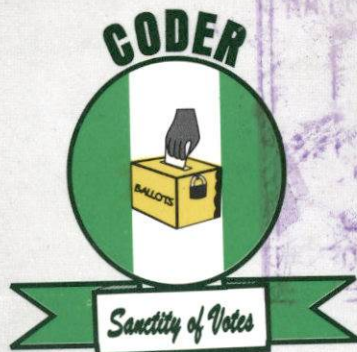




Coalition of Democrats for Electoral Reform

-SUPPORT UWAIS ELECTORAL REFORM REPORT-

Towards Electoral Integrity In Nigeria

CODER Pamphlet and
Asiwaju Bola Ahmed Tinubu's Speech at the Launching of CODER,
Abuja, 28th July, 2009.

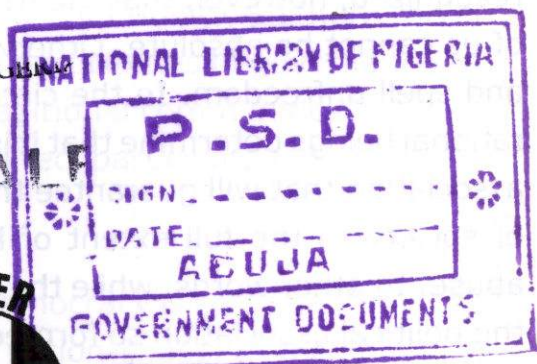
Towards electoral integrity in Nigeria



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Sanctity of Votes

Coalition of Democrats for Electoral Reform

Towards Electoral Integrity in Nigeria

Foundations of elections

As the quintessence and armour of democracy, elections are premised on certain basic principles. The fundamental basis of an electoral system is the philosophical and ethical principle that human beings have the right to determine their own lives, the way they want to live, and the responsibility for whatever consequences flow from it. This is the principle of self-determination, the republic ethos which forms the basis of the collective life of a self-governing people. A government in the modern, civilized world, is legitimate only if every member of the political community has an equal chance and voice in choosing those who represent him or her in the governing of the society. And that right is nothing, if it not respected and validated through regular, free and fair elections.

Every human being of a ripe age and sane mind is accorded this basic understanding that he or she is free being, subject to no outside control other than the one he or she has freely consented to. It is also recognized, however, that the freedom that naturally belongs to each of us cannot be absolute. Otherwise it would eventually negate itself and spell unfreedom. In the circumstance of this recognition, again, rational beings determine that it is in their interest to fashion a political association that will guarantee the natural freedom of every member of society to the full extent of his or her common protection from abuse. In other words, while the freedom of each cannot be absolute, the political association so formed by the free will of everyone coming together will be deployed to ensure the maximum freedom possible for each in accordance with the provisions of the rule of law that the association has established.

Rulers assuming divine authority, including kings and queens and slave masters, feudal lords and military tyrants have imposed their will on the people and made them subservient to their interests at various

points in human history. However, the very progress of reason, and of the human race, is predicated on the consistent and democratic shift away from the imposition of the will of one (wo)man or a group, including estates, realms or cults, to the popular appropriation of power by the largest majority of the people, expressed through popular elections. This is at it should be, for every form of power that is not directly derived from the people, freely and public expressed, is a gratuitous violation of the fundamental right of rational human beings to determine their destiny.

The principle just enunciated is the basis of any political arrangement that a society premised on the freedom of individual must respect. It is this same principle that is at the foundation of an electoral system.

What is the foundation of an electoral system? First is the belief in the sacred rights of individuals in a liberal republican system to choose freely who is to represent them in governance. This same right is derived from the original right to live one's life as one determines. The right to live one's life as one determines can yield in different directions depending on the size of the community. So there can be a direct democracy in which everyone participates in governance as in ancient Athens. Some of our own traditional communities in the east of Nigeria were also well known for direct participation of all adults in the governance of the village.

We know that the practice of direct democracy is no longer practicable because of the enormity of modern nation-space. In the light of this limitation, rational minds devised a means for ensuring that the voice of everyone who would otherwise directly participate in the administration and governance of his or her nation is heard loud and clear, and his or her interest effectively represented through the free choice of his or her representatives: councillors, chairmen, governors, and president. In other words, every citizen of a republic has a right and a responsibility to participate directly in the governance of his or her nation. This is based on his or her right to

determine what laws he or she will be governed by.

