



Nigeria: Elections and Issues for Congress

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Summary

Nigeria, Africa's largest producer of oil and its largest democracy, is one of the U.S. government's key strategic partners on the continent. It is Africa's most populous country, with over 150 million people, roughly half Muslim and half Christian, and its second largest economy. Diplomatic relations with Nigeria, which is regularly the fourth or fifth largest oil exporter to the United States, are strong, and the country is a major recipient of U.S. foreign assistance. After 16 years of military rule, Nigeria made the transition to civilian governance in 1999, and the country subsequently emerged as a powerful actor in African politics. The government has helped to resolve political disputes in several African countries, and the country ranks 4th among troop contributors to U.N. peacekeeping missions around the world.

Nigeria faces serious social and economic challenges, however, that some analysts contend threaten both the stability of the state and the region, and which may affect global oil markets. The country today is relatively stable, but it has faced intermittent political turmoil and economic crises since gaining independence in 1960. Political life has been scarred by conflict along both ethnic, religious, and geographic lines and misrule has undermined the authority and legitimacy of the state. Nigeria's oil and natural gas revenues are estimated at over \$60 billion per year, but its human development indicators are among the world's lowest, and a majority of the population suffer from extreme poverty. The Nigerian government relies on the oil sector for over 85% of revenues. By some estimates, Nigeria could rank among the world's top five exporters of oil within a few years, but social unrest, criminality, and corruption in the country's oil-producing Niger Delta region have cut output by one-fifth since 2006.

Intercommunal conflicts in parts of the country are common. Resentment between the northern and southern regions of the country, and among communities in the central region, has led periodically to considerable unrest and population displacement. Thousands have been killed and many more wounded in periodic ethno-religious clashes in the past decade. The attempted terror attack on an American airliner by a Nigerian passenger on December 25, 2009, and the recent resurgence of militant Islamist group, Boko Haram, has heightened concerns regarding the possible radicalization of African Muslims. A series of recent bombings led the government to adopt new anti-terrorism measures in early 2011.

Nigeria's April 2011 elections are seen by many as a critical test of the government's commitment to democracy. The State Department referred to the last elections, in 2007, as deeply flawed, and some contend that Nigeria, which was ruled by the military until 1999 has not held a free and fair general election since the return to civilian rule. Perceived ethnic and religious differences have been politicized by political elites. The potential for political violence to mar the elections is significant and could further compound other security challenges. Credible elections, on the other hand, could confer the legitimacy the government needs to pass reforms deemed critical to addressing corruption and other development challenges.

The Obama Administration has been supportive of the Nigerian government's recent reform initiatives, including anti-corruption efforts, economic and electoral reforms, energy sector privatization, and programs to promote peace and development in the Niger Delta. In 2010, the Administration established a U.S.-Nigeria Binational Commission, a strategic dialogue to address these and other issues of mutual concern. Congress regularly monitors political developments in Nigeria and has consistently expressed concerns with corruption and human rights abuses. Congress also provides oversight for over \$600 million in U.S. foreign assistance programs.

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Overview

Nigeria is considered a key power on the African continent, not only because of its size, but also because of its political and economic role in the region. One in five people in Sub-Saharan Africa calls Nigeria home. Nigeria’s economy is Sub-Saharan Africa’s second largest, and it is one of the world’s major sources of high quality sweet crude oil and natural gas. Nigerian leaders have mediated conflicts throughout Africa, and Nigerian troops have played a critical role in peace and stability operations in the region. The country ranks 4th among troop contributors to United Nations peacekeeping missions around the world. Nigeria, which is roughly twice the size of California, is also home to world’s second largest HIV/AIDS-infected population and has Africa’s highest tuberculosis burden. According to one senior U.S. foreign policy analyst, “no country’s fate is so decisive for the continent. No other country across a range of issues has the power so thoroughly to shape outcomes elsewhere in sub-Saharan Africa.”¹

Despite its oil wealth, Nigeria remains highly underdeveloped. Poor governance has severely limited infrastructure development and the provision of social services, hindering economic growth and leaving much of the country mired in poverty. The government’s human rights record is poor.

Ethnic and religious strife have been common in Nigeria, and perceived differences have been manipulated by some political elites. The country is composed of over 250 ethnic groups, of which ten account for nearly 80% of the total population. The northern Hausa and Fulani, the southwestern Yoruba, and the southeastern Ibo have traditionally been the most politically active and dominant. Almost half of the country’s population, some 75 million people primarily residing in the northern half of the country, are Muslim. Divisions between ethnic groups, between north and south, and between Christian and Muslim Nigerians often stem from perceived differences in access to land and social and economic development. More than 14,000 Nigerians are believed to have been killed in local clashes sparked by these tensions in the last decade, and millions periodically displaced.² In the southern Niger Delta region,

Nigeria at a Glance

Population:	149 million
Pop. Growth Rate:	1.999%
Independence:	October 1960
Comparative Area:	Slightly larger than twice the size of California
Religions:	50% Muslim, 40% Christian, 10% indigenous beliefs
Languages:	English (official), 250 local languages
Literacy:	68%
Infant Mortality:	94.35 deaths/1,000 live births
Life Expectancy:	46.9 years
Prevalence of HIV:	3.1%
Real GDP Growth:	5.6% (2009 estimate), 6.7% (2010 forecast)
Nominal GDP Per Capita:	\$1,191
Unemployment:	4.9%
Exports:	\$45.4 billion
Imports:	\$42.1 billion
External Debt:	\$9.689 billion

Source: The CIA World Fact Book, Economist Intelligence Unit (EIU), International Monetary Fund, World Bank.

¹ Robert I. Rotberg, “Nigeria: Elections and Continuing Challenges,” Council on Foreign Relations, April 2007.

² Human Rights Watch (HRW), *A Human Rights Agenda for Candidates in Nigeria’s 2011 Elections*, March 2011.

simmering conflict and criminality has been fueled by regional grievances related to oil production in the area.

Political Context

Nigeria, which gained its independence from Britain in 1960, is a federal republic composed of 36 states; its political structure is similar to that of the United States. The country has a bicameral legislature with a 109-member Senate and a 360-member House of Representatives. Its president, legislators, and governors are elected on four year terms. The country was ruled by the military for almost three decades after independence before making the transition to civilian rule in 1999. Elections since the transition have been deemed flawed by both Nigerians and the international community, with each poll progressively worse than the last, according to many domestic and international observers. In the wake of the most recent elections, which were held in April 2007 and marred by fraud and political violence, the U.S. State Department expressed its view that the country remained in political transition.³ Human Rights Watch has contended that “Nigeria has not held a free and fair general election since the end of military rule.”⁴ Consequently, expectations are high for the next elections, scheduled for April 2011.

The contest for power between north and south that has broadly defined Nigeria’s modern political history can be traced, in part, to administrative divisions instituted during Britain’s colonial administration.⁵ Northern military leaders dominated Nigerian politics from independence until the transition to democracy just over a decade ago. Today, the predominantly Muslim Hausa remain dominant in the military and the federal government, but have lost power in many state governments. Since the election of President Olusegun Obasanjo in 1999,⁶ there has been a de-facto power sharing arrangement referred to as “zoning” between the country’s geopolitical zones, through which the presidency is expected to rotate among the regions every two terms. President Obasanjo was from the southwest, and with his retirement pending in 2007 the ruling People’s Democratic Party (PDP), which has dominated Nigerian politics in the past decade, chose Umaru Yar’Adua, then a northern governor, as its presidential candidate. The other main presidential contenders in the April 2007 election were also northerners. Upon President Yar’Adua’s untimely death in 2010, his Vice President, Goodluck Jonathan, a southerner, took office for the remainder of his first term, raising questions as to whether the ruling party would chose another northern candidate to run in the 2011 race or support a run for the office by the sitting President. In January, President Jonathan secured the PDP nomination to stand as its candidate in the April election, leaving the future of the zoning arrangement unclear.

³ U.S. State Department, “Nigeria,” *Country Reports on Human Rights Practices*, 2008.

⁴ HRW, *Election or ‘Selection’? Human Rights Abuses and Threats to Free and Fair Elections in Nigeria*, April 2007, and “Nigeria: Presidential Election Marred by Fraud, Violence,” April 24, 2007.

⁵ Britain administered the north and south separately from the late 19th century until 1947, when it introduced a federal system that divided the country into three regions: Northern, Eastern, and Western.

⁶ Obasanjo, who had formerly served as a military head of state from 1976 to 1979, won 62.8% of the votes (18.7 million) in the February 1999 poll, while his challenger, Chief Olu Falae, received 37.2% of the votes (11.1 million). Obasanjo’s party won over half the votes in both the House and Senate elections.

The 2003 Elections

In April 2003, Nigerians went to the polls for the second time under a civilian government. President Obasanjo, representing the ruling PDP, ran against another former military leader, General Muhammadu Buhari; a former rebel leader, Emeka Odumegwu Ojukwu, who led the secessionist region of Biafra in Nigeria's civil war in the 1960s; and former foreign minister Ike Nwachukwu. Obasanjo won, and the PDP party also won in legislative elections.⁷ The elections were marred by serious irregularities and fraud, according to both domestic and international election observers, with much emphasis placed on "inadequate election administration." Controversy surrounded the voter registration process, the certification of candidates, and poor logistical preparations. One election official allegedly admitted that the voters' register was "25-30% fiction."⁸ Reports of electoral malfeasance, or rigging, were also noted. Ballot box stuffing, falsification of election result forms, and threats of violence were among the most serious charges. In some states, observers noted "systematic attempts at all stages of the voting process to alter the election results."⁹ Although reports of rigging varied widely among states, the extent of irregularities caused some to suggest that they "compromised the integrity of the elections where they occurred."¹⁰ The European Union delegation noted that in at least six states "the minimum standards for democratic elections were not met."¹¹ Several election results were later overturned.

2007 Elections

Nigeria's third national elections since the return to civilian rule were held in April 2007, amid widespread allegations of electoral mismanagement and fraud. The Nigerian Senate had rejected a bid by Obasanjo supporters in 2006 to amend the constitution to allow him to run for a third-term. Facing retirement, President Obasanjo backed Umaru Yar'Adua, a northern governor largely unknown to many Nigerians, as the ruling party's presidential candidate.¹² Yar'Adua's running mate, Goodluck Jonathan, had served as governor of Bayelsa State in the Niger Delta. Yar'Adua was declared the winner with over 24.6 million votes, or 70%. Some critics suggest that Obasanjo "hand-picked" Yar'Adua in order to retain political influence after he left office.¹³

The country's two largest opposition parties, the All Nigeria Peoples Party (ANPP) and the Action Congress (AC), rejected the election results. The ANPP's presidential candidate, General Buhari, who had lost the election in 2003 to Obasanjo, received an estimated six million votes. The AC's candidate, former Vice President Atiku Abubakar, was not among the 24 presidential contenders approved by the Independent National Electoral Commission (INEC), allegedly

⁷ According to official results, Obasanjo won 62% of the votes, while his nearest rival, General Buhari, won 32%.

⁸ HRW, *Election or 'Selection'? Human Rights Abuses and Threats to Free and Fair Elections in Nigeria*, April 2007.

⁹ The International Republican Institute (IRI), *2003 Election Observation Report*.

¹⁰ The National Democratic Institute (NDI), "Statement of the NDI International Election Observer Delegation to Nigeria's April 19 Presidential and Gubernatorial Elections," April 21, 2003.

¹¹ The European Union, *EU Election Observation Final Report: Nigeria*.

¹² Yar'Adua, a former chemistry professor, was elected governor of Katsina in 1999. His better-known older brother, the late General Shehu Musa Yar'Adua, served as Vice President under Obasanjo in the first military regime to transfer power to civilian rule, and he was reported to be one of Nigeria's wealthiest and most powerful men. Shehu died in prison in 1997 after having been sentenced by a military tribunal for treason after calling for dictator Sani Abacha to reestablish civilian rule. Yar'Adua's father was a prominent minister in the first government after independence.

