April, 2009

Garrison’ Democracy in Nigeria: The 2007 General Elections and the Prospects of Democratic Consolidation

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Available at: https://works.bepress.com/j_shola_omotola/1/

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ABSTRACT This paper undertakes a critical analysis of the 2007 Nigerian general elections, with emphasis on the ‘garrison’ process and its implications for the consolidation of democracy. It is argued that garrisoned electoral processes represent a powerful source of democratic instability that can threaten the consolidation of democracy. The paper illustrates these processes and concludes that much, however, will depend on how ‘winners’ and ‘losers’ manage their successes and failures, respectively. The greatest threats to the consolidation of democracy in the aftermath of the garrisoned elections relate to the handling of post-election issues, especially election petitions, tribunals and court processes, by all stakeholders in the democritisation process. So far, these issues would appear largely to have been properly handled by all affected parties, raising hopes of the possibility of mitigating potential pitfalls. Sustained efforts are required both to ensure that these democratic gains endure and to avoid democratic regression that could potentially lead to military intervention.

Introduction

Over the course of three weeks in April 2007, Nigeria held three rounds of elections at the national and state levels to fill executive and parliamentary positions. The first was the gubernatorial and State House of Assembly
(SHA) elections on 14 April. This was followed by the presidential and National Assembly (NA) – consisting of the Senate and the House of Representatives (HOR) – elections on 21 April. On 28 April, Nigerians had to endure a third round of elections in 27 states of the federation where the Independent National Electoral Commission (INEC) had conceded that there were massive electoral irregularities, sufficient to warrant a re-run of the elections at various levels. Ordinarily, this feat should pass for a landmark achievement in Nigeria’s democratisation process. Being a third election in the series, following the founding and second elections of 1999 and 2003 respectively, expectations were high. There was keen anticipation that Nigerians would have the opportunity to pass judgement on the managers of the state, particularly the ruling People’s Democratic Party (PDP). Given the apparent popular disenchantment with the PDP, there seemed a real possibility the outcome would lead to change and power turnover conducive to the consolidation of democracy. Peter Lewis, a leading American expert on Nigerian politics captures the importance of the 2007 elections when he notes that: ‘This is really a watershed election for Nigeria. This is a third election, and third elections generally speaking turn out to be important. They signal an opportunity for change and power turnover’ (Unger, 2007: 1). Given the colossal failure of previous elections in Nigeria, the 2007 elections also presented an opportunity ‘to occasion a break with the past, and rekindle public confidence in the electoral and democratic process of the country’ (Adejumobi, 2007: 12).

Rather than being a major step forward in the consolidation of Nigeria’s democracy, the 2007 general elections, judging by their ineffective administration and overall quality, measured in terms of ‘the extent to which political actors see the electoral process as legitimate and binding’ (Elklit & Reynolds, 2002: 86), seemed rather to have represented a major source of threats to the survival of democracy. At the end of the elections, the ruling PDP was declared winner with an unimaginable landslide at all levels. Alhaji Umaru Musa Yar’Adua won the presidency with 24,638,063 votes, amounting to 70.34 per cent of total votes cast, leaving the other 24 opposition presidential candidates with 10,385,442 votes (29.66 per cent) of total votes cast. Out of these, the two leading opposition candidates, retired General Muhammadu Buhari and Alhaji Abubakar Atiku of the All Nigerian People’s Party (ANPP) and Action Congress (AC) respectively, had combined votes of 9,243,143, amounting to 26.39 per cent of total votes cast. The PDP extended its dominance to all other elections, winning 29 of the 36 governorship positions (80.55 per cent); 247 of the 360 HOR seats (68.61 per cent) and 87 of the 109 senatorial seats (79.81 per cent) (Yusuf, 2007: 16–19).

From these statistics, the elections seemed a step backwards in Nigeria’s search for democratic consolidation. If the history of comparative African democratisation is anything to go by, the rise of a one party dominant state
and attendant decline and decay of opposition politics, are detrimental to democratic consolidation (Osaghae, 1999; Ake, 2000; Lumumba-Kasongo, 2005; International IDEA, 2007). This is more so when the emergence and consolidation of such dominance is generally perceived to be questionable, as Nigerian experience tends to suggest over the years. In such circumstances, the result has usually been counter-productive, leading to violent protests, signalling the possibility of democratic regression (Alafuro, 2005; Aremu & Omotola, 2007).

In the immediate aftermath of the elections, the political atmosphere became tendentious and tensely configured in a manner that raised questions and cast shadows on the prospects of democratic consolidation. Opposition elements, including civil society organisations (CSOs), rejected the election results outright. Subsequent to this declaration, they worked out a coalition upon which a nationwide protest against the perceived ‘selection’ instead of election would be anchored. Reports of reputable domestic and international observers of the elections were unanimous in their condemnation of the electoral process but also divergent on the way forward. There were killings, arson and looting as well as the wanton violation of the fundamental human rights of citizens in some states as expressions of societal disquiet about the elections turned violent (Adebayo & Omotola, 2007; see also Tell, 2007: 38). As the momentum of protest gathered, the Nigerian state, through the Nigeria Police, again demonstrated its usual aversion for political dissent and dissent when Mr Sunday Ehindero, the then Inspector General (IG) of Police, issued a directive to all police formations not to allow the planned protest by the opposition. He went ahead to authorise them to use ‘more than minimum force’ to end the protest.²

This paper offers explanations for the poor administration of the 2007 general elections in Nigeria and assesses likely implications for democratic consolidation. The central argument of the paper is that the failure of core stakeholders in the electoral management process, particularly the electoral management body (EMB), in this case INEC and the state that is supposed to provide an enabling environment, was due largely to the prevalence and practice of ‘garrison’ democracy in electoral constituencies across the country. A garrison ‘is a veritable fortress where the dominant party and/or its local agents/supporters are able to exercise control over the significant political, economic and community related social activities’ (Figueroa & Sives, 2002: 83). Wherever and whenever this prevails, it weakens possibilities for even-handed electoral management institutionally, behaviourally and attitudinally, with negative implications for democratic forces, particularly opposition parties, CSOs and the people in general, in the electoral process. Despite its strong manifestation and impact on electoral politics in Nigeria, the ‘garrison’ tendencies within electoral processes in Nigeria have not been given adequate attention. This article makes a modest contribution in this regard.
The paper opens with a theoretical exposition on the concept of garrison democracy. The second section situates the problem in historical perspective, and argues that a better understanding of the impact of a ‘garrisoned’ system on the 2007 elections will be fostered if it is treated as an historical process. The next section undertakes a critical analysis of the 2007 elections, with emphasis on the ‘garrisoned’ electoral process and its impacts. In section four, the paper examines the unfinished business which the ‘garrison’ process produced in terms of the contradictions between the executive and parliamentary election results, especially at the state level. This development, it is argued, represents a potential source of democratic instability that can threaten the consolidation of democracy. The final section of the paper concludes with the open question as to whether Nigeria’s democracy can survive in the aftermath of the ‘muddled’ 2007 elections (Suberu, 2007b). The central argument is that the impact of the garrison process on the elections has the potential to threaten the prospects of consolidation. Much will, however, depend on how the PDP manages its contested success and the opposition parties their failures. Crucial to future prospects for the further consolidation of democracy in the aftermath of the elections is the handling of post-election issues, especially election petitions tribunals and court processes, by all stakeholders in the democratisation process. Judging by Nigerian history, failure to handle such issues appropriately may ultimately lead to future military intervention.

