CIVIL SOCIETY ORGANIZATIONS AND THE MONITORING OF 2007 GENERAL ELECTIONS IN ENUGU STATE: A CASE STUDY OF THE CIVIL LIBERTIES ORGANIZATION (CLO)

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SEPTEMBER, 2011
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DEDICATION

This Project Report unreservedly dedicated to all Civil Society Organizations in Nigeria.
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I give special admonition to the Almighty God the giver of wisdom, who made it possible for this study to be completed.

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ABSTRACT

This study investigates the role of civil society organization particularly, the Civil Liberties Organization (CLO) in election monitoring with emphasis in Enugu State during the 2007 general elections. The study became imperative following the deteriorating democratic process in Nigeria. We focused our empirical verification on two key areas viz: Whether the presence of civil society organizations and other observer missions mitigate or reduce the incidence of tension, intimidation, fraud, violence and rigging during the elections. We also sought to investigate whether the presence of these observer groups strengthen voters confidence in the election as well as whether the areas duly observed or monitored by the civil liberties organization differ significantly from fraud, rigging and other electoral vices when viewed from the areas not observed. We adopted the Marxist theory of the state. We also relied on observation method of data collection and descriptive qualitative method of data analysis. From our findings, we found out that though the presence of these observer missions does not mitigate or reduce the above incidence associated with the elections and that even the areas where the presence of Civil Liberties Organization was noticed, there seem to be no striking difference witnessed. The researcher recommends among other things that the presence of these observer missions be strengthened for wider coverage of our subsequent elections.
CHAPTER ONE

INTRODUCTION

1.1 Background of Study

One of the most critical and salient features of any meaningful democratic process worldwide is the conduct of acceptable free and fair elections. A free and fair election according to (Orji 2005:3), ensures concrete and stable political process through the attraction, installation, and sustenance of the right caliber of candidates\officers in the right office. The contrary has been the experiences in Nigeria right from 1960 to the present democratic experiment hence, incompetent, unqualified and inexperienced leadership has characterized Nigeria's democratic systems and processes. This situation, he continued, has remained the bane of the country and has culminated in all sorts of social, political, economic and cultural crisis that have bedeviled Nigeria. It has equally led to institutional crisis, social unrests and violence as recorded in different parts of the polity. Political godfatherism has been legitimized and enthroned as part of the electoral process. (Orji, 2505:5).

It is in this direction and regard that the “role of civil society” particularly, the Civil Liberty Organization came into play in order to lend its hand to what is erroneously becoming part and parcel of our political
culture and process. Essentially, civil society is seen as very vital in the democratization process of any society.

In fact, many scholars such as Barton (1994), Manor & Robinson (1999) perceived the civil society "as the engine of democratization, because of profound roles it is playing in the sustenance and growth of democracy over the years and prior to the 1999, civil society groups such as Civil Liberty Organization, (CLO), G.34, Human Rights Groups, International Federation for Human Rights (FIDH), Amnesty International, The UN Special Rapporteur on Torture, Movement Against Corruption (MAD), Campaign for Democracy (CD) have at different fora championed for the democratization process in Nigeria and even went ahead to confront the then military President, General Ibrahim Babangida at the heat of his June 12, 1993 annulment of the most free and fairest presidential election ever held in Nigeria. These civil rights groups challenged him to a stand still. However, all is now history.

In Nigeria, the civil society particularly, the Civil Liberties Organization held on to the struggle for civil rule and democratization in spite of widespread repression of the State particularly during the days of Abacha. These struggles later facilitated the transition to civil rule that took place in 1999. The process of democratization reawakened the civil society
in Nigeria and placed it at the centre of active opposition to military authoritarianism.

Civil Liberty Organization (CLO) founded by Ayo Obe in 1987 is the foremost indigenous human rights organization in Nigeria. It is a nonprofit, non-governmental human rights initiative. Its objectives include the enhancement of human rights awareness in consonance with the universally accepted norms of human rights and fundamental freedoms. However, there were both local and international election observers that added value and legitimacy to the 2007 general election in Nigeria. Such international observers that lend its hand to the elections were United Kingdom Development for International Development (DFID) and over 170 civil society organizations that came up under one umbrella-Transition Monitoring Group (TMG) as an INEC accredited election observers of the 2007 general elections in Enugu State.

Manor, Robinson and White (2005:556) states that civil society is widely seen as an increasingly crucial agent for limiting authoritarian government, strengthening popular quality and inclusiveness of governance. Therefore, the civil society has a responsibility to play a positive role in making the challengers with the conduct of a free and fair election for a democratic consolidation and sustainability in Nigeria.
Nnadozie (2008:129) agrees and said:

the 2007 general election was marred with bitterness and rancour, thugery, boycotts, threats, godfatherism, intimidation, reckless utterances, manhandling, kidnapping and assassination of political opponents, manipulation of electoral bodies and processes and use of security personnel and agencies against political opponents.

Okorie (2003:97-99) posits that barely two years into their first term, elected office holders, starting from the president became consumed in what could be described as the “second term mania”. Politicians did everything to ensure success, including the kidnapping and assassination of opponents.

The ruling People’s Democratic Party exploited its incumbency to the fullest by mobilizing and deploying every available instruments of the state including the police and the military personnel before, during and after the elections to its retention of power in spite of its dismal performance during its first term.

Mantu in Garuba (2003:181) stated thus:

When I watched the irregularities perpetrated during the last election (2003) I came to the conclusion that, if my dream of one term have been passed into law, all these nonsense wouldn’t have happened. Whether you like it or not, it in the second coming syndrome that is causing all these nonsense in this country.
In his book titled “This Madness Called Election” Odey (2008:47) observed

the elections were not transparent. They were not free. They were not fair. Above all, people were not allowed to make their choice. Where they insisted on making their choice and maintain it their wishes were not respected as INEC officials announced other persons for whom the people did not vote (for) as winners.

Also, in his subtle admission of irregularities in the conduct of the 2007 elections, the Chairman BOT of the ruling People’s Democratic Party, Chief Olusegun Obasanjo has this to say “All over the world, elections manifest various degrees of imperfection. It is for this reason that the election tribunals were instituted as an avenue for all those who may have grievances to seek redress (Obasanjo, 2007:15-17).

In his assessment of the transition, Soyinka (2007:12) has this to say:

I have stressed at several fora that the past Obasanjo democratic venture which produced Yar’ Adua should be viewed as the democratic return, but as a transitional phase to autocratic democracy.

This study focuses on the role and effectiveness of election observers as an instrument for promoting multiparty democracy and electoral processes in Enugu State. Our emphasis stems from the fact that like the April/May 2003 elections which provided massive wave of anger and outcry, the 2007 elections was nothing less than electoral fraud and a cheat
on the collective integrity of the greater majority of Enugu State citizens and Nigeria as a whole as the PDP not only won the presidency but even the strongholds of the opposition.

1.2 Statement of Problem

The 2007 general election in Nigeria was seen by many political analysts as the most fraudulent election so far held in the country. According to Okolie (2009:78), in general, the electoral codes, as contained in the Electoral Act of the 2006, was held more in the breach. This situation was more brazen in Enugu State. The result of the gubernatorial election released by INEC indicated that the result was lopsided and unduly favoured the PDP. In fact, even wards that are seen as strongholds of other political parties, were declared by INEC in favour of PDP.

Reports of the Transition Monitoring Group (TMG) to which civil liberties organization belongs and other international observers showed monumental fraud during the elections into the federal executive and legislative positions and for state house of assembly. The election day activities and the collation and declaration of results were characterized by fraud, thus distorting the wishes and choices of the electorates expressed through their votes. There were wide-spread allegations and evidence of falsification of results in many parts of the country (TMG, 2003:134)
Numerous cases of electoral fraud and malpractices including underage voting, multiple voting, stuffing of ballot boxes and falsification of results in many local governments areas of the state were witnessed by the Transition Monitoring Group and the civil liberties organization.

Olukotun (2003:161) agrees that in certain states particularly Cross River, Delta, Enugu, Imo, Kaduna and Rivers, European Union Observers witnessed or obtained evidence of widespread election fraud. The elections in these states lack credibility and appropriate measures must be taken to provide voters with truly democratic electoral process.

In spite of the scathing reports of these foreign observer groups, their home governments proceeded to hail the elections as a historical achievement in the annals of Nigeria political history.

In view of the raging controversy, the following research questions are posed to guide this research:

i. Did the presence of the Civil Liberty Organization mitigated the incidence of fraud and violence in the 2007 gubernatorial election in Enugu State?
ii. Were the areas observed by the Civil Liberty Organization in the 2007 Enugu state gubernatorial election freer from electoral fraud than areas that were not observed by the organization?

1.3 Objectives of Study

The broad objective of this study is to critically evaluate the role of Civil Society Organizations in the 2007 gubernatorial election in Enugu State with special emphasis on CLO.

Specifically, the study has the following objectives:

1. To determine whether the presence of the Civil Liberty Organization mitigated the incidence of fraud and violence in the 2007 gubernatorial election in Enugu State.

2. To ascertain whether the areas observed by the Civil Liberty Organization in 2007 Enugu State gubernatorial election free from electoral frauds than areas that were not observed.

1.4 Significance of the Study

This study has both theoretical and practical significance. Theoretically, the study will add to the existing knowledge on Civil Society Organization. It will also serve as an addition to the existing literature on CLO and thus serve as a source of secondary data for future researchers.
Practically, the study will help Civil Society Organization who serve as the “watch dog” of the political transition programmes of governments and policy makers to strive and develop a workable theory and principles founded on the people’s culture, aimed at guarding and guiding the electoral process of Nigeria and undue excesses and recklessness of political leadership.

1.5 Literature Review

Presence of Civil Liberty Organization and the incidence of fraud and violence in the 2007 gubernatorial election in Enugu State.

Election monitoring is the observation of an election by one or more independent parties, typically from another country or a non governmental organization (NGO), primarily to assess the conduct of an election process on the basis of national legislation and international standards (Human Rights Watch (2007)).

On whether the presence of civil society groups reduce the incidence of tension, fraud, rigging and intimidation, Ginsberg (2001:131), stated thus:

There are national and international election observers. Monitors do not directly prevent electoral frauds, but rather record and report such instances. Election observation increasingly looks at the entire electoral process over a longer period of time, rather than at election Day proceedings only.
In the same vein, Gill (2001:22) in a seminar interview stated that

The legitimacy of an election can be affected by the criticism of monitors, provided that they are themselves seen as unbiased. A notable individual is often appointed honorary leader of a monitory organization in an effort to enhance its own legitimacy.

The first monitored election according to Adam, (1991:212), was that of a plebiscite in Moldavia and Walachia that was monitored by most of the major European powers. Citing the first monitored general election, Adam (1991) stated thus:

Election monitoring was uncommon until after World War II. Election observation activities have expanded significantly following the end of the cold war, along with the development of international standards on the conduct of democratic elections.

In the opinion of Jinadu (1997:33).

International election observation focused on election in countries with weak democracies or democracies in transition in the 1990s.

Adding that in recent years, however, there has been an increasing number of observer missions monitoring elections in long-standing democracies including the United States, France, the United Kingdom and Switzerland”.

International organizations such as the Organization for Security and Co-operation in European Union, the Common Wealth Secretariat, the
Council of Europe and the African Union regularly deploy monitoring teams. The United Nations no longer provides monitoring services, instead, it focuses on electoral assistance. Individual governments also participate in monitoring efforts, generally under the umbrella of an international organization. These national efforts according to Mark, (2006) are normally managed by the local electoral commission (INEC). A wide array of NGOs also participate in monitoring efforts (CLO). The Carter Centre, for example, played a key role—with the United Nations Electoral Assistance Division and the National Democratic Institute “in building consensus on the common set of international principles for election observation”.

Standard international election observation missions, as deployed by, for example, the European Commission or the OSCE Office for Democratic Institutions and Human Rights (ODIHR) monitor the entire electoral process. According to Fashina, (1998:22),

Election experts and long-term observers begin their work weeks before the actual Election Day, looking at candidate registration, the legal framework, the media situation, the work of the election administration, and the campaign environment. On Election Day, short-term observers monitor the opening of polling stations, the vote cast, and the counting and tabulation of results. After Election Day, observers remain in the country for another few weeks to monitor how possible election-related short comings and complaints are dealt with by the election
administration and judiciary. The findings of the observers are made public in reports issued after Election Day.

Many domestic observers according to Nnadozie (2005:38),

tend to be partisans, looking out for the interests of their party and it is a challenge for international observers to pass the information they receive from these sources. There are, however, also numerous domestic nonpartisan observer groups in many countries. The objectivity of some local and international observers are questioned.

Writing on the significance of observer mission in election management and administration in Nigeria, Osuntokun, (2003:41) averred that:

2003 and 2004 elections duly monitored by local and international observers were as at that time the most fraudulent in Nigeria’s history, but that the April 2007 general elections far surpassed the 1999 and 2003 elections in the level of fraud, rigging, criminality and complicity by the various organs of the state in the electoral farce that occurred.

Continuing, he states that the 59 member International Election Observation Delegation from the International Republican Institute also concluded that “the first three parts of Nigeria’s April 14 and 21, 2007 election process fall below the standards set by previous Nigerian elections and international elections”.
The 2007 general elections proclaimed to be peaceful shows that their outcome elicited divergent views and reaction from both the local and foreign observers as well as the general public.

Taking the Commonwealth observer group, for instance, while the group granted that the elections were characterized by irregularities, electoral fraud and logistical problems, it was quick to emphasize the historic nature of these elections for Nigeria (Vanguard, May 26, 2007:37).

