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PROGRAM

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Assessing the Nigerian Elections: Can Democracy Emerge from a Badly Flawed Process?

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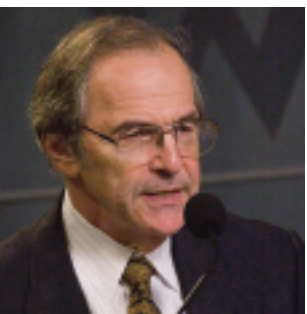
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Introduction by Africa Program Director Howard Wolpe

Because of the significance of Nigeria to the entire African continent, and because of growing concern that the United States had paid insufficient attention to the signs of growing tensions and instability within Nigeria on the lead-up to the 2007 national elections, a consortium of primarily Washington-based institutions (the Wilson Center, the Center for Strategic and International Studies, the Africa Program at John Hopkins' School for Advanced and International Studies, and the Council on Foreign Relations) organized a series of programs designed to engage both Nigerian and American policy-makers in an examination of "The Pending Nigerian Elections: A Step Toward Democratic Consolidation or Descent into Chaos?" Three of these programs were held prior to the elections, and focused on "Nigeria's Political Outlook: The 2007 Elections and Beyond," "The Niger Delta: Prospects for Elections and the Future Reform Agenda," and "Nigeria: On the Eve of National Elections." This paper reports on the fourth program, "A Post-Elections Assessment," which was hosted by the Wilson Center.

As the panelists who participated in the post-election assessment made clear, the deeply flawed elections of 2007 only deepened Nigeria's political crisis, calling into question not only the very legitimacy of the newly elected government, but also the future of opposition parties and of political diversity in Nigeria. Yet, even the most critical analysts voiced some degree of optimism that the combination of a still credible independent judiciary and a vibrant civil society could enable Nigeria to halt its downward spiral. And, as of this writing, it is probably fair to say that the newly elected President, notwithstanding the substantial cloud under which he assumed office, has surprised many observers by his adroit handling of Nigeria's ongoing political crisis.

The verdict is still out on Nigeria's ability to right itself, and to return to its democratic path. This "Post-Election Assessment," involving a number of distinguished American and Nigerian analysts, yielded a very rich conversation about the varied issues that must be addressed if Nigerian political legitimacy is to be restored, and if future electoral processes are to be credible in the eyes of both Nigerians and the international community.



Princeton Lyman

Introduction

On May 18, 2007, the Woodrow Wilson International Center for Scholars brought together election observers, Nigerian politicians and academics, and global policymakers to undertake a “Post-Election Analysis” of the challenges facing the future of Nigeria’s weakening democracy and to stimulate a conversation about how the United States and the international community might most appropriately respond to Nigeria’s new political circumstances.

Nigeria is Africa’s most populous nation. Since gaining its independence from British colonial rule in 1960, Nigeria has been beset by a series of coups d’état and military dictators. It returned to civilian rule in 1999 when President Olusegun Obasanjo, a former military officer who had gained power through a coup, was elected. The April 2007 elections marked the first ever civilian to civilian transfer of power in Nigeria’s history. However due to widespread violence, voting irregularities, and corruption, the elections failed to live up to international expectations, and represented a step back in Nigeria’s democratization process.

Lyman expressed hope that the election problems would assist Nigerians and the international community in addressing Nigeria’s need to democratize the electoral process and restore the confidence of the Nigerian people in the democratic process.

Ambassador **Princeton Lyman**, Adjunct Senior Fellow for Africa Policy Studies at the Council on Foreign Relations, opened the conference by welcoming the audience and guest speakers. He outlined the general feeling of disappointment and outrage among observers of Nigerian politics, brought on by the conduct of the elections, political instability, violent tensions in the Niger Delta and the stalling economy of

Nigeria. Lyman expressed hope that the election problems would assist Nigerians and the international community in addressing Nigeria’s need to democratize the electoral process and restore the confidence of the Nigerian people in the democratic process.

