

CIVIL SOCIETY AND ELECTION OBSERVATION IN NIGERIA: PARTICIPANT VERSUS NON-PARTICIPANT OBSERVERS

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ABSTRACT: *Since the return of democracy in Nigeria in 1999, election observation, by domestic Civil Society Organizations (CSO's) and international organizations has become an integral part of the electoral process. The post-election reports submitted by them have become the indices for measuring the credibility of elections, locally and internationally. This study interrogated the central question: does domestic Civil Society Groups mere witnessing of Election Day activities qualify them to pass verdicts on the credibility of elections in Nigeria? We relied on the explanatory variables of Systems Theory to answer this question. Data was generated through documentary method and Key Informant Interviews and analyzed using content analysis. The study discovered that while international observers, witness the entire electoral cycle, non-partisan domestic observers like Civil Society Organizations, do not. The latter focus mainly on Election Day activities, while pre-election activities are hardly observed. Some aspects of results collation are also kept outside their purview. Therefore passing a verdict on the entire electoral process, based on a selective observation could be misleading. The study recommends that for credibility, CSO's should observe the entire electoral process viz. pre-election, election day and post election activities. In addition, they should be given unfettered access to the collation rooms to observe all the processes that lead up to the final announcement of results for all contested positions.*

KEYWORDS: elections, election observation, civil society, international observers, collation.

INTRODUCTION

Elections are formal decision-making processes through which individuals who present themselves to be selected for public office are chosen, based on a national legal electoral framework (Nigeria Civil Society Situation Room, 2017). The working relationship which Election Management Bodies have established with Civil Society could be attributed to the need by the former to give elections some level of credibility. It is for this reason that the civil society is

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accredited to observe elections whenever they fall due. According to Diamond(1999), civil society is defined as the realm of organized social life that is open, voluntary, self generating, at least partially self supporting, autonomous from the state and bound by a legal order or set of shared rules. Another scholar who has studied civil society, Ghaus-Pasha (2004) sees civil society as the arena outside of the family, the state and the market where people associate to advance common interest. He went further to explain that the essence of civil society is to advance the interest of a group of people with a common socio-economic, political or cultural interest with the objective of not capturing political power or make profits, but to provide and advance the course of good governance and common good of its members.

The insinuation by Diamond that Civil Society is autonomous of the state and Ghaus-Pasha that it is an arena outside the state is a bit problematic. As Gromping (2017) has observed, there are domestic NGO's created and controlled by governments (so-called GONGOS). Defining civil society as independent of the state fails to recognize this category. In other words, the definition omits the potential instrumentalization of civil society by governments. Meanwhile, Uwem & Yearoo (2009) also conceptualized civil society as a set of institutions and organizations that interface between the state, business world and family. It is an arena of ... collective actions around shared interests and values, they further stated.

Taking aside, the deficiencies inherent in Diamond and Ghaus-Pasha's definitions, the three authors seem to converge around two essential points. First is that membership of civil society is voluntary and next, there are common interests that are pursued.

Election observation and monitoring are two concepts that are often used interchangeably, yet they have different meanings. Election observation is defined as a process which involves the gathering of information and making an informed judgment on the gathered data or information (Guidelines for African Union Electoral Observation and Monitoring Missions, 2002; Nigeria Civil Society Situation Room Toolkit on Election Observation, 2017). Election observation is the process whereby elections in a particular country or locality are observed against set standards by an independent body of observers with the aim of identifying whether the elections conform to accepted guarantees of democratic participation, identifying flaws and challenges and also making recommendations on how the process can be improved in the future (Independent National Electoral Commission {INEC} guideline on election observation and monitoring, 2014). Elections are observed in order to arrive at an informed opinion about the extent to which the entire electoral process conforms to specific national electoral legal frameworks and international standards.

On the other hand, Bard-Andreassan (1999), cited in Olatunde (2016) defines election monitoring as a form of action-oriented and participatory research. The main purpose of the monitoring is to objectively collect evidence of the electoral process in order to make an assessment of whether the process was democratic. The research is action-oriented in that the result are not entirely of academic interest, but one intended to influence the situation in encouraging politicians to act democratically, in encouraging public institutions to allow free and fair debate, in enabling voters to know their democratic rights. It has also been defined as a process which involves the authority to observe an election process and to intervene in that process if relevant laws or standard procedures are being ignored and violated (Guidelines for African Union Election Monitoring and Observation Mission, 2002; INEC guidelines on election observation and monitoring, 2014).

