



The Nigerian Press Under the Military: Persecution, Resilience and Political Crisis (1983-1993)

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**THE NIGERIAN PRESS
UNDER THE MILITARY:
Persecution, Resilience and
Political Crisis
(1983-1993)**

by

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PRESS • POLITICS



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Harvard University
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INTRODUCTION



Since Africa's midcentury emergence from colonial rule, the search for stable democratic institutions has gone on too often in fits and starts. Nowhere has the struggle been more evident than within the African press. Democratic societies require—and foster—democratic press values and practices, habits sorely lacking throughout much of modern Africa.

Everywhere radio is the popular medium, but rarely is radio free of government ownership or constraint. The print press serves a much smaller audience, while in many sub-Saharan countries television is even more limited, to a tiny minority of affluent households who prefer satellite programming from Europe and North America, rather than bother with the slender fare of local channels.

Economic backwardness is only partly to blame for journalistic underdevelopment; much deeper—and more troubling—has been a long-standing belief among many African governments that the press should be handmaiden of the state and the development process. In the past few years, with a fresh continent-wide sweep of democratization, a small but authentically free press has begun to emerge in most African countries—albeit with governments anxiously looking on, deeply mixed in their views and degree of tolerance for dissent. Journalists, not surprisingly, hold radically divergent views of their responsibilities and roles.

Yinka Adeyemi examines the dance of forces at play in Africa's largest nation. Nigeria has one-fifth of Africa's people, an economy underpinned (and, many believe, misshapen) by immense reserves of oil, and the largest active press community on the continent. With 66 major newspapers, 60 magazines, 50 television and 40 radio stations, its media market dwarfs South Africa, its nearest competitor, in size—and given the diversity of these voices, could once claim to be one of the freest and most resilient presses on the continent.

Adeyemi's acquaintance with Nigeria's press is first-hand and extensive: he worked as a correspondent for the Pan African News Agency

and the News Agency of Nigeria before coming to Harvard as a Shorenstein Center Fellow in the fall of 1993. Exiled for a time from his country, he now works from New York City as a contributing editor of *Profiles*, a news magazine aimed at West Africa.

As Adeyemi shows, Nigeria—despite outward signs of what once seemed to promise a modern and vibrant press/government relationship—is hobbled today by a much darker system. This, though, comes as no surprise; rather it is another step in what he believes is a more constraining and more complex relation than most press observers have understood. Adapting Italian social theorist Antonio Gramsci's concept of "hegemony," Adeyemi traces the oscillation between subtle and unsubtle forms of coercion, cooptation, and seduction used by a series of military governments since the early 1980s, meant to bend the press to their wills.

Carefully documenting the shifting styles adopted by the regimes as their power evolved, Adeyemi examines both "direct" and "indirect" forms of manipulation they used—forms that have ranged from selective assassinations, extra-constitutional decrees, and promulgation of retroactive laws to bribery, self-censorship, and the offer (and acceptance) of lucrative press relation jobs in the governments themselves.

In *The Nigerian Press Under the Military*, Adeyemi has not only advanced an intriguing analytic framework political scientists and media critics can use for understanding contemporary Nigeria's fitful press evolution; he has also given us a rich tapestry of information against which to draw our own conclusions. As part of the Shorenstein Center's ongoing commitment to examining—and detailing—the challenges a multi-faceted world press faces, we believe that Adeyemi's work as a Center Fellow has made a rich and insightful contribution.

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BACKGROUND

"To criticize Nigeria is to criticize God."¹

-Alex Akinyele, Nigeria's
Minister of Information and
Culture.

Nigeria is pre-eminently Africa's press giant. With about one-fifth of Africa's population², and a size more than double that of California, Nigeria is one of only five countries in Africa (of 48 listed by UNESCO)³ which had more than ten newspapers in 1990. And of these five, Nigeria maintains a clear lead. In 1990, Nigeria had 31 daily newspapers; followed by South Africa (22 daily newspapers), Egypt (14 newspapers), Morocco (13 newspapers) and Algeria (10 newspapers). By the first months of 1993, there were 66 major newspapers, 60 "regularly published" magazines, 50 state-owned television stations, and 40 state-owned radio stations.⁴ Nigeria also has the highest newspaper growth rate in Africa⁵ and arguably the freest and probably the most resilient on the African continent.

For a clearer understanding of the state of the press in Nigeria, it is important to keep in mind the geographical distribution of the mass media, especially the print media, *vis-à-vis* Nigeria's ethno-political configuration.

There are 250 ethnic groups in Nigeria of which three, Hausa/Fulani of the north, Yoruba of the southwest and Ibo of the southeast make up 65 per cent of the population. The principal languages are English (the official language), Hausa, Yoruba and Ibo. However, hundreds of dialects and variations of the main languages are spoken throughout Nigeria.

About half of Nigeria is Muslim and predominantly in the north while the south is predominantly 40 percent Christian and 10 per cent animists/atheists. An interesting aspect of the Nigerian press is that more than 95 per cent of all news publications in Nigeria are published in the south. Of the 49 publications cited by Agbaje, for instance, only 4 are/were published in the north, one in the middle belt and the rest in the southern cities of Lagos, Owerri, Enugu, Ibadan, Calabar, Port Harcourt, Akure and Benin.⁶

Since independence in 1960, Nigeria has had eight military coups d'état and two civilian regimes.⁷ A third attempt at democracy was

truncated by the military government of Ibrahim Babangida, an action that was the precursor to the political crisis that this study examines.

Over the years, regardless of the nature of government, the Nigerian press traditionally takes seriously the guarantees of free expression in all four constitutions to date. Section 24(1) of the 1960 Independence Constitution, states that:

"Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."

This guarantee is replicated in the 1963 Republican Constitution as section 25; in the 1979 Constitution as section 36(1) and as section 38(1) in the 1989 Constitution. The guarantee was by no means absolute. According to section 24(2) of the 1960 Constitution, for instance, press freedom could be limited in the interest of public safety, defense and health. Similarly, the 1989 Constitution states that the right to freedom of expression and the press shall not:

invalidate any law that is reasonably justifiable in a democratic society (a) for the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph films or (b) imposing restrictions upon persons holding office under the government of the Federation or of a State or of a Local Government, members of the Armed forces of the Federation or members of the Nigeria Police Force or other government security services established by law.⁸

These provisions have been repeatedly stretched and tested in the Nigerian courts. Between 1960 and 1987, for instance, more than 100 libel cases were decided by the courts, many decided against the press.⁹ For instance, in the case of *Lateef Jakande v Concord Press of Nigeria*, the Court ordered the *National Concord*, a Nigerian newspaper, to pay 25,000 naira to former governor of Lagos, Lateef Jakande, for a libelous story captioned "JAKANDE'S 900 PLOTS."¹⁰ In other instances, the courts held that the confidentiality of a reporter's source of information was not absolute¹¹ and upheld directives by the management of a television station which prohibited its

reporters from covering fraud stories that allegedly implicated the former head of state, Gen. Olusegun Obasanjo.¹²

Therefore, it would seem that there are ample provisions in Nigerian law to protect ordinary citizens and government from the excesses of the press.¹³ Yet, it is this same "need to protect" that serves as the rationale for the military's imposition of anti-press laws. Consequently, the position of this study is that this rationale is flawed, dishonest and a contrivance. It is this rationale that produces the two key elements focussed on in this study—persecution and resilience, the dynamics of which, in turn, produces a peculiar government/press relationship not fully explained, and, indeed, unexplainable by many existing academic models of press/government relations.

THEORETICAL FRAMEWORK

The press/government relationship in Nigeria does not fit any of the models formulated by Fred Siebert, Theodore Peterson and Wilbur Schramm.¹⁴ It is not *authoritarian* because the Nigerian press is not required by law or necessarily expected to favor government or support its program and agenda. It is not *social-centralist* because the press is not an arm of the Nigerian government and has no *a priori* commitment to government propaganda as obtained, for instance, in the former Soviet Union, China and Cuba. This is so, even in spite of the fact that the Federal Ministry of Information, along with its subsidiaries in the thirty states (including the federal capital territory, Abuja) fund and "oversee" the operation of Nigeria's only wire service, the News Agency of Nigeria, the Nigerian Television Authority, the Federal Radio Corporation of Nigeria and the Voice of Nigeria, Nigeria's equivalent of VOA and BBC. Government has considerable influence in these agencies (for instance, the Minister of Information appoints, and can remove, the Board members of the agencies), such influence does not apply, *a priori*, to the majority of the print press, which remains private.

Nigerian government officials, and, indeed Nigerian journalists, like to pride themselves on having the freest press in Africa. But calling the press/government relationship in Nigeria *libertarian* would be insulting the almost total freedom of the American press. As William Hachten said, the libertarian model must be considered irrelevant to most African countries because:

The Western model of the newspaper as a profit-making enterprise, independent of government and supplying the public with reliable and objective news and public information is seldom found, although many African journalists aspire to such a press. Economic and social factors—poverty, illiteracy, economic structure, linguistic and ethnic diversity—have combined to inhibit such media development.¹⁵

The *social-responsibility* model arose out of the realization that a *laissez faire* approach to media control could neither guarantee the freedom of the press nor its responsibility to the society to report truthfully and fairly.¹⁶ Therefore, while this model does not oppose press freedom *per se*, it doesn't emphasize it. Instead, "it stresses responsibility."¹⁷ This is because, according to this model, the obligation of the press to be "socially responsible" is equally as important as press freedom. Indeed, unless the press was willing to embrace this obligation, "government might go into the communications business to properly inform the citizens . . ."¹⁸ It was this need to "properly inform" that caused government to impose regulations to guide the broadcast media in the United States.¹⁹ And this is the vital difference in the case of Nigeria where the aim of control is not fair reporting, but political consolidation. For instance, the control of the electronic media, in particular, the radio, is predicated upon its efficacy as an instrument in the military's struggle for succession to political power.²⁰ The need to control the radio for political and hegemonic purposes became more pronounced shortly after the April 22, 1990 failed military coup when government barred all civilians, except workers on duty, from the vicinity of the Federal Radio Corporation (FRCN) building in Lagos after dusk.²¹

Not even is William Rugh's attempt to classify the Arab press in Africa sufficiently applicable to the Nigerian situation.²²

Therefore, there appears to be a need for a new theoretical model which will fit the Nigerian situation: a government/press relationship hinging on mutual suspicion, hatred and distrust; characterized by power disequilibrium and resilience.

In a 1975 address to the Royal African Society in London, Babatunde Jose, one-time Chairman of *Daily Times*, Nigeria's largest newspaper, said "Many African journalists still believe that a good press is one that is in a constant state of war with the government; that a 'progressive' journalist is one who writes anti-government articles every day and a leading journalist is one who is in and out of prison for sedition."²³

I suggest that an automatic battle line is drawn between government and the press where a government is inept and corrupt and the mass of the people is impoverished. In such a milieu, true and responsible reportage becomes seditious and pro-masses (pro-democracy) journalism becomes anti-government. Although Jose's remark serves to portray African journalists as fatalistic glory-seekers, it underscores the nature of the government/press relationship in an emerging democracy like Nigeria and reveals, *a fortiori*, the difficulty in understanding this relationship through a recourse to classical theories. I suggest that a new model, hegemony, provides a better understanding.

