



## **LOCAL GOVERNMENT ELECTIONS IN RIVERS STATE: FUEL TO AN ALREADY BURNING STATE**

### **Background**

In the build up to the 2015 general elections in Nigeria, there were fears and expectations from both local and international actors alike that the elections will be marred by violence. Following the manner in which the ruling People's Democratic Party (PDP) and major opposition All Progressive Congress (APC) parties went about the electoral campaign. To some extent, the electoral campaigns pitted the electorate along religious and ethnic lines, leading to assumptions that the elections may result in chaos and possibly divide the nation.

Be that as it may, the presidential and national assembly elections were relatively peaceful in most states of the federation except in a few states where violence were recorded. To this end, the international observers rated the presidential and national assembly elections of March 28 free and fair. However, the gubernatorial elections in some states especially in the Niger Delta region, was characterized by violence that resulted in deaths of political rivals, election officers and even security agents.<sup>i</sup> Rivers state was one of such states that experienced heightened incidences of violent conflict during the elections. In fact, according to the Independent National Election Commission (INEC), Rivers State experienced the highest incidences of conflict during the 2015 gubernatorial elections.<sup>ii</sup>

### **DYNAMICS AND DRIFTS IN THE 2015 GUBERNATORIAL ELECTIONS**

**Fierce contest between political rivals in the State:** The situation in Rivers state pre-dates the April 2015 gubernatorial elections. There had been heightened tension in the state since 2013 when Chief Godspower Ake was removed by a Federal High Court sitting in Abuja and was replaced by Chief Felix Obuah whom the court held was the validly elected PDP Chairman instead of Ake.<sup>iii</sup> From then on, the situation in the state worsened as the state Governor, Rotimi Chibuike Amaechi was perceived to have lost control of the party machinery and the support of key party stalwarts. This resulted in series of events that led to the purported impeachment of the speaker of the Rivers State House of Assembly by a group of five legislators<sup>iv</sup>. Other notable events include the deployment of a new Inspector General of Police to the state<sup>v</sup>, protests by a group of ex-militants against the Governor<sup>vi</sup> and his eventual cross carpeting to the All Progressives Congress (APC)<sup>vii</sup>.



The selection of Chief Ezebunwo Nyesom Wike, Minister for Education, an erstwhile political ally of Governor Amaechi as the PDP flag bearer for the state elections further set the tone for a fiercely contested gubernatorial election in the state between the ruling APC and PDP. Prior to this time there had been claims from the Governor's camp that the Minister for Education and current governor-elect was the architect of the Governor's deteriorating relationship with the President and the first lady, an allegation of which Chief Wike denied<sup>viii</sup>.

The period during the gubernatorial campaigns in the state was riddled with violent contests between the two major political parties with evidenced conflict incidences that resulted in the deaths of party loyalists from both sides, the bombing of party secretariats, kidnap and intimidation of political opponents<sup>ix</sup>. The P4P web map (a digital platform for multi-stakeholder engagement) showed a huge spike in conflict incidences in the period from December 2014 to April 2015.<sup>x</sup>

**Election Violence and the Gubernatorial Polls in Rivers State:** Reports from independent local and International observers revealed that the gubernatorial election of 2015 in Rivers State was marred by violence<sup>xi</sup>. According to a press statement by INEC, there were over 66 reports of violent incidents targeted at polling units, electoral officials, voters and election materials across the federation; with Rivers State having the highest total of incidences (16)<sup>xii</sup>. Similarly, the State Commissioner for Women Affairs' house was reportedly set ablaze in addition to the INEC Registration Area Centre (RAC) and a police patrol vehicle in Buguma, Rivers State. The State Commissioner of Police who confirmed the incident also stated that 'due to the nature of the election as keenly contested there are bound to be skirmishes and indeed have been disagreements among party agents on modalities as well as the location of certain electoral materials'.<sup>xiii</sup>

Reports from PIND's Integrated Peace and development Unit (IPDU) SMS based platform for reporting the election corroborates the above claim of election related violence during the general elections in Rivers State. The report highlighted that Rivers State had the highest number of reported cases of violence, intimidation of voters and snatching of ballot boxes. "For the March 28 Elections, 20 cases of violence were reported with Rivers having 80% of the cases, Delta (15%) and Bayelsa (5%). 4 cases of ballot box snatching were reported in Asari Toru (Buguma) and Obio Akpor (Rumuomasi). In the April 11 Elections, 29 cases of violence were reported. 62% of the cases were from Rivers, 24% from Delta and 14% from Bayelsa".<sup>xiv</sup>



