

INEC AND THE CONDUCT OF ELECTIONS IN NIGERIA: AN APPRAISAL OF THE 2007 GENERAL ELECTIONS

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Abstract

Elections are very central to the principle and practice of democracy anywhere in the world and the management of elections by any election management body is significant to the electoral process and by implication, the consolidation of democracy in any country. This paper appraises the conduct of the 2007 general elections in Nigeria conducted by the Independent National Electoral Commission (INEC). Using structural functionalism as a theoretical framework and the secondary method of data collection, the paper appraises who did what, when and how in the 2007 general elections in Nigeria, with the aim of finding out whether the election was free and fair. The finding of the research is that in conducting the 2007 general elections in Nigeria, INEC did not achieve the three imperatives of electoral governance, namely, administrative efficiency, political neutrality and public accountability and therefore, the election was not free and fair.

Keywords: Elections, Nigeria

Introduction

Elections are very central to the principle and practice of democracy anywhere in the world and the management of elections by any election management body is significant to the electoral process and by implication, the consolidation of democracy in any country. The electoral process involves competition and it creates an avenue for competitive party politics which Schumpeter (1975:242) opines, entails competition among the different political parties – each competing for the votes of the electorate, which is expressed through the ballot box. For Odoziobodo (2013:3), if the electoral process involves competition, the implication is that there must be an umpire. As in the game of football, there is a referee who conducts the match according to laid down rules and regulations; he manages the game, ensures that all players obey the rules of the game; the referee or umpire also

determines the results of the contest. A mistake or indiscretion on his or her part can ruin the contest and bring the game to disrepute. The same thing is applicable to an election. In every democracy, there is always set up by law an election management institution which acts as an umpire in the electoral contest and whose mandate is always and as ever, in any circumstance or country to conduct free, fair and credible election whose outcome will be acceptable to all parties concerned.

This paper appraises the conduct of the 2007 general elections in Nigeria conducted by the Independent National Electoral Commission (INEC), Nigeria's electoral umpire. Using structural functionalism as a theoretical framework and the secondary method of data collection, the paper appraises who did what, when and how in the 2007 general elections in Nigeria, with the aim of finding out whether the election was free and fair.

Inec and the management of elections in nigeria

INEC is the election management body charged with the responsibility of conducting or organizing nation-wide elections in Nigeria and it administered the 2007 general elections. The actions or inactions of INEC in this regard were therefore of strategic importance to the results of the elections and their credibility, acceptance or rejection; since the Commission's omissions or commissions could make or mar the credibility of elections and the electoral process in general.

No doubt, the goal of any election management institution is to ensure the realization of the will of the people in terms of making their votes count; in ensuring that the outcome of election results reflects the wishes and aspirations of the electorate. Unfortunately, this has not been the case in Nigeria. Ibrahim and Garuba (2010:1) quoted Ken Nnamani, Nigeria's former Senate President as commenting: "The problem we have had in Nigeria is that every succeeding election is worse than the previous one. In other words, the election of 1999 was better than that of 2003, and if care is not taken, (that of 2003), will be better than that of 2007. That does not show growth, it does not show that our democracy is being deepened, talk less of thriving."

Corroborating this fact, Luqman (2009:59), notes: The history of elections in Nigeria's efforts at democratization has been a checkered one. Since independence, electoral conduct in the nation's democratization efforts has been an exercise in futility. This is due to the fact, that conduct of elections in the nation's political history has been marred by fraudulent practices, corruption, and violence. It is therefore, little surprise that past efforts at democratization have collapsed on the altar of perverted elections and electoral process. So bad was the situation, that election period has come to be associated with violence and politically motivated crises. That politics

has turned to money making venture has re-enforced the notion of election as a contest that is meant to be won at whatever cost possible. This has turned electoral conducts in Nigeria to a war-like process.

Be that as it may, Luqman (2005:59), further remarks that While a great deal of the problems confronting elections and electoral process in the nation's democratic history can be linked to behavioural and attitudinal dispositions of the political elite, a substantial portion of the blame must be placed on the door step of institutions that have been saddled with the responsibility of conducting elections in Nigeria. Experiences have shown that rather than being independent of the executive arm of government and maintaining a non-partisan stand, past electoral commissions in Nigeria's political history were indeed tied to the apron strings of the incumbent executive. Rather than being independent of the executive arm of government, transparent in its dealing, impartial in the discharge of its functions, accountable and responsive to the stakeholders involved in the process, electoral commissions in Nigeria have exhibited the opposite of all these virtues.

