

11.6 As a consequence of the unaccounted for receiving of funds by MOSOP officials, both transparency and accountability of MOSOP and the opportunity to use the money for publicly announced activities are felt to be blocked. Although the issue of receiving money from Ledum Mitee or from Shell has been addressed informally in specific cases, no strategy of transparency has been established. It was found that this tacit funds management policy harms MOSOP both by creating disunity within and scepticism outside. It is felt as disturbing that MOSOP International has no elected or appointed treasurers who have the duty to account for funds while funds are known to be managed by the movement.

11.7 MOSOP does not lack an example of good governance concerning the accountability of the use of funds. The MOSOP scholarship is publicly announced, the beneficiaries' data are filed, and funds are given to scholars in a transparent way. Additionally, at least one MOSOP official is personally known to me who has skills in financial accounting.

Communication

11.8 It was felt that MOSOP expatriate officials may not really have acknowledged the lack of communication. This lack has become a serious source of discontent for the Ogoni residents. It is clear that to further neglect this problem will not only create disunity, but also continue to disturb international supporters of MOSOP.

MOSOP's performance

11.9 It was found that the complaints of the Ogoni resident officials about poor communication, involvement, and accountability have not so far led to meetings, relevant actions, and the adjustment of the MOSOP polity.

Factions

11.10 The issue of the factions is addressed in two ways, a) by taking legal action against Ledum Mitee and some of his followers²²⁵ and b) by attempting to settle the issue by virtue of meetings and a new election of the MOSOP president.²²⁶ It needn't be emphasised that those two ways contradict each other. To the detriment of MOSOP, the opacity of the relation between the factions is considerable. The international community and supporting NGOs will remain concerned about the fact that Mitee is fervently accused of embezzling Ken Saro-Wiwa's funds and for compromising with Shell and government authorities, but turns out to be in touch with the condemning party. No conclusions were reached regarding the "state of diplomacy" between the factions. It is also unknown if the committee set up at the Ghana conference of 2002 to liaise with Mitee's faction has yielded any results and if it exists today.

Party Politics

11.11 It is acknowledged that the ambiguity found in certain leaders of MOSOP concerning their commitment to party politics is partly due to recommendations by the international community to engage in the legislative proceedings. It was found that MOSOP does not support candidatures of MOSOP officials, but does encourage other Ogonis to participate in the elections. It is felt that this strategy is true to point 5 of the Accra communiqué and, in general, is in accordance with the practice of international NGOs such as Greenpeace. It was found that there point 5 of the Accra communiqué lacks an explicit definition of what political aspirations are. No formal resolution distinguishes between various degrees of political

abstinence given in the respective forms of lobbying, registered party membership, support of candidates for political offices, or own candidature of MOSOP activists. However, as long as the officials fail to democratically define and announce what their understanding of those degrees of abstinence from party politics is, this issue will continue to disunite MOSOP. No conclusions were reached regarding the possibility to genuinely and meaningfully promote the development of Ogoni land in the present system, on the several levels of local and state government. It is clear that today the Ogonis still see the parliamentary politics of Rivers State and of Obasanjo as detrimental to Ogoni land. This makes it hard to envisage participation.

Is MOSOP an organisation or a movement?

11.12 Other than the MOSOP executive bodies and steering committee in Ogoni, the MOSOP international desk still has the form more of a movement than of an organisation. It has, therefore, a rather fluid decision structure and no strict resolution discipline can be observed. Like in any movement, this accounts for the strategic flexibility of its co-ordinating leaders that allows for tactical definitions of new issues that must be addressed. For instance, what Noble Obani-Nwibari has achieved with the Ndoki and Andoni can be considered as an effect of not following the Accra communiqué too closely. Conflict mediation by MOSOP was no point of the Accra resolution. It was on his own initiative that the contact with these neighbouring communities has been established. The same holds for the aspiration to political offices. Contrary to the Accra resolution, the striving for “good governorship” that is committed to the creation of an Ogoni state is advocated, after this purpose has been judged to be of major importance for development. However, the fact that people act against a conference resolution must be addressed. In order to prevent undemocratic procedures, changes in strategy must be discussed and approved subsequently – better in advance – in a joint meeting. Otherwise, they trigger opacity of activities and affect reputation negatively.

Ethics or incentives?

