Reciprocal Retaliation and Local Linkage: 
Federalism as an Instrument of Opposition Organizing in Nigeria

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ABSTRACT
How do local politics shape national political competition in Africa? This essay explores opposition party formation in Nigeria, where citizens recently voted out the People’s Democratic Party (PDP) after 16 years. But rather than analysing the 2015 election cross-sectionally or in terms of aggregate indicators of performance such as the level of violence or the rate of Gross Domestic Product growth, I focus on local politics. Drawing upon field research and election observation in Rivers, a key opposition state, I show how subnational governments, including one particular local government, leveraged legal authority and economic development to challenge the federal government. Nigeria’s federalism has historically served as a mechanism for resource distribution and ethno-political representation. It has been undermined by military rule, centralised oil revenues, and violent regional insurgencies. Despite constitutional barriers, judicial ambiguity, and retaliation from the PDP, I argue that federalism provided the opposition All Progressives Congress a partisan basis for interest coordination, and in Rivers specifically it gave local frustrations a national profile that helped undermine PDP at the polls.
NIGERIA IS TYPICALLY CONSIDERED A CASE OF TROUBLED FEDERALISM due to military rule, oil rents, colonial legacies, and recurring sectarian movements – many of them violent. However this portrait of failed fiscal federalism and frustrated representation has been changing since a 1999 transition to civilian rule. As opposition parties established regionalized centres of power, federalism facilitated coordination across states and as this article emphasises, challenges from the bottom up. I show how this suggests an explanation for Muhammadu Buhari’s 2015 electoral victory that differs from existing analyses emphasising cross-sectional trends.¹ I argue that rather than making governors weak and dependent on the centre, as standard expectations of fiscal federalism suggest, statutorily guaranteed grants to states increased governors’ power because they provided relatively stable income streams. As the ruling party attempted to destabilise these revenue streams, opposition states insured themselves against federal encroachment by pursuing regionalized economic development, and in several cases they even increased tax collection in the mid-2000s. Starting in 2013, the governors’ efforts culminated in the consolidation of several opposition parties and factions. The emergence of All Progressive Congress (APC) generated new incentives for cultivating a national reputation and provided a partisan basis for coordinating states’ rights. Drawing upon field research and a detailed examination of Rivers, one of the most important opposition states, I demonstrate how this alignment of institutional capacity and individual incentives insulated opposition politicians from the ruling party’s state and local level retaliation and improved its national electoral prospects. Rivers endured a federal shutdown of the State House of Assembly, judicial paralysis, and political violence. ‘They went for an all-out war against me’, said Governor Rotimi Amaechi.²

I first summarize research on subnational regimes. I also describe a research revival on decentralisation that promises to provide a missing link between local politics and political competition in Africa. I justify the focus on Nigeria by noting its lessons for Africa’s new oil exporters, the low opinion of its local governments, and variation in subnational government performance. I briefly introduce Nigeria and its federal system, before turning to a detailed study of Rivers State – a focal point for opposition in the 2015 elections and one of the most important oil producing states. Through an analysis at three institutional levels – federal, state and local – I describe a ‘reciprocal retaliation’ game in which the governor uses his constitutional powers over local governments to advance his party’s interests. At the same time, the centre uses bureaucratic and political means to retaliate against the state, creating alliances embedded in local governments as tools of subnational subversion. Linking local and state politics to national political shifts provides a microanalytic perspective on party competition leading up to the 2015 defeat of the People’s Democratic Party (PDP) at the national polls, and it more broadly advances a dialogue between emerging party research and comparative federalism.

Literature Review

Several recent literatures help shed light on the Rivers State rivalries and amplify its broader comparative importance. The large literature on democratisation has recently spun off research on subnational regimes, whereby states and provinces may be more – or less – democratic than the national government overall. This literature has paid little attention to African cases. There has also been a significant revival of interest on decentralization, much of it revising earlier optimism and starting to draw attention to party systems and other linkages between national institutions and local politics. Finally, a new line of research on African political parties is emerging. But by focusing on historical and macro-level questions, this promising literature

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2 Interview, Rotimi Amaechi, Governor, Rivers State, Port Harcourt, 16 April 2014.
often leaves unanswered the puzzles presented by political competition at different scales – state within national, village within state, etc. How embedded are the smaller units, and how bound are they to the aggregate portrait of politics and national political party formation?

Latin American scholars were among the first to study subnational deviation from national-level democratisation in the 1990s. Gibson incorporates some of these cases, claiming strategic and institutional interaction by local politicians is paramount, ‘regardless of endogenous socioeconomic or cultural characteristics that propitiate local hegemony’. In his framework, political systems are comprised of political regimes (i.e., democratic or authoritarian) and territorial regimes that govern the interaction among various units of the state and specifies their powers. Successful subnational dictators who maintain ‘boundary control’ are then challenged through either ‘party led transitions’, where the incumbent national party allies with their local affiliates to defeat the regional ruler, or a ‘centre-led intervention’, which can include judicial or legislative interference, that achieves transition by also transforming the local rules of the game. Gibson’s framework recognises the fluidity of subnational regimes, which animates his emphasis on political strategic interaction. Based on this political economy orientation, subnational authoritarianism requires both limited citizen autonomy and regional rulers who successfully concentrate economic control.

