

# **NIGERIA'S ELECTIONS: AVOIDING A POLITICAL CRISIS**

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## NIGERIA'S ELECTIONS: AVOIDING A POLITICAL CRISIS

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Nigeria's democracy faces a crucial test. Presidential, parliamentary and state gubernatorial and assembly elections scheduled for 14 and 21 April 2007 are not a routine quadrennial ritual. Success would offer the country the first opportunity to achieve a genuine constitutional succession from one civilian administration to another since independence in 1960, thus consolidating democracy. Failure could provoke violent rejection of the results by wide sections of the populace, denial of legitimacy and authority to the new government, intensification of the insurgency in the Niger Delta and its possible extension to other areas, with potential for wider West African destabilisation. The preparatory phases have indicated failings in terms of basic fairness for the opposition, transparency and respect for the rule of law. Unless stakeholders make urgent efforts to rescue the credibility of the process, Nigeria's already serious internal instability could be fatally aggravated.

The first threat to the process is President Olusegun Obasanjo's attempts to impose a successor by excluding strong candidates such as Vice President Atiku Abubakar, through intimidation, judicial proceedings and politically-motivated corruption charges. His effort to hold on to power has antagonised the political establishment and divided leaders of the ruling People's Democratic Party (PDP), who counted on an open succession contest to satisfy their ambitions. The resulting frustrations propelled establishment heavyweights into opposition and increased the ferocity of a campaign marred by violence, bribery and corruption.

Even more worrying for electoral credibility is Obasanjo's tight leash on the finances of the Independent National Electoral Commission (INEC), his direct influence on senior officials in charge of administering the process, the use of security services to intimidate opposition and the doubts raised over the validity of the voter registration exercise. There is a high risk the president, who has declared the election a "do or die affair for the PDP", will try to obtain a victory through intimidation and large-scale rigging, resulting in a violent challenge of the results by the opposition. If the PDP loses, he could be tempted to suspend the constitution.

Such a crisis might not necessarily lead to a new military coup but would definitely undermine state authority and exacerbate long-term instability. In the Niger Delta, where militant groups demanding regional control of oil resources are already stepping up their anti-government insurgency, rigged elections would diminish any opportunity for peaceful settlement and improved governance.

Nigeria's fragile stability is in the balance. Too many of its elections have led to dramatic crises and military take-overs. The Obasanjo presidency has recorded impressive achievements, including significant economic reforms and foreign debt reduction. He has championed democracy across Africa and mediated some of its most difficult conflicts. But he now needs to commit to a free and fair electoral process at home to save Nigeria from decline and risk of collapse. Ethnic and religious conflicts have already caused over 15,000 deaths and displaced more than three million during his presidency. Successful and credible elections also require immediate and pro-active national, regional and wider international involvement to guard against electoral violence and manipulation.

### RECOMMENDATIONS:

#### To President Obasanjo:

1. Pursue immediate resolution of differences with Vice President Atiku Abubakar, by respecting court judgements, supporting due constitutional process and accepting joint mediation by the African Union (AU) and Economic Community of West African States (ECOWAS) to resolve the dispute and avoid a post-electoral political crisis.
2. Ensure timely release of funds to INEC and respect its independence.
3. Direct the security agencies to maintain neutrality between all parties and candidates, conduct themselves with the highest standards of professionalism and allow all citizens to freely exercise their right to vote.

### **To the Judiciary:**

4. Ensure constitutional provisions are applied impartially and consistently so as to achieve speedy and fair justice through the remaining stages of the electoral process.
5. Prepare to adjudicate potential electoral disputes within the time constraints set by the constitution.

### **To the Independent National Electoral Commission:**

6. Ensure greater transparency in relations with other election stakeholders by convening national, state and local-level consultations with parties, security agencies, civil society and national and international election observers and monitors, to disseminate information, discuss problems, better coordinate activities and mitigate risks of violence.
7. Facilitate effective domestic and international observance and monitoring throughout the country, including by providing unlimited access to polling stations and counting centres and arranging special security for foreign observers and monitors in the Niger Delta.
8. End impunity for electoral malfeasance by cooperating closely with security agencies to prosecute persons accused of committing such offences.
9. Monitor and publicise the election finances of candidates and parties to ensure they conform to the Electoral Act 2006.
10. Intensify voter education, including through mass and community-level media, particularly in the last few days before the elections.

### **To Opposition Political Parties:**

11. Accept court judgements, desist from resorting to violence and support joint AU-ECOWAS mediation to resolve electoral disputes and avoid a post-electoral political crisis.
12. Enforce the Code of Conduct by expelling violators and use the Code as an education tool with members to reduce tension and violence.
13. Perform their role as electoral witnesses with civility and refrain from any manipulation of the process, including during casting and counting of ballots and collation and announcement of results.

### **To the Police:**

14. Take all appropriate measures to curb electoral violence, including ensuring timely deployment of adequately equipped and briefed personnel, and cooperate with other security agencies including the Nigerian Security and Civil Defence Corps.
15. Work cooperatively with other stakeholders to provide proactive, impartial policing and ensure that existing laws are applied to alleged offenders in order to end impunity.

### **To Civil Society Organisations:**

16. Intensify efforts in the last weeks before the elections to educate voters on the electoral process, including their rights and duties and how to mobilise to defend the sanctity of their votes.
17. Encourage religious leaders and traditional rulers to use their moral authority to curb violence at the polls.
18. Participate in INEC forums on the administration of the electoral process and disseminate information so as to minimise the risks of violence related to unjustified suspicions of fraud.

### **To the African Union and the Economic Community of West African States:**

19. Appoint a joint committee of wise men composed of former African heads of state to mediate the Obasanjo-Abubakar feud and engage actively with all election stakeholders to resolve disputes consensually and prevent a post-electoral crisis.

### **To Members of the Commonwealth, the European Union and the United States of America:**

20. Encourage the Nigerian government to facilitate full access to international monitors and observers as a means of ensuring transparency and accountability in the electoral process.
21. Recall to President Obasanjo and the PDP that the transparency of the electoral process, the credibility of its results and the legitimacy of the new government will strongly affect Nigeria's international standing as well as the quality of bilateral relations and economic cooperation.

**Dakar/Brussels, 28 March 2007**

## NIGERIA'S ELECTIONS: AVOIDING A POLITICAL CRISIS

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

#### I. INTRODUCTION<sup>1</sup>

Nigeria's democracy faces a stiff test. General elections, the third since the transition from military to civilian rule in 1999, are scheduled for April 2007.<sup>2</sup> Their importance cannot be over-estimated. They need to produce credible, acceptable results, not only in order to boost the country's democratic credentials, but also to strengthen the framework for addressing and resolving the many conflicts that constantly threaten the stability of its deformed and faltering federal structure.<sup>3</sup> Nigeria also needs successful elections "to demonstrate its leadership role in the African Union and peacekeeping efforts across the globe".<sup>4</sup> Yet, its troubled history of flawed elections, which have tended to water the grounds for military coups, is an unsettling reminder that a moment of political opportunity, if not managed carefully, can also degenerate into a season of instability.<sup>5</sup>

These elections are, in some respects, better prepared than those of 2003. The Electoral Act 2006 is stronger than its predecessor, the Independent National Electoral Commission (INEC) has new, technologically-minded leadership, and civil society organisations are more actively engaged with the process. However, President Obasanjo's reluctance to relinquish power and the atmosphere of violence and corruption that has spread pervasively during the primaries and campaigns, partly as a result, are undermining their credibility. INEC faces a severe crisis of credibility, due to the presidency's overbearing influence on its top leadership and finances, and also due

to its questionable management of voter registration and candidate nominations, which could lead to court challenges of the polls' validity.

Obasanjo's attempt to change the constitution to obtain a third term had already split the ruling People's Democratic Party (PDP). His ambition to control his succession has now strengthened the opposition and alienated the influential club of retired military officers. The political manipulation of anti-corruption indictments so as to control the PDP nomination and eliminate opposition to his hand-picked successor, Umaru Musa Yar'Adua, has been particularly damaging, revealing Obasanjo's intention to retain real power beyond his term of office. His recent threat that the elections will be "PDP or nothing"<sup>6</sup> has also raised the possibility that he may not accept an electoral defeat.

The public feud with Vice President Atiku Abubakar has also left wounds; INEC's insistence on disqualifying Abubakar in disregard of court processes and pronouncements is widely seen as an extension of that feud. Abubakar's disqualification could propel his supporters to violence and invite repression in turn, before and after the elections. Olisa Agbakoba, a Senior Advocate of Nigeria<sup>7</sup> and president of the Nigerian Bar Association, warns that: "We are heading to a dangerous level with the way things are going".<sup>8</sup>

The credibility of the elections needs to be preserved to avoid another political crisis. They are an opportunity to establish legitimate federal and local institutions with mandates to resolve internal conflicts between fractious ethnic and religious groups and end the insurgency in the

<sup>1</sup> For a more extensive review of Nigeria's political and economic development, see Crisis Group Africa Report N°113, *Nigeria: Want in the Midst of Plenty*, 19 July 2006.

<sup>2</sup> Governorships and the State House of Assembly are to be elected on 14 April, the president and National Assembly on 21 April.

<sup>3</sup> For a broader review of the federal system, see Crisis Group Africa Report N°119, *Nigeria's Faltering Federal Experiment*, 25 October 2006.

<sup>4</sup> Crisis Group interview, Canadian High Commissioner, Abuja, 7 December 2006.

<sup>5</sup> See discussion of previous elections in Appendix B below; also Crisis Group Report, *Want in the Midst of Plenty*, op. cit.

<sup>6</sup> Tommy Solomon, "Either PDP or Nothing – Obasanjo", *Vanguard*, 15 March 2007, p. 5.

<sup>7</sup> Senior Advocate of Nigeria is an honour conferred on distinguished lawyers, the Nigerian equivalent of the Queen's Counsel in the United Kingdom.

<sup>8</sup> Emeka Osondu and Augustine Osayande, "Protests in Awka, Jalingo over Atiku", *THISDAY*, 17 March 2007, pp. 1-6. Agbakoba is a respected activist, who established and led Nigeria's pioneer human rights group, Civil Liberties Organisation (CLO), which played a major role in the campaign to end military rule in the 1990s.

Niger Delta, while consolidating democracy. Their collapse could endanger the stability of the entire country and the wider West Africa region. This report analyses the prospects, makes recommendations about the immediate issues and raises longer-term issues, which will remain important challenges even if the elections are seen as successful.

## **II. OBASANJO'S ATTEMPTS TO KEEP POWER**

The credibility of the electoral process has been undermined by President Obasanjo's repeated attempts to influence the outcome and retain power. His motivation is partly a genuine desire to sustain the reforms introduced by his administration since 1999 but also an assumption that only he can ensure the consolidation of those reforms. Early in 2005, his supporters started a campaign to prolong his tenure by increasing the number of presidential terms permitted by the constitution. Party stalwarts, governors and legislators promoted this as part of a hurried, unwieldy package of constitutional reforms. Their efforts met hostile responses in the media, the military establishment (particularly among retired generals) and the ruling PDP. These were informed partly by public insistence on respect for term limits, partly by realisation that the continuation of Obasanjo (a Yoruba from the south west) at the helm, would violate the unwritten but now widely shared understanding that the presidency should rotate among the country's six geo-ethnic zones. On 16 May 2006, the Senate, by voice vote, rejected the proposed constitutional amendments.

Another campaign soon started to allow Obasanjo to continue as head of an interim national government after his term expires in May 2007. Chukwuemeka Ezeife, a former governor of Anambra State, suggested in May 2006 that the nation was not prepared for general elections in April 2007 and proposed a two-year interim arrangement as the best "way out of the possible logjam that may ensue during the transition to the next government in 2007".<sup>9</sup> A public outcry killed the idea but Obasanjo has since then relentlessly interfered with PDP nominations, using a politically motivated anti-corruption prosecution and systematic intimidation against candidates threatening his hand-picked successor, Umaru Yar'Adua. Vice President Abubakar, a vocal opponent of the third term, has been his primary target.

### **A. CONTROL OVER PDP NOMINATIONS**

At the onset of civilian rule in 1999, Nigeria had, for several years, been ranked as one of the world's most corrupt countries. The corruption pervaded virtually every aspect of national life but its impact was most damaging in politics and governance. It was, therefore, welcome that Obasanjo launch a major program against corruption. Two agencies, the Independent Corrupt Practices and Other Related Matters Commission (ICPC) and the Economic and

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<sup>9</sup> Crisis Group interview, federal legislators, Abuja, November-December 2006.

Financial Crimes Commission (EFCC), have assumed this responsibility. The EFCC, chaired by Nuhu Ribadu, a senior policeman, has recovered more than \$5 billion and successfully prosecuted 82 people in the past two years,<sup>10</sup> Ribadu has been praised both at home and abroad.

With the approach of the April 2007 elections, however, the anti-corruption campaign took another turn, as Obasanjo declared he would use all legal means to stop “criminals and crooks” from succeeding him. Ribadu also pledged to stop corrupt politicians standing for the presidency.<sup>11</sup> The EFCC became selective in its targets, increasingly going after known Obasanjo opponents and declared candidates for his succession within the PDP. Throughout 2006, the country witnessed the impeachments for corruption of five state governors,<sup>12</sup> none of which followed due process and all of which were carried out with the active collaboration of the presidency and the EFCC in controversial circumstances.

In Bayelsa and Plateau states, for example, members of the state Houses of Assembly considered reluctant to impeach their governors were rounded up by the EFCC, detained until they agreed to “cooperate”, then shepherded back to their state legislatures under intimidating police guard, where they summarily passed the impeachment resolutions required of them. Worse still, the impeachment process was highly militarised, with armoured personnel carriers stationed where the Assembly was to act. Scant regard was paid to due process as provided for in the constitution.

The EFCC was used as a political weapon to whip political foes, especially state governors likely to stand for the presidency and their supporters, into line. Briefing the Senate on the anti-corruption campaign in October 2006, Ribadu disclosed that serious corruption cases were already established against 31 of the country's 36 state governors or were being investigated on the strength of substantial petitions and allegations. The cases, he said, included money laundering, inflation of contracts, embezzlement and diversion of state and local government funds.<sup>13</sup> These

probes were used to influence the outcome of the PDP presidential primaries and ultimately the process leading to the April 2007 elections.<sup>14</sup>

The emergence of the Katsina State governor, Umaru Musa Yar'Adua, as the PDP's flag-bearer, was largely enabled by this campaign. A few days before the primaries, the EFCC harassed and intimidated governors. Magnus Abbe, Rivers State commissioner for information, confirmed the EFCC's use against the presidential candidacy of that state's governor, Peter Odili.<sup>15</sup> Those opposed to Odili, he said, were responsible for a character assassination campaign launched on the eve of the PDP primaries. The EFCC intimidate the governors into accepting Obasanjo's choice, Yar'Adua. Ribadu himself admitted that “Odili would have been president. We stopped him”.<sup>16</sup> According to a senior PDP member, “the governors were virtually herded like chickens into a pen. Faced with the EFCC knife and fearing for their political lives, how could any one of them have raised a voice against Obasanjo's choice?”<sup>17</sup> A reporter who covered the party's primaries in Abuja on 16 December 2006

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(Plateau State), Jolly Nyame (Taraba State) and Ahmed Sani Yerima (Zamfara State). Others under investigation were the governors of Osun, Akwa Ibom, Benue, Borno, Delta, Bayelsa, Edo, Ebonyi, Katsina, Niger, Ondo, Oyo, Lagos, Rivers, Sokoto and Ogun. Only five governors received a clean bill of health: Donald Duke (Cross River State), Danjuma Goje (Gombe State), Bukola Saraki (Kwara State), Bukar Abba Ibrahim (Yobe State), and Peter Obi (Anambra State). See Alex Mabayoje, “Closing in on Corrupt Governors”, *Newswatch*, 9 October 2006, p. 44.

