



Election Observation in Nigeria: Prop or Threat to Democratic Consolidation?

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Abstract

In the early years of Nigeria, its democratic structures suffered a great setback as the military intervened in its political life partly on account of the rigging, acrimony and bloodletting that attended the 1964 general elections and the 1965 western regional elections. Since then and through all other subsequent elections, there have been accusations and counter accusations by the contending political parties of rigging or manipulation of the electoral process. Hence the adoption of the practice of election observation or monitoring in the 1990's with a view to strengthening the country's democracy. Since the practice crept into the country's political landscape, the study discovered that, it has to some extent, further propped the country's democracy as some voters now have confidence more than ever before, to participate in the country's elections believing that their votes will count. However of recent, there is this allegation that some of the observers do compromise the process of observation as they tend to write biased report favoring the political parties they have sympathy for. Thus the suspicion that election observation might be a threat to the democracy it is supposed to protect. The study investigated this suspicion and discovered through both primary and secondary data that, although there might be few cases of comprise particularly by local observers, however, the cumulative effect of these is not enough yet to constitute a threat to democratic consolidation in the country. Despite this, the paper proceeded to recommend the panacea to ameliorate the grey areas in election observation in the country in

order to make it a much stronger exercise and thereby exuding further salutary effect on the country's search for an enduring democratic temper and practice.

Key words: Observation; Monitoring and democratic consolidation

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INTRODUCTION

In every true democratic state election has been recognized as an instrument through which smooth leadership change can be effected. However in most of the fledging world democracies of Asia, Latin America and most outstandingly Africa, election as an instrument of resolving leadership choice tussle has itself become an issue of acrimony often attended by violence and blood-letting following the inability of such emerging democracies to conduct free and fair elections. For an election to earn the true ascriptions of free and fair, it must by all universally acceptable standards or measures represent the popular will of the people or electorate. Still in these fledgling democracies, in spite of the institutionalization of impartial electoral commissions—electoral administrators and umpire—and all the seeming fair and impartial preparations that go into their electoral processes, there still abound post-election accusations and counter-accusations by both the ruling party and the opposition parties or better still, the contending parties, of electoral malfeasance, fraud and other forms of brazen manipulation. This divisive reaction has undermined democratic process in some of these fledgling democracies so much that, a good number of them have been laboring under democratic hiccups and peep into their democratic

future with disdain, uncertainty and pessimism.

As this trend can hardly foster an enduring democracy, the idea and practice of observing or monitoring election was conceived as an interventionist measure to help actuate the administration of free and fair election in the fledgling democracies by way of assessing the entire electoral processes nay the conduct of the election with a view to making observations that can help improve future elections.

In other words the aim is to enhance democratic consolidation through the encouragement of such democracies to comply with the observations and suggestions that have been put forward to improve their future elections.

Nigeria had its first election in 1923. It was an election into the Legislative Council which was restricted to Lagos and Calabar. The election was hardly attended by irregularities party because it was conducted by the colonial masters and also because of its low scale. By the time the democratic space began to widen and the frontier of franchise broadened within the polity, the malaise of rigging in the country's electoral process crept in and started to gain worrisome attention. Indeed, though conducted by the colonial masters, in the 1954 and 1959 elections, rigging and trade of accusations of rigging by the contending political parties had become overt and very worrisome. By 1964, it had become a national malaise; and by the time the Western Nigeria regional elections were conducted in 1965, election rigging and manipulation of electoral process had become cancerous and indeed ended in eating up or consuming that democratic dispensation—the first republic.

Okoi Aripko captured this very well when he wrote that, The 1964.....electoral fraud was so rampant and so prevalent that the elections were meaningless, the results of the elections ending in a stalemate.

The events of 1964 federal elections, serious as they were, paled beside those which followed during the Western Region elections, a year later in 1965 during which the electorate literally poured gasoline on opponents and set them on fire... The electorate literally took the laws into its hands. The police seemed powerless.

