

Political Institutions



Electoral Integrity

DEFINING THE PROBLEM

- **DEFINING THE “POLITICAL INSTITUTIONS”**

- INEC, Security Operatives, Legislature, Judiciary, political parties

- Widely defined means all constitutionally created institutions concerned with elections

- **WHY IS ELECTORAL INTEGRITY IMPORTANT?**

- Peace is possible only if fair process of choice of leadership is in place

- Reason for crisis in many African States Isuccession politics



Failure: Systemic or Partial?

INEC: logistics & corruption problems

Judiciary: apathy to malpractice & grossly diminished uprightness

The failure of one is the failure of all

Security operatives: neglect of legitimate roles & collusion

Legislature: non altruistic enactments

INEC

Logistics

- Inadequate time to prepare for registration & elections
- Undermanned registration & polling booths
- Faulty method of moving voting materials
- Shortage of registration & voting materials

Corruption

- Manipulation of facts & figures in elections & returning winners
- Non acquisition of budgeted material & manpower
- Umpires elections for the highest bidder
- Its exhibits and testimony in court is seldom untainted by favoritism

CORRUPTION

- **Three conflicting "final" presidential results.**
 - Atiku v Yaradua (2008)
- **Unlawful exclusion of validly nominated candidates.** This tactic was effectively used to exclude validly nominated candidates of the ANPP, AC and APGA in the 14th of April 2007 gubernatorial elections in Anambra state and the AC candidate in the Delta state gubernatorial elections.

The Supreme Court held that INEC has no power to disqualify candidates of any elections after validly nominate by their party.

- AC v INEC per Katsina-Alu, JSC

- European Union Election Observation Mission (EUEOM)

- “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, 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.”

-British High Commission to Nigeria, Richard Gozney:

- “It was not just a question of disorganization but there was outright rigging and the results were frankly not credible.”

- The TMG

- “The reports of TMG observers, other local and international monitors and observers show monumental fraud...during the elections into federal executive and legislative position...”

-The International Crisis Group (ICG)

- “The elections....were the most poorly organized and massively rigged in the country’s history. In a bitterly contentious environment, President OlusegunObasanjo and his People’s Democratic Party (PDP) acted with unbridled desperation to ensure sweeping winner-takes-all victories not only in the Presidency and federal legislatures but also in state governorships and assemblies. Characterized as a “do-or-die” battle by Obasanjo, the campaigns and elections also witnessed extensive violence, including over 200 people killed.”

- Continuing use of a **mangled voters' register**
- **INEC sides with the respondent** in any petition, refusing to produce evidence, witnesses and generally obstructing justice.
- **Ruling party interference.** In 2007, INEC Chairman instead of Returning Officers announced results of elections in several states while sitting in Abuja

Security Agents

Collusion

- Divert the movement of authentic voting materials
- Controversies over Police and SSS Reports
- Victimize agents of the 'opposition' party, 'uncooperative' INEC officials
- Intimidate the electorate
- Refuse to produce evidence & subvert justice

The Ideal

- Monitor movement of election personnel & materials
- Ensure election materials are safeguarded for use at designated booths
- Protect officials, representatives of the election
- Maintain law and order during and after the elections

The Real

- Represent partisan interests in election materials
- Divert, usurp authentic election materials & chaperon fake materials
- Attack and maim 'uncooperative' officials
- Intimidate the electorate & incite breakdown of order

- **Human Rights Watch** interviews, Awka Feb. 12-16, 2007.
- *Anambra State* complaints of partisan police behavior; use of violence, torture and involvement in other abuses; MOPOL Unit 29 protecting PDP candidate Andy Uba.
- *Police standby as criminal gangs takeover elections*
“Electoral violence poses a tremendous threat to voters on polling day, but Nigeria’s police appear to be standing by as powerful politicians mobilize criminal gangs to undermine the vote.” Peter Takirambudde, Africa director at Human Rights Watch.

