

NIGERIA

1. PRESENTATION¹

Basic Facts ²	
Name of Country	Federal Republic of Nigeria
Capital	Abuja
Population	131,859,731 (July 2006 estimate)
Area	923,768 sq km
Average Life Expectancy	47.08 years (2006 estimate)
Ethnic Groups	Nigeria is composed of more than 250 ethnic groups; the following are the most populous and politically influential: Hausa and Fulani 29%, Yoruba 21%, Igbo (Ibo) 18%, Ijaw 10%, Kanuri 4%, Ibibio 3.5%, Tiv 2.5%
GDP per capita, PPP	\$1,400 (2005 est.)

Community of Democracies	
Previous Participation	Participant at all previous ministerials

Timeline of Recent Major Events in Nigeria³

- **1999** - Parliamentary and presidential elections. Olusegun Obasanjo sworn in as president.
- **2001** October - President Obasanjo, South African President Mbeki and Algerian President Bouteflika launch New Partnership for African Development, or NEPAD, which aims to foster development, improve governance and end wars.
- **2002** February - Some 100 people are killed in Lagos in clashes between Hausas from mainly Islamic north and ethnic Yorubas from predominantly Christian southwest. Thousands flee. City's governor suggests retired army officials stoked violence in attempt to restore military rule.
- **2002** November - More than 200 people die in four days of rioting stoked by Muslim fury over the planned Miss World beauty pageant in Kaduna in December. The event is relocated to Britain.
- **2003** April 12 - First legislative elections since end of military rule in 1999. Polling marked by delays, allegations of ballot rigging. President Obasanjo's People's Democratic Party (PDP) wins parliamentary majority.
- **2003** April 19 - First civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 percent of vote. Opposition parties reject result. EU poll observers cite "serious irregularities."
- **2003** August - Violence between Ijaw and Itsekiri people in Delta town of Warri kills about 100 people, injures 1,000.

¹ Principal author: Center for Democratic Development - Ghana

² Source: CIA World Factbook at <http://www.cia.gov/cia/publications/factbook/index.html>, accessed on July 5, 2006.

³ BBC News, Timeline: Nigeria, Aug. 15, 2006.

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- **2004** May - State of emergency is declared in the central Plateau State after more than 200 Christian militiamen kill Muslims in Yelwa in attacks; revenge attacks are launched by Muslim youths in Kano.
- **2004** August-September - Deadly clashes between gangs in oil city of Port Harcourt prompts strong crackdown by troops. Amnesty International cites death toll of 500, authorities say about 20 died.
- **2005** July - Paris Club of rich lenders agrees to write off two-thirds of Nigeria's \$30 billion foreign debt.
- **2006** January - Militants in the Niger Delta attack pipelines and other oil facilities and kidnap foreign oil workers. The rebels demand more control over the region's oil wealth.
- **2006** February - More than 100 people are killed when religious violence flares in Muslim towns in the north and in the southern city of Onitsha.
- **2006** May - The Senate rejects proposed changes to the constitution which would have allowed President Obasanjo to stand for a third term in 2007.
- **2006** August 29 - President Obasanjo announces the date of presidential elections to choose his successor: April 21, 2007.

2. BACKGROUND

With the next presidential and legislative elections scheduled to be held in April 2007, the current pre-election period is characterized by mounting tensions between major power brokers, stakeholders and presidential aspirants. The political landscape of Nigeria is marked by increasing potential for violence on ethnic, religious and social grounds or due to the struggle for resources and political power. Political violence takes the forms of repression, of violent confrontations, especially in the Niger Delta, as well as of human rights violations.

While the elections could mark Nigeria's first successful transition from one civilian government to another since independence in 1960, the country is overburdened with major challenges. Its prospects are clouded by an extremely heterogeneous and fragmented society, with more than 250 ethnic groups, divisions along religious lines (Islam, Christianity), regionally concentrated oil wealth (Niger Delta) and a highly unequal distribution of income, accompanied by mass poverty (some 60 percent of the population). The heterogeneity and diversity of the country is a huge obstacle to nation building, consolidation of state and democratic structures, sustainable and effective rule as well as socio-economic development. Resulting from state formation under British colonial rule, Nigeria has been challenged ever since independence in 1960 by centrifugal powers and a precarious stateness, which first became obvious to the international public in the bloody Biafran secession war (1967 to 1970).

Amid intense competition for state power, the military presented itself as the only institution that could preserve the territorial integrity and unity of the country.

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Subsequently, it ruled Nigeria for almost 30 of 46 years as an independent state.⁴ Only the periods 1960-66 (“First Republic”⁵), 1979-83 (“Second Republic”), a few months in 1993 (“Third Republic”) and from 1999 onwards (“Fourth Republic”) were free from direct military rule. However, the Fourth Republic, endowed with a US-style federal democratic system based on the separation of powers, multipartidism and the rule of law, is led by a former military ruler, President Olusegun Obasanjo, who had paved the way to elections and the Second Republic in 1979. Although he and his political organization, the People’s Democratic Party (PDP), gained majorities in the elections of 1999 and 2003/04, Obasanjo’s political standing was bolstered by the backing of still influential factions of the military.