Nigeria's Independent National Electoral Commission (INEC) clearly stipulates the difference between Monitoring and Observation. Two of such differences are worth mentioning here. First is that while a monitor exercises some level of lawful authority over the conduct of elections as well as over officials involved, an observer does not have such powers. Secondly, a monitor can issue instructions 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. On the contrary, an observer cannot issue instructions or take decisions on behalf of INEC. The guideline further states that under Nigerian Law, it is only INEC that has the authority to monitor elections.

Monitoring includes activities beyond the mere observing of polling places for instance...the promotion of electoral integrity practices, and probably deterrence of misconduct. At the same time, it does not include activities associated with the supervision of elections – tasks more related to electoral administration (Gromping, 2017, p. 409).

It is important to stress here that the dichotomy between election observation and monitoring is not one that can be stretched too far, as it is difficult to isolate observation from monitoring. Although the Guidelines of African Union Election Monitoring and Observation as well as INEC guidelines on same make this distinction, it does appear that the aim is to ensure that interventions in the electoral process is strictly reserved for the election management body, as third party interventions might compromise the process. This perhaps explains why members of the civil society and other observers are restricted to observing and reporting their findings.

Election observers are in two categories. There are partisan election observers which are made up of political party agents and the party bureaucracy deployed to polling stations to observe the voting process. The second group is non-partisan observers, which comprises the civil society, the media and international observers. In this study, we are focusing on the non-partisan, non-state,

non-profit and non-media observers; in other words groups with this nomenclature who are accredited by INEC as civil society. The point cannot be denied though, that they may have party bias, however the fact remains that their accreditation to observe elections is not based on their political party affiliation. Besides, they are more concerned with the electoral process than the result outcome (Gromping, 2017, p. 412).

Following from this, the study investigates civil society election observation in Nigeria. Our central argument is that the non-partisan observers do not witness the entire electoral cycle. Focus most times, is on what happens on Election Day. Meanwhile, pre-election activities such as party primaries, selection of candidates and electoral campaigns are hardly observed for reasons that border on inadequate logistics, paucity of funds and confusion that usually surround conduct of party primaries among other things. Thus, for not witnessing pre-election activities, they are non-participants, but for witnessing the Election Day activities, they are participants. It is in this context, therefore that our metaphor of “Participant versus Non-participant” observers should be understood. The period covered in the study is the two decades of uninterrupted democracy in Nigeria spanning 1999-2019?

The work is divided into five sections. Section one which is this introduction, sets the background of the study. In section two we, discussed the theoretical framework underpinning the study. Section three featured some review of extant literature, while section four covered an overview of election observation. The role civil society play in Election Observation and the constraints they have is the focus of Section five. We concluded in Section six with recommendations.

Theoretical Framework

Our analysis is hinged on the explanatory variables of Systems Theory. The concept of systems was adapted from the biological sciences to social sciences. David Easton is credited to have introduced systems approach to political analysis. He espoused this theory in his book, *The Political System* published in 1953. He further advanced the frontiers of the theory in another book he published in 1965 with the title, *A Framework of Political Analysis*.

Easton wished to construct an empirically oriented general theory of politics, and to that end, he sought to define the kinds of functions characteristic of any political system through a systemic framework. He examined the basic processes through which a political system regardless of its specific type is able to persist as a system of behavior in a world either of stability or change. In applying the general systems theory to the political system, politics is seen as a web or pattern of behavior distinct in themselves and yet interdependent, whose primary goal is the maintenance of the political system.

Easton's model is based on the concepts of Inputs-Conversion Process- Outputs and Feedback. Inputs comprise Demand and Support. Demands are requests which individuals as members of a political system make on the system. Support refers to various ways individuals orient themselves favorably towards the system. Conversion explains how the demands individuals make of the system and the support they render are processed, before they are converted to outputs. Outputs refer to the decision made by the authorities in response to the demands made of the system. They are results of having met or managed demands made of the system. Feedback is the process by which the political system gets a response about the consequences of its output.

In applying this theory to our study, it is the contention of this paper, that Election Management is a system which has the trajectory of Inputs, Conversion Process and Outputs. The inputs are typified by the electorates' participation in the electoral process. It begins with pre-election activities such as voters' registration, party primaries, candidates' selection, party campaigns and dovetails into the actual casting of ballots on the Election Day. The conversion process relates to the collation of votes after balloting, while the output is the announcement of results and returning of candidates that have been elected.

In relating this scenario to the role played by civil society organizations as election observers, it is instructive to note that there exists some lacuna in the input and conversion process with respect to the participation of non-partisan observers. Pre-election activities, such as voter registration and party primaries are rarely witnessed by non-partisan observers probably because they are perceived to be the responsibility of INEC and political parties. These are aspects of input which are not seen before it goes into conversion process which produces output. On the Election Day, there are some remote locations which non-partisan observers do not visit either due to logistics problems or security challenges. Thus, situations that play out in such locations are not seen, before they are turned in for conversion. Certain aspects of the conversion process are also kept outside the purview of non-partisan observers. Particularly of interest here is the collation of results. Non-partisan observers, do not usually have unfettered access to collation centers where votes of the various political parties are added up.

