

Chapter 2

POLITICAL BACKGROUND

HISTORICAL BACKGROUND

Nigeria celebrated its fiftieth anniversary of independence on 1 October 2010. Looking back, the country's first 50 years of independence have been tainted by military coups, a civil war and troubled elections, which have dashed the aspirations of its people to consolidate democracy in Nigeria. Yet, the people of Nigeria have demonstrated a growing resolve to establish a durable democracy. This has been reflected in the enthusiastic participation of voters in recent elections. The April 2011 elections presented yet another source of hope for the people of Nigeria that this time a credible process would finally set the country firmly on track to deepen its democracy, enhance its socio-economic development and write a new chapter in its chequered political history.

The Road to Independence

Nigeria was colonised by the British in the latter part of the nineteenth century. The country in its present form only came into being in 1914, when the then British Administrator, Lord Lugard, amalgamated its Northern and Southern provinces, which previously had been administered separately. Nationalist pressure forced the British to establish a legislative council, with limited African representation, in 1922. Local administration, however, remained largely under the control of traditional rulers, with minimum supervision from British administrators.

Following the Second World War and the pressure for decolonisation that it engendered, the British introduced a new constitution for Nigeria in 1947, establishing a federal system of government based on three regions: Eastern, Western and Northern. This arrangement sought to reconcile regional and religious tensions and to accommodate the interests of Nigeria's three main ethnic groups (the Igbo in the East, Yoruba in the West and the Hausa and Fulani in the North).

In 1954, the federation became self-governing, and the first Prime Minister, Alhaji Sir Abubakar Tafawa Balewa, a prominent member of the Northern People's Congress (NPC), was appointed in August 1957. In 1958, a Constitutional Conference agreed that Nigeria should become independent in 1960. In preparation for this, elections for an enlarged federal legislature took place in December 1959. Although none of the three major parties achieved an overall majority, the NPC commanded the largest representation. Sir Abubakar Tafawa Balewa of the NPC continued in office as Prime Minister, leading a coalition of political parties from the North and South-East regions (renamed the National Convention of Nigerian Citizens).

On 1 October 1960 the Federation of Nigeria achieved independence, initially as a Dominion. Dr Nnamdi Azikiwe, an Igbo from south-east Nigeria, became Governor-General, representing the British monarch as Head of State.

The First Republic

In October 1963 the country adopted a revised Constitution and became a Republic, while remaining a member of the Commonwealth. Dr Nnamdi Azikiwe took office as the first (non-executive) President, with Sir Tafawa Balewa continuing as Prime Minister. The first national election since independence took place in December 1964, and was marred by violence and irregularities.

Military Rule and Civil War

National rivalries were soon reflected in the armed forces: most of the troops were from the North, but the majority of the officer corps were Igbo, from the Eastern Region. On 15 January 1966 the civilian government was overthrown in a bloody military coup organised by middle-ranking, mostly Igbo, officers of the army. The Prime Minister, Sir Tafawa Balewa, along with other leading politicians were killed, as were a number of senior (non-Igbo) military officers. The federal military government that assumed power under General Aguiyi-Ironsi was unable to calm ethnic tensions and its efforts to abolish the federal structure raised new tensions that triggered another coup by largely Northern military officers in July 1966.

General Ironsi was killed in the July 1966 coup, along with the majority of army officers of Igbo origin residing outside the Eastern Region. The coup was followed by anti-Igbo riots in the North in which thousands of Igbo civilians were killed. Although General Ironsi's successor, Lt-Col (later General) Yakubu Gowon, managed to restore some degree of discipline to the armed forces, the massacre of thousands of Igbos in the North led to a massive influx of Igbos from all over Nigeria to the Eastern Region in search of safety, from where there were increasingly strong calls for Igbo secession. On 30 May 1967 Lt-Col Ojukwu announced the secession of the Eastern Region and proclaimed its independence as the 'Republic of Biafra'.