Despite the reintroduction of formally democratic institutions and procedures, endemic corruption undermines the political system and tends to have the decisive influence on economic, social and political developments. Although successive military and civilian governments promised to contain and overcome that “disease”, Nigeria, together with Côte d’Ivoire and Equatorial Guinea, was listed 152nd in a ranking of 159 countries of the 2005 Corruption Perceptions Index (CPI). President Obasanjo is credited with taking credible measures against corruption, including the work of the Economic and Financial Crimes Commission (EFCC) as well as the dismissal of several fraudulent politicians and other state actors. However, corruption remains a visible factor even in the highest positions of government. For instance, in February 2007, the EFCC released a list of 135 politicians which were at risk of undergoing or were already undergoing graft investigations. The list included politicians from all parties. In 2006, the EFCC pointed out that all of Nigeria’s 36 state governors were under investigation for corruption.⁶ It remains, in fact, a major obstacle to the emergence of a democratic political culture and the consolidation of democracy.

The democratization process and the stability of the country are also jeopardized by the high levels of violence resulting from political, ethnic and religious conflict as well as from organized and violent crime, affecting almost all of the 36 federal states and the national capital Abuja. The cultural and religious divide between Islam in the north and Christianity in the south of the country, overlapped by socio-political rivalries between major ethnic groups, represent the most violence-prone rift in a country divided along a multitude of conflict lines. Ethnic divisions exist between the Hausa-Fulani (predominantly Muslim, north), Yoruba (partly Christian, partly Muslim, southwest), Ibo (mostly Christian, southeast, protagonists of an independent Biafra in the 1960s) as well as the multi-ethnic “minorities” in the northern (mostly Muslim), central (partly Muslim, partly Christian) and southern (mainly Christian) regions.⁷ The Christian-Islamic divide

⁴ See, for example, the brief account in Economist Intelligence Unit (EIU), Country Profile 2006: Nigeria, London 2006.

⁵ Strictly speaking, Nigeria became a Republic in 1963. From 1960 to 1963, the newly independent state took the form of a constitutional monarchy in the British Commonwealth.

⁶ “Nigerian Agency Calls 135 Unfit to Run for Office” Dakar, The New York Times, Feb. 8, 2007, accessed through www.nexis.com.

⁷ Due to a lack of a reliable census, the percentages of the groups can only be roughly estimated. Commonly, the three largest groups, the Hausa-Fulani, the Yoruba and the Ibo, together make up 60

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became even more evident when a dozen northern states adopted the Sharia as official law in 2000/01. After years of tension and occasional violence, the Christian-Islamic conflict was fuelled again by the Mohammed cartoon affair in early 2006, which ignited sectarian violence in various Nigerian states. About 150 people were killed and as many as 50,000 temporarily displaced.

Given the levels of violence, the human rights record of Nigeria remains generally poor.⁸ It has been estimated that communal, ethnic and religious conflict in total, including the confrontations over oil resources between the local population and government forces in the Niger Delta, have claimed at least 14,000 lives while hundreds of thousands of people were internally displaced temporarily since the beginning of the Fourth Republic.⁹

The potential for violence inherent in the religious and ethnic heterogeneity of Nigeria is further aggravated by the lop-sided structure of the economy. Engaged in agriculture or low-level informal sector activities, the large majority of the population is living in poverty, while civilian and military elites receive their income and prosperity predominantly from mineral oil which is regionally concentrated in the Niger Delta, the home area of southern “minorities.” In 2005, oil accounted for 95 percent of Nigeria’s export earnings, over 80 percent of the federal government’s revenue and 24 percent of the GDP.¹⁰ This makes oil the hub of all economic, social and political aspirations of Nigeria’s ruling class. Given the endemic nature of corruption, oil is not only a factor of national wealth, but even more so a factor of private appropriation for personal enrichment for people in positions of power.

Oil revenue, which is generated in cooperation between the Nigerian state and international oil companies, is collected by the federal government and subsequently redistributed to the regional and local state bodies and the respective socio-political elites. From 2004 onwards, the developments of world market demand and prices translated into extraordinary windfall profits for both international companies and the Nigerian state. Given the low share of wealth and the high burden of environmental degradation in the Niger Delta, local militia took up arms to fight for better living conditions and a higher share of the revenue. Repeatedly, foreign workers of the oil companies were kidnapped to put pressure on the federal government and on the companies.¹¹ However, the government, by pursuing a carrot-and-stick strategy (with much more emphasis on repression than on dialogue) was able to contain the effectiveness of the militants and the peaceful protestors, while it did not provide for a political solution to the conflict.

percent to two thirds of the population while the remainder is the share of the “minorities”. A census was carried out in March 2006, but the results still have to be published (see This Day, Oct. 2, 2006).