The group therefore, submit that taken together, the National Assembly, governorship and presidential elections were the second time in 24 years that a civilian administration organized a federal civilian to civilian election. This accomplishment was a further improvement.

The report went further

Despite the achievements which these elections marked for Nigeria, much still remains to be done to strengthen the electoral process and culture of democracy in the country. INEC itself should be strengthened further and be provided in good time with additional financial support it needs. Its authority needs to be enhanced and its independence assured (Vanguard 2007:37)

The Report of the European Union Election Observation was more damning in its condemnation of the conduct of the elections Some of the reports include.
The president and a number of gubernatorial elections were marred by serious irregularities and fraud in a certain states, minimum standards for democratic elections were not met. EU EOM witnessed and obtained evidence of wide spread election fraud in certain states. Many instances of ballot box stuffing, changing of results and other serious irregularities were observed in Cross River, Delta, Enugu, Kaduna, Imo and River states. The elections in those states lack credibility and appropriate measures must be taken by relevant authorities. (Vanguard 2007:38)

The report continued:

Similar irregularities were observed to a lesser extent in a number of states, including Anambra, Benue, Edo, Katsina and Nassarawa. These incidents undermined the integrity of the electoral process in states. Irregularities should be thoroughly investigated and addressed by appropriate authorities without delay (Vanguard 2007:38)

Meanwhile, the reports also noted that in other parts of states in the country, particularly in the South Western parts, elections were said to be in most respects, orderly. However, the report highlighted substantial flaws and weaknesses particularly with regards to voter lists, ballot distribution and safeguards against multiple voting. The report carpeted the media, federal and state owned, for failing to live up to their legal obligations to provide equal access and fair coverage of all political parties at federal and state levels.
Although private broadcasters and print media provided greater coverage of opposition parties, editorial policy was however, influenced by commercial imperatives leading to unbalanced treatment of candidates. Like the common wealth group, the EU EOM urged aggrieved politicians challenging the election results to take their complaints to the electoral tribunals. Many Nigerians were no less dissatisfied with the conduct of the outcome of the elections and protested at what they considered in the words of Whole Soyinka, as “the theft of their votes” cited in Nwabueze and Iroka, 2007 (This Day, 2007: 6). For this part, The Patriots a highly respected Association of Eminent Nigerians who had distinguished themselves in their individual callings, “called for an interim government as a way out of the widespread protests against the results of the elections (Ogbeide, 2007:161).

Similarly, rival political parties also registered their outrage. Twelve of them had in the aftermath of House of Assembly elections unanimously decided not to participate in the subsequent elections, alleging fraud. The Conference of Nigerian Political Parties (CNPP) in a publication titled “The Stolen Mandate” noted that

the 2007 elections were characterized by illegalities, irregularities and malpractices. Same of the most starring irregularities are premeditated vote allocation, result swapping forceful hijacking and division of election results (Iroka, 2007:40).
The CNPP further alleged that the ruling People’s Democratic Party (PDP) had laid the foundation for rigging the elections during preparatory stages by ensuring that President Olusegun Obasanjo delayed the release of funds approved by the National Assembly to the Independent National Electoral Commission. The consequences of this argued the CNPP, is that INEC was financially hamstrung to prepare adequately for the election *ab-initio* (Iroka, 2007:41).

It was against his backdrop that Alhaji Umaru Sada Ndayako, the Etsu Nupe, led delegations of Northern leaders to the president with the express aim of finding a political solution to the worsening election crisis. This, they contend, include

- the dissolution of INEC and reconstitution of another electoral body in its place and the cancellation of the election results wherever rigging was evident and initiation of a new election (This Day, 2007:18).

Obviously unnerved by the huge costs that would be involved in conducting fresh general elections, some sections of the Nigerian public prayed aggrieved politicians to seek for redress in the electoral tribunals if they could not accept defeat in good faith.

Where in the world whether developing or advanced”, they asked “do we have perfect elections? (Ajayi, 2007: 11).
The election observers they argued, were to blame for much of the ensuing crisis. Having predicted violence during elections and being watchfully disappointed, the foreign and domestic observers were simply hell-bent on reporting what they had earlier predicted by hyping irregularities in the elections, based on their observations a just a few states in the country (Usman, (2007:10).

As stated earlier, election monitoring constitute an essential element in the “political conditionality” which Nigeria type countries are expected to implement in order to remain worthy of aid and economic assistance by the western government and the various multilateral development agencies and donors. For them, multiparty elections are a critical process in the democratization crusade in Africa. This, thought the west, is critical to addressing the issue of legitimacy from which have sprung the crisis of governance in Africa, the idea as Kieh, (1999), is that if the people of Africa are able to elect their political leaders through a regular and transparent process, then the regimes will be able to elect their political leaders through a regular and transparent process, then the regimes will be able to govern on the basis of the good will of the people.

In spite of the controversies generated by the elections, as well as the scathing verdicts of foreign and domestic election observers, the west went
ahead and generally endorsed the elections. For example, Britain described the election as “a landmark achievement in the advancement of Nigeria’s democracy” (Daily Champion, 2007:1).

For its part, the United States noted that despite their many shortcomings, the elections clearly demonstrated Nigerian public belief in the value of democracy.

The European Union statement reads in part:

> The European Union welcomes the fact that the presidential, parliamentary and gubernatorial elections in Nigeria were conducted peacefully in most parts of the country and represented an important steps towards democratic process in Nigeria, in the context of transition from civilian to civilian administration (Daily Champion, 2003:31).

Against this context and in the light of the outrage which electoral fraud can cause in the west, is it not fair to ask why the west were so eager to endorse the 2007 elections in Nigeria in spite of groundswell of public outcry and damning foreign and domestic reports on the elections? It is to this and other related issues that is observed in the coverage of foreign and domestic election observers particularly in some emerging democracies in Africa.

Election observation and monitoring has increasingly become an internationally accepted practice, at least, in most countries where actual
observation have taken place, the exercise has however come under widespread criticisms.

This development has given rise to a good deal of Nigerians and indeed African electorates concerning the usefulness and effectiveness of election observation for establishing an atmosphere of confidence in the electoral process as well as assessing the fairness of an election. According to critics, the west do not match political rhetorics with action. When it comes to multiparty elections, the west, they argued, bows to fraud, something that is not acceptable in their own electoral practices.

For instance, in the election of February 27, 1999 which saw General Olusegun Obasanjo of the People’s Democratic Party as winner, foreign observer groups such as the International Republican Institute (IRI), the European Union Election Observation Mission, EU EOM, Human Rights Watch (HRW), the carter centre, as well as other foreign observer groups from the commonwealth, Norway and Japan including the local counterparts, concluded that the presidential election was marred by widespread electoral frauds and abuses. Despite their conclusions, the international observer groups went on to advice Nigerians to “unite and accept the results”. According to Jimmy Carter’s own observation.

Despite positive development in the elections our delegation members and others “witnessed”.
“serious” irregularities and overt electoral frauds in a number of states. It appeared that many of those electoral abuses were as a result of collusion between polling officials and partly agents and operatives (Olayanju, 1999:33).

Similarly, the conduct and outcome of the April/May 2003 General elections were roundly condemned by both the international and local observer groups, whose reports were highly critical of the results. In spite of the criticism, both the western governments and their observer groups, described the election as face to free and fair, and went ahead to endorse former President Obasanjo’s mandate for a second term. The challenge therefore, is how to reconcile this apparent contradictions if, as in the case in western democracies, an electoral fraud or malpractice is considered and treated as a crime, why should it be condoned in the name of promoting democracy in Nigeria? In

Ake (2001:131) notes:

The west says it cares about the democratization of Africa- but it would appear not enough. Clearly, it is more interested in economic policing reform than democracy … in so far as the North is interested in democracy, it promotes a kind of democracy whose relevance to Africa is problematic at best and at worst, prone to engender contradictions that tend to derail or trivialize democratization in Africa.
Barya (1993:16) argues that election observation has nothing to do with the desire of the west to encourage democracy in Africa. Barya identified three purposes which this kind of democracy intends to serve.

a) To crush once and for all, the ideology of socialism and to replace it unambiguously with ideology of free enterprise worldwide;

b) To create a new credible source of legitimacy for hegemony and thereby ensure leverage economically and politically useful to the west or specific western countries; and

c) To justify the impending decline in Africa share of global assistance as resource flows to Eastern Europe begin to mount.

This explains why the western countries commitment to democracy and democratization in sub-Saharan Africa has been described as selective and manipulative. It is against this background that (Stack, 1993 and Olukotun, 2003) averred that election monitoring and observation cannot be strictly defined as non-partisan affair. Even before international observation of election became important method of external involvement in democratization process in Africa, electoral contests, has always been determined by external interests.

Soremekun, (1999:90) citing Soyinka, points out that the 1999 general elections in Nigeria “were externally predetermined in the interest of certain
external interests”. As Jinadu has accurately observed in Onu and Momoh (2005:550).

Election as we now know them in Africa, and therefore their administration as well must be viewed as part of the colonial inheritance. In fact, it would be argued that election in some cases during colonial rule, were contrived to ensure succession favourable to the colonial regime.

It is therefore, highlighted that election observation and monitoring is not devoid of politics. It has nevertheless, played a vital role in providing the much needed atmosphere of confidence in the electoral outcomes in many African countries where the opposition were not initially allowed to participate freely in the democratic process.

Furthermore, international observation and monitoring of election as it should be noted helped to restore the confidence and goodwill of international community to many African countries that have successfully transited from repressive authoritarian regimes to democratic rule. Cases in point include Zambia, South Africa, Kenya and Nigeria among others.

Judging by its implications, the politics of election observation and monitoring possess a serious threat to the evolution of the kind of democracy Africa needs (Ake, 2001:38).
1.5.2 CLO Observation in the 2007 Enugu State Gubernatorial Election and Electoral Frauds.

Election observation and monitoring as an integral part of election management is now popular not only in advanced democracies but even so in the emerging ones. This is because; the totality of the essence which is to ensure that the entire process is conducted according to internationally accepted standards. Kagara (2006:181) states that:

> when any sovereign nation allows observers to scrutinize its electoral process; it gives the impression that the government or the electoral management body has nothing to hide, if eventually such observers return positive reports on the process, it gives such elections and the process leading to it a stamp and seat of authority and credibility.

The monitoring of the 2007 elections by the civil liberties organization and in fact other local and international election monitors during the elections actually strengthened the voters confidence especially the foreign monitors who are perceived to be non-partisan.

However, as their reports started filtering in, the feelings and expectations of the voters became disillusioned coupled with the voter’s own on-the-spot observation of the exercise as the following findings of our study show:
The International Crisis Group (ICG) in their Report No 126 of May 30 stated thus:

The elections (2007) were conducted in a highly contentious environment. The first round on April 14 2007, to elect state governors and members of the state houses of assembly, was marred by serious logistical flaws. Hopes that these would be rectified at the presidential and national assembly polls on 21 April were dashed: the second round was substantially worse in many regards. (ICG, 2007:12)

The situation was further aggravated by serious security shortcomings, which resulted in many incidents of intimidation and violence leading to extensive falsification of results. It is to be noted that all these activities were being committed in the full glare of both local and international observers. In its pre-election report, the crisis group drew the attention to the many threats to the integrity of the electoral process which could “undermine the credibility of the results”. The report identifies what went wrong and the implications for the Nigerian state and the West African region. It also outlines the immediate steps that must be taken to half a slide to the state failure, which would have far-reaching implications for domestic and regional stability. According to the crisis group,

In a majority of polling stations, procedures were not followed and ballot secrecy was not guaranteed. Voting booths were mostly not available, and where they were they were, many
were at, or in the vicinity of inappropriate places including churches and mosques, private residences, the palace of traditional rulers, drinking bars and open places which provided no shelter from the weather for both voters and polling offices. (ICG, 2007:13).

As the layout and organization of most polling stations did not allow for secret voting, most polling stations did not allow for secret voting, most voters were compelled to make their choices in full-view of other voters, security agents and polling officials. Rowdiness at the stations allowed for interference by security personnel and INEC officials. At some stations, officials closed voting much earlier than was announced by INEC, thereby disenfranchising many voters.

The chaotic situation created by INEC’s shortcomings provided ample opportunities for the elections to be rigged “on an epidemic scale”. Across the country, numerous electoral malpractices included:

- Intimidation of voters and, in some cases, election observers and monitors.
- Under-age voting
- Hoarding of election materials by INEC officials/politicians including ballots papers and result sheets
- Ballot-box stuffing by dominant parties, often with the connivance of INEC and security officials
- Theft of ballot boxes and ballot papers
Announcement of results where there was no voting, especially in the South East (Enugu), South-East and north-east

Refusal to make result sheets available to party agents, thus denying aggrieved candidates the chance to use them in arguing their petitions at the election tribunal

Diversion of ballots and result sheets so that powerful politicians could falsify results; and

Various partisan acts by INEC and security agents (CLO April 20, 2007 p. 18)

The CLO continued by reporting that

Hijacking of ballot boxes was rampant, as were theft of sensitive polling materials, stuffing of ballot boxes and vote buying. Vote counting completely lacked transparency, as polling stations’, result were not publicly displayed at any level of election administration throughout the country (CLO, 2007:30).

The failure of the April elections has major implications for Nigeria’s governance, internal security and stability.

A first implication concerns the new government’s legitimacy. As the product of a deeply flawed, disputed election, it takes power in Abuja but has not yet earned a place in the hearts if the people. Ken Nnamani, in Vanguard April 26 2007 summed that there will be a legacy of hatred.
People will hate the new administration and they will have a crisis of legitimacy.

