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2007 NIGERIA ELECTIONS: LESSONS LEARNED FOR DEMOCRATIC CONSOLIDATION

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1. INTRODUCTION

A historical landmark was made as Nigeria conducted its third consecutive general elections in April 2007. A unique aspect of the election is that it marks the first time the country will be transiting from one civilian government to another as President elect Alhaji Umar Yar'Adua of the ruling Peoples Democratic Party (PDP) takes over the mantle of leadership from Chief Olusegun Obasanjo come May 29, 2007. The electoral process was marred by electoral controversies of procedural and constitutional inconsistencies (from the part of the Independent National Electoral Commission (INEC)), violent electoral campaigns, massive rigging and ballot bag snatching, intimidation and harassments, political killings, blackmail and public protests. The negative impact created by the release of the results by INEC and Resident Commissioners of State Independent Electoral Commissions (SIEC) as well as the release of reports by local and international election observers have strengthened the general call for the cancellation of the election by opposition political parties and organized civil society.

WEST AFRICA EARLY WARNING NETWORK (WARN)

The West Africa Early Warning Network (WARN) is an integral part of the West Africa Preventive Peacebuilding Program co-ordinated by the West Africa Network for Peacebuilding (WANEP). Through its WARN Program, WANEP is setting the stage for a civil society-based early warning and response network in Africa with emphasis on human security.

WARN covers the entire Economic Community of West African States (ECOWAS) sub-region including Cameroon and Chad. Our focus was initially the Mano River Basin countries of Sierra Leone, Guinea, Liberia, and Côte d'Ivoire. We have since expanded to cover the entire West Africa sub-region.

Since 2002, WANEP entered into an agreement with ECOWAS through the signing of a Memorandum of Understanding (MOU) in the framework of capacity building in Conflict Prevention. One of the goals of this agreement is to interface WARN with the ECOWAS Early Warning Systems to optimize early warning conflict prevention in West Africa. In view of this development, WANEP has been operating a liaison office located at the ECOWAS Secretariat in Abuja, Nigeria since April 2003.

Most aggrieved parties have petitioned the election tribunals in all the 36 states challenging the controversial results released by INEC and SIEC. As a major player in the crude oil market, the emerging political dynamics is contributing to instability in international pricing as political events in the country are closely monitored to determine

the risk premium applicable to Nigeria¹. There are therefore indications that the new Nigerian leadership would face a legitimacy problem.

This policy brief looks at the April 2007 elections; key conflict accelerators emanating thereof; lessons learned from the roles played by institutions and stakeholders; possible post elections scenarios (within the next 6-12 months); and options for response for improvement of future elections in Nigeria to deepen governance and democratic culture in the nation.

OVERVIEW OF THE ELECTIONS

When the Chairman of INEC, Muarice Iwu insisted before the Senate that Nigeria must join Brazil and other countries in computerizing the electoral process through the so-called data capture machines, Nigerians, though sceptical expected a better electoral process. Despite the huge budget for the computerization, the outcome of the electoral process was disappointing as released reports from various international and local observer groups have described the recent elections as the most flawed in the history of the nation. There were wide scale evidence of rigging, killings, arson, hijacking of ballot bags, intimidation of voters and political opponents, non availability of election materials and under age voting, resulting in general protests and calls for cancellation.

In some states, voting was not conducted while in others there were reports of stuffing of ballot boxes and announcement of results that contradicted the number of registered voters. What has emerged is perceived as a government that does not represent the wishes of the Nigerian people, lacks legitimacy and falls short of international accepted standards². The Nigeria Nigerian Labour Congress describes it as a “massive disenfranchisement of Nigerians”³. A coalition of civil society in collaboration with the African Democratic Congress, have called for its outright cancellation and threatened to begin nationwide protests.⁴ Speaking from his constituency in Ogun State in South West Nigeria after casting his vote, President Obasanjo hailed the process as free and fair, but admitted to electoral flaws and inconsistencies in some parts of the country. He said such flaws were minor to warrant an outright cancellation of the polls.

A. Remarkable and Positive Facts

Despite the negative manifestations, the elections have highlighted several remarkable and positive facts that need highlighting. These include:

- The overwhelming support the Nigeria received from international community in the form of funding support, active participation of electoral observers from various nations and engagement with the government to proffer options to address gaps. Under the aegis of the Joint Donor Basket Fund, the international community demonstrated a resolve to help Nigeria succeed in its electoral process in recognition of the country’s strategic posture and importance in the comity of nations.

¹ *The Guardian*, April 24th 2007, page 19.

² Statement of preliminary findings and conclusions of European Union Election Observer Mission on the elections.

³ The Nigerian Labor Congress Worker’s Day Rally on May 1st aired by AIT on Matters Arising on May 2nd, 2007.

⁴ Olise, Nwannekanma and Olawunmi, “Civil groups may begin protests over polls May 1st,” *The Guardian*, April 26th, front page.

- ❑ The commitment of Nigerians to the process of strengthening democratic culture in the country through active participation in the process. The pre-election enthusiasm and the growing anxiety to fulfil civil rights were evident in the registration process and the mammoth rallies that political parties mobilized. An interesting observation is the absence of recourse to intervention by the military as they played a complementary security role of maintaining peace and order in the polity, (although the security forces were later to be accused of colluding with politicians to rig the elections by the press and politicians).
- ❑ The independent position of the judiciary in promoting the rule of law was a major restraining factor against anarchy. It specified roles, affirmed and curtailed powers, clarified rights and duties of citizens. Judgments from the judiciary on procedural irregularities, especially the much talked about exclusion of the Vice President Atiku Abubakar acted as a stabilizing factor in the entire process.

