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**UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES**

BACKGROUND PAPER

ON

**REFUGEES AND ASYLUM SEEKERS FROM
NIGERIA**

**UNHCR
CENTRE FOR DOCUMENTATION AND RESEARCH
GENEVA, JANUARY 2000**

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1. Background Information¹

Nigeria, a Federal Republic covering an area of 923,768 sq. km in West Africa located on the Gulf of Guinea, shares its Western border with Benin, its Eastern border with Cameroon, Niger to its North and Chad in the North-East. According to the National Population Commission of Nigeria, the country's population is estimated at 108.5 million, while the United Nations in 1998 estimated it to be 121.8 million.² The size of the population has been a contentious issue because of its implications for ethnic balance, electoral competition and the allocation of federal revenue to the states. Nigeria is not only the most populous country in Africa but also one that is composed of the most diversified groups in the continent, with between 250 and 400 ethnic groups with over 500 different languages and dialects.³ Most ethnic groups are small, with only a few of the major ones, such as the Hausa, Fulani, Yoruba, and Igbo (Ibo) playing a central role.⁴ These make up 65% of the population. There are the Ijaw, the Itsekiris and the Ogoni who live in the Niger Delta region. No single tribe encompasses a majority of the population.

Under the British colonial administration, Nigeria can be viewed in two distinct phases. In the mid-19th century, the Protectorate and Colony of Southern Nigeria was established followed by the declaration in 1900 of the Protectorate and Colony of Northern Nigeria.⁵ In 1914 the two regions were amalgamated, and by 1947, a colonial constitution divided Nigeria into three unequal political regions: the North - which was the largest and most populous and comprised the Muslim Hausa and Fulani; the West - which was and remains to be, dominated by the Yoruba; and the East - the predominately Christian *Igbo* (or Ibo) are the largest ethnic groups comprising around 60% of the population.⁶ Nigeria became independent in 1960, and in 1968 adopted a new federal structure comprising 12 states that was increased to 19 in 1976. By 1979, a federal capital territory was established and by 1996, the number of states was increased to 36, which make up the present state federal structure. There is no federal policy of discrimination against any of Nigeria's ethnic groups and legislation is not designed to favor any one group over another. This is largely respected provided that a group does not pursue secessionist demands. However, North-South divisions have persisted in Nigerian politics.⁷

¹ This paper is an update of two Background papers prepared by the UNHCR's Centre for Documentation and Research (CDR) in October 1995 and in November 1997. Therefore, this paper focuses on events since December 1997 to early January 2000.

² Economist Intelligence Unit (EIU), Country Profile Nigeria, 1999-2000, 3.

³ World Directory of Minorities, 1999, Minority Rights Group International, 444.

⁴ Ibid., 444.

⁵ European Platform for Conflict Prevention and Transformation, Nigeria: The Transition to Democracy and the South-Western Opposition, 1999, 1.

⁶ World Directory of Minorities, 1999, 444.

⁷ European Platform for Conflict Prevention and Transformation, Nigeria: The Transition to Democracy and the South-Western Opposition, 1999, 1.

Over the past decade economic development has stimulated rural-urban migration, and led to the phenomenal growth of cities such as Lagos, Ibadan, Kaduna and Port Harcourt.⁸ In December 1991, the federal capital was transferred to Abuja, although a number of government departments and non-governmental institutions have remained in the former capital, Lagos.

2. Major Developments in Nigeria Since December 1997

Nigeria today is a transitional state that has succeeded in emerging from military rule to a democratic government, although observers and analysts agree that the country continues to be threatened by state violence arising from three interactive factors. These three factors are military rule, ethnicity and petroleum and characterize the political, socio-cultural and economic forces that shape the country.⁹

Communal conflicts based on ethnicity have always been present in the history of Nigeria. Under successive military governments, particularly during the suppressive regime of General Sani Abacha (1993-1998), not many of these conflicts fully surfaced for the fear of military brutality. This fear came to an end with the move towards democracy during the period 1997 to 1999. Since the election of President Olusegun Obasanjo in May 1999, ethnic conflicts have increased in number and intensity, causing hundreds of deaths and displacing thousands of people.¹⁰ The subsequent rise in the price of oil and the discovery of more reserves presented Nigeria with dilemmas as dependency on income from oil for 80% of government revenue and 90% of foreign exchange has "undermined the federalism and decentralization required to integrate Nigeria's diverse population."¹¹

Throughout 1997 and early 1998 disputes between neighbouring communities in different parts of the country resulted in sporadic clashes. Violent community clashes erupted by early 1997 between the Ijaw and Itsekiri ethnic groups in the town of Warri, in the South-West of Nigeria causing disruption of Shell's petroleum-mining operations and the taking of several hostages from among Shell employees.¹² According to some observers, the most common conflicts in Nigeria today are linked to the process of transition from military to civilian rule.¹³ Conflicts involving contesting ethnic groups re-emerged as the government moved toward decentralization, particularly when new local administrative areas were created. By late 1996, 181 new local administrative areas had been created as part of the transition to democracy. In Nigeria, successive governments are believed to have focused attention particularly on urban centres and capital cities and have neglected the vast rural areas, hence the contest of the relocation of administrative areas.¹⁴

⁸ Europa Regional Surveys of the World, Africa South of the Sahara, 2000, 819.

⁹ Journal of Refugee Studies, Exiles in Their Own Home: Conflicts and Internal Population Displacement in Nigeria, June 1999, Vol. 12 No. 2, 167.

¹⁰ Integrated Regional Information Network (IRIN), Focus on Communal Conflict, 5 January 2000.

¹¹ European Platform for Conflict Prevention and Transformation, Nigeria: Transition, a New Opportunity to Transform Nigeria's Numerous Conflicts, 1999, 2.

¹² Europa Regional Surveys of the World, Africa South of the Sahara 2000, 827.

¹³ Journal of Refugee Studies, Exiles in Their Own Home: Conflicts and Internal Population Displacement in Nigeria, June 1999, Vol. 12 No. 2, 172.

¹⁴ Ibid., 173.

Furthermore, some groups view the relocation as a means of denying their right to self-determination while others see it as an opportunity to free themselves from overbearing neighbours. By early 1997, the relocation of local administrative areas raised major concerns as the contests continuously involved communities belonging to different ethnic groups. The most serious conflicts precipitated by March 1997 when members of the Ijaw ethnic group in Warri protested against the relocation of local government headquarters from Ijaw to Itsekeri territory.¹⁵ Some reports state that between 200 to 1,000 persons of both groups lost their lives, while some 50,000 people were forced to take refuge in neighboring towns and states such as Sapele, Bayelsa, Rivers and Ondo. Accusations of state partisanship have been asserted by both groups.

On 6 December 1997 State assembly elections were held, with the voting process observed to have been relatively calm despite the increasing sporadic fighting between communities in different parts of the country causing the postponement of voting in Warri and Ife.¹⁶ By early March 1998, the government's political and commercial supporters increased pressure on General Abacha to be re-elected as a civilian president. Thousands of people from around the country were transported by a group known as Youths Earnestly Ask for Abacha (YEAA) for rallies in Abuja, reportedly financed by the government.¹⁷ In April 1998 elections to the national assembly was held, and five registered political parties proceeded to consider the adoption of General Abacha as a consensus candidate. Candidates were purportedly screened by the National Electoral Commission of Nigeria (NECON), by the State Security Service, and by the National Drug Law Enforcement Agency.¹⁸ Any candidate with any links to pro-democracy, human rights, or opposition groups was apparently excluded.¹⁹ All five-officially-sanctioned parties adopted General Abacha as their preferred presidential candidate for elections that were due to be held in August 1998.

The political environment became increasingly volatile by May 1998, as anti-government protests led to violent clashes between demonstrators and security forces resulting in scores of deaths and arrests of people. A number of opposition politicians were detained without charge after anti-government demonstrations.²⁰ Nonetheless, further protests and calls upon the armed forces to restrain from firing at demonstrators were endorsed by a Joint Action Committee of Nigeria (JACON), comprising of 45 groups which opposed the military government. JACON called for, *inter alia*, the rejection of the endorsement of General Abacha for president by the five government controlled parties; the termination of military dictatorship; the release of all political detainees and prisoners including labour leaders; and the cooperation of all Nigerians with JACON as an umbrella body to liberate the country from tyranny, repression and oppression.²¹

¹⁵ Europa Regional Surveys of the World, Africa South of the Sahara 2000, 827.

¹⁶ United Kingdom Home Office, Country Assessment of Nigeria, September 1999, 65.

¹⁷ Europa Regional Surveys of the World, Africa South of the Sahara 2000, 828.

¹⁸ Human Rights Watch, World Report 1999, Nigeria, 56.

¹⁹ *Ibid.*, 56.

²⁰ Europa Regional Surveys of the World, Africa South of the Sahara 2000, 828.

²¹ Committee for Defence of Human Rights (CDHR), 1998 Annual Report on the Human Rights Situation in Nigeria, 1998, 83.

