

NIGERIA:
FAILED ELECTIONS, FAILING STATE?

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NIGERIA: FAILED ELECTIONS, FAILING STATE?

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Nigeria's democracy is in crisis. The April 2007 elections were supposed to move the country to a higher rung on the democratisation ladder, create a more conducive environment to resolve its many internal conflicts and strengthen its credentials as a leading peacemaker, but instead generated serious new problems that may be pushing it further towards the status of a failed state. The declared winner, Umaru Musa Yar'Adua, assumed the presidency on 29 May with less legitimacy than any previously elected president and so with less capacity to moderate and resolve its violent domestic conflicts. He must act urgently to heal wounds, redress electoral injustice and punish the most grievous voting frauds, including those by officials of the agencies directly involved in administering the elections. To salvage his government's legitimacy, he needs to pursue policies of inclusiveness and restraint in relation to the opposition, accept the decisions of the tribunals (including the Supreme Court if need be) reviewing the petitions of defeated candidates, and embark on a vigorous electoral reform program.

The elections, in the view of Nigerians and the many international observers alike, were the most poorly organised and massively rigged in the country's history. In a bitterly contentious environment, outgoing President Olusegun Obasanjo and his People's Democratic Party (PDP) acted with unbridled desperation to ensure sweeping, winner-take-all victories, not only in the presidency and federal legislature but also in state governorships and assemblies. Characterised as a "do or die" battle by Obasanjo, the campaigns and elections also witnessed extensive violence, including over 200 people killed.

Widespread electoral malpractice and the staggering scale of falsified results were possible because of serious shortcomings within the regulatory agencies, most notably the Independent National Electoral Commission (INEC). Vigorously manipulated by the presidency, INEC virtually abdicated its responsibility as impartial umpire. Inefficient and non-transparent in its operations, it became an accessory to active rigging. Similarly, the massively

deployed police and other security services helped curb violence but largely turned blind eyes to, and in some cases helped in, the brazen falsification of results.

INEC declared a landslide for Yar'Adua with 70 per cent of the votes, to 18 per cent for Muhammadu Buhari of the All Nigeria People's Party (ANPP). That victory is bitterly disputed by many Nigerians, however, including broad-based labour, religious and civil society groups. It has pushed the country further towards a one-party state and diminished citizen confidence in electoral institutions and processes. Most ominously, it has undermined Nigeria's capacity to manage its internal conflicts, deepening already violent tensions in the Niger Delta and refuelling Biafran separatism in the ethnically Ibo south east. It has also badly damaged the country's international image and Obasanjo's legacy as a statesman, thus diminishing their credibility to serve as leading forces for peace and democracy throughout West Africa.

Yar'Adua was sworn into office amid subdued protests but he faces a giant challenge to pull Nigeria back from the brink of chaos, and he begins with his reputation grievously wounded by the process that brought him to power.

RECOMMENDATIONS:

To the Government of President Umaru Yar'Adua:

1. Reach out to the opposition to form an inclusive government of national unity, in which all major parties are represented, and not by co-opted individuals but rather by their own official nominees.
2. Provide tribunals considering election appeal petitions the logistical and administrative assistance they need to function effectively and respect their judgments, including ultimately, as may be, those of the Court of Appeal and the Supreme Court.

3. Establish an independent inquiry to identify responsibility for fraudulent electoral practices and a judicial inquiry into political violence and other violations of human rights committed during the election period.
4. Dismiss the present leadership of INEC immediately in order to clear the way for a proper probe of its activities and defuse public outrage over its performance.
5. Restrain security services, including the Nigeria Police Force, from using disproportionate measures, including force, against groups and individuals protesting peacefully including by street demonstrations.

To the Senate:

6. Institute a judicial inquiry into INEC's financial management to determine the extent to which mismanagement, corruption and other financial improprieties contributed to failure of the elections, and to identify those responsible.
7. Initiate a process for fundamental and comprehensive reform of the electoral framework, institutions and procedures, with clear benchmarks and a timeframe for implementation.
8. While remaining committed to the anti-corruption campaign, set a three-month moratorium on arrests by the Economic and Financial Crimes Commission to allow thorough review of its role in the April elections, clarify its functions and powers, and establish criteria for prosecution and an abuse oversight mechanism.

To the Independent National Electoral Commission (INEC):

9. Make available without delay to parties and candidates seeking redress of abuses all documents and other materials needed to support their petitions to the electoral tribunals.
10. Publish the detailed, state-by-state breakdown of votes cast for each candidate at the presidential elections.
11. Publish detailed reports on management of election funds, with special regard to compliance with due process and prudent practice in letting contracts.

To the United Nations, U.S. and European Union:

12. Give material and technical aid to assist the election tribunals, including ultimately, if need be, the Court of Appeal and Supreme Court, to adjudicate in a transparent, timely and independent manner.
13. Support establishment of independent inquiries to identify responsibility for fraudulent practices, political violence and other violations of human rights committed during the election period.
14. Encourage Nigerian authorities to set clear benchmarks for electoral reforms and a timeframe for implementation, by making them conditions for any assistance in future polls.

To the African Union and the Economic Community of West African States (ECOWAS):

15. Engage with the new administration to encourage it to pursue electoral justice and redress, and to promote policies of inclusiveness, reconciliation and peacebuilding.

To the Opposition Parties and Candidates:

16. Work with the new government to ensure that future elections are conducted by a genuinely independent electoral commission and that all electoral processes are free, fair and transparent.

To Civil Society Groups:

17. Sustain and strengthen their oversight role with regard to the election tribunals, prosecution of officials charged with corruption and comprehensive electoral reform, including overhaul of INEC.

Dakar/Brussels, 30 May 2007

NIGERIA: FAILED ELECTIONS, FAILING STATE?

I. INTRODUCTION

Nigeria's democracy has derailed. The April 2007 general elections were supposed to consolidate the country's evolution as a democracy, facilitate the peaceful resolution of its many internal conflicts and bolster its stature as a leading peacemaker and peacekeeper in Africa. Instead, the conduct and outcome deepened long-running political crises, pushed the country further down the road to failure as a democratic state and weakened its position as a broker of peace across the continent.

The elections, marking the first time Nigeria conducted three consecutive polls (1999, 2003 and 2007) uninterrupted by military rule since independence from British colonial rule in 1960, were marred by such widespread irregularities that neither Nigerians nor the watching world consider the results credible. While elections are designed to produce leadership that represents the people's will and commands their respect, these produced a government of doubtful legitimacy. Whereas democracy is supposed to provide a framework for non-violent resolution of conflicts, this exercise of it, preceded by and riddled with so much violence, may have diminished the opportunities for making peace with militants in the oil-rich Niger Delta, neo-Biafran separatists in the south east and some of the other conflicting interests in Africa's most populous and diverse country.¹

The elections were conducted in a highly contentious environment. The first round on 14 April 2007, to elect state governors and members of the state houses of assembly, was marred by serious logistical flaws. Hopes that these would be rectified at the presidential and national assembly polls on 21 April were dashed: the second round was substantially worse in many regards. The situation was further aggravated by serious security shortcomings, which resulted in many

incidents of intimidation and violence, leading to extensive falsification of results.

In the end, the Independent National Electoral Commission (INEC) declared that Umaru Musa Yar'Adua of the ruling People's Democratic Party (PDP) had won, with 24.6 million votes, over Muhammadu Buhari, candidate of the All Nigeria People's Party (ANPP), with 6.6 million. Vice President Atiku Abubakar, candidate of Action Congress (AC), was third with 2.6 million. Of the other 21 candidates, only Orji Kalu, outgoing Abia State governor and candidate of the Progressive People's Alliance (PPA), with 608,803, received more than 300,000 votes. These results have been denounced not only by opposition leaders, but by virtually all stakeholders in the electoral process, including some ranking members of the triumphant PDP.² Buhari said he "completely and wholeheartedly" rejected the results.³ Abubakar called the elections "a sham". At its first meeting after the elections, the Coalition of Opposition Candidates (COC) said they were "worse than military coups".⁴

In its pre-election report, Crisis Group drew attention to the many threats to the integrity of the electoral process which could undermine the credibility of the results.⁵ This report identifies what went wrong and the implications for the Nigerian state and the West African region. It also outlines the immediate steps that must be taken to halt a slide to state failure, which would have far-reaching implications for domestic and regional stability.

¹ For political and economic history, see Crisis Group Africa Report N°113, *Nigeria: Want in the Midst of Plenty*, 19 July 2006.

² Augustine Ehikioya, "Nnamani: PDP Rigged on April 14: Figures allocated without voting", *The Nation*, 20 April 2007, p. 1.

³ "Polls: A Disgrace to Nigeria", statement by ANPP candidate Muhammadu Buhari, text in *Daily Trust*, 24 April 2007, p. 8.

⁴ Mohammed Abubakar, "Opposition parties meet, reject results," *The Guardian*, 24 April 2007, p. 2.

⁵ See Crisis Group Africa Report N°123, *Nigeria's Elections: Avoiding a Political Crisis*, 28 March 2007.

II. THE FAILED APRIL ELECTIONS

The failure of the April elections resulted from the combination of several problems, some of which had been plaguing the process for some time. Broadly, these could be identified in the disputes that arose from manipulation of the electoral environment by outgoing President Olusegun Obasanjo since 2005, as well as the partiality, non-transparency and incompetence of the electoral commission (INEC) and the insecurity and violence that undermined the integrity of the elections.⁶

A. INEC RESPONSIBILITY

The first set of problems that marred the polls is located squarely with INEC. These ranged from poor organisation and logistics on polling days to acquiescence, if not active collaboration, in vote rigging and other malpractices.

1. Logistics nightmare: a rigging strategy?

In apparent support for the strategy by which Obasanjo and the PDP had sought to eliminate certain candidates, INEC disqualified a number, including the vice president, on the grounds that they had been “indicted” by a federal government administrative panel. While this decision was still being challenged in court, and despite the protests of various stakeholders, INEC proceeded with its preparations. When the Supreme Court, on 16 April, finally ruled that INEC had no power to disqualify any candidate and that Abubakar must, therefore, be restored to the ballot, the commission had only four days to complete a massive task, including printing 65 million ballots in South Africa. This eleventh-hour crisis had very serious consequences for the availability of materials on polling day.

