

MONITORING AND OBSERVING NIGERIA'S 2011 ELECTIONS

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ABSTRACT

Nigeria's 2011 elections marked a watershed in the country's democracy. Before then elections conducted there had been marred by controversy, with monitors and observers who assessed the quality of elections consistently questioning their integrity. The 2011 elections, however, received resounding approval as an improvement. This article examines the monitoring and observation by international and local groups of the 2011 elections. It underlines the qualified credibility of the elections considering the level of irregularities and violence noted by observers and monitors and argues that the declaration of the elections as credible must not detract from the need to be mindful of their inadequacies if Nigeria is to reap the benefit of election monitoring and observation in future elections.

INTRODUCTION

Elections provide an opportunity to test and strengthen a wide range of institutions and processes in a democracy. They offer a country's citizens a means of expressing their political will, which the Universal Declaration of Human Rights and every other major international human rights instrument recognise as the basis for the authority of government (Merloe 1999, p 1).

Neutral, independent and conscientious observation of the electoral process has become an important element of the democratic process. It contributes to the credibility and impartiality of elections by providing information about the electoral process. Election observation and monitoring build voter confidence in the integrity of the process as well as the integrity of the election management body. The presence of observers and monitors may discourage or expose violence or intimidation and cheating or manipulation of the vote or the results (Pastor 1998; Hyde 2007; McFaul 2007; Kelley 2010).

As it had done with previous elections recently conducted in Nigeria, the government invited several local and international observers to observe the 2011 general elections. The elections, which took place in the fiftieth year of Nigeria's independence, were described as a 'serious test of the strength of the country's commitment to elective government' (INEC 2011, p 1).

Among other reasons, the elections were considered crucial because the 2007 elections had been heavily criticised by both local and international observers. Although those elections resulted in the transfer of power from one civilian administration to another, serious irregularities and election-related violence undermined the credibility of the outcome, weakened the legitimacy of the leaders elected and led to increased public disillusionment with the democratic process. In fact, the late Umar Musa Yar'Adua, who became president as a result of the elections, acknowledged the anomalies that characterised them and appointed an Electoral Reform Committee (ERC) in August 2007, presided over by former Chief Justice Mohammed Uwais, to review the electoral process and the legal framework. In December 2008, the ERC published its report, known as the Uwais Report.

In a bid to ensure that 'every vote counted', Nigeria's electoral body, the Independent National Electoral Commission (INEC) made elaborate preparations to ensure that the 2011 general elections were credible and met international standards. Among these arrangements was the body's invitation to both local and international observers to witness the process and outcome of the elections.

This article examines this monitoring and observation process. It reviews some of the reports of local and international observers and examines the extent to which they reflected the quality of the elections.

ELECTION OBSERVATION AND MONITORING

The monitoring and observation of an election is a process through which the election is scrutinised and evaluated for purposes of determining its impartiality in terms of organisation and administration. It involves the 'stationing of independent missions, officials or individuals representing international or local organizations for a specified time in a country which is in the process of organizing a national election with a mandate to closely observe and pronounce on the entire process and outcome' (Rindai 2002, p 2).

Although observation and monitoring are often used interchangeably, the two terms do not mean the same thing. IDEA (1999) defines election observation as:

The purposeful gathering of information regarding an electoral process and the making of informed judgments on the conduct of such

a process on the basis of the information collected by persons who are not inherently authorized to intervene in the process, and whose involvement in mediation or technical assistance activities should not be such as to jeopardize their main observation responsibilities.

On the other hand, Rwelamira & Ailola (1994, p 50) point out that election monitoring is:

[A] little more involved than mere observing. It involves the careful scrutiny and assessment of an election for the purpose of determining its impartiality, in terms of organization and administration. It also includes an assessment of the process and actual formulation of the electoral law and the role of the security forces.

Also, according to the African Union (AU) *Election Observation and Monitoring Guidelines*, as a matter of principle, observers must not supervise or direct; rather, they are to ascertain whether or not the electoral process, in all its stages, is conducted in a climate of freedom and fairness.