Abdulwaheed Omar, NLC president, told a labour Day rally in Abuja that: any government based on the outcome of the elections will be politically and morally disabled”. The Domestic Electoral Observer Coalition (to which CLO belongs) says its member organizations do not believe that any outcome of that election can represent the will of the people and any administrative arrangement founded on such fraud can have no legitimacy.

Groups that do not believe in the legitimacy of the election bad threatened to destabilize it. Notable among the groups were, the Coalition of Civil and Human Rights groups who offered to use all legitimate means to give Yar’Adua’s Presidency a tough time. The Campaign for Democracy (CD), which spearheaded the campaigns that ended military dictatorship of the late 1990s, says it will challenge the legitimacy of the government by all means possible. Prior to the 29 May inauguration, Adewale executive Director of the Centre for Constitutional Governance, had warned that

If Yar’Adua allows himself to be sworn in, based on that fraud called an election, he will not enjoy our cooperation, and we will ensure that he (does) not enjoy his reign (2007:6).,
Since the results were announced, opposition leaders have been urging the international community to deny recognition to the Yar’Adua administration, specially the European Union, based on the very critical report delivered by its election observers.

The election outcome is a threat to Nigeria’s democracy, making a further slide towards a one-party state. Since 1999, the PDP has steadily captured ever more states and legislative seats at state and national levels. “In 1999, Obasanjo, its flag bearer, polled 62.8 percent of the votes, to 37.2 percent to Olu Falae of the ANPP/Alliance for Democracy (AD) coalition. In 2003, the PDP won 61.9 percent to the ANPP’s 32.2 percent, while other parties shared 5.9 percent. This year (2007), the PDP claimed 70 percent of the votes, leaving the ANPP 18 percent”. Similarly, the states under PDP control have increased from 21 of 36 states in 1999 to 27 in 2003 and 28 in 2007 (CLO, 2007:32).

The PDP’s advance may be attributed to several factors. First, it fits the template Obasanjo designed almost two decades ago and has ruthlessly implemented since 1999. In his controversial book: Constitution for National Integration and Development, published in 1989, he argued that a one-party state:

appears to be the only procedural mechanism through which we can transcend the divisive and
centrifugal forces tearing us apart and diverting our attention from the monumental task of integration and nation-building (Kukah, 1989:207).

He argued,

(A) one-party system as our national rallying point would give us continuity and structural change, continuity and stability as regards fundamental policies and objectives and dramatic (but peaceful) change of our dramatis personae (Kukah, 1989:208).

This has involved infiltrating and disorganizing rival parties, seducing their leaders and patronage and employing much needed anticorruption probes only selectively; the most potent weapon, however, has been riggred election.

As a consequence, Mathew Hassan Kukah, a Vice General of the Kaduna Archdiocese of the Catholic Church and a highly respected commentator on public affairs, warns for the PDP to suggest that Nigerians overwhelmingly gave them 90 percent of the National Assembly seats is sheer madness.

In the same vein, Ekpu, (2007:14) observes that

the PDP tsunami, if unchecked, will make the party more dominant, more domineering and turn this heterogeneous country into a monolithic entity… That must be a source of worry for our democracy and for all of us.
The constriction of democratic space means diminished opportunity for dialogue to resolve differences between the country’s diverse groups peacefully”.

The flawed election may also have diminished voter confidence in the democratic governance, particularly electoral institutions. This was reflected in the turnout for April 21 presidential elections. After the rigging galore of the governorship and House of Assembly polls the previous week, many said they no longer saw any point in queuing to vote again. While turnout for the 1999 presidential elections was 30.2 million (52.2 percent of registered voters) and rose to 38.9 million in 2003 (64.8 percent) see appendix C, Table 3 below; it dropped significantly in 2007 to 35.2 million (57.2 percent), despite the fact that registered voters increased from 60 million in 2003 to 61.5 million (EU-EOM Report, 2007:42). This drop in turnout for the presidential polls reflected growing apathy and has some bearing on the legitimacy of the results. As a way out of the lingering electoral crisis, and citing the case of Electoral Reform in Japan and Taiwan, Diamond (1999:198) has observed for example, that.

the success of electoral reform often hinges on power struggles among incumbents. Public resentment of the status quo is often a driving force behind electoral reform. In Japan, the reform debate gathered momentum when incessant scandals made the Japanese aware of the old
system’s entrenched corruption. In Taiwan, the debate was triggered by public discontent with an inefficient and chaotic national legislature. But the citizen’s disgruntlement, while indispensable does not fully explain the success. Another crucial factor was the belief among a few leading incumbent legislators that a new system would increase the odds of their re-election.

The dangers of a continued diminishing confidence in the democratic process is not only dangerous, but a threat to the survival and cooperate existence of any nation, particularly an emerging democracy as Nigeria which had been under the yoke of military dictatorship for almost all through the country’s flag independence in 1960.

Highlighting the imperativeness of an electoral reform and taking cognizance of the Nigeria’s flawed electoral systems over the years, Jinadu (2007:64) has observed, that electoral reform means improving the responsiveness of electoral systems and processes in order to ensure that public desires and expectations are expressed at elections or that election results reflect public desires and expectation; and making electoral systems and process more responsive to public desires and expectations.

Continuing on the imperative of electoral reform particularly with regard to the atrocities committed by INEC, Mahadi, A. et al (1994) in their works had observed thus: The first observation in the need to admit that no electoral system in the world is perfect and that as such, every country that
has an electoral system as the basis for mediating the competition for power among the various classes and groups in society must constantly face and deal with the question of electoral reform. Not surprisingly therefore, we find that the oldest and the newest democracies in the world and across the political divide between capitalists and socialists democracies are frequently involved in efforts to reform their electoral system. Thus from Greece and France to the United Kingdom, the USA, China, Cuba and Venezuela, debate and action on electoral reform continue as an ongoing concern. The findings of a researcher shows that the monitoring of the 2007 gubernatorial election in Enugu State by the civil liberties organization though characterized by several electoral irregularities, voters confidence were no doubt strengthened by their physical presence.

Electioneering campaigns and election in Nigeria have always been marred by steeped malice, demonizing and counter calumny, assassinations, bad faith and mutual mistrust by politicians who have been calorific to the polity. With the exceptions of June 12, 1993 and May 1999 exercises, elections in Nigeria have been akin to a winner-take-all fratricidal warfare waged on the turf of religion, ethnicity class and other fronts. The reasons for this are not far-fetched according to Ake’s locus classicus.

In a situation in which politics is the way to power as well as wealth, the premium on acquisition of
political power becomes inevitably very high. The further implication of this is that political competition becomes a grim battle in which winning is all important. Because winning in all important, the competitors tend to use every means to win. This is part of explanation of the high incidence of political violence and political instability in turn reduces the prospects of overcoming underdevelopment (Ake, 1981:126).

The issue, in electoral regulation and democratization that have been contentions in Nigeria includes the spirit of Electoral Act- whether or not it is designed to enhance democratization or otherwise, importantly-whether or not its provisions bestows advantages on, or maximizes the advantages of a particular interest to the detriment of others and autonomy, especially from the ruling party and the executive arm of government.

With regard to autonomy, a striking difference in noticeable between FEDECO of the Second Republic and (INEC since 1998: whereas, FEDECO was constitutionally empowered and given significant leeway for independent action, INEC is constitutionally hampered by its overt subservience to the executive arm which appoints its members and local resident commissioners, implement release of its budget and virtue of many more provision, put in a position to dictate to and run the commission, it was obvious INEC’s position for which it could not proffer any substance cohered perfectly with that of Mr. president, the same goes for the conduct
of local government elections. As the European Union Electoral Observer Mission (EU-EOM) report stated - INEC’s lack of transparency through the stages of the electoral process made it vulnerable to accusations of electoral bias. It would be immense reference to recall that the attempt by the PDP and INEC to reverse the order of elections in 2003 so that the presidential election would come first and bequeath unassailable bandwagon advantage to the winner, hopefully, the PDP was another case in point, the proposition was stoutly rejected by Nigerians and thankfully overruled by the supreme court.

This was akin to the gimmicks of the NPN and FEDECO in the second republic. The position of INEC on the seats of decamping legislators to the ruling party is another case in point, where the commission is adjudged to have acted partially and, the decision to recognize a faction of AD; less bellicose to the ruling PDP is another. These acts have historical antecedent and underscores the ambiguity of regulatory institutions as independent entities or ruling party machinery. In the second republic, FEDECO arbitrariness know no bounds, the commission without any set of principles decided to recognize Aminu Kano and not more robust and promising Eagle faction which included the party’s legislature and National Assembly. Two bizarre cases were the refusal by FEDECO to register the
progressive people’s party, a merger of a faction of the Greet Nigeria people’s Party (GNPP), the Eagle faction and the PRP and the Nigerian People’s Party (NPP) in 1983 on the grounds that FEDCO was too busy and refusal to allow governor Abubakar Gomi, elected on the platform of the GNPP in 1979 to context on his preferred platform of UPN, the main opposition party for the 1993 exercise (Tijiani, 1983:8-9).

Electioneering impasse has been the most immediate precursor of regime inability in Nigeria, Tijiani (1983:4 for instance opined that the 1983 general Election must however be seen as the last nail in the coffin of democracy in Nigeria’s. At the time, more so 1983, even Tijiani did not realize his clairvoyance process and how quickly his prophesy would be fulfilled, the following month as the Shagari administration was over thrown on a military coup. By 1966, according to Tordoff,

> Maladministration, corruption, electoral abuse and even thuggery had evidently become the coinage of Nigeria politics and the legitimacy of the civilian authorities was gravely weakened (Tordoff 1984:162).

**ELECTION**

Elections have the potential to confer legitimacy, moderate dissent, engender compliance and heighten citizen’s efficacy. Elections are especially crucial for eliciting consent from those citizens who would prefer
alternative rulers and policies. But the question remains elections fulfill these functions in Nigeria’s, where competitive elections are often unfamiliar and imperfectly? Do citizens who feel close to ruling parties believe that government institutions are more legitimate than do citizens aligned with opposition party do? If losers are more disgruntled than winners, is it because they doubt the procedural fairness of the recent elections? (Moreshler, 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 public process of aggregating individual preferences and occurs whenever a selection in 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.

Free, where parties of competing philosophies compete for power in a fair contest and

Sham, where rulers hold cynically staged elections in order to justify their rule.

If the election is a sham, election dispute resolution system becomes necessary but not a sufficient condition for electoral justice. Election dispute
resolution in existence is more or less politician-centred. The interest of the populace in the process is at best tangential. That is, right from the time of intra party elections, (primaries) when parties choose their flag bearers, up until the period of general election (inter-party, election); the disputants are the politicians and political parities. But section 32 (4) of the Electoral Act 2006 now permits any person who has reasonable grounds to believe that a candidate does not possess the requisite qualification for an office to approach a high court to request for the disqualification of the candidate. This power does not extend to primaries conducted by political parties.

The efficacy of this power and the extent to which it will find ready use by the people is yet to be tested or seen in live cases. Aturu (2008):B4 adds:

The system of disposing election disputes is currently beset by reliance on undue technicalities in spite of constant admonition by the Apek court that judges handling cases should dispense substantial justice. The problem here is how to do substantial justice when the basic working tools, the Electoral Act, 2006 and the constitution are technicallyworded. Those operating there laws too are trained in looking for technical flaws in the cases of the opposing parties in litigants. We are referring to judges and lawyers, all of whom have a common law background with its largely strict
constitutional orientation. From the study, researcher were able to find out that there were insignificant difference between the areas observed by the civil liberties organization from the areas not duly covered, in terms of falsification of election results.

THE GAP

From our review of available literature, it is obvious that scholars have looked at the role of civil societies in election monitoring. But, what they incidentally failed to address is whether their observation and participation in the 2007 Enugu election actually lend credence and legitimacy to the election in addition to lack of a follow up action by the government and international community on the reports issued by these election monitoring groups after each country’s polls.

1.6 Theoretical Framework

In explaining the role of Civil Society Organizations in election monitoring, we adopted the Marxist theory of the state. This theory arose in reaction to the western liberal theory of the state which contends that the state is an independent force and a neutral observer that caters for the main interest of every member of the society. According to the Marxist theory, the state in the product and manifestation of the irreconcilability of class antagonism, (Lemin, 1984: 10-11). As Engels (1942:155) succinctly puts it:
The state is a product of society at a certain stage of development: it is the admission that the society has become entangled in an insoluble contradiction with itself, that it has split into irreconcilable antagonisms which is powerless to dispel. But in order that these antagonisms, those classes with conflicting economic interests might not consume themselves and society in fruitless struggle, it becomes necessary therefore, to have a power, seemingly standing above society that would alleviate the conflict and keep it within the bounds of order; and this power arise out of society, but placing itself more and more from it, the state.

This state, which arose from the conflict between classes, is as a rule, the state of the most powerful, economically dominant class which by this means also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed (Jakubowiski 1973:41). Thus, according to Marx (1971:38)

the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie.

The state autonomy in the class struggle is therefore, more apparent than real, for the state remains the instrument of the dominant classes for exploiting and suppressing the subordinate class.

The classical Marxist theory of the state has been further developed to take into consideration the peculiarity of the neocolonial states. For instance,
Alavi (1973:147) contends that the classical Marxist view of the state is not fully applicable to the post colonial state. According to him,

In the post colonial society, the problem of the relationship between the state and the underlying economic structure is more complex than the context in which it was posed - in the European society. It is structured by yet another historical experience and required fresh theoretical insight.

As Ekekwe (198(12) rightly points out:

The difference between the two forms of capitalist state is thus: that whereas the state in the advanced capitalist formations functions to maintain the economic and social relations under which bourgeois accumulation takes place, in the periphery of capitalism, factors which have to do with the level of development of the productive forces make the state, a direct instrument for accumulation for the dominant class or its elements.