In the civil war that followed, almost 100,000 soldiers on both sides lost their lives. It is estimated that up to a million civilians may have died from starvation, mainly in the Eastern Region, as a result of a federal blockade. Lt-Col Ojukwu went into exile in Ivory Coast in January 1970 and shortly after that Biafran forces surrendered to the Federal Government.

General Gowon implemented various reconciliatory and reconstruction measures in the following few years but he alienated many in the military and in the wider population when, in October 1974, he announced the indefinite postponement of an end to military rule. In July 1975 General Gowon was overthrown in a bloodless coup by senior military officers. He was replaced by Brigadier (later General) Murtala Mohammed. General Mohammed embarked on a radical and popular purge of the public services, including the dismissal of all twelve military governors. He also announced that the country would return to civilian rule in October 1979

following the adoption of a new Constitution and the holding of elections at local, state, and federal levels.

General Mohammed was assassinated in February 1976, in an abortive coup. Power was transferred to his deputy, General Olusegun Obasanjo, who pledged to continue with his predecessor's reforms and plans to return the country to civilian rule.

The Second Republic

A new constitution for Nigeria, drawn up by a Constituent Assembly, was adopted by the governing Supreme Military Council (SMC) in September 1978. It provided for an executive presidency and a separation of powers along the lines of the United States Constitution. It also provided for a careful demarcation of responsibility between the Federal and State Governments. In the presidential elections that took place in August 1979, Alhaji Shehu Shagari of the National Party of Nigeria secured a majority of the votes and obtained the mandatory 25 per cent of the votes cast in two-thirds of the 19 states. He was sworn in as President on 1 October 1979 following legal challenges over the results. President Shagari was re-elected for a second term in September 1983. However, the elections were marred by allegations of widespread fraud and violence.

Return to Military Rule

On 31 December 1983 President Shagari's government was deposed in a bloodless military coup led by General Muhammadu Buhari, who took over as Head of State and Commander-in-Chief of the Armed Forces. General Buhari and his deputy, General Tunde Idiagbon, governed the country between 1984 and 1985. Legislation was enacted (such as Decree 2 of 1984) which allowed for the detention of persons for up to three months without charge and which ousted the jurisdiction of the courts to hear challenges to certain decrees of the Supreme Military Council. Further legislation effectively banned the publication of information unfavourable to the government. There was no announcement of a programme for handing over power to a democratically elected civilian government. General Buhari also banned all political parties.

In August 1985, General Buhari's regime was overthrown in a bloodless coup led by General Ibrahim Badamasi Babangida (popularly known as IBB), the Army Chief of Staff. General Babangida established a 28-member Armed Forces Ruling Council (AFRC), made up exclusively of military officers. He accused the previous regime of economic mismanagement and declared a state of national economic emergency. He repealed the decree on press censorship and released former President Shagari and his Vice-President, Dr Alex Ekwueme, from detention.

General Babangida organised Presidential Elections for 12 June 1993 that proved controversial. Provisional results suggested that Chief Moshood Abiola of the Social Democratic Party, had a clear lead over his rival, Alhaji Bashir Tofa of the National Republican Convention. However, on 23 June 1993 the National Defence and Security Council (NDSC) annulled the elections before the full results could be

pronounced by the National Electoral Commission (NEC), which was also suspended. All decrees relating to the transition to civilian rule were repealed. Chief Abiola continued to claim, nevertheless, that he had been duly and legitimately elected. Over 100 people were killed in riots protesting the decision to annul the election. General Babangida provisionally announced that there would be a new presidential election on 27 August.

Following growing protests, including strikes, General Babangida was forced to step aside by the NDSC, handing power on 27 August 1993 to an Interim National Government headed by Chief Ernest Shonekan, a non-partisan businessman who promised to supervise the organisation of fresh elections, that were thereafter scheduled for early 1994. However, on 17 November 1993 Chief Shonekan was removed from office in yet another coup and General Sani Abacha, the Minister of Defence, took over. The next day General Abacha announced the dissolution of all organs of state and bodies established under the previous transition programme.