However, reports of election observers highlighted the poor preparation of INEC for the elections which paved way for alleged massive fraud that has negatively affected the legitimacy of the whole process. Some analysts maintain that Nigeria anxiety to break the jinx of failed civilian-to-civilian transition allowed institutions like INEC to appropriate upon itself the mission to see through a transition and forgot to focus on the sanity of such a process. The President elect himself had earlier commented that what mattered most to him was the process of winning and not just the victory.

B. Factors that influenced the Outcome of the Elections

These varied across the nation, we attempt an identification of the determinants of the electoral outcome.

- ❑ *Primaries, real and bogus:* The outcome of the primaries was determinant factor of the elections. The lack of internal party democracy in some parties led to the disenfranchisement and subsequent defection of most aggrieved aspirants to other existing parties. Some frustrated aspirants formed alliances and registered new parties whose only 'ideology' and goal was grasping power. An interesting part of these formations and realignments was the absence of ethnic interests and focus on common group or national interests. As a result, aspirants adopted campaign strategies that focused on individual rather than party manifesto, resulting in the electorate voting along personality, rather than party or ethnic lines. For instance in Delta North Senatorial district, Delta State, a relatively new party, Accord won against the PDP in the elections, while the threat posed by the DPA in the governorship elections reportedly resulted in malpractice and subsequent violent protests after the release of results by INEC. Parties like the Action Congress had a Northerner as its presidential flag bearer and yet had strong bases across the different geopolitical zones in the nation.
- ❑ *Feud between the President and his Vice:* As we analyzed in our previous policy brief, the feud between the President and his Vice and the latter's adoption by the Action Congress as presidential flag bearer made the party a rallying point for different groups of people who were aggrieved by the activities of the PDP. This conflict created proxies which posed serious challenges for the PDP across the

nation in all the six geopolitical zones, especially in Lagos, Ekiti, and Ondo in the South West, Edo in the South South, Anambra in the South East and Plateau in the North Central. The crisis distracted the attention of the nation and its final ruling succeeded in curbing a rising politically tense atmosphere but also did no good to the Vice President's political ambition.

- ❑ *Inability of the Opposition to Unite:* Perhaps one critical factor that determined the outcome of the April 2007 elections was the inability of the opposition parties to unite and challenge the better organized and nationally present PDP, the largest party in Africa. More than 24 opposition candidates could not bury their egoism and decided to go for an election that they pretended to oust a powerful candidate from a ruling party. Last minute attempts at presenting a strong front by the main opposition parties flopped and observers believe this was one very critical factor that determined the direction victory went.
- ❑ *PDP resolve to capture power:* The resolve of the PDP to capture power in all the states of the federation cannot be over-emphasized. They said it, they meant it, and they worked for it. While the opposition spent time grumbling and crying fowl, the PDP was busy putting strategies, whether crockery or genuine. Although there have been cries of massive fraud, other analysts had earlier predicted a PDP victory and such frowned at the fact that such as 'deserved' victory was rubbished by an uncalled for rigging. This Day newspaper for instance in a pre-election poll had predicted a landslide for the PDP.
- ❑ *Lack of independence of INEC:* The perceived overbearing influence of the President on the neutrality and independence of INEC compromised the organization of free and fair elections. Media reports and political discourse by politicians of the opposition camp portended widespread loss of confidence on the ruling PDP by the public which was capitalized upon by opposition parties to campaign for change, creating stiff competition and a 'do-or-die' commitment to retain power by the ruling party. This influenced the interplay of various actions and factors to ensure victory for the election in the polls especially at the Presidential elections.

The outcome of the Presidential elections was therefore influenced (to a great degree) by the power shift question, the apparent influence of the presidency by exercising the power of incumbency and federal might to control INEC's preparation and conduct of the elections, and the inability of the opposition parties to agree on a common platform to ensure formidable opposition for the ruling party.

THE ELECTORAL PROCESS: MAIN CHALLENGES AND THEIR IMPACT

Nigerians differ across the board on the just concluded elections. There are those who claim that what is important is the fact that a jinx has been broken and a civilian to civilian government has seen the light of day. Others insist that there is no where in the world where we can talk of free and fair elections and Nigeria should not be an exception. Others maintain that what took place was a charade that must be nullified. Whatever the view, one important fact is that a President elect, Musa Yar'Adua is preparing to take over on May 29 2007 and has already made an African tour of acquaintance. Congratulatory messages have continued to flow in and out going President Obasanjo has assured Nigerians he is retiring to his farm although he would still remain the power broker as the PDP's Chairman of the Board of Trustees. This

section would focus on first set of democratic challenges that must be identified and become the issues for debate and correction as the new dispensation sets in. These challenges include the following:

a) Overbearing influence of the Executive

It was difficult to deduce the difference between the President of the Federal Republic from the PDP chief campaign fore bearer. The President by his actions and utterances contributed in inflaming political crises that characterized the transition process. First was the third term controversy which was perceived as a grand plot to allow the President to retain power indefinitely. With the defeat of the purported plot, all other actions of the President towards the election process were viewed with suspicion to achieve tenure elongation and “decisively deal” with those who worked towards aborting the plan. Matters came to a climax when the President said the April 2007 polls were a “do or die” affair, a statement which was interpreted as giving a blank cheque to the ruling PDP to apply all means possible to win the elections. Also bellicose language that touched on the personal credibility and reputation were freely used by aspirants to create tension and violence⁵.