11.13 It was found that Shell and the government are accused of active corruption (bribery) and that at the same time their assistance in development is requested. It was also found that within MOSOP there is passive corruption (receiving money). This may be judged a contradictory behaviour. However, it should be considered that, in Africa, a whole range of amenities are not or not always provided and their standard not maintained by the governments. This holds for public services and facilities, free ground school level, health insurance, old age insurance, security, prevention of undue use of force by police and military personnel, independent jurisdiction. Consequently, the achievement of these government tasks is left to the family systems. Thus, what is clearly perceived as corruption in the view of those who live in countries where the state provides the enumerated amenities, may be perceived as clan loyalty and acting in good faith by those who have to exercise government functions for their extended families. As long as the enumerated amenities are not provided by the state, there will hardly be a transition from clan loyalty to law loyalty as a base for democratic culture and commitment.²²⁷ It is clear that under such circumstances it is futile for international supporters to rely on ethical arguments of good governance. The task may rather be to analyse the present incentive structure and to change it by creating new incentives.

12.0 RECOMMENDATIONS

12.1 It is suggested that infoe regularly observes how the peace building in Ogoni land and joint activities with other Niger Delta movements progress. The author will be glad to forward the information he collected on several Niger Delta movements and on West African organisations that are specialised in peace building.

12.2 The criminal proceedings against the Abacha family for the embezzlement of government funds have not yet begun. Before a court rule is made, the Abacha money will not be transferred to the account of the Nigerian national assembly. The Swiss federal government administration has stated in the past that only a joint class action by the Niger Delta communities would create the possibility that the Swiss government will ask Nigeria to guarantee compensation of the Niger Delta communities. Accordingly, the Swiss coalition of NGOs working on the Abacha money should set up joint lobbying activities and encourage the setting up of a coalition of Niger Delta movements. Infoe, that has been in touch with MOSOP for years, is predestined to engage in co-ordinating a class action. Presently, tasks should be tackled that must be carried out prior to the lobbying. Depending on the available capacities, it is suggested that as a first step internet sources are searched on movements and organisations operating in the Niger Delta and that the findings are reported. As a second step, contacts should be established and maintained.

12.3 It has been discussed in board meetings how infoe could create incentives for transparency and financial accountability. Being an NGO managed predominantly by university students without remuneration, infoe lacks the resources and capacities to regularly grant financial support. However, it is proposed that infoe considers alternative possibilities to define and set up application procedures or to participate in Swiss institutions that financially support projects of indigenous movements.

12.4 The board of infoe has given priority to supporting higher education, economic enabling of activities, and the socio-cultural orientation of MOSOP. Consequently, the overall scope of infoe's support strategy should be to help to strengthen the non-violent interest enforcement of MOSOP as a "socio-cultural organisation for the advocacy of the rights to self-determination and resource control"²²⁸. In accordance with discussions in board meetings, it is recommended to observe the MOSOP scholarship and the monitoring network of FOWA's women. In general, it is recommended to observe projects in MOSOP that help to organise and sustain networks like that of FOWA that allow Ogonis to build individual capacities and economically enable them to effectively act within these networks.

12.5 It is recommended that infoe delegates a member in order to evaluate the availability of internet access for executives, steering committee members, and co-ordinators of MOSOP, FOWA, NYCOP, and other affiliates in Ogoni land. The purpose of this inquiry should be to assess what support of infoe will be effective in helping to establish and to run a communication network for weekly international exchange of information.

12.6 Unconventional strategies in the Nigeria context may be considered by MOSOP, e. g. to set up a credit scheme that rewards "whistle blowing" by MOSOP officials who have received money by undisclosed parties, to guarantee a percentage of the money and indemnity to those whistle blowers, to transparently and publicly account for and redistribute bribe money to areas where development is most needed. However, this would require acknowledging, defining, and announcing a strategy and detailed procedures concerning the legitimate use of bribe money against the intention of the bribers who try to paralyse development and progress or to gain economic benefits. In terms of international reputation

and support, comparable strategies can only succeed if they're based on a public annual balance where bribe funds are clearly dissociated from other funds. It is clear that the purpose is to reduce bribery from the outside by publishing the amounts given and to increase financial support by rebuilding the supporters' confidence.

12.7 It is suggested that MOSOP discusses, defines in a formal resolution and publicly announces what practice is corruption and what is not, in MOSOP's own view and, specifically, with regard to Ogoni culture and customs.

