



Introduction¹

The Nigerian elections of April 2007 were judged by most observers to fall a long way short of the standards for credible, free and fair elections and to be the worst in Nigeria's post-independence, electoral history. Thus far, elections have served the interests mainly of the powerful elite and have had little, if any, significant impact on deepening representative democracy, let alone transforming people's socio-economic livelihoods in a positive manner. The reports of domestic and international observers provide confirmation that all stages of the elections were fundamentally flawed.

Nonetheless, elections matter and will continue to be important in the Nigerian political system. Despite the very poor record of elections in recent years, there is widespread popular support for the idea of elections and for civilian rule, and the system appears to provide stability through the elite deals that surround them. Despite the widespread issues with the fairness of the elections, winning still confers legitimacy within elite factions and forces the international community to recognise the victory.

Background

Nigeria gained its independence in 1960, but has a colonial history of party politics and elections dating back to the 1920s. Since independence, the country has spent thirty years under military rule, but military governments have been repeatedly forced to submit to transitions to civilian rule by the expectations of the public. Today, elections are seen as the legitimate basis for exercising power.

¹ This brief is adapted from 'Nigerian Elections Since 1999 and the Future of Donor Support' by Sam Egwu, David K. Leonard, Khabele Matlosa, and Mark Smith. December 2008.

The series of transition elections that ushered in the civilian regime in 1999 were characterized by flaws and did not meet the standards even of the 1992 ones, but were tolerated because of the overriding desire to ease out the military. They also enjoyed some measure of credibility associated with previous elections conducted under the supervision of departing colonial or military regimes. However, high levels of electoral malfeasance, well reported by domestic and international observers, characterized the 2003 elections that followed under the supervision of an incumbent civilian regime.

In Nigeria, politics is often dictated by financial interests, but encompasses ethnic, regional, and religious dimensions. It tends to exclude women, youth, and disabled persons. Policy is absent from party manifestos, as communal and ethnic relations dominate the public debate. Ethno-regional divisions were renewed following the annulment of the presidential elections of 1993 and have failed to recede, even after new administrative units were created to abolish such identities as bases for political mobilisation.

Elections in Nigeria can appear as a ceremonial façade for the reshuffling of elites' power. Elite factions dominate government everywhere. At the national level, political party 'Godfathers' use their vast social and economic connections to select candidates and win them seats as an investment for which they expect to be repaid with cabinet positions or financial wealth. At the local level, traditional rulers play a prominent role in the survival of the hierarchy and the concentration of power and influence in the hands of the few. It is against this un-promising backdrop that the 2007 elections were held.

Elections

The 2007 elections are regarded as the worst in Nigeria's post-independence history. Widespread malpractice occurred throughout all stages of the elections, with failures in the late delivery of voting materials, late commencement of polls in most of the states, ballot box stuffing, allocation of votes where voting did not take place, falsification of votes, deliberate denial of election materials to perceived strong-holds of the opposition, and other such actions.

Moreover, the current ruling party fixed the results in advance, even for local government, in all but a handful of states as part of an intra-elite deal, accidentally leaking (accurate) 'results' to the press a few days prior to the election. Some states, such as Rivers, Ogun, Oyo, and Ekiti, saw vote totals far above the number of registered voters. 2007 broke from 2003 in going from 'competitive rigging' to a vote-allocation, or 'direct capture'. In addition, all stages of the elections were marked by extraordinarily high levels of political violence. 55 people died on the day of the elections and unofficial estimates for the whole electoral period were 200 deaths nationwide.

The electoral administration itself, the Independent National Electoral Commission (INEC), has not earned the public trust and is itself a compliant tool of the ruling PDP. INEC acknowledged the 2007 contest exhibiting widespread irregularities and fraud, but blamed the parties themselves. Moreover, the State Independent Electoral Commissions (SIECs) that run the local government elections are overwhelmingly partisan and incompetent.

The Transition Monitoring Group adjudged the 2007 ballot to have been programmed to fail from the beginning by the politically motivated activities of the Obasanjo regime in close collaboration with the politically partisan INEC. This conclusion is reinforced by the startlingly close 4 to 3 decision of the Nigerian Supreme Court to affirm the election of President Yar'Adua. In doing so, however, the seven justices united in criticising INEC and

holding that the pool was marred by gross non-compliance with the electoral laws. It is no wonder, therefore, that many consider the 2007 general elections in Nigeria as 'stolen elections'.

