

# Nigeria after the elections Democracy at a turning point?

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## 1/ The 2011 elections in Nigeria: a basis for real progress

Compared to the 2007 polls, the 2011 elections in Nigeria represented a real step forward. Several reasons have been identified as explanations for these major improvements:

- The appointment of Atthiru Jega, a Northerner, as INEC chair following the dismissal of Maurice Iwu was significant. It was recognized that Professor Jega's independence and integrity have been instrumental in favoring a credible electoral process. Despite short timelines – Jega was appointed only nine months ahead of the elections – he managed to achieve substantial ameliorations. Voter registration improved, although many problems remained, for instance regarding multiple registrations and names absent from the list.
- Overall, there was a real sense of popular enthusiasm during the electoral processes, which can be interpreted partly as a spillover effect of the “Arab Spring”, but credit has also been given to the confidence displayed in Jega's leadership.
- Major improvements have been made in terms of mandate protection, including steps taken to improve oversight of counting and collation, while communication among citizens was facilitated by the use of “new media”. Civil society organizations were active and readily mobilized, with coordination facilitated by a donor-supported situation rooms” allowing enhanced information-sharing among the various observer networks and facilitating the adoption of joint statements. Their professionalism has been widely praised, and the need for long-term donor support has been highlighted.

The security forces played a largely positive role, although acts of intimidation were reported.

As a consequence of the aforementioned points, the 2011 electoral processes have gained in legitimacy and credibility. In South Western Nigeria in particular, the governorship and National Assembly elections represented a major step forward with victories of ACN representatives against PDP incumbents<sup>1</sup>. Although the results confirmed the PDP supremacy in the Nigerian political landscape, a closer look at the results shows that in 2011 Nigeria has moved away from a single party system.

Serious challenges remain.

- The postponement of elections in April reflected the major logistical problems in the country. INEC officers also operated in an unclear legal framework, since the new electoral law was finalized in late January, and was therefore not available in INEC training materials.
- Despite improvements, the system is not seen as fool-proof against corruption, and many acts of intimidation and vote-buying were reported all over Nigeria. The collation process was particularly vulnerable to rigging because it lacked

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<sup>1</sup> The former speaker of the House of representatives, Mr Dimeji Bankole, was for instance unseated in Abeokuta, leading to the possibility of his arrest by Nigerian Economic and Financial Crimes Commission (Mr Bankole is accused of fraudulent expenses while he was in office). In Oyo, Governor Alao-Akala was also defeated.

sufficient controls over the chain of custody of results.

- The independence of some of the INEC core staff was questioned, and INEC workers appeared vulnerable and lacking authority in the field. The INEC administration decided to appoint academics and other independent figures as returning officers, but these measures, although a good step forward, proved insufficient.
- The boom in oil prices in late 2010 and the consequent GDP growth eventually meant that a lot of money was available to fund the elections: particular concerns were raised regarding the abusive emptying of the Excess Crude Account by Nigerian politicians as a way to influence the outcomes of the elections<sup>2</sup>.

The EU Election Observation Mission issued a good final report on the elections, although it did not fully capture the accusations of rigging. Very positively, its recommendations draw heavily on the excellent national report on electoral reform led by former Chief Justice Mohammed Uwais. In general, international observers were probably too quick on issuing positive statements on the electoral processes, which can be understood as a way to support the progresses that have been made since 2007. This approach was problematic given the conspiracy theories over the backing of Goodluck Jonathan by “the

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<sup>2</sup> The ECA is designed to accrue revenues from crude oil that are above a benchmark oil price set in Nigeria's national budget. In the period from 2007 to 2011, this fund has been reduced from \$20 billion to \$5 billion.

West”. The announcement of the Presidential election results set off widespread politically-motivated violence in Northern and central Nigeria. These violent uprisings reflected ongoing social, economic and political challenges that had not been addressed by Nigerian political elites so far. There will therefore be a need for longer-term commitment by external actors in order to consolidate the positive changes witnessed during the 2011 elections.

