

NIGERIA

Electoral Reform: Building Confidence for the Future

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**Report on a
Conference at the
Shehu Musa Yar'Adua
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Introduction

Electoral reform is an urgent challenge for Nigeria, as it is for the United States and many other democracies. In the United States, American University's Center for Democracy and Election Management organized a Commission on Federal Election Reform, which was chaired by former U.S. President Jimmy Carter and former Secretary of State James A. Baker, III which proposed 87 recommendations on ways to improve the U.S. electoral process. (For the report, see www.american.edu/Carter-Baker). Many in Nigeria have also proposed electoral reform because previous elections undermined confidence in the democratic process, and Nigerians hope that the elections in 2007 will represent an improvement.

Therefore, when the Shehu Musa Yar'Adua Centre asked us to co-sponsor a *Conference on Electoral Reform: Building Confidence for the Future*, we were delighted to do so. The conference included keynote remarks by President Olusegun Obasanjo and Vice President Atiku Abubakar, along with participation by the Speaker of the House, Senators, Representatives, State Governors, representatives from the major political parties and civil society organizations. International participants included Ambassador Princeton Lyman, former U.S. Ambassador to Nigeria and South Africa, and Prof. Peter Lewis of American University. Overall, more than 450 people participated in the conference, which was widely covered on television, radio, and in the print media

The roundtable sessions produced specific recommendations for the reform of election administration and law, changes within the political parties, approaches to ending the competitive spiral of electoral misconduct, and strategies for alleviating violence and conflict. The deliberations of the Conference provided the basis for a Plan of Action for reforms to encourage free, fair, and violence-free elections in 2007. The Conference also articulated the basis of a Statement of Principles for public circulation to government, political parties, candidates and civil society. All parties and stakeholders in the electoral process are invited to publicly endorse these essential Principles.

I would like to thank Ms. Jamilah Farris, Director of the Shehu Musa Yar'Adua Centre for helping to organize the Conference, and Dr. Peter Lewis of American University, who is the Project Director of this initiative and who edited the proceedings. I would also like to thank Ms. Vassia Gueorguieva for assistance in preparing the report for publication. The Conference and the report would not have been possible without their leadership.



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**CONFERENCE ON
ELECTORAL REFORM:
BUILDING CONFIDENCE FOR OUR FUTURE**

AN OVERVIEW

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Introduction

As part of the activities for the 7th National Programme of Commemoration of the Yar'Adua Memorial Forum, a wide range of stakeholders gathered at the Yar'Adua Centre on Thursday and Friday, March 17 and 18, 2005, and participated in the conference on the theme: *Electoral Reform: Building Confidence for Our Future*. The conference kicked off with a well-attended and impressive ceremony on March 17, 2005, during which Vice President Atiku Abubakar delivered an Opening Address and participants listened to an insightful lecture by Dr. Peter Lewis of the American University Washington DC, titled, "Global Overview: Troubled Election Outcomes as Threat to Democracy".

The conference proper, which commenced right after the Opening Session, was structured in six Roundtable discussions, on the following sub-themes:

1. Electoral Participation /Competitive Rigging
2. Integrity of the Party System
3. Political Violence
4. Electoral Law/Campaign Finance
5. Election Administration: Organizing the 2007 Election
6. Election Monitoring

Each Roundtable discussion involved a carefully selected team of eminently qualified persons to do justice to the sub-theme, which consisted of a Coordinator, a distinguished Chairperson, three to four competent lead discussants, and other equally competent participants ranging between 30 and 40 persons. Participants were drawn from a critical mass of stakeholders in the development of Nigerian democracy, in particular, from academia, the legislature, civil society groups, youth organizations, INEC and SEICs, trade union movement and international development partners.

The deliberations were focused, intense, thought provoking, insightful and generally enlightening. They were conducted within the framework established by the

organizers, the concept of which was to have an “open conference by stakeholders in the development of Nigerian democracy to develop a roadmap and plan of action that will guarantee free, fair and violence free elections in 2007.”

It is my great pleasure to have this opportunity to provide an overview of the conference proceedings for the benefit of many of you here today who were not opportune to participate fully in the conference.

Overview

In general, conference participants agreed that elections are among the most important pillars of democracy and that free and fair elections are essential requirements of sustainability and consolidation of democracy. They expressed concerns that Nigeria has had a long history of electoral fraud and competitive rigging, which have contributed significantly to the obstruction of our aspirations for democracy. They expressed concern that although these persistent problems are well documented in many studies and reports, not much has been concretely done to address them. Given our more recent experiences, with the 2003 national elections, and the 2004 local government elections in some states, and given our overarching desire for stable national democratic development, participants in the conference have perceived the necessity of urgent, fundamental electoral reforms well before 2007, so as to set a solid foundation for stable democratic development in Nigeria.

More specifically, each roundtable discussion discussed the sub-theme assigned to it exhaustively, called attention to substantive issues of reform and made wide ranging recommendations, which can be summarized as follows:

1. Electoral Participation /Competitive Rigging

The Roundtable discussion on Electoral Participation /Competitive Rigging was chaired by Alhaji (Dr.) Ahmadu Kurfi, Maradin Katsina, and Secretary of FEDECO during the 1979 elections. Dr. Jibrin Ibrahim who also made a lead presentation coordinated the Roundtable discussion. Other lead discussants were Nkoyo Toyo (Executive Director of GADA) and Dr. Kabiru Mato (University of Abuja). In reviewing the history of electoral participation and competitive rigging in Nigeria, the following **key points** were made:

- Given the extent and magnitude of competitive election rigging, Nigeria is faced with a systemic and structural problem in which the culture and values of fair electoral competition has totally collapsed, leaving citizens with no choice in electoral competition.
- Although rigging has been prevalent in successive elections in Nigeria, what happened in 2003 and especially 2004 local elections in some states surpassed them all and defies characterization.

- The pervasive culture of impunity and executive lawlessness in national governance has nourished and intensified the phenomenon of competitive rigging with dire consequences in the Nigerian polity.
- There are many stakeholders involved in the organization of elections and unless they work together in concert to fight rigging of elections, nothing much can be achieved.
- For INEC as an umpire to do its job well, it requires the other stakeholders.
- Elections under incumbent rulers are usually less free and fair, and unless they leave office six months to elections, not much progress can be made.
- Efforts need to be made to decisively deal with electoral apathy and ensure that citizens have a voice and a choice in parties and in elections.
- The nation's electoral infrastructure needs to be reworked to tackle the problem of election irregularities and fraudulent conduct.
- In forging ahead with reforms with a view to improve things in 2007, however, it is necessary to recognize that the problems are deep-seated and it is better to have a longer term perspective of reforms and building of a desirable democratic culture in the long run, rather than being too preoccupied with short term goals.

Following the exhaustive deliberations, the following **recommendations** were made as a resolution for competitive rigging and other forms of electoral fraud:

- Given the strivng culture of impunity, effective punitive measures must be applied to electoral fraudsters to discourage perpetrators.
- Given the emerging consensus that INEC is not truly independent, it is imperative that measures to secure its autonomy be put in place. In particular, the present procedure for the appointment of the Chairman and Commissioners of INEC should be changed. Also, funding of INEC should be taken away from the control and overbearing influence of the executive branch of government; INEC's budget should be directly submitted to and approved by the National Assembly, and its funds drawn directly from the Consolidated Revenue Fund.
- Collation of results should be done in the presence of party agents and election monitors; and results should be signed by party agents and released immediately at each stage of the counting and collation process.
- Nigerians, with the assistance of their international friends and partners should embark on an immediate study to determine the best possible voting mechanism for the 2007 elections, exploring all options and making a rational choice to suit our circumstances. The principal consideration of the choice of a voting mechanism should be the protection of the integrity of the choice of the citizens.
- The winner takes all attitude of the political class needs to be combated; they must accept the need for the existence of a robust and vibrant opposition as one of the requirements for deepening our democracy.
- Pertinent stakeholders must take steps to bring about the development of a political culture that is more supportive of democratic norms and practices; Communities must be made to appreciate the importance of their right to vote and strive to defend the integrity of their mandate.

- Civil society organizations should be empowered through financial, regulatory and logistical support by the state and international partners to enhance their watchdog and civic education roles.
- The plurality of the mass media, especially radio and television must be encouraged; existing laws that prohibit monopoly of air time by incumbent governments should be strictly applied.
- The army should be kept out of the administration of elections; and the police should be trained to be non-partisan in the discharge of their responsibilities and protect the rights of all registered voters to exercise their right to vote without harassment or intimidation.
- Given the fact that many of the recommendations would require constitutional review and improvement on the electoral act, steps should be taken to do these in good time; and a detailed roadmap for the revision of the legal regime should be drawn up and implemented immediately.

2. Integrity of the Party System

The Roundtable on the Integrity of the Party System was coordinated by Dr. Hamid Bobboyi and Chaired by Senator Udoma Udo Udoma. The lead discussants were Her Excellency Olusola Obada (Deputy Governor of Osun State), Professor Abdulhamid Ujo (University of Abuja), Senator Tokunbo Afikuyomi (Senate Deputy Chief Whip), Chief Donald Etiebet (National Chairman, ANPP) and Dr. Usman Bugaje (Chairman, Committee on Foreign Affairs, House of Representatives).

The following **pertinent issues** were raised in the course of the discussion:

- The failure of political parties in Nigeria is attributable to certain unique features in the evolution of political parties in Nigeria, including frequent military intervention in politics, discontinuity of party politics, lack of internal democracy in parties, lack of ideology, lack of respect for and compliance to the party constitution, and conditions of extreme poverty.
- The definition of a political party in the 1999 Constitution is extremely narrow. Instead of viewing parties merely as instruments for seeking elective office, they should be made to function as agents of social change.
- Contemporary Nigerian political parties do not seem to truly belong to the people; there is need for the constitution to re-define political parties as platforms for bettering the lives of the people.
- The role of ‘money-bags’ and ‘god-fathers’, has impacted negatively in the development and functioning of political parties in Nigeria. The determining factor in the conduct of the election should be the credibility of the individual contestant and not money.
- Corruption and lack of transparency in the party nomination process hinders the emergence of credible candidates.
- The relationship between the parties and their elected officials has been characterized by indiscipline and conflict. There is an absence of due process

- and arbitrariness in the operation of virtually all the parties; elected executive officials refuse to subject themselves to party leadership.
- Public funding of political parties is inadequate, making them susceptible to the influences of money-bags. There is also lack of transparency and accountability in the management of the funds of the political parties

Some of the key **recommendations** arising from the discussion of these issues are as follows:

- Stakeholders should strive to make political parties ideologically oriented and issue-based, characterized by discipline and internal democracy in the conduct of their affairs.
- Political parties should be mass-based rather than elite based, to truly belong to the people.
- Politicians and other stakeholders should strive to nurture internal democracy and respect for due process in the affairs of political parties.
- Civil society organizations should actively engage political parties and their officials to ensure that they establish appropriate structures and procedures, which will enhance the integrity of the party system; this can be done through capacity-building workshops.
- Legislation should be introduced to appropriately sanction the overbearing influence of money-bags and god-fathers in political parties and in national politics as a whole; there should be a limit to, and disclosure of, individual and group contributions to political parties.
- Government subventions to parties should be institutionalized and regularized; and there must be campaign financing reforms to regulate fund raising and expenditure associated with elections.

3. Political Violence

The Roundtable discussion on Political Violence was coordinated by Dr. Judith Asuni and chaired by Senator Emmanuel Diffa. The lead discussants were DPC Aniefiok (representing the IGP), Mr. Innocent Chukwuma (CLEEN Foundation), and five representatives of youth groups, who provided insights into the use of armed youth gangs by politicians to advance selfish interests in the election process.

The **following issues** were raised and discussed:

- Violence related to elections is a serious problem in Nigeria requiring urgent attention. It has been aggravated by the unwillingness of politicians to play by the rules of the game, including the failure of winners to be magnanimous in victory and the refusal of losers to accept defeat.
- To sustain and consolidate the on-going transition to democracy, strategies must be put in place to curb the use of violence in politics.

- Youth from poor, uneducated families and background are used by politicians to intimidate, terrorize and even maim or kill opponents and their supporters. The rising spate of youth unemployment and the proliferation of small arms and light weapons have increased this phenomenon. Political conflicts and violence are generalized when these armed youth gangs become restless in the post-election period and turn their guns on their mentors/sponsors, or on rival groups.
- Elected government officials are as guilty as members of the opposition when it comes to use of violent gangs in electioneering.
- Violence related to elections has contributed significantly to undermining of the credibility and integrity of the electoral system, as well as that of the entire democratic process.
- The law enforcement agents are ill-trained and ill-equipped to handle outbreak of political violence. They lack communication gadgets, and they are poorly deployed to polling stations; more often than not, they contribute to the problem rather than help find solution to it.

Some of the **key recommendations** that emerged at the end of the deliberation are as follows:

- Civil society organizations must intensify efforts in sensitizing communities about the need for conflict resolution, peace-building and the prevention of violence related to elections.
- The police should be adequately trained, well-equipped and funded to enable them to discharge their responsibilities of ensuring law and order and protecting lives and property. Through training programmes, they should be knowledgeable about electoral laws and guidelines. Efforts should generally be made to change the regimental attitude that prevails among security personnel, so that they see their duties more as civic responsibilities in the context of national development.
- There should be a comprehensive employment policy that will cater for the needs and aspirations of the Nigerian youths, so as to remove them from the evil grip of idleness and re-channel their energies into productive undertakings in the Nigerian political economy.

4. Electoral Law/Campaign Finance

The fourth Roundtable discussion focused on Electoral Law and Campaign Finance. It was coordinated by Hon. Nimi Walson-Jack and chaired by Hon. O.C.J. Okocha, MFR, SAN. The lead discussants were A.B. Mahmoud, SAN, Hon. Hamisu Shira, Prof. Musa Yakubu and M. A. Abubakar of the INEC.

The **following issues** were raised and discussed:

- Flaws were identified in the Electoral Law, which need to be addressed to secure the integrity and credibility of the electoral process, and ensure free and fair elections in 2007 and beyond.
- It was established that the Electoral Act 2002 is not comprehensive on the issue of campaign finance.
- Concern was also raised about how corruption and the unregulated use of money for electioneering is threatening Nigeria's transition to democracy.
- In particular, the need to enact comprehensive new legislation on campaign finance was articulated in order to decisively address corruption in the electoral process. Major issues include the problem of candidates receiving resources from god-fathers, corporate organizations, etc., in return for favors when elected; misuse or abuse of state resources by those in power for campaign or other private purposes; and bribing of voters and election officials.
- The need for ensuring strict compliance to existing laws/regulations on campaign finance was discussed.
- Concern was expressed about the unwholesome delay in the determination of petition cases at the Electoral Petitions Tribunals.

