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## **ELECTION OBSERVERS' MISSION AND APRIL 2007 ELECTIONS IN NIGERIA: LESSONS FOR 2011 ELECTIONS**

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### **ABSTRACT**

It is axiomatic to posit that international election monitoring and observation have become common place in modern democracy. Monitors are sent to far off locations to sanitize the electoral processes and determine whether or not they have met the free and fair standards as established by their mandates. The term free and fair however, has become a catch phrase amongst many of those involved in the election monitoring and democracy development field. The phrase is often interpreted loosely and is rarely clearly defined. Despite the recognition of the concept's often differing interpretations, it remains a commonly used standard. The 2007 Nigerian Elections demonstrates that free and fair, when interpreted differently by international electoral observers, can have consequential results. This paper provides a political analysis of the local and international election monitoring final reports of the 2007 Nigerian elections. Following the 2007 Nigerian election the electoral observers report became highly politicized. In the post election epoch, the local and international observers came to the same conclusion in regards to the validity of the electoral process. This paper is significant because it asks significant questions about the consequences of differing understandings of free and fair. The paper seeks to provide in sight into international monitoring and provide recommendations to improve the process.

**Key words:** Election, Election Observation and Monitoring, Free and Fair election, Democracy

### **INTRODUCTION**

Election observation and monitoring has become a common trend among development agencies and donor countries. These groups send contingents of individuals to monitor elections in the developing world to ensure that electoral process has succeeded accordingly to a standard of "free and fair election". According to Pereira (2006), "free and fair refers to electoral practice that meet the most basic requirement of the national electoral code. These practices include but are not limited to: an independent and non-partisan electoral commission, equal access to government owned/operated resources for incumbent and opposition, accessibility to electoral polls to voters, freedom granted to oppositions to campaign to campaign, universal voters' registration and strict regulations and consequences for both rigging and gerrymandering". In order words, a free and fair requires an unbiased electoral law, a neutral electoral commission, an independent security personnel and complaints review courts, an independent press to enhance civic education and to present and discuss contemporary political programmes and a ruling party which accepts competing parties and civic institutions as essential players in a democratic process.

Most importantly, the goal of election observation is to ensure that an election has been conducted in a free and fair manner, that political legitimisation has been established and

that democratic consolidation has made vital progress. Put differently, it has becoming the quintessential legitimising instrument for development aid.

Often election monitors evaluate an election, declaring it free and fair election, while other observers will claim that they were too many electoral discrepancies for the election to be considered valid. This was the case of April 2007 general elections in Nigeria. The Nigerian government invited international election observers to monitor the electoral process and access the democratic nature of the civilian-to-civilian election. Both the Carter Center, European Union, African Union, ECOWAS Observers, Transition Monitoring Group among others reported to the invitation and sent observers to the nation. These groups also engaged in pre-election monitoring activities. Following the closure of the polls, the European Union, the National Democratic Institute, the Transition Monitoring Group and ECOWAS Observers among others produced their interim and final reports. To the disbelief of many, the organizations came to very different conclusions. This paper will address these issues in subsequent parts. In view of the above, the objectives of this paper are:

1. To explain the concepts of election, election monitoring and election observation;
2. To identify the various types and characteristics of election observation and monitoring;
3. To highlight on the relevance of election observation and monitoring;
4. To analyse the interim reports of the various observers missions that observed the election in Nigeria; and
5. To proffer solutions to the problems identified by the observers' and monitoring groups.

## **CLARIFICATION OF CONCEPTS**

### **Election**

Elections have the potential to confer legitimacy, moderate dissent, engender compliance and heighten citizen efficacy. Elections are especially crucial for eliciting consent from those citizens who would prefer alternative rulers and policies. But do?

1. Elections fulfil these functions in Nigeria, where competitive elections are often unfamiliar and imperfect?
2. Do citizens who feel close to ruling parties believe that government institutions are more legitimate than do citizens aligned with opposition parties?
3. If losers are more disgruntled than winners, is it because they doubt the procedural fairness of the recent elections? (Moresler, 2005:1).