I

HEGEMONY AS A MODEL OF THE PRESS/ GOVERNMENT RELATIONSHIP IN NIGERIA

The process of domination of the Nigerian press by the military can be immediate (as was the case under Buhari) or gradual (as was the case under Babangida). But whether it is immediate or gradual, the process reveals two principal features of hegemony as a model of press/government relations. The first is a *big tree/small axe configuration*. Typically, because it has the use of the instruments of force without the obligation of statutory accountability to the people (through the legislature, for instance), the military government is what I refer to as the big tree. It uses force to cower, control and dominate the press in line with its calculated objectives, often explained as public interest. Of course, what the ruling elites describe as the public interest is not necessarily what is in the interest of the public.²⁴

In the clearest indication of this fact, a former Minister of Information of Nigeria, Alex Akinyele, once said that a report by William Keeling of *The Financial Times* of London on improper government use of oil revenue could "sabotage the security" of Nigeria. In the said report, Keeling wrote about how the military had spent about \$3 billion of the \$5 billion windfall Nigeria received from higher oil export earnings during the Gulf crisis.²⁵ Keeling was deported from Nigeria, an action that Akinyele differentiated from censorship. He said of reporters like Keeling: "Let them write what they want to write. But if anybody does anything that is against the national interest, that person will have to answer questions."²⁶ The "small axe" is the press: It remains sharp, vibrant and resilient.

The second feature of hegemony is a *series of peaks and plateaus* indicating the periods when government's persecution of the press is at a high and when it stabilizes, usually due to internal and/or external pressures on government.

As a theoretical model of government/press relationship, hegemony describes a limited short-term toleration, even wooing, of the press for the calculated purpose of consolidating political power and constructing legitimacy. Once legitimacy has been attained and power consolidated, the relationship sours between the press and government and public policy becomes an avenue for dominating, intimidating and punishing antagonistic groups, even as it rewards friendly pro-establishment ones (in Nigeria, rewards come in form of patronage in advertising, import license for printing materials, public office appointments, etc.).

I have no desire here whatsoever to dabble into the Gramscian controversy about hegemony.²⁷ Rather, I prefer to adopt his rather common-sense meaning of a social group dominating "antagonistic groups, which it tends to 'liquidate', or to subjugate by armed force . . ." ²⁸(Emphasis mine)

For the purpose of this study, successive military regimes in Nigeria will constitute "social class" and the press "antagonistic group." It is the dynamics of this inter-relationship which produces government persecution, (which I define as official anti-press actions) press resilience (which I define as the degree to which the press performs its functions in the face of persecution) which characterized Nigeria's political crisis in the period under review.

This study is divided into seven sections. In the next section, I advance two viewpoints of press freedom in Nigeria within the theoretical model of hegemony. Then, in the next four sections, I examine hegemonic elements in the three military regimes in power in Nigeria during the period: Gen. Muhammadu Buhari (1983-85), Gen. Ibrahim Babangida (1985-93) and Gen. Sanni Abacha (November 17, 1993 - ?) with particular reference to the extent to which the first two soldiers put anti-press laws to use and, what the press is likely to look like under the third. I lay emphasis on "direct actions" (military tribunals, decrees, control of the judiciary, promulgation of retroactive laws, etc.) and "indirect actions" (manipulation, coercion, self-censorship and "settlement").²⁹

In particular, I address the following questions: How did the press act and react in re-

sponse to the military's persecution? How did the international press react to the Nigerian crisis, especially after June 12? What role did the U.S. Congressional sub-committee of the House of Representatives and the State Department play in terms of policy and to what extent did reportage shape policy?

In section seven, I conclude by suggesting some practical steps through which an appreciable measure of press freedom and respect for human rights can be achieved in Nigeria.

I have chosen the time period (1983-1993) for only one reason: this has been a period of intense encounters of the press with two military heads of state of drastically different approaches and tendencies—Buhari, who, *ab initio*, declared his intention to be ruthless with the press and during whose tenure the infamous Decree 4 was promulgated and tested and, Babangida, during whose tenure the press became more persecuted, even though he proscribed Decree 4 and declared, *ab initio*, his commitment to a free press.

II

THE DIALECTICS OF PRESS FREEDOM IN NIGERIA

In Nigeria, the issue of press freedom is frequently a clash of two viewpoints: the *national development* and the *theoretical*. The national development viewpoint is the domain of, generally speaking, the privileged class who benefits from the status quo. It places emphasis on a perceived symbiotic relationship between press freedom and good governance, but it does so in a manner that suggests that both notions are mutually antithetical.

The theoretical view is principally held by Nigerian journalists and pro-democracy enthusiasts (who do not profit from the status quo) who ardently argue that speech and the press ought to be free from government's hegemonic interference and controls. It stipulates that such freedom is fundamental to good governance and that any transition to democracy (which is the constant promise of successive military regimes in Nigeria) that does not include the right to free speech and press freedom, is injurious to democracy. This positive view of the symbiosis derives directly from the spirit of the First Amendment to the Bill of Rights of the United States Constitution, after which the Nigerian Constitution of 1979 (reviewed 1989) was modelled.

The First Amendment categorically stipulates that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and petition the government for a redress of grievances.³⁰

III

HEGEMONIC ELEMENTS IN GENERAL MUHAMMADU BUHARI'S REGIME (1983-1985)

The 41-year-old Army General, Muhammadu Buhari, who toppled³¹ Nigeria's second republic represents, in a classical sense, a national development notion of press freedom. Press/government relationship under him was a study in hegemony. His coup d'état of December 31st, 1983 was a welcome relief for Nigerians³² who had become disillusioned with a double-digit inflation rate, increasing crime and unabated corruption by public officials. In one demonstration of the typical corruption that characterized the second republic (under President Shehu Shagari, 1979-1983), military men found about \$4 million in cash in the home of the ousted governor of Kano State, Alhaji Bakin Zuwo.³³ For Buhari, the deplorable economic situation of Nigeria and falling living standards which resulted in frustration with the "extravagance of many politicians with private jets, elegant cars and palatial residences"³⁴ made the construction of legitimacy a *fait accompli*. The press was, therefore, not critical in Buhari's quest for legitimacy. In one of his earliest interviews, he told journalists that he would not tolerate the press. Years later, out of office, he still bragged about his anti-press resolve: "Yes, I told (slain editor of *Newswatch*) Dele Giwa that I would tamper with the press freedom and I fulfilled my promise, didn't I?"³⁵ He would harbor no respect for the rule of law and he would be generally hostile.³⁶

As soon as he settled in, Buhari promulgated Decree No. 1 which suspended the 1979 Constitution.³⁷ This decree suspended, *inter alia*, the National Assembly, the State Houses of Assembly, the executive powers of the President and the Governors, all political parties and political activities. The decree also abrogated, outright, the Electoral Commission, the Economic Council, the National Population Commission and the National Security Council established under

section 140 of the 1979 Constitution. It abrogated the Code of Conduct Bureau, the appellate jurisdiction of the Supreme Court and the Court of Appeal on the validity of elections of candidates, on rights to peaceful assembly and association as it affects political parties, among others.³⁸

Then, Buhari announced that "corrupt" officials would be thrown in jail without indulging in the "nonsense of litigation."³⁹ Accordingly, he promulgated Decree 2, the "State Security (Detention of Persons) Decree of 1984," which allowed the military to detain indefinitely, and without trial, any person suspected of being involved in "acts prejudicial to state security or (who) has contributed to economic adversity." Under the cover of this decree, Buhari's government announced on January 20, 1984 that 600 politicians had been detained, 300 held for questioning while another 71, including former Vice President Alex Ekwueme, were kept at the Kirikiri maximum prison. Although the decree was signed by Buhari on February 9th, 1984, it was "deemed to have come into force on 31st December 1983"⁴⁰ in direct violation of Section 4 subsection 9 of the 1979 Constitution which forbids retroactive laws.

In particular, the decree also suspended⁴¹ portions of Chapter IV of the 1979 Constitution, the section dealing with fundamental rights of every Nigerian. Along with guarantees of personal liberty, the right to freedom of the press, the right to peaceful assembly and association, right to freedom of movement and from discrimination, Section 33(4) of the Constitution promises that:

Whenever any person is charged with a criminal offence, he shall unless the charge is withdrawn be entitled to a fair hearing within a reasonable time by a court or tribunal.

However, S4(1) of Decree 2 took care of that. It declares: "No suit or other legal proceedings shall lie against any person for anything done or intended to be done in pursuance of this Decree."

This set the stage for government/press relation under Buhari. In his first press briefing, his deputy, Brigadier Tunde Idiagbon, the Chief of Staff, accused some newspapers of printing "half-truths and falsehoods which are capable of creating confusion and causing dissension in the society." He warned that the military would "not tolerate instigation and innuendo calculated to create dissension among our people."⁴²

In the same tone, Buhari told *The Financial Times* of London that he believed a vigorous press was "a weakness" to Nigeria. There is ample evidence to show that Buhari's overall hostility to the press was rooted in his encounter with the press years before he became Head of State, an encounter that brought his character, honesty and probity to question in a country where Buhari was considered "an island of probity in a sea of corruption"⁴³ and shaped government/press relations between 1983-1985.

Between 1976 and 1978, Buhari was the Commissioner for Petroleum Resources in the administration of General Olusegun Obasanjo when Nigerian newspapers began to carry a report by the former governor of Central Bank, Clement Isong, about a missing 2.8 billion naira (about \$3 billion at the time) from the national treasury, a charge that implicated Buhari. The allegation was first reported by the *New Nigerian*, a newspaper then owned by the governments of the northern states of Nigeria.

Buhari's persistent position was that, in printing that allegation, the press became an accomplice in deceiving and misinforming Nigerians. He believed that his reputation as a tough, honest and highly disciplined soldier was roundly tarnished by reporters who did not consider the virtual impossibility of taking out such a large sum of money from the treasury. As he said, years after he'd been toppled, "You'll find that it was not possible to take 2.8 billion naira out from Nigeria at that time . . . there is no banking system that can allow you to take 2.8 billion naira just like that, no matter the amount you have. This is because the money is not just there."⁴⁴

He then invoked the classical "national development" argument when a reporter suggested that a respected prominent journalist had reported that the amount was paid into a particular public account. Said he: "You Nigerians, especially you journalists, you have to help this country. In fact there are some things that you shouldn't publish."⁴⁵ (Emphasis mine)

He went on:

I was disappointed with the press. I was disappointed because . . . some things are not supposed to be published. For example if some illiterate brought to you something very sensational and unbelievable, you must have the integrity to resist it if it is against national interest . . . If we were going to do any meaningful work, the situation of things in Nigeria in 1984 demanded that the press be dealt with.⁴⁶

But Buhari's policy in 1984 revealed that he was neither concerned with the veracity of a story nor the right of the public to know. On March 29, 1984, he signed Decree 4 into law. It was pay-back time to Nigerian journalists.

The decree, titled "Public Officers (Protection Against False Accusation) Decree," became the singular most significant barrier to free speech and freedom of the press in Nigeria. Section 1(1) of the decree warns that:

Any person who publishes in *any* form, whether written or otherwise, any message, rumor, report or statement . . . which is false in any material particular or which brings or is calculated to bring the Federal Military Government or the Government of a State or a public officer to ridicule or disrepute shall be guilty of an offence under this decree. (Emphasis mine)

By the provision of this section, free speech and opinions became encumbered and any report, even if true, which embarrassed any public official, became an offense punishable by up to two years imprisonment without the option of a fine and, in the case of a corporate body, a fine of not less than 10,000 naira.⁴⁷

The decree placed the burden of proof on the journalist charged with the offense "notwithstanding anything to the contrary in any enactment or rule of law."⁴⁸

It empowered government to prohibit the circulation of any newspaper it considers "detrimental to the interest" of Nigeria,⁴⁹ confiscate the equipment of the newspaper, radio or television,⁵⁰ and, unless they can prove that the offense was committed "without his consent", the decree found guilty "every person who at the time of the commission of the offense was a proprietor, publisher, general manager, editor, secretary" in an offending corporate body.⁵¹

Offenders were to be tried by a government-appointed tribunal consisting of a High Court judge as chairman and three members of the armed forces, not below the rank of major. The tribunal's verdict could not be appealed⁵² and the validity of any direction, notice or order it gave could not be inquired into in any court of law.⁵³

The Guardian, a newspaper that prides itself as the flagship of Nigerian journalistic excellence, gave the government an opportunity to put the decree to a test. On March 31, 1984, two days after the decree came into existence, the paper's Senior Diplomatic Correspondent, Tunde Thompson, quoting "reliable sources" printed a report headed "11 Foreign Missions to be Closed." The next day, again quoting "reliable

sources", the paper came out with another report headed "Eight Military Chiefs Tipped as Ambassadors." Then, on April 8, another Thompson report headed "More Names for Ambassadorial Posts" was accompanied with a rider "Haruna to replace Hannaniya." Until *The Guardian* came up with the stories, the military government and its External Affairs Ministry had been under the illusion that their deliberations had been confidential. It became necessary for them to identify who had been speaking to the press.