Thus, the overriding responsibility of the observers is to verify whether all the competing political parties, individuals and groups enjoy complete freedom of organisation, movement, assembly and expression without hindrance or intimidation, violence or coercion or any other such acts capable of thwarting the will of the people. Therefore, an election observer is a person (local or foreign) who is participating in the electoral process of a given country, not as a voter but as an evaluator of the process, and is accredited to do so by the relevant authorities of that country.

Election monitors, on the other hand, exercise some level of lawful authority over the conduct of elections as well as over the officials involved with the elections. They may also issue instructions to the officials when necessary.

Electoral observation and monitoring are 'designed to boost confidence in the fairness of the electoral process, to help deter fraud in the balloting and counting procedures, and to report to the country's citizens and the international community on the overall integrity of the elections. In addition, observers can mediate disputes between competing political groups if requested and if appropriate, in an effort to reduce tensions before, during and after elections' (Bjornlund, Bratton & Gibson 1992, p 406).

Observation of elections by non-partisan groups has gained acceptance in many parts of the world. The reason for this is the recognition that observation safeguards the integrity of elections. It is also recognised that it helps to ensure that elections are free and fair. If elections are well conducted, this confers legitimacy

on the government to be established. If they are flawed, however, the government may be perceived as illegitimate (NDI 2007, p 21).

Essentially, the primary purpose of observation of elections is to ensure the integrity of the electoral process. It focuses on whether the elections are carried out substantially in accordance with the rules and regulations that are prescribed by law in the country in which they take place. However, election observation is not limited to this role, it also seeks to compare these national laws with international standards, to ensure that they conform to the basic thresholds of democratic elections accepted by the international community. Such observation will also take into account the performance of the election managers, the level of independence given to them by law and the attitude of the government in enforcing the election laws and maintaining law and order. All these will offer an observer a clear picture of the quality of the election process (INEC 2011, p 4).

There are commonly two types of election observers – long-term observers (LTOs) and short-term observers (STOs). LTOs cover basically all the phases of the process, including, but not limited to, voter registration, logistical support, nomination of candidates, campaigning, polling, counting, announcement of results and processing of complaints and disputes. STOs, on the other hand, mainly observe only on polling day. Ideally, election observation should focus on the whole electoral processes. However, such an approach has immense cost implications and most observers focus on the election day, seeing it as a reflection of the way the electoral process has evolved.

In Nigeria, according to INEC, only the commission and its duly authorised personnel are empowered by law to monitor elections in the country (INEC 2011, p 5). Thus, while election monitors are duly authorised personnel of INEC, election observers are independent and report only to their organisations. They observe all phases of the electoral process and report on the electoral laws and the level of compliance with them by electoral officials, government officials and voters. The observers compile complaints about the voters' register, electoral laws, voting, and the vote count and announcement of results and report on these to the appropriate authorities. Such reports are expected to contain their judgement of the conduct of the election as well as on its overall quality.

Basically, there are two categories of observers in Nigeria: local / domestic and international. Local observers are those sponsored by civil society organisations located, formed or based in Nigeria and whose activities are regulated by Nigerian law. International observers are observers deployed by or under the authority of intergovernmental agencies, international organisations and other non-governmental organisations (NGOs) not domiciled in Nigeria (INEC 2011, p 7).

The history of election observation in Nigeria started with the establishment of the Transition Monitoring Group (TMG) on 10 August 1998 to observe

General Abdulsalam Abubakar's transition from military to civil rule and build the confidence of the populace in the electoral process. The main objective of the coalition was to monitor the elections to ensure a free space for political participation and an inclusive electoral process which would usher in a civilian regime (Erubami 2010).

The TMG was formed by NGOs which had been at the forefront of the struggle against military rule. They were joined by several civil society organisations (CSOs) which wanted to contribute to a successful end to military dictatorship. The TMG monitored the December 1998 local government elections, which were used to determine the basis for political party registration for the state and national elections held in 1999 and culminating in the military handing over power.