⁸ U.S. Department of State, Nigeria, Country Reports on Human Rights Practices 2005, March 8, 2006.

⁹ Internal Displacement Monitoring Centre (IDMC), Nigeria: heightened risk of violence and displacement ahead of 2007 elections, Oslo, 21 Sept. 2006. – EIU (Country Profile 2006) put the death toll much higher, at 50,000 and more. According to the same source, 800,000 people were (temporarily) displaced.

¹⁰ EIU Country Report Nigeria, Aug. 2006.

¹¹ The most recent cases of violence and kidnapping were reported on October 3 and 4, 2006. See, for instance, Daily Champion, Lagos, Oct. 3, 2006; BBC News, Oct. 4, 2006.

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A National Political Reform Conference was held in 2005 to review Nigeria's constitution. It ended without any agreement on the most fundamental challenges facing the country, including ethno-religious imbalances and the question of how to re-distribute the nation's oil wealth. Furthermore, in a surprise move, the PDP-dominated Nigerian Senate in May 2006 blocked the proposed amendment to the constitution that would have allowed President Obasanjo to stand for a third term in the 2007 elections. Consequently, Vice President, Atiku Abubakar and former military ruler Ibrahim Babangida (1985-93) started political manoeuvrings to succeed the president.¹²

As a result of the emerging power struggle, political tensions in the country mounted again. When Obasanjo and Abubakar personally clashed, accusing each other of corruption and fraud, the police shot one of the vice president's bodyguards in September¹³ shortly before, the vice-president's suspension from the PDP for three months. Abubakar now faces prosecution at the Code of Conduct Tribunal for alleged abuse of office and illegal diversion of public funds.¹⁴ He was cited by the Economic and Financial Crimes Commission as "unfit for office", along with 134 other politicians, in February 2007. Abubakar rejected the Commission's description (which is merely advisory) as part of a deliberate conspiracy to hurt his reputation.¹⁵ Given the growing political tension, President Obasanjo urged the military to be prepared to defend democratic institutions and structures as the nation approaches another period of political transition. He argued that it had become inevitable to take the case of consolidating Nigeria's democratic gains to the doorsteps of the military, describing the duties of the military as that of defending the rule of law and democracy.¹⁶

Obasanjo has hinted that his administration will continue its war against corruption, stressing the necessity to deepen national development and lay a solid foundation for the future.¹⁷ Under pressure and influence of international organizations and Western countries he has pursued a policy of economic reforms that are aimed at generating an environment conducive for private investment. Key pillars of the reform process include improved macroeconomic management, reform of the financial sector, institutional reforms, privatization and deregulation, and improvement of the infrastructure. In 2005, Nigeria concluded an agreement with Paris Club creditors which allowed it to write off US\$ 18 billion of its foreign debt under the condition that Nigeria pay US\$12.4 billion to the creditors. In April 2006, helped by record oil prices, Nigeria becomes the first African nation to pay off its debt to the Paris Club of rich lenders. In 2003, Nigeria committed itself to the obligations of the Extractive Industries Transparency Initiative (EITI) and in April 2006 the Nigerian National Stakeholders Working Group of the EITI announced the completion of a three-part audit of Nigeria's extractive industries. The Nigerian EITI published a report setting out the results of the audit and recommendations for improvement.

¹² EIU Country Report Nigeria, Aug. 2006.

¹³ This Day, Oct. 1, 2006; also Vanguard, Lagos, Oct. 1, 2006.

¹⁴ Vanguard, Oct. 2, 2006.

¹⁵ 'Nigerian Agency Calls 135 Unfit to Run for Office', Dakar, The New York Times, February 8, 2007, accessed through www.nexis.com.

¹⁶ This Day, Oct. 2, 2006.

¹⁷ This Day, Oct. 1, 2006.

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The urgency to improve economic and social conditions in the country is made evident by Nigeria's weak standing in comparative international statistics. For instance, the country ranked only 158th of 177 countries in the 2005 UNDP Human Development Index (HDI). On Independence Day 2006, a newspaper commented:

"In key areas of development Nigeria seems to be worse off now than 46 years ago [at independence], so much so that the older generation of Nigerians are often filled with a sense of nostalgia about how good it used to be in this country. Amenities such as good roads, efficient healthcare facilities and adequate water supply are still part of campaign promises of politicians seeking elective offices for which both past and present leaders have woefully failed to deliver to the people."¹⁸

There is growing concern about Nigeria's ability to come to terms with its ever-growing economic, social and political problems. In 2005, a US security analysis warned of a possible national disintegration of Nigeria by 2015, while the World Bank, in a report titled "Engaging with Fragile States," recently ranked Nigeria among the countries with the most precarious stateness.¹⁹ One major factor threatening the consolidation of democratic structures is the comparably weak position of the federal government vis à vis other major actors, stakeholders and competing power centres in the country. Perpetrators of human rights violations and violence can be state security agents, members of private militia, vigilante groups and criminal gangs.

