

Atrocities in Nigeria's Plateau State and the Responsibility to Protect

Introduction

On 7 March 2010, between 1 and 3 am, groups of armed men launched simultaneous attacks on the villages of Dogo Nahauwa, Zot, and Ratsat, in Du District of Jos South Local Government Area, Plateau state, Nigeria. Driven from their homes by the sound of gunfire, villagers were maimed and killed by machete wielding men who also set homes on fire, displacing the survivors.

The attacks are the latest in intercommunal violence that has, according to estimates from the United Nations (UN) Committee on the Elimination of Racial Discrimination, killed 13,500 in Plateau state since 1999. As with past violence, the death toll from the recent attacks is highly politicized and contested with estimates ranging from 109 to 500.

The scale of the 7 March attacks and the level of organization among the perpetrators suggests that the atrocities may rise to the level of crimes against humanity – crimes that the government of Nigeria committed itself to protect populations from in endorsing the responsibility to protect (R2P) at the 2005 World Summit.

Soldiers were deployed to the affected villages in the hours after the attacks to quell the violence and prevent it from spreading to neighboring states. This is a positive step in keeping with R2P. However sending troops once crimes have occurred is not in itself sufficient to uphold R2P – especially as concerns have been raised that the army was too slow to respond and failed to react to warnings that could have resulted in earlier deployment and saved lives.

This brief seeks to clarify how R2P applies to the pattern of atrocities in Plateau state. It urges the local, state and federal authorities to work together to take – with the assistance and encouragement of regional and international actors – appropriate measures, in keeping with the responsibility to protect. The need to prevent future intercommunal violence and atrocities is particularly urgent as the risk of reoccurrence remains high.

Applying the Responsibility to Protect

In committing to uphold R2P – and thus reaffirming pre-existing obligations under international humanitarian and human rights law – the government accepted the primary responsibility to protect Nigeria's population from genocide, war crimes, crimes against humanity and ethnic cleansing. This responsibility requires preventing massacres before they are perpetrated and halting them should they

begin. It involves ensuring that Nigerian military, police, and government officials – local, state and federal – do not commit R2P crimes and take appropriate measures to prevent and halt atrocities committed by non-state actors.

This responsibility endures even in the midst of the political crisis that has recently gripped Nigeria. For nearly three months Nigerian President Yar'Adua was in Saudi Arabia suffering from an unknown medical condition. His absence created considerable political uncertainty. The Vice President Goodluck Jonathon was appointed acting President and has maintained this position following Yar'Adua's return to Nigeria and continued medical incapacity. In recent weeks the acting President dissolved the cabinet and appointed new ministers. The task ahead for the government will be fulfilling its responsibility to protect domestically.

The recent atrocities were foreseeable and part of a pattern of attacks and reprisals in Plateau state. Referred to as Nigeria's 'Home of Peace and Tourism,' the ethnolinguistically diverse state is majority Christian with a substantial Muslim population. It is situated in Nigeria's 'middle belt' at the edge of the predominantly Muslim north and Christian south. In 2001 an estimated 1,000 people were killed in Plateau's capital Jos. The violence spread to surrounding rural areas and continued intermittently until 2004. In May 2004, 700 Muslims were killed in southern Plateau state. This was followed by reprisal killings of Christians in Kano, the largest city in northern Nigeria. In response the federal government suspended the Plateau state government, imposed a 6-month state of emergency, and held a peace conference. While such government actions helped to contain the spiral of killings, subsequently, during local government elections held in November 2008, 500 people were killed in renewed violence in Jos. In January 2010, violence again broke out in Jos and spread to rural areas in Jos south with death toll estimates ranging from 300 to more than 1,000.

The massacres of 7 March were allegedly perpetrated by Fulani pastoralists, most of whom are Muslim. They targeted three villages inhabited primarily by members of the Berom ethnic group who are predominantly Christian. The massacres are reprisals for the January attacks by Berom targeting Fulani. At that time a substantial number were killed in Jos South and some of their cattle, their primary means of livelihood, stolen. Thousands of Muslims from the Hausa and Fulani ethnic groups were displaced to

neighboring Bauchi State, the area from which the March attack was launched.

