

NIGERIA

CONTRADICTING ITSELF An Undemocratic Transition Seeks To Bring Democracy Nearer

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INTRODUCTION

Our democratic model may vary from those of the West and yet remains a democracy.

-- **President Ibrahim Babangida
during a visit to Germany March 1992¹**

I find nothing indigenous in the military marshalling the populace into two political parties when it is well known that the very concept of democracy is antithetical to such regimentation...

...A Nigerian kind of democracy which is deficient in [important] respects does not deserve to be called a democracy.

-- **Former Nigerian Minister of Information
Chief Anthony Enahoro²**

The program of transition to civilian rule, initiated in 1987 by the Armed Forces Ruling Council (AFRC), the government of Nigerian President Ibrahim Babangida, is moving towards its "democratic" conclusion. Yet, its refusal to initiate serious democratic reforms, such as free and fair elections and its failure to respect freedom of speech and freedom of association, has done little to foster hopes for the country's political future after the military's departure.

In a 55-page report issued in October 1991, *On the Eve of "Change," A Transition to What?*, Africa Watch detailed its concerns about a number of human rights abuses relevant to the transition: (1) the government's tight control of the transition program itself, (2) its abandonment of the rule of law and (3) its determination to weaken civilian institutions. Unfortunately, six months later, these concerns remain. This newsletter, which is an update of the findings contained in the October report, provides additional proof that the current regime in Nigeria has no intention of laying the foundation for a meaningful democracy that is respectful of human rights. Our findings show that during the last six months, the government has continued to deny its citizens the right to cast their votes privately for candidates from independent parties. It has continued to hold itself above the law and to deny justice to its critics. Unwilling to grant a free

¹ K. Gyan-Apenteng, "Putting Africa's Case," *West Africa*, March 9-15, 1992.

² Agence France Presse (AFP), December 9, 1991, in Foreign Broadcast Information Service (FBIS), December 10, 1991.

voice to civilian institutions, such as the universities, the press, and the labor unions, it has continued to intimidate and punish those who question its policies. Its failure to meaningfully address underlying causes of religious and ethnic strife, which has claimed approximately 5,000 lives in the last six months, poses a serious threat to what will undoubtedly be a fragile new government.

This newsletter was intended to be issued six months before the transition was to be completed on October 1, 1992. Due to complications arising mainly from the creation of new states (see below), the government has once again postponed the handover date, this time to January 1993. Rather than constantly tampering with the details and the timetable of the transition, the government could better demonstrate its seriousness about establishing a viable democratic system by allowing independent voices the chance to speak and organize themselves freely before the military's departure.

THE TRANSITION PROCESS

Over the last six months, the government's continued micro-management of the transition program has excluded the electorate from a sense of responsibility for their future government. Belated major changes to the political landscape, such as the creation of nine new states and 136 new local government areas (LGAs) in August and September 1991, have involved undisclosed but astronomical costs and have reinforced the confusion and discord apparent in an already fragile political fabric. Positive changes, such as the reversal of an earlier imposed ban on former politicians from the political process, have been offset by a new measure to ensure the military's retention of control over the political process.

The announcement of the new states and LGAs threw many areas of the country into an uproar, inflaming ethnic tensions and regional rivalries. Riots broke out in areas where residents had hoped for new states but did not get them. The government reacted harshly to the protests. According to the Committee for the Defence of Human Rights (CDHR), on September 27, 200 demonstrators, including the Speaker of the Calabar Legislative Council, were arrested for protesting against the omission of an LGA they had wanted. On the same day, police arrested 100 demonstrators at Ilara Mokin, Ondo State, who were demonstrating against the removal of a newly created LGA's headquarters to a different location. In Akwa Ibom State, as many as 50 deaths resulted from riots over the creation of a new LGA. The confusion surrounding the creation of the states and LGAs caused the gubernatorial primaries, originally slated for August and then September, to be moved to October.

The government came under widespread criticism over the new states and LGAs. Emeka Izeze, secretary of Nigeria's Guild of Editors, noted that "In the very last minutes of its transition program, the government appears to be building a minefield for itself."³ The *Constitutional Rights*

³ Associated Press (AP) dispatch, August 30, 1991.

***Journal*, a publication of the Constitutional Rights Project (CRP), a human rights organization, reported that the *Guardian*, a Nigerian daily, had argued in a number of articles that the creation of new states had widened the geographical imbalance between the old North and South, shattered the dreams of some minority groups who felt they deserved their own states and renewed the fears of some minority groups that they would lose all their political power.⁴**

The Government Versus the Parties

When it banned all independent parties and created two parties of its own, the Social Democratic Party (SDP) and the National Republican Convention (NRC), the government claimed that the extreme measure was necessary to rid the country of the regional and ethnic problems fostered by the old parties. Recent high levels of fraud and election-related violence have, however, belied the promise that the new parties would eliminate politics as usual in Nigeria. Murders and other violent incidents between members of the two parties and between various factions within the parties have been common. In February, George Idah, chairman of Oredo LGA died in a hail of bullets. In March, four assassins shot Lawrence Nwankwo, a member of the Abia State house of assembly in the head and chest. Police blame the assassinations on intra-party rivalries. Several unsuccessful assassination attempts of politicians have also occurred during the last two months.

Despite the fact that the parties were its own creation, the government has distanced itself from their failings. Rather than dealing with the serious issues underlying incidents of political violence, such as regional and ethnic rivalries, the government has chosen to deal with the problem as it does with all perceived threats to its authority – by issuing threats of its own, promulgating new military decrees and disqualifying candidates.

The most glaring evidence of politics out of control occurred during the gubernatorial primaries on October 19, 1991, which were characterized by "massive rigging and other irregularities."⁵ *Newswatch*, a Nigerian weekly, devoted an article to describing the various forms of cheating employed at the primary polls. It lists the usual methods – inflating figures and buying votes, sometimes with a "sandwich" filled with naira notes – and detailed a number of more creative tactics, including two related methods known as "camping" and "lock-out." Camping involves busing supporters of a particular candidate to an election site the night before the voting, where they are treated to a feast. Arising early the next morning, the supporters then take charge of the venue before the other voters arrive. If they can gain the cooperation of law enforcement agents, they are then able to lock out most of the "outsiders" who plan to vote for other candidates.⁶

⁴ *Constitutional Rights Journal*, December 1991.

⁵ "Winners and Wheelers, *Newswatch*, November 4, 1991.

⁶ "The Name of the Game," *Newswatch*, November 11, 1991.

The government, stung by the reports of fraud at the primary, sternly rebuked the parties for their poor performance. Vice President August Aikhomu officially reprimanded party leaders, and the National Electoral Commission (NEC) cancelled the results of primaries in nine states. NEC also disqualified 12 controversial candidates and ordered fresh primaries in the affected states. In December, the government announced that three government agencies -- MAMSER (Directorate for Mass Mobilization), NEC and the Nigerian Police Force (NPF) -- would collaborate to devise a strategy for stamping out "money politics" -- the bribing of voters -- in the remainder of the transition elections. NEC reportedly requested MAMSER to recruit a 100,000-strong War Against Indiscipline brigade to police polling stations.⁷

The failure of the primaries fed the already widespread discontent of Nigerians who had questioned the transition program's viability since its inception. On November 11, Nigerian human rights organizations and other groups including the CDHR, Civil Liberties Organization (CLO), the National Association of Democratic Lawyers (NADL), the Gani Fawehinmi Solidarity Association, the National Consultative Forum, the National Association of Nigerian Students, and the Lagos State chapters of Women in Nigeria and the Nigerian Union of Journalists held a press conference announcing the inauguration of the Campaign for Democracy Movement in Nigeria.

