.2.3

support for the UN PoA.²⁰ The Ambassador explained Nigeria's growing concern, however, for the apparent ineffectiveness of the Programme, given the scale of proliferation in arms that still continues. The Ambassador reported that good progress is being made in terms of training of security operatives to enhance border control and security. However, he also outlined several recommendations to the UN Conference which would aid the effectiveness of the UN Programme of Action in Nigeria but also in Africa as a whole. He urged the conference to:

- recognise the need for a legally binding instrument to ban the transfer of all SALW to non-state actors
- ensure that arms embargoes imposed by the Security Council are not ignored by Member States
- establish an effective monitoring mechanism to prevent cross-border movement of arms, combatants and mercenaries
- make recommendations on the relation between exploitation of natural resources and the proliferation of dangerous weapons
- establish a common international standard that strictly regulates the activities of arms brokers
- encourage the inclusion of SALW issues in national action plans on security, development, poverty reduction, crime prevention and post-conflict peace-building, with attention to the special needs of women and children affected by armed conflict, and child soldiers
- agree on common standard for end-user certification, stockpile management and security, strengthen national legislation and enhance the operational capacity of law enforcement agencies.

3.3 EU Contribution to SALW

3.3.1 Support to ECOWAS

The Council of the European Union agreed in 2004 to provide 515,000 euros to ECOWAS with the aim of setting up a Light Weapons Unit within the ECOWAS Technical Secretariat and to transform the ECOWAS Moratorium on the Importation, Exportation and Manufacture of SALW into a Convention.²¹ A one-year financing agreement between the European Commission and ECOWAS was signed in November 2005, and an extension was considered, though we have been unable to find information on whether this agreement was continued beyond 2005. A project manager was also appointed to Nigeria to report back to the Council on ECOWAS progress in this area. The ECOWAS Convention on SALW was put forward in 2006. EU support to SALW through ECOWAS has been a sensitive issue since the European Commission in 2004 claimed that the decision by the Council of the European Union to support the SALW Unit in ECOWAS was invalid according to the treaties. The Commission stated that Community development cooperation policy, in this case the Cotonou Agreement, covers the spread of SALW and that the Council, therefore, did not have the competence to take such a decision.²² The Commission also said that it was already preparing a similar funding proposal to support ECOWAS. It was then up to the European Court of Justice to decide whether the Council had the right to do this

²⁰ Permanent Mission of Nigeria to the UN, *Statement by Ambassador Simeon A. Adekanye, Deputy Permanent Representative of Nigeria to the United Nations, New York, on behalf of the Nigerian Delegation, delivered at the United Nations conference to review progress made in the implementation of the Programme of Action to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in all its Aspects*, (New York: June 2006) [on-line], accessed 23 March 2007, available at

<http://www.un.org/events/smallarms2006/pdf/arms060629nigeriaeng.pdf>

²¹ Council of the European Union, *Council Decision 2004/833/CFSP of 2 December 2004 implementing Joint Action 2002/589/CFSP with a view to a European Union contribution to ECOWAS in the framework of the Moratorium on Small Arms and Light Weapons*, Official Journal of the European Union [on-line], accessed 21 March 2007, available at

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_359/l_35920041204en00650067.pdf

²² Simon Duke, *Areas of Grey: Tensions in EU External Relations Competences*, EIPASCOPE 2006/1 (Maastricht: EIPA, 2006) [on-line], accessed 2 June 2008, available at

http://www.eipa.nl/cms/repository/eipascope/Scop06_1_3.pdf

or not. In May 2008 the Court found in favour of the Commission, stating that Community tools have precedence over Council tools.²³

The European Community supports ECOWAS conflict prevention policy through an allocation of 10 million euros from the 9th EDF.²⁴ 5.5 million go to a conflict prevention and peacebuilding project implemented by ECOWAS from September 2005 until December 2010. The project incorporates various conflict prevention activities, including actions to reduce availability/trafficking in small arms.²⁵ Another example of EU funding is the contribution of 1.25 million euros to combat the spread of SALW through the ECOWAS Small Arms Programme (ECOSAP). The programme is designed to be implemented over a 3-year period and managed by the United Nations Development Programme (UNDP), aiming (among other things) to get all ECOWAS Member States to ratify the ECOWAS Convention on SALW (elaborated upon above).²⁶ The European Commission is also contributing to the Small Arms Unit's work on establishing a Plan of Action for the implementation of this Convention. Once the Convention is ratified by the required number of ECOWAS Member States (nine), it will enter into force and the Plan of Action will serve as lead-document for the national and regional activities.²⁷

²³ Court of Justice of the European Communities, *Judgement of the Court of Justice in Case C-91/05*, press release no 31/08 (20 May 2008) [on-line], accessed 2 June 2008 available at <http://curia.europa.eu/en/actu/communiqués/cp08/aff/cp080031en.pdf>

²⁴ European Union, *Factsheet, EU Support for Peace and Security in Africa*, p. 3 [on-line], accessed 26 March 2007, available at http://europa.eu/press_room/presspacks/us20050222/africa.pdf

²⁵ European Union, *Nigeria Project Sheet, 'Conflict Prevention and Peace Building'* [on-line], accessed 25 June 2007, available at <http://www.delnga.ec.europa.eu/projects/PROJECT%20SHEET%20-%20Conflict%20Prevention%20&%20Peace%20Building.pdf>

²⁶ Information gathered from Delegation's response to questionnaire

²⁷ Personal communication with DG RELEX, email received 21 November 2007

4 Security Sector Reform

4.1 The Police

Police forces in Nigeria originated under British colonial rule. The police were employed by and accountable to the British and used to sustain colonial power. The public perception of the police as a violent force to be feared was only further exacerbated by the role of the police during military rule in Nigeria. Even now, the relationship between the security services and the public is often one of mistrust and fear.

A report published by the Nigerian CLEEN Foundation states that Nigeria's police force is ill-equipped to perform its function well due to both structural factors and institutional inadequacies and that it is instead evident that 'the Nigerian police is highly and visibly subservient to the rich and powerful, even in the rendering of services.'²⁸

Police brutality, corruption and repression are regularly reported by civil society and international organisations. An Amnesty International report claims that Nigerians have suffered severe human rights abuses at the hands of the security services, for example communities protesting against oil companies in the Delta, detainees and prisoners, and civilians in northern states where Sharia law and corporal punishment is in effect.²⁹ Amnesty International has also reported on the harsh conditions in which prisoners are kept and the abuses and torture which they suffer while incarcerated.³⁰ In March 2007, UN Special Rapporteur on Torture, Manfred Nowak, reported that there is evidence of 'systematic' torture of Nigerians in police custody:

'Methods of torture included: flogging with whips; beating with batons and machetes; shooting suspects in the foot; threatening a suspect with death and then shooting him with powder cartridges; suspension from the ceiling or metal rods in various positions; and being denied food, water and medical treatment.'³¹

Report of sexual abuse by police officers occurs 'on an alarming scale', with police officers raping women as an intimidation tactic, in front of their husbands and families.³² However, despite the vast number of rapes in Nigeria, few offenders are prosecuted and few rapes are reported. How can a person be expected to report a rape to the police if it was a policeman who had raped them?