However, despite the presence of local and international election monitors on the 2007 elections particularly the civil society organization in Enugu State, INEC and by extension other agencies of government in their operations and activities with regard to the elections are far from being independent. Rather, they operate like parastatals of the executive and the party in power, being frequently influenced, controlled and directed in the exercise of their powers and performance of their functions. The Independent Electoral Commission typifies a body fettered or tied to the
apron string of the executive and the ruling party. Consequently, the Nigerian electoral management process and the foreign and domestic election observers has been subjected to gross abuses, and its sanctify violated. The civil liberties organization and other local and international election monitors are not far from being classified as a toothless bulldogs who only bark but cannot bite.

1.7 Hypotheses

The following hypotheses guided the researcher in the study:

1. The presence of Civil Liberty Organization mitigated the incidence of fraud and violence in the 2007 gubernatorial election in Enugu State.

2. The areas observed by the Civil Liberty Organization in the 2007 Enugu State gubernatorial election were freer from electoral fraud than areas that were not observed by the organization.

1.8 Methods of Data Collection

For the purpose of generating data to test our hypotheses in this study, we shall use the observation method of documentary sources and. By document, we mean any written material (whether hand-written, typed, or printed) that was already in existence, which was produced for some other purpose than the benefit of the investigator (Nwana cited in Obasi, 1999). Hence, documentary method is used in this study to mean a method of gleaning,
extracting, examining, analyzing and interpreting information as well as reading meaning into these pieces of information so as to be able to draw inference from the available evidence in order to reach a conclusion (Obasi, 1999).

The usefulness of observation method in social sciences is further highlighted by Webbs (1932:138) and Babbie (1983:178) who explained that deliberate and sustained personal observation enables the researcher to investigate and classify his ideas and tests his tentative hypothesis. Observation relies on first-hand data, and therefore, minimizes the theoretical and personal bias or artificiality.

What the foregoing implies is that documentary method makes the recourse to the secondary sources of data inevitable. By secondary sources of data, we mean data gathered or authored by another person, usually data from the available archives, either in form of document or survey results and books (Ikeagwu, 1998). To this end, this study will be based on documentary analysis of secondary sources of data. The primary sources of data include institutional and official documents from INEC, NGOs etc. To be sure, secondary data sources imply information originally collected for the purpose other than the present one (Asika, 2000). The use of documents will be complimented by the technique of participant observation as the
researcher has been a keen and active observer of the trends and dynamics of the Enugu State politics.

Analysis of data so generated shall be done using descriptive analysis because the data were essentially sourced from existing records. Accordingly, the study is and explanatory in analysis. The adoption of the foregoing analytical method becomes inevitable since the study shall depend essentially on primary and secondary sources of data.

We adopt ex-post facto, (after-the-effect) analysis in our research design. Asika (2006:24) states that ex-post facto (after the fact) research is a research that is undertaken after the events have taken place and the data are already in existence (2007 election). It is therefore, a systematic empirical study which the researcher does not in any way, control or manipulate independent variables because the situation for study exists or has already taken place.

Kerlinger in Obasi (1999:63) states that ex-post facto research is a form of descriptive research in that independent variables has already occurred and in which an investigator studies in retrospect to and effects on the dependent variables.
In the ex-post facto design

\[
\begin{align*}
O &= \text{Observation} \\
R &= \text{Random assignment of subjects to experimental groups and random assignments of experimental treatments to elemental groups.} \\
X &= \text{Independent experimental variable this is experimentally manipulated.} \\
Y &= \text{Independent experimental variable} \\
B &= \text{Before observation} \\
A &= \text{After observation}
\end{align*}
\]

The ex-post facto is an extension of quasi experimental design. Unlike experimental design that rule out the effects of influences other than exposure to an independent variable or a stimulus, quasi experimental design do not require randomization and often depends on stimulus response and disposition relations (Rosenberg, 1968) to explain the possibility that influences other than the treatment can be ruled out by additional empirical evidence and/or data analysis techniques.
1.9 Method of Data Analysis

The analysis of data was based on descriptive qualitative method of analysis. It focused at the thorough examination of documents in order to generate information for inference. It enables us “to scrutinize the content of a document in order to understand its structure, ideas and concepts and to quantify the message it relates”. Therefore, we thoroughly examined the documents that were consciously collected on the study. The results of data analysis will be presented in narratives mostly of important values in order to lead us to a more reliable conclusion of the study.
CHAPTER TWO

OVERVIEW OF ELECTION MONITORING IN NIGERIA

In this chapter, we traced the history of election monitoring in Nigeria.

2.1 Civil Society Organization and Election Monitoring/Observation

“Election monitoring is the observation of an election by one or more independent parties, typically from another country or a non-governmental organization (NGO), primarily to assess the conduct of an election process on the basis of national legislation and international election observers. Monitors do not directly prevent electoral frauds, but rather record and report such instances. Election observation increasingly, looks at the entire electoral process over a longer period of time, rather than at election-day proceedings only. The legitimacy of an election can be affected by the criticism of monitors, provided that they are themselves seen as unbiased. A notable individual is often appointed honorary leader of a monitoring organization in an effort to enhance its own legitimacy.

The first monitored election was that of a plebiscite in Moldavia and Wakachia in Europe that was monitored by most of the major European powers. According to the centre, “election monitoring was uncommon until after world war II” Election observation activities have over the years expanded significantly following the end of the cold-war, along with the
development of international standards on the conduct of democratic elections.

In the 1990s, international election observation focused on elections in countries with weak democracies or democracies in transition. In recent years, however, there has been an increasing democracies including the United States, France, the United kingdom and Switzerland.

Sequel to the end of the Cold-war and the emergence of the United States unipolarity, democracy and democratization took an appreciable centre to be focused on the developing countries especially those in Africa which had for long been suffering under despotic military and civilian regimes.

Ajayi (2005:571) commenting on the emerging influence of election observation stated inter alia:

One of such issues is how to develop a stable multiparty democracy in Nigeria whose politicians are notoriously known for their inability to gracefully accept defeat at the polls however freely and fairly the elections were.

According to him, this is more so when viewed in the context of the spirit of the time, when a relatively new dimension to Nigeria’s repertoire of political antics is emerging and when the three major political parties have becomes
psychopathic patients and are engrossed in the business of Tazarch (self-succession).

Historically, election observation and monitoring can be characterized into three broad types (Stack, 1993:536). The first, according to him is linked to the process of decolonization. In this context, the assistance of foreign government or international body is enlisted to administer and monitor elections in a newly independent country. This was the case in Africa during 1950s, when before the OAU’s inception; several African countries were granted independent following UN-sponsored referenda or elections. The practice continued even after the formation of the defunct O.A.U. Indeed, Nigeria’s election which ushered in the First Republic were duly observed, as were also election that marked the Second Republic.

Also Anderson et al (1920:120) has this to say on the historical background to election observation in Nigeria.

Election observation is a form of action-oriented and participatory research which is currently of great importance in those Third World countries which is in the process of transition from one party dictatorship to multiparty democracy.

and they further stated that:

The main purpose of observation is to collectively collect evidence of electoral process in order to make an assessment of whether the process was democratic. Their findings are action oriented in
that the results are not merely of academic interest, but are intended to influence the situation in encouraging politicians to act democratically in public institutions to allow free and fair debate, in enabling voters to know their democratic rights and influencing the opinion of foreign governments on whether the resulting government should be regarded as democratically elected government. (Andensor et al. 192: 121)

It is therefore apt to state that election observation as a viable ingredients of democracy is not a new phenomenon in Nigeria having been in place right from the First Republic. Similarly, this practice also obtained in other countries in the 1950s and 1960s even after the formation of the defunct Organization of African Unity (OAU). It was however, largely regarded as the decolonization process.

2.2. Code of Conduct for Accredited Observers

Election observation and monitoring has become a universally accepted norm by which Domestic Transition Monitoring Group (TMG) and international observers (EU-EOMS) are excepted to play an important role in providing an “accurate and impartial assessment” on the nature of the electoral process.

In Nigeria, election observation has become one of the major electoral events for the electoral umpire and the foreign observers during elections.
According to the guidelines issued by the Independent National Electoral Commission (INEC) to local and foreign observers during the 2007 elections, they shall file an application on a form to be prescribed by INEC stating and complying with the following details:

a) Name and address of telephone number(s) and e-mail address of the organizations.
b) Name and designation of its principal officers
c) Names of its members to be accredited
d) Areas of the counting where the organization intends to observe or monitor the election.
e) A written undertaking that the member(s) will abide strictly by the laws, regulations and guidelines that govern the elections.
f) The source(s) of its funding or other financial support to the organization. (source: INEC’S guidelines to accredited observers)

Specifically, all domestic and international observers are expected to perform their duties in strict compliance with the code of conduct as agreed by Nation States at the international convention on election observation held in the United Nations, New York on 27th October 2005 and ECOWAS Code of conduct for observers.
International election observation is widely accepted around the world. It is conducted by inter-governmental and international non-governmental organizations and association in order to provide an impartial and accurate assessment of the nature of election process for the benefit of the population of the country where election is held and for the benefit of the international community. Much therefore, according to the guidelines on ensuring the integrity of international election observation mission, including long-term and short-term observers, members of assessment delegation, specialized observation teams and leaders of the mission, all of these groups must subscribe to and follow their codes of conduct as prescribed by Nigeria’s INEC such as:

1) Respect sovereignty and international Human Rights
2) Respect the laws of the country and the authority of electoral bodies.
3) Respect the integrity of international election observation mission
4) Maintain strict political neutrality
5) Not to obstruct election process
6) Provide appropriate identification
7) Maintain accuracy of observation and professionalism in drawing conclusion
8) Refrain from making comments to the public or media before the body responsible for the conduct of the election.

9) Cooperate with other local election observers

10) Maintain proper personal behaviour (Source: INEC’s Publication).

In addition to the above 10 point code of conduct as issued by INEC, both domestic and international observers are expected to pledge their oath of allegiance and loyalty to the code and integrity of the Nigerian authorities and its people.

In event of violation any of these codes by either the domestic or international observers, an enquiry shall be conducted. If a serious violation is found to have occurred, the observer concerned may have his or her accreditation withdrawn or be dismissed from the election observation mission. The authority for such determination rests solely with the leadership of election observation mission.

2.3 Election Observation and its Politics

In recent years, election observation has increasingly become an internationally accepted practice, at the same, at least in most of the countries where actual observation have taken place. The exercises has nevertheless, come under widespread criticism.
This development has given rise to a good deal of skepticism among a cross section of the African electorates concerning the effectiveness and usefulness of election observation for establishing an atmosphere of confidence in the electoral process, as well as assessing the freeness and fairness of election. According to these skeptics, the west, including the international observer missions does not match political rhetorics with action.

Take for example, the Presidential election of 2003, which saw General Olusegun Obasanjo of the People Democratic Party (PDP) as winner, foreign observers groups such as the International Republican Institute (IRI) the European Union Election Observer Mission (EU-EOM), Human Right Watch (HRW), the Carter Center as well as observer groups from the commonwealths, Norway and Japan and their local counterparts, concluded that the presidential election was married by widespread electoral fraud and abuses. Despite this conclusions the international observers groups went on to advise Nigerians to “unite and accept the result”, specifically, Jimmy Carter’s observer groups stated this.

Despite positive development in the election, our delegation members and others witnessed serious irregularities and overt electoral fraud in a number of states. It appeared that many of these electoral abuses were a result of collusion between polling officials and party agents and operatives. Nigerians
are encouraged to abide by the results released by INEC (Olayanju, 1983:33).

At the same time, Carter was reported as saying that his team had no evidence that the abuses affected the outcome of the election.

Similarly, the outcome of the April 14, 2007 election were roundly condemned by both the international and local observers whose reports were highly critical of the results. Yet again, both the Western governments and the foreign observer groups endorsed the Yar’ Adua’s mandate. How can we reconcile this contradiction? If as in the case of western democracies, as electoral fraud or malpractice is considered and treated as a crime, why should it be condoned in the name of promoting democracy in Nigeria? The explanation of the Commonwealth Observer team is instructive.

The Commonwealth Observer group was conscious of the historic nature of these elections for Nigerians, taken together, the national Assembly, governorship and presidential elections were the first time in twenty years that a civilian administration had organized a federal election. This accomplishment was a further important step in the consolidation of democracy in the nation (Vanguard, 2003: 37).

Even before international observation of elections became an important method of external involvement in the democratization process in Africa, electoral contests, it is argued, have always been determined by external interests. Soremekun (1999:900 citing Soyinka, points out that the 1959
general elections in Nigeria “were externally predetermined in the interest of certain external interest”. As Jinadu (1999), observed:

Elections as we now know them in Africa and therefore their administration as well, must be viewed as part of the colonial inheritance, in fact, it would be argued that election in some cases during colonial rule were conferred to ensure succession favourable to the colonial regime (Jinadu, 1999).

The foregoing has highlighted the fact that election monitoring is not devoid of politics. It is instructive to note that it has nevertheless, played a vital role in the electoral process. It has also helped to restore the confidence and good will of international community to many African countries transiting from repressive authoritarianism to democratic rule.

2.4 Impartial Observation of the Conduct of 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 organization can take appropriate actions to enhance the quality of succeeding elections. The participation of civil society organization in Enugu state in the observation was informed by the need to develop and sustain an electoral process that is open, inclusive, free and fair.
Unfortunately, electoral authority in the state in collaboration with the state government and its machineries failed to realize the value of election observation and its importance for political legitimacy.

Civil liberties organization under the umbrella of the (TMG) were confronted with hostility from the electoral authorities and officials of the state who think that election observation was out there to expose their inadequacies.