Other important research on subnational politics focuses on decentralisation, which is undergoing a scholarly revival and in some ways revisionism. Decentralisation is ‘one of the leading political reforms that developing countries have undertaken in the two decades since the end of the cold war’. One study called Africa the ‘surprise winner’ for decentralisation in 2014.

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claiming that new reforms in Burundi, Senegal, Ethiopia, and Liberia showed ‘strong commitment and implementation of decentralization’. Decentralisation research is shifting from favourite foci on service delivery, corruption or government capacity to party systems. Parties are a principal institutional link between the national and local levels, and they have played a central role in determining the depth of decentralisation reforms by shaping legislative-executive clashes over power and autonomy of subnational governments in cases such as Brazil and South Africa. Perhaps most importantly, many of Africa’s democracies are dominated by hegemonic parties that paradoxically adopt decentralisation because of the benefits it brings to supporters; competitiveness and coherence of the party system appears to impact the extent of decentralisation. The expansion of decentralisation in Africa in general, often accompanied by constitutional changes bolstering subnational power, suggests that more countries are moving towards federalism.

**Case Study and Research Design**

Nigeria is a critical case for advancing our understanding of subnational institutional development, and for exploring linkages among democratisation, federalism and party systems suggested by the literature. For starters, the 2015 defeat of Goodluck Jonathan and the PDP in the presidential, national legislative and nearly two thirds of the gubernatorial polls marked the first time since the 1999 transition to civilian rule that an incumbent political party was defeated at the polls. The PDP at the time was the largest political party in Africa, which had clung to power through disingenuous and sometimes brutal means, but more generally, party turnover is empirically associated with democratic consolidation. The study usefully sheds light on party

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consolidation has unfolded in Nigeria, not from the perspective of voters but through a detailed analysis of the incentives facing politicians and the tools at their disposal, including legal leverage for asserting localized preferences.

The case of Nigeria enlightens contemporary research on federalism for several reasons as well. First, it ranks at the bottom of 20 African countries in perceived responsiveness of local governments, and it experienced the steepest decline in satisfaction with democracy on the continent, plummeting from 84% satisfaction in 2000 to 29% in 2014. Second, new oil exploration in Africa means that national budgets are grappling with influxes of new natural resource revenue streams and trying to avoid corruption associated with the ‘oil curse’ in Nigeria. Countries such as Ghana, Liberia, Sierra Leone, Kenya and Uganda are adopting fiscal formulas for transferring oil revenue from the centre to subnational governments. Unlike the previous generations of hydrocarbon producers such as Angola, the Democratic Republic of the Congo, and Nigeria, these new African oil exporters brought oil online following democratisation and amidst a significant shift towards international norms of transparency.

Third, federalism in Africa often serves as a conflict resolution tool. In Nigeria such tools include state creation, regional autonomy, and fiscal management. The post-independence years (1960-1966) of violent elections, a contentious national census, a national strike, and ethnic pogroms had pushed the nation toward civil war as Igbos in the east threatened secession. General Yakubu Gowon staged a counter-coup, and quickly created eight new states in 1967: ‘I wanted to remove the fear of domination, to break the regions so that they are not as big and

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10 Compiled from six rounds of survey data at Afrobarometer.org.
strong as to wish to stand on their own’. Serious, violent, regionalised frustrations continue to plague Nigeria. A dozen northern state legislatures in 1999-2000 departed from a constitutional compromise extending back to the colonial era by passing legislation applying Islamic law to criminal, rather than merely civil code, prompting riots in religiously mixed states. More recently, a violent Islamic insurgency commonly known as Boko Haram (meaning ‘western education is sinful’ in Hausa) has waged a violent campaign for harsh, conservative religious rule since at 2009. Though it has demonstrated some geographical reach, 27,250 out of the 40,900 Boko Haram-related killings documented since 2011 have taken place in just 3 of 36 states.\footnote{Interview, Yakubu Gowon, Former Head of State and retired general, Abuja, 16 March 2010.}

Fiscal federalism addressed – and sometimes fuelled – frustrations in the Niger Delta. Nigeria has an elaborate revenue sharing formula, which is meant to provide a technocratic, apolitical solution to the reallocation of resources. But in this oil producing region in particular, it instead amplified struggles over representation since new units are entitled to money. The rise in corruption and the creation of new Local Government Areas (LGAs) during a series of military regimes (1966-1979 and 1983-1999) ostensibly enhanced ethnic representation, but also reaffirmed subnational units as devices for reallocation of oil revenues. No democratic regime has created new states or LGAs since 1963 despite perpetual demands for new ones.\footnote{Council on Foreign Relations. 2015. \textit{Nigeria Security Tracker}. New York. \url{http://www.cfr.org/nigeria/nigeria-security-tracker/p29483} <10 August 2015>.} For Niger Delta rebel movements, discussed in greater detail below, their primary goal was (or is) arguably ‘resource control’. Among other things, this refers to an increase in ‘derivation formula’ that would return a larger share of federal revenue to the state where it originates. Currently at 13%, some rebel groups called for 50%, or at least 25%. Nigeria’s fiscal federalism and these demands

for subnational unit creation mean that representation is inextricably linked to revenue from the centre; in fact states are entitled to representation in the federal cabinet – a constraint that significantly delayed President Buhari’s appointment of his cabinet in 2015. Moreover, because the revenue is an *entitlement*, limits on discretionary authority to deny revenue allocations suggest that *revenue* dependence may not necessarily promote *political* dependence – the prevailing assumption in fiscal federalism research.\(^{15}\)