Subsequent elections, in 2003 and 2007, were observed by a large number of local and international observers, who were either invited by the Nigerian government or applied for accreditation.

For the 2011 elections INEC accredited 338 local and 29 international observer groups. These included the European Union Election Observer Mission (EU EOM) and groups from the African Union (AU), the Economic Community of West African States (ECOWAS), the Commonwealth, the National Democratic Institute (NDI), the International Republican Institute (IRI), the Organization of Islamic Conference (OIC) and Human Rights Watch.

BACKGROUND TO THE 2011 GENERAL ELECTIONS

Arrangements

Preparations for the elections commenced long before April 2011. The provisions of the Electoral Act 2010 allow for the registration of voters and the updating and revision of the voters' register not less than 60 days before any election. So, on 15 January INEC started a fresh voter registration process, necessitated by the fact that the 2006 registration process was widely acknowledged to have been poorly executed for many reasons, including insufficient registration materials and machines.

The voter registration exercise ended in most states in February, but was extended in a few states for some days because of challenges faced by the commission. Using serving members of the National Youth Service Corps (NYSC) in all 36 states and the Federal Capital Territory (Abuja), INEC was able to register 73.5-million eligible voters. The contract for and supply and delivery of election materials, recruitment and training of various categories of electoral officials, distribution of materials, the mobilisation and deployment of security personnel

and political party agents, development of a code of conduct for politicians, delivery of materials and posting of personnel to the election frontline were not carried out as planned. INEC had to approach the National Assembly to amend the relevant provisions of the Electoral Act to extend the electoral timelines so that the elections could take place in April, thus, providing the commission with additional time to finalise the registration process and prepare for the elections.

The National Assembly elections were scheduled for 2 April, the presidential election for 9 April and those for governors and members of state houses of assembly for 16 April. The National Assembly comprises 109 senators (three per state and one from the FCT) and 360 Members of the House of Representatives, representing 360 constituencies delimited according to population. There are 990 members of the State House of Assembly, each of them representing a state constituency. Governorship positions were contested in 31 states.

On the eve of the elections the commission assured the country that they would be free, fair and credible. However, the dates had to be modified slightly because the National Assembly elections had to be postponed because some sensitive material arrived late. The new dates were 9 April (National Assembly), 16 April (presidential) and 26 April (gubernatorial and state houses of assembly).

On 21 April, as a result of the spate of violence in a number of states in the North and the middle belt of the country that followed the announcement of the results of the presidential election, INEC decided to postpone the gubernatorial and state houses of assembly elections in Bauchi and Kaduna from 26 April to 28 April. Moreover, a number of re-run elections were set for 5, 6 and 7 May in Bauchi, Delta, Anambra, Kogi and Imo states.

A total of 119 973 polling units were made operational and more than 240 000 ad hoc polling staff employed in addition to security agents, two per polling unit.

The observer teams

Both international observer missions and local groups observed the 2011 elections. There were two categories of international missions: those officially invited by the Nigerian government and those who applied for accreditation from INEC. The accreditation process conferred official recognition and gave observers access to the locations where voting, counting, collation and the announcement of results took place.

International observers were required to apply for accreditation at the INEC head office in Abuja not less than 30 days before the elections they wished to observe. Local observers were to apply either at the INEC head office or through INEC offices in their state not less than 21 days before the elections they wanted

to observe. Only applications received from organisations or institutions were considered; those from unaffiliated individuals were not processed.

In order to ensure effective observation, drawing on the AU *Principles* and the ECOWAS *Guidelines and the Declaration of Principles for International Observers*, INEC issued guidelines and a code of conduct for all observers, international and local, detailing what the commission expected from them. They were directed to 'respect the sovereignty of the Nigerian people to establish their own government and to respect the laws of Nigeria and the authority of INEC as the body charged with the administration of the electoral process'.

OBSERVER REPORTS

International and domestic observers generally noted significant improvements in the electoral process in the National Assembly and presidential polls, but stopped short of calling the elections 'free and fair'; most of them describing them as an important step forward and proffering recommendations as to how future elections in the country could be improved. What follows are summaries of international and local observer reports.

