

An Election Programmed to Fail:

Preliminary Report on the Presidential and National Assembly Elections

Held on Saturday, April 21, 2007

Introduction

Civil society organizations in Nigeria, under the banner of the Domestic Election Observation Group, observed the Presidential and National Assembly Elections held on Saturday, April 21, 2007. The organizations, which include the Transition Monitoring Group (TMG), Labour Election Monitoring Team (LEMT), the Citizens Forum for Constitutional Reform (CFCR), the Electoral Reform Network (ERN), Muslim League for Accountability (MULAC), Centre for Democracy and Development (CDD), and Alliance for Credible Elections (ACE-Nigeria) deployed approximately 50,000 trained election monitors throughout the country.

Summary of Observations

Our monitors throughout the country noted and documented numerous lapses, massive irregularities and electoral malpractices that characterized the elections in many states. Based on the widespread and far-reaching nature of these lapses, irregularities and electoral malpractices, we have come to the conclusion that on the whole, the elections were a charade and did not meet the minimum standards required for democratic elections. We therefore reject the elections and call for their cancellation. The Federal Government and the Independent National Electoral Commission (INEC) have failed woefully in their responsibility to conduct free, fair and credible elections.

We do not believe that any outcome of the elections can represent the will of the people. A democratic arrangement founded on such fraud can have no legitimacy.

Despite the chaotic, troubled electoral process, what unites all Nigerians and the entire international community is the very strong belief that the problems that beset Nigeria and its elections should be resolved by legal and political means. The violence should stop and the law enforcement agencies should continue exercising their constitutional responsibility of maintaining the peace within the Constitution and under civil leadership within the rule of law.

Conclusions and Recommendations

Accordingly, we hereby make the following conclusions and recommendations:

- In order to overcome the vicious circle of fraudulent elections conducted by successive election management bodies, Nigeria should adopt a public policy which requires those charged with the management of elections to account for their conduct and actions. In furtherance of this, the leadership of INEC, under the chairmanship of Professor Maurice Iwu, should be held accountable for the lapses that arose from institutional and leadership incompetence as well as malpractices, fraud and lack of adequate preparations that characterized the elections of April 14 and 21, 2007.

- The management of the April 21 elections was characterized by massive but unnecessary waste of this country's resources. INEC printed millions of ballot papers for the presidential elections which were discarded without being used. Sensitive election materials which ought to have been checked carefully before being sent to the printers were handled with criminal negligence, resulting in many of them being unusable, particularly in senatorial elections in many states. The cost of re-printing the ballot papers and organizing senatorial elections on another day in these states is a huge drain on the country. INEC officials should be held criminally liable for the waste of resources.
- The Voters' Register for the election is very poor. The public ought to have had an opportunity to correct the list, and then INEC should have divided it so that there is a closer approximation for each polling station to 500 voters. The list should then have been organized for each polling station so that the names are arranged either alphabetically or serially by voter identification number.
- Following the shoddy elections, which were clearly programmed to fail, INEC and the Federal Government have thrown the country into a constitutional crisis not envisaged by the Constitution. We call on the National Assembly to immediately re-convene to find a constitutional solution to the crisis. Having orchestrated the failure of the elections, whatever political arrangement put in place by the National Assembly must be such that should not allow President Olusegun Obasanjo and his government to profit from the crisis, in terms of remaining in office beyond May 29, 2007. We call on National Assembly and the international community to hold President Obasanjo to his commitment to step down from office by May 29, 2007.
- Whatever arrangement the National Assembly puts in place must include the conduct of fresh elections within a three-month period. We therefore call on the international community not to recognize these discredited elections and not to confer legitimacy on any government that emerges therefrom.
- We call for the immediate dissolution of the INEC as presently constituted and the institution of a process that will lead to the conduct of free, fair, transparent and credible elections in the shortest time possible, which should exclude INEC under the leadership of Professor Iwu.
- In the long term, the 1999 Constitution should be amended to ensure that INEC becomes truly independent, non-partisan, impartial, professional, transparent, and trustworthy as an institution and in the performance of its constitutional functions.
- We call on the National Assembly to immediately launch an inquiry into the conduct of INEC in the management of the elections, including the award of contracts relating to various aspects of the

preparations for the elections. In particular, we note that while INEC had substantial allocations from the Federation Account to organize and conduct the elections, most of its expenses appeared to have been covered by the Joint Donor Basket Funds. Nigerians need to know what became of the allocations to INEC from the Federation Account and how those monies have been disbursed.