A cursory look at all the election management bodies Nigeria has had from 1959 to date reveals a disturbing degree of partiality and gross incompetence in the discharge of those sacred duties they were established to perform for Nigeria. Of course, in the opinion of Luqman (2009:60), their inability to effectively manage the conduct and administration of elections and electoral process has had deleterious effects on the nation's efforts at instituting credible and virile democratic system. The most glaring of such effects was the truncation of the democratic process through military intervention in the nation's politics.

It is important to note that as at the time of conducting the 2007 general election, six general elections had already been conducted in Nigeria since political independence in 1960. These included 1964, 1979, 1983, 1993, 1999, and 2003. Of this number, the military conducted the 1979, 1993, and 1999 transition elections as the country transited from military to civilian governments. On the other hand, the 1964, 1983, 2003 as well as the 2007 general elections were organized by civilian governments as transition from one civilian administration to another. According to Oronsaye (2008:80), It is instructive to mention that the four civilian government - organized elections, that is, 1964, 1983, 2003 and 2007 elections – suffered credibility problems resulting from the perception of the electorate that the elections were not free and fair and therefore, not credible. They accused the different electoral commissions - FEDECO, NEC, NECON and INEC, respectively of being partisan and pandering to the whims and machinations of the government in power.

In particular, several election-monitoring groups, both domestic and international, had adjudged the 2007 elections as the worst election ever conducted in the history of Nigeria since independence. This observation was occasioned by the poor preparation and execution of the election by INEC leading to disputed results in virtually all elections held for various political offices in 2007.

Existing literature on elections in Nigeria have focused on structural and legal explanations of the inability of INEC to conduct free and fair elections. They highlight the commission's lack of autonomy as an explanation for its failure to conduct credible elections and recommend the adoption of a purely independent institutional model for election management through electoral reforms. The underlying argument is that removing the power of appointment of the commission, and its financial control from the President (through legal amendments) will insulate it from political manipulations and guarantee its independence....Therefore, the dominant thinking about the conduct of elections is that within the current framework of electoral governance, INEC is unable to achieve its mandate because its autonomy is not provided in the legal framework, Akinduro (2010:3).

However, while these propositions cannot be disputed, it is important to note that the performance of the Commission is not dependent solely on the formal structure as provided in the legal framework; but also on the organizational processes, which are not directly provided in the legal framework. These processes are influenced by the decisions and actions of individuals who operate within and without the organizational structure of the Commission and as Mozaffar and Schedler (2002) note, institutions of electoral governance are socially, and institutionally embedded, hence their operational effectiveness and political outcomes are shaped by historical and contextual factors. They also maintain that the capacity of electoral governance to obtain electoral credibility is dependent on its capacity to meet and balance the trade-offs involved in the three imperatives of: administrative efficiency, political neutrality, and public accountability.

There is currently minimal analysis in existing literature of the roles which commitment of leadership regimes of stakeholders involved in the electoral process such as the presidency, INEC, and leaders of the different political parties can play in credible election delivery in Nigeria. This research addresses this gap in literature by presenting a structural functional analysis of the factors that shaped the conduct of the 2007 general elections in Nigeria organized by INEC. Simply put, the problem of the study is that since the independence of Nigeria in 1960, not all the nation's elections management bodies have been able to conduct free, fair, and credible elections. Specifically, the 2007 general elections conducted by INEC, was

adjudged by both local and international election observers as the worst ever in the history of Nigeria. How? Could it be because of lack of commitment on the part of the various stakeholders involved in the election process to have credible elections or because of the attitudinal and behavioural dispositions of the political elites or a combination of both? In other words, this study therefore, aims at finding out whether the election management body, the Independent National Electoral Commission which handled the conduct of the 2007 general elections in Nigeria, organized free, fair, and credible elections in 2007.

Inec and the conduct of the 2007 general elections

General elections took place in Nigeria in 2007 and five different categories of elections were conducted for (a) State Governor (b) State House of Assembly (c) Federal House of Representatives (d) The Senate and (e) the President. The body that conducted these elections was the Independent National Electoral Commission, INEC under the Chairmanship of Prof. Maurice Iwu. On 14 April 2007, INEC conducted election for the 36 States governorship positions and for positions of 990 legislators in the 36 State Houses of Assembly. On 21st of April 2007, INEC conducted yet another election for the post of the President of Nigeria and the 109 membership of the senate and 360 memberships of the House of Representatives.

The 2007 general elections were the third such elections to be held in Nigeria since the transition from military to civilian rule in 1999. According to the European Union Election Observation Mission(2007:5) in its final report, “the elections were widely considered to be a general test of the commitment of the Nigerian authorities to strengthening democracy as, for the first time since independence; the elections would see power transferred from one civilian president to the other.” The EUEOM (2007:5) Final Report also notes that the elections would also have a significant impact on the potential to find a solution for the serious problems of internal security and national cohesion. The 2007 elections were also meant to correct the mistakes of the 2003 elections whose conduct were very problematic. The election also provided an opportunity to strengthen public confidence in the electoral and wide democratic process after several years of flawed elections conducted in Nigeria.