High point and unbiased report of the (TMG) in the 2007 election in Enugu State includes among others:

1) Inadequate preparation by INEC, resulting in logistic problems and inefficiency of its officials, especially on April 14 election.

2) The display of voter’s register for verification was not effectively done in the state.

3) Inadequately trained INEC officials.

4) Intimidation of opposition by the government of Chimaroke Nnamani.

5) Violence in many parts of the state, (eg) a re-run of 4 local government areas in state.

6) Underage voting.
7) Falsification of results and hoarding of the “Results sheets” by the PDP agents.

8) Employment of party faithfully as INEC ad-hoc staff.

9) Domineering influence of the State governor with INEC officials in the state.

10) Invasion of the CBN Area Office by thugs of the state government in search of vital electoral documents. *(preliminary report in the gubernatorial and state Assemblies Election in Enugu State (www.acenigeria.org).*

Despite the travails that characterized the 2007 general election in Nigeria, Nigeria seem committed to the ideals of democracy and they have displayed laudable determination to democracy even in the face of many serious government’s deficits. The civil liberties organization in Nigeria recognized this opportunity and made attempts to fully utilize it. They were instrumental in the emergence of new coalition pressing for electoral reforms and the present administration of President Goodluck Jonathan, significant efforts towards the electoral reforms in the country to address some lingering electoral problems in the polity have been made.
2.5 The Nigerian Electoral Context and Prospects for Democratic Consolidation

Democratic elections are a window to understanding how those in power treat citizens and whether they respect citizens’ right to participate in government and public affairs. Elections depend on the exercise of political rights by citizens and political competitors. They are an important test of the integrity of democratic institutions, just as genuine, credible elections are a prerequisite for achieving democratic governance.

By 1999 at the return of civilian rule, Nigeria had been ruled by military regimes for 29 of its 39 years of independence. The years of military rule impeded the independent of civilian political leaders and hampered the emergence of a democratic culture. Unbridled corruption and poor governance resulted in weak political institutions, a decayed infrastructure, a feeble economy (outside the oil sector) and an impoverished population. Nigeria’s 1998 and 1999 transition election are best seen in the context of the broader impetus to end military rule. Nigerian and international observers viewed them as the beginning of a process of democratization and the rebuilding of a civilian led political infrastructure. Consequently, many Nigerian citizens, including some political contestants, overlooked or otherwise tolerated the flaws of a rushed electoral process. The 2003 and most strategically, the 2007 elections were seen as an
opportunity to further advance democratic gains. While better organized in some respects, serious problems compromised the integrity of the process. Most notably, INEC was criticized for its perceived lack of independence and for delays and the lack of transparency in the voter registration process that disenfranchised eligible voters. High levels of political violence were most pronounced in Rivers, Kogi and Enugu states. Across the country, observers (civil liberties organization) noted the widespread lack of secrecy in balloting, vandalized and stuffed ballot boxes, and altered results during the multi-tiered tabulation or ‘collation’ process.
CHAPTER THREE

PRESENCE OF CIVIL SOCIETY ORGANIZATIONS AND THE INCIDENCE OF FRAUDS AND VIOLENCE DURING THE 2007 GUBERNATORIAL ELECTIONS IN ENUGU STATE

The objective of this chapter is to ascertain whether the presence of Civil Society Organizations mitigated the incidence of fraud and violence in the 2007 gubernatorial election in Enugu State.

3.1 The Independent National Electoral Commission

Lamenting on the continued leadership problem facing the nation on his Keynote Address on 2020 and Beyond at the University of Nigeria, with particular reference to the orchestrated rigging of the 2007 general elections, Nigeria, Nebo (2011: 6) aptly stated:

We need to understand that electoral fraud is intrinsically a treasonable felony. Rigging election in a moral equivalent a coup d’e’tat, except that it is much worse than a coup. A coup is often stated against a government, but electoral rigging is a coup staged against the entire population. When coup plotters fail they are often tried and condemned to death, but no one has ever been tried or jailed in Nigeria for rigging elections - an offence more serious than a coup. One reason for successive failure of government business is that those who rule us were NEVER elected by the people. Most acquired leadership either through the barrels of guns or massive electoral robbery.
Knowing that they were not elected by the people, such leaders feel no obligation towards the electorate. They couldn't care less if they had to face "re-election" again, because the same mechanisms they used the first time to rob the masses of their votes are always available to them. This is one reason that the approved Electoral Act Reform is a welcome step in the right direction.

In a statement released in Abuja, Domestic election observers from Democracy-focused, and Development-oriented Non-Government Organization - Human Rights Association of Nigeria (HURIWA) averred:

The governorship election in Enugu State was fraught with incidents of ballot box-snatching at gun point by thugs suspected to be supporters of the (PDF) and the agents of other opposition parties were randomly framed up and arrested by the military and police operatives and kept away from their duty post throughout the duration of the exercise on nebulous grounds HURIWA (2007: 14, Vol. III).

The NURIWA's team of observers said election was however conducted freely and fairly in some local government area councils but with exception Igbo-Eze South Local Government particularly at (Alor-Agu Ward One id Achara Ward Four) where agents of Labour Party were allegedly iucted by armed thugs in partnership with armed soldiers and police.
On 14th of April 2007, Nigerians, determined to usher in a new civilian government, defying rumored fears of violence, and to ensure that the historical process of transition was free and fair, turned out en masse to cast their votes in the Governorship and State House of Assembly Elections. However, complaints of electoral irregularities from various parts of the country ranging from absence of INEC officials at polling stations, late arrival of electoral materials, non inclusion of candidates names and/or their pictures, missing names in the voters register, outright rigging, snatching and stuffing of ballot boxes and falsification of results, soon steered calls, both national and international for the cancellation of the elections in which the ruling People Democratic Party (PDP) enjoyed a landslide victory.

Notwithstanding the statement of Independent National Electoral Commission (INEC) of its satisfaction with the polls, local and international observers condemned the reported fraud, intimidation and violence that characterized the polls. Citing Anambra, Adamawa, Enugu, Edo, Kogi, Nasarawa, Ogun, Ondo and Rivers States as some of the states where the results declared could not be said to have reflected the wishes of the people, Okereafor and Chinweze (2007 :10) states:

it is important to emphatically resound the fact that an election is a decision making process whereby citizens choose leaders that will hold forth for them; the process does not provide room for
imposing leaders on the electorate. In this regard, it behoves on INEC to critically investigate the varying degrees of allegation of electoral malpractice alleged in these states and take decisive actions to remedy the situation. In carrying out the investigation, INEC should be fortified by provisions of section 145 (1) (b) and 146 (1) of the Electoral Act.

They further argued that Section 145 (1) (b) provides that an election may be questioned on grounds that the election was invalid by reason of corrupt practices or non-compliance with the provision of the Act.

In their vivid account of the 2007 gubernatorial elections, the Civil Liberties Organization in their concluding reflections of the elections averred.

Our monitors throughout the country noted and documented numerous Lapses, massive irregularities and electoral malpractices that characterized the 2007 gubernatorial elections in many states. Based on the widespread and far-reaching nature of these lapses, 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 election and call for their cancellation. The Punch,(2007:21).

In Enugu State for instance, the CLO gave a clear picture of what happened and reported thus:

The elections in the Southeastern state of Enugu were also characterized by incidents of violent intimidation, most of them carried out by the PDP supporters, especially during April 14 Gubernatorial and State House of Assembly
election. Where at least five people were shot died and several others injured in the cause of the electoral violence in the states.


The CLO went further to state that

There were reports of beating of opposition supporters, shootings, and other form of intimidation. APGA gubernatorial candidate, Barr. Okey Ezea was reported beaten in the state capital, Enugu at CBN South East zonal headquarters of the bank while other opposition members, including ANPP candidates in the National Assembly elections (in Igbo Eze North) Chief Fedel Ayogu was roundly beaten and properties destroyed. Some European Union election observers who had reported abuses were implicitly threatened by the Enugu State Governor, who complained about their coverage of the elections and said he could no longer guarantee their safety if they did not leave. The Sun, (2007:14)

Innocent Chukwuma, Chair, Transition Monitoring Group (TMG) summed up the incidence of the falsification of the 2007 gubernatorial election particularly in Enugu state when he stated thus:

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 party, often with the connivance of INEC and security officials, snatching and theft of ballot boxes and papers etc. Voting did not take place in some
pooling stations yet results were produced for those stations. TMG, (2007:7)

Despite the acceptance of results of general elections in Nigeria, the weakness, incompetence and fragility of INEC in managing the elections have been synoptically documented. Suberu, in Akinboye (2007:6) succinctly observes that:

The greatest source of anxiety regarding the 2007 elections is neither ethnicity nor the moral bankruptcy of the major parties and political leaders but the fragility of the agency that has been entrusted with the administration of the elections, namely, the independent National Electoral Commission (INEC). Akinboye, (2007:6)

The same view is shared by Jinadu in Akinboye (2007:3) when he stated that the electoral body was not ab-in-tio, proactive as it should have been with respect to the regulating party, electoral financing, the monitoring of the electioneering campaign process, particularly the wanton abuse of incumbency factor and the screening of candidates: its preparations for the elections, particularly the preparation of voters register”.

Obiora (2003:vii) states that:

the 1998-99 electoral campaigns which brought the government of Olusegun Obasanjo to power in May 1999 was largely financed by former military officers-political entrepreneurs; deploying their massive financial resources, they were able to install ex-military officers and their civilian
business cronies in control of the largest political parties and in high federal and state public offices.

According to the authors, “political movements representing the interest of the poor and the disadvantaged that could have served to moderate the influence of the dominant political parties have been systematically excluded from participation in the political areas by a combination of legal instruments and their relative paucity of resources as compared with the vast financial resources available to the dominant parties. A net result is the disempowerment of the generality of the Nigerian people, presence or no presence of civil liberties organization at elections. Although, members of the electoral commission are to be screened by the National Assembly, this has been a mere formality as the ruling party has an overwhelming majority in the National Assembly. Hence, the recent practice by the president has been to appoint people with credible professional or intellectual competence in electoral matters to chair the electoral commission. Appointment of Professor Attahiru Jega as the new chairman of INEC attest to the fact.

The Federal Electoral Commissioners have tenure of office, but they do not have security to tenure. They can be removed by the president without any prime facie case of misconduct made against them. For instance,
under Babangida regime, two successive electoral commission chairman (Professor Eme Awa and Humphrey Nwosu) were removed from office in 1989 and 1993 respectively in questionable circumstances, the former for his uncompromising stance in the management of the electoral commission, and the later, following the military government’s decision to annual the June 12 1993 presidential elections contrary to the position of the electoral commission. The implication is that electoral commissioners would easily succumb to the whims and caprices of the political leaders in order to protect their positions. This often makes them compliance and soft accomplices in election rigging.

The funding of the electoral commission is the prerogative of the executive, which determines how much it is provided for in the national budget. Finance is a major means through which the autonomy of the electoral commission is compromised. The funding of the electoral commission assumes a seasonal affair in which shortly before the election period that the ruling party needs the commission, the government appropriate a large chunk of resources for it and when election is over, the commission is de-prioritized, and its budget allocation shrinks.
The *NGO News* (2007:1) states that the structure of most authoritarian political system is buttressed by power being centralized around the executive president. The group also noted all forms of association life are controlled from the top. To oppose the state, even in a constructive democratic manner is regarded as threat to national security. Civil society groups that opt for autonomy from state cooptation are labeled enemies of the state. (NGO News 2007:1)

The state determines and bases the supply and access of national resources on political grounds. State resources are then used to regulate actions of party cadres and citizens for purposes of defending regime security at the expanse of human security, fundamental freedoms and human right.

### 3.2 Making the Votes Not Count in Nigeria

In democratic political systems, elections are an important feature of public participation in choosing the individuals and groups that will rule them. In some, if not many African countries, the ruling party has mastered and perfected the art of manipulating electoral systems with the primary objective of deceiving the people into believing that they govern themselves. For the most part, the incumbent party elites are able to thwart the people’s choice and desperately hold on to political power.
While years of dictatorship under colonial, military and civil rule party account for the parlors state of electoral policies in Nigeria, the nature of leadership, its short sightedness as well as its lack of commitment and experience in the democratic management of diversity in the context of restrained governance, have devalued politics and elections in Nigeria reducing the later literally to an instrument of warfare by other means. Electoral merchants or better still political barons have hijacked the electoral process, marginalizing the people, discountenancing their voices and choices and steadily sliding the fourth republic on the path of systemic collapse.

The relationship between accumulations of power is henceforth situated in a context of internationalization and growth of organized crime on a probably unprecedented scale. Bayart, (1999:9) states that

The criminalization of politics and of the state may be regarded as the reutilizations, at the very heart of the political and governmental institutions and circuits, of practices whose criminal nature is patent, whether as defined by the law of the country in question, or as defined by the norms of international law and international organizations or as so viewed by the international community, and most particularly, that constituted by aid donors

He further argues that:

The rise in Africa of activities officially classed as criminals is aided by the existence of moral and political codes of behaviour, especially those of ethnicity, kinship, and even religion, and cultural
representations, notably of the invisible, of trickery as a social value and of certain prestigious styles of life, even if an aesthetic, whose capacity to legitimize certain types of behaviour is considerable” (Bayart, 1999:16).

In essence, elections become a criminal activity in which “bandits” and “criminal gangs” hold sway because such modes of political practice are rectified by popular culture and social values. Ake explains the same problem from a materialist perspective. He argues that the under development of the productive forces in a developing country like Nigeria creates limited autonomy for the state and hampers its capacity to mediate class and political struggles.