The convergence of INEC’s partisanship, operational incompetence and the self-inflicted eleventh-hour crisis turned logistics into a nightmare. This particularly affected the presidential and national assembly elections on 21 April. While the commission blamed the delay in arrival of materials exclusively on the Supreme Court’s last-minute directive that Abubakar be restored to the race, observers believe the troubles, which seemed more pronounced in opposition strongholds, were part of a deliberate strategy to deny opposition parties votes.

On both polling days, but especially 21 April, officials and materials arrived late in many areas so that voting started late or never happened. Supplies of election materials and distribution were, to say the least, haphazard. In Enugu State, Senate President Ken Nnamani, Nigeria’s third-ranking official, found no materials or INEC staff at the station where he was to vote for governor. In Anambra State, Governor Peter Obi had the same experience for both governorship and presidential elections. The delays may not have been disabling in most state capitals with airports but were crippling in the remote areas where most Nigerians live. In many such areas, often incomplete materials arrived late at night, well after voting hours and when frustrated voters had all gone home. Some locations had too few presidential ballots. In several constituencies, national assembly elections had to be postponed due to ballot omissions and errors. On 28 April, turnout for re-runs in constituencies scattered across 27 of the 36 states was very low: many said they were not interested in elections with predetermined outcomes.⁷

In many areas, ballots had no authentication of their source. Boxes had no security seals, so they could easily be tampered with during and after the elections. There were excess ballots in some states, none at all – and thus no voting – in many parts of others, like Enugu, Anambra and Rivers.

In some areas where ballot boxes and papers were supplied, the symbols of some parties or names of their candidates were missing. For instance, the logo of the National Action Council (NAC) was left off the presidential ballots, a violation of Section 45(1) of the Electoral Act.⁸ More grievously, while the ballots used for the senatorial and house of representatives elections had serial numbers, those used for the presidential polls did not. INEC says this omission was unavoidable, after the South African printers said they could not meet the tight deadline if they had to number the ballots serially; but the commission had no authority to contravene Section 45(2) of the Electoral Act, which states: “The ballot papers shall be bound in booklets and numbered serially with differentiating colours for each office being contested”.⁹ This lack of serial numbers made it

⁶ For detailed background to the elections, see *ibid*.

⁷ “Voters boycott rescheduled polls”, *Sunday Vanguard*, 29 April 2007, p. 5.

⁸ Electoral Act 2006, Federal Government Printer, Lagos, 22 June 2006 (hereinafter cited “Electoral Act 2006”). Section 45(1) states: “The Commission shall prescribe the format of the ballot papers which shall include the symbol adopted by the Political party of the candidate and such other information as it may require”.

⁹ Electoral Act 2006, Section 45(2).

impossible to trace the votes for the presidential elections back to a polling station, thus creating ample room for ballot manipulation. It also now makes it impossible for INEC or anyone else to provide a credible breakdown of votes cast at each polling station or in each ward, local government area or state.

In a majority of polling stations, procedures were not followed and ballot secrecy was not guaranteed. Voting booths were mostly not available, and where they were, many were at, or in the vicinity of, inappropriate places including churches and mosques, private residences, the palaces of traditional rulers, drinking bars and open places which provided no shelter from the weather for both voters and polling officers. As the layout and organisation of most polling stations did not allow for secret voting, most voters were compelled to make their choices in full view of other voters, security agents and polling officials. Rowdiness at the stations allowed for interference by security personnel and INEC officials. At some stations, officials closed voting much earlier than was announced by INEC, thereby disenfranchising many voters.

Where attempts were made to vote at night due to late arrival of materials, lighting was insufficient; the casting and counting of ballots under dim lanterns or oil lamps created ample opportunities for manipulation of results and provided “the ideal environment for proliferation of ghost voters”.¹⁰ Worse still, result forms were missing in many areas; opposition candidates charged PDP and INEC officials withheld them to facilitate rigging. Even where the forms were available, and despite INEC assurances, they were not displayed at polling stations.

2. The rigging epidemic

The chaotic situation created by INEC’s shortcomings provided ample opportunities for the elections to be rigged “on an epidemic scale”.¹¹ Across the country, numerous electoral malpractices included:

- ❑ intimidation of voters and, in some cases, election observers and monitors;
- ❑ under-age voting;

- ❑ hoarding of election materials by INEC officials, including ballots and result sheets;
- ❑ ballot-box stuffing by dominant parties, often with the connivance of INEC and security officials;
- ❑ theft of ballot boxes and ballot papers;
- ❑ announcement of results where there was no voting, especially in the South East, South-South and North East;
- ❑ refusal to make result sheets available to party agents, thus denying aggrieved candidates the chance to use them in arguing their petitions at the election tribunal;
- ❑ diversion of ballots and result sheets so that powerful politicians could falsify results;
- ❑ deliberate refusal to give certain polling stations adequate voting materials; and
- ❑ various partisan acts by INEC and security agents.

Hijacking of ballot boxes was rampant, as were theft of sensitive polling materials, stuffing of ballot boxes and vote buying. Vote counting completely lacked transparency, as polling stations’ results were not publicly displayed at any level of the election administration throughout the country. Arrangements for conveying polling materials and officials to and from the polling stations to the counting centres were inadequate. Unofficial arrangements often led to compromises or abuses that cleared the way for massive falsification.¹² These practices were not the preserve of a single party. Crisis Group’s interaction with observers, monitors and party agents showed “competitive rigging”,¹³ in which parties with more resources on the ground out-rigged the others. Since the PDP controlled 27 states and thus had greater access to the resources for manipulating the process, “it was able to engage in the rigging contest from a position of strength”.¹⁴

Striking was the active collaboration of INEC and its staff in many of these activities. INEC says most of those involved were junior-level, ad hoc staff, not

¹⁰ Crisis Group interview, civil society leader and election monitor in Abia State, Abuja, 25 April 2007.

¹¹ Crisis Group interview, foreign journalist who covered the elections in Edo State on 14 April and Rivers State on 21 April 2007.

¹² Crisis Group interviews, two civil society officials who monitored the elections in Bayelsa, Delta and Rivers States, at a press conference organised by Government/Civil Society Partnership Program, Abuja, 26 April 2007.

¹³ Crisis Group interviews at the Institute for Peace and Conflict Resolution’s Election Review Forum, Abuja, 10 May 2007.

¹⁴ Ibid.

permanent personnel, but they had supposedly been trained and functioned under supervision. Indeed, the problem was not merely with the ad hoc staff; compelling evidence of INEC's complicity in rigging was visible in at least two states and in the presidential polls.

In Anambra State, where Obasanjo's former aide, Andy Uba, ran on the PDP ticket and elections were not held in most communities, the INEC resident electoral commissioner initially announced that with 1,930,004 votes, Uba had routed Virgy Etiaba of the All Progressive Grand Alliance (APGA) with 71,296 and Njideke Anyadeke of African Democratic Congress (ADC) with 14,506. When the resident realised these figures were higher than the sum of registered voters, he shaved 900,000 from Uba's total but left him a comfortable lead.¹⁵ In Ondo State, on the morning after the governorship elections, while the resident INEC commissioner said votes from the Local Government Areas (LGAs) were still being counted, Philip Umeadi, INEC commissioner for information and publicity in distant Abuja, declared the PDP's Olusegun Agagu the winner.¹⁶

Even more dubious was the INEC role in declaring Yar'Adua winner of the presidency. Given that voting materials had arrived in many areas very late on election day (21 April), and voting could not take place in many communities that day, the results could not have been ready in less than three days. However, INEC headquarters in Abuja started rolling out returns on 23 April. After results were counted from only thirteen states, the chairman called a press conference to declare national results and announce the PDP candidate had won. To win the presidential election, the constitution requires that a candidate not only win a majority of votes cast, but also that "he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all states in the Federation and the Federal Capital Territory, Abuja".¹⁷ In declaring Yar'Adua winner, the chairman gave no breakdown of votes or even percentages. Those figures have not yet been published; thus it is not yet proven that Yar'Adua met the constitutional requirements to be declared president-elect.

B. THE SECURITY DEFICIT

Voting, like the campaign, was also marred by widespread violence and general insecurity. Violence had been a major concern of many stakeholders well before the elections, as clashes escalated between supporters of the major parties. In response, the government and security agencies had assured citizens their safety would be guaranteed. Both the minister for police affairs, Alaowei Broderick Bozimo, and the Inspector General of Police (IGP), Sunday Ehindero, said a large number of armoured personnel carriers, AK-47s and other sophisticated weapons had been acquired to ensure election security.¹⁸ Yet, incidents abounded. Most involved official harassment of opposition leaders on the eve of the elections, failure to secure election materials and preempt incidents during the polls or ruthless repression of protests following the announcement of results. Underlying all this was the tendency of security personnel to acquiesce to, or actively collaborate with, the ruling party in rigging the elections.

In the week before the elections, harassment of opposition figures intensified, with many arrested in several states and taken to Abuja, affecting their campaigns and frightening their supporters. The police picked up several leaders of Abubakar's AC, including Rauf Aregbesola (governorship candidate in Osun State), Michael Koleosho (leader in Oyo State), two candidates for the house of representatives and five for Ekiti State's assembly,¹⁹ and several senior party members in Gombe State, on charges of instigating electoral violence; they also arrested the ANPP chairman in Katsina State, Dr Yushau Armaya'u, and eight others in connection with clashes with the PDP. The arrests appeared politically selective, as no leader of the PDP, whose thugs were prominent in the violence, was held. The Economic and Financial Crimes Commission (EFCC) raided the residence of the Democratic People's Party (DPP) presidential candidate, Attahiru Bafarawa, investigating graft under his administration of Sokoto State.²⁰ The timing of these actions, whether intended

¹⁵ Chris Ajaero, "The Frauds that Fueled the Fire", *NewsWatch*, 30 April 2007, p. 20.

¹⁶ *Ibid.* p. 13; also Paul Adeagbo and Olusola Olaosebikan, "Remorseless Vote Riggers", *The News*, 30 April 2007, p. 27.

