

accessible. Therefore from 1958 till today, any jurisdiction based on laws true to that legal principle would have ruled that compensation is rightly claimed by the affected communities in the case of third-party interference, because the facilities have been exposed to unhindered interference.⁹⁵

6.12 In 2001, Shell had told critics and shareholders who inspected its Nigerian oil sites that its “language would change to identify crime as crime”. However, it still indiscriminately accuses the Ogonis of “sabotage” for all spills that have not been caused by corrosion or equipment failure.⁹⁶ Hence, Shell still draws no distinction between agents of large scale organised oil theft, agents of small-scale theft, and agents of local communities seeking compensation for the spills. Obviously, investigations that would help to clearly identify the agents are dispensed with and judgements are based on assumptions. Specifically, Shell infers from hacksaw traces that it must have been a local community member’s saw that did the damage.

6.13 Neither the government nor Shell nor MOSOP have been successful to identify the people who damage oil facilities.⁹⁷ Hence, it makes sense to infer that in specific cases Shell may erroneously have identified organised criminals as Ogoni local community members. On the other hand, in a relevant number of cases the Ogonis may have mistakenly identified those criminals as Shell and government agents while they may have been hired by a criminal organisation. However, the fact of bribery and hiring related to tampering with oil facilities raises two questions: Who are the persons bribed for not interfering or hired to provide oil, and who has the interest and funds to bribe and hire them? Also, hired people can be employed either to steal oil and deliver it somewhere, or to dismantle facilities where access is denied by the communities. Therefore, the most probable bribers and employers are either organised criminals or Shell.

6.14 It has even been reported that Shell contractors employed to safeguard Shell’s facilities commit oil theft parallel to their “employments”. After illegal excavations of pipes of the pipeline running through Zaakpon and Luawi in April/May 2002, the community went to report the matter to the Rivers State police command in Port Harcourt. The police command convinced the community that they should allow Shell to provide security for its property. However, the person who was given a contract by Shell turned out to be an oil bunkerer (an organised oil thief).⁹⁸

6.15 MOSOP Ogoni is subdivided into a national executive board and a steering committee which represents the kingdom chapters. The national executives meet once a month. In addition, the executive board calls for spontaneous meetings for information of the residents or in the case of crises.⁹⁹ The steering committee members act as kingdom executives and co-ordinate between the kingdom and the national level. Their title is kingdom secretary or kingdom co-ordinator.¹⁰⁰ The kingdom co-ordinators and the national executives form a steering committee on the national level. The steering committee meets once a week.¹⁰¹ However, the kingdom co-ordinators are often withheld by their personal issues and cannot attend every meeting.¹⁰² FOWA, like MOSOP, is subdivided into FOWA national and FOWA kingdom chapters. FOWA national, as an affiliate, attends when MOSOP calls for a meeting. FOWA national meets once a month, the kingdom chapters twice a month.¹⁰³ When the different chapters’ problems coincide, they are reported within FOWA national.¹⁰⁴ FOWA’s co-ordination network allows for spontaneous joint activities with MOSOP.¹⁰⁵ The co-ordination of the other affiliates on a kingdom and national level and with MOSOP is organised in a similar way.¹⁰⁶

6.16 MOSOP International collects and redistributes information on the activities of the national branches.¹⁰⁷ However, the residents express serious concern about their communication and co-ordination with MOSOP International. Both the flow of information from and to MOSOP International are considered as unsatisfactory and as resulting in mutual ignorance about relevant matters, e. g. projects¹⁰⁸ initiated by MOSOP International. It has been reproved by the residents that reports on their situation are written and published by international representatives. Moreover, it has been stated that these international representatives disagree among themselves in their reporting. Interestingly, two separate interview partners gave the same reason for the disagreements independently.¹⁰⁹ The poverty that paralyses activities in Ogoni land and a sense of lack of support are strongly felt and complained of.¹¹⁰

6.17 The opportunity for international and resident representatives to meet in Ghana was highly valued in this context. Specifically, MOSOP officials from overseas who had not or seldom been coming to Ogoni land attended and heard the secretaries of the kingdoms. It is felt that the number of activities increased in Ogoni land as an effect of the conference.¹¹¹ The residents approved that the conference proceedings and communiqué were duly communicated in a written form. This obviously helped to memorise the communiqué as a basis to enforce it in the long run.¹¹² Follow-up conferences which enable residents and international representatives to meet are strongly advocated as a means of improving their mutual understanding and to rapprochement of resident and overseas parties.¹¹³ However, the two factors of poverty and of the factions are acknowledged as blocking the enforcement of conference resolutions.¹¹⁴