Fourth, despite this oil largesse that the states are entitled to receive from the federal government, there has been notable variation across states in terms of internally generated revenue (IGR) and economic performance. In Lagos, 76.9% of the 2013 state budget came from taxes and internal revenue – more than 13 other states in the federation combined.\(^{16}\) The PDP has never controlled either the Assembly or the governorship, and the vice president elected in 2015 was in fact a former state attorney general there. IGR provided Governor Bola Tinubu (1999-2007) and his successor Babatunde Fashola (2007-2015) some political latitude against PDP hegemony, enabling them to oppose the federal government on wage increases, states’ rights to offshore oil revenues, and a range of issues. Other states took steps to grow the private sector with the goal of increasing economic autonomy. Edo State signed agreements with foreign investors pledging $500 million USD to refine ethanol and boost various agricultural outputs – with the goal of not just creating jobs but of decreasing dependence on federal revenue allocations.\(^{17}\) In short, beyond oil, several of Nigeria’s 36 states have provided a ‘performance legitimation’ rationale for opposition governors, who pointed to improved social indicators and


economic growth leading up to the 2015 elections. GDP growth per capita in five opposition states is illustrated in Table 1.

[Insert Table 1 Here]

This variation across states is also important to the broader field of federalism because it could offer the basis for a ‘Tiebout effect’, whereby citizens migrate from under-performing states to stronger economies.\(^1\)\(^8\) Theoretically, as states compete with each other, good governance is the broader, aggregate result. But in Nigeria, as in most of Africa, migration is very often involuntary. For example, between 2010 and 2014, at least 300,000 people were displaced by violence concentrated largely in three north-eastern states (Borno, Adamawa and Yobe) according to Nigeria’s National Emergency Management Agency.

From a research design point of view, focusing on one country – especially one data rich with 36 states and 774 local governments constant over two decades – addresses a potential problem: much comparative research on subnational units suffers from ecological problems due to different units of analysis. The research on subnational democratisation and subnational authoritarianism exposes a similar problem: states, provinces, and counties often vary significantly in their level of democracy due to the kind territorially-based enclaves identified by Gibson (2012). The following analysis of a single complex case therefore strives for a rich multi-layered analysis of different units that takes politics embedded within politics as the central story, rather than sidestepping a methodological problem of inference.

In the next section I analyse linkages among electoral politics, fiscal federalism, and the party system in Rivers State, one of the most important oil-producing states and the locus of

troubled elections in 2015. Drawing upon field research conducted in 2014 and 2015, I explain how its opposition governor and the federal government engaged in a game of ‘reciprocal retaliation’ across three tiers of government. Both sides operated in dubious legal terrain, with the courts unable to decisively resolve disputes over party leadership, government finances, and local authority. The struggle has important implications for the broader state of democracy in Nigeria. Not only may the PDP, which won the governorship in 2015, adopt some of the tactics as its predecessor, state politics illustrate Rivers’ outsized impact on electoral competitiveness: federalism has emerged as a tool for opposition party coordination and highly local politics serves as an organising metaphor for the national government’s encroachment.

The Rivers State Rebellions

The sheer size of Nigeria’s federal system – 160 million people in 36 states whose governors manage billions of dollars each year – might suggest that larger federal frames of politics would eclipse local squabbles. Yet in 2013, local government in Rivers State took on a disproportionately important role in national politics. Governor Chibuike Rotimi Amaechi abandoned the PDP along with six other state executives, 57 members of the 360-seat federal House of Representatives, and 22 out of 109 Senators. They joined All Progressives Congress (APC), a merger of the four biggest opposition parties (Action Congress of Nigeria, Congress for Progressive Change, All Nigeria Peoples Party, and All Progressives Grand Alliance) and a disgruntled faction of PDP. For the ruling party the decampments brought campaign problems as well as a practical question concerning whether it still controlled majorities in the National Assembly. The PDP therefore needed to make credible threats and deter defections. Its national

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19 The other governors were Alhaji Murtala Nyako (Adamawa), Dr. Mu'azu Babangida Aliyu (Niger), Alhaji Abdulfatah Ahmed (Kwara) and Dr. Rabiu Kwankwaso (Kano), Alhaji Sule Lamido (Jigawa) and Alhaji Aliyu Wamakko (Sokoto).

20 Chuks Okocha, ‘57 House Members Cross Over to New PDP’, *This Day*, 4 September 2013.
leaders suspended errant members and went to the courts to claim that after an election, an office is held by the party not by the individual candidate. To deliver on its threats, it used discretionary bureaucratic authorities to deviate from federal revenue allocation formulae, undermined political neutrality of the federally-controlled police in opposition states, manipulated the courts, and revised geographical boundaries of lucrative oil wells. The nascent opposition APC faced a very different set of challenges since it needed to make credible promises and reduce uncertainty about its new identity by appealing both to voters and potential PDP defectors. Rivers State leveraged states’ rights as an opposition organizing tool to coordinate gubernatorial interests.