Keynote Address

Joe Clark, former Canadian Prime Minister, delivered the keynote address. Clark was a member of the National Democratic Institute’s (NDI) international election observer delegation to Nigeria’s state and national elections. He noted that the conduct of the elections was dramatically flawed; at the same time, he was encouraged by significant developments in Nigerian civil society and an increasingly independent judiciary. He began by stressing that “elections are internal matters....Our explicit mandate is to observe a domestic election, not to direct it, nor interfere in its conduct.” Most striking to him were the false assertions made by the Independent National Election Committee (INEC) both before and after the elections, the use of ballots lacking serial numbers, the disqualification of leading candidates and the apparent falsification of voter turnout. Clark questioned whether the newly elected President had the ability to move beyond his controversial victory and effectively govern a nation as large and complex as Nigeria. One key element in responding to the election crisis is the need to reform the INEC. Clark made three recommendations in this regard:

- Dismiss the current leadership due to their lack of credibility;
- Reform the appointment process to guarantee that commissioners are appointed democratically;
- Enforce equal penalties against all parties convicted of electoral malfeasances.

Clark also criticized Nigeria’s poor performance in combating corrupt practices. He urged Nigerians to revive anti-corruption campaigns in order to combat the culture of abuse which weak-

ens both Nigeria's political and economic viability. Clark closed by acknowledging that, although there is no comparison between Western models of democracy such as Canada and that of Nigeria, democracy in the West is "neither problem free nor perfect." Ultimately Nigerians will determine the sustainability of Nigeria's democracy.

Election Observers

The first panel was comprised of individuals from the international observer community present in Nigeria during the elections. They reviewed the electoral process during the state elections on April 14 and during the national elections on April 21. Ms. **Ayo Obe**, from the National Democratic Institute's (NDI) Elections Program in Abuja was part of an international observer mission heavily involved in monitoring local elections. She reported witnessing the erosion of democratic institutions during both the state and national elections. Her findings demonstrated the extent to which the state elections mimicked the national election, including the lack of organization and transparency, missing ballot boxes and coercion. Obe was also the first of many of the panelists to criticize INEC for falsifying election results, failing to release the roll of registered voters and concealing information related to the ad hoc selection of electoral staff.

NDI gave the following recommendations:

- Make results from each polling station publicly available as stipulated in the Electoral Act;
- Resolve judicial complaints in order to give Nigerians a voice and confidence in the democratic process;
- Investigate and prosecute cases of electoral malfeasance.

Obe reiterated a need for election tribunals to address pending cases to allow Nigeria to move beyond this electoral crisis. She concluded on a strong note in saying, "We need an admission of guilt from those who have hoisted this tragedy upon the Nigerian people."

Dr. **John Paden**, an election observer and Professor of International Studies at George Mason University, commented on his personal observations during the Nigerian elections. Paden asserted that low voter turnout in the national elections occurred primarily due to the violence and discouragement many Nigerians experienced after the state elections. In addition, many ballots lacked unique serial numbers, leading to inaccurate results and the lack of legitimacy. Disenfranchisement occurred at many voting stations which opened late and closed early, forcing many voters to be turned away. Voters complained of a general lack of confidentiality during the balloting process. There were incidents of underage voting, bribery, and overt discrepancies between reported data and actual figures. In light of these discouraging obser-



Joe Clark



Ayo Obe

ations, Paden tried to frame the situation within a larger, national context. "The big picture was the power shift." All three of the major parties were running Northern Muslim candidates with vice presidential candidates from the Christian South, which seemed partly staged to appeal to a diverse group of voters and to balance interests between Northern and Southern Nigerians.

Building on Paden's remarks, **Robert Lawrence**, Deputy Director of the Africa Program at the International Republican Institute, reiterated the assertion of INEC's incompetence. He described what transpired as "an election-like event" because not only did Nigeria fail by any



Innocent Chukwuma and Kayode Fayemi

measure to meet international standards, but the country failed to live up to the precedent established during the 1999 and 2003 elections. Lawrence believed the elections of 2007 symbolized a regression for Nigeria's democracy carried out "without any regret of regressing." It was ironic and quite disappointing that observers faced such an easy task of reporting on the elections, given the numerous blatant irregularities. Despite statements from Nigerian officials claiming that they should not be held to the same standards as the West, Nigeria failed to create reasonably fair elections even compared to war-torn countries such as Liberia and the Democratic Republic of Congo. In closing, despite Lawrence's critique of the elections, he maintained a measure of optimism, due in part to the determination that Nigerian citizens exhibited and to their continued commitment to the democratic process.

