

CRS Report for Congress

Nigeria: Background and U.S. Relations

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Summary

In June 1998, General Sani Abacha, the military leader who took power in Nigeria in 1993, died of a reported heart attack and was replaced by General Abdulsalam Abubakar. In July 1998, Moshood Abiola, the presumed winner of the 1993 presidential election, also died of a heart attack. General Abubakar released political prisoners and initiated political, economic, and social reforms. He also established a new independent electoral commission and outlined a schedule for elections and transition to civilian rule, pledging to hand over power to an elected civilian government by May 1999. In late February 1999, former military leader General Olusegun Obasanjo was elected president. Obasanjo won 62.8% of the votes (18.7 million), while his challenger, Chief Olu Falae, received 37.2% of the votes (11.1 million). President Obasanjo was reelected in 2003, and the People's Democratic Party (PDP) won a legislative majority in elections marred by serious irregularities and electoral fraud, according to international election observers.

Relations between the United States and Nigeria improved with the transfer of power to a civilian government. When President Obasanjo met with President Clinton and other senior officials in Washington, D.C. in 1999, President Clinton pledged a substantial increase in U.S. assistance to Nigeria. In August 2000, Clinton paid a state visit to Nigeria, meeting with Obasanjo in the capital of Abuja and addressing the Nigerian parliament. Several new U.S. initiatives were announced, including increased support for AIDS prevention and treatment programs in Nigeria and enhanced trade and commercial development. In 2001, President Obasanjo met with President Bush and other senior officials, discussing a wide range of issues, including trade, peacekeeping, and the HIV/AIDS crisis in Africa. Obasanjo visited Washington in late 2001 to express his government's support for the U.S.-led anti-terrorism campaign and has returned to Washington several times in recent years. In July 2003, Bush visited Nigeria while on a five-day, five-country trip to Africa.

Nigeria has made progress in strengthening its fragile democracy but faces serious economic challenges. Nigeria remains relatively stable, although ethnic and religious clashes in parts of the country have led to massive displacement. Thousands have been killed and many more wounded in religious clashes. Under President Obasanjo, Nigeria has emerged as a major player in Africa. Obasanjo took a leading role in the creation of the New Partnership for African Development (NEPAD) and the African Union (AU). Nigeria also played an important role in facilitating negotiations 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 in Cote d'Ivoire, Congo, Liberia, and Sudan.

Nigeria's next general elections are scheduled for April 2007. Efforts to allow Obasanjo a third term were defeated in 2006, thus the election would mark the country's first transfer of power from one civilian government to another. Some analysts suggest the threat of regional tensions triggering wider civil unrest could lead to an electoral delay. This report will not be updated. For current information about Nigeria, see CRS Report RL33964, *Nigeria: Current Issues*, by Lauren Ploch.

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Nigeria: Background and U.S. Relations

Historical and Political Background

Nigeria, the most populous nation in Africa with an estimated 132 million people, has been in political turmoil and economic crisis intermittently since independence in October 1960.¹ The current borders were demarcated by British colonial rulers in 1914, on the eve of World War I, by merging the British dependencies of Northern and Southern Nigeria into a single territory with promising economic prospects. The new Nigeria, as defined by the British, placed over 250 distinct ethnic groups under a single administrative system. Of this large number of groups, ten account for nearly 80% of the total population, and the northern Hausa-Fulani, the southwestern Yoruba, and the southeastern Ibo have traditionally been the most politically active and dominant. Since gaining independence from Britain in 1960, Nigerian political life has been scarred by conflict along both ethnic and geographic lines, marked most notably by northern domination of the military and the civil war fought by the separatist Ibo of Biafra against the central government from 1967 to 1970. Questions persist as to whether Nigeria and its multitude of ethnic groups can be held together as one nation, particularly in light of the degree to which misrule has undermined the authority and legitimacy of the state apparatus; but many Nigerians feel a significant degree of national pride and belief in Nigeria as a state.

Nigeria's political life has been dominated by military coups and long military-imposed transition programs to civilian rule. The military has ruled Nigeria for approximately 28 of its 47 years since independence. In August 1985, General Ibrahim Babangida ousted another military ruler, General Muhammadu Buhari, and imposed a transition program that lasted until June 1993, when Nigeria held its first election in almost a decade, believed to have been won by Chief Moshood K.O. Abiola, a Yoruba businessman from the

Nigeria At A Glance

Population:	131,859,731
Independence:	October 1960
Comparative Area:	Slightly more than twice the size of California
Religions:	50% Muslim, 40% Christian, 10% Indigenous beliefs
Languages:	English (official)
GDP:	\$174.1 billion (2005)
GDP Per Capita:	\$1,400 (2005)
Labor force:	57.21 million
Exports:	\$52.16 billion (2005)
Imports:	\$25.95 billion (2005)
External Debt:	\$37.49 billion (2005)

Source: *The World Fact Book*, 2006.

¹ CIA, *World Fact Book*, 2006.

south. In the same month, General Babangida annulled the presidential election because of what he called “irregularities in the voting” and ordered a new election with conditions that Abiola and his challenger be excluded from participating. Amid confusion and growing political unrest, Babangida handed over power to a caretaker government in August 1993, then ousted the caretaker the following November.