6.18 The bulk of available funds of MOSOP is used for the MOSOP scholarship. Other activities financed by MOSOP are the Ogoni Day and November 10th celebrations as well as legal assistance. The funds for the scholarship were given by the Danish Peace Foundation.¹¹⁵ It is worth noting that the resident MOSOP officials equivocally believed the funds to stem from a group in the US giving money for redevelopment. The funds were received and brought into Ogoni land by MOSOP International. People are invited to apply by public announcement.¹¹⁶ This has been confirmed independently by the beneficiaries who described the application procedure.¹¹⁷ The accountancy file for the first year has been sent to infoe. The scholarship is managed in Bori by the MOSOP secretary for scholarship. His address has been communicated to me.¹¹⁸

6.19 It is worth pointing out that several international NGOs that sympathise with MOSOP or are at least critical of the oil companies and the government ignore both that there are two factions of MOSOP leadership¹¹⁹ and what the government's, the media's, and the companies' degrees of support of and co-operation with the separate parties are.¹²⁰ The newspaper "The Punch" presents Ledum Mitee as president and Noble Obani-Nwibari as leader of an "outlawed faction". Nevertheless, it mentions in another article that Mitee's election in the year 2000 created a crisis of confidence.¹²¹ Ken Saro-Wiwa's son Owens calls Mitee's group an illegitimate faction that is predominantly known to Nigeria and the international community because it is promoted in the media.¹²² Noble's faction maintains that since Ken Saro-Wiwa's death Mitee has been acting president, not president, and that he was suspended in 1999 (see 7.2–7.6). Not being aware of these facts, those NGOs are likely to be both misled by Nigerian media and used by parties interested in veiling the situation in Ogoni land by public announcements of progress.

6.20 Ledum Mitee's group disposes of funds exceeding those of Noble Obani-Nwibari's group by far (see 7.3). However, these funds are not invested in Ogoni land. This lack of investment results in little progress in the area. Hence, a part of the Ogoni residents are inclined to give up Noble Obani-Nwibari's strategy of non-violent interest enforcement.

6.21 The resident MOSOP officials state that Mitee's information is carried by the media in Rivers State while information given by Noble's group is often rejected. They claim that Mitee adopts the government's view of the situation in Ogoni land in his public statements.¹²³ Interestingly, the resident officials consider Noble Obani-Nwibari's press statements as "more or less government" and, hence, as more likely to be accepted by the media than statements of other MOSOP officials. Mitee's group, other than Noble's, is obviously recognised by the federal government. For instance in 2002, Mitee's group was bestowed an award of good governance by the Rivers State government. The government attended the Ogoni Day celebration of Mitee's group and announced the award on this occasion.¹²⁴ In face of Mitee's accountability record (see 7.2), this praise is considered as derisive and it is recognised as an indication of collusion with the government.

6.22 Ledum Mitee has claimed that openness to dialogue would bring development to Ogoni land and that, once MOSOP officials held political offices, they would achieve the goals Ogoni is striving for. As a result of this position taken by Mitee, part of the MOSOP officials is inclined to apply for appointments to government or political offices. Mitee himself is said to promote MOSOP's integration into party politics for MOSOP to achieve recognition by the government as a base for parliamentary interest politics. He himself alleges to only support pro-Ogoni politicians, but that MOSOP should continue to abstain from party politics. This tendency found support among Ogoni residents for some time, because the common poverty is severe and their hopes for sources of income were addressed.

6.23 However today, the total lack of physical progress this strategy of dialogue has shown is commonly stated. It has not yielded tangible results. On the contrary, it has drained activist potential from MOSOP, as officials who engaged in dialogue get no support for the Ogoni area while they have to comply with government authorities, rules, and procedures notoriously adverse to Ogoni to safeguard their own bargaining positions and incomes. Hence, the aspirations to party politics and political offices are marked as self-interested, aiming at personal careers and depriving Ogoni of relevant resources by accepting personal and group incomes that are irrelevant to what the whole of Ogoni requires for development.¹²⁵ Even the candidates' personal goals are considered as unattainable, because, unfortunately, the ruling class does not allow them to be exposed as representatives of non-violent interest enforcement and to hold relevant political offices at the same time. With political and economic leaders, those candidates meet some degree of envious parochial distrust and of fear to support them as elected candidates, because they may be considered inopportune by the other established leaders.¹²⁶

7.0 MOSOP INTERNATIONAL

7.1 MOSOP International emerged from three severe shocks that the movement suffered in 1995/96: the death of Ken Saro-Wiwa, the conflict about the election of a successor for the presidency, and the embezzlement of the MOSOP funds. Only by virtue of a brief reference to these incidents can the present main issues of MOSOP International be addressed.