In his memoirs,⁵⁴ Thompson said that his original report, to the assistant news editor, Nduka Irabor, did not specify who was replacing whom, but that the editor's own sources had disclosed that some western countries did not want serving military men as ambassadors to their countries and, in particular, that one Major General Hannaniya was to be replaced by a retired Major General I.B.M. Haruna. He said he could not verify Irabor's addition to the original story, but had no reason to doubt the news editor's sources.

That front page lead of April 8 in *The Guardian* soon landed the two journalists in detention for about three months before the first hearing was held. While in detention, vigorous attempts were made to make the journalists disclose their sources. Yet, in *Tony Momoh v Senate of the National Assembly and 2 Ors (1981)*, the court had held that it was a violation of a reporter's fundamental rights to be forced to disclose his sources and that the press may have the obligation to keep certain information confidential.⁵⁵ Although not under any illusion that a judicial precedent could matter to a regime that had suspended some portions of the constitution dealing with human rights, the journalists still refused to disclose their sources.

During the ensuing trial by a High Court judge and three military men, a prosecution witness, and a Permanent Secretary in the Ministry of External Affairs, Ambassador George Dove-Edwin testified that 10 of the 11 missions⁵⁶ reported by *The Guardian* as being considered for closure were right and that eight military officials indeed were being considered for ambassadorial posting. But he said "there was no time Major General Haruna was considered to replace Major General Hannaniya as High Commissioner to the United Kingdom"⁵⁷ and that, indeed, "it was Major General Hannaniya and not Haruna who was appointed ambassador."⁵⁸

It was on the grounds of that error, which, at best, should have warranted a correction, or a retraction, by *The Guardian*, that the two

journalists were sentenced to one year in jail and their newspaper to a 50,000 naira (about \$35,000) fine, payable within 24 hours. On the first anniversary of *The Guardian*, and, ironically, the anniversary of United States independence—July 4, 1984—the two victims of a government's inherent hatred for journalists were carted to jail where they spent the next one year. *The Guardian* paid its fine.

It should not be assumed that the press was the only target of the Buhari administration. Indeed, it went further to attack and alienate almost every segment of the society, especially the middle class: politicians, the universities, the unions, students, and even the judiciary, the same groups that welcomed and supported it.

Having banned all political parties, the University Teachers' Union, the National Association of Nigerian Students, the Buhari regime warned Nigerians not to hold any meetings or demonstrate against the government. Calling all such meetings "nefarious acts"⁵⁹ which would not go unpunished, the administration said that it was aware that "members of some banned political parties have been holding secret meetings in different parts of the country."⁶⁰ The administration then launched what remains the most large scale and drastic war against corruption in Nigeria.⁶¹ For the sole purpose of rendering worthless money stolen by officials of the last regime, the administration introduced a new currency, imposed a wage freeze, laid off thousands of dead-wood civil servants and reduced spending by 15 per cent,⁶² actions that resulted in the reduction of Nigeria's foreign exchange deficits to 180 million naira in 1984 from 3 billion naira in 1983⁶³ but failed to satisfy the yearnings of Nigerians who "looked forward to a quick improvement in their standard of living."⁶⁴ Little surprise, then, that in a country where "people don't like to be dictated to,"⁶⁵ prolonged economic hardship, in the face of laws which prohibited free expression, free association and free press,⁶⁶ soon led to open press criticism that the government was putting too much energy into investigating the corruption of the last civilian regime at the expense of economic and social reconstruction. In a view that was typical of the press criticism, the executive editor of *The Guardian*, Stanley Macebuh said: "At the moment, we're looking at a clear movement toward authoritarian dictatorship. It's a trend that disturbs a lot of people, not least those who welcomed the change of government."⁶⁷

It was, therefore, not totally unexpected that another military coup was imminent. It came on August 27, 1985, headed by Buhari's Army Chief of Staff, General Ibrahim Babangida. Babangida's regime, which lasted until August 26, 1993, provided another classic case of hegemonic tendencies in government/press relations. Under him, the Nigeria press went through some of its most tragic experiences. Yet, nobody saw it coming.

IV

HEGEMONIC ELEMENTS IN GENERAL BABANGIDA'S REGIME (1985-1993)

The palace coup that brought Babangida to power was more a direct result of intense intra-military cleavages than a real commitment to saving Nigerians from the economic morass of the Buhari era.⁶⁸ Right from the start, it was obvious to Nigerians that Babangida and his co-plotters were more motivated by their own personal frustrations with President Buhari rather than a real commitment to arresting Nigeria's downward economic slide. In his maiden address to Nigerians on August 27, 1985, Babangida accused Buhari of disregarding "the principles of discussions, consultation and cooperation which should have guided the decision-making process of the Supreme Military Council." He said that Buhari "was too rigid and uncompromising in his attitudes to issues of national significance" and that his assistant, Major General Idiagbón "arrogated to himself absolute knowledge of problems and solutions, and acted in accordance with what was convenient to him, using the machinery of government as his tool."

In pursuit of legitimacy, therefore, Babangida knew that he had to present a populist posture and present a largely economically victimized people a palatable entree.

His tactic was to reverse every single policy which had alienated the past regime from the people. Accordingly, Babangida committed himself to human rights. In a jab at the Buhari regime's policy of indiscriminate detention of politicians, Babangida declared: "We must never allow ourselves to lose our sense of natural justice. The innocent cannot suffer the crimes of the guilty."⁶⁹ Then, he released about 100 political detainees from the Buhari era⁷⁰ and freed a press that had been hitherto gagged. Babangida declared:

As we do not intend to lead a country where individuals are under the fear of expressing themselves, the Public Officers Protection Against False Accusation Decree No. 4 is hereby repealed. And, finally, those who have been in detention under this decree are hereby unconditionally released. The responsibility of the media to disseminate information shall be exercised without undue hindrance.⁷¹

Babangida's maiden address sparked in Nigerians a renewed sense of freedom, a positive perception of the regime and rekindled liberalism in a subdued and encumbered press. However, as I will show in this study, having successfully constructed legitimacy on the platform of human rights and press freedom, Babangida began to exhibit age-old hostility to the press and disregard for human rights in a corruption-ridden administration.

There are two distinct features of press/government relations under the Babangida regime. For one, Babangida seemed to have an implicit faith in the inherent greed of man and his corruptibility, an attitude that was reflected in a simple premise: to consolidate power, co-opt the opposition. In this way, potential opposition of the Babangida regime became accomplices. As Agbaje puts it, "the military regimes, especially that of Babangida, appear to have perfected incorporationist strategies in the service of a corruption-propelled authoritarianism."⁷² Perhaps a most ardent believer in James Madison's "If men were angels, no government would be necessary" credo, Babangida vigorously co-opted powerful and influential segments of the Nigerian society into his administration. These included the press, the judiciary, the intelligentsia, military officers (who are predisposed to carrying out military coups), musicians (who have tremendous mass appeal) and social critics. This strategy, more than anything else, sustained his regime for the next eight years and effectively diluted potential antagonism to it. As former head of state, General Olusegun Obasanjo observed:

Most of those who can, with some respect and credibility, speak out against the ills of the present, have become victims of the practice that has come to be called "settlement." Choosing a moment when they are most vulnerable, the government steps in with generous assistance . . . From that point on, their silence is assured.⁷³

A few examples will suffice. Apart from "clandestine meetings" between government, security agents and chief executives of newspapers,⁷⁴ the administration targeted journalists who were perceived to have been wronged by the previous regime. Duro Onabule, the editor of the *National Concord*, was tipped as Chief Press Secretary to the President, and Nduka Irabor, the assistant news editor of *The Guardian* and one of the casualties of Decree 4, was appointed the Press Secretary to the Vice President. The dynamism, camaraderie and professionalism of these otherwise fine journalists soon fizzled out as they got absorbed in government and became accomplices in its anti-press machinations.⁷⁵

Moreover, there was a systematic attempt by government to lure the various trade unions through thinly veiled monetary "donations." The Nigeria Union of Journalists, the Nigeria Bar Association, the Professional Musicians Association of Nigeria, among others, each reportedly received 10 million naira from the presidency. In particular, the echelons of the Bar Association were targeted for the post of the Attorney General and Minister of Justice. Accordingly, two of the last three presidents of the Bar Association, Prince Bola Ajibola (later, a judge of the World Court) and Clement Akpamgbo, became the Minister of Justice, and subsequently drafted most of the draconian decrees of the period.⁷⁶

Then, using public funds, Babangida bought nearly 3,000 Peugeot 504 sedans and gave them as gifts to military officers.⁷⁷ Furthermore, the administration targeted Nigeria's most famous social critic, Tai Solarin, who had been detained for 17 months during Buhari's regime for writing articles critical of the military, and made him the chairman of People's Bank, a credit program for small scale entrepreneurs. Babangida's choice of Solarin, a school teacher, totally inexperienced in banking or any type of business was seen as "an effort to silence one of his most vociferous critics."⁷⁸ It worked. As the chairman of Nigeria's Civil Liberties Organization, Olisa Agbakoba, said: "One has seen a change in Solarin's public utterances since he joined the government. He's been compromised."⁷⁹

Incorporationism paid some dividends also with the press. Newspapers began to focus on the president's "humane" nature and, even while he was cracking down on dissent, banning unions, closing thirty universities, detaining journalists, seizing magazines and shuffling his cabinets arbitrarily, newspaper cartoonists "sketch the President as a soccer star . . . weaving unscathed through his nation's prob-

lems⁸⁰ and editorial writers nicknamed him "Maradona," after the Argentine soccer star adroit at dribbles. Babangida became loved for his famed unpredictability. As I have argued elsewhere, elevating such a character flaw to the level of admiration had serious economic and political consequences for Nigeria.⁸¹

But not all sections of the press fell for the president's charm and his administration's corporatism. The regime found, in particular, *Newswatch*,⁸² *Tell*,⁸³ and *The News*,⁸⁴ too hot to handle. Started in 1984 by four of Nigeria's best journalists, *Newswatch*'s forte was incisive investigative stories which did not spare the government. Its U.S.-trained editor, Dele Giwa, was detained for one week in 1983 for publishing what the police called "classified material." His death on October 19, 1986 by a parcel bomb was one of the three major developments that soured press/government relations under Babangida.

On that Sunday morning, a thick envelope was delivered by a messenger to Dele Giwa while he was having breakfast at home in the company of a colleague. "Lettering on the package said it was 'from the office of the C-in-C' (commander in chief) and that it was to be opened only by Giwa."⁸⁵ Believing the mail was from the President, Giwa opened it. It was a mail bomb. It exploded in his lap severing his thighs and killing him one hour later.