Election according to Shafritz (1988:186) refers to a process of selecting one person or more for an office, public or private, from a wider field of candidates. It is also the process of aggregating individual preferences and occurs whenever a selection is not the will of a single decision maker. In other words, election may be defined as the process of choice agreed upon by a group of people. Shafritz (1988) goes on to identify two basic kinds of elections (i) free, where parties of competing philosophies compete for power in a fair contest; and (ii) sham, where rulers hold cynically staged elections in order to justify their rule. With fifty political parties competing for political power, Nigerians went to the polls on 14<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup> April 2007 to elect new political leaders at the State and National levels including a new President for the country. The elections were an historic attempt at

the transfer of political power from an elected civilian administration to another, which has never happened in Nigeria before.

Nigeria had had a chequered electoral history with successive elections being marred by serious irregularities and controversy. This led in most cases to the collapse of democratic experiments as occurred in 1966, 1983 and 1985 (First and second and third republics). The 2007 general elections provided a good avenue to occasion a break with the past, and rekindle public confidence in the Nigerian democratic and electoral process. Unfortunately, this was not to be. The elections were regarded as the worst ever in Nigeria's 47 year political history. The elections were severely criticized by virtually all Election Observer groups-domestic and international who monitored and observed them. They were "considered to be extremely fraudulent, not credible, free, fair and transparent in one word; the elections were a sham" (Adejumobi, 2007; 1).

### **Election Observation**

Election observation and monitoring are not new phenomena. Scholars such as Abbink (200), Huntington (1997) Carothers (1997) Ottaway (2003) and Carter Centre (2005) among others have pointed to the international expansion of democracy of the "Third Wave" of democratic transition as the force that brought monitoring to the foreground. This is because since the 1970's and early late 1990's the number of democratically elected nations began to swell with the collapse of the former Soviet Union. This dramatic and rapid expansion of democratic space led to an overwhelming prominence being placed on elections. As Thomas Carothers notes, "Election observation is the best established, most visible and often best funded type of democracy -related assistance" (Carothers, 1997:18)

Election observation belongs to a set of development policy initiative thought to facilitate good governance and democratic institution in states struggling with democracy. However, election observation works primarily to promote both citizens and the international community's confidence in not only the electoral process but also in the ensuring government. In its infancy, election observation scope was limited as it was centred on gauging whether or not an election was conducted in a free and fair manner (Abbink, 2000:4)

Election observers are those who are invited to audit an election, and observe the host nation's democratic practice and institutions. Pereira adds: "This may include studying foreign election in order to improve elections at home. Common practices that are learned from this include new advancements in ballot tracking technologies (2006:28)

Typically, observers are sent on short-term missions. As a result of their brief stay in the nation; they are only available to report blatant cases of electoral fraud such as ballot box stuffing, intimidation at the polls, and the accessibility of polling stations. Ejigou explains:

When they come in, many external observers often start work only in a limited number of areas a few days prior to Election Day, and they may, therefore, miss serious abuses during the registration and campaign periods. As a result, their reports may often grossly misrepresent decisive events

which are firmly controlled by an all-powerful ruling party that is purposely organized to mislead unwary and unsuspecting observers; many ill-prepared for a deceitful political set-up which may seem outwardly quiet, well-ordered and even possibly efficient, but is inwardly oppressive and flawed (Ejigou, 2000:3).

That was the case with the European Union (2007) National Democratic Institute (2007) and the Transition Monitoring Group (2007) in April 2007 Nigeria elections. However, the former submitted fact-based reports, which earned them the severe condemnation from the Independent National Electoral Commission (INEC).

According to Pereira (2006:26) democracy development promoters prescribe election monitoring in situations where the election is deemed to be of significant importance to the development of the nation's democratic progress or when the election was threatened by potential forces of manipulation. It is designed to ensure that the election meets a free and fair standard and it accurately reflects the will of the people. The election monitor, on the other hand, is to evaluate the electoral process and assess its validity in terms of national and /or international standards.

Monitoring missions are able to identify electoral manipulations that require investigations, time and diligence to discover. They typically meet with all parties involved in the election including the electoral umpire. They listen to grievances and attempt to uncover fraudulent practices. A monitor watches for the registration of deceased electors, under aged registration and candidates who encourage and facilitate double voting. They equally pay attention to the media and analyze whether or not ruling and opposition parties have received equal access to such resources. Again, monitors scrutinize electoral boundaries and monitor electoral laws and legislations, watching if they have been passed to prevent opposition parties from campaigning (See Ejigou, 2000 and Pereira, 2006).