All things considered, it is evident that civil society organizations only observe a selected aspect of the entire electoral process. This is what we have termed in our study to be a case of participant cum non participant observers. Yet with such limited facts, they turn in reports that border on the credibility of elections. It is when viewed against this backdrop, that our justification for choosing Systems Theory as our framework of analysis becomes glaring.

A REVIEW OF LITERATURE

The sweeping tide of democratization across Africa has given rise to periodic elections in the continent. As a result of the role civil society has been playing in championing democracy, they do show keen interest in observing elections. This arises from the concern they have, that elections should be conducted according to international best practices. In the particular case of Nigeria, Gromping (2017) observed that the increased interest shown by CSO in monitoring elections is that since the return of democracy in 1999, elections have been fraught with integrity deficit. The role civil society play in observing elections have attracted the attention of scholars across the continent.

Popoola (2014) opined that the conduct of regular elections is considered the single most important indicator of the presence of democracy. According to him, for elections to represent the wish of the electorates, both the process leading to it and the outcome must be credible. He thus studied the role civil society organizations play in electioneering in Ghana. His submission was that CSO's have played some crucial roles to ensure that electoral processes are credible in Ghana.

Popoola's narrative that CSO's have played some crucial roles to ensure that the electoral processes in Ghana is credible is somehow generic. Without pointing out the specific interventions they have made in the electoral process, it will perhaps be difficult to establish whether what has been achieved is due to the contribution of CSO's. However, what could be deciphered from the study is that CSO's are important stakeholders in Ghana's electoral process. Though Ghana's electoral process is the subject of Popoola's study, Nigeria shares similarities with Ghana, with respect to holding periodic elections as well as the role played by CSO's in observing elections.

In his own study, Abdullahi (2015) looked at the role international development partners and civil society play in promoting credible elections in developing countries like Nigeria. He identified international development agencies as important factors for democracy promotion in developing countries. Abdullahi identified the Democratic Governance for Development (DGD) as one of the initiatives of international development agencies towards promoting democracy in Nigeria. The author revealed that specifically, the initiative has been providing assistance to state and non-state actors such as Electoral Commission, Political Parties and civil society organizations towards promoting credible election in Nigeria.

The study revealed that DGD has provided technical and financial support to CSO's to monitor and observe elections, create public awareness and strengthen other forms of civic engagement in order to influence the conduct of credible election in the country. However, the work revealed that lack of proper coordination of support, inadequate data base of the CSO's, absence of reliable

instruments for assessment of support, lack of internal democracy in the conduct of the CSO's, as well as mismanagement of resources all combined and affected democracy support towards credible elections in Nigeria. He concludes that international assistance for credible election could only be meaningful and effective by eliminating the culture of impunity, providing instrument of evaluation of support as well as continuing capacity building of the CSO's in Nigeria.

Abdullahi's work brings to the fore; some of the inadequacies of CSO's which obviously impact on the level of support they receive from international development partners. Their inability to put their house in order in turn influences the extent to which they can objectively play the role of election observers.

For Olatunde (2016), his focus was the role international observers played in consolidation of democracy in Nigeria with special emphasis on the 2015 general elections. He first defined what election monitoring is. Citing Bard-Andreassan, he defined election monitoring as a form of action-oriented and participatory research. The main purpose being to objectively collect evidence of the electoral process in order to make an assessment of whether the process was democratic. The research is action-oriented in that the result are not merely of academic interest, but are intended to influence the situation in encouraging politicians to act democratically, in encouraging public institutions to allow unfettered debates, in enabling voters to know their democratic rights.

Central to election monitoring according to Olatunde is the critical role of confirming or contesting the result of an election as well as determining its credibility when certain electoral criteria have been met. He concluded that the most important function fulfilled by election monitoring is to establish an atmosphere of confidence in the electoral process.

There is a dilemma in Olatunde's study, though not a major drawback. The dilemma arises from the fact that election monitoring and election observation are presented as synonyms, which they are not. There is a difference between monitoring and observation and this difference was established in the introductory part of this study. INEC accredits CSO's to observe and not to monitor elections as INEC is the only body empowered by Nigerian laws to monitor elections.