Two days before his death, on October 17, 1986, Dele Giwa had been summoned by the deputy director of the State Security Services (SSS), Col. A.K. Togun and accused of various "anti-government" activities as well as attempting to import arms to foment insurrection against the military government. In a letter to his lawyer, government foe Gani Fawehinmi, Giwa said the allegations by the SSS put him in a "state of shock" and begged the lawyer to help clear his name.⁸⁶ He also told Ray Ekpu, his colleague at *Newswatch*: "If they can think this of me, then my life is not safe."⁸⁷

The day before the mail bomb was brought to Giwa's residence, the director of Military Intelligence, Col. Halilu Akilu, telephoned Giwa's wife and asked: "Where is the place you stay? What is the address?"⁸⁸ The day after Giwa was killed, Akilu denied any connection in the bombing. Although the government seemed implicated in the whole incident, no real attempts were made at thorough investigation. Indeed, the Minister of Information, Tony Momoh, who had earlier pledged a government probe of the incident, soon capitulated and said the matter was one for police investigation and that "a special probe

would serve no useful purpose."⁸⁹ And although the Nigerian Police did not have the technical expertise to analyze how the bomb was built, no attempts were made to get outside expertise.⁹⁰ Giwa's lawyer, Fawehinmi, tried unsuccessfully⁹¹ to bring the two government agents—Akilu and Togun—to court, an action that even *Newswatch* directors dissociated themselves from, apparently for fear of government recriminations.⁹² Eight years later, the death remains unsolved. But it would, also, not go away.

On April 6, 1993, government security officials picked up the publisher of *Newbreed* magazine, Chris Okolie, and four of his journalists in connection with alleged publication of "false information about some eminent Nigerians including President Ibrahim Babangida and Dr. Nnamdi Azikwe."⁹³ According to *Newbreed* counsel, Nnaemeka Amachina, Okolie had written the director of military intelligence, Akilu, about a taped confession by an ex-soldier who claimed to have a hand in the murder of Dele Giwa, and implicated senior military officials in the murder. Okolie had sent a copy of the tape to Akilu and requested an interview with the soldier. In return, security forces visited Okolie, arrested him and demanded the tape and other materials given him by the ex-soldier.

The ex-soldier in question is Edmund Onyeama. In an interview with *Tell*,⁹⁴ Onyeama said that he and six other military intelligence officers had been ordered by Akilu to execute the plan to murder Giwa. He said after the editor had been killed, Akilu "called us and told us to be happy because we were involved in a successful operation. He said it was the head of state who approved that he should be killed."⁹⁵ Revelations and/or allegations such as this will eventually force the government into a full-fledged investigation once the military hands over power to an elected government.

The second event that soured government/press relationship under Babangida was the so-called IMF debate which began a few weeks after he seized power. An important element in his populist strategy, the debate was to get national consensus on whether to accept a \$2.4 billion loan from the International Monetary Fund together with very painful conditionalities which included devaluation of the naira,⁹⁶ retrenchment and removal of petroleum subsidy. While government-sponsored advertisements favored the loan, the press countered by reporting the growing public opposition to the loan, tagging it "a tentacle of capitalism" and questioning its whole essence.⁹⁷ There was even

opposition from at least one Christian denomination.

During a Sunday service at the First Baptist Church of Lagos, the sermonist, Bishop Festus Segun, looked directly at President Babangida who was in the congregation and, waxing emotional, said: "Those in a position to take the decision on the loan should note that we already have debt burdens."⁹⁸ The barrage of opposition to the loan was so strong in the press that President Babangida soon declared "If the country is determined to do without it, fine."⁹⁹

However, when Babangida eventually adopted all the IMF conditionalities (devaluing the naira and, causing, by default, double-digit inflationary trends; removal of oil subsidy and reduction of the civil service) which Nigerians had feared would worsen their standard of living, it was an affront to his avowed populism, an indication of a disconnect with Nigerians and a rude awakening to a press which had deluded itself about the president's responsiveness to the will of the people. The structural adjustment programs which came with the loan resulted in prolonged suffering, spiralling unemployment, inflation, higher cost of living and lower standard of living for Nigerians. In Nigeria, when a government policy results in such hardship for the citizens, the press traditionally sides against the government and on the side of the people.

The third development in the downward slide of the government/press relationship was the political crisis which came to a head in June 1993 after President Babangida annulled a presidential election that more than 100 international observers adjudged to be the freest and fairest Nigeria ever had. That election, between a Kano (northern) businessman, Bashir Tofa, and a Lagos (southern) businessman, Moshood Abiola, was believed to have been won by the southerner. Its annulment sparked violent protests by Nigerians which claimed dozens of life and pitted the press against the government.

Between January and September, 1993, as the figures on page 18 show, more journalists were jailed and more publications were closed down by the government in this period than any other (more than 60 journalists and 44 publications); and the press exhibited the highest degree of resilience, manifested in the birth of underground publishing.

The stage for press/government confrontation was probably set about 1989 when it became clear that Babangida was not going to keep to his promise to hand over power to an elected president in 1990 because, according to him, he did

not want to "rush the process." This excuse did not jive with a press that was witness to all the arbitrariness characteristic of the whole process (disqualification of 13 political parties which applied for registration, banning dozens of politicians; government created the two political parties to which all Nigerians were expected to belong; government wrote the party manifestoes and promulgated decree 13, which put the National Electoral Commission beyond the reach of the law). Later, in order to allow for "proper coordination," Babangida, again, said he was changing the hand-over date to October 1, 1992. Then he changed it to January 2, 1993. And then, August 27, 1993. Apart from continually changing the dates, he amended the transition program 38 times.¹⁰⁰ Confounding the apparent unwillingness to vacate power was the sudden emergence on the political landscape of various organizations, like the Committee of Elder Statesmen, the Association for Better Nigeria, etc., and anonymous people campaigning for Babangida to stay on four more years.¹⁰¹

As the last promised date—August 27—drew near, Nigerians began to see, more clearly, indications of their president's insincerity. Stating that the government was manipulating the transition process, former head of state General Obasanjo gave voice to a national feeling: "Until Babangida goes, I don't believe he will go . . . I believe that Babangida is playing games. I believe that the greatest impediment we have against democracy in (Nigeria) today is Babangida himself."¹⁰² In a similar vein, Odumegwu Ojukwu, who led the Biafra secession attempt by easterners during the civil war of 1967-70, said in March 1993: "If you want to hand over to a civil government, you don't need many years for it . . . All you need for a transition can be achieved in, say, three months if you are really serious."¹⁰³

Things got more interesting. In April, Babangida's greatest nemesis, former head of state Olusegun Obasanjo, told the nation that Babangida's administration was "deficit in honesty, deficit in honor, deficit in truth. The only thing it has in surplus is saying something and doing something else,"¹⁰⁴ and Tai Solarin, Babangida's appointee to the People's Bank, who had resigned under a cloud of fraud by his subordinates, said "We have gotten to a point where we have to get our guns and gunpowder ready. If Babangida does not go, I will not sit idly."¹⁰⁵

The constant barrage of press reports assailing the president's sincerity was so eroding the

residual hopes of Nigerians in the man and his word that on May 9, 1993, the Press Secretary to the President, Duro Onabule, took out paid advertisements in several Nigerian newspapers assuring Nigerians that his boss would truly hand over power on August 27, 1993. "Finally," Onabule's ad read, "members of the public and organs of the mass media are hereby warned that henceforth, *its respect for the right to freedom of expression notwithstanding*, the government will deal severely with violations of the relevant decrees on the transition program. Members of the press may wish to note that *the propagation of views that can lead to the derailment of the transition program, constitutes an offence under the relevant decrees.*" One of the decrees Onabule was referring to was the so-called Death decree—the *Treason and Treasonable Offence Decree of 1993*.

Signed into law on May 4, 1993, barely a month before the presidential election, the decrees expanded the meaning of treason. The attorney general, Clement Akpamgbo, while briefing the press said that it was now treasonable "to say or publish" anything capable of disrupting the fabric of the country or any part of it would be guilty of treason and, on conviction, shall face the death penalty.

The press instantly lashed out at government. The chairman of the editorial board of *The Guardian*, Olatunji Dare, said the decree was barbaric. "It trivializes life. It is barbaric especially at a time when civilized countries the world over are stopping death sentences, we are here penalizing people for expressing their opinions." He said the Nigerian press was far too vibrant for this latest government attempt. Said Dare: "Decree 4 (under which Dare's men at *The Guardian* were jailed) did not kill the press. Rather, it brought out the best in journalism and I believe this will do same. We shall be relentless in doing what we have to do to ensure a democratic future."¹⁰⁶ Chris Okolie, publisher and editor-in-chief of *Newbreed*, called the decrees the handiwork of a "drowning man" which will not achieve its purpose because "people like me will still talk."¹⁰⁷

And indeed, people were still talking and the press got more critical. In New York, former head of state, Olusegun Obasanjo, said the decrees were not worth anybody's serious attention.¹⁰⁸

It was in this climate of severe press criticism and government repression that the presidential election was held on June 12, 1993. But desperate attempts were made to stop the election by the

Association for Better Nigeria (ABN). On June 9, ABN filed a suit asking a High Court in Abuja for an interlocutory order to postpone the presidential election.¹⁰⁹ Many people, including officials at the United States Embassy in Lagos, saw materialization of a long-time fear on the horizon.

In a bold move, which set the stage for subsequent U.S. policy, the director of the U.S. Information Service in Lagos, Mike O'Brien, issued a terse statement warning that any attempt to postpone the election would be unacceptable to the United States. He was immediately ordered to leave Nigeria within 72 hours for interfering in Nigeria's internal affairs, a mere symbolic action since Mr. O'Brien had already been scheduled to leave Nigeria for the United Kingdom on a higher posting anyway. Britain joined the United States in sending a similar signal. Probably because of the strong signals and the determination of Nigerians united behind a resilient press, and because the electoral commission relied on its protection under Decree 13, the election took place on June 12. The next day, the results began to trickle in from Abuja, the headquarters of the electoral commission. In New York, faxed copies of the returns from 14 states which the electoral commission had officially released were circulating freely amongst Nigerians. Gen. Obasanjo said that within 48 hours, he had obtained a copy of the initial returns which indicated that the SDP candidate, Moshood Abiola, was not only winning, he had won in the key northern states of Kano (the home of his opponent), Jigawa, Borno and Kaduna.¹¹⁰ It was the first time a southerner would win key states in the north.¹¹¹ And there was a clear possibility that Nigeria was set to have its first southern president, once the remaining results were released. But it was clear, also, that many supporters of the ABN, which successfully got a court order to stop the election in the first place, were not going to give up. What followed brought the Nigerian judiciary into a political mess as court rulings began to reflect more and more, a north-south divide.

On June 15, three days after the election, Chief Judge Dahiru Saleh, of Abuja, the Federal Capital Territory, ordered the NEC to suspend further release of election results pending the resolution of the ABN suit. Although it had ignored an earlier court order, the electoral commission chose to honor this latest one. Days later, in the south, a Lagos High Court Judge, Justice Olugbani, gave

the electoral commission 24 hours to release the remaining results. Olugbani said: "Even if heaven falls, NEC should declare the results and name the winner, irrespective of any court order or injunction that may be issued against the election."¹¹² That order by Justice Olugbani was ignored without repercussion.

It was clear to all Nigerians that, in accordance with the revised electoral laws, unless the election results were declared before June 20, 1993, the whole exercise could be legally nullified. Since the NEC did not seem prepared to release the results, the Campaign for Democracy, a not-for-profit human rights organization, which already had the full results in its custody, did it for NEC on June 18.¹¹³ That move was not legal in any way, but it put the results in the laps of all Nigerians. Within hours, the results were being faxed to Nigerians abroad; photocopies were being sold at bus terminals and open markets in Lagos and other major cities and, days later, many news magazines not only began to print them, they began to carry cover stories which revealed, to the embarrassment of the government, a deep-rooted insincerity in the President and the supposed reluctance of the northern elite to accept defeat in a fair election which resulted in a victory for a southern candidate.

