NAME: UYANTO ANDE MARY

MATRIC NUMBER: 19/LAW01/264

DEPARTMENT: LAW

 An Essay on the violent conflict in Warri, Delta State.

 The question of the "ownership" of Warri has been in dispute for decades – since well before independence – and is the subject of heated debate in the Nigerian courts and media as well as in the homes of Warri. It forms the core argument in the presentation of the various ethnic groups as to the underlying causes of the violence of the last decade. Closely linked to the question of "ownership" is that of representation in the formal structures of government, both at local government and state level. Delta State was created in 1991, with several others, by the military regime of Gen. Ibrahim Babangida. Both Ijaw and Urhobo see the current dispensation in the state, in which Itsekiri dominate government structures in the three Warri local government areas (LGAs), Warri North, Warri South, and Warri South West, as unfair. They complain that this dominance means that the Itsekiri and their traditional leader, the Olu of Warri (itself a contested title, having been changed in 1952 from the Olu of Itsekiri), benefit disproportionately from government resources – both at the level of government contracts and appointments, and, for example, when it comes to obtaining "certificates of origin" in order to obtain government bursaries for higher education. Control of government structures also brings other benefits, notably a greater amount of contact with the oil companies, which may lead to the award of valuable contracts. Among the demands of the Ijaw and Urhobo are the creation of new wards and local government areas which they believe would ensure that their ethnic groups are more effectively represented.

The first major outbreak of violence in the Warri area in recent years was in March 1997, and centred on the creation, by the then military regime, of a new local government area, Warri South West, and the location of its headquarters. An Ijaw expectation based on official statements that the local government headquarters would be in Ogbe-Ijoh, an Ijaw town, was disappointed when the location published in the federal government gazette turned out to be Ogidigben, an Itsekiri area. From March to May, widespread clashes continued, in which hundreds of people died on each side. More than 200,000 barrels per day (bpd) production were closed down for some weeks.[4](https://www.refworld.org/docid/402f6e7d4.html%22%20%5Cl%20%22_ftn4) The Delta State government under Military Administrator Col. J. Dungs appointed a commission of inquiry into the violence, chaired by Justice Alhassan Idoko, which met during June and July 1997. The report of the inquiry was never published nor its recommendations implemented or incorporated into a government "white paper" setting out the official response to the inquiry's findings.

Violence has regularly erupted in the region since then, leading to clamp-downs by the authorities. In October 1998, a curfew was declared in Warri town by the new military administrator, Navy Commander Walter Feghabor, after at least five people were shot dead in clashes between Ijaws and Itsekiris and a large number of houses set on fire. Violence nevertheless continued, in Warri town and in the surrounding creeks, with attacks on leaders of each community. Oil exports were reduced by several hundred thousand barrels a day for several weeks.

In late May and June 1999, at the time of the hand-over from a military to civilian government in Nigeria, serious violence once again broke out in and around Warri, when new local government officials were due to be sworn in for the contested local government area created in 1997. Up to two hundred people were reported to have been killed in raids by ethnic Ijaw and Itsekiri militia on areas inhabited by members of the other ethnic group. The new civilian governor, James Onanefe Ibori, imposed a curfew which remained in place for months. Hundreds of government troops were once again deployed to Warri town and its environs. Newly sworn-in President Olusegun Obasanjo visited Warri on June 11, 1999, and pledged to find a fair solution to the problems.

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

 **Violence in 2003**

The latest round of violence began in early 2003, during the lead up to state and federal elections held in April and May (local government elections have still not been held anywhere in Nigeria since 1999). On the weekend of January 31 / February 1, there was fighting in the Okere district of Warri town between Itsekiris and Urhobos, during primaries being held for the Delta South senatorial district by the People's Democratic Party (PDP), the incumbent party in both Delta State and at federal level. The dispute centered on the number of wards making up the district, and the boundaries between the wards, which Urhobos alleged disadvantaged them. According to local accounts and press reports, Urhobo youths attacked an Itsekiri area on the afternoon of January 31, and began to loot and burn property. Itsekiri youth collected at the stadium where the primary voting was taking place then retaliated in response to reports of this raid. Over the next couple of days most of a large estate belonging to Chief Benjamin Okumagba, the traditional ruler of the Urhobo in Warri, was destroyed. Government soldiers intervened during the initial Urhobo attack on the Itsekiri neighbourhood, and one soldier was reportedly killed in this confrontation. Urhobo witnesses to the events alleged that soldiers patrolling the Okumagba estate were withdrawn before the Itsekiri attack. There were other reports of random shooting or executions by the armed forces during efforts to quell the fighting. Estimates of the number of dead over the few days of violence ranged from twelve to two hundred. The Nigerian Red Cross reported that more than 6,000 people had been displaced.