7.2 The faction within MOSOP goes back to late 1999 when the government was to release the remains of the Ogoni nine. Several MOSOP officials including the family of Ken opposed Ledum Mitee who was actuary under Ken Saro-Wiwa's presidency in his plans to press for a fast election of a new president. The burial ceremony was considered to have priority over the presidential election. It is the custom that no new leader must be appointed before the passed away has been buried. The Ogonis that opposed a premature election went to court to stop the election. However, the court ruled in Mitee's favour and he was elected as acting¹²⁷ president. Before the burial, an inspection by human rights pathologists was scheduled to identify the corpses. The subsequent prevention of this inspection made Mitee impossible to the Saro-Wiwa family, because it offended the cultural requirements even further.¹²⁸ As a buried corpse must not be exhumated, the inspection must be carried out prior to the burial. Two and a half years after this conflict, only the other eight victims could be identified by genetic analysis and the human rights pathologists stated that Ken Saro-Wiwa's corpse was not among the buried.¹²⁹

7.3 The founding of MOSOP International followed a case of embezzlement within MOSOP. Before his detention, Ken Saro-Wiwa had deposited all funds stemming from personal and MOSOP awards in one account. When he was detained in 1995, he told his actuary Mitee about this account.¹³⁰ Mitee himself had been in detention from 1992–95.¹³¹ After Ken Saro-Wiwa's death, three persons signed this account, the president of MOSOP UK, Lazarus Tamena, the treasurer Simeon Kpoturu, and the acting president Ledum Mitee. In 1998, it was known to Mitee's opponents that £450,000 were brought in by Trocaire, an "Irish Catholic agency for world development".¹³² Later, Trocaire was called on the premises by Tamena to check the accountability. However, Tamena had disappeared when the representatives of Trocaire arrived. Mitee's opponents had been informed that Tamena had been bribed and immediately pressed him to account for the MOSOP funds.¹³³ Mitee had been aligning himself with the operators of the account, succeeded in getting access to it, and with his own and Tamena's signature transferred its entire balance to an account of his own. Kpoturu, the treasurer, raised alarm as soon as he got a balance statement of the account by the bank.¹³⁴ The Ogoni resident officials called for a meeting immediately to discuss the situation. However, Mitee adopted delaying tactics and, with obviously flawed excuses, failed to attend a meeting in Atlanta. Other meetings he refused to attend. A documentation of these allegations is with several MOSOP officials and with infoe.¹³⁵

7.4 Besides the conflict on the burial, Ledum Mitee was accused of his secret negotiations with Shell from 1997–99 and of his embezzlement of the MOSOP funds. For these reasons MOSOP suspended him as acting president in 1999 and lead new elections.¹³⁶

7.5 After Mitee's seizure of the MOSOP funds, the resident officials and others who emigrated set up an international desk with national branches in the US, the UK, in Canada, Denmark, Germany, Italy, Australia, and South Africa. Meshach Karanwi, the secretary general of MOSOP International, acts as co-ordinator of these international branches. After Ken Saro-Wiwa's burial on 6th May 2000, Noble Obani-Nwibari was elected president of MOSOP Ogoni¹³⁷ and Barisuatam Deeyeh, who lives in Nigeria, deputy president. Noble Obani-Nwibari is based in Nigeria and the US, travelling between both places. Within the international desk there are no offices like presidency or treasurer. The secretary general is the only official on the international level.¹³⁸

7.6 Until today, Mitee has been reluctant to give account of the MOSOP funds he controls, even though MOSOP's reputation was seriously affected. He also disregards the fact that

there has been international pressure by supporting NGO's to disclose information on funds and activities for reasons of transparency and – most important – as a basis for sustained international support. Hence today, the residents believe it improbable that the international supporters can succeed in their request. On the contrary, there seems to be an aggravated problem of transparency, a virtual policy of opacity on Mitee's side.¹³⁹ The amounts received by Noble Obani-Nwibari's and Ledum Mitee's factions are shown in the following diagram. Noble Obani-Nwibari's group has received a total amount of US\$16'600, Ledum Mitee has seized and later received the sum of US\$2'316'011 on behalf of MOSOP (see Appendix V).