The suits and counter-suits for the official release of the election results and the pronouncement of the winner continued up until June 23, 1993, when in an unsigned statement from the State House, the military government said it was annulling the election "in order to rescue the judiciary from intra-wrangling" and "protect our legal system and the judiciary from being ridiculed and politicized both nationally and internationally." The statement also said that the government had suspended the electoral commission and repealed the decrees—the Transition to Civil Rule (Political Program) (Amendment) (No. 3) Decree 52 of 1992 and the Presidential Election (Basic Constitutional and Transitional Provision) Decree 13 of 1993—that empowered it. The statement said: "All acts or omissions done or purported to have been done or to be done by any person, authority, etc under the decrees are hereby declared invalid." It also said that "all acts or omission done or purported to be done (by the electoral commission) are hereby nullified."

That action immediately opened a floodgate of outrage and condemnation internationally. Thirteen major American newspapers wrote critical editorial opinions not less than 26

times¹¹⁴ (between June and September alone), the House of Representatives sub-committee on African Affairs held a special hearing on the Nigerian situation and the U.S., along with Britain and France, took a hardline against the Nigerian military.

The United States and Britain immediately condemned the annulment. While Britain said it would reassess its ties with Nigeria in protest, the U.S. State Department warned that "a failure by the military to hand over power to civilians in August, as originally planned, would have serious implications for U.S./Nigerian relations."¹¹⁵ The Department said the United States remained concerned about the continuing repression of the press and democratic forces and that "all aspects of our bilateral relations, including our \$22.8 million in bilateral assistance are currently under review."¹¹⁶

In Washington D.C., a strongly-worded memorandum signed by 39 members of the Congressional Black Caucus and addressed to the Secretary of State, Warren Christopher, said the annulment "must not be allowed to stand." Stating that the issue of the annulment required "attention at the highest level," the Caucus warned that a retreat from democracy in Nigeria could spell trouble for the entire West African sub-region.

Nigerians in the United States, who have a reputation for group disunity, found a common need to maintain the momentum for democracy. Dozens of protest marches were carried out in New York, Washington, Atlanta, Los Angeles, among others, where hundreds of demonstrators urged the U.S. to stand by the June 12 election and institute sanctions against the military government. The American press towed the same line.

In typical editorials, *The Christian Science Monitor*¹¹⁷ called for freezing Nigeria's assets and visas for the military rulers, while *The San Francisco Chronicle* said that the "U.S., Britain and other Western well-wishers would be doing Nigeria a significant favor by cutting diplomatic ties to the military regime."¹¹⁸ *The Washington Post* challenged the Clinton Administration to begin its avowed support for "the movement to freedom in Africa" in Nigeria while *The Atlanta Constitution* urged the Administration to dispatch Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, to Nigeria to "persuade General Babangida that armed forces must subordinate themselves to civilian control sooner rather than later and that the people's choice, Mr. Abiola, should be president."¹¹⁹

The policy adopted by the U.S. State Department reflected most of the opinions of the major media. That policy was to steadfastly put pressure on President Babangida to respect the wishes of Nigerians or face sterner measures from the U.S and its allies. Nigeria's Ambassador, Zubair Kazaure, according to reliable sources at the Nigerian embassy in Washington and the consulate-general in New York, repeatedly told aides how irritating he found incessant threats by department officials on the issue of June 12 election.

On July 20, 1993, Ambassador Kazaure was, once again, invited to the State Department and told that the U.S. was "reviewing—with the presumption of denial—applications for the commercial export of defense articles bound for Nigeria; restricting the remaining Nigerian military attachés access to the U.S. government and asking five Nigerian military officers studying in the U.S. under the auspices of the International Military Education and Training program to depart the U.S."¹²⁰ He was also told that additional measures were in the offing unless the elected civilian government elected on June 12 was in place by August 27, 1993. Then, action moved to the Congress of the United States.

On August 4, 1993, the House Congressional sub-committee on Africa held a special hearing on "Nigeria: Which Way Forward."¹²¹ Assistant Secretary of State George Moose told the sub-committee that the future policy of the United States must be to remove the risk to Nigeria's national integrity which the political crisis posed, by making sure the military left. "If the military understands its interest will suffer if it tries to retain power, it may be possible to strengthen those in Nigeria seeking to persuade the military leadership to turn power over to duly-elected civilians."¹²² Other testimonies by Dr. Richard Joseph, of the Carter Center at Emory University; Deputy Assistant Secretary of Defense for African Affairs, James Woods and Ms. Holly Burkhalter of Human Rights Watch, all had a common thread of recommendation: the United States should prepare for the long haul; it should continue to stand by the June 12 election and it should continue to impose (and threaten further) sanctions.¹²³

Many factors served to further concretize a U.S. policy which rested on the recognition of the June 12 election:¹²⁴ the Congressional hearing; incessant critical newspaper editorials in the U.S.; Abiola's trip to France, England and the United States to shore up support for his election; Abiola's meetings with Vice President

Gore, Chief of Staff Thomas McLarty, Senator Simon, and Representatives Hamilton and Johnston; and the various work strikes and demonstrations in Nigeria in support of a return to democracy.

But a shift was noticeable towards the end of August. A recalcitrant President Babangida, after Abiola's SDP refused to take part in a fresh election, handed over power to a hand-picked interim government headed by the former chairman of the United African Company (UAC), Ernest Shonekan, on August 26.¹²⁵

The State Department increasingly became less strident regarding its stand on the June 12 election, especially in the first weeks of August. Indeed, its policy shifted from threats of sanctions to the demand for inclusion of Abiola in the resolution of the political crisis. The tame, subdued, tone of a State Department release on September 2, 1993, points to this shift. The release said: "Now that Nigeria's military regime ostensibly has transferred power to civilians, Nigerians have the right to expect an unhindered civilian government . . ." The Department also began to stress, rather needlessly, that U.S. support had always been for the process, and not individuals, a rather disingenuous rationale since its earlier support for the June 12 verdict was also, by extension, a support for the individual who won and the 14 million Nigerians who voted for a president. That shift in policy was completed when Walter Carrington, the new U.S. Ambassador to Nigeria, was confirmed by Congress.¹²⁶

V

THE PRESS UNDER THE INTERIM GOVERNMENT

Although this study is on the Nigerian military, it is necessary to cast a cursory look on press/government relations under the interim government of Ernest Shonekan, a Babangida creation that remained highly unpopular and was consumed in its pursuit of legitimacy.

Like Babangida, his predecessor, Shonekan professed his support for free speech and press freedom and released many of the journalists who had been detained under Babangida. "The interim national government has no interest in hounding the press or any group of citizens for that matter,"¹²⁷ he declared. He said his government understood and accepted "the constructive and enabling role a free press could play in our national aspiration for enduring democracy."¹²⁸

But, even as he courted the press, Shonekan defended the anti-press actions of the military before him. He told the delegation that the military proscribed some publications "to protect the larger interest of the federation from reckless sensationalism, licentious dissemination of falsehood and unrestrained abuse of public servants by the press to the neglect of constructive evaluation of policies."¹²⁹

To shed his image as a military stooge, he removed many of the appointees of the Babangida regime and deployed the very powerful director of military intelligence, Akilu, who had been implicated in the murder of Dele Giwa.

Stating that a fresh presidential election would be held in February 1994, Shonekan waged a short-lived war against official corruption. He appointed a new Central Bank governor who ordered the investigation of more than 20 commercial banks while his oil minister, Don Etiebet, began an anti-corruption crusade at the Nigerian National Petroleum Corporation.

In his Independence Day address on October 1, 1993 to commemorate Nigeria's 33rd anniversary, Shonekan promised that a commission of inquiry would be set up to investigate the circumstances leading to the annulment of the presidential election. He spoke of Nigeria's immense economic problems, "a history of one political crisis after another and of economic opportunities lost."¹³⁰

In a declaration that was music to journalists' ears, Shonekan said he would soon ask the National Assembly to repeal four decrees made under Babangida which impeded speech and threatened press freedom: the Detention of Persons Decree 2, Treasonable Offenses Decree 29, Offensive Publications (Proscription) Decree and the Newspaper (proscription and prohibition from circulation) Decree 48. He did not get to do that before he was forced out of office, on November 17, 1993, by his Minister of Defense, Gen. Sanni Abacha.

Three factors, all occurring in November, facilitated that ninth military coup in Nigeria. First was Shonekan's 700 percent increase in fuel prices, an action which undermined his already low popularity, sparked mass resentment and caused the 2.3 member-strong Nigerian Labor Congress to call out its members on strike.

Second, was the landmark decision of November 10 by the High Court in Lagos ruling the Shonekan government unlawful. The decision came as a result of a suit filed by Abiola urging the court to find that former president Babangida had no power to nominate a president for Nige-

ria. Abiola's argument rested on a simple technicality: Babangida stepped aside as President on August 26 while Decree 61, which established the interim government, came into being on August 27. No law in Nigeria, not even military decrees, empowered a former president to hand-pick his successor.

Third, there was the unease which the Shonekan government caused by its anti-corruption crusade among senior military officials who had profited from the corrupt Babangida regime. The enormity of the corruption was contained in a confidential 60-page report, *Final Report of the Budget Monitoring Committee*, commissioned by Shonekan while he was the head of the transition council. Submitted to Shonekan on August 24, the report says in the first half of 1993, oil sales worth "a total sum of \$1.537 billion was paid into various dedicated accounts" and that the monitoring committee was unable "to have access to detailed information on the operation of these accounts."¹³¹ It expresses concern about "non-payment of revenue of 1.1 billion naira expected from the sale of domestic crude oil lifted and refined by NNPC for local consumption," the high cost of warehousing procured weapons abroad and the accumulation of huge debts by the ministry of defense which Nigeria is not in a financial position to honor.¹³²

Quoting Western diplomats who had access to the report, *The Financial Times* said that army generals frustrated the committee's effort to make government spending more transparent and ensure an independent audit of the NNPC. It also said that the Nigerian army had purchased substantial weaponry, "much of it unnecessary or inappropriate while failing to maintain existing ones" and that "commissions" to middle men ranged from 20 to 40 per cent of the contracts.¹³³

Faced, therefore, with low popularity and a military which "feared exposure of the corruption that pervades the political system,"¹³⁴ the military take-over of the Shonekan government presented little surprise.

VI

HEGEMONIC ELEMENTS IN GENERAL SANNI ABACHA'S REGIME (1993 - ?)

As soon as Gen. Abacha took control of the government, he created a Provisional Ruling Council and declared himself the head of state. His subsequent actions suggested a hegemonic pattern in the mold of Babangida.

Abacha lifted the ban imposed on some newspapers under Babangida, but warned journalists to be careful what they report and write. At the same time, he dissolved all political institutions—the national assembly, the electoral commission and the political parties—and banned political activities. Then, he met with union leaders and succeeded in getting them to call off the strike after cutting the 700 per cent fuel price increase by half. To those who might be willing to test his government, Abacha said he would be “firm, humane and decisive.”¹³⁵

Then, in classic Babangida style, he embarked on a grand program of incorporatism. He met with Abiola¹³⁶ and appointed his running mate, Baba Gana Kingibe as Minister of External Affairs. He also picked one of the most vocal adversaries of military rule, Dr. Olu Onagoruwa, as his Minister of Justice and Attorney General and Alex Ibru, the publisher of *The Guardian*, which suffered under Buhari, as Minister of Internal Affairs. Then, picking from a pool of known competent as well as inept ex-convicts, Abacha swore in a 32-member cabinet on November 27. The cabinet included former World Bank economist, Kalu Idika Kalu (Minister of Finance); the former governor of Lagos and publisher of *Lagos News*, Lateef Jakande, who was detained under Babangida (Minister of Works and Housing);¹³⁷ Samuel Ogbemudia (Minister of Labor and Productivity);¹³⁸ Solomon Lar, (Minister of Police Affairs)¹³⁹ etc.