He notes:

What needs to be kept in view is that limited autonomization means that the African state is extremely weak to perform adequately the essential functions of the state. The African state hampers the realization of the law of value and the development of the productive forces. The state in post colonial Africa is unable to mediate the struggles between classes and even within classes particularly the hegemonic class. The net effect of this is that politics, essentially the struggle for the control and use of state power becomes warfare. Power is overvalued and security lies only in getting more and more power. There is hardly any restraint in the means of acquiring power, holding it or using it. Might is coextensive with right (Ake, 1989:45).
We examine Nigeria’s electoral politics, which seem to have been hijacked by forces of wealth and power for purposes that are entirely predatory and subversive of democracy from a theoretical prism of the later.

Odey (2003:15-16) holds that our greatest political strategy, the greatest monster that has taken a vantage position and is poised to consume the nation, including the ruler and the ruled, is that Obasanjo and his men rigged the 2007 elections on the scale they have never been rigged in the history of Nigeria, rather the utmost calamity currently inflicted on the nation is that most Nigerians have lost the courage to fight for their rights in a democratic setting. It is that most Nigerian have learnt to acquiesce to evil in a most disturbing fashion and it portends danger for an emerging democracy.

Ibrahim (2007:1) states that the 2007 elections are very critical to the future of Nigerian democracy for a number of reasons. This election would be the first time there has been a third consecutive election in the country. Both the first and second Republic were overthrown by the military after heavily rigged and acrimonious second consecutive elections in 1966 and 1983 respectively. The third Republic under General Ibrahim Babangida was still born; as he annulled the 1993 first round elections. Nigeria therefore,
has a history of problematic second round elections except the 2007 election perceived to have been heavily rigged by the PDP.

Abdullahi in Agbaje and Adejumobi (2006:26) states that

> It is bad for people to rig elections. But life in Nigeria is a rigged life. The electoral process, the political parties, the governance, the entire system, everything is decidedly rigged against the ordinary person. It is, in fact, almost absurd to talk of rigging here when that is what the entire system is all about.

Even with the coalition of over 170 civil society groups coupled with the presence of EU-EOM (European Union Election Observation Mission), the 2007 election which was duly observed by these bodies, it was adjudged the most rigged election over held in Nigeria Kurfi, (2005:101) opines that rigging is almost synonymous with Nigerian elections just like advance free fraud or 419 crimes are associated with Nigerians the world over.

In liberal democratic theory, an election is a viable mechanism for consummating representative government. Apart from facilitating leadership succession, it promotes political accountability, citizen’s participation and gives voice and power to people. In other words, elections are an expression of the people’s sovereign will. John Stuart Mill, in his treatise on representative government (Mill, 1948:161-174 noted that:
The meaning of representative government is that the whole people or some numerous portions of them, exercise through deputies periodically elected by themselves the ultimate controlling power, which in every constitution, must reside somewhere. The ultimate power, they must posses in all its completeness.

We therefore, argue that Nigeria’s electoral practices arising from its institutional weakness taking root from a complex interaction of historical and contemporary forces and structures of the Nigerian state system account largely for the formlessness and lack of civility in electoral politics in Nigeria. The unrestrained conduct of the leadership in governance and the deployment of crosscutting but resilient issues of ethnicity, religion, regionalism, violence and corruption which reduce electoral politics to a theatre of war by other means are all related to the way in which the state and political power in Nigeria have been constructed.

Voter registration as Jinadu (1997:9) has observed, is a crucial phase in the electoral process which political parties in countries like Nigeria view as a first step in positioning themselves to win elections. Consequently, they go all out to mobilize their cadres for the exercise. Indeed, the manipulation of the voter registration process either through multiple registration, registration of underage persons, and denial of registration to opposition
supporters or inflating the voter’s register constitute a major step in election rigging.

In Nigeria, voter registration exercises have often been utterly flawed. In September 2002, and January 2003, INEC conducted a computerized voter registration exercise which was riddled with poor organization and serious malpractices. According to Le Ven, Pitso and Adebo (2004:33)

voter registration suffered several setbacks that affected overall enfranchisement and therefore confidence in the electoral process.

They argued and stated that:

The problems included logistical delays, insufficient staff training, lack of security at registration centres, poor voter education campaigns and other flaws. Malpractices were rampant, including cases of hoarding of registration forms and cards with the aim of selling them to politicians, and creating artificial scarcity of registration materials.

This situation according to Okoye, . (2007:20) was

being perpetrated by the PDP and by extension the governors and other political and observers who were not only incapacitated, but were utterly ignored.

This situations was corroborated by a one time Information Minister, Prof. Jerry Gana who remarked that the exercise was plagued by “serious malpractices”. It was therefore strange, according to Peter Lewis (2007:141)
that “the commission finally claimed to have registered over 61 million voters, thereby crowing a glaringly troubled and tangled process with a success rate of 100 percent improbable, to say the least: It became obvious later that the voter registration exercise was a prelude to the grand electoral fraud that characterized the 2007 general election across the states, but with bitter experience in Enugu state.

Lewis (1996:211) states that the nature of all three main political parties in Nigeria is captured thus:

The nebulous party system has little to do with any distinct ideologies, strategies or sectional appeals. The major parties are relatively diverse in their leadership and patronage. Ethnicity is still a crucial vehicle for political mobilization. Personalities and clientelist networks predominate; internal discipline in weak; internecine battles are common. Politics is winner-take-all because public office is still a high road to personal enrichment by dubious means.

With a dubious party membership list, the party proceeded to organize a party congress which was heavily characterized by rancor and violence in virtually all states of the federation (Guardian, 21 October, 2005). Obi (2007:56) summarizes the picture that emerges of the PDP from its national congress thus:

In PDP of today, all known rules of democracy have been thwarted. The party does not care a hoot about the processes of election or selection. It violates them at will. In the party, it is not the
people that make choice, it is the few who have seized the instruments of power that impose their will on the people. If democracy is to throw open the polity for mass participation in political affairs, the PDP has shrunk the political space, thus making democracy look like a closed shop. The sins of PDP against democracy and Nigerian electorates are legion.

In the context of a weak electoral body, a perverted electoral process and undemocratic political parties, the stage is set, for flawed elections. Thus, the 1999, 2003 and 2007 elections, like virtually all the proceeding elections in Nigeria’s post-colonial history, were classic cases of electoral fraud. In board terms, there have been two kinds of elections in Nigeria’s post-colonial history. There are the “transition” and “consolidation” elections (Onuoha, 2003:49) noted that the transition elections according to him are those organized by a departing political authority, which include those organized by the departing colonial authorities in 1959, and those organized by military regimes of 1979, 1993 (aborted) and 1999. Consolidation he continued, are those organized by a civilian regime and are intended to consolidate civil rule. These include the 1964/65, 1983, 2003 and 2007 elections.

While virtually all these elections have been contested, the elections of 1983, 2003 and 2007 stand out as the most corrupt and fraudulent. The shared characteristics of all elections in Nigeria as noted by Iyai (2005:2) include massive electoral frauds, the conception and practice of politics as warfare,
the lack of continuity in the political platforms used by members of the political class, high levels of opportunism and thus a low level of commitment to the different variants of right wing political ideologies that characterize the political class, the objectification of politics, and the mobilization of ethnic identities as the basis for defining the legitimacy of claims to political power.

Among the ordinary citizens that critiqued the 2007 elections, Iyayi (2007:16) particularly lampooned the crude manner the irregularities were perpetrated:

... the mandate of the people was stolen in a manner reminiscent one-stone-age politics where the size of the foot of the master determined the length of a foot. In 2007, the political class did not even have any respect for sensibilities of the Nigeria people to rig intelligently. In awarding votes to victors, and the vanquished, the numbers swelled up so much that they exceeded by wide margins, the number of voters registered to vote in the elections.

Even in its temperate and measured condemnation of the massive rigging that characterized the elections, which they describe capable of posing threat to “peace, order and stability in the country” The Patriot, a body of elder statesmen affirmed that:

It is wholly unacceptable to allow the results obtained by these well-attested electoral malpractices described by CNPP and also
International Election Observer Teams to stand. To allow them … will subvert democratic form of government instituted by the constitution and, worse still, would entrench election rigging as a permanent feature of the Nigerian polity. (The Guardian (Lagos), May 23, 2007).

Making the vote not count is not only a dangerous political phenomenon in Nigeria, but its continued application has now cut across other segments of the Nigerian society to the grave extent that the entire system is worst for it.

3.3 Violations of Electoral Laws

On 21 July 2001, thirty-five civil society organization formed the Electoral Reform Network (ERN) to ‘coordinate their legislative advocacy on the draft Electoral Bill 2001 and to ensure that a level playing ground for the 2003 and 2007 election was created’. (ERN, 2001). In a memorandum to the National Assembly on the Electoral Bill, the ERN CERN, 2001:1) noted:

INEC draft of Electoral Bill in its present form will definitively stultify the electoral process, instead of opening up the democratic space. Apart from the excessive powers conferred on INEC, there are many provisions which will engender popular participation. It is with a view to liberating the process that the following memorandum was arrived at.

Apparently, INEC did not undertake any consultation with civil society organization and other stakeholders before proposing the Electoral Bill.
In any case, some provisions of the Electoral Bill and the politics that surrounded its passage exposed the plans of the power elite to limit democratic space, and pursue a narrow political agenda at the expense of the Nigerian people. Three controversial issues based on the recommendations of the senate committee on INEC emerged. First was the order of elections. The recommendation was that presidential election should be held first, followed by the National Assembly, Governorship and local government elections. The politics behind this was that both the president and the National Assembly wanted to secure their re-election before the turn of governors, because the state governors have became very powerful and if elected first might use their local political machines to thwart the political ambitions of the National Assembly members and the president for re-election.

The second controversial issue was the life of local government assemblies from three years to four by amending section 7 of the 1999 constitution which gave the states exclusive power to legislate on local government matters. The essence of it was to remove the control exercised by the states over local governments, and thereby open the local political arenas to political contestation and control by national level political actors (for example, members of the National Executive and National Assembly)
given the crucial importance of local government structures as an instruments for mobilizing grassroots supports for the electoral success of all politicians.

The third issue centred on Clause 80 (1) of the Electoral Bill. This clause was meant to limit the space for party registration. The draft provision reads “at the close of nomination for the general elections, any political party which fails to support at least fifteen percent of the candidates for the councillorship, council chairmen, and state Houses of Assembly respectively throughout the federation spread among two-thirds of the states of the federation and the Federal Capital Territory, shall not participate in general elections”. This provision was bad enough, however, before signing the bill into law the president unilaterally amended it to read as follows:

A registered political party must win at least fifteen percent of the chairmanship and councillorship positions in the federation, spread among two thirds of the states and federation, spread among two thirds of the states and federal capital territory to participate in general elections.

This provision set new rigid conditions that virtually disqualified new political parties, because local government elections were to be held last; therefore setting performance criteria as condition for participation in higher level elections (presidential National Assembly, Governorship and State House of Assembly) automatically disqualified most new parties from
contesting the 2007 elections. It took a Supreme Court judgment to free the political space for new political party registration which immediately saw the emergence of new parties.

The handling of democratic elections requires that certain minimum standards be met if the election are to be judged free and fair. Transparency in procedures followed in handling all aspect of the electoral process in a key requirement. Makumbe and Compagnon (2000:15) observed:

Transparency necessarily means that the various rules, regulations and procedures are adhered to throughout the exercise of elections. In other words, they are not changed willy-nilly or at the behest of some officials or some of the contestants.

Furthermore, transparency in the electoral process requires that these rules, regulations and procedures be male know to both the voters and the contestants well in advance of the actual elections. Civil society organizations are usually keen to undertake voter education activities in most part of African countries. In Zimbabwe, the Mugabe regime was noted to have amended the Electoral Act (1990) restricting voter education to approved civic organization, and those that will have submitted voter education syllabi to appropriate government authorities for approval (government of Zimbabwe, 2004). It was generally believed that this move by Mugabe regime was aimed at curbing civic activities of non-
governmental organizations (NGOs) suspected to be sympathetic to the opposition party, the Movement for Democratic Change (MDC).

Professor Omo Omoruyi in his “Political Consequences of the New Electoral Law in Nigeria: One party Dominance, Not Democracy” had this to say:

I warned Nigerians since 1999 that election rigging starts many days, in fact before the Election Day (presence or no presence of local and international election monitors) and the president want to rope in the Supreme Court into the process. Hence the one day wonder usually performed by international observers never addresses the harm done mouths before Election Day. The election shall have been rigged, massively of course if the new Electoral Bill is allowed to stay. The political implications should be obvious by now (Omoruyi, 2007:2).

The above remarks by Omoruyi was equally corroborated by Andres, J and Ruciorskiz, S. (2007:32) when they opined that:

the actual role of civil society organization during elections in Africa countries and even in advanced democracies were the same: to lend credibility and acceptability. They cannot alter the outcome of the elections they can only bark, but they cannot bite. Their presence builds confidence on the minds of the electorates and that is the whole essence of their participation as part of the electoral management.

It is very sad indeed to note that the wind of electoral rigging sweeping across the continent of Africa seem to be raging very disturbingly.
According to Ngueka (2005:18-22) to be free and fair, democratic elections should always be conducted in accordance with the national constitution, and by an independent election authority. In most Southern African Development Community (SADC) member states, an independent electoral commission conducts elections. He continued:

The Mugabe regime once resisted the appointment of an independent commission. Instead, elections in Zimbabwe are conducted under the supervision of Electoral Act (1990) have severally been amended to suit the interest of the ZANU-PF party.