It is significant to draw a distinction between election observation and monitoring. The latter are those who have witnessed and structured the entire electoral process while the former are those who appear only on Election Day and leave immediately thereafter (McCoy, 1998:60). At the heart of this distinction are the roles, which the observer and the monitor play. Election monitors engage in duties that must be undertaken prior to Election Day. While observers are able to report electoral fraud; their work lacks the thoroughness that only time prior to the election can afford. While both actors serve relevant purposes, the time frame of their missions and their mandates can lead them to draw different conclusions about the elections.

Jennifer McCoy (1998) has identified three conditions that, when in place, contribute to the effectiveness of electoral observation. First, monitors who scrutinize the entire electoral process increase the effectiveness of electoral monitoring because they become fully aware of the political and social climate and are better able to assess the validity and legitimacy of the election. Second, when the incumbent is concerned about international legitimacy, monitors' leverage comes from their access to world media and foreign governments. As McCoy stated, "if an incumbent does not seek international approval, the monitors' leverage is considerably reduced (1998:61). Thirdly, when international donors

have a commitment to democracy and free and fair elections, observers wield more powers. The problem, however, is that many democracy development assistant agencies engage in election monitoring are interested in the free and fairness of an election, but little else (Pereira, 2006:27-28).

There are two types of monitoring/observation missions: international (missions conducted by governments, multilateral organizations and international non-governmental organizations) and domestic (missions conducted by non-partisan, non governmental organizations and civil groups). Beginning with a look at the former, the European Union, the United Nations, ECOWAS, African Union, National Democratic Institute and the Carter Centre among others are excellent examples of modern organizations involved in monitoring. All these organizations differ in their mandates and their international reach. Domestic observer groups are those composed of individuals from the country hosting the election. They may be representative of political parties or civil society organizations that are committed to issues of democracy and human rights. Domestic observer groups can also be composed of individuals from professional associations, social service organizations or of university students (Carter Centre 2005 and Carothers 1999). Together, domestic observers encourage fairer election rules, better campaign practice and more informed electors.

In view of the above role election monitoring/observation missions play, the Independent National Election Commission confers the under listed rights and responsibilities to accredited observers: Domestic and international observers have the rights to observe voting and counting of ballots at the polling station and the collation and declaration of results at the collation centres. With regard to the observers, the presiding officers, collation/returning officers and INEC officials shall:

- Be Satisfied that the observers are dully accredited;
- Allow the observers' access to the polling stations and collation centres to observe the conduct of elections and the counting of the collation of votes therein.
- Allow the observers to call the attention of the presiding officer and collation /returning officer to any irregularity (INEC, 2003:6).
- INEC document adds, "observers are not allowed to interfere in the conduct of the poll, country of ballots; or the collation and declaration of results and observers shall comply with any lawful directive issued by or under the authority of INEC, including an order to leave the polling stations or the collation centre" (INEC, 2003:6).

### **Reports Of Observers' Missions on the Conduct of the April 2007 Election**

The following preliminary statements on the conduct of the elections discredited them as follows: The United States, State Department spokesman, Sean McCormack called the Nigerian poll 'flawed elections and in some cases deeply flawed elections". The European Union Observer Mission (EUOM), led by Mr. Max Van den Berg, told a world press conference in Abuja that the polls 'were marred by poor organization, lack of essential transparency, widespread procedural irregularities, significant evidence of fraud, particularly during the result collation process, voters disenchantment at different stages of the process, lack of equal conditions for contestants and numerous incidence of violence. The National Democratic Institute (NDI) led by Madelane Albright, called the

2007 polls 'a step backward in the conduct of elections in Nigeria. According to Moses Iloh quoted in Obia (2007) the conduct of the election is a historical tragedy when leaders defeat or overcome the consensus will of their country. The duo of Obasanjo and Iwu have connived together and defeated Nigerians and that is a disaster (Obia, 2007:16).