The press release reads in part:

The unilateral and reckless way the program has been tampered with, the rules changed and the wish of the people, expressed through elections, disregarded, have not only perpetuated massive and gross abuses of human rights of the Nigerian people, but has created serious doubts as to the sincerity and capability of the present regime to see the program through and to hand over to a democratically elected Civilian Government on October 1, 1992..

The fact ... must be emphasized that the Transition to Civil Rule Program of the Babangida administration is both politically and economically the most costly transition in the whole world. This cost would have been tolerable if the process were leading towards democracy.

The objectives of the Campaign for Democracy are listed as follows:

- 1. Restoration of the sovereignty of the Nigerian People to self determination; to choose how to be governed; who to govern them and the procedure or process through which they will be governed.**

⁷ *West Africa*, December 16-22, 1991.

- 2. Right of people to form their own political parties without interference.**
- 3. Termination of military rule for all time.**
- 4. The replacement of imposed transitional agencies by independent and impartial transitional agencies including the immediate establishment of impartial electoral bodies.**
- 5. Respect of Fundamental Human Rights, the Rule of Law and the abrogation of all decrees.**
- 6. Termination of economic policies which have caused the people hardship, poverty, disease, hunger, unemployment, retrenchment and illiteracy.**
- 7. To achieve all these the Military does not have to be in power beyond 1st October, 1992. All the processes for the restoration of Democracy must begin now!**

Late in the year, the government promulgated Decree 48, granting NEC unrestricted powers to ban individuals from running for office if NEC judges them unfit. According to the decree, candidates may be disqualified if their activities are considered inimical to public order and morality or likely to disturb or disrupt the process of democratization or peaceful transition to civilian rule, hinder the process of grassroots democracy or jeopardize the legitimacy and credibility of an election. The same decree allows NEC to nullify the results of any primary and to order a new primary in its place. This decree was used to disqualify 12 gubernatorial candidates after the primaries. Later, those 12 candidates were also banned from politics for the duration of the transition program. In February, NEC warned that it would summarily disqualify any aspirant to the Presidency who receives the support of political party executives during the forthcoming primaries. An Amendment to Decree 48, Decree 6 of 1992, was promulgated in March, empowering NEC to issue guidelines regarding the conduct of party primaries irrespective of provisions in the constitutions of the two parties (which were, of course, written by the government).

In early December, 13 former governors, senators and ministers were arrested for violating the ban on participation in politics by former politicians. They were accused of sponsoring candidates for state governorship elections and were ordered by the Transition to Civilian Rule Tribunal to remain in police custody until January 16, 1992, when they were to reappear before the tribunal. However, the ban was lifted on December 18 with a government announcement that "the time has come when the old and new should mix, cooperate or compete," and the detainees were released. Now only President Babangida and 40 politicians convicted of criminal offenses will remain banned from political activity. The ban against participation in politics by civil servants was lifted in October. The lifting of the ban enabled public officers who had formerly been unable to participate in politics because they had failed to signal their

intention within a specified period to now participate.

In contrast to the primaries, the elections for governors and state assemblies on December 14 were calm and orderly, possibly due to increased security. The government banned liquor sales and weapons, including "acid, any type of gun, bow and arrow, spear, horsewhip, cutlass, cudgel and axe."⁸ Despite the generally orderly proceedings, the press reported that the two parties had filed 18 petitions alleging malpractice during the elections.

In January 1992, the government announced that elections for national assembly will be held on November 7, 1992 and for the presidency on December 7, 1992. National Assembly elections were later moved up to July 1991. The handover is now scheduled to take place on January 2, 1993. Vice President Aikhomu, responding to challenges of its right to change the handover date, claimed "that October 1 was a presumption and not the actual date for handing over."

With the inauguration of civilian governors in January 1992, the Nigerian government became a "diarchy," meaning joint governance by civilians and soldiers. Civilians took charge of the states while the military retained ultimate control of the nation. Human rights groups are attempting to take advantage of the opening at the state level to press for a commitment by the new state governments to human rights principles. In January, the CIO sent a letter to the new civilian governors and legislators, highlighting human rights concerns, such as detention without trial, extra-judicial killings and abuses against university students. This was followed up with a letter in February, asking state legislatures to "consider creating a committee on human rights and to make it one of the standing committees of the house."

Despite criticism from sources such as human rights groups, churches, universities and individual Nigerians, it appears likely that the "open ballot" will be used throughout the duration of the transition program, although it will apparently be slightly modified in time for the forthcoming National Assembly and Presidential elections. In March, the NRC restated its objection to the open ballot, complaining that it does not "protect the choice of the individual voter," and Vice President Aikhomu announced that the secret ballot was in the process of being reexamined by the government. NEC Chairman Nwosu continues to praise the system, inexplicably claiming that it has reduced electoral violence. He recently stated that the problem is not with the open ballot itself, but with the collation, which is done in secret. To eliminate the problem, he said the collation would be "thrown open to allow people watch it being done, and to prevent manipulation."⁹ This contradicts the earlier rationale for the open ballot, that the method of voting itself, not the collation, was the problem.

⁸ Reuters dispatch, December 13, 1991.

⁹ Newswatch, March 16, 1992.

The government has repeatedly stated that it has no intention of continuing in office past the new January 1993 deadline. However, a spate of recent calls for the government to continue in power, some from unidentified groups and individuals, have created the suspicion that the government is somehow involved in engineering the prolonging of its tenure. Among the voices calling for an extension of the transition is Paschal Bafyau, president of the national union federation, the Nigerian Labor Congress, who, before the new timetable was announced, said the President should not hand over until 1993. *New African* reported other instances of calls for the government's continuation in office. In one case, an individual took out paid ads costing about N50,000 (at the time about US\$5,000) to promote the idea of an extension by the government. In another, an unnamed former education minister (and a retired army officer) along with a prominent community leader went to visit the administrator of one of the new states and asked that he convey to the President their wish that he should continue in office. A recent newspaper report quoted an opinion poll said to have been conducted to show that the majority of people in the new states want Babangida to continue in office. According to *New African*, no government official made any attempt to publicly discourage the campaign.¹⁰ A group called Concerned Citizens issued "A Call to the Patriotic Nigerian Armed Forces," which detailed the contents of a "secret document" supposedly written by members of the political parties advocating "the disintegration, humiliation and sanitization of the Nigerian Army, Navy, Police, Air Force, with special emphasis on the Army." Stating that "Babangida must not go, not yet, the Army is not ready. Babangida is the answer," the "Call" asks supporters to submit a signed statement to the signer's "nearest superior or commanding officer" declaring their support for an extension of the AFRC through 1996. In February, a group called the Association for a Better Nigeria, led by a Dr. Keith Atkins (believed to be a pseudonym), took out a two-page ad in the major Nigerian papers, blasting the "newbreed" politicians and calling for the government to remain in power through 1996. The Campaign for Democracy responded by holding a press conference and issuing a press release that denounced the Association and stated that if President Babangida could not lay a solid foundation for enduring democracy in seven years, "he had better forget it."

Whether or not the government is directly involved in these efforts, it is clear that through its control of the parties and the rules of the game thus far, the military's departure from office will not signal the end of its influence over Nigeria's political terrain.

UNDERMINING THE RULE OF LAW

Throughout its tenure, the Babangida regime has placed itself above the law. The overall effect of such tactics as rule by decree, reliance on special courts, disrespect for court orders and intimidation by the security forces has contributed to a weakening of the regular courts and a rise in judicial corruption. Unfortunately, apart from welcome moves such as the release of some

¹⁰ *New African*, November 1991.

political detainees and the return of passports confiscated from human rights activists since last October, the government has given little indication that attention to the judiciary is a priority during its final months in power.