¹³ International Crisis Group, "Nigeria's Elections: Avoiding A Political Crisis," *Africa Report 123*, March 28, 2007.

because of pending corruption charges against him.¹⁴ His exclusion exacerbated tensions during the pre-election period, and his supporters contend he was unjustly excluded by INEC because he had opposed Obasanjo's third term. A last-minute ruling by the Supreme Court restored Abubakar to the ballot, and he placed third with an estimated 2.6 million votes.

The ruling PDP won the majority of the state and federal elections, including 28 of the 36 state governorships. Opposition gubernatorial candidates won in seven states, including the two most populous states, Lagos and Kano. The results of many elections were challenged in the courts, based on allegations of fraud, threats of violence, or the inability of voters to cast their ballots. Ultimately, the results of almost a third of the gubernatorial races were annulled and, in most of those cases, elections were rerun, although many of the candidates who won in the first round won again in the second. By the end of 2009, the PDP had held onto 25 governorships and picked up three others, after winning opposition candidates changed parties and joined the PDP. Opposition candidates were awarded governorships in two states after PDP wins were overturned by election tribunals. The PDP's gubernatorial win in Anambra state was nullified by the Supreme Court, which allowed the incumbent governor, from an opposition party, to keep his seat.¹⁵ The elections of several legislators, including Senate President David Mark were also annulled. An appeals court later overturned the ruling on Mark's election and he kept his seat. A tribunal hearing the challenges to President Yar'Adua's win reached its verdict in February 2008, finding insufficient evidence to overturn the presidential election. Nigeria's Supreme Court upheld that verdict in a December 2008 ruling.

Domestic and international observer groups were highly critical of the 2007 elections, and many questioned the credibility of the election results. Violations and irregularities reported by election observers included polling locations opening late, closing early, or not opening at all; errors on the ballots; underage voting; vote buying; ballot box stuffing and theft; and falsified results sheets. Media reports also documented widespread incidents of thuggery and coercion at polling places.¹⁶ The largest domestic monitoring group suggested that elections were so flawed that they should be held again.¹⁷ According to the U.S.-based National Democratic Institute (NDI) delegation, led by former Secretary of State Madeline Albright and several former world leaders, "in many places, and in a number of ways, the electoral process failed the Nigerian people. The cumulative effect ... substantially compromised the integrity of the electoral process."¹⁸ The European Union delegation declared that the elections "have not lived up to the hopes and expectations of the Nigerian people and the process cannot be considered to have been credible." The Economic Community of West African States (ECOWAS) delegation was similarly critical, suggesting that "irregularities and the sporadic violence characterized and challenged the validity of the elections."¹⁹ The U.S.-based International Republican Institute (IRI) called the elections

¹⁴ The March 2007 decision by INEC to exclude Abubakar from the ballot was part of a complex series of legal battles between the Obasanjo Administration and Abubakar, a founding member of the PDP, who was linked to a bribery case involving the Petroleum Trust Fund and accused of stealing over \$125 million in federal oil funds.

¹⁵ The Supreme Court ruled that the incumbent, Peter Obi, who had lost to a PDP candidate in the 2003 gubernatorial election but had been awarded the seat in 2006 after a court overturned the 2003 PDP win, could serve the rest of his four year term. Obi won a second term when new elections were held in February 2010.

¹⁶ See, for example, "Nigerian: Forced to Vote Against My Wish," *BBC*, April 23, 2007.

¹⁷ "Call for Nigeria Street Protests," *BBC*, April 24, 2007.

¹⁸ NDI, "Statement of the National Democratic Institute International Election Observer Delegation to Nigeria's April 21 Presidential and National Assembly Elections," April 23, 2007.

¹⁹ "Nigeria: Elections Fraudulent; EU, Others," *Daily Trust* (Abuja), April 24, 2007.

“below acceptable standards,” noting that the resolution of election disputes would be “critical” to restoring the credibility of the country’s democratic process.²⁰

In the aftermath of the elections, President Obasanjo reportedly acknowledged some electoral irregularities, notably “logistical failures,” violence, and ballot box theft, but indicated that elections would not be re-held, saying “the magnitude does not make the results null and void.”²¹ Opposition calls for mass protests went largely unheeded, although thousands reportedly gathered in the streets of Kano, northern Nigeria’s largest city, before being dispersed by police with tear gas. World oil prices rose to \$68 a barrel in the week after the election, based in part on concerns surrounding the disputed polls.²² Despite speculation that questions surrounding the credibility of the election results might trigger a military coup, Yar’Adua’s inauguration was unimpeded.

The 2011 Elections: Challenges and Opportunities

President Yar’Adua conceded in his inaugural speech that the 2007 elections were flawed and subsequently appointed a panel of government officials, former judges, and civil society representatives to recommend changes to the country’s electoral institutions. The Electoral Reform Committee (ERC) issued its findings in December 2008, but the government was slow to commence reforms. In mid-2010, the parliament approved the first of several amendments to the country’s electoral laws to incorporate some of the ERC’s recommendations and increase transparency in the electoral process.

Among the most significant of the reforms were those to increase INEC’s independence and fiscal autonomy. INEC’s credibility had been badly damaged by the 2003 and 2007 elections,²³ and President Jonathan won praise from both Nigerians and the international community for removing the sitting INEC Chairman from office in April 2010 and replacing him with a respected academic and civil society activist, Professor Attahiru Jega, in June. Concerns remain regarding the independence of some state-level electoral election commissioners,²⁴ but, according to a recent survey, over 60% of Nigerians have confidence in the current electoral commission, and 74% of Nigerians think the 2011 polls will be more credible than the last.²⁵ The Jonathan Administration has generally been seen as supportive of Jega’s efforts to improve the electoral process, backing his budget request and his proposal to delay elections from January to April to allow more time to prepare the 2011 polls.

A January 2011 rerun of the flawed 2007 gubernatorial elections in Delta state has been viewed by some as a test for INEC’s new management. Observer reports suggest that, while rigging and

²⁰ IRI “Nigeria’s Elections Below Acceptable Standards: Preliminary Findings of IRI’s International Election Observation Mission,” April 22, 2007.

²¹ “Obasanjo Appeals to Nigerians Over Election Results,” *Radio Nigeria-Abuja*, April 23, 2007, and “Nigerian President Olusegun Obasanjo Says Elections Flawed, But Not Fatally,” *Associated Press*, April 25, 2007.

²² “Landslide Win for Yar’Adua is ‘Flawed,’” *Financial Times*, April 23, 2007.

²³ ICG, “Nigeria’s Elections: Avoiding A Political Crisis,” *Africa Report No. 123*, March 28, 2007, p. 14.

²⁴ ICG, “Nigeria’s Elections: Reversing the Degeneration?” *Africa Briefing No.79*, February 24, 2011; Ebere Onwudiwe and Chloe Berwind-Dart, *Breaking the Cycle of Electoral Violence in Nigeria*, U.S. Institute for Peace, December 2010.

²⁵ IRI, *Nigerian National Survey*, released February 1, 2011. The poll was conducted between November 29 and December 7, 2010. Neither the Yar’Adua or Jonathan Administrations adopted the ERC recommendation that the INEC chair should be chosen independently, rather than by the president.

voter intimidation still occurred, the poll was an improvement over previous elections in a state heavily controlled by the ruling party. According to one report, “the Delta rerun demonstrated both the potential for INEC to administer improved elections with the support of communities and the risk that political actors can still overwhelm reforms with systematic fraud.”²⁶ Many analysts contend that INEC, under Chairman Jega, has demonstrated the will, if not necessarily the capacity, to overcome problems in the 2011 polls.

As mentioned above, there has been an unwritten agreement that the presidency should rotate among the country’s regions. President Yar’Adua’s early demise and Jonathan’s assumption of the post led many observers to debate whether Jonathan’s decision to vie for the presidency in 2011 would lead the ruling party to split. Prior to the PDP party primaries in January, many northerners argued that since Yar’Adua was from the north and had only served one term, a candidate from their region should hold the office for another term, given that former President Obasanjo, who was from the south, had two terms in office. Some reports suggest a lack of consensus among the ruling party elite on the zoning issue and presidential succession contributed to the apparent reluctance by Yar’Adua’s Cabinet to formally transfer power to Jonathan in early 2010 (see below). Jonathan ultimately won the support of several key northern PDP leaders, including a majority of the northern governors, for his candidacy, and in January 2011, he won the party primary overwhelmingly, with over 2,700 votes against roughly 800 for his rival, Atiku Abubakar.²⁷ Jonathan has declared that he will not seek a second term in 2016 if elected.

Some Nigeria watchers argue that the de-facto suspension of the zoning arrangement may increase the potential for regional and ethnic conflict, making the presidential contest “more dangerous and destabilizing” as voters face the choice of a southern, Christian candidate running against a field of primarily northern, Muslim presidential contenders.²⁸ Others argue that Nigeria’s political parties are geographically, as well as religiously, diverse, and that, in order to win, any presidential candidate must be able to draw support not just from one region or voting block, but from across the country.²⁹ They also note that a southern candidate, Obasanjo, ran against a northern candidate, Buhari, in the 2003 election without major upheaval.

President Jonathan, along with his running mate, Vice President Namadi Sambo (a former northern governor), is among almost 20 candidates contesting the presidency, including Muhammadu Buhari, representing the Congress for Progressive Change (CPC); former head of Nigeria’s anti-corruption authority Nuhu Ribadu, representing the Action Congress of Nigeria (ACN); and Kano State Governor Ibrahim Shekaru, representing the ANPP. These three leading contenders all hail from the north and have chosen running mates from the south.

²⁶ Stakeholder Democracy Network, *The Delta Governorship Rerun: Signposts and Storm Warnings for the 2011 Elections*, February 24, 2011. Observers credit, in part, a new alternative “accreditation voting” system that INEC has adopted, under which all voters must check in at their polling station before voting can begin. Some suggest this system could affect turnout and disenfranchise certain segments of the population because of the additional time commitment, but INEC argues that it increases transparency. See also ICG, “Nigeria’s Elections: Reversing the Degeneration?” Ibid.

²⁷ Some reports suggest that Jonathan may have had an arrangement with the PDP governors to ensure his election by their states’ delegates in return for his support for their own re-election campaigns. See ICG, “Nigeria’s Elections: Reversing the Degeneration?” Ibid. INEC dismissed a petition filed by Abubakar challenging Jonathan’s primary win.

²⁸ John Campbell, “Nigeria: Closer to the Brink?” Rowman & Littlefield, November 12, 2010, and “Nigeria’s Goodluck Jonathan Gets the PDP Nomination,” Huffington Post, January 21, 2011.

²⁹ Howard F. Jeter and Gwendolyn Mikell, “Nigeria on the Brink: a Rejoinder,” September 27, 2010. Under Nigeria’s constitution, a presidential candidate must win at least 25% of votes cast in at least two-thirds of the country’s states and the Federal Capital Territory. If they fail to do so, a run-off will be held.