Some of the **key recommendations** that emerged at the end of the deliberations are as follows:

- There is need to circulate the draft Electoral Act 2004 to the public, especially civil society groups, for their input.
- There is need to excise the Electoral provisions from the 1999 Constitution and make all electoral matters subject to an Act of the National Assembly. This could be replaced with a clause in the constitution which simply provides that "The National Assembly shall make laws in respect of elections in the country." This would make amendments to the Electoral Act and composition of electoral authorities relatively easier than what obtains presently.
- The composition and independence of the INEC needs to be reconsidered. For example, the powers of the president to appoint chairman, commissioners and members need to be amended to provide for a more objective and consultative process; the independence of INEC has a lot to do with the quality of the appointees, the mode of appointment and the nature of funding.
- The shortcomings of the present electoral Act with respect to campaign financing could be addressed by either a more comprehensive amendment or the enactment of separate legislation on the issue.
- Campaign Finance legislation should regulate the funding of political parties; ban use of state resources for political, personal or campaign purposes; and regulate and strictly enforce the provision of free airtime and media space to all political parties and candidates.
- There is a need for strict compliance with and enforcement of all legislation and regulations pertaining to campaign finance.

- Drawing from the experience of other nations would help in many respects. We need not reinvent the wheel, but could study and adapt best practices on campaign finance legislation, regulation and enforcement from around the world.
- There is a need to place a time limit in the determination of election petitions by tribunals, such that all petitions are heard and disposed off before swearing-in of elected officials.

5. Election Administration: Organizing the 2007 Election

The fifth Roundtable discussion was on Election Administration: Organizing for the 2007 Elections. It was coordinated by Prof. A. M. Jega and chaired by Prof. Adele Jinadu, (Executive Director of Centre for Advance Social Sciences and President of the Nigerian Political Science Association). The lead discussants were: Alhaji M. A. Abubakar (INEC National Commissioner), Professor Abdulhamid Ujo (Univ. of Abuja), Alhaji Isa Mohammed (Former NEC Resident Electoral Commissioner, Lagos State), and Prof. Rufus B. Fatuyi (SIEC Commissioner Ondo State and Deputy President of the Association of SIECs).

The **following issues** were raised and discussed:

- Effective and efficient election Administration is critical to the success of elections in terms of being free, fair, and violence free. Election administration is a complex issue because of varying socioeconomic and political factors
- For the successful conduct of 2007 elections, INEC will need to commence preparation in the areas of voter education and reform in the electoral law and overhaul of its administrative structures. It was observed that other key areas which need to be overhauled if INEC is to conduct hitch-free elections in 2007 including inter-agencies relations, training of election officials and monitors, and research for enhancing the efficiency of election administration.
- INEC seems to have been making efforts at improvements in the electoral process since the conclusion of the 2003 elections, such as introduction of electronic voter's register and machinery for continuous registration of prospective voters; introduction of the Geographic Information System; intensification of training of trainers; and programmes for permanent election officials.
- However, the activities of INEC are still hampered by inadequacy of funding and questions of independence and autonomy.
- The functions statutorily assigned to INEC are too all-encompassing to allow for efficiency in election administration, and the nature of the appointment of INEC's executive cannot guarantee freedom of action.
- The registration of voters by INEC has always been unsystematic, uncoordinated and full of flaws.
- The office of the Secretary to INEC has been too politicized and the short tenure of key functionaries such as the secretary create undesirable discontinuity in the system.

Emanating from the deliberations are the following **recommendations**:

- There should be total independence for INEC in terms of its funding and the methods of appointment of its officials, especially chairman and national commissioners.
- INEC should be restructured and administratively reorganized so as to reduce the wide ranging functions it performs, and to make it more effective and efficient.
- The 2002 Electoral Act needs to be reviewed to remove clauses that make the system prone to electoral malpractice and political crises.
- The review and amendment of the 2002 Electoral Act should be accelerated to enable it to come into effect well in advance of 2007, and serve as the legal framework to guide preparations for the upcoming elections.
- There should be improved capacity building for electoral administrators at both federal and state levels through workshops and seminars.
- INEC should evolve and institutionalize a transparent process that fairly treats political parties and candidates.
- There should be strict compliance with the laws on electoral offences, and stiff penalties should be meted on proven cases of offences by electoral officials.
- In seeking to strengthen the administrative and financial independence of INEC we can learn from the transparent processes of selection and appointment of top election officials used by other developing democracies, such as South Africa, and adapt them to our circumstances.

6. Election Monitoring

The Roundtable on Election Monitoring was coordinated by Mr. Festus Okoye, chair of the Transition Monitoring Group (TMG) and chaired by Ambassador Princeton N. Lyman, Director of Africa Policy Studies at the United States Council on Foreign Relations. Lead discussants were representatives of the National Democratic Institute (NDI), Justice, Development and Peace Commission (JDPC), Institute for Democracy in South Africa (IDASA), International Republican Institute (IRI), and the International Foundation for Election Systems (IFES).

Issues raised and discussed included the following:

- The need to look at election monitoring not just as an election day event, but an on-going process; and to commence preparation now for the 2007 elections.
- The need to recognize the importance of domestic monitoring of elections for democratic development, and a proper understanding of the electoral process.
- The need to critically review the role of civil society groups in election monitoring with a view to repositioning election observer groups for the challenges of the future.

- Strengthening the capacity of Nigerian and African domestic election observers to enable them to play more appropriate roles effectively.
- The need to fashion an acceptable framework and criteria for determination of election outcomes. The use of international standards to judge and measure the success of elections in Africa seem inappropriate, and there is therefore a need for the development of African Regional Standards for election observers.
- The need to engender the electoral process and bring more women into the process.
- The late release of guidelines by INEC, lack of adequate funding and late preparations have hampered past monitoring exercises.

Some of the key **recommendations** which have emerged from the Roundtable discussion on Election Monitoring, are as follows:

- Computerized Identity Cards should be introduced and used for the 2007 elections and subsequent elections.
- The new Electoral Act should make a specific provision recognizing the role and responsibilities of domestic and international election observers.
- Domestic observer groups should agree on: a common checklist for elections; central command positions for the receipt of checklists and incident reports; and issuing joint reports on the outcome of the elections, which will prevent duplication of effort and promote harmony and cooperation.
- Civil society organizations, The National Orientation Agency (NOA) and political parties should carry out voter education on a continuous basis.
- Election Monitoring groups should scale up their engagement with election bodies and political parties in order to build synergies and fashion out a common approach that will guarantee the transparency of the electoral process. In furtherance of this goal, INEC should resuscitate the Civil Society / INEC consultative forum, which was established in the run-up to the 2003 election, and make it permanent.

Conclusion

This has been a very good conference; believe me when I say that it is one of the best conferences I have ever attended in terms of focus, business-like manner of proceedings, generation of thought provoking ideas and general intellectual nourishment. Not surprisingly, it has come up with wide ranging positive recommendations for addressing some of the most persistent problems affecting our electoral process and national politics. From the range of issues discussed and recommendations made, it can be said that a framework has emerged for fundamental political and especially electoral reforms needed before the 2007 elections. Indeed, the conference has also sketched out the fundamental elements of an action plan for achieving the goal of free, fair, violence-free elections in 2007 and beyond. We can only hope that there will be the political will to bring these reforms into being.

TROUBLED ELECTION OUTCOMES AS A THREAT TO DEMOCRACY: A GLOBAL PERSPECTIVE

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An Era of Democracy

Few recent changes around the world have been more significant than the global spread of democratic governance. It is remarkable to recall that, in 1974, just 39 countries the world over were ruled by constitutional governments that held regular, competitive elections. Today, nearly 120 governments are electoral democracies. This large group accounts for 60 percent of the world's independent nations, containing more than two-thirds of the world's people. If we consider the 48 countries in Africa south of the Sahara, only fifteen years ago, 44 of them were ruled by military governments or single-party regimes; today there are at least 20 electoral democracies in the region, along with many others that have made significant gains in political freedom and pluralism.

The global spread of democratic government has created a tremendous sense of possibility in countries that were long dominated by autocrats and by closed, corrupt regimes. Democratic reforms have opened political space in which citizens can more easily speak their minds, express their concerns, organize for common interests, seek out information, join political associations and parties, and choose their leaders. The new freedoms and institutions that accompany democracy provide important tools for holding leaders to account and promoting the transparency of government. These encouraging changes have taken root in dozens of countries and regions with different historical legacies and cultures. They have transformed political life in societies that just a short time ago seemed to be in the grip of dictators and single party states.

Challenges of Democratic Development

However, we know that the advance of democracy is not inevitable. Countries that undertake political reform have no assurances that democratization will be long-lasting, or that a change of regime will produce desired improvements in the quality of governance. Democratization is a risky process, and democratic development is not certain. We can cite many recent examples – including Ukraine, nearby Cote d'Ivoire, the Republic of Georgia, Madagascar, Russia, or Venezuela – to remind us that the road to democracy is often fraught with difficulty.

Many new democracies face immediate challenges of survival, as governments struggle to maintain constitutional rule and electoral processes that are threatened by conflict, military coups, or aspiring dictators waiting in the wings. Over the longer term, there is the important question of how to improve the quality and depth of democracy. All democracies confront the important tasks of broadening personal freedoms; encouraging genuine political competition; promoting the accountability of leaders; resolving conflict; advancing a general rule of law; and building efficient and effective public institutions.

Elections are a crucial factor in meeting these challenges. By creating regular channels for political competition, and furnishing opportunities for citizens to evaluate and change leaders, elections represent a cornerstone of democratic rule. Indeed, open, fair and competitive elections have become a litmus test for distinguishing democracies from other types of governments, many of which would like to claim the label of democracy without honoring its requirements. But “hypocrisy is the homage that vice pays to virtue”, and without transparent elections it is impossible to speak of an effective democracy.

Certainly, there are other features of political change that are essential for a healthy, functioning democratic system. General civil liberties, effective and accountable governance, widespread political rights, and checks on the power of government, are all recognized as elements of a developing democracy. Many observers, including the Nobel laureate Jimmy Carter, have agreed that ‘democracy is more than just elections, but it certainly can be no less than elections.’ It is therefore appropriate for this important conference to focus on the decisive role that elections can play in developing democracy, and the reforms that can help Nigeria to realize the democratic aspirations of its people.

The Electoral Advantage

Indeed, elections are such a routine event, and so common around the globe, that it is easy to lose sight of their importance for democratic development. Elections furnish many advantages for democratic governance. First, the regular cycle of campaigns, voting, and the turnover of government, can be a powerful affirmation of the “rule of the people,” often regarded as the foundation of democracy. When Nigerians have been asked in opinion polls to define democracy in their own words, more than half answered, ‘government by the people,’ or ‘political rights and elections.’ Nigerians largely agree with Americans and citizens of other democracies that the people’s voice is essential to democracy, and that elections are an important way to exercise that voice.

Competitive elections also provide citizens with political choice. The ability of voters to weigh parties, ideas, and candidates, and to select among them, is an integral part of the democratic process. A well-functioning electoral system offers citizens political alternatives, and permits them to make decisions that express their preferences. Competition and political choice require open access to information, another benefit that accompanies the electoral process. The free exchange of ideas and information through

political campaigns, the media, and groups within civil society, offer voters numerous perspectives on public affairs. A vibrant flow of information increases political knowledge, sharpens public debate, and pushes candidates to account for their ideas and their personal record. An informed citizenry can make genuine political choices, and the availability of alternative sources of information gives life to political competition.

Elections provide essential validation for democracy by increasing the confidence of individual citizens in their ability to meaningfully participate in public life. When people feel that their personal interest in politics, and their engagement in elections, makes a difference, they are much more likely to value the democratic system. Elections remind average citizens that they have a stake in politics, and their continued interest and participation is a vital part of national life. When citizens share feelings of personal political efficacy, this encourages a general sense of legitimacy for democratic rule. The public's view that their system of government meets their needs and aspirations is a basic ingredient of stable and effective governance. Elections are important rituals of democracy that can regularly confirm and reinforce the legitimacy of the system.

Even the "losers" in a contentious election may come away with a basic regard for democracy if they feel the contest was honestly fought and judged. The process can be as important as the outcome. For instance, the highly contentious 2000 election in the United States shook the confidence of many Americans, who questioned if their votes were fairly counted. During the 2004 election, emotions were high on both sides. But the public's confidence in the electoral system was ultimately reinforced, through efforts to promote transparency in the administration of the polling, and by the clear outcome.

By allowing for a change of leaders, and encouraging broad acceptance of the political process, elections can compensate for disappointments in government performance. Most new democracies face a set of policy problems – including economic development, reducing poverty, controlling corruption, and managing conflict – that do not allow for rapid progress. Inevitably, the citizens of any country are discouraged by the slow progress of generating jobs, reducing corruption, improving public services, or guaranteeing personal security. However, citizens can be patient with these day to day problems when they have confidence in the legitimacy of their political system. Further, there is much evidence from around the world to show that citizens in democracies are sophisticated in distinguishing between the performance of government and the system of democracy. If there are regular opportunities to criticize or replace leaders, then the public is less likely to blame their economic or social problems on the democratic system, and therefore less likely to have sympathy for non-democratic alternatives such as military or single-party rule.

Liabilities of Flawed Elections

When elections are significantly flawed, however, most of these benefits turn into deficits, or even threats to the survival of democracy. When the public faces repeated episodes of election rigging, political violence, and disorderly administration, their fundamental trust in the institutions and processes of electoral rule may rapidly dissipate.

The most obvious liability of troubled elections is that political choices are foreclosed. As a consequence, many voters come to believe that their political will is being unjustly denied. The taint of misconduct in a controversial election can reduce confidence in the process and cast a shadow on the legitimacy of the ruling party or the winning candidate. Without genuine political competition, in which there is a realistic chance that power can change hands according to the will of the voters, the simplest premise of democracy is denied.

If elections are not fair and transparent, citizens lose personal confidence in their political influence. The sense of political efficacy among the citizenry of which we have spoken can quickly turn to frustration. Citizens are unlikely to invest their hopes and aspirations in the political process if they believe that outcomes are pre-ordained, and their voice does not matter. When the public becomes disillusioned by a flawed electoral process, they are likely to withdraw into apathy or cynicism, sometimes becoming aggravated and militant. These attitudes are unhealthy for the development of a democratic political culture, and can easily create opportunities for non-democratic elements to exercise influence.

