

INSTITUTE OF CURRENT WORLD AFFAIRS

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Nigeria's Rules of Law

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Dear Peter,

Like a pencil sharpened until it has lost its point, the Nigerian constitution has been honed to a fine dullness. Its 120 pages, eight chapters, 279 sections and six schedules are meticulously comprehensive, yet inconclusive. What can one expect from a document three years in the making, drafted by a 50-member committee, revised by a representative assembly and enacted by decree of a military council after the generals had made a few changes they considered to be in the public interest?

Take for example the sections on electing a president. The possibilities of having one, two, or more than two candidates are dealt with separately, though in each case the requirements for election are basically the same. The winner must have more votes than his opponent(s), or in the case of a single candidate more yes votes than no votes; and he must have "not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation." The second qualification is one of the many constitutional provisions designed to eliminate the subjugation of one people or region by the others in this multi-ethnic nation. The law seems precise, but with 19 states in Nigeria it wasn't precise enough.

Alhaji Shehu Shagari, the top vote-getter in the 1979 election, received the required 25 percent or more of the ballots in 12 states, two-thirds of a state short of the constitutional requirement. The federal electoral commission decided that since he got almost 20 percent of the vote in another state, he had met the necessary minimum, and it declared him president. The man who came in second, Chief Obafemi Awolowo, contested that decision in court. He lost there as well, but still claims the election was stolen from him and refuses to address Shagari as president. I find it hard to sympathize with Awolowo, for he did very badly outside of his home region where he won massive majorities. Although he received only 700,000 votes less than Shagari out of almost 17 million cast, he got less than one percent of the vote in two states and less than four percent in five others, and had a quarter or more of the vote in only six states. Shagari didn't receive less than four percent of the vote in any state. If the election commission had demanded a

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run-off, which would have been held in the national and state legislatures, Shagari almost certainly would have won. However, the constitutional draftsmen might have done better by installing the French method of a second popular race between the two top vote-getters if no one gets a majority.

On this continent of aging autocrats and military dictators, Shagari is perhaps unique in being criticized as a weak leader. By temperament as well as by circumstance, he seems more comfortable playing an inconspicuous role. Although he had positions of authority in previous governments, he did not have the stature of two of the four presidential candidates he defeated, Awolowo and Dr. Nnamdi Azikiwe, who have been nationally prominent since the Forties. He thus has no firm hold on the popular imagination. He also has no hold on the legislature. His National Party of Nigeria (NPN) has 36 seats in the 95-member Senate and 167 of the 445 seats in the House of Representatives. A power-sharing agreement with Azikiwe's Nigerian Peoples' Party (NPP), third biggest of the five parties, broke down a month ago. If Shagari is to rule effectively, he will have to get a new governing partner or, more likely, patch together a majority for every new bill. His soft-spoken manner seems well suited for the art of political persuasion, although reportedly he is tough enough to twist arms when he has to.

He has displayed this toughness on the international scene, but has had a tendency to overreach himself. He has threatened the U.S. with an oil embargo if it doesn't change its policy on South Africa. Because of the oil glut, an embargo would hurt this country more than the U.S. Sales are already running well below the level projected in the president's budget. One forecast puts the likely oil revenues this year at about \$20 billion, which is \$5 billion less than last year and \$7.5 billion less than planned. With oil sales providing 80 percent of the government's income, the slump could stifle Shagari's ambitious \$130-billion development plan for 1981-85.

In a recent foreign-policy speech, the president put himself in an even more contradictory position. He has won praise for his quiet handling of a border incident in which five Nigerian soldiers were killed by Camerounian guards, when many irresponsible elements in the press and in politics were calling for reprisals. Yet in his speech before the issue was resolved, while saying Nigeria would only use force as a last resort, he sounded bellicose: "The real challenge is for us as a nation to survive and succeed in a violent, predatory, combative and unstable world. But our defense is sure. There will be stepped up vigilance on our international borders, and any threat to this republic will be resolutely met and repulsed with force." In the same speech, he criticized Nigeria's francophone neighbors for having defense agreements with France. Nigeria has far and away the largest army in West Africa. After seeing how quickly it can work itself into a belligerent mood, neighboring states are unlikely to sever any military ties with France.

Domestically, Shagari almost fades into the political background, a sharp contrast from other West African leaders. In the Ivory Coast, television news programs begin with the image of President Felix Houphouet-Boigny as an announcer reads one of his inspirational sayings. The lead item usually concerns the president, even if it's only the text of a birthday greeting he

has sent to another national leader. When a head of state visits the Ivory Coast, the entire newscast is devoted to pictures of the two leaders together. When the Angolan president came to Nigeria recently, the television news shows spent only a few minutes on it each night. The inspirational messages broadcast in Nigeria are not associated with the president.