With over 73 million registered voters, almost 120,000 polling stations, and more than 50 parties competing in the upcoming polls, the challenges in administering elections in Nigeria are daunting. The 2011 elections were scheduled to be held on three successive Saturdays, beginning April 2; however, logistical delays in the delivery of materials to polling stations across the country resulted in the delay of the April 2 parliamentary elections by a week, to April 9. This has pushed the timing of the presidential elections to April 16 and the gubernatorial and state assembly elections to April 23. The delay may reinforce concerns regarding the credibility of the polls. Gubernatorial elections are not expected to be held in eleven states where post-2007 election court cases led to the overturning of election results or the rerun of elections.³⁰ Observers have noted some positive developments in the pre-election period, but continue to raise concerns about electoral preparedness, ballot secrecy, and transparency in the counting of ballots and tabulation of results.³¹ They also warn that potential for voter intimidation, disenfranchisement, and fraud, as well as political violence, remains high. A summary of issues raised by official observer groups and advocacy organizations prior to the elections follows:

- **Party Primaries.** Despite ERC recommendations to increase the transparency and fairness of the political parties' primaries, the International Crisis Group has declared that the recent round of primaries were "as manipulated as ever," resulting in numerous court challenges to the parties' candidate lists.³² Observers have expressed concern that last minute court rulings related to the candidate lists could require the reprinting of ballots and cause delays on election day.
- **Voter Registration.** Turnout was high for the most recent voter registration exercise, launched in January 2011. The registration period was extended by over a week due to technical and logistical problems that led to registration centers opening late, or, in some cases, not at all. According to the final voters list, 73.5 million voters registered.³³ INEC has reported over 870,000 cases of multiple registration, contributing to concerns about "widespread but not yet systemic fraud."³⁴ INEC has charged several of its own staff with offences associated with the registration process. The validity of the new voters list is, to date, unknown, but observers generally deem it an improvement over previous efforts.
- **Electoral Malfeasance.** Previous elections have been marred by various types of fraud, including the falsification of voter information, bribery, theft, incitement, and the harassment of domestic observers, opposition candidates and supporters. Early reports suggest that the 2011 elections are likely to feature many of these practices, although some speculate that there may be a shift "from blatant fraud with state acquiescence to a pattern of suppressing opposition voting areas while

³⁰ Pending another court ruling, gubernatorial elections are not expected to be held in Adamawa, Bayelsa, Cross Rivers, Delta, Kogi, and Sokoto states, where rerun elections were held after the 2007 elections. Gubernatorial elections are also not expected in Ondo, Osum, Edo, and Ekiti, where the current governors won appeals overturning the 2007 results, or in Anambra, which had its gubernatorial election in February 2010.

³¹ See, e.g., IRI, "Statement of IRI's Pre-Election Assessment Mission," March 3, 2011; NDI, "Nigeria Election Watch," Issue 3, March 15, 2011.

³² ICG, "Nigeria's Elections: Reversing the Degeneration?" Ibid; NDI, "Nigeria Election Watch," Issue 3, Ibid.

³³ INEC has attributed a discrepancy between the final registration figure and the provisional total released on February 21, 67.8 million, to the lack of an efficient communications between its headquarters and the local election officials conducting the registration exercise.

³⁴ ICG, "Nigeria's Elections: Reversing the Degeneration?" Ibid.

inflating strongholds.”³⁵ Many observers suggest that the potential for rigging is particularly high in the gubernatorial races.

When the Electoral Reform Committee issued its findings in 2008, it noted that the Nigerian government had not convicted and punished a single individual for election-related offenses since independence.³⁶ Human Rights Watch reports that under Jega’s leadership, INEC has initiated criminal proceedings against several dozen individuals in the 6 months prior to the 2011 elections, but that “these cases have barely scratched the surface.”³⁷ Civil society has called on the courts to resolve election petitions and appeals in a timely manner, but some suggest that the mounting elections-related caseload threatens to overwhelm the judiciary.

- **Political Violence.** By some estimates, as many as 300 people may have been killed in violence related to the 2007 elections, and, since November 2010, more than 70 people have been killed in violence linked to the 2011 polls.³⁸ Violence tied to the 2011 elections has included clashes between party supporters and several assassinations. Poll-related security concerns have been further heightened by a spate of bombings during political rallies.

The threat of violence is reportedly high in certain “hot spots”, including Bauchi, Borno, and Yobe states in the north; Plateau state in central Nigeria; and Abia, Bayelsa, Delta, Rivers states in the south; among others. In the southern Niger Delta region, a spokesman for the militant group MEND has threatened attacks, and several bombings at political rallies have been attributed to the group. Political killings in Borno state have included the assassination of a gubernatorial candidate and six of his supporters. The militant Islamist group Boko Haram claimed responsibility, raising concerns that the group seeks to influence the polls; many suggest the killings were politically motivated. Observers have expressed particular concern with the potential for further sectarian violence in central Nigeria, particularly in Plateau state, where elections have previously been a flashpoint for violence. Over 1,000 people have been killed in local clashes in the state in the past year.

President Jonathan and Chairman Jega have pledged to increase security during the upcoming elections. Jonathan met with the country’s traditional Muslim leaders in northern Nigeria, including the Sultan of Sokoto, in late March to seek their support in efforts to reduce communal tensions surrounding the polls. The government showed a significant commitment to increasing the presence of security forces during recent elections in Anambra and Delta states, deploying over 20,000 police for each poll. The INEC Chairman has pledged to have at least 2 policemen at each polling station in April, but observers suggest the Nigerian police lack the capacity to deploy nationally in the numbers needed.

³⁵ Stakeholder Democracy Network, *The Delta Governorship Rerun*, Ibid.

³⁶ Report of the Electoral Reform Committee, “Volume 1, Main Report,” December 2008,

³⁷ HRW, *A Human Rights Agenda for Candidates in Nigeria’s 2011 Elections*, Ibid.

³⁸ HRW, “Nigeria: Pass Bill to Prosecute Electoral Abuses,” March 13, 2011.

The Death of President Yar'Adua and the Transition of Power

Questions about President Yar'Adua's health plagued his administration throughout his tenure. Many speculate that he suffered from a chronic kidney condition, and when he was hospitalized in Saudi Arabia in November 2009, reportedly with acute pericarditis (inflammation of the lining around the heart), his absence threatened to spark a political crisis. His prolonged absence from public view spurred rumors of his death before he ostensibly held an interview from Saudi Arabia, via BBC radio, on January 12, 2010. Government officials reported that he was responding to treatment and recuperating, but questions as to his fitness to govern grew. The Nigerian Bar Association and a prominent human rights lawyer launched legal suits suggesting that Yar'Adua had violated the constitution by not officially transferring power to his Vice President during his absence.³⁹ Further constitutional questions were raised about several judicial appointments, including that of a new chief justice of the Supreme Court.⁴⁰ Some observers contend that the President was incapacitated, and that a group of close advisors including his wife, who strictly controlled access to the President, were making decisions on his behalf.⁴¹

President Yar'Adua's continued absence also raised concerns regarding a tenuous ceasefire with Niger Delta militants. During his hospitalization abroad, Yar'Adua reportedly signed the government's 2009 supplemental budget, which contained several projects earmarked for the troubled region. Some opposition leaders questioned whether the President actually signed the document himself.⁴² In early January 2010, one of the Delta's militant factions claimed responsibility for the bombing of an oil pipeline in Rivers State, calling the attack a "warning strike," noting the President's absence, and suggesting that a "meaningful dialogue" on the region's problems had yet to occur.⁴³ The militants threatened to continue attacks until Goodluck Jonathan was named acting president or until Yar'Adua returned to office.

Pressure for President Yar'Adua to transfer presidential authority until he recovered increased in early February 2010. Vice President Jonathan had presided over cabinet meetings after Yar'Adua's departure, and he used executive powers in January to deploy troops to quell sectarian violence in Jos, but he had not moved to assume full authority. At the behest of the Senate, the Cabinet declared Yar'Adua fit for office in late January, and a Nigerian court ruled that there was no need for a formal transfer of power during the President's "medical vacation." Nevertheless, the country's influential state governors met in early February, issuing a call for the Vice President to become acting president. Under pressure from the governors, the Senate and National Assembly subsequently passed resolutions recognizing Jonathan as the acting head of state and commander-in-chief of the armed forces. The Cabinet accepted parliament's decision. Although the resolutions were not legally binding and could ultimately be questioned in court, the move allowed Jonathan to conduct critical government business. In one of his first acts as acting head of state, Jonathan replaced the influential justice minister, who was reportedly among the most vocally opposed to the formal transfer of power. In June 2010, in response to the ambiguity surrounding Jonathan's assumption of duties as acting president, the parliament approved a constitutional amendment addressing procedures for the temporary transfer of presidential powers to the vice president in the event of the president's absence or inability to discharge his duties.

The U.S. Ambassador to Nigeria welcomed Goodluck Jonathan's assumption of the title of acting president, calling Nigeria's commitment to constitutional process and the rule of law "commendable."⁴⁴ The Obama Administration warned against efforts by others to "upset Nigeria's stability and create renewed uncertainty in the democratic process."⁴⁵ On May 5, 2010, the Nigerian government announced the death of ailing President Umaru Yar'Adua at age 58. Goodluck Jonathan was sworn in as Nigeria's new President the following day, choosing as his vice president, Namadi Sambo, a former architect who was elected governor of the northern state of Kaduna in 2007.

³⁹ Nigeria's constitution requires the President to submit a written declaration to the Senate and the House of Representatives delegating powers to the Vice President as Acting President in the event that he travels on vacation or is unable to discharge the functions of his office, but there is no timeline identified for doing so. Parliament passed an amendment to the constitution in June 2010 to provide more clarity to the procedure.

⁴⁰ See, e.g., "How We Averted Chaos, by VP," *This Day* (Abuja), January 4, 2010.

⁴¹ See, for example, John Campbell, "Nigeria Fragmented and Unstable," *Huffington Post*, March 5, 2010, and "On Her Majesty's Secret Service," *Africa Confidential*, March 5, 2010.

⁴² "Buhari, Atiku Doubt Signing of Budget by Yar'Adua," *This Day*, January 4, 2010.

⁴³ "MEND's Fresh Resurgence As Yar'Adua's Absence Enters 2nd Month," *AllAfrica*, January 4, 2010.

⁴⁴ Press Statement by the U.S. Embassy in Abuja, February 12, 2010.

⁴⁵ State Department Daily Press Briefing, February 26, 2010; State Department Spokesman, "Political Situation in Nigeria, March, 2010; and Briefing by the Assistant Secretary of State for African Affairs on February 24, 2010.

Development Challenges and Reform Initiatives

Nigeria has the second largest economy in Sub-Saharan Africa and generates over \$60 billion a year in oil and gas revenue, and yet many of its people are among the continent's poorest. As many as 70% of Nigerians live beneath the poverty line, and the average life expectancy is less than 47 years. Nigeria has the world's second largest HIV/AIDS population (after South Africa). Access to clean water remains a major challenge – almost half the population has no access to improved sources of water and only 17% are served by piped water. Sanitation is also a problem, with 30% of people lacking access to adequate sanitation. Diarrhea remains the second leading cause of death among Nigerian children, and the country ranks second only to India in the number of diarrhea-related child deaths globally. The country ranks 142 of 169 countries on U.N. Development Program's (UNDP) 2010 Human Development Index.⁴⁶ Due to decades of economic mismanagement, political instability, and widespread corruption, Nigeria's education and social services systems have suffered from lack of funding, industry has idled, and Africa's largest oil-producing country suffers periodically from severe fuel shortages.

When Goodluck Jonathan assumed power in February 2010 from the ailing President Yar'Adua, he made public commitments to “restoring Nigeria's image” abroad, both by continuing to act as a key partner in regional peace and counterterrorism efforts, and by ending the “culture of impunity” in Nigeria by addressing corruption and human rights concerns.⁴⁷ He vowed to continue President Yar'Adua's reform initiatives. Those efforts are discussed below.

Reforms to the Petroleum and Energy Sectors

Nigeria's economy depends heavily on its oil sector, and for decades, as the country's extractive industries grew, many of its other industries stagnated or declined. According to the World Bank, oil and gas production accounts for 85% of government revenues and 95% of export earnings, but the sector's share of the country's Gross Domestic Product (GDP) has fallen because of decreased output, which does not meet the country's estimated oil production capacity of 3 million barrels per day (bdp). Despite increased deepwater oil production, persistent conflict and criminality in the oil producing Niger Delta region and swings in world oil prices have threatened Nigeria's fiscal outlook. According to the IMF, annual GDP growth fell from 7% in 2007 to an estimated 6% in 2008, but rose to an estimated 8.4% in 2010. Economists suggest that the economy continues to underperform because of poor infrastructure and electricity shortages, although the manufacturing and telecommunications sectors have performed better in recent years. Agricultural production contributes over one-third of GDP, but less than 5% of exports.