The EUEOM's preliminary statement of April 23 shortly after the presidential elections, apathy captures the general perception and conclusion of the elections. According to the statement, "the 2007 state and Federal elections fell far short of the basic international and regional standards for democratic elections. They were marred by poor organization, lack of essential transparency, widespread irregularities, significant evidence of fraud, particularly during result collation process, voter's disfranchisement at different stages of the process, lack of equal conditions for contestants and numerous incidence 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' (Akitomnde, 2007:2)

Put differently, the elections were chronicles of shame and deceit of the population. It was equally a betrayal of the Nigerian populace, as the electoral outcomes did not largely reflect the wishes and aspirations of the people. But how did Nigeria steep off the learning curve in electoral administration and management? What went wrong with the conduct of the 2007 elections, to have produced such a controversial and illegitimate outcome? Is Nigeria jinxed with regard to the conduct of free, fair and transparent elections? (Adejumobi, 2007:1). This paper would discuss these puzzles thematically.

### **Pre 2007 Election Period and Build Up To the Election**

After successfully rigging itself into power for two four-year terms that covered only misgovernance as the dividends of democracy, the ruling PDP decided to exist for them, a further unconstitutional term in office under the cover of constitutional Amendment. The immoral act resulted in the unnecessary overheating of the polity. Worse still is the fact that the same government that had cried itself hoarse on its so called anti-corruption crusade decided to resort to bribing legislators in order to have its way in defiance of the public disapproval and outrage that followed the tenure elongation bid by former president Obasanjo. Throughout the entrepreneur of the tenure elongation agenda, all other relevant issues were swept under the carpet. Concerns for the provision of infrastructure and social/essential services and security (roads, water, electricity) that are pre- conditions for a stable and decent society yielded priority to the ill-conceived tenure extension conspiracy which in the first instance, secured the most questionable mandate in Nigeria's political history.

Many of the politicians who are now busy beating their chests, as democrats constituted part of the problem. It could be recalled that the former vice president and the president drifted into a war of words on newspapers and National televisions to expose themselves as principal architects of election rigging of 2003 elections. The plots to undo the other and the counter plots exposed to Nigerians, the vendetta both leaders had for each other.

The ensuing crisis of leadership at the top and manifest government misrule led to a high sense of insecurity and lack of faith in the process of governance and state institutions. Consequently it led to increase of armed insurrection with the militants of the Niger Delta

Region, OPC and MASSOB of the southeast in addition to the unusual high incidences of armed robbery, hostage taking and politically motivated assassinations all over the country.

On ground also was the unresolved crisis of party primaries in some states of the federation. It was noted that in some parties winners of primary elections were disqualified on flimsiest of excuses based on Economic and Financial Crime Commission (EFCC) list or those of Administrative Panel of inquiry set up by the Presidency or Governors.

Media coverage of the intra-party conflicts and the accusations that INEC was being used by the FGN to enhance the opportunities of the anointed PDP members through the disqualification of less favored members and the delays in voter registration reflected growing doubts about INEC'S capacity to conduct free and fair elections. Throughout the period leading to the elections, INEC was more pre-occupied with making political statements and fighting political battles, which distracted the organization from the task of ensuring that arrangements were put in place to guarantee a smooth electoral process. The apex Electoral body adopted an adversarial, rather than a cooperative role with civil society organizations, and this diminished its credibility and capacity to conduct transparent elections.

The buildup to the election was made further contentious. Controversy attended former President Obasanjo's unilateral declaration of the office of the Vice President vacant, after the latter defected to the Action Congress (AC) in order to actualize his presidential objective. It took a supreme court's decision for the Vice President to retain his position, (Arunna and Avwode 2007).

In the same vein some alleged corrupt state governors were abducted, and members of the State Houses of Assembly were harassed, intimidated and threatened forcing them to initiate impeachment proceedings against their chief Executives. In Bayelsa, Plateau Oyo, Anambra States the governors were removed from office. Political pundits will agree that the timing, procedure and selective nature of the exercises required the intervention of the rule of law and the Supreme Court did and reversed three of the four cases and reinstated the governors of Oyo, Anambra and Plateau States. The threat of impeachment gradually shrunk the political space as political activities were almost suspended for fear of political prosecution on allegations of corruption, (Arunna and Avwode 2007).