General Sani Abacha took power in November 1993. Abacha had been an active participant in several Nigerian military coups and was an authoritarian figure who seemed unmoved by international opinion. Beginning in 1995, Abacha imprisoned hundreds of critics, including former military leader Olusegun Obasanjo, the only Nigerian military leader to have handed over power voluntarily to an elected civilian government, and Moshood Abiola, who was charged with treason after declaring himself president following the annulled election. The senior wife of Abiola, Kudirat Abiola, was assassinated in June 1996 by unidentified men. Her daughter blamed the military junta.

In October 1995, under pressure to implement political reforms, Abacha announced a three-year transition program to civilian rule, which he tightly controlled until his death on June 8, 1998. Abacha established the National Electoral Commission of Nigeria (NECON), which published guidelines for party registration, recognized five political parties in September 1996, and officially dissolved opposition groups after refusing to recognize them. The military professed its support for Abacha should he seek reelection as a civilian, and by April 20, 1998, all five parties had nominated Abacha as the single presidential candidate despite criticism by the international community and dissident groups. Major opposition figures, especially those in exile, dismissed the transition program and called for boycotts of the parliamentary and presidential elections. Only candidates from among the five state-sanctioned political parties participated in state assembly elections held in December 1997 and parliamentary elections held on April 25, 1998. The United Nigeria Congress Party (UNCP), considered by many government opponents to be the army’s proxy, won widespread victories in the December 1997 elections.

Transition to Civilian Rule

Abacha died, reportedly of a heart attack, on June 8, 1998. The Provisional Ruling Council quickly nominated Major General Abdulsalam Abubakar to assume the presidency. General Abubakar, a career serviceman from the Northern Hausa-speaking elite, was regarded as a military intellectual. He served as chief of military intelligence under General Ibrahim Babangida and was Abacha’s chief of staff. He led the investigations of reported coup attempts by former President Olusegun Obasanjo and Lt. General Oladipo Diya, charges that, critics argue, were fabricated by the government. Following Abacha’s death, General Abubakar addressed the nation and expressed his commitment to uphold the October 1998 hand-over date to civilian government established by Abacha. In an effort to prove his commitment, Abubakar released several prominent political prisoners, including General Olusegun Obasanjo.

During a meeting with a U.S. delegation led by then Undersecretary of State Thomas Pickering on July 7, 1998, Abiola suffered a heart attack and died soon after. Pro-democracy leaders immediately claimed that Abiola was murdered. The autopsy report, monitored by an independent team of Canadian, American, and British doctors, confirmed that Abiola died of natural causes due to a long-standing heart condition and that death as a result of poisoning was highly unlikely. Many observers said, however, that Abiola's care was deliberately neglected, resulting in his early demise. His death crushed the hopes of many democracy supporters and spurred riots for several days.

In August and September of 1998, Abubakar undertook rapid and dramatic reforms to the Nigerian political system and economy. He replaced Abacha's top security staff and cabinet and dissolved the five political parties that Abacha had established. He abolished major decrees banning trade union activity, which had been used by Abacha to put down the political strikes that followed the nullification of the 1993 election results and ended treason charges against Nobel Prize-winning writer Wole Soyinka and 14 others. Abubakar has also made a concerted effort to appeal to Nigerians in exile to return home and assist in the transition process, and many have done so, most notably author Wole Soyinka in mid-October. On September 7, Abubakar released the draft constitution for the next civilian government, which Abacha had kept secret, but announced on October 1 that he was setting up a committee to organize and collect views from various sections of the country, after which he would finalize changes to the draft document in order to make it "more representative and acceptable." In early May 1999, the government approved an updated version of the 1979 Nigerian constitution instead of the constitution drafted by the Abacha regime.

Abubakar outlined a specific timetable for the transition to civilian rule, with local polls on December 5, 1998, gubernatorial and state polls on January 9, 1999, followed by national assembly polls on February 20, 1999, and presidential polls on February 27. The official hand-over date was set for May 29, 1999. He also nullified all of the previous state and gubernatorial elections because they were held under the Abacha system and dismissed the National Electoral Commission established by Abacha, replacing it with one of his own, the Independent National Electoral Commission (INEC), in early August. Political party registration for elections ended after an extension on October 12, and the INEC released the names of the nine registered parties on October 19. Of these, the three major parties were the People's Democratic Party (PDP), the All People's Party (APP), and the Alliance for Democracy (AD). In order to be registered, a party had to be considered "national," defined as having offices in at least two-thirds of the 36 states that make up Nigeria, and furthermore must win at least 10% of votes in two-thirds of the states in the local elections in December 1998 in order to qualify a candidate for the national elections in February. Abubakar warned of the dangers of a "proliferation of political parties with parochial orientation that may lead to disunity and instability," while urging political leadership to represent the will of people of all ethnic and religious groups.