President Jonathan has stressed his commitment to reforming the oil and gas industry. In 2007, the government announced plans to restructure the Nigerian National Petroleum Corporation (NNPC), which oversees regulation of the industry and has been criticized for its lack of transparency. President Yar'Adua appointed a committee to Nigeria's contracts with foreign oil companies, a process through which the committee chair suggested, “we may have to reconsider some of our generous terms.”⁴⁸ President Jonathan appointed Nigeria's first female oil minister,

⁴⁶ The UNDP index is a composite measure of life expectancy, adult literacy and school enrollment, and income.

⁴⁷ President Jonathan has referred to Nigeria's “culture of impunity” in several speeches, including one quoted in “Again, We've Succeeded in Moving Nigeria Forward - Jonathan,” *Daily Champion* (Lagos), February 10, 2010.

⁴⁸ Matthew Green, “Nigeria Considers Oil Contracts Review,” *Financial Times*, October 23, 2007.

Diezani Allison-Madueke, a former executive with Royal Dutch Shell, in 2010. She is leading the Administration's efforts to press parliament to pass the ambitious Petroleum Industry Bill (PIB), which would restructure the NNPC and reportedly increase transparency within the industry. Nigeria was designated compliant with the Extractive Industries Transparency Initiative (EITI), a global standard for transparency in the oil, gas, and mining sectors, in March 2011.

Despite its position as one of the world's largest exporters of oil, Nigeria imports an estimated \$10 billion in refined fuel annually, and it continues to face a nationwide power crisis.⁴⁹ In an effort to increase its refining capacity, the government has granted permits for the construction of several independently owned refineries. The government aims to halt oil imports by 2020. The Jonathan Administration has also pledged to increase Nigeria's electricity generation by ten times over the next decade, and President Jonathan has emphasized this as a key priority in his 2011 presidential campaign. Efforts to privatize power stations and distribution companies are underway, despite objections from the country's trade unions. The Obama Administration recently praised the Nigerian government for its progress in rehabilitating the power sector.⁵⁰ In 2010, with two of Nigeria's existing four oil refineries running at only 60% capacity, the NNPC signed an agreement worth estimated at \$23 billion with China for the construction of three new refineries.⁵¹ Nigeria is also in the process of increasing its liquefied natural gas (LNG) exports, which are expected to surpass revenues derived from oil exports in the next decade. Nigeria now transmits natural gas to Benin, Togo, and Ghana through the new West Africa Gas Pipeline. The initiative, led by Chevron, had been delayed due to supply shortages resulting from sabotage to production facilities in the Niger Delta. Reports suggest that gas supplies have increased as pipelines have been repaired since 2009.

Financial Sector Reforms

Successive Nigerian administrations have made commitments to economic reform, but their track record is mixed. According to the IMF, reforms initiated under the Obasanjo Administration and continued by his successors, most importantly the policies of maintaining low external debt and budgeting based on a conservative oil price benchmark to create a buffer of international reserves, lessened the impact of the recent global financial crisis on Nigeria's economy.⁵² Oil revenues above the benchmark price have been saved since 2003 in an Excess Crude Account (ECA), although the government drew substantially from the account in 2009-2010 in an effort to stimulate economic recovery. The ECA's balance fell from \$20 billion in early 2009 to less than \$500 million in September 2010, but Nigerian officials report that the rise in the price of oil brought the ECA back above \$2 billion at the end of 2010.⁵³ The country has made significant gains in paying down its external debt, which declined from 36% of GDP in 2004 to 2.2% in 2010. By paying down its external debt, the Nigerian government has freed over \$750 million for

⁴⁹ Jon Gambrell, "Nigeria, China sign \$23B Deal to Build Refineries in Oil Rich, but Gasoline-Starved Nation," Associated Press, May 14, 2010.

⁵⁰ U.S. Department of State, "U.S. Commends Nigerian Authorities on Power Sector Reforms," January 14, 2011.

⁵¹ "Two Nigerian Refineries Running at 60 Pct Capacity," Reuters, March 30, 2010.

⁵² International Monetary Fund, "Staff Report for the Article IV Consultation with Nigeria," January 27, 2011. The price benchmarks set by the Nigerian government are \$58/barrel for 2011, \$60 for 2012, and \$62 for 2013.

⁵³ EIU, "Nigeria," Country Reports, March 2011.

programs aimed at poverty reduction and reaching the country's Millennium Development Goals (MDGs), according to the World Bank.⁵⁴

Like his predecessors, President Jonathan has committed his Administration to reforms that aim to fuel development. He named a former Goldman Sachs official, Olusegun Aganga, as Finance Minister to lead the reforms, which include an audit of the NNPC and the proposed creation of a sovereign wealth fund. Jonathan retained Lamido Sanusi, appointed under President Yar'Adua as governor of Central Bank of Nigeria, who has led efforts to modernize the country's banking system. He has pushed reforms to tighten banking supervision and in late 2009 instituted new regulations that require banks to report large cash transactions between accounts if one of the account holders is considered to be "politically exposed." Bank audits ordered by Sanusi in 2009 found ten banks near collapse due to reckless lending; most of the banks' top executives were fired. The government provided \$4 billion in 2009 to rescue the banks, and in December 2010, under pressure from Sanusi, the parliament approved the establishment of the Asset Management Company of Nigeria (AMCON) to buy bad bank loans in exchange for government bonds, in an effort to get the banks lending again. AMCON is jointly funded by the central bank and the finance ministry. Some analysts expect it to take up to a decade for AMCON to divest itself of all its toxic assets, which total over \$14 billion.⁵⁵ The government is pursuing debtors and prosecuting several bank executives.

Efforts to Combat Corruption

According to the U.S. State Department, corruption in Nigeria is "massive, widespread, and pervasive."⁵⁶ In 2008, Nigeria's ranking on Transparency International's Corruption Perceptions Index improved from 147 to 121 out of 180 countries, but it fell in 2009, and again in 2010, to a ranking of 134.⁵⁷ Nigeria also has one of the world's highest incidences of cyber crime, including "419 scams," so-named for the country's penal code that outlaws fraudulent e-mails. For years observers have suggested that the country's development will be hindered until it can reverse its perceived "culture of impunity for political and economic crimes."⁵⁸

The Economic and Financial Crimes Commission (EFCC), a Nigerian law enforcement agency created in 2003 to combat corruption and fraud, has estimated that over \$380 billion has been expropriated by political and military leaders since oil sales began in the 1970s.⁵⁹ Former dictator Sani Abacha reportedly stole more than \$3.5 billion during the course of his five years in power. Switzerland was the first country to repatriate stolen funds to Nigeria and has returned over \$700 million since 2005. According to study by the World Bank, a significant percentage of those funds have been used by the Nigerian government toward meeting the country's Millennium Development Goals. The government has also recovered funds stolen by Abacha and his family from the autonomous British island of Jersey and from Luxembourg. Other Abacha funds remain

⁵⁴ World Bank, "Nigeria: Country Brief," April 2010, available at <http://www.worldbank.org>.

⁵⁵ AMCON bought non-performing loans from 9 rescued banks and margin loans from 12 other domestic banks. EIU, "Nigeria, Ibid.

⁵⁶ U.S. State Department, "Nigeria," *Country Report on Human Rights Practices 2009*, March 2010.

⁵⁷ The Corruption Perceptions Index measures the perceptions of business people and country analysts regarding the degree of corruption among public officials and politicians. A high score indicates greater levels of corruption.

⁵⁸ International Crisis Group, "Want in the Midst of Plenty," *Africa Report No. 113*, July 19, 2006.

⁵⁹ "Strong Convictions: Nigeria's First Anticorruption Czar," *Christian Science Monitor*, February 8, 2007.

frozen in accounts in Europe. In late 2009, a Swiss court convicted Abacha's son of participating in a criminal organization and seized \$350 million in assets stolen from Nigeria.

The Nigerian government won praise under President Obasanjo for some of its efforts to combat the rampant corruption that has plagued Nigeria, but some charge that the former head of state used corruption charges to sideline critics and political opponents. Investigations by the EFCC resulted in the arrest of over 2,000 responsible for illegal email scams and in over 130 convictions for fraud during Obasanjo's tenure.⁶⁰ However, the International Crisis Group (ICG) suggested that the EFCC was "used as a political weapon to whip political foes, especially state governors likely to stand for the presidency and their supporters, into line."⁶¹ Five state governors, some of whom were considered contenders for the PDP presidential nomination, were impeached in 2005-2006 for corruption.⁶² ICG charged that the impeachments, 3 of which were reversed in appeals courts, were conducted under heightened military presence in those states and lacked due process.⁶³ Under President Obasanjo the EFCC conducted investigations into the alleged financial crimes of 31 of the country's 36 state governors; several were prosecuted. In February 2007, the EFCC released a list of 135 candidates in the April elections who were "unfit to hold public office because of corruption," of which 53 were PDP and 82 opposition candidates.⁶⁴ The legality of INEC's decision to bar candidates on the EFCC's list from the elections was questioned.

President Yar'Adua, reportedly a devout Muslim, campaigned on a platform of fighting corruption; in 1999 he became the first governor to publicly declare his assets before he was sworn in. Upon taking office, he ordered the review of all privatization agreements approved by former President Obasanjo, amid charges of corruption associated with the sales, and subsequently reversed several contracts. President Yar'Adua moved to distance himself from the former president, dismissing many of Obasanjo's political appointees and military leaders in late 2008 and overturning several key government contracts made by the former administration. In December 2008, he proposed that the National Assembly amend the constitution to remove the immunity clause which prevents the president, vice president, governors, and deputy governors from being prosecuted for corruption while in office. The proposal has not been adopted.

In late 2007, Nigeria's Inspector General of Police announced that EFCC head Nuhu Ribadu was being transferred from his post. Some questioned whether Ribadu's transfer was linked to his order two weeks earlier for the arrest of former Delta State Governor James Ibori, one of the primary financial contributors to Yar'Adua's presidential campaign. The Executive Director of the U.N. Office on Drugs and Crime wrote a letter to President Yar'Adua suggesting Ribadu's removal could be detrimental to ongoing investigations and might damage the reputation of the EFCC in the view of international donors.⁶⁵ Ribadu was later dismissed from the police service.

The EFCC continued to prosecute high profile cases after Ribadu's departure, and several EFCC operatives were reportedly murdered in retaliation in early 2010. In early 2008, the commission ordered the arrest of Lucky Igbinedion, former governor of Edo State, who is alleged to have stolen \$25 million in state funds. He later submitted a plea bargain and was released with a fine.

⁶⁰ "Strong Convictions: Nigeria's First Anti-Corruption Czar," *Christian Science Monitor*, February 8, 2007.

⁶¹ ICG, "Nigeria's Elections: Avoiding A Political Crisis," *Ibid*.

⁶² The impeached governors represented Bayelsa, Oyo, Ekiti, Anambra, and Plateau States.

⁶³ ICG, "Nigeria's Elections: Avoiding A Political Crisis," *Ibid*.

⁶⁴ "Strong Convictions: Nigeria's First Anticorruption Czar," *Christian Science Monitor*, February 8, 2007.

⁶⁵ Matthew Green, "Nigerian Anti-Graft Police Arrest Governor," *Reuters*, January 22, 2008.

In June 2008, the Nigerian Senate unanimously approved the appointment of a former high-ranking police officer, Farida Waziri, to replace Ribadu as EFCC Chair. Some in Nigerian civil society alleged that Waziri was appointed to derail the prosecution of Ibori and others.⁶⁶ Ibori's case was dropped by a federal judge in December 2009, but the EFCC obtained a new warrant for his arrest in April 2010, alleging that Ibori embezzled over \$250 million. Ibori eluded capture after his armed supporters reportedly exchanged fire with Nigerian security forces. He fled Nigeria and was arrested by Interpol in Dubai in May 2010. He faces extradition to the United Kingdom, where he has been charged with money laundering.