Political destabilization, social discontent and more problems soon developed in the Western Region, resulting in the further weakening of the third base and the eventual collapse of Nigeria's tripartite federal matrimony" (as cited in Ojigbo, p.23).

The elections that were conducted thereafter in 1979 and 1989 even when handled by the military governments that intervened in the country's political process, did not fare better. When the military appeared neutral, there were accusations of lack of transparency or manipulative machinations.

Right from the Babangida era, the political class became very suspicious of the regime as it was alleged that the regime was planning to either succeed itself or impose its stooges on the polity in all the strata or tier of government. This is not to gloss over the alleged bias

that trailed the Muritala/Obasanjo transition programme in 1979. In any event, it is the combination of all these that instigated the quest for the involvement of election monitors or observers in the conduct of elections in the country. The first observers were used in 1993 and since then election monitoring or observation has become a striking and permanent feature of Nigeria's fledgling democracy. Since the involvement of election observers or monitors in the conduct of elections in Nigeria, there has now emerged another challenge namely: the comments, observations and activities of the observers and monitors have been allegedly tainted with bias and the subversion of the democratic process they are supposed to help prop or consolidate thus provoking the question: is election monitoring or observation a prop or threat to democratic consolidation? The central aim of this paper therefore is to ascertain whether election monitoring is a prop or threat to democratic consolidation in Nigeria.

1. CONCEPTS OF ELECTION OBSERVATION AND DEMOCRATIC CONSOLIDATION EXPLAINED

1.1 Election Observation

In the Longman Dictionary conception, there is hardly any difference between election observation and election monitoring another concept often used interchangeably with it. Even beyond the Longman lexicon, literature abound in which the two terms have not only been used interchangeably, but have been rolled into one in meaning. For example, even in the context of African Union Declaration on the Principles Governing Democratic elections in Africa, the two terms were used interchangeably.

Ayoade (pp.22-25) also presupposes that election monitoring and observation are the same activity. However, in his own contribution, Momoh (p.3) insists that a monitor is not an observer. The questions then arises what is election monitoring? What is election observation? Can we use the two concepts interchangeably? Or can we use the two complementarily? The resolution of these questions shall place or put the focus of this research in proper perspective.

In providing an answer to the question what is monitoring, Momoh submits that, the activity of monitoring entails the following tasks:

- Ensuring that mode of selection/election of partly candidates comply with essential conditions and rules stated in the law.
- Enforcing compliance and lawful conduct.
- Monitoring application of the law.
- Protecting integrity of party primaries within the legal framework.
- Ensuring electoral right.

- Checking and correcting wrong doing, arbitrariness and observations.
- Supervising electoral processes to conform with (a) due process of the law (b) standard and criteria for credible primaries (c) rules or dos and don'ts are kept.
- Oversight function over political parties operations/ organization as it relates to partly primaries and at general elections.
- Follow-up duties and responsibilities assigned under the law.

He stresses further that, monitoring entails a proactive role of the monitor, who has power as enshrined in statutory books/laws; a monitor is not observer; a monitor has power in law to correct political parties. While the Independent National Electoral commission (INEC) of Nigeria noted that the term election observation and election monitoring are used interchangeably, it still insists that there is a fundamental difference between the two, and this dichotomy it attempts to capture as follows:

An election monitor is an integral part of the election management structure and has a role in the administration of the election. In Nigeria only the Independent Electoral Commission and its duly authorized Personnel are empowered to monitor elections. An observer on the other hand does not have any role in the administration of the election nor any control or oversight functions.