In a study done in South Africa, Mottair (2009) examined the role the five sub-committees of Kwazulu-Natal Democracy and Elections Forum (KZNDEF), a Civil Society Organization in South Africa play and their impact on the deepening of democracy, the reduction of conflict dynamics and the promotion of peace in Kwazulu-Natal, a province plagued with election related violence. He concluded that while it is not possible to attribute lower levels of election –related conflict and higher levels of peace during elections in Kwazulu-Natal directly to the work of KZNDEF, it is possible to suggest that the forum has made significant progress in promoting a

democratic spirited electorate more inclined towards peaceful rather than conflict-based election. However, it is restricted by challenges of financing and capacity which affect the reach and follow through of its subcommittees.

Maisie (2012) did a related study in Ghana, focusing on the role played by Coalition of Domestic Election Observers (CODEO) in Ghana's 2000 and 2008 general elections. The author assessed the role CODEO played in Ghana's electoral process in order to ascertain whether CODEO activities led to the increase in civil society participation in Ghana's elections. It noted that CODEO to a great extent had increased the participation of civil society groups in Ghana's elections. The activities of CODEO have improved the electoral process especially in the observation of the pre-election, election and post-election period, he further stated. In conclusion, he submitted that the use of Parallel Vote Tabulation (PVT) also helped to authenticate the results of the Electoral Commission and is one element which must be encouraged in the electoral process.

Gromping (2017) did a more recent study on Domestic Monitors which he contributed as a book chapter in the Pippa Noris & Alessandro Nai's edited book titled "Election Watchdogs: Transparency, Accountability and Integrity" published in 2017 by Oxford University Press.

What is clear from the literature reviewed is that Civil Society Organizations have gained wide acceptance as important stake holders in the electoral process. It has become the practice to use their affirmation in judging how seemingly credible an election is. Scholars have directed their minds to the role that CSO's play in electioneering and the media hype that it generates. However, much systematic effort have not been made by scholars in interrogating the lapses that are inherent in election observations by CSO's; lapses that are a function of the non holistic nature of election observation. It is this void in the activities of CSO's with respect to election observation in Nigeria that this study tends to fill.

Overview of Election Observations

Elections are domestic affairs of individual countries. However, the interests it generates, goes beyond national boundaries. The increasing wave of democratization in Africa has stimulated the interest of the international community in elections held in the continent. For this reason, whenever election is taking place, observers come from different parts of the globe. Non-partisan election observation and monitoring by citizen organizations has emerged as one of the most tangible and significant dimensions of democratic development around the globe (European Commission of Democracy through Law, 2012). The overriding aim is to enhance the integrity of the electoral process, promote accountability in government and among contestants. To ensure there are

uniform guidelines followed in observing elections, legal instruments for election observation have been devolved at the international, continental, sub-regional and national levels.

At the international level, the United Nations Declaration of Principle for International Election Observation and Code of Conduct for International Election Observers is the benchmark for assessing the quality of observation. It was commemorated in 2005. At the continental level, there is the 2002 African Union Guidelines for Election Observation and Monitoring Mission. In the ECOWAS sub-region where Nigeria belongs, it is encapsulated in the ECOWAS Guideline for Election Observation and Monitoring. Expectedly at the national level, Nigeria's Election Management Body, the Independent National Electoral Commission in 2014, published the INEC Guidelines for Election Observation and Monitoring, which was revised in 2018.

However, the legal instrument that empowers citizens' organizations like civil society to observe elections is the Declaration of Global Principles for non-partisan Election Observation and Monitoring by Citizens Organizations and Code of Conduct for non-partisan Citizen Election Observers and Monitors (GNDEM). This was initiated by the Global Network of Domestic Election Monitors and was commemorated on April 3, 2012 at the United Nations headquarters in New York. As at the time the document was adopted in 2012, it was endorsed by the following Nigerian -based CSO's: Civil Liberties Organization (CLO); Institute of Human Rights and Humanitarian Law (IHRHL); Justice, Development and Peace/Caritas (JDPC) and Transition Monitoring Group (TMC).

International election observation expresses the interest of the international community in the achievement of democratic elections as part of democratic development including respect for human rights and the rule of law. It assesses election processes in accordance with international principles for genuine democratic elections and domestic law, while recognizing that it is the people of a country who ultimately determine the credibility and legitimacy of an election process (Declaration of principles for international election observation and code of conduct for international election observers, 2005)

The first reported case in modern history of international election observation took place in 1857 when a European Commission of Austrian, British, French, Prussian, Russian and Turkish representatives observed the plebiscite in the disputed territories of Moldavia and Wallachia (Mitchell, 2011). Mitchell further states that the post World War II era provided more examples as the United Nations was asked to monitor elections in Korea and Germany and in the 1950s, 60s and 70s, there were UN observation and monitoring type activities mostly by the Trusteeship Council in the context of decolonization. However, with the end of the cold war, election

observation not only witnessed a boost, there also came the development of international standards on the conduct of democratic elections.