Vestiges of the 1990 Coup

Nine soldiers and two civilians, accused of involvement in the April 1990 coup attempt, were tried in secret before a military tribunal in September and October 1991. According to the CLO, suspects had been acquitted on similar charges in two previous trials before military tribunals and had been in detention for at least one year.¹¹ They were denied legal counsel during their detention and were represented at the trial by army lawyers. Before it learned that the trial had already been concluded, the CLO filed a suit to restrain it. By that time, however, eight suspects had been sentenced to death and three to life imprisonment. Two weeks later, the government announced that, pursuant to its human rights policy, the death sentences had been commuted to life imprisonment and the life sentences to ten years' imprisonment. According to the CLO, the detainees have not been given their conviction papers and are still being held at Kirikiri Maximum Security Prison under Decree 2, which allows for unlimited detention without charge, four months after they were sentenced. One suspect, Augustine Ogbewe, who was pardoned and discharged by the AFRC, is reportedly still in detention.¹²

All relatives of coup suspects, including wives, girlfriends, children and infants, who had been detained under Decree 2 for nearly two years, were released in March 1992. The government gave no reason for their release other than the recommendation of the detention review panel.

The Military Versus Critical Lawyers

Over the last several months, government officials have made a number of verbal attacks and threatened outspoken lawyers.

On August 7, then Attorney General and Minister of Justice Prince Bola Ajibola made a public suggestion that a special body be set up to look into the ethical content and competence of any lawyer applying for a renewal of his or her license to ensure that he or she keeps within the basic rules governing the legal profession.

Nigerian lawyers were quick to denounce the proposal. *The Constitutional Rights Journal* commented that:

¹¹ Sixty-nine coup suspects were executed in 1990 after appearing before military tribunals that lacked basic judicial safeguards.

¹² *African Concord*, March 9, 1992.

The proposal is clearly not only unnecessary, it also represents a threat to the independence of the legal profession as it would allow the government to unduly control and manipulate the activities of lawyers...

...It could be a ploy by the government to keep a rein on lawyers and silence others whom it cannot control and who handle cases ... which it finds embarrassing.¹³

According to the *Journal*, discipline of the legal profession is already provided for in Act No. 15 of 1975, which has never been thoroughly implemented. The Legal Practitioners Disciplinary Committee, established by the Act but not functioning until 1991, with the Attorney-General as Chairman, is charged with the responsibility of hearing and determining cases where it is alleged that any lawyer has engaged in professional misconduct. The *Journal* maintains that until the Act is put fully into practice, it cannot be said to have been found inadequate.

Over the last year, confiscation of passports by security agents has become a relatively common practice. The passport of Femi Falana, head of the National Association of Democratic Lawyers (NADL), was seized in October. He was at the Lagos airport attempting to depart for Zimbabwe to attend a meeting of nongovernmental human rights organizations from the Commonwealth countries on the eve of the Summit of Commonwealth Heads of State. He was questioned over the next two days about his work on the case of Jennifer Madike, the defendant in a controversial corruption case and was accused of being insufficiently patriotic because of his opposition to the government-sponsored candidacies of Nigerians to fill prestigious positions in the international arena.¹⁴ In November, the passport of human rights attorney Gani Fawehinmi was seized when he was on his way to London for medical treatment. No official reason was given for the action. After a court order was issued for the return of his passport, Fawehinmi's passport was temporarily returned to him in late December so that he could seek medical treatment, but he was told to return it to the government when he came back to Nigeria. Human rights attorney Alao Aka-Bashorun's passport was seized in 1990. On February 2, 1992, security agents seized the passport of Emma Ezeazu of the CLO as he was attempting to leave the country for a human rights training session in Geneva. Dr. Michael Ekpo, former chair of the Lagos branch of the CDHR, had his passport seized on March 6, 1992. Later in March, all passports were returned with no explanation.

¹³ "Practicing License for Lawyers," *Constitutional Rights Journal*, December 1991.

¹⁴ Nigerian human rights groups were actively opposed to the candidacies of General Obasanjo for U.N. secretary general and Prince Bola Ajibola for judge of the International Court of Justice. The CDHR and NADL jointly published a paper explaining their opposition to the candidacy of General Obasanjo, Nigeria's military ruler from 1976 to 1979. They accused Obasanjo of detaining government critics without trial, establishing a ruthless security organization, violently suppressing protest and initiating other forms of repression. The CLO, CDHR and NADL have all protested the nomination of Prince Bola Ajibola because of his activities as attorney general and minister of justice in the Babangida government, including his role in subverting the rule of law by detaining political activists without trial and disobeying court orders.

At a weekly press briefing in early October, Vice President Aikhomu spoke out against human rights groups and questioned the rights they seek to uphold.

It is easy for them to point accusing fingers on people, but have we ever asked in this country how these so called self-styled humanist organizations are funded? Who are their backers; their particular interest in our society? Today, we are fighting people responsible for illicit dealing in drugs, rapists, people who want to turn the society into a jungle, but the so-called human rights organizations in this country have interest to defend the rights of these enemies of society more than anything else.

The government's poor relationship with the local human rights groups was demonstrated again in February 1992 when the Nigerian Ministry of Foreign Affairs co-sponsored an "International Seminar on Human Rights" in Lagos. The only local human rights group invited was Human Rights Africa (HRA), led by attorney Tunji Abayomi. The paper submitted by HRA to the conference avoids addressing Nigerian human rights issues, and clearly shows why the group would be welcome at a government conference. Most of the paper is spent attacking Nigerian and international human rights groups, including the CLO, Africa Watch and Amnesty International, for being too negative and theorizing that human rights monitoring is not culturally suited to an African environment.

On February 4, while the conference was under way, Vice President Aikhomu issued a warning to Nigerian human rights groups not to criticize government programs. In March, the Justice Ministry announced that it would soon establish a human rights monitoring unit. Any serious attention by the government to human rights issues would of course be welcome. However, judging from its relationships with the local human rights groups and other institutions that have been critical of its policies or leadership, it is, to say the least, unlikely that the unit will be an effective force for change.

The human rights organizations are attempting to hold Nigeria to such regional and international agreements as the African Charter on Human and Peoples' Rights in order to force attention to human rights. In November, the CRP filed a suit on behalf of two men sentenced to death for armed robbery, seeking a court order to restrain the state governor from confirming the sentences until a complaint filed on their behalf at the African Commission on Human and Peoples' Rights is determined. The complaint filed at the African Commission claimed that the military tribunal which sentenced the two was unfair. Predictably, in January, the judge determined that the tribunal's decision could not be challenged in court and that the African Charter cannot override Nigerian laws.