### **Dependent and Weak Electoral Body**

Also in existence before the Election was a dependent and weak Electoral body, INEC whose problems are structural. According to Adejumobi (2007) and Mezu (2007), there are structural dimensions to the problem of electoral management in Nigeria. Nigeria's electoral commission is not an independent one. In spite of the reform of the electoral law in 2006; the electoral commissioners are appointed by the president, and they report to him. Indeed, a curious part of the electoral law is that those to be appointed as electoral commissioners must be qualified to be members of the House of Representatives. The interpretation of this, which may not be necessarily in the spirit of the law, is that those appointed as members of the electoral commission should be party members, as party

membership is a major criterion to be elected into the House of Representatives. Nigeria does not allow independent candidacy in elections (Adejumobi, 2007:2). The commission does not enjoy financial autonomy as the executive determines its level of funding and disbursement. With this structural problem, the electoral commission has always been proved to be susceptible to manipulations and controls of the Federal authorities.

According to Eme and Ede (2007) and Adejumobi (2007), the preparations for the elections were very shoddy and non-transparent. The voter registration exercise, which took off on 7 October 2006 was marred by complaints from the electors. INEC had introduced a computerized data capturing Machine to modernize the voter registration exercise and prevent abuses of the process through multiple registrations. However, the exercise was poorly executed due to inadequate provision of the necessary equipment and materials to facilitate it, machine hijacking by political bigwigs and epileptic power supply and manpower problems. As a result, INEC had to extend the period of the exercise from October 06 December 2007, to 2 February 2007. At the end of the exercise INEC claimed to have registered about 61 million voters (Eme & Ede 2007), declaring the exercise a "huge success" despite criticisms from the civil society organizations and National Assembly. INEC did not display the voters registrar as provided for in the electoral law.

The most disturbing of INEC's action was its insistence on disqualifying some candidates from contesting the elections; power not conferred on it by the 2006 electoral laws. The power to disqualify candidates is reserved for the courts (Owete and Shaage 2007 1-2). Major opposition leaders including the former Vice President became casualties of this policy.

On April 16<sup>th</sup> 2007, the Supreme Court in a landmark verdict but unanimous judgment nullified the action of INEC with the ruling that INEC did not have the power to disqualify "indicted" candidates for elections. Before the judgment, INEC had already short changed some candidates at the state and House of Assembly elections held on 14<sup>th</sup> April 2007, who were illegally disqualified and their names not included on the ballot papers.

As the preparation for the election proceeded, rather than form a partnership with credible civil society organizations, with vast experience on electoral matters INEC waged a ceaseless war with Transition Monitoring Group (TMG), other civil society organizations and the media. Some of the groups were denied accreditation to monitor and observe the election and were also harassed by the state security agents (Adejumobi, 2007:2). Mezu (2007) summarized this phase in the following ways: 'as early as December 2006, Nigerians knew and the world confirmed it that the Obasanjo's government and INEC would not be ready for the election.

Richard Prosper of the International Republican Institute (IRI) that spent one week in Nigeria to assess the country's readiness for a free and fair election in April 2007 summed up their experiences in the following words. We express grave concern over the fact that with only two weeks remaining before registration deadline, less than half of the machines needed to capture voter data electronically have arrived and distributed across the country. We are further concerned that only 35 million of the potential 60 million eligible



voters have been registered as at last week... the leadership of INEC has set a noble and ambitious goal of implementing this cutting edge system to deter fraud in the registration effort and the ensuing acrimony... however, to meet the expectations of this goal on the time-table established is quite seriously in doubt, based on interviews with majority of those whom we met. As a result, INEC is losing credibility with the general public. In its entire stay in Abuja, the delegation did not see one simple poster or relevant information, and our attempts to view a registration center was stymied by the fact that no one knew how to locate one (Mezu, 2007: 2)

Africa Report (2007) drew attention to the consequences of failure of the elections. According to African Report, " failure to provoke violent rejection of the results by wide sections of the populace, denial of legitimacy and authority to the new government, intensification of the insurgency in the Niger Delta and its possible extension to other areas, with potential for wider West African destabilization. The preparatory phases have indicated failings in terms of basic fairness for the opposition, transparency and respect for the rule of law. Unless stateholders make urgent efforts to rescue the credibility of the process, Nigeria's already serious internal instability could be fatally aggravated" (Mezu, 2007:2 quoting Africa Report No; 123, March 28).