A series of confrontations in Rivers State illustrates how the two parties pursued these contrasting goals of party discipline and party recruitment across three tiers of Nigeria’s federal system – federal, state, and local government areas (LGAs) – and how a single LGA acquired broader political struggles by acquiring symbolic significance for partisan organizing. The analysis that follows explains the overall importance of Rivers State among Nigeria’s 36 states, summarizes the origins of differences within the state PDP, and describes the tools each side deployed in a game of ‘reciprocal retaliation’. As overlapping cases wound their way through the judicature, they pit constitutional guarantees of freedom of association against other provisions pertaining to party formation, including obscure laws governing what constitutes a faction. As a case study, Nigeria provides a narrative of opposition organizing in the context of a dominant party system. Most importantly, it offers a narrative from the ground up that institutionally links discrete, local concerns with larger repertoires of politics.

When General Gowon created new states in 1967, he emphasises that the Niger Delta in the oil-producing south presented an especially sticky problem because there were so many minorities who were determined to avoid domination by larger ethnic groups. Rivers State, were
a few thousand barrels of oil per day began flowing in the 1950s, was central to his solution. By the early 1970s, the first oil boom generated huge revenues, increasing minority demands for subnational control over the Niger Delta’s resources. Environmental degradation and political disenfranchisement continued into the 1990s, when Sani Abacha’s brutal military regime hanged a famous minority activist, Ken Saro-Wiwa. The government calibrated itself to minority resentment by creating more states in 1996, carving Bayelsa State out of Rivers. By 1999, civil society concerns about military human rights violations, even after the end of military rule, aligned with more radical youth calls for resistance. Open armed rebellion broke out in 2004, and by 2006, militant groups such as the Movement for the Emancipation of the Niger Delta (MEND) were taking foreign oil workers hostage on a new scale.

The year 2006 also heralded Nigeria’s greatest post-transition crisis, when President Olusegun Obasanjo attempted to modify the constitution to stay in office for a third term. The stealth effort sowed seeds of discord that APC defectors would later reap. Rivers’ Governor, Peter Odili, who had been a close ally of Obasanjo and a rising star in the PDP, allegedly poured money into an anti-third term campaign. Rotimi Amaechi, the Rivers State governor who was then Speaker of the State House of Assembly, declined to testify in PDP proceedings against his ally Odili. In 2007 when Odili sought the vice presidential slot, his candidacy was railroaded and never appeared from the PDP primary’s ballot. A senior politician in the Rivers’ PDP describes this as retaliation for opposing the president’s third term, and is probably how Amaechi emerged as governor.\(^2\) By that time, local governments had seen a quadrupling of their budgets since 1999, and Rivers alone had an annual budget of $1.3 billion in a state with a population of barely 5.1 million.\(^3\) Other states had done well too, since they receive 26.7% of revenues that accrue to

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\(^2\) Telephone interviews, Tonye Princewell, candidate for governor of Rivers State, 13-14 April 2014.
the centre from oil and is then subject to a horizontal distribution formula including size, population, socio-economic needs and other variables.

When Amaechi won a second term in 2011, MEND and other Niger Delta militants had mostly disarmed through an amnesty program, a de-escalation generally reflected in Figure 1. Soon thereafter, Amaechi decided to run for chair of the Nigeria Governors’ Forum (NGF), an important voice for all 36 governors that advances a states’ rights agenda. The governors met regularly through the NGF, as well as regional fora such as the Northern Governor’s Forum, at times forming alliances reflecting regional interests. According to the APC spokesperson for Rivers, though, ‘the president felt that Amaechi was not his candidate, and could not be the chairman of the Governor’s Forum,’ leading to a leadership fight.\textsuperscript{23} Amaechi angered Jonathan specifically by siding firmly with NGF governors who objected to the federal government’s creation of a sovereign wealth fund because it planned to deduct money from states’ monthly allocation.\textsuperscript{24} When the president’s preferred candidate, Plateau State Governor Jonathan Jang lost the vote 16-19, Jonathan for a period attempted to recognize Jang as chair. From Governor Amaechi’s perspective, the PDP leadership dug in deeper against him after this embarrassing loss.

[Insert Figure 1 here]

Significant changes in fiscal federalism deepened the rift between Jonathan and Amaechi, and further upset NGF. As the Niger Delta rebellions escalated, the private sector adapted with

\textsuperscript{23} Interview, Chukwumeka Eze. Communications Director, Rivers State APC, Port Harcourt, 15 April 2014.
\textsuperscript{24} Interview, name withheld 2014, journalist, Abuja, 13 April 2014.
new deep-water drilling technologies in an attempt to insulate offshore platforms from rebel attacks. But the shift offshore also generated a legal ‘onshore/offshore dichotomy’, depriving littoral states of additional 13% through the derivation formula. Governors in oil producing states had previously attempted to sue the federal government to extend their rights to offshore oil, since it would increase their federal grant entitlements.\(^{25}\) Now the federal Boundary Commission declared that certain offshore oil fields no longer belonged to Rivers and instead fell within the boundaries of Bayelsa – the president’s home state and already an historical sore spot for Rivers since Bayelsa used to be part of it. ‘Federal government wakes up one morning and says this [oil] well, which belongs to Rivers State, has been allocated to Bayelsa State’, the Rivers State Assembly’s deputy speaker, Leyi Kwanee sarcastically commented. ‘We wake up the other morning this tree has been ceded to Imo State’.\(^{26}\) For Governor Amaechi, the federal bureaucracy now seemed to wage a war of fiscal attrition, ‘President Jonathan introduced a very dangerous system, where if you oppose the president, then they take your oil wells’.\(^{27}\) The decision worried other major oil producing states that they too could be subject to bureaucratic whim.