In March, the CLO published two documents concerning the unfair treatment of refugees in Nigeria. One case involves Alphonse Sousou, a political refugee and human rights worker from Benin Republic, who was arrested on March 4 and is accused of embarrassing the visiting

president of Benin, Nicephore Soglo, in a speech that criticized the Benin government for holding numerous detainees without trial. Sousou was granted political asylum in 1988, and his deportation is not permitted according to the UN Convention Relating to the Status of Refugees, to which Nigeria is a party.¹⁵

The other case publicized by the CLO concerns the arrest and intended deportation of some 300 Chadian citizens, many of whom are political refugees and others of whom are immigrant herdsmen with valid residence permits. The crackdown apparently began in October 1991 and is continuing. Some of those arrested may have already been deported. The victims have not been informed of the reason for their arrest, but it is believed to be in connection with the fears of the Chadian government that Chadians in Nigeria are supporting armed rebel factions in the Chadian civil war. Most of those arrested are adult males who are now separated from the rest of their families who remain in Nigeria. The Nigerian police and army are believed to be responsible for the arrests, and they have reportedly extracted bribes from relatives for unfulfilled promises of the release of the detainees. The CLO fears that the deportees face a risk of political persecution, including execution, if they are forced to return to their country.¹⁶

The installation of civilian governments at the state level in January 1992 has created a possible opening that Nigerian human rights groups are presently trying to exploit in order to reopen doors that had previously been closed by military governors. In January, for example, the CLO sent a renewed appeal to the new governor of Lagos State, Sir Michael Otedola, asking for the immediate release of 11 young men who have been imprisoned for 7 years. They were tried as adults, convicted of armed robbery, and sentenced to death although they were minors when their alleged crime was committed and therefore, according to Nigerian law, should not have received the death sentence. Their sentence and detention have been the subjects of concerted protests both within Nigeria and internationally. They have been held in abysmal conditions and have not received adequate medical treatment; one of them died of tuberculosis in December 1990.¹⁷

AT WAR WITH THE UNIVERSITIES

The Babangida regime's persistent attacks on the universities constitute one of its most serious human rights abuses. The assault continued during the last six months as authorities temporarily closed a number of universities, proscribed student unions on a number of campuses and expelled and suspended hundreds of students without fair hearings. Court orders for the

¹⁵ "Alphonse Sousou, A Beninoise Political Refugee and Human Rights Worker in Nigeria Faces Risk of Forced Deportation" CLO, March 7, 1992.

¹⁶ "On the Massive Arrest and Deportation of Chadian Citizens in Borno State," CLO, March 18, 1992.

¹⁷ "The Campaigner," Civil Liberties Organization, February 1992. Also see *On the Eve of Change...*, Africa Watch, *op. cit.*

reinstatement of students were frequently disobeyed. Meanwhile, while the costs of university education grew, conditions continued to deteriorate on campuses, and the demand by students for meaningful university education went unmet.¹⁸

As with other problems it has created, the government, rather than assuming responsibility for the decline of academic standards, blames it on the universities themselves. A recent press report noted that:

An alarming number of university courses are said to have been found below the standard set by the Nigerian Universities Commission (NUC). According to a recent newspaper investigation, only 185 out of 836 courses have been found by the NUC to measure up. The study covered undergrad courses only, from March 1990 to June 1991. The NUC warned universities to clean up their act.¹⁹

The under-funding of the universities has resulted in severe hardships on campus: faculty have fled and not been replaced, buildings are unusable, libraries are without any recent books, laboratories do not have equipment, students sleep 12 to a room meant for 2 and are unable to afford more than one meal a day, lecturers do not make nearly enough to feed their families. The demise of Nigeria's once vibrant and proud universities and the implications for future generations of their physical degradation, the absence of academic freedom and the low morale of staff and students is a glaring illustration of the failure of the military to maintain the institutions vital to Nigeria's development.

Under Babangida, Vice-Chancellors (VCs), who are appointed by and are answerable only to the government, hold near total control over their universities. Senates and governing councils of universities have been rendered powerless, and many of their functions have been taken over by government bodies, such as the Ministry of Education and the NUC. VCs typically enforce presidential or ministerial directives for the discipline of students or staff who have not been accused of any wrong-doing but who hold views too critical of government.

A recent press release by the Academic Staff Union of Universities (ASUU) highlights the problem. It says:

[ASUU] noted with dismay and anger the recent removal of the Chairman of the Governing Council of University of Benin by Government on account of a conflict with the Vice-Chancellor, over accountability and probity in the management of the

¹⁸ According to the October 21, 1991 edition of *West Africa*, "More than 300,000 students wanting to enrol for university education this year are being turned down because the universities cannot accommodate them. According to the *Daily Times* in Nigeria, there is room for only 65,000 students."

¹⁹ *West Africa*, January 27, 1992.

University. This event further illustrates the increasing erosion of university autonomy by government. After [taking] over the functions of the Senate, now government is taking over the function of the Council. This is, to say the least, a dangerous trend.²⁰

According to Nigerian academics, one important reason that the government has succeeded in silencing the universities is that the VCs and many other university officials have been willing to collaborate with the government for their own advantage. One academic expressed his view in a letter to Africa Watch:

Academics, trained in Europe and the US, where academic freedom is taken for granted, who are now in positions of authority, collude with all sorts of small-minded dictators to undermine the university system in their countries and subsequently their countries' development.

Professor Julius Ihonvbere, a Nigerian academic who fled the country after his arrest following the April 1990 coup attempt, also faults a number of his fellow academics for complicity in the destruction of the universities, for example, through their acceptance of relatively comfortable administrative positions within the government. Professor Ihonvbere notes:

As case after case has shown, most of such scholars in their arrogance and weakness have been easily incorporated into the corrupt and wasteful political system in the country and have generally done a huge disservice to the cause of Nigerian growth and development.²¹

Recent Events

Hundreds of students have been suspended or expelled either for participating in demonstrations or for taking part in student union activities. Because students were usually not given the constitutional opportunity of a fair hearing before action was taken against them, many of those who have taken judicial action have won their cases. The case of four student activists from Obafemi Awolowo University (OAU) who were detained for seven months provides an extreme illustration of the problems faced by activist Nigerian students. They were accused of responsibility for the death of a student who was allegedly a member of a government-sponsored vigilante group, during a riot at OAU on May 27.²² Eventually, the Director of Public Prosecution

²⁰ ASUU Press Release, "Communique of the National Executive Committee of the ASUU Held at the University of Lagos, Akoka, Lagos on Saturday, November 16, 1991."

²¹ Julius Ihonvbere, "The State and Academic Freedom in Africa: How African Academics Subvert Academic Freedom," a paper presented at the annual meeting of the African Studies Association, St. Louis, Missouri, November 1991.

²² See *On the Eve of Change...*, Africa Watch, *op cit*.

withdrew the charges of conspiracy and murder against the four for lack of evidence, and they were released on January 3, 1992. However, the university has refused to readmit the students and one, Adeola Soetan, was expelled without a hearing in January 1992 along with 48 other OAU students, reportedly for reasons ranging from "lapse of studentship to poor academic performance."

The expulsion procedure is similar to one used in 1991 when 60 students were expelled from OAU for incidents on May 27. In that episode, the university reportedly based its proceedings on two paid advertisements in the government-owned *Daily Times* inviting a total of 24 students to appear before the panel "to clear the allegations against them." Only 17 days after the last advertisement appeared, the governing council dismissed the 60 students "with immediate effect for misconduct and acts unbecoming of university students and for breaching their matriculation oaths."²³ Bamidele Aturu, who was in detention when he was accused of participating in the events on campus, told the press that "In spite of the fact that I was not on campus on 27th May when the students protested, the university administrative panel and the council found me guilty."²⁴ The students won a court case of wrongful dismissal with which OAU authorities at first refused to comply. They were readmitted after attempts were made to cite the authorities for contempt and to report their lawyer to the Legal Disciplinary Tribunal. However, the authorities have withheld their examination results, which may mean that the students will miss a session. Student unionism was banned on the campus. Returning students were required to pay a N25 reparation fee. In addition, VC Professor Caleb Oshuntogun was removed from office "apparently because of his sympathy for, and defense of, the students..."²⁵ Minister Fafunwa said that the:

"withdrawal from service" of the former VC were "some of the unfortunate by-products" of the May/June crisis.

What the minister did not, however, announce was the humiliating manner in which the VC was on September 9, 1991 given a 24 hour ultimatum to resign by the government.²⁶

The University of Jos (UNIJOS) was another site of protest and subsequent harsh government reprisals. After demonstrations at UNIJOS on May 27, ASUU-UNIJOS stated in a press release on June 16:

²³ "Crime and Punishment," *Tell*(Nigeria), September 9, 1991.