Owing to these, the All Progressives Congress (APC) party opined that elections did not hold in the state and appealed to INEC to cancel the elections and conduct new polls in the state<sup>xv</sup>. However, the PDP has refuted this claim stating that elections held peacefully in the state and that the APC was only crying foul. To this end, INEC in a statement pledged to investigate the incidences of violence and do anything within its power to bring the culprits to justice<sup>xvi</sup>. INEC also declared the election results with Chief Ezebunwo Nyesom Wike of the PDP emerging as the winner of the election in Rivers State. In addition, the PDP also won 31 of the 32 legislative seats available in the State House of Assembly.

**Gubernatorial Elections and its Aftermath:** Following the declaration of Chief Wike as the winner of the gubernatorial polls in Rivers State, there have been repeated calls to the APC candidate Dr. Dakuku Peterside to call his PDP counterpart to concede defeat. The APC on its own has rejected the election results and have sought redress in the election petition tribunal sitting in Abuja. They claimed that the results were rigged in favour of the PDP; alleging that PDP conspired with security forces and armed thugs to intimidate their supporters and prevent them from voting.

Following these claims, the APC candidate and his supporters have engaged in protests against the election results in the state. This has been followed by series of media appearances by the party's supporters and video documentaries showing snippets of what in the APC's view transpired on Election Day in the state. The party has in no uncertain terms demonstrated their intention to contest all the results declared by INEC in the state.

While the heightened tension experienced in the state before and during elections has reduced, a state of unease is still experienced in the state. The usual congratulatory messages sent by candidates who didn't win the contest to their victorious opponents are virtually nonexistent as the state is still divided along party lines. There have been accusations and counter accusations by the various candidates and their supporters as well as pockets of violence reported in some parts of the state. While this is a far cry from the increased tension experienced before and during the elections, the political atmosphere in the state is nevertheless still tensed.

Sequel to the declaration of Chief Wike as the governor-elect, there are disagreements in the state over who will inaugurate the Governor-elect into office on May 29 2015. By the provisions of the Constitution of the Federal Republic of Nigeria, the Governor elect can be sworn in by a



Chief Judge of the High Court, a President of the court of appeal, and in states where there is one; a Grand Khadi of the Sharia Court of Appeal. Since 2014, Rivers State has been without either officers operating in the states<sup>xvii</sup>. This is a result of the fallout between the Governor of Rivers State and the National Judicial Council (NJC) when the former refused to appoint the Judge recommended by the latter for appointment as Chief Judge of the state. This situation has resulted in the suspension of the President of the court of appeal by the NJC<sup>xviii</sup>; a preferred candidate of the Governor and Judicial activities has been suspended in the states for over a year as a result of the crisis.<sup>xix</sup> While judicial opinion has been divided as to the correct import of that constitutional provision, the effect though is that the uncertainty created by this constitutional impasse has been a source of heightened tension in a state that is already plagued with political instability.

**The Local government elections:** On the 20<sup>th</sup> of April 2015, a few weeks after the gubernatorial elections, the Rivers State Independent electoral commission (RSIEC) announced that Local Government elections would hold on the 23<sup>rd</sup> of May 2015.<sup>xx</sup> Statutorily, the commission is empowered to conduct local government elections<sup>xxi</sup> and the intention to do so ordinarily shouldn't cause any stir. However, it is noteworthy to emphasize that this intention to conduct elections is coming on the heels of an intensely contested and violent state election, as unease and tension still blankets the state amidst a constitutional deadlock.

Since the commission announced its intention to conduct the local government elections, it has received criticism primarily from the PDP. On one hand, the PDP opposes such a venture on grounds that it is coming in the twilight of the APC administration<sup>xxii</sup>. They claim that the attempt by the APC administration to conduct local government elections is an intention to foist their cohorts on the new PDP administration; and also that the notice given for the conduct of the elections does not meet the statutorily required length.<sup>xxiii</sup> On the other hand, the Amaechi administration and RSIEC have denied this claim, stating that they are within their rights to conduct elections anytime within the lifetime of the administration. There have been several radio interviews from supporters of both the PDP and APC arguing the validity of the proposed elections.