The international community cautiously welcomed the transition program. Donor governments in Europe expressed support and urged transparency. French, British, and German delegations met with the Nigerian leadership in Abuja, the capital, in late July 1999, and Abubakar made numerous trips abroad in an effort to

improve relations with African and world leaders. The European Union announced in late October 1998 that, effective November 1, some sanctions would be relaxed. The visa ban was officially removed and some officials indicated that even the military measures might be lifted after the official hand-over date in May. On May 31, 1999, the European Union restored full economic cooperation with Nigeria. In late May, the Commonwealth also readmitted Nigeria as a member, after three years of suspension.

Highlights of Abubakar's Transition Program

Rejected:

National Conference
National Unity Government

Accomplished:

- Debt relief talks with World Bank and IMF
- Dissolution of old electoral commission and establishment of new Independent National Electoral Commission
- Dissolution of old political parties and registration of new parties
- Voter registration
- Annulment of elections under Abacha
- Most political prisoners freed
- Greater freedom of press, human rights
- Publicized and amended 1995 constitution
- Dismissed Abacha officials and began investigation into misappropriated funds
- Exiled dissidents returned home
- Better-paid civil servants to combat corruption
- Repairs started on refineries, more oil imported, privatization program started
- Hand-over to civilian government May 29, 1999
- Presidential elections February 27, 1999
- National assembly elections February 20, 1999
- State/Gubernatorial elections January 9, 1999
- Local elections December 5, 1998; Partial lifting of international sanctions

Elections in 1998, 1999

In early December 1998, the PDP won in 389 out of 774 municipalities in local elections, while the All People's Party (APP) came a distant second with 182, followed by Alliance for Democracy. In the governorship elections in early January, the PDP won 21 states out of 36, the APP won in nine states, and the AD won in six states. Shortly after the elections in January, the APP and AD began talks to merge the two political parties. However, the Independent Electoral Commission rejected a merger but agreed that the two parties "can present common candidates" for the presidential elections.

In mid-February, the People's Democratic Party nominated General Olusegun Obasanjo as its presidential candidate. Obasanjo won the support of more than two-thirds of the 2,500 delegates and a northerner, Atiku Abubakar, who was elected governor in the January elections, was chosen as his running mate. The APP and AD nominated Chief Olu Falae, a Yoruba, as their joint candidate for president. A former Nigerian security chief and a northerner, Chief Umaru Shinakfi, was chosen as Falae's running mate.

In late February 1999, General Obasanjo was elected president by a wide margin. Obasanjo won 62.8% of the votes (18.7 million), while his challenger, Chief Olu Falae, received 37.2% of the votes (11.1 million). In the Senate elections, the PDP won 58% of the votes, APP 23%, and AD 19%. In the elections for the House of Representatives, PDP received 59% of the votes, AD 22%, and APP 20%.

On May 29, 1999, Obasanjo was sworn in as president and the Nigerian Senate approved 42 of 49 members of his cabinet. In his inaugural address, President Obasanjo said that “the entire Nigerian scene is very bleak indeed. So bleak people ask me where do we begin? I know what great things you expect of me at this New Dawn. As I have said many times in my extensive travels in the country, I am not a miracle worker. It will be foolish to underrate the task ahead. Alone, I can do little.”

The 2003 Elections

President Obasanjo was nominated by his party, the Peoples Democratic Party (PDP), for a second-term bid. The All Nigeria Peoples Party (ANPP) picked former military strongman, General Muhammadu Buhari, as its presidential candidate. Meanwhile, the former Biafra rebel leader, Emeka Odumegwu Ojukwu, who led the secessionist war in the 1960s, was picked as the presidential candidate of the All Progressive Grand Alliance (APGA). The National Democratic Party (NDP) picked former foreign minister Ike Nwachukwu as its presidential candidate.

In mid-April 2003, Nigerians went to the polls for the second time since military rule gave way to a civilian government. President Obasanjo was reelected to a second term, and his PDP party won in legislative elections. The Independent National Electoral Commission (INEC) declared that Obasanjo won 61.9% of the votes, while his nearest rival, General Muhammadu Buhari of ANPP, won 32.1% of the votes. The elections, however, were marred by serious irregularities and electoral fraud, according to international election observers. In the Senate, the PDP won 72 seats out of 109 seats, while the ANPP won 28 and the AD 5 seats. The PDP won 198 seats in the 360-seat House of Representatives, the ANPP 83 seats, and the AD 30 seats.

In late March 2004, elections for a Local Government Council were held in thirty of the thirty-six states. The Transition Monitoring Group (TMG), a coalition of 170 human rights and civil society groups, monitored the elections. In its preliminary report, the TMG stated that “in virtually all the states where elections were held, the process leading to the elections was substantially flawed.”

In April 2006, the Nigerian Senate considered a bill that aimed to amend the constitution. One of the contentious proposals would have removed the two-term limitation and allowed a third-term presidency; supporters of President Obasanjo had reportedly pushed for this step for months. In May 2006, the Nigerian Senate effectively rejected the legislation.

