



Nigeria

Independent National Electoral Commission on the 2007 General Elections

ELECTION TIMELINE

16 MAY, 2006
The Nigerian Senate rejects constitutional reform proposals designed to allow President Olusegun Obasanjo to serve a third term. The constitution allows only two terms

APRIL 14, 2007
Governorship and state assembly elections are held

APRIL 16, 2007
The Supreme Court enables Vice President Atiku Abubakar to bid for the presidency. He subsequently stands for the opposition Action Congress party

APRIL 21, 2007
Presidential and National Assembly elections are held

APRIL 22, 2007
As the PDP anticipates a landslide victory, international and local monitors condemn the elections, citing violence, ballot stuffing, intimidation, and a shortage of millions of voting slips. INEC says the elections were free and fair

APRIL 23, 2007
INEC declares the ruling PDP candidate Umaru Yar'Adua the winner of the presidential election with 24.6 million votes, compared with 6.6 million for Muhammadu Buhari and 2.6 million for Vice President Atiku Abubakar

MAY 29, 2007
Umaru Yar'Adua is sworn in as Nigeria's President

▶▶▶ ALMOST A YEAR AGO ONE OF THE WORLD'S LARGEST OIL PRODUCERS, NIGERIA, HELD GENERAL ELECTIONS LEADING TO A HISTORIC FIRST HANDOVER OF POWER FROM ONE ELECTED PRESIDENT TO ANOTHER. OPPOSITION CANDIDATES CLAIMED THE ELECTIONS WERE RIGGED AND INTERNATIONAL OBSERVERS SAID THEY WERE DEEPLY FLAWED, BUT LAST MONTH A JUDICIAL TRIBUNAL UPHELD THE VICTORY OF PRESIDENT UMARU YAR'ADUA

INTERNATIONAL investors breathed a sigh of relief when a five-man tribunal sitting in Abuja ruled unanimously last month that the 2007 election of Umaru Yar'Adua as President of Nigeria was legal. The tribunal rejected claims from opposition candidates that the polls were rigged, ruling that, though the elections were imperfect, they were substantially in compliance with the law.

While the polls are likely to remain controversial and opposition candidates may appeal to the Supreme Court, the decision by the Presidential Election Tribunal appears to have averted a political crisis in the huge West African state, one of the world's largest suppliers of oil. In geopolitical terms, Nigeria is regarded as one of the most important countries in sub-Saharan Africa, a key contributor to the economic and political stability of West Africa, which includes the key Gulf of Guinea oil-producing region.

Regarded in the West as a pariah state until 1999, when it replaced military dictatorship with elected government, Nigeria has since attracted increasing amounts of foreign direct investment, mostly into the oil and gas sector. Oil-rich, but with most of its rapidly expanding population living in poverty, it is the most populous nation in Africa, with one of the largest electorates in the world.

Last April, millions queued at polling stations to elect a new president, a new National Assembly, and governors and assemblies for the 36 states. Nigeria's Independent National Electoral Commission subsequently announced a series of landslide victories for the governing People's Democratic Party. Umaru Yar'Adua, the chosen successor

Tribunal validates 2007 presidential elections



Umaru Yar'Adua casts his vote in the election that made him President of Nigeria and produced landslide victories for the PDP in the federal and state elections.

of President Olusegun Obasanjo, was declared the easy winner of the presidential race. The PDP also won overwhelming majorities in the upper and lower houses of the bicameral National Assembly, and 28 of the 36 state governorship contests.

The elections were notable for leading to the first successful transfer of power from one civilian regime to another since Nigeria gained its independence from Britain in 1960. Mr. Yar'Adua was sworn in on May 29, 2007, succeeding Olusegun Obasanjo, who had completed the constitutional maximum of two terms in office.

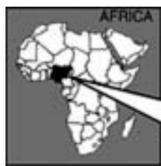
However, doubt was cast on the legitimacy of Yar'Adua's presidency by allegations of malpractice and irregularities including ballot stuffing, intimidation and a shortage of millions of voting slips. There were claims that in many places voting did not take place at all. The U.S.-based monitoring group International Republican Institute said the election fell below acceptable standards. Opposition candidates said the polls were rigged and called for a rerun.

Since then, Nigeria's Election Petition Tribunal has annulled the elections of seven of the state governors and ordered fresh polls to be held. Petitions for the nullification of the presidential election were filed by presidential candidates Muhammadu Buhari of the All Nigeria People's Party and Alhaji Atiku Abubakar of the Action Congress.