4.2 The Military

According to a Human Rights Watch report, the Nigerian Military has been responsible for a series of human rights abuses against the Nigerian public, including extra-judicial executions, destruction of villages, and rape.³³ The report gives the example of the military attack on villages in the Benue State in October 2001, in which more than two hundred people were killed. The report claims that this was a reprisal and ethnically motivated attack in response to the killing of nineteen soldiers in the area

²⁸ Prof. Etannibi E.O. Alemika and Innocent C. Chukwuma, Analysis of Police and Policing in Nigeria: a desk study on the role of policing as a barrier to change or driver of change in Nigeria, CLEEN Foundation, p. 13 [on-line], accessed 20 March 2007, available at <http://www.cleen.org/policing.%20driver%20of%20change.pdf>

²⁹ Amnesty International, *NIGERIA: Time for justice and accountability* (Amnesty International, 2000), p. 2 [on-line], accessed 20 March 2007, available at <http://web.amnesty.org/library/Index/engAFR440142000>

³⁰ *ibid.*

³¹ UN News Centre, *Torture widespread in police custody in Nigeria, UN rights expert says* [on-line], accessed 2 April 2007, available at <http://www.un.org/apps/news/story.asp?NewsID=21822&Cr=torture&Cr1>

³² Amnesty International, *Nigeria: Rape - the Silent Weapon*, (Amnesty International, November 2006) [on-line], accessed 16 April 2007, available <http://web.amnesty.org/library/index/ENGAFR440202006>

³³ Human Rights Watch, *Nigeria Military Revenge in Benu: a Population under Attack*, Vol. 14, No. 2A, (Human Rights Watch, April 2002) [on-line], accessed 30 March 2007, available at <http://www.hrw.org/reports/2002/nigeria/Nigeria0402.pdf>

two weeks earlier by Nigerians of Tiv ethnic origin. Unfortunately, this sort of behaviour has been allowed to continue unchecked and without consequence, investigation or trial. A more recent example is the reported burning of a village in Port Harcourt in August 2006, again probably in response to the killing of an army officer earlier that evening.³⁴ Past crimes committed by the military under the rule of General Abacha are being investigated by a Human Rights Violations Committee but this does seem odd against the backdrop of current military offences which are still rife within the country.

4.3 Other Security Services

In addition to the formal police and military services in Nigeria, there are also:

- Commercial security service providers, mostly located in urban areas, employed by multi-national companies, inter-governmental organisations (like the UN) or by wealthy civilians.
- Neighbourhood vigilante, in both rural and urban areas
- Security services provided by so-called *Mai-Guards*³⁵

Although there are reports that these privately hired security services are poorly trained and under-equipped, they are rarely implicated in cases of human rights abuse/mistreatment. If anything, there have been calls to reform the current police services to be more like local-based neighbourhood vigilante whose effectiveness is based on their knowledge of local people and local issues.

4.4 The EU and Security Sector Reform

In the 2002 Joint Nigeria-EU report, following the signing of the Country Support Strategy and Indicative Programme, it was acknowledged that promoting the rule of law and tackling corruption were important tasks for the national government. The Country Strategy Paper itself acknowledges that human rights abuses occur 'especially in police practice.'³⁶

4.5 The UN and Security Sector Reform

The United Nations Office on Drugs and Crime (UNODC) and the Nigerian Government signed a Partnership Against Crime in Nigeria (PAC) in 2004. The partnership aims at forging strong, viable and sustainable relations amongst all stakeholders to tackle specific security concerns such as rule of law; street children; drugs; crime and violence; training law enforcement agencies; public enlightenment and education; reforming the prison system; and empowerment of vulnerable groups.³⁷ The overall objective of PAC is 'to assist the Nigerian government to strengthen law enforcement agencies, to involve and empower civil society and the organised private sector in crime prevention and drug control in Nigeria.'³⁸

³⁴ Human Rights Watch, *Nigeria: Military Must Be Held to Account for Razing of Community*, (Human Rights Watch, 2006) [on-line], accessed 30 March 2007, available at <http://hrw.org/english/docs/2006/08/29/nigeri14087.htm>

³⁵ Chidi Anselm, 'When did the Police Become (Y)our Friend?: Changing Roles of Civil Society in Promoting Safety and Security in Nigeria', *Crime and Policing in Nigeria: Challenges and Options*, pp. 44-45

³⁶ Nigeria and the European Community, *Country Support Strategy and Indicative Programme for the period 2001-2007*, p. 10. [on-line] accessed 30 March 2007, available at <http://www.delnga.ec.europa.eu/docs/CountryStrategy.pdf>

³⁷ cf. <http://www.unodc.org/nigeria/en/priorities.html>

³⁸ Salay, Paul, Country Representative UNODC Nigeria, 'Partnership Against Crime', in Etannibi E. O. Alemika and Innocent C. Chukwuma, eds., *Network on Police Reform in Nigeria (NOPRIN), Crime and Policing in Nigeria: Challenges and Options*, (Lagos: CLEEN Foundation, 2004) pp. 150-154

5 Political Dialogue

5.1 The EU's Role in Political Dialogue

5.1.1 Electoral Observer Mission

The EU has contributed 20 million euros to support the Nigerian Electoral Cycle between 2006 and 2011. This forms part of a joint donor basket fund to be implemented by the UNDP. Its objective is to 'achieve [domestically and internationally recognised] transparent and credible elections...[by] strengthening the Independent National Electoral Commission (INEC)'s capacity by providing advisory and technical assistance and by enhancing civil society's contribution to the electoral process through grants to civil society organisations.' It includes both a pre-election/election phase as well as a post-election phase.³⁹

For the 2007 Nigerian elections, the EU sent a team of eleven core observers, sixty-six long-term observers, and a similar number of short-term observers to oversee that the elections were executed in a free, fair and democratic manner. In total, the EU Electoral Observer Mission (EOM) deployed over 150 observers from twenty-one EU Member States, as well as Switzerland and Norway. The EU EOM were present in Nigeria from 14 March 2007, several weeks prior to the elections, following an invitation from the Nigerian authorities. As a result of security concerns, observers were deployed to all states and the Federal Capital Territory, but not the Delta region, or the Bayelsa and Rivers states. All in all six million euros was made available for this mission under the European Initiative for Democracy and Human Rights (EIDHR).⁴⁰

In advance of the elections, the observers highlighted concerns over underage voting and violence, and urged the INEC to work closely with all election stakeholders to ensure that significant improvements were made in advance of the federal elections.⁴¹ The statement of preliminary findings issued by the EOM following the elections stated that the elections 'failed to meet hopes and expectations of the Nigerian people' and fell 'far short of basic international standards'.⁴² There was widespread violence and rioting with over twenty people killed during the state elections. Federal Election Day was less violent but the ability of the INEC to handle the elections was criticised internationally. Some local newspapers reported as many as fifty deaths resulting from election violence, including INEC officials as well as members of the public.

The EuropeAid website claims that the EOM reports are used as a basis of dialogue, but it is less clear how this is done. The EU is certainly quick, however, to speak out against elections which have been found to be anything but fair and democratic. In the case of the 2007 Nigerian elections, the EU Presidency issued a statement outlining the EU's 'concern' about reports of violence and 'irregularities'. It also underlines the Presidency's commitment to 'carefully examine' the EOM and

³⁹ Delegation of the European Commission to Nigeria, *European Union-Nigeria Project Sheet* [on-line], accessed 26 November 2007, available at

http://www.delnga.ec.europa.eu/projects/operations2_project%20sheets/Main_projects/PROJECT%20SHEET-%20Elections%202007.pdf

⁴⁰ European Commission, *European Union deploys Election Observation Mission to Nigeria for General Elections*, IP/07/333 (March 2007) [on-line], accessed 27 April 2007, available at

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/333&format=HTML&aged=0&language=EN&guiLanguage=en>

⁴¹ European Union Election Observer Mission to the Federal Republic of Nigeria, *European Union Election Observation Mission urges significant improvements in advance of federal elections next weekend* (16 April 2007) [on-line], accessed 26 April 2007, available at

http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/nigeria/press_rel_16_april_07_en.pdf

⁴² European Union Election Observation Mission Federal Republic of Nigeria, *Statement of Preliminary Findings and Conclusions: Elections fail to meet hopes and expectations of the Nigerian people and fall far short of basic international standards* (April 2007) [on-line], accessed 27 April 2007, available at

http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/nigeria/preliminary_statement_23_04_07.pdf