Counting on the assured silencing of the opposition through incorporatism, the Abacha regime may have bought itself some time. But his image as a weak¹⁴⁰ soldier abroad, the association of the military with corruption in Nigeria and a hostile largely unco-optable private press will be significant elements in monitoring press/government relations in the future under Abacha.

While he seems to have succeeded in carrying the west along,¹⁴¹ the first signs of opposition in Nigeria began to appear within two weeks of the Abacha take-over. Nobel prize winner, Wole Soyinka, called on the international community to completely isolate the “regime of infamy.” He said: “This is going to be the worst and most brutal regime that Nigeria ever had. This regime is prepared to kill, torture and make opponents disappear.”¹⁴²

The Nigerian press soon began echoing that sentiment. *Newswatch* said Abacha’s coup was a result of his “lust for power,” *The Guardian* newspaper, whose publisher became Abacha’s Minister of Internal Affairs, called it “unwar-

ranted” while *The Vanguard* warned that the Abacha regime would be economically devastating to Nigerians.¹⁴³ The official government reaction to the negative press reports has been one of tolerance. This will remain the pattern until the new regime fully legitimizes itself and consolidates political power. Thereafter, conforming to the hegemonic model, the Abacha regime can be expected to embark on its own anti-press actions, putting journalists in jail, impeding free speech and curtailing free expression.

VII

CONCLUSION

It is still too early to fully understand press/government relations under Abacha and to what extent those relations would impact on public policy. However, because he was party to most decisions made under Babangida, as a Cabinet member, (and these must include anti-press and anti-human rights acts), we can safely assume a similarity of approach, a hegemonic pattern of press/government relations, tolerating some free speech as he constructs legitimacy and turning against opposition once this has been accomplished.

An American-type free press is not attainable in Nigeria in the foreseeable future until the country adopts, sustains and perfects a solid democratic culture, an independent judiciary and a respectable apolitical military which is eager and willing to serve under an elected Commander-in-Chief.

On the domestic front, the vibrant Nigerian press can be trusted to continue to steer Nigeria towards these goals. Technological advances in communication, the growing popularity of desktop publishing, the determination of pro-democracy forces (lawyers, human rights monitors, etc.), the increasing interest of the world media in Nigeria will continue to draw attention to autocratic maneuvers and work against them.

The Nigerian military will continue to be sensitive to political dynamics in Washington, London and Paris, among other Western countries, as evidenced in the reported millions of dollars spent on lobbying efforts in these countries and the resonance in Abuja and Lagos of statements, actions and policies emanating from the west. Therefore, on the international front, editors of influential media organizations should “write editorial comments in support of journal-

ists who are still being persecuted and harassed."¹⁴⁴ Indeed, such reports, along with domestic dynamics in Nigeria (protests, strikes, press conferences by respected elder statesmen, etc.) are responsible for the "plateaus" that form an element of the theoretical framework I presented in section one of this paper. The experience in Nigeria is that press persecution by the military reduces (or "plateaus") the more

international attention focuses on the country's human rights abuses.

Furthermore, countries like the United States which trade substantially with Nigeria, should expand their "national interest" definition to incorporate democracy and respect for human rights and act decisively on the side of democracy at all times.¹⁴⁵

APPENDIX

Press Persecution Under Babangida 1990-1993¹⁴⁶

1990:

- The deputy editor of *Vanguard* arrested on April 24.
- The *Punch* newspaper closed April 29.
- *The Vanguard* and *Champion* newspapers closed June 9 after reports that suggested that an international market was closed by the military governor of Lagos, Rajio Rasaki, out of ethnic bias against Ibos.
- Three journalists of *Champion* were detained June 12.
- *Lagos News*, *Lagos Evening News*, *Sunday News* closed May 1 and editor and publisher, former governor of Lagos, Lateef Jakande, was detained because of a "negative and critical" editorial on the April 27, 1990 coup attempt.
- *Newbreed* closed June 8 for publishing a letter from one of the alleged coup plotters.

Source: *Africa Watch Reports*

- Six journalists were unlawfully arrested and detained.
- Three journalists were wrongfully suspended.
- Seven journalists faced punitive redeployment.
- Five journalists were forced to resign at the *African Concord* after they refused to apologize to government for stories carried.
- Four Press Centers were sealed up by government forces on four occasions.
- One journalist had acid thrown in his face by people suspected to be acting in behalf of a state governor.
- One journalist was ejected from her house illegally by police.
- Ten journalists were beaten by government forces.

Source: *Report by the Biennial Delegates Conference of the Nigeria Union of Journalists, May 1992*

1991:

- Editor and News Editor of *Lagos News* detained.
- Thirteen journalists of *Lagos News* were detained, including the publisher and former Governor of Lagos, Lateef Jakande, on March 14. Jakande became Minister of Works and Housing two years later.
- Four reporters of *Guardian Express* were detained May 29.
- The military governor of Lagos closed *The Guardian*, *The Guardian on Sunday*, *African Guardian*, *Guardian Express*, *Lagos Life* and *Guardian Financial Weekly* on May 29.
- *Financial Times* Correspondent, William Keeling, deported from Nigeria on June 29.

Sources: *AfricaWatch 1991 Reports* and Nigerian newspapers.

1992:

- Thirteen publications were closed at various times in 1992.
- 10,000 copies of *Quality* magazine seized.

1993:

- 16 media houses (*The Reporter*, *The News*, *Tell*, *Daily Sketch*, *Sunday Sketch*, *Newsday*, *The Observer*, Ogun State Broadcasting Corporation, and eight publications of The Concord Group) were closed down by government.
- 140,000 copies of *The News* and *Tell* were seized by government.
- The whole editorial board of *The News* was declared wanted by government.
- Eight journalists (four from *Tell*; two from *Newsday*; one from *Satellite* and one from *The News*) were detained.
- The wife of Dapo Olorunyomi, deputy editor in chief of *The News* and his three-month-old child were detained in lieu of the journalist on June 29. They were released after the child became ill.
- Decree 48 was issued on August 16 to proscribe *Concord* group of publications.

Source: *AfricaWatch 1993 Reports*; *The Punch (Lagos) May 20, 1993*

ENDNOTES

1. Cited in *World Press Review*, February 1992, page 13.
2. There seems to be no agreement on the actual population of Nigeria. While official Nigerian government figures put it at 88.5 million (May 1992), the Central Intelligence Agency's *The World Factbook* (July 1992, page 253) puts it at 126 million with an annual growth rate of 3 per cent; UNESCO estimates it as 109 million (*Statistical Yearbook 1992*) while Roger East (Ed) *World Fact File* (New York, 1990, page 386) puts it at 106 million. This study will use an approximate median of 100 million.
3. *Statistical Yearbook 1992* (UNESCO).
4. These figures were extracted from "This Is Nigeria," material prepared by the *Nigerian Information Service*, Consulate-General of Nigeria, New York, for the press during the October 1993 visit of the interim head of state, Chief Ernest Shonekan, to the United States.
5. In 1984, there were 14 daily newspapers; in 1985 through 1986, there were 19 and in 1988 through 1990, there were 31. In most other countries of Africa, including South Africa, no newspaper growth was registered. Indeed, there was a decrease in many instances. See *Statistical Yearbook 1983/84; 1987* (United Nations) and *Statistical Yearbook 1992* (UNESCO).
6. Adigun Agbaje, *The Nigerian Press, Hegemony and the Social Construction of Legitimacy* (New York: Edwin Mellen Press, 1992) pages 319-321.
7. Successful military coups were carried out in January 1966, July 1966, July 1975, December 1983, August 1985. Aborted coups were carried out in February 1976 and April 1991. The only democratic governments in Nigeria were in 1960-66 under Prime Minister Tafawa Balewa and 1979-83 under President Shehu Shagari.
8. Section 38(3); also section 36(3) in the 1979 Constitution.
9. See Gani Fawehinmi, *Nigerian Law of Libel and the Press* (London: Eastern Press, 1987).
10. LD/803/80 of July 30, 1982. For full text of judgement, see Fawehinmi, *ibid* pages C156-C166.
11. In *Senate v Tony Momoh* (1983) 4 *Nigerian Constitutional Law Reports* 269, the Court of Appeals held that the press cannot constitute itself into the fourth arm of government; that the publisher of a newspaper had no special immunity from the application of general laws and that in some cases, the press can be ordered to disclose its sources. See Fawehinmi, *ibid*, pages C101-C155.
12. *Oyewole and Ors v Nigerian Television Authority* (1980) 2 OYSHC 413. In judgement, the Court awarded 150 naira (at the time, about \$200) costs to the television authority against its reporters.
13. For instance, there are federal laws against "seditious publications" (*Criminal Code* Chapter 42, sections 50-52, *Laws of the Federation of Nigeria 1958*); against leakages of classified materials (*Official Secrets Act, No. 29 of 1962; Official Secrets (Amendment) Act No. 30 of 1962*); against publication of false news with intent to cause fear and alarm (*Section 59 of the Criminal Code cap 42, laws of the Federation 1958*); against publication of obscene matters (*Obscene Publication Act No. 51 of 1961*) and laws protecting children from "harmful" publications (*Children and Young Persons (Harmful Publications) Act No. 52 of 1961*).
14. According to Fred Siebert, Theodore Peterson and Wilbur Schramm, *Four Theories of the Press* (University of Illinois Press, 1956) most relationships fit the social-centralist, authoritarian, libertarian and social-libertarian models.
15. Hachten, William, *Muffled Drums* (Ames: Iowa State University Press, 1971) p. 272
16. Rugh, William, *The Arab Press: News Media and the Political Process in the Arab World* (Syracuse, NY: Syracuse University Press, 1987).
17. Merill, John, *Global Journalism: A Survey of the World's Media* (Longman, 1983) page 26.
18. *Ibid*, page 26
19. For more on this, see T. Barton Carter, Marc Franklin and Jay Wright, *The First Amendment and the Fifth Estate: Regulation of Electronic Mass Media* (New York: The Foundation Press, 1986)
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20. All military coups, but one, in Nigeria—seven successful and two aborted ones—were carried out on the radio. Typically, armed soldiers take over the Federal Radio Corporation station in Ikoyi, Lagos, (which transmits nationally), force an announcer to break transmission, slot in some martial music and, soon after, someone announces he is taking over the government. The latest military coup of November 17 1993 by Gen. Sanni Abacha, a prominent figure in the 1983 coup and defense minister, entailed forcing the interim head of state, Chief Ernest Shonekan, to resign. It should be stressed that in 1993, the military government in Nigeria granted licenses to 14 private television stations to operate. Radio remains government-controlled.
21. Oblivious to this regulation, as a fresh visitor from the United States, this writer was once arrested by armed soldiers, on Awolowo Road, Ikoyi, a good distance from the radio station, physically assaulted and accused of wanting to "overthrow government."
22. William Rugh, *The Arab Press*, speaks of *mobilizing*, a subset of the authoritarian system in which government mobilizes the media to concentrate on development issues; *loyalist*, in which the media is entirely loyal to the government and *diverse*, a system in which public and private press co-exist. This last categorization, under which Nigeria seems to fall, is entirely too generic and fails to convey the essential unique elements of Nigerian press/government relationship.
23. Cited in Frank Barton, *The Press of Africa: Persecution and Perseverance* (Macmillan, 1979).
24. For an analysis of the nexus between public needs and public good as well as the connection between the public and the public interest, see Frederick Schauer, "First Amendment Theory" in *California Law Review* Vol 74, No 3, May 1986.
25. Quoting donor agencies, Keeling said that the Babangida regime embarked on "extra-budgetary expenditure," spending up to \$500 million to intervene in Liberia, \$150 million to host the 1991 summit of the Organization of African Unity (OAU) (building facilities and buying Mercedes stretch limousines to transport heads of state), an amount "that exceeded the level of contributions made to OAU (in 1990) by member countries," awarding a contract for 150 Vickers military tanks and starting the construction of an aluminum plant at a cost 60-100 per cent higher than similar plants elsewhere in the world. See *The Financial Times*, June 27, 1991, page 10.
26. Cited in *World Press Review*, February 1992, page 13.
27. The contradictions of the Gramscian notion are well known. For instance, on one ground, he tends to argue that hegemony does not involve the use of force or coercion by the state, but on the other hand, he says the exercise of hegemony is characterized "by the combination of force and consent." See Antonio Gramsci, *Selections from the Prison Notebooks* edited and translated by Q. Hoare and G.N. Smith (London: Lawrence and Wishart, 1971), page 80. For other treatments of hegemony and its contradistinctions with concepts such as legitimacy, supremacy, class, counter-hegemony see Adigun Agbaje, *The Nigerian Press, Hegemony and the Social Construction of Legitimacy (1960-1983)* (The Edwin Mellen Press, 1992) pages 1-18 and Toyin Falola and Julius Ihonvbere, *The Rise and Fall of Nigeria's Second Republic, 1979-84* (London: Zed Books, 1985).
28. Gramsci, *Selections from the Prison Notebooks*, page 58.
29. According to former head of state, Gen. Olusegun Obasanjo, "settlement" has become Nigeriaspeak for the way the Ibrahim Babangida regime silenced dissent and cowered/controlled the press. See Olusegun Obasanjo, "Our Desperate Ways" in *Newswatch* magazine, Lagos, Nigeria, November 23, 1992.
30. There is no exact parallel to this provision in the Nigerian Constitution. While the First Amendment categorically states that Congress shall not make laws that impede free speech, Section 10(1) of the 1989 Nigerian Constitution states that "The National Assembly may, subject to the provisions of this section, alter any of the provisions of this Constitution."
31. It should be stressed that according to the Constitution of Nigeria all military coup d'etat are treasonable acts. Section 1(2) of the 1979 Constitution states: "The Federal Republic of Nigeria shall not be governed, nor shall any person or group of persons take control of the Government of Nigeria or any part thereof except in accordance with the provisions of this Constitution."
32. See "Angry Nigerians shed few tears over coup", in *The Christian Science Monitor*, January 10, 1984, page 7 and "Nigerian Merchants Welcome Coup", in *The New York Times*, January 8, 1984, page 3.
33. See *The Christian Science Monitor*, January 26, 1984, page 9.