The rejection of these petitions by the Presidential Election Tribunal last month has been welcomed by Nigeria's Independent National Electoral Commission (INEC), the nonpartisan government agency that organized and supervised the elections, and which found itself at the center of the storm. It says it has been exonerated from the allegations made against it.

INEC has always claimed the elections were free and fair. In its official report, it described the elections as "a big leap in Nigeria's democratic process." INEC Chairman Professor Maurice Iwu said the polls reflected the intentions of voters and marked the birth of modern Nigeria.

The judges on the tribunal found no evidence that INEC had breached the electoral law in any way that substantially affected the conduct of the election or the result to the disadvantage of opposition candidates.



A federal republic with 36 states, Nigeria is Africa's most populated country with 135 million people. More than 60 million voters are registered.



INTERVIEW: MAURICE IWU, CHAIRMAN OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION

'The elections marked a major milestone for Nigerians'

Maurice Iwu, the man in charge of policing last year's general elections, argues that the polls were thoroughly prepared for and that the outcome reflected the intent of the electorate

How do you view the criticism of the elections by international monitors and media?

I feel that there was an already fixed opinion and mindset on the part of the international community. The media reported what they expected to happen rather than what happened. Some of the observer missions used the exact same language as they used in 2003, and the only thing they changed was the date. What they failed to realize was that the importance of the election was in being able to determine the intent of the voters—not to determine the electoral elegance of the system.

The elections were criticized for not meeting international standards, as if there are some standards that are cast in stone. My job was to determine the intent of the Nigerian voters, and I believe that it was determined.

The election of 2007 marked a major milestone for Nigerians.

The Never before had we been able to transit from one civilian elected government to another. I have had the singular privilege of taking my country to a place it has never been before, and if you are going to a place where you have never been there are naturally apprehensions and anxieties. We were able to overcome all that and conduct a successful election.

The day after the election, the Nigerian papers and media were awash with people congratulating us, telling us that this was the fairest election ever. Soon after that the criticisms started, but we didn't think it necessary to take issue with people whose minds had already been made up that it wasn't a free election.

Were you surprised at the outcome of the election?

Anywhere in the world, unless the opposition wins, election results could be suspect, but in our own case there was hardly any serious opposition. In the presidential election, the second and third candidates came a distant second and a distant third. The candidate for the All Nigeria People's Party, General Buhari, was more or less disowned by his own party before the election. Frankly, there was no way that he could have won. The

former Vice President, Atiku Abubakar, was only sure that he was going to enter the election five days before it was held. So how could anybody ever doubt the outcome?

As for the governorship elections, there were states where I was shocked by the result. In Bauchi, for example, a sitting governor was routed by the opposition. Nobody was expecting that.

Lagos state is the capital of the area where the then-president comes from, yet the PDP were thoroughly defeated in Lagos. Kano was another case where the opposition also won.

Can you give a sense of the magnitude of the challenge faced by the INEC?

It was by no means an easy task. Even if we had had a fully established democratic culture, you are talking about holding an election in what is equivalent in size to the whole of the EU. You are also talking about the election management board dealing with the largest constituency in the world. In the United States, each state conducts its own election, but here we conduct it across the country.

You have to look at the election in context. Firstly, we were faced with a very unusual situation where most of the players did not want the election. Many obstacles were placed in our way. Why? Well, because a lot of people benefited from the anarchy that preceded 1999 under military rule, and they were uncomfortable that Nigeria has had eight years of civilian regime. They wanted to throw the country back to before 1999.

Secondly, we had to organize 200,000 main polling stations, as well as additional satellite units wherever we had more than a thousand voters at one polling station. We ended up with about 210,000 units.

The third key issue was that we embarked on reform. We were able to in-



MAURICE IWU, INEC chairman, is a former professor at the University of Nigeria, Nsukka.

troduce a comprehensive institutional electoral reform in Nigeria, but changing the mindset of the Nigerian people was more difficult. Our job was to set the standard, and then to ask ourselves if the rules had been observed.

When we had the Supreme Court judgment on the presidential election, we were forced to print ballot papers [to include Vice President Atiku Abubakar as a candidate]. We had made contingency plans on how to accommodate the Vice President, but they fell through. We had to print 65 million ballot papers in three days—and they were not printed in Nigeria.

Bringing them into the country became a problem. One of the airlines we hired got to South Africa and refused to come in. We brought the ballot papers back into the country by 10 p.m. the night before the election. The President ordered the air force to assist us, and they were flying all through the night. In the early hours of the next morning, a naval plane crashed and there were fatalities.