EU Embassy final reports and in the meantime calls on the Nigerian government to ‘ensure that there are no doubts about the credibility of the election results.’ How the EU will choose to act after a review of these reports and after dialogue with the Nigerian government remains to be seen but a statement from the EU Presidency expressing its ‘disappointment’ over the elections was released very quickly.⁴³

For the 2003 Elections, the EU deployed a similar number of observers but their final report showed similar results as the recent one: ballot box stuffing, result tampering, intimidation tactics and fraud. The minimum international standards for a democratic election were not met at that time either. According to a Human Rights Watch (HRW) report, the 2003 EU Observer report was much more critical than other international observer reports.⁴⁴ The African Union and ECOWAS, as well as the US all praised the Nigerian elections as a success, downplaying the accompanying violence both as far less than predicted and as of insufficient potency to impact on the results. EU observers reported 105 election-related deaths and, while violence was indeed lower than anticipated, considered this ‘a worrying figure’. In response to the EU report, the Nigerian government commented that the report was ‘excessively negative’, explaining that ‘the Europeans should not think that we [Nigerians] are Europeans. Our culture and environment are different from theirs.’ In the report, HRW is clear that many international actors served to legitimise the undemocratic elections, while at least the EU Observers reported on events in a neutral and faithful way, promoting the transparency of the elections even if it was not happily received or acknowledged by the international community. Although this report contributed significantly to transparency, it is not clear that the EU did anything about it - certainly it had no impact on the 2007 elections. This seems to imply that although the importance of elections observation cannot be denied, it is unclear how useful this really is for political dialogue.

5.1.2 Input from the Institutions

The 2002 Council Common Position on Nigeria was designed to constitute the basis for a close and regular political dialogue with Nigeria, aimed at supporting a consolidation of democracy, respect for human rights, the rule of law and good governance. Article 5(1) outlines that:

The EU shall maintain a close and regular political dialogue with Nigeria. The dialogue shall primarily be held with the federal government but could also associate civil society as appropriate and, in agreement with the federal government, state governments. The dialogue will encompass all matters of mutual concern.⁴⁵

The European Parliament (EP) has also been fairly active with regards to encouraging political dialogue between the EU and the Nigerian government. A good example of this sort of activity is the Parliament resolution on the violation of human rights, particularly women’s rights in Nigeria.⁴⁶ The European Parliament called on the Council to ‘open a political dialogue under the Cotonou Partnership Agreement with Nigeria so as to support and consolidate Nigeria’s pluralistic democracy, social and economic justice, and respect for human rights and religious freedoms ahead of the 2003 elections.’ It also called on the Commission to provide financial and technical support to strengthen the country’s legal and democratic structures.

⁴³ Council of the European Union, *Declaration by the Presidency on behalf of the European Union on the elections in Nigeria*, 8953/07 (Presse 95) P 036/07, (April 2007) [on-line], accessed 2 May 2007, available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/93840.pdf

⁴⁴ Human Rights Watch, ‘The inadequate response of the international community’, *Nigeria’s 2003 Elections: The Unacknowledged Violence*, (June 2004) [on-line], accessed 27 April 2007, available at <http://hrw.org/reports/2004/nigeria0604/index.htm>

⁴⁵ Council of the European Union, *Common Position on Nigeria and repealing Common Position 2001/373/CFSP*, (2002/401/CFSP) [on-line], accessed 2 May 2007, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002E0401:EN:HTML>

⁴⁶ European Parliament, Adopted Text, *European Parliament resolution on the violation of human rights, specifically women’s rights, in Nigeria*, P5_TA(2002)0188 final edition, (Strasbourg, April 2002) [on-line], accessed 2 May 2007, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2002-0188+0+DOC+XML+V0//EN>

5.1.3 Direct Dialogue with the Nigerian Government

The EU-Nigeria Ministerial Troika

The first meeting for political dialogue at ministerial level was held between Nigeria and the EU in Abuja on 18 May 2004. The EU expressed its intention to support Nigeria in its role as a stabilising force in the region and to strengthen its capacity to contribute to conflict prevention, management and resolution in West Africa. In particular, it was agreed that the creation of opportunities for ex-combatants and the specific needs of children in armed conflict should form an important part of the regional strategy. The ministers also discussed Nigeria's positive reforms to increase transparency about natural resource revenues and budgetary matters. The EU expressed its willingness to work with Nigeria and ECOWAS to further advance transparency in the region.

Other issues that were discussed during the meeting include the importance of economic regional integration and the Economic Partnership Agreements (EPAs) for poverty reduction and conflict prevention. Nigeria also requested further EU assistance in terms of capacity building for the Nigerian police, customs and immigration in order to better tackle trafficking in small arms and light weapons (SALW). The EU expressed concern over criminal sentencing under Sharia law in some northern areas of the country. The EU welcomed the fact that no executions had been carried out in Nigeria since 2001.⁴⁷

A similar meeting took place in May 2008, where the ministers discussed issues of SALW, energy security and climate change.⁴⁸

The ACP-EU Joint Parliamentary Assembly

The ACP-EU Joint Parliamentary Assembly (JPA) is another useful forum where the EU is able to express concern, praise or offer assistance to Nigeria over a wide range of issues.⁴⁹ For example, at an April 2003 JPA meeting, the EU called on the Government of Nigeria to 'take all necessary measures to secure respect for the rule of law and fundamental human rights and freedoms in Nigeria,' whilst noting the good efforts the government has already made in this area.⁵⁰

5.1.4 Sanctions

The EU imposed sanctions on Nigeria in 1993, following the military coup and the suspension of seemingly free and fair elections. The sanctions included restriction of movement of personnel and military equipment. In 1995, nine opposition leaders, among them Ken Saro-Wiwa, were executed, and the EU imposed further sanctions including an arms embargo.⁵¹ The sanctions were lifted in 1999, following the elections of Olusegun Obasanjo. Although the European Parliament and the ACP-EU Joint Parliamentary Assembly (JPA) called for further sanctions under this period, none were put in place.

⁴⁷ EU-Nigeria Ministerial Meeting, *Final Communiqué*, (Abuja, May 2004) [on-line], accessed 2 May 2007, available at http://www.eu2004.ie/templates/news.asp?sNavlocator=66&list_id=726

⁴⁸ Slovenian Presidency of the EU 2008, *EU Troika meeting with Nigeria on topical issues of security, energy, climate change, migration and human rights*, (Press release, 20 May 2008) [on-line], accessed 22 May 2008, available at http://www.eu2008.si/en/News_and_Documents/Press_Releases/May/0520Nigeria.html

⁴⁹ See general report for more information on the ACP-EU Joint Parliamentary Assembly, or see <http://www.acpsec.org/en/jpa.htm>

⁵⁰ ACP-EU Joint Parliamentary Assembly, *Resolution on the situation in West Africa*, ACP-EU 3552/03/fin., (31 March to 3 April 2003) [on-line], accessed 2 May 2007, available at http://www.acpsec.org/en/jpa/brazzaville/resolution_14_en.pdf

⁵¹ Council of the European Union, General Affairs Council, 1883 (21 November 1995) [on-line], accessed 22 May 2008, available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/028a0040.htm

5.2 Dialogue with Regional Structures

5.2.1 The Economic Community of West African States

The eleventh annual ministerial Troika meeting between the Economic Community of West African States (ECOWAS) and the EU was held in Luxembourg on 24 April 2007. At the meeting, ECOWAS welcomed the EU Observation Mission deployed in Nigeria and the two parties were able to exchange views on the electoral process. While both the EU and ECOWAS commended certain aspects of the elections, both parties 'deplored' the acts of violence which were reported to have accompanied the elections and called upon all parties to 'respect the legal procedures for dealing with complaints and for the completion of the electoral process.' Both parties also addressed the incoming Nigerian government, encouraging it to 'continue addressing the root causes of violence and...to further pursue and deepen the reforms undertaken in the areas of the electoral system, the economic sector, the rule of law and good governance, mindful of the role that Nigeria endeavours to play for the stability of the sub-region.'⁵²