¹⁷ Constitution of the Federal Republic of Nigeria 1999, Section 133(b).

¹⁸ Funmi Peter-Omale, "2007: FG Orders 40,000 Rifles for Police", *THISDAY*, 8 November 2006, p. 6.

¹⁹ Odunayo Ogunmola and Emmanuel Oladesu, "Mass arrests in Ekiti: 43 AC, ANPP members held", *The Nation*, 5 April 2007, pp. 1-2.

²⁰ Bafarawa was elected governor of Sokoto State in 1999 and re-elected in 2003. On 12 April 2007, the police suddenly recalled to Abuja the security personnel attached to the Lagos state governor, Bola Tinubu, a major AC figure. Those withdrawn included his aide de camp and chief security officer.

or not, created insecurity among the opposition, thus further tilting the field in favour of the PDP.

This campaign of harassment and intimidation was extended beyond the opposition parties to other organisations considered critical of the government's electoral mismanagement. On 17 April, armed men from the State Security Service (SSS) and the anti-riot police raided the Abuja studio of the leading private radio/television organisation in the country, Africa Independent Television (AIT). Staff were roughed up, and several tapes seized, including a documentary on the country's past leaders which was being aired.²¹ The SSS said the action was in connection with a program earlier in the day which had adverse security implications. But, coming on the eve of the presidential elections, many journalists saw it as an attempt to intimidate an organisation that had provided clearer, more credible reports on the state-level elections than the government-controlled Nigerian Television Authority.

The election days saw massive deployment of military and security personnel in several cities, especially in states which the IGP had identified as potential hotspots.²² These deployments undoubtedly provided a degree of security, preventing clashes that claimed over 70 lives from degenerating even further. However, coming after President Obasanjo's threats against the opposition,²³ and similar threats by PDP chairman, Ahmadu Ali, and the IGP himself, they also intimidated many opposition supporters and other voters.

Instead of providing security, the police were often deliberately used to scuttle the electoral process. There were several cases where they looked the other way while under-age voting, stuffing of ballot boxes and false thumbprinting occurred.²⁴ Sometimes they were used by PDP chieftains to hijack ballot boxes from electoral officials at gunpoint; in Ondo State, reportedly "soldiers and police also took part in moving ballot boxes and papers from one polling

station to another",²⁵ thereby facilitating massive rigging at some centres. In the state capital, Ondo city, they provided cover for PDP candidates to stuff ballot boxes in the homes of party chieftains; as a combined force of anti-riot policemen and PDP thugs moved round the polling stations picking up over 300 Labour Party members (mostly party agents), the PDP thumbprinted ballots and wrote in results as it pleased²⁶. Where INEC officials had been induced to falsify the figures at counting centres, police granted PDP agents easy access to assist staff, while barring agents of other parties.²⁷ At the conclusion of presidential and national assembly elections, agents of opposition parties were denied access to INEC state headquarters, where results were written and announced.

Experiencing significant police violence, the opposition had argued even before the voting that police inspector general Ehindero had shown himself to be one of the most politically involved police bosses in Nigeria's history. Before the elections, he showed visible bias in favour of the ruling party. Thus, in Oyo and Plateau States, he quickly removed the impeached governors, Rashidi Ladoja and Joshua Dariye, based on court pronouncements in tune with PDP thinking – but dragged his feet in reinstating Ladoja, even after new court decisions.²⁸ Ehindero's apparent bias may have been due to the fact that he was due for retirement when he reached the mandatory age of 60 in March 2006, but Obasanjo extended his tenure to the beginning of the new president's term on 29 May 2007.

The involvement of police personnel in rigging, however, is more fundamentally a symptom of the force's crisis of professionalism. A senior officer, now retired, told Crisis Group that Nigerian police, as presently indoctrinated, trained and orientated, will always see their allegiance to the governing party; this is first because they cannot distinguish "ruling party" and "government", and secondly because as long as political control of the force rests solely with the president, no officer would want to risk his job by refusing to support that president and his party.²⁹ This can only be altered by extensive reforms aimed at building professionalism in the force, including

²¹ Abubakar Yakubu, "Security operatives invade AIT, torture staff", *Daily Trust*, 18 April 2007, p. 5.

²² Lagos, Oyo, Ogun, Ondo, Osun and Ekiti in the South West; Bayelsa, Delta and Edo in the South-South; Anambra and Abia in the South East; Adamawa and Borno in the North East; Kogi and Kwara in North Central; and Kano in the North West.

²³ Ben Agande, Emmanuel Ulayi and Henry Umoru, "Polls: Obasanjo vows to deal with troublemakers", *Vanguard*, 5 April 2007, pp. 1-15.

²⁴ Adeagbo and Olaosebikan, op. cit., pp. 21-23.

²⁵ Maureen Chigbo, "Democratic Sham", *Newswatch*, 7 May 2007, p. 25.

²⁶ Ibid.

²⁷ Chris Ajaero, "Tools of Political Vendetta", *Newswatch*, 14 May 2007, p. 18.

²⁸ Ibid.

²⁹ Crisis Group interview, retired police commissioner, Makurdi, Benue State, 7 May 2007.

limitations on the president's ability to manipulate it for partisan political purposes.

Both local election monitors and international observers joined defeated candidates and parties in denouncing conduct of the elections. The Transition Monitoring Group (TMG), an umbrella watchdog composed of over 70 Nigerian civil society organisations which monitored the 1999 and 2003 elections impressively, said the polls were so fatally flawed that they should be cancelled and re-run. The Domestic Electoral Observer Coalition³⁰ called for cancellation of the results of the governorship and state assembly elections in at least ten states and of the presidential elections nationwide.³¹ The Nigerian Bar Association (NBA) declared the elections the country's worst ever,³² as did the umbrella workers' union, the Nigerian Labour Congress.³³ Leaders of the two main religious groups, the Christian Association of Nigeria (CAN) and the Nigerian Supreme Council for Islamic Affairs (NSCIA), jointly said INEC had accepted faked results in many states, and the elections were a national tragedy.³⁴

Preliminary reports by international observers were similarly critical. The West African Civil Society Forum (WACSOFF) reported that, based on "generally accepted international standards for credible, free, fair and transparent elections", Nigeria's "fell short".³⁵ The Commonwealth Observer Mission stated: "Overall, in organisational terms, these elections fell short of the standards Nigeria had achieved in 2003 and certainly well below those to which Nigeria is

committed".³⁶ The European Union Election Observation Mission (EUEOM) reported that: "The 2007 State and Federal elections have fallen far short of basic international and regional standards for democratic elections".

The U.S.-based International Republican Institute (IRI) said they failed to match the standards of even Nigeria's previous elections, and "the process failed the test of credibility". The U.S.-based National Democratic Institute (NDI)³⁷ observed that delays in delivery of essential electoral materials and opening of polling sites which it witnessed were unprecedented "in all the elections that NDI has observed in every region of the world",³⁸ and "in many places and in a number of ways, the electoral process failed the Nigerian people...It is unclear whether the April 21 elections reflect the will of the Nigerian people".

The results were so controversial that as they were being announced, Ehindero ordered that winners should not celebrate and losers should not protest, in order to avoid a breakdown of law and order. In cities and states where voters spontaneously protested results that did not reflect their ballots, police stopped them forcefully. Such silencing of protest, however, cannot conceal the far-reaching implications of the failed elections for Nigeria and indeed for Africa. The Nigeria Labour Congress (NLC) observed: "The general elections which we expected to help deepen democracy and promote development in our nation have, through manipulation and massive electoral fraud, become a source of major national crisis. It is a crisis that threatens the very foundations of the country and threatens to take the nation to a state of anarchy".³⁹

³⁰ The group, which includes the Transition Monitoring Group (TMG), Alliance for Credible Elections (ACE-Nigeria), Labour Election Monitoring Team (LEMT), Citizens Forum for Constitutional Reform (CFCR), Electoral Reform Network (ERN), Muslim League for Accountability (MULAC) and Centre for Democracy and Development (CDD), deployed approximately 50,000 trained election monitors throughout the country.

³¹ "An Election Programmed to Fail: Preliminary Report on the Presidential and National Assembly Elections Held on Saturday, 21 April 2007", Domestic Electoral Observer Coalition, Abuja.

³² Godwin Tsa and Joy Mbaeyi, "2007 polls worst ever – NBA", *Daily Sun*, 25 April 2007, p. 5.

³³ Ladi Patrick, "Most rigged election in Nigeria's history – NLC", *New Age*, 18 April 2007, p. 1.

³⁴ Francis Awowole-Browne, "INEC, a national embarrassment – CAN, NSCIA", *Daily Sun*, 29 April 2007, p. 7.

³⁵ Press statement by the West African Civil Society Forum (WACSOFF) Election Observation Mission to the Nigerian Presidential Elections of 21 April 2007, 22 April 2007, at www.wacsoff.org.

³⁶ "Don't Lose Faith In Democracy", departure statement by the Commonwealth Observer Group on Nigeria's Elections, Abuja, 28 April 2007.

³⁷ The NDI team included: Madeleine Albright, NDI Chairman and former U.S. Secretary of State; Mahamane Ousmane, Speaker, ECOWAS Parliament, former President of Niger; Amos Sawyer, former President of Liberia; Joe Clark, former Prime Minister of Canada; Jeanne Shaheen, Director, Institute of Politics, John F. Kennedy School of Government, Harvard University, former Governor of New Hampshire; Justice Yvonne Mokgoro, Constitutional Court of South Africa; and Kenneth Wollack, President of NDI.

³⁸ "Statement of the National Democratic Institute (NDI) International Election Observer Delegation to Nigeria's April 21 Presidential and National Assembly Elections", Transcorp Hilton Hotel, Abuja, 23 April 2007.

³⁹ Chuks Okocha et al, "Go to Tribunal, INEC Tells Ngige, Others", *THISDAY*, 18 April 2007, p. 4.

III. TOWARDS A FAILING STATE?

The failure of the April elections has major implications for Nigeria's governance, internal security and stability.