Fuelling the national-level PDP’s anger with him were rumours that Amaechi nursed higher ambitions when he was term limited out in 2015. ‘Amaechi wants to be VP [vice president]’, according to a journalist in Port Harcourt, the River’s capital; he wasn’t seeking the presidency since he understands the opposition would pick a northern candidate.\(^{28}\) Others are more sceptical. ‘Amaechi said many times that he has no presidential ambitions’, according to a journalist, suggesting further that posters for an Amaechi presidential campaign were printed by state assembly members who sought his impeachment.\(^{29}\) Another said, ‘I do not think he has


\(^{26}\) Interview, Leyii Kwanee, Deputy Speaker, Rivers State House of Assembly, Port Harcourt, 15 April 2014.

\(^{27}\) Interview, Rotimi Amaechi.

\(^{28}\) Interview, Bisi Oyeniyi, Rivers State Bureau Chief, *The Nation* Newspaper, 16 April 2014.
openly come out to talk about his ambition’, though the governor has said that he is through with politics.\textsuperscript{30}

In sum, the NGF was broadly concerned about oil revenue being diverted from the revenue allocation system into sovereign wealth funds, while Amaechi as the new NGF chair opposed the loss of Rivers’ oil fields through bureaucratic acrobatics. The president sought to increase his administration’s discretionary control over revenue allocations, enrich his home state, and undermine a potential rival within the PDP for the 2015 presidential nomination. As the drama played out across states and between Rivers State and the presidency, two new rifts opened up: one in the PDP’s leadership and another over a single LGA in Rivers: Obio/Akpor.

\textit{Bringing Home the Battle for the PDP}

In April 2013 a high court judge in the federal capital, Abuja, removed Godspower Ake, a close ally of Governor Amaechi as head of the Rivers State PDP. President Jonathan’s loyalists immediately replaced him with Felix Obuah. The judge effectively claimed jurisdiction to interfere in the party leadership of a state hundreds of miles away from Abuja, an assertion that reversed the courts’ previous reluctance to interfere in the internal affairs of parties. Amaechi insists that only a Federal High Court Judge might have such jurisdiction, calling Justice Isaq Bello’s decision ‘judicial impunity’.\textsuperscript{31}

The state police commissioner declared that he would only recognize Obuah as the state’s PDP chair. Since all police are under federal government control, his comments were the first of several signs of partisan bias. This was reinforced when Obuah set up the Grassroot Development Initiative (GDI) as a parallel PDP structure; according to journalists, the police would protect their rallies but disrupt gatherings by the Save Rivers Movement, Amaechi’s own

\textsuperscript{29} Interview, name withheld.
\textsuperscript{30} Interview, Opaka Dokubu, Rivers State Chair, National Union of Journalists, Port Harcourt, 14 April 2014.
\textsuperscript{31} Interview, Rotimi Amaechi.
grassroots wing.32 ‘From this point on’, wrote one newspaper’s analysis of subsequent events, ‘Governor Amaechi and his political allies and followers became strangers in a party that had provided them with a platform for a long time’.33 Amaechi won another term as chair of the NGF in May; three days later the PDP’s national leadership suspended him from the party.

To retaliate, Amaechi turned to his allies in the State Assembly. After all, said a PDP politician, ‘you can’t serve in the assembly unless you are picked by the governor’.34 Backing Amaechi, the Assembly moved against President Jonathan’s base of support in Obio/Akpor, a local government area home to Nyesom Wike, the second in command in the Federal Ministry of Education and a contender to succeed Amaechi. The Assembly alleged financial recklessness by the local government chair and suspended the entire council, appointing a caretaker committee the next day. Wike was furious, not only because he had served as the local government chair from 1998 to 2007, but he had run Amaechi’s previous re-election campaign (an appointment in return for not running for senate).35 ‘I have never seen in a democratic state, where the local government is suspended, the vice chairman is suspended, all of the legislators are also suspended’, complained Wike’s chosen successor as council chair, Prince Timothy Nsirim.36

The state police commissioner for a second time displayed a political bias when in a dramatic confrontation the police refused to let the caretaker committee enter the LGA offices. The Niger Delta Civil Society Coalition called the police blockade ‘a barbarous setback for democratic ideals’ and an appeal to ‘gangsterism’.37 In May a federal high court in Port Harcourt ordered the police away. From there events are murky but they backed off and immediately

34 Interview, Toyne Princewell.
36 Interview, Prince Timothy Nsirim, Local Government Chair, Obio/Akpor, 14 April 2014.
returned, apparently due to an explosion. This was ‘disobedient of the court order’, said the
director of Port Harcourt-based Institute for Human Rights and Humanitarian Law (IHRHL),
claiming ‘the police used that explosion as an excuse, as a threat’. Figure 2 illustrates
escalations of violence in Obio/Akpor coinciding with Amaechi’s election in 2007 and re-
election in 2011.