According to the United States Department of State, the last months of General Abacha's regime were marked by the government enforcing its arbitrary authority through the federal security system (the military, the State Security Service (SSS) and the national police).²² Security forces reportedly committed extra-judicial killings and used excessive force to quell anti-government protests and to combat crime, which was said to have resulted in the death or injury of many, including innocent civilians.²³

According to human rights observers, Nigeria's deep ethnic division between northern and southern groups worsened under General Abacha's rule. The Hausa-Fulani groups from the north of the country dominated the military and the country since independence, while the Yoruba and Ibo people and smaller groups of the south resented this domination.²⁴ Sporadic religious and ethnic strife continued throughout 1998. Shiite fundamentalists in northern Nigeria launched attacks on the region's Christian minority.

Some analysts further state that the manipulation of ethnicity by successive military regimes, through resource allocation, the creation of new administrative areas, and allocation of political offices, has exacerbated the situation. The poor economic situation, after years of abuse by military governments and the competition for resources have also helped to fuel ethnic tension. The control of the region's resources and the relocation of local government headquarters, crucial in the distribution of oil resources, are held to be the main reasons for this violence. Human Rights Watch stated recently, that in the oil producing areas of the Niger delta, police and soldiers responded to any threat of protest against oil company activity with arbitrary arrests, beatings, and at times killings.²⁵ The same report further elaborates that in May 1998, about two hundred youths occupied an offshore platform of Chevron, closing production. Soldiers, reportedly transported by Chevron, killed two and injured another youth in the course of reoccupying the platform, and later in July 1998, 11 youths protesting the failure of Mobile to pay compensation for damage caused by a major spill of January 1998.²⁶

The emphasis on large-scale agriculture by successive governments has led to land shortages and increased the price of land. The sale of land has become a major source of income and consequently, disputes over land ownership have increased tremendously.²⁷ In addition, violence between ethnic groups in one part of the country has a revenge effect between the same ethnic groups in other parts of the country.

One of the factors fuelling communal violence has been the emergence of militant groups such as the Oodua People's Congress (OPC), a pro-Yoruba organization, Ijaw

²² United States Department of State (USDOS), Country Report on Human Rights Practices in 1998, Nigeria, 1.

²³ Ibid., 2.

²⁴ Freedom House, Freedom in the World 1998-99: Nigeria, 2 [Internet].

²⁵ Human Rights Watch, World Report 1999, Nigeria, 58.

²⁶ Ibid., 58.

²⁷ Norwegian Refugee Council, IDPs Database, Regional Profiles: Nigeria, 1999 [Internet].

youth groups in the Niger Delta, and the Arewa People's Congress (APC), an organization formed to protect the interests of the Hausa-Fulani.

The emergence of these groups constitutes a worrying signal according to analysts. "Every ethnic group will feel that it is not safe until it has a military or quasi-military youth organization...; the more of those you have, the more you will have clashes and before you know it you could have a complete breakdown."²⁸

Nigeria's move from a dictatorship towards a transitional government that permitted the implementation of a programme of democratic civilian government by mid-1999, only came about in the second half of 1998. The government remained under military rule for the first half of 1998 until the unexpected death of General Sani Abacha on 8 June 1998, which altered the political landscape. General Abacha's replacement, General Adulsalami Abubakar, the most senior of military officer, began by early July 1998 with the release of prominent political detainees. Furthermore, General Abubakar also held discussions with the United Nations on the eventual release of Chief Abiola who had been imprisoned since 1994 by General Abacha after he proclaimed to have won the 1993 presidential elections.²⁹ He further announced a renewed programme for restoration of democracy that culminated in an end to military rule in May 1999. In July 1998 the sudden death of Chief Abiola purportedly of a heart attack, in July 1998, before his eventual release from detention, triggered anti-government demonstrations in his South-West homeland.³⁰ However, the protests did not last. Opposition politicians from the region accepted, albeit with criticism, General Abubakar's transition programme.³¹

General Abubakar's move toward the restoration of democracy permitted new political parties to be formed. By November 1998 few parties had published constitutions or manifest. Of 26 parties that applied, nine parties were granted general provisional registration.³² These were: the People's Democratic Party (PDP); the All People's Party (APP); the Alliance for Democracy (AD); the Democratic Advance Movement (DAM); the Movement for democracy and Justice (MDJ); the People's Redemption Party (PRP); the National Solidarity Movement (NSM); the United Democratic Party (UDP); and the United People's Party (UPP).

The democratic transition was further reinforced by end of 1998 when in December local elections were held, whereby the People's Democratic Party (PDP) emerged as the most dominant party achieving more than 60% of the vote, followed by the All People's Party (APP) with 25%, and the Alliance for Democracy (AD) in close pursuit in the South-West.³³ The most prominent opposition groups were and continue to be the Joint

²⁸ IRIN, Focus on Communal Conflict, 5 January 2000.

²⁹ EIU, Country Profile, 1999-2000, 6.

³⁰ Ibid., 6.

³¹ Ibid., 6.

³² Ibid., 7.

³³ EIU, Country Profile, 1999-2000, 8.

Action Committee of Nigeria (JACON), the association of radical human rights groups, and the National Democratic Coalition (NADECO), that is an alliance of politicians who supported the late Chief Abiola.³⁴

On 9 January 1999, elections for State Governors and members of the State House of Assembly were held. The PDP won the governorship of 20 states, the APP won nine and the Alliance for Democracy AD won six. In the State House of Assembly, the PDP emerged as the largest party. Although the elections generally passed peacefully, they had to be delayed in some areas because of violence.

The national legislative elections took place on 20 February 1999. The PDP emerged once again as the biggest party in parliament, winning the majority of seats in the Senate and the House of Representatives. The AD came second, and the APP trailed in third place. Party allegiances were largely determined by ethnicity: the Yoruba voted overwhelmingly for the AD, which won in all the six states in the South-West of the country; the PDP performed well in the Igbo South-East and the Hausa and Fulani of the North was split between the PDP and the APP.³⁵ The European Union observer mission reported irregularities in some areas, but stated that these did not undermine the credibility of the overall result.³⁶

On 27 February 1999, as the final step in the transition programme to civilian rule, presidential elections took place. Two candidates contested the elections: General Olusegun Obasanjo, heading the PDP, won by 63% of the vote, against 37% for Chief Olu Falae, head of a coalition of the AD and the APP. There were widespread criticisms on the conduct of the elections by General Obasanjo's opponent and international observers. The European Union stated that despite serious irregularities the result "reflected the wish of the Nigerian people".³⁷ The international observer mission led by Jimmy Carter said that because of irregularities it was not possible to make an accurate judgement about the outcome of the elections.

Most international and domestic observers of the elections welcomed their peaceful completion. However, they also noted serious irregularities, in particular in the Niger Delta area, including inflated figures for voter turnout, stuffing of ballot boxes, intimidation and bribery of both electoral officials and voters, and alteration of results at collation centres.³⁸

The elected president, General Obasanjo, is a former military ruler who handed over power to an elected president in 1979. As one of his first acts the new president started an anti-corruption campaign. He created a panel to investigate human rights abuses that allegedly took place between January 1984 and 28 May 1999, and to identify those

³⁴ Ibid., 8.

³⁵ International Institute for Strategic Studies (IISS), *A Last Chance for Nigeria?*, 3 April 1999.

³⁶ Reuters News Service, *International Monitors Praise Nigerian Elections*, 21 February 1999 [Internet].

³⁷ European Union, *EU Observers Support Nigeria's Ballot Outcome*, 3 March 1999.

³⁸ Human Rights Watch, *World Report 2000, Nigeria*.

responsible. All commercial contracts agreed to by the previous military regime were suspended, pending a review by a panel appointed for this purpose. The Petroleum Trust Fund, a body tasked with allocating revenues from oil production, was abolished. All military officers who held political posts between 1985 and 1999 were retired. The reason given for this action was to promote professionalism, to protect democracy and to ensure that the army remains subordinate to civilian authority, while emphasizing that the dismissal was not meant to imply that they were involved in any wrongdoing.

After the new president was sworn in, the Commonwealth foreign ministers recommended to lift the suspension of Nigeria from membership of the association. However, since General Obasanjo became president, there has been an upsurge in ethnic and religious violence. Although the political changes introduced by the civilian government have been widely welcomed, this has also meant greater freedom to express dissent violently. More than 1,000 persons have been killed in ethnic violence since the return to civilian rule.³⁹

The police have been accused of failing to quell the unrest raising the urgent need of training and reform. The security forces have reportedly carried out serious violations of human rights; their action was often indiscriminate, or targeted at those who had not committed any crime but had protested oil operations in exercise of their right to freedom of expression, assembly and association.

In Bayelsa State, the army was deployed after the announcement that 12 policemen have been killed in Odi. The deployment was criticized by human rights groups following reports on the destruction of the town and the killing of residents by the military. A Senate committee visiting Odi was 'shocked' by the scale of destruction in the town.⁴⁰

In the North of the country, the government displayed an uncompromising toughness towards increasingly popular radical Islamic groups, which have sought to exploit grassroots discontent with the perceived failings of secular government.⁴¹ The introduction of Islamic law in Zamfara State and proposals to introduce it in several other northern states has increased tensions among Christian and secular groups in the country.