A. LEGITIMACY DEFICIT

A first implication concerns the new government's legitimacy. As the product of a deeply flawed, disputed election, it takes power in Abuja but has not yet earned a place in the hearts of the people. Ken Nnamani, the outgoing Senate president, says: "There will be a legacy of hatred. People will hate the new administration and they will have a crisis of legitimacy".⁴⁰ Abdulwaheed Omar, NLC president, told a Labour Day rally in Abuja that "any government based on the outcome of the elections will be politically and morally disabled".⁴¹ The Domestic Electoral Observer Coalition says its member organisations "do not believe that any outcome of that election can represent the will of the people", and "any administrative arrangement founded on such fraud can have no legitimacy".⁴²

Groups that do not believe in the legitimacy of the new government are threatening a campaign to destabilise it. The Coalition of Civil and Human Rights Groups says it will use all legitimate means to give the Yar'Adua presidency a tough time. The Campaign for Democracy (CD), which spearheaded the campaigns that ended military dictatorship in the late 1990s, says it will challenge the legitimacy of the government by any means possible.⁴³ Prior to the 29 May inauguration, Adewale Balogun, executive director of the Centre for Constitutional Governance, had warned that "if Yar'Adua allows himself to be sworn in, based on that fraud called an election, he will not enjoy our cooperation, and we will ensure that he [does] not enjoy his reign".⁴⁴ Since the results were announced, opposition leaders have been urging

the international community to deny recognition to the Yar'Adua administration, especially the European Union, based on the very critical report delivered by its election observers.

It is not yet clear how far these groups will go or how effective their challenges will be. Even if they cannot deny the government international recognition or disrupt its domestic activities, they will pose a constant moral burden and make it more difficult for the government to muster the cooperation needed to confront fundamental challenges to Nigeria's stability and development, from constitutional reforms to improved economic governance and control of natural resources. The legitimacy deficit will thus produce a Nigeria that is much less coherent and united and considerably more vulnerable to disintegration. This weakness will affect the government's moral authority in negotiations which are urgently needed to resolve the domestic conflicts discussed below.

B. SLIDE TOWARDS ONE-PARTY STATE

The election outcome is a threat to Nigeria's democracy, marking a further slide towards a one-party state. Since 1999, the PDP has steadily captured ever more states and legislative seats at state and national levels. In 1999, Obasanjo, its flag-bearer, polled 62.8 per cent of the vote, to 37.2 per cent for Olu Falae of the ANPP/Alliance for Democracy (AD) coalition. In 2003, the PDP won 61.9 per cent to the ANPP's 32.2 per cent, while other parties shared 5.9 per cent. This year the PDP claimed 70 per cent of the votes, leaving the ANPP with 18 per cent.⁴⁵ Similarly, the states under PDP control have increased from 21 of 36 states in 1999 to 27 in 2003 and now 28.⁴⁶

The PDP's advance may be attributed to several factors. First, it fits the template Obasanjo designed almost two decades ago and has ruthlessly implemented since 1999. In his controversial book, *Constitution for National Integration and Development*, published in 1989, he argued that a one-party state "appears to be the only procedural mechanism through which we can transcend the divisive and centrifugal forces tearing us apart and diverting our attention from the monumental task of integration and nation building". He argued: "[A] one-party system as our national rallying point would give us continuity and structural change, continuity and stability as regards fundamental policies and objectives and dramatic (but peaceful) change of our

⁴⁰ Tom Ashby, "Flawed Nigeria poll will spawn hatred – Senate leader", Reuters, 22 April 2007.

⁴¹ Eric Dumo, "Massive Crackdown", *TheWeek*, 15 May 2007, p. 26.

⁴² "An Election Programmed to Fail: Preliminary Report on the Presidential and National Assembly Elections held on Saturday, April 21, 2007", signed by Innocent Chukwuma, chair, Transition Monitoring Group (TMG), on behalf of the Domestic Election Observation Group.

⁴³ Saxone Akhaine, "Yar'Adua may suffer legitimacy crisis, says CD", *The Guardian*, 5 May 2007, p. 6.

⁴⁴ Olusola Balogun, "Activists Plan Tough Time for Yar'Adua", *Saturday Independent*, 5 May 2007, p. A6.

⁴⁵ See Appendix C, Table 1, below.

⁴⁶ *Ibid*, Table 2.

dramatis personae". And he urged Nigerians to "give nature and history a gentle push in the right direction".⁴⁷ Over the last eight years, the Obasanjo-led PDP government has given nature and history not a gentle push but a vigorous shove. This has involved infiltrating and disorganising rival parties, seducing their leaders with patronage and employing much needed anti-corruption probes only selectively.⁴⁸ The most potent weapon, however, has been rigged elections.

As a consequence, the April 2007 elections, like those in 2003, have taken multi-party, culturally pluralistic Nigeria a step further towards a one-party structure. Matthew Hassan Kukah, vicar general of the Kaduna Archdiocese of the Catholic Church and a highly respected commentator on public affairs, warns: "For the PDP to suggest that Nigerians overwhelmingly gave them 90 per cent of the National Assembly seats is sheer madness".⁴⁹ Ray Ekpu, chief executive of the highly regarded weekly magazine, *Newswatch*, observes that "the PDP tsunami, if unchecked, will make the party more dominant, more domineering and turn this heterogeneous country into a monolithic entity....That must be a source of worry for our democracy – and for all of us".⁵⁰ The constriction of democratic space means diminished opportunity for dialogue to resolve differences between the country's diverse groups peacefully.

C. DIMINISHING CONFIDENCE IN THE DEMOCRATIC PROCESS

The flawed election may also have diminished voter confidence in the democratic process, particularly electoral institutions. This was reflected in turnout for the 21 April presidential elections. After the rigging of the governorship and house of assembly polls the previous week, many said they no longer saw any point in queuing to vote for president. While turnout for the 1999 presidential elections was 30.2 million (52.2 per cent of registered voters) and rose to 38.9 million in 2003 (64.8 per cent),⁵¹ it dropped significantly in 2007 to 35.2 million (57.2 per cent),

despite the fact that registered voters increased from 60 million in 2003 to 61.5 million. This drop in turnout for the presidential polls reflected growing apathy and has some bearing on the legitimacy of the results.

The serious flaws witnessed, especially on the part of INEC, during the electoral cycle threaten to further erode the confidence of many in their country's nascent democratic institutions. This could offer a more conducive environment, if not an invitation, to coup plotters and others who may wish to effect unconstitutional changes of government. As the experience following the country's first coup d'état in 1966 showed, such actions could trigger a chain of events, eventually leading the country into more deadly forms of conflict.

It has been proposed that the elections be cancelled in their entirety and re-run. This was considered by opposition candidates, local election monitors, civil society groups and, most recently, the Commission of Nobel Laureates in a statement issued under the aegis of the New York-based Elie Wiesel Foundation for Humanity (EWF);⁵² but there have been no mass protests against the results of the presidential elections. Spontaneous protests were largely local and more in reaction to the governorship than the presidency elections.

With such massive fraud, why was there no mass protest? Significant factors were the divisions in and incoherence of the opposition in the days following the elections. Given the vigour of the initial condemnation of the vote by both foreign observers and local monitors, it might well have been possible to reject the results, if the opposition had reacted promptly with a definite plan for mass action towards that goal. But it was too divided, incoherent and slow – the same flaws that had undermined efforts to form a "granite coalition" against the PDP in the elections.

When the opposition did achieve a collective response, it was to ask Nnamani to request that the Senate proclaim an Interim National Government (ING), to be headed by Nnamani himself, at the

⁴⁷ Olusegun Obasanjo, *Constitution for National Integration and Development* (Ibadan, 1989).

⁴⁸ "For the better part of its life, the PDP set out to obliterate the opposition parties by blackmailing them and planting moles in the opposition". Matthew Hassan Kukah, "Yes, Another Nigeria is Possible", paper delivered at PDP retreat, Abuja, 19 May 2007.

⁴⁹ *Ibid.*

⁵⁰ Ray Ekpu, "The PDP Tsunami", *Newswatch*, 7 May 2007, p. 14.

⁵¹ Appendix C, Table 3, below.

⁵² Laolu Akande and Kodilinye Obiagwu, "Nobel laureates canvass fresh elections, unity conference", *The Guardian*, 23 May 2007, pp. 1-4. The statement, signed by 48 members of the Commission, differs slightly from other proposals in that it does not call for immediate cancellation of the results, but rather for "a conference of national unity involving government officials, civil society, religious and business leaders to discuss the current crisis and set a date, within eighteen months, for early elections along with electoral reforms".

expiration of Obasanjo's term on 29 May.⁵³ The ING, they suggested, should then organise a credible election within six months. That seemingly reasonable proposal, however, was as unpopular as it was unconstitutional, because many Nigerians still associate an ING with the short-lived Ernest Shonekan government, which gave way to General Sani Abacha's dictatorship in 1993. Citizens had also vehemently opposed the ING idea when it was raised in 2006, following the failure of Obasanjo's third-term bid. Nnamani pointed out that there was no constitutional provision for an ING; Information Minister Frank Nweke was quickly on national television charging that the senate president and the opposition were involved in treasonable plots. The ING proposal could not fly.

The second factor that has undermined mass protests has to do with the limited structures of the opposition on ground and the disconnect between most of their leaders and civil society. With the exception of Professor Pat Utomi of the African Democratic Congress (ADC), hardly any candidate had real connections with civil society, whose strong collaboration is crucial to organising mass protests. Moshood Erubami, immediate past president of the Campaign for Democracy (CD), explained:

We've been alienated by the same political class that thought we could fight for them, for a very long time. They didn't believe in the civil society groups, they never empowered us....Tell me: who are we to fight for at the national level? Is it Atiku? What is the difference between Atiku and Obasanjo that anybody would go to the streets to be killed?⁵⁴

It was this line of thought that led the NLC, which earlier threatened it was "ready to cast our lot with the masses who have decided to resist rigging unlike in 2003 when people were passive",⁵⁵ to back down and refuse to allow its Labour Day rallies on 1 May 2007 to be used for election protests. Although it later called a two-day sit-at-home strike to protest the elections and demand higher workers' salaries, it was using the former to pressure the new government into conceding its money demands.⁵⁶ The major international powers, having concluded there would

be no credible opposition challenge to the results, have sent congratulatory messages and other assurances of cooperation to Yar'Adua. The invitation by the German Chancellor, Angela Merkel, to Yar'Adua (along with other selected African leaders) to attend the G8 summit in Heiligendamm, Germany, on 6-8 June signals that the main industrial nations are preparing to continue business with the new president.

