

N-KATALYST

DECLARATION ON THE SECURITY SITUATION IN NIGERIA

INTRODUCTION

- I. The N-Katalyst Forum (“The Forum”) is a non-partisan, non-profit, non-governmental association of progressive Nigerians drawn from across different backgrounds, professions and persuasions, united in their vision of an undivided and indivisible Nigerian nation, and in their commitment to the enthronement of good governance, and social, economic and political justice in the Nigerian State, and the respect and advancement of the fundamental human rights of all Nigerian citizens.
- II. The Forum held its second annual retreat at Abuja on 17th to 19th May 2013 during which it reviewed the affairs of N-Katalyst in the intervening period following the Forum’s inaugural retreat in Abuja in March 2012 and charted a course for progress.
- III. The Forum also reviewed the state of affairs in Nigeria, especially the severe security challenges confronting the nation, and analyzed the escalating insurgency in the Northern states, which has culminated in the recent declaration of a State of Emergency by President Goodluck Jonathan in the North East States of Adamawa, Borno and Yobe.

DECLARATION

Preamble

Following a comprehensive review of the security situation in Nigeria, N-Katalyst

1. Found the prevailing security situation in several parts of Nigeria, especially in the Northern states, extremely troubling.
2. Noted with alarm that the militant insurgents appear to be very well armed with the most modern deadly weapons and have deployed these sophisticated weapons, and their familiarity with the local terrain to inflict heavy casualties on both the security forces and the civilian population.

3. Noted with concern the obvious initial unpreparedness of the Nigerian State to respond to and apprehend the insurgency in the Northern States.
4. Concluded that the prevailing conflict situation in the North East of Nigeria characterized by militant insurgency and the government's counter-insurgency operation amounts to a situation of Non-International Armed Conflict (NAIC), although the Nigerian government is unwilling to admit to such categorization.
5. Noted that the government appears unwilling to fit the security situation in the North East into any of the clear categories of armed conflict defined by law, with the disturbing effect that the counter-insurgency seems to be conducted outside the ambits of both Human Rights Law and Humanitarian Law.
6. Noted that the lack of clear legal categorization of the conflict has led to the absence of a legal framework within which the conflict may be defined and regulated, and has made it difficult to determine the appropriate standards of accountability and responsibility by which to assess the conduct of Nigerian security forces in the theatres of conflict.
7. Found very disturbing allegations that some of the features of conflicts include human rights abuses and other horrendous crimes in the theatres of conflict, including Law enforcement extremism, unaccountable or 'rogue' law enforcement, general violence against women and sexual violence against both male and female genders, all of which crimes are encouraged by a pervasive sense of impunity.
8. Noted with concern the prevalence of reports of rivalry and mistrust between and among security and law enforcement agencies which impair the operational capability of the agencies and occasionally degenerate to inter-agency violence during which innocent Nigerians are put at grave risk.
9. Noted with concern the pronounced lack of effective victim identification processes, leading to a failure to identify and name victims and casualties of the conflict whether from amongst the civilian populations or from amongst security operatives.
10. Noted with concern that a 'political economy' may have developed around the security challenges in Nigeria, with the effect that certain elements may be deriving financial benefits from the prevailing state of insecurity, especially from the resources budgeted for the prosecution of the counter-insurgency and from the extortion of citizens.
11. Noted that there seems to have developed a culture of silence with respect to the impact of the security conflicts on civilian populations in the theatres of conflict, with the effect that the severe trauma to which the victims of these conflicts are subjected are not being addressed or even acknowledged.

12. Noted with particular concern that Nigeria's Civil Society Organizations (CSOs) appear to have been equally ill-prepared to react to the situation and confront the challenges that it has thrown up.
13. Identified as some of the consequences of the lack of preparedness on the part of the CSOs the inadequacy of humanitarian response, the paucity of information on the true state of affairs inside the theatres of conflict, especially on the experiences of civilian populations trapped in these theatres, and the absence of the necessary mechanism for the provision of legal remedies to aggrieved persons.
14. Noted that the legal profession in Nigeria has been rather silent on the conflicts raging at various theatres all across the nation, and has been generally ineffectual in addressing the legal challenges associated with the conflicts, especially the need for legal redress for infringements on human rights and the abuse of the rule of law.
15. Expressed concern that the organized bar may have been intimidated, cowed into silence, or scared away from the North East region.
16. Noted with great concern that the prevailing security situation in Nigeria may portend grave consequences for the general elections on 2015.

Now therefore, the N-Katalyst Forum hereby formally:

- A. Calls on the Federal Government of Nigeria ('the government') to define the legal framework within which the counter-insurgency operations going on in several parts of Nigeria are being prosecuted, and define the rules of engagement for the operations.
- B. Calls on the government to demarcate and streamline the areas of engagement and authority of the various law enforcement and security agencies to eliminate or at least reduce incidences of inter-agency rivalry and conflict.
- C. Calls on the Government to ensure the enthronement of a higher degree of professionalism in the security agencies, including their indoctrination on the fundamentals of Humanitarian Law and Human Rights Law.
- D. Calls on CSOs to be alive to their responsibilities to the civilian populations in theatres of conflict and to the victims of the conflicts amongst both the civilian population and the security and law enforcement agencies.
- E. Calls on the official bar to awaken to its obligations to the people and to the law and boldly confront the legal issues thrown up by the prevailing security situation in Nigeria.

- F.** Calls on the government and the Independent National Electoral Commission to commence with urgency the processes for erecting robust legal and logistical structures to forestall and apprehend electoral violence in 2015.
- G.** Declares its willingness to work with the government, the security agencies and other CSOs to address the several issues raised in this Declaration, and hereby offers its hand of partnership in this regard.

Issued at Abuja, Nigeria, this 19th Day of May, 2013

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