On 7 July 1999, the first anniversary of the death of Chief Abiola passed without any serious incident being reported.

The late General Abacha's family continues to face massive allegations of theft. The press reported that the authorities are still looking to recover more than two billion dollars allegedly looted from the Treasury by Abacha and his family between 1994 and 1998. In October 1999, Mohammed Abacha, son of the late dictator, and several of his father's aides were also charged in the Federal High Court in Lagos with the murder of several prominent political opponents.⁴²

³⁹ EIU, Country Report, 4th Quarter 1999, 19.

⁴⁰ Human Rights Watch, World Report 2000, Nigeria.

⁴¹ EIU, Country Profile, 1999-2000, 9.

⁴² EIU, Country Report, 4th Quarter 1999, 16.

The Economist Intelligence Unit stated in its Country Profile of Nigeria for 1999-2000 that during the latter half of 1998, attacks on oil installations by ethnic Ijaw youths continued, demanding political reforms and a larger share of oil wealth for their impoverished communities which led to one-third of Nigeria's oil-production to be suspended by October 1998. According to the same report, instability in the Niger Delta is fuelled by the community's sense of political alienation and economic exploitation, in a state that is dominated by majority ethnic groups.⁴³

3. Review of the General Human Rights Situation

The human rights situation in Nigeria has substantially improved during 1999. International human rights organizations are active in Nigeria and regularly report allegations of human rights abuses. General Abubakar attempted to improve relations with the international community while Head of State, and appeared to be more receptive to criticism about human rights than his predecessors. He addressed the United Nations General Assembly, in October 1998, and allowed the United Nations Special Rapporteur of the Commission on Human Rights, Mr. Soli Jehangir Sorabjee to visit Nigeria in November 1998. In August 1998 a mission from the International Labor Organization (ILO) was also allowed to visit Nigeria. There are no reports of the present government obstructing or preventing the activities of international human rights organizations in Nigeria.

On 23 April 1999, the United Nations Commission on Human Rights decided to conclude its consideration of the situation of human rights in Nigeria and acknowledged the progress Nigeria had made in establishing an accountable democratic government.⁴⁴

After his coming to power, President Obasanjo announced the appointment of a seven-member panel to investigate human rights abuses under the military governments in office since 1984 and to make recommendations to redress past injustices and to prevent future violations. The scope of the investigation was moved back to 1966.⁴⁵

However, human rights abuses are reported to still occur. People are still being picked up and detained by the police without being charged or tried. Security forces continued to carry out more widespread and serious abuses, including summary executions and torture.⁴⁶

⁴³ EIU Country Profile, 1999-2000, 9.

⁴⁴ United Nations Commission on Human Rights, Situation of Human Rights in Nigeria, E/CN.4/RES/1999/11, 23 April 1999.

⁴⁵ Human Rights Watch, World Report 2000, Nigeria.

⁴⁶ Ibid.; and IRIN, Focus on Human Rights and Democracy, 11 January 2000.

3.1 The International Legal Framework

Nigeria is a state party to the following international human rights instruments:

Convention	Date of Accession/ Ratification
Convention Relating to the Status of Refugees (1951)	23 Oct 1967 (a)
1967 Protocol to the Convention Relating to the Status of Refugees	2 May 1968
Convention on the Political Rights of Women (1952)	17 Nov 1980 (r)
Convention on the Elimination of All Forms of Discrimination Against Women (1979)	13 Jun 1985 (r)
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	16 Oct 1967 (a)
International Covenant on Civil and Political Rights (1966)	29 Jul 1993 (a)
International Covenant on Economic, Social and Cultural Rights (1966)	29 Jul 1993 (a)
International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)	31 Mar 1977 (r)
Convention on the Rights of the Child (1989)	19 Apr 1991 (r)

Source: UNHCR REF WORLD, July 1999

Nigeria has signed but has not yet ratified the following international instruments:

Convention	Date of Signature
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (and Protocols) (1980)	26 Jan 1982
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	28 Jul 1988

Source: UNHCR REF WORLD, July 1999

Nigeria is not a state party to the following international human rights instruments:

- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Convention relating to the Status of Stateless Persons (1954)
- Convention on the Reduction of Statelessness (1961)

Nigeria has ratified regional instruments such as the Charter of the Organization of African Unity – OAU (on 14 November 1963), the OAU Convention Governing the Specific Aspects of Refugees (on 23 May 1986); and acceded to the African Charter on Human and People's Rights (on 22 June 1983).

Nigeria has also ratified the International Labor Organization (ILO) Convention No. 87 on Freedom of Association and the Right to Organize and Bargain Collectively.

3.2 The National Legislative Context

The President of the Democratic Federal Republic of Nigeria is the Head of State, who is also the Chief Executive Officer of the Federation and Commander-in-Chief of the Armed Forces of the Federation. The Ministers of the Government of the Federation are appointed by the President, after confirmation by the Senate.

The Constitution⁴⁷

A new constitution came into force on 29 May 1999, based on the 1979 constitution.⁴⁸ Chapter IV enshrined the basic political rights including the right to personal liberty, the right to a fair trial, the right to freedom of expression, and the right to dignity of the human person. The 1999 Constitution expressly prohibits torture and the maltreatment of prisoners. The Constitution protects individual rights before the judiciary, including the presumption of innocence, the right to be present, to confront witnesses, to present evidence and to be represented by legal counsel. Freedom of association and assembly is also provided for.

Serious concerns remain, however, because of the lack of a democratically drafted constitution that was promulgated by General Abubakar only three weeks before the new government was inaugurated, and after being finalized by a panel appointed by General Abubakar and adopted by the Provisional Ruling Council. A number of critical issues concerning the protection of basic human rights and the rule of law, the independence of the judiciary, the structure of the Nigerian federation and the system for revenue allocation and resource management, were considered not acceptable. On 9 September 1999, the National Assembly announced a review of the constitution.⁴⁹

The Legal System

In the second half of 1998, the Provisional Ruling Council (PRC) stopped exercising judicial power and also ceased to deny the courts the authority to review its actions. Before the handover of power, a number of military decrees that had permitted a wide range of acts in violation of international human rights law and the constitution were repealed.

On 10 June 1999, all legislation inconsistent with the new constitution or with the spirit of the new democratically elected government was repealed. All tribunals created successive previous military governments were also dissolved.⁵⁰ The new civilian government made commitments to respect the rule of law, announced that the government intended to respect court orders and proposed reforms to justice. Human Rights Watch contends, however, "although the reforms announced are welcome that there is an urgent need for the government to focus on issues relating to the

⁴⁷ Constitution of the Federal Republic of Nigeria, 1999 [Internet].

⁴⁸ Reuters, Nigerian Rulers Releases Draft Constitution, 7 September 1999 [Internet]; and USDOS, Country Report on Human Rights in 1998, Nigeria.

⁴⁹ Human Rights Watch, World Report 2000, Nigeria.

⁵⁰ For information regarding the judicial system during previous military regimes refer to the CDR's November 1997 Background Paper on Nigeria, 5-8.

administration of justice, in conjunction with the national Human Rights Commission and the human rights community in Nigeria as well as the international agencies which can give technical assistance.”⁵¹

3.3 General Respect for Human Rights

The Security Forces

Previous regime enforced their authority through the military, the State Security Services and the Police, all of whom committed human rights abuses. According to several reports the security forces have beaten, detained, used torture in order to extract confessions, and killed.⁵² The high rate of violent crime in the country caused the formation of other security forces, including state organized paramilitary forces and quasi-governmental vigilante groups. To date no members of the security forces are known to have been convicted for their actions.

Following General Abacha's death, some changes have been introduced in the security forces. The Rivers State Internal Security Task Force (RSISTF), which was created in response to the Ogoni crisis in 1993, and which was subsequently accused of gross violations of human rights, was dissolved by the new administration.⁵³ The response of the security forces to threats against oil production in the Niger Delta continue to be administered in a heavy-handed manner.⁵⁴

Upon the formation of the civilian government on 29 May 1999, 150 senior officers, who held post under the former military regime, were obliged to retire from military service. President Obasanjo attempted to maintain good relations with the military, citing the need for improved barracks in his speech on taking office, and attending a dinner for retiring military officers.

The new civilian government promised the reorganization of the police, and a number of states disbanded the abusive paramilitary anti-crime units, established under the former military regime, replacing them with units that did not include soldiers. These include Operation Sweep in Lagos State, replaced by a new Rapid Response Squad and Operation Flush in Rivers State, replaced by a Swift Operations Squad. However, the methods used by the new units rather seem to resemble those of their predecessors, according to human rights observers.⁵⁵

Arbitrary Arrest and Detention

Police and security services are allowed to make arrests without warrants if they believe there is reason to suspect an individual to have committed an offence. This power has in the past been abused. The law requires the individual being arrested to be informed of the charges and that the accused is taken to a police station. By law the police must also

⁵¹ Human Rights Watch, World Report 2000, Nigeria.