It looks like Nigeria has returned to business as usual but as an opposition politician told Crisis Group, it is "business unusual".⁵⁷ A fortnight before the inauguration, Olisa Agbakoba, president of the Nigerian Bar Association and one of the country's foremost human rights activists, warned that "the president that is coming, whether it is Yar'Adua or whoever emerges, would be deceiving himself if he assumes and thinks that all is well. If he wants to be successful, he has to look at the state of Nigeria and heal the wounds of Nigerians".⁵⁸

D. UNDERMINING CONFLICT MANAGEMENT

The flawed elections also have implications for Nigeria's domestic conflict management. In the eight years since the end of military rule, the country has witnessed recurrent incidents of ethno-religious, community and resource-related conflicts. Many of these arose from flaws in the 1999 constitution, distorted use of wealth resulting from oil revenue and the operation of a deeply flawed federal system. An attempt at constitutional reforms in 2006 was stalled by the attempt to extend Obasanjo tenure but this does not deny the imperative of reforms in order to evolve more effective institutions for managing and resolving crises. By producing a government with a legitimacy deficiency, the elections have also produced one that may not have the authority to attack these issues effectively.

1. Deepening Niger Delta conflict

The failure of the elections exacerbates the prospects of intensified conflict in the Niger Delta. It has provoked diverse reactions in the region. Some regional pressure groups, like the South-South Peoples Assembly (SSPA), have pledged to work

⁵³ Ismail Omipidan, "Go to tribunal, Nnamani tells opposition", *The Sun*, 25 April 2007, p. 7.

⁵⁴ Taiwo Amodu, "It is absurd for the political class to expect the masses it has alienated to fight its wars - Erubami", *Saturday Sun*, 12 May 2007, p. 14.

⁵⁵ Ladi Patrick, "Most rigged election in Nigeria's history - NLC", *New Age*, 18 April 2007, p. 4.

⁵⁶ Crisis Group interview, official of Nigerian Labour Congress, Abuja, 14 May 2007.

⁵⁷ Crisis Group discussion, Chief Willy Ezeugwu, secretary general, Conference of Nigerian Political Parties (CNPP), Abuja, 10 May 2007.

⁵⁸ Clifford Ndujihe, "The Next President Must Heal the Wounds of Nigerians, says Agbakoba", *The Guardian*, 5 May 2007, p. 13.

with the Yar'Adua administration.⁵⁹ Others like the Niger Delta Nationalities Forum (NDNF) see the emergence of Vice President Goodluck Jonathan (from the Niger Delta) as the region's best opportunity to secure more resources and influence federal policy; such groups, therefore, resist calls for cancellation of the elections.⁶⁰ Some groups, like the Ijaw National Congress (INC), which initially condemned the elections as "a subversion of the Nigerian popular will", have since softened their positions, sent congratulations to Yar'Adua and are negotiating for appointments and privileges.

The militants are not impressed though and have, quite literally, stuck to their guns. In the countdown to the elections, they had said they were not interested in the exercise. On 2 April, the Movement for Emancipation of the Niger Delta (MEND) stated that while it had "no intention of disrupting the elections directly", it was "nearly oblivious of the unfolding electoral process", whose outcome – installation of the PDP candidates – was already known. It added that Jonathan as vice president "to us is totally irrelevant", and that "Nigerian politics, which is merely an official endorsement of pre-selected stooges, will not help us [in] achieving our goal [of resource control] in any form".⁶¹ Even with that posture, some had hoped a free, fair and credible election could be a starting point for convincing the militants that positive change was possible through non-violent means, and they should give peace a chance. The elections dashed those hopes.

On 16 April, in its first reaction to the vote two days earlier, the Joint Revolutionary Council (JRC), the umbrella group which includes MEND, called the elections "a sham...the worst in the history of black Africa". Insisting that no free, fair or credible elections ever took place in the region, they threatened to respond to what they described as imposition of unelected persons with "terror in infinite terms". Commanders of the armed militia in the region continually stress that they do not recognise the election outcomes and vow to continue their struggle for greater authority. A commander

says: "The struggle is all about resources control....We want to know [where] our resources are going".⁶² Tom Ateke, leader of the Niger Delta Vigilante (NDV), says the state has continually betrayed Ijaw aspirations, and his militia will, therefore, continue to fight "to the end of our lives ...[using] my last blood to fight them".⁶³

The taking of foreign hostages and attacks on oil infrastructure have intensified. Within the two weeks after the presidential elections, 28 foreign oil workers were seized.⁶⁴ On 1 May 2007, MEND fighters stormed a Chevron Nigeria Limited storage vessel, killed one naval personnel, wounded three others and seized six expatriates (four Italians, one Croat and one American). The movement subsequently explained that the attack was intended as a "shameful send-off" to the outgoing government and "a warning to the incoming government, which we view as an extension of the present". In a significant operation on 8 May, MEND staged coordinated attacks, blowing up three pipelines of Agip Oil in Brass and Akassa, both in Bayelsa State. This was seen as the most damaging assault on Nigeria's vital oil industry infrastructure in over a year.

It also marked a heightening of hostilities in the region, taking a higher toll on the oil companies. The Italian company, Eni, has been forced to halt production of 150,000 barrels per day (bpd) feeding its Brass export terminal. On 3 May, Saipem reduced output by about 50,000 barrels a day. On 11 May, Chevron announced that it was shutting down some of its offshore operations out of security

⁵⁹ Paul Mumeh, "South-South Assembly Pledges Support for Yar'Adua", *Daily Independent*, 9 May 2007, p. A4.

⁶⁰ "Group faults calls for Polls Cancellation", *The Guardian*, 5 May 2007, p. 8.

⁶¹ On 8 April 2007, a coalition of militant groups in the Niger Delta gave President Obasanjo 72 hours to dismiss the electoral commission chair, Professor Maurice Iwu, as a condition for peaceful elections. In a communiqué, the militants, under the name Coalition of Niger Delta Forces (CNDF), charged that he was partisan and could not guarantee free and fair elections.

⁶² "Nigerian militants boycott polls", SABC News, 20 April 2007.

⁶³ "Nigeria gang vows war on government", at english.aljazeera.net/News

⁶⁴ Gunmen on 27 April 2007 killed two police in a failed kidnap attempt in Port Harcourt as the officers were escorting a convoy carrying expatriate staff to work; on 3 May kidnapped twenty foreign workers in three attacks in the Niger Delta (eight were freed within hours, eleven after five days); on 5 May abducted a British oil worker from the Trident 8 rig operated by U.S.-based Transocean off the coast of Bayelsa State and separately a Belarussian woman, working as a manager of Britain's Compass Group, from outside her residence in Port Harcourt (she was released on 16 May); on 9 May stormed a construction barge on Olero creek in Warri South West Local Government Area, Delta State and seized four American employees of Global Marine Systems, a British company working for Chevron Nigeria Limited; on 19 May abducted two Indian staff of Eleme Petrochemical Company, majority-owned by Indonesia's Indorama, in Port Harcourt; and on 25 May seized six foreign workers (3 Americans, two Britons and one South African) from a vessel off the coast of Bayelsa State, and another, a Pole, near Warri in Delta State.

considerations. Although this did not immediately affect production, it again underscored that continued militancy in the Niger Delta could have more serious consequences in the near future, for Nigeria and for the international oil market.

Thus, in spite of the elections, or indeed because of them, violence in the Delta is escalating. Apart from the continuing attacks on oil workers and other foreigners, the post-election weeks have also witnessed attacks specifically aimed at persons recently elected to higher political office from the region.

On 30 April, gunmen abducted Wahia Omehia, mother of the Rivers State governor-elect, Celestine Omehia, from her village, Ubima, near the state capital, Port Harcourt. She was released the next day. A state government spokesman said this was unconditional; the police said the abductors were people who had worked with the governor-elect during the campaign but had not been paid;⁶⁵ others call it a political challenge to the legitimacy of Omehia's new government by MEND, the Reformed Niger Delta People's Volunteer Force (RNDPVF) and the Martyrs Brigade, under the umbrella of the JRC. These groups had declared their opposition to the "attempt by (Governor) Odili to foist on Rivers (State) people, incompetent and intellectually malnourished successors". This was the first time a Nigerian woman was abducted by the militants.

On 16 May, explosions rocked Otuoke, Bayelsa State, hometown of the state governor and vice president-elect, Goodluck Jonathan. Although other buildings, including the Ogbia police station and the headquarters of Ogbia Local Government Area were also hit, Jonathan's house was the prime target, and it was extensively damaged, with three policemen killed. Although no group has claimed responsibility, the attack may have been prompted by a recent interview in which Jonathan labelled some of the militants terrorists. It may also have been the handiwork of powerful groups opposed to the process by which he became vice president. In his first reaction to the attack, Jonathan said it was politically motivated and vowed that "if the wish of the attackers was to make me renounce my mandate as vice president-elect, the militants and their sponsors are only labouring in vain".⁶⁶ These protests, however,

may be adding a new dimension to the violence in the region.

2. Refuelling Biafran separatism

A further fallout of the flawed elections is the possibility they will lend further fuel to the separatist agitation championed by the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) since 1999. Perhaps more than in any other zone of the country, the elections were poorly conducted and mindlessly rigged in the south east. This was partly a result of the PDP's determination to retain its control of four states there and to prevent any further loss to Chukwuemeka Odumegwu-Ojukwu's APGA or Orji Kalu's Progressive People's Alliance (PPA), which enjoyed strong support. Although PPA won the governorships of Abia and Imo States, many in the zone believe it and APGA could have done better, especially in the federal legislative election, if not for PDP rigging.