Matters were also not helped by the unending feud between the President and the Vice President which created proxies and tension across the nation as the President and the vice. The Action Congress, the Vice President’s party consequently formed a gathering platform for groups of people including those rejected by the PDP (and by extension the President) and posed a serious challenge to the AC. According to some national newspapers, attempts to exclude the Vice President out of the race cost the country **N15bn**⁶. Following the Supreme Court ruling which quashed the Vice President’s disqualification by the commission, INEC was compelled to obey and had to reprint ballot papers in order to include the name and logo of the AC political party candidate.

b) The shortcomings INEC

Analysts say the overbearing influence of the executive ultimately affected INEC’s management of the transition process as an unbiased electoral umpire. The President of the Federal Republic, for instance, is constitutionally empowered to appoint the chairman of INEC as well as control funds meant for the operations of the commission. This provides ample opportunity for temptation at manipulation and abuse of power by a sitting government that is bent on protecting the interest of its party. The INEC’s lack of independence and perhaps lack of neutrality as a result of perceived control by the executive has been pointed as the major cause of crisis throughout the transition process. In addition, the shoddy preparation and execution of electioneering processes by INEC heightened suspicion of zero transparency and fairness. This was evident in registration of voters exercise and poor voter education exercise.

We highlight below some of the shortcomings of the electoral process that has been blamed mostly on INEC.

⁵ For instance, according to WANEP monitors, during the PDP South West Zonal rally at Ondo State on the 4th of February 2007, the President referred to Mimiko, the Labour party gubernatorial candidate in the state who was a former minister in the current executive as “an ingrate who had defecated on the chair he left as a minister”. This angered Mimiko’s supporters and led to the death of four people in the violence that followed.

⁶ All that Matters: <http://obiakpere.blogspot.com>

Non-display of voter's list, ballot papers for scrutiny: INEC's inability to publicly display voters' lists⁷ and printed ballot papers for scrutiny was seen as a deliberate attempt to disenfranchise some candidates through the non inclusion of their names, misspelling of names in certain instances and non appearance of logos of certain parties in the ballot papers. This was validated during the elections which gave undue advantage to some candidates and the subsequent cancellation of some polls as a result of overwhelming evidence of injustice and lack of fair play. In some parts of the country, it led to violent protest that even threatened the lives of some INEC officials. In Lagos State for instance, the DPA and Fresh Party candidates' pictures were not on ballot papers. This placed them at a serious disadvantage as their supporters protested that the absence of pictures negated their ability to recognize their party logos. In Plateau State, elections for Plateau South Senatorial district were cancelled due to the non inclusion of the name and party logo of a female senatorial aspirant contesting on the platform of the DPP.

Poor logistical arrangements: This resulted in the late or in certain instances non arrival of voting materials, hijacking of voting materials by thugs or robbers and inability of voters to participate in the elections. Voting material delay, deliberate or unintentional was a unique way to alter the outcome of results. The level of anger generated by these lapses led to the burning of INEC offices in places like Anambra state, houses of political opponents of aggrieved parties in Abraka Delta state, killings and general protests.

Non Adherence to Court Rulings: In certain cases INEC refused to obey court rulings mandating it to include the names of certain individuals it had hitherto disqualified. For instance, the name of Chris Ngige of the Action Congress in Anambra State was omitted from the ballot paper despite the court order to do so. This contributed to public disenchantment and call for the cancellation of the gubernatorial elections in the State.

Intra and Inter Political Party Rivalries: The level of violence that characterized the elections could be traced directly to the very nature of political culture in Nigeria. Political parties have been described by critics and activists as platforms for the legitimization of looting and corruption as political positions are seen as tickets to instant wealth. The "do or die" spirit is therefore an expression of intense power struggle to shove aside all opponents by any means to maintain control of the political structure without recourse to the sensitivities or needs of the electorate. Elections were viewed by most political parties as a state of war with party chairmen and godfathers often referred to as "garrison commanders" while political thugs were recruited as foot soldiers to execute fraud and election rigging. The pervading context of violence and insecurity related to the electioneering process could therefore be traced to the activities of political parties, candidates and their supporters. They remain the main source of violence in competition to retain or capture power and territory.

A logical consequence was therefore a high level of politically motivated killings, violence and insecurity, ultimately impacting negatively on elections as well as on law abiding Nigerians, especially vulnerable groups such as women and children. In the recent gubernatorial elections, political violence in Nassarawa state led to the displacement of whole communities with youths and men accounting for most of the reported deaths. The level of vulnerability of a group or community depends on their control or otherwise of political power in a state or region. The more powerful the party or the level of

⁷ This was done haphazardly at some stations and created problem of voters not finding their names on lists.

perceived threat from the opposition, the greater the intra and inter party violence.

Internal Party wrangling affected the outcome of the governorship and Senatorial elections in Imo and Plateau state, with the party conceding these states to the Peoples Progressive Alliance and the Action Congress in the governorship and Senatorial elections. Overall, the power of incumbency favoured political parties in the areas where they controlled. This was evident in most states controlled by the PDP, the ANPP and the PPA.