It was some further violence – this time on the floor of the State House of Assembly –
that led the police to intervene for a third time in party politics. Obuah, still recognized by the
police and the president’s partisans as the head of the state PDP, suspended the 27 Amaechi
loyalists in the state Assembly unless they agreed to lift the suspension on Obio/Akpor’s local
government council. In June, the president’s wife, who is from Rivers State, proclaimed her
support for Wike and Obuah. The next month, the five remaining members of the state Assembly
attempted to impeach the Speaker of the State House, replacing him with Evans Bipi, who called
First Lady Patience Jonathan ‘Jesus Christ on Earth’. Suspecting a plot against the governor,
Amaechi’s allies mobilised at State House, and for the fourth time, police demonstrated a
partisan streak when they shut down the building. When the National Assembly in Abuja voted
to take over the powers of the Rivers State Assembly, which is in its constitutional powers, those
seeking to impeach Amaechi went to court to re-open the Assembly. They won but the police
didn’t back off – they instead tried to allow the five insurgents in so they could convene the
Assembly without Amaechi’s allies, leading to a physical struggle over the parliamentary mace.
‘We cannot access the complex because the federal government has assigned the police to take
over the place’, complained the Deputy Speaker. As a statement from leading intellectuals

38 Interview, Anyakwee Nsirimovu, Executive Director, Institute for Human Rights and Humanitarian Law, Port
Harcourt, 15 April 2014.
40 Interview, Leyi Kwanee.
declared, ‘The House of Assembly’s sanctity has been desecrated. The defilement of the constitutional order in Rivers State portends ominous danger for the rest of the country. And if this is a prelude to 2015 elections, Nigeria is beginning to degenerate into anarchy’. The Obio/Akpor struggle rippled outwards and upwards, and the PDP fought back.

*The Courts as Mediators of Federalism*

The courts entered the dispute among federal, state and local politicians in several ways that emphasise the judicature’s importance in mediating federalism, shifting legal interpretations of its jurisdictional boundaries, and signs of partisan contamination. In August 2013, Governor Amaechi appointed Justice Peter Agumagu as the acting chief judge of the state. The PDP opposed his appointment and argued that he was not on the National Judicial Council (NJC) approved list of potential appointees. The NJC supposedly wrote to judges in the state judiciary to not recognize Agumagu as acting chief judge. As the dispute played out, law by itself provided an inadequate basis by itself for determining who actually held legitimate authority. In September the federal police intervened for a fifth time for the PDP, now on behalf of the party’s preferred judge, forcing their way into the state judicial complex in order to let her sit; the state government called the incident an ‘illegality supervised by the Commissioner of Police’.

[Insert Figure 2 here]

Similar ambiguities plagued the struggle over the Obio/Akbor local government chairmanship and in the state assembly. Nsirim and the PDP took the governor to the Rivers State High Court, winning a judgment in November 2013 declaring the caretaker committee

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42 Bolaji Ogundele, ‘Rivers of Crises.’
‘unconstitutional, wrongful, null and void’, along with the State Assembly’s motion. It further ordered an injunction against anyone attempting to interfere.44 Nsirim remained in the local government offices, but Governor Amaechi and the Assembly refused to recognize his authority. ‘Each state law determines what a governor can do’, says Amaechi, arguing that Obio/Akpor was merely a suspension. ‘In Rivers, the State gives you authority to remove, suspend, or dissolve a council’.45 The Deputy Speaker of the state Assembly agrees.46 Again, the court cases present a morass but the federal court’s earlier decision would typically surpass a state court order. IHRHL agrees the law clearly says local government councils are answerable to the state Assembly but says that appointing a caretaker council ‘at the speed of light’ seemed to deny the chair due process, and removal en mass was dubious, especially when the chair’s removal did not trigger the law’s chain of succession for his replacement.47

A few weeks after Nsirim’s case, the courts weighed in on the stalemate at the state House of Assembly. A Rivers State High Court ruled that Evans Bipi (the First Lady’s ally) had no authority to assume the Assembly’s speakership.48 But the 27 members loyal to Governor Amaechi remained physically barred from the State House, and continued to meet in an old office building nearby. So while the Assembly was subject to all kinds of encroachments on its autonomy – from the police, the national party leadership, from ‘godfathers’ (discussed below), and from the governor for that matter – the judicature kept its distance. This is consistent with a string of court decisions dating back to Nigeria’s Second Republic (1979-1983), when the governor of Kaduna State asked the courts to stop impeachment proceedings against him. The

45 Interview, Rotimi Amaechi.
46 Interview, Leyi Kwwanee
47 Interview, Anyakwee Nsirimovu.
courts declined, citing Section 170 of the 1979 Constitution prohibiting the courts from interfering in the Houses of Assembly. The 1999 constitution (Section 188) contains the same ‘ouster clause’ language that courts have interpreted similarly, for example declining to interfere in impeachment of the deputy governor of Abia State. In other cases since 1999 though, the absolute bar on the courts’ involvement was lifted ever so slightly on procedural grounds: an attempt by members of the Oyo State House of Assembly to impeach the governor in 2005 was overturned (ultimately by the Supreme Court) because the proceedings took place in a hotel, and an attempt by the Plateau State Assembly to impeach the governor in 2006 was overturned because they failed to get 2/3 of the votes necessary. In 2014, the governor of Nasarawa State was impeached by 20 PDP votes against 4 APC votes in the state Assembly. As in Rivers, minority members there tried to seize the parliamentary mace in order to convene the Assembly and delay proceedings. Due to procedural irregularities and weak evidence, the impeachment ultimately failed.