The EU Election Observer Mission

The EU EOM was present in the country from 1 March to 21 May 2011 at the invitation of INEC. The mission was led by chief observer Alojz Peterle, a member of the European Parliament. It comprised a core team of nine analysts based in Abuja, 52 long-term observers, 60 short-term observers and 15 locally-recruited short-term observers (LSTO) from the diplomatic missions in Nigeria of the EU member states, and of Norway and Switzerland.

For the National Assembly elections the EU EOM deployed 137 observers in all the states and the FCT. They visited a total of 698 polling units and 160 collation centres across the country. For the presidential election, the mission was joined by a four-member delegation from the European Parliament, led by Mariya Nedelcheva. The mission deployed 141 observers to all states and the FCT, observing 633 polling units. For the gubernatorial and state houses of assembly elections, it deployed 61 observers to 26 states and observed 290 polling units and 10 collation centres. In total, on the election days, EU observers made 1 684 visits to polling units in order to observe accreditation, voting and counting, and, in addition, they observed the collation of results at 309 centres at ward, local government area (LGA) and higher levels.

The EU mission noted that Nigeria had implemented several recommendations made in the 2007 EU EOM and the 2008 Electoral Reform Committee's

report. It further noted that the Constitution and relevant laws were amended to address some of the issues that had adversely affected the quality and credibility of the 2007 general elections. However, it regretted that the amendments failed to introduce some of the ERC's recommendations, such as the independent appointment of the INEC chair and the resident electoral commissioners, the establishment of an Electoral Offences Commission, a Political Parties Registration and Regulatory Commission, and provisions for independent candidates to run for office.

According to the chief observer, 'overall the 2011 elections marked an important improvement compared to all polls observed previously by the European Union in Nigeria. However, shortcomings were noticed and elements identified which need to be enhanced' (EU EOM 2011, p i). The EU EOM noted the high number of underage registered voters, who were clearly visible on the election days, particularly in the northern areas of Nigeria, pointing out that in many instances NYSC members conducting the registration exercise had been put under pressure to allow the inclusion of underage registrants. The INEC chairman's repeated calls for traditional leaders to help curb this problem were to no avail. In addition:

In general, the EU EOM noted inconsistent application of regulations and procedures by INEC structures in the field, contrary to INEC instructions. Examples include the inadequate display of result sheets at all levels and simultaneous accreditation and voting in numerous polling units throughout the country on all election days. This confirmed a lack of control by INEC Headquarters in their efforts to implement electoral procedures consistently and could be improved by timely, adequate training and coherent effective communication by INEC Headquarters.

EU EOM 2011, p i

The mission also stated that during the National Assembly elections on 9 April disorder was reported in 18% of the ward collation centres. In more than 70% of these centres observers saw polling unit result forms containing arithmetical errors. However, the results from the polling units observed by the EU EOM were generally transferred correctly to the ward results sheets. The results were posted outside the collation centres only in 30% of cases, which is contrary to the procedures established by INEC in order to enhance the transparency of the election process. In spite of these shortcomings the collation process in more than 80% of the collation centres observed was rated positively.

According to the report during the presidential election on 16 April, while the shift from accreditation to voting was smooth and carried out in a timely

manner, shortcomings were noted during voting. In 17% of the sampled polling units attempts to influence voters were observed; in 26% there were instances of interference by party agents in the process and in 47% the secrecy of the vote was not respected. General lack of organisation was noticed in 19% of the units. These figures indicated a deterioration since the National Assembly elections. The proportion of underage voting remained unchanged, at 12%, while, in a few cases, serious malpractices, such as double voting and ballot snatching, were observed.

The EU EOM observed arithmetical errors in 70% of the ward collation centres it visited, in 87% of the LGA collation centres and in 70% of the state collation centres. This demonstrated insufficient training of the collation officers. The results were posted outside the ward collation centres in only 49% of cases. However, at the LGA level results were posted outside only 35% of centres and state results at only 40%. This clearly had a negative impact on the transparency of the election process. Nevertheless, in almost all collation centres the collation and tabulation processes were regarded positively.