Theoretical framework

Theories are a useful set of logically related concepts for explaining the occurrence of any phenomenon. In both the physical and social sciences, theories are indispensable tools at the beck and call of the researcher for shedding more light on the possible relationships that exist between various

variables which apparently appear to have no logical connection. Theories therefore provide the spring-board for the researcher's critical analysis of data collected. A theoretical framework will therefore aid our research in its relevant perspective, thereby directing us on what to look for and the standard against which to analyze the data collected.

This study is anchored on structural functionalism or the structural functionalist theory as the framework for analysis. According to Varma (1975:45), structural functional analysis revolves around certain concepts more important of which are concepts like functions and structures. In using structural functional analysis, three basic questions are usually asked, namely: (a) What basic functions are fulfilled in any given system, (b) By what structures and (c) Under what conditions?

In the words of Merton (1949:51), "functions are those observed consequences which make for the adaptation or adjustment of a given system; and dysfunction, those observed consequences which lessen the adaptation or adjustment of the system". A system on its own part has been variously defined as "a set of elements standing in interaction", Bertalanffy (1956:3); "a set of objects together with relationships between the objects and between their attributes", Hall and Fagan (1956:18); and "a whole which is compounded of many parts- an ensemble of attributes", Cherry (1961: 307). The implication of all these definitions is that a system implies the idea of a group of objects or elements standing in some characteristic structural relationship to one another and interacting on the basis of certain characteristic processes, Varma (1975: 39). When action takes place in a given system, functional and/or dysfunctional consequences are usually produced.

Varma (1975: 46) further notes that beside the concept of function, another very important concept in structural functional analysis is that of structure. While function deals with the consequences, involving objectives as well as processes of pattern of actions, structure refers to those arrangements within the system which perform the functions. A single function may be fulfilled by a complex combination of structures, just as any given structural arrangement may perform functions which might have different kinds of consequences for the structure.

Structural functionalism is employed as a theoretical framework so that possible ways of survival of a system can be discovered. The analysis is primarily directed towards the amount of change at the structural level that a system can accommodate without seriously hindering the fulfillment of its basic functional requisites.

In applying this theory in the analysis of a political system, it is important to note that a political system comprises of many structures, all working or performing certain functions to make the system work. For any

political system to work, several activities need to be performed and certain institutions are created to perform some of these roles or functions for the society to keep the system going.

Nigeria operates a political system and for the society to maintain itself, certain institutions also known as structures are created to perform certain roles or functions for the maintenance of the Nigerian society. Now, for the society to function well there is need to have a government; and for the government to operate there is need to have the leadership, that is, the elected officers of the state, the President, Governors and the Legislators. There is need for them to have legitimacy also. All these are structures. There is also need to have the structure or institution charged with the role of organizing elections for the leadership of the nation to emerge. That institution in the case of Nigeria is the Independent National Electoral Commission and the function it performs is that of conducting elections into the various elective offices. There are also other structures or institutions of the society through which political leadership are put in place for the society. The political parties and the people, called the electorates, the political elites, security agencies, civil society organizations, etc. They also have different roles to play in the political system. How each of these structures performed their different functions for the political leadership to emerge in 2007 was studied in the research using structural functionalism.

In this study, the researcher appraised the 2007 general elections administered by the Independent National Electoral Commission, INEC, and a creation of the government as an institution (structure) that is charged with the responsibility of organizing elections into various elective offices in the Nigerian political system. In the course of performing its function, INEC had to collaborate with other institutions or structures, which also had roles to play in the electoral process. In the course of performing their different roles, some intended or unintended, recognized or unrecognized consequences manifested which enhanced or lessened the adaptation or adjustment of the system thereby bringing about dysfunction in the system. These intended and unintended consequences as well as the dysfunctions are analyzed in this research to find out whether INEC conducted free, fair and credible general elections in 2007.

Appraisal of the conduct of the 2007 general elections in nigeria.

In order to appraise the free and fair status of the 2007 general elections conducted by the Independent National Electoral Commission, it is important to analyze certain election activities that are important for the success of any election. They include: preparations for the elections, conduct of the elections and results of the election. In the course of analyzing these variables, we shall also try to find out whether INEC was efficient in

preparing for the elections, in conducting the elections and in declaring the results of the elections. It is also important to look at whether INEC was partisan or not, and the level of trust the people had on INEC as a result of its transparency or otherwise. This is because there is a relationship between INEC's performance in the 2007 general elections and the achievement of the three imperatives of electoral governance, namely, administrative efficiency, political neutrality and public accountability.

a. Preparations for the Election

The success or failure of any venture or project is dependent on the preparations made towards its execution or implementation. In the same vein, the success of any election depends on the extent to which the election management body prepares for the conduct of the election.