Upcoming Elections

Nigeria's political environment has grown tense in anticipation of the next national elections, currently scheduled for April 2007. The elections would be the third since Nigeria's return to democratic rule and would mark the country's first transfer of power from one civilian government to another. The ruling party's candidate, Umaru Musa Yar'Adua, former governor of Katsina state, was chosen during the party's December primary and is strongly supported by President Obasanjo. Some analysts have questioned whether Yar'Adua, who is from the north, has the national recognition or support needed to win the election. The country's two largest opposition parties, the ANPP and the Action Congress (AC) have formed an alliance and have proposed running a single candidate in the upcoming election. Whether the AC's chosen candidate, current Nigerian Vice-President Atiku Abubakar (who remains PDP chairman), or the ANPP candidate, former President General Muhammadu Buhari, will emerge as the coalition's presidential candidate, or whether Abubakar and Buhari will run on separate tickets, remains to be seen. Abubakar was suspended temporarily from the PDP over corruption charges in late 2006 and was thus unable to participate in the PDP's primary. His supporters contend he was unjustly excluded because he had opposed Obasanjo's third term.

Some observers have expressed concerns over the pace of election preparations and suggest that the vote could be postponed. INEC, which has engendered public criticism over problems with the voter registration process, reopened voter registration in January 2007. Regardless, INEC's credibility and capacity to conduct a free and fair election are in question. Tension between political parties and candidates have already led to violence in some locations; three gubernatorial candidates were assassinated in 2006. The threat of violence is also high in the Niger Delta region and other "hot spots," including Lagos, Kano, and Kaduna. Another potential source for instability may be the impact of the 2006 census, which has drawn controversy over how it may represent the regional breakdown of the population. The census reportedly suggests that 53.4% of the population lives in the north, which would affect the country's complex oil revenue distribution system. This could also fan regional resentment between the northern and southern regions of the country and incite considerable unrest. Any of these factors could lead the government to postpone the April elections under the country's 2006 Electoral Act, which gives INEC the authority to change the date of the election if the event might trigger unrest that threatens the country's peace and stability.

Current Economic and Social Conditions

Sani Abacha reportedly stole more than \$3.5 billion during the course of his five years in power. Switzerland, the first country to repatriate stolen funds to Nigeria, transferred an estimated \$505.5 million to Nigeria between 2005 and 2006.² According to study by the World Bank, a significant percentage of those funds were used by the Nigerian government toward meeting the country's Millennium Development Goals (MDGs).³ The government has also recovered \$149 million of the funds stolen by Abacha and his family from the autonomous British island of Jersey and an estimated \$150 million from Luxembourg.⁴ Other Abacha funds remain frozen in accounts in Liechtenstein, Luxembourg, Switzerland, and the United Kingdom.

In early April 2005, Nigerian Senate Speaker Adolphus Wabara was forced to resign after President Obasanjo accused him of taking more than \$400,000 in bribes from the Minister of Education, Fabian Osuji. The Education Minister was dismissed in March by President Obasanjo. The Minister of Housing, Alice Mobolaji Osomo, was also fired in early April for allocating more than 200 properties to senior government officials instead of public sale. In October 2006, the governor of Ekiti State was impeached by local legislators on corruption charges. In a controversial move, Obasanjo declared a state of emergency in Ekiti, suspending the state's democratic institutions and naming a retired general as governor until the next elections. In the view of some observers, President Obasanjo's anti-corruption campaign is seen as the most serious and effective effort in decades, but others contend there have been political motivations behind some investigations.

The U.S. Securities and Exchange Commission has subpoenaed documents from Royal Dutch Shell related to a probe of an alleged bribery case at a gas plant in Nigeria.⁵ The alleged bribery case is being investigated in several countries, including France, Nigeria, and Japan. The companies involved in the natural gas project and the alleged bribery include a Halliburton subcontractor, Chicago Bridge and Iron; Total of France; and Italy's Eni.

² "Swiss Government Recovers Another \$US\$7 Mil. Of Nigerian Abacha's Loot," *Global Insight*, Dec. 29, 2006.

³ The United Nations' Millennium Development Goals (MDGs) are a set of eight measurable targets set by world leaders in 2000 aimed at lowering rates of poverty, hunger, child mortality, and HIV/AIDS and other diseases; and increasing universal education, gender equality, maternal health, and environmental sustainability by 2015. More information is available at [<http://www.un.org/millenniumgoals/>]. A copy of the World Bank's December 2006 report, *Utilization of Repatriated Abacha Loot*, is available at [<http://www.worldbank.org>].

⁴ "Swiss Orders 500 Mln Dollars Returned to Nigeria, More Abacha Loot Found," *Agence France-Presse*, Aug. 18, 2004.

⁵ "SEC Widens Nigeria Bribery Probe with Shell Subpoena," *Financial Times*, Oct. 13, 2005.

Due to decades of economic mismanagement, political instability, and widespread corruption, the education system has suffered from lack of funding, industry has idled, refineries are in poor condition, and the sixth-largest oil-producing country in the world suffers from severe fuel shortages from time to time. The Nigerian economy depends heavily on oil revenues; about 90-95% of Nigeria's export earnings come from petroleum and petroleum products, which also represent 90% of its foreign exchange earnings and 80% of its government revenues. The European Union is a major trading partner, and the United States imports more oil from sub-Saharan Africa, primarily Nigeria, than from the Middle East. The Economist Intelligence Unit forecasts GDP growth of 5.5% for 2007.