Another problem noted in the report related to the adequacy and accessibility of the polling units.

INEC planned to allocate a maximum of 300 voters per unit, to allow for smooth processing of voters. This was to be achieved by subdividing large units into manageable voting points for accreditation and voting under the supervisory umbrella of the main polling unit. However, INEC lacked overall capacity to consistently implement this procedure throughout the country, either because of late description of instructions, poor mechanisms of information dissemination within INEC, negligence or lack of capacity of its lower level staff to implement specific guidelines. According to best electoral practices, the number of polling units should be in proportion to the size of the electorate ensuring that all voters can be processed efficiently.

EU EOM 2011, p 19

In addition, adequate, timely training and staffing of polling units was a considerable challenge.

In all, INEC planned to train approximately 325,000 polling workers, including replacement staff, mostly recruited from the NYSC and 1,497 Returning Officers. Cascade training was observed to be insufficient and poorly conducted, with overcrowded halls and lacking reading material, which greatly impacted on the staff's capacity to perform

election duties. About 90 percent of the Youth Corps were to work in their own state of duty and served primarily as presiding officers because of their educational qualifications. Their work was commendable and often performed under difficult circumstances. Especially in remote rural areas, Corps members were vulnerable to community pressure, instances of intimidation and victims of electoral violence.

EU EOM 2011, p 20

The report also pointed out that political parties and candidates had submitted to INEC several complaints about the conduct of the elections at state and federal level. These sought the cancellation of the results at polling units, entire wards or LGAs, for the verification of ballots and results, and for the prosecution of compromised INEC staff and electoral offenders. Complaints refer to instances of alleged collusion of INEC officials and security agents with political parties to change election results, lack of security on election days and overall poor conduct of the elections.

More specifically, complaints related to the disenfranchisement of voters due to omissions from the voters' register, to alleged snatching of ballots boxes, thumb printing of ballots, vote-buying, and fake results sheets. Intimidation, violence against voters, alleged threats to life and killings of party supporters were also mentioned. These complaints refer to the states of Akwa Ibom, Bayelsa, Benue, Delta, Jigawa, Kogi, Rivers, Sokoto, Taraba and Zamfara, to mention a few. INEC stated that it intended to investigate these allegations (EU EOM 2011, p 22).

On the issue of gender representation the report noted the under representation of women despite the fact that they constitute about half the population and contribute to the economic development of the country. Despite the fact that the constitutions and manifestos of some political parties include gender-friendly provisions, these were not respected. In party primaries women were not able to compete on a level playing field with their male counterparts.

The EU EOM made 50 recommendations to further improve the country's legal framework, election administration, voter registration, political parties, voter education, media, human rights, participation of women in the electoral process, petitions and appeals processes, polling and collation, and follow-up and public support.

National Democratic Institute

The National Democratic Institute sent a 50-member delegation from 23 countries, jointly led by Joe Clark, former prime minister of Canada; Antonio Manuel

Mascarenhas Monteiro, former president of Cape Verde; Mahamane Ousmane, former president of Niger and former speaker of the ECOWAS Parliament; Jon S Corzine, former US senator and governor of New Jersey; Marietje Schaake, member of the European Parliament from The Netherlands; Natasha Stott Despoja, former senator and party leader from Australia and Kenneth Wollack, president of the NDI.

The delegation arrived in Nigeria on 4 April and remained in the country until 18 April, observing the National Assembly and presidential elections. It built on the findings of NDI's pre-election delegation, which had visited the country in October 2010, and the reports of 12 long-term NDI observers, who came in January and saw the pre-election preparations, including voter registration and the campaign. During the presidential election delegates observed more than 153 polling units in 61 local government areas in 11 states in all six geopolitical zones and in Abuja.