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In August 2013, PDP expelled 18 Rivers State politicians in an act of escalation. Suspensions and expulsions have not been unusual as far as the 1960s, but local frustrations in Rivers were only a piece of a larger national sentiment. As noted at the outset above, governors, members of the House of Representatives, and senators decamped from the PDP in a coordinated effort later that month. ‘People get into positions by being sponsored by a political bigwig, and at the end of the day they are answerable to that godfather’, explains Rivers State Deputy Speaker. Journalists agree, saying ‘godfatherism plays a major role…no matter how good you are you


51 Interview, Leyi Kwanee.
need somebody in the party to speak for you’. In states such as Abia and Edo, governors therefore pushed back against local godfathers who attempted to keep them under control.

In Rivers, Wike had emerged as a godfather in Obio-Akpor, and his appointment to the federal cabinet along with his close ties to the First Lady positioned him for broader influence. Even his adversaries agreed: ‘When you are elected, you are sponsored by a godfather’, said the state assembly’s deputy speaker. The problem is widely acknowledged, even among PDP loyalists. The National Assembly’s Austin Opara, who previously served as Deputy Speaker of the House of Representatives, criticized godfathers, especially when it is the governors who seek to play that role: ‘Most governors see themselves as owners of the party at the state level. That is not right – the party belongs to the people’.

But if courts have generally upheld the autonomy of assemblies in order to adhere to a principle of separation of powers, they’ve been more ambiguous when interpreting how constitutional guarantees of freedom of association measure up against parties’ ability to limit individual politicians’ affiliation. Thus in addition to the informal influence of godfathers shaping how politicians get elected, formal rules—partly upheld by the courts—generate a dependence once politicians arrive in office. Therefore before the defecting politicians in August 2013 announced they had actually switched parties, they sought to comply with obscure constitutional provisions (Section 68(g)) requiring the formation of a faction (or a merger following a party ‘division’) before joining another party. By creating a legal deterrent to defection, the provisions in the 1999 constitution are meant to promote party discipline, but they also facilitated PDP dominance in 2003, 2007 and 2011 elections. Decamping members therefore declared themselves ‘New PDP’. The members in the House and Senate wrote to the National

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52 Interview, Opaka Dokubu.
53 Interview, Chukwudi Akasike.
54 Telephone interview, Austin Opara, Honourable Member, National Assembly, 18 April 2014.
Assembly leadership in December 2013, ‘we have merged with the APC according to section 68 of the 1999 Constitution’, and then sued the leadership to not declare their seats vacant, since they constitute a faction. To show the ‘old’ PDP it was serious, APC members in the National Assembly threatened to vote against federal budget. In April 2014, New PDP lost its case before a Federal High Court in Abuja that ruled there is no faction in PDP, arguing that they owe their election to the party rather than voters.55

An Opposition Emerges as Incumbents Escalate

The APC survived the legal battles, generating stability and coherence among the opposition. By offering a viable alternative to the PDP, it has lowered the risks of defection for disgruntled PDP members frustrated by the party’s efforts to control candidate selection through national leadership or godfathers. ‘With the emergence of the APC there is an alternative and PDP is beginning to wake up to that’ says Rivers’ deputy speaker.56 ‘I was a strong and important member of PDP’ says Governor Amaechi, but suspensions drove him and others out of the party.57 The PDP then appears to have escalated with the ultimate weapon: fiscal federalism. Amaechi and other APC politicians claim that the statutory allocations from the centre are being withheld, and Rivers State has therefore had to borrow money. The PDP’s Opara says that Rivers States’ funds have been suspended until the oil boundary disputes with neighbouring states now winding their way through the courts have been resolved. Regardless, it indicates that federal revenue entitlements are not absolute and raises doubts about objective application, especially

56 Interview, Leyi Kwanee.
57 Interview, Rotimi Amaechi.
since the state in question is opposition controlled. ‘Where there is crisis, the revenues are kept in escrow account’, says Opara.\textsuperscript{58}

Such was the state of affairs when APC went into its first primaries, swiftly deciding on Muhammadu Buhari, a former military dictator who ran for president in 2003, 2007, and again in 2011. The PDP endorsed Jonathan for president but its primaries for state offices in Rivers were plagued by familiar problems of federal meddling and party divisions resembling those that led the New PDP faction to break off in the first place. A core issue for the PDP concerned party provisions for rotation of power. At the national level, PDP elites in 1999 agreed to alternate the presidency between north and south, an informal practice known as ‘power shift’. Jonathan’s presidency violated the principal when he became president in 2010 following the death in office of Umaru Musa Yar’Adua, a northerner. The party also practices power shift at the state and LGA levels. In Rivers State this has emphasized divisions primarily between upland ethnic groups including the Ikwerre, and riverine groups from the south, including Ogonis, Kalabarís, and eastern Ijaws. (Governor Amaechi is from the upland region.) Ogonis insisted in 2014 it is their ‘turn’, while Ijaws (who disproportionately constitute the ranks of MEND and other Niger Delta rebel groups) are also upset. When the First Lady threw weight of the presidency behind Nyseom Wike’s nomination for the governorship, leading PDP elites (including former Governor Peter Odili) from Rivers therefore balked since he an is Ikwerre. In effect, by imposing Wike as the gubernatorial candidate, national PDP elites had violated the party’s principle of rotation. ‘That is the origin of the crisis’, according to another Rivers gubernatorial candidate. ‘He ended up being a minister and being used in the fight against Amaechi’.\textsuperscript{59} Since PDP chair Godspower Ake had sought to honour rotation, national PDP leaders had to remove him. But in the process