In 2005, President Obasanjo stated that he would stop Nigeria's foreign debt payment if parliament passed legislation to that effect. Nigeria's House of Representatives passed a motion recommending that Obasanjo "cease forthwith further external debt payment to any group of foreign creditors," but then included \$1.3 billion in debt service payments in its 2005 budget.⁶ Speaking on behalf of the African leaders invited to the G-8 Summit in Scotland in July 2005, President Obasanjo welcomed the proposed aid package for Africa. Meanwhile, Nigeria reached a separate agreement with the Paris Club to reduce its external debt burden, and in 2005, creditors wrote off 60% (\$18 billion) of Nigeria's estimated \$30 billion in external debt to the Club's creditor nations. Nigeria paid the remaining 12.4 billion dollars from oil revenues.⁷

The state of the economy has most affected the poorest segments of the population and has sparked violence around the country, particularly in the oil-producing regions. 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 1998.⁸ These explosions are triggered because people siphon off oil from holes punched in the above-ground pipeline for personal use, resulting in a reported loss of up to 200,000 barrels of oil per day. The government established a national task force on surveillance of petroleum pipelines in order to prevent a recurrence of the 1998 pipeline explosion tragedy.⁹ Ethnic clashes over rights to a promising oil prospect in the southwest also killed hundreds of people in 1999. In the Niger Delta, youths from the ethnic Ijaw tribe periodically stop the flow of one-third of Nigeria's oil exports of more than two million barrels per day in order to protest sub-standard living conditions in the country's richest oil-producing region.

The oil-rich Niger Delta has been afflicted by persistent rebellion over the past several years. In September 2004, a new rebel movement, the Niger Delta People's

⁶ "Nigeria Still Seeking Debt Relief Despite Price Windfall," International Petroleum Finance, May 4, 2005.

⁷ "Nigeria's External Debt Drops to 4.84 Billion Dollars," *Agence France-Presse*, July 21, 2006.

⁸ "Nigeria's Deadly Oil Pipeline Fires," *Agence France-Presse*, Dec. 26, 2006.

⁹ "Task Force Set Up in Nigeria to Avert Recurrence of Jesse Tragedy," *Xinhua News Agency*, Oct. 29, 1998.

Volunteer Force (NDPVF), launched a series of attacks against government forces and threatened to attack foreign oil workers. The NDPVF is demanding autonomy for the region and a share of oil revenues. An estimated 500 people were reportedly killed that month in the ensuing violence, according to Amnesty International. The Nigerian government disputes this figure. On September 29, 2004, the NDPVF and the Nigerian government reportedly reached a cease-fire agreement. The leader of the rebel group stated that “there should be a cessation of hostilities on both sides. Apart from that, we have not agreed on anything else for the time being.” He was arrested in September 2005 and charged with plotting to overthrow the government.

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. In September 2005, British authorities had charged Alamieyeseigha, while visiting in London, with money laundering, but the governor skipped bail and returned to Nigeria. The former governor now awaits trial in an Abuja prison for corruption charges. A new rebel group, the Movement for the Emancipation of the Niger Delta (MEND), emerged in late 2005 and has used the kidnaping of oil workers to bring international attention to its cause. In January 2007 the group took several hostages, including at least one American, demanding that the government release the NDPVF leader and the former Bayelsa governor. The situation in the Delta region remains unstable.

Humanitarian and Human Rights Concerns

HIV/AIDS

Nigeria’s HIV/AIDS prevalence rate of 5.4% is relatively small in comparison to some Southern African nations with seropositivity rates of over 30% of the adult population. However, the West African nation composes nearly one-tenth of the world’s HIV/AIDS infected persons with 2.9 million infected people (UNAIDS 2006 estimate), the largest HIV-positive population in Africa after South Africa. Nigeria’s population is expected to double by the year 2025, which will multiply the spread of the HIV virus considerably. In addition to the devastation HIV/AIDS has caused and continues to cause among Nigeria’s adult population, half of the current population is under the age of 15. With just over half of primary-school-aged children 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.

Sharia

Twelve of Nigeria’s states in the Muslim-dominated North of the country have adopted *Sharia* law since 1999, which has 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. Kano state ruled in 2003 that all school girls attending government schools were to wear the *hijab*, Islamic head scarf, regardless of whether they are Muslim. President Obasanjo has reportedly said that the best way to respond to Sharia is to ignore it: “I think Sharia will fizzle

out. To confront it is to keep it alive.”¹⁰ In 2002, in Katsina State, Amina Lawal was sentenced to death by stoning after a court found her guilty of adultery. In 2003, Ms. Lawal appealed her sentence to the Katsina State’s Appeals Court and won after the Sharia Court of Appeal ruled that her conviction was invalid. The court ruled that “it is the view of this Court that the judgment of the Upper Sharia Court, Funtua, was very wrong and the appeal of Amina Lawal is hereby discharged and acquitted.”¹¹ In 2001, in another highly publicized case, a Sharia court in the State of Sokoto sentenced Safiya Hussaini to death for adultery. 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.