34. *The Christian Science Monitor*, January 10, 1984, page 7.

35. Interview with *The News*, July 5, 1993.

36. Previous attempts to explain the typical hostility of the Nigerian military have placed mountains of blame on the colonial experience (See, for instance, Tamuno, T.N, *The Evolution of the Nigerian State: The Southern Phase, 1898-1914*, London: Longman, 1972) and "shamelessness" (See Nwankwo, Arthur, *The Military Option to Democracy*, Enugu: Fourth Dimension, 1987). Instant legitimacy and Buhari's own personal past grudge with the Nigerian press, offer better explanation for his hostility.

37. Decree No. 1 - Constitution (Suspension and Modification) Decree 1984.

38. For an analysis of the effects of Decree 1, see Niki Tobi, *Legal Impact of the Constitution (Suspension and Modification) Decree, 1984 on the Constitution of Nigeria, 1979* (Calabar, Nigeria: Centaur Press, 1985).

39. *The New York Times*, January 7, 1984, page 23.

40. Section 5(1) of Decree.

41. The Constitution of Nigeria does not provide for the suspension of any of its provisions unless by the National Assembly and in accordance with section 10 subsections 2 and 3. In particular, subsection 3 states that Chapter IV of the constitution, dealing with fundamental human rights, shall not be altered unless such a proposal is approved by the votes of not less than four-fifths majority of all members of the Senate and the House of Representatives and approved by resolution of the Houses of Assembly of not less than two-thirds of all States.

42. *The Washington Post*, January 21, 1984, page A18.

43. Cited in *The Christian Science Monitor*, January 16, 1984, page 7.

44. Interview with *The News*, (Lagos, Nigeria) July 5, 1993, page 17.

45. Ibid.

46. Ibid., page 18

47. Section 8(1). In 1984, 10,000 naira equalled about \$9,000.

48. Section 3(1).

49. Section 2(1).

50. Section 8(3).

51. Section 8(2).

52. Section 8(4).

53. Section 9.

54. Thompson, Tunde, *Fractured Jail Sentence* (Enugu, Nigeria: Fourth Dimension Publishers, 1988).

55. (1983) 4 *Nigerian Constitutional Law Reports* 269. For text of judgement, see Fawehinmi, pages C101-C155.

56. The foreign missions mentioned by *The Guardian* are: Athens, Ankara, Beirut, Brazzaville, Hong Kong, Liverpool, Hamburg, Bata, Rio de Janeiro, Doula and Buea. The prosecution witness said all but Buea were correct.

57. Quoted in Thompson, page 82.

58. Justice O. Ayinde, Judgement in *Federal Republic of Nigeria v Tunde Thompson, Nduka Irabor, Guardian Newspapers Ltd*, POPT/L/1/84 of 4th July 1984 C518.

59. *The New York Times*, April 29, 1984, page 5.

60. Ibid.

61. A 30-year old truck driver, Vincent Agulannah, was sentenced to death for storing about 5,000 gallons of gasoline; an American, Marie McBroom was detained without charge for nearly ten months and tried for conspiracy to export or illegally exporting about 1 million barrels of crude oil and 20,000 metric tons of fuel, charges that could bring her before a firing squad; hundreds of politicians were detained for months without charge; a Spanish sea captain, Jose Luis Pecina, was sentenced to death along with two Nigerians for illegally exporting 2 million barrels of gasoline (the sentences were later commuted to 25 years' imprisonment; more than 500 officials of former

- President Shehu Shagari were tried by military tribunals for economic offenses; former Governor of Plateau State, Solomon Lar, was sentenced to 22 years for misappropriating the equivalent of \$24 million. See *The New York Times*, June 26, 1984, page 5; *The New York Times*, Jan. 28, 1985, page 4; *The Los Angeles Times*, April 14, 1985, page 9; and *The Chicago Tribune*, March 21, 1985, page 5.
62. *The New York Times*, May 8, 1984, page 30
63. See *Annual Register: A Record of World Events 1984* (Detroit: Gale Research Corporation, 1984).
64. *The New York Times*, May 1, 1984, page 11.
65. See David Winder, "Nigeria Tries to Bounce Back to Influence in Midst of Chaos", in *The Christian Science Monitor*, February 29, 1984, page 16.
66. The 1984 *International Press Institute* annual report cited Nigeria as one country where "one of the most striking turnabouts in press freedom" happened where government "severely restricted what was once the freest press in black Africa."
67. Cited in *The New York Times*, May 1, 1984, page 11.
68. For more on intra-military and inter-military cleavages in Nigerian politics, see Arthur Nwankwo, *The Military Option to Democracy*, (Fourth Dimension Publisher: 1987) pages 146-176.
69. Maiden address to Nigerians on August 27, 1985.
70. *The New York Times*, September 4, 1985, page 10.
71. Ibid.
72. Adigun Agbaje, *The Nigerian Press, Hegemony and the Social Construction of Legitimacy* (Edwin Mellen Press: 1992) page 265.
73. Olusegun Obasanjo, "Our Desperate Ways," an address to the meeting of National Council of States attended by President Babangida, in *Newswatch*, November 23, 1992, pages 36-37. "Settlement" as stressed in footnote 27 is Nigeriaspeak for all compensatory attempts by government and any other privileged persons to influence the outcome of events in a manner that favors that government or person(s). It is similar to what is called "bribe" or "kickback" in some societies.
74. *The Newbreed* October, 1990 (Lagos, Nigeria) reported that at one such meeting in July 1990, government officials gave material inducements to media chiefs in exchange for press loyalty and kid-glove reportage.
75. Irabor once fired a Nigerian Television Authority editor who had the effrontery to demand a signed statement in place of a news item that Irabor was dictating over the phone. In a chat soon after the episode, Irabor told this writer that editors at the television had broadcast news given in that fashion in the past without question. Irabor was the one who distributed unsigned statements which state that the June 12 presidential election had been annulled and threatened the imposition of state of emergency in states where trouble erupted in the wake of that annulment. Until he was co-opted by government, Irabor was one of Nigeria's most respected journalists. As the editor of *Guardian Express*, (on which this writer did *Express Circuit by Yakoli El-Fanta*, weekly columns that were critical of the harsh government of Buhari) Irabor exhibited excellent journalistic qualities, protecting the identity of his writers, championing the cause of free speech.
76. The only president of the Nigerian Bar Association in the period under review who did not become Minister of Justice was Alao Aka-Basorun, an ardent critic of the administration's human rights abuse. He was also reported to have campaigned against the taking of monetary donations from government. His passport was seized on August 16, 1990. He later escaped from Nigeria to England. See *Africa Watch* Vol. 2, No. 30, September 20, 1990.
77. The government said that the recipients of these cars deserved the gestures. For more, see *The New York Times*, December 2, 1993.
78. See "Nigeria Enlists the Nettlesome Man in Short Pants," *The New York Times*, December 29, 1989, page 4.
79. Ibid.
80. *The New York Times*, August 11, 1988, page 6.
81. See "The Babangida Flaw," Stranded by Choice by Yinka Adeyemi in *Nigeria Homenews*, September 13-19, 1990 (London).
82. *Newswatch*, itself was shamelessly patronizing to Babangida in the first five months of his regime. Babangida was on the magazine's cover four times, the first three in the first three months. He was also the

subject of three favorable editorials in the magazine. Indeed, the editor's opinion columns "criticized anyone . . . who attempted to make life unpleasant for Babangida." See Dele Olojede and Onukaba Adinoyi-Ojo, page 162.

83. *Tell* was founded about 1991 by a splinter group of *Newswatch* journalists led by Nosa Igiebor. Having established itself as a serious alternative to *Newswatch*, some of whose directors had started to patronize the military (director Alex Akinyele became the Minister of Information; Deputy Editor-in-Chief Dan Agbese got appointed to the Board of the Nigerian Television Authority), *Tell* suffered tremendous blows in the hands of the military in 1993 for publishing stories uncomplimentary of the Babangida regime, beginning from a 15-page interview with former head of state, Gen. Olusegun Obasanjo, who described President Babangida as a fraud (See *Tell* April 19, 1993: Lagos, Nigeria). The following issue carried a cover "Go, IBB, Go," a call on Gen. Ibrahim B. Babangida, to follow through with his hand-over plan, while in May 1993, the magazine carried another cover, "Transition Against Handover," a story which highlighted 21 traps against the transition program. Security officials seized 70,000 copies of that edition. *Tell* later got a court injunction restraining government security forces from sealing off its offices. See "The Siege on *Tell*," *African Concord* (Lagos, Nigeria) May 17, 1993, page 3.

84. *The News* was founded in 1993 by a group of *African Concord* journalists who resigned in protest after publisher Moshood Abiola (who later ran for President and was believed to have won before his election was annulled by President Babangida, his self-admitted friend) ordered them to apologize to the military government over some stories carried in *African Concord* which had caused a government siege on the magazine.

85. *The Washington Post*, March 17, 1987, page A19.