²⁴ *Newswatch*, October 14, 1991.

²⁵ "Our Children Are (not) Coming," *Constitutional Rights Journal*, December 1991.

²⁶ *Ibid.*

The campus of the University of Jos has been under siege by armed policemen -- sometimes with tanks....Many of our members have been harassed on their way to and from work by these police operatives.

According to the CDHR, 13 UNIJOS students, including NANS president Mahmud Abdul Aminu (who was detained for months under Decree 2), were charged before a Miscellaneous Offenses Tribunal on arson charges in connection with the demonstration. Recently, one of the 13, Ms. Ene Obi, was arrested and detained for two weeks before she was released. Kayode Ogundamisi, secretary general of the UNIJOS student union, was detained until October. Fourteen students were expelled and 12 others were suspended for misconduct. Among those expelled were Aminu and Ogundamisi. ASUU-UNIJOS noted in a letter to the VC that:

It is surely strange that you have passed judgment even before the accused are confronted with, let alone allowed to respond to, their alleged offense.

The university apparently refused to comply with a court decision to reinstate the students.

Thirty students were originally expelled from the University of Ibadan. On October 15, an Ibadan high court ordered the University of Ibadan to stop all actions concerning the suspension of seven students, who were accused of throwing stones during a presidential visit to the campus. After a delay, the order was finally obeyed, but all seven of the students have since been banned from taking part in any election for any office of the student union. NANS zonal coordinator Bunmi Olusola, who was detained for several months under Decree 2, was refused registration for the current academic session at University of Ibadan. He has not been formally expelled or suspended.

The situation is similar at institutions throughout the country where authorities have relied on Student Union Activities (Control and Regulation) Decree 47, promulgated in December 1989, to expel and suspend students and break up student unions. The decree stipulates that any student found guilty of taking part in a demonstration or organizing a protest can be jailed for five years, or fined 50,000 naira (about \$5,000), or both. The law provides for a special tribunal to try suspects. It also empowers heads of institutions of higher learning to dissolve and proscribe any student union or association which they deem is not in the "interests of society." A student may be expelled for belonging to any proscribed organization.

In December 1991, Lagos State University (LASU) was closed for three weeks, the student union executive committee dissolved and the student union banned. Problems between students and the university administration, headed by VC Professor Akande, had grown during the previous year, when a pro-administration candidate for student union executive was defeated. The winner, Anthony Olusanya, whose swearing in the authorities delayed for over one month, established himself as an effective force in exposing administrative ineffectiveness and in improving conditions for students on campus, earning him the wrath of the Administration. The local ASUU

chapter issued a press release on December 16 in support of the students, which stated: "ASUU is of the view that the administration's shameful attempt at bringing Mr. Tony Olusanya's achievement-loaded leadership to an abrupt end has resulted into the current problem..."

The ban on the student union was lifted on January 20, 1992, but the student union executive was dissolved and fresh elections were held in February. Once again, the administration-sponsored candidate lost, and the VC is refusing to swear in the new winner, Wale Okunniyi, claiming that it will be done at the administration's convenience.

At the University of Lagos (UNILAG), the student union wrote to the VC in early December 1991, appealing to the authorities not to let serious issues develop into a crisis situation. Students noted that university authorities: "deliberately provoke crisis by the improper manner in which they handle otherwise routine and easily remediable matters..." The issues raised in the letter include attempts by the administration to take over the student union by demanding approval of a new student union constitution, spying on union activities, and making false allegations against union members. The letter also complained about physical threats against students by the Students Activities Officer and unfounded accusations against student leaders.

The list of examples from other institutions grows weekly. They include the following:

- o The Abraka campus of the former Bendel State University was closed down indefinitely on March 11, 1992, and the student union executive dissolved, following a reportedly violent protest by students when Governor Felix Ibru of Delta State visited the campus. A panel, appointed to probe "the embarrassing behavior of the students and apportion blame," was given only a week to submit its findings.²⁷ Previously, at the Ekpoma campus, 57 students were suspended for student union activities.
- o Ahmadu Bello University (ABU), Nigeria's largest university, was shut down indefinitely on March 4, 1992, following a student boycott of lectures and demonstrations. The registrar reportedly said that the decision had been taken to avoid possible clashes and destruction of property.
- o At the University of Benin, 169 students were expelled or suspended. At least two students were suspended for three years and five sessions, respectively, two years after they had left the university. Several others were never invited to appear before any panel.²⁸
- o At Usman Dan Fodio University, Sokoto, eight students were expelled after protests over

²⁷ *West Africa*, March 23, 1992.

²⁸ "Our Children Are (not) Coming," *op. cit.*, and CDHR Annual Report for 1991.

poor conditions. In late February 1992, the school was closed indefinitely after a student demonstration.

- o At the College of Education, Katsina-Ala, more than 20 students were suspended for student union activities.**
- o At the College of Education, Osiele, Ogun State, 10 students were suspended for student union activities.**
- o Four students of Abubakar Tafawa Balewa University were suspended for their part in July demonstrations. All four were banned from belonging to the student union for the rest of their stay in the university. In addition, they will be barred from living on campus.**
- o Twenty-eight students, the provost and "key academic staff" of Benue State College of Education were expelled. Each returning student is now required to pay a readmission fee of N300. The government suspended scholarships of certain categories of students and required all students to sign an agreement of good behavior.**

A large number of students have also been expelled or suspended without fair hearing on suspicion of cheating on examinations. The CLO-Kaduna Branch reported in October 1991 that 40 students were expelled from ABU for "various examination malpractices." According to the CLO report, the faculty committee which investigated the charges relied heavily on evidence from a student who was working for the committee. Irregularities of the expulsion procedures included: (1) that suspects were interrogated alone without being told beforehand the allegations against them; (2) that the committee gathered and used evidence without making it known to the suspects; (3) that the suspects were denied the right to face their accusers and cross-examine them; and that they were not allowed to call witnesses in their own defense.

Although the charges against the students were serious criminal charges, they were not tried in a court of law. According to the "Special Tribunal" (Miscellaneous Offenses) Decree of 1984, examination malpractices warrant a sentence of 21 years in jail. The CLO points out that not turning them over for trial was not a favor to the students but a "violent violation of their fundamental rights."²⁹

At the nationwide NANS convention held on January 25, 1992, at the University of Calabar, the organization called on the government to confer with it and other organizations such as ASUU on such issues as: funding of education; democratization of education; demilitarization of campuses; re-call of expelled and suspended students; unbanning of all student unions and

²⁹ "Ahmadu Bello University Zaria – Between Examination Malpractices and Exercise of Judicial Powers," CLO-Kaduna, October 1991.

associations; and a halt to hasty and panicky closure of campuses. The government has not replied.

Conditions for academic staff have also continued to deteriorate. The ASUU's problems with the government have escalated to the point where a strike is not unlikely. After a series of meetings with the Minister of Education and other government officials, in July 1991, the ASUU submitted to the government a memorandum on the problems facing the university system, including the under-funding of university education, lack of university autonomy and poor conditions of service of academic staff. The memo included a discussion of possible solutions to these problems. Noting that the Nigerian university system "used to be one of the best in Africa" and that it is "now one of the worst," the memo pointed out that under the current national development plan, education is "not even included" in the plan. Among ASUU's recommendations were to:

Review the existing pattern of relationship between university administrators and the university community with a view to enhancing the Committee system and the culture of democracy in the University System.

Also, to implement the:

immediate setting up of a proper collective bargaining forum through which ASUU can present and exhaustively articulate the range of specific suggestions that it has for the resolution of the crisis that has now engulfed the Nigerian University System.