In most West African countries, where the only major newspaper is government owned, the president's name and picture usually dominate the front page. Nigeria has about a dozen papers, two owned by the federal government, some owned by state governments and some owned by political parties or individuals with strong party affiliations. Partisan views on politics are most papers' reason for existence, so Shagari's policies are the subject of many articles, but little attention is paid to him as a person. He appears to make little effort to get his views across in any of the papers, and makes less news here than an American president does in the States.

This broadening of the view of national politics is good for democracy, since it dissociates the person in the presidency from the concept of the state in people's minds, but Nigerians may not be getting a good view of how their government is being run despite the extensive political coverage and the diversity of opinions they are offered. The collapse of the NPN-NPP accord has been big news for a month. Every other political leader from national party chairmen to state deputy governors seems to have commented on the affair, but I haven't seen any remarks from Shagari on the reasons for the break-up or on how he intends to continue governing. He has invited other parties to join the NPN in a new coalition, which none of them appears prepared to do, and has charged with sedition a newspaper that alleged he was offering substantial payments to opposition legislators who would back him.

Shagari's best political attribute seems to be that the Nigerian people aren't afraid of him. Although he is a northerner, southern Nigerians don't regard him with the suspicion and disdain that has spoiled north-south relationships in this country from the beginning. "I don't know what he's accomplished," a National Assembly staff worker from a southern state told me, "but at least we have peace." He is also considered to be fairly honest. The NPN is the party of big business and its other members are thought to be in politics mainly to promote their commercial interests. Most legislators, whatever their party, are tarred with the same brush, and it only slightly stains their reputations. "I'd do the same thing if I were in their position," the staff worker confided to me. Public offices are viewed as private gold mines rather than sacred trusts in this country, although the constitution contains a code of conduct for officeholders designed to restrain profitmaking. The people's indifference ends only when their suffering grows acute while the leaders' self-indulgence gets ostentatious. Then, as history shows, their anger can be vindictive and bloody.

Shagari's modest ways are unlikely to provoke such an outburst, and this country should enjoy political stability until the next national elections in 1983. If Shagari were to run for a second term, that stability might continue for four more years. In building a party with national appeal before the 1979 election, however, NPN leaders agreed Shagari would be replaced at the head of the ticket by someone from another region in

1983. People I've talked with feel that neither the NPN nor any of the other parties will find a candidate with broad enough support to keep this country united. They see in recent events an ominous recurrence of trouble indicators. The northern city of Kano has been torn apart by riots twice in the past year. Violence in that city has often preceded a national explosion. The gap between rich and poor in Nigeria appears to be growing. If the loss of oil revenues results in a deterioration of the general standard of living in absolute as well as in relative terms, the people may grow restive.

Cassandras predict the military will step in when civil order breaks down during the next elections or soon afterwards. More sanguine pundits offer two reasons why the army won't return to power. Some say the people won't stand for it, others believe the soldiers have had their fill of governing. I don't accept either argument. The army is regarded in a better light here than in many West African countries. The memory of Gen. Murtala Muhammed, killed in a coup attempt in 1976, is cherished. His successor, Gen. Olusegun Obasanjo, was hailed as a hero when he handed over power to the civilians and retired from the military and from public life. More importantly, from 1973 to 1979, the last half of military rule, Nigeria boomed because of rising oil prices. The generals didn't do an especially good job of spreading the wealth, but if times get tough, people may recall the years of military rule as a golden age. As for the second argument, Nigeria's past disruptions have had at their center an ambitious military man who wanted power either for personal glory or to implement a radical vision of society. Such men probably haven't been eliminated from all positions of influence in the army.

In a bleak future, Nigeria's development drive may have stalled, its civilian leaders may have lost the people's confidence, ethnic rivalry and class antagonism may have returned. Then only the country's constitution would remain to preserve the workings of democracy. Despite its "We the People" preamble, the complex document doesn't read like a statement of the popular will. In keeping with its exhaustive explicitness, the first two paragraphs state that the constitution is the supreme law of the land and no one should take control of the government except in accordance with its provisions. Such spelling out of the basic tenets of a constitution doesn't show much faith in the continuing consent of the governed. I get the feeling they are rules made to be broken.

Regards,



Bowden Quinn