The ruling People's Democratic Party (PDP) has faced several charges of corruption against senior leaders, including Vincent Ogbulafor, who resigned as national chairman of the party in 2010 to stand trial for fraud during his tenure as a government minister in 2001.⁶⁷ Ogbulafor's former deputy and now acting PDP Chairman, Dr. Bello Mohammed, a former communications minister, was reportedly questioned in 2010 in relation to bribes paid to government officials by the German telecommunications firm Siemens. In 2009, a Nigerian court sentenced former PDP Chairman Olabode George, a close ally of Obasanjo, to 2.5 years in prison for misuse of \$500 million in public funds during his tenure as head of the Nigerian Ports Authority. Former President Obasanjo himself has not escaped charges of corruption. In 2007, a Nigerian Senate committee report recommended that both Obasanjo and Atiku Abubakar be prosecuted for illegal use of government funds. Obasanjo rejected the charges. Other parliamentary panels have investigated allegations of corruption during his tenure as president. His daughter, who chairs Nigeria's Senate Health Committee, was charged by the EFCC in 2008 with fraud.

Several multinational corporations have been investigated for paying bribes in Nigeria. In December 2007, Nigeria suspended its contracts with Siemens after a German court found the company guilty of paying an estimated 10 million euro in bribes to Nigerian officials between 2001 and 2004.⁶⁸ An alleged bribery case involving a Nigerian gas plant is being investigated in several countries, including France, Nigeria, Japan, and the United Kingdom. The companies involved in the natural gas project and the alleged bribery include Halliburton; Total of France; and Italy's Eni. The U.S. Justice Department led the probe into Halliburton's role, and officials have reported evidence of bribes paid.⁶⁹ Halliburton and Kellogg, Brown, and Root, Inc. (KBR) reached a \$177 settlement with the U.S. Securities and Exchange Commission in February 2009 related to the case, and KBR paid a \$402 million fine to settle the Justice Department charges.⁷⁰ The EFCC brought charges against former U.S. Vice President Dick Cheney in early December 2010 related to his tenure as chief executive of Halliburton, but later dropped them after the company agreed to pay \$250 million in fines.

⁶⁶ See, for example, "Nigerian Group Criticizes Choice of a New Corruption Chief," *VOA News*, May 27, 2008.

⁶⁷ Ogbulafor maintains that the charges were politically motivated as part of an internal PDP power struggle.

⁶⁸ "Nigeria to Blacklist Siemens After Bribery Scandal," *Reuters*, December 5, 2007.

⁶⁹ "The Gas Ghost Keeps Haunting," *Africa Confidential*, May 9, 2008.

⁷⁰ "Halliburton, KBR Paying \$547 Million in Bribery Settlement," *Market Watch*, February 11, 2009.

Social Issues and Security Concerns

Islamic *Sharia* Law

Nigeria is home to Sub-Saharan Africa's largest Muslim population. Twelve of Nigeria's states in the Sunni Muslim-dominated north of the country have adopted Islamic *sharia* law since 1999 to adjudicate criminal and civil matters for Muslims.⁷¹ Non-*sharia* based common law and customary law courts adjudicate cases involving non-Muslims in these states, and *sharia*-based criminal law courts are elective for non-Muslims. In some states, the introduction of *sharia* proved to be a flashpoint between Muslims and Christians. The introduction of *sharia* has also resulted in much-publicized rulings, several of which have been criticized by human rights groups as well as by Nigerians in the southern and mostly Christian part of the country. The State Department reports that *sharia* "technically does not apply to non-Muslims in civil and criminal proceedings," although observers acknowledge that Islamic mores are often enforced in public without regard for citizens' religion. In some areas, state-funded vigilante groups known as *hisbah* patrol public areas and attempt to enforce *sharia* rulings.

While some *sharia* courts have issued controversial stoning and amputation sentences, the U.S. State Department reports that none of the stoning sentences have been implemented.⁷² In 2002, Amina Lawal was sentenced to death by stoning after a court in Katsina State found her guilty of adultery. In 2003, Ms. Lawal appealed her sentence to the state Appeals Court and won after the court ruled her conviction invalid. In another highly publicized case, a *sharia* court in Sokoto sentenced Safiya Hussaini to death for adultery in 2001. Ms. Hussaini appealed her sentence and was exonerated on the grounds that she was impregnated by her former husband and that the affair took place before *sharia* law was enacted. Despite such cases, many observers see the interpretation and implementation of Nigerian *sharia* as moderate in comparison to that of some other Islamic countries.

Sectarian Violence in Nigeria's Middle Belt

In May 2009, the U.S. Commission on International Religious Freedom recommended that Nigeria be classified as a "Country of Particular Concern" for religious freedom violations. It is not currently designated as such by the Secretary of State. According to the commission, as many as 12,000 Nigerians have been killed since 1999 in sectarian violence, and the commissioners based the CPC recommendation on their belief that the country is tolerating this violence. According to their 2010 report, "Not a single criminal, Muslim or Christian, has been convicted and sentenced in Nigeria's ten years of religious violence. Therein lies the problem. The Nigerian government and judicial system have so far been unwilling or unable to protect either side."⁷³

The report cites hundreds of recent deaths in sectarian violence in Jos, the capital of Plateau State in central Nigeria, which sits between the predominately Muslim north and Christian south.

⁷¹ These states are Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and Zamfara. Nigerian law protects freedom of religion and permits states to establish courts based on common law or customary law systems.

⁷² As of December 2009, only one amputation sentence had been carried out, involving a victim who refused to appeal his conviction, according to the U.S. State Department, "Nigeria," *2009 Country Reports on Human Rights Practices*.

⁷³ U.S. Commission on International Religious Freedom, *Annual Report 2010*, May 2010.

Violence between communities in this “Middle Belt” in the past decade reflects tensions that are not only religious, but also ethnic, and which are exacerbated by some local politicians. These tensions stem from a competition over resources – land, education, government jobs – between ethnic groups classified as settlers or “indigene” (original inhabitants of the state), a designation that conveys political and economic benefits. In Jos, the mostly Christian Berom are considered indigene, and the predominately Muslim Hausa-Fulani, who were traditionally nomadic and pastoralist, are not. According to Human Rights Watch, over 1,000 were killed in inter-communal fighting and targeted killings in Plateau State in 2010.⁷⁴

The State Department, in its November 2010 Religious Freedom report, found that “the government generally respected religious freedom in practice, although local political actors stoked sectarian violence with impunity, occasionally using religion as a catalyst, especially in the Middle Belt region.” The report states that the hostility between Christians and Muslims “increased and involved the targeting of religious symbols and spaces” in 2010, and that the sectarian violence in parts of the country “heightened tensions between religious groups, even in parts of the country without violence.”

The death toll from sectarian clashes in Nigeria in the last decade has been high, although exact figures are unavailable. By some estimates, over 8,000 were killed in clashes between 1999 and 2002.⁷⁵ In Plateau State alone, as many as 3,800 have been killed in the past decade.⁷⁶ Among the more recent outbreaks of violence, disputed local elections spurred unrest in November 2008 that may have resulted in as many as 700 deaths. Violence in Jos and surrounding villages broke out again in early 2010, displacing an estimated 18,000 and resulting in 300-500 deaths in January and several hundred in March. In response, the Nigerian government established a special task force composed of both military and police in May 2010 to restore stability in the state.⁷⁷ The latest round of clashes were sparked by bombings in Christian areas of Jos on December 24 that killed 80. Revenge attacks by both sides have followed, and the Muslim community has called for the ouster of the current governor, whom they view as ignoring the violence.

Boko Haram and Militant Islam in Nigeria

In July 2009, religious clashes erupted in the northern states of Bauchi, Borno, and Yobe, reportedly resulting in at least 700 deaths and the displacement of several thousand. The clashes originated in Bauchi state between police and a Muslim sect, *Boko Haram* (“Western education is forbidden”), also known as the “Nigerian Taliban,” which aims to overthrow the government and impose sharia throughout the country. Alleged attempts by militants to storm police stations and other government buildings led to rioting and street battles with security forces. The group’s leader, Mohammed Yusuf, was killed by police in the northern city of Maiduguri. Some contend that his death was an extrajudicial killing, a charge that the police deny (see “Abuses by Security Forces” below).⁷⁸ Following the clashes, local religious and traditional leaders announced plans to establish a preaching board composed of Islamic leaders and scholars to vet clerics. Violence

⁷⁴ HRW, “Nigeria: New Wave of Violence Leaves 200 Dead,” January 27, 2011. The report stated that in addition to the more than 1,000 deaths in 2010, over 200 were killed between December 24 and late January 2011.

⁷⁵ ICG, “Nigeria: Want in the Midst of Plenty,” *Africa Report No. 113*, July 19, 2006.

⁷⁶ HRW, Nigeria: New Wave of Violence Leaves 200 Dead,” *Ibid.*

⁷⁷ The task force has a website: <http://www.specialtaskforceonplateaustate.gov.ng>.

⁷⁸ “Islamic Death ‘Good for Nigeria,’” BBC, July 31, 2009.

between security forces and members of another Islamic sect reported to hold beliefs similar to those of Boko Haram in Bauchi state in late December 2009 resulted in over 40 deaths.⁷⁹

Boko Haram appears to have reemerged, claiming responsibility in September 2010 for a major prison raid in Bauchi that resulted in 700 prisoners being freed, including a number of Boko Haram members. The group has also claimed responsibility for the January 2011 assassination of a gubernatorial candidate in the state, and has staged attacks on public buildings and police stations. Its current size and strength are unknown. Boko Haram currently appears to pose more of a threat to local stability than to the country as a whole. Nevertheless, there are concerns that the group may seek to align itself with more developed violent Islamist groups. One of its purported leaders has expressed respect for Al Qaeda (AQ) and Osama Bin Laden, and in February 2010 the leader of the regional AQ affiliate Al Qaeda in the Islamic Maghreb (AQIM) publicly offered the group assistance.⁸⁰

The international media focused on concerns regarding the possible radicalization of Nigerian Muslims following the attempted terrorist attack on an American airliner by a Nigerian passenger, Umar Farouk Abdulmutallab, on December 25, 2009. According to reports, Abdulmutallab, son of a respected Nigerian banker and former government minister, became “radicalized” while living abroad, most recently in Yemen, and Al Qaeda in the Arabian Peninsula (AQAP) claims to have sponsored his attempt to detonate an explosive device while onboard a flight bound from Amsterdam to Detroit. Abdulmutallab’s father reported concerns about his son’s radicalization to the U.S. embassy and others in November 2009. The attempted attack, allegedly scheduled to coincide with Christmas Day, raised questions regarding airport security in both the Netherlands and Nigeria, where Abdulmutallab’s journey began. Both countries began using full body scanners in their international airports in 2010. The attempt also led to increased screening measures at airports around the world. In January 2010, the Department of Homeland Security (DHS) announced that passengers flying to the United States who are citizens of 14 countries deemed to be either “state sponsors of terrorism” or “countries of interest” would be subject to additional screening, including compulsory “pat-downs.” Nigeria was among five African countries, including Algeria, Libya, Sudan, and Somalia, included in the new regulation, and the Nigerian government protested the rule as discriminatory.⁸¹ In April 2010, DHS announced new security measures for screening all passengers on international flights to the United States, superseding the regulations that specifically targeted Nigerians for further screening.⁸²

Abdulmutallab’s actions are considered by most to be an isolated incident, and many observers stress that, by all accounts, Abdulmutallab’s radicalization and training took place outside Nigeria. Nevertheless, the expansion of conservative Sunni Islamist movements and clashes between security forces and Islamist sects in northern Nigeria have raised concerns among some observers and officials that other Nigerians may be susceptible to recruitment by Al Qaeda or other groups hoping to use violence against government or civilian targets in Nigeria or abroad.

⁷⁹ “Death Toll From Nigeria Clashes Rises to 40 – Red Cross,” Reuters, December 30, 2009.