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

The fighting had a severe impact on oil production, both because some flow stations were themselves attacked, and because of the general insecurity. By March 19, SPDC had closed ten flow stations in Delta State as a result of the violence, evacuating employees and losing 126,000 bpd production; four more were closed a few days later, bringing the total loss in output to 320,000 bpd.

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

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

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

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

Residents told Human Rights Watch that soldiers from among those who had been in the village on the day of the attack had informed them that the officer in command had accepted money from the militia in order to offer no resistance. Human Rights Watch was unable to corroborate these accounts – the soldiers based at Koko had been redeployed and replaced – but they are serious allegations which deserve investigation at the highest level by both civilian and military authorities.

Despite the fighting, which – in addition to causing the displacement of thousands of people, effectively prevented all travel in the waterways once it broke out – the Independent National Electoral Commission (INEC) and Delta State Independent Electoral Commission (DSIEC) decided to go ahead with the three days of voting scheduled for April and May in the three Warri LGAs.

Violence continued throughout this period, as FNDIC threatened to consider any delivery of election materials an "act of war." In addition to the raid on Koko, headquarters of Warri North LGA, there were clashes in Warri town in early April, and Ijaw militants attacked the INEC offices in Warri South and South West LGAs on April 12, polling day. Voting was prolonged into Sunday. Gun fights between youth militia and the military took place throughout the polling period. Ijaw militia reportedly attacked the Itsekiri village of Ugbuwangue near Warri, on April 14, but were prevented from entering Warri town by the army and navy. The governorship election faced similar problems, and there were further attacks by Ijaw militants during the lead up to State Assembly elections held on May 4. Ijaw militia reportedly attacked Egbokodo, Warri South (near the Warri Refining and Petrochemical Company) on April 27; and Orere, Warri North, on April 28, killing several civilians and destroying property. On May 2, Ijaw militia in speedboats approached the naval base in Warri, exchanging fire with the troops stationed there; several members of the militia and at least one sailor was killed. Unsurprisingly, little polling took place on the day.

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

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

By September, Itsekiri leaders claimed more than thirty of their communities had been attacked by Ijaw militia and remained virtually deserted. Meanwhile, Ijaw informants asserted that around nine Ijaw communities had reportedly been attacked either by Itsekiri militia or by members of the government security forces. Counting communities affected is in itself difficult, since one "community" can consist of several distinct settlements regarding themselves as part of the same traditional governance structures. Certainly, thousands of people have been displaced, many of them for months. Numbers of casualties are unknown, but FNDIC claimed to Human Rights Watch a total of around 130 Ijaw dead, including its members; the publicity secretary of the Itsekiri Leaders Forum stated that about 250 Itsekiri had died in 2003 – and around 2,000 since 1997. Among the government security forces, the army claimed in September that nine soldiers had been killed since March; and the navy that one sailor had been killed and eight injured.

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

The Nigerian government has given little if any assistance to people displaced by this violence. Delta State Deputy Governor Elue stated to Human Rights Watch that relief had been given "in genuine cases" but was unable to suggest any budget for that relief, or other contacts for us to speak to in order to obtain further details. In Warri town, some people reported that the federal government had sent some minimal supplies, including mattresses, rice and gari (cassava). Chevron also made a donation of U.S.$50,000 to humanitarian relief, distributed with the assistance of the International Foundation for Education and Self-Help (IFESH), a U.S.-based NGO that has undertaken development work in the area, including for Chevron; this was matched by $50,000 from the U.S. Embassy.

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

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

The government has not only failed to ensure that its security forces effectively protect civilians, but also that the police arrest, investigate and prosecute those guilty of murder and other crimes in relation to the violence. Though there have been some arrests, Human Rights Watch is not aware of any successful prosecutions in relation to the violence in 2003 or previous years.

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