

POLICY BRIEF

The intervention and mediation of eminent persons in conflicts in Nigeria

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Distinguished and impartial individuals, often termed ‘eminent persons’, are frequently called on to mediate conflicts in Nigeria. The credibility of such people stems from their expertise, experience, official position, political power, past actions or personal qualities, or a combination of these.

However, opportunities to harness their potential contributions for peace building have frequently been missed. In the Niger Delta, key bodies have been sidelined by the selective implementation of their recommendations while potential openings for dialogue have been disregarded by the government.

In the insurgency in the northeast of Nigeria, the northern elite has been slow to speak out while the work of panels headed by eminent persons has frequently only added to the numerous reports whose recommendations the government has failed to implement. The brief advocates a number of measures through which the influence of eminent persons could more effectively be harnessed in resolving conflict in Nigeria.

BACKGROUND

Since the 1980s, the term ‘eminent persons’ has been used to denote a group of distinguished and impartial mediators in conflict management, especially in international conflicts.

Although the underlying idea of persons of character and achievement acting as mediators and conciliators in conflicts is far from new, this approach is particularly appropriate where the parties to the conflict include dispersed non-state armed groups. Hence, the United Nations, the Commonwealth, the Arab Leagues and, in Africa, the African Union and other regional economic communities have all established mechanisms for drawing on the good offices of eminent persons in the resolution of conflicts. In Nigeria, the practice is well established, and powerful and prominent individuals are often called upon to facilitate negotiations. Two former Nigerian Heads of State, Chief Olusegun Obasanjo and General Abdulsalami Abubakar, have themselves served as eminent persons in various international capacities, including mediation in South Africa, Congo, Liberia, Sudan and Chad. This policy brief examines the role of eminent persons in the two most serious security crises which Nigeria has faced in recent decades: the Niger Delta crisis and the insurgency of the northern Nigerian-based Islamist sect known as *Jama'atu Ahli Sunnah Lidda'awati Wal-Jihad* (JAS), between 2009 and late 2013.

In responding to these two emergencies, the Nigerian government has oscillated between force and negotiation. Eminent persons have played important roles in the latter, both as chairs and members of commissions of inquiry (or equivalent bodies such as peace committees or panels), and through their formal consultation by politicians and officials. This brief focuses on the role of eminent persons in commissions of enquiry and similar bodies. The terms of reference for such commissions often give them a fact-finding rather than a mediation role. Even where the government claims to be furthering mediation, insurgents may be denied the opportunity to nominate their own representatives, as sound practice would dictate.

Eminent persons derive their credibility and authority from many sources. They may be knowledgeable and experienced in the theory and practice of conflict management; derive their authority from public office; be highly regarded by society for their dedication, generosity and benevolence; have the power to coerce adversaries otherwise reluctant to negotiate; be individually charismatic and persuasive; or respected for their personality, integrity or culturally valued qualities.

As an effective mediator, an eminent person will often rely on his or her individual qualities and credibility – their reputation and integrity – combined with the credibility of any institutions to which he or she is affiliated and the nature of the negotiation process itself.

On the national stage, eminent persons in Nigeria include His Eminence Alhaji Muhammad Sa'ad Abubakar, the Sultan of Sokoto, the spiritual leader of the Muslim community in Nigeria and the co-chair of the Nigeria Inter-Religious Council (NIREC); Cardinal John Olorunfemi Onaiyekan, the Roman Catholic Archbishop of Abuja and former president of the Christian Association of Nigeria; and Bishop Matthew Hassan Kukah, who served on the Human Rights Violation Committee and in the peace processes in Ogoniland and Kaduna State. All have enormous personal credibility, which – combined with the standing of their institutions – they have put at the service of building peace in Nigeria.

EMINENT PERSONS IN THE NIGER DELTA CRISIS

In the long history of institutional attempts to address the Niger Delta crisis, the two key initiatives in recent years have been the 2008 Technical Committee on the Niger Delta and the Amnesty Programme of 2009.