7.7 The trustees of the Ogoni Foundation that had been established to transport and distribute medicines donated by The Bodyshop Foundation worth £500'000 to Ogoni land have never delivered them. It is unknown what has become of the medicines (see Appendix V).

7.8 Noble Obani-Nwibari and the resident officials emphasise that transparency is imperative to MOSOP's mission statement.¹⁴⁰ The Ogoni resident officials and Noble Obani-Nwibari are aware that if the relevant funds of MOSOP had been used, some basic public supply services and public utilities would have been established by now, and preventive, curable diseases could have been avoided and lives saved.¹⁴¹

7.9 To sum up, it appears that, in the view of Noble Obani-Nwibari's group, the following eight points explain the faction in MOSOP: 1) Mitee's position in Ken Saro-Wiwas succession, 2) his seizure of the MOSOP funds, 3) the opacity in their management, 4) the lack of investment into Ogoni land, 5) his commitment to a flawed dialogue policy, 6) his corresponding manipulation of MOSOP officials, 7) his futile co-operation with government that serves the enrichment of his group but yields no results for Ogoni land, and 8) the public announcement of his group and its activities as the "official" MOSOP. It appears that these points mark activities clearly and seriously adverse to MOSOP. Hence, it might have been expected that Mitee should have been excluded from MOSOP right after his seizure of funds when he had shown himself to be reluctant to account for his activities as acting president. Moreover, proper legal action against Mitee might have been presumed as a matter of course. However, no sanctions were taken against Mitee. On request, it was communicated to me that MOSOP will not fail to take action against the parties harming MOSOP, but that, however, other issues are more pressing.¹⁴² The Ogoni resident MOSOP officials express their concerns that MOSOP International has failed to "spare their time" for this important matter.¹⁴³

7.10 If one takes into account that, after 1995, MOSOP had been deprived first of its leader and immediately afterwards of its financial basis of activities, it is not surprising that there hasn't been any legal action against Mitee so far. MOSOP had been severely hit both from the outside and from within. The resident Ogonis deplore these deprivations and the subsequent inability of action blocking the badly needed development.¹⁴⁴ On inspection, the detrimental situation of the basic supply of water, food, and health services and of infrastructure confirm the presumption that it is a priority issue to make MOSOP activities economically possible. For these reasons, it may be supposed that MOSOP has postponed any action against those who have harmed it, but that it clearly dissociates itself from them. Public statements that differences in opinions have caused the divisions in MOSOP seem to conform to that.¹⁴⁵

7.11 Contrary to this expectation, it was found that a personal friendship between Noble Obani-Nwibari and Ledum Mitee that goes back to their high school days is intact, that they meet regularly.¹⁴⁶ It is interesting that the Ogoni resident officials' communications on that

issue are based on a different conception. They presume that, at the moment, the faction is permanent.¹⁴⁷ However, they advocate the reunion of both factions.¹⁴⁸ Specifically, one of the purposes of the Accra conference was to bring both factions together.¹⁴⁹ In accordance with the residents, Noble Obani-Nwibari seems to feel the need to avoid a permanent faction stronger than the violation of legal duties and the damage it inflicted on MOSOP.¹⁵⁰

7.12 Nevertheless, there seems to be some ambiguity concerning the desire for reunion. Noble Obani-Nwibari himself believes that the circular of invitation for the Accra meeting was also sent to Ledum Mitee,¹⁵¹ but the residents' statement deviates from this communication. They stated that the conference organisation had failed to formally invite Ledum Mitee to Accra. It is not clear from their information whether this was due to a simple mistake or whether it depended on the respective state of diplomacy. The latter seems probable, as an invitation of Mitee to a conference of Noble Obani-Nwibari's group, once decided, is too important a task to be forgotten by mere accident. Finally, they indicated that Noble Obani-Nwibari met Ledum Mitee personally to invite him to come, but that Mitee did not attend.¹⁵² A participant said that throughout the conference, the participants kept expecting Mitee. At the conference, a committee was set up and empowered to liaise with both factions.¹⁵³