When the word election is mentioned, what readily comes to mind is casting of ballot. To this end, it is an activity which takes place on a stipulated day or days. Based on this conception, election observation is also perceived as the witnessing of event or series of events that takes place on the day of balloting. Defining election in this way is narrow and could therefore be misleading. A broader view of what an election and by extension election observation purports was succinctly given by Jega (2014) when he stated:

Election is a process and not an event. To that extent, election observation should cover all the activities undertaken in connection with the election. A credible election is not just premised on events of the Election Day. It is also based on the legal framework, prevailing political environment, respect for individual rights and internal party structures and collaboration among all the actors in the electoral process.

Jega's position is reinforced by the Declaration of principles for international election observation and code of conduct for international election observers (2005) which states inter alia:

International election observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation, employing a variety of techniques. As part of these efforts, specialized observation missions may examine limited pre-election or post-election issues and specific processes (such as delimitation of election districts, voter registration, use of electronic technologies and functioning of electoral complaint mechanisms...All observer missions must make concerted efforts to place the election day into its context and not over-emphasize the importance of election day observation.

The Declaration of Global Principles for non-partisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for non-partisan Citizen Election Observers and Monitors (2012) further states in rule 16 that:

Non-partisan election observation and monitoring by citizens organizations employs in its best practice, long-term observation and analysis that address all parts of the election cycle as well as the broader political context that affects the character and quality of elections. Where non-partisan citizen election observation and monitoring organizations cannot examine every element of a given election process, they should consider the significance of pre-election and post-election factors and place election day process in the proper context of the election cycle as well as the related political environment. This is required in order not to over-

emphasize election-day developments and thus potentially mischaracterize the nature of the election process.

Having taken an elaborate view of election and its observation as espoused by a former Chief electoral umpire in Nigeria and corroborated by both the declaration of principles for international election observation, as well as declaration of global principles for non-partisan election observation and monitoring by citizen organizations and code of conduct for non-partisan citizen election observers and monitors, an examination of the guidelines stipulated by INEC on Election Observation is no doubt apposite. This will help us to critically examine the extent of observation done by CSO's against the backdrop of what the guideline and other aforementioned legal instruments, demands of them.

INEC Guidelines for Election Monitoring and Observation 2014 as Revised in 2018

The activities which conduce to election monitoring and observation as stipulated in INEC Guideline of 2014 are three-pronged. They are pre-election activities, observation of Election Day activities and post-election activities or events.

Pre-Election Activities

Pre-Election activities are in two parts. First, is the Voter Registration and Continuous Registration. Election observers are expected to focus on the following:

- Compliance of election officers with national constitutional requirements and international standards in the registration of individuals.
- Whether those who are eligible are given sufficient opportunity to register to vote without discrimination with respect to gender, ethnicity, religion or physical disability.
- Compliance with rules and procedures established by the commission.
- Incidences of double or multiple registrations by one individual.
- Whether individuals are given the opportunity or have access to verify their names in the register.

The next level of Pre-Election activities is the Party Primaries and Candidates Selection Process.

Issues to observe here are as follows:

- Compliance with regulations set by INEC in terms of announcement of dates and other requirements for party conventions and congresses.

- Compliance with rules and procedures as enshrined in the constitution of the Political Parties, the Electoral Act 2010(as amended) and other extant provisions of the law.
- Transparency in the counting of votes and announcement of results.
- Equal treatment and opportunities for all the candidates at the primaries.
- Use of money and incentives that confer advantages on some candidates over others.
- Adherence of political parties to internal procedures for addressing grievances arising from party primaries.
- The resolution of the disputes arising from party primaries.

Election Day Activities

The activities that take place on Election Day are subdivided into two. First are activities related to casting of ballot and secondly the counting, collation and declaration of results.

Casting of Ballots.

Issues to be observed here include:

- Timely arrival of poll officials and lay-out of polling stations.
- Commencement of accreditation and polling processes.
- Conduct and professionalism of poll officials.
- Conduct and professionalism of security agents.
- Availability of election materials.
- Compliance with election guidelines by poll officials.
- Secrecy of ballot.
- Degree of political competitiveness.
- Degree of inclusiveness (ease of participation by all eligible voters including physically challenged people).

Counting, Collation and Declaration of Results

- Transparency of conducting vote count
- Access of observers, agents and proxies of parties and candidates to counting and collation centers.
- Number of votes in relation to number of registered voters.
- Presence of unauthorized persons at counting and collation centers.
- Public announcement of results collated.

- Procedures laid down in the regulations for tabulation and transmission of results.

Post Election Activities or Events.