The mere presence of the civil liberties organization during the 2007 gubernatorial election in Enugu state therefore, and in fact other parts of the country failed to stem the tide of electoral malpractices, their presence and large number not withstanding, but the group pervade an air of impartiality and seriousness in the polity.

3.4 Nigerian’s Elections and Election Management Trends and Analysis

Election and Election management in Nigeria must according to L. Adele Jinadu (1997:29) be viewed in the broader canvass of constitutional changes and political development in the country since 1921. Continuing he stated thus:
First, there was, against the background of colonial rule in Africa, the inherited rudimentary underdeveloped or stunted character of the electoral process and the electoral machinery in Nigeria, as elsewhere in colonial Africa, as well as the partisan role of colonial administration in stage managing the electoral success of their favoured candidates and political parties.

The inherited electoral administration was in effect easy prey to manipulation and in many cases to outright control by successor regimes to colonial rule (in several African countries), who in their bid to retain power by all means and to monopolize the political market space saw no reason to develop strong, independent electoral administrations that would only serve to undermine or subvert their hegemonic drive. In this way, electoral administration was politicized. Sharing the same thought with Jinadu, Yogendra, (2001:20) stated that:

A second critical factor in Nigeria was the progressive extension of the franchise, from limited to universal adult suffrage.

… the third was the rise of political parties, particularly between 1945 and 1954 and the trajectories charted by the emergent party system, especially in political elite formation, recruitment and reproduction, while a fourth important factor was the adoption of federalism, especially the mutual reinforcing impact between it and party politics as a strategic political elite
device to spread the territorial location of power through the creation of multiple centres of political power and sovereignty within the country.

Beyond these factors and forces that have shaped elections and election management in Nigeria according to Idang, G. (2003:15) is a fundamentally orienting material/structural and cultural one; the access to immense wealth and primitive accumulation, which political power bestows on the electoral politics as a do-or-die affair or a zero-sum game which winner win all, and losers lose all.

As Ekekwe (1996:91), ab-initio observed with respect to the electoral process, stated thus

Because each contender for office whether at National or state level was too desperate to retain (second and third-term-mania) or gain office, their chances for inordinate capital accumulation would be gravely jeopardized -violence, intimidation, thuggery, rigging became synonymous with Nigerian politics. People kill and were killed, all in the fight to gain or retain seat.

Eme Ekekwe further argued that “it is this cultural maze way, which predisposes to, even encourages the use of raw naked power “bullets” in preference to the power of ballot as a source for gaining and securing political power so common among the political elites in the electoral process, and so much at variance with liberal morality on which democratic elections should anchor. This trend as Nnadozie (2005:39), stated:
deepened, assuming more gravely disturbing and more sophisticated dimension from one election to the other of which by one count, there had been 11 general elections since 1947, with the number of allegedly politically motivated assassinations on the increase, for example, between 2003 to 2007, three suspected political assassinations of gubernatorial aspirants had been reported in Lagos, Ekiti and Kogi states in addition to attempted, but escaped ones.

The report of the Babalakin Judicial Commission of Enquiry into the Affairs of the Federal Electoral Commission (1991:160) underscores this democratic deficit when it states:

whenever elections take place, Nigerians cry out loud about rigging, yet it is these types of Nigeria who as registration officials and as appendages of certain politicians, were alleged to have inflated the register of voters … whose homes were used for illegal thumb printing of ballot papers, who as returning officers were compromised by the politicians and went ahead and uttered results brought before them in the favour of the politicians.

In analyzing the trends of election management in Nigeria with particular reference to 1999, 2003 and 2007 elections and the bodies entrusted with it, there would be little news to cheer about even as the 2011 is fast approaching. The palpable fear is that history might continue repeating itself even with the presence of coalition of domestic and foreign
election observers. We therefore validate on first hypothesis which states that the presence of the Civil Liberty Organization mitigated the incidence of fraud and violence in the 2007 gubernatorial elections in Enugu state.
CHAPTER FOUR
CIVIL LIBERTIES ORGANIZATION AND DETERRENCE OF ELECTORAL FRAUDS FROM AREAS OBSERVED

The objective of this chapter is to interrogate the hypothesis which stated that the areas observed by the Civil Liberties Organization in the 2007 Enugu State gubernatorial election were freer from electoral frauds than areas that were not monitored by the organization.

4.1 State Institutions and the Electoral Process: Perceptions of Partiality

In one of their reports, the Civil Liberties Organization aptly stated thus:

Delays in the opening of polling stations were reported by EU observers throughout the country. By 9am only one/fifth of polling stations for example in most of Enugu, Zamfara and in Nasarawa States, polling did not commence before 15: 00 hrs. In many polling stations, voting did not take place at all, for example in eight out of 24 polling stations observed, at 1960 Eze North in Enugu State

The report continued that “essential polling materials including ballot papers were missing in almost 40 percent of polling stations observed for the opening. In 45 per cent of the polling stations in Enugu State, observed, the overall conduct of the polling was rated poor. Observers witnessed disorder in 22 per cent of polling stations visited.”
In apparent disbelief and helplessness of the charade called 2007 election in Enugu State, Lawrence, (2007:50), noted that:

Party agents were seen in 96 per cent of polling stations observed and in all collation centre visited. Domestic observers were present in 54 percent of the collation centers. Police were present in almost all polling stations visited. The collation process was marred by serious irregularities. In almost 30 per cent of collation centers observers had indications of proof that polling result were fraudulently changed. Observers rated the collation process at ward level and LGA. levels as poor in 45 per cent and 32 per cent respectively. Observers duly witnessed the entries of completely different results in favour of the ruling party which was recorded on the result forms and falsified. According to him, the observers duly witnessed open thumb printing of unused ballot papers in favour of the ruling party. Continuing he stated that in Otobo Igbohi Aka Ward I, (Igbo Eze North) and Otobo Uwani in Nsukka West, there was an indication of irregularities at collation centres where a polling station with 223 registered voters showed a result of 601 votes cast for only one party

Although, for security reasons, the EU EOM had no observers deployed in some local government generally perceived to be die-hard loyalists of a particular party or politician, it received credible and multiple reports from international and domestic sources and media reports that the elections in these areas and by extension several other states as Delta, Bayelsa and Rivers were marred by intimidation, violence and electoral fraud.
Giving a clear picture of the conduct of the 2007 gubernatorial election in Enugu State, Albin Lackey, (2007:11), a Nigerian Researcher at Human Rights Watch stated thus:

Although, INEC decided on the eve of the April 21 election to postpone the opening of the polling stations from 08.00 to 10.00 hrs, and the closing of polling from 15.00 to 17.00 hrs. The disorganized delivery of polling materials resulted once again in a delayed opening in the majority of the local government areas. In a number of wards including Enugu South, Enugu North, Enugu East zones, polling did not open until late afternoon. In 78 per cent of the polling stations observed essential polling materials were missing, especially ballot papers. Similarly in Nsukka Senatorial zone, no election took place in four local government areas due to late arrival of voting materials, and incorrect polling materials and other sensitive documents.

He continued:

In almost half of the polling stations observed at Uzo-Uwani, the secrecy of the vote was not ensured due to a lack of polling booths. In 14 per cent of the observed stations, attempts were made to influence voters. EU observers witnessed under age voters in one fifth of observed stations (HRW, 2007:11).

Generally the security situation during the polling day was better than on April 14 due to heavier presence of police and army. Despite the late opening of many polling stations visited in some local government
headquarters, voting procedures stopped at 5 pm limiting the polling hours and disenfranchising potential voters.

He then summed up his feelings thus:

Election monitoring and observation by NGOs is a noble exercise which should not only be sustained but ought to encourage by governments. Though its report are always treated with a wave of had especially when it does not favour government in power, the credibility and legitimacy its involvement confers on elections rightly outweighs the negative perceptions of its activities by governments (HRW, 2007:11).

The 2007 elections in his latest book “How President Obasanjo subverted the Rule of Law and Democracy published in (Nwabueze, 2007:106) summarized it thus:

The travesty was so monumental in its completeness that words, even the word “rigging” are inadequate to describe it. It would simply be an abuse of language to use any of the epithets ‘free’, ‘fair’, or ‘credible’ in connection with the charade that took place in Nigeria on the 14th and 21st of April 2007”. He goes on … “That was to be expected in an election declared before hand by the country’s incumbent president as a “do-or-die affair” coming from the leader of the ruling party, the PDP, the party stalwarts across the country must have taken the statements as a charge to them to subvert the electoral process in order to save the party from the looming prospect of being ousted from power (Nwbueze, 2007:106).
There are several reasons why wholesale rigging of elections is both dangerous and could even prove fatal to the existence of a nation. The expression “wholesale rigging” coined by Nwabueze is important because it connotes the complete subversion of the will of the people. It suggests that the true outcome of the election is replaced with false results, the will of a group usually the government in power. This is to be distinguished from minor electoral malpractice which would probably take place in any human endeavour, but are not sufficient to change the electoral outcome in any way.

The European Union Election Observation Mission (EU-EOM) consisting of 150 observers deployed in all the 36 states of the federation (except Delta, Bayelsa and Rivers states) and the Federal Capital Territory summed it up in its Report thus:

The 2007 state and federal elections have fallen far short of basic international and regional standards for democratic elections. They were marred by poor organization, lack of essential transparency, widespread procedural irregularities, significant evidence of fraud particularly during the result collation process, and voter disenfranchisement at different stages of the process, lack of equal conditions for contestants and numerous incidents 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 (EU-EOM, 2007:9).
4.2 Attacks against Opposition Candidate

On April 19 2007 an ANPP candidate Mr. John Edoga Onah was seriously injured in Igbo-Eze North LGA by PDP supporters. According an independent election observer, Mr. Edoga-Onah had heard rumors that PDP were carrying marked ballots into his constituency”, when he challenged them, he was severely beaten by PDP thugs who were reportedly led by Chuka Eze, the local government’s Transition Committee Chairman. Mr. Edoga was taken to hospital, where his political associates said he remained for several days before being flown to Italy for more serious medical treatment resulting from the injuries”

Continuing he stated that all these atrocities were being perpetuated in the full view of the local and domestic observers who stood helpless even as the law enforcement agents looked other way while the mayhem lasted.

In another area of the local government he noted that:

The same observer reported that at another village in the same area, he encountered a road block set up by about thirty opposition youths armed with machetes. The youths had set up the roadblock to stop PDP and INEC officials who had allegedly cut short the election and taken away the ballot boxes. They saw the INEC sticker on my car (which I had because as a TMG observer, I was INEC certified) and they dragged me out of my car … We tried to explain who we were. Then a team of police came and intervened. They dispersed the youths without attempting to make any arrests as
they couldn’t have really made arrests as they were outnumbered (EU-EOM, 2007:9).

The scenarios above were replicated in almost all the areas visited by the civil liberties organization who were helpless as the rigging, violence and fraud characterized the whole process, their presence not withstanding. But the truth remains the presence of the CLO duly reduced the level of the atrocities as well as legitimacy to the election.

4.3 Election Administration: Crisis of Public Confidence and Candidates Disqualification.

The impartiality, independence and effectiveness of election administrators are critical to a credible and democratic electoral process. Actions taken by INEC in the lead-up to the elections generated concerns over INEC’s preparedness, independence and impartiality, and prospects for a transparent process. Created in 2002 to fight fraud and other financial crimes in Nigeria, the Economic and Financial Crimes Commission (EFCC) has played a significant role in pursuing high level government officials. As the candidate selection deadline approached, the EFCC published the names of the Vice President, Abubakar and 134 other nominated candidates it claimed were unfit to hold public office. Critics charged EFCC with political bias since many of those listed were either strong opposition candidates or individual who had opposed the third term campaign, while many PDP
members on the list were generally not seen as to figures. The list did not include several major PDP figures that the EFCC chairman had previously identified as corrupt.

In September 2006, the EFCC accused Atiku Abubakar of misappropriating funds from the Petroleum Technology Development Fund (PTDF). The EFCC could not bring criminal charges against the Vice President because of his constitutional immunity; however, it submitted a report to the presidency, which referred the matter to the Federal Executive Council (FEC). The FEC set up an administrative panel led by Nigeria’s Attorney-General, which indicted Vice President Abubakar. Abubaker immediately challenged this charge in court, while his campaign organization produced documents it claimed showed that the PTDF was controlled by President Obasanjo. In response, the PDP suspended Abubakar for ‘anti party activities. Criminal charges were brought against the Vice President’s media spokesperson, alleging that he had contravened Nigeria’s Official Secrets Act.

While challenging his suspension from the PDP in court, Vice President Abubakar joined the AC, which adopted him as its presidential candidate. The PDP expelled Abubakar from the party, while President Obasanjo announced that he interpreted Abubakar’s action as tantamount to
resignation from the office of vice president and declared the position vacant. The presidency ultimately withdrew from this position, though it suspended many of Abubakar’s privileges of office. In the days leading up to Election Day, a total of 13 motions or law suits related to these issues were filed by Vice President Abubakar, the PDP and/or the federal government, one or two of which were not vacated until after Election Day.

In February 2007, the FEC convened another administrative panel to investigate the EFCC report on those characterized as unfit for public office.

The panel reviewed 77 individual cases and recommend that 37 of those named by the EFCC should be barred from running for effective office, including Vice President Abubakar and PPA presidential candidate Abia State Governor Orji Kalu (Daily Champion, 2007:5).

Thirty-six politicians were referred for further investigation, and four were cleared. The EFCC’s arrest of three INEC Commissioners and two senior INEC staff members in February 2007 was also seen by critics as part of the campaign against the vice president. Those arrested were reported to have been so due to INEC’s dependence on the Executive, particularly regarding pressure to disqualify opposition candidates. Others according to Jinadu (2007:37). questioned whether the EFCC was trying to disrupt the elections, since those arrested played key roles in logistical preparations.
Many Nigerians questioned why it took the EFCC four years after the 2003 elections to uncover corruption at INEC, only to do so on the eve of the 2007 elections. Two weeks after the well-publicized arrests, all those arrested were released without charge and returned to work.