<sup>14</sup> Crisis Group interview, civil society leader, Abuja, December 2006.

<sup>15</sup> Magnus Abbe, in an interview with *Newswatch*, December 2006.

<sup>16</sup> Belinda Ogunlana, “EFCC Stopped Odili from Becoming President – Ribadu”, *Daily Independent*, 13 March 2007, p. 1. This is further evidence of selective and discriminatory operations: though the Commission engineered the impeachment of some governors on charges of corruption, Odili a close Obasanjo supporter was only stopped from standing for president, apparently because Obasanjo had already decided on another candidate.

<sup>17</sup> Those who insist that the probes are selective point to EFCC's response to the graft allegations levelled against the presidency in connection with the third term issue. The constitutional amendment required a two-thirds majority in both Houses of the Assembly and the backing of legislatures in two thirds of the states. At the height of the campaign, media reports alleged that the presidency was offering money, choice land in Abuja and other inducements to federal legislators. Allegedly as much as 50 million Naira (\$390,000) was offered to individuals. One legislator, Uche Onyeagucha, told the BBC that he was offered land in Abuja. Another told Crisis Group that 50 million Naira was brought to his house but he rejected it. Given the importance of the issue, the EFCC was expected to investigate. Instead, it merely urged those with evidence to come forward. The failure to pursue an active investigation further damaged the organisation's credibility.

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<sup>10</sup> Crisis Group interview, security sector analyst, Abuja, 18 December 2006.

<sup>11</sup> Address by EFCC Chairman, Nuhu Ribadu, at Senate hearing, 5 October 2006.

<sup>12</sup> The Bayelsa State governor, Diepreye Alamieyeseigha (removed in December 2005); Rashidi Ladoja of Oyo State (removed on 12 January 2006 but reversed by the Court of Appeal in December); Ayodele Fayose of Ekiti State (removed on 16 October 2006); Peter Obi of Anambra (removed on 2 November 2006, reinstated on 28 December); and Joshua Dariye of Plateau State, who lost his post in late November 2006.

<sup>13</sup> The governors charged by the Commission were: Orji Uzor Kalu (Abia State), Boni Haruna (Adamawa State), Chimaroke Nnamani (Enugu State), Ayo Fayose (Ekiti State), Joshua Dariye

observed that: "In the end, the convention was virtually a coronation ceremony for the aspirant anointed by Aso Rock (the Presidency) to fly the party's flag at the 2007 polls".<sup>18</sup>

The choice of Yar'Adua confirmed that, though defeated in parliament, Obasanjo was not ready to relinquish power. The younger brother of Obasanjo's deputy during his time as military ruler (1976-1979), Yar'Adua comes from an influential northern family but has neither the wealth nor political base to support presidential ambitions on his own. He is considered one of the most obscure and reclusive governors, whose only known view is to continue Obasanjo's programs.<sup>19</sup> He has virtually no international profile or diplomatic exposure and he required medical evacuation to Germany at the height of the campaign in March. While he was governor, Katsina became the fifth state to adopt Sharia (Islamic) law in August 2000. He is widely perceived as a weak front man for Obasanjo, who, as a Christian Yoruba, is seen as paying lip service to the Muslim North's claim that it is its turn to rule while retaining the real power over party and government. Goodluck Jonathan, Yar'Adua's running mate, is from the Niger Delta but has roughly the same profile. Without strong bases in the PDP, both would have to rely on the party leader – Obasanjo – to determine policy and make many appointments.

## B. UNDERMINING THE OPPOSITION

While it was keeping the PDP nominations under control, the Obasanjo camp also was actively using the anti-corruption campaign and other means of intimidation to undermine opposition to the ruling party.

The EFCC has played a highly controversial role in the disqualification of several politicians from contesting the elections. First, it forwarded to the presidency a list of 135 persons it claimed to have "indicted" for various financial crimes and corruption. On 7 February 2007, the government constituted an administrative panel of enquiry and ordered

all those on the EFCC list to appear before it within two days. By 13 February, the panel had completed its investigation of all cases, and a white paper had been drafted and adopted by the government, barring 37 of those "indicted" by the EFCC from contesting the elections.<sup>20</sup> Those affected include Abubakar, presidential candidate of Action Congress (AC), and the Abia State governor, Orji Kalu, presidential candidate of the Progressive People's Alliance (PPA).

The EFCC claims that the list it submitted to the president had as many names of PDP candidates as those of other parties,<sup>21</sup> but the PDP figures were politicians whose electoral fortunes were of little consequence to the overall electoral fortunes of the party. The opposition names included those of a number of key figures, including presidential and governorship candidates. The EFCC's action of submitting a list to the president has been widely criticised as a violation of its powers, which are limited to investigating and prosecuting economic crimes in the courts. Similarly, the government's act of setting up an administrative panel to investigate over 100 cases in two days is widely seen as a crude attempt at eliminating specific opponents. These acts have gravely undermined public confidence in the electoral process and raised serious questions about the anti-corruption campaign.

Simultaneously, many illegal acts have been committed by the federal and state governments in an attempt to disempower and disorganise the opposition parties.<sup>22</sup> On 3 December 2006, for instance, the day before the AC's national convention in Kaduna, the federal government ordered the closure of Kaduna International Airport. While aviation ministry spokesmen claimed this was to allow routine repairs, the failure to give prior notice and indeed the shutting of the airport while some flights were on their way, suggests a deliberate attempt to sabotage an opposition party's convention.

State and federal government agents have also resorted to violence to cow the opposition. These acts are usually carried out by the police and other state security agents and given security justifications. On 17 March 2006, a meeting of the newly-registered Advanced Congress of Democrats (ACD), was disrupted by security agents in Dutse, Jigawa

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<sup>18</sup> Joseph Onyekwere, "Why Yar'Adua?", *Newswatch*, 25 December 2006, p. 16.

<sup>19</sup> Asked to assess Yar'Adua's capability for the presidency, Segun Osoba who was governor of Ogun state and thus his colleague from 1999 to 2003, said: "Throughout the four years that we were together, he was a very withdrawn, introverted kind of person. I cannot remember him making any serious statement at the Council of State meetings on the few occasions that he attended. He was not regular at our meetings and at the meetings of governors. I can't recall seeing him more than once or twice throughout the four years...when he attend[ed], he was reticent. It is difficult to assess somebody who is quiet and reticent and does not attend meetings"; Mikail Mumuni, "My Worries about Yar'Adua, by ex-Governor Osoba", *Sunday Sun*, 11 March 2007, p. 8.

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<sup>20</sup> The panel considered only 77 of the cases on the original EFCC list; in addition to the 37 it "indicted", 36 others were recommended for further investigation, while four were cleared.

<sup>21</sup> Of the 77 cases charged in the government's White Paper, 22 are from the PDP, 22 from the ANPP, sixteen from Action Congress, ten from the Peoples Progressive Alliance and seven are without party affiliation.

<sup>22</sup> Crisis Group interviews, Chief Willy Ezeugwu, secretary general, Conference of Nigerian Political Parties (CNPP), 6 December 2006, and representatives of various political parties, November-December 2006.



State; Alhaji Lawal Kaita, a party chieftain, was arrested three days later. On 12 October 2006 a rally in support of the presidential ambition of the Abia State governor, Orji Kalu, planned by the largely Ibo traders at the Alaba International Market, Lagos, was broken up by over 100 anti-riot police. The police said the rally could not be allowed because the permit request came too late to arrange adequate security but many saw it as the persecution of a governor who had fallen out of favour with the PDP.<sup>23</sup>

On 27 November, a political rally organised by the United Action for Democracy (UAD) and other political activists to prepare the opposition for post-election challenges was disrupted by the Kaduna State Police Command. Its convener, Abiodun Aremu, and UAD's coordinator for the North-West zone, Abdullahi Ahmed Musa, were arrested.<sup>24</sup> One week later, some twenty pro-democracy activists and members of human rights groups were arrested in Lagos for protesting alleged plans to extend Obasanjo's tenure beyond May 2007.<sup>25</sup>

The partisan role of the Nigeria Police Force (NPF) on behalf of the PDP during the campaign has been systematic. When, after the killing of an Ekiti state PDP gubernatorial candidate, Dr Ayo Daramola, the Inspector General of Police (IGP) stated that the motive could not be ascertained, many saw this as an attempt to prevent a full investigation into what was widely perceived to be a political assassination by his intra-party rivals. In Anambra State, the Governor's Lodge was burned by suspected PDP thugs in October 2006; Governor Peter Obi of the All Progressives' Grand Alliance (APGA) had alerted security agencies that the building was under imminent threat 24 hours earlier but the police did nothing to pre-empt the attack.<sup>26</sup>

The police are seen as having shown pro-Obasanjo partiality in their actions during the impeachments of the Oyo State governor, Rasheed Ladoja, in January 2006 and the Plateau State governor, Joshua Dariye, in December. In Oyo State, their men were largely deployed on the side of the anti-

Ladoja camp which, though headed by the somewhat notorious Ibadan politician, Lamidi Adedibu,<sup>27</sup> was clearly favoured by the presidency. Even more controversially, immediately after the Court of Appeal voided the impeachment proceedings and reinstated Ladoja, the IGP reportedly wrote to him, informing him of the reinstatement of his security personnel; after consultation with the justice minister, however, he dramatically backed away from enforcing the judgement, describing it as merely declaratory: "a toothless bulldog that can only bark but cannot bite".<sup>28</sup> In Plateau State, the police provided security for the six pro-impeachment legislators of the 24-member House to meet but stopped their thirteen anti-impeachment counterparts from convening at the same venue.

There is ample evidence that the executive branch is actively undermining the opposition while shielding the PDP and its pro-Obasanjo elements. The elections, therefore, are increasingly seen not as fair and balanced but as contests in which Obasanjo and the PDP are ready to do anything to win. If the April elections are conducted on these uneven grounds, the results will be widely rejected by the opposition, and whatever government they produce will be sworn into office seriously lacking in legitimacy and authority.

### C. THE FEUD WITH ATIKU ABUBAKAR

Nothing illustrates Obasanjo's determination not only to settle scores but also to guarantee that no strong opponents emerge against his hand-picked successor better than the campaign to prevent Vice President Abubakar from standing for the presidency. As early as 2002, Abubakar and his loyalists had expected that Obasanjo would follow what was called "the Nelson Mandela model"<sup>29</sup> of not seeking re-election at the expiration of his first term in 2003. That would have paved the way for Abubakar, who was then a power in the PDP. He had been central to forming the party in 1998, when Obasanjo was still recovering, physically and politically, from his imprisonment by the military dictator, General Sani Abacha. Even though Obasanjo relied on Abubakar to balance the PDP ticket in 2003, the relationship began to deteriorate precipitously thereafter, as the vice president became a declared candidate for the succession and his main rival in the party.

In order to whittle down Abubakar's party influence, Obasanjo, in January 2005, removed his ally, Audu Ogbah, as PDP chairman and replaced him with his own man,

<sup>23</sup> Joe Omokaro, "Police Abort Kalu's Rally in Lagos," *Sunday Sun*, 15 October 2006, p. 5.

<sup>24</sup> See Saxone Akhaine, "Police Halt Summit by Politicians, Activists in Kaduna," *The Guardian*, 28 November 2006, pp. 1-2; "Assault on the Opposition," *Sunday Sun*, 3 December 2006, p. 2.

<sup>25</sup> The arrested included members and supporters of the Coalition of Oodua Self determination Groups (COSEG), made up of the Oodua Peoples Congress (OPC), Yoruba Revolutionary Movement (YOREM), Oodua Revolutionary Front (ORF), Oodua International Front (OIF) and FYC. "Police Arrest 20 Activists over Tenure Elongation Protest," *Vanguard*, 5 December 2006, p. 49.

<sup>26</sup> Anayo Okoli and Chinenye Nwagu, "Anambra Gov's Lodge Set Ablaze," *Vanguard*, 30 October 2006, p. 1.

<sup>27</sup> On Adedibu, see Section II C, below.

<sup>28</sup> "Why We Can't Restore Ladoja – Ehindero," *Daily Sun*, 7 November 2006, p. 1.

<sup>29</sup> Crisis Group interview, political leader, Abuja, 1 December 2006.

Ahmadu Ali.<sup>30</sup> Between April and December 2005, seven of the vice president's key aides were dismissed by presidential fiat,<sup>31</sup> and at the 14 December PDP convention, Obasanjo completed the process of installing loyalists to administer the party.

In 2006, when Obasanjo began to scheme for a third term – an act publicly resisted by Abubakar – their tense relationship took a turn for the worse, including: (a) an EFCC report “indicting” the vice president for abuse of office and public funds, specifically the Petroleum Technology Development Fund (PTDF); (b) an administrative panel report accusing him of abuse of office in management of the Fund; (c) the president's submission of both reports to the National Assembly, seeking an impeachment; (d) accusations and counter-accusations of corruption between the two in the media, backed with copies of cheques suggesting illicit transactions with public funds by both; and (e) various actions to intimidate Abubakar and his aides.<sup>32</sup>

The initial expectations, however, that all this would lead to Abubakar being removed from office and prosecuted proved an illusion. Abubakar not only retained strong support in the federal legislature, but also built, outside the mainstream PDP, a loyal and effective political and legal machine that was difficult for the president to crack. The balance of support within the PDP remained in Obasanjo's favour, however. In December 2006, after a disputed suspension order barred Abubakar from trying for the presidential nomination, he left the party and secured the nomination of AC, a party he had built as an alternative. Obasanjo thus clearly won the internal PDP battle but the political war continues.

Following Abubakar's defection to the AC, Obasanjo declared the vice president's office vacant, without seeking a court ruling. Abubakar called this an unconstitutional coup

and asked the courts to clarify the legal position.<sup>33</sup> On 20 February 2007, the appeal court ruled Obasanjo had no power to nullify Abubakar's status as vice president. The president's lawyers immediately announced an appeal to the Supreme Court.