A weakened, Compromised and vulnerable Police: Despite the reported combat readiness of the Nigerian police in the importation of about 45,000 AK 47 rifles and accompanying ammunition, as well as strategic deployment, they were faced with the challenge of adequately securing lives and smooth operations of voting process, INEC staff and offices and electoral materials. The Human Rights Watch report states that, "The Nigerian police appear to be standing by as powerful politicians mobilize criminal gangs to undermine the vote...In the face of this police inaction, the severity of election-related violence has gradually risen in recent months, claiming scores of lives and injuring many more."⁸ Also International observers noted a casualty rate of about 200 killed⁹, thirty¹⁰ of which were policemen. The limited capacities of the system were also revealed during the invasion of Panshekera council of Kano State by a group that called itself "Talibans" shortly before the gubernatorial elections where eleven police officers were killed and the police station razed. Similarly in Rivers state, three police stations were burnt and many police officers killed. The state of the nation's law enforcement institution leaves room for concern for the security of lives and property.

Harassment of the media: Various media reports and analyses point an accusing finger at the State Security Services (SSS) for harassing and intimidating different individuals or groups perceived as antagonistic to the government or activities of the ruling party. The African Independent Television (AIT) premises in Abuja was raided by SSS and the security forces for transmitting programs that were described as security threat shortly before the general elections of April 14. The same media outfit suffered arson by unknown attackers in its Lagos structure and damage caused was enormous. This prompted immediate reaction from the Nigerian Union of Journalists (NUJ) who condemned the action, warning that such actions could create tensions capable of truncating the transition process.¹¹ This harassment was even widespread during elections day and cameras and video tapes were seized and destroyed in many part of the country when the media tried to record the deeds and misdeeds at the polls.

AK 47 phenomenon: Easy availability of AK 47 either imported through porous borders or otherwise to arm political thugs facilitated the level of violence that was prevalent during the elections. The Police and custom authorities, after series of arrests of gun runners and seizure of containers filled with ammunitions, expressed concern on the level of importation and circulation of arms in the country. Earlier security reports had alluded to stockpiling of arms by politicians. This was confirmed by the widespread use of AK47 rifles during the elections by non state actors. Added to those snatched from

⁸ Olise Alex and Odita Sunday, Human Rights Watch indicts govt, police on violence", *The Guardian*, April 5th, 2007, page 1.

⁹ Report of the European Union Election Observer Mission published in *The Guardian*, April 24th, 2007, page 10-11.

¹⁰ WANEP Conflict monitors.

¹¹ *ibid*

killed policemen, a high level of arms remains outside the armed forces in the hands of faceless political thugs.

Politicization of Traditional structures: Traditional institutions and leadership are the custodians of culture, wisdom and values of society. As a consequence, they are respected and revered and expected to maintain neutrality on issues of conflict so as to effectively act as mediators. When this is compromised, they lose credibility, respect and relevance and therefore unable to intervene effectively to crisis within their domain as reported in Delta State during the governorship primaries. In Ekiti state, the traditional leadership structure could not intervene in the electoral crisis in the state as they had all aligned themselves with various candidates. In Lagos state, the various violent electoral campaigns did not respect the presence of the Oba of Lagos, while the violence at the Action Congress rally in Ajah, a suburb of Lagos State, was linked to the poor credibility and distrust of the community's traditional institution. In Nassarawa State, a visit to a paramount ruler in Asakio community by two rival parties led to the death of 56 people and the razing of whole communities and the displacement of entire villages.

Violence in the Niger Delta: Reported political violence in the Niger Delta was wide spread which impacted negatively on the elections. The interests and needs of politicians and militants converged in a symbiotic relationship for the control of territory during elections. In Rivers state, militants bombed police stations in Mini Okoro, Buguma and Elelenwo, killing seven policemen. They also attacked three soldiers on patrol in Port Harcourt, while a vehicle carrying INEC staff and voting materials was diverted. This created tension that dissuaded voters from participating in the voting process. The militants accepted responsibility for the attacks in Rivers State as a warning to Federal Government not to hold elections in the Niger Delta. Also there was reported attempt by the militants who attacked government house in Bayelsa State to kidnap the vice presidential candidate of the Peoples Democratic Party, Goodluck Jonathan. Militants claimed their move was in protest over alleged electoral malpractice and expression of disapproval of the election process in the State.¹² In Yakurr of Ugep area of Cross Rivers State, reports allude to an accident involving truck loads of militants brought in from other Niger Delta States by politicians for election rigging and fraud.

The attempted kidnap of the vice president elect, Goodluck Jonathan and the subsequent kidnap of four Italians, one American and one Croatian by the Movement for the Emancipation of the Niger Delta (MEND) was a significant incident. MEND said the attempted act was a disclaimer to government sponsored media stories that they (MEND) approved of the election of Umar Musa Yaradua and Goodluck Jonathan whom they described as a continuation of the present government that has not taken the development of the Niger Delta region seriously. More kidnaps have continued to hit the news headlines even if the motive is increasingly criminal and business oriented (ransom) than political. Yet the political timing cannot be under looked.

c) Violence Arresting Factors for peace and stability

Despite the tension that pervaded the transition process, certain institutions, groups and factors acted in restraining the country from gliding to a precipice of full blown crisis. These factors include:

¹² *Saturday Sun* Newspapers, April 21st, page 3.