**Conceptualising ‘Garrison’ Democracy**

In a conventional sense, a garrison is a fortress where a group of soldiers live to defend it from attack. In the unconventional application of the term in this paper, it is used in relation to democracy, the very antithesis of the military (Ojo, 2000, 2006). In this application to democratic elections, a garrison has been seen as ‘a veritable fortress where the dominant party and/or its local agents/supporters are able to exercise control over all significant political, economic and community related social activities’ (Figueroa & Sives, 2002: 83). In a garrisoned setting, therefore, there is zero tolerance for competing and opposition elements, where the locally dominant party can do ‘anything’, including blackmail and intimidation, to silence opposition forces.

Garrison democracy is a feature of a garrisoned community, that is a community ‘in which any individual or group that seeks to oppose, raise opposition to or organise against the locally dominant party would be in physical danger, thus making continued residence in the area extremely difficult, if not impossible’ (Figueroa & Sives, 2002: 85). In its extreme form a garrisoned community approximates a totalitarian social space in which the options of residents are largely controlled. Wherever this prevails, the community
(state) becomes the master of all and servant of no one, towering far above the law, with limited possibilities of restraining its powers. A garrisoned community can also be identified by an electoral process in which the dominant party controls the voting process, either through total or partial exclusion of the opposition (Figueroa & Sives, 2002: 85). In such cases, the dominant party indulges in all sorts of electoral malpractices, including vote buying and electoral violence to consolidate its reign.

In a garrisoned democracy, the strategy of the leadership of the dominant party is usually to circumvent all known democratic principles in its internal dealings in order to allow for the emergence of ‘dictators’ as party leaders. To attain this, the government is organised to become an all-powerful institution of the state, taking precedence over the party that produced the government, exploiting the fact that the state remains the largest arena of resources and the distributor of patronage. Since party executives also strive to benefit from the largesse of politics, they lobby the state for patronage such as ministerial and ambassadorial appointments as well as membership of boards of juicy government parastatals and award of contracts. The attendant deinstitutionalisation of the party leaves it at the mercy of the government, which is always desirous of retaining and consolidating power.

When the party has been conquered and captured, turning it into a willing tool in the hand of the government, the next step is to deploy the state machinery, including the treasury, mass media and security forces, to service the dominant party (government?) in power to guarantee its continuing dominance. The privatisation of state resources for the advancement of the interest of the dominant party may not really be a problem per se. The problem, however, relates to its application in such a way that it strangles the life out of opposition elements. This can be done in a number of ways. First, they can deliberately cripple crucial institutions, such as the EMB, by making them largely dependent on the government (party?) in power through its composition, appointment of its chief executive by the president, financial starvation and consequent low motivation, thereby forcing it to be partial and unaccountable to the public in its dealings. Second, given the dominance of state-owned media in Nigeria, as in most other parts of Africa, the media can be exploited to deliberately distort information, misinform the public and launch a campaign of calumny against the opposition to discredit them, leaving little or no space for the opposition in the state-owned media outlets. Third, the security forces can be co-opted to operate at the polls to ensure victory for the dominant party by all means, including providing security cover for election managers to rig outcomes in favour of the dominant party, even if all other strategies to ensure victory have failed.

The crux of the matter is that as these garrisoned features are manifested, there is usually limited or no room for redress. Democratic avenues for
redress or, better still, oversight institutions such as the legislature, civil society and the judiciary in particular, are also usually victims of the garrison democratic process. As such, they too suffer from the excesses of the state, symbolised by the excesses of the government (dominant party), usually through the promotion of a culture of impunity, where official disregard for law becomes pervasive. In such a situation, contempt of the courts, including the highest court of the land, becomes the rule rather than the exception. Under such a political atmosphere, it is almost impossible for the opposition to achieve power turnover. This is because the garrisoned state will only serve to further destabilise and frustrate any hope of a sustainable working alliance among historically fragmented and weak opposition elements.

These distinguishing features of garrison democracy have led scholars to envisage a high level of vulnerability to military intervention in politics. Harold Lasswell, for example, posits that a garrison state increases the willingness and ability of the military to intervene in politics as well as the popular acceptability of such action (Lasswell, 1941: 455–468, quoted in Cottey et al., 2002 and Ojo, 2009). This is one reason why the 2007 elections in Nigeria and their aftermath must remain a concern to all those interested in the sustainability of democracy in the country.

‘Garrison’ Democracy in Nigeria: An Historical Perspective

The democratisation process in Nigeria, as in most parts of Africa, exhibits some peculiar features. The most notable of these relate to the high level of instability that characterises the short history of the country as an independent political entity. Prior to the inauguration of the nascent democracy on 29 May 1999, there had been 11 changes of government since independence in 1960, including the Ernest Shonekan Interim National Government (ING). This high level of instability, a product of coups and counter-coups, may not be unconnected to the garrisoned nature of electoral processes and their negative implications for democratisation (Omotola, 2008a).

Students of Nigerian government and politics have attempted to explain and predict Nigeria’s political system using familiar concepts such as clientelism, prebendalism and lately godfatherism (Dudley, 1973, 1982; Joseph, 1987; Albert, 2005; Omotola, 2007a). While these concepts are closely related, they are not identical, each one highlighting overlapping but also differing features of the political process. Clientelism defines the nature of individual and group relationships within a broader social and political space, that is, personal relationships between patrons and clients in which material benefits are exchanged for votes and other transactions. Prebendalism denotes the competition for, and appropriation of, the offices of the state (Joseph, 1987). Godfatherism deals with the complex process through which ‘those who
have whatever it takes – . . . such as security connections, extended grassroots links, enormous financial weight, etc. – plot and determine the success or otherwise of a power seeker at any level of a supposedly competitive politics’ (Omotola, 2007a: 135). The common thread linking the three concepts is that they are all indicative of means to manipulate political processes and to influence the form and character, as well as the outcome, of electoral politics.