⁸⁰ “Fertile Ground: The Potential for Jihad in Nigeria,” *Jane’s Intelligence Review*, September 2010.

⁸¹ “Nigeria Criticizes ‘Unfair’ US Air Passenger Screening,” BBC, January 4, 2010.

⁸² DHS, “Secretary Napolitano Announces New Measures to Strengthen Aviation Security,” April 2, 2010.

Conflict in the Niger Delta

Background of the Struggle

Oil from the southern Niger Delta region has accounted for over 75% of the country's oil production since the 1970s, and yet the area's political history remains one of conflict and marginalization. The Delta is home to an estimated 31 million people. Among them are the Ogoni, an ethnic minority whose members have received international attention for their efforts to highlight the extensive environmental damage done by oil extraction in the region. In 1994, author and activist Ken Saro-Wiwa, president of the Movement for the Survival of the Ogoni People (MOSOP), and 14 others were accused of involvement in the murder of four prominent Ogoni politicians. They pled not guilty, but nine, including Saro-Wiwa, were convicted and sentenced to death in 1995 by the Ogoni Civil Disturbances Special Tribunal. The executions sparked international outrage against the regime of dictator Sani Abacha, who was accused of extensive human rights abuses. The United States recalled its ambassador and pushed for the U.N. General Assembly to condemn Nigeria's action. In 2009, Shell established a trust fund to benefit the Ogoni people, part of a \$15.5 million settlement in a New York court case related to the 1995 executions. The company maintains that it played no role in the executions or other abuses.

Criminality and Violence

Nigeria's oil wealth has been a source of continuing political tension, protest, and criminality in the Delta, where most of the country's oil presently originates. The conflict has been linked to the vandalism of oil infrastructures; massive, systemic production theft known as "oil bunkering," often abetted by state officials; protests over widespread environmental damage caused by oil operations; hostage taking; and public insecurity and communal violence. Several thousand people have been killed in pipeline explosions in southeast Nigeria since the late 1990s; the largest single toll from an explosion was approximately 1,000 in October of 1998. These explosions are triggered when people siphon off oil from holes punched in the above-ground pipeline for personal use, resulting in a reported loss of some 100,000 barrels of oil per day.

In 1998, militants from the Delta's largest ethnic group, the Ijaw, initiated "Operation Climate Change," triggering violent conflict between the Ijaw and the Nigerian military and disrupting oil production in the region. Threats of an "all out war" against the government and the oil companies by Mujahid Dokubo-Asari, one of the leaders of that group, reportedly played a role in the then-unprecedented rise in the world price of oil above \$50 a barrel in 2004.⁸³ The threat was later called off after negotiations with the government. A new rebel movement, the Niger Delta People's Volunteer Force (NDPVF), led by Dokubo-Asari, emerged in 2004, launching a series of attacks against government forces and threatening to attack foreign oil workers. The NDPVF demanded autonomy for the region and a share of oil revenues. An estimated 500 people were reportedly killed in the ensuing violence, according to Amnesty International, though the Nigerian government disputes this figure. Dokubo-Asari was arrested in September 2005 and charged with plotting to overthrow the government. He was released on bail in June 2007, allegedly because of his failing health, and upon his release he reportedly denounced the practice of hostage-taking in the region and subsequently assisted in the government's negotiations with militants.⁸⁴

⁸³ "Pumping Up the Oil Price; the Price of Oil," *The Economist*, October 1, 2004.

⁸⁴ "Freed Militant Opposes Kidnappings," *This Day*, June 17, 2007.

In November 2005, the Nigerian army deployed additional troops to the oil-rich Bayelsa State after lawmakers began impeachment proceedings against State Governor Diepreye Alamieyeseigha. British authorities had charged Alamieyeseigha, while visiting in London months prior, with money laundering. The former governor, who returned to Nigeria, was found guilty of money laundering and embezzlement in 2007. He was later released by President Yar'Adua on a plea bargain to help advance peace talks. The British government has returned over \$2 million in assets allegedly stolen by Alamieyeseigha to Nigerian authorities.

Conflict between the Delta's militants and the Nigerian military escalated after early 2006, and the kidnapping of foreign oil workers increased exponentially. A new rebel group, the Movement for the Emancipation of the Niger Delta (MEND), emerged in late 2005, using kidnappings to bring international attention to its cause and to demand that the government release various regional figures, including Dokubu-Asari and Alamieyeseigha. Media reports suggest over 300 foreigners were kidnapped between 2006 and 2009, including several American citizens.

Attacks on oil facilities by militant groups like the MEND have periodically cut Nigeria's oil production by as much as 25%, and analysts partially credit supply disruptions in Nigeria with periodically raising the world price of oil.⁸⁵ According to the State Department's Coordinator for International Energy Affairs, "If Nigeria was to produce oil at capacity, it would play a major role in helping to lower and stabilize world oil prices."⁸⁶ Nigeria's deep-water production has proven vulnerable to militant attacks as well, as evidenced by attacks on Shell's offshore Bongo platform, and the threat of sea piracy is high. According to some estimates, up to 10% of Nigeria's oil is stolen every year, and some experts suggest that the heightened violence and criminality in the Delta has been used to fund local political campaigns.⁸⁷

From 2007 through mid-2009, militant activity in the Delta was punctuated with periodic ceasefires and negotiations with the government. In June 2007, MEND declared a one-month truce, declaring it would cease kidnappings and attacks on oil facilities during that period in exchange for dialogue with the Yar'Adua government. As part of the truce, the group released several hostages taken from a Chevron facility, including at least one American.⁸⁸ The NDPVF extended a similar 90-day truce offer a week later, and groups represented under the so-called Joint Revolutionary Council (JRC) also declared a temporary ceasefire. Other smaller militant groups remained active. In July 2007 the truce unraveled, and in August MEND announced that it would resume attacks on oil installations. Gang violence in Port Harcourt, the region's main city, escalated into running street battles until government troops imposed a curfew on the city. Self-described MEND spokesman Henry Okah was arrested in Angola in September 2007 on suspicion of arms-trafficking. In December 2007, the Bayelsa state government announced the signing of a peace agreement with the state's militant groups, although MEND rejected the truce, declaring it would increase its attacks until Okah, who was extradited to Nigeria in February 2008, was released. Street clashes erupted again in Port Harcourt in February (random violence in

⁸⁵ See, for example, "Oil Steady Over 70 USD as Concerns about US Gasoline Supply, Nigeria Continue," *AFX News Limited*, May 22, 2007, and "Assault at Gas Pumps Related to Attacks on Nigerian Pipelines," *CNN*, May 23, 2008.

⁸⁶ David L. Goldwyn, testimony before the Senate Committee on Foreign Relations' Subcommittee on African Affairs, Washington, D.C., September 24, 2008.

⁸⁷ Human Rights Watch, *Criminal Politics: Violence, "Godfathers" and Corruption in Nigeria*, Vol. 19, No. 16(A), October 2007.

⁸⁸ "Nigerian Militants Free Six Hostages, Suspend Attacks for a Month," *Agence France Presse*, June 2, 2007.

the city has continued sporadically). MEND declared another cessation of hostilities in mid-2008, but it suspended the ceasefire in January 2009.

Nigeria's Joint Task Force (JTF), a special combined military and police unit established in 2004 to restore order in the Delta, launched a new offensive against militants in May 2009. Fighting between security forces and militants, combined with JTF air and land strikes against militant camps, displaced thousands, according to Amnesty International.⁸⁹ Acts of sabotage by the MEND and other militant groups increased in early 2009, cutting oil production by approximately 273,000 barrels per day.

Amnesty Offer for Delta Militants

In June 2009, President Yar'Adua extended an offer of amnesty to Delta militants; those who surrendered their weapons, renounced violence, and accepted rehabilitation by October of that year would be granted a presidential pardon, along with cash and job training. Within days, five militant groups had announced their intention to accept amnesty. MEND initially rejected the President's gesture, but days after jailed MEND leader Henry Okah was pardoned and freed, in July, the group announced a 60-day ceasefire. MEND has not collectively accepted the amnesty offer, but several of its purported leaders have. According to Nigerian government estimates, 15,260 "militants" accepted the amnesty and turned in weapons by the October 2009 deadline; the government ultimately aims to disarm 20,000.⁹⁰ As acting president, Goodluck Jonathan approved an initiative to spend \$180 million on skills centers in the Delta, a key pledge the second phase of Yar'Adua's amnesty and reconciliation plan, which focuses on the rehabilitation of militants. The federal government's ability to deliver on promised infrastructure improvements and job creation will be critical to addressing regional grievances.

Oil output has increased in the wake of the amnesty offer, but observers warn that unless the root causes of the conflict are addressed, further violence will follow.⁹¹ MEND attacks appear to be on the rise again. MEND spokesman Jomo Gbomo, declaring the President Jonathan has demonstrated that he is unwilling to address the issues of the Delta, has claimed responsibility for several attacks on oil facilities and recent bombings, including explosions in Abuja on October 1, 2010 during celebrations marking Nigeria's Independence Day, that left 12 dead. Gbomo claims that MEND has issued warnings to Nigerian officials prior to the bombings to avoid loss of life.

MEND's identity and composition has changed since it first emerged. Various militant groups in the Niger Delta have claimed actions under the name of MEND, and analysts suggest that it is now an umbrella group with a decentralized structure. Several high-profile militant commanders, including Soboma George, Ateke Tom, and Government Ektemupolo (alias Tompolo), who were rumored to be among MEND's senior leadership, accepted the amnesty, raising questions about the group's current cohesiveness.⁹²

⁸⁹ Amnesty International, "Hundreds Feared Dead and Thousands Trapped in Niger Delta Fighting," May 22, 2009.

⁹⁰ "On the MEND: The Politics of Surrender in Nigeria," *Jane's Intelligence Review*, December 2009.

⁹¹ "In Niger Delta, Uneasy Peace as Rebel Disarmament Dates Nears," *Washington Post*, July 27, 2009.

⁹² Soboma George was shot and killed in August 2010, reportedly by men he had hired to kill two politicians in the region.

Efforts to Address Environmental and Development Challenges

Oil production in the Delta has caused major damage to the area's fragile riverine ecosystem, and ultimately to the livelihoods of its inhabitants.⁹³ Reports on the amount of crude leaked into the Delta's fragile ecosystem vary significantly and there is no accurate measure, but millions of barrels of oil are believed to have been spilled since oil production began in Nigeria.⁹⁴ Gas flares, which burn unwanted natural gas when drilling for oil, have plagued the Delta with acid rain and air pollution. This pollution has severely limited locals' access to clean water, and has largely destroyed the fishing stocks the majority of Delta inhabitants depended on to make a living.⁹⁵ In 2006, Shell Oil, which has the largest production capacity of the oil companies in Nigeria, was ordered by a Nigerian federal court to pay \$1.5 billion to compensate local communities for environmental damage. President Yar'Adua announced in 2008 that Shell would be replaced by another company in the oil fields of Ogoniland.⁹⁶ In 2010, a Dutch court began hearing a case against Shell related to a massive spill that occurred in the Delta in 2005. The Dutch parliament held a hearing on Shell's role in Delta oil spills in January 2011.

Under President Yar'Adua, the government took several important initial steps to engage the Delta's disaffected communities, efforts that activists hope the Nigerian government will expand. An unprecedented 20% of Yar'Adua's first federal budget proposal, for 2008, was allocated for security and development projects in the Delta, although activists expressed concern that the amount allocated for security far outweighed funds for development.⁹⁷ A supplemental 2009 budget passed in November 2009 included more than \$750 million for "post-amnesty intervention." The 2010 budget included some \$1.2 billion for "post-amnesty development" projects in the region, targeting transport, education, and health infrastructure. Concerns remain regarding the government's ability to spend the funds effectively.