Increasingly assertive Judiciary: “Over the past one year, Nigeria’s supreme court and legislature have demonstrated an ability to resolve important political disputes with independence and integrity”¹³. This candid statement captures the image of judiciary today. The role of the Judiciary in the various election related conflicts was a major restraining factor for affected parties, enhancing the image of the institution as a veritable arbiter and peace making organ in the polity. The judiciary not only pronounced judgment on critical political cases but ensured they were fast tracked to meet the needs of litigants in relation to the election schedule. This enhanced public confidence, trust and belief in the rule of law. The trust in the judiciary restrained aggrieved parties and their supporters from attempting to take the law into their hands as the court remained a viable options to address political grievances. The Judiciary was (and is) thus viewed as the last hope of the common man against those who would mobilize the machinery of the state and their wealth against the weaker members of the society. This creates a feeling of assurance and confidence that negates resort to violence.

The Legislature: The national legislature played an independent role in the transition process which not only acted as a check to the overbearing influence of the executive but also amending laws to remove bottlenecks and tension in the process. For instance it passed the Electoral Act to guide the process and subsequently amended it to accommodate the problems encountered in the voter registration exercise. It also amended the Economic and Financial Crimes Commissions (EFCC) Act to increase the independence of the anti-corruption ‘hunting dog’. The legislature went ahead to cancel the state of emergency in Ekiti State to enhance democratic consolidation and values through constitutionality. It has been widely acknowledged that the objective disposition and transparency of the Senate President has enhanced the prestige and independence of the Nigeria National Assembly.

The Military: The deployment of the army to complement security operations of the police during the elections was marred by their involvement in arbitrary arrests, extortion, beating and killing of civilians. However despite these lapses, the presence of the army across the nation prevented a higher possible wave of violence than was witnessed. The Nigerian armed forces remained an instrument for the maintenance of order and peace throughout the voting process. As a republican institution, the Nigerian army remained a restraining factor against those who would have created anarchy to further their goals.

Women Power: The demonstrations of women against the conduct and outcome of the elections have created pause for thought across the nation. Some of these demonstrations involved near nude display by the women. The non violent traditional protest measure called “curse of nakedness” is usually an extreme measure when other means have been exhausted without achieving the desired objective. “Most Nigerian ethnic groups consider the unwanted display of nudity by women as an extremely damning protest measure that can inspire a collective sense of shame for those at whom it is directed”¹⁴. It is believed that it is an abomination for women to be seen naked. It is

¹³ Republican Institute Assessment of the roles of key institutions in the 2007 April polls reported by *ThisDay* newspapers, April 25th, 2007, page7.

¹⁴ Wokoma Iyenemi Norman, “Assessing Accomplishments of Women’s Non violent Direct Action in the Niger Delta. Gender and Peacebuilding in Africa. Rodriguez and Tobgoa. page 177, University of Peace 2005.

also believed that when women protest over an issue, that that issue could have far reaching repercussions for the society. While the protests in Imo, Ondo and Ekiti states did not involve nudity, the Delta State protest¹⁵ of April 18th was the most far reaching. A sextagerian from among the protesting women came out stark naked to rain curses on all parties involved in the crisis created by the elections.

The Youth: The level of unemployment in the nation facilitated the economic manipulation and vulnerability of young men as political thugs for electoral violence. This is validated by the number of youths arrested and awaiting prosecution by the Police across the country. However, though some Nigerian Youth played negative roles as political thugs employed by political parties, most of them also played positive roles in their communities by standing up to protest electoral malpractices and defended the virtues of voting. In Edo State, youth under the aegis of Edo Youth for True Democracy mobilized and gave INEC a 48 hour ultimatum, after the announcement of what they termed fraudulent results, to bring out a result that reflected the wishes of the people. In Anambra State, the youth also protested the exclusion of the Action Congress candidate from contesting in the elections by INEC despite the pronouncement of the courts.

Religious Institutions: An outcome worth recognizing is that the electoral differences in Nigeria did not assume any religious and ethnic dimension. This is a very welcome development given the hitherto vulnerable nature of political tensions to assume a religious and ethnic dimension in Nigeria. Not even the Taliban killings in Kano succeeded in unleashing a religious backlash. Religious institutions worked continuously with their members to build political consciousness and non violent approach to issues. They also issued press releases admonishing political parties to shun violence during their campaigns. The Catholic Church, for example, monitored the elections across the nation through its Justice Development and Peace Commission. Prayers were continuously offered for peaceful, successful transition process.

Civil Society Groups: Organized civil society played a major role in the transition process. They organized several awareness creation activities, engaging with various social groups to enable them play positive roles in support of a successful transition. They organized themselves into coalitions to work for free, fair and violence-free elections. Despite the reluctance of INEC to grant most CSOs accreditation as monitors, they ensured that they monitored the elections and are working to organize protests against the malpractices witnessed in the elections.

The Media: The media played a critical role as the nation's watch dog in the just concluded elections, providing comprehensive coverage of the transition. Despite constant intimidation and harassment from security agencies and political thugs, as well their own short comings, they remained a veritable medium that informed, enlightened and empowered various social groups towards peaceful elections.