Since his exclusion from the PDP primaries, Abubakar has registered several court victories against the government and the party. The president's camp was thus no longer certain it could prevail if the battle was restricted to the law courts. Consequently, in January, the president's men began to accuse Abubakar of planning to destabilise the country, specifically of sponsoring terrorism in the Niger Delta. On 23 February, they formally filed charges to this effect at the Federal High Court in Abuja, against Dr Iyorchia Ayu, director of Abubakar's Campaign Organisation (ACO).<sup>34</sup> Also charged were Timi Frank and another Abubakar aide, Paul Santus Ofana. Ayu is accused of providing 1.5 million Naira (\$11,700) to the other two to recruit, mobilise and sponsor armed persons to commit acts of terrorism in the Delta. These charges are widely perceived as preparation for the eventual arrest of Abubakar on “national security grounds”.

The feud took another turn for the worse following the 15 March disqualification of Abubakar's candidacy by INEC. The Commission claimed to be merely applying the constitutional provisions relevant to anyone indicted by an administrative panel or court. Abubakar's camp insists he will contest the election since a court has ruled (in another case) that submission of an EFCC report to form the basis of the administrative panel's decision, was an illegal procedure unsupported by the law establishing the Commission. On 16 March, Abubakar's supporters staged public protests in Awka, Anambra State, and Jalingo, Taraba State, with placards that threatened: “No Atiku, No election”.<sup>35</sup> The Action Congress says it can no longer guarantee its supporters “will take things in their stride without venting their anger”.<sup>36</sup> Obasanjo's office issued a statement on the same day, saying it had put security agencies on full alert and would not “allow any individual, group or institution to abort [the] elections in the reckless and irresponsible pursuit of personal ambitions”.<sup>37</sup>

Meanwhile, the Senate, to which Obasanjo had forwarded the EFCC and administrative panel reports

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<sup>30</sup> Ali, a retired army colonel, was Obasanjo's minister for education under the military regime of the late 1970s.

<sup>31</sup> These were: Onukaba Adenoyi-Ojo, senior special assistant, media and publicity; Chris Mammah, special assistant for special duties; Garba Shehu, special assistant for media; Adeolu Akande, special assistant, media; Professor Sam Oyovbaire, special assistant, political; Jafar Isa, special assistant, political; and Abdul Yari, aide-de-camp.

<sup>32</sup> On 28 September 2006, presidency officials alleged moves by “elements sympathetic to the Vice President” to eliminate top government functionaries. On 30 September, Abubakar's security aide, Victor Okonkwo, was shot dead during a minor misunderstanding with the police in Keffi, Nassarawa State, 35 km from Abuja. In October, the spokesman of Abubakar's campaign, Garba Shehu, was arrested and arraigned before a Federal High Court on four counts of obtaining classified information without authorisation.

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<sup>33</sup> Funsho Muraina and Funmi Peter-Omale, “FG, Atiku Go to Court”, *THISDAY*, 28 December 2006, pp. 1, 4.

<sup>34</sup> Ayu is a former Senate president (1992-1993) and two-time minister under Obasanjo.

<sup>35</sup> Emeka Osondu and Augustine Osayande, “Protests in Awka, Jalingo over Atiku”, *THISDAY*, 17 March 2007, pp. 1-6.

<sup>36</sup> “Presidential List: Atiku back to the Trenches”, *Saturday Sun*, 17 March 2007, p. 10.

<sup>37</sup> Josephine Lohor et al., “Presidency: We'll Resist Plot to Abort April Polls”, *THISDAY*, 17 March 2007, p. 1.

on the PTDF last September, also conducted its own probe of the affair. On 28 February 2007, its first committee, chaired by Senator Victor Ndoma-Egba, indicted Abubakar over his management of the PTDF, but gave the President a slap on the wrist for approving projects outside the procedures establishing the Fund. Following the rejection of that report by many senators who saw it as biased, another review committee, chaired by Senator Umar Tsauri, reported on 21 March, finding both the President and the Vice President guilty of financial improprieties and recommending their trial by the Code of Conduct Bureau. These recommendations will be debated by the Senate only as from 2 May, when the elections will have been concluded, but they have already dented Obasanjo's strenuously cultivated anti-corruption crusader image and deepened public doubts about Abubakar's integrity. While the concurrence of the findings and recommendations on Abubakar, by these successive committees, have further raised the stakes against his eligibility to vie for public office, now and in the future, his party continually threatens that no elections will hold without their candidate, unless and until he is ruled out by a court of competent jurisdiction.

This escalation of events and threats points to the likelihood of a major confrontation during and after the elections. Given the state resources at his disposal and the divisions within the opposition, Obasanjo could emerge triumphant but with a pyrrhic victory, gained at great cost to the credibility of the elections as well as the legitimacy of any resulting government and with the seeds sown for a further crisis.

#### **D. RISKS OF BACKFIRE?**

Nigeria's political situation appears highly precarious. None of several possible scenarios is comforting. Obasanjo's desperation to eliminate Abubakar and ensure the triumph of his own candidate risks very adverse effects on the elections and dangerous implications for democracy and stability thereafter.

The Obasanjo-Abubakar feud has already taken a decidedly ugly turn. If Abubakar wins his several court cases and so receives a green-light to stand, INEC has indicated it will still appeal further, in order, it says, to prevent distortion of its election arrangements; otherwise the elections would have to be postponed to allow ballot papers to be reprinted to include Abubakar. The government could still frustrate his candidacy by arresting him on the sponsoring-terrorism charge, which would almost certainly provoke mass protests making peaceful elections difficult in the AC strongholds of Lagos and the north east. If Abubakar loses in the courts, his supporters might still threaten a peaceful election and so provoke a crackdown by the security agencies. An election in such an atmosphere could not be

fair or free of violence; its outcome would only aggravate the political crisis.

Control over the security services, access to vast oil wealth and domination of the ruling party, the PDP, which is entrenched at all levels of government, might give Obasanjo a sufficient edge to bring his candidate through. Yar'Adua is likely to rally the support of a good section of the Muslim North (Hausa-Fulani communities), Obasanjo a significant section of the Yoruba in the south west and Jonathan, some support from the Niger Delta (mostly from his Ijaw kinsmen). The Ibo-dominated East will be hotly contested. But a PDP victory is by no means a foregone conclusion.

In 1999 and 2003, Obasanjo was elected largely on the twin foundations of a coherent PDP and the relatively influential club of retired generals. In 2007, he and his candidate can count on neither. His third-term bid had already alienated influential members of the politico-military establishment. The PDP claims to be the largest party in Africa, but its unity is a façade. As early as 2003, Obasanjo's personalisation of party leadership had upset many influential, founding members. When Abubakar was edged out of the party in 2006, he took with him part of its grassroots organisation. The indictments of 31 of the 36 state governors on corruption charges to pave the way for Yar'Adua's nomination created a backlash among the party rank and file. Some of the governors and other aspirants who were pushed aside at the December primaries are lukewarm toward his candidacy. If these and the party's estranged regional barons back Yar'Adua, it is only out of fear of losing power or to secure a guarantee against prosecution by the EFCC.

The retired military are also much cooler toward Obasanjo than in the last two elections. Retired Generals Ibrahim Babangida, Aliyu Mohamed Gusau and Theophilus Danjuma, in particular, opposed the third term. Gusau, then national security adviser and a close associate of Babangida, was sacked by Obasanjo in May 2006.<sup>38</sup> He ran and lost against Yar'Adua in the PDP primaries. Danjuma, Obasanjo's former defence minister, resigned from the government after the 2003 elections<sup>39</sup> but is reputed to retain considerable influence in the military. He actively opposed the third term and has recently been

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<sup>38</sup> One source says he had earlier indicated his intention to exit the government and run for an elective post. Crisis Group interviews, press correspondents reporting on the presidency, Abuja, 15 December 2006.

<sup>39</sup> Government sources say he was forced to resign after one of his company's oil deals with the government went sour; but his political associates say he left of his own volition, in keeping with a 1999 understanding with Obasanjo that both were returning to government for only one term. Crisis Group researcher in a former capacity, interview with a former special assistant of General Danjuma, Abuja, 2003.

sharply critical of Obasanjo's manipulation of the electoral process. Babangida, who had been promised the 2007 nomination by Obasanjo but opposed the third term, had his attempt to stand for president blocked by party leaders. Obasanjo may have recently tried to appease him with diplomatic assignments such as ECOWAS special envoy to ease the crisis in Guinea; but Babangida has closed ranks with Muhammadu Buhari, also a retired general<sup>40</sup> and presidential candidate of the All Nigeria People's Party (ANPP), against Yar'Adua. As a group, the influential generals are divided and unwilling to give full backing to Obasanjo's candidate.

Obasanjo's prospects for installing Yar'Adua as his successor will also be determined by the relationship between the two main opposition parties, ANPP and AC. Early in the campaign, they had signed an agreement to try to field common candidates. That agreement seemed to have fallen apart when Abubakar and Buhari made uncomplimentary public comments about each other's suitability for the presidency. But Buhari's strong criticism of INEC's attempt to disqualify Abubakar suggests that rapprochement remains a possibility. Buhari, whose ANPP dominates over half the Northern states, and whose stronghold is the same as Yar'Adua's – Katsina – is seen by many as a conservative Muslim still shadowed by the autocratic tendencies he exhibited as military ruler in 1984-1985; he has scored points against the PDP, however, by highlighting its political expediency and manipulation of the anti-corruption campaign. If Abubakar is not allowed to stand, he might swing his weight behind Buhari to defeat Yar'Adua in exchange for immunity and political positions.

All this suggests Obasanjo's man may only be able to win by extensive vote-rigging and intimidation. However, the price for such a victory could prove to be extremely high for Nigeria. Yar'Adua would lack the legitimacy he would need to govern effectively and hold the country's constituent groups together. Should Abubakar be arrested on "national security grounds", stripped of his office and prosecuted on terrorism charges, political violence would likely increase in many parts of the country. The Ibos, with presidential candidates in ADC and APGA and a potential vice president in ANPP, would consider that they had been robbed and perhaps further convinced there is a permanent conspiracy to keep them politically irrelevant; some might be more tempted by groups like the separatist Movement for Actualisation of the Sovereign State of Biafra (MASSOB).

A forced-through Yar'Adua presidency would also be heavily burdened by political deals. Some who have lent

substantial support to his campaign, like Delta State governor James Ibori and his Edo State counterpart, Lucky Igbinedion, both "indicted" for corruption by the EFCC, certainly seek immunity in exchange for their help. This, coupled with the other dimensions of crisis highlighted above, could lead to increased corruption, general paralysis in governance and ultimately the collapse of an already fragile Nigerian state.

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<sup>40</sup> Buhari, then a major general, was head of state from December 1983 to August 1985, when he was overthrown by Babangida.

### III. THE SPREAD OF POLITICAL VIOLENCE

The political process has lacked a peaceful mechanism for settlement of disputes. Not only are the rules of the game not respected, but in the Niger Delta, intensification of the insurgency illustrates that the electoral game is not even considered a possible avenue for ending the conflict over the sharing of oil revenues. Those cheated in the electoral process have little confidence they can find justice in the election tribunals. Such lack of confidence in the institutions statutorily established to redress injustice leads many otherwise law-abiding politicians and their supporters to take the law into their own hands, often violently. State authority is already imperilled.

#### A. DEMOCRACY WITHOUT DEMOCRATS

In terms of the number of participating parties, the 2007 environment appears an improvement on 2003. There are now 50 parties in the country, suggesting a more democratic polity, a widening of political space and more options for voters. However, there is evidently a dearth of democracy, transparency and accountability in the internal structures and practices of these parties.<sup>41</sup>

##### 1. God-fatherism

Both the ruling PDP and opposition parties have failed the democracy test. This was amply reflected in reports from different parts of the country during the November-December 2006 party conventions, which were characterised by parallel congresses, duplicate polls, outright boycotts, wilful refusal to send election materials to those believed to be in rival camps, subversion of established procedures, preferential distribution of party membership cards, allegations of delegate bribery and shameless bias. The more powerful the party, the more vicious and violent has been the struggle for positions.

In all opposition parties, the presidential nominations were pre-determined, without genuine competition. In the main opposition party, the ANPP, Buhari emerged as the consensus candidate after all his seven rivals had been persuaded to step down. In the newly emergent AC, which had promised to offer more democratic practices than the

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<sup>41</sup> Crisis Group interviews, officials of National Democratic Institute, West African Civil Society Forum (WACSOFF) and Centre for Democracy and Development (CDD), Center for Peacebuilding and Socio-Economic Resources Development (CEPSERD), Centre for Advanced Security Studies in Africa (CASSIA), and Open Society Justice Initiative, Abuja, 6-13 December 2006.

PDP, Abubakar was the sole candidate at the 20 December convention and was presented to the delegates for a straight "Yes" or "No" vote. He was endorsed by 5,782 of the 5,880 delegates.

Some other parties also had only one, unchallenged candidate, including Pat Utomi (ADC), Chris Okotie (FDP), Attahiru Bafarawa (DPP), Orji Kalu (PPA) and Habu Fari (NDP). There is not yet a culture of healthy intra-party competition. As a PDP leader told Crisis Group, the handpicking, imposition and installation of candidates is a perversion of procedures, "rigging in the upstream sector of the electoral system".<sup>42</sup> This has created bad blood within the parties and aggravated intra-party violence significantly, especially when the imposed candidate does not really represent members' wishes. The imposition on the electorate, of hand-picked leaders who emerge through a flawed system can only produce governments whose legitimacy will be widely questioned, at the expense of national stability.

As in 2003, there remains the influence of "godfathers", political merchants who sponsor candidates on the understanding this will bring huge returns once the candidate takes office. However, these political investors, who once seemed to hold local and state chapters of the parties in their grip, now must contend with incumbents who have easy access to state resources. All this has meant that large amounts of cash feature prominently in party processes with little or no regulation.<sup>43</sup> While INEC has warned that it will monitor party and candidate expenditures to ensure they comply with the Electoral Act 2006, no concrete action has ever been taken. Political financing remains totally devoid of transparency, and money remains a deciding influence on elections. However, the worst problem for the credibility of the elections remains the tendency of the parties and politicians to resort to violence to win or retain power.

##### 2. The increase of political violence

Since the 2003 elections, there has been a rise in the kidnapping of opponents, assassination of would-be candidates and other political figures, and violent disruption of political meetings and campaigns of rivals.<sup>44</sup> These

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<sup>42</sup> Crisis Group interview, political party leader, Abuja, 18 December 2006.

<sup>43</sup> Crisis Group interview, civil society leader, Abuja, 18 December 2006.

<sup>44</sup> Dr Niyi Ikuomelo, a leader of the Advanced Congress of Democrats (ACD) in Ondo State, was kidnapped by three gunmen from his residence in Akure when he could not pay five million Naira (\$39,000). He was released after having paid half. Victims of such abductions, however, do not always survive to tell their stories. On 30 June 2006, Jesse Arukwu, a gubernatorial candidate of the ACD in Plateau State was abducted from his house in

acts occur both between and within parties, and seem to be increasing in frequency as the elections draw closer.