- We call on the National Assembly to review the elections and institute a judicial inquiry into the financial affairs and conduct of Professor Maurice Iwu and INEC to determine the extent to which financial improprieties, corruption and fraud contributed to the failure of the elections.
- We recommend that in future elections, the Chairman of INEC should not be charged with the technical responsibility for organizing elections. While the INEC Chairman and Commissioners may be involved in broad electoral policy and providing broad policy direction for the Commission, the actual task of organizing the elections requires technical competence in planning and logistics, and should be assigned to a person who has demonstrable experience and technical skills in this regard.

Evidential Basis of Conclusions and Recommendations

Our conclusions and recommendations are derived from the following facts and evidence:

Preparations for the Elections

In many states, especially in the south east and north east, elections did not take place due to the non-delivery of election materials and this created challenges for the security agencies.

In many states, including Abia, Lagos, Kaduna, Niger, Anambra, Adamawa, Imo and a host of others, Senatorial and House of Representatives elections did not take place or took place in few constituencies due to omissions and mix ups in names and photographs of candidates as well as the logos 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 are sensitive election materials which ought to have been checked carefully before being sent to the printers. But in this case, they were handled with criminal negligence, resulting in many of them being unusable. 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, 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 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 as prospective voters became restive.

Management of the Elections

The conduct of INEC and its principal officers in the period leading up to the elections and during the elections raises serious questions about its independence, impartiality and competence as an election management body.

The logistics 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 has been 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 on the tasks assigned to them.

INEC failed in many places to make arrangements to transport election officials and materials to polling stations. In some places, even where materials 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 has 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, on the ballot paper, forcing it to reprint the ballot papers for the elections.

This excuse cannot exonerate the Commission from blame. For 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 cause problems for the elections. But Professor Iwu and INEC persisted, claiming that they had contingency plans to deal with the situation. 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. Apparently, no contingency plan had been made to deal with the situation.

Throughout the period leading to the elections, INEC Chairman, Professor Maurice Iwu, was more pre-occupied with making political statements and fighting political battles, which distracted him from the task of ensuring that arrangements were put in place to guarantee a smooth electoral process. He failed to appreciate the importance of his assignment and was unable to approach it with dignity and decorum. He presented himself as a man who knew all the answers and covered his inadequacies with unnecessary bravado. Most importantly, he adopted an adversarial, rather than a cooperative role with civil society organizations, and this diminished his credibility and INEC's capacity to conduct a transparent elections.

Security and Safety in the Elections

Security agencies play critical roles in democratic elections. During the preparation preceding elections, the government and security agencies assured the citizens that safety and security will be guaranteed before, during and after the poll. Furthermore, the Inspector-General of the 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 has been characterized by widespread violence and general insecurity.

The process has been 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, they 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 following threats 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 failing to guarantee safety and security. The widespread insecurity and the militarization of the society during the poll undermined the credibility of the elections.

Malpractices and Irregularities

The 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, including in Katsina, Kaduna , Enugu , Benue , Niger , Nasarawa, and Adamawa.
- No elections took place in many polling centres 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. Even 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.
- There was low voter turn out across the states to the point they could be described as a boycott by the Nigerian people because of the outcome of April 14 elections, which did not reflect the will of the people as expressed through their ballots.
- There was lack of secrecy in balloting across the 36 states and Abuja
- INEC officials who presided over the elections in many states were not properly trained and, in many cases, were underage.
- Police officials were also not properly trained and had no communication facilities, which made them helpless.

- The voters register was disorganized, which made it difficult for voters to identify their names
- Presidential ballot papers did not have serial numbers which made it difficult for voters and observers to know how many were actually printed.
- There was 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 include:

- The 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 the 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 of the federation, especially in the South East and the North East, and yet results were produced for those states.
- The criminal intent of INEC officials in depriving those whose mandates were stolen of effective judicial remedy by denying them the result sheets which could have been used in the election tribunal.
- The 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.
- The deliberate refusal of INEC officials to provide adequate voting materials to polling stations.

A fuller report with more detailed particulars of our observations in the different states across the country will be issued at a later date in the Final Report on our election observation exercise.

Thank you for your attention.

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On behalf of the Domestic Election Observation Group