The United States and Nigeria

U.S.-Nigerian Relations: Background

Three primary issues have dominated U.S.-Nigerian relations in the last two decades: the absence of democracy, human rights abuses, and drug trafficking. Washington took a series of measures against the military junta shortly after the 1993 election results were annulled. These included suspending development assistance, terminating joint military training with Nigeria, and imposing visa restrictions of Nigeria’s military leaders and their family members. These measures, however, did not affect trade between U.S. companies and Nigeria. Washington was also engaged in diplomatic efforts, albeit unsuccessful, to break the political impasse in the West African nation. The Clinton Administration sent civil rights leader Jesse Jackson, then-U.N. Ambassador Bill Richardson, and former Ambassador Donald McHenry as envoys to convince Abacha to implement reforms.

In response to the execution of nine Ogoni activists in 1995, the Clinton Administration recalled its ambassador and pushed a resolution at the U.N. General Assembly that condemned Nigeria’s action. The imprisonment of Moshood Abiola and many others was a contentious issue in U.S.-Nigerian relations. In its Country Report on Human Rights Practices for 1997, the Department of State wrote: “The human rights record remained dismal. Throughout the year, Abacha’s Government relied regularly on arbitrary detention and harassment to silence its most outspoken critics.” The report further stated that security forces “continued to commit extrajudicial killings and use excessive force to quell anti-government protests as well as to combat crime, resulting in the death or injury of many individuals, including innocent civilians.” Human rights groups reported the torture of prisoners and constant harassment of journalists under the Abacha regime. Human rights conditions under the Obasanjo government improved, although abuses by security officials in some States remain a serious concern.

¹⁰ “Islamic Law Splits Nigeria; Move by Northern States to Reassert Muslim Identity Ignites Sectarian Violence and Threatens Democracy,” *The Washington Post*, Aug. 31, 2000.

¹¹ “Nigeria Shari’ah Appellate Judges Justify Verdict Freeing Amina Lawal,” *BBC Monitoring*, Sept. 26, 2003.

Washington's concern was not limited to human rights abuse allegations. Drug trafficking by Nigeria emerged as a major issue in U.S.-Nigerian relations after the mid-1980s. Although Nigeria is not a drug-producing country, it has become a major transit point. According to some reports, an estimated 35%-40% of all the heroin coming into the United States is brought by Nigerian couriers. In 1989, the United States and Nigeria established a joint Counter-Narcotics Task Force. Lack of cooperation by Nigerian authorities in combating the drug trafficking problem led to a decision by the Clinton Administration in March 1998, as in 1994 and 1996, to put Nigeria on the State Department's list of non-cooperative drug trafficking nations, which includes Burma and Iran. As a consequence, the U.S. had to vote "no" on all loans to Nigeria being considered by the World Bank and the African Development Bank, and Nigeria was ineligible for any Export-Import Bank financing of U.S. exports. In March 2000, however, President Clinton provided a waiver, a Vital National Interests Certification, for Nigeria in order to allow support for the democratic transition program. In March 2001, the Bush Administration certified that Nigeria was fully cooperating with U.S. officials. In January 2003, in a report to Congress, President Bush identified Nigeria as one of 12 "major illicit drug-producing and Drug-Transit countries."

Through legislative action, Members of Congress were active concerning Nigeria. In 1994, the House of Representatives passed H.Con.Res. 151, which called for additional measures against the military junta by the Clinton Administration. A bill calling for the imposition of sanctions and freezing of assets was introduced in 1996 by then-Senator Nancy Kassebaum and Representative Donald M. Payne. Although the bill enjoyed significant bipartisan support, it did not move out of committees, in part because of opposition by Members of Congress who favored dialogue with the Nigerian government. Pro-Nigerian groups and some American business interests actively opposed the bill.¹² The Nigerian Democracy Act, introduced by Representative Donald Payne and Representative Amo Houghton in 1997, contained similar provisions, including a ban on new U.S. corporate investment in Nigeria. In May 1998 House International Relations Committee Chairman Benjamin A. Gilman and Representative Donald M. Payne introduced the Nigerian Democracy and Civil Society Empowerment Act (H.R. 3890), calling for additional sanctions and increased U.S. aid to democratic opposition groups. The bill was also introduced in the Senate in May 1998 by Senators Feingold, Jeffords, Leahy, and Wellstone. The bill was sent to committees in both houses, but the 105th Congress did not act further on either piece of legislation.

Conflicts within the Clinton Administration regarding the appropriate strategy toward Nigeria while under the control of Abacha surfaced in speeches given by senior Administration officials and President Clinton in early 1998. Assistant Secretary of State for African Affairs Dr. Susan Rice stated in a speech on March 17, 1998, that the United States would hold "General Abacha to his three-year-old promise to undertake a genuine transition to civilian rule this year and to establish a level playing field by allowing free political activity, providing for an open press, and ending political detention. Let me state clearly and unequivocally to you today that an election victory by any military candidate in the forthcoming presidential elections

¹² "Nigeria Mixes Oil and Money," *Washington Post*, November 24, 1996.

would be unacceptable.” In late March, President Clinton stated that U.S. policy toward Nigeria was “to do all that we can to persuade General Abacha to move toward general democracy and respect for human rights, release of political prisoners, and the holding of elections.” Referring to General Abacha’s rumored candidacy, however, President Clinton seemed to contradict Rice by suggesting that “if [Abacha] stands for election we hope he will stand as a civilian.” President Clinton’s March statement led some critics to question the Administration’s policy toward Abacha and the military junta.