In June 1994 Chief Abiola was arrested and charged with treason for attempting to symbolically install himself as President on the first anniversary of the 12 June 1993 elections. Several pro-democracy activists were also arrested in connection with protests in support of Chief Abiola.

In March 1995, former Head of State Chief General Obasanjo and his former deputy, General Shehu Musa Yar'Adua (older brother of the late President Umaru Yar'Adua), and several others, were arrested in connection with an alleged coup plot. Chief Obasanjo was subsequently sentenced to life in prison (later commuted to 25 years imprisonment), while General Yar'Adua and 12 others received the death sentence (later commuted to life imprisonment). General Yar'Adua subsequently died in custody under suspicious circumstances.

Suspension from the Commonwealth

On 10 November 1995, the Armed Forces Ruling Council (AFRC) established by General Abacha executed Ken Saro-Wiwa and eight other Ogoni activists. This followed a trial by a special military tribunal on charges of complicity in the murder of four local chiefs. This was perceived as a kangaroo court. The executions went ahead despite numerous international appeals for clemency, as well as assurances by the Nigerian Government that it would not proceed with them. As a consequence, Commonwealth leaders suspended Nigeria forthwith from the Commonwealth and further decided that the Commonwealth Ministerial Action Group (CMAG), created under the Millbrook Action Programme adopted during their conference, would engage with Nigeria to promote compliance with Commonwealth values and principles.

General Abacha instituted a transition programme to civilian government which was seen as fundamentally flawed; its sole aim was General Abacha's own survival in office. Only five political parties were approved by his regime, and all five adopted him as their presidential candidate for elections that were to be held in October 1998. However, General Abacha died suddenly on 8 June 1998 and was succeeded by General Abdulsalami Abubakar, formerly Chief of Defence Staff. General

Abubakar released those accused of involvement in coup attempts (including Chief Obasanjo) and repealed decrees which had severely impinged on human rights. Sadly, Chief Moshood Abiola died on the eve of release from detention on 7 July 1998.

Throughout this period, the Commonwealth remained actively engaged with Nigeria, both through the Commonwealth Secretary-General and CMAG, pursuing a role that was widely appreciated.

The 1999 Elections and Return to Democracy

On 20 July 1998 General Abubakar announced a detailed plan for the restoration of a democratic, civilian government by 29 May 1999. He emphasised democracy, respect for human rights and the early withdrawal of the military from politics. He established the Independent National Electoral Commission (INEC), which announced a timetable for elections, beginning with local elections on 5 December 1998 and culminating in Presidential elections on 27 February 1999.

The turnout for the local elections was good and there was no significant violence. Following these, INEC granted full registration to three parties: the People's Democratic Party (PDP), the All People's Party (APP) and the Alliance for Democracy (AD). The PDP and APP both had a national support base, but the AD's support was predominantly from the Yoruba in the six South-West states.

The Presidential election of 20 February 1999 was won by Chief Olusegun Obasanjo (PDP) with 62 percent of the vote. Chief Olu Falae, the joint AD and APP candidate, gained 37 per cent. President Obasanjo was sworn in on 29 May 1999. Domestic and international observers, including a Commonwealth Observer Group, witnessed irregularities in the poll but judged that the result broadly reflected the will of the Nigerian people.

Nigeria was fully reinstated in the Commonwealth in May 1999, after a period of suspension of three and a half years.

THE 2003 ELECTIONS

In the first presidential elections organised under a civilian administration on 19 April 2003, President Olusegun Obasanjo was re-elected with 61.9 percent of the vote. His closest challenger, General Muhammadu Buhari of the All Nigeria Peoples Party (ANPP) obtained 31.2 per cent of the vote.

A Commonwealth Observer Group, headed by former Tanzanian Prime Minister and former OAU Secretary-General Dr Salim Ahmed Salim was present for the above elections. The Group concluded that *in most of Nigeria, despite significant challenges, a genuine and largely successful effort was made to enable the people to vote freely and that in most of the country conditions were such as to enable the will of the people to be expressed. However, there were parts of Nigeria in which*

many Nigerians were denied the right to participate in an authentic democratic process.