This is not to say that the elections had no redeeming features. Most reviews mention that the media and civil society showed an increased effectiveness and that there were election tribunals considering post-election disputes. But these are modest positives in a generally disappointing picture.

International Donor Action and Lessons Learnt

Although donor engagement with the 1999 elections was minimal, engagement was systematically scaled up during the subsequent elections in 2003 and 2007. The main vehicle for donor support to the election process was the Joint Donor Basket Fund (JDBF), to which donors such as UK, EU, Canada and UNDP contributed. With a total budget of about USD \$30.3 million, the JDBF was managed and coordinated by the UNDP through its Project Management Unit (PMU). Substantial parallel activities were also funded by USAID.

Without extensive monitoring by local and international observers, the 2007 elections may have triggered even greater violence than occurred. International observers included the Commonwealth Secretariat, the European Union, the International Republican Institute, the National Democratic Institute, the Human Rights Watch and the Economic Community of West African States.

The international community anticipated the threats to the integrity of the elections in President Obasanjo's bid to change the constitution to permit him a third term and in the exclusion of the sitting Vice President from the ballot. Scenario planning was important in helping to predict election risks and ways of dealing with them. In addition, the knowledge gained by DFID from its project partners, such as the IDASA conflict tracking and the reports of the National Democratic Institute long-term election observers, fed into this process well.

Ensuring that basket funds are properly designed is both a technical as well as a political challenge. The Joint Donor Basket Fund, an important initiative, was characterised by a number of weaknesses that diminished its impact. For example, it did not address the question of harmonising donor policies, procedures, and approaches to supporting democracy. This led to delays in funding of partners and tardy donor interventions, a factor that reduced the intended impact. It also fostered a sense of competition between local CSOs and international NGOs for funding. Another problem was the provision of misplaced support for INEC which overlooked the politicisation of the Commission.

Looking ahead

The ability of donors to leverage positive change in Nigerian electoral behaviour is small. Nigeria is not donor dependent (aid constitutes 1% of Nigeria's budget) and has a strong sense of its own sovereignty. It is quite unrealistic to expect fundamental changes in the ways elections are determined until oil revenues are drastically reduced.

However, the fact that the international community cannot expect to achieve big changes in Nigerian 'democracy' does not mean that it can do nothing. The international community does have some influence. An electoral cycle approach by donors would have greater impact than engagement in the immediate run-up until the immediate aftermath. Too often, donor support comes too late in the cycle to be fully effective. There are also non-aid tools that can be effective. The Government of Nigeria and the country's elites are stung by the negative

election evaluations by international observers and (often subtle) diplomatic slights from sponsoring governments. Denial of visas, trials of corrupt Nigerians overseas, revising educational linkages, tightening up on financial transactions, all provide further leverage. This suggests that marginal improvement is possible. But high hopes are unrealistic.

The extent of the failure of the 2007 elections was embarrassing to Nigeria and President Yar'Adua appointed an Electoral Reform Commission (ERC) to consider changes in the system. The ERC reported in December 2008 and its proposals represent an encouraging consensus of reform-minded Nigerians on measures that should be taken to improve the system. These proposals represent a useful opportunity for the international community to engage and support reforms. If the ERC recommendations for INEC are implemented, it will be worthy of donor support. If not, donors will likely be cautious of being involved with it.

Intra-party democracy and the institutionalisation of parties also present an important opportunity to engage with the fundamental challenges of democratisation in Nigeria. At present, the undemocratic nature of parties hampers any electoral reform. As such, pushing the parties to move toward issue-based politics and democratic systems of leadership contests, among other efforts, should be considered, whilst recognising the fundamental issues and incentives that maintain the present situation.

In the mean time, Nigerian democracy may well be better advanced through measures that lie outside the electoral system proper. These might include deepening support for the Nigerian media; placing more emphasis on civic and political (rather than voter) education; taking a 'Drivers of Change' approach, i.e., focus on achieving [MDG-enhancing] policy outcomes [which mobilise the poor] rather than on electoral processes; addressing impunity and corruption; and working with the courts and the legal profession.