3. ANALYSIS

Democratic Institutions and Processes

Elections and multipartism

Since independence, Nigerians rarely had the opportunity to vote at national, regional and local elections. Under military rule, elections were generally not allowed, but people were called to vote during periods of transition to the Second (1979), Third (1992/93) and Fourth Republic (1999). The constitution of the Fourth Republic provides Nigerian citizens with the right to change their government peacefully through free and fair elections held on the basis of universal suffrage. The president is elected every four years and is required to include at least one representative of each of the 36 states in the cabinet. The bicameral National Assembly consists of a House of Representatives (with 360 seats) and a Senate (with 109 seats), each elected for four-year terms. The state governors and assemblies are also elected every four years.

The most recent elections at the national, regional and local levels were held in 2003 and 2004. President Obasanjo gained a second term, and his political party, the PDP, was able to extend its already large majorities in both chambers of the National Assembly. Moreover, members of the President's party took 28 of the 36 state governor positions. Notwithstanding the legal provision of a secret and fair ballot, the elections were marred

¹⁸ Weekly Trust, Kaduna, Oct. 1, 2006.

¹⁹ Vanguard, Oct. 2, 2006.

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by fraud and corruption as well as by regional violence, particularly in the southeast and in the Niger Delta.²⁰ A petition filed by the presidential runner-up Muhammadu Buhari of the All Nigeria People's Party (ANPP) on behalf of opposition parties to nullify the election results was finally rejected by the Supreme Court in 2005.

Nonetheless, the 2003 polls reinforced the dynamism of multiparty politics in Nigeria. Since the law provided for the free formation of political parties, 31 organizations participated in the parliamentary elections, while no less than 19 parties fielded candidates in the presidential race. Major political parties include the ruling PDP, the mostly northern ANPP, the Yoruba-based Alliance for Democracy (AD) and the Ibo-dominated All Progressives Grand Alliance (APGA). In January 2006, a new political party named the Advanced Congress of Democrats (ACD) was officially registered as a political pressure group, apparently to support the 2007 presidential campaign of Vice-President Atiku Abubakar.

Although political parties were obliged to refrain from ethnic, regional, religious and other divisions, most of them were unable to get a nation-wide standing. In practice, the political race largely reflected regional, ethnic and religious conflicts. Although multipartidism can be seen as a major feature of the political system since 1999, the political outlook and structure of that very same system does include weaknesses that in the past had been responsible for severe political crises, the takeover by military regimes and the disruption of the democratization process.

Rule of Law

Separation of powers, independent judiciary and rule of law

According to the constitution, the executive, legislative and judicial powers are independent of each other. In theory, separation of powers and checks and balances are existent, given the substantial veto powers of both the parliament and the federal states vis à vis the central state executive. In practice, however, the separation of powers is weakened by deficiencies inherent in the designation of boundaries between the executive, legislative and judicial branches on the one hand and the three completely different legal systems - secular state law, Islamic law (Sharia) and customary law - on the other.²¹

The judiciary, embedded in a highly complicated legal system which is technically called 'legal pluralism', is still suffering from many years of military dictatorship. Moreover, it remains susceptible to executive and legislative branch pressure at all (national, regional, local) levels and is weakened by political influence, underfunding and corruption. The already overburdened courts are confronted with attempts of manipulation at every level, which makes it almost impossible to maintain the

²⁰ See, for example, Commonwealth Secretariat, Report of the Commonwealth Observer Group on the National Assembly and Presidential Elections in Nigeria, 12 and 19 April 2003, 25 April 2003; see also, for instance, EIU Country Profile 2006, or U.S. Department of State.

²¹ See, for instance, U.S. Department of State; EIU Country Profile 2006.

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independence of the judiciary. The top-level courts are highly politicized and the vast majority of their verdicts are aimed at stabilizing the political system under Obasanjo and the PDP, explicitly demonstrated in suits concerning several results of the last elections. As a result of all these deficiencies and constraints, the effectiveness and reach of the rule of law is limited.

Civilian control of the military

The military, which ruled Nigeria for all but four years between 1966 and 1999, is still a major political force. Owing to Nigeria's post-independence history, it is difficult to ensure military accountability and subordination to a democratically elected civilian government. However, the military is ridden by many problems of its own, including factionalism and corruption. Factionalism, based on religious, ethnic and regional identities, is visible between and within the army, the navy, the air force, the police and the State Security Service (SSS). At present, officers of all levels are reluctant to re-intervene in politics directly since its public standing as the "saviour" of the nation has been deeply eroded by corruption and mismanagement in its own ranks and the track record of previous military governments. Its image has further been tarnished by severe human rights violations committed by members of the security forces. If the military were at all to re-intervene in politics, such a move would probably be presented with a constitutional façade, like postponing badly organized elections until they can be held in a more orderly manner.