12.8 It is strongly recommended that MOSOP establishes an information network that will safeguard an effective and efficient flow of information from Ogoni land to the international branches and the feedback and distribution of information on international activities and projects for Ogoni land.

12.9 It is suggested that MOSOP democratically discusses, defines in a formal resolution and publicly announces which of the following degrees of abstinence from party politics are allowed and which are not: total abstinence, lobbying, support of candidates for political offices, registered party membership, and candidature of MOSOP activists. The purpose should be to make the definition of "abstinence from party politics" explicit in an unequivocal, formal and binding statement.

APPENDIX I: LIST OF ATTENDING OFFICIALS OF MOSOP AND AFFILIATE ORGANISATIONS, OGONI DAY CELEBRATION BORI, 4TH JANUARY 2003

Kingdom

1	Hon. Noble Obani-Nwibari	President MOSOP	
2	Mr Barisuatam Deeyeh	Deputy President MOSOP	
3	Emmanuel Aluzim	Publicity Secretary	
4	Mrs Barido Nyodee	President FOWA	
5	Mr Innocent Agbarator	President NYCOP	
6	Elder Felix M. Keneh	Chairman of Steering Committee	
7	Dr. Igwenga Nzene	Member of the Steering Committee	
8	John Bibor	Press Nigerian Tide	
9	Chief S. N. Asogho		
10	Eric Nwikwor	Video man	
11	Mrs Joy Nkue	Vice President FOWA	
12	Theresa G. Akoba	Secretary FOWA	
13	Rev. Lenu Aayeko	President OCC	
14	Chief J. D. Kara		Babbe
15	Chief Moses Mlencee		Nyokhana
16	Chief Thompson Kpani		Babbe
17	Chief Phillip Deemua		Kenkhana
18	Chief Ngei Nwakaji		Eleme
19	Mr Sampson Kamanu		Tae
20	All kingdom Vice Presidents		
21	Max Mader	infoe CH, Zurich	

APPENDIX II: ACCRA COMMUNIQUÉ 30TH MARCH 2002

**COMMUNIQUE ISSUED AT THE MOSOP GLOBAL LEADERSHIP
CONFERENCE IN ACCRA, GHANA, MARCH 28 - 30 2002**

We, the representatives of MOSOP at the All-Ogoni Global MOSOP conference held in Accra, Ghana from March 28th. to 30th. 2002.

- (1) Considering the place of language in the sustenance of culture and in the survival of peoples, realising that state practices of the Nigerian nation state do not make any provision for the development of the Ogoni Languages of Khana, Eleme, Gokana and Tai, MOSOP hereby demand that these be incorporated in school curriculum at appropriate levels in the school system in Ogoni. Wee further demand that Ogoni literature be restored in these schools.
- (2) That after watching several years of the so-called democratic dispensation in Nigeria, MOSOP regrets that there are neither any real indications of democratic practice nor benefits in any tangible way from universally accepted dividends of democracy.
- (3) That MOSOP vehemently condemns Shell and their collaborators in government for accrediting certain oil wells in Ogoni territory to local governments in some neighbouring states.
- (4) That MOSOP decries Shell for the adoption of nascent lateral oil drilling techniques to drill oil from Ogoniland from remote locations.
- (5). We reaffirm that MOSOP is an umbrella socio-cultural organisation for the advocacy of the rights to self-determination and resource control in Ogoni and is not a political organisation. Consequently, MOSOP dissociates itself from the endorsement of any political aspirants by any individual or group of persons with any dubious claim of 'MOSOP' consensus candidacy.
- (6).That MOSOP dissociates itself from the recent financial overtures made by politicians to individuals who claimed to be acting on behalf of MOSOP.
- (7) That MOSOP commends and salutes the courage of all Ogoni churches in their effort to intercede on behalf of Ogoni., and encourages them to continue.
- (8) That any individuals who received funds in the name of MOSOP will be accountable to the leadership of MOSOP. Consequently, we resolve that there will be an annual statement of account that must be subjected to expert professional auditing.
- (9) That MOSOP maintains its denunciation of the 1999 Constitution, as variously amended as concerning the matter of resource ownership and control, and resource allocation. Accordingly, MOSOP demands the abrogation of all laws pertaining thereto.
- (10) That MOSOP reasserts its stand on Shell as persona non-grata in Ogoni.
- (11) That MOSOP immediately commits itself to building a single, strong, united and vibrant organisation inclusive of all sections of the Ogoni nation.
- (12). MOSOP hereby renews its call on Shell and the Nigerian government to implement the recommendations of the United Nations Fact-finding mission to Ogoni in 1996.