- Capture of details of formal complaints or petitions filed before Election Tribunals.
- Whether proceedings are conducted in public, open to all interested parties.
- Fair and even treatment by adjudicating authorities or courts to all the parties including complainant, witnesses and interested parties.
- Whether the adjudicating authorities appeared to be impartial.
- Whether the judicial decisions and rulings are consistent with rulings in similar cases.

The Role of Civil Society in Election Observation in Nigeria

Little is known in the literature about the role played by civil society organizations in observing the elections that held in Nigeria's first and second republic 1960-1966 and 1979 -1983 respectively. When the second republic was truncated on December 31st 1983, the country was subjected to sixteen years of military rule. During this period, several pro-democracy groups and other civil society organizations sprang up in Nigeria to champion the course of democracy. Encouraged by the support they were receiving from international donor agencies, these CSO's continued to impress it on the military, that their rule was an aberration and should make way for democracy.

Thus in the build up to the return of democracy in 1999, the style of activism of the CSO's changed from anti-military campaigns to pro-democracy campaigns. Interest was now focused on nurturing the nascent democracy to ensure that it conforms to international best practices. It is in furtherance of this objective, that they started taking interest in observing elections. Today, election observation by Nigerian civil society and foreign inter-governmental organizations have become an integral part of the democratic process in Nigeria so much so that their verdicts influence public perception on the credibility of elections. Each election year, the Election Management Body accredits international and domestic observers to observe the elections.

Records available reveals that civil society Organizations which serve as non-partisan domestic election observers, majorly observe only the Election Day activities. This is evident in the reports they release at the end of the exercise. The Transition Monitoring Group (TMG), a coalition of 63 Human Rights and CSO's monitored the Presidential Election held on February 27, 1999 between Chief Olu Falae, candidate of the joint alliance between Alliance for Democracy (AD) and All People's Party (APP) and Chief Olusegun Obasanjo of Peoples Democratic Party (PDP). They reported as follows:

The presidential election recorded a far higher incidence of electoral malpractices than in previous elections and this calls the legitimacy of the process to question. Particularly worrying is the role of INEC in perpetrating these malpractices. The report is based on the observations of the polls made by TMG monitors from the 36 states of the federation and FCT” (TMG, 1999).

Things covered in their reports were all Election Day activities. They include preparedness of INEC (electoral materials, electoral officials, time keeping, privacy of voting, transportation, use of voters register) gender pattern of voting, security situation and malpractices. There was nothing in the report that indicated that they observed, voters registration, conduct of primaries and party campaigns. These are inputs that affect the entire electoral process. They were not observed, yet verdicts were given about the election.

Again in 2019, the TMG deployed observers to polling units across the 36 states and FCT to observe Election Day activities. Issues covered include opening of polls, counting and result declaration at polling units, voter turnout, election materials and officials, incidence of malfunctioning of card readers, incidences of violence/intimidation and electoral irregularities. In its concluding remarks, the report stated “Election was relatively well executed. The lapses observed were consistent with our experience in previous elections” (TMG, 2019).

A perhaps more interesting statement is one issued by Project 2011 Swift Count with respect to the 2011 Presidential Election. Project 2011 Swift Count is jointly carried out by the Federation of Muslim Women’s Association in Nigeria (FOMWAN), Justice Development and Peace/Caritas (JDPC), the Nigerian Bar Association and Transition Monitoring Group. According to the group, they deployed more than 8,000 accredited observers to all 774 Local Government Areas, over 7000 stationary observers at polling units and 1000 mobile observers. In its preliminary report issued on April 17, 2011 it stated “the elections were not without problems. In particular, there were isolated incidents of intimidation, violence and illegal voting. But these incidents did not undermine the overall credibility of the process” (Project 2011 Swift Count, April, 2011).

Paradoxically, in the same report, they contradicted themselves on the credibility of the election when they stated “We are however extremely concerned about accredited observers being denied access to polling units. In several states, Project 2011 Swift Count observers were harassed and in some cases detained by security forces” (Project 2011 Swift Count ,April, 2011). Despite the fact that they were denied access to some polling units, they still passed a verdict of credibility. Its claim of credibility of the election was further weakened in its final report. In its opening statement, it stated that “our observers reported on the conduct of accreditation, voting and counting of ballots at polling units”. All these were Election Day activities and there is nothing in the report

whatsoever that indicated that they observed pre-election activities, meaning that the entire electoral processes were not observed. The report went further to state:

while the elections were not perfect and were marred with incidence of intimidation and harassments, denial of accredited observers to access polling units, observers chased out from polling units; in some instances kidnapped by political party agents, local government chairmen, party thugs and community members. There were ballot snatching and other election malpractices and irregularities at some polling units, but overall the elections were good, credible and transparent (Project 2011 Swift Count, May 2011).