Accordingly, in respect of preparations for the 2007 general elections, the National Democratic Institute, NDI (2007: 13) made the following remarks:

Delays in announcing the electoral Calendar and a timetable for electoral Preparations caused many political parties, civil society organizations and citizens to question INEC's capacity to conduct the 2007 polls. Delays persisted even after the enactment of the Electoral Act 2006, although the Act provides a timetable for the completion of certain election-related activities. Rather than release a single, comprehensive timeline, which would have enhanced citizen confidence in the process, INEC released limited information intermittently. INEC did not produce a comprehensive election timetable with firm election dates until August 2006.

The result of this lackluster preparation was that political parties and civil society groups could not mobilize their supporters adequately to participate in the election process. The case was that bad to the extent that NDI (2007:13) Final report on the election notes:

Two weeks prior to the April 14 elections, many Nigerians questioned whether INEC would be able to print and distribute an estimated 100 million ballots by Election Day. Information was lacking on the actual number of and location of polling sites estimated between 120,000 and 150,000 and the procedures that would govern the voting and tabulation process were not well publicized.

Voter registration is a general component of the election process and as such, it is another factor we have to examine in appraising the 2007 general elections. On the voter registration exercise, NDI (2007; 13)

remarks: “A series of delays and false starts undermined the voter registration process. Unable to launch voter registration in January 2006 as planned, INEC eventually began a “pilot” voter registration exercise in the Federal Capital Territory Abuja in May”.

Apart from delays and false starts of the exercise, there were a number of problems associated with the voter registration exercise. Against the previous (2003) voter registration exercise, which employed the Optical Mark Recognition (OMR) method, INEC decided to introduce a new system with Direct Data Capture Machines (DDC). This is an electronic voter registration method aimed at eliminating double registration, double voting and other electoral malpractices. The introduction of the method was commendable. “However, INEC’s inability to deploy adequate DDC equipment and failures with machinery ultimately undermined public confidence in the process”, (NDI 2007: 13; EUEOM 2007: 14).

The registration exercise exposed Nigerians to a lot of hardship, as there were insufficient Direct Data Capture machines and many problems with operating the machine. Many people wasted much man hours waiting to be registered; many travelled long distances in order to be registered etc. At the end of the exercise, it was obvious that many eligible voters were disenfranchised since they could not register. For instance, the International Crisis Group (2007:15) notes:

With Nigeria’s population reported at 140 million by the 2006 census, a 50 percent voter population (which INEC acknowledges as the international benchmark) should amount to about 70 million. At the close of its extended exercise on 31 January 2007, INEC announced that it had registered 61 million voters. This wide discrepancy suggests that some 9 million voters or one out of every eight eligible may have been disenfranchised. This raises further questions regarding the credibility of INEC’s register and its validity for the April election.

The display of the Voter’s Register was another area where INEC fumbled seriously in its preparation for the 2007 elections. According to the NDI (2007: 18) report:

Like the voter registration problems itself, the display of the voter register, which was required by law, was extremely inconsistent. Initially, INEC announced that it would display the voter register for a five –day period from February 5 to 10, 2007, the legal minimum period stipulated by the Electoral Act. However, voter registration did not end until February 2 and in many places, voters’ lists were not displayed until February 8 or 9, and then only

at the Ward level. The very short time between the closing of the registration and the display of the lists deprived voters a genuine opportunity to check the list and seek corrections in the claims and objection period.

(b) Conduct of the elections

On the conduct of the elections, Omotola (2009: 204) remarks:

From available reports, the April 2007 general elections seem the most flawed in the electoral history of Nigeria. The general administration of the election was very poor. Not only was INEC not independent, reflecting the appointment of its key officers by the president, and its funding not from the consolidated account, but it was also partial and ineffective. The playing field was heavily weighted against opposition candidates and parties. The PDP exploited and took advantage of state apparatus such as the government owned media houses, particularly the NTA and Radio Nigeria, security forces, including the military and police. A vast number of the electorates were disenfranchised through a potent combination of electoral violence and a disordered voter's register.

In short, the maladministration and manipulation of the 2007 general elections to serve the interests of the ruling PDP was unprecedented (Aiyede 2007; Ojo 2007; Suberu 2007a:), Omotola (2009: 204). Some of the irregularities that undercut the elections include, late commencement of voting in many parts of the country, inadequate voting materials, lack of secrecy in the voting process, omission of names and/ or pictures of some candidates from the ballot papers, prevalence of under-age voting and rampant cases of ballot bag snatching at gun point by party thugs and militias, Omotola (2009:205). Others include the stuffing of ballot bags with already thumb-printed ballot papers, reported cases of collaboration between security officials and party agents, lack of transparency in the collation, counting, and tabulation of votes and outright falsification of result (Adejumobi, 2007: 14-15).