⁵² Council of the European Union, *11th ECOWAS-EU Ministerial Troika Meeting: Final Communiqué*, 8825/07 (Presse 92), (April 2007), p. 5 [on-line], accessed 2 May 2007, available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/93800.pdf

6 Gender

6.1 The Situation for Women

6.1.1 Legislation

Nigeria has pledged to eliminate discrimination of women repeatedly:

- Nigeria signed the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in 1985, although this is yet to be officially integrated into domestic law.
- Article 18(3) of the African Charter on Human and Peoples' Rights (the African Charter) commits Nigeria to eliminating all forms of discrimination against women.
- The 1999 Constitution of the Federal Republic of Nigeria (Chapter 2, Section 15) affords all Nigerians equal rights, free from discrimination on the basis of gender. However, these 'equal rights' are considered by some to remain only 'paper tigers' and are yet to be implemented in any meaningful way that would impact on the lives of Nigerian women.⁵³

6.1.2 Education

It is estimated that 60 per cent of Nigerian women are literate, in comparison with 74 per cent of men.⁵⁴ The United Nations Girls' Education Initiative (UNGEI) reports that, although Nigeria has had a National Policy on Education since 1981, it has not been implemented effectively. Women and girls have been most affected by the negative implications of this.⁵⁵ The main obstacles to the education of women and girls in Nigeria identified by UNGEI are:

- poverty
- 'lack of awareness compounded by religious misinterpretation'
- few 'girl-friendly' learning environments and female teachers
- poor resources and materials in schools, particularly in northern Nigeria.⁵⁶

The Strategy for Girls' Education in Nigeria (SAGEN) was launched in 2003, with a Girls' Education Project (GEP) established in six northern states. Unfortunately, Nigeria did not meet its gender parity targets in 2005 but UNGEI reports that the Federal Ministry of Education is working with partners and the government's Basic Education Project towards the acceleration of Education for All (EFA), achieving the Millennium Development Goals (MDGs). In 2006, GEP was broadened to include the Nigeria Girls' Education Initiative (NGEI) which is a forum for governmental and non-governmental organisations supporting girls' education and contributes to general civil-society awareness of girls' education issues. With a fifty million dollar budget from the United Kingdom, the GEP has been able to provide seven hundred and twenty northern Nigerian schools with learning materials, such as textbooks, school bags and teacher training. It is reported that, for the first time, in some areas, some classes have as many female pupils as males.⁵⁷

6.1.3 Women as Decision-Makers

Women have had the right to vote and to stand in elections since 1958 but no woman has ever been elected governor of any of Nigeria's thirty-six states and there has never been a female President. There are no quotas for female representation in governing bodies and, as such, there are very few women occupying these positions. Within the Nigerian parliament, women occupy 6.4 per cent of

⁵³ Dr CO Isiramen, *Humanism and Women's Rights in Nigeria*, (International Humanist and Ethical Union: July 2002) [on-line], accessed 16 April 2007, available at <http://www.ihcu.org/node/1134>

⁵⁴ Women's Learning Partnership for Rights, Development and Peace, *Nigeria: Country Overview* [on-line], accessed 16 April 2007, available at <http://learningpartnership.org/partners/nigeria>

⁵⁵ The United Nations Girls' Education Initiative, *Nigeria: Overview* [on-line], accessed 13 April 2007, available at <http://www.ungei.org/infobycountry/nigeria.html>

⁵⁶ *ibid.*

⁵⁷ Christine Jaulmes, *Empowering women through literacy in northern Nigeria* (The United Nations Girls' Education Initiative) [on-line], accessed 13 April 2007, available at http://www.ungei.org/infobycountry/nigeria_1382.html

seats in the lower house and 3.7 per cent in the upper house. At ministerial level, representation is slightly higher at ten per cent.⁵⁸

Women standing for election are almost always economically worse off than their male counterparts and, therefore, at an immediate disadvantage. Few so-called ‘godfathers’ are willing to financially back a female candidate when male candidates usually win. Stereotypes about the role of women being cooks, cleaners and child-bearers as opposed to politicians and decision-makers are still strong amongst the voting population.

Another important issue to bear in mind is the violence that seems naturally to accompany politics in Nigeria and the effect that this has on the success-rate of female candidates. According to one article about the 2007 Nigerian elections, certain political candidates are reportedly accompanied by armed thugs, and the ensuing pre-vote violence causes most other candidates to flee. As a result, only those prepared for the violence are elected, and these are usually men. “[Nigerian] politics has never been on merit or issues; rather it is about those who have all it takes to force their way into office” and, it seems, men are more able to do that than women.⁵⁹ Perhaps this is an observation more about the Nigerian political system than the role of women but, either way, the violent reality of politics impacts more heavily on women than it does men.

6.1.4 HIV/AIDS

Although HIV/AIDS rates are relatively low in Nigeria in comparison with other African countries, there are still a large number of people, particularly women, living with HIV/AIDS. A 2003 survey by conducted by the Nigerian Federal Ministry of Health estimated that there were 3,300,000 adults with HIV/AIDS in Nigeria, and that 1,900,000 (fifty-seven per cent) of these were women. This is particularly significant because, as mothers, women are in danger of transmitting the infection to their children during birth or through breastfeeding. One organisation estimates that ninety per cent of HIV infected children contract the infection from their mothers.⁶⁰

The prevalence of rape in Nigeria also contributes to the spread of HIV amongst women. Women risk being raped by their husbands (as there is no law against rape within marriage) and by the security services. Furthermore, Section 55 of the Nigerian Penal Code condones the ‘correction’ of women and children and the code does not recognise certain forms of rape. In some northern states of Nigeria, where Islamic Sharia law is in force, international human rights standards are reported to have been habitually violated, often at the expense of women and children.⁶¹

6.1.5 Women and Conflict Prevention

According to one report, Nigerian women functioned as ‘early responders by facilitating nonviolent negotiations between their communities and Shell petroleum - with both the non-violent process and the outcome agreement lauded as a breakthrough.’⁶²

⁵⁸ Women’s Learning Partnership for Rights, Development and Peace, *Nigeria: Country Overview*

⁵⁹ Princewill Akpakpan, as quoted in Sam Olukoya, ‘Nigeria: What have 8 democracy years done for women?’, *Terraviva Europe* (16 April 2007) [on-line], accessed 5 May 2007, available at <http://www.ipsterraviva.net/Europe/article.aspx?id=4628>

⁶⁰ AVERT, *HIV and AIDS in Nigeria* [on-line], accessed 16 April 2007, available at <http://www.avert.org/aids-nigeria.htm>

⁶¹ Human Rights Watch, “‘Political Shari’a’? Human Rights and Islamic Law in Northern Nigeria”, Chapter 15: *Failure to conform to international human rights standards*, (Human Rights Watch: September 2004 Vol. 16, No. 9 (A)) [on-line], accessed 16 April 2007, available at <http://www.hrw.org/reports/2004/nigeria0904/15.htm>

⁶² Global Action to Prevent War and Armed Conflict, ‘Beyond Conflict Prevention: Moving Forward with Resolution 1325’, *NGO side event at the 50th session of the Commission on the Status of Women* (27 February 2006) [on-line], accessed 25 June 2007, available at http://www.globalactionpw.org/UN/Beyond_summary.htm

6.2 EU Action

The European Commission approved the sum of 93,277 euros under EIDHR to support a project designed to encourage women's participation in politics during the 2007 general elections. The project was implemented by Gender and Development Action (GADA), a Lagos-based non-governmental organisation (NGO). The overall objective of the project is to 'support the political empowerment of women and ensure gender equitable governance in the south-western states of Nigeria.'⁶³ The states covered will be Lagos, Ogun, Osun, Oyo, Ondo and Ekiti.