⁵² USDOS, Country Report on Human Rights in 1998, Nigeria.

⁵³ United Nations Commission on Human Rights, Situation of Human Rights in Nigeria, Report submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Soli Jehangir Sorabjee, E/CN.4/1999/36, 14 January 1999.

⁵⁴ Human Rights Watch, The Price of Oil, January 1999.

⁵⁵ Human Rights Watch, World Report 2000, Nigeria.

provide suspects with the opportunity to have access to a legal counsel. However police routinely did not adhere to these safeguards, and suspects have been held incommunicado for long periods without charge.⁵⁶

The State Security (Detention of Persons) Decree No. 2 of 1984 allowed the Government to detain without charge persons suspected of acts prejudicial to state security or harmful to the economic wellbeing of the country. Despite the release of hundreds of political prisoners since 9 June 1998 by General Abubakar's administration, Decree No. 2 remained in force, and was repealed only on 28 May 1999. However, there were no reports of this Decree being used and the PRC repealed this Decree before leaving office.⁵⁷

The Obasanjo government has committed itself to addressing prison reform and has taken action against prison officers suspected of corruption. On January 1999, it was reported that the Presidential Committee on Prisons Decongestion had released 2,433 prisoners of various categories in the previous five months. On 27 August 1999, President Obasanjo approved the release of 1,400 prisoners, many of them held for years without trial. Despite recent improvements, more than 80 percent of prisoners are detained for long periods without trial. Prison conditions remain poor and corruption and neglect are common.⁵⁸ There have also been reports of minors being detained in adult prisons.

Political Dissidents

In March 1999, the Nigerian military government announced the release of most of its remaining political prisoners. Among them were at least 39 prisoners of conscience held in connection with an alleged coup plot in 1997. They were imprisoned following secret and unfair trials by Special Military Tribunals.⁵⁹ Others had been released in the course of 1998 and 1999.

Victims of human rights violations and human rights defenders have raised questions about responsibility for the deaths in custody of political prisoners and for political killings suspected of being extra-judicial executions by previous military government forces.⁶⁰ The prisoners released have corroborated reports also made by former government officials that the alleged coup plot was a government fabrication used to imprison influential government critics, journalists and other human rights defenders. Several released prisoners also have described being tortured and ill-treated in custody.⁶¹

⁵⁶ USDOS, Country Report on Human Rights in 1998, Nigeria, 8.

⁵⁷ Amnesty International, Nigeria Release of Political Prisoners – Questions Remain about Past Human Rights Violations, 31 March 1999.

⁵⁸ Human Rights Watch, World Report 2000, Nigeria.

⁵⁹ Amnesty International, Nigeria Release of Political Prisoners – Questions Remain about Past Human Rights Violations, 31 March 1999.

⁶⁰ Ibid.

⁶¹ Ibid.

Freedom of Religion

The 1999 Constitution states that the Government of the Federation or of a State shall not adopt any religion as State Religion, defines Nigeria as a secular state, and guarantees freedom of belief.

Religion has always been a sensitive issue in Nigeria. The population is split between Muslims, mainly in the North, Christians, mainly in the South, and a minority of African beliefs.

Relations between the two major religious groups became more delicate since the end of military rule and the subsequent move by some states in the North to implement Shar'ia, the Islamic law. In October 1999, Zamfara became the first Nigerian State to adopt the Islamic law. Opponents of Shar'ia maintain that, because of the harsher aspects of Shar'ia, its application violates the constitution.⁶²

In December 1999, Christian churches in the central state of Kwara, with a large population of adherents, were attacked by some 3,000 youths, reportedly Muslims, and a total of 18 churches were destroyed.⁶³

In response to the growing religious tension, President Obasanjo set up a Committee on Inter-religious Harmony, which includes the spiritual head of the country's Muslims and the president of the Christian Association of Nigeria.

Religion is closely linked to the political situation in Nigeria. Muslim northerners, mainly Hausa-Fulani, ruled Nigeria for most of its years as an independent state, and were accused of harboring an agenda for Islamic domination of the whole country. Before the most recent presidential election, northern political leaders decided to support General Obasanjo, a southern Christian whose politics were not necessarily endorsed by some within his ethnic group, the Yoruba.

Freedom of Assembly and Association

During the transition programme under General Abubakar, prospective political parties were invited to register with the Independent National Electoral Commission (INEC) for recognition. Nine parties fulfilled the criteria for registration. Guidelines announced by the INEC were designed to ensure political parties were not based solely in one region. Parties were, however, not allowed to be formed along tribal lines. Some of the new parties that have been formed included former Abacha supporters and associates, such as the All People's Party.

There is still some harassment of certain groups thought to be pursuing an agenda of independence for their particular ethnic group. The Oodua People's Congress (OPC) is a Yoruba group, led by Dr Frederick Fasheun. It is affiliated to the Joint Action Committee of Nigeria (JACON), an alliance of human rights and pro-democracy groups that in April 1998 campaigned against continued military rule, and is widely believed to

⁶² IRIN, Focus on Religious Tension, 12 January 2000.

⁶³ Ibid.

advocate an independent Yoruba state. In early November 1998, the police reportedly attacked and killed five members of the OPC. Further clashes between the police and OPC youths took place in February and early March 1999, following attacks by elements of the OPC on police stations in Lagos and Ogun States. It is widely believed that the OPC has been involved in a recent riot in Lagos port, in which a number of people were reported to have been killed.⁶⁴

Freedom of Expression and Media

The present civilian government introduced a bill to abolish the 1962 Official Secrets Act, which severely curtails press freedom, and has called for the responsible use of press freedom.

The press remains active and is able to freely investigate and report. For example, the magazine "The News" recently exposed the speaker of the Nigerian House of Representatives, Ibrahim Salisu Buhari, as having lied about his age and educational qualification and, as a result, he resigned on 22 July 1999.

4. Groups at Risk

4.1 Women and Children

In 1998, the United Nations Committee on the Elimination of Discrimination Against Women noted that abuses relating to cultural stereotypes, violence against women, low levels of education among women, and the lack of a legal and constitutional framework all prevented the successful implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.⁶⁵ The Human Rights Watch World Report of 1999 further points that the rights of women in Nigeria are routinely violated. It reports that the Penal Code states that assaults committed by a husband on his spouse were not an offence, if permitted by customary law. Women's rights are further undermined when their equal rights are denied in the inheritance of property. However, in September 1997, a land ruling from eastern Nigeria upheld a woman's right to inherit her husband's estate.⁶⁶

The highest prevalence of female genital mutilation is observed to be in the states of the South-East (Osun, Oyo, and Ondo) and Edo, followed by the states in the Southern zone.⁶⁷ The states in the South-East have a relatively lower prevalence of this practice although they have reportedly higher rate than that in the Northern zones.⁶⁸

⁶⁴ IRIN, Focus on Militant South-Western Group, 18 January 2000; and Panafrican News Agency: 28 Perish in Fresh Nigerian Clashes, 6 January 2000 [Internet].

⁶⁵ Human Rights Watch, World Report 1999, 59.

⁶⁶ Ibid., 57.

⁶⁷ United Nations Commission on Human Rights, Situation of Human Rights in Nigeria, Report submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Soli Jehangir Sorabjee, E/CN.4/1999/36, 14 January 1999.

⁶⁸ Ibid.

The implementation of the Convention on the Rights of the Child in a country with significant cultural differences remains a great challenge.⁶⁹ Child labor remains a common practice, particularly in the South-Eastern region.⁷⁰ Marital rape is not considered a crime in Nigeria.⁷¹ In northern Nigeria, child marriages remain common, inflicting health effects to those subjected to early pregnancy.

4.2 Yorubas and Hausa-Fulani

Several clashes between Yorubas and Hausa-Fulani were reported during 1998 and 1999. Often violence arose from attempts to control local markets, in particular in areas with a high concentration of immigrants.

On 17 July 1999, violent clashes between the Hausa-Fulani and Yoruba tribes occurred in Shagamu, a Yoruba dominated town. Reportedly, at least sixty people were killed.⁷² The violence followed the death of a Hausa woman who was killed when she was found watching a Yoruba religious ceremony, which is forbidden to outsiders. Thousands of Hausas subsequently fled to the North. Further attacks on the minority Yoruba occurred in the Northern city of Kano, reportedly in retaliation for the earlier attacks on Hausas.⁷³ In November 1999, a dispute between Hausa and Yoruba traders over the control of a local food market in Ketu District in Lagos left more than 100 people dead, raising questions over the stability of the country and its new civilian regime.⁷⁴

The reason for this violence is primarily explained by lack of access to farming and grazing land, but ethnic and religious differences exacerbate the violence. In addition, intelligence reports showed that officers dismissed or retired by President Obasanjo, in his purge of the military, were behind the clashes in Kano. There is a widespread fear that the police lack the capacity to cope with growing insecurity, being short of both resources and training.

On the other end, members of the ethnic Yoruba OPC were allegedly involved in several clashes against the Muslim community.