As to whether the elections were free and fair, Ibrahim and Garuba (2010: 57) note as follows:

Election is a process and a process is free only to the extent to which its stages are devoid of all forms of inhibitions and contradictions. It is only fair if the process shows no favour to any person, party or side.

Fairness means acting in an honest and honourable manner, that is, in accordance with what is desirable

according to rules. A fair election therefore entails the following operational modalities; voter's registration; party registration; a careful acceptance of candidates; electioneering campaigns without any intimidations; the voting process and declaration of results; a properly enacted electoral law that is consistent with the constitution, clearly stating the conditions which any Nigerian has to fulfill to be able to vote and be voted for.

Ibrahim and Garuba (2010: 57) also noted that for an election to be free and fair, eligible voters must be given the opportunity to register, by the creation of registration centers not too far from their residence, and publicity must be given as to how, when and where to register. Where the Constitution allows for party registration as well as spells out the conditions, political associations which meet the conditions must be registered early enough for them to prepare for the next elections. Party campaigns must also be conducted freely, fairly and openly without any inhibition. All political party candidates must be given equal access to publicly owned electronic and print media. Thuggery and violence are to be prevented; voting must be secret to avoid victimization; there must be no rigging and voting centers must not be too far apart. All forms of voting malpractices must be avoided and checked by the electoral authority, security agents, and party agents. The counting and collation of votes must be done in the open, in the presence of party agents, security agents, and electoral officials to avoid any form of manipulation. Results must be announced only by authorized officials designated to do so. When these conditionalities are achieved, in the pre-elections, during elections and post-election, we can say that such an election is free and fair.

To find out whether the 2007 April elections conducted by INEC followed all the conditions mentioned above, it is necessary to make inference to observations of different observer missions about the elections. The European Union Election Observation Mission (EUEOM: 2007:2) in its final report remarks as follows:

The 2007 State and Federal elections fell short of basic international and regional standards for democratic elections. They were marred by very poor organization, lack of essential transparency, widespread procedural irregularities, and substantial evidence of fraud, widespread voter disenfranchisement on different stages of the process, lack of equal conditions for contestants and numerous incidents for 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.

On its own, the NDI (2007:23) made the following observations with regard to perceptions of partiality on the part of electoral institutions and the election process:**Election Administration: Crisis of Confidence:**

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 election generated concerns over INEC's preparedness, independence and impartiality and prospect for a democratic process. The NDI (2007:23-25) report notes that the following issues brought about perception of partiality on the part of INEC:

1. Independence of INEC Members: The 1999 Constitution provides the Head of state with the authority to appoint members of the National Electoral Commission, as well as the Resident Electoral Commissioners in each state, raising questions about their independence and impartiality. The debate over the constitutional amendment that would have extended the Presidential term created doubts about the ability of INEC officials to detach themselves from the wishes of the incumbent government.

2. Funding: INEC experienced funding delays and shortfalls in 2006 and 2007. Even when funding was appropriated by the legislature, the executive branch's disbursement delays limited INEC's ability to function. For example, in October 2006, several INEC cheques were not honoured because the Budget Monitoring and Price Unit within the office of the President failed to clear INEC payment for critical electoral materials.

3. Candidate Disqualification.

Another action of INEC which indicated its partiality is its roles in the disqualification of candidates. INEC disqualified some candidates at the promptings of the EFCC and the federal government controlled by the PDP. According to NDI (2007:24), "As the candidate selection deadline approached, the EFCC published the names of Vice President Abubakar and 134 other nominated candidates it claimed were unfit to hold public office. Critics charged the EFCC with political bias since many of those listed were either strong opposition candidates or individuals who had opposed the third term campaign, while the PDP members on the list were generally not seen as top figures. The list did not include several major PDP figures that the EFCC chairman had previously identified as corrupt.

Apart from carrying out actions that depicted INEC as partisan, the Commission also displayed inefficiency in the conduct of the 2007 elections. The Commission failed to do certain things it was supposed to do before and during the elections. It failed to provide certain important materials it was meant to provide for the elections (thus displaying its incompetence).