Most observers agree that the crisis in the Delta must ultimately be solved politically, rather than militarily, but there is considerable disagreement on the details of such a solution. The current federal system provides states with a 13% share of local revenues (predominately from oil sales). Groups like MEND argue that the states should receive a 50% share, as was stipulated in the 1960 constitution. A technical committee nominated by President Yar'Adua to identify policies to stimulate development and improve security in the Delta region issued a report in December 2008. In the report, the committee advocated raising the share of oil revenues allocated to the oil-producing states to 25%. Some analysts suggest that corruption within the state governments is so high that the local populations would see little improvement even if the state share were raised. Some of the oil-producing states have reported revenues of \$1 billion per year but have dismal records of development or service delivery.⁹⁸ Other analysts question what effect a change in revenue allocation might have on the northern states, several of which have lower development

⁹³ Amnesty International, *Petroleum, Pollution, and Poverty in the Niger Delta*, June 2009.

⁹⁴ Amnesty International, *Petroleum, Pollution, and Poverty in the Niger Delta*, *Ibid.*; UNDP, *Niger Delta Human Development Report*, 2006; Jonathan Brown, "Niger Delta Bears Brunt After 50 Years of Oil Spills," *The Independent* (London), October 26, 2006; Popken, Ben, "BP Gulf-Sized Spilling Occurs in Nigeria Annually, but Nobody Cares," *The Consumerist.com*, June 15, 2010.

⁹⁵ ICG, "Fueling the Niger Delta Crisis," *Africa Report No. 118*, September 28, 2006.

⁹⁶ "Nigeria's Removal of Shell Hailed," *BBC News*, June 5, 2008.

⁹⁷ "Nigeria's Pledge to Increase Niger Delta Spending Elicits Skeptical Response," *VOA News*, November 11, 2007.

⁹⁸ "Blood and Oil," *The Economist*, March 15, 2007.

indicators than those in the Delta. In late 2009, President Yar'Adua proposed transferring 10% of the revenues from the government's oil and gas joint ventures to local Delta communities.

In September 2008, President Yar'Adua created a new cabinet-level Ministry for Niger Delta Affairs. The position was intended to build on development plans started under the Obasanjo Administration in 2007 under the auspices of the Niger Delta Development Corporation (NDDC), established in 2000 to improve social and environmental conditions in the Delta. Improvements in infrastructure and education were identified as areas of major focus for Obasanjo's 15-year, \$50 billion plan.⁹⁹ In his first year in office, President Yar'Adua doubled the budget for the NNDC, to \$566 million. Some observers have raised concerns that the Ministry's programs and those of the NDDC, which is intended to be a part of the Ministry, may be duplicative. Some analysts suggest that given the level of corruption endemic in the Delta, the international community should work with the Nigerian government to establish a new development fund that would have independent oversight. New opportunities for foreign investment in the Delta could also contribute to improvements in the region, although unrest may deter investors.

Effects on the Oil Industry and the World Market

Nigeria has an estimated oil production capacity of 3 million barrels per day (bpd), but output has not met capacity.¹⁰⁰ Instability, criminality, and oil leaks in the Delta have cut output by one-fifth since 2006. Nigeria's production averaged 2.5 million bpd in 2010. By comparison, Saudi Arabia produces an estimated 10.1 million bpd, Iran 4.3 million bpd, and Venezuela 2.4 million bpd.¹⁰¹ In 2005, a group of former senior U.S. national security officials convened a working group to develop a possible U.S. response to a simulated world oil crisis.¹⁰² Under the scenario given to the participants, civil unrest in northern Nigeria required the Nigerian government to move troops from the unstable Niger Delta region to quell violence in the north. Unprotected, oil companies in the Delta ceased production, and the country's contribution to the world oil market was reduced by 800,000 bpd for an extended period. Combined with an unseasonably cold winter and hypothetical terrorist attacks in Saudi Arabia, oil prices rose to \$120 per barrel and U.S. gasoline prices at the pump rose to \$4.74 per gallon, triggering a recession and potential job losses of up to 2 million. In reality, even the threat of coordinated militant attacks against oil targets in the Delta can affect the price of oil on the world market. A longer and more sustained disruption of Nigeria's oil supply, particularly if combined with the disruption of another major supplier's product, could have a significant impact on the world economy.

In addition to its oil reserves, Nigeria has the eighth largest natural gas reserves in the world, but to date they have provided little benefit to the Nigerian economy. The gas reserves, also predominantly located in the Delta region, are estimated at over 185 trillion cubic feet. The government had pledged to increase gas exports to 50% of oil revenues by 2010, but many of Nigeria's fields currently lack the infrastructure to produce natural gas and would require significant investment to meet that goal. The government has repeatedly set deadlines for oil

⁹⁹ "Nigeria Launches New Development Plan for Niger Delta," *Voice of America*, March 27, 2007, and "New Hope for Old 'Master Plan' on Niger Delta," *IRIN*, November 19, 2007.

¹⁰⁰ Oil production dropped from 2.13 million bpd in 2007 to 1.95 million bpd in 2008, but increased from an estimated 1.6 million bpd in July 2009, before the ceasefire, to 2 million bpd by late 2009. EIU, "Nigeria," *Country Reports*.

¹⁰¹ Production figures for 2010 acquired from the Department of Energy's Energy Information Administration.

¹⁰² For more information on the exercise, known as "Oil Shockwave," see http://www.secureenergy.org/reports/oil_shock_report_master.pdf.

companies to stop flaring gas at oil wells, estimated at up to 40% of annual production, but significant flaring continues.¹⁰³ In March 2011, President Jonathan announced a series of new agreements to develop gas processing facilities as part of a “gas revolution” designed to create new jobs and revenues and to end flaring.¹⁰⁴

Abuses by Security Forces

Nigerian security forces, particularly the police, have been accused of serious human rights abuses, and activists suggest that the government has done little to address issues of impunity and corruption within the Nigerian Police Force. In 2007, the U.N. Special Rapporteur on Torture reported that “torture is an intrinsic part of how law enforcement services operate within the country,” and called on the Nigerian government to criminalize the practice.¹⁰⁵ The State Department’s annual human rights reports on Nigeria documents numerous instances of “politically motivated and extrajudicial killings by security forces, including summary executions... torture, rape and other cruel, inhuman, or degrading treatment of prisoners, detainees, and criminal suspects,” and a variety of other offences. Its 2009 report noted serious abuses by both police and soldiers related to the July 2009 Boko Haram uprising and referenced “credible media reports” claiming that police executed the group’s leader. Other recent reports on abuses include *Arbitrary Killings by Security Forces*, produced by Human Rights Watch; *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, by Amnesty International; and *Criminal Force: Torture, Abuse, and Extrajudicial Killings by the Nigerian Police Force*, by the Open Society Justice Initiative and the Network of Police Reform in Nigeria. Nigerian officials have acknowledged some abuses, and in early 2010 the country’s police minister called the situation “condemnable and unacceptable.”¹⁰⁶ Nigeria’s prison system has also drawn criticism; a 2008 Amnesty International report alleged that at least 65% of the inmates had never been convicted of a crime, and that some awaited trial for up to 10 years.¹⁰⁷

HIV/AIDS

Nigeria’s HIV/AIDS prevalence rate of 3.6% is relatively small in comparison to some Southern African nations with adult seropositivity rates of over 20%. However, the West African nation comprises nearly one-tenth of the world’s HIV/AIDS infected persons with 3.3 million infected people, the largest HIV-positive population in world after South Africa. Nigeria’s population is expected to double by the year 2025, which is likely to multiply the spread of HIV. In addition to the devastation HIV/AIDS continues to cause among Nigeria’s adult population, over 40% of the current population is under the age of 15. With almost a third of primary-school-aged children not enrolled in school and the large number of HIV/AIDS-infected adults, Nigeria faces serious challenges and significant obstacles in the education and health care sectors.

¹⁰³ “Nigeria Gas Profits ‘Up in Smoke’,” BBC, January 13, 2009.

¹⁰⁴ “Jonathan Sets Agenda for Ending Gas Flaring,” *BusinessDay*, March 25, 2011.

¹⁰⁵ United Nations Press Release, “Special Rapporteur on Torture Concludes Visit to Nigeria,” March 12, 2007.

¹⁰⁶ “Nigeria Condemns Police ‘Killing’,” BBC, March 5, 2010.

¹⁰⁷ Amnesty International, “Nigeria: Criminal Justice System Utterly Failing Nigerian People; Majority of Inmates Not Convicted of Any Crime,” February 26, 2008.

International Relations

Since the 1990s, Nigeria has emerged as an important player in regional and international affairs. Nigeria is one of 12 members of the Organization of the Petroleum Exporting Countries (OPEC), and is a key member of the Economic Community of West African States (ECOWAS). The government has helped to resolve political disputes in Togo, Mauritania, and Liberia. Nigeria has also played a leading role in efforts to resolve the political crisis in Cote d'Ivoire, where it has previously acted as a mediator. The government has been critical of the international community for "contradictions" in its reaction to the current crises in Cote d'Ivoire and Libya.¹⁰⁸ Nigeria has also mediated between the government of Sudan and the Darfur rebels. Nigerian troops have played a vital role in peacekeeping operations in Sierra Leone and Liberia, and are currently deployed to missions in Liberia and Sudan. Nigerian police, military observers, and experts are also deployed in UN missions in Cote d'Ivoire, the Democratic Republic of Congo, Haiti, Liberia, Sudan, Timor-Leste, and Western Sahara. The United States is the top destination for Nigerian exports, followed by India, Brazil, Spain and France. China is the lead source for Nigerian imports, followed by the United States, the Netherlands, South Korea, and the United Kingdom.¹⁰⁹

Issues for Congress

Administration Policy on Nigeria

After a period of strained relations in the 1990s, U.S.-Nigeria relations steadily improved under the administration of former President Obasanjo, and they have remained strong under Presidents Yar'Adua and Jonathan. The Bush Administration praised the Nigerian government's improved budget practices, banking sector reform, and efforts to eliminate the country's foreign debt, although it remained critical of the country's human rights record and questions its commitment to ensuring free and fair elections. President George W. Bush visited the country in 2003, and First Lady Laura Bush visited Nigeria in 2006. Following the 2007 elections, though, the Bush Administration expressed concern with what the State Department called "a flawed election, and in some instances, deeply flawed."¹¹⁰ Nevertheless, the State Department stressed the need to "engage" rather than isolate the country in order to "nurture Nigeria's fragile democracy," and President Bush met Yar'Adua at the White House later that year.¹¹¹

President Barack Obama's Assistant Secretary of State for African Affairs, Johnnie Carson, has referred to Nigeria as "probably the most important country in Sub-Saharan Africa."¹¹² President Obama has reiterated the importance of the U.S.-Nigeria relationship. He formally acknowledged the country's role as a regional leader during a meeting with then-Acting President Goodluck Jonathan at the White House in April 2010. Hillary Rodham Clinton visited Nigeria in August

¹⁰⁸ "Nigeria Lashes at World's Focus on Libya While I. Coast Burns," AFP, March 22, 2011.

¹⁰⁹ CIA, "Nigeria", *The World Factbook*, March 8, 2011.

¹¹⁰ "Governing Party Wins in Nigeria, but Many Claim Fraud," *New York Times*, April 23, 2007.

¹¹¹ Testimony of Assistant Secretary of State Jendayi Frazer before the House Subcommittee on Africa and Global Health, June 7, 2007.

¹¹² U.S. Department of State, "Remarks by Ambassador Carson on Secretary Clinton's Africa Trip," July 30, 2009.

2009 on her first visit to the continent as Secretary of State; Nigeria was one of seven African countries on her itinerary. Clinton's discussions in Nigeria focused on regional security, democracy, corruption, and economic development. In her remarks during the visit, she stressed the need for electoral reform and expressed support for the government's political approach toward resolving the conflict in the Niger Delta.¹¹³ The United States and Nigeria agreed in January 2010 to establish a binational commission on areas of mutual concern, as called for by Members of the House of Representatives in H.R. 2410, the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011. The first meetings of the commission, formally established in April following then-Acting President Jonathan's participation in the Nuclear Security Summit in Washington, DC, were held in late May 2010. The commission is composed of four working groups that meet regularly: Good Governance, Transparency, and Integrity; Energy and Investment; Food Security and Agriculture; and Niger Delta and Regional Security Cooperation.