4.3 Ijaw, Itsekiris and Urhobos

In the Niger Delta, violence continued throughout 1998 and 1999. Killings occurred in clashes between the Itsekiris and Ijaw ethnic groups. In May and June 1999, violence flared up in and around Warri, in Delta State, where there had been serious conflict since 1997 among the Ijaw, Itsekiri and Urhobo ethnic groups. In May 1999, two weeks

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ United Nations Commission on Human Rights, Situation of Human Rights in Nigeria, Report submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Soli Jehangir Sorabjee, E/CN.4/1999/36, 14 January 1999.

⁷² IRIN, Nigeria: Special Report on Ethnic Violence, 3 August 1999.

⁷³ Reuters News Service, Nigerian Authorities Try to Calm Ethnic Unrest, 25 July 1999 [Internet].

⁷⁴ The Economist, Nigeria's Growing Violence, 4 December 1999.

of violence between Ijaws and Itsekiris reportedly ended with 20 people killed and 25 soldiers injured or captured.⁷⁵ On 6 June 1999, fighting between Urhobos and Itsekiris reportedly caused 200 killings. Clashes between Itsekiris and Ijaws continued in the region and soldiers were deployed to restore security. As in the case of similar violence that flared up in July 1999 between the Hausa and Yoruba, there were persistent allegations that senior figures in the military had generated the conflict.⁷⁶

On 11 June 1999, President Obasanjo visited the Warri area and appealed for calm and promised the creation of a body to oversee development in the region. On 26 June he obtained the agreement to a suspension of hostilities from the leaders of the Itsekiris, Ijaws and Urhobos to allow the government time to find long-term solutions to the region's problems. On 17 January 2000, Ijaw activists promised to stop all forms of criminal behaviour in the Niger Delta area.⁷⁷

Other Incidents of Ethnic Violence

It is reported that 28 people were killed in three separate ethnic clashes in Taraba State on 24 and 25 June 1999. Tivs fought with Fulanis, Kutebs fought with Jukuns, and Wurukum farmers with Fulani herdsman. These conflicts are reported to be caused by land disputes.⁷⁸

On 29 July 1999, residents of Aguleri and Umuleri communities, in Eastern Anambra State, clashed over a land dispute, resulting in at least 120 people being killed. Both communities are Igbos.

Renewed clashes between Ijaw and Ilaje in Ondo State and Western Delta State occurred in July and August 1999, with three hundred people reported being killed. The army was sent to the region to restore order. Both the Ijaws and Ilajes had failed to abide by the terms of a peace agreement, and thousands of Ijaws have fled the fighting and hundreds are reported killed.

4.4 The Situation of the Ogonis, Ijwas and Igbos in the Niger Delta

Many of the minority tribes of the Niger Delta have in the past expressed their discontent over their local environmental, economic and social infrastructure. Major confrontations between the people in the Niger Delta and the security forces resulted in serious violations of human rights. These violations were committed principally in response to protests about the activities of multinational oil companies. Community leaders from human rights and environmental organizations, and political movements attempting to organize resistance to the oil industry, have faced regular harassment from the authorities. While the situation has improved for well known activists, since General Abubakar became Head of State, lesser known individuals are still targeted and the basic situation in the delta remains unchanged.⁷⁹

⁷⁵ Human Rights Watch, World Report 2000, Nigeria.

⁷⁶ Ibid.

⁷⁷ IRIN, Ijaw Youths Pledge to End Violence, 18 January 2000.

⁷⁸ Reuters News Service, At Least 28 Killed in Nigerian Ethnic Clashes, 28 June 1999 [Internet].

⁷⁹ Human Rights Watch, The Price of Oil, January 1999.

*The Ogoni*⁸⁰

Much of the ethnic unrest has centered on Ogoniland. The core demands of the Ogoni people are the creation of an Ogoni state, the improvement of the oil industry's operations, a greater involvement through employment, the right to control and use a fair portion of their resources for their own development, and the right to protect the environment and ecology from further degradation.

The centrality of crude oil production to the survival of the privileged classes and the Nigerian state is the main cause of the systematic repression of the Ogoni people over the past years. These conflicts have witnessed massive human rights violations, sometimes taking the form of extra-judicial killings, arbitrary detention, and restrictions on the rights to freedom of expression, association and assembly.⁸¹

After the death of General Abacha, the situation in Ogoniland improved significantly and the Movement for the Survival of the Ogoni People (MOSOP)⁸² was able to organize freely for the first time since 1993. The new government appears to be interested in protecting the fundamental rights of citizens, however, it has not yet succeeded in providing enduring solutions to the problems of environmental degradation and the violation of human rights in Ogoniland. Despite the withdrawal of the Rivers State Internal Security Task Force (RSISTF), Ogoniland is still heavily militarized by federal troops.⁸³

President Obasanjo has attempted to deal with some of the underlying problems in the Niger Delta region and, on 12 July 1999, presented a bill to the National Assembly proposing to set up a development fund for the region together with a commission to oversee its development. The oil companies operating in the region would contribute to this fund. MOSOP rejected the proposal, as they believe that the proposed commission would be a tool of the central government and it would not act in the interest of local people. However, on 14 August it was reported that Ogoni leaders and MOSOP attended a meeting with Royal Dutch Shell, the company that was forced out of the Ogoni region in 1993. This meeting was seen as a sign that both the Ogonis and Shell wished to reach an accommodation regarding the future development of the region. Shell has said that it will only return to the region with local approval, and in the interim has offered to sponsor some development projects.

⁸⁰ For detailed history and background on the Ogoni ethnic group refer to the CDR's November 1997 Background Paper on Nigeria, 17.

⁸¹ Journal of Refugee Studies, Exiles in Their Own Home: Conflicts and Internal Population Displacement in Nigeria, June 1999, Vol. 12 No. 2, 168-170.

⁸² The Movement for the Survival of the Ogoni People (MOSOP) was formed in 1990 and over the year has campaigned for political autonomy and a greater share of oil revenue derived from their land. It has its origins in the Ogoni Bill of Rights produced in 1990. Since 1993, MOSOP was led by the writer Ken Saro-Wiwa, who was arrested in 1994 for his alleged involvement in the murder of four Ogoni chiefs. On 10 November 1995, he and eight others were executed following a highly criticized trial. The twenty Ogonis who were convicted with Ken Saro-Wiwa and sentenced to prison sentences were released in September 1998, and all charges against them were dropped.

⁸³ Netherlands Quarterly of Human Rights, Human Rights, Environmental Degradation and Oil Multinational Companies in Nigeria: The Ogoniland, June 1999, 169.

*The Ijaws and the Itsekiris*⁸⁴

The situation in the Niger Delta during the latter part of 1998 and early 1999 became increasingly volatile, with disaffected youths, particularly from the Ijaw ethnic group, taking oil workers hostage and sabotaging pipelines, accusing the oil companies of indifference to their economic plight and demanding compensation for the environmental impact of their operations. On 11 December 1998, youths from the Ijaw ethnic group formed the Ijaw Youth Council (IYC) and adopted the Kaiama Declaration. The declaration claimed ownership of all natural resources found in Ijaw territory, demanded the withdrawal of all military forces and the cessation of all exploration and exploitation activities by the oil companies. Although some reservations were expressed, the declaration was not rejected even by traditionally more conservative leaders of the Ijaw National Congress (INC), the representative body of the Ijaw community formed in 1991. Other ethnic groups in the region issued similar statements.

In response to demonstrations held by Ijaw youths in Yenagoa and Kaiama, Bayelsa State, in late December 1998 and early January 1999, the security forces were sent to the region. This incident reportedly led to the death of at least several dozen people, and probably more than one hundred; the torture and inhuman treatment of others; and the arbitrary arrest of many more. The demonstrations were initially peaceful and the majority of those killed were unarmed; some were apparently summarily executed.⁸⁵

On 24 February 1999, Human Rights Watch reported that at least four people were killed and more than 50 were missing when soldiers used a helicopter and boats belonging to the oil company Chevron, to attack villagers in the Niger Delta area.⁸⁶

On 25 June 1999, President Obasanjo negotiated a cessation of hostilities between the Itsekiris, Ijaw and Urhobos, and introduced to the National Assembly a bill to assist in the region's development.⁸⁷ However, these efforts have met with little success. Leaders of the ethnic groups based in the Niger Delta rejected the bill for failing to address their concerns surrounding revenue allocation and resource control.

On 4 November 1999, an armed youth gang killed seven Nigerian policemen in Odi, Bayelsa State; five other police officers were killed in subsequent days. Bayelsa is part of the Niger Delta region and, as elsewhere, communities have been complaining that they have benefited little from oil production, which has polluted their environment.

Ostensibly to arrest those responsible of the killings, the army was sent to Odi. The town was completely destroyed by the military, using mortar bombs and grenades, and an uncertain number of people were killed. According to the Bayelsa Governor the criminals, however, had not been caught, even though their identity was known. The

⁸⁴ For background information on the Ijaws and Itsekiris ethnic tension refer to the CDR November 1997 Background Paper on Nigeria.

