

**KEYNOTE ADDRESS DELIVERED BY NDI DELEGATION CO-LEADER AND FORMER
CANADIAN PRIME MINISTER
HONORABLE JOE CLARK AT THE “ALL NIGERIA CIVIL SOCIETY CONFERENCE ON
THE APRIL 2007 ELECTIONS”
DELIVERED ON JULY 24, 2007**

THE RIGHT HONOURABLE JOE CLARK, PC CC
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to the
**“ALL NIGERIA CIVIL SOCIETY CONFERENCE ON
THE APRIL 2007 ELECTIONS”**

Sponsored by:

The Nigerian Bar Association
The Nigerian Labour Congress
The National Democratic Institute

Hilton Hotel
Abuja, Nigeria
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I am pleased to be back in Abuja, and to be here with the Nigerian Bar Association, the Nigerian Labour Congress and other leaders of civil society, and with my associates from the national democratic institute. NDI is a Washington-based organization, but their hidden strength is that they rely so much on Canadians in their international work – Canadians and other nationalities!

NDI is genuinely international, in both its composition and its perspective, and profits particularly from its ability to work constructively with local citizens and organizations, which have their deep roots – and are building their futures -- in the countries where we work.

There are genuine experts on Nigeria in this room – and I am very conscious that I am not one of them. But I have been privileged to serve as a member of two NDI teams, which visited Nigeria in this election cycle, first at the time of the debate about constitutional term limits, and again to observe the April election. So I am becoming almost a regular here – in fact, your High Commission in Ottawa now grants me a “multi-visit visa”.

Allow me one personal reflection. My first visit to this city, nearly 20 years ago, also dealt with democracy. I was then the chairman of the commonwealth committee of foreign ministers working to end apartheid, and it was our privilege, at that meeting in Abuja, on May 13, 1990 to welcome Mr. Mandela, who had, just weeks before, been released from his long imprisonment. It was one of his first trips outside South Africa.

You are not here as visitors. This is your home, and future – and my associates and I are very conscious of the limitations on observers. As a Canadian, who lives right next door to the United States of America, I am also inherently sensitive to questions of sovereignty.

We are here as partners, respecting both the sovereignty and the complexity of this vibrant country, but we are also here as catalysts. There are things which we can't do at all, which perhaps you can't do alone, but which we might well be able to do together.

A word on complexity. In addition to my glamorous jobs in Canada, I was also the minister responsible for constitutional affairs at a critical point in the life of my own country, 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 the 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 rejected it, with real enthusiasm.

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. And, if I may presume to say so, I hope you won't spend these two days reciting your own outrage or your injuries.

Because what was most significant about the April elections was not the detail, but the trend. What is most troubling is not that some specific things went dramatically wrong, but that, as Madeleine Albright said, on behalf of our NDI delegation, the 2007 polls represent a significant step backward in the conduct of elections in Nigeria.

Obviously, to some degree, we have to recall what went wrong in order to set it right. But there is a choice to make, in this meeting, and afterwards – a choice of attitude. Do we dwell on the past? Or do we move forward?

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 here by invitation. Our explicit mandate is to observe a domestic election, not direct it, not interfere in its conduct, not repair what's wrong.

That is one of two reasons why this conference is particularly timely and important. While organizations like NDI can help, it is the active elements of Nigeria's civil society who are the critical agents of change. NDI will not determine Nigeria's course. You will, with your fellow citizens – for better or for worse. This is your country, your future, your responsibility.

The second reason this conference is important flows directly from that responsibility. It is the question of necessity.

If civil society doesn't drive electoral reform in Nigeria, who will?

I don't mean at all to discount the interest in democracy of officials of your own government -- or representatives of foreign governments and international agencies, which have a deep and demonstrated interest in democratic reform in Nigeria -- or even of international investors and the business community. But they all have other distractions, and sometimes other priorities.

The reality is simple and clear: if Nigerian civil society doesn't drive electoral reform, no one will.

Of course, there are incentives to delay.

For one thing, 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 inherently slow because it requires evidence to be presented and considered – and, without question, it is the single most important instrument of judging the past.

But it is only one of the instruments for shaping the future. Our agenda today and tomorrow sets out a range of issues where actions can be taken in parallel with the judicial and tribunal process. The fact that the courts are working is not an argument for civil society to wait.

There is also some instinct to wait until there is a clearer sense of the president's priorities for electoral reform. That judgment can't be made yet because Mr. Yar'Adua himself is not well or widely-known and, in Nigeria, the simple process of forming a government takes a long time. Those who do know the new president describe him as a man of ability, intelligence, and integrity, who was an effective governor of his state, and his inaugural address, signaled a priority for electoral reform.

But leaders often need help in setting the public agenda. As is natural in a democracy, other pressures, on other issues, are being applied. Who is applying the pressure for electoral reform? Who is helping the president set Nigeria's agenda? I ask again: if civil society is passive, who will be active on the agenda of electoral reform?

I'd like you to assume that a new kind of election observer arrived in Abuja today – an extra-terrestrial observer -- a man from Mars – or a person from Pluto – with no actual knowledge of Nigeria, or of this earthly realm, but with a check-list of the essential characteristics of a democratic society.

That inter-galactic observer would go down the check list.

- Can the courts rule against the government? Yes. Check.
- Is there a procedure to allow the courts to review contested election results? Yes. Check.
- Does the Senate sometimes vote against the president? Yes. Check.
- Is there a pattern of contested elections? Yes. Check.
- Is there an independent election commission? Well, that's what it's called, so – yes. Check.
- Is civil society vocal and strong? Yes. Check.
- Is there a vigorous and independent media? Yes. Check.
- Has there been an electoral transition from civilian to civilian rule? Yes. Check.

So the person from Pluto – the observer from Mars – would conclude that since these key criteria have been met, democracy must be thriving in Nigeria. Yet almost no-one in Nigeria would pretend that is true.

So the challenge now is not so much to set democratic rules, but to make them work – to have them respected in practice.

The real challenge is to turn the appearance of democracy into democracy in practice

There is a lot that is strong in the democracy of Nigeria – the independence of the courts, the courage of the senate, the vibrant civil society.

What has failed most seriously 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 society.

Moreover, 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.

One striking element of the failure of the electoral system 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 credible to use presidential ballots which had no serial numbers;
- 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.

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.

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 it is here, 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.

Think about that. Congo outperforms Nigeria – on democracy!

We all know that delay has its own dynamic.

Does the following scenario sound familiar? Immediately after a bad election, there is a widespread, common, urgent view that things have to change.

Then, gradually, the sense of urgency breaks down – other domestic priorities take over, the international community steps away, activists go back to their livelihoods, and the status quo begins to defend itself, and resist reform.

Next, the common cause gradually breaks down – different parties pursue their particular interests, allies disagree about the ordering of priorities or who sits at the head of the table, the status quo resumes its courtship of its former critics.

And time passes – three months already, six months soon, and the momentum for reform diminishes, day by day, until suddenly it is “too late to start”, and the arguments are heard that “change would only cause confusion”, so “let’s wait for next time”.

This conference forces civil society in Nigeria, and its friends abroad, to face a basic question. If you don’t start now on electoral reform, how long will you wait? Our agenda also provides the means to identify the issues, and build the consensus, and apply the pressure that will cause Nigeria to move forward on democratic reform. So let us get started.