- **OlagunsoyeOyinlola's**statement

- “We called up this meeting purposely to share with you local chiefs...and to tell you people that I the Governor of Osun State OlagunsoyeOyinlola is ready to supply all the 16 LG with armed men, particularly the affected 10 LG Chairmen where the election will be conducted with army uniform and arms and ammunition which you people will give to your supporters who will camouflage like Army...at each voting center. This will aid them in rigging the elections by intimidating the voters not to come out to vote. The only people that will come out will be the PDP so that the victory of Segun Oni will be ascertained....”

- **Neglect of Police, EFCC to Prosecute**

- **Ignatius Ayua Administrative Panel.** EFCC selectively recommends candidates for indictment, *“The Ignatius Ayua Administrative Panel of Inquiry”* confirmed the indictments against 37 candidates.
- **Thumb printing soldiers.** Officials of the ruling PDP and 36 soldiers from the 6th motorized battalion Ibagwa, Abak led by the commanding officers, Lieutenant S. A. Sangonuga, thumb printed materials, and allocated figures, between the hours of 2.30am and 5.30am on April 19 2003

Legislature: NASS Example

Mala fides

- Ceding **unrealistic powers** to self e.g. setting election dates.
- Ignored recommendations of the **Justice Uwais' Report** on the Electoral Process & its shortcomings
- **Self inflicted problems** on timing of elections. Ignored sensible advice from CODER and Independent Experts

Judiciary

Apathy & Corruptibility

- Founded allegations of **corruption**
- **Non-use of forensic evidence** without admissible alternatives
- **Unorthodox interventions:** The Supreme Court's letter to the CA sitting in Sokoto to arrest judgment
- Court of Appeal as election petition tribunals for gubernatorial elections and appeals to the Supreme Court!

- **Refusal of subpoenaed witnesses on technicality.**
Disallowing the petitioners' independent witnesses on subpoena from testifying on ground that their depositions were not front-loaded at the time of ruling of the petition.
- **Shielding corruption.** The Court of Appeal used section 146 of the Electoral Act, 2006 to shield from invalidity, various infractions of the Act, including cases of non-compliance amounting to corrupt practice, non-compliance with the provisions relating to ballot papers and to the voters register.
 - Abubakar v. Yaradua

- **No fair hearing.** Election tribunal delivering judgment on gubernatorial elections before hearing the parties.
 - Uba v Etiaba per Muntaka-Coomassie, JCA.
- **Two judgments, one case:** Aregbesola v Oyinlola

The Malady



One problem. Several Symptoms

Personal Morality:

There is an obvious lack of:
decisiveness to do good; courage to be distinguished; understanding and skill to function effectively within own authority.

Societal Condoning:

The elite and electorate have been indifferent to electoral malpractices and have neglected to ensure there are real consequences for institutional failures.

Logistics:

One good man is not sufficient e.g. the last UK general elections, several polling stations did not get sufficient manpower.