86. For full text of letter, see Dele Olojede and Onukaba Adinoyi-Ojo, *Born to Run: The Story of Dele Giwa* (Spectrum: 1986), pages 191-192)

87. *Ibid.*, page 173.

88. *Ibid.*, page 177.

89. *Ibid.*, page 182.

90. *The Washington Post*, March 17, 1987, page A19.

91. Chief Gani Fawehinmi has filed at least 32 cases and made 315 court appearance on the Dele Giwa issue. See *West African News*, (New York) November 8, 1993, a story culled from *Tell* magazine (Lagos, Nigeria).

92. *Newswatch* did not, however, escape government recrimination. Less than one year after the murder of its founding editor, the magazine was proscribed by the Babangida regime for allegedly publishing "classified and confidential matters in its Volume 5, No. 15 issue of April 13, 1987." The decree that proscribed *Newswatch*, "Newswatch (Proscription and Prohibition from Circulation) Decree 6 of 1987," was signed by the President on April 6, 1987, but it purported to punish an infraction committed on April 13, 1987, indicating retroactivity. To give the action the force of the constitution, the preamble to the decree cites section 36(3) of the 1979 constitution, the section dealing with the legal grounds of press control. See footnote 8, page 4.

93. See "Echoes of Dele Giwa", *Newswatch*, (Lagos, Nigeria) April 26, 1993, page 33. While in the April 4, 1993 edition of *Newbreed*, it was alleged that some eminent Nigerians, including President Babangida, First Republic President, Nnamdi Azikiwe, former President Shehu Shagari, were members of a secret cult, *Newbreed* staffers believed that this had nothing to do with the real reason they were arrested. They believed that the real reason had to do with the magazine's possession of a taped confession of Dele Giwa's murderer.

94. Culled by *West African News* (New York), November 8, 1993, pages 10-11.

95. *Ibid.*

96. The official exchange rate of the naira in 1985 was one naira to \$1.08, but on the black market, four naira was being sold for \$1. In 1993, the official exchange rate fluctuates around \$1 to 20 naira, but the parallel (black) market is \$1 to up to 40 naira.

97. Editorials in *The Daily Star* said: "IMF Loan: A Tentacle of Capitalism" and *The Sunday Herald* asked "IMF: What For?". See *The Chicago Tribune*, October 10, 1985, page 26.

98. *The Chicago Tribune*, October 10, 1985, page 26.

99. *The New York Times*, October 8, 1985, page 8.

100. *The News*, (Lagos, Nigeria) June 28, 1993, page 23.

101. See, e.g. "Pro-military Ads Cloud Nigeria's Political Future," *The New York Times*, May 1, 1993.

102. Interview with *Deutsche Welle* (Voice of Germany), January 16, 1993. Quoted in *The Guardian*, (Lagos, Nigeria) January 18, 1993, page 1.

103. Quoted in *Tell*, July 5, 1993, page 13 (Lagos, Nigeria).

104. Interview with *Tell*, April 26, 1993 (Lagos, Nigeria).

105. Interview with *The News*, May 10, 1993 (Lagos, Nigeria).

106. Interview with *Tell*, May 24, 1993 (Lagos, Nigeria) page 31.

107. *Tell*, *ibid*.

108. Gen. Obasanjo at a dinner in his honor at the writer's residence on June 22, 1993, at which he addressed about twenty Nigerian community leaders.

109. Delivering judgement in a suspicious suit filed by Abimbola Davis, on behalf of ABN, Justice Bassey Ikpeme, fresh on the bench, ruled that the election should not hold, despite decree 13 of 1993 which puts the National Electoral Commission (NEC) beyond the reach of the Courts, and Decree 19 of 1987 (amended by decree 52 of 1992) which provides that NEC cannot be sued. In a shocking press conference on July 16, 1993, Davis, who was ABN's director of organization, confessed that ABN's plan was actually to derail the transition and have Babangida in power for four more years and that the attorney general, Brig.-Gen Halilu Akilu, head of the State Security Service implicated in Dele Giwa's mail bomb death, Judge Ikpeme and Babangida knew of the plan in advance. For full and unedited text of Davis' statement, see "Coups Against the Civilians: My Role, My Regrets", in *The African Guardian*, July 26, 1993 pages 22-23 (Lagos, Nigeria).

110. Obasanjo during reception at the writer's residence, *ibid*.

111. See "Man of History" cover story, *The News*, June 21, 1993, pages A1-A8.

112. Quoted in *The African Guardian*, June 28, 1993, page 23.

113. According to the returns published by the organization, which were not controverted by government or NEC, of a total of 14.3 million votes cast, the Social Democratic Party (SDP) and Abiola got 58.36 per cent and National Republican Convention (NRC) got 41.64 per cent.

114. Based on a Nexis/Lexis search: *The Christian Science Monitor* (June 25, July 9); *The New York Times* (July 1, 14, 15; Aug. 17); *The San Francisco Chronicle* (June 25); *The Boston Globe* (June 24, July 18, Aug. 29); *The St. Louis Post Dispatch* (July 9, Sept. 11); *The Houston Chronicle* (June 25); *The Washington Post* (July 2, 6, 21, 24; Aug. 28); *The Chicago Tribune* (June 29, Aug. 18); *The Cleveland Plain Dealer* (July 10); *The Sacramento Bee* (July 3); *The Atlanta Journal Constitution* (July 19); *The Hartford Courant* (July 10) and *The Orlando Sentinel* (Aug. 22, Sept. 4).

115. U.S. State Department, Office of the Spokesman, June 23, 1993.

116. *Ibid*.

117. *The Christian Science Monitor*, June 25, 1993, page 18.

118. *The San Francisco Chronicle*, June 24, 1993, page A22.

119. *The Atlanta Journal Constitution*, July 19, 1993, page 6.

120. Press Statement, U.S. Department of State, Office of the Spokesman, July 22, 1993.

121. The witnesses at the hearing, which this writer also attended, were: James Woods, Deputy Assistant Secretary of Defense for African Affairs; George Moose, Assistant Secretary of State for African Affairs; Andrew Young, former U.S. Ambassador to the United Nations; Dr. Richard Joseph of the Carter Center; Ms. Holly Burkhalter of Human Rights Watch and Gregory Copley, the witness-in-chief of Gen. Babangida.

122. See "Testimony of Asst. Secretary of State, George F. Moose" before the Subcommittee on Africa of the House Foreign Affairs Committee on Nigeria's Political Crisis. August 4, 1993, page 5.

123. It is important to stress that not all the testimonies reflected these recommendations. In particular, the principal witness for the Nigerian military government, Gregory Copley, Editor-in-Chief of *Defense & Foreign Affairs*, London, painted rosy, even fallacious,

pictures of Nigeria: he said Nigeria was the freest country in Africa; that its judiciary was one of the most independent; that Babangida was sincere; that the presidential election was corrupted by the supposed winner; that the election did not represent the will of the Nigerian people; that the Nigerian press was corrupt and that the press in Nigeria did not represent the majority because the largest circulating newspaper, *The Daily Times*, was read by only 60,000 in a country of 100 million. For full text, See Gregory Copley, *Testimony Before the Subcommittee on Africa*, August 4, 1993, pages 1-15.

124. In Nigeria, a decree was to be promulgated which made it a felony to refer to the June 12 election.

125. Chief Ernest Shonekan is a civilian and close ally of President Babangida, a successful businessman, chairman of Babangida's transition.

126. At a September 1993 reception in his honor in Boston, this writer asked Ambassador Carrington why the United States was making its ambassador present credentials to an illegitimate and un-elected government imposed by a military government that the U.S. pressured out of office. Carrington said he and the State Department were deeply worried by the possible implications of his posting to Nigeria.

127. Shonekan, while addressing a three-man delegation of the Nigerian Press Council which visited him on October 14, 1993. (See *News Agency of Nigeria* dispatch, Abuja, October 15, 1993). The "Nigerian Press Council" was established by Gen. Babangida's administration by decree in 1992. It replaced "The Nigerian Media Council," which was established by Decree 59 of 1988. The chairman of the 17-member Press Council shall be appointed by the President, Commander in Chief after due consideration of suggestions by the Nigerian Press Organization. (section 2 of decree). Also, the representatives of the Nigerian Union of Journalists, the Nigerian Guild of Editors and the Newspaper Publishers Association of Nigeria "shall be appointed by the minister (of information) after an election by or on the nomination of the union, association or other body concerned" (section 3). The other members are appointed by the minister. The Council's functions are, *inter alia*, to enquire into complaints about the press, research into contemporary press development, foster high professional standards, review developments likely to restrict the supply of information of public interest and ensure the protection of the rights and privileges of journalists in the lawful performance of their professional duties. The Council was unable to protect journalists under Babangida. See *Press Council, At Last* (Media Review, January 1993 (Lagos, Nigeria, pages 12-18).

128. Shonekan, to Nigerian Press Council delegation, *ibid*.

129. *Ibid*.

130. See *West African News* (New York), October 11, 1993, page 3.

131. *Financial Times* (London) November 22, 1993, page 14.

132. *Ibid*.

133. *Ibid*.

134. *Ibid*.

135. *News Agency of Nigeria* dispatch (datelined Lagos), November 19, 1993.

136. Abiola, who had been vehemently opposed to the interim government, kept a low profile since Abacha's coup. He met with Abacha on November 20, 1993 for 90 minutes. (See *The New York Times*, November 25, 1993, page A10.) On November 25, he criticized the return of the military, but, in a reversal of his stand on Babangida, he said "he was not calling on his supporters to rise up against it" (See *Reuters* dispatch, datelined Lagos, November 25, 1993.).

137. Known as "Action Governor," Jakande was widely acclaimed as one of Nigeria's most efficient governors during the second republic.

138. Samuel Ogbemudia was made the Military Governor of the former midwest state after the Nigerian federal troops took over Benin City during the civil war on September 20, 1967. By 1975, he had acquired a farming estate at Nsukwa, the Palm Royal Hotel, four houses, a piece of land (plot 855) on pricey and prestigious Victoria Island, Lagos; and farms in eight villages in the former midwest state (now Edo and Delta states). See Billy Dudley, *An Introduction to Nigerian Government and Politics* (Indiana University Press: 1982, page 318).

139. Under the Buhari regime, Solomon Lar, former governor of Plateau State was sentenced to 22 years in jail for misappropriating the equivalent of \$24 million.

140. See "Nigeria's rapacious generals," Editorial in *The Boston Globe*, November 23, 1993, page 14.

141. In a spineless statement, the only one in the first two weeks, the U.S. said "further measures" to frustrate democracy would result in confrontation with the international community and that a "demonstrated commitment to an early return to civil rule" would determine Western measures against the military. This seems to suggest that only additional measures, not the military coup *per se*, and Abacha's failure to show that he would not sit tight in power, could inspire the West to act. In a similar move, Britain and its European Union partners, after their meeting in Luxembourg, on November 22, to consider sanctions against the Abacha administration, decided not to cancel all arms trade contracts, because such may increase unemployment. (See *The Financial Times*, London, November 25, 1993)

142. See *The New York Times*, November 25, 1993, page A10.

143. All cited in *The New York Times*, *ibid.*

144. Attributed to Peter Galliner, Director of the International Press Institute. See "Stop Harassing Journalists," *Weekend Concord*, (Lagos, Nigeria) May 22, 1993, page 18.

145. It is suggested that the lukewarm U.S. reaction to the military in Nigeria is explained by the fact that Nigeria is the second largest supplier of oil to the United States and its sixth importer of wheat. Until Washington was able to convince former President Babangida to lift the ban on U.S. wheat imports, the U.S. lost about \$162 million annually. Oil and wheat were important elements of American national interest in Nigeria.

146. Statistics before 1990 were either scanty or unreliable.