In reaction, Ohanaeze Ndigbo, the pan-Ibo ethnic pressure organisation, called on all Ibos to "totally condemn and dissociate themselves from the elections" and "to deny legitimacy to the president and some governors, including state and federal legislators who have been declared winners by INEC".⁶⁷ This stand has already rekindled the separatist sentiments of MASSOB activists, whose leaders see the elections as vindication of their long-standing position that Ibos can never realise their political aspirations within the Nigerian federation.

The shortcomings of the elections are likely to deepen separatist sentiments and boost MASSOB's following in the Ibo-speaking south east. On 8 May, when MASSOB called for cancellation of the results,⁶⁸ it added that with the "daylight robbery" of the elections, the fate and hope of Ibos as a people could no longer be guaranteed in a country that has no place for them. It said recent events confirmed that the best and only option left for them was actualisation of Biafra, for which the movement had been campaigning since 1999, and revived its call for a UN-supervised plebiscite. Its call for an indefinite stay-home protest in the south eastern states, starting 14 May, may not have enlisted substantial practical support, but the bungled elections have ensured that its demand for Ibo self-determination will strike a more responsive chord, particularly with disenchanting youth.

⁶⁵ "Niger Delta militants release governor's mother", IC Publications, 1 May 2007, at www.africasia.com.

⁶⁶ Samuel Oyadongha and Kingsley Omonobi, "Militants bomb VP-Elect's House", *Vanguard*, 17 May 2007, p. 1.

⁶⁷ Communiqué issued after an emergency meeting of Ohanaeze Ndigbo held at Enugu, Enugu State, 27 April 2007.

⁶⁸ Nwabueze Okonkwo, "MASSOB calls for outright cancellation of 2007 polls", *Saturday Sun*, 12 May 2007, p. 10.

IV. IMPLICATIONS FOR REGIONAL STABILITY

A. NIGERIA'S DENTED IMAGE

The failure of the elections is also a major blow to Nigeria's international image. A U.S. adviser to the Nigerian Centre for the Environment, Human Rights and Development observed that "there is a saying: 'How goes Nigeria, so goes the rest of Africa'. To have this widespread abuse of the democratic initiative certainly doesn't do Africa any good....This is a huge blow to Nigeria's credibility".⁶⁹ It has indeed set back Nigeria's claims to leadership in Africa. The outgoing Senate president, Ken Nnamani, said "We are not encouraging other African countries who look up to us for an example. We have abdicated that role".⁷⁰

During his presidency, Obasanjo had made Nigeria a major actor in the African Union (AU) and the Economic Community of West Africa States (ECOWAS), playing regional police officer and troubleshooting mediator in conflicts in Liberia, Sierra Leone, Côte d'Ivoire and, most recently, Guinea. Mediation had sometimes been backed by commitment of Nigerian peacekeeping forces. After the electoral fiasco, however, "how can Nigeria sit at the meetings of the AU African Peer Review Mechanism or ECOWAS and talk about other people's elections?"⁷¹ The result could be diminished prospects for democracy and peaceful resolution of disputes in West Africa.

Intensified conflict, particularly in the Niger Delta, could also have implications for security in West Africa. It could disrupt gas flows to neighbours who are partners and potential beneficiaries of the West Africa Gas Pipeline Project (WAGP). Alioune Tine, executive secretary of the African Assembly for the Defence of Human Rights (RADDHO), says "we're really concerned about the stability not just of Nigeria, but the whole sub-region".⁷²

The failed elections, widely regarded as a reversal of its democratic progress, have also weakened the country's aspirations to play a greater international role. For example, Nigeria has been seen by many as a leading candidate for a permanent African seat in the event the United Nations Security Council is expanded. Its case

⁶⁹ Scott Baker, who is also a professor at Champlain College, Burlington, Vermont, quoted in Paschal Fletcher, "Nigeria polls show Africa's 'giant' has clay feet", Reuters, 24 April 2007.

⁷⁰ Tom Ashby, "Flawed Nigerian poll will spawn hatred – Senate leader", Reuters, 22 April 2007.

⁷¹ Baker quoted in Fletcher, op. cit.

⁷² Fletcher, op. cit.

for that honour has now been seriously damaged. Many diplomats believe that if a permanent African Security Council seat had to be decided today, Nigeria would trail South Africa, Egypt and possibly Algeria.⁷³

B. DIMINISHED STATESMAN

The stature of former President Obasanjo has also been marred. Hailed as a hero of democracy after he became the first Nigerian military ruler to hand over to an elected president in 1979, and more recently applauded for his support of democracy in Togo, Liberia, and Sao Tome and Principe, he leaves office with a controversial legacy. He is now seen by many Nigerians as "the chief instigator of the barbarisation of the electoral process and the weakening, if not the destruction, of democratic tenets in the last eight years ... the mastermind of this violation of the people's vote and voice".⁷⁴ Femi Adesina, a respected Nigerian journalist, describes him as "a diminished tin god, a fallen messiah", who "retires to his farm with his footsteps dogged by stolen mandates across the country", going "into history as the man who could have been a statesman, but who presided over a do-or-die election in which the will of the people was cruelly subverted".⁷⁵

At a time when Africa needs statesmen to help resolve its many conflicts and promote development, Obasanjo could have continued to play a great role out of power. The failure of the elections in the twilight of his administration has robbed him of the necessary credibility and Africa of the services of a forceful leader.

⁷³ Crisis Group diplomatic soundings, Dakar, 24 May and Abuja, 25 May 2007. The outgoing administration did not help Nigeria's image by its reaction to criticism of the elections. Obasanjo told leaders of the National Assembly in Abuja on 7 May 2007: "We have known that elections must be disputed and controversial in Nigeria...let nobody come from inside or outside and start talking rubbish". Francis Awowole-Browne et al., "You're talking rubbish, Obasanjo blasts critics of April polls", *Daily Sun*, 8 May 2007, p. 4; The INEC's Iwu said any observer who says proper elections did not take place in Nigeria is "insane". Ibanga Isine and Victor Sam, "Critics of April polls are insane", *The Punch*, 24 May 2007, p. 4. In reaction to the 24 May European Parliament resolution urging the EU to withhold all financial aid to Nigeria's federal and state governments until new, credible elections are held, Obasanjo's political adviser, Akin Osuntokun, said the parliamentarians were "ignorant of the Nigerian constitution...No nation and nobody can threaten Nigeria...We are not a nation struggling for survival. We have paid back the debt we owe them. We are not dependent on them". Jibrin Abubakar, "We can do without them", *Daily Trust*, 25 May 2007.

⁷⁴ "Criminally subverting the People's Will", editorial, *The News*, 30 April 2007, p. 17.

⁷⁵ Femi Adesina, "Iwu wounds us mortally", *Saturday Sun*, 28 April 2007, p. 9.

V. ARRESTING THE SLIDE, HEALING THE WOUNDS

In the face of the election fiasco, several proposals have been made for pulling Nigeria back from the road to failure. The major steps needed to salvage the tattered reputation of the state, the government and Obasanjo himself, and to halt the slide from a failed election to a failed state are discussed below.

A. EMPOWER TRIBUNALS TO PROVIDE ELECTORAL JUSTICE

The first step to defuse the tensions stirred by the elections is to pursue electoral justice through the judicial tribunals provided for in the Electoral Act. This will not be sufficient to restore government credibility but is essential to give a clear sign of willingness to redress the irregularities of the process.

Some of those aggrieved by the election results have filed petitions, seeking redress in the tribunals. Buhari initially ruled out filing such a petition as a waste of time, a position informed by his experience after the 2003 elections, when his petition was thrown out after almost two years of court arguments. More recently, he, Abubakar and five other contestants have filed petitions. Some other candidates, however, still have no confidence in the tribunal process. Bafarawa, the Democratic People's Party (DPP) presidential candidate, has said that as a Muslim, he would not go to court to challenge the elections but "I am leaving everything in the hands of God, to choose for me whatever is good".⁷⁶

Given the massive irregularities, it seems certain the tribunals will be inundated with cases. Design flaws in the petition process, however, make it doubtful how much justice the tribunals will provide. First, no case could be decided in the brief nine-day period between the deadline for filing and the inauguration of the new government; now sworn in, the new state executives control resources and coercive instruments that give them great advantages over petitioners.

Secondly, the tribunals may be overwhelmed by the scale of the protests. In 2003, when there were fewer complaints, it took two years, as noted, for Buhari's petition to be decided by the Supreme Court; the petition of Peter Obi, APGA's candidate for governor in Anambra State, dragged on for three years, before he was eventually declared the rightful winner. In seeking

to fast-track the process, Section 148 of the Electoral Act 2006 provides that "an election petition and an appeal arising therefrom...shall be given accelerated hearing and shall have precedence over all other cases or matters before the Tribunal or Court". The president of the Court of Appeal organised workshops designed to minimise the technicalities that delayed proceedings in the past and issued rules of procedure. The Bar Association has established a group to monitor the tribunals and ensure they conform to the new fast track rules.

Even with these innovations, doubts persist as to how speedily the system will deliver. Chidi Odinkalu of Open Society Justice Initiative observed:

The judicial process is actually not designed to handle violations on this scale. The judicial process is very slow. It does not deal with full scale injustice. Now, if we have all the cases from governorship, state houses of assembly, national assembly and presidency all going to the tribunals, nobody will be doing any other thing until God knows how many years....The judicial system is totally unsuitable for this type of violations....The election petition tribunal process can handle only a limited proportion of the cases.⁷⁷

The third major concern is the degree of proof required to invalidate an election: "An election shall not be liable to be invalidated by reason of non-compliance with the provisions of this Act if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non-compliance did not affect substantially the result of the election".⁷⁸ In other words, a petitioner must prove not only that there were irregularities but also that they were of a scale that altered the outcome. In most cases, obtaining such proof would require INEC cooperation but given its demonstrated PDP partiality, it is unlikely to assist petitioners seeking to overturn PDP victories. A notable legal practitioner said:

It will be a Herculean task to secure justice at the tribunals, because the onus lies 100 per cent on the petitioner to prove that electoral fraud took place on a grand scale. What we must be thinking about now is how to amend the Electoral Act so as to reduce this burden on the petitioner by compelling cooperation by other stakeholders

⁷⁶ Aminu Mohammed, "Police stop mass action in Sokoto", *Daily Trust*, 8 May 2007, p. 10.