In their report, the NDI observers noted that overwhelming crowds pressurised some polling officials to relax procedures intended to safeguard the voting process. In many polling stations, instead of the 300 voters per polling unit directed by INEC there were more than 1 000. In one polling station observed in Nassarawa state there were 3 800 registered voters, in another there were 6 000. The delegation noted that the complicated and multi-tiered collation process was vulnerable both to human error and to malfeasance.

The NDI report also contained some recommendations about improvements for subsequent elections.

Commonwealth Observer Mission

Responding to an invitation from INEC, the Commonwealth Secretary-General, H E Kamallesh Sharma, constituted an observer group for the National Assembly and presidential elections. Initially, the secretary-general sent an assessment mission to the country from 4 to 11 February to assess the prevailing situation as well as the pre-electoral environment, prior to his final decision to constitute a Commonwealth Observer Group. The group, which was led by HE Festus Mogae, former President of Botswana, comprised 13 eminent persons and was supported by a staff team from the Commonwealth Secretariat.

According to the Commonwealth report, in the areas covered, teams reported a largely peaceful voting process, with few security-related problems at polling stations. There were, however, logistical problems. For instance, many polling stations lacked suitable tables at which people could vote or for the placement of ballot boxes. At others, the layout of the polling station meant that queues of waiting voters mingled with people casting their votes or stood next to ballot

boxes, which could both compromise the secrecy of the vote and threaten the security of the ballot boxes. It was reported that in many instances the crowds were not well managed, aggravating the problem.

There was also a general lack of consistency in the process, both in terms of differences between practices at individual polling stations and variances between the published procedures and the actual practices of many poll officials. This reflected a lack of adequate familiarity with the formal procedures.

There were other major problems observed by the teams during the National Assembly elections of 9 April.

- Names were missing from the voters' register, thus disenfranchising affected persons.
- There were several cases of underage voting, despite INECs chair explicitly warning against this in his press conference before the election. In the cases that were observed the suspected underage persons had voter cards. In some cases they were turned away, but in others they were allowed to vote because they had these cards.
- The secrecy of the vote was compromised in many cases and in a variety of ways. For instance, as noted above, the layout of the polling station often meant that persons queuing were virtually next to the persons voting. Furthermore, many voters did not fold their ballot papers so when they placed them in the transparent ballot box it was easy to see for which party they had cast their vote.
- In some areas it was already dark by the time the count was completed, which made the task of poll officials all the harder. In many instances no lighting was provided and some of the paperwork was done in the light provided by the torch function of mobile phones.
- The determination of invalid ballots was sometimes overly rigorous and a general concern. For instance, even in cases where the intention of the voter was clear a ballot would be rejected just because a small part of the fingerprint was outside of the box. Also, it was noted that in quite a few instances the inked fingerprint had smudged another part of the ballot when it was folded, thus creating a second mark and being deemed invalid. At many polling stations party agents were effectively being used to help determine the validity or otherwise of questionable ballots. The number of invalid ballots in some areas was quite high. Indeed, in one LGA in Kano State it was noted that of 37 382 votes cast 6 224 (16%) were rejected, which is extremely high (COG 2011, pp 38-39).
- In some instances the results were not posted publicly at the polling station.

The report, however, noted that the collation of the results at ward, LGA and state levels was generally transparent and inclusive, with party agents able to scrutinise the process and receive a copy of the results. Despite the difficult circumstances collation officers completed their tasks efficiently and with considerable dedication.

On the issue of gender representation the group noted the low percentage of women candidates and strongly urged political parties to mainstream gender policies and increase significantly the number of women in leadership and decision-making positions and to ensure a level playing field for female aspirants to political office.

Despite all the irregularities noted by the teams, the elections were considered credible. According to the report, 'in spite of persistent procedural inconsistencies and technical shortcomings, the elections for the National Assembly and the Presidency were both credible and creditable, and reflected the will of the Nigerian people' (COG 2011, p 40).

The report concluded with a list of recommendations to further improve the conduct of elections in the country.