Nigeria's Elections: Critical Perspectives

The second panel was comprised of Nigerian civil society leaders and members of various political parties who presented Nigerian perceptions of the elections and examined their impact on Nigeria's

political future. Honorable **Abike Dabiri**, a National Assembly Member from the Alliance for Democracy (AD) and also a broadcast journalist, expressed shame, as a Nigerian, at how the elections were conducted. She believed that the failures stemmed from a statement made by President Obasanjo prior to the elections saying the elections were a "do or die affair." She said that the elections demonstrated a failure of leadership. Most importantly, Dabiri stated, regulatory agencies like INEC need to become impartial. This will require that they function without intervention from the President and that they resist pressures to relinquish their responsibilities to certain political parties. Dabiri also recommended that state and national elections be staggered, given the logistical difficulties involved with organizing two consecutive elections. In addition, she warned that Nigeria risks becoming a one-party state with no strong opposition and weak electoral institutions and processes. However, Dabiri was hopeful and confident in the Judiciary's independence and ability to adjudicate a fair outcome when addressing petitions on election irregularities. She ended by urging Nigerians to facilitate a dialogue in order to enact fundamental electoral reforms and

to hold politicians accountable. “The future is in Nigerians’ hands.”

Dr. **Kayode Fayemi**, a member of the Action Congress Party (AC), provided unique insights on the elections as both an observer and candidate for the Ekiti state governorship. A native of Ekiti state, Fayemi noted that international election observers were shocked when some polling stations closed as early as 11 am. He was taken aback by the level of arrogance and assumption of impunity that many police, party observers and government officials exhibited when instructing voters on how to vote. According to Dr. Fayemi, even the Commissioner of Police said cavalierly, “I didn’t see it,” after watching a ballot box being stuffed right in front of him. Fayemi expressed outrage and disappointment at the “state criminality that masqueraded for an election in Nigeria.” Yet Fayemi was optimistic because the problem faced by plaintiffs in election-related disputes was not a lack of evidence, but the ability of the government to adjudicate cases quickly and fairly. He noted that a delay in the tribunals’ ability to function effectively did not signify defeat, but it would certainly contribute to further instability the longer the petitions are dragged out. He was adamant in asserting that electoral reform is not the panacea for the crisis of government; instead Nigeria needs to implement constitutional reforms limiting the overwhelming executive powers held by the President. The only unseen benefit of the April 2007 elections in Fayemi’s opinion was President Obasanjo’s inability to run for a third term and continue to carry out the agenda he created, which will now have to be implemented by his handpicked new president.

Innocent Chukwuma, Head of the Transition Monitoring Group, reinforced the argument that INEC was unprepared for the election and charged that this lack of preparation was deliberate. For Chukwuma, the most troubling aspects of the elections are its implications for the future of the political opposition in Nigeria. He encouraged opposition parties, which now stand little chance of electoral success, to explore other means of

engaging in the electoral process. The April elections compounded the alienation of the government from both the Nigerian public and the opposition alike, and reinforced these groups’ inability to exert political influence. Chukwuma expressed certainty that the election tribunal process, in addition to reforming INEC, will lead to increased transparency and give Nigerians a voice in their own state of affairs.

Dr. **Reuben Abati**, Editor at *The Guardian*, a prominent Nigerian newspaper, addressed the broader repercussions of the elections, including the impending legitimacy crisis of the government. Dr. Abati voiced concerns that Nigerian society is facing a “moral crisis.” He identified a culture of corruption at every level of society, even among students regularly accused of rampant cheating on national exams. He noted that rigging began long before the April elections occurred. It began when Obasanjo identified his anointed successor and, according to Abati, this perception, held by most Nigerians, delegitimizes President Yar’Adua. Abati stated that President Yar’Adua will either be greatly influenced by Obasanjo’s projected “third term agenda” or perhaps succeed in rescuing Nigeria’s failing democracy. Abati insisted that “Democracy is a process, not a destination,” and he noted that Nigerians “must begin addressing the likely challenges of the 2011 elections right now.” He believes that only by putting pressure on the new government to perform can Nigerians continue to ensure accountability.