7.13 Even more surprisingly, not only are the personal contacts of Noble Obani-Nwibari's group to Ledum Mitee intact, but financial interrelations are known. Mitee, who within MOSOP is commonly supposed and accused to have been bribed by Shell, has been giving small amounts of money to officials of the national branches of Noble Obani-Nwibari's group. It has been confirmed to infoe that the equivalence of 5,000 US dollars was received in one case. Attempted, but refused bribes are also reported.¹⁵⁴ Although it has been resolved in Accra that individuals who receive funds on behalf of MOSOP are accountable to the MOSOP leadership,¹⁵⁵ within Noble Obani-Nwibari's group there is no consensus on how dashes should be handled. The MOSOP agencies that are asked to forward the money to the responsible office refuse to receive the money. The only two behaviours that enjoy a common tacit consent within MOSOP International are either to refuse the funds that are offered or to keep them for activities of the respective national branches where they are received. With the resident officials of MOSOP Ogoni who lack financial support, this tacit policy causes serious sadness, anger, and protest whenever it becomes known.¹⁵⁶

8.0 PARTY POLITICS

8.1 The People's Democratic Party has been the governing party in Nigeria since the introduction of democratic rule in Nigeria in 1999. MOSOP is critical of PDP and any commitment to party politics for several reasons.¹⁵⁷ However, there are tendencies within both Ledum Mitee's and Noble Obani-Nwibari's group to enter party politics. In the following, the reasons for cautiousness regarding party politics are listed up to 8.7, the arguments for aspirations to political offices in the remaining paragraphs of this section.

8.2 MOSOP is concerned by the fact that violence by the government has not disappeared since 1999. The Odi incident in 2000 is considered as a sign that government authorities still act in indiscriminate ways that are not controlled by the constitution. The less severe, but daily experience of arbitrary oppression is that an excessive number of Mobile Police posts demand bribes.¹⁵⁸ This lack of democratic control allows for the government agencies to become entangled with the oil companies even against the intention of the government: securities would receive money from Shell and Petrochemical by confronting Ogonis who

guide whites.¹⁵⁹ Finally, violation of the basic rights of free speech and of due proceedings by the governor of Rivers State has been reported.¹⁶⁰

8.3 The Nigerian president is considered to take an ambiguous position towards the Niger Delta communities. On his visit to Ogoni land in 2001, he called for a minute of silence for the nine MOSOP members executed in 1995. MOSOP valued this symbolic act as Obasanjo's acknowledgement of the injustice done to the Ogonis by the government.¹⁶¹ However, when, on the same occasion, he was addressed on the Ogoni bill of rights, his reaction was recognised as unmistakably offensive.¹⁶²

8.4 Furthermore, elections of political officials are manipulated and appointments dominated by group interests.¹⁶³ For instance, the present chairman of NDDC is a former employee of and a shareholder in Shell. Obviously, the federal government puts up with this conflict of interests in order to allow the converging interests of Shell and of its own to be represented within NDDC.¹⁶⁴ In Rivers State, the governor appoints the ministers. They are not elected by the citizens. With this system, the existing problem of vested interests is cemented.¹⁶⁵ For these reasons, local political offices that are offered are treated with scepticism by MOSOP officials.¹⁶⁶

8.5 The government is considered to be attached to its prior divide-and-rule policy towards civil society. As an example, the creation of SCOY as a counter organisation opposed to NYCOP has been mentioned (see 2.2). That the government promotes the "good governance" of Ledum Mitee's group notwithstanding Mitee's accountability record is a matter in case (see 2.4, 6.21).

8.6 Development projects of the government in Ogoni land are either inexistent or are never completed.¹⁶⁷ It was communicated to me that the former Minister for Waters of Rivers State who is a member of PDP had not completed any project in the two Ogoni kingdoms Gokana and Nyokana. In Nyokana, the last development projects of the government begun in 1972 were for drinking water and for a hospital. Neither of them has been completed.¹⁶⁸

8.7 At the Accra conference, MOSOP has confirmed its abstinence from politics.¹⁶⁹ The lack of success of Mitee's dialogue strategy¹⁷⁰ and the failure of the few Ogoni representatives in parliament¹⁷¹ seem to support this decision.

8.8 However, contrary to expectations, the Ogoni resident officials mention that if, at the present time, MOSOP calls for a boycott of elections, there will be a controversy.¹⁷² So, despite the Accra communiqué, there seems to be no unanimous consensus on the issue.