Although the government had earlier agreed on the need for negotiation, it made no response to the July memo. On December 6, ASUU wrote a letter to Education Minister Fafunwa expressing disappointment and concern with the lack of response. In January 1992, having exhausted all other channels for their demands, ASUU officially filed a notice of a trade dispute with the Governing Council of each federal and state university, the Federal Ministry of Education, the NUC, and the federal government. The following were the points of dispute named in the notification:

- 1. Gross under-funding of all Nigerian universities;**
- 2. Conditions of service of academic staff: (a) salaries³⁰ and (b) non-salaried conditions;**

³⁰ According to an ASUU Special Bulletin, December 1991, a starting lecturer in Nigeria is paid \$2,124.20 per year; an assistant professor/senior lecturer is paid \$2,410.00; and a professor is paid \$2,700.00 per year. These are the maximum amounts payable.

3. University autonomy.

On January 30, in a letter to ASUU head Dr. Attahiru Jega, Minister Fafunwa noted that the government would soon release a White Paper on a report by the Longe Commission on Review of Higher Education which was established by the government. He promised that subjects discussed will include the funding of universities, service conditions of staff and university autonomy.

In an agreement signed by Jega and Fafunwa on February 13, the ASUU and the Ministry agreed to meet again on March 16 "to begin negotiation on the subjects of the Industrial Dispute declared by the Union, irrespective of the release of the White Paper on the Longe Commission's Report." An ASUU member told Africa Watch in a letter that the release of the White Paper would probably be delayed indefinitely because even after its completion, it would then have to be approved by the Council of State, and, not least important, be funded by the government. The March 16 meeting ended in a deadlock, with the government agreeing to provide the ASUU with its comments on its negotiating document. The parties agreed to resume negotiations on April 7.

Individual ASUU branches have also continued to have problems with their university administrations. ASUU at Lagos State University (LASU), for example, has accused the administration of using such tactics as calling meetings with union officials by word of mouth only minutes before the meeting, and then alleging that the union had refused their invitation. Concerning a strike by ASUU at LASU over nonpayment of a government transportation grant, housing allowance and salary arrears, ASUU complained that the government was unwilling to enter into meaningful negotiations:

The current approach by the University Authorities of hostile disposition towards the ASUU, and dishing out instructions to Unions (without involving them) even on matters currently in dispute does not augur well for positive labor relations and resolution of the current crisis.³¹

Expectations for a resolution to the nationwide university crisis are not high. The press reported that President Babangida recently stated that "anarchy is as much a threat to the intellectual enterprise as tyranny." Unfortunately, the government's view that anarchy and tyranny are the only choices available for higher education administration is unlikely to contribute to a satisfactory solution to the education crisis.

Secondary schools have also suffered under the current climate of academic repression. The CDHR reported that eight students of Community High School and Government College in Maroko, a slum community of 300,000 which was razed by the government in 1990, were recently

³¹ "Why We Are on Strike, ASUU's Position," ASUU-LASU, July 12, 1991.

arrested and detained for peacefully protesting the proposed demolition of their schools by the Lagos State government in December 1991. They were released according to a court order. On October 22, 1991, all secondary and teacher training schools in Kaduna state were closed down by the Kaduna State government after violent protests against the high cost of textbooks.

In January 1991, the government abolished the National Primary Education Commission and transferred the responsibility for funding primary education to local government councils. According to press reports, conditions for teachers have since deteriorated. The government reportedly published statistics stating that 3.5 million students are experiencing a shortage of classrooms and teachers.³² Primary school teachers have gone on strike in at least six states over nonpayment of minimum wage, salary arrears and various entitlements. Police teargassed primary school teachers in the Akure LGA who staged a peaceful protest over non-payment of May 1991 salaries and non-approval of the minimum wage by their employers.³³

Primary and secondary schools also suffer from political rivalries among ethnic groups. For example, primary schools in Oyo State are suffering from a lack of teachers because in 1991, the military governor of Oyo State ordered teachers from Osun State (newly carved out of Oyo State) to go home. A conflict between the Ibadans of Oyo State and the Ife and Ijesha people of Osun State is apparently the cause of the order. The Osun State branch of the National Union of Teachers (NUT), which was inundated by demands for restitution from its displaced members, has condemned the actions of the Oyo State government. The new civilian governor has ordered a halt to the mass exodus of teachers, but the Oyo State local government education authorities have refused to comply. Meanwhile, salaries of Osun State teachers have been slashed by the education ministry. NUT has appealed to State Governor to intervene. In March, Minister Fafunwa promised NUT officials to intervene in the on-going transfer and sacking of teachers as result of recent state and LGA creations.³⁴

LABOR IN CRISIS

As Nigerian workers have watched their salaries all but disappear under a combination of SAP and the bleeding of the economy by official corruption, they have been allowed fewer avenues through which to challenge government policies. The government assumed virtual control of labor unions in 1988, when it dissolved the national federation of trade unions, the Nigerian Labor Congress (NLC). The reconstituted NLC, headed by a "compromise" president, Paschal Bafyau, was prohibited from affiliating with other labor organizations, except for the Accra-based Organization

³² *West Africa*, December 2-8, 1991.

³³ CDHR Annual Report for 1991, *op cit*.

³⁴ *Newswatch*, March 9, 1992.

of African Trade Unions Unity. This requirement was later dropped for the NLC, although not for individual unions. The NLC was also barred from backing a political party. It was given the task of trimming the number of trade unions from 41 to between 15 and 20.

Bafyau has not been a strong voice in defense of labor issues. Recently, he enraged labor leaders when, before the new date for handing over was announced, he offered his view that the President should stay in power until 1993. The Nigerian Union of Journalists called Bafyau's statement "a disgraceful insult to the historic struggle of Nigerian workers and people for democracy and completely at variance with the democratic tide sweeping through Africa in particular and the world in general."

In 1991, the government answered the labor unions' demands for a higher minimum wage by establishing N250 (approximately US \$25 per month, at the time) as the new level, provided that employers were able to pay. Many employers, of course, did not pay.

Individual unions have recently resorted to violence as a last resort after having demands for payment of the minimum wage, back pay and other conditions ignored. Conditions of railway workers have been particularly severe, and they have declared numerous industrial disputes. The government paid only N200 million of a N600 million subsidy to the railways last year. At present, most passenger services have been suspended and workers have not been paid in several months.³⁵ The press reported that railway workers, angry at non-payment of their salaries in September 1991, stormed the Railway Institute at Ibadan and consumed assorted wine and food stocks kept for conference delegates.³⁶ On at least two occasions, unidentified persons set disconnected coaches in motion. In one such incident, 14 coaches eventually ran off the tracks, killing 10 and injuring many others. The government has said it is not interested in short-term solutions, and it may leave the problem for the civilian government to take over.³⁷

Nigerian oil workers also to suffer from abysmal conditions of service. An estimated 30,000 "casual" oil workers are denied benefits accorded to full-time employees. The workers have recently threatened to stage a strike that could economically cripple the country.³⁸

The following incidents of abuses against unions and workers were listed in the CDHR Annual Report for 1991:

³⁵ Peter Ezeh, "Nigerian Railways in Crisis," *New African*, March 1992.

³⁶ *West Africa*, October 28, 1992.

³⁷ Peter Ezeh, *op cit*.

³⁸ John Owen-Davies, "Oilmen Tough It Out on Nigerian-Based Rig," Reuters dispatch, February 28, 1992.