On March 15, INEC announced the formal disqualification of Vice Presidential candidacy and those of 130 other candidates on the EFCC list.

4.4 Perceptions of Impunity and Police Bias

Instances of politically motivated violence in the lead-up to the 2007 elections and the failure to prosecute perpetrators, as well as those suspected of electoral fraud, fed a perception that such actions could be conducted with impunity. The NPF, criticized in the past, by local and international human rights organizations for using violence against citizens, appeared ill-equipped to battle organized corruption or political violence, Iyayi, (2007). NDI (National Democratic Institute and CLO) observers heard many complaints that the police and other security forces seemed to be acting to advance the electoral interests of those in power. The Ibadan Elders Forum went so far as to issue a public statement on April 5 lamenting the partisan role played by the police and the federal government. In some cases, the police failed to issue permits to opposition candidates and parties in a timely manner, and then broke up rallies and meetings of the parties for not
having permits or under the pretence of security considerations. Lamenting on the police culpability with the (PDP), Jinadu (2007:42) stated thus:

Six days prior to the presidential election, the NPF announced a ban on all political rallies claiming to forestall further violence.

According to the NPF, approximately 200,000 officers were detailed to the more than 120,000 polling stations to deter intimidation and bribery of voters and election officials, discourage vandalizing or stealing of ballot boxes and mitigate the potential for violence. Senior police officers received training on a “Code of Conduct for Security Officials on Election Duty” drawn up by the Police Service commission, but observers found little evidence that the training extended to junior officers and constables on duty. In many states, Nigerians noted that the police had varied interpretations of their role in the electoral context.

The then-Inspector-General of Police Sunday Ehindero stated that police officers on election duty would only take action if directed to do so by the presiding officer at a polling station. He later modified his statement to note that criminal activity would be prevented and perpetrators apprehended. On Election Day, however NDI and CLO observers in Anambra, Enugu, Kaduna and Ogun States witnessed security personnel standing by when
polling stations were invaded by thugs who seized ballot boxes and scared away voters.

4.5 Fraud, Violence and Other Irregularities Across the States

Polls opened late but were largely peaceful in Lagos, despite pre-election skirmishes between the AC and the PDP. Okuruunimi, (2007:83) averred thus:

NDI and CLO in Enugu State received reports of ballot box stuffing and snatching from constituencies throughout the country. In Kwara and Osun State, NDI and CLO observers received reports that soldiers had kept voters at bay while PDP incumbents seized and/or stuffed ballot boxes with pre-marked ballot papers. In Offa in Kwara State, however, the police recovered ballot boxes that had earlier been snatched by club-wielding thugs. In Ekiti state, some party supporters snatched ballot boxes or otherwise attempted to stuff ballot boxes in plain view of voters and CLO observers. In many cases, observers witnessed indifferent security forces, who did not act to stop attempts at election rigging. In Ogun State, where two people were reported killed on Election Day, claims that 6,000 police officers would be deployed appeared not to prevent ballot box snatching and stuffing in the state capital, Abeokuta. NDI and CLO observers witnessed violent incidents of ballot box snatching in Edo and Enugu States, and in one instance, in Enugu State saw pre-marked ballot papers that had fallen from the pocket of a person identified by onlookers as PDP stalwart. Reports from the state indicated that at least seven persons were killed during the polling. (Final NDI and CLO Report on Nigerian’s 2007 Election Across the States).
In Rivers State, two police stations were firebombed. Eight people, including seven policemen, lost their lives in the incident, which the federal government later ascribed to militants from the Niger Delta. The orgy of violence witnessed by the CLO and other local and international observers duly cut the attention of Sawyer, P. and Martin B. (2007:15) when they lamented with bitterness and said:

The invasion of police stations by thugs who destroyed voting materials stored there deterred many potential voters from turning out on Election Day. The perpetrators of political violence in the state operated with such brazenness and impunity that they even snatched a ballot box in front of a BBC correspondent in Port Harcourt, the state capital (Sawyar P and Martin B, 2007:15).

Obi and Vidal Mark (2006:30) corroborated the scenario when they stated that:

Aside from bombs in Rivers State, two mobile police were shot in Abia State during an apparent attack on the PDP gubernatorial candidate. In Delta State, youth protesting the conduct of the elections burned police vehicles. The perceived vulnerability of the police may have been a factor in deterring would-be voters from going to the polls.

This chapter therefore, concludes that the areas observed by the Civil Liberty Organizations in the 2007 Enugu State gubernatorial election were freer from electoral frauds than areas that were not observed by the organization.
CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

5.1 Summary

This study focused on the role of and effectiveness of election observers as an instrument for promoting multiparty democracy and electoral processes in Enugu State. Our emphases stems for the fact that like April/May 2003 election which provided massive wave of anger and outcry, the study of 2007 elections was embarked upon to find out whether there was a clear positive departure from that of the 2003. However the findings showed that there was nothing less than massive electoral frauds not only in Enugu State but simultaneously across other states of the federation. Consequently, the following research questions were raised: Did the presence of Civil Liberty Organization mitigate the incidence of frauds and violence in the 2007 gubernatorial election in Enugu State?

The study also sought to find out whether the areas observed by the CLO were freer from electoral frauds than areas that were not observed by the organization.

We also adopted the Marxist Theory of the State for analysis and hypothesized that the presence of civil liberty organization mitigated the incidence of frauds and violence during the election in Enugu State and that
the area observed were freer from electoral founds than areas not observed by the organization.

Data for this study was mainly collected from observation method of documentary sources. This came for written materials (whether handwritten, type or printed) that was already in existence. Hence, documentary method which means, a method of gleaning, extracting, examining, analysis and interpreting information as well as reading meaning into pieces of information so as to be able to draw inference were used

5.2 Conclusion

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. Nwabueze, (1993). Responsive authorities and civil society can take appropriate actions to enhance the quality of succeeding elections. The participating of civil society organizations in Nigeria in observation and monitoring of elections since the early 1990’s 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 its importance for political legitimacy.
Civil society organizations according to Ikelegbe, (2001) have over the time been confronted by hostility from electoral authorities and officials, which think that election observations and observers expose their inadequacies. This reaction is understandable in a country where public accountability by Government officials in generally is ignored.

Notwithstanding the obstacles and impediments created by various officials, many civil society organizations, individually and collaboratively participated in the observations of the shoddy preparations for and the conduct of the election of Governors and members of the legislatives in 36 states of the federation held on 14th of April, 2007. Election observations cover many activities and actions before, during and after the pooling.

Electoral process beings with the drafting discussion and enactment or 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. Ibeanu, O. (2003) opined that:

A major characteristics of the country’s electoral legal framework is that the constitution contained substantial provisions dealing with the formation and registration of parties, powers of INEC, qualifications for nominations and elections into various offices etc. The electoral law is essentially, aimed at simplifying electoral management.
However, in the preparations for the 2007 gubernatorial election in Enugu State the citizens witnessed unprecedented litigations against the decision and action of the electoral commission, especially as they related to screening and disqualifications of opposition candidates notably Barr. Okey Ezea. The INCE, 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 such individuals. As at the time of the elections on Saturday 14th April, 2007, several cases were still in counts. There were equally many additional litigations arising from the conduct of the election in Enugu state due to observed inadequacies, irregularities on the part of INEC officials in collaborations with the police and army personnel.

Uche, Ohia (2008:17) in analysis of the 2007 elections in Enugu state succinctly stated that:

Elections in democratic societies enable citizen to participate in Governance by electing their representatives and leaders. It also enables them to remove the representatives who do not satisfy the expectations and aspirations of the voter. Voter registration and education require collaboration among the Electoral Commission, political parties and civil society organizations. The conduct of 2007 elections particularly in Enugu state was characterized by general lack of civic education.

Civil society organizations under the umbrella of Transition Monitoring Group summarized and described their findings as charade thus:
Election commenced very late at majority of the polling stations, due to late arrival of personnel and materials. In a large number of polling units across the state, 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 which has been the norm in elections conducted during the past two decades. In such centers, there was no corresponding increase in personnel. As a result, there was rowdiness around the polling officials, and in some circumstances leading to skirmishes. (Source: TMG Preliminary Report).

According to the report, some of the irregularities and malpractices include

(1) hoarding of result sheets by INEC
(2) lack of secrecy in balloting
(3) under-age voting
(4) non inclusion of pictures of all/or names of opposition candidates on the ballot paper
(5) partisanship of INEC officials
(6) snatching of ballot boxes and papers
(7) intimidation of voters
(8) the last but not the least the incumbency factor of governor Chimaroke Nnamani and his Ebeano thugs;
5.3 Recommendations

No electoral framework is perfect, and all electoral and political processes experience problems. Nigeria has covered much ground since the 1998 beginnings of transition to civilian rule and democratic governance. Thought problematic, the 2007 elections stood out as the completion of a full civilian term of government and election of successor and second-term office holders. The delegation notes these substantial accomplishments and the many positive features of the electoral and broader political environment. It also notes that this is a relatively early point in the process leading to subsequent elections. It is nonetheless an important juncture in that process. There is sufficient time to address shortcomings and lingering defects from past elections, as well as the issues in the present political debate. The delegation therefore respectfully offers the following recommendations, in light of comparative electoral practices and in the spirit of international cooperation.

Election Administration

- Though while INEC has received all the funds it needs to conduct the election the perception of autonomy for the Commission, was in doubt as the government was not fast in its release and the fund for the conduct and the elections.
Training programs on electoral related matters should be conducted for law enforcement officials. The general content should be disclosed publicly to enhance transparency and public confidence. Development of a comprehensive public security plan for the electoral process also should be made publicly known, and the plan itself in appropriate detail should be publicly available.

INEC should issue to the public an electoral calendar setting forth the deadlines and scheduled dates for all electoral processes. It should periodically issue, revise and updated versions of the electoral calendar.

Plans for the nationwide voter registration process should commence at least four months before actual election.

The results of INEC’s voter registration should be publicized as widely as possible, including posting the same on its own website.

INEC should consider holding the stakeholders forums more frequently at the national, state and local government levels. The election authorities should make every effort to be responsive to the concerns and recommendations that political parties and civic groups raise at these forums.
INEC should carry out unbiased recruitment of election officials and provide adequate training and remunerations.

INEC should encourage and sustain the practice of internal democracy of all political parties at all times.

INEC should not only be perceived to be independent but its finances should be a statutory responsibility of government while government should not interfere with its autonomy at any time.

INEC should minimize to the barest minimum incumbency factor in all states of the federation.

INEC should facilitate and provide timely accreditation to domestic monitors and international observers for all aspects of the election process, including voter registration.

INEC should consult with the political parties and election monitoring organizations in the adoption of regulations and procedures that allow effective observation of counting, transport and other transmission, tabulation and announcement of results. INEC’s plans to electronically capture results from each polling site should be enhanced to deter rigging and other misconduct.

Where results declared by INEC are set aside by the decisions of election tribunals or counts INEC should conduct internal
investigations and take steps to sanction those of its staff found to have been involved in electoral malpractices, including criminal prosecution where appropriate.

**Police**

♣ The Inspector-General, INEC and other appropriate officials should establish at the earliest date comprehensive and effective measures for providing for public security at each stage of the electoral process, from candidate selection, to voter registration, election campaigning, election day and the immediate post election day periods. The results of such an initiative should be made public.

**Electoral Tribunals**

♣ An expedited process should be developed for electoral tribunals to adjudicate election complaints and prosecute those who are found to violate the electoral law especially incumbent public office holders.

**National Assembly**

♣ The National Assembly should exercise appropriate legislative oversight over recommendations and implementation as contained in the Electoral Bill.
Political Parties

* Nigerian political parties are in the process of adopting a code of conduct. All parties should be encouraged to sign. This effort however, should not be limited to the party leadership but used as a civic education tool to help reduce tensions and prevent or mitigate violence throughout the country. Therefore, there should be a concentrated effort in each local government area to bring together electoral authorities, political parties, security forces, and civil society and religious leaders to implement the letter and spirit of the code. Women and youth should be actively recruited for this effort.

* Given past internal problems concerning selection of candidates, political parties should develop internal procedures for candidate selection that are open, transparent and democratic and require that those seeking nominations pledge not to use intimidation, violence or bribery to gain nomination or office. Emphasis should be placed on recruiting women and youth.

* Parties should pay particular attention to developing electoral programs based on clearly articulated positions on those issues. Clear platform and systemic views of governance issue contribute to stable
and sustained approaches to governance and more rational electoral and political organization.

✶ The political parties should ensure that their agents are adequately trained in order to achieve a nationwide poll watching effort.

**Civil Society**

✶ Civil society organizations should continue and expand their broad civic and voter education about the importance of the elections, the voter registration process, and where, when and how to register and to vote.

✶ Civil society organizations interested in election observation should coordinate and cooperate in such endeavors in order maximize their coverage of the entire process.

✶ Organizations such as the Nigerian Bar Association (NBA) and other professional bodies should encourage their members to volunteer for service as ad hoc election officials as proposed by INEC. The NBA should consider offering pro bono services to voters who are experiencing difficulty exercising their franchise.

✶ We commend the initiatives by religious leaders in Nigeria to speak with one voice and urge them to extend that practice to promote the integrity of the election process. Religious leaders should use their
considerable moral authority to speak with one voice and strongly encourage or condemn political party leaders, government officials and INEC to make a concreted effort to ensure a non-violent election process.
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