### **Security and Safety in the Elections**

Security agencies play critical roles in democratic elections. During the preparations preceding elections, the government and the security agencies assured the citizens that safety and security will be guaranteed before, during and after the poll. Furthermore, the Inspector-General of Police informed the nation that sophisticated arms and ammunitions, never before seen in the country, were acquired for use during the election. However, the electoral process, from voter registration, party primaries and political campaign to polling was characterized by widespread violence and general insecurity.

The process was characterized by harassment and oppression of persons belonging to the opposition parties or considered to be critical of government's mismanagement of electoral process. Law enforcement agencies constituted themselves into complainants, accusers, investigators, prosecutors, and judges. Working in collaboration with the INEC and the Federal Ministry of Justice, the security indicted and excluded opposition politicians from the electoral process. On several occasions, candidates belonging to the opposition parties in several states across the country were arrested and taken to Abuja, which negatively affected their preparations for the elections and frightened their supporters. There was massive deployment of members of the armed forces and security agencies after threats were directed against the opposition by President Obasanjo, the chairman of the ruling People's Democratic Party (PDP), Senator Ahmadu Ali, and the inspector-General of police, Mr. Sunday Ehindero. This militarization of the election further frightened voters while the security agencies failed to guarantee safety and security. The widespread insecurity and the militarization of the society during the poll undermined the credibility of the elections. This first phase was marked by political tensions, confusion violence and weak institutional frame work for the conduct of credible election.

### **Election Day Activity**

Elections were conducted on three dates April 14<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>; the first was the state level for the governorship and House of Assembly. Next at the Federal level for the Presidency and National Assembly and the latter was for the cancelled or re-run state and National Assembly. Apart from a slight adjustment in voting time, which for the first election was 9.00 am-3.00pm and for the second, 10.00am-5.00pm, and also the level of voter turn out which was more for the first election; the three elections had basically the same features. Some of the features as documented by all the election monitor and observer groups include:

1. Late commencement of voting in many parts of the country.
2. Inadequate voting materials-ballot papers result recording sheets etc.
3. Poor training and orientation of electoral official.
4. Lack of secrecy in the voting process, as there was no provision for polling booths.
5. Use of transparent ballot bags opposed to ballot boxes, which compromised the security and safety of the ballot papers especially for the purpose of storage and recounting in case of dispute.
6. Omission of names or pictures of some candidates from the ballot papers.
7. Prevalence of under-aged voters especially in the Northern parts of the country.
8. Rampant cases of ballot bag snatching at gunpoint, by party thugs, militants and elected official and government appointees.
9. The stuffing of ballot bags with already thumb-printed ballot papers.
10. Reported cases of collaboration between security officials and party agents to rig elections.
11. Presence of heavily armed solders on the street across the country, which militarized the whole exercise.
12. Violence and intimidation of opposition political party members and agents.
13. Lack of transparency in the collation, country and tabulation of votes and
14. Falsification of results (Adejumobi, 2007:3), Chukwuma (2007) corroborated Adejumobi (2007) in the under listed evidential basis:

### **Preparation for the Elections**

In many states, especially in the Southeast and north east, elections did not take place due to the non-delivery of election materials and this created challenge for the security agencies. In many states, including Abia, Lagos, Kaduna, Niger, Anambra, Adamawa, Imo and a host of others, Senatorial and House of Assembly Elections did not take place and took place in few constituencies due to omissions and mix ups in names and photographs of candidates as well as Lagos of political parties. The Commission offered no satisfactory explanation for this state of affairs. Some presiding Officers were held hostage by voters on account of this. Ballot papers and sensitive election materials, which ought to have been checked carefully before being sent to the printers, were not but in this case, they were handled with criminal negligence, resulting in many of them not being usable. This situation is completely unacceptable because the Commission had ample time to correct mistakes on ballot papers, as there were very few judicial disputes around those elections.

In many states of the Federation, elections did not begin until late in the afternoon due to late arrival of election materials. Voters waited in the scorching sun and those that could not wait went home angry and disappointed at a system and process that denied them

their votes as sovereign right to elect leaders of their choice. Some that waited could not cast their votes as the Commission did not avail presiding Officers of rechargeable lanterns even though it claimed to have them in store. In some places voting did not take place at all due to the non-delivery of election materials and this created security challenges for the security agencies.