In spite of the fact that INEC does not restrict domestic non-partisan election observers as well as international observers to election day activities, but rather encouraged them to observe the entire gamut of the election process as stated in its guidelines for election observation and monitoring, Project 2011 Swift Count, in paragraph four of its recommendation to INEC as contained in its final report asked that the right of domestic observers to observe the entire election process should be guaranteed by law. This is a further admittance of the fact that it does not observe the entire electoral process. Yet it gives a final opinion that suggests that it followed through the entire process.

In contrast, election observations carried out by international observers are wider in scope as they also cover pre-election activities in addition to the Election Day activity. Following from that, their reports are also more forthright. Two good examples that can be referenced are the Carter Centre/National Democratic Institute as well as the European Union Election Observation Mission. A few examples of Nigerian elections they monitored and the reports they presented are no doubt apposite.

A summary of the final report of Carter Center/National Democratic Institute on the 1999 general election is reproduced here:

The registration process and all four election rounds were marred to varying degrees by electoral irregularities and sometimes outright fraud. Abuses of the electoral process-including ballot stuffing, inflation of results, and voter intimidation were widespread enough to question the election's outcome in certain electoral districts. There was a wide disparity between the number of voters observed at the polling stations and the final results that have been reported from several states. Regrettably therefore, it is not possible for us to make an accurate judgment about the outcome of the Presidential election (The Carter Center, National Democratic Institute for International Affairs, 1999).

National Democratic Institute also observed the 2007 general elections in Nigeria and wrote a report that showed that the election failed the integrity test. In many places, and in a number of ways, the electoral process failed the Nigerian people. The cumulative effect of the serious problems the delegation witnessed substantially compromised the integrity of the electoral process (National Democratic Institute, 2007).

The fact that the election observation carried out by domestic non-partisan CSO's is limited in scope has not gone unnoticed by international election observers. The European Union Election Observation Mission (EU EOM) had noted with respect to 2015 general election that:

Citizen observation largely focused on polling and there was only very limited, if any observation of other important parts of the election process. Furthermore, CSO's command mixed level of confidence in their political neutrality, impartiality, and ability to give a measured response, with various groups being regarded as aligned to one of the parties and or over loyal to election administration (EU EOM (2015) Nigeria General Elections 2015: Final Report).

For the 2019 general elections, EU EOM on February 23 deployed 91 observers from 26 EU states across 31 states. On Election Day, observers visited 261 polling units and 91 collation centers. They reported thus:

There were evident problems in completing results forms and they were not publicly displayed in half the counts observed, weakening transparency...journalists were subjected to harassment, and security of the electoral process was at times compromised with some independent observers being obstructed in their work. Civil Society also reported cases of being restricted in observing some collation centers, weakening transparency of the results process. However, parties and candidates were able to campaign, with freedoms of assembly, expression and movement highly respected (EU EOM (2019) Nigeria General Elections 2019: Final Report).

CONCLUSION/RECOMMENDATIONS

In the 2019 general elections in Nigeria, the Election Management Body, Independent National Electoral Commission (INEC) accredited 144 different groups of observers comprising 116 non-partisan domestic civil society observers and 28 groups of international observers. In this study, we have tried to critically evaluate election observation done by civil society Organizations. Owing to the global attention which elections attract and the role played by CSO's in enthroning democracy in Nigeria, their role in election observation has gained currency. The statements issued by both domestic and international observers after each election have become the yardstick for

measuring how credible an election is. Thus political parties that emerge victorious after elections are usually conscious of how the process that produced them is adjudged by both domestic and international observers.

However, as pointed out in this study, election is a process which starts with pre-election activities, dovetails into the Election Day activity and terminates with post election activities like litigation. Unfortunately, most of the CSO's restrict their observation to Election Day activities and on the basis of that they make pronouncements that border on the credibility of elections. The processes that lead up to the election such as voter registration/continuous registration, conduct of party primaries and candidates selection are hardly observed. These aspects that are neglected also constitute inputs into the electoral process. Even on the Election Day, there are certain inputs that are not observed. Collations of results are often tricky. Observers do not always witness what happens at all the stages of the collation process from ward level, through local government to state and national level. In some instances as have been reported in this study, observers are denied access.

Thus while domestic non-partisan CSO's are participant observers of certain aspects of the electoral process, there are a whole lot of things that happen in the electoral process that is outside their purview. The limited scope of observation they do, therefore casts a question mark on the verdicts they give about how credible or otherwise an election outcome is.