Project 2011 Swift Count

As noted above, 338 local observer groups were accredited for the 2011 elections. One of these groups, called Project 2011 Swift Count, was made up of four prominent Nigerian civil society organisations, bringing together Christians and Muslims, as well as organisations with election observation skills and legal expertise. The four organisations were: the Federation of Muslim Women's Associations in Nigeria (FOMWAN), Justice Development and Peace/Caritas (JDPC), the Nigerian Bar Association (NBA) and the Transition Monitoring Group (TMG).

The coalition introduced an innovation known as the swift response observation system – a process of collecting information or data from observers deployed to observe the election process and the way votes are counted and collated, recording such information and communicating the findings to a centrally located centre established by the observation team (Erubami 2010).

This method differs from normal domestic observation in its rapid counting and dissemination of results. The observation team collects information from a scientific random selection of polling stations to derive a reliable projection of result. This entails special coding of observers' identities and the polling stations, the questions on the observer checklist, arrival at polling station, setup at polling station, voting process, counting and transmission by means of GSM technology at a specially established 'observation' centre.

About a week before the election a pre-election simulation exercise was carried out to ensure that all participants were ready and able to communicate with the National Observation Centre by GSM from their allotted polling stations. In addition to the training of special observers for the rapid response system a reference manual was printed and handed to observers for reference purpose.

For the presidential election, Project 2011 Swift Count deployed more than 8 000 accredited observers to all 774 LGAs. Of these more than 7 000 were stationary observers at polling units and nearly 1 000 were mobile observers. Based on observer reports from a final representative random sample of 1 468 polling units in 767 of the 774 LGAs, the coalition concluded that citizens all around the country were generally provided with a meaningful opportunity to exercise their right to vote and noted improvements as the elections progressed. However, it also noted that there was lack of voter awareness, so much so that a substantial number of votes in all the elections were declared invalid.

In its report the coalition noted several isolated incidents of intimidation, violence and illegal voting. But, according to the group, these incidents did not undermine the overall credibility of the elections. It was extremely concerned, however, about accredited observers being denied access to polling units. In several states Project 2011 Swift Count observers were harassed and in some cases detained by security forces.

According to the report, 628 critical incident reports were received from the mobile observers deployed in all 36 states and the FCT. These incidents were relatively evenly distributed, but with a greater number and more serious incidents occurring in the South-South. Among these were: intimidation and harassment, improper accreditation of voters, campaigning or campaign materials in or around polling units, violence and vote buying.

Other observations of the coalition were that there were fewer incidents of late arrival of materials, suspension of voting and stealing of ballot boxes during the presidential election than during the National Assembly elections.

In Delta State observers were intimidated, harassed and banned from some local government areas, which made impossible a factual assessment of the credibility of the election (Project 2011 Swift Count 2011, p 4).

The report also included recommendations for the better conduct of future elections.

HOW CREDIBLE WERE THE 2011 ELECTIONS?

As noted above, the majority of international and local observers described the 2011 elections as credible. Among the phrases describing the event and the process were: 'the freest and fairest', 'credible and creditable'. However, it is necessary to

consider what constitutes a free and fair election, given that, as indicated above, most of the election observation groups' reports included a catalogue of electoral malpractices. For instance, in most of the reports it was noted that voter turnout was abysmally low in some of the elections, but there was a high turnout in the presidential election, with one individual awarded a number of votes indicating a turnout of more than 97 %.

Kelley (2009), analysing all international electoral missions between 1975 and 2004 established that international observers are more likely to endorse elections as free and fair when the level of irregularities is considered to be low.

Some eminent scholars and personalities in the country believe that the elections were deeply flawed.

On 12 May 2011, at the University of Lagos Faculty of Law Roundtable Series on the 2011 Election: Implications for Development and Citizens Participation, a constitutional lawyer and Senior Advocate of Nigeria, Professor Itsey Sagay, dismissed conclusions that the elections had been credible, free and fair. Delivering a lecture titled '2011 Elections, Sovereign National Conference and Minority Rights', he rejected the reports of both local and foreign electoral observers, declaring that there had been no real elections in the South East and South-South geopolitical zones.