There was an attack in Kano by armed militants a few days prior to the election; a cleric was shot in a mosque in an attempt to stir up problems. There was also an attack in Port Harcourt.

We took all this on, and we were able to give birth to a new Nigeria. We were able to prove that with enough determination, Africa can still overcome. In other countries this kind of situation may have resulted in a civil war.

Do you feel vindicated?

It really was a heroic effort. It is not possible to give birth to anything with-

out some pain and complications. The democratic process was thorough—we did our preparation. This is the first time in our history that we have had an Electoral Institute, which is totally dedicated and geared towards consolidating democracy in Nigeria. We have a state-of-the-art storage facility for securing electoral materials. Anything that goes in there can never be taken out without access protocols.

We went through a lot of difficulties. Frankly, I feel humbled by the way that people came out to vote, and will continue to say that the intent of the voters was captured.

What do you feel is most important for people outside Nigeria to understand about the elections?

That the Nigerian voters, against all the odds, were able to elect their leaders, and that President Umaru Yar'Adua reflects the intent of Nigerian voters. There is no other person who would have won, given the facts on the ground. Nigeria has now passed the point of no return in terms of stability. We are now in the democratic order; there is a new system we have not experienced before. This is the birth of modern Nigeria.

Few countries in the world have been able to be where we are after three decades of nearly uninterrupted dictatorship. We are one of the lucky ones, and this is a very welcome development.

'What observers failed to realize was that the importance of the election lay not in the elegance of the electoral system but in the intent of the voters'

'The elections were no easy task. Even if we had had a fully established democracy, you are talking about holding an election in what is equivalent in size to the whole of the EU'

Nigeria



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The INEC report

In late 2007, Nigeria's Independent National Electoral Commission published and publicly presented at the Electoral Institute in Abuja a 104-page official report on the 2007 general elections. In great part a defense of the fairness of the elections, the report outlined the factors and forces that INEC battled on its way to conducting the elections. The following are edited excerpts from the report



PHOTO: INEC

2007 Elections

Preparations

THE OVERALL framework for the elections was more painstakingly and comprehensively laid than was ever the case in the past. A new Electoral Act that strengthened INEC in various ways, and thereby enhanced the standards in the electoral process, came into being some months before the elections.

The Commission took far-reaching steps to establish new and reinforced platforms for the elections. A new regime of electronic voter registration was instituted, and a new robust communication platform was created. Strategy meetings and consultations were held with security agencies with the purpose of ensuring effective security control in the election period.

INEC's initiatives in the key areas of voter awareness-raising and education included the creation of an entire department for this purpose. The Commission also embarked on unprecedented extensive and intensive voter education programs across the country. The Electoral Institute was established—a pioneer in its field in Africa—to train professional election administrators and ad hoc staff, and to undertake research, documentation and training.

The Commission also took steps to enhance the logistics backbone for the elections. Six new regional storehouses for electoral materials were created, while existing storehouses in all the state capitals were improved. The aim was to ensure that election materials were accessible across the country to avoid a repeat of past experiences in which they were being delivered from a centralized store on election days.

Abnormal political setting

SINCE the re-establishment of democratic governance in Nigeria in 1999, the People's Democratic Party (PDP) has held firm control of both the executive branch and the legislature. However, especially after the 2003 general elections, the PDP began to experience internal discontent.

Over time, the quarrels within the ruling party steadily degenerated into a crisis. The Commission and other agencies involved in the preparations for the elections soon found themselves confronted with a set of problems which had their roots in this crisis. The more the Commission tried to distance itself, greater were the efforts that were made by some groups to link the agency with the upheaval within the political party.

In 2006, an administrative panel of inquiry set up to investigate the use of public funds by senior government officials indicted Vice President Atiku Abubakar. Section 137-(1) of the 1999 Constitution of the Federal Republic of Nigeria clearly states that a person who "has been indicted for embezzlement or fraud" is ineligible to contest for the office of president. Thus, the Commission was confronted with a provision of the law with which it had to comply.

[Editor's note: the charge against Mr. Abubakar was subsequently dismissed by a Nigerian court. A later ruling by the Supreme Court just days before the election allowed him to enter the presidential race, in which he came third.]

In due course, the Vice President left the ruling party and joined

Background: the challenges

THE 2007 general elections, the third to be conducted by the Independent National Electoral Commission (INEC) since Nigeria's return to electoral democracy in 1999, marked a watershed in the conduct of elections in the country and a big leap in Nigeria's democratic process.