While the attacks have manifested themselves along ethnic and religious lines, the violence stems from a number of sources including:

(1) A nationwide problem of official discrimination against populations labeled as non-indigenous. This categorization of Nigerians into 'indigenes' or 'settlers' on the basis of their ancestry was originally meant to protect the diversity of Nigeria and the traditions and identity of ethnic groups. Unfortunately its application has resulted in the marginalization of communities, led to the domination of 'settler' groups by 'indigene' communities, and fed resentment and violence. 'Settlers' face limited access to government employment and restrictions on higher education opportunities in areas where they are deemed non-indigenous – even though many have lived in the area for generations. The tension over indigeneity overlaps at times with religion. In Plateau state, Muslims from the Fulani and other ethnic groups constitute a large portion of the 'settlers.' Meanwhile, Christians from the Berom and other ethnic groups are regarded as 'indigenous' (some Christian groups are also 'settlers');

(2) Conflict over control of political power between primarily 'settler' and 'indigenous' groups and the manipulation of ethnic and religious identities to serve political and economic interests. This has increased as local politics, especially in the capital Jos, has become polarized around religion which has been used to mobilize individuals to take up arms;

(3) Competition between primarily Christian farmers and primarily Muslim pastoralists over access to cultivable land and water, with conflict over resources increasing due to demographic pressures and land degradation. Political and religious polarization has also made managing resources more difficult;

(4) A prevailing culture of impunity.

The Government's Response

In response to the attacks troops were deployed and acting President Jonathon put the military on red alert. Unlike past responses where the military and police –widely criticized for their corruption and poor-training - committed extra-judicial killings, few reports of such acts have emerged since 7 March. The deployment of troops to prevent additional crimes, the Police Minister's pledge to deploy more police and open outposts in rural areas, and the restraint shown by soldiers, are all positive examples of upholding the responsibility to protect and an improvement on past responses.

However the challenge for Nigeria remains preventing foreseeable crimes before they occur as more could have been done to prevent the 7 March atrocities. In January, federal and Plateau state authorities separately expressed an intention to develop policies for both preventing and

responding to atrocities. Such policies take time to develop but no details have been forthcoming and it is not known whether addressing the underlying causes of the violence will be a priority. It must be for as UN High Commissioner for Human Rights, Navi Pillay has noted, "clearly, previous efforts to tackle the underlying causes have been inadequate, and in the meantime the wounds have festered and grown deeper."

Following the January violence the military and MOPOL (police trained to respond to riots) were deployed and a dusk-to-dawn curfew was in place on 7 March. While Jos, main roads and near-by towns were patrolled, smaller villages were neglected even though prior attacks showed that they were vulnerable to reprisals. As High Commissioner Pillay noted, a protection gap existed and, "the villages should have been properly protected."

A key component of upholding R2P's responsibility to prevent is identifying and responding to early warnings of atrocities. In January cell phone SMS text messaging was extensively used both to warn residents to leave as well as to incite violence and to give instructions on how to kill and dispose of bodies. Reports have emerged that SMS messages were sent to Muslim villagers warning them to leave prior to the March attacks. Furthermore, the Governor of Plateau state has stated that he informed a local army commander of reports that armed men were on the move in the vicinity of the villages hours prior to the 7 March attack. Although the local army commander has refuted the Governor's early warning claims, he has acknowledged that he was aware of SMS messages warning of the attacks. It appears that no preventive action was taken in response to the SMS warnings.

In situations where prevention has failed R2P requires a swift response to halt the atrocities. The targeted villages lie only a few kilometers from Jos where the military and police were located, yet it took hours for the military to respond to the onset of violence. The actions and response of the military and police – reports indicate that in January policemen may have been complicit in the attacks through leaving their posts as the attacks began – need to be properly assessed. This is essential to determine the source of the delay, identify the training and resources needed to respond effectively, and where appropriate hold criminal proceedings.

No system for preventing and protecting is perfect and it will take time to develop the capacities and resources needed to uphold R2P. However, the urgency of the ongoing threat makes it imperative that a comprehensive strategy to address underlying causes and establish effective early warning and response capacities, be developed. Failure to move from the rhetoric of prevention to practice will contribute to a reoccurrence of atrocities in Plateau state. Tragically this has already occurred. On 17 March, 12

Berom were killed by Fulani in the village of Riyom in Jos south. While additional troops had been deployed to the area, the village was unprotected during the 1 am attack.

Upholding the Responsibility to Protect

The Government of Nigeria

In the immediate and long-term future additional military and police deployment combined with more effective intelligence gathering will be needed to protect populations over what is a vast area of land. The military and police should extend their presence beyond major towns and already targeted villages to communities deemed to be at risk of reprisals and future atrocities. This will require co-operation between local, state and federal authorities and between neighboring Nigerian states, like Plateau and Bauchi states as attacks are often launched from them. The Federal government will have to advance its work on security sector reform to ensure that the police and military are better trained to prevent and respond to atrocities as well as respect human rights.