The PDP primaries were veritable theatres of violence. In virtually all urban centres, large numbers of police, in some cases using armoured personnel carriers, had to be deployed at the venues of the primaries to prevent fighting between thugs paid by rival candidates. In many cases, they had to use teargas to quell the fights.

In Ogun State, Governor Gbenga Daniel was attacked while returning to Abeokuta after monitoring the primaries. It took shots fired by his security aides to dislodge the assailants. In Ebonyi State, clashes were reported at Mbeke-Ishieke, when a rescheduled congress could not be held. Several vehicles were destroyed, including one belonging to Obinna Ogba, former party state chairman. In Rivers State, eight people were killed during the primaries. At Eleme, a youth, Chulte Jorkatta, was shot dead, while twenty others were injured in clashes between rival aspirants. In the Ogoni area, the primaries were postponed in Khana town after two people were killed in an ambush along Onne Road and the car of a senator smashed by an angry mob. In Ogbolo, primaries had to be rescheduled because violence broke out when some delegates alleged voting materials were hijacked by local party chiefs, and some members were prevented from entering the voting area. At Asari Toru Local Government Area, the story was much the same.<sup>45</sup> The killing of opponents began to surge in early 2004 after a brief lull following the 2003 elections.<sup>46</sup>

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Bassa Local Government Area after returning from a rally. His corpse was found in nearby bush the next day, *The Guardian*, 31 May 2006.

<sup>45</sup> Ibid.

<sup>46</sup> Among the most notable cases are the following: on 14 February 2004, Aminasoari Dikibo, a PDP national vice chairman in the South-South zone was shot and killed while travelling in Delta State. On 3 March, the convoy of George Akume, governor of Benue State, was attacked on the way to Abuja. The governor escaped unhurt but Andrew Agom of the PDP board of trustees and Joseph Ngama, a police sergeant, were killed. On 4 March, Luke Shigaba, a local government chairman candidate in Kogi State, was killed at his residence in Oguma, Bassa Local Government. On 7 March, Philip Olorunnipa, commissioner of the Kogi State Independent Electoral Commission (SIEC), was murdered in his residence in Kabba, Kogi State. On 5 February 2005, gunmen killed Sunday Atte, leader of the legislative council in Yagba East Local Government Area of Kogi State. On 3 June 2005, Patrick Origbe, PDP member and principal administrative officer of Uvwie Local Government Area of Delta State, was shot dead. On 27 July, Anthony Ozioko, PDP assistant national director for research and planning, was shot dead at his residence in Saburi-Gwagwa, Abuja. In August, Felix Eboigbe, councillor in Oredo Local Government Area of Edo State, was killed by gunmen in Benin City, a few hours after he indicated his intention to stand for chairmanship of the council

Such violence does not limit itself to political actors. Retaliation against state persecution or perceived PDP manipulation has been a constant source of violence, the worst expression of the disappearing authority of national institutions. In Benue state, fighting erupted in Aliade town, 40 km south of the state capital, Makurdi, on 9 December 2006 after the PDP allegedly reversed the result of the state assembly primary, replacing the winner, Tsetim Ayargwer, with the relatively unpopular Ashema Chado.<sup>47</sup> Ayargwer supporters blocked major roads, attacked opponents and torched several houses and a hotel.<sup>48</sup> The fighting flared again the next day as the rival group fought back. Six people were killed, many injured and several houses burned. For several more days, residents fled, fearing new trouble. In Minna, capital of Niger State, youths supporting another candidate violently protested the alleged stuffing of ballot boxes by the government-backed candidate. Thugs smashed ballot boxes, hurled objects and attacked each other with wooden clubs and iron rods. Police used teargas and a charge to disperse the crowd; voting was postponed for several days.

Similarly, as news of the August 2006 assassination of Dr Ayo Daramola, a PDP gubernatorial candidate, at Ijan in Gbonyin Local Government of Ekiti State spread, the otherwise peaceful community went wild, attacking those thought to be opposed to the deceased. The mob set ablaze the residence of Ropo Adesanya, PDP state chairman, and burned two vehicles and all equipment in the compound as well as houses and other properties owned by several PDP chieftains.<sup>49</sup> Crisis Group learned the youths involved suspected PDP complicity in the murder; party leaders

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in 2007. On 25 December, Jackson Edema, chairman of Warri South Local Government, was shot dead. On 30 June 2006, Jesse Aruku, ACF gubernatorial candidate, was abducted and killed near his house in Bassa Local Government Area of Plateau State. On 27 July, Funso Williams, a prominent PDP gubernatorial candidate in Lagos State, was murdered in his bedroom at Dolphin Estate, Lagos. On 14 August, Ayodeji Daramola, another PDP gubernatorial candidate was killed at home at Ijan-Ekiti, Ekiti State. On 22 May, suspected assassins attacked the home of the PDP secretary in Ondo State, Boluwaji Kunlere, in Akure; they missed him but seriously wounded his wife, Elizabeth. On 4 October 2006, about twelve armed men shot their way into the residence of Yusuf Adamu, secretary of the ANPP in Borno State. For detailed accounts, see Hamzat Olatunji, "Political Violence: What We Must Know and Do", *The Guardian*, 28 August 2005, p. 27; *Newswatch*, 14 August 2006; "Gunmen Invade PDP Chief's Home, Injure Wife", *THISDAY*, 28 May 2006; Umoru Henry, "One Policeman Killed, Another Injured as Bwari LG Boss Escapes Assassination", *Vanguard*, 14 November 2006, p. 14.

<sup>47</sup> "House of Commotion", *TELL*, 4 December 2006.

<sup>48</sup> Ibid.

<sup>49</sup> Joseph Onyekwere and Andrew Airahuobhor, "Daramola's Murder: Why the Youths Went after PDP Leaders", *Newswatch*, 18 August 2006.

had been rumoured to be conspiring to foil Daramola's candidacy.<sup>50</sup>

## B. A THRIVING MARKET FOR POLITICAL VIOLENCE

Widespread illiteracy and poverty make the lower socio-economic classes readily available to be drafted into odd jobs, including acts of political violence.<sup>51</sup> A majority of the foot soldiers of electoral violence are drawn from the teen and adolescent age groups. Large numbers of these vagrant, mostly jobless and potentially violent youths are found in Lagos where they are known as "area boys", but similarly large numbers are also in such cities as Warri (where they are also known as "area boys"), Port Harcourt in Rivers State ("ofio boys"); Ile-Ife in Osun State ("omota renegades"); Calabar in Cross River ("agaba boys") and Kano in Kano State ("Yandaba"). These youths, some of whom work in urban transport, are the ready pool from which politicians recruit thugs to fight their opponents.

In Borno State, for instance, where the youths are known as "ECOMOG",<sup>52</sup> Crisis Group learned that: "Every major politician in the state has a private 'ECOMOG' army", hungry and illiterate children of the poor recruited to pursue often violent, political aims."<sup>53</sup> An observer has commented that: "The politicians regard recruitment of the youth into 'ECOMOG' as a form of employment and the remuneration includes a drug allowance! This is not really surprising in a country where the only known industry is government and the government is simply the personal fiefdom of those in power".<sup>54</sup>

Beyond these "general duty thugs" are the "more specialised killer gangs",<sup>55</sup> in virtually every urban centre, who are ready to kill provided the price is right. The price varies, depending on the profile of the targeted personality. Crisis Group learned from police sources that some gangs take a life for as low as N100,000 (\$780), while the fees are higher for a high-profile target.<sup>56</sup>

Ahmed Ameh Egwu, a 30-year-old farmer from Kogi State, gave an insight into the prices charged by killer gangs. He told the Kogi State Criminal Investigation Department in August 2006 that he was offered N500,000 (\$3,900) by a member of the state House of Assembly (who later died) to assassinate Isaac Alfa, a former air force chief, who was then a gubernatorial candidate. He said he was to lead two others, introduced to him as students at the University of Nigeria, Nsukka, to carry out the assassination but that he refused the money and the assignment.<sup>57</sup> On 22 October 2006, Olanipekun Taiwo, one of the six suspected killers of Dr Daramola, the PDP candidate in Ekiti State, told senior police and crime reporters he was contracted by two persons to murder Daramola for N1 million (\$7,800) and a bus. The money was to have been shared among Taiwo and the other five members of the recruited group.<sup>58</sup>

The armed militia, neighbourhood vigilante, community defence and sundry cult groups that have mushroomed in different parts of the country since the late 1990s also play a significant role in electoral violence. With the approach of the polls, some are being hired by local politicians, while others undertake independent acts of violence to demonstrate their capacities and thus capture the attention of any politicians who may need their services. In an atmosphere of almost total impunity, a thriving market for political violence has developed. The rules of supply and demand for political assassinations, kidnappings and other strategies of intimidation are freely applied throughout the country; those willing to enter this competitive market have to prove their competency and added value by using distinctive tactics and technology.

This includes the use of explosives, especially in the Niger Delta. On 7 June 2006, the Port Harcourt residence of Austin Opara, deputy speaker of the House of Representatives, who was then eyeing the state governorship in the 2007 elections, was attacked with an explosive device.<sup>59</sup> On 28 November, a strong explosion at a private residence in Benin City, Edo State, killed a man and destroyed at least ten cars and several houses. The owner of the residence was a candidate for PDP chairman in Owan East Local Government Area.<sup>60</sup> On 29 November, an explosion occurred at the campaign headquarters of Ndudi Elumelu, a House of Representatives candidate in Asaba, Delta State. The next day, another explosion rocked the residence, also in Asaba, of Theodora Giwa-Amu, another

<sup>50</sup> Crisis Group interview, December 2006.

<sup>51</sup> Crisis Group interview, director, Institute of Peace and Conflict Resolution, Abuja, 11 January 2007.

<sup>52</sup> Derived from the acronym of the ECOWAS Monitoring Groups deployed for peacekeeping in Liberia, Sierra Leone, Guinea Bissau and Côte d'Ivoire; they see themselves as local forces recruited by patrons to "keep the peace".

<sup>53</sup> Crisis Group interview, federal legislator from Borno State, January 2007.

<sup>54</sup> Abba Gana Shettima, "Politics as Motor Park Thuggery", 17 November 2002, [www.ngex.com/personalities/voices](http://www.ngex.com/personalities/voices).

<sup>55</sup> Crisis Group interview, federal legislator from Borno State, January 2007.

<sup>56</sup> Crisis Group interview, senior police officer, Nigeria Police Force headquarters, Abuja, January 2007.

<sup>57</sup> Tobs Agbaegbu, "Killing for Money", *Newswatch*, 2 October 2006, p. 22.

<sup>58</sup> Murphy Gana-Gana, "We Were Offered N1m to Kill Daramola – Suspects", *Daily Sun*, 23 October 2006, p. 6.

<sup>59</sup> Godfrey Azubike, "Playing Dirty Politics", *Newswatch*, 7 August 2006, p. 30.

<sup>60</sup> Police investigators have been silent on whether the explosion was caused by a bomb or some other explosive device.

candidate for the House.<sup>61</sup> On 5 December, an explosion damaged the headquarters of the Green Movement Campaign, the electoral organisation of the Bayelsa State governor, Goodluck Jonathan. The introduction and growing use of these devices suggests increased sophistication by the agents of political violence, with implications for Nigeria far beyond the 2007 elections.

### C. WORSENING INSURGENCY IN THE NIGER DELTA

The challenge of violence is nowhere more critical than in the Niger Delta. The region, especially the creeks, remain nearly devoid of law, restless and unsafe, particularly for foreigners. Since July 2000, some 600 people, the vast majority Nigerians, have been killed by militants or in the course of conflicts between them and the military Joint Task Force (JTF).<sup>62</sup> A further 187 oil workers, about half of them foreigners, were abducted and released by armed separatists or militants, while 873 others have either been detained or held hostage on oil facilities, according to statistics compiled by Agence France-Presse since July 2000. Crisis Group records show that in 2006 alone, over 70 foreigners, mostly oil workers, were kidnapped for ransom; about 40 were kidnapped during the first two months of 2007; at least 37 Nigerian soldiers were killed by militants in 2006. In mid-September 2006, oil workers under the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) went on strike for three days protesting the increasing wave of violence in the region and other issues facing the oil industry.<sup>63</sup>

These signs of insecurity are not all directly related to the electoral process; yet that process has surely aggravated violence in the region. Individuals have been attacked in circumstances that suggest political motives. For instance, on 12 March 2006, the Ijaw national leader, Chief Edwin Clarke, who strongly opposed the PDP's nomination of Dr Emmanuel Uduaghan (an Itsekiri) for governor in Delta State, was attacked by gunmen in his hometown, Kaigbodo. There are claims that ransoms extracted for hostages have been used to fund campaigns.<sup>64</sup> And that hostage-taking

has also been used to press electoral demands: the militants who seized the Baco-Liner cargo vessel in January 2007 echoed demands of other militant groups in the Delta but also stressed they wanted the PDP candidate lists changed in Bayelsa and Delta States.<sup>65</sup> Violent clashes have been reported among some youth gangs aligned to local politicians. In the Ogoni area of Rivers State, for instance, repeated clashes between members of two armed groups (Junior Vikings and Degbam) are seen as a continuation of the power struggle between their local political sponsors.

While the Movement for Emancipation of the Niger Delta (MEND) seems to be the best-organised and most effective of the many militant groups in the region and has vehemently opposed Nigeria's constitution and federal structure, it has not expressed any direct opposition to the elections. Its actions show that it does not have much faith in the process or any clear alignment with individual politicians. Since December 2006, however, it has opposed some candidates, while insisting that the governors of Rivers and Delta States account for over N300 billion (\$2.34 billion) that have accrued to their states from the derivation fund since 1999 and that no party should nominate any person from the current administrations of the two states as they are "accomplices in the criminal and corrupt management of these states from 1999 to date". On 3 February 2007, it blocked the major trans-delta road (the East-West Road), preventing over 2,000 PDP supporters (including the governors of Edo and Delta States) from attending a PDP presidential campaign rally in Port Harcourt.<sup>66</sup>

There have been suggestions that the selection of the Bayelsa State governor, Jonathan, as Yar'Adua's running mate, will pacify the militants in the region but this is yet to be seen. Significantly, Jonathan's nomination on the PDP ticket in December 2006 was followed by more hostage-taking and explosions in early 2007. Incidents like the 3 February roadblock serve notice that militants could significantly disrupt the elections as groups jostle for the spoils of the Delta. At the least, much of the Delta, especially the creeks, is unsafe for election monitors and observers, especially non-Nigerians. The European Union's Election Observation Mission (EUEOM) has already announced that, because of security considerations, it will not deploy in three Niger Delta states: Bayelsa, Delta and Rivers.<sup>67</sup> For much of this region, therefore, even where elections may be conducted peacefully, it will be difficult to ascertain the credibility of the results.