The elections effectively broke the cycle of several failed attempts by the country to successfully transfer power from one democratically elected government to another. This historic national achievement acquires greater value and import when

considered against the formidable obstacles that needed to be overcome for the polls to be conducted.

There were ceaseless calls for the postponement of the elections, and various attempts were made to achieve that end. Then there was a resurgence of violence in the Niger Delta, promotion of election-related violence in various parts of the country by powerful interest groups, and a litany of litigation aimed at stalling the process. It took courage and determination on the part of the Commission to overcome these challenges.

one of the new political parties, where he easily picked up the ticket for the presidential election. He remained in office as Vice President, further exacerbating the complexity and difficult political circumstances in the days and weeks leading up to the elections.

The split within the ruling party and the presidency was not the only problem that confronted preparations for the 2007 elections, however. The incumbent party and the presidency found themselves in the thick of a controversy triggered by suspicion that the presidency was seeking to amend the constitution to enable state and federal officials whose second—and last—term in office was to expire to run for a third tenure in the elections.

This strong suspicion of a third-term agenda led to the unfortunate total rejection at the National Assembly of a wholesome initiative to amend the constitution. The failure of the initiative also killed very important draft recommendations for the reform of INEC and the electoral process that were part and parcel of the proposed amendment.

The controversy further polarized the already divided sides within the PDP, and created an unwarranted atmosphere of public doubt over preparations for the elections. At the same time, the preparations themselves suffered from this split at the presidency and from the high political temperature it engendered, as it became difficult to implement the Commission's decisions and strategic plans. Indeed, every effort was made to drag the Commission into the political fray.

Biased reporting: a distorted image

THE CRISIS within the PDP was symptomatic of the problems and dissonance in most of the political parties in the crucial period leading up to the election. There was very little in the bearing and internal order within the political parties to indicate that they were seriously organizing to run in or attempt to win the elections.

As can be imagined, this setting did not in any way enhance the climate and preparations for the elections. Unfortunately, various international organizations and groups, who did not realize the extent

of the corrosive nature of the political conflagration in the country and how partisan seemingly neutral groups had become, found themselves assuming partisan positions on the elections.

These groups, along with certain sections of the media, were a main source of the distorted image of the elections and the electoral system that was perceived abroad, as they were still taken to be credible and unbiased sources. In reality, however, they had become participants in a highly charged partisan contest.

Voter registration

A STUDY of previous general elections identified the process of registering voters and the quality of the voter registry as a primary source of flaws. The Commission decided early in its preparations to introduce a new and improved voter registry aimed at preventing such practices as multiple registration that had undermined past elections.

This new registry would contain, among other details, the photograph, fingerprint, and biometric data of every registered voter. The initiative was deemed a critical step in ensuring credibility in the electoral process. Indeed, the electronic voter registry was a component of the Electronic Voting System (EVS), designed to minimize human impact in the electoral process.

The law makes it clear that the Commission has the responsibility to decide the method for voter registration. However, while there were public cries for credible, free and fair elections, there were people who opposed the introduction of a new system that would close the loopholes through which past elections had been rigged. Various politicians and political parties opposed the introduction of the electronic voter registry.

Although there were many arguments put forward to discourage the Commission from going ahead, there were also those who appreciated the need for Nigeria's electoral process to be rescued, as it were, from the grip of politicians themselves. These people gave invaluable support to go ahead with the new registry.

Nevertheless, almost every step in the process of the voter registration exercise was confronted with attempts to derail it. Gaining access to the funds that had been allocated for the creation of the registry was difficult. Three different contractors from three continents who had been chosen to supply the direct data capture equipment for the registration exercise could not deliver on time. However, the Commission was determined to surmount these unimaginable odds to conduct the elections, and it succeeded.

Looking forward: the 2011 elections

AS IN OTHER parts of the world, elections in Nigeria are dynamic processes that are steadily evolving. The experience of the 2007 general elections taught INEC invaluable lessons that can only enhance the conduct and standard of elections in the country in the future.

One of the key elements in successful elections is planning. Although the Commission planned comprehensively for the 2007 elections—far more than in any previous elections—the experience reinforces the need for thorough and early planning. Indeed, the Commission intends to move without delay to analyze the hiccups in the process, and commence planning for the next general elections in 2011.