## **2/ Nigeria: the paradox of plenty**

Nigeria is rich in natural resources, notably oil and gas. However, poverty that affects large parts of the population, has not been seriously dealt with. The violent uprisings that occurred in the North – primarily directed at Northern elites – exemplified the growing feelings of social and economic marginalization of the youth. Nigeria can indeed be defined as an “anti-developmental” state, illustrated by the poor capacity of Nigerian elites to produce good public policies<sup>3</sup>. Among others, the mismanagement of natural resources, the permeability of the Nigerian states to – foreign – private interests and the lack of transparency of the oil sector, have been fueling tensions. These tensions are closely related to other contentious issues in Nigeria, such as the nature of the Nigerian federation and the long-needed constitutional reform.

The Niger Delta encapsulates a number of these issues. The core of the Niger Delta’s

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<sup>3</sup> One example of which are the recurrent electricity shortages, specifically in the North. Electricity shortages have been a major cause of grievances among the Nigerian population.

problems revolves around the links between the politics of oil, resource sharing and the mobilization of social groups (“communities”). Following decolonization, a pact was passed between the three regions that then constituted the Nigerian state. The “derivation principle” allowed states to retain a significant proportion of the revenues generated by the state itself. This distributive logic has led to the multiplication of political units (states and local governments), by political entrepreneurs eager to secure access to parts of the “national cake”. The revenue allocation formula has also been altered several times: a major shift occurred after the discovery of oil in the 1970s. The federal government proceeded to centralize oil and gas revenues, which benefited the three largest geo-ethnic groups in Nigeria (Hausa-Fulani in the North, Yoruba in the West and Igbo in the East), at the expense of the Southern oil-producing states and their populations - the Ijaw and other Delta minorities. This has in turn fueled local tensions and conflicts: in the Delta region, communities started to mobilize in an effort to pressurize oil companies into providing the Delta people social benefits.

When civilian rule was reintroduced in 1999, the nature of these protests began to change, and mobilizations became more violent, resorting to taking foreign hostages and attacking on oil companies. There are two main reasons for this reaction:

- The revenue allocation formula debate. Under Nigeria 1999 constitution the Niger Delta’s share of the oil revenue rose from 1% to 13%. This did not entirely appeased tensions

however, and groups kept on mobilizing in a bit to claim a better share. Politicians from the Delta started to work more closely with those groups and even financed some of them.

- Despite the spectacular increase in available oil revenue resources, competition between communities in the Delta has been exacerbated. Following criticisms regarding their activities, oil companies started to emphasize a “community development” approach in the 1990s. These approaches were discriminatory and set communities against each other. Tensions arose when some communities were identified as being eligible for compensation, for the exploitation of their land by oil companies (“host communities”), while others were not<sup>4</sup>.

As a consequence, violence has been escalating between communities and companies, and amongst communities in the Delta region. During the years 2000, these struggles became increasingly militarized: on the one hand, the government sent the army to protect the oil companies, whose activities were crucial to the Nigerian state. On the other hand, youth groups and local militias were gained access to weapons through the oil companies, who contracted unemployed youth to ensure their own security when working on installations.

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<sup>4</sup> In 2003, Shell commissioned an independent report which highlighted the links between its activities and conflicts in the Niger Delta. The way Shell officers deal with Niger Delta “communities”, through contracts awarding and prebends, was pointed out as a factor of local tensions.

Insecurity impacted the oil production, which shrank significantly by 50% in 2009. The government issued an amnesty law in June 2009, which basically consisted of buying off of the “militants”. This law was criticized for its narrow conception of security, limited to its military and assets components

The challenges posed by the Niger Delta issues to Jonathan are extremely important since he is an Ijaw himself. Until now, the Nigerian political elite have failed to address the root causes of insecurity in the Delta. Longer-term (human) security should be dependent on some kind of stakeholder’s ownership and there is also a need to open the space for a wider community approach, beyond the “host community” issue. Closer attention should also be paid to the Security Sector Reform dimension of the conflicts: in the Delta, companies rely on the Nigerian police as well as the army to secure their compounds. Security-related activities also involve a wide range of private actors: this mix of public and private actors for handling security has already become very problematic.

