



Transition Monitoring Group

(A Coalition of Human Rights, Non-Governmental and Civil Society Organisations)

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Preliminary Report on the Gubernatorial and State Assemblies Elections, Held on Saturday, April 14, 2007

Introduction

In continuation of our tradition of monitoring general elections in Nigeria, which began with the 1999 elections, civil societies groups in Nigeria under the umbrella Domestic Election Observation Groups, which includes the of Transition Monitoring Group (TMG), Federation of Muslim Women Association of Nigeria (FOMWAN), Labour Monitoring Team (LEMT), Women Environmental Programme (WEP), Muslim League for Accountability (MULAC), Centre for Democracy and Development (CDD), Civil Liberties Organization (CLO) and Alliance for Credible Elections monitored the Gubernatorial and State Houses of Assemblies Elections, which held on Saturday, April 14, 2007 by deploying 50, 000 trained observers throughout the country.

This preliminary report is issued based on the observations made by monitors from the 36 states and the Federal Capital Territory, Abuja. A more detailed report will be issued at the end of all the elections.

Background to the Elections

The primary role of election observers is to strengthen a nation's election processes and outcomes. This is realized by observing the management of the various phases in the electoral process and reporting strengths and weaknesses. Responsive authorities and civil society can take appropriate actions to enhance the quality of succeeding elections. The participation of civil society organizations in Nigeria in the observation and monitoring of elections since the early 1990s has been informed by the need to develop and sustain an electoral process in the country that is open, inclusive, free and fair. Unfortunately, succeeding electoral authorities in varying degrees have failed to realize the value of election observation by citizens and its importance for political legitimacy.

Civil society organizations in the country have over the time been confronted by hostility from electoral authorities and officials which think that election observation and observers expose their inadequacies. This reaction is understandable in a country where public accountability by government officials is generally ignored. Notwithstanding, the obstacles and impediments created by various officials, many civil society organizations, individually and collaboratively participated in the observation of the preparations for and the conduct of the elections of governors and members of the legislatures in the 36 states of the Federation held on the 14th of April 2007. Election observation covers many activities and actions before, during and after the polling.

Electoral process begins with the drafting, discussion and enactment of electoral law for the country. An electoral law was enacted for the country in 2006 and amended in 2007 to accommodate many actions taken by INEC outside the legal provision. A major characteristic of the country's electoral legal framework is that the Constitution contained substantial provisions dealing with the formation and registration of parties, powers of the INEC, qualifications for nominations and election into various offices, etc. The electoral law is essentially aimed at simplifying electoral management. However, in the preparations for the 2007 elections, the country witnessed unprecedented litigations against the decision and actions of the electoral commission, especially as they relate to screening and disqualifications of candidates for elections. The INEC, in what appears to be attempts to avoid the observance of the rule of law and compliance with court orders also instituted several legal actions against individuals. As at the time of the election on Saturday, 14th April, 2007, several cases were still in court. There will also be many additional litigations arising from the conduct of the election due to observed inadequacies and late disqualifications by INEC of gubernatorial candidates without adequate opportunity for fair hearing, appeal and even notification of disqualification and grounds for so doing.

Voter registration and civic education are important aspects of elections. Election in democratic societies enables citizens to participate in governance by electing their representatives and leaders. It also enables them to remove the representatives and leaders who do not satisfy the expectations and aspiration of the voters. Voter registration and education require collaboration among the electoral commission, political parties and civil society organizations. The preparation for the current election has been characterized by general lack of civic education. The voter registration exercise witnessed several problems which necessitated amendment of the electoral law to regularize what was an unlawful registration that persisted for nearly six weeks after the period specified by statute.

Most of the problems (such as inadequate manpower and materials, malfunctioning equipment, etc.) observed during the voter registration were anticipated by civil society organizations, including the Transition Monitoring Group, that have participated in strengthening the electoral process in the country since 1999. However, rather than seek solutions to them, the leadership of the electoral commission alienated, demonized and regularly misrepresented them to the public, government and security agencies. Despite the monumental failures associated with the registration exercise, the Commission did not create effective platform for partnership with the civil society organizations. Notwithstanding, antagonism from the electoral agency, many civil society organisation mobilized the citizens and their efforts resulted in very high enthusiasm and subsequent registration, even against the backgrounds of numerous voter registration administration failures. Voter education is also necessary for smooth polling.

Due to lack of effective partnership between INEC and the civil society, there was no effective voter education prior to the election. Information were not made available to the public by the authority; voter register was not displayed as stipulated by law, samples of ballot papers were not made available to civil society organizations to enable them educate voters. These deficiencies were responsible for many of the problems that were observed during the April 14 elections. For example, a very high number of voters were disenfranchised because their names were missing on the voter register while names of contestants were not on the ballot papers. Some of the lapses in the election resulted from unnecessary antagonism of the electoral body towards civil society groups and individuals that expressed concerns about its preparations and actions.