The Remedy

Curing the Moral Malaise

Review criteria for
appointments &
election

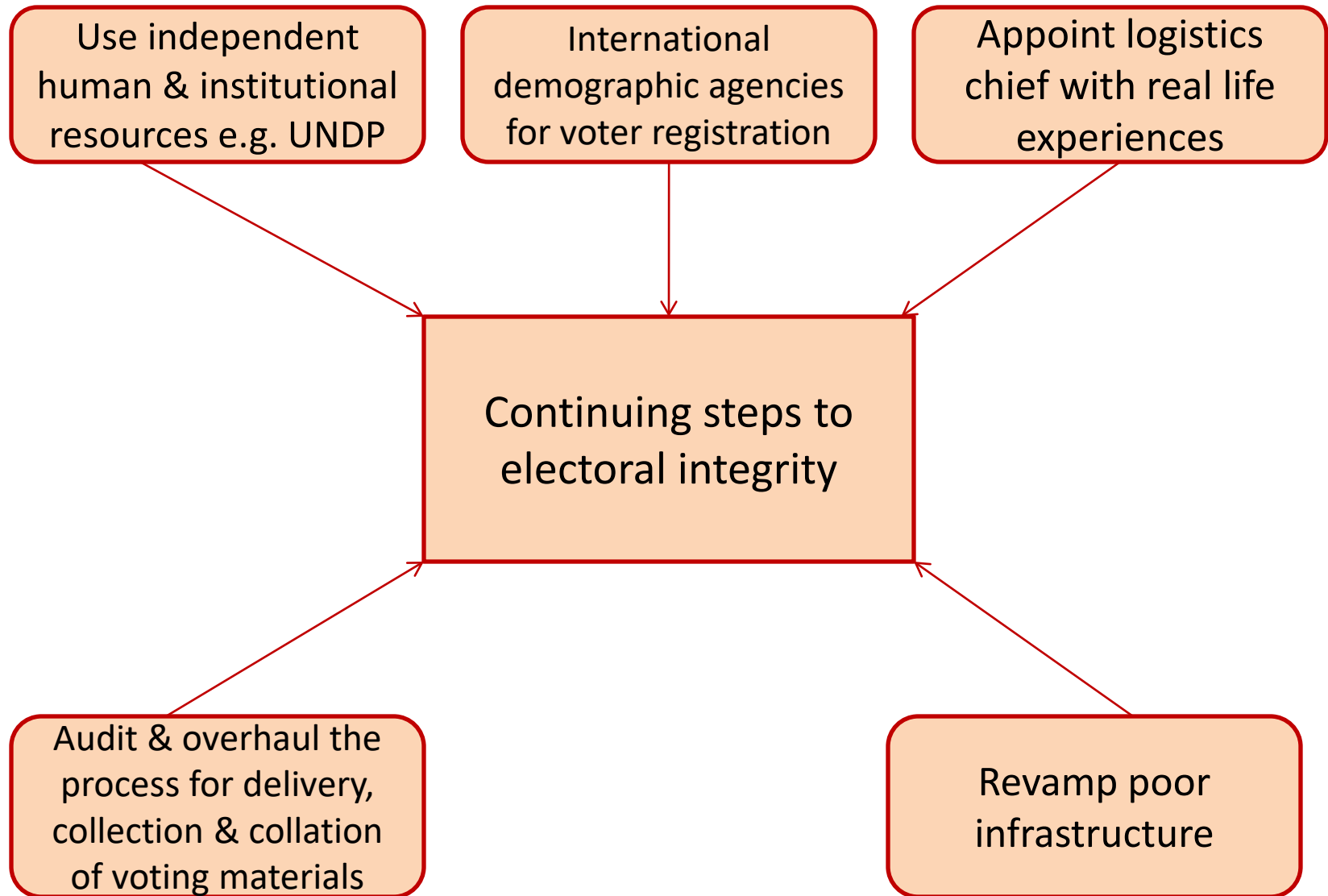
Prosecute all
electoral offences

Monitor judiciary,
investigate
allegations: EFCC

**The first steps to credible
political institutions**



Eliminating the Logistics Loophole





Independent Expertise

Volunteering Experts to:

- Exemplify conducting an election in a nascent democracy
- Groom indigenous replacements

Local & Foreign Organizations trained to:

- Move personnel & materials across different terrains
- Deploy relief materials

Independent technology providing:

- Accurate records of incidents
- Real time monitoring across the country

Next steps to Independence



One problem, Several Symptoms

“Nigeria is like a Limited Liability Company owned by 120 million shareholders. The company's shareholders elect the company's employees at the Annual General Meeting (AGM). Tasks are shared among the elected employees. Tenure of offices are established with a provision for re-election at the next AGM based on performance. The dilemma in Nigeria is that the elected employees have stolen the electoral process. They do not want to go. How will the shareholders reclaim their company?”

- Olisa Agbakoba

"Waterfront Dialogue" organized by THISDAY Newspapers (Lagos) on
03/04/01