According to one press release, the project was expected to:

- mobilise and build the capacity of between 300-600 women politicians in the target states, to seek elective office at state and local levels as a means of bringing about gender-sensitive transformative leadership;
- give gender awareness training to political leaders and other stakeholders in the six states before the 2007 elections;
- carry out policy, legislative and social advocacy towards the adoption of institutional policies and practices that will promote and sustain gender equity and social justice, especially within political parties;
- conduct and document research (including a gender audit of one political party per state).⁶⁴

⁶³ Delegation of the European Commission to Nigeria, *EC approves N15m to support women's participation in politics* (15 June 2006) [on-line], accessed 22 June 2007, available at <http://www.delnga.ec.europa.eu/press%20release/Press%20Release%20-%20EC%20SUPPORTS%20WOMEN'S%20PARTICIPATION%20IN%20POLITICS.pdf>

⁶⁴ *ibid.*

7 Natural Resources

7.1 Oil

Despite being one of the most oil-rich countries in the world, producing over two million barrels per day, Nigeria is also one of the world's poorest countries. Oil accounts for the vast majority of Nigeria's exports (over ninety per cent according to some sources) and federal government revenue (around eighty per cent). The main source of Nigeria's oil wealth is the Niger Delta, situated in the south of the country and measuring around 70,000 km². The Delta region is made up of nine oil-producing states and is home to approximately 17 per cent of Nigeria's population.

Historically and still today, oil has been cited as one of the main driving forces behind the violence in the country. The oil industry was the main source of revenue supporting military rule and the Abacha dictatorship in Nigeria. Unfair division of oil revenues was one of the contested issues leading to the Biafran civil war in the country and, today, fighting in and around the Niger Delta between the Government and rebel groups is based largely on oil issues.

The oil industry in Nigeria still receives a large amount of international attention due in large part to the presence and culpability of large international oil corporations in the country. The role of oil companies in: taking land; furthering human rights abuses; polluting the environment and thereby ruining the livelihoods of local fishermen and farmers; and, generally behaving in a way which fuels the violence in oil-producing regions, has become infamous. Targeted attacks against and kidnappings of oil workers in the region have led to increased violence in the region and a large number of deaths. The Stakeholder Democracy Network reports that approximately 1500 people lose their lives each year in the Niger Delta conflict.⁶⁵ Of course, it must be remembered that this figure includes a great many civilians who are unfortunately caught in the cross fire between rebel groups and the military or security forces. Chevron-Texaco⁶⁶ and Royal Dutch Shell have both admitted that their operations in Nigeria have led to increased violence in the region and have pledged to take action to amend their ways for the future.⁶⁷ According to Shell's website, the violence in the region is caused by: unfulfilled aspirations for political recognition and influence, poverty and historical neglect, and criminality. They further claim that they work on the issue together with the communities, the federal, state and local governments, but do not give any details of specific measures that they have taken to support peace in the region.⁶⁸ Both Chevron-Texaco and Shell invest in community development programmes, but they are both continuously criticised for not taking local, social and environmental, concerns into consideration.⁶⁹

Aside from the violence and resulting economic instability related to the presence of oil corporations, there are also significant environmental impacts to consider. Gas flaring in the Niger Delta has received focused international attention. Gas flaring is essentially the practice of flaring off the natural gas which occurs as a by-product of crude oil extraction. It is practiced in all oil producing areas and, according to the Offshore Oil and Gas Environment Forum (of the United Nations Environment Programme) it globally contributes more than 1% of global emissions of CO₂.⁷⁰ There are various other options for handling this excess gas - indeed, it can be used as a fuel in its own right,

⁶⁵ Tim Concannon and Joseph Hurst Croft, Stakeholder Democracy Network (SDN), *The Triple Threat*, (SDN, November 2006) [on-line], accessed 20 June 2007, available at <http://www.stakeholderdemocracy.org/main/content/view/17/27/>

⁶⁶ IRIN News, *NIGERIA: Oil giant admits aid policies helped fuel violence* (4 May 2005) [on-line], accessed 20 June 2007, available at <http://www.irinnews.org/report.aspx?reportid=54244>

⁶⁷ Tina June, 'Royal/Shell says it unwittingly fed conflict in Nigeria', *The Agonist* (11 June 2004) [newspaper on-line], accessed 20 June 2007, available at <http://agonist.org/story/2004/6/10/232624/058>

⁶⁸ Shell Nigeria, *Security in Nigeria* [on-line], accessed 22 May 2008, available at http://www.shell.com/home/content/nigeria/about_shell/issues/security/security.html

⁶⁹ See for example: <http://www.iht.com/articles/ap/2007/07/13/business/NA-FIN-US-World-Bank-Chevron.php> and <http://allafrica.com/stories/200805140165.html>

⁷⁰ Offshore Oil and Gas Environment Forum, *The Oil & Gas Industry and the Environment - Gas Flaring* [on-line], accessed 22 May 2008, available at <http://www.oilandgasforum.net/oefonline/gasflaring.htm>

but the reality is that it is still far cheaper for companies to flare the gas (even with the fine imposed per barrel of gas flared) than to use any of the other alternatives. It is estimated that, if tapped and sold instead of flared, Nigeria's natural gas exports could provide around 2.5 billion US dollars per year.⁷¹

It is reported that this flaring continues 24 hours a day and has been happening in the Delta for over 40 years. In certain villages, it does not fall dark at night because the huge flares keep the sky alight at all times. Moreover, the resulting pollution in gas flaring areas has had acute environmental affects which have proved devastating for the local population. According to one report, acid rain is one significant effect of gas flaring, which limits the supply of safe drinking water, stunts crop growth, devastates the fishing industry, and degrades homes and buildings much faster. Reduction in biodiversity in farming and loss of animal habitats are two other significant effects of acid rain.⁷²

In addition, the local communities in oil-producing regions have suffered from forced displacement, loss of property, price inflations as well as 'irresponsible fathering by expatriate oil workers'.⁷³ Indeed, the effect of the oil industry on Nigerian women has been particularly significant. It is the traditional roles of women in agriculture and farming that are deeply affected by local oil-production and, as such, many women have turned to prostitution to support their families. Reports of the 'degrading and inhumane' treatment of prostitutes by oil workers are also common.⁷⁴

7.2 The National Government and Natural Resource Management

7.2.1 Transparency

In brief, promoting transparency is based on the idea that, by placing accurate information in the hands of civil society and non-state actors, governments and companies can be held accountable for their actions/policies. The intended result is that a transparent company/government will behave more responsibly when their actions/policies are laid bare to the world.

The lack of transparency in the Nigerian government over the use of oil revenue has been widely acknowledged and criticised. It has led to a great deal of mistrust between the Nigerian people and the government, which in turn has led to increased violence over the unequal distribution of oil reserves. There have been various commissions appointed by the Government to establish fair distribution of revenue, based on regional economic strength, need etc. These commissions were completely unsuccessful and were usually conducted behind closed doors. This led to increased suspicion of the government, their Commissions and any subsequent recommendations. Lack of transparency and unfair distribution of oil wealth by the Government was one of the main causes of the Biafran war and continues to fuel violence in the Delta today.