<sup>61</sup> Crisis Group interview, local politician, Asaba, Delta State, 16 December 2006.

<sup>62</sup> Two American oil workers were killed by pirates in the region in April 2004; David Hunt (UK) was killed during a botched military rescue operation in November 2006.

<sup>63</sup> Grievances included the poor state of refineries and pipelines, perceived disregard for due process in the sale of the Eleme Petrochemicals Company in Port Harcourt and the lack of autonomy of the Department of Petroleum Resources.

<sup>64</sup> Crisis Group telephone interview, civil society representatives, Port Harcourt and Yenagoa, 15 March 2007.

<sup>65</sup> Dino Mahtani, "Engineers Kidnapped in Niger Delta Trouble Spot", *Financial Times*, 24 January 2007.

<sup>66</sup> Austin Ekeinde, "Nigeria Militants Keep Party Supporters from Rally", Reuters, 3 February 2007.

<sup>67</sup> Camillus Eboh, "EU Observers Stay Away to Stay Alive", [www.int.iol.ca.za/general/news](http://www.int.iol.ca.za/general/news).



#### IV. CRISIS OF CONFIDENCE IN THE ADMINISTRATION OF ELECTIONS

The other major concern in the countdown to the polls is INEC itself and its capacity to deliver a free and fair election. In the past half year it has been plagued by a grave credibility crisis, arising from several sources, notably funding problems and the logistical challenges that were disturbingly evident during voter registration.

##### A. IMPORTANT BUT INSUFFICIENT REFORMS SINCE 2003

In response to criticisms about that year's elections, INEC invited a cross section of stakeholders to a seminar in Kaduna in July 2003. A clear recommendation was the urgent need for legal reform of the electoral framework.

A series of donor-supported workshops produced the Draft Electoral Bill 2004 and recommendations for five broad areas of reform. First, election legislation should be harmonised and consolidated into a single law. Secondly, INEC should have an independent fund, into which all money accruing to it, except that required for staff, should be paid. Thirdly, the Commission secretary should no longer be appointed by the president from among serving permanent secretaries. Fourthly, participation of disabled voters should be facilitated. And finally, there should be ceilings on contributions by individuals and organisations to parties and on campaign spending by parties and candidates.<sup>68</sup>

In December 2004, INEC submitted the new bill reflecting these reforms to the National Assembly; it was passed on 31 May 2006 and became law a week later.<sup>69</sup> In addressing the logistical challenges, INEC decentralised its operations and reinforced the capabilities of its state officials. It established the Electoral Institute of Nigeria to train commissioners and others, organise voter education, conduct research and provide documentation.<sup>70</sup>

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<sup>68</sup> A. M. Abubakar, "Overview of the Draft Electoral Bill 2004", paper presented at IFES Nigeria Seminar, Abuja, 14 April 2005. Abubakar is an INEC national commissioner and chairman of its legal services and clearance committee.

<sup>69</sup> It repealed the 2002 Electoral Act and the Independent National Election Commission (Establishment) Act No. 17 of 1998. Practical arrangements for the 2007 elections began in earnest only then. Crisis Group interview, INEC official, Abuja, 30 November 2006.

<sup>70</sup> INEC deploys 500,000 temporary staff during elections. About 99 per cent of these are recruited from outside the Commission and so need to be trained.

More than anything else, INEC has sought to tackle voter distrust, a debilitating feature of all previous elections. It simplified procedures for registering parties and took steps that promised to return critical decision-making to the people by organising or encouraging stakeholder forums from ward to national levels. These were aimed at providing opportunities for all stakeholders to contribute to debates and influence processes. The Commission further introduced automated systems<sup>71</sup> and changed the tallying process to address problems like ballot box theft. Under the new procedures, votes will be counted at polling stations and results immediately transmitted to three central locations where people can monitor them as they come in.<sup>72</sup>

These are important measures but domestic stakeholders and foreign observers nevertheless share serious doubts about INEC's lack of autonomy.<sup>73</sup> Part of the reason lies in its structural dependence on national and state actors. The chairman is nominated by the president, and the requirement for Senate confirmation offers little assurance of independence. This is because, once confirmed, the chairman conducts his activities in the knowledge that the Commission's entire funding comes from the executive.

At his presentation of the 2007 Appropriation Bill to the National Assembly on 11 October 2006, Obasanjo said he had earmarked "the sum of 27 billion Naira [\$210 million] in the 2007 budget for this purpose [election preparations] ... in addition to the 55 billion Naira [\$422 million] which we provided in the 2006 budget for the same purpose".<sup>74</sup> In spite of that assurance, INEC has been constrained by money problems.

In October 2006, the chairman raised alarm that the Commission was having difficulty withdrawing money from the bank due to "administrative rascality".<sup>75</sup> He stated that several of its cheques had bounced due to delays within the Central Bank, the Budget Office and the Due Process Office. These offices argue that delays were caused

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<sup>71</sup> One such system is the Direct Data Capture (DDC) machine (see below), designed to capture the image of every registered voter and biometric details such as a fingerprint, age and physical features. It aims to eliminate multiple registrations and other forms of cheating common in past elections.

<sup>72</sup> INEC had also proposed using electronic voting tablets that would have provided three separate records of the vote but this was not approved by the National Assembly.

<sup>73</sup> In October 2006, a nationwide poll by the Lagos newspaper *The Guardian* found 29 per cent had no confidence in INEC to deliver free and fair elections; 46 per cent had little confidence. "INEC Can't Conduct Free and Fair Elections", *Guardian Opinion Poll*, *The Guardian*, 15 October 2006, p. 7.

<sup>74</sup> Sufuyan Ojeifo and Chuks Akunna, "At Budget Presentation, 2007 Election Tops Agenda", *THISDAY, The Sunday Newspaper*, 15 October 2006, p. 114.

<sup>75</sup> Jacob Edi, "2007 Polls: Iwu Raises Fresh Alarm", *Daily Sun*, 3 October 2006, p. 4.

by the need for prudence and accountability in funds management, and no one can oppose the need to check abuse in public procurement given Nigeria's history of corruption. However, in the context of what now looks like a wider scheme to manipulate INEC and the elections, it appears those bureaucratic delays may have been politically contrived.

## B. PROBLEMATIC VOTER REGISTRATION

The voter registration exercise, conducted from October 2006 to January 2007, has also raised questions over INEC's capacity to deliver credible polls. For several months it had been preparing for this exercise, which it acknowledges is a crucial component of the election.

First, it trained over 2,000 staff in the 36 States and the Federal Capital Territory, including all relevant officers in the 774 local government areas across the country. All its 37 administrative secretaries, 150 heads of department in its state offices, 21,000 supervisory assistant registration officers and 165,000 assistant registration officers (AROS) received rudimentary training on the Direct Data Capture (DDC) machines to be used.<sup>76</sup> Secondly, INEC ordered 33,000 DDC machines – 30,000 for the field, the rest for back-up.

Registration of voters started on 7 October 2006. The first areas of coverage were four special zones,<sup>77</sup> but even in these limited areas the logistical deficiencies were already evident. Registration commenced in all states on 25 October 2006 but no more than 3,000 of the DDC machines had arrived.<sup>78</sup> The unavailability of the machines, faults in their operation and lack of information on the locations of registration centres soon led to concern that most eligible voters would not be registered within the allotted time. On 15 November, however, the presidency issued a reassuring statement that the exercise would be completed on schedule

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<sup>76</sup> Crisis Group interview, INEC official, Abuja, 14 December 2006.

<sup>77</sup> These were remote areas not covered during the 2002 registration and others where new settlements had emerged. Registration was to be completed in fourteen days, before commencing nationwide. The four were: Bakassi in Cross River State (the settlement for people from the Bakassi peninsula who decided to join Nigeria rather than stay on land ceded to Cameroun); Kwambai/Bika/Jenuwa communities in Taraba State (where registration could not take place in 2002); Umuaku Cattle Market (a new settlement in Abia State); and Gbaramatu and Oporoza in Warri South local Government Area of Delta State (where people could not register in 2002). The riverine areas of Bayelsa, Delta, Ondo and Lagos States were also designated as special registration areas.

<sup>78</sup> Crisis Group interview, INEC official, Abuja, 26 December 2006.

and dismissed media speculations that the INEC chairman's job was at risk.

On 20 November, four weeks into the exercise, INEC disclosed that it had registered only 2 million voters of a population it had projected between 60 and 98 million.<sup>79</sup> Amid growing concern, Chairman Iwu was summoned to the National Assembly on 30 November, where he conceded that, with just two weeks left in the exercise, only 4.2 million voters had then been registered. Optimistically he assured the legislators that INEC was deploying more machines, and voters who could not be registered by the close of the exercise would be allowed to vote with the registration cards they were issued for the 2003 polls.

On 14 December, the date on which the exercise was to have ended, INEC admitted that it had deployed just over 18,000 DDC machines, barely half the number initially projected.<sup>80</sup> On the same day, the Justice, Development and Peace Commission (JDPC), a Catholic Church NGO, announced that investigations by its field staff had found bad practice and lack of transparency in the acquisition of the DDC machines and called on the National Assembly to investigate the procurement contracts.<sup>81</sup> No investigation has been conducted and no action taken against the organisations that defaulted in supplying the machines on schedule.<sup>82</sup>

This situation provoked public cries that the bungling of the registration exercise may have been part of a plot to disenfranchise millions of eligible voters in order to thwart the 2007 elections and pave the way for Obasanjo to remain in power. To rectify the situation, the House of Representatives, at an accelerated plenary, amended the 2006 Electoral Act to give INEC more time; it also directed INEC to suspend use of the DDC machines and revert to the manual registration system used in 2003. INEC, however, virtually ignored these directives, and claimed it was "revalidating the voters' register", though it was evident to all that its main activity remained registration.

Continuation of voter registration beyond the timeframe in the 2006 Electoral Act, without concurrent amendment by both houses of the National Assembly, has left a window open for a court challenge by any candidate or party that wants to stop the process. The National Democratic Party (NDP) has filed a suit at the Federal High Court in Abuja asking that INEC be restrained from going ahead with

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<sup>79</sup> INEC press release, Abuja, 20 November 2006 and further discussion below.

<sup>80</sup> Crisis Group interview, INEC officer, Abuja, 14 December 2006.

<sup>81</sup> "Civil Groups Seek Probe of INEC's Contract", *The Guardian*, 16 December 2006, p. 59.

<sup>82</sup> Adenike Okunbor, "War Against Corruption Should Be Waged at The Presidency", *The Nation*, 27 November 2006, p. 42.

the elections due to breach of the Electoral Act 2006, particularly in respect of voter registration.<sup>83</sup> Similarly, INEC's failure clearly to display the voters list for public scrutiny and amendment and to publish the supplementary voters register has rendered the entire process non-transparent and indeed vulnerable to manipulation by politicians and parties. The discovery that six DDC machines were being used to compile an illegal and secret register inside the home of the octogenarian PDP leader in Oyo State, Lamidi Adedibu, was evidence of such manipulation. The failure of the presidency, INEC and the police to arrest and prosecute such a serious breach suggests that the voters register may have been highly distorted. Discrepancies in it could trigger violence on election day.<sup>84</sup>

The main problem though remains the registration figures. On 11 October 2006, the INEC chairman told the Senate that the Commission expected to register 98 million voters, not the originally estimated 60 million.<sup>85</sup> This figure was echoed by resident commissioners in some states.<sup>86</sup> However, by December, when it came under intense criticism for registering far fewer, INEC changed its view, claiming that the 60-98 million projection had been unrealistic.<sup>87</sup>

With Nigeria's population reported at 140 million by the 2006 census, a 50 per cent voter population (which INEC acknowledges as the international benchmark) should still amount to about 70 million. At the close of its extended exercise on 31 January 2007, INEC announced that it had registered 61 million voters. This wide discrepancy suggests that some 9 million voters or one out of every eight eligible may have been disenfranchised. This raises further questions regarding the credibility of INEC's register and its validity for the April elections.

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<sup>83</sup> Alabi Williams, "2007 Polls: Grappling With More Obstacles", *The Guardian*, 25 March 2007, p. 43. For different perspectives on the NDP's suit, see the same newspaper, pp. 44-50.

<sup>84</sup> In his address at the Eighth Delegates Conference of the Nigerian Labour Congress in Abuja on 15 February 2007, the out-going president, Adams Oshiomhole, threatened that the Congress might organise a nationwide protest if the federal government did not arrest Adedibu. President Obasanjo's response, at a rally in Ibadan on 8 March, was: "[Adedibu] is like a dry fish that cannot be bent. We have to manage him. He can't be reformed. It is his experience that we need. He has his shortcomings, but if we must correct him, it has to be in the secret not in the open. If he does good, we should appreciate it and if he does bad, we should be diplomatic in telling him and not in the public but in the secret". See Ola Ajayi, "Ladoja Shuns Rally as Obasanjo Sues for Peace", *Vanguard*, 9 March 2007.

<sup>85</sup> Crisis Group interview; figures confirmed by INEC senior staff, Abuja, 29 December 2006.

<sup>86</sup> For instance, see Adebayo Moshood, "INEC to Register 92 Million Voters", *Daily Sun*, 11 October 2006, p. 12.

<sup>87</sup> *Ibid.*

The breakdown of registered voters by states and regions also reveals significant discrepancies. While registered voters as a percentage of the census population range from 40 to 43 per cent in the three southern zones, the figures for the three northern zones range from 44 to 49 per cent.<sup>88</sup> The contrast is even more striking in the aggregate percentages. While the 27 million voters registered in all southern states are 44 per cent of the census population of these states, the 34 million registered in all northern states are 56 per cent of their population. No explanations have been advanced for these discrepancies; however, by registering more voters in the North West zone alone than in the South East and South-South combined, or more voters in just Kano and Kaduna States (7.5 million) than the five states in the South East (6.7 million), the ground seems to have been prepared for a contest favouring northern presidential candidates. In other words, the discrepancies pose further questions on the credibility of the voters' roll and threats to the acceptability of the election results.

### C. TIMING OF JUDICIAL APPEALS

An additional concern arises from the very short period envisaged for entertaining petitions or resolving disputes arising from the polls before the apparent winner is sworn in. Given the slow pace of the courts, 39 days to resolve electoral petitions is clearly unrealistic. The case over who won the governorship of Anambra State in 2003 took three years, during which time the state was governed not by the APGA candidate, who indeed won, but by the PDP candidate, whose party rigged the ballots. A scenario where election petitions cannot be resolved before inauguration day, but whoever contrives a victory at the polls is put in office pending a tribunal's eventual determination, means judicial appeals are not a credible procedure to redress electoral malpractice.

The problem lies with both with the administration of justice and the laws governing elections. The constitution, Section 132(2), stipulates that a presidential election be held not earlier than 60 days and not later than 30 days before the expiration of the term of office. This means elections cannot be held early enough to allow all petitions to be addressed conclusively before inauguration day, particularly as the Electoral Act also has no provision compelling the determination of disputes before that day. This legal bottleneck certainly cannot be resolved before the April elections but the courts should organise themselves to be able to handle cases far more efficiently.