THE 2007 ELECTIONS

On 16 May 2006, the Nigerian Senate rejected a key constitutional amendment that would have allowed President Obasanjo to seek a third term in office – an issue that deeply divided the people and leadership of Nigeria. Vice-President Alhaji Atiku Abubakar publicly opposed allowing President Obasanjo to seek a third term in office, and the relationship between the two deteriorated sharply as a result.

With President Obasanjo precluded from contesting the 2007 presidential election, Alhaji Abubakar was primed to emerge as the presidential candidate of the PDP. However, his relationship with the President had become increasingly strained and Chief Obasanjo strongly opposed Abubakar's candidacy. Following the submission of a report to the Senate alleging fraudulent activity by Abubakar, the latter was indicted by the Economic and Financial Crimes Commission (EFCC), which had been established by Obasanjo in 2004.

In September 2006, Abubakar was suspended from the PDP. He continually denied the allegations against him and subsequently emerged as the presidential candidate of the newly formed opposition party, Action Congress (AC). Abubakar was disqualified from contesting the election by INEC in March 2007, owing to his indictment for corruption. But following a number of legal challenges, his candidature was reinstated by a Supreme Court ruling on 16 April 2007.

Ahead of the April 2007 elections, the PDP picked Alhaji Umaru Yar'Adua, then Governor of Katsina State, as its candidate to contest the presidential elections scheduled to be held on 21 April 2007. Shortly after winning the nomination, Yar'Adua chose Dr Goodluck Jonathan, Governor of Bayelsa State, as his running mate. Also in the presidential race was General Muhammadu Buhari, the leader of the ANPP.

The 2007 elections were expected to mark a historical milestone for Nigeria; for the first time in the country's history, power would be transferred from one democratically elected civilian leader to another. However, polling was marred by violent incidents and serious electoral malpractices. Domestic and international observers widely criticised the polls as deeply flawed.

In its report, the Commonwealth Observer Group, led by former Tanzanian Prime Minister Justice Joseph Warioba, noted that the elections *were also a crucial test for the country's young democracy, an opportunity to build on the experiences of the 1999 and 2003 elections. In the event, that opportunity to take a major step forward was missed...our overall impression of these elections is that, in organisational terms, they fell short of the standards Nigeria had achieved in 2003, and certainly well below the standards for democratic elections to which Nigeria has committed itself. We believe that there were impediments in the ability of voters to express their will fully, freely and fairly.*

Provisional results of the presidential elections released by INEC indicated that Alhaji Yar'Adua received 70 per cent of the votes, General Buhari of the ANPP came second with 18.65 per cent and Alhaji Abubakar of the AC secured 7.25 per cent. Provisional results of elections to the National Assembly indicated that the PDP had increased its majority in both the House of Representatives and Senate, winning 258 seats and 78 seats respectively. The ANPP secured 64 seats in the House of Representatives and 22 seats in the Senate. Alhaji Yar'Adua was sworn in as President on 29 May 2007.

Following the elections, Buhari and Abubakar filed petitions to have the results of the presidential election invalidated due to alleged fraud, but the electoral tribunal rejected the petitions. The two former presidential candidates appealed to the Supreme Court. The Nigerian Supreme Court declared Alhaji Umaru Yar'Adua as the legitimate President of Nigeria, upholding a ruling by the Court of Appeal on 8 March 2008. A significant number of gubernatorial elections were, however, successfully challenged in the courts, resulting in around a dozen of them being overturned since the April 2007 elections.