⁸⁵ Human Rights Watch, Crackdown in the Niger Delta, May 1999.

⁸⁶ Ibid.

⁸⁷ See previous paragraph on the Ogonis.

destruction of Odi drew widespread condemnation from human rights and pro-democracy groups. It showed the willingness of the new government to use the same methods as previous military regimes, failing to distinguish between those responsible for criminal acts, activists making political demands for the peoples of the delta, and civilians.⁸⁸

Following an assessment by a Senate committee, the Lower House of Parliament adopted a motion that government must in future seek national assembly approval before deploying troops to quell civil unrest.

Some analysts believe that the military intervention in Odi was premeditated, a signal of the government's desire to crack down on dissent and adopt a tougher policy in the region. Among the ruling elite there is a strong anxiety that the threat of activism in the Niger Delta could stop the flow of oil.⁸⁹

Throughout 1999, soldiers and paramilitary forces were deployed in the region and harassment of youths continued. The security forces both failed to protect civilians from violence and carried out serious violations of human rights themselves, including summary executions, arbitrary arrests and torture. Human Rights Watch states that "the actions of the security force have often been indiscriminate, or targeted at those who have not committed any crime but have protested oil production [in the region]."⁹⁰

The Igbos

The Igbos, Nigeria's third largest ethnic group, feel they have been marginalized by the new administration. The group has complained that no Easterner has been included in the President's Security Council and that there are only three Igbos in the cabinet. Some Igbo politicians have warned that their young people might resort to violence if the marginalization of the region continues.

5. Nigerian Refugees and Asylum Seekers – Global Trends

Asylum applications, 1989-1998

During the period 1989-1998, Nigerian asylum-seekers lodged some 72,600 asylum claims in the 19 European countries listed in Table 1. In recent years, the number of Nigerian asylum applications lodged in Europe has continued to fall, from 10,100 in 1995 to less than 6,000 in 1997 and 1998. Ireland, which is not included in Table 1 through 6, received 1 Nigerian asylum applicant in 1995, 9 in 1996, 665 in 1997 and 1,729 in 1998.

Provisional monthly figures for 1999 (see box below and Table 8) indicate that the number of Nigerian applications in Europe (including Ireland) in 1999 fell with some 20 per cent compared to 1998.

⁸⁸ Human Rights Watch, *The Destruction of Odi and Rape in Choba*, 22 December 1999.

⁸⁹ IRIN, *Focus on the Deployment of Troops in Odi*, 30 December 1999.

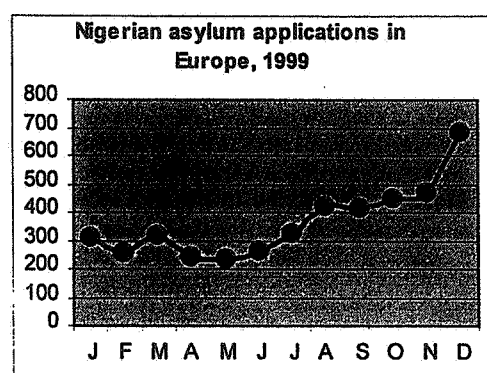
⁹⁰ Human Rights Watch, *World Report 2000, Nigeria*; and *The Price of Oil*, January 1999.

Nigerian asylum applicants in Europe, 1998 and 1999																
	AUS	BEL	CZE	DEN	FRA	GFR	HUN	IRE	NET	POL	POR	SPA	SWE	SWI	GBR	TOT
1998	189	167	94	23	259	664	98	1,729	342	25	39	253	34	239	1,380	5,535
1999	268	106	68	21	270	257	119	1,895	239	7	15	..	45	115	945	4,370
1998 (%)	3.4	3.0	1.7	0.4	4.7	12.0	1.8	31.2	6.2	0.5	0.7	4.6	0.6	4.3	24.9	100.0
1999 (%)	6.1	2.4	1.6	0.5	6.2	5.9	2.7	43.4	5.5	0.2	0.3	..	1.0	2.6	21.6	100.0
'98-'99 (%)	41.8	-36.5	-27.7	-8.7	4.2	-61.3	21.4	9.6	-30.1	-72.0	-61.5	..	32.4	-51.9	-31.5	-21.0

Notes
1999 Figures are provisional. UK: no. of cases. Source: Governments, compiled by UNHCR.

Whereas the total number of Nigerian asylum-seekers in Europe continues to fall, the experience between European countries differs significantly (see box above). Germany, which received more than 50 per cent of all Nigerian asylum applicants during the early 1990s, received only 12 per cent in 1998 and 6 per cent in 1999. Ireland, which had not received one single Nigerian asylum-seeker prior to 1995, was Europe's largest recipient in 1998 (31 per cent) and 1999 (more than 40 per cent).

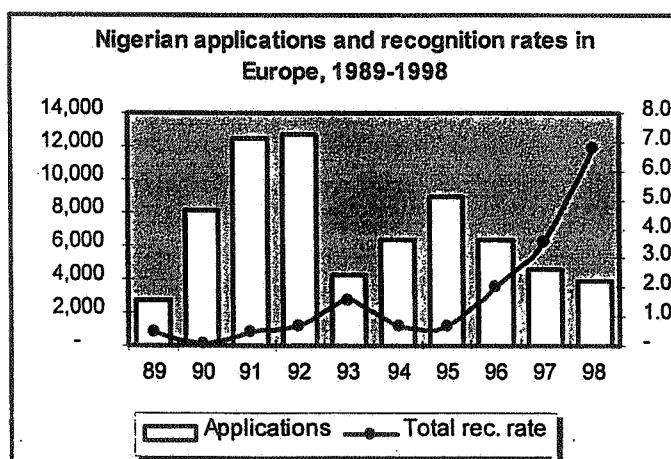
The monthly number of asylum applications lodged by Nigerians during 1999 increased from less than 300 during January to June to close to 700 in December (see box and Table 8), slightly above the monthly average during 1998 (570).



Convention and humanitarian recognition

During 1989-1998, some 600 Nigerian asylum applicants were granted Convention refugee status in Europe. Of these, 30 per cent (180) were granted refugee status in the United Kingdom (cases only) and some 140 in both France and Germany (23 per cent each) (see Table 2). The Convention recognition rate for Nigerians increased from less than 1 per cent in the early 1990s to 4.3 per cent in 1998 (see Table 5).

During 1989-1998, an additional 280 Nigerians were granted humanitarian status in Europe (see Table 4). The total recognition rate for Nigerian asylum-seekers in Europe reached 6.8 per cent during 1998 (see box). The average total recognition rate for Nigerians in Europe reached some 1.3 per cent during 1989-1998.



Geographical distribution during 1998

During 1998, Nigerian citizens lodged some 8,000 asylum applications in 69 countries world-wide (see Table 7). In total, some 9,300 refugee status determination decisions were taken, 580 (6.3 per cent) of which resulted in refugee status, whereas another 95 Nigerian asylum-seekers were granted humanitarian status. In total, 7.3 per cent of all adjudication decisions taken during 1998 were positive.

Table 1. Number of asylum applications submitted											
Nigeria											
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Austria	11	43	1,004	544	43	31	89	157	202	189	2,313
Belgium	228	529	743	570	883	427	246	192	128	167	4,113
Bulgaria	-	-	-	-	-	-	-	2	1	10	13
Czech Rep.	-	-	31	-	4	17	10	12	22	94	190
Denmark	5	-	35	1	60	77	64	39	50	23	354
Finland	1	18	13	8	12	10	10	10	13	15	110
France	207	169	216	78	108	145	122	131	138	259	1,573
Germany	1,676	5,399	8,358	10,486	1,083	838	1,598	2,178	1,568	664	33,848
Greece	3	1	3	2	-	2	-	-	2	8	21
Hungary	-	-	-	-	-	-	10	-	33	98	141
Italy	-	12	2	1	2	3	33	-	6	6	65
Netherlands	417	901	740	233	245	143	517	490	298	342	4,326
Norway	11	8	-	-	11	10	5	4	4	6	59
Poland	-	-	-	-	-	-	3	5	4	25	37
Portugal	-	-	1	5	4	-	5	8	21	39	83
Spain	14	422	331	-	69	167	139	276	373	253	2,044
Sweden	22	177	108	-	25	-	30	37	34	34	467
Switzerland	101	308	515	123	71	115	178	253	210	239	2,113
UK (cases)	20	135	335	615	1,665	4,340	5,825	2,540	1,480	1,380	18,335
Canada	-	571	813	641	188	233	322	410	482	580	4,240
USA (cases)	-	62	-	-	-	1,563	888	1,455	509	652	5,129
Australia	-	-	-	-	-	-	-	-	16	-	16
Total	2,716	8,755	13,248	13,307	4,473	8,121	10,094	8,199	5,594	5,083	79,590
Total EUR	2,716	8,122	12,435	12,666	4,285	6,325	8,884	6,334	4,587	3,851	70,205
- EU-13	2,604	7,806	11,889	12,543	4,199	6,183	8,678	6,058	4,313	3,379	67,652