The history of elections in Nigeria is one of ‘electoral fraud and competitive rigging’ (Ibrahim, 2007: 2–3). Since the first general elections in 1959, no election in Nigeria has been completely devoid of malpractices, although the degree of malpractice has varied somewhat. In this regard, some scholars have argued that transition elections such as those held to disengage the colonial government in 1959 and subsequent ones to disengage the military from politics in 1979 and 1999 were better organised without systemic rigging. The argument has been that those elections were held under the supervision of strong arbiters/umpires, the colonial state and the military respectively, that were not participants themselves and desired free and fair elections (Onuoha, 2003: 50). This position must, however, be treated with caution and should not be overly stressed. In fact neither the colonial state nor the military political gladiators were entirely ‘neutral’ in the transitions they midwived. To the contrary, they demonstrated overt interest in who succeeded them in power. This partly explains why these elections did not differ in any fundamental sense from the consolidation (second and third) elections that are characteristically viewed as more fundamentally flawed (Olaitan, 2005; Seteolu, 2005).

Be they transitional or consolidation elections, the dominant features of electoral politics in Nigeria that tend to subvert democracy include electoral fraud and violence. Inevitably, this has ensured that elections in the county are associated with political tension and an atmosphere of crisis (Nnadozie, 2007). Commonly utilised tactics take the form of the use of political thugs and militias, ballot box stuffing, intimidation of opposition political party members and agents, falsification of results, maiming and killing and related anti-conventional means. As a source argues, ‘those interested in retaining power or winning at all costs, and especially actors who were in control of the instrument of the state simply “fixed” the result of the elections they desired to win’ (Onuoha, 2003: 59).

The tendency to garrison the electoral process was a critical factor in the collapse of previous republics in Nigeria. For instance, the collapse of the First Republic in 1966 had been partly explained in terms of the high level of irregularities that characterised the 1964/65 general elections (Post & Vickers, 1973). Similar explanations were offered for the collapse of the Second Republic in 1983 when the elections were fraudulently manipulated in favour of the ruling party, the National Party of Nigeria (NPN). The extent of fraud was such that in four years (1979–83), the number of eligible
voters from the support base of the party in power (NPN) increased by nearly 33 per cent, while in United Party of Nigeria’s (UPN) states, the leading opposition party, the eligible voters increased by only 12.3 per cent (Joseph, 1987: 172–173). By implication, the NPN had already won by a ‘landslide’ before the elections were conducted (Onuoha, 2003: 57). This and other forms of rigging and fraud precipitated an unprecedented level of post-election violence particularly in the south-western states of Ondo and Oyo, leading to looting, arson, killing and a total collapse of law and order (Damolekun, 1985; Babarinsa, 2002). It was the combination of these that brought the Second Republic to an abrupt end on 31 December 1983.

Since the return to civilian rule in 1999, the electoral process has not improved in any fundamental sense. The continuing high incidence of electoral corruption and violence have rekindled old fears about the prospects of democratic consolidation (Ibrahim, 2007; Omotola, 2008b). Reports of domestic and international election monitoring groups on the 1999 and 2003 elections were damning, reflecting the absence of a level playing field between the ruling party and opposition elements, with the former taking undue advantage of the power of incumbency to frustrate the latter (Omotola, 2006a). Fear of continuing problems remained pervasive as Nigeria approached the April 2007 general elections, reflecting expectations that these elections would also be garrisoned, leaving little or no public space for opposition parties. And that was what occurred, as the following section illustrates.

The 2007 Elections and the Consolidation of ‘Garrison’ Democracy

THE 2007 GENERAL ELECTIONS IN NIGERIA

INEC and the Charged Political Atmosphere

The garrison process began with the muddled preparation for the elections by INEC, itself a product of a sustained regime of violence against democracy in the country that became especially marked during Obasanjo’s second term (2003–07). This involved a deliberate scheme of subversion and perversion of democratic institutions by core political actors at the highest level (Aremu & Omotola, 2007: 56). This tendency was most pronounced within the presidency and its PDP, where ex-President Olusegun Obasanjo almost became a presidential monarch, who personalised the state. With this posture, the president appropriated all powers – executive, legislative and judicial. He was able to do this through undue interference in legislative affairs, most notably the appointment as Senate president and Speaker of the HOR of those he perceived to be loyal to him, masterminding their impeachment at any point their loyalty became doubtful. At the judicial level, he entrenched a culture of impunity, choosing which court order/ pronouncement to obey or not at will, the most notable example of the latter...
being the Supreme Court’s judgment on Lagos state local government statutory allocation that he unilaterally withheld. In this case, the Supreme Court had ruled that the allocation was illegally withheld and that it should be released forthwith. But Obasanjo insisted that until Lagos state heeded his demand that it reverted to the existing local government structures, also the subject of litigation, he would not release the allocation (Aremu & Omotola, 2007: 68). He did not release these funds during his tenure in office.

In the stakeholder meetings organised by INEC in December 2003 and February 2004, involving government agencies, political parties, CSOs and the electoral commission, to review the 2003 general elections, it was agreed that four critical obstacles to free and fair elections in 2007 should be removed by 2005. These included a review of the constitution to empower INEC in terms of institutional and financial autonomy. Here, the contention was that the current situation whereby INEC officers – chairman, national commissioners and resident state officers – are appointed by the president hindered the autonomy of INEC and should be changed. It was also agreed that INEC should be funded directly from the consolidated revenue fund so that the executive could no longer starve the commission of necessary funding. Secondly, it was resolved that the electoral bill should be passed into law. Thirdly, it was also resolved that, against the background of the inept manner in which the 2003 voter registration was carried out, there was need for a timely review of the register to update the list. Finally, it was agreed that INEC should distribute new voter identity cards with embossed photographs and biometric features, and that this should be done in a timely manner (Ibrahim, 2007: 4).

Although INEC agreed in principle to pursue these agreements to their logical conclusions, in practice it failed completely in some respects. And where it attempted to act, it did so neither according to agreements made nor in a manner satisfactory to stakeholders. The most notable instances relate to voter registration and identity cards. INEC did not commence the registration of voters until late 2006, barely a few months prior to the elections. By then, time had already run out for an orderly registration, leading to the hurried and disorderly manner in which it was carried out, inevitably resulting in the disenfranchisement of many Nigerians who could not secure registration while the exercise lasted. Another reason that may have contributed to the problem was the insistence of INEC on the use of direct data capturing machines, whose efficiency was limited by erratic power supply and shortage of skilled manpower to handle them effectively. This outcome becomes the more confounding given the fact that the debate that attended Maurice Iwu’s (INEC Chairman) resolve to use electronic voting machinery was profound, with Nigerians demonstrating serious reservations about its desirability and applicability in the Nigerian context (Alegbemi, 2006: 40–56). Moreover, numerous Nigerians were prevented from casting their votes
because the voter register was muddled up and because many could not find their names at the polling centres where they had registered. These outcomes indicate that INEC was not fully prepared to conduct free and fair elections.