POLITICAL BACKGROUND TO THE 2011 ELECTIONS

The Uwais Committee on Electoral Reforms

In fulfilment of an assurance given at his inauguration to pursue electoral reform, President Yar'Adua established a 22-member Committee on Electoral Reforms in August 2008. It was headed by Justice Muhammed Uwais, former Chief Justice of the Federation. It is notable that Professor Attahiru Jega, who subsequently became the Chairman of INEC, was a member of the Uwais Committee. Some of the key recommendations of the Committee included the following:

- Removal of the Independent National Electoral Commission from the direct control of the Presidency and abolishing of State Electoral Commissions.
- INEC Chairman to be appointed by the National Judicial Commission (NJC) rather than the President (the NJC would forward the name of the selected nominees to the Senate for ratification following a period of public advertisement).
- Determination of election petitions by tribunals should take no more than four months, and appeals a further two months, making a total of six months.
- Establishment of new legislative bodies to deal with electoral offences. Such bodies would include: Electoral Offences Commission (EOC), Constituency Delimitation Commission (CDC), and Political Parties Registration and Regulatory Commission (PPRRC).

Yar'Adua presented a modified version of the Uwais Report, containing its recommendations, to the National Assembly in 2009, and in March 2010, Acting President Goodluck Jonathan (see below) forwarded an unedited version of the Report to the National Assembly for approval. The Electoral Act 2010, enacted under President Jonathan's administration, incorporated some of the

recommendations of the Uwais Committee such as provisions for shorter time frames for hearing election petitions, and stricter rules for political party primaries. The National Assembly was, however, criticised for not including key recommendations of the Uwais Committee such as the procedure for appointment of the Chairman of INEC and the creation of an Electoral Offences Commission.

The Elevation of Vice President Goodluck Jonathan

On 23 November 2009, an ailing President Yar'Adua departed Nigeria for medical treatment in Saudi Arabia. He was not seen in public again, and the vacuum resulting from his absence created a tense political environment in Nigeria, especially as he had not properly transferred presidential authority to Vice President Goodluck Jonathan. On 13 January 2010, a federal court ruled that Vice President Jonathan had the power to carry out state affairs while President Yar'Adua received medical treatment in Saudi Arabia. On 9 February 2010, invoking the doctrine of necessity, the Senate determined that presidential powers be transferred to Vice President Goodluck Jonathan, and that he serve as Acting President, with all the accompanying powers, until President Yar'Adua recovered.

An awkward situation arose for Acting President Jonathan when President Yar'Adua returned to Abuja unexpectedly on 24 February 2010. There was still no clarity about Alhaji Yar'Adua's state of health but there was speculation that he was still on a life support machine. After some confusion regarding the status of Dr Jonathan's role as Acting President, Alhaji Yar'Adua's spokesperson confirmed that Dr Jonathan would still carry out his duties as Acting President until Yar'Adua's recovery.

On 28 April 2010 Acting President Jonathan, who had meanwhile also committed himself to pursuing electoral reform, removed the former Chairman of INEC, Professor Maurice Iwu, from office. Iwu's term was due to expire on 13 June 2010. Acting President Jonathan subsequently appointed new INEC Commissioners although a few of the existing ones were retained. The appointment of Professor Attahiru Jega, then the Vice Chancellor of Bayero University, Kano, as the Chairman of INEC was met with widespread approval both within and outside Nigeria, as Professor Jega was hailed as a man of integrity. As noted earlier, Jega had also been a member of the Uwais Committee.

President Yar'Adua never recovered and died on 5 May 2010 at the Aso Rock presidential villa. Dr Jonathan succeeded formally to the Presidency and took the oath of office on 6 May 2010. He immediately changed the cabinet appointed by Yar'Adua and installed his own (although a number of the old ministers remained). As the first president from the oil-rich Niger Delta, he was quick to reassure the region's oil industry by resuscitating the amnesty for militants, and tasking relevant federal agencies to accelerate development programmes in the Niger Delta.

The Zoning Issue

As elections loomed ahead, there was much speculation regarding whether President Jonathan would contest the PDP's presidential race. President Jonathan's formal declaration of his candidature in September 2010 was significant because of

the impact on the PDP's longstanding 'zoning arrangements' whereby political office rotates between the North and the South as a way of managing the politics of a multi-ethnic and multi-religious Nigeria.