Table 2. Convention status granted											
Nigeria											
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Austria	-	-	7	10	8	2	3	5	3	7	45
Belgium	-	1	-	-	-	1	1	-	3	-	6
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	9	1	2	1	-	2	6	1	22
Denmark	-	-	-	-	-	-	1	-	1	-	2
Finland	-	-	-	-	-	-	-	-	-	-	-
France	11	4	23	18	27	4	1	18	11	22	139
Germany	-	1	-	3	15	14	26	46	18	13	136
Greece	-	-	-	-	-	-	-	-	-	3	3
Hungary	-	-	-	-	-	-	2	-	2	15	19
Italy	-	1	-	1	-	3	1	-	-	4	10
Netherlands	1	-	1	2	-	-	1	3	2	1	11
Norway	-	-	-	-	-	-	-	-	-	-	-
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	-	-	2	5	1	-	-	1	-	-	9
Spain	-	-	-	-	-	3	6	2	1	1	13
Sweden	-	-	4	1	-	-	-	-	-	-	5
Switzerland	-	-	-	-	-	-	-	-	-	-	-
UK (cases)	-	-	-	-	-	-	-	15	65	100	180
Canada	-	9	72	104	64	123	113	138	195	216	1,034
USA (cases)	-	1	-	-	-	20	104	194	73	146	538
Australia	-	-	-	-	-	-	-	-	1	-	1
Total	12	17	118	145	117	171	259	424	381	529	2,173
Total EUR	12	7	46	41	53	28	42	92	112	167	600
EU-13	12	7	37	40	51	27	40	90	104	151	559

Table 3. Humanitarian status granted											
Nigeria											
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Austria	-	-	-	-	-	-	-	-	-	-	-
Belgium	-	-	-	-	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-
Denmark	-	-	-	-	-	-	-	2	-	-	2
Finland	-	-	-	3	-	-	1	-	2	2	8
France	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	-	-	6	2	1	9
Greece	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	5	-	-	2	7
Italy	-	-	-	-	-	-	-	-	-	-	-
Netherlands	-	-	8	26	-	6	7	12	10	12	81
Norway	-	1	-	1	-	-	-	-	-	2	4
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	-	-	-	-	1	4	10	15
Sweden	-	-	2	11	2	4	1	5	3	1	29
Switzerland	-	-	-	-	-	-	-	-	-	-	-
UK (cases)	-	-	-	-	10	5	5	10	30	65	125
Canada	-	-	-	-	-	-	-	-	-	-	-
USA (cases)	-	-	-	-	-	-	-	-	-	-	-
Australia	-	-	-	-	-	-	-	-	-	-	-
Total	-	1	10	41	12	15	19	36	51	95	280
Total EUR	-	1	10	41	12	15	19	36	51	95	280
EU-13	-	-	10	40	12	15	14	36	51	91	269

Table 4. Refugee and humanitarian status											
Nigeria											
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Austria	-	-	7	10	8	2	3	5	3	7	45
Belgium	-	1	-	-	-	1	1	-	3	-	6
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	9	1	2	1	-	2	6	1	22
Denmark	-	-	-	-	-	-	1	2	1	-	4
Finland	-	-	-	3	-	-	1	-	2	2	8
France	11	4	23	18	27	4	1	18	11	22	139
Germany	-	1	-	3	15	14	26	52	20	14	145
Greece	-	-	-	-	-	-	-	-	-	3	3
Hungary	-	-	-	-	-	-	7	-	2	17	26
Italy	-	1	-	1	-	3	1	-	-	4	10
Netherlands	1	-	9	28	-	6	8	15	12	13	92
Norway	-	1	-	1	-	-	-	-	-	2	4
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	-	-	2	5	1	-	-	1	-	-	9
Spain	-	-	-	-	-	3	6	3	5	11	28
Sweden	-	-	6	12	2	4	1	5	3	1	34
Switzerland	-	-	-	-	-	-	-	-	-	-	-
UK (cases)	-	-	-	-	10	5	5	25	95	165	305
Canada	-	9	72	104	64	123	113	138	195	216	1,034
USA (cases)	-	1	-	-	-	20	104	194	73	146	538
Australia	-	-	-	-	-	-	-	-	1	-	1
Total	12	18	128	186	129	186	278	460	432	624	2,453
Total EUR	12	8	56	82	65	43	61	128	163	262	880
EU-13	12	7	47	80	63	42	54	126	155	242	828

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Austria	-	-	0.7	1.8	18.6	6.5	3.4	3.2	1.5	3.7	1.9
Belgium	-	0.2	-	-	-	0.2	0.4	-	2.3	-	0.1
Bulgaria	..	..	..	..	..	..	..	-	-	-	-
Czech Rep.	..	..	29.0	..	50.0	5.9	-	16.7	27.3	1.1	11.6
Denmark	-	-	-	-	-	-	1.6	-	2.0	-	0.6
Finland	-	-	-	-	-	-	-	-	-	-	-
France	5.3	2.4	10.6	23.1	25.0	2.8	0.8	13.7	8.0	8.5	8.8
Germany	-	0.0	-	0.0	1.4	1.7	1.6	2.1	1.1	2.0	0.4
Greece	-	-	-	-	..	..	..	..	-	37.5	14.3
Hungary	..	..	..	..	..	..	20.0	..	6.1	15.3	13.5
Italy	..	8.3	-	100.0	-	100.0	3.0	..	-	66.7	15.4
Netherlands	0.2	-	0.1	0.9	-	-	0.2	0.6	0.7	0.3	0.3
Norway	-	-	..	..	-	-	-	-	-	-	-
Poland	..	..	..	..	..	..	-	-	-	-	-
Portugal	..	..	200.0	100.0	25.0	-	-	12.5	-	-	10.8
Spain	-	-	-	..	-	1.8	4.3	0.7	0.3	0.4	0.6
Sweden	-	-	3.7	..	-	..	-	-	-	-	1.1
Switzerland	-	-	-	-	-	-	-	-	-	-	-
UK (cases)	-	-	-	-	-	-	-	0.6	4.4	7.2	1.0
Canada	..	1.6	8.9	16.2	34.0	52.8	35.1	33.7	40.5	37.2	24.4
USA (cases)	..	1.6	..	..	..	1.3	11.7	13.3	14.3	22.4	10.5
Australia	..	..	..	..	..	..	..	..	6.3	..	6.3
Total	0.4	0.2	0.9	1.1	2.6	2.1	2.6	5.2	6.8	10.4	2.7
Total EUR	0.4	0.1	0.4	0.3	1.2	0.4	0.5	1.5	2.4	4.3	0.9
EU-13	0.5	0.1	0.3	0.3	1.2	0.4	0.5	1.5	2.4	4.5	0.8

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Austria	-	-	0.7	1.8	18.6	6.5	3.4	3.2	1.5	3.7	1.9
Belgium	-	0.2	-	-	-	0.2	0.4	-	2.3	-	0.1
Bulgaria	..	..	..	..	..	..	..	-	-	-	-
Czech Rep.	..	..	29.0	..	50.0	5.9	-	16.7	27.3	1.1	11.6
Denmark	-	..	-	-	-	-	1.6	5.1	2.0	-	1.1
Finland	-	-	-	37.5	-	-	10.0	-	15.4	13.3	7.3
France	5.3	2.4	10.6	23.1	25.0	2.8	0.8	13.7	8.0	8.5	8.8
Germany	-	0.0	-	0.0	1.4	1.7	1.6	2.4	1.3	2.1	0.4
Greece	-	-	-	-	..	-	..	..	-	37.5	14.3
Hungary	..	..	..	..	..	..	70.0	..	6.1	17.3	18.4
Italy	..	8.3	-	100.0	-	100.0	3.0	..	-	66.7	15.4
Netherlands	0.2	-	1.2	12.0	-	4.2	1.5	3.1	4.0	3.8	2.1
Norway	-	12.5	..	..	-	-	-	-	-	33.3	6.8
Poland	..	..	..	..	..	..	-	-	-	-	-
Portugal	..	..	200.0	100.0	25.0	-	-	12.5	-	-	10.8
Spain	-	-	-	..	-	1.8	4.3	1.1	1.3	4.3	1.4
Sweden	-	-	5.6	..	8.0	..	3.3	13.5	8.8	2.9	7.3
Switzerland	-	-	-	-	-	-	-	-	-	-	-
UK (cases)	-	-	-	-	0.6	0.1	0.1	1.0	6.4	12.0	1.7
Canada	..	1.6	8.9	16.2	34.0	52.8	35.1	33.7	40.5	37.2	24.4
USA (cases)	..	1.6	..	..	..	1.3	11.7	13.3	14.3	22.4	10.5
Australia	..	..	..	..	..	..	..	..	6.3	..	6.3
Total	0.4	0.2	1.0	1.4	2.9	2.3	2.8	5.6	7.7	12.3	3.1
Total EUR	0.4	0.1	0.5	0.6	1.5	0.7	0.7	2.0	3.6	6.8	1.3
EU-13	0.5	0.1	0.4	0.6	1.5	0.7	0.6	2.1	3.6	7.2	1.2