ECOWAS and the International Community: Since the notion of a global village emerged, Nigerian elections have demonstrated once again that what happens in Nigeria affects not only West Africa and Africa as a whole but the rest of the world. ECOWAS' observation team that was unusually vocal gave credit to the sub-regional determination to consolidate a culture of democracy and transparent elections. Being a driver of the sub-region, Nigeria's elections were more than strategic to ECOWAS and

¹⁵ "Half clad women protest polls results in Warri", *The Guardian*, April 19th, 2007, page 1-2.

the critical appreciation of the process was seen as a very positive development. The message sent was that you cannot afford to lead others when you do not have it right in your own house. On the other hand, the level of international attention focus on the Nigeria elections acted as a check on the extent of abuses that would have prevailed in the elections. It was also seen as an expression of solidarity towards the Nigerian people.

POSSIBLE SCENARIOS IN IMMEDIATE POST INVESTITURE PERIOD

The scenarios are premised on the fact that the President Elect Musa Yar'Adua is sworn in on May 29 2007 and President Obasanjo steps aside. Our period of consideration is immediate post investiture period, 1-6 months after the swearing in of the new President. The scenario ratings are purely WANEP's analytical judgements from the overall assessment of the situation and using past antecedents and knowledge of the Nigerian socio-political environment. They are not any way prophesies, neither are they simple wishes. The intention is to orient policy makers to guard against the unsolicited scenarios and work towards what is good for the Nigeria's democracy, peace and human security.

Good Case Scenario (rating: plausible)

Elections tribunals fast track justice to right the wrongs created through electoral malpractices, delivering judgments that reflect the true mandates of the electorate. All parties uphold the rule of law by abiding by the pronouncements of the tribunals. A new democratic government is sworn in on May 29th, 2007 and the transition is completed without further crisis. This would however be characterized by:

- ❑ Hangovers of electoral grudges and looming legitimacy crisis;
- ❑ Newly formed government is inclusive and not seen as compensation for political cronies and technocratic in nature with visible men and women of competence;
- ❑ The out-going president does not indirectly meddle in the governance, thus allowing Yar'Adua who good will Nigerians and the international community support to make a Nigeria take a giant leap forward;
- ❑ Realistic and people friendly economic reform programmes are announced;
- ❑ The Niger Delta crisis that has been a torn on the flesh of Nigeria's economic socio-economic endeavours is handled with a difference (non-military) carrots;
- ❑ The anti-corruption drive continues to register positive strides with no cows sacred cows exempted.

Bad Case (rating: less plausible)

Despite the massive deployment of the police and army to discourage protests by parties who wish to 'reclaim stolen mandates', Labour and civil society groups in collaboration with opposition parties successfully organize mass protests that turn violent. Attempts by the security personnel to suppress them lead to massive killings. A political crisis ensues, with attacks and assassination attempts on those perceived to have benefited from the fraudulent elections. The nation is embroiled in political crises, and the Niger Delta crisis worsens with kidnappings that target not only foreigners, but also politicians and local business magnets leading to the declaration of a national state of emergency. Tension and uncertainty remains rife as a humanitarian crisis of enormous proportions looms. This bad case is characterized by:

- ❑ Wanton destruction of property and looting and generalized insecurity;
- ❑ Mass movement of Nigerians towards neighbouring countries and request for visas for travel abroad in search of safety;

- ❑ Major arrests of politicians (mainly of the opposition) accused of fanning the crisis;
- ❑ Hike in prices of basic necessities as result of a fuel crisis due to disruptions in supply.

Middle Case (rating: very plausible)

The tribunals are unable to settle the outstanding litigations before the swearing in date. The legitimacy crisis continues as opposition parties intensify their campaign for the non-recognition of elected officials abroad. Worried about the strategic position of Nigeria, the international community give a quasi recognition to the new government and task them to undertake measures that favour a more inclusive agenda. Security operatives remain vigilant in maintaining public order and security. The northern part of the country is contented with the power shift in its favour. Eventually, major stakeholders rally round to support the government of Musa Yar' Adua, with the other northern aspirants and oppositions persuaded by northern elders to drop their agitation and petitions. Tribunal upturns few election results in some states. This scenario is characterized by:

- ❑ Temporary disenchantment of populace on the governance system;
- ❑ Attempts by government to win the minds and souls of the population (may be through salary increments, fuel price curtailments, trade offs with some opposition leaders) and announcement of some people oriented reforms;
- ❑ Carpet crossing by some opposition figures into the winning side (PDP);
- ❑ International campaigns against the government by aggrieved opposition figures through media and demonstrations;
- ❑ Niger Delta crisis would continue to dominate political scene;
- ❑ Successes in Nigeria's foreign policy including more support for peace processes in Sudan and Somalia may continue to keep the country in the positive limelight.

OPTIONS FOR RESPONSE

Several lessons, both negative and positive emanate from the just concluded elections. These should form the springboard for sustenance and reformation in the new democratic dispensation to improve governance. Considering that the most important phase of building sustainable democratic base is to draw lessons from past mistakes, this section takes an overview of the key sectors and actors and proposes options for response.

1. *Roles of the Executive, Legislature and Judiciary:* A major lesson was the importance of the three arms of government and the need for adherence to the constitution in performing their roles. Of great impact was the influence of the executive and the potential for abuse of office. The independence displayed by the judiciary and the national assembly affirms the basis for the institution of the doctrine of separation of powers to maintain stability in the nation. To maintain this it has been suggested that;
 - ❑ The senate remains unbiased and independent, especially in electing a Senate President without interference from the Executive;
 - ❑ The appointment of the Chief Justice of the Federation as well as the funding of the Judiciary should be made independent of the Executive;
 - ❑ The constitution should be amended to make the appointment of the INEC chairman as well as its funding independent of the Executive and answerable to Parliament;

2. *Zoning of Power Question:* The President elect has admitted that the power shift pact is intact¹⁶. Nigeria may be sacrificing competence on the political table of power shift agreed by political parties and not the Constitution. There is therefore strong argument is for its institutionalization of how power shift or sharing formula in the Constitution to ensure participation of all social groups in leadership of the nation for national unity.