Along with the general disaffection among the public, we should take special note of the grievances among minority communities. In every plural society, there are some groups who believe they are marginalized by the political establishment, neglected by government, and excluded from meaningful participation. When democratic governance offers regular channels for expression and choice, minorities are still inclined to accept the political system as the best option for advancing their interests, even if they are not able to attain their full aspirations. In circumstances where electoral choice is compromised, however, their sense of exclusion increases, and aggrieved minorities may become more confrontational in their approaches to politics. Some groups may even turn their back on the political system or seek to part ways with the national community. In the most extreme situations, election flaws can ultimately challenge the integrity of the nation.

In fact there are many groups, and not just cultural minorities, who may be frustrated by a closed political process. Economic interest groups, religious communities, supporters of political parties, or members of particular communities may come to believe that their opportunities are thwarted by a political system that is not truly inclusive. In these circumstances, groups with differing interests may be less willing to take the path of negotiation, conciliation, and compromise afforded by a democratic process. Instead, the political climate is poisoned by growing antagonism and polarization among groups, which sometimes bursts into open conflict.

A flawed process of elections also tends to shed light on the shortcomings of government performance. As I have noted, democratic citizens around the world often separate the person from the system: they can make keen distinctions between the performance of leaders, and the possibilities of a democratic regime. When large segments of the public believe that they cannot hold leaders to account, or vote new personalities into government, they are likely to become increasingly discouraged by a

poor economy, persistent corruption, crime, insecurity, or ineffective governance. Instead of seeing the possibilities for improving national problems with various leaders over the long term, citizens may come to view these problems as insurmountable. The democratic regime may lose basic legitimacy. The public may become indifferent to anti-democratic challenges, or they may come to accept non-democratic political alternatives.

Reflections from Recent Global Experience

Let us turn from these general points to consider some recent examples. Many of us recall last year's election drama in Ukraine. After two terms in office the strongman president, Leonid Kuchma, bowed to term limits and prepared to step down. However, the November elections were apparently rigged in favor of the ruling party's candidate, and supporters of opposition candidate Viktor Yushenko vigorously protested the results. For weeks, opposition protestors filled the streets of the capital while supporters of the ruling party threatened secession or civil war if their candidate, Mr. Yanukovich, was not seated. Ultimately, the Supreme Court voided the election and new polls were held, giving Yushenko, the opposition flag-bearer, a lopsided victory. Flawed elections threatened the stability and political equilibrium of the nation, but the successful effort to stage a fair election helped to restore confidence in the system, and was hailed as a positive turning point for this new democracy.

Similar events occurred in the Republic of Georgia a year earlier, when fraudulent elections for parliament led to mass demonstrations against Eduard Shevardnadze, another powerful executive whose previous elections were significantly flawed. The protests compelled the president to resign, and the Supreme Court order new national polls. The opposition candidate Mikhail Saakashvili won a landslide. Here too, the country emerged from an election crisis to a more hopeful future of political reform, with renewed popular legitimacy for the democratic regime.

These scenes have been played out in Africa as well. We can vividly recall the standoff in Madagascar after the December 2001 elections, when government officials awarded an electoral victory to President Didier Ratsiraka, while the supporters of opposition candidate Marc Ravalomanana took to the streets in protest, alleging election fraud. For months, the opposition claimed the streets of the capital city, while supporters of the president blockaded the major ports and roads of the country. Eventually, negotiations and popular action compelled Ratsiraka to concede to Ravalomanana, and the country regained political peace.

If the outcome in Madagascar was generally welcome, surely the course of events in nearby Cote d'Ivoire is a major cause for concern. In the controversial 2000 election, the incumbent Laurent Gbagbo sought to disqualify the major challenger, Alasanne Ouattara, through changes in citizenship laws. Violent gangs mobilized on both sides of the political divide. Although Gbagbo held power, the country was plunged into civil war in 2002 when segments of the army rebelled. One of West Africa's most stable and prosperous countries has descended into conflict and collapse, instigated in large part by polarization over a flawed election.

Many political crises emerge from troubled election outcomes, but there are also cases of successful reform. Mexico, for instance, had a closed and corrupt electoral system for decades. Although regular multi-party elections were held, the ruling PRI party was assured of victory because of its control of the electoral process and government resources. This began to change in the 1990s. Chronic economic problems and rising social unrest reduced confidence in the status quo. The public was jolted by the 1994 assassination of the PRI's presidential candidate. Senior leaders began to recognize the need for electoral reform. Mexico introduced a fully independent election commission and provided for increasingly fair and transparent elections for municipal, state, and legislative offices. In 2000, a candidate from an opposition party, Vicente Fox, won the presidency for the first time in several decades. Fox's presidency has not resolved Mexico's national challenges, but his election was generally seen as a major transition in Mexican politics.

In West Africa, we can also point to the very heartening developments in Senegal and Ghana, where long-serving presidents honored term limits and created the conditions for fully competitive elections. These incumbent leaders handed office to winners from the political opposition, and set their countries on an encouraging democratic path. The citizens of Senegal and Ghana express high levels of confidence in the legitimacy of their political systems, and the trend of democratic development has been widely recognized by the international community. Both countries, for instance, have moved toward the final stages of HIPC debt cancellation, and both are eligible for assistance under the US Millennium Challenge Account.

Concluding Lessons

What lessons can we take from these experiences and reflections? Let me conclude with a few brief points:

- **Elections are central, not incidental, to the course of democratic development.** The example of regular, fair, and transparent elections is an essential component in building democratic habits and institutions.
- **Flawed elections create major obstacles to democratization.** Flawed elections are not merely an annoyance to be periodically tolerated and then overlooked. Improper election procedures can cumulatively weaken, and even ruin, the prospects for democratization.
- **Inadequate electoral systems can be improved through serious efforts at reform.** Improving election administration, strengthening independent election agencies, promoting cooperation and empowering civil society, are important elements of electoral reform. Dysfunctional systems can become workable systems. The elements of successful reform are generally agreed, but political commitment is essential.
- **Political leaders and elites have a pivotal role in electoral reform.** One major source of electoral misconduct is the mutual mistrust among politicians and parties. When everyone expects the other side to commit fraud, then they are likely to engage in "pre-emptive" misconduct. A key to reducing misconduct is to engage political elites in negotiation and dialogue over basic standards of conduct,

the best practices for political competition, and the adherence to common standards. By publicizing agreement over principles, and maintaining clear dialogue, it can be possible to reduce mistrust and to encourage all players to respect the “rules of the game.”

- **Civil society has a crucial role to play in electoral reform.** Civic organizations can fulfill many important roles, including election monitoring, legal reform, civic education, conflict resolution, and dialogue with politicians and parties over standards of conduct. Citizens’ organizations have an important place as watchdogs, monitors, advisors, and collaborators in promoting electoral reform.
- **The international community must sustain attention to electoral reform.** It is important to sustain the commitment of resources and personal energies to the goals of election reform in new democracies, and to be as forward-looking as possible in supplying assistance early in the election cycle.

Elections are a critical component in democracy. Elections can always be better. We need to focus on the problem early, consistently, and seriously. Our presence here today demonstrates that interest. We hope the process of reform can guide Nigeria to a bright future.

REPORT OF THE FIRST ROUNDTABLE: ELECTORAL PARTICIPATION/COMPETITIVE RIGGING

**Dr. Jibrin Ibrahim, Global Rights^{*}
Roundtable Coordinator**

Chairman: Alhaji (Dr.) Ahmadu Kurfi, Maradin Katsina

Discussants:

Nkoyo Toyo, Executive Director, GADA; delegate at the National Political Reform Conference

Dr. Kabiru Mato, University of Abuja.

Kurfi said that there are many stakeholders involved in the organizing of elections and unless they all come together to fight rigging nothing much can be achieved. The commission is simply an umpire and to do its job well it requires the cooperation of other stakeholders like the police, the parties etc. He adds that elections under incumbent rulers are usually less free and fair. He said that rigging has been occurring in this country but what happened in 2003 local elections defied characterization.

Dr. Jibrin Ibrahim, in his lead presentation, pointed out that Nigeria is faced with a systemic problem in which the culture and values of fair electoral competition have totally collapsed, leaving the citizen with no choice in electoral completion

Experimentation with so called national parties in the 70s and early 90s did not sanitize the culture of electoral competition neither did it eradicate ethnicity. More than anything else, the experimentation with national parties narrowed the choices available to the citizenry. Existing parties were captured by “moneybags”, and ordinary people with character and ideological commitments were excluded. Party politics has become so driven by moneybags that the values of honesty, fairness, accountability and transparency have all vanished in party politics. The notion of parties as vehicles for socio-political and economic transparency is dead in Nigeria. What then can the citizens do to have a voice and a choice in the system of parties in our country? What can we do to entrench transformative values in our party system?

More recent efforts at stabilizing political competition have focused on several reviews of the electoral laws of the country. Here again it seems the nation is repeatedly striking a dud streak because the problem is more of systemic violation of laws than the introduction of new ones. The culture of impunity is so pervasive that one wonders what the citizens can do.

Dr. Ibrahim argues that in situations where citizen voice and choices are systemically inhibited, communities have no alternative but to rise in resistance. He gave the examples of communities that had to rise and defend their choice in electoral

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competition. The Akin Omobonowo and Ajasin case in 1983, though an example of community resistance, was unfortunately accompanied with bloodletting. The Uche Onyeagocha case in Owerri, were "okada" people mobilized to defend the communities choice was not violent. This tells us that community resistance must be planned so as to avoid spontaneous actions that would lead to violence and bloodletting. The challenge of 2007 for civil society is not just about reviewing electoral acts and monitoring elections. We must deal with the challenge of constructing non- violent community resistance infrastructures.

Discussants

Nkoyo Toyo took issue on some points. Dr. Jibrin's effort to explain present features of competitive rigging in terms of historical patterns missed out the fact that most of the actors on the scene today were not critical in the past. While some of today's events may have a link with the past, many new factors have also come into play.

Nkoyo also diverged from an earlier plea by Jibrin that politicians should rally against competitive rigging because it is in their enlightened self-interest to do so. She thinks that politicians have such immediate gains to make in politics that such pleas for enlightened self-interest will certainly not work, and we cannot rely mainly on politicians to produce change. She pointed out that there is so much electoral apathy in the country that we may have to think about some compelling measures to reverse the trend. She wondered whether there would be reason to induce greater participation, by using voters' card as a requisite for obtaining public services or other government interactions.

Recommendations

- Sanctions for electoral fraud must be robust and consistently applied.
- Measures to punish electoral fraud in 2007 must be planned immediately to stop the spiral of competitive rigging.
- The autonomy of the Independent National Electoral Commission must be assured in appointments and funding.
- Nigerians must develop a political culture that is more supportive of democratic norms and practices.
- The winner-takes-all attitude of the political class must be combated. Nigerians need to accept the existence a vibrant opposition as necessary for the deepening of democracy.
- Communities must learn to appreciate the importance of their right to vote and strive to defend the integrity of their mandate.
- Civil society should be empowered through financial, regulatory and logistical support by the state and international partners to enhance their watchdog and civic education roles.
- The army must be kept out of the administration of elections. The police must be trained to be neutral vis-a-vis parties and candidates, and to protect the rights of all voters to against harassment and intimidation.

- Collation of electoral results must be done in the presence of party agents and election monitors. Results should be signed off by party agents and released immediately at each stage of the counting and collation process.
- The plurality of the mass media, especially radio and television must be encouraged to allow different media report elections. Existing laws that prohibit monopoly of air time by incumbent governments must be fully applied.
- Nigerians and their international friends and partners must engage in an immediate study and review to determine the best possible voting mechanism for the 2007 elections. Options to consider include the continued use of the paper ballot and the adoption of mechanical voting machines.

REPORT OF THE SECOND ROUNDTABLE: THE INTEGRITY OF THE PARTY SYSTEM

Dr. Hamid Bobboyi, Arewa House*
Roundtable Coordinator

The second roundtable discussion commenced with the introductory remarks of the coordinator. This was followed by the opening remarks of the chairman, who gave the institutional definition of a political party according to the constitution, and argued that parties were a necessary evil, since they were the only viable institution and to reconcile conflicting interests and hold government accountable to the electorate.

Chairman: Senator Udoma Udo Udoma

Discussants:

Professor Abdulhamid Ujo, University of Abuja: *Dynamics of Party Formation in the Fourth Republic*

Senator Tokunbo Afikuyomi, Senate Deputy Minority Whip: *Democratization of Party Processes*

Chief Donald Etiebet, Chairman, ANPP: *Party Funding and Campaign Funding*
Her Excellency Olusola Obada, Deputy Governor of Osun State: *Government-Party Relations*

Dr. Usman Bugaje, Chairman, House Committee on Foreign Relations: *Inter-Party co-operation and setting of Standards.*

Observations

- The definition of a political party in the 1999 constitution is extremely narrow. Instead of viewing parties merely as instruments for seeking elective office, parties should also function as agent of social change.
- Because of previous political instability, Nigeria political parties lack continuity and tradition.
- In a context of widespread poverty, parties are viewed as mechanisms for quick enrichment, which encourages corruption.
- Democracy within the existing party system is extremely weak. Internal procedures are poorly established. Elected officials are not accountable to the party and most parties are run by cliques.
- Consultation between government and parties is not satisfactory.
- Funding of parties in the current dispensation is inadequate. Sources of funding, particularly from corporate and other interest groups are not disclosed. Transparency and accountability in the management of funds are not well established.

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Recommendations

- Civil society must actively engage political parties and party officials to ensure that they establish structures and procedures which enhance the integrity of the party system.
- To ensure proper funding of parties, government subventions to parties should be institutionalized and regularized.
- All contributions by corporate organizations and other special interest must be declared. Limits must be placed on how much an individual or cooperate body can contribute to the coffers of a political party. Parties must publish their audit accounts appropriately.
- A constitutional amendment should make it mandatory for all elected officials to obey the rules and regulations of their respective parties.
- Any member of a political party who decamped to another shall vacate any elective office that he or she contested and won the platform of his former party. Such member who decamps shall not be eligible to contest in the bye- election to fill the vacancy.
- The expansion of the political space must be sustained to facilitate the emergence of parties which will serve people's need and interest. Independent candidates should also be allowed.
- The system of government should be reformed to introduce parliamentary governance which engenders better party discipline and which would enhance the integrity of the party system.