- o **About 1,000 workers of the Nigerian Security Printing and Minting Company were fired for embarking on an industrial action to protest the non-payment of the minimum wage.**
- o **A peaceful protest by workers for the minimum wage and other issues at the Nigerian Paper Mill, Jebba, Kwara State, was violently suppressed by the police. Four demonstrators were shot dead by police; others received bullet wounds.**
- o **The Anambra State Chairman of the NLC, John Okolanta, and 10 other labor leaders were arrested and detained for leading a state-wide strike for payment of the minimum wage.**
- o **Mr. Ayo Akinyemi, Chairman of Ondo State Magistrates Association and four others were detained for allegedly leading an industrial action to back up their demand for a pay raise.**

THE BELEAGUERED PRESS

The Babangida government has, over the years, relied on a wide variety of tactics, such as the arrest and detention of journalists, to discourage the press from covering such sensitive topics as corruption, religious violence and student protests. In the last six months, the following journalists were victims of government harassment:

- o **Tony Ikeakanam, editor of the *Observer*, a daily, owned jointly by Delta and Edo states and published in Benin, was demoted and transferred. His crime was to use "an inappropriate photograph" (unsmiling) of Mrs. Babangida in the August 19 edition of the paper. He was not given a chance to defend himself. The board of the *Observer* was later questioned by the military administrator of Delta State for demoting Ikeakanam. The First Lady also apparently condemned the board's handling of the matter. A High Court was ordered to reinstate Ikeakanam, but by the time that decision had been reached, Ikeakanam was fired, supposedly because he had refused to proceed on his transfer to Ibadan. At around the same time, the publishing group also reportedly ordered the newspaper's branch of the Nigerian Union of Journalists and two other associations -- the Printers and Publishers Workers Union and the Senior Staff Welfare Association -- to suspend their activities. The temporary proscription was ascribed to the impeding creation of two new states.³⁹**
- o **Two *Concord* press journalists, Hamza Aminu and Abubakar Sule Garba, of Amana Newspaper were arrested and detained on October 23 in Zaria where they are based and transferred to detention in Lagos. Although they were never charged, they were apparently arrested because they had written an article criticizing the deportation last year of *Financial Times* reporter William Keeling. Keeling's offending article described government misappropriation of oil revenues. Aminu and Garba were released on**

³⁹ *Index on Censorship*, February 1992.

December 14.

- o On December 30, Felix Durumba, a correspondent of *Champion Newspapers* in Katsina State, was arrested and subsequently detained by the police. His offense was apparently writing a front-page story published in the *Sunday Champion* entitled "Robbers Terrorize Katsina," which embarrassed the police.⁴⁰ On March 29, 1992, thousands of copies of the *Champion* were impounded by security agents. The action was believed to be connected with a story that alleged the death of a suspect in police custody.**
- o Ndayeo Uko, deputy editor of the government-owned *Daily Times*, Nigeria's most widely circulated paper, was fired in a reorganization effort early in January 1992. Yemi Ogunbiyi, the company's managing director, was dismissed the week before. The dismissals reportedly followed a front-page story on December 31 in which Wole Soyinka criticized the military government's "open ballot" system of voting. Some journalists were also reassigned to other functions.**
- o In March 1992, Fola Olamiti, editor, and Victor Antwi, deputy editor, of the *Nigerian Tribune* in Ibadan were arrested over a story entitled "Ibadan Under Police Siege," which appeared on March 18. It claimed that police were making random arrests of area residents and releasing them only after they paid bribes. Antwi was charged with incitement and released the day following his arrest. Olatimi was released shortly after his arrest but asked to report to the police the next week. The NUJ ordered a boycott of the police in southern Oyo state to protest the arrests and charges.**

In addition to its cruder methods of encouraging the acquiescence of the press, the government has recently embarked on a strategy of regularly scheduled lectures to journalists, editors and publishers. Former Information Minister Alex Akinyele has invited newspaper proprietors and lectured them on how to run their papers.⁴¹ Vice President Aikhomu holds weekly press briefings for State House correspondents where, in the words of one journalist, he tells them what everybody already knows and chastises the press for publishing what the government would prefer to hide."⁴² The Vice President also now holds a monthly (formerly a quarterly) briefing for senior editors and chief executives of media organizations. The CDHR reported that "Third Eye," a regular advertisement in the *Nigerian Tribune*, blasted editors, newspaper houses and publishers connected with "distasteful" articles on government and its agencies."⁴³ The

⁴⁰ CDHR Annual Report, *op cit*.

⁴¹ Pini Jason, "The Ministry of Truth," *New African*, October 1991.

⁴² *Ibid*.

⁴³ CDHR Annual Report, *op cit*.

inserts, which cost about N50,000 (\$5,000) and sometimes exceed five pages weekly are, according to a CDHR investigation, paid for by the government.

Only government-owned television and radio are allowed in Nigeria. Former Minister Akinyele claimed that Nigeria will be ready for privatization of electronic media only when 20 years have passed without a coup attempt. In addition, television and radio now charge a fee to cover news events that do not involve government officials.

THE THREAT OF RELIGIOUS/ETHNIC VIOLENCE

Religious tension threatens the stability of the present and future governments. Outbreaks of violence between Muslims and Christians in 1991 in Katsina and Bauchi were discussed in our October report. On October 14, another Muslim-Christian clash occurred in Kano, touched off by a planned open-air rally led by a German evangelical preacher, Reinhard Bonnke. Young Hausa Muslims, were apparently particularly angered by Bonnke's presence because the government had previously rejected a request for a similar rally by a South African Muslim leader, attacked the Sabom Gar neighborhood of mainly Igbo Christian immigrants, setting fire to houses, cars, markets and a church. The government imposed a curfew on the first day, but apparently refrained from deploying large numbers of police or any military to the area. Violence continued into the next day, when Christians went on the offensive with automatic and other weapons.

The army was deployed on the afternoon of the second day of fighting when police were also given the order to open fire. The prior restraint of the police and army was the subject of criticism by both Christians and Muslims, who accused the authorities of not taking the necessary steps to prevent much of the violence even though they had ample warning that trouble was imminent.

President Babangida cut short his visit to Zimbabwe for the meeting of the Commonwealth nations to return to Lagos on October 16. On October 17, calm was restored and the curfew was lifted. A government panel was established to investigate the disturbances. As far as Africa Watch knows, their findings have not been made public.

Estimates of casualties vary, but at least 200 were probably killed and many more injured. Hundreds of buildings, shops, banks and filling stations were damaged. Also damaged were churches and mosques. Between 5,000 and 20,000 people reportedly went to police headquarters seeking protection. Many fled south in an exodus that has continued for months.

Violence broke out again in Katsina on January 5, 1992, when police broke up a demonstration by Islamic radicals and two were killed. The group claimed they were merely attempting to welcome the release from prison of their colleagues who had been arrested after the demonstrations in Katsina in April 1991. Police maintained that the real motive of the

gathering was to demonstrate against the secular nature of the new state government. The group denied that any demonstration had been planned. The rioting escalated on January 8, when at least 10 died and 30 others were injured. Police announced that they had made 263 arrests.

Ethnic violence has also recently escalated. A conflict between the Tiv and Jukun ethnic groups in the area around Wukari in east-central Nigeria is the worst outbreak of violence in Nigeria since Babangida assumed power. The conflict which began in October 1991 has claimed up to 5,000 lives. Dozens of villages have reportedly been burned to the ground, and up to 150,000 area residents have fled the area.

The Tiv-Jukun conflict has its roots at least as far back as British rule and is apparently fueled by conflicts over land ownership and political domination. Although the Tivs outnumber the Jukuns, the Jukuns have historically had greater political influence. One factor that distinguishes the present conflict from past clashes between the Jukuns and Tivs is that automatic weapons are now being used along with traditional weapons. The fighting since October has been extremely brutal. Residents are often apparently ambushed and killed in their homes late at night. Roads have been blocked off by forces of both sides, who have then randomly shot moving vehicles and people. Women and children are not spared horrifying deaths.