The government constituted the 45-member Technical Committee on the Niger Delta in September 2008. Ledum Mitee, the President of the Movement for the Survival of the Ogoni People (MOSOP), who had faced trial with Ken Saro-Wiwa and others under the regime of the late General Sani Abacha, but escaped execution, was elected as its head. This initiative followed an aborted attempt earlier in the presidency of the late President Umaru Musa Yar'Adua to convene a 'Niger Delta Summit', the steering committee for which was to be headed by Professor Ibrahim Gambari, UN Under Secretary-General, who subsequently withdrew from the process after public concern was expressed about his stance on the execution of Ken Saro-Wiwa.

The Mitee Committee was charged with reviewing all previous responses and recommendations relating to the Niger Delta, and it reviewed over 400 reports, memoranda and other documents. The committee went on to recommend an integrated peace process for the Niger Delta region. Among its recommendations was that Niger Delta militants be granted amnesty as part of a comprehensive demobilisation, disarmament and rehabilitation programme. It had been anticipated that the comprehensive findings of the committee would establish an agenda for negotiation with interests within the Niger Delta. However, the government picked one recommendation in isolation and initiated a stand-alone amnesty programme for the Niger Delta militants without discussion or consultation with the committee. The goal appears to have been the narrow and short-term one of reducing violence by buying off militants, so as to restore levels of oil production, which were, at that point, severely compromised by insecurity.

In 'cherry-picking' the idea of an amnesty from the comprehensive peace plan it had proposed, the government effectively sidelined the deliberations, casting doubt on the integrity, prestige and credibility of the eminent persons on the Mitee Technical Committee. The effect of this was to elevate the militant leaders who agreed to participate in the programme. These entrepreneurs of violence benefited immensely from their new position as intermediaries in the enormous, scarcely accountable flow of funds channelled to ex-militants. Both the Yar'Adua and Jonathan administrations have feted these ex-militants at State House receptions and consult with them regularly. Many of them have grown so rich from state largesse that

they compete with the existing political establishment in the region. It remains to be seen whether they will use this power for peace or to further violence.

One segment of the Movement for the Emancipation of the Niger Delta (MEND) – the group which, from 2005, emerged as an alliance between militant sections across the delta – sought to negotiate the terms of the amnesty with the government.

In September 2009, the militant leader Henry Okah named a group of eminent persons known as the Aaron Team, which included Nobel Laureate Professor Wole Soyinka and two retired army generals, to negotiate with the Nigerian government on MEND's behalf, to 'oversee a transparent and proper MEND disarmament process' and in particular to represent the interest of the Niger Delta people who they considered had been shut out of the amnesty programme and peace process.¹

The proposal was backed by threats to continue its attacks on oil infrastructure and oil workers if the government failed to accept this suggestion.

President Yar'Adua initially appeared open to this proposal. He invited Okah to a meeting in Abuja on 19 October 2009, during which he indicated his willingness to engage in dialogue with any group in furtherance of lasting peace. Okah, for his part, declared his willingness to support the amnesty for the first time since his release from detention. However, the Minister of Defence and other advisers to the president were dismissive of the proposal and negotiations ended. Okah returned to South Africa, where he was subsequently convicted for his role in the Independence Day car bombings in Abuja in 2010. It could certainly be argued that the administration missed an important opportunity to build a more meaningful rapport with the militants through impartial nominees who commanded their respect and to negotiate a broader peace plan held together by consensus rather than simply the flow of funds. Instead, the legacy of the process is an alienated group of militants who will certainly add to the government's difficulties should order break down at the amnesty's scheduled end in 2015.

1. The Aaron Team consisted of Vice Admiral Mike Akhigbe (rtd.), Professor Wole Soyinka, Major General Luke Kakadu (rtd.), Professor Sabella Ogbobode Abidde and Annkio Briggs.