It is recommended that CSO's should expand the scope of their observation to cover pre-election and post-election activities. Focusing only on Election Day activities is limiting and the pronouncements made there from may not stand the test of time when subjected to integrity tests.

In addition, they should be given unfettered access to the collation rooms to observe all the processes that lead up to the final announcement of results for all contested positions.

References.

- Abdullahi, A (2015) "Promoting Credible Elections in Developing Countries: International Development Partners and Civil Society Organizations in Nigeria" *Africa Journal of Political Science and International Relations*, 9(5)190-199.
- African Union (2002) *Guidelines for African Union Electoral Observation and Monitoring Missions*, pp.4-11.
- Ghaus-Pasha, A (2004) "Role of Civil Society Organization in Governance". Paper presented at the Global Forum in Reinventing Government towards Participatory and transparent Governance. Seoul, May 24-27.

Bard-Anders, A (1993) *Setting a Standard for Africa? Lessons From The 1991 Zambian Elections*, Bergen Chr: Michelsen Institute.

Jega, (2014) *INEC Guidelines for Election Monitoring and Observation*, Abuja: INEC.

Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers (2005), pp. 1-2.

Declaration of Principles for Non-partisan Election Observation and Monitoring by Citizens Organization (2012).

ECOWAS (2001) *Protocol on Democracy and Good Governance: Supplementary to the Protocol Relating to Mechanism for Conflict Prevention, Management, Resolution, Peace Keeping and Security*, Abuja: Executive Secretariat.

European Commission for Democracy through Law (Venice Commission) 2012, *Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Non-partisan Citizen Election Observers and Monitors*, p.3

European Union Election Observation Mission-EU EOM (2015) *Nigeria general election 2015: Final report*: Abuja, July.

European Union Election Observation Mission-EU EOM (2019) *Nigeria general election 2019: First preliminary statement*, Abuja, 23 February.

Mitchell, G (2011) "History and Mandate of Election Observation: The OSCE/ODIHR Experience" in Hans Schmeets (ed.) *International Election Observation and Assessment of Elections*, Maastricht: Statistics Netherlands, pp. 71-84

Schmeets, H (ed.) (2011) *International Election Observation and Assessment of Elections*, Maastricht: Statistics Netherlands.

Diamond, L (1999) *Developing Democracy: Towards Consolidation*, Baltimore: John Hopkins University Press.

Gromping, M (2017) Domestic Election Monitoring and Advocacy: An Emerging Research Agenda, *Nordic journal of human rights*, 35(4), pp.407-423.

Gromping, M (2017) Domestic Monitors, in Pippa Noris and Alessandro Nai (eds.) *Election Watchdogs: Transparency, Accountability and Integrity*, Oxford: Oxford University Press.

Popoola, M.A (2014) "Civil Society and the Conduct of Free, Fair and Credible Elections: Lessons from the Ghanaian Experience" *Journal of History and Diplomatic Studies*, 10(1).

National Democratic Institute (2007) *Nigeria General Elections: Final Report*, Abuja, April 23.

Nigeria Civil Society Situation Room (2017) *Toolkit on Election Observation*, pp.9-14.

Kwaku Maisie, P (2012) "Civil Society Participation in Ghana's Election: The Case of The Coalition of Domestic Election Observers in Ghana's 2000 and 2008 General Election". Unpublished m.sc thesis submitted to department of political science, University of Ghana Legon. Available at:< [http:// ugspace.ug.edu.gh](http://ugspace.ug.edu.gh)(accessed on 07 February 2019).

Project 2011 Swift Count (2011) *Nigeria General Election 2011: Interim Statement*, Abuja, 17th April.

Project 2011 Swift Count (2011) *Nigeria General Election 2011: Final Statement on April 2011 General Elections: National Assembly, Presidential and Gubernatorial Elections*, Abuja 18th May.

Olatunde, S (2016) "The Role of International Observers in Consolidation of Democracy in Nigeria: A Case of 2015 General Elections" *Global Journal of Political Science and Administration*, 4(3) 34-80.

Mottiar, S (2009) "The Role of Civil Society in Elections: Kwazulu-Natal Democracy and Election Forum - Reducing Conflict Dynamics and Promoting Peace" *Journal of African Elections*, 9 (1), 110-127.

The Carter Centre National Democratic Institute for International Affairs (1999) *Observing the 1998-99 Nigeria Elections: Final Report*, summer.

Transition Monitoring Group (1999) *Nigeria General Election 1999: Interim Report*, Abuja, March 1999.

Transition Monitoring Group (2019) *Nigeria General Election 2019: Preliminary Report*.

Essia, U & Yearoo, A (2009) "Strengthening Civil Society Organizations/Government Partnership in Nigeria" *International NGO Journal* 4(9) pp. 368-374.