REPORT OF THE THIRD ROUNDTABLE: POLITICAL VIOLENCE

Dr. Judith Burdin Asuni, Academic Associates Peaceworks*
Roundtable Coordinator

Chairman: **Senator Emmanuel Diffa**

Discussants:

DCP Aniefiok Essiet (representing the IGP)

Mr. Innocent Chukwuma, CLEEN Foundation

Five Representatives of Armed Youth Groups

Political violence has been considered a serious problem in the nation. It rears its ugly head before and during elections when politicians engage youths in activities so unbecoming that the security of the nation is threatened. Poor, uneducated youth are used to unleash violence and terror on the populace on behalf of their political godfathers. *Senator Emmanuel Diffa*, Chairman of the roundtable, stresses that the issue of political violence must be urgently tackled in order to ensure a way forward.

Dr. Judith Asuni noted a *central source of political violence* arising from the fact that government in Nigeria remains the major source of economic power, resulting in huge incentives to gain or retain office. Taking advantage of youth unemployment, politicians engage youth in harmful behaviour for their own benefit. The chances of violence are increased with the provision of small arms and light weapons which are used for oil bunkering activities and drug rings (rampant in the Niger Delta region). This situation often gets out of control when the youths go on rampages and their political sponsors are unable to control them.

Electoral violence undermines the credibility and integrity of the electoral system and the democratic process, and conversely violence is fostered by the lack of legitimacy in the system. It is in the interest of politicians to keep the democratic process, since they gain nothing if democracy fails. In order to curb political violence, security personnel and the electoral authorities should be prepared, and youths must have viable alternatives to violence. For youths should be put in place. People who were previously used as political thugs should be willing to speak out openly so that others will not be bought over.

Local Government is the best level that parties can maintain discipline among their members, by preaching nonviolence before elections and monitoring behaviour during elections. Security organizations, media, international monitoring groups, domestic civil society and youths all play vital roles in ensuring peaceful election processes. Security officials should be trained well in advance; mechanisms for picking

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up early warning signs of violence must be instituted and knowledge of the electoral laws and procedures must be passed to security agents, especially the police.

Discussants

Five representatives of Armed Youth Groups spoke on different aspects of political violence. The group from the Niger Delta has publicly renounced their membership of confraternities following a peace process in October 2004. The representatives from the Niger Delta and Kano all observed that they were influenced and used by top government officials who provided them with arms and ammunition to rig elections, destroy lives and properties and in the end, they were left with empty promises. They have now resolved to seek rehabilitation and are now nurturing the ambition to become positively self-reliant and contribute to the society at large through advocacy and education. They warned that there is no gain whatsoever in political violence, because politicians use and dump them. The youths not only feel cheated, but also have a sense of regret.

Deputy Commissioner of Police, Aniefiok Essiet, who represented the Inspector General of Police, highlighted several points. He noted the problem of unemployed youths being recruited to rig elections and engage in violent activities. Promises made by politicians to the militias are often ignored, leading to frustration, anger and disappointment that incite youths to take the law into their hands. In general, law enforcement agents are ill-trained and ill-equipped to handle outbreaks of violence. There must be a greater public awareness of the need to maintain security and resist violence.

Innocent Chukwuma, Center for Law Enforcement Education (CLEEN), reviewed the Transition Monitoring Group's 2003 election report, which commended police neutrality and preparedness was commendable in many instances, but also noted widespread problems. Police are generally unable to maintain law and order, and they are reluctant to intervene in electoral malpractices. For instance, rampant destruction of voting materials in the Niger Delta and the South East was not restrained by authorities. Policemen are not always well equipped for the exercise. The deployment of police officers to polling stations is generally inadequate, and often inefficient. The philosophy of policing is also important. There appears to be in existence a system of "regime policing" rather than democratic policing. The Police Force does whatever any authority in power asks it to do.

Recommendations

- The constitutional provision vesting power in the President to select the Inspector General of Police must be reviewed. There should be a number of candidates who appear before a public hearing representing different interest groups, offering greater accountability.
- There is a need to look into the Police Service Commission and ensure that eminent persons of high caliber, direction, committed representatives of all interest groups are included.

- The police should be trained in the electoral laws and guidelines provided for them. Provision of adequate logistics should be made available and funding and budgetary allocation must be provided well ahead of time to enable planners plan their activities.
- Regimental attitude that prevails among security personnel must be removed. The security personnel should be re-oriented toward democratic policing.
- There should be a massive enlightenment campaign well before the 2007 elections to discourage youths from being used for political violence.
- There should be a youth employment policy that will cater for the needs and aspirations of the Nigerian Youth. They should be offered opportunities to engage in meaningful activities that provide alternatives to militia activity.
- There should be a review of the curriculum of the Nigerian schools so that it encompasses more vocational and practical approaches.
- There should be penalties for persons sponsoring political violence, not just the actual perpetrators.
- Incumbents should be strongly discouraged from coming with their entourage to the polling stations.
- The membership of INEC must involve civil society, youths, government, and women.

REPORT OF THE FOURTH ROUNDTABLE: ELECTORAL LAW AND CAMPAIGN FINANCE

Hon. Nimi Walson-Jack, Nigeria Bar Association*
Roundtable Coordinator

Chairman: **Honorable O.C.J. Okocha, MFR, SAN**

Discussants:

A.B. Mahmoud, Esq., SAN

Honorable Hamisu Shira, House of Representatives

Professor Musa Yakubu

The session discussed the general outlook of elections and the significance of elections in democracies. Participants expressed concern about the delay in the conclusion of electoral disputes at the Election Petition Tribunals. The session also focused on campaign finance within the framework of the existing Electoral Act.

Extensive consideration was given to the relationship between Campaign Finance and corruption. Various forms of corruption were identified, including candidates receiving campaign resources in return for favoritism, “god-fatherism” and the influence of private interests over laws and politics. Also, there is widespread misuse or abuse of state resources, especially by the government in power. Further, bribery of voters and/or election officials is common. These forms of corruption tend to influence election outcomes in favor of certain political or private interests, and they harm the democratic system and undermine voters’ confidence in the process.

The legal framework for regulating campaign finance in Nigeria was considered; it was observed that there is no comprehensive single legislation on campaign finance. A substantial part of the existing provisions are found in Part III (Political Parties) of the Electoral Act. The relevant sections were identified as Sections 76-80; Sections 83-84 and Section 89. There was a broad consensus that the Electoral Act 2002 does not comprehensively address campaign finance. There is no requirement of clear and mandatory disclosures of both income and expenditure by political parties and candidates. Also, the Act emphasizes election expenses, which is narrower than campaign finance. Further, the Act focuses on political parties expenses and not their candidates, who are not required to disclose their financial details. The capacity of the Independent National Electoral Commission to monitor and enforce compliance is doubtful.

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Recommendations

- There is a need to excise the electoral provisions from the Constitution and make all electoral matters subject to an Act of the National Assembly. This could be achieved by a provision in the Constitution which provides that "The National Assembly shall make laws in respect of Elections in the country". This would make amendments to the Electoral Act and composition of the electoral authorities easier.
- The composition and independence of the Electoral Authority must be reconsidered. The qualifications for membership of INEC, and the powers of the President to appoint the Chairman, Members and Commissioners need to be amended, to provide for a more objective and consultative process.
- The independence of INEC has a lot to do with the quality of the appointees, the mode of appointment and the nature of the funding. A Constitutional or legal provision setting out for INEC a fixed sum or charges to the Consolidated Revenue Fund of the Federation would be most appropriate.
- The shortcomings of the present Electoral Act with respect to Campaign Finance could be met by either a more comprehensive amendment or the enactment of a separate legislation on the issue.
- More comprehensive Campaign Finance legislation or regulations should address the following:
 - Public funding of parties, with a relevant formula for allotments.
 - Specific reporting requirements by political parties of funds received from private sources and government.
 - More stringent requirements to check the source of funding of parties. Party funding from abroad or by foreign interests should be outlawed.
 - Bans on the use of State Resources for political or campaign purposes.
 - Provision of free airtime and media space to all political parties and candidates.
 - Provisions to ensure public service neutrality. Public servants should not be allowed to belong or make contribution to political parties.
- The absence of prosecution of electoral violations has contributed to enforcement problems. There is a need to set out a clear and detailed framework for prosecution of offenders. The prosecutorial authority should be withdrawn from the (appointed) Attorneys General and vested in the Electoral Authority or such enforcement agency that would be devoid of partisanship and politics.
- International experience is a learning tool for all. We need not reinvent the wheel, but could study and adapt best practices on campaign finance legislation, regulation and enforcement from around the world.
- Avenues of expenditures which leads to demand for more money should be eliminated. For example, the requirement that aspiring groups of offices in two-thirds of the States for groups seeking to register as political parties should be removed.

ELECTION ADMINISTRATION IN NIGERIA – ORGANIZING THE 2007 ELECTIONS

By
Attahiru M. Jega, PhD*

Background Paper Presented at the Fifth Roundtable Discussion on *Election Administration: Organizing the 2007 Election*

Introduction

The aspirations of Nigerians for stable democracy have been constantly frustrated by, among other things, poor administration and the conduct of elections. It is widely recognized that elections are among the most important pillars of democracy, being the mechanisms for popularly choosing representatives of the people for the machinery of democratic governance, especially in the executive and legislative spheres. Yet election administration in most third world countries has been fraught with problems, which leave much to be desired and which contribute to pre- and post-election conflicts, often with violently contested results. In Nigeria, election administration has been profoundly inefficient, characterized by muddled processes, and lacking in the desirable attributes of ‘free and fair’ elections, a situation which often induces acrimony and even violence. Indeed, as Oyediran has aptly observed,

Elections in Nigeria, with the possible exception of the 1959 and 1979 elections, have been a recurring source of disputes, strong arm tactics, crises and conflict. Electoral crisis characterized by abuses of the electoral process by political parties, and refusal to accept electoral verdicts have had deleterious effects on democracy in Nigeria (1981: 103)

Thus, it can be said that a critical challenge of democratic sustainability and consolidation in Nigeria, is that of getting both the electoral process and election administration right. As we move closer to 2007 national elections, it is necessary to begin to identify and interrogate the major problems associated with election administration and the challenges faced by election agencies, which have obstructed Nigeria’s quest for free and fair elections and credible transition to democracy. It is also necessary to propose viable and realistic solutions to the identified problems and challenges. It is in this context, and in order to set the proper background for the discussions at this Roundtable, that this brief presentation is written. Specifically, it attempts to: i) provide an overview of issues associated with election administration in Nigeria, ii) highlight the persistent problems, iii) identify the key challenges faced by electoral bodies in the present dispensation, and iv) offer a few suggestions in the direction of what needs to be done to address the identified problems and challenges. It is

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hoped that the issues raised (or not raised) would provoke an engaging debate on what needs to be done to make 2007 elections a resounding success, by overcoming the major problems, which bedeviled previous elections.

Overview

From the 1950's to date, Nigeria has had five electoral bodies at the federal level, which have historically been saddled with the task of election administration. These are, the Electoral Commission (EC), 1958–1966, Federal Electoral Commission (FEDECO) 1976-1983, National Electoral Commission (NEC) 1987-1992, National Electoral Commission of Nigeria (NECON) 1996-1998, and Independent National Electoral Commission (INEC) 1998–date. These bodies were specifically mandated with the discharge of a number of responsibilities, which range as follows:

- Delimitation of constituencies
- Registration of parties
- Registration of voters
- Display of Voters' Register
- Periodic revision of Voters' Register
- Registration and screening of contestants
- Drafting of election time-table
- Construction of polling booths and provision of election materials
- Recruitment and training of (ad hoc/temporary as well as permanent) electoral officers
 - (For example, 'for the 2003 general elections, INEC planned for 120,000 polling/registration centers, which required a total of over 400,000 officials'; see Kurfi, 2003:14)
- Provision of logistics and movement of equipment and materials before, during and after elections
- Counting of votes after election and declaration of results
- Conduct of election

In discharging these responsibilities, Nigerian election bodies have come a long way, but they still have a long way to go in many respects. Historically, and positively too, every subsequent election witnessed some improvements over previous ones. For example, in 2003 elections, Nigerians witnessed comparatively lesser problems in the distribution of election materials than in 1999; the deployment of personnel and the distribution of election booths were also better than in 1999. In addition, the involvement of accredited representatives of the parties/candidates, and election monitors, has increased transparency in the counting processes. Election related violence has also been comparatively less than expected. Of course in all these areas, there is still room for improvement to make things much better. In addition, on the negative side, there are still recorded incidences of armed bands high-jacking election materials on transit to polling stations, or ballot boxes on transit to the collation centers. There are also recorded problems of armed gangs of youth invading polling stations and dispersing voters and stuffing the ballot boxes in favor of their candidates of choice. The brazen matter in which these acts of lawlessness occurred may have even been unprecedented. Indeed, on

the fundamental issue of conducting free and fair elections, with popularly acceptable results, much is still desired. In the 2003 elections there are cases where losers were declared ‘winners’ through the manipulation of the electoral process and with the connivance of key security personnel and election administrators.

Persistent Problems

In discharging the aforementioned responsibilities in course of administering elections, Nigerian election bodies have, historically, also faced many persistent problems, which have portrayed them as ineffective, inefficient, and somewhat fraudulent. These include the following:

- Evident partiality and lack of rational and transparent criteria in the registration of parties and in the screening of candidates for elections. Registration of political parties by electoral bodies has always been problematic, with a tendency to exclude weaker or radical parties through pressures exerted on the electoral bodies by incumbent regimes.
- Chaotic and fraudulent methods of compilation and/or display of the Voters’ Register; other problems include late commencement of registration or inadequate time for both registration and display of the Voters’ Register, or even improper display, characterized by omissions, placement in wrong polling areas, etc. It is widely believed by Nigerian politicians that elections can be won and lost even at the stage of registration of voters. Ability to get election officials to pad the voter’s register in favor of a candidate or party and/or provide fraudulent registration cards to them, would determine the outcome of elections long before they are conducted.
- Inadequate logistics preparation, in provisioning and distribution of polling stations/booths and ballot boxes. No polling station is supposed to have more than 500 registered voters. However, largely on account of lack of reliable data or due to haphazard planning, areas with a large concentration of population may have fewer polling booths, while those with fewer people may have more polling booths.
- Under-funding. Funding of elections by the Presidency has been very epileptic, a case of ‘too little too late.’ Funds are not adequately provided as and when needed, resulting in a situation in which scheduling of elections and design of a timetable is seriously hampered. For example, delay in release of funds affected the commencement of the voter registration exercise in 2003, resulting in the postponement of scheduled local government elections, and affecting the conduct of the general elections.
- Influence/interference/control by the executive arm. There are many allegations of executive interference at the Federal level, but ample evidence exists of interference by state executives in the activities of state election bodies (SIECs) during the local government elections in late 2004.
- Bad officiating, including false/fraudulent counting, entries and declaration of results.