Human Rights

Generally, the constitution provides for the respect of human rights and fundamental civil liberties including the freedom of thought, speech, expression, association and assembly. The president and the government are officially committed to enforce these rights and freedoms. By contrast, however, observers share the view that Nigeria's human rights record remains poor.²² Government officials and state security members at all levels continue to commit serious abuses, including disappearances and even killings. In many cases, perpetrators are acting on their own account against alleged offenders, without any direction, control or sanction by government officials at the national, regional or local levels. The Nigerian reality remains widely poisoned by a climate of arbitrariness, corruption and impunity. Furthermore, the rights of association and assembly are restricted by several statutory regulations, for instance with regard to trade unions. In areas that experience communal violence, security forces permit public meetings and demonstrations on a case-by-case basis.

There are also many violations of basic human rights by private actors, including militia, vigilante groups and organized gangs. At all levels the state and state agents remain unable (and sometimes unwilling) to protect effectively against private violence as well as occasional outbreaks of interethnic or interreligious violence. A special area of conflict and human rights violations is the oil-rich Niger Delta where massive tensions persist between local ethnic groups on the one hand and the oil companies and the state

²² See, e.g., U.S. Department of State Annual Country Human Rights Report.

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on the other. Human rights violations are also inherent in sentences of Sharia courts in those northern states which adopted and practise Islamic law. Sentences may include amputation for theft, caning for public drunkenness or death by stoning for adultery. The death penalty, which is provided for in the Sharia system, is also a possible verdict in the secular judicial system. In all systems, however, death sentences were rarely executed during the past few years. In 2005, the National Study Group on the Death Penalty appointed by President Obasanjo recommended the abolition of the death penalty or, at least, a moratorium on executions.²³

According to the law, persons charged with offences have the right to an expeditious trial, and criminal justice procedures call for trial within three months of arraignment for most categories of crimes. Trials in the regular court system are public and generally respect constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, lengthy pre-trial detention, sometimes stretching for several years, remains a serious problem. Moreover, defendants do not always have legal representation and are often ill informed about procedures and their rights. Procedures are also prone to corruption.

While Nigerian authorities normally do not take responsibility for human rights abuses committed by state actors, the Abuja government in August 2005 admitted that there had been widespread extrajudicial killings of suspects and innocent citizens by the country's police. This statement was a reaction to Human Rights Watch (HRW) reports that torture and killing of suspects by police was rampant in Nigeria and largely went unpunished.²⁴ In an attempt to act against a perceived climate of impunity, President Obasanjo promised tough action to clean up the police force. Moreover, Obasanjo appointed a commission that concluded that three of Nigeria's former military rulers were personally liable for extrajudicial killings perpetrated while they were in power.²⁵ The commission recommended that all three men - Generals Ibrahim Babangida, Muhammadu Buhari and Abdulsalami Abubakar - be banned from holding high office in the future.

In June 2006 the government removed the Executive Secretary of the National Human Rights Commission (NHRC), Bukhari Bello, from office. This decision was made just a few days after the NHRC issued a statement which strongly condemned the detention of a critical journalist.²⁶

Media freedom

Constitutionally, the freedom of the media is a major feature of the Fourth Republic. Nigeria is endowed with a vibrant print media sector, much of it in private hands, while

²³ Amnesty International, Annual Report 2006: Nigeria

²⁴ Human Rights Watch (HRW), Nigeria: Obasanjo confirms torture, killing by police, New York, Aug. 22, 2005.

²⁵ "Nigeria; Rights Panel Wanted Three Ex-Military Rulers Probed for Killings" (January 12, 2005) UN Integrated Regional Information Networks, accessed through www.nexis.com.

²⁶ HRW, Nigeria: Do not fire rights chief without a cause, June 29, 2006.

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the broadcast media is dominated by state-run organizations, namely the Nigerian Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN). There are also growing numbers of independent, privately owned television and radio stations as well as foreign stations available via satellite. Moreover, there are no visible government restrictions on the Internet.

While many media can be critical of the government without reprisal, the government at times severely restricts the operational freedom of some of them. Human rights organizations including Reporters Sans Frontières (RSF) and the Committee to Protect Journalists (CPJ) regularly document violent attacks on media houses and journalists by security forces, including death threats against journalists who are, at times, misused as “punch-bags of those in authority – military, state governors, ministers and businessmen who enjoy impunity and have no respect for the right of information”.²⁷ Issues occasionally provoking state reaction based on “obsolete law” (RSF) include reports and comments on the President (including the failed third-term bid), the military, state security, separatism and corruption. In June 2006, for example, two Ebonyi Voice journalists were temporarily imprisoned in the southeastern Ebonyi state for criticizing their state governor for corruption, and a well-known presenter of a political programme on the privately owned African Independent Television (AIT) was temporarily jailed for allegedly offending President Obasanjo.²⁸ In August 2005, security agents raided the offices of a Lagos-based tabloid in an attempt to censor coverage of the Ibo-dominated Movement for the Actualization of the Sovereign State of Biafra (MASSOB).²⁹ Press freedom is further restricted in the northern Sharia states by specific Islamic laws. In 2005, Nigeria only ranked 112th in the Freedom House global press freedom ranking (194 countries) and an even poorer 123rd in a similar RSF listing (167 countries).³⁰