In this regard, the PDP has sought an injunction from a federal high court in the state seeking its leave to grant an injunction stopping the RSIEC from conducting the elections on May 23<sup>xxiv</sup>. The State government on its part has also appealed to the Court of Appeal on the jurisdiction of the Federal High Court to entertain such a matter and has sought a declaration from the court stopping all forms of injunction from the Federal High Court pending the determination of the appeal<sup>xxv</sup>. The situation has further exacerbated the political uncertainties in the state; especially in the build-up to the May 29 handover date, in which the State government hasn't still constituted a committee to facilitate a smooth transition to the newly elected government.

### **Implications for Peace and Security in the state**

While there is no dispute that the RSIEC has the statutory powers to conduct local government elections in Rivers State, it should be noted however that the political and ethnic polarization occasioned by the last elections conducted by INEC in the state would take a long time to heal. The conduct of another set of local elections especially one whose conduct is already in dispute will not bode well for the peace and security in the state.

In addition, during the last elections, there was a lot of violence; lives and properties were lost, citizens were afraid of moving from one place to another and the skirmishes revealed the existence of sophisticated weapons in the hands of political thugs. The conduct of another election so soon especially one that is already being viewed by the opposition with suspicions of opacity and deviousness poses the risk of further exacerbating tensions and igniting renewed violence in the state; this could lead to further loss of lives and property.

### **SCENARIOS**

#### **Worst-case scenario**

- I. The RSIEC goes ahead to conduct the LG elections on May 23 and the elections are marred by violence between the leading political parties in the state resulting in the loss of lives and property in the state. (Very Likely)



- II. The elections are conducted as proposed by RSIEC and the government deploys security agents to crush every form of opposition from rival political parties. This results in a face-off between security agents and supporters of opposition parties leading to arrests and loss of lives. (Likely)
- III. Following RSIEC's resolve to conduct the LG election on May 23, supporters of rival parties in order to discourage the conduct of the elections; deploy the use of IED's to bomb RSIEC's offices and also kidnap key RSIEC staff. (Likely)

### **Realistic case Scenario**

- I. The PDP boycotts the Local Government (LG) elections on May 23; after the handover to PDP government on May 29, the Governor with the aid of the State House of Assembly dissolves the council. The LG council bosses are aggrieved and seek redress in court. (Very Likely)
- II. In addition to dissolving the councils, the new Governor appoints his own Caretaker committee Chairmen at the local government level and funds them with money from the State/LG joint account. As a result there is a situation where there are parallel LG administrations in all 23 LG councils in the state. These results in violent clashes between the supporters of the competing administrations and the LG council offices are blocked by the security forces pending resolution of the matters. This consequence is that LG administration is suspended in the state by the security agencies and development in the councils grinds to a halt. (Very Likely)
- III. The court following a recent case decided by the Supreme Court rules in favour of the Council Chairmen but the government openly refuses to obey the court order resulting in heightened tension within the state. (Likely)
- IV. The elections are held, the APC records a resounding victory and the Council Chairmen are sworn in before the expiration of the APC administration in the State. A new PDP government is sworn in on May 29, and the State Governor decides to starve the Council of Funds by refusing to allocate LG funds in the Joint account to them. A fresh barrage of court cases are instituted by aggrieved LG councils further slowing own LG administration until the cases are determined.



### **Best-case Scenario**

- I. Taking into consideration the tension within the state, the RSIEC refrains from conducting the LG elections; opting instead to leave it to the next administration to conduct. (Very unlikely)
- II. The elections hold peacefully, those that lost out in the election use the courts to ventilate their grievances and the new PDP administration elects to work with the newly elected LG council chairmen (Very Unlikely)

### **RECOMMENDATIONS**

In view of the following dynamics, the following options are proposed for response;

- I. The Rivers State government should take into cognizance the current dynamics in the state and refrain from holding the Local Government elections until tension in the state have reduced. While the RSIEC is statutorily empowered to conduct elections, it should note that conducting elections at the detriment of lives and properties isn't the kind of legacy that the outgoing RSIEC Chairman will want to leave behind.
- II. The Ruling APC and opposition PDP should restrain their supporters and in view of the heated tension in the state should ensure that they ventilate their grievances in the courts of law.
- III. The Outgoing Rivers State administration should do all within its powers to resolve the current judicial crisis in the state. As long as the courts are closed, people will always adopt a less constructive way to resolve conflicts or ventilate their grievances.
- IV. The APC leadership at the Federal level should prevail on Governor Amaechi to understand the current conflict dynamics in the state and retrace his steps towards conducting elections in the state.
- V. In the face of heightened tension in the state since 2013 and the taking into cognizance the roles the Police played in exacerbating such tensions; this is the time for the Police hierarchy in the state to start on a clean slate and ensure that they maintain peace and order in the state without being partisan. Should the RSIEC insist on holding the elections, the police should be very vigilant to protect lives and safe guard properties in the state.