The Commission will seek critical changes in the electoral laws to strengthen its capacity and operational standing. It is expected that the reform will grant INEC a level of autonomy that will free it from delays in the release of funds needed for planning and executing crucial programs, as several aspects in the planning and carrying out of the 2007 elections were hindered by unnecessary delays in the release of funds.

The case for the financial independence of the Commission is underscored by the need to significantly improve on elections logistics. The budgeting and procurement of materials for elections need to be planned in such a way that most of the required materials and infrastructure are secured one year before any election is held.

The Commission intends to change the arrangement whereby electoral materials are produced abroad. This limits the freedom to adapt promptly to any sudden demand for adjustment, as was the case following



The Independent National Electoral Commission, a permanent body that was established in 1998.

the Supreme Court ruling to allow Vice President Atiku Abubakar to run as a candidate, just five days before the presidential election. The Commission intends not only to localize the production of sensitive election materials, but also to involve the end-user departments and state offices in doing this. Adequate arrangements will be made to ensure that necessary security standards are maintained.

Innovations such as the customization of ballot papers, which was introduced in the 2007 elections, will be maintained and improved. The introduction of constituency-specific ballot papers succeeded remarkably in reducing rigging across states and local government areas.

Security remains a source of concern. INEC plans to vigorously pur-

sue the initiative to have enforceable laws to prosecute all those apprehended for violence and electoral offenses. The numerous incidents of political intimidation and violence in the period leading up to the elections—including alleged politically-motivated murders—all combined to create an adverse public and international image for the elections.

For reasons that are not clear, the appropriate security agencies failed to effectively deploy their personnel to the more

than 120,000 polling units nationwide. It is possible that scarcity of funds contributed to this failure. The Commission will explore means of promoting and utilizing community policing initiatives to ensure local security during future elections. Monitoring is another area on

which the Commission will focus. The monitoring teams deployed across the country to assess, supervise and adjust provisions during the elections performed creditably. The capacity of personnel to handle the task will be strengthened to ensure a more effective and professional performance.

It is of utmost importance that the Commission is given complete freedom in the appointment, discipline and deployment of its staff, including the resident electoral commissioners who actually conduct the elections across the states.

Strengthening the process through which ad hoc personnel are recruited and trained is another critical task in planning for better elections in the future. Training was given reasonable attention in the preparations for the 2007 general elections. In the end, however, their performance fell short of expectation, often because many did not understand such basic things as the layout of the polling stations.

In charting the way forward for future elections, the Commission believes that the time has come for the nation to eliminate paper-based elections. Recommendation to this effect was made in the preparation for the 2007 elections, but did not meet with political support. Incidents during the 2007 elections such as the snatching of ballot boxes and ballot sheets make it necessary for paper-based elections to be re-assessed.

The Commission will once more canvass for the full use of the electronic voting system. With the electronic voter registry now in place, the country should go all the way. There is no doubt that a comprehensive electronic voting system will enhance the standard of elections.

International observers

THE PERCEPTION of election observation as a one-day event is not only wrong but also injurious. Elections are composite, long-term activities. It is very important that election observers—domestic and international—assess elections with a thorough understanding of the dynamics of local politics, and that they take into consideration pre- and post-election activities in addition to the actual conduct of the elections.

This would better position observers for constructive participation and input on electoral processes, and minimize the danger of rash conclusions being drawn based on a lack of in-depth knowledge of and inadequate exposure to the system being observed.

A situation where international observers make mid-election assessments and release public statements on an election in progress can adversely affect the process. Comments from some of the international observers on the 2007 elections in Nigeria seemed to reflect an inability to comprehend the difficulties that are still being addressed in order to firmly establish democratic practices and values in the country.

It may be pertinent here to note that after the 2003 elections, the European Union Election Observation Mission reported that the presidential and governorship elections were marred by serious irregularities and fraud, and that minimum standards for democratic elections were not met. Strangely, these same words and comments were reproduced by the European Union Election Observation Mission on the 2007 election.

INEC firmly believes that Nigeria deserves the same diligence from international observers that is applied in all countries. This is even more imperative in a fledgling democracy that needs encouragement and guidance. If there are impediments and problems in the political environment that continue to impact on elections, it would be more helpful for observer groups to identify such issues and assist in resolving them, rather than recycling the same verdicts on Nigerian elections every four years.

International observer groups are expected to develop long-term programs for capacity building and understanding of the country. The Commission will launch programs that will encourage collaboration along this line, and help create an environment in which observers can be more helpful to the country in future elections.

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