Religious freedom

Officially there is no state religion since Nigeria is a multireligious country, though Christianity and Islam are the most practiced religions.³¹ Christianity dominates the south, forms a strong minority in the centre-north and is marginalized in the north. By contrast, Islam is the dominating faith in the north and the centre, while a minority religion in the south, with strong communities in some of the southern urban centres. When northern states adopted the Sharia in 2000/01, non-northerners tended to perceive this as an attempt to promote Islam to the rank of an official religion in these same states. Moreover, Nigeria’s membership in the Organization of the Islamic Conference (OIC) is a persistent cause of concern to non-Muslim Nigerians. At the same time, many Muslims are suspicious of Christian domination, given the fact that many Christians in the

²⁷ RSF, 23 Aug. 2006. See also RSF 22 March 2006 and 27 June 2006.

²⁸ CPJ, 25 Aug. 2006; RSF 29 June 2006; CPJ, 30 June 2006.

²⁹ RSF, 25 Aug. 2005.

³⁰ Freedom House, Global Press Freedom Rankings 2005; RSF, World Press Freedom Ranking 2005.

³¹ According to estimates in the Encyclopaedia Britannica Book of the Year 2006, Christians made up 45.9 percent of the population in 2000, including 15.0 percent members of independent churches, 13.0 percent Anglicans, 9.0 percent members of other Protestant churches and 8.0 percent Catholics. The share of Muslims amounted to 43.9 percent while 9.8 percent of the population were deemed to adhere to traditional beliefs.

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northern Diaspora are economically and socially privileged, while Muslims make up the large majority of the poor.

Although religious freedom is guaranteed by the constitution, many Nigerians, including government officials, often discriminate against those of a religion different from their own.³² Religious violence, often reflecting regional, ethnic and social differences and accompanying competition for resources, is common. While in 2005 there was a decline of religious violence compared to the previous year, the level of religious tension was once again stimulated in 2006, in particular by international developments. The global campaign against Islamic terrorism by the US and other Western actors was perceived by a considerable number of Nigerian Muslims as a generalized war against Islam. When a specific interpretation of Mohammed cartoons published in Denmark in 2005 spread to Muslim communities all over the world, religious tension in Nigeria came to the brink of explosion again. Violent pogroms against Christians in northern cities were responded to by anti-Muslim pogroms in the southeast in February 2006.

Discrimination and anti-discrimination

The law prohibits discrimination along religious, ethnic, gender and other lines. In theory, all Nigerian citizens possess equal civil rights. The law also mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. However, traditional linkages continue to impose considerable pressure on individual government officials to favour their own ethnic and religious groups for important positions and patronage. Subsequently, many underprivileged groups complain about discrimination and marginalization.³³ These groups include women, religious denominations and ethnic entities.

Among the latter are groups of the oil-rich Niger Delta, which act violently against economic exploitation and environmental degradation in their home region, thereby provoking state repression. Despite earlier efforts of the federal government to come to terms with the problem of local militia, this happened again in 2006. Moreover, the Ibos that formed the ethnic basis of the Biafra secession of the 1960s are consistently underrepresented both in the political system and in the military. In 2005, the government cracked down on the Ibo-dominated MASSOB in an attempt to weaken its protest potential. Also, northern Muslims including the Hausa-Fulani are suspicious of what they perceive as domination of Middle Belt and Christian officers, including Yoruba, in the military hierarchy.

At the level of the federal states, a concept of 'indigeneity' is practiced that is discriminatory against Nigerian citizens who are immigrants from other regions of the country.³⁴ Some minorities that are not supported by influential pressure groups also are

³² U.S. Department of State.

³³ U.S. Department of State.

³⁴ HRW, Nigeria: Indigeneity policies marginalize millions, April 25, 2006.

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targets of discrimination. These groups include disabled persons, homosexuals and people living with HIV/AIDS.³⁵ Homosexuality is illegal under federal law (prison sentences of up to 14 years) and subject to the death penalty (stoning) under Sharia law in northern states.³⁶

Gender equality and rights of weaker groups

A majority of Nigerian women still suffer from a wide range of discrimination and gender-based violence, including sexual harassment and rape, rarely reported to the police and hardly ever brought to trial. Owing to traditional culture and education, domestic violence is widely considered socially acceptable by both men and women. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as a permanent loss of body functions, facial disfigurement, or life-threatening injuries. Women are also targets of human trafficking to, from, and within the country for purposes of prostitution.³⁷

Female genital mutilation (FGM) is a major problem in many West African and Sahelian countries and is still practiced throughout Nigeria. Yet, as a result of educational activities by the state, international organizations and Nigerian women's groups, a steady decline of FGM was noticed in the past decades. The 2003 Nigeria Demographic and Health Survey (NDHS) stated that the average national FGM rate has been reduced to approximately 19 percent.³⁸ While practiced in all parts of the country, FGM is much more prevalent in the south, and women from northern states are less likely to undergo the severe type of FGM known as infibulation. Three-quarters of the NDHS survey respondents who had undergone FGM had the procedure before their first birthday. While some southern states banned FGM in reaction to the activities of anti-FGM groups, federal government and parliament so far did not take concrete political action to prohibit the practice.