- Staffing: Inadequate personnel and lack of proper training for them has been a major problem in election administration. Electoral bodies rely on ad hoc and temporary staff in the conduct of elections, for registration of voters, or for polling day duties. Without adequate training and sensitization, they discharge their roles incompetently, without motivation or commitment.
- Poor remuneration of staff, which results in consequent lack of motivation and which often induces corrupt practices.
- Partisan appointment (e.g. of political party card-carrying members) in the composition of the election body and in election duties, such as registration of voters and polling day duties, result in excessive politicization of election administration, as well as fraudulent practices.
- Lack of administrative and financial autonomy of the electoral bodies from the executive arm of government. A symbolic illustration of the lack of autonomy of INEC and SIECs is the that their vehicles carry the number plates of either the Presidency at the federal level or of state governments. Their budgets are processed through departments in the executive branch, and are affected by bureaucratic arbitrariness in the allocation of resources.
- Evident lack of neutrality in the personal conduct and expressed views of key election officials.
- The role of police, army and other security agencies in election administration has been inefficient, corrupt and often counter-productive. Security personnel have been known to be induced by contestants to either harass or intimidate voters, or to look the other way while officials commit fraudulent acts during elections.
- The role of the judiciary in adjudication has been, in many cases, undesirable. The wheels of justice grind too slowly, and often justice goes to the highest bidder. Results of elections are hardly ever overturned in court, so every candidate struggles to win, and not be the one to go to court to contest the election results.

Key Challenges Faced by INEC and SIECs

A review of the conduct of the 1999 and 2003 national elections, as well as the 2004 local government elections, suggest that both the INEC and SIECs are confronted by profound challenges, especially the following:

- Getting responsible, credible officials of unquestionable integrity with non-partisan disposition; being impartial and non-partisan umpires in the conduct of elections; standing up to unwholesome expectations from those in power; resisting pressures from incumbent elected officials;
- Successful conduct of free and fair elections, with declaration of popularly acceptable results;
- Getting stable sources of funding;
- Institutionalizing and protecting desirable autonomy;
- Training and re-training of personnel and improving logistics.

Conclusion

In order to decisively address the persistent problems and challenges confronting election administration in Nigeria, it is imperative that stakeholders increasingly play positive roles, especially through participation to bring about credible electoral reforms, which provide greater autonomy to the electoral bodies, greater independence in the discharge of their responsibilities, stiffer penalties for electoral offences/offenders, and guaranteed stable source of funding.

Civil society organizations have to play greater and more effective roles in election monitoring. They have to establish better communication channels with the election bodies and engage them in positive dialogue and make concrete input into the processes of reform, in order to bring about improvements in key aspects of election administration. They need to do all these without compromising their integrity.

The Nigerian legislature also has to play its constitutional role in bringing about needed legal reforms that can de-politicize the election agencies and make them much more independent, efficient and effective in the discharge of their responsibilities. As we move toward the 2007 elections, the Electoral Act 2002 needs to be reviewed and relieved of existing ambiguities, inconsistencies and inadequacies. Also, there is the need for a campaign financing law to minimize the influence of money in the determination of electoral outcomes. Political parties must be made to raise funds in a transparent way and individual and group contributions need to be capped to minimize the unwholesome role of the infamous Nigerian 'money-bag' politicians.

International development partners have shown interest in assisting the INEC and SIECs to develop their capacity and competence for effective and efficient election administration. However, they should increase support for training and re-training of personnel and they should provide increased support to civil society organizations in the development of competence to do election monitoring.

However, in contemplating reforms in election administration, there are areas where it is necessary that we 'make haste slowly', as a Nigerian saying goes. For example, at this stage in the development of the Nigerian electoral system, the contemplated introduction of electronic voting machines may be misplaced and counter productive. We may have a lot to learn from countries such as India in our transition to democracy, but the use of electronic voting is not, and should not be, one of them. In a nation in which there is a high rate of illiteracy, and where electricity supply is epileptic, and indigenous technical expertise lacking, such technological innovations may not work. Thus, their introduction may end up further disenfranchising the masses of the people from voting or it can introduce other 'scientific' avenues for, and new dimensions to manipulation of election results.

Perhaps the main priority of reform in election administration at this point in time, before the 2007 elections, are related to the need to improve the selection process of leadership of INEC and bring people of high integrity at its helm of affairs, and free it

from the vagaries of receiving its funding through the Presidency. With credible and competent leadership and with the electoral bodies granted greater administrative and financial autonomy, election administration would be more rational and effective, and would within a short span of time set us forth on the way to free and fair, and popularly acceptable, elections.

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REPORT OF THE FIFTH ROUNDTABLE: ORGANIZING THE 2007 ELECTIONS

Professor Attahiru M. Jega, Bayero University Kano*
Roundtable Coordinator

Chairman: Professor Adele Jinadu

Discussants:

Alhaji M.A. Abubakar, INEC National Commissioner

Professor Abdulhameed Ujo, University of Abuja

Alhaji Isa Mohammed, Former NEC Resident Electoral Commissioner, Lagos State

Professor Rufus B. Fatuyi, Chairman, Ondo SIEC

Professor Jinadu paid tribute to the late Shehu Musa Yar'Adua whom he acknowledged as a statesman. He underscored the indispensability of elections for democracy and advised that, for a successful conduct of the 2007 Elections, INEC must commence preparations now in the areas such as voter education, reforms in the electoral administrative structures, electoral laws, etc. The Chairman observed that there are strategic areas which have often been neglected by electoral bodies in the course of administering elections in Nigeria, including: party primaries, inter-agency electoral administration, training election monitors; and the role of research in enhancing efficiency in election administration.

Alhaji Abubakar observed that election administration is a complex issue because of varied socio-economic and political factors. In recognition of this fact, INEC started planning for the 2007 Elections immediately after the 2003 Elections. Furthermore, in order to correct the inadequacies observed in the 2003 Elections, INEC has attempted to introduce the electronic voters' register with the aim of eradicating double registration and other voting ills. The Commission has put in place the machinery for continuous registration of prospective voters instead of embarking on yearly general or national registration exercises prior to any election.

Another area of improvement, Alhaji Abubakar noted, has been the introduction of the Geographic Information Centres across the regions in the country, which facilitate easy voters' access to information regarding elections. INEC has also pursued further training of permanent staff and prepared for the training of temporary election staff. Despite these innovative steps, there are still some factors that are inhibition to the effective administration of subsequent elections in Nigeria, including: poor inter-agency relations; the conduct of the 2005 Population Census; the long time it will take to reform the 2002 Electoral Act, and the problem of INEC funding.

* Organizational affiliation is for identification purposes only. This does not imply organizational endorsement of all findings and recommendations issued by the conference.

Professor Ujo enumerated the factors that obstruct the expedient administration of the 2007 Election. He emphasized that the administrative structure of INEC is too cumbersome for the body to be effective; the functions statutorily allotted to INEC are too encompassing to allow for efficiency in election administration; the nature of appointment of INEC's executive by the government cannot guarantee freedom of action; and office of the National Secretary of INEC is too politicized. Further, the registration of voters has been unsystematic, uncoordinated and full of flaws; and the delineation of electoral constituencies has always been fraught with shortcomings.

Alhaji Isah Mohammed posed some general assumptions about election administration, emphasizing the importance of legitimate, credible elections, and the need for independence of the electoral body and its officials. These assumptions, Isah opined, are not supported in Nigeria. As a way forward to a credible 2007 election, he suggested that INEC must be independent especially in the area of appointment of its officials and sourcing of funds. There should be an open and competitive political space. INEC must properly mobilize resources before elections, and staff should be adequately trained. Further, registration of voters should be reorganized to account for technical and logistical limits.

Prof. Rufus Fatuyi, reflecting from his personal experiences at training workshops on elections and electoral processes, offered a proposed reform agenda in respect of the 2007 General Election. He also stressed the importance of independence among the officials of INEC and the SIECs, as well as autonomy in financing. The capacities of the SIECs can be improved through extensive training, and a reduction of membership to introduce efficiencies. The SIECs can be directed more effectively toward state level elections, and not just federal polls. The Electoral Act must be overhauled or reviewed to remove troublesome clauses that are capable of originating electoral crisis. Finally, officials of INEC and the SIECs must face strict penalties for proven complicity in electoral offences.

Recommendations

- There should be total independence of the INEC in terms of its funding and the appointment of its executives.
- INEC must be restructured and its functions streamlined to ensure its effectiveness.
- The 2002 Electoral Act must be reviewed in order to remove absurd and obnoxious clauses that make the system prone to electoral malpractices and political crises.
- There must be improved capacity-building for Electoral Administrators at local, state and national levels by way of organizing training workshops and seminars to instill in them the needed skills necessary for the handling of electoral functions.
- INEC should operate in a transparent and open political space in which all political parties and candidates seeking elections into public offices are fairly treated; there should be no incidence of pre-determined candidate(s) for any elective office before elections are held.

- There should be strict penalty against proven cases of electoral offences against the Chairmen of INEC or SIECs and members of their Commissions and such cases should be treated as crimes against the corporate existence of the Federal Republic of Nigeria; this will forestall any temptation by any electoral official to perpetuate electoral fraud.
- Nigeria should learn from the South African experience where the process of selecting the officials for the electoral body is transparently and independently done and funding of the body is done outside governmental framework. In doing this, the Judiciary and civil society have great roles to play.

THE CHALLENGE OF DOMESTIC ELECTION OBSERVATION IN NIGERIA

By

Festus Okoye Esq.

Chair

Transition Monitoring Group (TMG)

Background Paper Presented at the Sixth Roundtable Discussion on *The Challenge of Domestic Election Observation in Nigeria*

Introduction

The time has come for Nigerian and African domestic election observers to fashion an acceptable framework and criteria for the determination of election outcomes. The urgency in this statement is informed by the experiences of the Transition Monitoring Group (TMG) and widespread perception among Nigerian and African domestic observers that the use of international standards to judge and measure the success of elections appears inadequate and does not take into consideration the peculiar economic, cultural and technological problems confronting most African societies. The indices and checklists used during some elections in Africa also do not capture more concretely the ingenuity and sheer wizardry of African election riggers who have developed and devised creative, dubious and devious mechanisms for rigging elections, corrupting the will of the people and imposing candidates with dubious credentials on the electorates.

This paper advocates the strengthening of the capacity of Nigerian and African domestic election observers to enable them to play the crucial role of electoral observation given the history, geography, culture and other peculiarities of the African continent. It also advocates for African Regional Standards on Electoral Observation and the setting up of an African Network of Domestic Election Observers.

Confronting the Nigerian Reality

The Transition Monitoring Group and its observers offered targeted assistance to presiding officers and other poll workers during the 1999 and 2003 general elections in Nigeria. During this period, the government and the police banned vehicular movements on Election Day as a measure to stem free movement of persons supposedly to check electoral fraud. The electoral authorities on the other hand did not make commensurate arrangements for the movement of polling officials and agents to the various polling stations. Some polling officials walked a distance of over four kilometers to their polling station. TMG observers saw some of them struggling to get to their polling units and lifted them in their cars.

Furthermore, in some polling stations, only the presiding officer turned up on election day and some voters insisted that TMG observers must assist in sorting out the names of voters, applying indelible ink, controlling and arranging voting lines and queue, and assisting illiterate voters identify the symbols of the political parties of their choice. Some TMG observers also assisted in resolving disputes between voters and electoral officials as some of them had better grasp and appreciation of electoral rules and regulations than the presiding officers and other poll officials.

The Training of Observers

The Transition Monitoring Group with the support of the National Democratic Institute, the European Union, the Department for International Development of the British Government and a host of other international organizations and donor agencies assisted the TMG in training its domestic observers. The different strands of trainings organized by the TMG assisted its observers to act ethically and professionally during the elections.

Domestic Observers and Identity Politics

All the observers deployed by the Transition Monitoring Group subscribed to the oath of impartiality in their work and were strictly enjoined to pay attention to the issues adumbrated in their checklists. The trainings and the oath were meant to guard against a situation where some observers will observe and allow their judgments to be tainted by religious, ethnic or political bias.

Impersonation and Intimidation of TMG Observers

Some TMG observers reported the presence of some political party agents in TMG Observer T-shirts. Some of the political party agents and thugs used the banner and reach of the TMG to perpetrate fraud and other unwholesome practices during and after the elections. Unfortunately, the TMG did not have the reach and the resources to send observers to every polling station and some ingenious politicians simply cashed in on that and carried out their nefarious activities. In other places, some political parties physically threw TMG observers out of the polling stations to enable them perpetrate electoral fraud. Some tried to bribe TMG observers and when they did not succeed they resorted to violence. In Rivers State, Anambra State, Enugu State and Imo State, the level of voter intimidation and violence made it impossible for some observers to go near the polling stations. Some of the observers returned blank checklists and advised the TMG to take out an insurance policy for all observers if they are to take monumental risks like confronting political party agents armed with assault rifles.

Political Party Agents

Most of the political parties did not train their party agents. Most party agents did not know their proper functions at the polling stations. They kept struggling on who will direct illiterate voters on how to vote and which party to vote for. Some of the political

parties sent close to 10 party agents to a single polling station and this led to the clogging of the polling stations and massive disagreement with other party agents. Some political parties simply did not have the resources to pay and deploy party agents.

Relationship with the Independent National Electoral Commission

Prior to the 2003 elections, the Independent National Electoral Commission (INEC) organized some exploratory meetings with a select group of civil society groups and organizations. It was during one of the meetings that the INEC mooted the idea of an expanded consultative meeting. The consultative meetings organized by INEC helped in clarifying some vital issues relating to the electoral process. The meetings also helped in clarifying the rights and responsibilities of domestic and international observers. The Commission allowed civil society groups and organizations room to make far-reaching inputs into the code of conduct for election observation and the rights and responsibilities of observers. The consultative meetings also helped in bridging the communication gap between the observers and INEC, and this accounts for the smooth and orderly issuance of accreditation cards to domestic and international observers.

