



Nigeria after the 2011 General Elections

By Jide Ojo

Nigeria's general elections were held from April 9 – May 6, 2011. The elections started with the National Assembly (Senatorial and House of Representatives) elections on April 9, followed by the presidential elections on April 16 and gubernatorial elections on April 26. Gubernatorial elections in Bauchi and Kaduna State were postponed and held on April 28 as a result of post election violence that trailed the presidential election in which Human Rights Watch claimed in a May 18, 2011 report that 800 lives were lost and property worth billions of Naira were destroyed. A political logjam ensued in Imo State as the April 26 gubernatorial election in the State was declared inconclusive. A supplementary election was thereafter held in four local governments and one ward on May 6 before the governorship election was concluded.

Thereafter, observer groups have taken turns to release their final reports on the polls. The European Union Observation Mission (EU EOM) presented its final report on the elections on May 31. In the opinion of the Mission: "The legal framework, the general performance of the Independence National Electoral Commission INEC and of other stakeholders provided for the 2011 General Elections an overall democratic foundation for further democratic development in accordance with international principles and with international instruments ratified by the Federal Republic of Nigeria."

In its closing report on the elections released on May 18, Project Swift Count 2011 made up of Federation of Muslim Women Association of Nigeria (FOMWAN), Justice Development and Peace Commission (JDPC)/Caritas, Nigerian Bar Association (NBA) and Transition Monitoring Group (TMG) observed thus "....the Nigerian voting populace were provided with opportunity to exercise their franchise and in general their votes were counted. The April general elections were conducted within the frameworks of and conformed to the Nigerian Constitution, the Economic Community of West African States (ECOWAS) protocols on Democracy and Good Governance, and the African Union (AU) Declaration on the Principles Governing Democratic Elections in Africa.

While the elections were not perfect, they marked a departure from flawed and sour elections that this country has experienced over the last twelve years, particularly the 2007 elections. The elections were generally characterized by the determination of INEC to halt the history of fraudulent elections and the desire of many Nigerians to restore and sustain the democratic process." The reports of other observer groups such as the Commonwealth, AU, ECOWAS and International Republican Institute (IRI) were not markedly different from the aforementioned two.

The Independent National Electoral Commission (INEC) had accepted the commendations and criticisms with respect to the last general elections in good faith. The Commission had participated in several post-election roundtables by the civil society organisations such as the one organised by Reclaim Naija and Election Situation Room on May 26 and June 1 respectively, as well as the one put together for CSOs by the Open Society Initiative for West Africa in Enugu on July 25 and 26. Not only that, the International Foundation for Electoral Systems (IFES) had also partnered INEC to conduct some post election audit retreat for different cadres of the staff of the Commission including the Electoral Officers, Heads of Departments at both the headquarters and the State offices of INEC, Resident Electoral Commissioners and the board of the Commission (made up of 12 National Commissioners and the Chairman). The tenure of 13 out of the 37 Resident Electoral Commission had also ended with new appointments made by the President to fill some of the vacant positions.

On August 18, in pursuant to the provisions of S. 78 (7) (ii) of the Electoral Act 2010 (as amended), the Independent National Electoral Commission (INEC) de-registered the following Political Parties: Democratic Alternative (DA); National Action Council (NAC); National Democratic Liberty Party (NDLP); Masses Movement of Nigeria (MMN); Nigeria People's Congress (NPC); Nigeria Elements Progressive Party (NEPP) and National Unity Party (NUP). This has reduced the number of registered parties in Nigeria to 56 from 63. At present, the Commission has been supported with an eight member Registration and Election Review Committee which was inaugurated on August 2 to among other things "critically review the registration and elections of 2011 and transmit its findings to the electoral body." The committee, headed by Prof. Adele Jinadu, was given six weeks to carry out its assignment. The Commission had also promised to restructure its departments and units to enhance better efficiency and effectiveness.

A presidential committee on post election violence was set up on May 11, 2011. The 22-man panel of inquiry headed by Sheikh Ahmed Lemu is probing the post election violence. According to its terms of reference, the panel is, in part, intended to "investigate the immediate and remote cause(s) of the pre-election violence in Akwa Ibom State, as well as the tide of unrest in some states of the federation following the presidential election and make appropriate recommendations on how to prevent future occurrence; ascertain the number of persons who lost their lives or sustained injuries during the violence; identify the spread and extent of loss and damage to means of livelihood during the period in question and assess the cost of damage to personal and public properties and places of worship and make appropriate recommendations. Moreover, the Committee will investigate the sources of weapons used in the unrest and recommend how to stem the tide of the illegal flow of such weapons to the country; and, to examine any other matter incidental or relevant to the unrest and advise government appropriately." Meanwhile, out of the 321 cases of electoral malpractices charged to court by INEC, the Commission has so far secured 24 convictions nationwide while 21 others were discharged, according to the Chief Press Secretary to INEC Chairman, Mr Kayode Idowu.

In terms of election dispute resolution, the number of election petitions filed at the tribunals bears witness to the credibility of the 2011 General Elections. As against about 1, 750 petitions filed after the 2007 elections, only 733 petitions were filed at the various election petition tribunals across the country post 2011 elections. Some of the petitions have been dismissed at the pre-hearing stage while few of the 2011 election results have been overturned with some of them currently on appeal. Unfortunately, controversy from adjudication over the 2007 elections, particularly Sokoto governorship election, had led to the suspension of the President of the Court of Appeal, Justice Isa Ayo Salami on August 18, 2011 and the appointment of an acting President for the appellate court in the person of Hon. Justice Dalhatu Adamu who was sworn in on August 22. This has led to a lot of protests from civil right groups and the Nigerian Bar Association who alleged victimisation by the National Judicial Council against the suspended PCA.

On the issue of legal reform, the spokesperson to President Goodluck Jonathan issued a statement to the press on July 26 signifying the intention of the president to initiate a bill to the national assembly for amendment of the relevant sections of the Constitution to peg the terms of office of president and governors from maximum of two terms to a single term from 2015. This has generated a lot of furore with many commentators arguing that it is not a priority issue worth dedicating attention to by the President. The electoral commission, INEC had however joined several civil right groups to demand for the establishment of Electoral Offences Commission.

On August 3, INEC announced the timetable for the conduct of gubernatorial elections in some states. According to the INEC Commissioner in charge of information and publicity, Prince Solomon Adedeji Soyebi, the Commission would conduct governorship elections in Kogi, Adamawa, Bayelsa, Sokoto, Cross River and Edo

states in 2012, Ondo and Ekiti states in 2013; while Anambra and Osun states would have their turn in 2014. The dates of the 2011/12 governorship elections are as follows: Kogi, December 3, 2011; Adamawa, January 14, 2012; Bayelsa, February 11, 2012; Sokoto, March 10, 2012; Cross River, April 14, 2012 and Edo, July 14, 2012. INEC had also commenced preparation for continuous voters' registration exercise which will start in Kogi State before the end of September 2011. Many of the State Independent Electoral Commissions have started arranging to hold council polls. While Lagos State Independent Electoral Commission, (LASIEC) has fixed October 22 to hold local government elections in Lagos State, Rivers SIEC had conducted elections in the State's 21 local government areas on May 21 while Sokoto State had followed suit on July 23, 2011.

All the aforesaid underscore the fact that Nigeria's post election period had been action-packed. It remains to be seen if future polls will bring significant improvement on the widely acclaimed 2011 elections. To achieve this, all stakeholders' viz. security agencies, national assembly, media, civil society organisations, political parties, donor community and members of the executives must continue to support the two electoral commissions (INEC and SIECs) in their onerous task of consolidating the nation's democracy.

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