Voter turn-out is an indication of the level of citizens' participation in election. Ordinarily, it also expresses the confidence of the public in the electoral process. In Nigeria, voter turn-out is often high because of extensive mobilization by interest groups. Frequently, the enthusiasm of the voters is eroded by lapses in the management of elections. Surveys conducted by the Alliance for Credible Elections and the CLEEN Foundation indicated that voter turn-out in the elections will be very high. INEC and security agencies were therefore urged to make adequate preparations to ensure smooth polling. However, the scale of problems that were witnessed during the April 14th election shows that adequate preparations may not have been made. High voter turn-out was witnessed in most parts of the country, though very many eligible voters were disenfranchised because their names were not on the register all the units where they registered and should vote or even be voted for.

Election commenced very late at majority of the polling stations due to later arrivals of personnel and materials. In a large number of polling units across the country, materials were either insufficient or incomplete (e.g. ballot papers were provided but not result sheets). In many polling units, voters were in gross excess of 500 voters which has been the norm in elections conducted during the past two decades. In such centres, there was no corresponding increase in personnel. As a result, there was rowdiness around the polling officials, and in some circumstances leading to skirmishes.

The polling centres were generally accessible because public spaces were used. However, the polling units lacked proper organisation and necessary materials for orderly voting. Officials and party agents crowded around rickety tables where voters receive materials, sometimes thumb-print in the presence and under the watchful eyes of party agents. The officials generally understood what they were supposed to do, if things went normally. However, once there is a problem or complaints from voters, majority were at a loss about how to solve them. In units with high number of voters, officials (including security agencies) were helpless and at the mercy of party agents, some of who were very domineering, especially when deployed by the ruling party in the state. Two major problems that characterized the election and were foreseeable but were not prevented during the April 14 election. These were incomplete voter registration and inadequate security arrangement to ensure orderly voting at the polling centres. Complete voter registration and adequate security during polling and of the personnel, materials and voters are some of the most important requirements of free, fair and credible election.

Serious Malpractices observed in the Elections

Contrary to the expressed satisfaction with the conduct and outcome of the April 14 elections by the President, Chief Olusegun Obasanjo and INEC Chairman, Prof. Maurice Iwu, preliminary reports from our observers across the states indicate that the elections were seriously marred by egregious irregularities and malpractices to the extent of not only compromising the integrity of the ballot in many states of the federations but also calling into serious question the reliability and validity of the results declared by INEC in the affected states.

.Some of these irregularities and malpractices include, hoarding of result sheets by INEC; lack of secrecy in balloting; underage voting, non inclusion of pictures and/or names of candidates on the ballot paper; partisanship of INEC officials, snatching of ballot boxes and papers; intimidation of voters and unacceptably high number of deaths recorded in the exercise:

Hoarding of Results Sheets by INEC

In the 2003 elections, incidents of people queuing in the scorching sun and being made to vote in vain without result sheets were only recorded in parts of Anambra state. In the April 14 elections, the devious act was recorded in 4 states namely Anambra, Enugu, Rivers and Cross Rivers State thereby calling into question the validity of results declared in the states. In the case of Anambra, the absence of result sheets led to the burning of INEC's office in Onitsha by angry residents. A similar thing would have happened to the Central Bank office in Enugu where people kept vigil and insisted that no distribution of voting materials would take place in the state unless result sheets were included. In Rivers State, most voting centres in the 23 Local government areas of the state had not gotten their result sheets by late afternoon on April 14 leading to protests.

Lack of Secrecy in balloting

A common feature of the Saturday elections across the states was lack of secrecy in balloting leading to subtle and overt intimidation of voters by agents of dominant parties and their loud supporters. Voting took place in makeshift environment in public schools and under trees without any efforts to screen voting areas. In many cases, the same tables used by electoral officers in clearing people for voting were also used for voting in the full glare of other voters waiting to be cleared to vote and party agents. It was therefore easy to tell who voted for whom, which cause serious problems for dissenters in close knit communities associated with particular parties.

Underage voting

One of the advantages canvassed by INEC for its preference for electronic voters' registration system was that it would check incidents of underage registration, which leads to underage voting. Our experience on April 14 was that the technology failed woefully in checking kids from acquiring voters' card to vote. Our observers reported in many states that children between the ages of 10 and 15 voted in many states such as Nassarawa, Benue, Kogi, Plateau, Katsina, Cross River, Kano, Yobe and Niger States. INEC officials pleaded that they did not have adequate security to enforce the age restriction in voting. In some other cases they were told that there was nothing INEC could do since the kids had valid voter's cards.