3. *Alternative Dispute Resolution for political disaccords and crises:* The various disputes that permeated the political landscape created a lot of tension, violence and ill will across the nation. Despite the resort to the courts of law and judicial pronouncements in settlement of these disputes, not all the judgments were accepted in good faith or respected by aggrieved parties. This buttresses the need for establishing intra and inter-party Alternative Dispute Resolution Spectrum that provides conflict resolution options that suit the nature or character of every political dispute. For instance, the feud between the President and his vice will have been analysed as a case that can be addressed through ADR other than litigation.
 - ❑ Experts have proffered the inclusion of Alternative Dispute Resolution in the management of political and electoral disputes, especially the electoral tribunals constituted to handle disputes arising from the 2007 elections.
 - ❑ In line with this, the Negotiation and Conflict Management Group¹⁷ has proffered the use of an Eminent Persons Group¹⁸ to manage conflicts of communal and National magnitude. This would consist of depoliticized, intellectually sound persons of high integrity, men and women that are highly respected in the nation and versed in ADR who can be called on to manage conflicts emanating from political or socio-economic issues in the polity.
 - ❑ It is advocated that the electoral Act be amended to include provisions for ADR to sustain post election peace.

4. *Capacity Building for Political Parties:* The notion of political parties in Nigeria is flawed. People change political parties and become candidates for elective offices over night. Political parties lack ideally and the only goal seems to be power. One of the reasons for the level of political violence in Nigeria is the prevailing perception of political office and governance. It is a misconception of democracy that limits the responsibility of elected political officers to their constituency or electorate. There is absence of a political party culture and impatience. Unlike in Ghana, Senegal and South Africa where people militated in political parties for decades, the military regime hangover has seriously affected the Nigerian polity. The culture of rigging and election malpractice has replaced the interest and commitment of political aspirants and officers to painstakingly seek the consent of the electorate through the voting process to be elected as a 'servant' that represents the needs and interests of the people. This has placed citizens at the benevolence of those in political office. Governance has therefore been characterized by the personalization of resources of the state held in trust for citizens, with little or no transparency and accountability. The need for capacity enhancement and rules governing political 'prostitution' is an imperative.

¹⁶ Ogbodo John, "Power Shift Deal intact says Yaradua", *The Guardian*, April 26th, page 1.

¹⁷ NCMG is an independent, non profit and non governmental organization with the primary mission of peacebuilding and supplementing the resources for justice through ADR.

¹⁸ An initiative of the NCMG.

- There is also need to enforce a Code of Conduct for political parties which holds politicians responsible and liable for prosecution for violence fomented by their supporters or thugs.
5. *The Youth Factor in Nigerian Politics:* The threat posed to national security by the ever increasing army of young unemployed persons, educated and uneducated and their rising involvement in crime is greater than any posed by external aggression. In all the six geopolitical zones, there was widespread availability of young men between the ages of 18 and 30 in large numbers as thugs used for the violence that permeated the polity during elections. The challenge for the nation is the future threat it faces in the neglect of this important group. Oshita remarked that "Our environment is changing but we are not changing with it. Our value system has been changing but we are not tracking how our youth are changing with it...What is emerging is an environment of tempting criminality – gang or cult."¹⁹ Underlying all of this is the breakdown of socio cultural values.
- There is need to take holistic look at the state of the nation and its impact on the Nigerian youth. This should be followed by a review of the existing youth policy and the development of a comprehensive new document. The Nigerian youth (like most youths in Africa) has boundless energy that can be exploited for good or for destructive tendencies. A policy that comes up with strategies to harness this energy should be explored. What is proffered is a partnership between the government and critical actors such as the private sector / business community, religious institutions, civil society, amongst others to explore ways of channelling the boundless energy of the Nigerian Youth towards productive rather than destructive activities.
6. *Proliferation of Small Arms:* Related to the issue of the Nigerian Youth is the sheer number of arms illegally imported into the country during election period. The level of violent rallies and the commando style shooting that led to the loss of lives that preceded the elections gave credence to security reports of stockpiling of arms by politicians in preparation for the elections. These arms were possessed and used by political thugs. A serious national security crisis looms in the nation if these arms are left in the hands of thugs.
- It has been suggested that the nation be subjected to Disarmament and Demobilization programme for groups armed during the elections to effectively deal with the security threat posed by the massive importation of arms witnessed during the elections.
 - The Niger Delta should have special DDR for itself given the threat it poses to the peace and security in the
7. **The state of the Nation's Traditional Institutions:** There is need for a targeted focus at ways of restoring the dignity of the nation's traditional institutions to harness their numerous potentials for nation building, peace and stability in communities across the nation. This makes the electoral campaign promise of the new President elect, Musa Yaradua, to accord recognition and due respect to traditional institutions

¹⁹ Oshita O Oshita, "Instituting Social Security System as a means of Curtailing Youth Restiveness and Promoting a Peaceful Electoral process in Nigeria". March 2007.

in the nation²⁰ a significant one that must be followed up to ensure its implementation. However this must go beyond recognition to efforts aimed at identifying the factors that have degraded the nation's traditional institutions with a view to finding remedies. The independence of traditional institutions must be de-politicized.