APPENDIX III: INTERVIEW QUESTIONNAIRE

(Individual questions: names added in brackets)

What do you consider to be the benefits of the Accra conference?

What co-ordinatory and communications function does MOSOP International have?

What is your position towards the Asylum Seekers in Benin? (to all except Barido Nyodee and Theresa Akoba)

Since July [2002], what have been the major incidents in Ogoni?

What are your main issues presently, in the short run, i. e. pressing issues, and in the long run, i. e. projects?

Why do you think is that faction, as you put it, Ledum Mitee's faction and the faction over here – why is that? I mean, Accra had in part the goal to reunite MOSOP. So, why is it that this factionizing persists? (Chiefs Obekle Tenwaji and Ngei Nwakaji)

And for Accra, who invited Mitee? (Chiefs Obekle Tenwaji and Ngei Nwakaji)

What was the press coverage on Accra, did it appear in the news, in newspapers? (Barisuatam Deeyeh, Chiefs Obekle Tenwaji and Ngei Nwakaji)

The support from outside for MOSOP, did Accra improve something on support from outside? (Chiefs Obekle Tenwaji and Ngei Nwakaji)

A last question on Accra – how important has been the point of this communiqué about accountability and transparency for you, has it any importance, and if yes, what importance? (Chiefs Obekle Tenwaji and Ngei Nwakaji)

What were the major events within MOSOP, say, including MOSOP International?(Noble Obani-Nwibari)

What were the last negotiations with Shell – were there any? (Noble Obani-Nwibari, Chiefs Obekle Tenwaji and Ngei Nwakaji)

What was MOSOP's position towards Shell in 2002? (Chiefs Obekle Tenwaji and Ngei Nwakaji)

So, there were the requests for a percentage, for reparations. Were there at any time any requests for co-operation in developing the area? (Chiefs Obekle Tenwaji and Ngei Nwakaji)

Haven't they been able to monitor the money they gave to the federal government? Why was it that they weren't able to monitor where the money goes to, to whom, to whose benefit? (Chiefs Obekle Tenwaji and Ngei Nwakaji)

How do you believe Ogoni youth should act regarding to Shell? (Chiefs Obekle Tenwaji and Ngei Nwakaji)

Were there any new deals in leadership of MOSOP International? Presidency, Deputy Presidency, Secretary General, are they still the same persons? (Noble Obani-Nwibari, Chiefs Obekle Tenwaji and Ngei Nwakaji)

How frequent is this communication to national branches? (Noble Obani-Nwibari)

Besides of this feedback, have you got a feedforward from the regional branches to MOSOP International? (Barisuatam Deeyeh)

And how frequent are meetings with activists of MOSOP International and of national branches? (Noble Obani-Nwibari)

How frequent are meetings of leaders and officials? (Barisuatam Deeyeh)

Do you attend to MOSOP meetings, the meetings of MOSOP executive, you two e.g., do you have conferences? (Barido Nyodee, Theresa Akoba)

How often do you meet? (Barido Nyodee, Theresa Akoba)

What do you think were the benefits from Accra regarding the factions problem within MOSOP? (Noble Obani-Nwibari)

Did you stay in touch for some time with Ledum Mitee? (Noble Obani-Nwibari)

What is your position towards PDP? (Noble Obani-Nwibari)

What are your specific goals within MOSOP? What are FOWA's specific goals within MOSOP? (Barido Nyodee, Theresa Akoba)

Why is that that you women organise the monitoring; is it a kind of labour division between MOSOP and FOWA that FOWA organises the guards who will monitor Shell pipelines? (Barido Nyodee, Theresa Akoba)

APPENDIX IV: GLOSSARY

OCC: Ogoni Churches Council. President: Rev. Lenu Aayeko.

FOWA: Federation of Ogoni Women's Associations. President: Barido Nyodee, Secretary General: Theresa Akoba.

Moto: car

NUOS: National Union of Ogoni Students. President Anselm John-Miller.

NYCOP: National Youth Council of Ogoni People. President: Innocent Agbarator.