Political Prospects after the Elections

The final panel focused on Nigeria’s electoral and political evolution and made recommendations to the new government. Mr. **Audu Ogbe**, an Action Congress (AC) party leader, noted that the real problem in Nigeria is that Obasanjo’s government was determined to impose a candidate and the “cult of sycophancy” makes it nearly impossible to oppose the system from within. He noted that Nigeria’s political woes have undermined its ability to control internal crises, especially in the Niger



Reuben Abati



Dr. John Padon



Abike Dabiri and Chris Fomunyoh

Delta region, its main oil producing region. He joked that if the April elections are any indication of future trends in 2011, there may be no need for an election—the results can simply be announced. He closed by stating that “politicians are failing the Nigerian people” and there is a limit to the perseverance of the Nigerian people given their daily social and economic challenges.

Mr. **Abba Kyari**, Special Advisor to General Muhammadu Buhari of the All Nigeria People’s Party (ANPP), believed that participatory democracy is in danger because people are becoming apathetic: “It’s a domino effect.” He noted that Nigeria’s failed elections would surely have regional consequences within West Africa. He referenced the current situation in Zimbabwe as a potential future for Nigeria if it continues on a path towards political decline. “The issue of what to do is fundamental,” Kyari stated. “We need some form of action. Nigeria needs assistance in this hour of need from its allies.” He advocated rerunning the elections, saying that if that was not done, it would be difficult to confer legitimacy on this government or ensure the future of democracy in Nigeria.

Mr. **Farouk Lawan**, member of the People’s Democratic Party (PDP) and National Assembly

stressed that electoral reform requires the strengthening of weak institutions and voter confidence in the democratic process. He agreed with previous panelists that resolving election-related disputes through the judicial process would be the best means of seeking redress peacefully for aggrieved parties. Lawan suggested the INEC be reformed to ensure that it is not funded directly by the President and that all commissioners be nominated by all of the political parties. Lawan was more optimistic than previous panelists, noting that President Yar’Adua is reaching out to create a more inclusive government and, most importantly, Nigeria experienced its first democratic transition of power despite the flawed electoral process. Lawan urged the government to encourage an independent media and the development of political institutions in Nigeria.

Pat Utomi of the African Democratic Congress (ADC) who became involved in politics due to his belief that intellectuals have a duty in society to contribute to the government, noted that “you can’t have a democracy without democrats.” He stated that having an active opposition is essential to preserving the integrity of the electoral process, and preventing government officials from violating electoral norms with impunity. He stressed the need for constitutional reforms to reduce the powers of the president and, in so doing, create competing centers of influence. “Power corrupts or makes you go mad,” Utomi asserted. He tried to keep things in perspective by noting that governance is still about the people

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and that addressing issues like poverty, healthcare, education, and deindustrialization are more important than party politics.

Conversely, H.E. **George Obiozor**, Nigerian Ambassador to the United States, encouraged the international community to recognize Nigeria's first civilian to civilian transition, despite its flaws. He believed the voice of the Nigerian people was heard during the April elections as reflected by the landslide victory of the People's Democratic Party (PDP) in the national elections. Obiozor felt that Nigeria's electoral crisis was the result of exaggerated expectations, logistical failures, overrated self-capabilities and incoherence among elites. He believed that Nigeria is fortunate to have avoided greater potential conflicts involving ethnicity, religion, and regionalism. At present the issues at the forefront for the current government are centered around national interest, stability, and progress. Obiozor urged that Nigerians and the international community alike allow President-elect Yar'Adua a chance to prove himself.

Conclusion

This conference provoked dialogue and passionate debate among participants, panelists and audience members. Ambassador Lyman concluded that, despite positive trends in Nigeria, such as a vibrant civil society and media and an independent judiciary, most Nigerians are disheartened by the outcome of the elections and increasingly skeptical about the democratic process in Nigeria's politics. He thanked all the panelists and guests for participating in this important forum and emphasized the need for President Yar'Adua to address the electoral crisis and restore the trust of Nigerians in their institutions and leadership.

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Farouk Lawan



Peter Lewis



Abba Kyari



The Africa Program

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