It amplifies and simplifies this point further when it graphically pin-pointed and explicated their differences as follows:

- An election monitor exercises some level of lawful authority over the conduct of election as well as over officials involved; an observer has not such powers;
- In Nigeria, a monitor must be duly authorized personnel of the INEC; an observer is independent and reports only to his or her organization.
- A monitor can issue instruction and take decisions on behalf of INEC and to that extent would ordinarily possess a greater technical knowledge of the election process than an observer.
- To enable them fulfill their functions effectively, INEC is responsible for training election monitors on election administration. The training of election observer is the responsibility of the organization that deploy them.
- The roles, powers and functions of monitor are created and regulated and the authority so exercised is clearly spelt out by law. This position of course tallies with the position of Momoh (*op.cit*) as earlier given above. Confusion however emerges when Ayoade (*op.cit*) posed the question: who monitors? In his answer to this poser he wrote: (a) Partisan/Interested observers and (b) Non-partisan observers thereby suggesting that monitors and observers are one and the same. In resolving this polemic, it may be necessary to take a global look at what election monitors and observers do perhaps we

can draw a parallel between them. First let us begin with election observers. According to the INEC Guidelines, the observers' tasks include observing or watching:

- (a) The legal and institutional framework
- (b) The electoral/political environment
- (c) Arrangements affecting the safety and security of election officials, voters and other participants;
- (d) Management of electoral logistics and distribution of electoral materials;
- (e) The integrity of the electoral preparations; including voter registration and voter education;
- (f) The degree of political competitiveness
- (g) The inclusiveness of the electoral system, civic education and the extent of citizen participation.
- (h) The extent of human right violations and election-related violence.
- (i) Evidence of any violence, intimidation, interference with private exercise of the franchise.
- (j) The professionalism of security agencies
- (k) The extent to which security has affected the participation of the people in the electoral process;
- (l) The conduct of the main institutions and agencies: do they act in a measured and responsible manner?
- (m) The integrity of the conduct of the poll, including voting, the count collation and declaration of result;
- (n) The resolution of electoral disputes.

Going by the above, election observation is just a mere evaluation of the election processes with a view to detecting the degree of compliance with the electoral system and the challenges that attend an election and with the overall goal of making suggestion for better perform at future elections. It does not, unlike monitoring, entail enforcement of electoral rules. However, since both activities entail "watching" with the aim of establishing compliance, it may still be pardonable to apply them interchangeably. In this context therefore election observation and election monitoring shall be used interchangeably.

The aim is to strengthen the procedures and process of conducting elections in a state and by extension to attain free and fair election outcome. In other words, it is a device to strengthen or consolidate democracy. Let it be said that, while it is true that election monitoring or observation is one of the features of emerging or fledgling democracies of Asia, Africa, Latin America and the Caribbean, the exercise has also crept into the electoral process of the long-standing democracies including the United States, France, the United Kingdom and Switzerland (http://en.Wikipedia.org/wiki/election_monitoring). The aim in these developed democracies is perhaps to learn from these full-fledged democracies with a view to using the lessons learnt to assist the developing democracies, though they are not absolutely perfect.

1.2 Democratic Consolidation

In Nigeria like most other African States, the entrenchment of democracy has suffered persistent hiccups as a result of the bayonet of their political processes by the military. Having failed in engendering the promised development and good governance, it has now been widely acknowledged by the citizenry that the military lack the capability and the sincerity to solve the crises of governance they claimed the civilians have failed to properly tackle (Adebisi, 2012, p.2). Hence the growing desire not only to return to democratic rule, but to also sustain or retain it.

Democratic consolidation can therefore be conceived as all efforts to make successful restoration of democracy stronger or continuous (Adebisi, 2012).

In other words it refers to sustained or uninterrupted practice of democracy by a body politic (Adebisi, 2012). Its other synonyms are democratic sustainability and democratic survival.

2. TYPES OF ELECTION MONITORING

Election monitoring or observation has been categorized differently by scholars based on different criteria. Let us now briefly highlight the categorization.

2.1 Classification Based on the Origin of the Observers

As the title suggests this categorization is based on the "origin" of the observers. If the observers are coming within the territory of the country conducting the elections, they are called domestic observers. In other words, the monitoring is done by citizen organizations or coalition of organizations autochthonous to the country holding the election. It also includes the observation of party poll-watchers (http://en.Wikipedia.org/wiki/election_monitoring). Apart from the various party poll watchers in Nigeria, independent domestic poll monitors or observers include Committee for the Defence of Human Rights (CDHR), Justice and Equity Organisation, *et cetera*. The second slice of this category is the International observers. These are observers that originate from international organizations outside the State holding the election or an organization in which it is a member. Examples are European Union (EU), African Union (AU) and Economic Community of West African State (ECOWAS) election observers or monitors.