⁷⁷ John Austin Unachukwu and Edo Ugbagwu, "Our expectations from election tribunals", *The Nation*, 7 May 2007, p. 35.

⁷⁸ Electoral Act 2006, Section 146(1).

such as the electoral commission and the security agencies.⁷⁹

One suggestion is that the mass media and civil society should push for early passage of a freedom of information bill that would then empower petitioners to demand and obtain necessary information from the electoral commission, security organisations and other government agencies. However, such a law may well not be attainable quickly enough to assist those petitioning on the 2007 elections.⁸⁰ Another suggestion is that the INEC leadership be changed at once, including installation of an impartial and accountable chairman, so as to improve the body's cooperation with the petitioners and tribunals.

A further concern centres on the tribunals' integrity, fairness and impartiality. While the judiciary has shown great courage and independence in several cases over the last few years, particularly involving the impeachment of governors and the feud between President Obasanjo and Vice President Abubakar, doubts remain as to how the courts will respond to the challenges of the election petitions. They need to follow the courageous examples the higher courts have demonstrated in recent times.

Clearly, the tribunal process is problematic. Courts will need to work hard for early results. Tribunals, contesting parties and INEC should cooperate to ensure speedy resolution of complaints; INEC should make information and materials readily available. The government has a duty to empower the tribunals by providing them with all logistical and administrative help they require to function effectively. Civil society organisations, particularly the Bar Association, must also sustain their monitoring of the proceedings. The international community, especially the United Nations, U.S. and European Union, should offer material and technical support to the judiciary, while the AU and ECOWAS should engage with the new government on behalf of vigorous pursuit of electoral justice and redress.

B. PROSECUTE VIOLENCE AND OTHER ELECTION OFFENCES

All crimes committed within the electoral context must be investigated and where appropriate prosecuted expeditiously. Done even-handedly, this would reduce the impunity that has marred Nigeria's electoral history

⁷⁹ Crisis Group interview, legal practitioner, Abuja, 18 May 2007.

⁸⁰ Crisis Group interview, member, Committee on Information, House of Representatives, Abuja, 18 May 2007.

and threatens to undermine citizen confidence in the country's political institutions.

There is need to prosecute fairly but vigorously all those responsible for the many acts of violence before, during and after the elections. On 29 April 2007, INEC announced that it had, in collaboration with the police, concluded investigations into electoral offences and that suspected offenders would soon be charged in court. According to INEC, 265 electoral offences involving 1,093 suspects were recorded nationwide. Considering the scale of violence and chaos that accompanied the elections, this may be no more than the tip of the iceberg.⁸¹ It has been pointed out that state statistics do not reflect the on-the-ground reality for the governorship and state house of assembly elections. In Delta State, for instance, INEC recorded only four offences involving eight suspects.⁸²

Furthermore, there are suggestions that while the PDP was prominent in the violence, most of those being prosecuted are opposition supporters. In many states, they were arrested at the direction of senior PDP government officials. In other cases, police did not distinguish between PDP leaders as party and government officials and interpreted a challenge to them, even when engaged in clearly illegal acts, as a challenge to state authority, leading to arrest of the complainant or assault on him. There are also indications that serious election offences by the agents of some of the newly elected officials are being treated lightly, for fear of government reprisals.

Arrests and prosecution seem to be focusing largely on those who were apprehended at the scenes of violence, with very little attention to those who masterminded the acts.⁸³ While the emphasis has been on citizens arrested for breach of electoral laws, including post-election protesters, no mention has been made of the many police and other security and civil defence personnel who aided electoral malpractices, brutalised innocent persons or otherwise grossly violated human rights. All these should be investigated and prosecuted if Nigeria is to begin to curb the impunity that has repeatedly fuelled electoral offences.

⁸¹ Crisis Group interview, senior police officer, force headquarters, Abuja, 7 May 2007.

⁸² INEC's breakdown was: Abia State: 10 cases, 33 suspects; Adamawa: 3 cases, 18 suspects; Akwa Ibom: 6 cases, 52 suspects; Anambra: 6 cases, 27 suspects; Bauchi: 12 cases, 30 suspects; Benue: 5 cases, 24 suspects; Borno: 10 cases, 25 suspects; Cross River: 4 cases, 14 suspects; Delta: 4 cases, 8 suspects; Edo: 10 cases, 24 suspects; Ebonyi: 10 cases, 56 suspects; and Kaduna: 10 cases, 25 suspects.

⁸³ For background on the violence, see Crisis Group Report, *Nigeria's Elections*, op. cit.

Investigation of alleged political offenders by a police force seen as pro-PDP and pro-government is not credible. The government, with the support of Nigeria's international partners, should set up an independent inquiry to identify responsibility for fraudulent practices, political violence and other violations of human rights committed during the election period, with a view to ensuring full accountability.

C. OVERHAUL INEC AND START COMPREHENSIVE ELECTORAL REFORMS

To break the vicious circle of fraudulent elections, Nigeria should adopt a policy requiring those charged with election management to account for their conduct. In furtherance of this, INEC leadership, under the chairmanship of Professor Maurice Iwu, should be held accountable for the institutional and leadership incompetence as well as malpractice, fraud and inadequate preparation that characterised the 14 and 21 April 2007 elections.

The 21 April elections in particular featured massive waste of resources. INEC printed millions of ballots for the presidential elections which were not used. Sensitive election materials, which ought to have been checked carefully before being sent to the printers, were handled negligently, resulting in many of them being unusable, particularly for the senatorial elections. The cost of reprinting ballots and organising senatorial elections on a new day in a number of states was a huge drain on resources that could have been used to improve the welfare and human security of millions of Nigerians.

Attempts to discuss the elections in the outgoing parliament have been marred by rancour. The incoming legislators, many of whom are beneficiaries of electoral fraud and are mostly from the ruling PDP, may not be enthusiastic about probing the elections. Nevertheless, the Senate should sustain its ongoing inquiry into INEC's management, including the award of contracts on various aspects of the election preparations. There is particular need for a judicial inquiry into INEC's financial affairs in order to determine the extent to which financial improprieties, corruption and fraud contributed to the failure of the elections. For example, while INEC had substantial allocations from the Federation Account, most expenses appear to have been covered by the UNDP-administered Joint Donor Basket Fund. Nigerians need to know what became of the Federation Account money.

In his testimony at the public hearing on INEC organised by the Senate on 24 May, the commission's immediate past chairman, Professor Abel Guobadia,

asserted that some of the information technology facilities the present INEC leadership claims to have installed actually date from his tenure.⁸⁴ This raises further questions about Professor Iwu's statements. Even before the results of any inquiry are in, the government should dissolve INEC as presently constituted. The removal of Iwu would not only improve the chances of a proper probe of INEC but also show responsiveness to public outrage and ensure that the same individuals are not in charge of any new elections the courts may order.

Beyond the election tribunals which are to address specific cases, fundamental reforms of the electoral system are direly needed. Yar'Adua has said that he will "examine as a matter of urgency the last elections and find ways and means by which all players within the system would improve their conduct so that we raise the standard...of our general elections".⁸⁵ This needs to be done urgently. The legislature should initiate the process of quickly convening a national conference on electoral reforms, involving all stakeholders, which could develop recommendations that would form the basis for amendments to the electoral law.

INEC must be a major focus of such reforms. The April elections showed that, as constituted, it is neither independent nor equipped to conduct free and fair elections. If Nigeria's democracy is to survive, reform of its governing statutes is imperative, particularly with respect to how members are appointed. It has been suggested, for instance, that all registered political parties might nominate commissioners at federal and state levels, from among which chairmen could be selected.⁸⁶ A further proposal is that such appointments should be ratified by the federal and state parliaments, in order to end the situation in which the ruling party and the sitting president appoint, influence and control the leadership of the commission. In the longer term, the 1999 constitution should be amended to make INEC a truly independent, non-partisan, professional, transparent and trustworthy institution.

For these things to happen, civil society organisations, especially those already working together in the Election Reform Network, will need to sustain pressure. Opposition parties and their candidates must look beyond 2007 and start to work with the new government to ensure that future elections are very different from the recent experience. The international community,

⁸⁴ Oluwole Josiah, "I produced electronic voter register – Guobadia", *The Punch*, 25 May 2007, p. 6.

⁸⁵ "Nigeria's president-elect pledges to 'examine' flawed polls", IC Publications, 2 May 2007, at www.africasia.com.

⁸⁶ "Criminally Subverting the People's Will", *The News*, editorial, 30 April 2007, p. 17.

especially donors and organisations that supported the April elections through the Joint Donor Basket, must also encourage the authorities to establish clear benchmarks for improvements to the system and a timeframe for implementation, if they are to receive aid in future polls.

D. REFRAIN FROM REPRESSION AND A WITCH HUNT

The Obasanjo administration, using state security services, adopted a hard line against those protesting the election results. On the eve of Labour Day celebrations, IGP Ehindero, ordered his men to disperse “forcefully”, anyone engaging in street protests. On 7 May, police stopped a planned mass action by the National Association of Nigerian Students (NANS) in the main streets of Sokoto.⁸⁷ In Kano, they used tear gas to disperse hundreds of women who were protesting the results announced by INEC.⁸⁸ These acts violated civil rights and portrayed Nigeria as an authoritarian state whose citizens have no freedom of expression and association in peaceful protest. The new government must refrain from such illegal actions.

While the new government must commit itself to sustaining the campaign against corruption, it needs, in the interest of post-election reconciliation, to do so in a transparent manner. Selective anti-corruption “indictments”, arrests and prosecutions not only discredit the objective but could also produce a cycle of bitterness and revenge. Yar’Adua must resist pressure from Obasanjo and other PDP leaders to repress opposition leaders, particularly through selective anti-corruption arrests, which would only undermine the credibility of efforts to establish cleaner government and construct domestic harmony.