Even though women constitutionally are endowed with equal rights, they in practice do not have equal access to basic medical services, education, jobs and political power. Although educational opportunities for girls and women have eroded a number of barriers over the years, women still have a lower rate of literacy than men.³⁹ Despite their considerable work contribution in agriculture and family, they are consistently denied equal rights to inherit property in some ethnic groups. Moreover, women's rights have suffered serious setbacks in the Sharia states.

By contrast, the National Assembly started a discussion aiming at better legal protection of women against violence, harassment and discrimination. Moreover, a female pressure group, initiated by the Women Unity Forum (WUF), expressed

³⁵ In 2005, the WHO estimated the number of HIV-positive people at 2.9 million.

³⁶ U.S. Department of State.

³⁷ U.S. Department of State.

³⁸ National Population Commission of Nigeria, Nigeria Demographic and Health Survey 2003, Abuja 2005/06.

³⁹ The alphabetization rate has been estimated at 75.7 percent for male adults and 60.6 percent for female adults in 2003. Cf. CIA World Factbook 2006.

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determination in its quest to increase representation of women in politics and also to provide a platform for women politicians, especially with regard to the 2007 elections. The initiative is committed to building capacity through training and providing women with minimal financial assistance.⁴⁰

Regarding the situation of children, Nigeria is internationally criticized for its reluctance to provide and enforce laws designed to protect their rights. For instance, the levels of infant and child mortality remain high⁴¹, and many children do not have access to adequate education. According to UNESCO figures, primary school enrolment in 2004 amounted to 64 percent for boys and 57 percent for girls, while secondary school enrolment stood at 30 percent for males and 25 percent for females.⁴² In many parts of the country, girls are discriminated against in access to education for social and economic reasons.⁴³ Many families favour boys over girls in deciding which children to enroll in schools, while girls often do domestic work or street vending. As a consequence of mass poverty, many children are forced to work. Numerous children are homeless and live on the streets, and child prostitution is a problem.

4. SUGGESTIONS FOR IMPROVEMENT

Since Nigeria is a powerhouse in Africa, its economic, social and political development is important to the West-African sub region and beyond. If Nigeria were able to consolidate its democratic structures, mechanisms and procedures, this could be an important example for democratization processes all over Africa.

In terms of stateness, democracy and human rights, Nigeria is in a very fragile position. The US and the World Bank in their studies argued that the West African country is at risk of national disintegration. Moreover, the International Crisis Group (ICG) warned of the “very real potential for the persistent levels of violence to escalate with major regional security implications”.⁴⁴ While conflict is often shaped along religious or ethnic lines, poverty and unequal access to power and resources – e.g., land or oil wealth – are very often driving forces behind ensuing confrontations. Most of the problems are closely interrelated and can only be solved in wide-ranging, orchestrated efforts and concerted action.

The upcoming national elections in April provide an important benchmark by which to evaluate the commitment of Nigeria’s rulers to continue with democratic reforms, and will be crucial to ensuring popular confidence in the strength of Nigeria’s democratic system. According to a recent United States Institute of Peace report, meetings of major

⁴⁰ This Day, Sept. 12, 2006.

⁴¹ In 2006, it was estimated that infant mortality amounted to 97.14 per mil (104.05 per mil for males, 90.02 per mil for females). Cf. CIA World Factbook 2006.

⁴² UNESCO Institute for Statistics Online.

⁴³ U.S. Department of State.

⁴⁴ International Crisis Group (ICG), Nigeria: Want in the midst of plenty, Africa Report No. 113, Brussels, 19 July 2006.

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stakeholders in the election process organized by the Independent National Electoral Commission (INEC) came to the conclusion that there remained four major obstacles to a free and fair election in 2007.⁴⁵ Of these, three still remain, and all three concern INEC:

- INEC needs to be made constitutionally independent of the President's control;
- INEC needs to commence the voter registration process as soon as possible, to avoid last-minute rushes;
- INEC should finish distributing the new voter identification cards.

Furthermore, steps must be taken so that violence and intimidation will be kept to a minimum. INEC should provide a breakdown of results by polling station, so as to make it easier to spot potential fraud. The national media should provide balanced and non-partisan coverage of the election campaign.