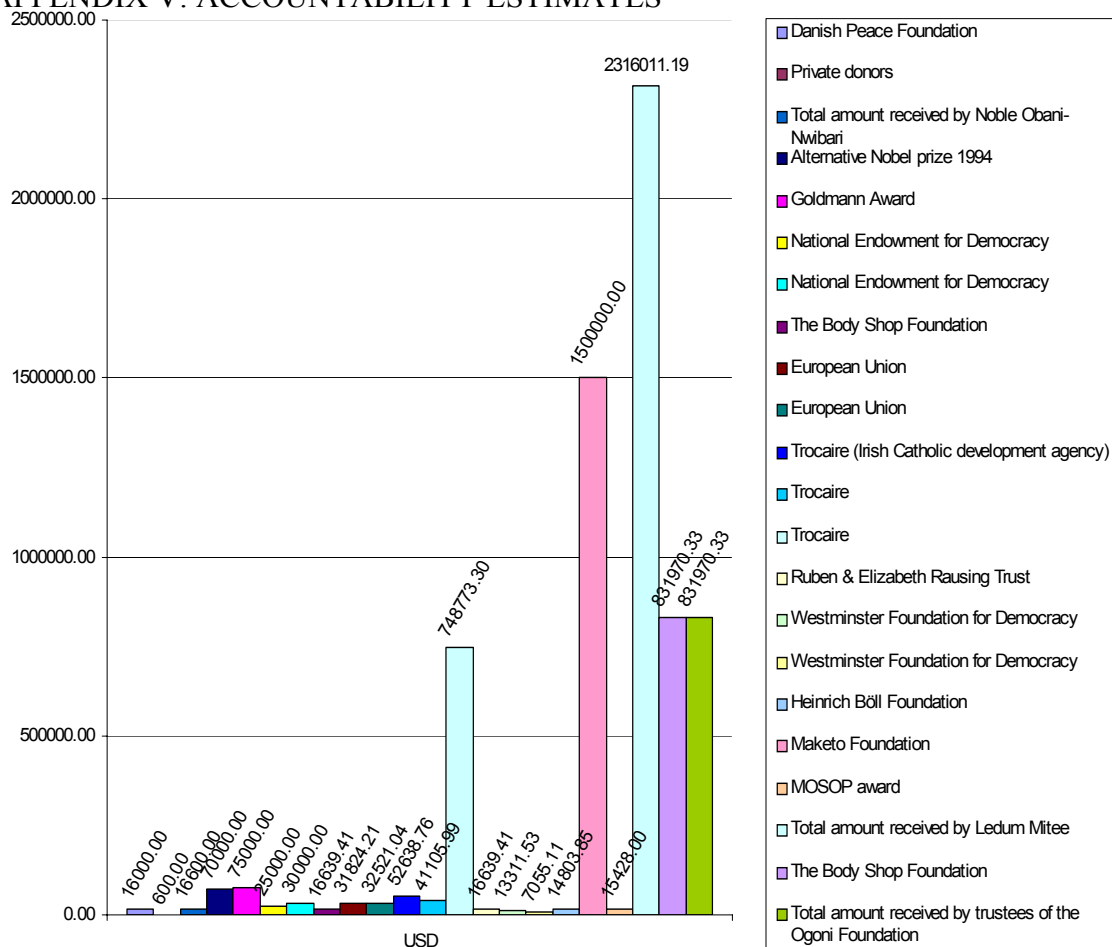
Oputa Panel: The Human Rights Violation Investigation Commission (HRVIC) led by Justice Chukwudifu Oputa. It was set up to bring to justice the ones responsible of killing Ogonis in the raids on Ogoni villages in 1993–95, as a means for reconciliation.

Whistle Blowing: “Whistle Blowing’ is when an employee tells on an employer who is breaking the law. Employees who blow the whistle on their employers are protected by law. If they are fired or otherwise retaliated against for whistle blowing, they can sue.” <http://www.discriminationattorney.com/whistle.html>. – Here an analogy between companies and the commons is pointed out. The term is used to indicate that by the monitoring of abandoned oil sites the public is informed of secret activities that adversely affect common goods like the environment.