### **3/ The urgent need for a truly developmental state**

The Niger Delta issues are connected to at least two macro-level dynamics of Nigerian politics, namely the question of federalism, and the issue of “indigeneity”.

Nigeria is a multiethnic and multilingual country, and as such is often presented as being divided along religious, ethnic and political lines. So far, the equilibrium and the stability of the federation have been preserved by a complex mix of

institutional arrangements that are “both beautiful and dangerous”. The nature of the federal system has for instance allowed Nigeria to get out of the late 1960s civil war. The system has indeed been conceived in order to avoid divisions and create consensus, as exemplified by the Federal Character Principle. Since this principle entrenches consociational power-sharing agreements in the constitution, it means that in theory, no group is allowed to dominate others in Nigerian politics. The 2/3 rule<sup>5</sup> is another illustration of the attempts at conciliating diversity and unity within the Nigerian federation. A major drawback of this model is that it has created new areas for tensions, most of which revolve around the exacerbation of competition between groups for political and economic resources. In Nigeria, the consociational model has largely been maintained in a normative way, against what are perhaps more pragmatic formulas of accommodation. While fostering consensus, it also invite to shun debates on divisive issues.

The question of indigeneity represents a serious challenge for Nigerian politics. There is a growing tendency to differentiate between those people perceived as “indigenes” and those regarded as “settlers”. In Nigeria, to be defined as being “indigenous” represents a huge stake, since this status conditions access to certain resources, notably land. On the contrary, “settlers” are considered

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<sup>5</sup> According to the Nigeria’s Constitution, candidates must meet two requirements to win at the first round of the Presidential election. They not only need the majority of votes cast, but at least 25% of the votes in two-thirds of Nigeria’s 36 states.

as “outsiders” and are therefore denied many rights. The indigeneity issue has been at the center of numerous local conflicts, and has more broadly led to an ethnicisation of politics in Nigeria. The Jos Plateau crises has been considered by some experts as largely resulting from a “catastrophic” (mis)management of indigeneity. In the Delta, groups have been prone to mobilize themselves on an ethnic basis. Indigeneity also conflicts with the very idea of citizenship at the state level: because of the politics of indigeneity and the supremacy of *jus sanguinis* over residency, a Nigerian is today considered as a stranger in 35 states out of 36.

All these issues revolve around the unanswered questions led by state-controlled resources distribution, while bearing the potential for challenging Nigeria’s unity. The post-electoral violence has aggravated the fear of communal polarization and the widening of the North-South rift. Clearly, these questions cannot be ignored anymore. There are some encouraging signs however, the first of which is that the Nigerian elites would have too much to lose, should the country split. Moreover, a closer look at the election results depicts a more nuanced political picture, notably at states level. Eventually, the question of secession does not seem to be very popular. Popular resentment is directed, for the most part, at the inability of Nigerian elites to deliver good public policies, rather than questioning the very idea of Nigeria as a nation.

Strong reforms will be needed following the elections in order to appease tensions within the federation:

- The constitutional reform: since 1999, debates regarding the nature of the post-military settlement in Nigeria, and more broadly about the future of the consociational model have taken place. The constitutional reform process launched in 2005 needs to be brought back on the agenda.
- Regarding “indigeneity” issues, a change in the legal framework, (so as to enhance the residency criteria) is key to the reduction of intra-communal violence
- The reform of the oil sector: a new legal framework – the Petroleum Industry Bill – has been under discussion since 2009. Envisioned to increase the efficiency and the transparency of the oil industry. This bill has fostered little public debates despite its broad ranging implications.