The Administration came to a final decision on May 28, 1998, saying that the proposed transition was clearly “unacceptable” as long as Abacha remained the single candidate and that current sanctions would remain. Following Abacha’s death, State Department spokesman James P. Rubin stated that Abubakar had “a historic opportunity to open the political process and institute a swift and credible transition to civilian democratic rule.” Rubin said that Washington would “accept” only a transition that included “three things: first, freeing political prisoners; second, ensuring respect for the basic freedoms of speech, press, and assembly; and third, returning the Nigerian army to its rightful position as a professional armed force committed to defending the constitution and civilian rule.” U.S. officials had anticipated that Abubakar would be more cooperative with the United States because he received military training here. On June 14, 1998, President Clinton called Abubakar and “underscored our desire for improved bilateral relations in the context of Nigeria taking swift and significant steps toward a successful transition to a democratically-elected government.”¹³

The U.S. officials who met with Abubakar in July 1998 reported that he appeared very receptive to implementing the transition to democracy, although he would continue consultations before releasing the final details of the transition. Critics asserted that the United States should have pushed harder for Abiola’s unconditional release in order for him to consult with advisers rather than consent to renouncing his title under political pressure. Critics also warned that a hands-off policy could enable the regime to proceed so slowly with reforms that civil conflict might escalate to the point of war in which ethnic rivalries could erupt on a massive scale. The Clinton Administration, nonetheless, welcomed Abubakar’s transition program, and on October 30, 1998, the U.S. State Department announced that the Secretary, after consulting with Members of Congress, had terminated a Presidential Proclamation that restricted entry into the United States by high-ranking Nigerian officials and their family members.

Diplomatic Developments

Relations between Washington and Abuja began to improve shortly after General Abubakar assumed power and have since continued to grow during President George W. Bush’s term in office. In September 1998, Abubakar visited the United States for the U.N. General Assembly meeting, and also came to Washington to meet with President Clinton at the White House. After the meeting, Abubakar said President Clinton told him that if Nigeria stayed on its democratic course, the United

¹³ “Clinton Urges Nigeria Democracy,” *Associated Press*, June 14, 1998.

States was prepared to help win some debt relief from international lending institutions and might also allow the resumption of direct air links between the U.S. and Nigeria. Then U.S. Secretary of State Madeleine Albright also praised Abubakar for taking steps to improve conditions in Nigeria. U.S. officials applauded Abubakar's transition program and warmly welcomed the transfer of power to an elected civilian government and promised to work closely with the Obasanjo government.

In mid-October 1999, then Secretary of State Albright visited Nigeria and met with senior government officials and civil society groups. At a press briefing following her Africa tour, Secretary Albright stated that the government and people of Nigeria are "engaged in a dramatic and high-stakes struggle to establish a viable democratic system." She said President Obasanjo "appears truly committed to jump-starting the economy, fighting corruption and resolving regional problems that remain a source of unrest within Nigeria." In late October 1999, President Obasanjo met with President Clinton and other senior government officials in Washington. At a White House press briefing, President Clinton said that "it is very much in America's interests that Nigeria succeed, and therefore we should assist them in their success. We intend to increase our assistance to Nigeria to expand law-enforcement cooperation and to work toward an agreement to stimulate trade and investment between us. We intend to do what we can to help Nigeria recover assets plundered by the previous regime." President Clinton stated that the United States would support "generous debt rescheduling through the Paris Club and encourage other countries to take further steps."

In a meeting with President Obasanjo in Abuja on August 26, 2000, President Clinton stated that the United States is "committed to working with the people of Nigeria to help build stronger institutions, improve education, fight disease, crime and corruption, ease the burden of debt and promote trade and investment in a way that brings more of the benefits of prosperity to people who have embraced democracy." Clinton also made an unprecedented address before the Nigerian parliament in which he underscored the major issues facing Nigeria today, including democratization and ethnic and religious strife. President Clinton announced a number of new initiatives during his Nigeria visit. He pledged \$60 million for AIDS vaccine research and more than \$20 million for Obasanjo's campaigns against malaria, polio, and HIV/AIDS. He also praised Nigeria's regional leadership and promised continued U.S. support for the West African peacekeeping mission in Sierra Leone. He pledged continued U.S. support for education, including the provision of Internet access through the work of NGOs and universities.¹⁴

In May 2001, President Obasanjo met with President Bush and other senior officials in Washington. President Bush stated that the United States is "in the process of helping provide technical assistance to Nigerian troops so that they are better able to keep those peacekeeping missions." At a joint White House press conference, President Bush pledged \$200 million to a new global fund for HIV/AIDS. President Obasanjo said he discussed a number of issues of mutual

¹⁴ See U.S. Embassy in Nigeria press release at [<http://usembassy.state.gov/nigeria/www/hctx.html#Transcripts>].

interest during the meeting, including the conflicts in Angola, Democratic Republic of Congo, and Sierra Leone.