Advocates of the zoning arrangement were opposed to Dr Jonathan's candidacy. They argued that as former President Yar'Adua (a northerner) had not completed his term before his demise and could have been expected to serve another four-year term, the presidency should again fall to the North (President Jonathan is from the South). Within this context, a group of influential northern Nigerian politicians from the PDP named former Vice-President, Atiku Abubakar (who had by now returned to the PDP), as their consensus candidate to challenge Dr Goodluck Jonathan, in the presidential primaries. At the primaries held on 13 January 2011, however, President Jonathan won 2,736 of the votes compared to Alhaji Abubakar's 805, although controversy surrounded the procedure and tactics used for the primaries. A third candidate, Sarah Jibril, gained a single vote.

In a gesture seen as placating the North, Dr Jonathan declared that should he be elected President, he would only serve for one term.

Political Party Primaries and Internal Party Democracy

There have been complaints about the conduct of National, State Assembly and governorship primaries across all political parties, and notably, that of the ruling PDP. Concerns have been raised that in choosing their candidates, political parties themselves did not adhere to the tenets of democracy. Some of the major complaints include the following: imposition of candidates by elite and senior factions of parties; substitution of candidates who won the party primaries with other names in the final list of nominees submitted to INEC; and incidents of violence. For instance, Alhaji Abubakar, who lost to Dr Jonathan in the PDP primaries, petitioned INEC to annul the declaration of Dr Jonathan as the winner on the grounds that the poll was not properly conducted. Alhaji Abubakar alleged that the party leadership and the Presidency carefully planned and executed the manipulation of the presidential primary. INEC advised that he seek redress in the courts.

A serious consequence of the fall-out from some party primaries is that aggrieved candidates have sought redress in the courts. There were allegations too that some politicians were using the courts to further their own political ambitions with the worrisome result that until a very late stage, there was a significant number of court injunctions obstructing INEC from producing final lists of candidates for the National and State Assembly, and gubernatorial elections in the case of certain parties. During its meeting with INEC representatives ahead of the April 2011 elections, the Observer Group was informed that the number of injunctions and court cases had reduced, and that some of them had been disposed of by the courts so that they did not pose a threat to INEC's preparations for the elections.

As it turned out, the court challenges played a part in the omission of some party symbols from ballot papers in a number of contests for the Senate and House of

Representatives, resulting in the postponement of those elections from 2 to 9 April 2011.

THE PRESIDENTIAL CANDIDATES

Of the 63 registered political parties participating in the April 2011 elections, 54 fielded candidates for the federal and/or state elections, and 20 for the presidential poll.

The main political parties, listed alphabetically (based on representation in the National Assembly or number of state governors, or visibility during the 2011 campaign season) were as follows:

- Action Congress of Nigeria (ACN)
Presidential Candidate: Mallam Nuhu Ribadu
- All Nigeria People's Party (ANPP)
Presidential Candidate: Mallam Ibrahim Shekarau
- Congress for Progressive Change (CPC)
Presidential Candidate: General Muhammadu Buhari
- People's Democratic Party (PDP)
Presidential Candidate: Dr Goodluck Jonathan

Ahead of the elections, the PDP presidential candidate, Dr Goodluck Jonathan, was perceived to be the favourite to win not least because of the advantage of incumbency and the extensive network which PDP enjoyed at the grassroots. His main opponent was considered to be General Muhammadu Buhari of the CPC, the former military Head of State from 1984–1985, who had come second in the two previous presidential elections. General Buhari had stood on the platform of the ANPP in the 2003 and 2007 elections, but joined the CPC in 2010 after falling out with the ANPP.

The two other contenders were the ANPP's candidate, Mallam Ibrahim Shekarau, the Governor of Kano State, and the ACN's Mallam Nuhu Ribadu, the immediate past Executive Chairman of Nigeria's Economic and Financial Crimes Commission (EFCC).

This was the complex historical and political backdrop against which Nigeria went to the polls in April 2011.