### **Management of the Elections**

The conduct of INEC and its principal officers in the period leading up to the elections and during the elections raised serious questions about its independence, impartiality and competence as an election management body. The logistic arrangement made for the elections can only be described as shoddy. A few days to the elections, the INEC leadership was still moving around Resident Electoral Commissioners in some states. Some of the RECs were redeployed less than 48 hours to the elections. No satisfactory explanation was offered by INEC for these redeployments. It is difficult to understand the rationale for these redeployments and how the RECs could be expected to familiarize themselves with their new states and deliver. INEC failed in many places to make arrangements to transport election officials and materials to polling stations. In some places, even where material arrived at distribution points more than three hours late, elections officials still had to carry their materials and trek with them for kilometers to their polling stations, causing more delays and exposing them to security risks.

INEC claimed that the logistical problems it faced in the distribution of election materials were caused by the fact that it was ordered by the Supreme Court on Monday, April 16, 2007 to include: The name of the Action Congress Presidential Candidate, Vice President Atiku Abubakar, was missing on the ballot paper, forcing it to reprint the ballot papers for the elections. This excuse cannot exonerate the Commission from blame. Weeks prior to the elections, a broad section of Nigerians advised INEC that its relentless pursuit of the programme of disqualification of candidates instead of focusing its energies and resources on its primary task of organizing the elections would detract from its performance, instead INEC persisted, claiming that they had contingency plans to deal with the situation, but in the end, this unwholesome agenda was its undoing. It unjustifiably created for itself a logistical nightmare of having to print about 65 million ballot papers for the presidential elections within a period of four days and distributing them across such a vast country in about 15 hours.

### **Malpractices and Irregularities**

The Presidential and National Assembly elections were in many respects worse than the state elections held on April 14, which had already been adjudged by local and international observer groups as fundamentally flawed by all relevant standards, national and international. The highlights of the serious lapses, malpractices and irregularities are as follows:

#### **Lapses**

There were serious lapses in the organization of the elections and manifest state complicity in the lapses. The following are examples of such lapses:

- ❖ Elections did not start on time in virtually all the states of the federation with the possible exception of Abuja, the Federal Capital. In some states, they started so

late that they could not be said to have held at all. Such states include Imo, Abia, Anambra, and Enugu.

- ❖ There was undersupply and hoarding of voting materials in almost all the states of the federation including Katsina, Kaduna, Enugu, Benue, Niger, Nasarawa, and Adamawa.
- ❖ No elections took place in many polling centers in different states across the country, particularly in the North East and South East.
- ❖ House of Representatives and Senatorial elections were not conducted in many states, including Kaduna, Niger Lagos, Adamawa, Gombe, Bauchi, Abia, Katsina, Imo, Anambra, Enugu, among others. Event in states where they held, the logos of some parties were omitted from the ballot papers.
- ❖ There was lack of security of the ballot. In states such as Kaduna and Niger, adequate security of the ballot was not provided as elections officials had to trek with their election materials for several kilometers to their polling stations without security.
- ❖ Low voter turn out across the states to the point that they could be described as a boycott by the Nigeria people because of the outcome of April 14 elections, which did not reflect the will of the people as expressed through their ballots.
- ❖ Lack of secrecy in balloting across the 36 states and Abuja.
- ❖ INEC officials (adhoc staff) who presided over the elections in many states were not properly trained and were kids.
- ❖ Police officials were also not properly trained and had no communication capabilities, which made them helpless.
- ❖ Disorganized voters' register, which made it difficult for voters to identify their names, further complicated the process.
- ❖ Presidential ballot papers did not have serial numbers which made it difficult for voters and observers to know how many were actually printed.
- ❖ Complete lack of transparency in the conduct of the elections.

### ***Malpractices***

There were also numerous incidents of electoral malpractices across the country. Some of these included:

- ❖ Intimidation of voters, and in some cases, of election observers.
- ❖ Partisanship of INEC and security agents.
- ❖ An unacceptably high incidence of violence recorded during the exercise.
- ❖ Underage voting
- ❖ Hoarding of election materials, including ballot papers and result sheets by INEC officials
- ❖ Stuffing of ballot papers by dominant parties, often with the connivance of INEC and security officials.
- ❖ Snatching and theft of ballot boxes and papers.
- ❖ Voting did not take place in polling stations in many states across the federation, especially in the South East and North East, and yet results were produced for those states.
- ❖ Criminal intent in depriving those whose mandates were stolen of effective judicial remedy by denying them the result sheets, which can be used in the election tribunal.