8.9 In January 2003, Noble Obani-Nwibari publicly announced that he himself would be aspiring to the office of a senator. He qualifies this announcement as a strategic move. However, he doesn't make its purpose explicit.¹⁷³

8.10 In the same interview, he states that MOSOP has been recommended by the international community to engage in politics in order to promote the Ogoni interests through the legislative proceedings.¹⁷⁴ Although he is aware that the general Nigerian experience of corruption also holds for party politics,¹⁷⁵ he promotes the possibility of genuine pro-Ogoni party politics.¹⁷⁶ His position is that MOSOP as a social movement which has explicitly resolved to abstain from party politics has the possibility to lobby with politicians and

political candidates like any comparable NGO.¹⁷⁷ He maintains that MOSOP needs relevant progress and is “sick of waiting for international support”.¹⁷⁸

8.11 However, it is not clear how the existing institutional framework and polity should allow individuals to draw a distinction and to choose between corrupt and pro-Ogoni politicians. It is stated by parties within MOSOP who are opposed to party politics that individuals are forced or manipulated into political career groups. In the present system, they claim, where elections are manipulated and appointments corrupted in favour of career groups and ethnic majorities, Ogoni individuals cannot succeed, even less so as they have low education due to the devastated education system.¹⁷⁹

8.12 Although Noble Obani-Nwibari shares these concerns, he advocates a strategy of critical commitment to politics. Specifically, he recommends boycotting elected politicians and political bodies, if they have failed to perform to the benefit of Ogoni land, and to resist their manipulations to be re-elected, as a first step to enforcing correct electoral procedures.¹⁸⁰ On Ogoni Day, he condemned candidates who intimidate or bribe people to get their votes or incite violent conflicts directed against their adversaries.¹⁸¹ He appealed to the audience to resist all these forms of manipulation of elections and to vote for pro-Ogoni candidates of their own choice.¹⁸²

8.13 In June 2002, Ledum Mitee called upon electoral candidates to apply for a sponsorship for the forthcoming Council and State elections. However, he confirmed his own abstinence from party politics. He appealed to the candidates to change the present political style of violence and parochialism into one of equity and fair play. It is interesting that Mitee’s statements on party politics conform more or less with Noble Obani-Nwibari’s position, but that the Ogoni resident officials ascribe this position only to Mitee. It is also worth noting that concerning the abstinence from party politics Mitee’s public statement even is in accordance with the Accra communiqué of MOSOP. The Ogoni Patriotic Union (OPU) resident in Lagos campaigned for active participation in the 2003 polls.¹⁸³

9.0 ACHIEVEMENTS, TACIT PUNISHMENT, AND A MODEL OF CIVIL SOCIETY IN AN EMERGENT DEMOCRACY

9.1 The Ogoni residents feel nationally and internationally recognised for having successfully promoted democracy in a military regime.¹⁸⁴ As an indication for the national approval of their activism, they point out that other communities have begun to ask for their rights and for resource control. Even Governors have come to adopt the latter claim.¹⁸⁵ Also, the oil percentage that has been distributed to the Niger Delta governments since 2000 is considered as one of the long term effects of MOSOP’s struggle.

9.2 After ten years of environmental activism, companies operating in Nigeria have introduced environmental impact assessment prior to oil exploitation as a standard practice.¹⁸⁶

9.3 As a result of regular meetings and of the organised “oil site whistle blowing”, an informal communication network has been established and maintained in Ogoni that is a powerful means of discussing community issues, taking decisions, and initiating urgent actions (see 6.6, 6.15). After years of persecution and destruction, the Ogonis have acquired a vivid sense of vigilance.¹⁸⁷

9.4 Contrary to the respect and imitation that MOSOP's activism has found outside Ogoni, hidden relative deprivation¹⁸⁸ is the lot of Ogoni land. The withholding of the 13% divide from Ogoni is one example (see 10.10). Overt intimidation and secret violence are commonplace (see 6.8). Despite the introduction of democratic rule in Nigeria in 1999, except for the absence of regular physical violence by Nigerian military and Mobile Police as well as by Shell security staff, MOSOP misses any improvement in the Ogonis' situation. MOSOP's struggle has been quite successful in creating international interest in the Niger Delta situation. However, this has caused much adverse publicity both on Shell and on the Nigerian government. Also, it has caused great financial losses to the government due to Shell's reduction of exploration and production. MOSOP is aware that, as a result of Shell's and the government's losses, the Ogonis are worse off than other Nigerian communities in terms of development programmes. This is commonly recognised as a tacit punishment.

9.5 Worse than in other parts of Nigeria, the government neglects the achievement of the basic government tasks (see 3.7–3.16). It is worth emphasising that MOSOP has been successful in carrying out some of the government duties, namely community organisation (9.3), oil site surveillance against crude oil theft (6.6), and free education (6.4).

