

Keynote Address by Rt. Hon. Joe Clark
Nigeria: A Post-Election Analysis
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Nigerian Election

I want to thank the consortium for arranging these discussions, and inviting me to come back to the Wilson Center, and join you today.

There are genuine experts on Nigeria in this room – and I am very conscious that I am not one of them. But I was privileged as a member of NDI teams, which visited Nigeria last year at the time of the debate about constitutional term limits, and again to observe the April election. To amend President Kennedy's remark once on how he got to Paris -- I was one of the people who accompanied Madeleine Albright to Abuja

I am also conscious of the limitations on observers, and – as a former Canadian Foreign Minister, living next to the United States, I am sensitive to questions of sovereignty. International observers and organizations may be able to suggest and support reforms, but we are not a substitute for domestic action.

At the end of the day, elections are internal matters. International observers are there by invitation. Our explicit mandate is to observe a domestic election, not direct it, not interfere in its conduct.

Of course, as a practical matter, we have a wider influence: observer organizations are a connection, sometimes a life line, for beleaguered civil society; they encourage -- and protect – domestic activists and observers; often they offer training and models for officials, civil society, political parties; their informal advice is often welcome and valuable; and the professional assessment of election observers helps inform the world's judgment as to whether elections are reasonably fair, and thus they affect the reputation of the host country.

The part of my biography that I emphasize is that I was an elected Prime Minister – I usually don't mention for how long – and a long-serving Foreign Minister. What may be more relevant, to a perspective on Nigeria, is that I was also the Minister responsible for constitutional affairs at a critical point in Canada, and spent my every waking hour, for 14 months, building agreement on fundamental changes in the policies and institutions of governance in a huge, diverse and inherently federal state.

In our case, the leaders – all the elected leaders, and leaders of the four major Aboriginal or indigenous groups – agreed on a comprehensive constitutional change. And then we took it to the people, in a national referendum, and they enthusiastically rejected it.

Big, diverse federations are not as simple as they might appear.

And no one pretends Nigeria is simple. An elemental part of the challenge of democratic governance in Nigeria is precisely the volatility and range of its diversity.

But the issue now is not inherent volatility. The issue is regression. A powerful country, which wants to regard itself, and which the world wants to regard, as an advocate and

example of positive development, has just set a very bad example, and imperiled its own reputation as an agent of change.

I won't review the depressing list of failures.

What is troubling about the election is not that some few things went dramatically wrong, but that, as our NDI delegation said, the 2007 polls represent a significant step backward in the conduct of elections in Nigeria.

A striking element of this election was the brazen pretense that everything was in order

- that the concerns expressed by opposition parties and by civil society were exaggerated;
- that INEC, the Independent National Election Commission, was competent and in control;
- that it was acceptable to use an allegation, by a commission on corruption, to disqualify leading candidates, and to declare holidays to delay the Court from reversing that disqualification;
- that it was credible to use presidential ballots which had no serial number;
- and, finally, that the election was 80% successful, that voter turnout was around 60% (which is roughly double what the overwhelming majority of domestic and international observers reported) and that the PDP candidate had won with a significant majority of the vote.

None of those specific claims is credible – but because the pretenses were offered and repeated with such authority, they raise the bar of credibility with respect to what the Nigerian government says now.

It is important to be clear about two related matters.

First, there has been real and significant progress on many fronts of Nigeria's democratic agenda. The courts displayed courage and professionalism in critical judgments. The Senate finally faced down the extraordinary pressure to ignore the constitutional limit on presidential terms.

Civil society is vibrant and courageous. So is the print media.

What has failed is the electoral system – that is dangerous both because elections are the active instruments of change in a democracy, and because the failure of elections is contagious, and imperils the rest of the system.

And second, those failures in the electoral system themselves reflect deep and continuing problems which can imperil the other institutions, and the culture, of democracy in Nigeria. Those problems range from corruption, through violence, through poverty and inequality, to indifference, to a cynicism and apathy that can in time become explosive.

Given Nigeria's size, and role, and importance, the example of what happens extends beyond its own borders. When things go right in Nigeria, that can be a model and incentive

for other countries; and when they go wrong, that too becomes contagious, and offers excuses, even incentives, for bad behavior elsewhere.

In that context, the international community must be aware that if we are not exacting in our assessment and treatment of powerful countries like Nigeria, it is harder to be seen as legitimate when we set high standards for other countries.