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<sup>88</sup> The percentages in each zone are: South East 40.9 per cent, South West 39.5 per cent, South-South 42.6 per cent, North Central 44 per cent, North West 44.3 per cent, North East 49 per cent.

## V. RESCUING THE ELECTIONS

### A. IMPARTIAL PRESIDENCY AND GOVERNMENT

The starting point of efforts to rescue the April 2007 elections must be to improve the political environment in which they are held. The foremost responsibility must be located squarely at the apex of political authority, the presidency. Nigeria's partners in the region and beyond must ensure that the Obasanjo administration holds to its commitment to leave office. At the PDP presidential primaries on 16 December, a "proposed" amendment to its constitution was read out and adopted by voice vote guaranteeing that Obasanjo will continue to overshadow the party leadership, including a newly elected PDP president. Obasanjo needs to be persuaded by his African peers in the AU and ECOWAS, as well as by Europe and the U.S., that he must let go.

To create the necessary atmosphere of freedom and security for the elections, the president and his vice president must resolve their differences, within the provisions of the law, in a manner that restores dignity to the two highest offices in the land and advances democracy. Specifically, they should commit to respect court judgements (pending any appeals), follow constitutional and other due process, refrain from undignified public exchanges and focus on national rather than personal interests.

The international community, particularly at the ECOWAS and AU levels, should mediate the Obasanjo-Abubakar feud. A committee of wise men – former heads of state – should be appointed for this purpose and to engage with all election stakeholders so as to prevent any new outbreak of violence and avoid a post-electoral crisis over disputed results. It should also remind Obasanjo that as a regional leader, Nigeria has the responsibility to set trends, that what happens in April will have implications for the continent. A Nigerian presidency whose legitimacy is in question would be less able to provide leadership in the region. A failed election would comfort those who still seek to stall or subvert democratic processes elsewhere in Africa.

The presidency, including Obasanjo himself, needs to address more seriously the challenges arising from the electoral process. There must be no further delays in releasing funds to INEC so it can work effectively. There should be no further ambiguity concerning the responsibilities of the law enforcement agencies.

The government needs to take definite and visible actions to curb political assassinations and other serious violence. Chief Emeka Anyaoku, former Commonwealth Secretary-General, has proposed that "the Federal Government should

set up a panel of non-partisan citizens to work with political party leaders and law enforcement authorities in addressing the issue of political violence and thuggery between now and the elections".<sup>89</sup> There is great merit in this proposal but it would be workable only if the presidency is seen as a neutral umpire, which is not now the case. In the Oyo State dispute, for instance, it is considered an interested party, whose blind eye to the excesses of the Ibadan politician, Lamidi Adedibu, contributes to the violence. The presidency needs to return to an independent umpire role urgently and convincingly.

The government also needs to return the security and law enforcement agencies to their proper place as protectors of the population rather than instruments of the ruling party. It must ensure that any law enforcement official alleged to have acted in a partisan manner or to have committed serious human rights violations is suspended from duty pending full and independent investigation and speedy application of sanctions if appropriate. This will be particularly important during the polling process.

### B. INEC AND THE JUDICIARY

No radical changes in the constitutional powers and operations of INEC are possible or even desirable in the short time left before the elections. The Commission needs to fully commit to its obligation of ensuring that the polls are conducted fairly and credibly and to execute its overall mandate with greater vigour.<sup>90</sup>

Voter education is a fundamental element of that mandate, which must be sustained to the eve of the elections. Voters must be empowered with the knowledge to distinguish between the programs and symbols of the parties so they can make informed judgments. Section 162 of the Electoral Act gives INEC the powers to conduct such education in the print and electronic media but, since most Nigerians live in rural areas with little or no access to such media, special efforts to reach them are urgently required. This could be done using town hall and village square meetings and exploiting existing rural networks, particularly during the final days before elections, with the support of civil society groups with demonstrated commitment to voter education.

INEC should organise major stakeholder forums at the national, state and local government levels on the eve of the elections and respond, in a transparent, prompt and convincing manner, to the legitimate concerns and

<sup>89</sup> "Why Political Killings, Others Must be Resolved Before 2007", Anyaoku's remarks at the *Timeless* newspaper lecture in Lagos, reported in *The Guardian*, 25 August 2006.

<sup>90</sup> *Ibid.*

recommendations raised by parties and civic groups at these forums. To address concerns about manipulation, it should work with the parties and election monitoring organisations to adopt regulations and procedures allowing for robust and effective observation of vote counting, ballot box transfer and other transmission issues and tabulation and announcement of results.

INEC's plans to electronically capture results from each polling site have the potential to enhance credibility in the tabulation process and deter misconduct. These plans and the system should be open to domestic and international scrutiny. To this end, and to achieve overall accountability, the Commission should provide timely accreditation to domestic monitors and international observers, and particularly make security arrangements for foreign monitors in the Niger Delta.

The Commission must also work more closely with law enforcement agencies to end impunity in cases of electoral offences. The names of election officials should be published before the elections, to enable voters to check that they do not include political party members. It should monitor and publish the election finances of candidates and parties, including after the elections, to ensure conformity with the Electoral Act and take steps to impose appropriate sanctions on violators.

The post-election period can potentially generate conflict. The judiciary needs to see to it that election petitions and disputes are addressed with minimal delay and, as far as possible, resolved before inauguration of the new administration. Tribunals have been named but need to be empowered to adjudicate as soon as post-election disputes arise. The judiciary needs to constitute the tribunals and meet their material requirements before election day.

The government and INEC should take immediate steps to restore the confidence of all stakeholders in the electoral process. This requires greater openness and transparency in their administration of that process. INEC should urgently inaugurate a consultative process, involving representatives of the parties, religious bodies, national and international monitoring bodies, other civil society organisations and security agencies, to clarify decisions concerning the administration of the elections. These consultations should be continued at local, state and federal levels until the count and publication of results are over. They would go a long way toward overcoming concerns and provide an opportunity for more civic education.

INEC has to ensure the integrity of ballots and other election materials prior to, during and after the vote. Representatives of each party and candidates, security officials and civil society observers should be in all voting, counting and collation centres. There is need for greater integrity on the part of INEC officials so that their activities inspire more

confidence and do not themselves provoke violence. Ballot counting and monitoring the conduct of elections generally should be done by trained officials who consider themselves impartial umpires, not supporters of a candidate. Commission officials should maintain neutrality at all times. The results of elections must be recorded and announced immediately after counting at the centres and copies of the results given to all party representatives, security agents and observers. These procedures should be explained during the stakeholders' meetings on the eve of the elections. INEC should also work more closely with security agencies, particularly the police, in the final training sessions for those to be deployed at polling stations.

### **C. THE POLICE AND OTHER SECURITY AGENCIES**

All security agencies must rise to the challenge of ensuring compliance with the many laws that aim to ensure violence-free elections. There are several provisions of criminal and civil law which, if enforced, could significantly check electoral violence and polling malpractices.<sup>91</sup>

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<sup>91</sup> Perpetrators of electoral violence can be charged with murder, manslaughter, assault occasioning grievous bodily harm and assault, as well as assault and battery and false imprisonment. The Electoral Act 2006 outlines specific provisions to curb election-related offences, including violence. Section 97(5) provides that "no party or member of a party shall retain, organise, train or equip any person or group of persons for the purpose of enabling them to be employed for use or display of physical force or coercion in promoting any political objective or interests, in such manner as to arouse reasonable apprehension that they are organised, trained or equipped for that purpose". According to Section 97(6), "no political party, candidate or any person shall keep or use private security organisation...or any other group or individual by whatever name called for the purpose of providing security, assisting or aiding the political party or candidate in whatever manner during campaigns, rallies, processions or elections". The prescribed punishment in the case of an individual is a fine of N50,000 [\$391 ] or six-months imprisonment. For a party the fine is N500,000 [\$3,906] in the first instance, and N1 million for any subsequent offence. Section 98 stipulates that "no candidate, person or group of persons shall directly or indirectly threaten any person with the use of force or violence during any political campaign in order to compel that person or any other person to support a political party or candidate". It carries a fine of N50,000 or six months imprisonment for an individual; and a fine of N250,000 in the first instance, and N500,000 for subsequent offences for a party. Under Section 126, "any person who at a political meeting after the date for an election has been announced, acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was convened; or has in his possession an offensive weapon or missiles", is

The Nigeria Police Force and other security services are statutorily mandated to ensure compliance or otherwise enforce these laws. To varying degrees, they are executing their mandates. For example, the State Security Service (SSS) has been profiling all candidates. This background check and analysis is sent to its director-general for transmission to the parties. This "advance screening"<sup>92</sup> is not designed to impose candidates on the parties but to produce intelligence and advice for parties on candidates whose political or other activities may violate the requirements for public office. The increasing SSS involvement in curbing electoral violence signals an attempt by a variety of agencies to confront the security challenges more effectively. It needs to be encouraged and intensified but should not undermine police functions. The NPF has also taken a number of significant steps to pre-empt and combat electoral violence. Inspector General of Police (IGP), Sunday Ehindero, indicated that 250,000 police will be deployed for election day security duties. The Nigeria Security and Civil Defence Corps (NSCDC) is to deploy over 100,000 of its personnel on polling days.<sup>93</sup>

Concerns over police performance have particularly been expressed in terms of perceived partiality in enforcing the Public Order Act and handling cases in which the interests of the PDP-controlled federal government are involved, as well as a seeming lack of proper coordination with other security agencies. The sorest point is the public's perception that the force has not been even-handed in dealings with all politicians. For example, some PDP figures are known to have stockpiled weapons, recruited thugs and even directly engaged in violence without any police response.<sup>94</sup>

The IGP insists he is under no political influence in carrying out his duties but the evidence suggests otherwise. Commenting on the murder of the PDP gubernatorial candidate, Funsho Williams, in Lagos last year, retired police commissioner Abubakar Tsav said that "if the killer enjoys the backing of the powerful in government, he may never be found.... The police still have very good and capable hands: but corruption and undue influence will not allow them do their job".<sup>95</sup>

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liable on conviction to a fine of N100,000, a year imprisonment or both. Section 136 defines an election-day offence (N50,000 fine or six months in prison) "to be in possession of any offensive weapon or wear any dress or have any facial or other decorations which in any event are calculated to intimidate voters or to snatch or destroy any election materials".

<sup>92</sup> Crisis Group interview, security sector expert, Lagos, 20 December 2006.

<sup>93</sup> "100,000 Civil Defence Corps for April Polls", *The Guardian*, 20 March 2007, p. 6.

<sup>94</sup> "Police Allege Mass Arms Movement by Ebonyi Politicians", *The Guardian*, 28 September 2006, p. 80.

<sup>95</sup> Olu Ojewale, "The Search for Williams' Killers", *TELL*, 14 August 2006, p. 28.

In preparing election security, therefore, the police needs to review operations and strategies urgently. First, they need to return to their proper role of an unbiased instrument of the state, not a faithful, over-zealous servant of the presidency and ruling party. Secondly, they must gather better intelligence on parties, their candidates and supporters in relation to electoral violence to make for more proactive and impartial policing. Thirdly, even within manpower constraints, they must develop strategies for creative, equitable deployment at polling stations, including rapid deployment to spots where violence is likely during voting or counting. Greater professional collaboration is needed with other security agencies including the Nigerian Security and Civil Defence Corps (NSCDC), the SSS and the army, all of which need clear instructions for engagement to ensure that any force used during elections is legitimate and in line with Nigeria's human rights obligations.

The IGP, INEC and other appropriate officials should agree, at the earliest date, on comprehensive and effective measures for providing public security in the final stages of the electoral process, particularly election day and the immediate aftermath. The agreements should be conveyed very clearly to all law enforcement personnel who will take part in the election process and also be made public so that implementation can be monitored by civil society as well as governmental and other election monitoring bodies. The police particularly need to issue clear instructions to officers on their role in curbing violence in coordination with INEC.

#### D. POLITICAL PARTIES

Vigorous campaigning is inherently conflictual and thus should take place within agreed rules. These rules, as articulated by INEC, have been signed by most parties. However, an assessment by the UK Foreign and Commonwealth Office, the International Foundation for Election Systems (IFES) and the UN Electoral Assistance Division (UNEAD) argues that this "Code of Conduct for Political Parties" must be strengthened.<sup>96</sup> It proposes that either INEC be given the authority to police the code or an election tribunal be empowered to provide immediate relief in the event of infringements committed during the campaign; that the responsible body must have the legal powers and capacity to act; and that there should be no appeal against minor administrative sanctions. It further proposes that serious violations such as use of violence or intimidation, or gross or systematic violation of the rights

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<sup>96</sup> "Nigeria Election Review: Report to the Independent National Electoral Commission (INEC) of the Federal Republic of Nigeria", Commonwealth Secretariat, IFES and UNEAD, Abuja, July 2003, pp. 10-11.

of other parties, candidates or voters should cost parties their registration or right to campaign.

While such major changes may no longer be possible in the short time before election day, it is possible for INEC to devote greater attention to violence and work closely with the security agencies to avert it and ensure there is no impunity for those responsible.

## E. CIVIL SOCIETY

Civil society organisations have important roles to play in advancing democracy and in particular overseeing the elections. They can contribute not only to formulating the framework, such as timetables and codes of conduct, but also to voter education and election monitoring. Their watchdog efforts can add credibility to the exercise and thereby minimise the potential for violence.

Nigeria's civil society organisations have contributed well to the preparations for the 2007 elections. On 8 August 2006, fourteen mass-based organisations and NGO coalitions formed the Alliance for Credible Elections (ACE). Formally launched in Lagos on 18 September, its membership is open to every organised social platform willing to mobilise its constituency against electoral malpractices.

However, the unhealthy relationship between INEC and the major civil society organisations could reduce the impact. INEC leadership publicly acknowledges civil society's importance and has taken some initiatives toward creating working relationships.<sup>97</sup> Nevertheless, there has been deterioration in recent months. INEC sees itself as the sole custodian of the election process, while civil society organisations insist on shared ownership. The standpoints need to be reconciled urgently to permit constructive cooperation. The INEC chairman needs to make a clear pronouncement, not only embracing the role of civil society but specifically outlining the modalities for cooperation.

Civil society organisations have rightly devoted considerable attention to electoral violence, either on their own,<sup>98</sup> or in

collaboration with international partners such as IFES,<sup>99</sup> the Institute for Democracy in South Africa (IDASA),<sup>100</sup> and Amnesty International.<sup>101</sup> However, there is a need to strengthen their activities and improve coordination. Consideration should be given to establishing constituency-level peace committees to, among other things, engage in mediation and encourage development of community-based, dispute-resolution training. This should complement INEC's work, through the proposed party liaison structures, to resolve inter- and intra-party conflicts as they arise during the final phase of campaigns and on election day in particular.