Youth: “The word ‘youth’ in Nigeria is used effectively to describe all young men who have not reached the status of ‘elder’ in their communities: it is a flexible term that includes people up to the age of forty, or sometimes older. Most communities will have an organised youth association encompassing all the young men living in the village, that will be formally consulted when community decisions are made. In addition there may be separate youth organizations acting outside formal community structures.”

http://www.hrw.org/reports/2002/nigeria3/Nigeria1002-02.htm#P117_19887

APPENDIX V: ACCOUNTABILITY ESTIMATES



Donor	Purpose	Use	NGN	GBP	EUR	USD
Danish Peace Foundation	tertiary education	tertiary education	2074080.00	9615.43	13815.45	16000.00
Private donors	secondary education	secondary education	77778.00	360.58	518.08	600.00
Total amount received by Noble Obani-Nwibari			2151858.00	9976.01	14333.53	16600.00
Alternative Nobel prize 1994	Ken Saro-Wiwa	not used	9074100.00	42067.53	60442.58	70000.00
Goldmann Award	Ken Saro-Wiwa	not used	9722250.00	45072.35	64759.91	75000.00
National Endowment for Democracy	Legal Defence for Ogoni 21	unknown	3240750.00	15024.12	21586.64	25000.00
National Endowment for Democracy	Development Projects	unknown	3888900.00	18028.94	25903.96	30000.00
The Body Shop Foundation	Aid for Ogoni 21	unknown	2157040.00	10000.00	14368.04	16639.41
European Union	Development Projects	unknown	4125513.72	19125.81	27480.05	31824.21
European Union	Legal Defence for Ogoni 21	unknown	4215846.96	19544.67	28080.00	32521.04
Trocaire (Irish Catholic development agency)	Development Projects	unknown	6823796.04	31635.00	45453.31	52638.76
Trocaire	Development Projects	unknown	5328751.62	24704.00	35494.81	41105.99
Trocaire	Various Development Projects	unknown	97066800.00	450000.00	646561.95	748773.30
Ruben & Elizabeth Rausing Trust	Development Projects	unknown	2157040.00	10000.00	14368.04	16639.41
Westminster Foundation for Democracy	Communication	unknown	1725632.00	8000.00	11494.43	13311.53
Westminster Foundation for Democracy	Communication	unknown	914584.96	4240.00	6092.05	7055.11
Heinrich Böll Foundation	Rebuilding MOSOP	unknown	1919088.67	8896.90	12782.25	14803.85
Maketo Foundation	unknown	unknown	194445000.00	901447.02	1295198.15	1500000.00
MOSOP award	unknown	unknown	2000000.00	9272.00	13322.00	15428.00
Various other amounts from embassies	miscellaneous, travels	unknown				
Total amount received by Ledum Mitee			300228145.63	1391855.92	1999818.88	2316011.19
The Body Shop Foundation	Medicines to be distributed	unknown	107852000.00	500000.00	718402.17	831970.33
Total amount received by trustees of the Ogoni Foundation			107852000.00	500000.00	718402.17	831970.33

Sources (for the donations mentioned in brackets): <http://www.rightlivelikelihood.se/ recip.htm#1994> (Alternative Nobel prize 1994); Barisuatam Deeyeh, written comments to follow up questions on the Interview of 5th January 2003, 3rd June 2003 (all donations besides Alternative Nobel prize 1994, The Body Shop Foundation, Maketo Foundation, and MOSOP award); Videotape Ogoni Day, Interview 4th January 2003, Bori, Noble Obani-Nwibari, Interview by Eric Komene, State Electoral Commission (Maketo Foundation), Interview 4th January 2003, Bori, Noble Obani-Nwibari (Trocaire, Danish Peace Foundation); Interview 3rd January 2003, Eleme, Chiefs Obekle Tenwaji and Ngei Nwakaji (Trocaire, The Body Shop Foundation, MOSOP award, and Goldmann award); documentation (17 documents) on the accountability and presidential election issues containing letters and emails dating from 1999 to Ledum Mitee by R. S. Nimaa, Goodluck Diigbo, Meshach Karanwi, Barika Idamkue, Gbenewa Phido (all donations besides Alternative Nobel prize 1994, Maketo Foundation and MOSOP award), Colette Craven from Trocaire (Trocaire), Harrison Neenwi (The Body Shop Foundation, medicines to be distributed), Bishop A. N. John-Miller, List of MOSOP scholarship beneficiaries (phase I) 2000/2001 academic session signed by Barisuatam Deeyeh, Noble Obani-Nwibari and Felix Kench (Danish Peace Foundation).