A major task to be fulfilled remains the consolidation of civilian democratic structures, mechanisms and procedures, accompanied by a democratic political culture that will be able to strengthen civilian rule. This must include military accountability to a democratically elected civilian government and the subordination of the military to the primacy of the civilian political system. Given Nigeria's long history of military rule, this cannot be easily achieved. But chances seem to be better than in previous decades, since the military has factional and other problems of its own. Moreover, military rule is discredited in large parts of the population due to its repressive, ineffective and corrupt behavior in the past. As a result, it is likely that the military may have no interest to re-intervene directly in politics.

In order to prevent new forms of military or authoritarian rule, it will be important to strengthen and support democratically oriented moderate groups within civil society. The development of a strong civil society sector is crucial to Nigeria's future democratization process. This may also contribute to consolidate the party system and, in the long-term, incite a vibrant multipartidism. Yet, it will take a long time before some of these parties develop a relevant, solidly democratic platform since, so far, most of them are confined to ethnic, regional, sectarian or communal constituencies.

One of the major aspects of necessary reform related to stateness and the protection of the civilian population is the monopoly on the use of force and the effective control of the territory (including the currently badly accessible Niger Delta) by the state. This may include the reform of the police, the military and other security forces but also the disarmament of non-state armed actors. A special focus of government policy and international assistance on conflict management and prevention at the local level is needed, particularly in those areas most prone to unrest.

A national strategy to overcome Nigeria's problems must be manifold, including the economic, societal and political dimensions as well as the gender issue. The first sectors to be strengthened are the agricultural and the informal sectors; accompanied by a policy of diversification, which means to reduce the shares of oil in export income, state revenue and the GDP. The hypertrophy of the oil sector brought some benefit due to windfall

⁴⁵ Ibrahim (January 2007) p3

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profits from 2004, but in the long-term it is inevitable that policymakers will need to deal with the structural weaknesses of the non-oil economy. Otherwise Nigeria could suffer from a domino effect at times of a shrinking oil sector. Not only would the economy face a downturn, the potential for societal and political conflict would also grow. Given the present-day high-income level of the oil sector, it would be advisable for Nigeria “to properly harness the abundant human and material resources in the country for a complete turn around of the economy”.⁴⁶ This would also imply a campaign to fight poverty, to achieve a more equal distribution of income and wealth and also a more adequate distribution of oil revenue.

Closely related to economic policy is the fight against corruption. This may include economic incentives to refrain from fraudulent activities. Yet, given the fact that corruption has taken roots in the mentality of the country, it would also be necessary to tackle cultural or traditional norms favouring a system of patronage and clientelism, which may be addressed by education at all levels, starting at primary school. Related to this is the need for more equal access to economic opportunities, social status and political power and influence, regardless of gender, social, ethnic, regional and religious backgrounds. This may imply a concept to fight and outlaw discrimination at all levels and the creation of a better understanding between people of different backgrounds. The better understanding may, once again, be supported by specific education. As long as ethnic or religious conflicts are still virulent at the communal, regional or national levels, this constitutes a major obstacle in the process of peaceful and stable transformation.

Future prospects for economic, societal and political transformation will rely to some extent on external pressure, incentives and encouragement. Given Nigeria’s strategic and economic value as the largest African country, the largest oil producer on the continent and as a power broker with military competence, substantial progress in transformation is urgently required. Despite democratic deficiencies, destabilising conflicts, poor human rights records and severe challenges at many levels, this is not impossible. Since Nigerian leaders remain officially committed to key elements of democracy, the country should be supported in its struggle to come to terms with its problems. It can be helpful to strengthen democratic aspirations in Nigeria if the country and its democratically elected leaders are integrated into international efforts to support democratization processes and the consolidation of civilian rule.

5. COUNTRY STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 2005	Nigeria Score	Key
Voice and Accountability	30.0	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	4.7	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)

⁴⁶ Weekly Trust, Oct. 1, 2006.

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Government Effectiveness	20.1	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	16.3	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	5.8	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	6.4	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)

Freedom House: Freedom in the World 2007	Nigeria Score	Key
Political Rights	4	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	4	Range 1-7 (Lower value indicates good system of civil liberties; higher value indicates bad system civil liberties)
Status	PF*	3 Categories: F (Free); PF (Partly Free); NF (Not Free) / (*) Indicates electoral system

Freedom House: Freedom of the Press 2006	Nigeria Score	Key
Total Score	52PF	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

Bertelsmann Transformation Index 2006	Nigeria Score	Key
Stateness	5.8	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development)
Political Participation	6.3	
Rule of Law	5.3	
Stability of Democratic Institutions	7.0	
Political and Social Integration	6.0	
Total Score Political Transformation	6.05	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development) / Arrow shows trend in democratic development (↑Improved; ↓Worsened)
Total Score Political Management	5.33	Range 0-10 (Lower value indicates lower quality of political management; higher value indicates higher quality of political management)

Corruption Perceptions Index 2006	Nigeria Score	Key
Total Score	2.2	Range 0-10 (lower value indicates high corruption; higher value indicates lower values of corruption)

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