The seemingly pre-programmed failings of the INEC were ably assisted by the over-charged and tendentious political atmosphere within which the elections took place. First, intra-party relations, particularly within the ruling PDP and especially as the elections approached, were at all times conflictual. While this was manifested in many dimensions, the most important of these conflicts, and the one with the most profound impact on the 2007 elections, was the politics involved in who might succeed then President Obasanjo and the latter’s third term agenda. Alhaji Abubakar Atiku, Obasanjo’s vice president, had a long-standing ambition to succeed Obasanjo as president via the PDP and had been working hard to build political and economic networks across the country. This ambition, however, became severely threatened when Obasanjo came up with the third term agenda, a deliberately and carefully designed political scheme to give him, and other chief executives at the state level, the opportunity to run for another term beyond the statutory two terms to be completed in May 2007 (Omotola, 2007b). This extension required a constitutional amendment. The presidency and its opportunistic political cabal deployed all resources at their disposal to secure a constitutional amendment, but to no avail. Both chambers of the NA failed to ratify the proposed amendment (Ibrahim, 2006).

This feat was not achieved easily. It took the effective mobilisation of CSOs, opposition elements and those whose presidential ambitions were threatened by the agenda to defeat the plan. Alhaji Abubakar Atiku was strongly fingered by the presidency as one of the financiers and masterminds of the anti-third term movement in the NA and among CSOs. With this, the stage seemed set for a battle of supremacy between President Obasanjo and his estranged vice president. Through the instrumentality of the Economic and Financial Crime Commission (EFCC), one of the country’s anti-corruption agencies and arguably the most potent, Atiku was alleged to have indulged in some shoddy deals with the Petroleum Technology Development Fund (PTDF) that fell under the direct control of his office. The presidency responded by setting up an administrative panel to investigate the matter. Within a few days the panel completed its work, found the vice president guilty and recommended that his name be gazetted and disqualified from contesting the 2007 election. The presidency adopted the report, followed its recommendations and gazetted it. On the basis of this, the INEC insisted on disqualifying Atiku from contesting the election and made good its threat when it went ahead to actually disqualify him. It took a landmark judgment by the Supreme Court on 16 April 2007, five days before the presidential election, to restore Atiku, finding that INEC did not have the power to disqualify candidates (Soniyi & Fabiyi, 2007: 2).
Earlier, on 22 December 2006, the ruling PDP had declared the position of the vice president vacant. This followed Atiku’s defection to a leading opposition party, the AC, to actualise his presidential ambition, which, given the configuration of power within the PDP at that time and the increasing hostility of the presidency towards Atiku, had become an impossible dream via the PDP. It took another landmark judgment by the Supreme Court to reinstate Atiku as vice president (Osaghale, 2007: 26). It was the combined impact of these developments that led to the frenzied atmosphere of ‘contrived political tension and confusion’ (Adejumobi, 2007: 13) that enveloped the country before, during and after the elections. It was widely believed among Nigerians that the travails of Atiku and the over-heating of the polity had more to it than met the eye. A dominant perspective was that, beyond the allegation of corruption, Obasanjo possibly had a score to settle with Atiku and felt that the best way to repay him was to ease him out of the presidential race, paving the way for his anointed candidate. While Nigerians were certainly not in support of corruption, they seem to insist on following the due process in bringing potential culprits to book (Omotola, 2006b). It, therefore, seemed to many that the only offence Atiku had clearly committed was the alleged role he played in thwarting the actualisation of the third term agenda. The presidential race was interpreted as offering ex-president Obasanjo the most appropriate pay-back opportunity.

**Electoral Administration, Irregularities and Monitoring**

The tensely configured political environment, coupled with Obasanjo’s condescending attitude towards the elections – including reckless campaign speeches such as his infamous and widely condemned declaration that for him and his party, the PDP, the presidential election was going to be ‘a do or die affair’ (see Omotola, 2007a: 143) – had serious implications for the conduct of the elections. From available reports, the April 2007 general elections seem the most flawed in the electoral history of Nigeria. The general administration of the election was very poor. Not only was INEC not independent, reflecting the appointment of its key officers by the president, and its funding not from the consolidated account, but it was also partial and ineffective. The playing field was heavily weighted against opposition candidates and parties. The PDP exploited and took advantage of state apparatuses such as the government owned media houses, particularly the NTA and Radio Nigeria, security forces, including the military and police, and INEC. A vast number of the electorate were disenfranchised through a potent combination of electoral violence and a disordered voter’s register. In short, the maladministration and manipulation of the 2007 general elections to service the interests of the ruling PDP was unprecedented (Aiyede, 2007; Ojo, 2007; Suberu, 2007a, 2007b).
Some of the notable irregularities that undercut the elections included late commencement of voting in many parts of the country, inadequate voting materials, lack of secrecy in the voting process, omission of names and/or pictures of some candidates from the ballot papers, prevalence of under-age voting, and rampant cases of ballot bag snatching at gunpoint by party thugs and militias. Others include the stuffing of ballot bags with already thumb-printed ballot papers, reported cases of collaboration between security officials and party agents to rig elections, violence and intimidation of opposition political party members and agents, lack of transparency in the collation, counting and tabulation of votes and outright falsification of results (Adejumobi, 2007: 14–15).

The reports of both domestic and international observers attest to the garrisoned nature of the electoral process. The European Union Election Observation Mission (EUEOM), for instance (2007: 2), submits that:

The 2007 state and federal elections have fallen short of basic international and regional standards for democratic elections. They were marred by poor organization, lack of essential transparency, widespread procedural irregularities, significant evidence of fraud, particularly during result collation process, voter disenfranchisement at different stages of the process, lack of equal conditions for contestants and numerous incidents of violence. As a result, the elections have not lived up to the hopes and expectations of the Nigerian people and the process cannot be considered to have been credible.

The International Crisis Group (ICG, 2007: 4) also expressed serious misgivings about the elections. It reported that:

The elections in the view of Nigerian and the many international observers alike were the most poorly organized and massively rigged in the country’s history. In a bitterly contentious environment, outgoing President Olusegun Obasanjo and his People’s Democratic Party (PDP) acted with the unbridled desperation to ensure sweeping, winner-take-all victories, not only in the presidency and federal legislatures, but also in state governorships and assemblies. Characterized as a ‘do or die’ battle by Obasanjo, the campaigns and elections also witnessed violence, including over 20 people killed.

The report continues (ICG, 2007: 5):

Widespread electoral malpractices and the staggering scale of falsified results were possible because of serious shortcomings with the regulatory agencies most notably the … (INEC). Vigorously manipulated by the
presidency, INEC virtually abdicated its responsibility as an impartial umpire. Inefficient and non-transparent in its operations, it became an accessory to active rigging. Similarly, the massively deployed police and other security services helped curb violence but largely turned blind eyes to, and in some cases helped in, the brazen falsification of results.