Civil society organisations also need to intensify efforts to organise interethnic/religious dialogues in various states, to inform people on the dangers of bigotry and using ethnic and religious profiling as the basis for electing candidates. Discussions on political/electoral violence should be conducted at the grassroots level, using the media and indigenous languages to raise awareness of the dangers of polarising differences and how to resist such manipulation by politicians. NGOs, community leaders and the mass media should educate politicians and the general public on the democratic culture of political competition and opposition and the need to respect the rules of the game and act within the law.

The mass media must do better at ensuring equal access for candidates. If the elections are seriously flawed, any attempt at denying exposure of opposing views could result in attempts to obtain redress by extra-legal means. Civil society groups must, therefore, monitor the print and

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Academic Associates Peace Works (AAPW), which is working to disarm and demobilise militants in the Niger Delta and also training about 1,000 youths to curb electoral violence in the region.

<sup>99</sup> Election Violence National Conference, [www.ifesnigeria.org/assets/html/news.html](http://www.ifesnigeria.org/assets/html/news.html).

<sup>100</sup> In December 2006, a former head of state, General Abdulsalami Abubakar, launched the National Campaign on Reduction of Electoral Violence (NACOREV), sponsored by the Institute for Democracy in South Africa (IDASA). The campaign aims to heighten public awareness of electoral violence and its links to other forms of conflict. NACOREV's chair, Professor Bawuro Barkindo, explained that platforms were being created for all stakeholders so as to build consensus on how to reduce violence before, during and after elections. *THISDAY*, 7 December 2006.

<sup>101</sup> On 22 January 2007, Amnesty International in partnership with 27 Nigerian civil society organisations, launched a "Campaign for Violence-Free Elections", which is to release media briefings 60, 30 and ten days before the elections highlighting trends, cases and action – or inaction – by the authorities to address the violence. "Nigeria: Joint Statement on ending political violence and human rights abuses as April elections approach", Amnesty International statement, 22 January 2007.

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<sup>97</sup> For instance, it has facilitated formation of an INEC-Civil Society Management Team which meets periodically. It has also established a civil society liaison desk at national headquarters in Abuja. On 27-28 September 2006 in Enugu, it held a well attended conference on the 2007 Elections: "INEC-Civil Societies collaboration: Joining Hands for Successful 2007 Elections". It was organised in collaboration with the Joint Donor Basket Fund (JDBF), which is financed by the European Union (EU), the Canadian International Development Agency (CIDA), the UK's Department for International Development (DFID) and the UN Development Program (UNDP), which is the fund manager.

<sup>98</sup> A notable example is the Nigerian-based organisation,

broadcast media and insist that they remain professional in their dealings with all parties before, during and after the polls.

## F. NATIONAL AND INTERNATIONAL MONITORING

Several initiatives are underway to ensure observation and oversight of the elections, including by civil society. For instance, on 7 March 2007, the Christian Association of Nigeria (CAN) and the Supreme Council for Islamic Affairs (SCIA) jointly offered 240,000 observers, two for each of the projected 120,000 polling stations.<sup>102</sup> The Transition Monitoring Group (TMG), a coalition of about 170 human and civil rights organisations, which had 10,000 observers on the field in 2003, is deploying a larger number in 2007. On the international front, INEC has hosted pre-election assessment missions from the International Republican Institute (IRI) and the National Democratic Institute (NDI), both from the U.S., and the Economic Community of West African States (ECOWAS). An Election Observation Mission (EOM) from the European Commission is being deployed in the country ahead of the elections, including 66 Long Term Observers (LTOs) who will stay a few weeks after the polls.<sup>103</sup> Other missions from the Commonwealth, ECOWAS, IRI and NDI are also expected to observe the polls.

INEC distinguishes between observers, who measure the process against international standards, and monitors, who are part of the process and report on problems so they can be addressed. It says it welcomes foreign observers but not monitors, a position which suggests an attempt to limit international scrutiny and has already generated controversy in the local media and among diplomats.

The international community should strongly encourage the government to allow international monitors, something which is generally accepted as contributing to transparency and accountability. Donors should make it clear that, as the legitimacy of any government depends on the process which brings it to power, conduct of the 2007 elections will have a major impact on future direct financial support. Widespread rigging or violence, for example, should cause donors to consider a regime of targeted measures against the administration until credible elections are conducted.

The international community should also intensify its support for efforts against electoral violence. Bodies sending personnel should specifically include monitoring of such violence in their brief. Reports should include incidents and take into account their impact on the elections. Observers and monitors must insist on access to all parts of the country and devote particular attention to the conduct of security and law enforcement personnel and its impact on candidates and supporters from the various parties. They should plan to stay for a period after the elections so that any post-election violence is included in reports.

In the short time remaining, the potential influence of external observers and monitors is limited to the election itself. In line with the now-established practice of coordinated election monitoring and observation by the AU, the Commonwealth, the EU and ECOWAS, however, a strong international presence could have a moderating effect on parties that are contemplating violence. In addition, there is a need for strong policy statements reminding the government of its responsibility for ensuring violence-free elections.

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<sup>102</sup> Kehinde Akintola "CAN, SCIA to Present 240,000 Observers for April Polls", *Business Day*, 8 March 2007, p. 1.

<sup>103</sup> Habib Yakoob, "EU to Monitor April Polls", *Saturday Vanguard*, 17 March 2007, p. 8.



## VI. CONCLUSION

In December 2006, at the end of the presidential primaries, Nobel Peace Prize laureate Wole Soyinka articulated the concerns of many:

The brutality and unruliness with which the elections have been held so far indicate that this is setting a very direct agenda for the way elections will be run in 2007. From all the reports...[INEC] is not ready. Look at the voters register. Then there is the game plan of the incumbent himself, the President. When an outgoing individual makes it so plain and even declares that he wants to put the next person there, he is already declaring that there is no election, that this is going to be a continuation of a dynasty, a dynasty of minds. We already know what kind of a mind we have there. It means that he is doing everything possible to ensure that a clone of Obasanjo is the one he leaves behind .... All these are contributing to a...political malaise which means that people don't have any confidence in...the coming elections. Too many forces are at work against the elections.<sup>104</sup>

There is indeed a serious, widespread crisis of confidence over INEC's competence and readiness, as well as over the political will of major actors, including President Obasanjo, to conduct free and fair elections.

The April elections face a serious prospect of failure, which in turn threatens the Nigerian nation itself. The major risks are three-fold: rejection of the election results by wide sections of the populace, leading to a crisis of legitimacy and ultimate collapse of authority; loss of faith in elections as an avenue for peaceful resolution of conflicts and encouragement of violent, unconstitutional actions by groups; and paralysis of governance, leading to national collapse and destabilisation in West Africa.

Many Nigerians are already convinced that the April elections will not be free and fair, that the lead-up has been too marred by the undemocratic practices of the parties, particularly electoral violence, INEC incompetence and the partiality of state security agencies. There are widespread fears that the vote will be massively manipulated, as in 2003, to favour the major parties in the areas where they enjoy incumbency. If these fears materialise, the results may be rejected by wide sections of the populace.

The democratic process in general and elections in particular are major means for resolving conflicts between political constituencies. Elections marred by widespread irregularities including violence would seriously undermine Nigerians' confidence in their democratic system as a credible mechanism for peacefully resolving the country's numerous political disputes, leaving many convinced that democracy cannot guarantee equity and justice and therefore cannot protect their interests. The resulting sense of insecurity would encourage groups to use violence as an alternative, thus proliferating civil unrest and deadly conflict.

An election that produces widely disputed results could itself lead to post-election violence, which could degenerate into wider and more intense forms of conflict, threatening the nation's stability. Electoral malpractice and violence were the military's justification for seizing power in 1966 and 1983. Violence associated with elections, therefore, poses a serious threat not only to the April 2007 elections but also to Nigeria's continued path towards stable, democratic development. This in turn could have far-reaching consequences for Africa. The elections urgently need to be salvaged.

**Dakar/Brussels, 28 March 2007**

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<sup>104</sup> "2007 Elections Primed to Fail", *The News*, 25 December 2006, pp. 27-28.

## APPENDIX A

### MAP OF NIGERIA



## APPENDIX B

### POLITICAL PARTIES IN NIGERIA IN JANUARY 2007

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<b>A</b>	Accord	<b>MRDD</b>	Movement for the Restoration and Defence of Democracy
<b>AA</b>	Action Alliance	<b>NAC</b>	National Action Council
<b>AC</b>	Action Congress	<b>NAP</b>	Nigeria Advance Party
<b>ACD</b>	Advanced Congress of Democrats	<b>NCP</b>	National Conscience Party
<b>ACPN</b>	Allied Congress Party	<b>ND</b>	New Democrats
<b>AD</b>	Alliance for Democracy	<b>NDP</b>	National Democratic Party
<b>ADC</b>	African Democratic Congress	<b>NEPP</b>	Nigeria Elements Progressive Party
<b>ANPP</b>	All Nigeria People's Party	<b>NMDP</b>	National Majority Democratic Party
<b>APGA</b>	All Progressives' Grand Alliance	<b>NNPP</b>	New Nigeria People's Party
<b>APLP</b>	All People's Liberation Party	<b>NPC</b>	Nigeria People's Congress
<b>APN</b>	Action Party of Nigeria	<b>NRP</b>	National Reformation Party
<b>APS</b>	African Political System	<b>NSDP</b>	National Solidarity Democratic Party
<b>ARP</b>	African Renaissance Party	<b>NUP</b>	National Unity Party
<b>BNPP</b>	Better Nigeria Progressive Party	<b>PAC</b>	Progressive Action Congress
<b>CDC</b>	Congress for Democratic Change	<b>PDP</b>	People's Democratic Party
<b>CPN</b>	Community Party of Nigeria	<b>PMP</b>	People's Mandate Party
<b>CPP</b>	Citizens Popular Party	<b>PPA</b>	Progressive People's Alliance
<b>DA</b>	Democratic Alternative	<b>PPP</b>	People's Progressive Party
<b>DPA</b>	Democratic People's Alliance	<b>PRP</b>	People's Redemption Party
<b>DPP</b>	Democratic People's Party	<b>PSP</b>	People's Salvation Party
<b>FDP</b>	Fresh Democratic Party	<b>RPN</b>	Republican Party of Nigeria
<b>HDP</b>	Hope Democratic Party	<b>UDP</b>	United Democratic Party
<b>JP</b>	Justice Party	<b>UNDP</b>	United Nigeria People's Party
<b>LDPN</b>	Liberal Democratic Party of Nigeria		
<b>LP</b>	Labour Party		
<b>MDJ</b>	Movement for Democracy and Justice		
<b>MMN</b>	Masses Movement of Nigeria		

## APPENDIX C

### A HISTORY OF FLAWED ELECTIONS 1960 – 2003

Nigeria's previous electoral experience is not encouraging. Since independence in 1960, the country has had a history of controversial and flawed polls. The first, in 1964, set the tone. In place of the more temperate pre-independence politics, dominated by the nation's three founding figures, Dr Nnamdi Azikiwe, Chief Obafemi Awolowo and Sir Ahmadu Bello, it started a more crooked and muscular approach, defined by greed and violence. The Federal elections of 1964 and the Western regional elections of 1965 were rigged, with the opposition openly intimidated and threatened. The impatient military staged its first coup in January 1966, citing the rigging of those elections and the violence that greeted the results as major reasons.

The first period of military rule lasted until 1 October 1979, with elections allowed only during the last three months. Accepting the need to return Nigeria to civilian rule, the military ensured that the 1979 polls were conducted under its very close watch. Most citizens were prepared to accept any result, provided it meant an end to military rule. That sentiment notwithstanding, the euphoria that greeted the victory of the National Party of Nigeria (NPN) candidate, Shehu Shagari, had barely died down when Obafemi Awolowo of the Unity Party of Nigeria (UPN) challenged the results. The Election Tribunal and the Supreme Court rejected his challenge<sup>105</sup> but suspicions linger that the latter's decision may have been motivated by political expediency.<sup>106</sup>

Elections in 1983, under the civilian government of President Shagari, saw a return to the intimidation, rigging and outright elimination of opponents that had emerged as the defining features of those in the mid-1960s. The election administration and law enforcement agencies were loyal to politicians, not the nation. After Shagari's victory was announced, the UPN (then the most visible opposition party) disputed the results up to the Supreme Court, where the result was again upheld.<sup>107</sup>

As in 1966, the fraud and violence that attended the 1983 elections provided the basis for a return of the military in

December that year. Major General Muhammadu Buhari had no program for returning the country to civilian rule and therefore held no elections before being overthrown in August 1985.<sup>108</sup> In contrast, his successor, General Ibrahim Babangida, took the nation through a seemingly interminable series of elections which, with several re-schedulings and cancellations, was supposed to end military rule in 1993.

The June 1993 election was a contest between Moshood Abiola of the Social Democratic Party (SDP) and Bashir Tofa of the National Republican Convention (NRC). While only an estimated 35 per cent of the electorate voted,<sup>109</sup> results leaked to the press by the electoral commission indicated a solid 58 per cent vote for Abiola. There was minimal evidence of vote rigging or other organised fraud and virtually no violence. This gave hope that it might have been the nation's first free and fair election<sup>110</sup> and would result in a legitimate transition to democratic rule.

These hopes were dashed. The Association for Better Nigeria (ABN),<sup>111</sup> a shadowy pro-Babangida organisation which had been campaigning for continued military rule, obtained a court injunction against the release of the results. This provoked a flurry of judicial activity but no resolution. Eleven days after the polls, General Babangida stepped in, annulling the election and suspending the electoral commission. Mass demonstrations and strikes organised by labour unions and human rights groups led to Babangida's exit from office in August. Three months later, the Interim National Government he left behind was overthrown, returning the country to full military rule under the brutal leadership of General Sani Abacha.<sup>112</sup>

<sup>108</sup> The Buhari regime in fact discouraged political discourse and specifically prohibited any public statements or discussions on returning the country to democratic rule.

<sup>109</sup> This was largely a case of voter fatigue: the electorate had grown weary of Babangida's transitional elections and cynicism ran deep regarding the sincerity of the regime in its pledges of handing over power to an elected civilian government.

<sup>110</sup> *Newswatch*, 28 June 1993, p. 10

<sup>111</sup> The Association for Better Nigeria (ABN) was founded and led by Chief Francis Arthur Nzeribe, a multi-millionaire businessman who had made some of his fortune from international arms dealing. In 1999, he was elected to the Nigerian Senate, re-elected in 2003, but lost the nomination at the December 2006 primaries.

<sup>112</sup> Between 1985 and 1993, General Abacha had served under Babangida in the strategic positions of Chief of Army Staff, Chairman Joint Chiefs of Staff, and Chief of Defence Staff.

<sup>105</sup> The case is reported as *Chief Obafemi Awolowo Vs Alhaji Shehu Shagari* (1979) ALL NLR 120.