He asserted that the elections in these two zones were marred by multiple registration, gross irregularities and monumental fraud. He cited the huge disparities between the number of votes for the People's Democratic Party and other parties that had contested the elections, pointing out that in some states President Jonathan received millions of votes, while governors in the same states received only a few thousand.

In a lecture delivered at Chatham House, London, on 18 July 2011, Bola Ahmed Tinubu, leader of the Action Congress of Nigeria, while acknowledging that the 2011 elections were an improvement on those of 2007, pointed out that the quality was not as high as the government and international observers proclaimed. 'In a way, international observers have done Nigeria a disservice that will become apparent in the future,' he said. He noted that the observers did not see what took place before election day or what happened in rural Nigeria. Consequently, they had set the bar too low for the conduct of subsequent elections.

The elections were fraught with problems such as poor voter registration, undemocratic party primaries and post-election violence. Several of the results were challenged in the courts. In February 2012, the Supreme Court removed the governor of Kebbi state from office and called for fresh elections within 90 days.

The voter registration exercise was marred by delays in the delivery of registration kits to many centres; by the fact that the direct data capture (DDC)

machines used for the exercise had software problems and by the late arrival of officials. The delay in the execution of the registration exercise caused the National Assembly to amend the law to extend the period of registration by one week.

There were also reported cases of stolen DDC machines (for instance in Oyo, Bayelsa and Niger states). In many places, no registration took place at all in the first week of the exercise. One INEC official and three other persons were killed in Jos. In Oyo and Adamawa ad hoc INEC officials protested against the non-payment of their allowances. Problems of logistics, the late arrival of materials, attacks on INEC (NYSC) officials, palpable tension and fear, as well as violent protests by irate youths crippled the exercise in some states.

By the end of the registration period on 7 February INEC recorded provisional registration figures of 67 764 327 voters nationwide. The public display of the voters' register for submission of claims and objections was scheduled between 14 and 19 February – far too short a period to allow stakeholders to conduct a comprehensive review of the roll, contrary to electoral best practice (EU EOM 2011, p 23).

The conduct of the political party primaries was riddled with conflict and resulted in violence in many part of the country. Some candidates and their 'godfathers' employed illegal strategies such as bribery, appeal to ethnic sentiments, blackmail and threats to beef up their chances in the selection processes. There were also instances where the party leadership imposed 'consensus' candidates on the party, leading to factionalism as dissatisfied members left the party in protest. In some instances separate primaries were held by two factions within the same party. In Ogun State, for instance, the PDP produced two nominations for the position of governor. Similarly, in Zamfara State two separate primaries of the PDP produced two candidates (Gabriel 2011).

Some parties abandoned primaries altogether, 'anointing' particular candidates as their flag bearers in the general elections. In Oyo state, where there were nine aspiring governors, no primary was held and Senator Abiola Ajimobi (who eventually became governor) was imposed, while another aspirant, Chief Femi Lanlehin, was pacified with a senatorial ticket.

Women constituted 9.1% of the total number of candidates, a fact noted in all observer group reports but one that was not perceived to be a substantial default in the electoral process.

The post-election violence that erupted in some states of Northern Nigeria in response to the victory of the incumbent president, Goodluck Jonathan, was another factor that undermined the credibility of the 2011 elections. More than 800 people, including serving NYSC members, were reportedly killed in the mayhem. The Congress for Progressive Change (CPC) alleged that INEC had rigged the elections in favour of Jonathan and its supporters took to the streets in protest.

CONCLUSION

Although the 2011 elections were hailed by both local and international observers as the best in Nigeria's history, there is a need to examine critically their conduct and outcome. Mainly for logistical reasons most of the observer groups only focused on the conduct of the elections on the election days. This may not be sufficient to conclude with confidence that the positive record of 2011 can be sustained. The levels of irregularities, including intimidation of candidates, manipulation of the voters' register and so on, recorded well before election day but often not noted by monitors and observers in their reports, should not be ignored.

The monitors and observers of the 2011 elections (both local and international) made several recommendations for improvements. INEC needs to examine these properly and use them to conduct a credible election in 2015.

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