According to the NDI (2007:35), “In Adamawa, Anambra, Bauchi, Benue, Cross River, Enugu, Kaduna, Katsina, Ogun and Oyo States, NDI observers noted serious irregularities that undermined the integrity of the electoral process. These irregularities included:

- ❖ Delay in the distribution of balloting materials which prevented polls from opening until late in the afternoon in many polling sites, or not at all in others.
- ❖ Inadequate Supply of voting materials, particularly ballots for both the presidential and legislative elections; and the “opening” and “results” sheets.
- ❖ In the case of legislative elections, ballot papers did not include all of the candidates, and the Presidential ballot paper lacked serial numbers.
- ❖ Inadequate locations and facilities for voting and collation.
- ❖ Lack of secrecy of voting.
- ❖ A non - transparent and multi-tiered collation process, which made it vulnerable to manipulation.
- ❖ Disenfranchisements due to errors in the voter register.
- ❖ Inconsistent application of verification procedures for identifying voters.
- ❖ Failure to display the voter register
- ❖ Allocations of voters per polling station that were greatly in excess of the standard 500 voters per polling station announced by INEC.
- ❖ Under age voting.

All the issues raised above were avoidable lapse on the part of INEC. The EUEOM (2007:36) final report on the 2007 general elections in Nigeria laments that:

The European Union observers assessed the overall conduct of polling stations as poor in 58 percent for the openings observed and 44 percent for the polling stations visited, which are again very high percentages compared with other EU observations. The overall understanding of voting procedures by polling station staff was rated as poor or very poor in 38 percent of polling stations visited. This would seem to suggest that there had been no positive learning curve by the staff from the first to the second Election Day. This confirms reports from EU observers about the quality of training of polling staff in a large number of states and that last minute replacements of polling staff that occurred in several states, may have had negative impact on the performance of polling staff. In almost 65 percent of polling stations observed, ballot boxes

were not sealed. In around half of the polling stations visited by EU observers one or more of the three mandatory staff were not present.

The above report shows that INEC did not do its job well in the conduct of the 2007 elections as many of its ad hoc- staff did not know what they were required to do at the various polling centres, as was displayed by their inability to direct the courses of action in their different areas of operation. The discovery of the fact that INEC staff posted to the polling stations did know the voting procedures for the election is a big indictment for INEC for “*nemo dat quod non habet*” is a Latin adage, which goes to show that nobody can give what he does not have. If INEC staff did not know the voting procedure in a polling station where they were in charge, then what do we expect but inadequate voting process in polling stations. This invariably questions the credibility of the voting and the election.

Result of the Elections

Even though there are many processes involved in the conduct of election, each of which is of no mean importance in the overall assessment of any election being described as credible, it has to be noted that the major motivation for every action in the electoral process is the results declared. This being the case, it is important that an appraisal of the results declared in the 2007 election be undertaken. In analyzing the results of the 2007 elections, the European Union Election Observation Mission in its final report (2007:39) remarks:

The result transfer and announcement process was marred by serious procedural shortcomings, extensive delays and the absence of basic transparency safeguards. As a result, there can be no confidence in the results announced by INEC. The violence surrounding the elections, including the burning and destruction of at least nine INEC offices, was, in part, symptomatic of the lack of trust in INEC to deliver credible election results.

INEC in conducting the 2007 elections took certain actions that cast doubt on the integrity of the results it announced. For instance, on 16th April during a press conference in Abuja, the INEC chairman announced the gubernatorial results of Delta and Ondo States even though the Resident Electoral Commissioners in both States had not yet announced the results at the state level. Equally, on 23rd, April, the INEC chairman as returning officer for the presidential election officially announced the results of the presidential elections before all the state results were collated in the collation centre. The European Union Election observation Mission, EUEOM(2007:40) final report remarks that at the time of the official INEC

announcement, presidential results from Kano and Bauchi States had not been compiled or transferred to INEC Headquarters in Abuja, and indeed, the presidential election results in Bauchi were not available before 25th April. Reports received by EUEOM indicated that only 11 or 12 state presidential results had been collated by the time the INEC chairman announced the official winner. In addition, INEC announced the PDP as the winner of the Ondo South senatorial election even though the PDP had expelled its candidate from the party before the elections and had no candidate in the race. Further, the high turnout rates for the Niger Delta region-Akwa Ibom State, 83 percent, Bayelsa 96 percent, Delta State 76 percent, Rivers State 80 percent – are highly implausible, particularly given the credible reports of low voter turnout from those states. Similarly, voter turn-out figures of 60 percent for Anambra State and 78 percent for Gombe State are highly questionable bearing in mind that no voting took place in large parts of these states, the report notes.

The implication of the above report is that INEC probably did not base most of the declared results of the 2007 elections on the votes cast but on prefabricated results it already prepared before the elections. To further buttress this point, Mahmud Jega cited in Mato (2007) observed the case of those who fabricated the presidential election results as “the fellow(s) who fall in passionate love with the figure “6”, rather than it being a coincidence; the winner (Yar’ Adua) scored 24.6 million votes; the first runner-up (Buhari) scored 6.6 million votes; the second runner-up (Atiku) scored 2.6 million votes and the third runner-up (Ojukwu) had 0.6 million votes”. This shows simply the antics of an overzealous and unintelligent electoral crook that was out to favour a particular party and a particular kind of people. Going by this, INEC could not have been more biased, inefficient and partial in the conduct of the 2007 elections.