Other international observers also gave similarly negative verdicts on the elections. The National Democratic Institute (NDI), led by former US Secretary of State Madeleine Albright, reported that: ‘Though INEC scored itself 80 per cent, but I felt if I were to score her based on her performance, I will score her a failure grade. INEC did not just work’ (The Week, 7 May 2007: 14–22). The International Republican Institute (IRI) also noted that the elections fell below the standards the country had set in previous elections as well as falling below international standards. It noted cases of underage voting, errors on voter’s registration list, stuffed ballot boxes, lack of privacy for voting, falsified results and several other forms of irregularity (The Week, 7 May 2007: 14–22).

Domestic monitoring groups also gave damming reports on the elections and even called for their outright cancellation in 10 states based on what they called ‘the irregularities and intimidation of voters and opponents’, which collectively ensured that the election results failed ‘to reflect the will of the people of the states’ (Ekpe, 2007: 9). In a follow-up to the call for cancellation, the coalition of domestic observers threatened to mobilise Nigerians over the need ‘to embark on mass action including strikes’ if INEC failed to nullify the elections in those states and re-run them (The Nation, 4 May 2007: 6). The Transition Monitoring Group (TMG), the most credible of all the domestic teams on the strength of its national outlook and international networks, and which had deployed about 50,000 field workers to monitor the elections across the country, submitted that (The Week, 14 May 2007: 19):

Our monitors throughout the country documented numerous lapses, irregularities and electoral malpractices that characterized the elections in many states. We therefore reject it and call for its cancellation. INEC has failed woefully in its responsibilities to conduct free and fair elections. We call on the international community not to recognize these discredited elections and not to confer legitimacy on any government that emerges therefrom.

Incumbency, Electoral Manipulation, Petitions and Judicial Pronouncements

It is important to underscore why the ruling PDP was able to execute such a comprehensive manipulation of the electoral process in its favour.
This outcome is clearly not unconnected to its power of incumbency, which it mobilised negatively to manipulate INEC and the security forces into rigging the elections. This was possible largely because of INEC’s inadequacies and internal contradictions, some of which have been noted above. The motivations are two-fold. The first may have been to humiliate Atiku by frustrating his victory at the poll and to ensure that the PDP retains power at all costs. Given the generally poor performance of PDP governments at the centre and in most states, the party had nothing in concrete terms to offer the electorate in their campaigns. The only option left was the resort to blackmail and intimidation of opposition forces. The second may have been to pave the way for Obasanjo’s anointed candidate, trusted to the core, who will not only continue with his policies in office, but also possibly cover his tracks.

The responses from the various stakeholders were mixed. INEC, for example, insisted it did a fabulous job and even went on to score itself 80 per cent. It was, however, modest enough to admit there were irregularities in some places and to call for a re-run in these. President Obasanjo also admitted there were irregularities, but claimed they were not sufficiently systemic to warrant the cancellation of the elections. He appealed to the aggrieved to utilise due process in seeking redress. Interestingly, opposition forces also opted for due process in pursuing their protests. However, there were massive violent protests across several states, particularly in the southwest, south-east and south-south, where the irregularities and violence seemed to have been most pronounced. In Osun, Ondo, and Ekiti states, for example, aggrieved voters trooped to the streets, protesting violently against the misappropriation of their mandates. In the process, there was wanton destruction of property, arson, looting and killing.

The response of the state to popular disenchantment and protest against the perceived manipulation and overturning of the people’s will was unnecessarily violent. The massive deployment of fully armed military led to the reckless violation of human rights through curtailment of free movement of people, extortion of motorists, violence against women, especially rape, and the killing of innocent souls by ‘accidental discharges’. Post-election Nigeria was a community under siege and this situation lasted for between four and six months in some states, notably Osun state where the post-election violence seemed most pronounced. When notable Nigerians spoke out against the massive rigging of the elections, the government did not take kindly to it. The most notable example was Senator Ken Nnamani, the then Senate president, who expressed disappointment over his disenfranchisement. The federal government responded by accusing him of trying to destabilise the electoral process to enable him actualise his dream of heading an Interim National Government. He was then threatened with treasonable felony to silence him.
Beyond this evidence, the most eloquent testimony to the garrisoned nature of the electoral process emerges from judicial pronouncements on electoral disputes brought before the courts. While there have been many remarkable judgments — especially one that nullified the stolen victory of the PDP in Edo state and restored Adams Oshiomole, the AC gubernatorial candidate as the duly elected governor of the state without the rigour of a re-run — the most controversial of them all was the presidential election suit. In this case, Buhari and Atiku had gone to court to challenge the declaration of Yar’Adua as the winner of the 2007 presidential election by INEC. Both of them pleaded at the Presidential Election Petition Tribunal that the presidential election was fraught with substantial irregularities such as to make it a non-election, calling for its invalidation and a re-run that would be transparent and in compliance with the electoral laws. In addition, Atiku also complained that he was unlawfully excluded from the presidential election, thus making the election a nullity.

In a unanimous decision of the Court of Appeal on 26 February 2008, which served as the Presidential Election Petition Tribunal and where the two cases were consolidated, the court dismissed the petitions and upheld the election of Yar’Adua. Expectedly, the petitioners took their cases to the Supreme Court of Nigeria. Unlike in the Court of Appeal, there was no unanimity in the judgment. Four justices of the court dismissed Buhari’s appeal and upheld the election of Yar’Adua, in agreement with the lower court, not necessarily for its sanctity, but for want of evidence. While they agreed there were evident cases of non-compliance with the electoral laws, the issues were not deemed serious enough to warrant the invalidation of a presidential election (Ogundele, 2008; Soniyi, 2008).

The most controversial of the issues raised by Buhari was the non-serialisation of the ballot papers used for the election as stipulated by the Electoral Act 2006. To be sure, section 45(2) of the Act provides that ‘the ballot papers shall be bound in booklets and numbered serially with differentiating colours for each office being contested’ (Federal Republic of Nigeria, 2006). Despite the apparent violation of this crucial law, those who upheld the election against the petitions of Buhari ignored the provision and found justification elsewhere, particularly in the contentious and nebulous phrase: substantial compliance.