The issue of the elections now is before the tribunals and courts which are vested with the constitutional authority to hear and adjudicate election disputes. That process is slow to start because it requires evidence to be presented in sworn statements to begin proceedings, but there is some expectation that it could then move more quickly -- assuming a will to make it move.

In one significant decision already, the Court of Appeal has ordered the Election Commission to produce the documents on which it based its decision that Mr. Yar Adua had won the presidential election. If the Commission complies with the court order that would allow specific comparisons between the results which observers saw and recorded at polling stations during the actual count, and the figures the Commission claims are true.

No one knows when INEC will publish figures -- or whether it can -- or whether any evidence it produces can reasonably be accepted as being reliable.

However, the Electoral Commission has taken one decisive step. It has issued certificates of election to Mr. Yar Adua, and to the candidates it says won gubernatorial elections. That certificate is the ticket to inauguration -- so it is virtually certain that Mr. Yar Adua will be inaugurated as President of Nigeria on May 29.

Inauguration is one thing -- being able to govern effectively is another.

Those who know Mr. Yar Adua describe him as a man of ability, intelligence, and integrity, who was an effective governor of his state. But if it is often the case that elections produce leaders who are not well or widely-known, that is particularly the case here. It is another complicating factor.

Fundamental questions are bound to be asked. First, is he his own man? Then, who is that man -- what are his strengths, his weaknesses, his priorities, as head of state of an unusually complicated and important country? And, critically, how willing is he to work with the large number of Nigerians who did not share his views and/or who doubt his legitimacy, and how committed is he to the reforms -- economic and political -- which Nigeria requires?

Beyond those personal questions are questions which rise from the circumstances of an election that is widely seen as a failure. He will have power -- and that is a persuasive commodity in Nigeria -- but that does not translate into legitimacy -- and in a society of such differences, and of present and potential turmoil, legitimacy is the essential qualification to govern effectively.

If that continues to be seriously questioned -- not just by his adversaries, who may have their own interests, but by larger publics -- he will have to ask himself hard questions.

Representatives of civil society have already suggested that he should regard his mandate as tainted, and reject it. That is unlikely to occur, but if Mr. Yar Adua is as public-spirited as his supporters suggest he is, he may have to consider other options – perhaps a commitment to an early election at some fixed time before the normal end of term, perhaps a more formal sharing of power with other parties, and with other elements of Nigeria’s diverse society.

Ken Wollack reminds me that, in 1994, after seriously flawed elections in the Dominican Republic – a very different country – political, religious and business leaders developed what they called the Pact for Democracy. It included serious political and constitutional reforms, followed by “early” elections – not “new” but “early” – two years into the four-year term. That Pact changed the political face and future of the Dominican Republic.

No one would pretend that the complexities of those two countries are comparable – but the crisis of legitimacy is similar, and the lesson is that unconventional responses can have a better chance of working than following old ways that are known to fail.

With the exception of the chairman of INEC, the judgment on the April election, by domestic and international observers alike, is virtually unanimous. Nigeria failed the electoral test in April. It cannot afford to fail the governance test now.

There are several specific issues to address – for example INEC; corruption; international engagement; and the need for a genuine review of our own assumptions about encouraging democracy in the developing world.

INEC became the symbol and the instrument of this failed election. Simple, basic reforms should be implemented urgently. Three stand out.

- The current chair has no credibility, and should be gone.
- The appointment process must guarantee that commissioners are independent, de facto as well as de jure.
- Penalties should be severe and enforced against all parties convicted of supporting thugs, violence and manipulation of the vote. “Severe” should mean removing offending candidates, invalidating votes cast for that candidate, and deregistering offending parties.

In the context of electoral systems, let me offer an observation from the elections last year in the Democratic Republic of Congo. I was there with the Carter Center – and the potential turbulence in that state was far more severe than in Nigeria, and the physical challenge of conducting an election was much greater. There were irregularities, even scattered tragic deaths. But the general result was an election that worked.

Why did it work so well? One reason may be that there was no incumbent government in place when the electoral machinery was designed and implemented. So the only purpose of the DRC electoral arrangements was to run a reasonably fair election. There were no incumbents seeking to shape the new system in their interest. Congo outperforming Nigeria

– on democracy!!! That dramatizes the fundamental importance of an electoral system that is as disinterested as possible.