Relationship with International Observers

The Transition Monitoring Group maintained a healthy relationship with all the international observer missions in Nigeria. The TMG gave them guidance and briefing on the history, geography and politics of Nigeria. The TMG also held series of meetings with them and discussed issues relating to deployment of domestic and international observers and the indices to be used in assessing Nigerian elections. However, in terms of planning, content and conclusions of its reports, the TMG acted alone and independently.

However, this did not prevent the government from insisting that the TMG is a clone of some international observer missions and that the reports of the TMG are a photocopy of that of some international observers. International observer missions must therefore understand that the moment domestic election observers are undermined and presented as clones of international organizations, they cannot act effectively and courageously in making their countries ungovernable for those that come to power through a fraudulent electoral process.

Managing Electoral Outcomes

In some countries, domestic observers panic when the home countries of some international observers send letters of congratulation to purported winners of elections or condemn the results of elections in defiance of the observations and conclusions arrived at by international observer missions. This panic stems from the use or uses to which governments put favorable and unfavorable results. The favorable ones are highlighted and used to discredit the unfavorable ones. This sometimes serves to demobilize domestic observer groups in managing electoral outcomes

Signpost to 2007

The National Assembly, the Executive, INEC and all stakeholders in the electoral process must start now to prepare for the 2007 general elections. Two critical areas that must be addressed are the Review of the 1999 Constitution and the Electoral Act. The contentious parts of the Act have been adumbrated in the reports of domestic and international observers as well as civil society groups and organizations. The National Assembly must therefore wake up to its responsibilities and amend the Electoral Act and the 1999 Constitution to bring them in line with good electoral standards and democratic precepts.

The INEC must also perfect or modify its technological innovation on elections. A good foundation, coupled with the requisite training is a prerequisite for the introduction of information technology. Unless this is done the negative outcomes will outweigh the positive sides of the introduction of technology.

The TMG and 2007

The Transition Monitoring Group must start serious consultation with other domestic election observers. This consultation must aim at harmonizing the programmes of all the domestic observer groups, agreeing on a common training programme and manual, agreeing on a common checklist for elections, agreeing on a central command position for the receipt of checklists and incident reports, and issuing joint reports on the outcome of elections. This will prevent duplication of efforts and promote harmony and cooperation.

The TMG must also roll out its strategic plan covering activities from 2005-2007 with clearly defined timelines. This will prevent rush and ad-hoc measures that will be detrimental to its election monitoring efforts. Donor and international organizations with expertise in election must also assist domestic observers in training programs and setting up of computerized command centers. This they can do through early funding of training programs, civic education and the provision of logistics for election observation.

The new Electoral Act must also make specific provision recognizing the role and responsibilities of domestic and international election observers. The roles and responsibilities of domestic observers must be clearly defined and spelled out. Presently, electoral officials behave and act as if they are doing a favor to domestic election observers by issuing them with accreditation cards and allowing them to monitor elections.

The Independent National Electoral Commission must also set up a permanent Civil Society/INEC Consultative Forum that will ensure good relationship with civil society and also ensure a credible electoral process.

A Vision for Africa

Given the fact that organizing elections has remained problematic in most African countries there is the need to convene a Consultative Forum of African Domestic Election Observers and strong civil society organizations to deliberate on the modalities and mechanism of putting together the structures for the formation of an *African Network of Domestic Election Observers*. This *Network* with a distinctly African flavor will assist domestic and civil society organizations in the training of domestic election observers before, during and after elections. The *Network* will also offer technical and professional assistance to these groups at all stages of the electoral process. The *Network* will develop African Best Practices on Electoral Observation and in the long run send observer missions to observe elections in African countries

Conclusion

Nigerian domestic observers have come of age and must play the vanguard role of being the first port of call for international election observers. They must carry out their work with integrity and professionalism. Their assessment of the political process and their reports must be credible. A credible and professional domestic observer group will make international observation of the process in Nigeria unnecessary. Nigerian domestic observers must therefore join forces with similar groups in the African continent to fashion an acceptable regional criteria for assessing elections in Africa.

REPORT OF THE SIXTH ROUNDTABLE: THE CHALLENGE OF DOMESTIC ELECTION OBSERVATION IN NIGERIA

**Festus Okoye Esq., Transition Monitoring Group*
Roundtable Coordinator**

Chairman: Ambassador Princeton Lyman, U. S. Council on Foreign Relations

Discussants included representatives of the following organizations:

National Democratic Institute (NDI), US

International Republican Institute (IRI), US

Institute for Democracy in South Africa

International Foundation for Election Systems (IFES), US

Justice, Development and Peace Commission, Nigeria

Ambassador Lyman charged participants to address ways of improving Nigeria's electoral system because this is an important aspect of any democracy. He urged the participants to look at the concept of election monitoring beyond just an Election Day event, but as an ongoing process. The process of monitoring the 2007 elections should start now. He also asked participants to look critically at the role of civil society in election monitoring, with a view to repositioning election observer groups for the challenges of the future.

Festus Okoye stated that Nigerian and African domestic election observers must fashion an acceptable framework and criteria for the determination of election outcomes. He advocated for the strengthening of the capacity of Nigerian and African domestic observers. Given the history, geography, culture and other peculiarities of the African continent, he called for the development of African Regional Standards on Electoral Observation and the setting up of an African Network of Domestic Election Observers. According to him, regional experiences testify to the fact that the use of international standards to judge and measure the success of African elections does not take into consideration the peculiar economic, cultural and technological problems confronting most African societies, particularly the unique forms of fraud and electoral manipulation.

Mr. Okoye called for provision in the Electoral Act to define the role of domestic, and international election observers, and urged the Independent National Electoral Commission (INEC) to set up a permanent Civil Society/INEC Consultative Forum that will ensure good relationship with civil society organizations, as well as ensure a credible electoral process. He charged Nigerian election observers groups to carry out their work with integrity and professionalism. He also recommended the establishment of an African Network of Domestic Election Observers to develop best practices on election

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observation, train domestic election observers and offer technical and professional assistance to the civil society domestic groups.

Mr. Charles Lasham, the Country Director of IFES, stressed the need to streamline local and international standards of election observation. Key issues are the electoral law and administration of elections, including the independence of the election management body, transparent voters registration, civic education and an organized ballot, existence of observers, the right of candidates to be nominated and to campaign freely, the need to provide for independent candidacy, equal media access and clear judicial procedures and timelines for complaints and dispute resolution.

Stephanie Blanton of IRI canvassed for the involvement of political parties in evolving electoral laws. She also called for modalities to define the role of party managers.

Ireti Disu of the Justice, Development and Peace Commission identified the problems associated with the 1999 and 2003 general elections and called for publication and distribution of the Electoral Act for public input. She pointed out the need to address the advantages and disadvantages of incumbency and the use of computerized identity cards for elections. She also canvassed for civil servants to be given leave of absence to contest elections, the reduction of age and educational limits for elections, limiting of campaign donations and banning of retired military officers from participating in politics for a certain period. She also advocated for affirmative action for women in politics, independent candidacy and the independence of INEC.

Fran Farmer of NDI said that domestic monitoring of elections is important to democracy and central to understanding the electoral process. She noted that past monitoring exercises were hampered by late releases of INEC guidelines, under-funding and late preparations for the monitoring exercise. She emphasized the need for domestic monitors to get funding on time, and for effective civic/voters education throughout the process.

Maisha Strozier of IDASA noted that donors did not develop their programmes on election monitoring on time in the run-up to the 2003 general elections. She stressed the need to bring women into the electoral process. Election monitoring should be seen as an ongoing process, from voter registration through political party nomination processes, election, right down to complaints and tribunals.

Honorable Abdul Oroh, Deputy Chairman of the House of Representatives Committee on Human Rights, stressed the need for preparations for the 2007 elections to begin immediately since party conventions leading to nomination processes will begin in 2005 and the voters' register will be reviewed. He decried the high expenses being incurred by those contesting elections in Nigeria.

Dr. Yima Sen, Special Assistant to the Vice President on Policy and Programme Monitoring, decried the state of our monitoring mechanisms. He stressed the need for a

permanent monitoring mechanism to generate data and monitor processes to enable citizens to guard and defend their votes. He further maintained that standards should be judged on the basis of the laws, regulations and norms guiding elections in every society.

Recommendations

- The Independent National Electoral Commission (INEC) must introduce computerized identity cards for the 2007 elections and subsequent elections in Nigeria.
- Political parties must deploy educated and trained monitors to the polling stations as some of the monitors during their roles and responsibilities during the 2003 general elections.
- The new Electoral Bill must make specific provision recognizing the role and responsibilities of domestic and international election observers.
- Domestic observer groups must agree on a common checklist for elections, a central command position for the receipt of checklists and incident reports, and issuing joint reports on the outcome of elections. This will prevent duplication of efforts and promote harmony and cooperation.
- INEC and the National Assembly must make constitutional and electoral provisions for the staggering of elections on legislative/executive basis or on the basis of tiers of government viz: local, state and federal, instead of holding all elections at the same time. This will reduce the pressure on the election management body and ensure more effective conduct of elections.
- The National Assembly must amend the 1999 Constitution and the Electoral Act and enshrine the provision for independent candidacy as this will reduce the tyranny of party godfathers, liberalize the democratic space and encourage issue-based campaigns and elections and offer the electorate more choices.
- Civil Society organizations, the National Orientation Agency (NOA), and political parties must carry out voter's education on a continuous basis.
- Election monitoring groups must scale up their engagement with election administration bodies and political parties in order to build synergies and fashion a common approach that will guarantee transparency in the electoral process.
- INEC should resuscitate the Civil Society/INEC consultative forum which was established in the run-up to the 2003 election, and make it permanent.

TRANSITIONAL DEMOCRACIES: THE IMPERATIVE OF ELECTORAL REFORM

Dr. Robert A. Pastor
Professor and Director, Center for Democracy and Election
Management
American University
Washington, D.C.

On behalf of American University and its Center for Democracy and Election Management, which has been asked to co-sponsor this historic conference on Election Reform in Nigeria, let me thank the President and Vice President of your great country for encouraging and supporting this conference. And to Jamilah Farris and Peter Lewis, who organized this spectacular conference, let me say that all of us owe you a debt so large that we ought to apply immediately for forgiveness because we can never repay it.

The issue at the center of this conference – how to assure confidence in elections – has preoccupied me for three decades as a scholar, an election observer, and a political strategist. At the Carter Center, beginning in 1985, I developed their program of election-monitoring and the technique of election-mediation, and organized about one hundred international missions to monitor elections in more than 30 countries, including the U.S. where I am organizing a Commission on U.S. Federal Election Reform. Every nation must remain engaged in helping improve its democracy. In my current position as Vice President of International Affairs at American University, I have a special reason to appreciate the success of this conference. We are a partner to ABTI-American University of Nigeria in Yola. We expect it will become the best private university in Nigeria and beyond, but we understand that will partly depend on the success of consolidating democracy. Democracy, more than anything, will provide the long-term security needed for higher education and economic development.

Dan Quayle, the former Vice President of the United States, once said: “The trend in the world toward democracy is inevitable, but that could change.” After three days of listening to Nigerians discuss their concerns about the state of democracy in this country, I think that Quayle had a point. Nigerians want freedom and democracy, but that could change if the problems they described are not addressed urgently.

Let me begin by describing the dilemma that is at the heart of democracy and Nigeria’s challenge. Nigeria is not the only country to face a critical transition. I will describe similar cases and the dangers they all face. Second, I will describe what I have learned from this conference. I sense a consensus emerging around key principles. Finally, I will borrow from other experiences around the world to offer some ideas on how Nigeria could build on the principles to deepen and consolidate its democracy.

Collisions at the Intersection between Suspicion and Administrative Incapacity

Elections represent an excruciating contradiction. They are, at the same time, a struggle for power, and a popularity contest. Candidates often are ready to do whatever it takes to win, but constitutions require that they compete within rules. In our workshops, there was discussion of “competitive rigging” and “competitive violence” – these terms hint at a kind of arms race, a competition that obeys no rules, and threatens the very contest. In wanting to win without regard to the rules, Nigeria’s politicians erode their own legitimacy and endanger the country, but they find themselves trapped. If they don’t break the rules, they fear that their opponent will and will win.

Candidates in a consolidated democracy stay within the rules not because they are better leaders than Nigerians but because they know they will pay a heavy price for violating the rules, and they are likely to be caught. “Competitive rigging” is a classic problem of “collective action.” Each candidate pursues his self-interest, but by doing so, everyone, including him, is worse off. **There are two ways to solve a collective action problem – cooperative agreement to obey the rules and by enforcement of the rules.**

Nigeria’s dilemma is not unique, but it is compounded by the interaction between political suspicion and administrative incapacity. The weakness of institutions – like INEC – may collide with political suspicion to become a tragic political accident.

I did a study of 387 elections in the developing world. Approximately 20% were flawed, meaning that the irregularities were on such a scale that the opposition boycotted or refused to accept the results. About 60% of the flawed elections were in Africa, and administrative problems and, in some cases, transparent fraud, were the cause. In a deeper analysis of 23 of 50 transitional elections that failed, I found that only 3 had genuinely independent election commissions. If election commissions are weak or perceived as biased, the probability is higher that the election will be flawed, and this often leads to violence and sometimes to military intervention.

The trauma of the military dictatorship has given Nigeria some breathing room through two elections, but those who think that Nigeria is exempt from this syndrome are short-sighted. A close election, combined with the kind of irregularities reported in the previous elections, could erode and even destroy Nigeria’s fragile democracy.

This may be Springtime for democracy in Africa, but before reaching that conclusion, I would caution you to reflect on your past and other experiences. In 1958, a book called “The Twilight of Tyrants,” was written by Tad Szulc, a *New York Times* correspondent. Six dictators had just fallen from power in Latin America, and Szulc predicted: “Democracy so late in coming and still taking its first shaky and tentative steps forward, is here to stay in Latin America.” Four years later, democracy left as abruptly as it had arrived, and it took fifteen years for the pendulum to begin its swing back to democracy.

Nigeria's Turning Point

Professor Jega did an excellent summary of the roundtables. Let me just underscore several points of apparent consensus:

- The last two elections in 1999 and 2003 were flawed, and while this represents a giant leap forward from the military dictatorships of the past, a good percentage of Nigerians are distressed with these irregularities.
- Nigerians hope that the next electoral process will be a decided improvement, but they fear it could be as bad or worse.
- If there is serious fraud in the next election, some people think that the Nigerian people will react with apathy; others, that they will respond with distress; and still others, think they will react with belligerence. The chances of the latter reaction increase if the election is close, and the loser's supporters feel he was robbed.
- INEC is not perceived as independent or effective, but it needs to be.
- The corruption that is endemic in Nigeria also threatens democratic legitimacy, and it needs to stop.
- The violence that has been terrible in several states in past elections could spill-over to other regions and states.