9.6 MOSOP's philosophy¹⁸⁹ of non-violent protest and social claims is considered as valid in the present period of democracy building. As long as a meaningful civil society can be thwarted by career groups and stakeholders that are too powerful, conditioned co-operation combined with a culture of protest remains the only path for minority stakeholders to obtaining a fair share of resource revenues.

10.0 PRESENT MAIN ISSUES

10.1 What MOSOP states as its main issues predominantly depends on the specific present long term sufferings in Ogoni land. Therefore, the specific forms of suffering are summarised here and the respective claims and projects for each issue are given in succeeding paragraphs.

Income and supply

10.2 The common poverty keeps people from covering their basic needs,¹⁹⁰ from sending their children to school, from trading, from using transport facilities, etc. They feel deceived not having seen any development for ten years.¹⁹¹ Both poverty and Mitee's unsuccessful attempt¹⁹² to bring development through dialogue prevent MOSOP from recruiting activists. The perspective of unpaid activism keeps people away from MOSOP when they have to look for sources of personal income.¹⁹³

10.3 In order to motivate people to engage in activism, the setting up of credit schemes is called for where activists can expect a modest compensation for losing the time to carry out their daily supply activities. In general, pilot projects are needed that show how activities are possible with minimal funds and that will encourage commitment.¹⁹⁴

MOSOP activities

10.4 The poverty frustrates even the most committed activists.¹⁹⁵ They state a lack of financial support by MOSOP International¹⁹⁶ and by the international community.¹⁹⁷

10.5 To sustain and further build the information feed from the resident area to the international branches and the international coalition partners, the supply of standard office equipment is stated as a pressing issue.¹⁹⁸

Infrastructure and industry

10.6 Public facilities and infrastructure are inexistent, in a bad state, or operating only intermittently as is described in 3.7–3.16.

10.7 Consequently, the establishment of infrastructure, companies, and financial services is prioritised. It is indicated that interviews and discussions on the establishment of farming and fishery industries have been held. However, the support of NGOs and the international community is also requested.¹⁹⁹ In a communiqué issued at an international conference in Washington in September 2001, Shell's assistance in development was solicited, namely concerning electrification, water supply, hospitals, schools, and roads.²⁰⁰

State creation, political offices

10.8 The creation of an Ogoni state is of highest priority. The government is demanded to define new local government areas that are in accordance with the size of areas and populations.²⁰¹ Hence, the size of Ogoni calls for a corresponding number of local government areas that will be higher than now. As a result, this will require an Ogoni state. The benefits will be autonomy and a higher and self-administrated oil percentage that will allow development.²⁰² On Ogoni Day, Noble Obani-Nwibari indicated how oil resources other than those of the Niger Delta are managed according to ethnic interests by the federal government and the state governments.²⁰³

10.9 It is worth pointing out that the creation of a separate Ogoni state is considered as a condition for development.²⁰⁴ Surprisingly, although an abstinence of political offices has been decided in Accra, the aspiration of Ogoni people to Governorship of Rivers State is considered as a means for obtaining an Ogoni state.

Oil percentage

10.10 The federal government has been denying Ogoni the oil percentage of 13% that is paid to the oil-producing communities of the Niger Delta. The government claims that no oil is drilled in the Ogoni area. The Ogonis refute this allegation and indicate that oil is drilled and flows through the operating pipelines in Ogoni land.²⁰⁵

10.11 Therefore, MOSOP safeguards Ogoni interests against the government by announcing that, prior to considering Shell's return to Ogoni land, Ogoni wants to obtain the percentage like all other Niger Delta communities do.²⁰⁶

Education

10.12 Higher education is supported within MOSOP itself on a modest, but sustainable scale. The extension of the MOSOP scholarship is advocated by the beneficiaries.²⁰⁷

Land remediation

10.13 The pollution and devastation of water and food resources and of farmland has not been remedied.²⁰⁸

10.14 In the Washington communiqué, Shell was asked to start the clean-up of the oil spills and to stop gas flaring.²⁰⁹ Shell has scheduled to stop gas flaring by 2008.²¹⁰

Peace building

10.15 The intimidation, bribery, and divide-and-rule policy ascribed to Shell and the government is still disturbing the population.²¹¹ These factors persists, because, until now, it is felt there is no willingness visible on Shell's part to work towards an environment conducive to negotiations.²¹² Contrary to allegations of Shell and the government, the Ogonis and MOSOP are still exposed to incitement,²¹³ intimidation,²¹⁴ harassment, and physical violence as is reported in 2.4, 10.17 and 6.7–6.8.