Table 7. Asylum applications and refugee status determination, 1998

Nigeria

Country of asylum	Gvt./ UNHCR (1)	Pending cases begin year	Cases submitted during year	Decisions during year					Pending cases end of year(5)	Recognition rate(6)	
				Recognized		Rejected	Otherw. closed (3)	Total (4)		.Ref. status	Total
				Refugee status	Other (2)						
AUS	G	0	189	7	0	109	68	184	0	3.8	3.8
AZE	U	0	2	0	0	2	0	2	0	-	..
bel	G	0	167	0	0	34	4	38	0	-	-
BEN	G	116	115	59	0	4	79	142	89	41.5	41.5
BKF	G	5	11	0	0	0	0	0	16	..	..
BRA	G	16	21	4	0	18	0	22	15	18.2	..
BUL	G	3	10	0	0	4	4	8	5	-	-
CAN	G	503	580	216	0	214	83	513	586	42.1	42.1
CAR	V	0	5	0	0	0	0	0	5	..	..
CHI	U	0	1	0	0	0	1	1	0	-	-
CHL	G	2	0	2	0	0	0	2	0	100.0	..
COD	U	0	3	0	0	2	1	3	0	-	-
CYP	U	0	44	0	0	39	0	39	5	-	..
CZE	G	10	94	1	0	12	65	78	26	1.3	1.3
DEN	G	0	23	0	0	32	0	32	0	-	..
ECU	G	0	14	1	0	11	2	14	0	7.1	7.1
EST	G	0	3	0	0	3	0	3	0	-	..
FIN	G	13	15	0	2	3	5	10	14	-	20.0
FRA	G	0	259	22	0	179	0	201	0	10.9	..
GAB	V	5	2	1	0	6	0	7	0	14.3	..
GBR	G	0	1,380	100	65	1,380	460	2,005	1,280	5.0	8.2
GEO	G	0	2	0	0	2	0	2	0	-	..
gfr	G	249	664	13	1	1,128	52	1,194	141	1.1	1.2
GHA	G	0	6	0	0	4	2	6	0	-	-
GRE	G	0	8	3	0	6	0	9	0	33.3	..
GUA	U	0	1	0	0	1	0	1	0	-	..
GUI	U	3	3	3	0	3	0	6	0	50.0	..
HKG	U	4	6	0	0	7	3	10	0	-	-
HRV	G	0	1	0	0	1	0	1	0	-	..
HUN	G	0	98	15	2	45	3	65	33	23.1	26.2
ICO	U	9	34	8	0	15	0	23	20	34.8	..
IND	U	0	1	0	0	0	1	1	0	-	-
IRE	G	0	1,729	3	0	213	51	267	0	1.1	1.1
ITA	G	0	6	4	0	3	0	7	0	57.1	..
JAM	V	0	3	0	0	3	0	3	0	-	..
JOR	U	0	2	0	0	1	0	1	1	-	..
JPN	G	0	2	0	0	2	0	2	0	-	-
LBY	U	5	2	0	0	2	5	7	0	-	-
LEB	U	25	13	9	0	5	3	16	22	56.3	56.3
LTU	G	0	1	0	0	0	0	0	1	..	..
LUX	G	0	1	0	0	0	0	0	0	..	..
MAU	U	0	7	0	0	7	0	7	0	-	-
MDA	U	0	3	0	0	0	0	0	3	..	..
MLI	V	0	13	0	0	0	0	0	13	..	..
MLS	U	0	3	0	0	1	1	2	1	-	-
MOR	V	0	9	0	0	0	0	0	9	..	..
MTA		0	4	0	0	0	0	0	0	..	..
NET	G	0	342	1	12	185	303	501	0	0.2	2.6
NOR	G	0	6	0	2	2	0	4	0	-	50.0

Table 7 (continued)

Country of asylum	Gvt/ UNHCR (1)	Pending cases begin year	Cases submitted during year	Decisions during year					Pending cases end of year(5)	Recognition rate(6)	
				Recognized		Rejected	Otherw. closed (3)	Total (4)		Ref. status	Total
				Refugee status	Other (2)						
PER	G	0	2	0	0	0	0	0	2	-	-
PHI	G	0	2	0	0	0	0	0	2	-	-
POL	G	4	25	0	0	4	3	7	22	-	-
POR	G	0	39	0	0	4	7	11	0	-	-
RSA	G	3,242	1,090	3	0	2,606	14	2,623	1,709	0.1	0.1
RUS	U	91	3	0	0	0	76	76	18	-	-
SEN	V	4	38	1	0	3	0	4	38	25.0	25.0
SPA	G	0	253	1	10	236	0	247	0	0.4	4.5
SUD	G	7	1	0	0	0	0	0	8	-	-
SWE	G	0	34	0	1	34	0	35	0	-	2.9
SWI	G	108	239	0	0	138	54	192	158	-	-
TAN	G	0	1	0	0	1	0	1	0	-	-
TOG	U	15	5	0	0	1	0	1	19	-	-
TUN	U	0	2	0	0	1	1	2	0	-	-
TUR	U	1	15	0	0	3	6	9	7	-	-
UKR	G	0	18	0	0	18	0	18	0	-	-
USA	G	1,181	285	103	0	21	478	602	614	17.1	17.1
VEN	U	0	4	0	0	4	0	4	0	-	-
YUG	U	1	0	0	0	0	1	1	0	-	-
ZIM	G	0	5	0	0	4	1	5	0	-	-
TOT		5,622	7,969	580	95	6,766	1,837	9,277	4,882	6.3	7.3

Notes

Applications and decisions generally refer to the number of persons. Statistics are provisional, subject to change.

Applications generally refer to "new" applications only. Decisions generally include those made in administrative review/appeal.

(1) refugee status determination carried out by the Government (G) or UNHCR (U). V = Various/Unknown.

(2) Any other status granted, i.e. "humanitarian", "de facto", "B", etc.

(3) Otherwise closed decisions usually refer to cases which are closed (rejected) on the basis of formal grounds or because the applicant has "disappeared", died, etc.

(4) Generally, this refers to the total number of positive (Convention or humanitarian status) decisions, rejections and cases that are otherwise closed.

(5) Generally, this refers to the pending cases begin year plus the number of cases submitted minus the number of decisions taken during the year.

(6) Number of persons granted refugee and (or) another status divided by the total number of decisions.

Source

Governments, UNHCR.

Table 8. Monthly asylum applications lodged in European asylum countries, 1999															Country of origin: Nigeria	
Asylum country	Jan.	Feb.	Mar.	Apr.	May	Jun	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Total	%		
Austria	21	16	26	12	18	17	32	25	28	13	18	42	268	6.1		
Belgium	11	12	8	8	8	7	7	13	11	8	5	8	106	2.4		
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0	-		
Czech Republic	12	6	8	8	2	4	6	12	4	4	1	1	68	1.6		
Denmark	4	1	2	3	5	3	1	0	0	0	2	0	21	0.5		
Finland	0	1	1	0	0	0	1	1	0	0	0	0	4	0.1		
France	27	20	24	18	15	18	20	34	19	19	27	29	270	6.2		
Germany	28	24	36	18	14	19	13	18	20	24	22	21	257	5.9		
Hungary	14	11	17	12	12	15	6	9	8	5	5	5	119	2.7		
Ireland	62	46	76	60	56	82	119	190	204	260	283	457	1,895	43.3		
Liechtenstein	0	0	0	0	0	0	0	0	0	0	0	0	0	-		
Luxembourg	0	0	0	0	0	0	0	0	0	0	0	0	0	-		
Netherlands	29	25	21	17	19	19	14	16	18	13	17	31	239	5.5		
Norway	0	0	0	0	0	1	0	1	1	1	0	0	4	0.1		
Poland	0	0	0	4	0	0	1	0	2	0	0	0	7	0.2		
Portugal	0	1	0	0	3	0	6	1	2	1	0	1	15	0.3		
Romania	0	0	1	1	0	0	0	0	0	0	0	0	2	0.0		
Slovakia	0	0	0	0	0	0	0	0	0	0	0	0	0	-		
Slovenia	0	0	0	0	0	0	0	0	0	0	1	0	1	0.0		
Spain	0	0	0	0	0	0	0	0	0	0	0	0	0	-		
Sweden	3	2	3	2	4	4	2	1	0	18	4	2	45	1.0		
Switzerland	13	10	8	12	9	9	10	12	8	6	9	9	115	2.6		
UK (cases)	83	83	83	67	67	67	87	87	87	78	78	78	945	21.6		
Total EU	268	231	280	205	209	236	302	386	389	434	456	669	4,065	92.8		
Total Europe	307	258	314	242	232	265	325	420	412	450	472	684	4,381	100.0		
Notes																
All figures are provisional, subject to change. Data refer to number of persons (except UK). UK: trimestrial figures.																
Germany: excluding "re-opened" applications.																
A zero indicates that the value is zero or not available.																
Source: Governments.																

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