2.2 Classification Based on the Duration of Observation

Along here, two types of monitoring have been distinguished. They are Long Term Observers (LTO) and Short Term Observers (STO). According to wikipedia (http://en.Wikipedia.org/wiki/election_monitoring) most observation missions send a small number of long-term monitors (known as LTOS) for period of six or eight weeks. A larger number of short-term observers (known

as STOs) then join the mission for the final week of campaign. STOS provide mostly qualitative observation of polling stations and count procedures, with LTOs supplying qualitative analysis and contextual information about the wider political situation (http://en.Wikipedia.org/wiki/election_monitoring).

2.3 Classification Based on the Scope of the Election Observation

Along here we can have local election monitoring if it covers local government election only; national election monitoring if it is a general election.

3. HISTORY OF ELECTION OBSERVATION IN NIGERIA

Election monitoring is a fairly old practice in men's attempt to conduct transparent election with a view to strengthening democracy.

According to wikipedia (http://en.Wikipedia.org/wiki/election_monitoring) the first monitored election was that of a plebiscite in Moldavia and Wallchia (now Romania) that was monitored by most of the major European powers. Election monitoring or observation was of course a very rare practice or very few and far between. It loomed clearly only after the Second World War (http://en.Wikipedia.org/wiki/election_monitoring). Since then, it has gained greater prominence and usage in the world system. By the 1990's, most of the developing countries especially those under the throes or yoke of military jackboot, started to denounce military authoritarianism and instead courted democratically elected government. However, the military and their acolytes still wanted to manipulate the democratic process to their advantage. Hence the desirability of injecting independent election monitoring into the democratic process. This was indeed the picture of Nigeria's democracy in the 1990's. However before then in Nigeria, the Media and political Party agents were the known institutions monitoring elections. At that stage, election monitoring in the country had two distinct features.

One, the observations of the media organizations and party agents were obviously biased or not objective. This was because a good number of the media organizations had either overt or covert sympathy for one or more of the political parties. Also, the party agents whether right or wrong were always giving one-sided or one-eyed account in favour of their respective parties.

Two, they hardly submitted any formal or well documented report bearing suggestions for improving future elections. The first election to be monitored in Nigeria by independent domestic and international observers was the 1993 general elections. Prominent among the independent observers were the Committee for the Defence of Human Rights, Campaign for Democracy; the ECOWAS election monitoring group; the European

Union and African Union monitors etc. Since then, all subsequent elections held in Nigeria had been under the watchful eyes of both domestic and international observers or monitors.

4. ELECTION MONITORING AND DEMOCRATIC CONSOLIDATION IN NIGERIA

In order to determine the extent to which election monitoring has aided democratic consolidation or otherwise, it is apt to demonstrate at this juncture how election monitoring works or it is carried out. Generally speaking, four stages are discernible in the task of election monitoring. These are: the Pre-election day monitoring and report collation and submission to the appropriate authority. Let us now briefly consider each stage. But before we do this, let it be said that before any group is allowed to monitor election in Nigeria, it must be accredited by the appropriate authority of the State –the INEC. The list is usually published for the purpose of awareness of the electorate and the security agencies. For example the observers accredited by INEC for the Ondo State Governorship election held on 20th October, 2012 are as shown in the table below.