In 2004, Nigeria became signatory to the Extractive Industries' Transparency Initiative (EITI), 'a global initiative aimed at promoting transparency and accountability in the receipt and use of revenues from the oil, gas and mining sectors in resource-rich countries',⁷⁵ which was an important step towards transparency. Of all the signatories to the EITI, Nigeria was the first country to follow its commitment with national legislation. In May 2007, the Nigeria Extractives Industries Transparency Initiative (NEITI) Bill was signed by President Obasanjo. Essentially, the bill authorises NEITI to 'conduct comprehensive audits of the oil, gas and mining sectors every year, using international accounting

⁷¹ Friends of the Earth Europe, *Shell still flaring gas, defying Nigerian courts, EU should rein in Shell's reckless behaviour outside Europe* (3 May 2007) [on-line], accessed 23 June 2007, available at http://www.foeeurope.org/press/2007/May3_DU_Flaring.htm

⁷² Essential Action and Global Exchange, *Oil For Nothing: Multinational Corporations, Environmental Destruction, Death and Impunity in the Niger Delta*, 'Section One: Threats to the livelihood of communities by the operations of multinational oil corporations in the oil-producing areas of the Niger Delta' (January 2000) [on-line], accessed 20 June 2007, available at <http://www.essentialaction.org/shell/report/>

⁷³ *ibid.*, 'Key Findings'

⁷⁴ *ibid.*, 'Section Two: Social and economic impacts of corporate practices on the communities of the oil-producing areas'

⁷⁵ Nigeria Extractive Industries Transparency Initiative (NEITI), *NEITI Bill Signed into Law* (30 May 2007), p. 1 [on-line], accessed 20 June 2007, available at <http://www.neiti.org/webstory300507.pdf>

standards. The Act also empowers NEITI to receive and publish information on payments made by extractive industry companies and received by government to ensure both transparency and accountability.⁷⁶ Any company which does not provide ‘timely and accurate information’ could be liable to a fine and could lose its operating license. Individuals involved in the non-disclosure of information are also liable for a fine and up to two years in jail. The NEITI agency was operational even before it was statutory, and NEITI’s first audit of Nigeria’s petroleum industry was released as early as April 2006, reviewing the period 1999-2004. The audit revealed some serious issues in terms of the governance of the industry and made a series of recommendations.

The audit identified revenue discrepancies between the companies and the Nigerian government; it found that oil and gas companies paid \$7.9 million in taxes, royalties, and gas flare penalties that the Central Bank of Nigeria (CBN) did not record as received payments. The Revenue Watch Institute, a New York based policy institute with affiliates in Nigeria, further reports that, apart from revenue discrepancies, the audit also analysed ‘systemic governance weaknesses that result in the more significant leakages of oil and gas revenues. The most significant problems were found in the Department of Petroleum Resources (DPR), the Federal Inland Revenue Service (FIRS), and the Nigerian National Petroleum Corporation (NNPC).’⁷⁷ The audit recommended several reforms for the DPR, including that they should “‘take responsibility” for the assessment and filing of royalty payments on upstream companies’. The audit also recommended that the capacity of the FIRS and NNPC should be improved.

7.3 The EU and Natural Resource Management

7.3.1 Oil

The ACP-EU Joint Parliamentary Assembly has spoken out publicly against the behaviour of oil companies in Nigeria. It has called for them ‘to respect and support international standards of human rights, and international environmental and consumer standards in the course of their operations in Nigeria’ and to ‘produce regular reports of their activities which specifically address these issues’, including ‘publication of all Environmental Impact Assessments undertaken...over the last five years’.⁷⁸

7.3.2 Water

In June 2006, the European Commission’s Delegation in Nigeria together with the Federal Ministry of Agriculture and Water Resources (FMAWR) and State water institutions launched a Water Supply and Sanitation Sector Reform Programme (with an EU contribution of 87 million to the total budget of 120 million euros). The aim of the project is ‘to contribute to the sustainable achievement of the water-related Millennium Development Goals... [and to] strengthen institutions in the sector to make water available more widely and more easily. Direct investments in water and sanitation infrastructure will occur where reforms are proving successful, as a complement to government resources.’⁷⁹ The project should benefit 1,400 rural communities and sixty small towns in the six states, home to about 2.1 million people.

7.3.3 ACP-EU Water Facility

The European Commission (EC) has launched a second call for proposals to provide safe water and improved sanitation to ACP countries, including Nigeria. This programme, which is known as the ACP-EU Water Facility, is worth 190 million euros and has the following objectives:

⁷⁶ *ibid.*

⁷⁷ Revenue Watch Institute, *Leaving a Legacy of Transparency in Nigeria* (April 2007) [on-line], accessed 16 April 2008, available at <http://www.revenuewatch.org/news/publications/RWInigeriaApril2007.pdf>

⁷⁸ ACP-EU Joint Parliamentary Assembly, *Resolution on Nigeria*, ACP-EU 2605/98/fin. (adopted 24 September 1998) [on-line], accessed 23 June 2007, available at <http://www.acpsec.org/en/jpa/bru98/resol-ad.htm#11>

⁷⁹ Delegation of the European Commission to Nigeria, *European Commission Launches “Twin” Programmes Worth N23.5 Billion (€144 Million) in Nigeria* (27 June 2006) [on-line], accessed 22 June 2007, available at <http://www.delnga.ec.europa.eu/press%20release/Press%20Release%20-%20EC%20Launches%20Twin%20Programmes%20worth%20N23.5%20Billion.pdf>

- Improved governance in water and sanitation and integrated management of water resources at regional, trans-boundary, national and local levels, and
- Increased access to safe, affordable and sustainable water and sanitation services for the rural and urban poor, through the provision of funding for infrastructure and services.⁸⁰

The Commission is also running a series of workshops to inform Nigerian civil society how to prepare proposals as previous experience has shown that, while many Nigerian organisations would like to respond to calls, they have been unsuccessful in the past due to poor quality proposals.

7.3.4 Gas Flaring

The EU is a member of the Global Gas Flaring Reduction Partnership, a forum for representatives of governments of oil-producing countries, state-owned companies and major international oil companies to 'overcome the barriers to reducing gas flaring by sharing global best practices and implementing country specific programs'.⁸¹ However, despite this membership, the EU has been widely criticised for its failure to control the EU-based oil companies which are largely responsible for gas flaring. Even though the Federal High Court of Nigeria declared gas flaring to be 'unconstitutional, null and void', and a 'gross violation' of human rights in affected communities, ordering Shell to cease flaring, the company has continued as before. A new court case has been brought against the oil giant but the EU has stayed far removed from the activities of this home-grown company.

A paper by the Friends of the Earth Europe challenges the EU, stating that:

'It is shameful to condone lower standards in Nigeria than we would in the EU so the European Commission has a responsibility to use their authority to stop this destructive practice.'⁸²

That European countries are not obliged to hold their companies responsible for their actions in third countries is a problem not only in the oil sector and the European Commission has not taken the lead to change this. In 2006 they published a communication on 'implementing the partnership for growth and jobs: making Europe a pole of excellence on Corporate Social Responsibility'. It continues to see corporate responsibility as something voluntary, and the International Federation for Human Rights (FIDH) and Amnesty International expressed in a joint letter that: 'this communication does not take into account the demands made by civil society and trade unions [...]. On the contrary, this communication merely reflects a business-approach to CSR. It is based on a lowest common denominator approach which demonstrates an unwillingness of the Commission to accept to fully assume its role on this issue.'⁸³

⁸⁰ Delegation of the European Commission to Nigeria, *European Commission to Fund New Water Projects Worth €190 M (N30 Billion) in ACP Countries* (25 April 2006) [on-line], accessed 23 June 2007, available at <http://www.delnga.ec.europa.eu/press%20release/ACP%20Water%20Facility%20-%20%20Press%20Release.pdf>

⁸¹ Global Gas Flaring Reduction Partnership website, *About us: GGFR Overcomes Barriers to Reducing Flaring* [on-line], accessed 22 June 2007, available at <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTOGMC/EXTGGFR/0,,contentMDK:21022944-menuPK:828161-pagePK:64168445-piPK:64168309-theSitePK:578069,00.html>

⁸² Friends of the Earth Europe, *Shell still flaring gas, defying Nigerian courts, EU should rein in Shell's reckless behaviour outside Europe*

⁸³ The International Federation for Human Rights (FIDH) and Amnesty International, *New EU Communication on Corporate Social Responsibility: a Missed Opportunity* (24/03/2006) [on-line], accessed 5 June 2008, available at <http://www.fidh.org/spip.php?article3196>

8 Justice

During military rule under General Abacha, all civilian democratic institutions were dissolved, and the government and elected officials were replaced with military officers. Unofficial political parties and any form of political opposition were suppressed, and nine opposition leaders were executed during his rule. Only upon his death in 1998 did military rule in Nigeria come to an end and multi-party democracy return.