\textsuperscript{58} Interview, Austin Opara.
\textsuperscript{59} Interview, Toyne Princewell.
they alienated Governor Amaechi from their party, as well as those who remained in the PDP but who wanted to implement rotation. Again, a local issue – power shift – trickled upward, with implications at the national level for the party. Asari Dokubu, leader of the banned rebel group, Niger Delta People’s Volunteer Force, insinuated that the group would not allow Wike to become governor in 2015.

The APC has left power shift and rotational principles out of the party’s constitution. The spokesperson for New PDP, who went on to serve as the APC’s spokesperson for Rivers, argues that it unduly eliminates eligible – and often qualified – politicians from the pool of candidates. ‘We believe in power shift in terms of class, within elites in terms of merit’, says Governor Amaechi, who chaired Buhari’s Presidential Campaign Committee. The point of rotation as conceived during the 1999 transition ‘was to serve the elites in power.’ Of the alternation between north and south, he says, ‘I don’t know whether it’s fundamental now’.

Conclusion

What accounts for the swift rise and consolidation of the APC, Nigeria’s most significant new party since the 1999 transition? Unlike existing research on 2015 elections that focuses on cross-sectional trends and aggregate electoral performance, I focused on institutional linkages between national, state, and local politics that shaped politicians’ incentives. I illustrated how federalism gave the central government the constitutional and fiscal mechanisms to punish the states, but it also equipped the states with tools for reciprocal retaliation – downward to the local government, across disgruntled subnational units, and upwards into a new opposition coalition. This weakened the PDP’s ability to deter defections. Nigeria’s decentralised polity has facilitated opposition organising, linking states’ constitutional authorities to party strategy and embedding politicians’ incentives within subnational institutions.

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60 Interview, Rotimi Amaechi.
To demonstrate how embedded subnational incentives aligned with national institutional shifts to enable the rise of the APC, I sketched an arc of political behaviour from the federal government, to Rivers State, to a single local government: Obio/Akpor. First, frustration within the PDP over corrupt primaries, the influence of godfathers, and complications related to rotating offices based on ethno-regional politics contributed to mass defections. Such decampments have not been unusual historically, but the PDP’s willingness to allow Jonathan to become president in 2010 when it was the North’s ‘turn’ to rule revealed the shallowness, or the declining relevancy of rotation. This played out in the Rivers State primaries, where the PDP backed a candidate allied with the presidency; local struggles over power shift in the PDP’s Rivers State primaries rippled upward as Obio/Akpor emerged as a metaphor for suppressing the opposition and more generally as an attack on states’ rights. Second, coalitions of states working across party lines had fought the federal government for states’ rights. The Nigerian Governors’ Forum had played an important role in such struggles, and contributed to a rift between the PDP and the Rivers’ governor, Amaechi, who chaired the NGF when it raised objections to federal financing of sovereign wealth funds.

Third, when the APC arose from a merger of several parties, several important features distinguished it from previous attempts at opposition formation in the Fourth Republic. For starters, with Amaechi as NGF chair, it provided a partisan basis for coordinating states’ rights. By further providing a viable alternative for potential defectors, it gave politicians a new rationale for cultivating a national reputation – not necessarily to seek higher office but because identification with the APC also provided protection against the PDP. Courts issued conflicting decisions that failed to resolve ongoing constitutional questions about freedom of association and
party formation, suggesting that basic issues about internal party governance will remain areas of contestation (and ripe for future research).

Fourth, rather than making states weak and dependent, statutorily guaranteed federal grants grew significantly with the rise in oil prices, emboldening governors. The PDP attempted to undermine this sense of autonomy with the federal government’s ultimate weapon: disrupting these revenue streams and targeting Rivers State in particular. But by 2013 opposition states had several advantages including regionalized economic development that provided insurance against both federal encroachment and revenue shocks. An important secondary effect of this insulation included new incentives for subnational units to diversify revenue through private investment, taxation, or loans. Rivers State’s ‘economic autonomy’ has helped drive broader political competition, and both the state and the federal government have fought overlapping battles of ‘boundary control’ – literally in the case of oil wells. Fiscal federalism remains centralised even though economic development is becoming more regionalized and privatised.

If the APC’s retaliation paid off at the national level in 2015, as it was swept in to the presidency, the National Assembly, and 22 out of 36 governorships it arguably backfired at home: Wike won the governorship, though there were significant problems with the election. While the PDP’s loss of the presidency is one, critical test of Nigeria’s democratic development, it will also be important to see if the reciprocal retaliation game is over: Wike won the Rivers governorship and he may very well adopts his old adversary’s tactics.

REFERENCES

Uncategorized References


Table 1: GDP per capita (in constant USD) in five states held by opposition in 2012

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<td>Lagos</td>
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<td>Nationally</td>
<td>457</td>
<td>2,730</td>
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</tbody>
</table>


Figure 1: Deaths in Rivers State


Figure 2: Deaths in Obio/Akpor LGA