U.S.-Nigeria Trade and Maritime Security Issues

Nigeria is an important trading partner for the United States and is the largest beneficiary of U.S. investment on the continent. The country is eligible for trade benefits under the African Growth and Opportunity Act (AGOA); AGOA-eligible exports account for over 90% of its exports to the United States, which totaled over \$30 billion in 2010. Nigeria vies with Venezuela to be the United States' fourth largest source of imported oil (behind Canada, Mexico, and Saudi Arabia), depending on how much of its oil production is shut-in in any given month. U.S. imports of Nigerian crude account for over 40% of the country's total oil exports, making the United States Nigeria's largest trading partner. U.S. energy companies may face increasing competition for rights to the country's energy resources; China, for example, has offered Nigeria loans for infrastructure projects in exchange for oil exploration rights. The NNPC signed an agreement with Russia's Gazprom in 2009 to create a joint venture for oil and gas exploration. Nigeria has also signed an agreement with Algeria and Niger to build a 2,500 mile pipeline across their territories to deliver gas to Europe. Nigeria exports natural gas to neighboring countries through the new West Africa Gas Pipeline.

Gulf of Guinea crude is prized on the world market for its low sulphur content, and Nigeria's proximity to the United States relative to that of Middle East oil producing countries makes its oil particularly attractive to U.S. interests. In 2005, the United States, Nigeria, and other interested partners initiated the Gulf of Guinea Energy Security Strategy, a forum through which participants would work to address challenges to oil production. Other regional and international initiatives focused on maritime security in the Gulf have followed.¹¹⁴ Nigeria's waters have been named among the most dangerous in the world; the country ranked first in global pirate attacks until it was overtaken by Somalia in 2008, according to the International Maritime Bureau. Nigeria is also considered a growing transshipment point for narcotics trafficking, and several Nigerian criminal organizations have been implicated in the trade.¹¹⁵ The U.S. Navy has increased its operations in the Gulf of Guinea in recent years to enhance security in the region and in 2007 launched a new initiative, the African Partnership Station (APS).¹¹⁶ Successive APS deployments

¹¹³ U.S. Department of State, "Remarks With Nigerian Foreign Minister Ojo Maduekwe," August 12, 2009.

¹¹⁴ For further information on maritime and port security issues in the region, see, e.g., the Atlantic Council, *Advancing U.S., African, and Global Interests: Security and Stability in the West African Maritime Domain*, November 30, 2010.

¹¹⁵ CRS Report R40838, *Illegal Drug Trade in Africa: Trends and U.S. Policy*, by Liana Sun Wyler and Nicolas Cook.

¹¹⁶ Under APS, U.S. and partner naval ships deploy to the region for several months to serve as a continuing sea base of operations and a "floating schoolhouse" to provide assistance and training to the Gulf nations. Training focuses on (continued...)

have included port visits to Nigeria and joint exercises between U.S., Nigerian, European, and other regional navies. Nigerian military personnel have also served onboard as embarked trainees, and a Nigerian naval captain has served as the APS Deputy Commander. The Department of Defense's newest regional combatant command, Africa Command (AFRICOM), has maintained this increased focus on maritime security in the region.¹¹⁷

Nigeria's Role in Regional Stability

Nigeria plays a significant role in peace and stability operations across Africa. Former President Obasanjo reportedly played a critical role in building consensus on the continent for cooperation with U.S. counter-terrorism efforts. The Nigerian parliament adopted new anti-terrorism legislation in February 2011 after a series of bombings in the country. The United States provides the country with military training with an emphasis on professionalization and respect for human rights and civilian authority through a range of security assistance programs, including those focused on enhancing its peacekeeping capabilities. Nigeria is also a participant in the State Department's Trans Sahara Counterterrorism Partnership (TSCTP), a U.S. interagency effort that aims to increase border protection and regional counter-terrorism capabilities. The State Department has established ten "American Corners" to share information on American culture and values with Nigerians.

U.S. Assistance to Nigeria

The United States is the largest bilateral donor in Nigeria, providing over \$614 million in foreign aid to the country in FY2010. Democratic governance, agriculture and economic reform, improved education and health services, professionalization and reform of the security services, and HIV/AIDS have been the main focus for U.S. assistance programs in recent years. Nigeria a focus country under the President's Emergency Plan for AIDS Relief (PEPFAR), the President's Malaria Initiative (PMI), and the Obama Administration's new Feed the Future (FTF) Initiative. The State Department's FY2012 budget request, which totals \$660.5 million, includes approximately \$588 million (89% of the total) in funding for HIV/AIDS and related health programs. In 2008, the State Department's Office of the Inspector General (OIG) found that:

Exceptionally high funding levels for HIV/AIDS create a clear imbalance in the embassy program mix and present a skewed picture of U.S. policy priorities. In addition, this level of HIV/AIDS funding has unintended consequences for Nigeria's broader health infrastructure, monopolizing the country's supplies of medical goods and services, including the qualified health professionals needed to meet Nigeria's other health needs.¹¹⁸

Although AIDS-related interventions have composed the majority of health funding for Nigeria, the funds also target other health concerns, including maternal and child health, malaria, and

(...continued)

maritime domain awareness and law enforcement, port facilities management and security, seamanship/navigation, search and rescue, leadership, logistics, civil engineering, humanitarian assistance and disaster response.

¹¹⁷ For more information on AFRICOM and Nigeria's response to the command's creation, see CRS Report RL34003, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa*, by Lauren Ploch.

¹¹⁸ U.S. Department of State Office of the Inspector General, *Report on Inspection: Embassy Abuja and Consulate General Lagos, Nigeria*, Report Number ISP-I-08-25A, July 2008.

tuberculosis. U.S. health assistance focused on tuberculosis aims to double the case detection rate and halve Nigeria's incidence in the next decade.

In addition to health programs, the State Department's FY2012 foreign assistance request for Nigeria includes funding for an array of programs focused on economic growth, education, and good governance. U.S. economic and agriculture assistance supports programs that will increase productivity and build trade and investment capacity. Such assistance also aims to address climate change, including through efforts to increase the production of clean energy and reduce gas flaring. As the request points out, one-third of Nigeria's 30 million school-aged children are not enrolled in school, and the request includes over \$15 million in basic education funding. The FY2012 request would further increase assistance for programs aimed at strengthening democratic governance in Nigeria, up from \$9.5 million in FY2008, \$16 million in FY2009, and \$21 million in FY2010, to over \$27 million for the upcoming fiscal year. USAID has provided over \$14 million to support the 2011 elections, which includes funding for technical assistance provided by the International Foundation for Electoral Systems (IFES) to increase INEC capacity. The Administration has requested funding in FY2012 for new conflict mitigation programs to address extremism in the north and conflict in the Niger Delta. USAID has paired with Chevron on a 4 year, \$50 million program (of which USAID is contributing half) to improve agricultural development as well as civil society and governance capacity in the Delta.

USAID is implementing several "flagship" programs designed to concentrate resources and achieve maximum impact. They are focused on two northern Nigerian states: Bauchi and Sokoto (within Nigeria, human development indicators are lowest in the north). USAID's flagship education project, the Northern Education Initiative (NEI), is being implemented in the two focus states to strengthen state and local government systems for the delivery of education services. USAID's flagship peace and democratic governance project in the two focus states is known as Leadership, Empowerment, Advocacy and Development (LEAD). The project is designed to build partnerships between state and local governments, civil society, and the private sector to improve governance, accountability, and service delivery. A third flagship program, the five year, \$85 million Targeted States High Impact Project (TSHIP) is being implemented in the focus states to reduce maternal and child deaths. The project aims to build the states' health systems to effectively deliver primary health care, and to support overall improvement of the primary health care delivery system through capacity building and institutional strengthening.

U.S. security assistance to Nigeria was suspended from FY2003 until 2006, when the State Department restarted a modest International Military Education and Training (IMET) program.¹¹⁹ Security cooperation has increased since then, and the State Department's FY2012 security assistance request, which focuses on military professionalization, peacekeeping support and training, and land and maritime border security, includes \$1 million in Foreign Military Financing (FMF) and almost \$1 million for IMET. Nigeria has also received maritime security assistance through the U.S. Navy's Africa Partnership Station and the State Department's African Coastal and Border Security (ACBS) program.¹²⁰ As an important troop contributor to peacekeeping missions, Nigeria continues to receive U.S. support through the African Contingency Operations

¹¹⁹ P.L. 109-102 restricted FY2006 FMF and IMET funding for Nigeria due to issues related to former Liberian President Charles Taylor. Those restrictions were lifted after Nigeria surrendered Taylor to the Special Court for Sierra Leone.

¹²⁰ For more information on APS, see CRS Report RL34003, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa*, by Lauren Ploch.

Training and Assistance (ACOTA) program. The country also participates in security cooperation activities with the California National Guard through the National Guard State Partnership Program. U.S. counterterrorism assistance to Nigeria includes programs coordinated through TSCTP. Nigeria has also received security assistance through DOD funds, including \$2.2 million in “Section 1206” funding for the development of a counterterrorism infantry company and \$6.2 million aimed at building the capacity of the country’s counterterrorism unit and its tactical communications interoperability.¹²¹ Nigeria also received coastal radar and communications training and equipment through regional Section 1206 programs.

Recent Congressional Interest

The United States Congress continues to monitor political developments in Nigeria. During the 111th Congress, the Senate Foreign Relations Committee held a hearing “Examining the U.S.-Nigeria Relationship in a Time of Transition.” The 110th Congress closely followed Nigeria’s 2007 elections. Days prior to those elections, Members of the House Foreign Affairs Committee publicly expressed “serious concern about the prospects for free, fair, and peaceful conduct” of the elections. Following the elections, Senator Russ Feingold issued a statement condemning electoral irregularities, saying “President Obasanjo’s leadership over the last eight years has been called into question by the failure of efforts to reform Nigeria’s electoral system and combat political corruption. The Administration should not legitimize this election as doing so would undermine our commitment to good governance and transparency, and to building strong democracies.”¹²² The House Subcommittee on Africa and Global Health subsequently held a hearing entitled “Nigeria at a Crossroads: Elections, Legitimacy, and a Way Forward.” Nigeria’s flawed elections also featured prominently in a July 2007 hearing on democracy in Africa by the Senate Subcommittee on African Affairs.

Congress continues to monitor Nigeria’s energy sector and its role in world oil supplies, as well as humanitarian and human rights issues in the country. Congressional hearings have examined the attempted terrorist attack by a Nigerian citizen on a U.S. airliner in December 2009, raising concerns with the State Department’s visa process and with “systematic failures across the Intelligence Community (IC), which contributed to the failure to identify the threat.”¹²³ The Director of National Intelligence, during February 2011 hearings by the House and Senate intelligence communities on worldwide threats, highlighted a range of security concerns in Nigeria in his testimony, including political and sectarian violence and militancy in the Niger Delta and the northeast, and suggesting that although the group Boko Haram appears focused on local issues, “it may be pursuing interests it shares with” a regional Al Qaeda affiliate, AQIM. Congressional attention to these and other issues is expected to continue in the 112th Congress.

¹²¹ For more information on DOD’s global train and equip or “Section 1206” authority, see CRS Report RS22855, *Security Assistance Reform: “Section 1206” Background and Issues for Congress*, by Nina M. Serafino.

¹²² See “Statement of U.S. Senator Russ Feingold on the Marred Nigerian Election,” April 23, 2007 at <http://feingold.senate.gov>.

¹²³ Senate Select Committee on Intelligence, “Unclassified Executive Summary of the Committee Report on the Attempted Terrorist Attack on Northwest Airlines Flight 253,” May 18, 2010.

Figure 1. Map of Nigeria



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