The human rights abuses suffered by the Nigerian people under the Military rule of Abacha were extensive and have led to great mistrust between Nigerians and the Government and the security services. Wide-spread corruption and violence led the country, despite its rich natural resources, into poverty and conflict. Within a month of assuming power in 1999, President Obasanjo established the Human Rights Violations Investigation Commission (HRVIC), also known as the 'Oputa Panel' to investigate the human rights abuses reported during the rule of Abacha.

8.1 The Human Rights Violations Investigation Commission

According to a report from the Oputa Panel, the main areas of focus of the HRVIC were:

- To find out the root causes of human rights violations in Nigeria with special emphasis on gross human rights violations committed during the period covered by our mandate;
- To identify the persons, authorities, institutions or organisations which may be held accountable and to also determine their motives;
- To determine whether the state embarked on these as a state policy or whether its agents were merely overzealous;
- To recommend measures to be taken either against the institutions or persons identified.⁸⁴

The HRVIC called on current and retired military leaders and officials to appear in numerous public hearings, to gather evidence regarding reported and unreported human rights abuses during military rule in Nigeria. In its report, the HRVIC states that this kind of justice is important because,

'... we need to talk about the past, no matter how painful, in order to move ahead and because of the cathartic or cleansing and purifying possibilities it offers, at the individual psycho-cultural level and at the wider community and national levels.'⁸⁵

In his address at the inauguration of the HRVIC, the President was clear that forgiveness and reconciliation were core to the mandate of the HRVIC. The panel reported that in several cases this was achieved as, during the public hearings, some communities came together to sign peace accords.⁸⁶ Communities in Osun State signed a Memorandum of Understanding and a Joint Declaration pledging to live in peace and harmony and to adopt only peaceful means in pursuing their respective rights and entitlements. Similarly, in Port Harcourt, Rivers State, the HRVIC succeeded in brokering a Peace Accord among the warring factions and groups in Ogoniland.

The HRVIC was modelled on the South African Truth and Reconciliation Commission, but was never as successful. As the panel later discovered, in many cases Nigerians were equating justice with revenge and, in almost all of the public hearings, petitioners claimed some form of compensation and/or reparation. However, the panel's report explains that confusion over the nature of justice is common to other truth commissions:

⁸⁴ Human Rights Violations Investigation Commission, 'Summary, Conclusions and Recommendations'

⁸⁵ *ibid.*, p. 6

⁸⁶ *ibid.*, p. 9

‘to forgive and to reconcile is not necessarily to deny justice. We should not confuse or conflate justice with prosecution and with criminal or retributive justice. Viewed in the broader perspective of legal theory or jurisprudence as well as moral and political philosophy, reconciliation represents not the antithesis but the triumph of justice.’⁸⁷

Indeed, the panel concluded that, in order to best manage the transition from the moral and political corruption of military rule to democratic civilian rule:

‘it may require that we sacrifice criminal justice for the higher moral imperative of reconciliation and to avoid the trauma, anguish and pain criminal prosecution will give rise to... in short, Recrimination and Revenge are, have always been and will forever be, poor chisels with which to hue out of stones of reconciliation.’⁸⁸

It was also concluded that all Presidents between 1966 and 1999 should apologise for the human rights violations that took place under their Presidencies or that the sitting President should apologise on their behalf. It was made clear that the military and the security services should be held accountable for the human rights violations in Nigeria under the period of review and the role of oil in fuelling conflict and corruption in the country was underlined. The role of greedy, power-hungry politicians and wealthy, influential citizens supporting the oppressive military regime was also acknowledged.⁸⁹

According to one of the respondents to our questionnaire⁹⁰ the full report of the Oputa panel was never released publicly and there is no active enforcement of the recommendations up to this day. The person claims that it was nothing but a ‘routine settlement deal’.

8.2 The EU and Justice Reform

Based on our research, it seems that the EU is doing very little in terms of justice in Nigeria. It seems that they are far more concerned with promoting dialogue with the new Government according to international human rights standards etc than promoting reconciliation or forgiveness for past conflict.

⁸⁷ *ibid.*, pp. 8-9

⁸⁸ *ibid.*, p. 14

⁸⁹ *ibid.*, pp. 35-37

⁹⁰ For more information on the questionnaire, see the following two chapters of this report.

9 Results from Questionnaires

Part of the methodology for this QCEA project involved sending questionnaires both to the European Union's Delegation in Nigeria and to various civil society organisations operating there. The questionnaires were divided into nine subheadings. This section is similarly divided.

9.1 Organisation Information

We received a great deal of responses to our questionnaire from civil society in Nigeria - eleven out of sixteen sent out - and their opinions and experiences are expressed below. The organisations represented here are for the most part based in Port Harcourt and work in a variety of areas, namely:

- community development;
- women and youth rights issues;
- human rights;
- conflict management, peacebuilding and advocacy;
- police accountability;
- sustainable development;
- social justice;
- environment and health;
- democracy, good governance and accountability;
- partnership development;
- water;
- hygiene and sanitation;
- HIV/AIDS campaigns;
- rural community development;
- minority rights advocacy;
- economic, social and cultural rights;
- budget analysis;
- indigenous rights protection;
- reproductive health;
- poverty alleviation;
- elections;
- service provision;
- justice;
- gender;
- resource management;
- political participation.

All save one are part of a structured NGO network and several also had non-structured NGO links with community-based organisations. The networks include the Nigeria Network of NGOs (NNNGO), Civil Society Coalition on Poverty Eradication (CISOPE), Society for Participatory Community Development (SPACODEV), Civil Society on HIV and AIDS Nigeria (CISHAN) and Council of Nigerian NGOs (CONN), to name but a few. Many were also aware of an official civil society forum either under the auspices of the EU Delegation or NGOs, and the vast majority participated in it. Those who participated found the participation useful.

A similar questionnaire was also sent to the European Commission delegation in Abuja. The European Commission Delegation to Nigeria is active in Nigeria, but also has a section that covers the ECOWAS. The Delegation is in communication with the European Commission daily and the European Parliament bi-monthly, and they describe this communication as good, suggesting only that satellite could also be used to facilitate telephone conversations.

9.2 Civil Society Consultation

All civil society respondents have had contact with the Delegation, the majority within the last year (2007). Close to half described the frequency of the contact as irregular, while others have contact on a monthly basis. Most of the time, it is the civil society organisations that approach the Delegation for funding or in response to an open consultation, though the Delegation does also approach civil society for consultation or project evaluation, for example, to consult implementing NGOs on the third EU Micro Projects Programme (EUMPP3) or a roundtable discussion on development plan regarding the Port Harcourt Accord.

The views on whether there is enough dialogue are very mixed - six out of eleven respondents feel that there is not enough dialogue, while close to seven feel that their input is not listened to. Those that feel the dialogue is productive also seem to feel that more could be done to move input from word to action.

The Delegation reported that contact with civil society organisations is ongoing and that they have both approached each other at different times. They stated that civil society generally approaches them to discuss funding for projects, advocacy (such as putting pressure on the government to pass a certain law), and in response to an open consultation; while the Delegation approaches civil society for consultation, such as discussions on the development of the Country Strategy Paper and funding for projects under the EIDHR.

They said that dialogue between the Delegation and civil society was productive, and that there was beginning to be more awareness among civil society organisations of the work of the EU.

The Delegation is aware of several civil society forums, though most are loose coalitions and not registered, among them the Transition Monitoring Group (TMG), the Electoral Reform Network (ERN), the Network on Police Reform (NOPRIN) and Women for Representational National Conference (WONACO).

9.3 Calls for Proposals

The civil society organisations learn about Calls for Proposals through the Delegation, online, word of mouth and via print media. Seven respondents have at some point responded to a Call for Proposal, but only one successfully and several were still waiting to hear whether their proposal had been accepted. For the organisation whose proposal had been accepted, funding took three months. Many respondents reported difficulties during the process, especially referring to time constraints and a costly process, as well as emphasis on national legal status.