- ❖ Diversion of election materials, especially ballot papers and result sheets, to private homes of powerful politicians from where the ballot papers were thumb printed or the results of elections were written.
- ❖ Deliberate refusal to provide adequate voting materials to polling stations.

During a campaign rally of his party, the People's Democratic Party (PDP); former president Olusegun Obasanjo had declared that the elections were going to be a "do or die" affair, this is exactly what it turned out to be. His party, the PDP swept the polls with 28 governorship seats out of the 36, and 24 million votes to win the presidency, trouncing its closest rival with a difference of 18 million votes (Owete and Shaage 2007). The general conclusion of both the domestic and international observers was that those elections hardly reflected the wishes of the populace, and the votes of the electors did not count. The 2007 Election Day activity which I consider the second phase in my analysis led to the conclusion that the 2007 election was flawed, manipulated and results manufactured.

The Nigerian judiciary, which in recent times, has discharged its duties creditably well, has the onerous task of rekindling hope in Nigeria's democratic process as the battle for justice and fairness in the elections shifts to the Election Tribunals (Adejumobi, 2007:3).

### **Post Election Period**

INEC was slow in announcing results. In Delta State its officials declared a governorship winner when only the results of eleven local governments were collated. Many political parties alleged that the results declared did not reflect expressed preferences. In some polling units incumbents secured the vote of every registered voter. The ruling party asked losers to file petitions at the election tribunals while opposition parties called for the cancellation of the results and the conduct of fresh polls. The Nigeria Labour Congress and other civil society organizations organized vigils, strikes and work stoppages to register their dissatisfaction with the conduct of the election and election results. But the media joined the government in reminding the aggrieved that the electoral law vests the resolution of electoral disputes in the election tribunals. INEC defended its position vehemently that it performed a feat. There are tortuous and challenging days ahead for Nigeria's fragile democratic experience. To attain this, the under listed recommendations are necessary.

### **Recommendations: Lessons for 2011.**

The executive, the legislature and civil society organizations should undertake the following actions in order to reform and strengthen the electoral process and promote democratic consolidation.

- (a) Constitutional review and review of electoral instruments in a process that embraces the views of all sectors of the society.
- (b) Provide civic education to members of the society.
- (c) Make INEC develop a code of conduct for political parties, security gents.
- (d) Review the structure, composition, operations and funding of INEC so that it can attain absolute autonomy.
- (e) Reform and enforce legislation on political party funding and campaign finance because the role of money in politics excludes quality participation.

- (f) Institutionalize continuous voter registration and review at the local government level.
- (g) Develop and popularize a code of conduct for the security agencies. Security sector transformation is a vital component of democratic reform and is crucial to guaranteeing respect for civil rights. New standards of behaviour should be set for all members of the security services, including an end to impunity and institutional cover-up. This could necessitate that the National Assembly make changes to existing statutes. The government should provide security sector official with continuous training in democratic values, while civil society should develop the capacity to monitor effectively the security agencies and their operations.
- (h) Guarantee the secrecy of the ballot and the sanctity of the results. To protect the integrity of the democratic process and the legitimacy of elected officials, the results of the poll must reflect the preferences actually expressed by voters. Citizens must feel free to vote without fear and with the feeling that what they are doing truly matters. Declaring results at the polling stations could bolster public confidence in the process.

## **CONCLUSION**

The reports issued by the European Union, ECOWAS and the carter center among others have had the expected results of bringing the validity of international election observation into the front burner of Nigeria's nascent democracy. As Nigerians and concerned global citizens alike reflect on the Nigerian situation, it is clear that their reports will live a lasting legacy on electoral observation missions. The opposition has rallied behind the local and international observer mission and declaring it as a sham as they call upon the international community and the judiciary to assist them in their fight for their fair share of seats in the National Assembly, States Assemblies and Governorship seats in the states and for democracy. The Nigerian case illustrates how electoral reports facilitate democratic developments and the engineer reforms in a polity.

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