To further underscore the incompetence of INEC in the conduct of the 2007 election, the European Union Election Observation Mission, (2007:40) final report further notes that by 2 May, 2007 when INEC was legally obliged to publish the declared winners and votes received per candidate in all of the elections on its web page as indicated in Electoral Act 2006, Article 72, INEC had only done so for the presidential election and 10 of the gubernatorial elections. By 7 May, 2007, INEC had not issued any comprehensive results, meaning that an in-depth analysis of the results was impossible. The official results only took the form of the names of candidates elected and the votes they received. No detailed breakdown of polling station results was published to enable an independent audit to be undertaken from the polling station level to the national level. No figures were published for basic matters such as votes cast or rejected ballot papers.

An Igbo adage has it that “if a child stands up to uproot a yam tuber and in haste breaks the yam into two, he will be forced to stoop down to bring out the remaining yam.” INEC did not conduct the 2007 elections properly, efficiently and adequately in some areas as a result of irregularities and organizational shortcomings, including the failure to print and provide the correct ballot papers for several elections. It therefore had to re-run 111 out of 1,496 elections in 28 states on 28 April 2007. These elections included the gubernatorial election in the whole of Imo State and in four LGAS of Enugu State, 15 senatorial elections, 43 House of Representatives elections and 53 House of Assembly elections.

This re-run election is an indication that INEC did not do its job well. We can therefore say that in conducting the 2007 elections, INEC did not minimally achieve the three imperatives of electoral governance. To buttress this, it is worthy to note that the results of the 2007 general elections were highly contested in the election petition tribunals.

Several official results declared by INEC had been reversed by the election petition tribunals and courts. For instance, the Appeal Court on April 11, 2008 nullified the election of Alhaji Aliyu Wammako as Governor of Sokoto State on grounds of electoral irregularities perpetrated by PDP with the connivance of INEC. The Presiding Judge, Justice Ahmed Belgore described INEC as a “Spineless body always willing to do the bidding of the ruling party.” Also, the Court of Appeal on February 26, 2008 voided the election of Vice Admiral Murtala Nyako as governor of Adamawa State on the ground that the name of the candidate of the Action Congress of Nigeria, Alhaji Ibrahim Bapetel was unlawfully excluded from the ballot paper by INEC. Similarly, the Appeal Court sitting in Benin on November 11, 2008 nullified the election of Professor Osarhemein Osunbor of the PDP as the governor of Edo State and ordered that Adams Oshiomhole, former labour leader and candidate of the Action Congress of Nigeria be sworn in as duly elected governor. In similar vein, the Appeal Court sitting in Benin on February 23, 2009 cancelled the election of Dr. Segun Agagu of PDP as governor of Ondo State and declared Dr. Olusegu Mimiko of the Labour Party as the duly elected governor. At the level of legislative election, the Appeal Court on July 8, 2009 upturned the election of Chief Ayo Arije of PDP as senator representing Ekiti North senatorial district of Ekiti State. Also, the Ibadan Division of the Appeal Court on October 13, 2009 cancelled the election of Chief Iyiola Omisore of the PDP as the senator representing Ife-Ijesha senatorial district on grounds of electoral irregularities.

The result of the presidential election was also challenged in the law court. Muhammd Buhari, the ANPP candidate and Atiku Abubakar, the ACN candidate had pleaded at the presidential Election Petition tribunal that the presidential election was fraught with substantial irregularities that could

make the election a nullity. They therefore pleaded for an invalidation of the results and a rerun that would be free, fair and transparent in compliance with the electoral laws. Atiku further complained that he was unlawfully excluded from the presidential election, thus making the election a nullity.

Even though the Appeal Court which served as the Presidential Electoral Tribunal and where the two cases of Buhari and Atiku were consolidated, dismissed the cases and upheld the election of President Yar' Adua, it was not necessarily for the sanctity of the case but only for want of evidence. Actually, the non- voiding of the presidential election could have only been out of necessity considering the grave implications of such a ruling on the sovereignty of Nigeria.

The issues in contention in the case, such as non-serialization of the ballot papers and omission of a candidate's name and pictures in the ballot paper constituted grave violations of the Electoral Act 2006. This underscores the incompetence of INEC in handling the 2007 general elections.

Table showing statistics of cases filled in various Election Petition Tribunals in 2007.