EMINENT PERSONS IN THE NORTH-EASTERN INSURGENCY

In the JAS crisis, it would appear that eminent persons did not intervene early enough for widespread violence to be prevented. Indeed, some Nigerians have interpreted the initial silence of the northern elite in the face of the mounting brutality of JAS's actions as part of a conspiracy to destabilise the presidency. As one commentator put it:

‘The genesis of the insurgency is politically motivated; it is largely political, emanating from the feeling that the president [Goodluck Jonathan] should not have extended his tenure, that he would have rounded-up with his boss who passed away [late President Umaru Musa Yar’Adua].’

On account of that, they set up a monster [JAS] and that monster consumed them and it is consuming the nation. They did not think it will be cataclysmic. They thought they could just use it as a threat appeal and get their way but it is looking like something that is beyond everybody now.²

Such assertions are countered by the fact that it is northern Muslims, including their leaders, who have borne the brunt of the brutality of the insurgency. Indeed, one important feature of the crisis, which has no doubt affected the willingness of many eminent members of the elite to speak out, is that religious, traditional and political leaders have frequently been targets of the insurgents' violence.

The Sultan of Sokoto himself came in for criticism from Professor Wole Soyinka for ‘abdication of leadership’ when in his first statement on the issue he asked the government to stop blaming the sect for all the violence in the north. The Sultan subsequently went on to suggest an amnesty for JAS members, provoking further criticism, although prominent Christian leaders expressed support for the idea. During his official visit to the north-east in March 2013, President Jonathan publicly criticised northern leaders who had complained about the abuses of the government's peace-keeping contingent called the Joint Task Force (JTF) and requested an amnesty for JAS. He offered to remove the force, but threatened to hold the regional leadership responsible for any violence, since: ‘You, the elders, refused to come out and condemn the activities of the sect who are your children.’³ Nevertheless,

within weeks of his return to Abuja, the president ordered the restructuring of the JTF in the northeast and offered an amnesty to JAS, which they declined.

Eminent persons were called in to intercede in the JAS crisis, but, again, the story was one of missed opportunities. In 2011, following an escalation in the violence, the government established the Presidential Committee on Security Challenges in the North-East Zone and appointed the seasoned ambassador Usman Galtimari to head it.

The committee's report noted the role of the education crisis and the high rates of unemployment in the region in facilitating the recruitment of youth by insurgents. The solutions suggested by the committee included the prosecution of the politicians who first established these groups as a way to intimidate their opponents. The committee also recommended that the government consider dialogue and negotiation contingent upon the renunciation of all forms of violence and the surrender of arms, to be followed by an amnesty and rehabilitation programme. To kick-start this peace process, the committee observed that JAS members had nominated a number of senior northerners (including the Sultan of Sokoto) to represent them in negotiation with the federal government. The committee also drew attention to the risk of the crisis escalating further and the widespread public disenchantment at the failure of the government to implement the recommendations of other bodies that had deliberated on conflicts in Nigeria.

Even when the silence of the northern elite was broken, many felt that there was a failure to condemn the violence in forthright terms.



2. Statement by Rev Babajide Olowodola, Director, Army Services, in the Ministry Of Defense and Pastor at the Foursquare Church, Abuja.

3. Vanguard, 9 March 2013.

Although the committee completed its work in just four weeks, submitting its report in September 2011, it took the government a full ten months to produce its white paper on the committee's report, which emerged in June 2012. By then, the frequency, seriousness and range of targets of the attacks had all increased. Although it accepted the recommendations of the report, these do not seem to have guided the government's policy in any way, and no clear strategy on the emergency, beyond the application of force, is apparent.