President Obasanjo returned to the White House following the September 11, 2001, attacks to discuss Nigeria's and the United States' "mutual concern to fight and win the war against terror." Returning again to Washington in 2002, 2005, and 2006 and receiving President Bush on his first official state visit to Africa in July of 2003, President Obasanjo has cultivated a friendship with President Bush. In a speech concluding his week-long trip to Africa, President Bush emphasized the importance of "partnerships" and underscored that "the relationship between America and Africa will benefit both our people."¹⁵

At present, Nigeria is an important trading partner for the United States and is the largest beneficiary of U.S. investment on the continent. Nigeria is the United States' fifth largest source of imported oil, providing an estimated 11% of total U.S. oil imports. U.S. imports of Nigerian crude account for an estimated 40% of that country's total oil exports, and the U.S. is Nigeria's second largest trading partner after Britain. The country is eligible for trade benefits under the African Growth and Opportunity Act (AGOA).

Nigeria plays a significant role in peacekeeping operations across the continent, and the Bush Administration considers Nigeria an important partner in the war on terror. The United States provides the country with military training through the International Military Education and Training (IMET) program and other security assistance. U.S. assistance to Nigeria also focuses on programs that support democracy and governance, agriculture and economic reform, education and health services, and HIV/AIDS. Nigeria is one of the 15 focus countries in the President's Emergency Plan for AIDS Relief (PEPFAR) and received approximately \$163 million in 2006 to fight HIV/AIDS. (See **Table 1** for more on U.S. assistance to Nigeria).

In 2003, the United States offered a \$2 million reward for the capture of former Liberian president Charles Taylor, who was in exile in Nigeria. Taylor has been charged with war crimes by the Special Court for Sierra Leone. The \$2 million reward was inserted in the Iraqi Emergency Supplemental bill, S. 1689, which became P.L. 108-106 in late 2003. The provision did not specifically refer to Taylor, although it is widely believed that the reference was to him. The Bush Administration has stated that Taylor should be held accountable for the crimes he committed in Liberia and Sierra Leone,¹⁶ and reportedly encouraged Nigeria to offer Taylor political asylum. President Obasanjo was opposed to transferring Taylor to the Special Court for Sierra Leone (SCSL), which indicted Taylor on 17 counts of war crimes, crimes against humanity, and violation of international humanitarian law in March 2003. The Nigerian government said that any attempt to kidnap Taylor would

¹⁵ See White House press release, [<http://www.whitehouse.gov/news/releases/2003/07/print/20030712.html>].

¹⁶ "Confronting War Crimes in Africa," Statement of Pierre-Richard Prosper, U.S. Ambassador-at-Large for War Crimes Issues to the House Subcommittee on Africa, June 24, 2004.

be viewed as “a violation of Nigeria’s territorial integrity.”¹⁷ In May 2005, President Obasanjo met with President Bush and other senior Administration officials in Washington to discuss the crisis in Darfur, Sudan; debt relief; and the legal status of former Liberian president Charles Taylor. Taylor was captured by Nigerian authorities in late March 2006, after his failed attempt to flee to a neighboring country. A day after Taylor’s arrest, Obasanjo visited Washington and met with President Bush. Taylor is now being held by the SCSL at the Hague, and his trial is scheduled to begin in June 2007.

109th Congress Legislation

H.Con.Res. 127 (Royce)

Called on the government of Nigeria to transfer former Liberian president Charles Taylor to the Special Court for Sierra Leone. Introduced April 12, 2005. Passed the House May 4; passed the Senate May 10, 2005.

S.Res. 611 (Feingold)

Supported the efforts of the Independent National Electoral Commission of the government of Nigeria, political parties, civil society, religious organizations, and the people of Nigeria to facilitate the first democratic transition of Nigeria from one civilian government to another in the general elections to be held in April 2007. Introduced September 29, 2006. Passed the Senate November 16, 2006.

¹⁷ “Security Beefed Up Around Taylor,” *This Day* (Nigeria), Nov. 12, 2003.

Table 1. U.S. Assistance to Nigeria
(\$ millions, fiscal years)

Program	2002 Actual	2003 Actual	2004 Actual	2005 Actual	2006 Est.	2007 Req.
DA	15.8	23.3	13.6	14.8	14.00	21.2
CSH	36.6	47.9	42.5	28.2	21.5	19.6
ESF	8.5	3.8	4.9	4.9	4.9	5.0
FMF Grants					.990	.800
GHAI				85.9	138.1	272.0
INCLE				2.2	.990	.400
NADR-CTF				.100	.200	.600
NADR-ATA					.435	
IMET					.792	.590
Total	66.5	75.1	61.1	136.2	181.9	320.1

Source: U.S. Department of State.

Table Abbreviations:

DA = Development Assistance

CSH = Child Survival and Health Programs Fund

ESF = Economic Support Fund

IMET = International Military Education and Training (Notification required)

INCLE = International Narcotics Control & Law Enforcement

NADR-ATF = Nonproliferation, Anti-terrorism, Demining, and Related Programs

GHAI = Global HIV/AIDS Initiative

FMF = Foreign Military Financing