10.16 What an environment conducive to negotiations means is specified. Such an environment is a condition for co-operation.²¹⁵ Both in the Washington and in the Accra communiqués, the Nigerian government is asked to enforce the democratic rule against violations by security forces, to stop arbitrary appointments of political officials, and to create an Ogoni state. MOSOP's claim on reparations and compensations for the violence, deprivation, and environmental devastation endured from Shell and the government is maintained and confirmed.²¹⁶

10.17 The events of 1994²¹⁷ are considered as corresponding to the more general issue that separate communities are drawn into mutual conflicts during a conflict of one community with the oil industry. It has been stated that such conflicts occurred too often to qualify as coincidences. Hence, the issue of mediating neighbourhood conflicts has been put on MOSOP's agenda.²¹⁸

10.18 Long-term peace building is considered as one of the most important tasks for MOSOP. In order to thwart the incitation of conflicts within Ogoni land, MOSOP has begun to educate the Ogonis to abstain from fighting each other for undisclosed employers who pay them.²¹⁹ This indicates that the abuse of force for personal enrichment and for tactical moves against "enemies" is still a problem and, hence, can easily be abused by third parties for their own purposes.²²⁰ As another means of peace building, in order to keep personal conflicts of Ogonis with members of a neighbouring community from escalating into tribal wars, MOSOP has begun to mediate neighbourhood conflicts.²²¹ At the Ogoni Day celebration, Noble Obani-Nwibari appealed to the audience to report any personal conflict to MOSOP. In co-operation with the chiefs of the respective neighbouring community, MOSOP will settle conflicts by finding the culprits and handing them over to the police authorities.²²²

Coalition against passive corruption

10.19 Passive corruption, namely by bribery, remains a major problem in the face of general severe poverty and need for income.

10.20 Coalition partners and contributors of funds for micro-credit schemes are called for.

11.0 ASSESSMENT

Environment

11.1 On inspection, it is clear that the operating as well as the abandoned and partly dismantled oil facilities in Ogoni land lead to serious oil and gas flaring pollution. The Ogonis and their resources and land are simply exposed to this situation without the possibility to take legal action. While the “hot spots” of pollution are easy to locate, data on average pollution of areas used for agriculture, fishery, etc. remain scarce. The Ogoni communities lack experts to systematically assess the extent of long-term damage and to compare it with international experiences. No conclusion has been reached regarding the question what organisation or scientists could carry out an independent environmental impact assessment to make possible litigations with oil companies that are based on evidence.

Corporate and government relations

11.2 The provision of infrastructure is a task that exceeds the possibilities of civil society. As this classical government task for good reasons is not believed to be achieved by the government in due time, controversies about co-operation of MOSOP and Ogoni communities with Shell have been recurrent. As might have been expected, Shell’s notorious record of corporate citizenship that has been particularly poor in Ogoni land because of MOSOP’s non-violent protest renders mutual rapprochements difficult. However, it was felt that the peace building activities of MOSOP are a powerful means to rapprochement.

Security environment and compensations

11.3 The failure to identify the agents of theft and unrest in Ogoni land by the two local powers, the government and Shell before taking action prevented a recovery of the area in terms of security of people and transactions since the introduction of democracy. It is clear that also in this regard MOSOP’s set-up of peace-building activities meets an urgent need. It is worth noting that recently, MOSOP officials have also signed a joint communiqué issued by the World Coalition of Niger-Delta Congresses²²³ on the offshore/onshore debate together with other ethnic communities of the Niger Delta.

11.4 Ken Saro-Wiwa has not been rehabilitated by the government and his family has not been compensated in any way for his death, their persecution, and the plundering of Ken Saro-Wiwa’s house by the army.²²⁴ His father depends on his family’s economic support in old age like all the elderly people in Nigeria (since there is no national old age pension fund). He still awaits reparation to the Saro-Wiwa family. This raises the general issue, how the government can be brought to compensate the Ogonis who have lost their relatives under the military rule.



Picture: Max Mader
Chief Jim Saro-Wiwa
in his home in Bane.

Accountability

11.5 Accountability and transparency have been two issues of major concern to the international supporters of MOSOP until today. However, point 8 of the Accra communiqué has not been translated into action. No annual balance has been published. Hence, no adequate reaction to the concerns expressed by the international community and supporting NGOs can be stated. It is clear that MOSOP still fails to meet this precondition for meaningful international financial support.