S/No	State	No. of Cases
1	Anambra	99
2.	Borno	08
3.	Edo	32
4.	Ebonyi	17
5.	Imo	13
6.	Gombe	12
7.	Kaduna	21
8.	Kano	43
9.	Katsina	44
10.	Kogi	46
11.	Ogun	80
12.	Oyo	19
13.	Kwara	21
14.	Plateau	28
15.	Rivers	68
16.	Yobe	06

Total

601

Source: IDASA, Conflict Tracking Dossier: A Quarterly Review Issue 7 June 2007, P.22.

The number of contested cases in the various Election Petition Tribunals as shown above indicates how contested the results of the 2007 election organized by INEC were and it also goes to buttress that the elections were far from being perceived and accepted as free and fair and as such, it shows that INEC failed to deliver credible elections in the 2007 elections.

Conclusion

From the discussion of the topic so far, it is crystal clear that the Independent National Electoral Commission INEC, did not minimally achieve the three imperatives of electoral governance namely, administrative efficiency, political neutrality and public accountability in its conduct of the 2007 elections in Nigeria,. This is essentially because in terms of preparations for the election, INEC did not prepare well; it left so many things undone, and for some it did, the Commission did them shabbily and haphazardly. In short, the preparations for the elections were inadequate. Apart from the fact that the Commission did not publish a clear timetable for the election on time, it bungled many of the activities. The commission could not even make adequate arrangement for some of the basic things needed to prosecute an election. For instance, at the opening of polling stations on 14 April 2007, the Election Day, EUEOM (2007; 32) final report noted that:

“...Essential polling materials were missing in 40 percent of the polling stations observed. Only 50 percent of polling stations visited received the correct number and type of ballot papers, disenfranchising large numbers of voter”.

The question then is, if preparations for the election were shoddily done and as a result inadequate, could it then be said that INEC did a good job, after all? The answer is No. Therefore, we conclude that INEC was not efficient in the conduct of the 2007 general elections.

Further to this is the bungling of the voter’s registration exercise which is another essential activity required for credible election administration. From the discussion, it was discovered that out of Nigeria’s population of 140 million as of 2006 population census, a 50 percent voter registration, which is 70 million, is the international benchmark. Out of this expected 70 million, INEC was only able to register 61 million even after an extended period. This means that some 9 million eligible voters were not registered and as such were disenfranchised. INEC did not display the voters register as is required by law and this caused a lot of havoc; occasioning a lot of misplacements and displacements resulting in further disenfranchisement.

Added to this development is the conduct of the election itself which indicated lack of capacity and capability as demonstrated by the outcome of the various elections, which were seriously contested in the Election Petition Tribunals and eventually led to several of the results being upturned by the tribunals or the courts. All these issues show that INEC was not efficient in the conduct of the elections. The implication is that INEC did not minimally achieve administrative efficiency.

As for political neutrality, the discussions had shown that INEC was hardly an impartial umpire neither was it neutral. The commission rather acted as an interested party, a part of the PDP. It worked for the PDP - led

government as indicated by some of its activities at the run - up to the elections and during the elections proper. The Commission helped to undermine the opposition. It helped the PDP to compound the problems of the party's strong oppositions like Alhaji Atiku Abubakar, the AC presidential candidate whom it disqualified from contesting the election when it does not have the powers to do that as proved by the Supreme Court ruling on the issue.

The Commission announced results in favour of PDP where candidates of opposition parties won the election. This was demonstrated by what happened in the case of Edo State where Prof-Maurice Iwu, the INEC Chairman announced the result of the election at Abuja and declared the PDP candidate as having won even when collation was still going on in Edo state and when the rightful person to announce that result was the State Resident Electoral Commissioner. There was even a case of the senatorial election declared in favour of the PDP when the PDP did not have a candidate in the senatorial election. All these instances proved that INEC was only out to assist the PDP win at the detriment of other parties. It shows that INEC was partial instead of being impartial. Therefore, it can be said that INEC did not minimally achieve political neutrality in the conduct of the 2007 elections.

With regard to public accountability, the result of our discussion had indicated that INEC was not accountable to the public as it demonstrated its allegiance to the PDP- led government. The public openly detested and revolted against what INEC did in the conduct of the 2007 elections. Several protests trailed the declaration of results in several places. Some of the protests were violent and led to the burning of INEC offices in some areas. All these show that the public were not happy with what INEC did and as such, we can say that INEC did not achieve the condition of public accountability in its conduct of 2007 elections.

Having said all these, the verdict is that: in conducting the 2007 elections, INEC did not minimally achieve the three imperatives of electoral governance, which includes administrative efficiency, political neutrality, and public accountability. It is no wonder that both domestic and international observers decried the elections and described them as not being free, fair and credible.

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