Interestingly, this very point also constituted the crucial factor for the dissenting justices who ruled against the election of Yar’Adua. George Oguntade, who delivered the lead judgment here, with the concurrence of his co-dissenters, held that the non-serialisation of the ballot papers constituted a substantial violation of the electoral law, which mandated that the ballot papers be serialised and bound in booklets, therefore rendering the election a nullity. For these justices, the central question was whether there could be an
election without ballot papers that could be considered legally valid. According to Justice Oguntade (Soniyi, 2008: 9):

The inevitable conclusion I arrive at is that the failure of the 1st and 2nd respondents (the Independent National Electoral Commission and Maurice Iwu) to use serialized ballot papers bound in booklets is clearly a non-compliance which shows that the 2007 presidential elections were not conducted substantially in accordance with the principles of the Electoral Act, 2006. The court below should have nullified the said election for this reason ... They failed to bear in mind that the printing of serialised ballot papers and bound in booklets was an act to be performed before the elections were conducted. The said act therefore was a condition precedent to the holding of the elections. When the provision of the law requires an act to be performed before taking any further steps and that act is not performed, the further step taken may amount in law to a nullity.

In his reaction to the judgment from the court (Soniyi, 2008: 9) Oguntade said:

The reasoning of the court below appears to be curious. They proceeded on the basis that the elections conducted with ballot papers unauthorized by law was valid; and then turned round to ask the petitioners/appellants to prove that the same election was invalid for non-compliance. They unwittingly put the cart before the horse. This was a strange way to reason for a court. A court could not first assume that a disputed act was valid and then place on the plaintiff the onus of proving the invalidity of the same act when what was in dispute was the constitutive elements which would lead to a pronouncement of the validity of the act.

Another controversial issue was that of the exclusion of Atiku from participating in the election. This issue also polarised the court. Justice Katsina-Alu who delivered the lead judgment in the case dismissed the claim of the appellant that he was excluded from the election, having duly participated in the election. Having dismissed the appeal, he did not deem it fit to consider other issues raised in the appeal. But Justice Oguntade again disagreed, pointing to the recklessness and lawlessness of INEC in discharging its duties.

The divided Supreme Court judgment, in the ratio 4:3, meant the case could have gone either way. Some have suggested that, were it not for the power of incumbency and executive manipulation at the highest level, including allegations of bribery and corruption, Yar’Adua could have lost the case (Sahara Reporters, 12 December 2008). While the judgment seems to have conferred
constitutional legitimacy on the Yar’Adua’s government, the sharp polarisation among the judges raises critical moral questions. As Gani Fawehinmi, a leading Nigerian constitutional lawyer and human rights activist, rightly pointed out, ‘by this judgment Yar’Adua has been given the legal power to govern Nigeria with a diminished moral authority to do so, in view of the catalogue of indictments in the dissenting judgment of the three out of the seven Supreme Court justices of Nigeria’ (Madunagu et al., 2008: 9). The Conference of Nigerian Political Parties (CNPP), a coalition of Nigerian parties, reacted by describing the judgment as ‘a travesty of justice, reversal of the gains of democracy and indeed, good-bye democracy’. It castigated the judiciary, insisting that with the judgment the Supreme Court had signed ‘into this unholy alliance with do-or-die political culture advocates’, which may encourage people to resort to self-help rather than to due process in future elections (Omokhunu, 2008: 3). For Festus Keyamo, a radical Nigerian lawyer, neither Yar’Adua nor INEC had anything to celebrate as a result of the judgment, pitching his tent with the reasoning of the dissenting judgment.

A positive outcome, however, was the decision of the appellants to accept the pronouncement of the apex court in good faith. Although both Buhari and Atiku were disappointed – stating that the ‘Supreme Court let judiciary down’ and terming the outcome ‘a lost chance for democracy’ in their respective reactions to the judgment (Fabiyi, 2008a: 8; Fabiyi & Mojeed, 2008: 10; Ojiabor, 2008: 1–2) – their decision to accept the verdict and abide by it has significant ramifications for the development of a democratic political culture. This attitude is particularly striking against the background of palpable fear of a violent backlash which gripped the presidency before and after the judgment, forcing security chiefs to hold emergency meetings (Fabiyi, 2008b: 16). If Buhari and Atiku had rejected the verdict of the Supreme Court, their teeming supporters could have interpreted the message as an open invitation to violent protest.

The Unfinished Business

One indisputable fact about the 2007 elections was that they helped to consolidate the emergence of a one party dominant state in Nigeria, with attendant implications for the decline and decay of opposition politics. The preceding 2003 elections appeared to have set the stage for a one party dominant state when the ruling PDP recorded landslide victories in core traditional opposition areas, particularly the south-west, through fraudulent means, including electoral fraud and violence (Alafuro, 2005). What the 2007 elections did was to expand the sphere of influence of the PDP through a more structural and systemic process of electoral manipulation. This gave the PDP 70.34 per cent
of the total votes cast to win the presidential election, leaving the other 24 opposition candidates with 29.66 per cent. It also won 29 of the 36 (80.55 per cent) governorship positions; 247 (68.61 per cent) of the 360 HRRS seats and 87 (79.81 per cent) of the 109 senatorial seats.

While there are justifiable reasons to fear the emergence of a one party dominant state in Nigeria, if the lesson of recent comparative experience is anything to go by, nothing seems to be inherently bad about it. This is especially the case if party dominance emerged on the basis of objective criteria such as its performance in governance since it came to power and its ability to entrench good governance at all levels. Such a party would have justifiably secured the continuing support of the people, thereby converting the power of incumbency into a democratic asset. However, the reverse becomes the case when the party in question is known to have lost its credibility and popularity rating among the people due to its anti-people policies. This latter sense seems the more prevalent judgement of Nigerians about the PDP, given popular disenchantment with its policies. Unpopular PDP policies included the privatisation of public enterprises in a manner that disempowered the masses and widened the gap between the rich and the poor, its retrenchment policies, incessant increases in the price of petroleum, kerosene, and diesel and the ceaseless assault on labour through several attempts to criminalise strike action (Saliu et al., 2008). In such a situation, the power of incumbency becomes a liability.

The import of the foregoing series of unpopular policies was that the PDP-led government under Obasanjo conducted the 2007 elections with a serious ‘incumbency liability’ that ordinarily should affect its performance in the elections negatively. Contrary to popular expectations, however, the reverse was the case. This was not because efforts were made to convert the liability into an asset through electioneering campaigns and sustained mass mobilisation through popular appeal on specific issues. Instead, campaign rallies and speeches were laced with the language of threat and violence such as the infamous ‘do or die’ declarations of Obasanjo.

It therefore seems reasonable to argue that the PDP’s landslide victory leaves much to be desired. This is particularly so in some states where the PDP won the gubernatorial election convincingly but could not repeat the same feat in the House of Assembly elections. This was the case in Ekiti, Oyo, Osun and Ondo states. In Ekiti state, for example, the PDP and the AC won 13 seats apiece. In Osun state, the PDP had 15 against AC’s 11. In Oyo state, the PDP had 13 seats, ANPP 11 and AC 4. Worse still, most of the elections that have been annulled so far by the election tribunal were those of PDP members, particularly in Ekiti, Ondo and Osun states.