In September 2011, former president Chief Olusegun Obasanjo visited the group in Maiduguri in an early overture in the process of negotiation with JAS. Comrade Shenu Sani, a human rights activist and the president of the Civil Rights Congress of Nigeria, facilitated this intervention. Though apparently a constructive meeting, nothing came of it. Speaking later, Comrade Sani observed: 'The conditions for peace were thrown aside then because the government believed that force could be used to crush the group rather than study the suggestions made at the time. They [the government] came out with a position that by June this year [2012] JAS would come to an end. From my understanding, President Jonathan expressed his mind based on the jargons fed him by his security advisers.'⁴

The next major attempt to promote negotiation between JAS and the government was in March 2012 when the sect nominated Dr Datti Ahmed as its chief negotiator. This process was facilitated by Ahmed Serkida, a journalist trusted by the insurgents, and the hope was that it would lead to a ceasefire and phased release of the members of the sect from detention. However, the talks collapsed when it was alleged that the government had violated the agreement for confidentiality following leaks of the event to the media.

The next attempt occurred on 1 November 2012 when JAS proposed a number of distinguished mediators, including a former governor of Yobe State, to take part in new negotiations with the government in Saudi Arabia. As conditions for the dialogue, the group called for the immediate arrest of the former Governor of Borno State, Ali Modu Sheriff, compensation for families of its members killed by the government in the course of the crisis, and the reconstruction of their mosques that had been destroyed by the government. Former Head of State, General Muhammadu Buhari, was among those invited by JAS to act as a mediator, but he refused. The government simply ignored JAS's offer.

More recently, on 17 July 2013, President Jonathan constituted a 26-man Committee on Dialogue and Peaceful Resolution of the Security Challenges in the North, led by Alhaji Kabiru Tanimu Turaki, the Minister for Special Duties.

The mandate of the committee is to dialogue with the sect with a view to developing a framework for the granting of amnesty, including a plan through which disarmament could take place within a 60-day timeframe, a comprehensive victims' support programme and mechanisms to address the underlying causes of insurgencies that would help to prevent future occurrences.

However, the prospects for this new initiative already appear dim. JAS has already rejected it.

Some nominees, including Comrade Shehu Sani and Dr Datti Ahmed, who were believed to be respected by JAS, declined to serve on the committee because the government had reportedly rejected all peace proposals.

Others who agreed to join have expressed only conditional support and implied that the committee had already lost credibility. There was also considerable confusion caused by an alleged unfounded claim by Turaki that a ceasefire with JAS had been agreed through the army.

CONCLUSIONS

While the nature the Niger Delta and north-eastern crises are very different in their origins and nature, common features emerge in the role played by eminent persons in the two situations. Frequently, it seems that eminent persons are enlisted as mediators by a government that actually prefers the use of force but feigns interest in consultation and negotiation. The government rarely implements the recommendations of these mediators, publishing their committee's findings only after substantial delay or not at all. This repeated pattern erodes public confidence in the government's commitment to peace, encourages a resort to vigilantism by aggrieved parties and damages the personal credibility of the eminent persons who have served on these commissions. It explains why some eminent Nigerians have become reluctant to serve on such bodies, neglecting to play the constructive roles that they might have if they did.

As Nigeria moves towards the 2015 election, it is more important than ever that the weight of Nigeria's eminent persons is thrown behind peace and reconciliation rather than cynically manipulated for sectional interests that can only divide the country and exacerbate violence.

4. Shehu Sani, 'FG not sincere about dialogue with JAS', *The News*, 3 September 2012, p. 17.

LESSONS AND POLICY IMPLICATIONS

Based on this review of the role of eminent persons in the recent history of Nigeria's most serious security crises, this brief advocates a number of measures:

1. Government should build constructive relations with eminent persons in troubled communities, and endeavour not to antagonise or undermine those of good faith who have the capacity to mediate locally.
2. Government should implement the recommendations of peace committees and equivalent enquiries. In addition to its direct impact on peace, this measure would help to build public trust in official interventions as well as reinforce the credibility of those serving on the committees.
3. Government should respect the right of 'insurgents' or aggrieved communities to nominate their own delegates to peace processes, as the imposition of representatives only frustrates the achievement of peace.



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