There is an urgent need to produce public policies that contribute to reduce poverty in Nigeria as indicated by the spread of violence since the elections.

Despite the serious challenges that Nigeria is facing, there is currently an opening space for positive evolutions to take place. The recent appointment of Ngozi Okonjo-Iweala as Finance Minister is for instance perceived as a positive sign, for Nigeria to move away from the politics of resource allocation that has undermined the country’s developmental prospects. A Freedom of information Bill was for instance passed in May 2011. These institutional progresses should be supported and encouraged by external actors, specifically given the important role of Nigeria on the regional and global scenes.

#### **4/ The wider regional and international implications**

Nigerian attitudes towards regional integration are ambiguous. On the one hand, Nigeria is a key country in West Africa, the growth of which largely depends on Nigeria’s stability. On the other hand, Nigeria has been reluctant to become more regionally and economically integrated, given the vital importance of cross-border trafficking for rent-seeking entrepreneurs and politicians. The West Africa pipeline, , has been suspended due to mismanagement. (MNEC attacks). Regional infrastructure project as the WA gas pipeline should be encouraged.

As one of the largest contributors to peacekeeping missions, Nigeria plays a crucial role within the AU. This importance was recently exemplified by its role in the Ivory Coast, where it diverged from South Africa’s solution to the post-election crisis. Despite the fact that Nigeria-South Africa relations are often competitive – both countries hoping for a seat at the UNSC –, Nigeria does however remain a key actor for South Africa’s West African policy.

Regarding Nigeria’s position vis-à-vis Gaddafi’s step-down, Nigerians are likely to adopt a cautious stance for at least two reasons. First, the relationships between Nigeria and Libya have been altered by Gaddafi’s suggestion last year that Nigeria should be split in order to avert recurrent crises between the Muslim North and the Christian South. Second, Abuja will probably be keen not to repeat the same mistakes as seen in the Charles Taylor

case<sup>6</sup>, and therefore will be very cautious towards any quest for support that the Libyan leader may query.

As a generous UN peacekeeper, Nigeria is crucial to Europe and US security policies in Africa. But there is a growing feeling within Nigeria that this importance is not reciprocal, especially given the constraints for equal discussion with European and American counterparts as exemplified by the very restrictive US and European visa policies towards Nigerians<sup>7</sup>. This contrasts heavily with the way other big players such as China and India interact with Abuja.

## 5/ Policy recommendations

- The next elections should be closely observed. The 2015 elections will be critical. The EU in particular should take up the recommendations of the EUEOM report.
- Monitoring should not be confined to the election process itself but should address the primaries (largely acknowledged as “a disaster”).
- Reinforce institutions that foster democratic consolidations: Parliament, economic and crime commissions.
- Continue support to Civil Society Organizations so as to foster changes in political culture. The vitality and professionalism of Nigeria’s civil society has been widely recognized. This role is likely to increase given the

recent – although not perfect – Freedom of information bill. There is however a concern that pro-democracy civil society groups seem to be divorced from the popular mobilization around ethnicity. This can be a problem, since local CSOs cannot afford to be cut off from the “ethnic questions”, as a way to ground their popularity.

- Considering the complexity of the Nigerian federal system, the EU could establish sub-delegations, if not at the states’ level, at least within the six geopolitical zones.

In conclusion, it was acknowledged that although Nigeria will have to face serious political and economic challenges in the future, the 2011 elections opened a space for political change that should be supported and encouraged by international actors, notably the EU. Communal violence in Nigeria after the elections confirmed the high stakes associated with the capacity of the new government to address poverty and inequalities in the country through truly public policies.

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<sup>6</sup> Although Taylor was ensured freedom of movement by Obasanjo, he got arrested in Nigeria in 2006 where he was living in exile since 2003.

<sup>7</sup> A concrete example of which is the impossibility for a Nigerian researcher who was invited as a speaker at this briefing to have a visa delivered in due time by the Belgian embassy in Dakar.

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