The above trends suggest negative implications for sustainable democracy. The lessons of recent history in Nigeria attest to this. Between 2003 and 2007
when the PDP had a two-thirds majority in most State Houses of Assembly, they failed to manage impeachment crises well (Omotola, 2006c). Currently, where the PDP does not enjoy a majority in some State Houses of Assembly, the situation may become worse, and could get out of hand. If this happens, it may engender democratic instability through unstable executive–legislative relations, as well as intra-legislative conflict.

Already, this tendency has begun to manifest itself, the most pronounced case being Ekiti state where, for several months after the elections, the House of Assembly could not be constituted due to crisis over the speakership between the PDP and the leading opposition party, the AC. The attempt to manipulate the process and impose PDP’s executive hegemony resulted in a free-for-all fight among the legislators, which for a very long time defied all reconciliatory efforts (see *The Nation*, 6 June 2007: 9). The peace deal that was eventually struck, leading to the emergence of Honourable Femi Bamisile of the PDP as Speaker of the House, has proved to be a costly palliative. He has since been impeached. The attendant twists and turns have made it absolutely impossible for the House to convene within its premises for some time now, as Segun Oni, the state governor, is battling hard to ensure the Speaker’s reinstatement.

This is just one out of many cases. The contradictions between PDP’s landslide at the executive level in the state and opposition party successes in some State Houses of Assembly and the attendant impasse, both real and potential, are what I refer to above as ‘the unfinished business’. In such circumstances, it will take more than the ingenuity of core political actors to mitigate the clashes that may be unleashed on the political system, more so as the victory of the dominant party is largely perceived as questionable.

### Conclusion: The Faltering Prospects of Democratic Consolidation

*Democratic Survival?*

In the aftermath of the 2007 general elections, can Nigeria’s democracy survive? This question becomes pertinent against the background of the deepening crisis of electoral governance associated with the elections and its attendant deep-rooted legitimacy crisis. As the preceding analysis suggests, the electoral process seems effectively garrisoned at all stages – before elections, during them and in the immediate post-election period. The scenario so far presented conjures the picture of a very gloomy future for democratic consolidation in Nigeria. This is not to say, however, that everything about the prospects of consolidation begins and ends with the elections. While the overall quality of the elections matters for consolidation, the challenges of consolidation are much broader, and prospects, so far, seem brighter.
First and foremost, whether Nigeria’s democracy in the aftermath of the elections offers any prospects of consolidation depends on how the winning and losing parties manage their successes and failures respectively. Given the immensely tense political atmosphere, the PDP needs not to over-celebrate its victory or it will be seen as contemptuous of other parties who felt short-changed in the elections. It should also embark on measures to heal the wounds which the maladministration of the elections inflicted on opposition elements, civil society and the political system in general. In this regard, the PDP would appear to have started well.

Two important steps taken by the party are illustrative. First, the Yar’Adua government acknowledged the need to carry other parties along in running state affairs and therefore invited them to join in forming a Government of National Unity (GNU) (Fabiyi, 2007). While some accepted the offer unconditionally, some gave conditions for participation in the GNU, and others rejected it outright. In some quarters, this gesture was widely acclaimed as a step towards healing the wounds of the elections and forging national unity. However, it may also be a strategy on the part of Yar-Adua and his PDP to douse tensions and buy legitimacy for its largely discredited government.

Second, President Yar’Adua, in the wake of the impasse that attended the elections, acknowledged in his inaugural speech that there were flaws in the electoral process, which he promised to address. True to his promise, the president inaugurated a 23-strong electoral reform panel on 28 August 2007 to chart an alternative electoral future for the country. The composition of the panel gives some glimmer of hope as it consists of people of credible character, including a former Chief Justice of Nigeria, Justice Muhammad Uwais as its Chairman, renowned scholar-activists and other notable Nigerians from various walks of life. An interesting dimension was the inclusion of notable figures from the CSOs, particularly Festus Okoye of the TMG and Jibrin Ibrahim of the Global Rights and Centre for Democracy and Development (CDD) (Oderemi & Thomas, 2007; Oladesu, 2007; Yar’Adua, 2007). While the recognition accorded the CSOs in the reform panel may be an indirect acknowledgement of their centrality to the resolution of the lingering electoral logjam, it ought to be treated with caution. It can also reflect a deliberate ploy of the government to ambush and wean them from their civil activism through patronage appointment. Be that as it may, it seems a good decision for the government to constitute such a panel. In discharging its responsibilities the panel also did a good job, convening public hearings in selected locations across the six geo-political zones of the country and submitting its report to the government. A greater challenge, however, and one that is yet to be met, will be executing the recommendations of the panel.

The opposition parties too have so far managed their failures well. The most eloquent testimony today remains their resolve to exploit due process to
redress their electoral grievances. Though occurring at various levels, almost all the parties have one petition or the other running before the election petition tribunals or conventional courts. This suggests an increasing faith and confidence in the judicial system as the repository of fairness, equity and justice. This confidence in the judiciary is understandable, given its increasing assertiveness epitomised by notable landmark judgments it gave in the convoluted march towards the elections. The most notable of these judgements are the ones that set aside INEC’s disqualification of Atiku and those that reversed the illegal impeachment of state governors in Plateau and Oyo states (Ayorinde, 2007; Soniyi, 2007; Tsa & Edi, 2007; Adetayo, 2007). Whether the same perception still stands in the wake of the more recent judgments that have been handed down by the election petitions tribunals/courts is another thing entirely. However, the decision of the main opposition candidates, Buhari and Atiku, to respect the pronouncement of the apex court, despite lingering legal controversies surrounding the judgment, represents another crucial harbinger of hope.

Open Issues

The future of Nigerian democracy is clearly dependent on how well, and on how timely, post-election issues, particularly allegations and counter-allegations at the tribunals and courts, are handled. In handling these cases, it is important that the judiciary is independent, courageous, fearless, meticulous and objective. So far, the judiciary would appear to have demonstrated some contradictions in handling election matters. There have been landmark judgments from the election tribunals and/or courts that lend credence to this contradictory picture. For instance, Andy Uba, the elected governor of Anambra under the PDP, had his election nullified by the Supreme Court because there was no vacancy for the position. Peter Obi, the incumbent governor before the election, had only been in office for about two years of his four year tenure before INEC conducted the election that produced Andy Uba. This provided the basis for the annulment of the election and the restoration of Peter Obi as governor. In another landmark judgment, the Supreme Court removed Celestine Omehia, who won the governorship election in Rivers state, and replaced him with Rotimi Amaechi, who won the PDP primary election in the state but had his name substituted for Celestine Omehia’s by the INEC. The governorship election results in Kogi, Kebbi, Edo and Adamawa states were also annulled by the election tribunals for one irregularity or another, calling for a re-run. Results in several parliamentary seats in both state and national legislatures have also been nullified (Adekeye, 2007).