Non- Inclusion of Candidates' Names and/or Pictures

In many states candidates were brazenly denied opportunity to be voted for through non inclusion of their names and/or pictures on the ballot papers by INEC. The affected candidates are as follows:

- Dr. Chris Ngige, AC guber candidate, Anambra
- Nicholas Ukachukwu, ANPP Guber candidate Anambra

- Ifeanyi Araraume, PDP gubernatorial candidate, Imo State
- Jimi Agbaje, DPA Gubernatorial Candidate, Lagos State
- Uchenna Ohimai, Fresh Guber candidate, Lagos State
- Saka Abioye, NAC, Lagos State
- Christopher Obatunwa, Lagos State
- Wilson Olabode, UNPP, Lagos State

In the case of Dr. Chris Ngige and Nicholas Ukachukwu, their names were excluded from the ballot papers in flagrant disobedient of court orders which portray INEC as organization an that has contempt for the rule of law and due process.

Partisanship of INEC

The infamy of partisanship in favor of the ruling party at the federal level of government which trailed INEC activities in the build up to the April 14 elections was observed at play in many states during the elections. Some of the egregious instances are as follows reported by our observers are as follows:

- Declaration of PDP gubernatorial candidate as the winner of the election in Delta by INEC headquarters while collation and counting of votes were still going on in the state.
- Cancellation of results of gubernatorial elections in Imo State where APGA's candidate was leading on account of electoral violence while upholding the results of State assembly's elections in the state where PDP won 26 of the 27 seats in spite of the fact that the two elections held at the same time and at the same venues in the state. In many states controlled by the PDP such as Rivers, Ondo, Ogun, Delta and Edo, similar acts of violence were reported without INEC canceling the elections in the State.
- Refusal of INEC to include the names and pictures of major opposition candidates for the gubernatorial elections in Anambra State such as Dr. Chris Ngige of AC and Nicholas Ukachukwu of ANPP in spite subsisting court rulings in order to pave for the victory of the favored PDP candidate in the state, Dr. Andy Uba.
- Disqualification of the candidates of AC in Adamawa State, Alhaji Ibrahim Bepetel, 12 hours to the commencement of the elections when it was clear that he was going to win the elections.
- Disqualification of the candidate of ANPP in Kogi State, less than a day to the elections.

Violence and Intimidation

Violence and intimidation of the electorate characterized the elections in many states of the federation, particularly in four out of the six geographical zones of the country – South-South, Southeast, South West and NorthCentral. At the last count over eighty persons were reportedly killed and hundreds seriously injured. The affected states are: Anambra, Adamawa, Delta, Edo, Enugu, Kogi, Nasarawa, Ogun, Ondo and Rivers. The level of violence, intimidation and ballot box snatching that took place in these states is so grievous that the results announced in them cannot be said to reflect the will of the people in the states.

Conclusion and Recommendations

1. From the forgoing, it is clear that the elections on April 14 were marred by serious irregularities and malpractices that the results announced in many states such as Anambra, Adamawa, Delta, Edo, Enugu, Kogi, Nasarawa, Ogun, Ondo and Rivers States cannot be said to have reflected the will of the people of the states and we therefore reject them.
2. We urge Nigerians protesting the outcome of the elections in their various states to do so peacefully and in accordance with the law and the Constitution.
3. We urge the Nigerian Police Force and other security agencies to give adequate protection to Nigerians who are peacefully protesting their unhappiness at the outcome of the elections in their states. Aggrieved persons should under no circumstances be suppressed or intimidated.
4. We appeal to the judiciary and Election Tribunals to act as the true guardian of the law and the constitution and use its adjudicatory and interpretative powers to deliver electoral justice in deserving cases.
5. The Nigerian Police Force and other security agencies must give adequate protection to electoral officials and materials during the Presidential and National Assembly elections to prevent criminal gangs from hijacking or tampering with the process.
6. Materials should be transported to the States early enough to ensure that voting commenced at the scheduled time.
7. Adequate security should be provided to protect voters, officials and electoral materials.
8. INEC and the security agencies should let the national interests and survival dictate their actions in accordance with the law and without bias.
9. The irregularities that characterized the April 14th election should be prevented in the next election on April 21, 2007.

Signed:

Transition Monitoring Group (TMG),

Federation of Muslim Women Association of Nigeria (FOMWAN),

Labour Monitoring Team (LEMT)

Women Environmental Programme (WEP)

Muslim League for Accountability (MULAC),

Centre for Democracy and Development (CDD)

,
Civil Liberties Organization (CLO)

Alliance for Credible Elections (ACE Nigeria)