An important factor contributing to the current conflict is the ineffectiveness of the federal and Taraba and Benue State governments in ending the violence. Observers sight the difference, for example, in the federal government's reaction to this conflict and its reaction to the recent religious riots which were treated much more seriously, even though the number of casualties was much lower.

Federal and state governments have been criticized for failing to give proper attention to the conflict because of the remoteness of the area, far from the centers of influence, and the involvement of minority ethnic groups who do not have a strong voice in government. Although the government has made some attempts to stop the killings, its efforts began late in the crisis and have ignored serious aspects of the problem, such as allegations of police bias and inaction by local authorities. Government initiatives include two meetings convened by Vice President Aikhomu with leaders of both groups and the regional state governors in January and February, the dispatch in February of more police to the region and orders to seize guns held by civilians. However, recent reports indicate that the police may be inflaming the situation, rather than helping to calm it. For example, Tiv leaders have charged that the mobile police are siding with the Jukuns against the Tivs. Tiv leaders have reportedly called for a force more neutral than either the regular or mobile police to establish peace. Both sides claim that local authorities are not doing enough to end the conflict.

Unfortunately, there are no indications that the bloodshed is abating. According to press reports on March 11, at least 200 people were killed in fighting over the use of two ponds for a fishing festival in Taraba state. In fact, the fighting may be expanding to other areas of the Middle

Belt and drawing in other ethnic groups. On February 12, for example, Jukuns attacked Bantaji, a large settlement of Hausa-Fulanis.

The Tiv-Jukun conflict is by no means the only serious ethnic clash currently affecting Nigeria. Press reports from this year have cited 80 deaths in communal clashes in Akwa-Ibom State, 30 deaths in Kaduna State and villages destroyed in Rivers State. What sets the Tiv-Jukun conflict apart is the magnitude of the fighting and the extent of the destruction.

CONCLUSION: AFTER THE TRANSITION

Official corruption is believed to be a major cause of the economic hardships endured by the majority of the population. The recent devaluation of the naira by nearly 80 percent has worsened already severe poverty. The naira's devaluation is apparently an attempt to appease international donors, who have recently expressed dissatisfaction with Nigeria's poor economic performance, as is apparently reflected in an unpublished World Bank report, *Public Expenditure Management*, which criticizes Nigeria's mismanagement and corruption.⁴⁴ Press reports, such as one that President Babangida has awarded new cars worth about N500 million (then US \$50 million) to 3,000 middle ranking officers,⁴⁵ are bound to sit poorly with Nigerians who find it impossible to support themselves and their families under the harsh realities of the government's structural adjustment program (SAP).

In Nigeria as elsewhere, corruption and human rights abuses often go hand in hand, as in the case of former military governor of Lagos State Col. Raji Rasaki, who was widely criticized for human rights abuses. One of his more infamous acts was the demolition of the Maroko slum settlement, home to some 300,000 residents, in 1990, ostensibly to promote an "urban renewal program." The CIO recently reported that three days before he left office, Rasaki allocated large amounts of public land from Maroko to some "highly connected individuals" for their private use. This occurred about a week after Rasaki ordered the demolition of two secondary schools in Maroko, which displaced 3,500 students and destroyed new and expensive school property.⁴⁶

The Babangida government has indicated its intention to make it difficult for the new government to enjoy the same privileges that it has enjoyed itself. According to former Minister Ajibola, in future public officers will no longer be immune from litigation over their actions in the course of performing their duties.⁴⁷ The anticipated departure of the military has raised an

⁴⁴ *Financial Times*, March 16, 1992.

⁴⁵ *Daily Telegraph* (London), February 2, 1992.

⁴⁶ "The Campaigner," CIO, February 1992.

⁴⁷ *West Africa*, October 7, 1991.

important question for the Nigerian judiciary and human rights groups: whether or not the new civilian government will be willing or able to hold officials of the current military government accountable for human rights abuses and corruption. In order to do so, the new government, particularly the judiciary, will have to enjoy the support of its citizenry, and the military will have to be safely returned to barracks. Taking into account the extent to which the current regime has undermined independence of the judiciary, the judiciary will need a great deal of support from the new government in order to have the ability and the confidence to challenge the military. The Babangida government has done all it can to ensure that any future civilian government will be too fragile and too indebted to the armed forces to threaten military privilege. But the principle of accountability is not only the responsibility of a government, but of its citizens as well.

As long as the military remains in power, it is difficult to imagine optimism about Nigeria's future. Undoubtedly, the new government will be flawed in many respects. It will be crucial to bear in mind at times of future dissatisfaction that the former response to such discontent, a military coup, has never worked. Nigerians, time and again, have demonstrated that they will not be satisfied with anything less than true democracy. Unfortunately, the AFRC has done its best to make sure that the government they will inherit in January 1993 will be far from what Nigerians deserve. But the only way they will be able to achieve their goal is by working through democratic means to begin the painfully slow process of strengthening the foundations for a system in which democratically elected civilian governments, respective of the rights of all Nigerians, will succeed each other.

RECOMMENDATIONS

Listed below are a number of recommendations addressed to the Nigerian government. Africa Watch believes that by initiating these changes, the military can prepare the groundwork for a stable, democratic government to take its place. With less than a year left in the transition program, it is crucial for the civilian institutions, including the judiciary, universities, human rights groups, labor unions, and the press to begin to function without fear of reprisal. In addition, the causes underlying increasing outbreaks of violence must be addressed, rather than being left to explode on a much larger scale once the military is gone.

- o Abrogate Decrees 48 of 1991 and Decree 6 of 1992, which grant NEC unlimited authority to reject candidates and election results, and allow full participation by all Nigerians to contest political office.**
- o Re-institute the use of the secret ballot for all future elections.**
- o Dissolve special tribunals and end the use of secret trials; ensure that all future cases are brought before the regular courts that provide accepted judicial safeguards.**

- o Abrogate Decree 2 and review all cases of those detained under it.**
- o Ensure that all those who have been convicted and sentenced or released are provided with documentation of the results of their trials and that they are treated in accordance with those judgments.**
- o Respect all international agreements for the treatment of refugees, and halt all deportations of refugees and other foreign nationals with valid residence papers. Release from detention those who have been arrested and are now scheduled for deportation.**
- o Lift the ban on NANS and permit students freedom of expression and association; reinstate students who have been expelled or suspended without fair hearing.**
- o Begin to address the serious decline of the universities and negotiate in good faith with ASUU; release the full report of the Longe Commission.**
- o Allow the Nigerian Labor Congress (NLC) to reconstitute itself to become an active force for the rights of Nigerian workers. Allow the NLC and individual unions the liberty to protect the interests of their constituents.**
- o End the repression of striking workers and negotiate with individual unions over their grievances without resorting to violence.**
- o Honor the constitutional guarantees of freedom of expression and end the harassment of journalists, including arrests and detention and confiscation of publications.**
- o Investigate impartially all incidents of religious and ethnic violence and ensure that the results are made public.**

AFRICA WATCH PUBLICATIONS ON NIGERIA

Reports

On the Eve of "Change," A Transition to What, October 1991, 55 pages.

News from Africa Watch

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- * **"Post-Coup Crackdown Continues -- Press, Lawyers, Government Critics Targeted," June 14, 1990**
- * **"42 Executed After Unfair Trial," July 30, 1990**
- * **"27 New Executions for Coup Attempt," September 20, 1990**
- * **"*Behind the Wall*. The Civil Liberties Organisation Releases a Damning Report on Prison Conditions Nationwide," April 24, 1991**