8. **Redefinition and practice of democratic culture and principles:** An outstanding feature of the elections is the commitment of Nigerians to democracy. The issue of massive disenfranchisement is an issue to be urgently addressed. Likewise the blatant disregard for the wishes of Nigerian voters as manifested in the massive rigging of the elections. Out of 140million people, only 24million (less than 20% of the population) voted to elect the Nigerian President. This negates the concept of democracy as majority rule and underscores the need for continuous civic education. In addition there is need to combat the rigging culture in the nation by addressing underlying factors. Civil society efforts including activities of WANEP-Nigeria geared towards building conflict resolving governance should be encouraged and sustained for national peace and stability.
 - Also the budgeting process presently negates the participation of citizens and has been identified as a causative factor for election malpractices. To counter this, the need for the participation of the citizens at all levels in the budgeting process – preparation, implementation, monitoring and evaluation - becomes urgent. If Civil society organizations can monitor elections in communities across the nation, they can also develop capacity to monitor the budget with the same scope.
9. *Harnessing the potentials of Women:* Naked protests of women in communities is an indicator of the frustration of women in and prove of the existence of issues that have far reaching implications on the well being of those communities. Capable women should be encouraged to work alongside men in issues of peace and human security by continually enhancing their capacity. President Yar'Adua's announcement of a 30 percent slot for women in his anticipated government is a welcome move.
 - There is need to domesticate UN resolution 1325 to create the legal framework for women's involvement in Peacebuilding which involves governance, electoral process and all issues that are likely to impact on peace and human security.
10. *Media and the Freedom of Information Bill:* Section 22 of the 1999 Constitution gives the media the role of watch dog in the sustenance of democracy to achieve development. The need to sign the Freedom of Information bill into law to create an enabling environment for the media to excel in its role is imperative. The bill provides opportunity for the media to have access to government records and documents not classified as having implications for national security. This will further discourage election malpractice through the distortion or manipulation of election results. Ongoing debates on the bill should resuscitate it for immediate ratification.
11. *Internal Security challenges:* The limited capacity and vulnerability of the police requires drastic measures to address the threat this poses to internal security in the nation. In the words of Human Rights Watch, "The police could not maintain peace in some areas where violence occurred because they were helpless. They were not

²⁰ Yaradua assures on Traditional Ruler's Council by Mohammed Aminu. *ThisDay* Newspapers, March 21st,2007, page 5.

armed, they had no communication equipment to contact divisional police headquarters, even mobile phones..."²¹ This calls for continued collaboration with the armed forces under the existing domestic peace support operations such as Operations Restore Hope and Operation Safety Valve. However in view of the human right abuses that arise in the interaction of civilians and security forces, there is need for continued reform of the Police and Peacebuilding training for the armed forces being implemented by Civil Society organizations.

- In addition, the limited capacities of the Nigeria Customs and Immigration need to be looked into as well. Ways to enhance collaborations between the customs, the police and communities along borders should be strengthened for improved border security. Security forces should respect the rule of law and therefore be mindful of the legal implications of gross abuse of office as was reported in some areas during the April general elections.

12. *Laying the foundation for the 2011:* There is a need to start laying the foundation for the 2011 elections immediately. The first step towards this is the need for a Constitutional and Electoral Act amendment exercise to address flaws that negatively affected the 2007 polls. Issues such as:

- The closeness of the handover date in relation to election of a new government and the attendant electoral disputes should be addressed.
- The health status and age of a Presidential aspirant. This should be defined in view of the near crisis created by the death of Chief Adefarati of the Alliance for Democracy (AD) in the run up to the elections. Should health status form part of the screening requirements for presidential candidates?
- The relationship of executives and their vice, their rights, privileges as well as the limits of each. This created considerable conflicts in the present dispensation.
- Litigations and elections. At what point should all court cases in relation to elections end. This created a lot of tension and uncertainty in the polity as well as distracted INEC from adequately preparing for the elections.

CONCLUSION

The 2007 elections marked a watershed in the history of the nation. The lessons emanating from the process should become a turning point from years of bad governance and negation of democratic culture and principles. The major outstanding feature of the transition is the emerging political maturity of Nigerians and their commitment to democracy. The refusal of the opposition to be intimidated and the protests that followed serves as a wakeup call that the citizens are transiting from complacency to demand for accountable governance through political justice. Following the INEC pronouncement of the results, four options were proffered by different groups in this regard: Interim government headed by the Senate President and eventually the Chief Justice of the Federation; Outright cancellation of the elections and a rerun by this interim government; Recourse to Election tribunals by aggrieved parties; Acceptance of the status quo and making the best of it. Justice can only prevail where governance furthers the interest of the citizens through the protection of right of expression and election of credible leadership across the three tiers of government. This calls for governance that caters to the needs of all social groups and harnesses their potentials for nation building. It is only in the context of justice that the disempowerment and

²¹ Muraino, "Polls: Rights Commission berates Police Conduct. ThisDay, April 20th, 2007, pg 7.

distortions created by poverty can be eradicated and the re-orientation of values needed to build a Nigeria that can stand proudly in the comity of nations can be achieved. Victory for democracy in Nigeria is victory for Africa.