Table 1
List of Observers for Ondo State Governorship Election Scheduled for 20th October, 2012

S/No	Organisation
1	Justice and Equity Organization
2	Centre for Peace Building and Socio economic Resources Development
3	Reclaim Naija
4	African Centre for Leadership, Strategy and Development
5	Federation of Muslim Women’s association in Nigeria
6	Nigeria Bar Association
7	Justice Development and Peace Caritas (JDPC)
8	Transition Monitoring Group
9	Policy and Legal Advocacy Centre
10	Cleen Foundation
11	Alliance for Credible Elections in Nigeria
12	Human Rights Monitor (HRM)
13	Independent Election Monitoring Group
14	Liberty Spirit Foundation
15	Global Help Trust Foundation
16	Justice Development and Peace Centre
17	Centre for Democracy and Development
18	Rights Monitoring Group
19	NEPAD Nigeria
20	Police Service Commission
21	National Association for Peaceful Elections in Nigeria
22	National Association for Peaceful Elections in Nigeria (NAPEN)
23	International Republican Institute (IRI) International
24	International Foundation for Electoral System (IFES) International
25	Centre for Human Rights and Ethics Development
26	Women Arise for Change Initiative

S/No	Organisation
27	Forum of State Independent Electoral Commission of Nigeria (FOSIECON)
28	British High Commission (International)
29	American Embassy (International)
30	Centre for Labour and Development Studies (CLDS)

Source: INEC, 2012

(A) Pre-Election Day Observation

This begins weeks or days before the actual day (Wikipedia, *op. cit*) Here the focus of the monitoring is on registration of candidate or contestant for the election; scrutiny of the electoral Act or any other legal framework for the conduct of the election, the media situation especially the degree of their freedom to comment on and publicize matters relating to the elections; the preparedness of the electoral commission and above all the campaign environment. The security measures put in place are also monitored and assessed.

All these activities are tracked and analyzed by the monitors or observers.

(B) Election Day Observation

This stage is of course the heart of election monitoring. At this stage the election observers move around cities, towns and villages watching the opening of polling stations the commencement of voting at polling stations, vote cast, counting of votes, manner of recording results and the system of announcing election results. All these activities again are tracked and equally assessed.

(C) Post-Election Observation

After the conduct of the election, observers or monitors remain in the country for some days to monitor how election-related short-comings and complaints are dealt with by the Electoral Commission and the judiciary (*ibid*).

(D) The Report Stage

This is the final stage of election monitoring. It is the stage at which the observers collate their findings and put up a comprehensive report. Apart from the findings, the observers also come up with recommendations for improvement in future elections. The report is usually submitted to the appropriate authority of the State and the sponsors of the election observers. The reports of the observers are also made public through the media for the consumption of the citizens.

In carrying out their assignment, observers are expected to be very objective or scientific. They are not supposed to be partisan as doing so can vitiate their report and even undermine the process they have come to strengthen by their watchdog role .Indeed election monitoring has helped to prop democratic consolidation in Nigeria in the following ways: First, the presence of election observers has created ambience of confidence in a section of the electorate who would have shunned voting for the doubt and fear that their votes may not count. In other words the presence of election monitors has

enhanced wider political participation and thereby further strengthen democracy.

Second, election monitoring has equally put election administrators that is the staff of the electoral commission, on their toes in the discharge of their duties before and during elections. Once they now know that the eagle and critical eyes of election watchers are on them, they are constantly mindful of the need to be impartial, and transparent in election administration. This development has thus to some degree propped democracy in the country. Once the culture of impartiality and transparency is inculcated and established in the electoral commission, the country's democracy will of course stand the test of time or any test for that matter.

Third, the findings of the observers usually encapsulated in a formal report, have also provided the Nigerian State with the direction to focus in matters of electoral reform. Indeed, the attempt by the Yar'Adua administration to carry out electoral reform, was partly ignited by the shortcomings that were made palpable partly by election observers in their report on the 2007 general elections. Although the administration could not complete the reform following the demise of President Yar'Adua, yet the fact is that the report of the observers partly constituted the spring board of the Terms of Reference of Justice Uwais Committee on electoral reforms. Even up till today, agitation has not ceased on the need to address some of the issues raised against the Nigerian electoral process or system by election observers. A proper address of these issues in future will certainly further strengthen democracy in the country.