<sup>106</sup> Akpo Mudiaga-Odje, "The Challenges of Political Transition 2007, Revenue Allocation and the Rule of Law in Nigeria", being a presentation at the Public Lecture/Silver Jubilee Anniversary of the Law Students Association (LAWSA) of the Faculty of Law, University of Benin, Benin City, 3 August 2006.

<sup>107</sup> The case is reported as *Alhaji Waziri Ibrahim Vs Alhaji Shehu Shagari & Ors.* (1983) 2 SCNLR 176.

Following Abacha's sudden death in June 1998, his successor, General Abdulsalami Abubakar, read the domestic and international moods correctly and quickly drew up a transition program for general elections in early 1999. The political class reached a consensus that the presidency should go to the predominantly Yoruba south west as compensation for annulment of the 1993 elections, which was seen as having been won by one of their kinsmen, Abiola, who died in July 1998, after four years in solitary confinement. Hence, the main parties both fielded Yoruba candidates: Olusegun Obasanjo for the PDP and Oluyemi Falae for the alliance of the All Nigeria People's Party (ANPP) and the Alliance for Democracy (AD). Obasanjo won with 18.7 million votes against Falae's 11.1 million, and the latter's protest petition was thrown out by the courts. Although the election had its shortcomings, it was generally accepted given the importance of a complete transfer to civilian rule.

The 1999 Constitution stipulates that elections are to be held every four years. In 2003, Obasanjo won again, with 61.8 per cent against the ANPP's retired General Buhari, (32.1 per cent) and eighteen others.<sup>113</sup> That election, however, was deficient in several respects. An elections expert asserts that "the problems were so numerous and the gap in credibility so vast that the victors writ large can hardly claim to hold the legitimate mandate of the Nigerian people".<sup>114</sup> Four parties – ANPP, All Progressives Grand Alliance (APGA), Movement for Democracy and Justice (MDJ) and Justice Party – challenged unsuccessfully in court.

Many experts considered that the results in a third of the states were rigged and in another third were "dubious", while "as many as ten million voters' cards had been fraudulently issued".<sup>115</sup> Although observer missions from the umbrella Transition Monitoring Group (TMG) in Nigeria, as well as the National Democratic Institute (NDI), the International Republican Institute (IRI) and the European Union (EU) decried the elections as deeply flawed, a semblance of democracy and the absence of widespread violence were enough to earn international endorsement. Even so, it was already clear from the experience that a lot of work was needed to improve the electoral environment, system and process.<sup>116</sup>

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<sup>113</sup> Details of the 2003 election results are available at [www.nigeriacongress.org/elections](http://www.nigeriacongress.org/elections).

<sup>114</sup> Daren Kew, "The 2003 Elections: Hardly Credible, but Acceptable", in Robert I. Rotberg (ed.), *Crafting the New Nigeria: Confronting the Challenges* (Boulder, 2004), p. 139.

<sup>115</sup> *Ibid.*

<sup>116</sup> Crisis Group interview with INEC official, Abuja, 30 November 2006.

## APPENDIX D

### PROFILES OF MAJOR PRESIDENTIAL CANDIDATES

The last day for parties to submit lists and personal particulars of candidates was 22 December 2006. The following is a brief description of the main presidential candidates. Some are front runners; others are important players regardless of the votes they can attract.

**Atiku Abubakar (Action Congress)**, 60, from Adamawa State, former Customs officer and businessman,<sup>117</sup> has had a rising political profile since the early 1990s. In 1993, he sought the presidential nomination of the Social Democratic Party (SDP) – one of two political parties at the time – losing to the multi-millionaire, Moshood Abiola, but coming third of 28.<sup>118</sup> In 1999, he was elected governor of Adamawa State on the PDP slate but resigned when Obasanjo chose him as vice president.<sup>119</sup> Following a prolonged feud with Obasanjo and his supporters within the PDP, he left the party in December 2006 and was nominated for president by the Action Congress (AC). Obasanjo declared him no longer vice president and withdrew his privileges, but he successfully challenged this in the courts. On 15 March 2007, the Independent National Electoral Commission (INEC) dropped him from the list of presidential candidates, an action which he has challenged in court. He has considerable support among those disenchanted with Obasanjo but he no longer has the backing of the PDP machine he built, the party is determined to defeat him at all cost, and the AC is divided in several states.

**Attahiru Dalhatu Bafarawa (Democratic People's Party)**, 53, from Sokoto State, was in business before entering politics in 1976 as councillor, supervisory councillor, and then deputy chairman of the Isa Local Government Council in Sokoto State. In 1979, he lost a contest for the House of Representatives with the Great Nigeria People's Party (GNPP). In 1993 he was elected chairman of the now defunct National Republican Convention (NRC) in Sokoto State and became a member of the National Constitutional Conference a year later. In 1998, he helped found and became national vice chairman of the United Nigeria Congress Party (UNCP). He subsequently joined the All Nigeria People's Party (ANPP),

was elected governor of Sokoto State on its ticket in 1999 and re-elected in 2003. Conflicts in the ANPP led him to quit the party and win the DPP's presidential nomination in December 2006. The party enjoys substantial support only in his Sokoto base.

**Chris Okotie (Fresh Democratic Party)**, 48, from Delta State, lawyer, former popular musician and pastor of one of the largest churches in Lagos, ran for president under the banner of the Justice Party (JP) in 2003. In 2006, he became the chair of the Fresh Democratic Party (FRESH), one of the newly registered parties. In October 2006, a poll by Silverbird TV and Vanguard Newspapers in Lagos found him the most popular presidential candidate in the country, though it has been faulted as unscientific. However, he has strong appeal to the younger generation.<sup>120</sup>

**Chukwuemeka Odumegwu Ojukwu (All Progressives Grand Alliance)**, 73, from Anambra State, with a Masters in history from Oxford, was an army officer until he led the secession of the former Eastern Region as the Republic of Biafra in May 1967. In January 1970, when federal forces finally overran Biafra after two-and-a-half years of civil war, he went on exile in Cote d'Ivoire. In June 1982, he was pardoned and returned to Nigeria. From his role during the Biafran war, he has a legendary, almost mythical, status among Ibos. His involvement in partisan politics began in 1982 when he joined the ruling National Party of Nigeria (NPN). In 2003, he sought the presidency on the ticket of the All Progressives' Grand Alliance (APGA). APGA has been weakened by internal conflicts since 2003. Ojukwu himself seems to have little passion left for the vigorous campaigns which the party needs to do well in 2007.

**Muhammadu Buhari (All Nigeria People's Party)**, 64, from Katsina State, retired from the army as a major general in 1985 after being ousted as head of state. He joined partisan politics in 2003, as the presidential candidate of the All Nigeria People's Party, which, by consensus, endorsed him again in December 2006. He holds strong views on corruption and transparency and is very popular in the predominantly Muslim states of the far north where the ANPP is strong. However, some politicians fear his instincts are still more authoritarian than democratic, many southerners see him as too pro-North, and many Christians suspect he is not sufficiently sensitive to religious diversity issues.

<sup>117</sup> "The Man Atiku" *THISDAY*, 28 April 2002, p. 46

<sup>118</sup> Tunji Bello, "Atiku: The Influential Deputy", *THISDAY*, 9 January 2003, p. 4

<sup>119</sup> On the considerations that led to the choice of Atiku as vice president, see Festus Eriye, "Obasanjo's curious choice", *THISDAY*, 21 February 1999, p. 11; and Olufemi Dada, "Atiku as the Ideal Choice", *THISDAY*, 23 February 1999, p. 32.

<sup>120</sup> Razak Bamidele, "Okotie Formally Joins Presidential Race", *Daily Sun*, 26 April 2006, p. 5

**Orji Uzor Kalu (Progressive People's Alliance)**, 49, from Abia State, was strictly a businessman until the early 1990s, when he joined the National Republican Convention (NRC) and was elected to represent Bende Federal Constituency in the federal House of Representatives. In 1998, he was a member of the United Nigeria Congress Party (UNCP) and later a founding member and notable financier of the present ruling party, the People's Democratic Party (PDP). He was elected governor of Abia State on that party's ticket in 1999 and re-elected in 2003. Outspoken, sometimes controversial, a soured relationship with Obasanjo and the PDP leadership led him to quit the party and emerge as the presidential candidate of the Progressive Peoples Alliance (PPA) in December 2006. Since then, the PDP has been working to impeach him. He has personal charisma but his new party does not yet command a coherent constituency in any part of the country.

**Patrick Utomi (African Democratic Congress)**, 52, from Delta State, holds a Ph.D. in political economy.<sup>121</sup> Amiable and multi-faceted, he has had careers in business, government (special assistant to Vice President Alex Ekwueme in 1982), the corporate world (chairman, Platinum Habib Bank), and academia (professor, Pan African University, Lagos) and social activism. More a social engineer than a regular politician, he has coordinated establishment of several civil society groups on good governance and accountability, such as Transparency in Nigeria, Concerned Professionals, and the Restoration Group, and been active in "Patito's Gang", a weekly television talk show. He is committed to ideas, rather than ethnic or religious sentiment, and fears Nigeria is degenerating into a "refugee camp"<sup>113</sup> and that "unless we do things very decently, we may in fact lose the promise" of Nigeria.<sup>124</sup> He is admired by young professionals and civil society.

**Umaru Musa Yar'adua (People's Democratic Party)**, 55, from Katsina State, holds an M.Sc. in analytical chemistry and was a lecturer and later a businessman until the late 1990s. His political profile dates to 1978, when he joined the People's Redemption Party (PRP), one of the six parties of the Second Republic. He was elected to the Constituent Assembly in 1989, was the flag-bearer of the Social Democratic Party (SDP) in Katsina State (1991-1993), joined the PDP in 1998, was elected governor of Katsina State in 1999 and re-elected in 2003, during which time it became the fifth state to adopt Sharia. Strongly backed by Obasanjo, he insists on his independence.<sup>122</sup> Passionless and uninspiring, he is supported by the ruling party's strong machine but has been one of the

most obscure governors, whose only known public view is that he will continue Obasanjo's reforms. He is seen as a reluctant, conservative candidate, handpicked by Obasanjo and imposed on the party. He has virtually no international profile and was medically evacuated to Germany at the peak of the campaign.

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<sup>121</sup> Chris Ajaero, "The Social Engineer", *Newswatch*, 25 September 2006, p. 57

<sup>122</sup> Chidi Obineche, "How I'll Take Nigeria Out of Refugee Camp – Pat Utomi", *Daily Sun*, 16 October 2006, p. 21.

## APPENDIX E

### GLOSSARY OF ABBREVIATIONS AND ACRONYMS

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<b>AAPW</b>	Academic Associates Peace Works
<b>AC</b>	Action Congress
<b>ACD</b>	Advanced Congress of Democrats
<b>ACE</b>	Alliance for Credible Elections
<b>ACO</b>	Abubakar Campaign Organisation
<b>ADC</b>	African Democratic Congress
<b>ANPP</b>	All Nigeria People's Party
<b>APGA</b>	All Progressives Grand Alliance
<b>AU</b>	African Union
<b>CAN</b>	Christian Association of Nigeria
<b>CASSIA</b>	Centre for Advanced Security Studies in Africa
<b>CDD</b>	Centre for Democracy and Development
<b>CIDA</b>	Canada International Development Agency
<b>DDC</b>	Direct Data Capture
<b>DFID</b>	Department for International Development
<b>DPP</b>	Democratic People's Party
<b>ECOMOG</b>	ECOWAS Monitoring Group
<b>ECOWAS</b>	Economic Community of West African States
<b>EFCC</b>	Economic and Financial Crimes Commission
<b>EOM</b>	Election Observation Mission
<b>EU</b>	European Union
<b>FDP</b>	Fresh Democratic Party
<b>GNPP</b>	Great Nigeria Peoples Party
<b>ICPC</b>	Independent Corrupt Practices and Other Related Matters Commission
<b>IDASA</b>	Institute for Democracy in South Africa
<b>IFES</b>	International Foundation for Electoral Systems
<b>IGP</b>	Inspector General of Police



<b>INEC</b>	Independent National Electoral Commission
<b>IRI</b>	International Republican Institute
<b>JDBF</b>	Joint Donor Basket Fund
<b>JDPC</b>	Justice, Development and Peace Commission
<b>JTF</b>	Joint Task Force
<b>LTO</b>	Long Term Observers
<b>MASSOB</b>	Movement for Actualisation of the Sovereign State of Biafra
<b>MEND</b>	Movement for Emancipation of the Niger Delta
<b>NACOREV</b>	National Campaign for Reduction of Electoral Violence
<b>NDI</b>	National Democratic Institute
<b>NDP</b>	National Democratic Party
<b>NPF</b>	Nigeria Police Force
<b>NPN</b>	National Party of Nigeria
<b>NRC</b>	National Republican Convention
<b>NSCDC</b>	Nigerian Security and Civil Defence Corps
<b>NUPENG</b>	National Union of Petroleum and Natural Gas Workers
<b>PDP</b>	People's Democratic Party
<b>PENGASSAN</b>	Petroleum and Natural Gas Senior Staff Association of Nigeria
<b>PPA</b>	Progressive People's Alliance
<b>SCIA</b>	Supreme Council for Islamic Affairs
<b>SDP</b>	Social Democratic Party
<b>SIEC</b>	State Independent Electoral Commission
<b>SSS</b>	State Security Service
<b>UAD</b>	United Action for Democracy
<b>UNCP</b>	United Nigeria Congress Party
<b>UNDP</b>	United Nations Development Programme
<b>UNEAD</b>	United Nations Electoral Assistance Division
<b>WACSOF</b>	West Africa Civil Society Forum

## APPENDIX F

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates twelve regional offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in sixteen additional locations (Abuja, Baku, Beirut, Belgrade, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kampala, Kathmandu, Kinshasa, Port-au-Prince, Pretoria and Yerevan). Crisis Group currently covers nearly 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia,

Guinea, Liberia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda, Western Sahara and Zimbabwe; in Asia, Afghanistan, Bangladesh, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Phillipines, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the rest of the Andean region and Haiti.

Crisis Group raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: Australian Agency for International Development, Austrian Federal Ministry of Foreign Affairs, Belgian Ministry of Foreign Affairs, Canadian Department of Foreign Affairs and International Trade, Canadian International Development Agency, Canadian International Development Research Centre, Czech Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Foreign Office, Irish Department of Foreign Affairs, Japanese International Cooperation Agency, Principality of Liechtenstein Ministry of Foreign Affairs, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Danish Ministry of Foreign Affairs, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Kingdom Foreign and Commonwealth Office, United Kingdom Department for International Development, U.S. Agency for International Development.

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**March 2007**

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### CRISIS GROUP REPORTS AND BRIEFINGS ON AFRICA SINCE 2004

#### CENTRAL AFRICA

*Northern Uganda: Understanding and Solving the Conflict*, Africa Report N°77, 14 April 2004

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