The repeated resort to committing atrocities is facilitated by the culture of impunity. It is the responsibility of the government to uphold the rule of law and end impunity. In the absence of accountability, and where effective preventive measures are not in place, attacks and reprisals become plausible options for those contemplating perpetrating crimes. Many of the 300 arrested after the January attacks had previously been arrested (following the November 2008 violence) but were later released. Already at least 200 have been arrested on suspicion of having been involved in the 7 March massacres. These arrests will have little lasting effect if proper investigations do not occur, due process is not respected, and transparent prosecutions are not carried out. Both Christians and Muslims who participated in the January and March attacks must be prosecuted to avoid selectivity or bias towards one ethnic or religious group and thus fuel future violence. In addition, long-term structural changes are necessary to strengthen and reform the legal system and judiciary in order to adequately address the accountability deficit.

Similarly, accountability requires inquiry into government failures to prevent and react – and allegations of the involvement of military, police, and political officials in the March and January violence (especially in light of concerns that local politicians may have exploited socio-economic, ethnic and religious divisions contributing to the violence). This will also involve assessing how early warning information was gathered (including the existence of hate speech in the local media, text messages, leaflets and religious sermons that incite violence at the local level), analyzed, shared and acted on by local, state and federal intelligence and security agencies and policy makers. Preventing future crimes requires learning lessons about what happened and where the response broke down, as well as taking steps to remedy the weakness and gaps.

After prior episodes of intercommunal violence, state and federal investigations and commissions of inquiry were held yet few rendered public decisions or had their recommendations implemented. An alternative mechanism may need to be considered as the public has come to regard them as ineffective. If such an inquiry is held again, the process should be transparent, inclusive, and result in action to remedy government failings – including criminal prosecution for those found to have played a role in inciting or organizing the commission of R2P crimes. Acting President Jonathan committed himself in January to prosecuting perpetrators, including high-level actors, and determining government officials' culpability, the test now is to see this promise made real.

As UN Secretary-General Ban Ki-moon on 8 March noted, "Nigeria's political and religious leaders should work together to address the underlying causes and to achieve a permanent solution to the crisis in Jos." In addition to addressing impunity, upholding R2P will necessitate that local, state and federal authorities work alongside religious and ethnic leaders and civil society to address discrimination against 'non-indigenes,' resource allocation challenges, and to foster reconciliation. Efforts must be taken to end discrimination based on ancestry, affording all Nigerians the same rights. Ethnic and religious groups also must seek solutions to competition over scarce resources and work together to implement them. Innovative examples of such solutions can be found in Nigeria itself. For example, grazing reserves have been demarcated in the northern states of Katsina and Bauchi, helping to reduce tensions between pastoralists and farmers over access to cultivable land.

Previously good relations in Plateau have deteriorated and been replaced by fear and distrust between the different ethnic and religious groups, and towards the government, police, and notably, the military. Efforts must now be taken to bring together leaders of ethnic and religious groups as well as government agencies to seek a resolution to tensions through dialogue and mediation. Civil society will have a vital role to play in facilitating these conversations and initiating, often with the support of international donors, dispute resolution and conflict prevention programs. Religious and ethnic leaders should also be urged to play a role in providing early warnings of attacks, and ensure that their religious institutions are not used to incite hatred, and take steps to reduce simmering tensions.

Regional and International

The Economic Community of West African States (ECOWAS), the African Union (AU), the UN, key donors, and influential states can play an important role in providing assistance to, encouraging, and where necessary putting pressure on, federal and state authorities to undertake reform and strengthen the capacities and

institutions needed to uphold R2P. Focus should be placed on holding perpetrators accountable, strengthening the rule of law, advancing security sector reform, and encouraging greater political stability, political dialogue and reconciliation.

ECOWAS, the AU and the UN should assess their own early-warning of, and response to, the violence in Plateau. ECOWAS must gauge the effectiveness of its ECOWARN early warning system, and the organizations ability and willingness to respond to threats in a country that is its largest funder and contributor of troops. Both ECOWAS and the AU need to play a constructive and sustained role in urging domestic actors to secure a solution to Nigeria's current political problems.

Conclusion

Nigeria has been a regional leader in putting R2P into practice through its engagement with ECOWAS. It now has an opportunity to show the same leadership through domestically upholding the responsibility to protect, making good on its statement to the 2009 General Assembly debate on R2P, with its constructive emphasis on prevention. This is imperative because the risk of a re-emergence of R2P crimes in Plateau state remains real. Additionally there are concerns that ethnic and religious identities will be manipulated in the context of the upcoming elections, increasing the potential for violence and atrocities. The government took positive steps to deploy troops in the wake of the 7 March violence, but questions remain over the speed of their deployment and missed opportunities to prevent. The recurrence of violence and the risk of future massacres, however, make it clear that deployment after the fact is not enough. In order to fulfill its responsibility to protect Nigeria must critically assess its ability to prevent and halt R2P crimes and – with the assistance of international actors – develop the needed capacities and institutions.