Of special concern are the charges against Vice President Abubakar and other opposition leaders, especially the governors of Abia, Sokoto, Adamawa and Lagos States. While Abubakar was “indicted” by an Obasanjo-constituted administrative panel, it is yet to be proven that what he is accused of (influencing the placement of Petroleum Technology Development Fund money in a bank which subsequently granted a loan to a friend better known as Obasanjo’s former friend) amounts to a criminal offence for which he could be properly charged. The Abia and Sokoto governors (Kalu and Bafarawa) were presidential candidates, and the former has had a notably stormy relationship with

Obasanjo. The Adamawa and Lagos governors have been staunch Abubakar allies and very much in the bad books of Obasanjo and the PDP. During the months prior to the elections, the EFCC alleged financial misdeeds against these men and arrested some of their aides. After 21 April, it began to coordinate plans with security agencies to prepare their arrests once they lose their official immunity on 29 May.

Many Nigerians, however, did not see Obasanjo’s pursuit of these men as a genuine campaign for clean government; the outgoing president and his party have continually accommodated many serious offenders, some of whom the EFCC chairman had publicly accused of gross corruption. Selective arrest and prosecution of opposition leaders, while sparing those in the ruling party, would diminish reconciliation prospects.

Indeed, given the misgivings and controversies that have trailed the EFCC in relation to the elections, it is itself now widely seen as partisan. While remaining strongly committed to the anti-corruption campaign, the Senate should declare a three-month moratorium on arrests to allow for a thorough review of its role in the elections and to clarify its functions and powers and strengthen checks on abuses. The proposed review, besides allowing for election-generated tensions to cool, would also help clarify the EFCC’s relationship to other corruption watchdogs, such as the Independent Corrupt Practices Commission (ICPC) at the federal level, and state legislatures and auditors-general, who are constitutionally empowered to check corruption at the state level. Such a review is also necessary to enable the EFCC to break with its controversial past and the new government to start relations with the opposition on a more transparent footing. Civil society, especially the Bar Association, should contribute actively to this review and strengthen its oversight regarding prosecution of former public officers.

E. ENSURE INCLUSIVENESS IN NEW ADMINISTRATION

The new government must realise that the election bitterness runs deep. Politicians and leaders will have to work hard to ensure justice, mend fences and heal wounds but the winners bear greater responsibility than the losers, and none more so than Yar’Adua himself. Thus far, he has been measured in comments on the elections and mature in his attitude to opponents and critics. In his first post-election press briefing on 23 April, he said he was ready to reach out to all opposition leaders and include them in a “government of national unity”. He has spent much time subsequently in efforts to make peace with the aggrieved parties, including

⁸⁷ Aminu Mohammed, “Police stop mass action in Sokoto”, *Daily Trust*, 8 May 2007, p. 10.

⁸⁸ Mustapha Isah Kwaru, “Kano Protest: Women group demand compensation from police”, *Daily Trust*, 8 May 2007, p. 4.

Buhari and Abubakar, whom he has said he wants as advisers:

Buhari and Atiku are my elder brothers. What I expect is that they should do the best for me to allow me to consult with them, to seek advice and then to also give them the opportunity to interact with me and give advice where necessary.⁸⁹

Reconciliation will be greatly facilitated if Yar'Adua ensures that the opposition is indeed represented reasonably in government. On 4 May, while receiving a delegation of PDP campaign coordinators from all 36 states who sought to dissuade him from appointing anyone who did not work for his victory, he said cabinet positions would be assigned strictly on merit, not necessarily party loyalty.⁹⁰ Crisis Group learned that the Abubakar camp has been offered a number of ministerial and ambassadorial posts, as well as jobs as heads of parastatals and board appointments. The AC, however, has indicated its members will not accept appointments, since none could atone for the electoral injustice.⁹¹ This reflects the widespread bitterness over the fraudulent elections, but Yar'Adua should keep the door of government open.

The new president also needs to bear in mind that putting in place co-opted individuals, token appointments or short-term jobs from which opposition members would quickly be eased out so the PDP could again consolidate its power as under Obasanjo in 1999 would not produce genuine reconciliation. Members of the opposition appointed to government positions should not be individuals hand-picked by Yar'Adua for their willingness to become allies, but rather persons duly nominated by parties as their authentic representatives. The offices allocated to opposition nominees should normally be held by them or other designated representatives of their parties throughout the tenure of the Yar'Adua administration.

Anything less could suggest cynical arrangements between politicians of the sort that have discredited political institutions in the eyes of many and might well leave a large part of the electorate feeling that its interests were again being ignored. The international community, particularly the AU and ECOWAS, should engage with the new president to promote inclusiveness and reconciliation.

VI. CONCLUSION

The Obasanjo administration claimed that the 2007 election was a success, the first-ever civilian-to-civilian transfer of power in Nigeria's history. That celebration is misplaced. A handover from one civilian president to his hand-picked civilian successor through a flawed election that has been universally criticised as lacking credibility is more like a dynastic succession than a step for democracy. Real progress in that direction will come only when the incumbent government and ruling party, out of respect for democratic principles, conduct a truly free and fair election and accept the people's choice, even if it proves unfavourable to them.

Nigeria's unity, stability and security are still challenged by several conflicts, some violently active, others dormant but with potential to erupt at the slightest provocation. The conflict in the Niger Delta has intensified since 2006, and especially since the April elections; the initially non-violent agitation for Biafra has increasingly assumed violent dimensions; the bloody assault on police by radical Islamic elements in Kano suggests a deepening disenchantment with the state, including its security agencies; indigene-settler issues and other symptoms of faltering federalism all need to be addressed forthrightly. This requires a government that enjoys legitimacy and respect in the eyes of its people and can enlist their cooperation.

While the aggrieved parties must continue to respect the rule of law and seek redress peacefully, concerted measures are required within the next few weeks to heal the most evident wounds of the elections. The new administration in particular but also others concerned must take extraordinary steps urgently, to address the electoral crisis, build government legitimacy, restore trust in institutions and sustain Nigeria's leadership in Africa.

President Yar'Adua must be made to understand that no number of overtures will satisfy the opposition unless and until his administration engages seriously on the very broad agenda that needs to be faced if the Nigerian state is to be pulled back from the brink of failure.

Dakar/Brussels, 30 May 2007

⁸⁹ Sebastine Obasi, "Yar'Adua's Olive Branch", *Newswatch*, 14 May 2007, p. 38.

⁹⁰ Kemi Yesufu, "Only the best will make my cabinet – Yar'Adua", *Saturday Independent*, 5 May 2007, p. 1.

⁹¹ Olumide Bajulaiye, "AC wont accept appointment from Yar'Adua – Lai Mohammed", *Daily Trust*, 8 May 2007, p. 2.

APPENDIX A

MAP OF NIGERIA



APPENDIX B

GLOSSARY OF ABBREVIATIONS AND ACRONYMS

| | |
|----------------|---|
| AC | Action Congress |
| AD | Alliance for Democracy |
| AIT | Africa Independent Television |
| ANPP | All Nigeria People's Party |
| APGA | All Progressives' Grand Alliance |
| AU | African Union |
| CAN | Christian Association of Nigeria |
| CD | Campaign for Democracy |
| COC | Coalition of Opposition Candidates |
| DPP | Democratic People's Party |
| ECOWAS | Economic Community of West African States |
| EFCC | Economic and Financial Crimes Commission |
| EUEOM | European Union Election Observation Mission |
| EU | European Union |
| IGP | Inspector General of Police |
| INC | Ijaw National Congress |
| INEC | Independent National Electoral Commission |
| ING | Interim National Government |
| IRI | International Republican Institute |
| JRC | Joint Revolutionary Council |
| MASSOB | Movement for Actualisation of the Sovereign State of Biafra |
| MEND | Movement for Emancipation of the Niger Delta |
| NAC | National Action Council |
| NANS | National Association of Nigerian Students |
| NBA | Nigerian Bar Association |
| NDI | National Democratic Institute |
| NDNF | Niger Delta Nationalities Forum |
| NDV | Niger Delta Volunteers |
| NLC | Nigeria Labour Congress |
| NSCIA | Nigerian Supreme Council for Islamic Affairs |
| PDP | People's Democratic Party |
| PPA | Progressive People's Alliance |
| RADDHO | African Assembly for the Defence of Human Rights |
| RNDPVF | Reformed Niger Delta Peoples Volunteer Force |
| SSPA | South-South Peoples Assembly |
| SSS | State Security Service |
| TMG | Transition Monitoring Group |
| WACSOFF | West Africa Civil Society Forum |

APPENDIX C

ELECTION RESULTS: 1999, 2003 AND 2007

Table 1: Summary of Presidential Election Results: 1999, 2003 and 2007

| Parties – Candidates | Percentage of Votes Won | | |
|---|-------------------------|---------------|---------------|
| | 1999 | 2003 | 2007 |
| PDP Candidate | 62.8 | 61.9 | 70 |
| ANPP Candidate | 37.2 | 32.2 | 18 |
| AC Candidate | - | - | 7 |
| Other Candidates | - | 5.9 | 5 |
| Total (All Parties and Candidates) | 100.00 | 100.00 | 100.00 |

Table 2: Summary of Governorship Election Results: 1999, 2003 and 2007

| Parties | No. of Governorships Won by Party | | |
|---------------------------|-----------------------------------|-----------|-----------|
| | 1999 | 2003 | 2007 |
| PDP | 21 | 27 | 28 |
| ANPP | 9 | 7 | 5 |
| AD | 6 | 1 | - |
| APGA | - | 1 | - |
| PPA | - | - | 2 |
| AC | - | - | 1 |
| Other Parties | - | - | - |
| Total (All States) | 36 | 36 | 36 |

Table 3: Voter Turnout for Presidential Elections: 1999, 2003 and 2007

| Voters Registration/Turnout | | | |
|--|-------|-------|-------|
| | 1999 | 2003 | 2007 |
| No. of Registered Voters (millions) | 57.9 | 60 | 61.5 |
| No. of Votes Cast (millions) | 30.2 | 38.9 | 35.2 |
| Voter Turnout as Percentage of Registered Voters | 52.2% | 64.8% | 57.2% |