There is no single formula that will magically solve these problems, but the history of other democratic transitions offer some guidance. There are many issues to address, but for the sake of time, let me focus on just four issues: political will; election administration; campaign finance; and enforcement.

The first step requires a commitment among the political leadership to the terms of a free and fair election. The Statement of Principles that emerged from this Conference, and was read by Mr. A. N. Mahmoud, represents just such a pact, and although some might dismiss it as just "words," similar pacts in Venezuela in 1958, Spain in 1977, and Poland and Hungary in 1989 helped consolidate democracy. In each of these countries, the civilian politicians united behind rules, realizing that if some of them broke the rules or invited the military or the Communists to join them to take power, that they would doom their countries. Similarly, if Nigeria's leaders affirm this statement, it says to the people of Nigeria that they are ready to contest the next election by accepting the rules because if they fail to do so, they might win, but it would be a pyrrhic victory because the country would lose.

The second step is to strengthen INEC by securing its independence and widening and improving its capacity. The question is how.

Election Commissions must not only be impartial; they need to be *perceived* as such. The members should be distinguished, fair, competent, and non-partisan. In Costa Rica, the entire electoral apparatus is a fourth branch of government and includes the administration of elections and the Electoral Courts. Four reforms are required to secure the independence of INEC:

- a. **Appointment.** In Costa Rica, the Tribunal is composed of three Judges who are elected by a two-thirds vote of the Supreme Court. In other cases, the President appoints someone who is non-partisan and of real stature. To assure that the appointment will be viewed that way, two-thirds of the Senate should approve the appointment. In Canada, the Chief Elections Officer secured a unanimous vote of the Parliament.
- b. **Term.** To secure independence, the Commissioners should have a term that exceeds that of the president by at least a couple of years.
- c. **Funding.** INEC needs a secure source of funding. Again, Elections Canada presents its budget directly to the Parliament rather than to the Prime Minister. INEC should be able to do the same, and its funding should come from consolidated revenue and it could be determined by a formula that reflects the number of registered voters times the average cost of conducting an election per voter.
- d. **Professional Training.** INEC should develop a career professional service, equivalent to the career foreign service. Mexico made the transition from a weak electoral system to a highly trained and professional institution in less than a decade, and a key element in its success was training.

The third goal is to reduce the influence of money in politics. True democracy means one person one vote, but in the real world, the influence of a few is often magnified by campaign expenditures. Politicians need money to campaign, and some seek office as a way to acquire wealth. Both diminish the legitimacy of democracy and require constant vigilance by citizens. The best response includes new conflict of interest laws and strict limits on contributions and campaign expenditures by parties and candidates. Also, full, complete, and immediate disclosure of all campaign contributions on the Web is essential. INEC also needs to regulate equitable access to the media. Some changes in the laws are needed, but **the biggest problem is enforcement or rather a lack of it.**

Some argue that Nigeria has a “culture” of corruption, and it is pervasive. If “culture” means that it cannot be changed, I say that is nonsense. Nigeria is more corrupt than the United States, but Nigerians are not born more corrupt than Americans. The difference between the two countries is that the United States endeavors to enforce its laws on corruption, and Nigeria does not. Independent prosecuting attorneys in an independent judicial system in the United States “sting” politicians and others who violate the laws. They offer them bribes, and when politicians accept, they are brought to court and convicted. Politicians learn pretty quickly. Secondly, when such arrests occur, it is critical that they not appear to be part of a political vendetta. The prosecutors must target politicians of all parties, not just those in the opposition.

If politicians favorable to the government as well as those in opposition are arrested for bribery in Nigeria, you will begin to see a change in the so-called culture. Then, arrest people for electoral fraud, and there will be less fraud.

This brings us to the fourth challenge – enforcement and security. Nigeria’s 36 state attorneys-general are supposed to enforce the election laws, and yet despite the many reports of election fraud, none of them have successfully prosecuted a single case. It should come as no surprise that this disease is spreading. There is only one way to stop it: end impunity. The question is how? The answer is to remove the power to enforce the law from state attorneys-general and transfer it to independent prosecutors in a new INEC. Elections Canada has a special prosecutorial capacity with the statutory responsibility to enforce the entire electoral law. This could be a model for Nigeria.

At the conference, we heard some express concern about the army’s intimidation of voters, and also some asserted that the police are not trained to protect the polling stations. In Costa Rica, for one week prior to the vote, the Electoral Tribunal assumes supervisory authority over the police in order to dedicate its full resources to protecting the legitimacy of the election. This idea is worth considering for Nigeria, although the police would need to get special training to achieve this goal.

Conclusion

What I found most exciting and encouraging about this conference is that everyone realized how important and yet how fragile democracy is in Nigeria. Everyone identified the many challenges and searched for answers. People representing different parties and walks of life said that the “system” was ultimately responsible for the problems. The system might be the problem, but the solution is with the citizens and leaders. Because of the Conference and the candor and intelligence of the participants, the path is clearer:

- to overcome the political arms race, a pact or statement of principles is necessary but not sufficient;
- to overcome weak administrative capacity, steps to secure the independence of INEC and widen its mandate should be taken;
- to overcome the culture of corruption, precise campaign finance and conflict of interest statutes are needed, and the laws must be enforced; and
- to overcome the culture of impunity and the possibility of intimidation, a special prosecutor and a new role for the police in elections is needed.

The elections are in 2007. That might seem like a long time from now, but for election officials, it is tomorrow. To gain the confidence of Nigerians, a timetable is needed now to describe for the public when each of these steps should be taken. The public has the right to monitor the progress or to register their concerns about the lack of progress toward free elections.

I want to thank all of you for inviting me to listen and learn from your debates on election reform. All democracies need to reform themselves every so often. In the U.S., we are starting a Commission on Election Reform to renew our democracy just as we celebrate your willingness to invigorate yours.

ELECTORAL REFORM: THE NEXT MILESTONE IN NIGERIA'S DEMOCRACY

Princeton N. Lyman
Council on Foreign Relations*
Washington DC

It is a special honor for me to address this Memorial Forum in the presence of the President of Nigeria, Olusegun Obasanjo. I had the privilege of representing my country as Ambassador to Nigeria in the mid-1980s, and at that time came to know the President, then a farmer but a rather special one, and in the years since as he worked on behalf of development and good governance across Africa, and as he has assumed Nigeria's highest office. Thank you Mr. President for your presence here tonight on this special occasion.

I want to express my appreciation to the Shehu Musa Yar'Adua Memorial Forum for hosting this important conference on electoral reform. It is in the tradition of the Forum and the man in whose memory it operates that we have participated here at a conference on one of the most vital challenges of democracy: the electoral process. Whatever else is essential to make democracy effective and sustainable, elections are the lifeblood of the system, the constant affirmation of legitimacy for its leaders and the bond that links the leaders with their people.

I wish to thank also His Excellency the Vice President, Atiku Abubakar, who opened this conference and presided at the commemoration this morning.

The Importance of Nigeria

If it were only Nigeria's democracy at stake in the effectiveness of its electoral process, that would be serious enough. But the truth is that Nigeria's importance runs far beyond its borders. Nigeria is a leader in much of what is happening throughout the continent. It was President Obasanjo, along with South Africa's President Thabo Mbeki, Senegal's President Wade, and Algerian President Bouteflika, that developed the New Partnership for African Development (NEPAD) that set out principles of good governance and economic management that is now a key policy framework of the Africa Union. NEPAD has also become the foundation for the evolving new partnership between Africa and the industrialized countries of the world. Because of NEPAD, there now exists an Africa Action Plan that charts the future relationship between the G8 and Africa in terms of trade, aid and security.

* Organizational affiliations are provided for identification purposes only, and do not imply organizational endorsement of all findings and recommendations issued by the conference.

Beyond just words and principles, Nigeria has become the key actor in pushing back efforts to undermine democratic progress in West Africa. In Guinea-Bissau, Sao Tome and Principe, and most recently in Togo, Nigeria together with its allies in the Economic Commission for West Africa (ECOWAS) forced reversal of coups and the undermining of constitutional processes. Had these actions not been taken, NEPAD would have been only words on a page. Now these principles are a part of reality.

Finally, Nigeria has been playing a central role in resolving conflicts. Nigerians have paid a heavy price for peace, in the many lives lost in the peacekeeping operations of Sierra Leone and Liberia and in treasure. Nigerians have not flinched from this responsibility. In Burundi, in Congo, and most recently in the Darfur region of Sudan, Nigeria dedicates peacekeepers, money and time to end the terrible conflicts that have afflicted those countries. Today, it is Nigeria that is providing the leadership and the venue for the political talks that are critical to ending the tragedy in Darfur.

What this means for the subject we have been discussing these last three days is that the future of Nigeria's democracy has repercussions far beyond Nigeria. Nigeria is very much a bellwether for the progress of democracy in Africa. Moreover, should the worst happen, should problems in the elections in 2007 lead to unrest and instability in Nigeria, the impact would be even greater, unsettling the region and weakening one of the most important forces for peace and progress on the continent.

Nigeria thus carries a heavy responsibility, first and foremost for its people but also for the continent. This is not new for Nigeria. And I know that Nigeria will not shy from the responsibility just as it has not shied away from the responsibilities I have already mentioned.

A Watershed Moment

This is a critical moment for Nigeria and indeed one that is exciting. The first major step on the restoration of democracy occurred in 1999 with the end of military rule and the election of a civilian government. The second, in 2003, was the election carried out under a civilian government. Now, the third and very significant one, is the change in Administration in 2007 called for in the constitution as the present Administration completes its second and final term. If that is achieved successfully, with steady improvement in the electoral process, it will signify the institutionalizing of democracy in Nigeria and the underlying strength of the system.

That milestone would come along with the economic reforms that have been achieved under the current Administration and which are in the process of being institutionalized. We have had the pleasure just two weeks ago of hosting the Nigerian Finance Minister, Madame Ngozi Okonjo-Iweala, and members of her economic team. She outlined to audiences in New York and Washington the tremendous progress that has been made in establishing fiscal discipline, transparency in budget allocations, reforms of federal procurement and other steps to fight corruption, and a major commitment to a complete audit of the oil sector in accordance with the Extractive Industries Transparency

Initiative, in which Nigeria has now taken a leading role. The New York Times wrote following her visit that it was time to take a new look at Nigeria, one which recognized the real progress being made and the appropriateness of giving Nigeria strong international support.

But economic and political developments are linked and this is very much in the minds of international watchers. Economic development cannot be sustained in a dysfunctional political system. While Nigeria has passed two major political milestones, and much has been accomplished, there is concern over the balance of the process of transition. How much will both economic and political reform be institutionalized by 2007? The question is of course most of all important to Nigeria.

The Sources of Concern

In this conference participants have focused in particular on electoral reform. The causes of concern are clear. In spite of the historic milestones of the last two elections, the 2003 elections were marred by controversy, irregularities and charges of fraud. Both Nigerian and international election observers documented violations of electoral law and other problems. In parts of the country there is deep bitterness over the process. This feeling places a greater premium on reform to be carried out by the government and parties. Putting it starkly, any candidate who wins in 2007 will have difficulty if the election results are not credible to the vast majority of Nigerians. Potential difficulties could range from growing apathy and lack of confidence in government to unrest.

Nigeria would also lose prestige in the eyes of the international community. Democracy has now become a dominant theme in international discourse. For my country, the President has made this objective the cornerstone of his international policies. The trend is however worldwide, with dramatic movements toward democracy in Eastern Europe, Asia, and the Middle East. Nigeria does not want to nor should it be on the margins of this trend. Rather, for its own sake, and for its whole agenda with the international community, it should be a leader as it was in 1999.

In this conference the basic areas of electoral reform have emerged quite clearly. It is for others to define the specifics for addressing these needs, but the priorities are these:

- Enhancing the independence and strengthening the capacity of INEC. INEC must be seen as independent of partisan bias or control, even of the incumbent administration. That relates to the selection of its members, the autonomy of its budget, and the authority it exerts to enforce the election laws and regulations. These reforms must extend down through the state and local government level.
- The system for counting and aggregation of votes must be made more transparent and verifiable.
- There must be evidence of prosecution of violators. A climate of impunity will undo the best rules or regulations.

In carrying forward the reform agenda, many entities must be involved. Government has to take a leading role, making reform a priority and initiating the steps toward enhancing INEC's independence and budget autonomy, the training of security services and other official actions. But political party leadership is also critical. Party leaders, and the leading potential candidates for President and other positions, must come together and agree that they all have a stake in improving the system. Only by all pledging to work toward reform will the parties have the incentive to give up the reputed advantages of rigging. We had a workshop in the conference titled "competitive rigging." What is needed is cooperative reform. The incentive for that should be clear. No winning candidate will have the leeway to rule effectively if the 2007 election is not credible.

Civil society has a crucial role, and it should be welcomed by both government and the parties. Monitoring, training, assistance, and voter education are all roles civil society can and must play. Without that watchdog role, democracy does not function, not in my country nor any other.

The need for action on all these fronts is urgent. There are only two years to the next election. The reforms that are required to make that election a success will take time and a great deal of effort. It is a time for leadership.

A Time for Leadership

In the past few days, even as we heard of the issues and the possible solutions, a current of pessimism, indeed cynicism ran through the conference. Many participants, more often in private conversations than in open discussion, confided that they felt the obstacles to reform were in fact too deeply ingrained to be overcome – ingrained in the culture, in the winner take all attitude of the parties, in the drive for wealth that comes so much in Nigeria from public office, in the apathy of voters, in the corruption of the system, in the weakness of the security services and the judiciary. So many obstacles, so difficult a challenge. It was almost too easy to give up.

But one wise participant, who indeed had articulated these difficulties most convincingly, then said there was a way to break through. How, we asked? By great leadership, he said. Truly great leaders, those who could see beyond the shorter term gains from the present system, those who could see to the future and the needs of the state and the Nigerian people in the years ahead – such leaders could break through. They could initiate the process of reform, they could mobilize supporters, they could make progress.