## ENDNOTES

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- <sup>i</sup> <http://www.politicoscope.com/beheaded-in-buguma-3-deaths-in-river-state-linked-to-election-violence/>;  
<http://www.bellanaija.com/2015/04/13/international-observers-call-for-cancellation-of-rivers-state-election-results/>
- <sup>ii</sup> <http://www.premiumtimesng.com/news/top-news/181276-nigeriadeceives-inec-releases-interim-report-acknowledges-violence-in-rivers-akwa-ibom-others.html>
- <sup>iii</sup> <http://www.premiumtimesng.com/news/129645-2015-amaechi-loses-control-of-rivers-pdp-as-abuja-court-sacks-loyalists.html>
- <sup>iv</sup> <http://saharareporters.com/2013/07/09/chaos-rivers-state-house-assembly-%E2%80%9Cfive-lawmakers%E2%80%9D-attempt-impeach-speaker>
- <sup>v</sup> <http://ireports-ng.com/2013/06/20/impunity-i-will-disgrace-you-rivers-police-commissioner-threatens-governor-amaechi/>
- <sup>vi</sup> <http://thenationonlineng.net/new/ateke-other-ex-militantgenerals-lead-anti-amaechi-protest/>
- <sup>vii</sup> <http://247ureports.com/gov-amaechi-and-supporters-move-to-apc/>
- <sup>viii</sup> <http://www.thisdaylive.com/articles/wike-governor-amaechi-and-i/152581/>
- <sup>ix</sup> <http://www.punchng.com/news/pre-election-violence-20-killed-in-rivers-epidemic-looms/> ;  
<http://cleen.org/2015%20Gubernatorial%20Elections%20Security%20Threat%20Assessment.pdf>
- <sup>x</sup> <http://www.p4p-nigerdelta.org/peace-building-map>
- <sup>xi</sup> <http://www.thisdaylive.com/articles/international-observers-question-validity-of-election-results-in-rivers/205362/>
- <sup>xii</sup> <http://www.premiumtimesng.com/news/top-news/181276-nigeriadeceives-inec-releases-interim-report-acknowledges-violence-in-rivers-akwa-ibom-others.html>
- <sup>xiii</sup> <http://www.channelstv.com/2015/04/11/commissioners-house-inec-rac-police-vehicle-burnt-in-rivers/>
- <sup>xiv</sup> Report of SMS based early warning platform for the 2015 elections
- <sup>xv</sup> <http://www.premiumtimesng.com/news/top-news/181363-apc-demands-cancellation-of-rivers-governorship-election.html>
- <sup>xvi</sup> <http://www.news24.com.ng/Elections/News/INEC-release-official-statement-on-the-elections-20150412>
- <sup>xvii</sup> S 185 (1) and (2) CFRN 2010 as amended
- <sup>xviii</sup> <http://www.premiumtimesng.com/news/157541-njc-suspends-rivers-chief-judge-agumagu-queries-justice-akanbi.html>
- <sup>xix</sup> <http://www.nationalnetworkonline.com/vol12n5/riverscourts.html>
- <sup>xx</sup> <http://dailypost.ng/2015/04/21/rivers-state-to-hold-local-council-election-may-23/>
- <sup>xxi</sup> Rivers state Independent electoral law No 2, 2001 and State Local Government Law No 3, 1999
- <sup>xxii</sup> <http://www.pmnewsnigeria.com/2015/04/22/rivers-pdp-reject-plans-to-conduct-lg-polls/>
- <sup>xxiii</sup> Ibid
- <sup>xxiv</sup> <http://leadership.ng/news/430583/rivers-lg-polls-as-amaechi-pdp-head-to-courts>
- <sup>xxv</sup> <http://www.news24.com.ng/Elections/News/PDP-accused-of-misleading-public-on-Rivers-council-election-20150501>

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