Despite these achievements, it is unfortunate that most of these judgments were upturned at the appellate level, resulting in raging controversies because
the new decisions were predicated upon legal technicalities, rather than want of evidence, often using such technicalities to deny petitioners electoral justice. In addition, the cases before the tribunals are taking too long to dispense. More than one year after the elections, at the end of January 2009, some courts had yet to make pronouncements on electoral appeals before them. This is in sharp contradiction to the provision of section 148 of the Electoral Act which provides that ‘an appeal arising therefrom under the Act shall be given accelerated hearing and shall have precedence over all other cases’ (Federal Republic of Nigeria, 2006). In the case of presidential election petitions, for example, the hearing of the case at the tribunal took nine months and the appeal eight months (February–December 2008). Yet the declared winners had already assumed office, with the full accolade of the paraphernalia of office. This confers undue advantage on the incumbents in seeking electoral justice. In the cases of elections that were re-run, gains for democratisation were soon reversed as the incumbents won again. They won not because of their popularity, but more because the circumstances that underpinned their stolen victory in the first instance still subsist. For example, it is still the same INEC and its principal personnel, who have been continuing to battle hard to rescue their names from the mud.

More importantly, it is one thing for the judiciary to make its pronouncements; it is another for the executive to implement the decisions accordingly. Under Obasanjo’s presidency, he chose which judgments to execute and those not to be executed. One hopeful sign is the Yar’Adua’s government’s inclusion of respect for the rule of law as one of the seven cardinal focal points of his administration. So far, in practice, the government has been showing responsiveness to the rule of law, obeying court orders and executing its decisions appropriately. This is certainly good for the restoration of faith in the judiciary.

Despite these advances, however, it seems too early to judge whether the government is truly committed to the rule of law or not. The publicly avowed commitment to the rule of law may be part of a strategy to persuade the massively disenchanted public of the validity of the general elections and to win their support. As soon as this is achieved, the current regime of rule-of-law friendliness may nosedive. Some signs that this may be the case are already emerging. At the retreat for judges in Port Harcourt, the Rivers state capital, President Yar’Adua issued a subtle threat to the judiciary. He claimed that he had been executing their judgments not because they were objective or informed by purely legal considerations, but rather because he had made a commitment to respect the rule of law. He therefore urged judges to be objective in their handling of cases, not basing their judgments on the ‘bandwagon’ effect (Orji, 2007). The timing of this weighty pronouncement may have been deliberately fixed to ensure that the message
sunk in. It may well have been intended to lobby the judges or create fear in
them in relation to their handling of the presidential election petition then
before them, the outcome of which was of clear concern to the president
and his party. The president’s position received widespread condemnation.
The Nigerian Labour Congress (NLC), for example, responded to it thus
(Awowole-Browne, 2007: 12):

The President’s comments are patently self-serving and portray the partisan
position of a usual politician rather than a statesman. Above all, it is clearly
dangerous because it represents an attempt to intimate and blackmail the
judiciary. It is particularly worrisome because Mr. President and his
party have pending cases against them at the presidential election tribunal.

These notable shortcomings notwithstanding, the handling of the electoral
impasse so far seems moderately hopeful overall. A little more commitment
may help to sustain ongoing reform efforts and to push them through. In
this Herculean task, all stakeholders in the democratisation process – CSOs,
mass media, the judiciary and the people – must be united to sustain the
struggle against the drift toward the consolidation of garrison democracy in
Nigeria. While international support is important, ultimately this is a matter
in which domestic forces must shoulder greater responsibilities. The democ-

cracy project may falter, but it is certainly far from dead (Folgreen, 2007).
Only if these efforts are sufficiently sustained to fully address the contradic-
tions of the 2007 elections can it be guaranteed that the military will be
kept at bay, denying them potential excuses for intervention in politics.

Acknowledgments

The first draft of this paper was written shortly after Nigeria’s 2007 general
elections when the author was with the Department of Political Science,
University of Ilorin, Nigeria. He has since relocated to Redeemer’s University,
Nigeria. The paper benefited from the useful comments of two anonymous
reviewers of Commonwealth and Comparative Politics to whom the author
wishes to express his gratitude. He is also grateful for CCP’s editorial input.
For any errors of omission and/or commission, however, the author accepts
sole responsibility.

Notes

1. Peter Lewis made this point at a panel that analysed the prospects of Nigeria’s 2007
general elections in the US. Also on the Panel were Don Heflin, Deputy Director for
the office of West African Affairs at the US State Department; Rotimi Suberu, a
widely acclaimed expert on Nigerian government and politics at the University of Ibadan and Senior Fellow at the US Institute of Peace, and Robert Pastor, the African Union’s Vice President (see Unger, 2007: 1).

2. The IG of Police made this known to police chiefs across the country in Abuja, the Federal Capital Territory on 30 April 2007. This was beamed to the nation via the 9pm national network news of the Nigerian Television Authority (NTA), 30 April 2007.

3. The four justices of the Supreme Court who upheld the election of Yar’Adua are Niki Tobi, who delivered the lead judgment, Idris Legbo Kutigi, the Chief Justice of Nigeria, Aloysius Katsina-Alu, and Dahiru Musdapher.

4. According to Justice Oguntade, citing the law of evidence, the word ‘shall’ is very crucial, in that its usage leaves the judges no room to consider any other factor. This, he insisted, made it mandatory for the Electoral Commission to comply with section 45(2) of the Electoral Act.

5. The justices who rule against the election of Yar’Adua are George Oguntade, Walter Onnonghen and Aloma Mukhtar.

6. The report detailed how a majority of the justices were heavily compromised by Aondoakaa, who the report claimed, ‘has earned a reputation as “Nigerian’s most corrupt attorney general”’, in the words of a senior lawyer in Nigeria. The report claimed that its ‘source indicated that Aondoakaa spent $30 million to buy a favorable verdict from the Supreme Court’. James Ibori, a former governor of Delta state, who currently faces allegations of money laundering at the Federal High Court, Kaduna, reportedly heads the new group of advisers and associates who served as a pressure group that spearheaded the lobbying to reach an ‘understanding’ with the supreme court in the case (see Sahara Reporters, 2008).

7. *Tell*, a leading weekly magazine in Nigeria, tagged this development a ‘judicial coup’. This was with particular reference to the Rivers State case where Rotimi Amaechi, who did not run in the election, was returned to office by the Supreme Court (see Adekeye, 2007).

8. Yar’Adua made this statement to the judges at the opening ceremony of their retreat in Port Harcourt. This was at a time when the presidential election petition tribunal was close to making its pronouncements on the cases before them relating to the presidential election (see Orji, 2007; Daily Triumph, 2007).

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