We have seen such leaders elsewhere. Nelson Mandela in South Africa, Ernesto Zedillo in Mexico, Vaclav Havel in the Czech Republic. Indeed we have seen them in Nigeria's past – the magnanimous policy of reconciliation after the civil war, the passage to elected rule in 1979, the agreement to end military rule in 1999. These were historic steps by which Nigerian leaders moved the country away from crisis and internal bitterness to unity and democracy.

I have no doubt that such leadership exists in Nigeria today. We have already seen it in courageous economic reforms, a potential legacy of far reaching significance. We have seen it among politicians and civic leaders who have broken with the patterns of the past, and have spoken out for reform. President Obasanjo has put the issue of electoral reform along with many others before the recently convened National Political Reform Conference.

What a legacy for the future lies ahead for this generation of leaders! A legacy of both political and economic restructuring that places Nigeria on an unerring path toward greater stability, greater democracy and desperately needed economic development. A legacy that will be recognized around the world for the courage, the principles, and the contribution of those who have made it possible. With such a legacy, Nigeria will continue to be a leader. And the continent and the world will be safer and better for it.

Electoral reform may sound pretty small within such a grand vision. But electoral reform is the key, the opening up the political system, the means for restoring hope and confidence to the Nigerian people. I salute Nigeria and its leaders for their recognition of this fact and their readiness to undertake it.

ANNEX

Conference on **“Electoral Reform: Building Confidence for Our Future”**

Abuja **Statement of Principles**

March 19, 2005

Preamble:

Since the transition from military rule to the civilian Fourth Republic, Nigeria’s quest for effective democratic governance has confronted many challenges. The integrity of the electoral system is a major issue facing Nigeria’s new democracy. We know from past history that turbulent elections have been a source of political crisis in Nigeria. Controversies surrounding elections have serious potential to undermine the legitimacy and stability of democracy. There could be the most serious consequences for democratic development if political leaders are unable to reach consensus on rules of political conduct, and if the Nigerian public therefore becomes alienated from the electoral process. Nigerians would universally suffer from further political crises or an interruption of democratic rule.

We therefore resolve:

- Democracy is the sole political choice for Nigeria, and the best system for managing the nation’s current challenges, fostering better governance, and ensuring popular welfare.
- We reject all unconstitutional means of contesting or obtaining power in Nigeria.
- We recognize that public legitimacy is the bedrock for a successful and stable democracy.
- We further recognize that a fair and transparent electoral process is an important basis of citizens’ legitimacy in a democracy, and we commit ourselves to ensuring free, fair, and honest elections in Nigeria.

We affirm the following commitments:

- We will take every measure, on our own behalf and in cooperation with others, to promote the goals of a fair, competitive, and transparent election system in Nigeria. We condemn and renounce all forms of rigging, fraud, and election misconduct. Nigeria's electoral process must attain the highest standards of integrity, efficiency, and legitimacy.
- We support strong, capable, and fully independent Electoral Commissions at the federal and state levels. Accordingly, government must provide all necessary resources and facilities to allow INEC and the SIECs to operate with autonomy, and to promote their best performance. Those institutions must also take necessary steps to strengthen their capacities and to insure full independence in the nation's election administration.
- We condemn and renounce all forms of political violence. We commit ourselves to exercising discipline and restraint over all political forces under our authority, to resist provocation by rivals, and to appeal to legal procedures for resisting and containing electoral violence. We further renounce any forms of intimidation or coercion that would limit the participation of any candidate, voter, election official, agent, or observer.
- We expect and encourage all political party organizations to follow democratic rules and procedure in their internal affairs, and in political competition. Party leaders must effectively regulate all their members, whether incumbents, candidates, or supporters, in meeting the highest standards of fair and transparent competition. Party organizations must reject any efforts to intimidate or disenfranchise political opponents. They must also agree to refrain from any undue influence over election officials.
- We commit ourselves to a regular consultative process to insure the integrity of elections. This includes (but is not limited to) regular meetings among party leaders and campaign organizations; among political parties, INEC and the SIECs; among INEC and government; among civil society monitors and INEC. These meetings should encourage regular dialogue over best practices, and the exchange of any available information over infractions of fair electoral procedures.
- We endorse the goal of a simplified and fully transparent electoral counting process. We accept a role for independent observers to witness all stages of the counting process. We encourage INEC to post election returns down to the level of the constituency/polling station to insure transparency.

- We endorse the fullest possible role for election observers. Domestic civil society organizations should have access to all polling places without intimidation or unreasonable restriction, and they should be welcome to send qualified representatives to witness the counting process. International observers should also be welcome to observe any polling place, and all stages of collation or counting.
- We encourage an independent, efficient, and public system of election tribunals. The tribunals should be enabled to process election complaints in the speediest possible fashion, and full transparency should be maintained.
- We support an increase in public funding for political parties as a means of balancing the undue influence of private funds. We commit to the goal of full transparency in political party finances. We also endorse unrestricted access for all candidates to all forms of media.
- We support and encourage efforts by government and civil society to promote civic education, public information, and other measures to ensure the fullest electoral participation. We advocate a fully inclusive electoral process that incorporates Nigerians of every gender, ethnic group, religion, and walk of life.

These principles, drawn from the deliberations of diverse stakeholders in Nigeria's electoral system, should serve as a guiding set of rules and standards for all future elections. We invite all political parties, candidates, elected officials, and members of civil society to endorse these principles, subscribe to them in their political conduct, and treat them as a benchmark for judging the conduct of elections.

ELECTORAL REFORM CONFERENCE SESSION COORDINATORS

(Listed in order of appearance in the Conference Proceedings)

PROFESSOR ATTAHIRU JEGA

DEPARTMENT OF POLITICAL SCIENCE, BAYERO UNIVERSITY, KANO

Professor Attahiru Jega holds a B.Sc. (ABU), M.A., PhD (Northwestern, U.S.A.). He served as a member of the National Political Reform Conference in Nigeria and was the former Director of the Centre for Democratic Research, Kano. Professor Jega is presently engaged in expanding the scope of scholarship and research on democratic theory, democratic conduct, and democratic practice. He has published several books on the problems and prospects of democracy, development and poverty eradication in Nigeria.

GLOBAL RIGHTS

Global Rights is a human rights advocacy group that partners with local activists to challenge injustice and amplify voices within the global discourse. In Nigeria, Global Rights trains and partners with local organizations to achieve gender balance in staffing and programming and mobilizes support for initiatives that address Nigeria's constitution, criminal justice system and electoral procedures. **Dr. Jibrin Ibrahim**, Country Director, facilitates networking, organizes training sessions and coordinates international advocacy study tours for partner civil society organizations promoting a legislative agenda for Nigeria's democratic dispensation. He is currently the Convenor of the Citizen's Forum for Constitutional Reform, a coalition of 80 organizations coordinating civil society efforts directed at reforming the 1999 Nigerian Constitution. Dr. Ibrahim was a founding member of the Movement for a Progressive Nigeria in 1975 and the founding General Secretary for the Youth Solidarity in Southern Africa in 1976.

Dr. Ibrahim holds a PhD in Political Science from the Institut d'Etudes Politiques in Bordeaux, France; a post-graduate diploma in International Economic Relations from the International Institute of Public Administration in Paris; and an MSc in Political Science from Ahmadu Bello University in Zaria, Nigeria. He is fluent in English, French and Hausa.

AREWA HOUSE

Arewa House was established as a centre for historical documentation and research under the auspices of Ahmadu Bello University, Zaria, Nigeria. Located in Kaduna, the compound was originally the residence of the late Premier of Northern Nigeria, Sir Ahmadu Bello of Sokoto. Arewa House procures, preserves, analyzes and organizes forums for discussing issues of national and international interest with particular emphasis on issues of specific interest to the development of northern Nigeria. The centre is also concerned with contemporary studies on policy, peace and leadership. Arewa House is today a reputable research centre with an enviable core collection of books and manuscripts including higher degree dissertations from various universities in Nigeria and abroad. **Dr. Hamid Bobboyi** serves as Director of Arewa House.

ACADEMIC ASSOCIATES PEACEWORKS (AAPW)

Academic Associates PeaceWorks (AAPW) was established in 1992 as an NGO focused on building capacities for the management of conflict through study, intervention and greater public awareness. The organization is based in Nigeria and offers training programs on conflict management and peace education workshops for adults, students, youth community leaders, local government officials and religious leaders. To date AAPW has conducted over 170 skills-building workshops in various parts of Nigeria and northern Ghana in conjunction with Action Aid Ghana. AAPW also provides conflict management training to both Muslim and Christian religious leaders and journalists focusing on interpreting violent conflict and election monitoring. AAPW is directed by **Dr. Judith Asuni** who is also a consultant in conflict management in Lagos, Nigeria.

THE NIGERIAN BAR ASSOCIATION

The Nigerian Bar Association is a professional body driven by the knowledge and skills of its members to lay the legal foundation for sustainable development in Nigeria. Its activities are focused on the rule of law and respect for human rights and freedoms as well as a commitment to democracy and democratic principles. **Barrister Nimi Walson-Jack** serves as the Association's Secretary General.

TRANSITION MONITORING GROUP

The Transition Monitoring Group (TMG) is a coalition of human rights, non-governmental and civil society organizations formed in August 1998 for the purpose of developing integrity in the electoral process by monitoring and reporting on the prosecution of the political programme in Nigeria. TMG has expanded to include 61 organizations, representing the country's six geo-political zones.

The coalition draws its strength from the varied interests of its member organs, including human rights environmental protection, prison reform, women's development and democracy. As a nonpartisan group the organization is committed to strengthening the integrity of the electoral process by monitoring media coverage, the human rights situation and voter education. TMG is directed by Festus Okoye, a Kaduna-based human rights lawyer. He is also the Executive Director and the spokesperson of a non-governmental human rights organization known as the Human Rights Monitor.

International Participants and Co-Sponsors

(Listed in order of Program Appearance)

Dr. Robert Pastor is Vice President of International Affairs, Professor, and Director of the Center for Democracy and Election Management at American University. He has combined a career of scholarship, teaching and public policy in government and non-governmental organizations. He served on the National Security Council (1977-81) and from 1985 until September 2002, he was Professor of Political Science at Emory University and Fellow and Founding Director of the Carter Center's Latin American Program and the Democracy Project. He has a Ph.D. from Harvard University and is the author or editor of 16 books on foreign policy and democratization.

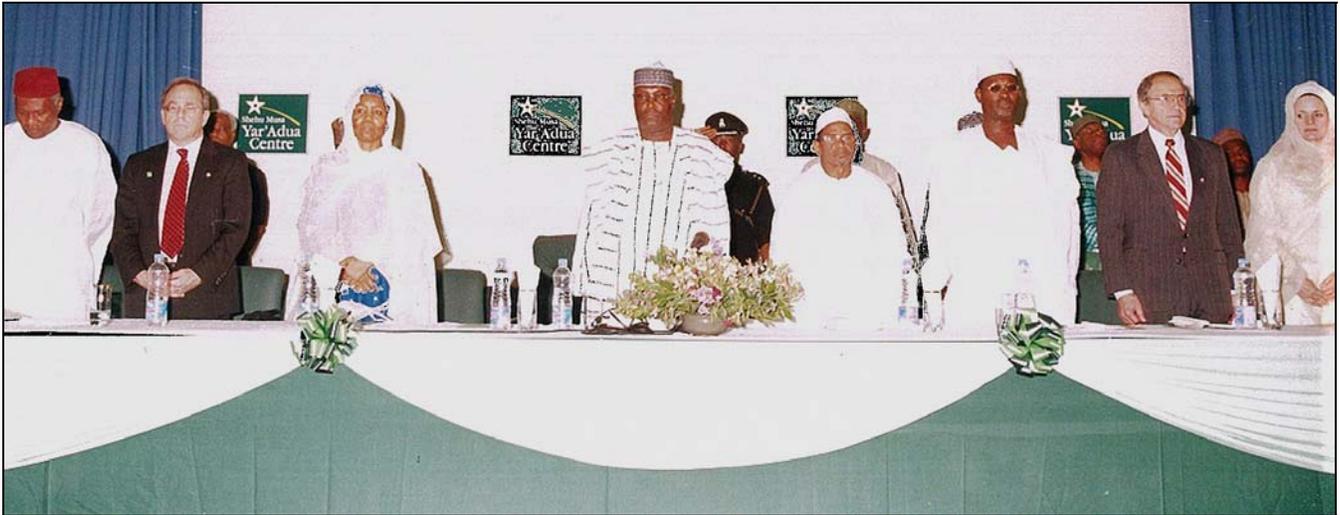
Dr. Peter M. Lewis is Associate Professor at American University's School of International Service. His interests include state-building, institutional development, economic change and democracy in developing countries, with regional concentrations in Sub-Saharan Africa and Southeast Asia. He has written extensively on issues of democratic change, civil society, and economic reform in Africa; the political economy of Nigeria; and public attitudes toward democracy and markets in Nigeria and Ghana. He has observed and analyzed Nigerian elections since 1983.

Ambassador Princeton N. Lyman is the Director of Africa Policy Studies at the Council on Foreign Relations and Adjunct Professor at Georgetown University. He has served as U.S. Deputy Assistant Secretary of State for Africa, Ambassador to Nigeria, Director of Refugee Programs, Ambassador to South Africa, and Assistant Secretary of State for International Organisation Affairs. Ambassador Lyman has a Ph.D. in Political Science from Harvard University and has published books and articles on foreign policy, African affairs, economic development, UN reform and peacekeeping.

Center for Democracy & Election Management

The Center for Democracy and Election Management (CDEM) at American University was established in September 2002 to educate and train students and professionals in the management and conduct of elections throughout the world; cross-regional comparisons of democratic institutions; and election mediation as an instrument for resolving problems between groups within a country. The Center benefits from its association with U.S. policy, governmental, and diplomatic institutions. AU's academic expertise in contemporary policy contributes to promoting and protecting democracy. Dr. Robert Pastor, Vice President of International Affairs and Professor of International Relations, is the Founding Director of CDEM. CDEM's project on "Election Reform in Nigeria" is managed by Senior Fellow and AU Professor Dr. Peter Lewis.

Electoral Reform: Building Confidence for the Future



From left to right: Yomi Edu, Dr. Robert Pastor, Hajia Binta Yar'Adua, Vice President Atiku Abubakar, Dr. Ali Nouhoum Diallo, Dr. Attahiru Jega, Ambassador Princeton Lyman, Hajia Jamilah Farris.



Nkoyo Toyo (L), Executive Director of Gender and Development Action (GADA), and Dr. Jibrin Ibrahim (R), Country Director for Global Rights



Dr. Peter Lewis addresses the conference

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