Though the Delegation did not mention print media as a means of transmitting Calls for Proposals information, they did list online (www.delnga.ec.europa.eu), word of mouth, email and through the Delegation itself. When asked about Calls for Proposals specifically aimed at conflict prevention, the Delegation stated that no call has been released in Nigeria for conflict prevention projects with a regional aspect, though they did make reference to a EuropeAid funded micro project.

9.4 African Union and ECOWAS

No Nigerian civil society respondents reported having a relationship with the African Union (AU). They asserted that the AU is not involved in their informal dialogue with the Delegation, nor is it involved with the formal dialogue. The majority of respondents were not aware of any AU contribution to EU funding decisions in Nigeria or other areas of AU involvement in civil society/EU interaction.

There is no direct relationship between the Delegation and the AU, though the Delegation is responsible for development cooperation activities for ECOWAS. The Delegation reported that they

work indirectly with the African Peace Facility (APF) through ECOWAS, and that the 'APF impacts directly on what the EC Delegation does vis-à-vis its relationship with ECOWAS'. They elaborated further that overlaps sometimes occur between what the Delegation does on conflict prevention and what is being implemented through the APF. They also gave an example that the funds from the APF assist 'ECOWAS through a Contribution Agreement with the AU and ECOWAS' Observation and Monitoring Centre, and is going to be supporting the restructured Mission Planning Management Cell (MPMC)'.

9.5 National Government

Seven civil society respondents have some kind of relationship with the national government, some through the Civil Society Partnership for Democracy (CISPAD), others through the National Planning Commission or the Federal Ministry of Women's Affairs. Just over half of the respondents said that the national government is not involved in informal dialogue between the Delegation and civil society, though nearly all said that it does take part in formal dialogue as well as funding decisions by the EU. Other examples of areas of national government involvement with EU and civil society are community development projects, EU Micro Project Programmes (EUMPP) and electoral monitoring and support.

The Delegation does of course have a relationship with the national government, and the National Planning Commission in particular, as it is the National Authorising Officer for the EDF, and all Technical Ministries involved with EU projects. Despite this, the national government does not participate in either formal or informal dialogue between the Delegation and civil society, though they are involved with funding decisions on the EDF, with technical assistance from the implementing partner. The national government also agreed to the Commission financing a project to support civil society capacity building (INSIDE) for 20 million euros.

9.6 Conflict Prevention, Management and Resolution Programmes

Seven respondents are aware of EU funded conflict prevention projects and many cited EUMPP as noteworthy examples, frequently praising the conflict sensitivity of the projects. This suggests that not only is the EU planning conflict sensitive programming, but that they are executing them successfully as well as 'branding' them as EU-funded. This is also significant in that civil society in Nigeria is the only group of respondents to our questionnaire who are noticeably aware of EU-funded conflict prevention, management or resolution programmes. It is worth remembering that this is a particular group working in one area and is, perhaps, not entirely representative of Nigerian civil society. There are of course other programmes that some respondents felt the EU should support or were not sure about, such as agricultural programmes in the Delta and sensitisation of Niger Delta youths, as well as projects supported by other donors such as the USAID project on Conflict Abatement through Local Mitigation (CALM).

The Delegation reports that there are EU-funded projects which deal with SALW through the ECOWAS Small Arms Programme (ECOSAP) to which the Delegation contributes 1.45 million euros, SSR, good governance, elections, justice, regional integration and trans-border issues.

9.7 The EU and Conflict Prevention

Seven respondents described the EU approach to conflict prevention as helpful, and two consider it neutral, while the Delegation described it as 'adequate'.

When asked about a gender-sensitive approach to programming, the Delegation stated that gender is mainstreamed into all programming content and that many NGO projects funded under the EIDHR focus on gender activities. A regional perspective is ensured through the Regional Strategy Paper as

well as the Regional Indicative Programme, which are agreed and signed by both the EC Delegation and ECOWAS.

9.8 Economic Partnership Agreements

Responses were mixed regarding any impact of EPA negotiations on civil society. Four organisations said that they have been unaffected, but that this is due to the exclusion of civil society from the negotiations, while four responded that they have been affected, half of whom claimed positively with examples such as ‘brought hope and improved gender interaction and institutions.’ Three respondents do have concerns about the effect EPAs will have on their countries.

Though the Delegation has not participated in EPA negotiations, it has provided 7 million euros in assistance to EPA negotiations as part of its work on regional integration. They reported that civil society has hardly been involved in EPA negotiations, with the exception of one anti-EPA organisation. To encourage civil society to participate in EPA negotiations the Delegation has sponsored some of the only nation-wide seminars and made several efforts to approach the administration to encourage broader discussion of the issues surrounding the EPAs. They also published and distributed briefing material, such as ‘Nigeria and the EPA’, which is soon to be published.

9.9 Mainstreaming

Though respondents were divided on whether they have noticed increased conflict sensitivity in EU programming, three who felt they have noticed an increase cited examples such as the construction of schools, health centres, buildings and water projects both cross-communally and addressing the needs of a specific community in ways that have helped to mitigate conflict.

All but one respondent said that they have noticed more EU conflict prevention since 2000. For many this took the form of community involvement in EU projects, especially it seems, EUMPPs. Several respondents commented on the success of the EU in mainstreaming conflict prevention into the EUMPP:

‘Between 2000 and 2005, the activities of EU/MPP3 projects helped to bring many conflicting partners and communities (those with chieftaincy, political and land conflicts) to sit together and agree on common economic and social benefiting projects and see them through to the end.’

Just over half of respondents said that they felt mainstreaming has led to more conflict sensitivity in EU programming, with one organisation describing EU contributions to community development as ‘amazing and first of its kind.’

All but one respondent felt that mainstreaming had not caused conflict prevention to become a forgotten issue, but has rather ‘built capacity of individuals and groups on conflict prevention.’

When asked whether there were any other relevant issues they wanted to comment on, several respondents mentioned community ownership and empowerment as key to conflict prevention.

The Delegation recalls that:

‘by its very nature, conflict prevention projects impact on many non-conflict areas such as education, health, transport, trade. The reduction [of] the occurrence of violent conflict, inter-state and intra-state wars, leads to economies with all its knock-on effects. By using Conflict Sensitive Approach to Project Development (CSADP) [in] the community it helps reduce conflict and prevent potential conflict pitfalls.’

The Delegation reported seeing an increase in conflict prevention within EU activity since 2000, while observing no decrease in specific conflict prevention programmes. They said that mainstreaming has not made conflict prevention a forgotten issue, and that instead the problem is implementation capacity at all levels.

10 Conclusions and Recommendations

The Delegation recommends that the EU could improve its conflict prevention in Nigeria by:

- supporting increased coordination of donor funding in the area of conflict prevention;
- providing opportunities for interface between government and civil society in conflict prevention;
- providing funding for conflict prevention activities.

The eleven organisations that responded to our questionnaire recommended the following ways for the EU to improve its work on conflict prevention:

- increasing project funding;
- building capacity of NGOs;
- creating an Information Exchange Forum;
- strengthening partnerships;
- focusing on poverty alleviation and development in the Niger Delta;
- funding workshops and seminars to address conflict in the Niger Delta, using tools such as advertisement on TV;
- supporting the NGO networks;
- conducting and supporting research;
- continuing with the programmes similar to EUMPP3 and EUMPP6;
- conducting a detailed investigation into issues that might instigate conflict;
- ensuring good governance;
- building capacity of community-based organisations on conflict management of formation stage;
- forming conflict management and mitigation regional councils and peace zones;
- improving funding for community development;
- establishing women skill training centres, especially in the Niger Delta region to improve economic base;
- conducting more scholarship to promote education.

Further conclusions are presented in the main report of this project, which can be found at: www.quaker.org/qcea

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