In terms of international engagement, it would be folly for the international community to either practice business as usual, or to walk away. The signals will be very important – and one immediate question to ask whether the Summit of the G-8 wants to extend to the Nigeria of this election the welcome it first extended to the Nigeria of NEPAD. Governments and others must simultaneously convey a deep concern at the electoral process, and find better ways to engage in basic reform in Nigeria.

Corruption. Lord Acton warned about power, and he was right. There is a fundamental requirement to re-invigorate the anti-corruption campaign, and the culture of abuse which corruption spawns and exploits, and not just within the country's borders.

One of the stark realities of Nigeria is that the political system is awash in money. Some of that is misappropriated public funding. But it would be naïve in the extreme to discount the likelihood that large portions of this corrupting cash come from the “market”, as it operates in Nigeria.

There is a continuing tendency to pretend that, as a means to encourage development and democracy, economic “market” forces should displace foreign policy. There is no doubt that business and investment have a significant role to play in generating growth and opportunity in the developing world. Indeed, business and economic forces can also be effective in resisting corruption, which has been, too often, a companion of investment.

Organizations like Transparency International, and the growing commitment to “corporate social responsibility”, are both important weapons against corruption, and should be encouraged. But they still represent only an influential minority of private entities operating internationally.

In any event, co-operate though they can and should, there is a fundamental difference of motivation between the public interest and the private interest. Private entities may believe profoundly in the creation of social value and its contribution to a bottom line, but their primary reason to exist is to make the company a success, not the community.

What most needs to be encouraged, in Nigeria as elsewhere, is precisely a commitment to the public interest.

And, in our own houses, governments and organizations which have invested heavily in democratic development in Nigeria have to examine very carefully what worked and, more important, what went wrong. Which of our initiatives were successful? Which were not? Why were the successes not more successful? Why did the failures fail?

If we want to be exacting, the premise of those questions, in each case, should be that our model didn't fit, or didn't apply, or was wrong. The challenge, after all, is to apply what we might consider to be universal principles to what we know are unique circumstances, and to nurture institutions which give more people more control over their own lives.

Over the last 18 months, I have chaired the Commonwealth side of a joint Commonwealth-Cameroon committee which has resulted in the adoption by Parliament of a new Electoral Commission in Cameroon, designed to be independent. It is far from a perfect institution, but it can be more effective than what went before. The single most important element in our success was that we moved the discussion beyond the “British model”, and beyond the “French model”, and drew primarily upon African models – francophone, anglophone, neither phone – which actually work in Ghana, and Benin, or Kenya or elsewhere in Africa.

Again, I led a Canadian political party for more than 10 years, winning one national election, losing two others. There is no comparison between the permanent and organized political parties of Canada, or the USA, or Europe, and the floating coalitions of Nigeria, or the regionally-based parties of Cameroon, which rouse themselves primarily at elections.

We should be modest about our own models. They have proven to be strong, but are neither problem-free nor perfect. I won't comment on the American system, except to note that I have a son-in-law who has to explain why his mother would ever name him “Chad”.

But in Canada, voter turnout is down and falling, broad and reconciling national parties have been replaced by narrow and divisive regional or ideological parties, and, a little more than a decade ago, Quebec province came within an eyelash of voting for a kind of independence from Canada.

Beyond acknowledging our own multiple imperfections, we have to be conscious of another dimension to this question of judgments issued in Washington, or Ottawa, or elsewhere in the developed world. We have an undoubted right to speak, to urge and to encourage Nigerians to act themselves, to act ourselves within our own domains, and to make clear the consequences, in our bilateral and other relations, of Nigeria's failure to reform. But we should not pretend to possess some higher authority.

Years ago, the late Dean Acheson expressed his irritation at high-minded advice which Canada regularly offered Washington. As I recall, Acheson claimed that Canada spoke with the “stern voice of the daughter of God”. That tone is grating enough in relations between developed countries. It is even more unhelpful between the developed and developing worlds, particularly now, when there are already plenty of tensions, literally from Aid to Zimbabwe. In Nigeria, and elsewhere in Africa where I have observed elections recently, there has been an underlying tension between observers from “the West” and observers from the continent. Just as it would be wrong for Western observers to mute our legitimate concerns, or curtail our interest or withdraw our help, so would it be foolish to casually exacerbate that tension.