Fourth, the findings of the election observers have also become a veritable source of data and evidence for the contestants who felt that they lost out in an election in an unfair circumstance, to seek redress in the law court or before Election Petition Tribunal. The combination of the data and evidence from election monitoring group reports and the contestant's filed evidence have assisted some of them to regain their victory. This modicum of success has further enhanced political gladiators' faith in the country's democracy.

Fifth, the task of election monitoring has also reduced the brazen manner in which elections in the country are rigged. The observers are perceived by good conscience politicians as whistle blowers whose negative opinion about their conduct may damage their political reputation.

Sixth, some of the domestic observers do also embark on voters education before the election. In the process voters are sensitized to why they must vote, how to protect their votes and why they should avoid rigging and bribery among others.

Furthermore election observers have been promoting code of conduct among politicians; and they have also assumed the role of voters' vigilance.

In spite of these salutary effects of election monitoring

on the country's fledgling democracy, the task can be faulted on the following grounds. One, it has been observed that some monitors are not objective in their observations. This is as a result of the fact that a number of them are partisan, partial and not independent. For example, during the 2011 general elections some observers failed to raise red alert when some states in the South-South geo-political zone returned between 95%-100% voters' turn out on Election Day with most voters voting for a single political party (Field Report).

There is also the growing concern that election monitors are now susceptible to bribery and corruption. This development has influenced some of them to come up with bias or subjective findings and conclusions. It was found that some groups are covertly sponsored by the state authority and as such take brief from the state (Field Report, 2011). It is indeed the emergence of this development that has thrown up the feeling that election monitoring might be a threat to democratic consolidation. For when a rigged election is adjudged free and fair, such a report, may not withstand the indignation and revolt of the electorate against the entire political process.

Furthermore, the inability of most election monitors to adequately cover the entire gamut of the national constituencies while monitoring elections has cast doubt about the adequacy of their findings, and conclusions. In some cases, election monitoring is largely done in the cities while the remote villages where rigging and foul play can be perpetrated are largely left unwatched. Such report when made public can dampen the confidence and morale of the electorate who know the depth of election manipulation in the country. Hence political apathy which does not help the cause of democratic consolidation may ensue. This study discovered that the number of observers to be allowed to watch the polls is often determined by INEC.

CONCLUDING REMARKS

Election monitoring in Nigeria has indeed to some extent contributed to the cause of consolidating democracy in Nigeria through all the aforementioned valuable benefits of the exercise and mechanism. The emerging negative side effects of election monitoring as pin-pointed above however, are not yet enough to constitute a threat to democratic consolidation in Nigeria. Yet these side effects need to be quickly or drastically mitigated as antidote to such a threat. To this end, the following recommendations may be found valuable. First, the process of accreditation of election observers by the electoral commission should be transparent and impartial. This is to ensure that only credible election monitors or observers are accredited to cover elections. Also, the INEC should ensure that adequate number of observers is accredited for each of the monitoring bodies to enable them cover larger areas.

In addition, observation groups should also make efforts to acquire modern equipments for accurate and adequate monitoring.

Second, the accrediting authority should ensure that only elections monitoring groups that have enough and the necessary wherewithal are accredited for monitoring. This will go a long way to mitigate bribery and corruption in the process of monitoring and will also be a guarantee for effective and adequate coverage of the electoral process.

Generally speaking, a good number of the election monitoring groups should also intensify the training of politicians through seminars, workshops and conferences on the essence of conducting free and fair election and the need to shun electoral fraud, manipulation and malfeasance. Such post-election or pre-election political education will go a long way in minimizing electoral misconduct.

Finally, the state authority should demonstrate the political will to allow the observers to carry out their work unfettered. For example, during the Ekiti State Governorship election re-run in 2010, observers were reportedly intimidated and harassed by Federal Government security agencies and had to abandon the exercise (Field Report, 2010). A situation whereby they are harassed and intimidated and therefore have to abandon their work in frustration and trepidation does not augur well for democratic sustainability.

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