As a self-legislating and self-determining being, the right to vote is one of the most fundamental right of the human species. Because of the impracticality of over one hundred and forty million people directly participating in the making of laws as legislators, governors or president, society devised a second best alternative: each will participate in electing those of their members who will represent them at the various levels of governance. It means then that everyone must be able to freely make his or her choice and the process of doing so must be fair and free from any form of violence, harassment, or rigging. Any such infraction must be seen as a violation of the fundamental right to self-determination.

Now, the right to choose one's representative also suffers from a limitation similar to the original right of self-determination. While direct election by all without the mediation of an intermediary such as political parties is an option—no-party systems are being canvassed from time to time—it is less than ideal because of the constraints of such a system. Therefore, political parties emerge as important components of an electoral system in modern democracies. As a rallying point for people of similar ideological orientations, a political party is the clearing house of ideas, ideals, and personnel through which a political system carries out its function of producing and distributing power and authority, the basis of the distribution of other scarce resources in competition with other such ideas from rival political parties.

These competing ideas and ideals are presented to the public who have the right, on the basis of their own interest, to associate with one or the other. This is an extension of the same right of self-determination.

Political parties then become the surrogates for individuals' expression of interest in the matter of administering and governing

their communities. Beside the investment of their time and resources and the corporate interest in winning elections in which they contest, political parties, therefore, also have the responsibility to ensure that their members' interests are well-served and that the votes of citizens are well protected. The interest of political parties in free and fair elections must therefore go beyond the self-interest of winning elections.

Political principle

The foregoing philosophical and ethical principles establish the imperative of electoral integrity if we value the individuality of human beings, the dignity of the human person, justice, equity and the supremacy of the collective wisdom of the people. But there is also an important fundamental political principle for electoral integrity. It is the nationalistic principle which demands of any self-respecting nation to excel in whatever it sets out to do, and to demonstrate the capacity of its citizens for excellence.

Nigeria has been presented and has seen herself as the "giant" of Africa. This self-appropriation of sheer size and demography comes with a responsibility to do things right as an intelligent giant should. It means that an irresponsible conduct of elections in Nigeria diminishes her standing in the comity of African nations. The recent snubbing of Nigeria by the United States president Barack Obama is evidence of this country's poor image abroad in spite of the mawkish sentimentality expressed by government's mouth-pieces. That Ghana attracted the attention of Obama and ended up making history as the first Black African nation the history maker visited is a shame on the collective national pride of Nigerians. The fact that Nigerian officials do not see it as such is an evidence of their collective idiocy.

Second, if Nigeria is truly the giant of African, to the extent that she cannot manage her electoral affairs, she diminishes the standing of other Africans as well. Hence, other Africa nations expect Nigeria to stand up and fulfil her manifest destiny. To this extent, it behooves all

nationalists and pan-Africanists in general to put adequate pressure on Nigeria to get its act together and if she is unable to lead the 21st century African aspirations, she must step aside for those nations that are ready to take up the challenge.

Constitutional principle

The constitution is the basis of the legitimacy of the state vis-à-vis its demands of the citizens. In our own case, despite the misgivings that right-thinking citizens have with regard to the imposition of the 1999 constitution on us, we recognize the need to work within its framework to institute necessary changes. This was part of the strategic approach to ease the military out of our lives in 1998. While some would argue that we had no business moving on at that time, and that we should have opted for a show-down with the military with a demand for a sovereign national conference before any elections, the fact is that the decision to move on cannot be faulted as the basis for the various flagrant violations of the constitution that we have experienced in the last ten years.

It so happens, however, that despite all its faults, the 1999 constitution established the principle of the voluntary consent of citizens in the matter of governance and as we have seen, this is also the foundation of electoral integrity. It is, therefore, a violation of the constitutional principle of voluntary consent for any government of the federation to aid and abet fraudulent elections. What this means is that a government that originates from a fraudulent election is to that extent unconstitutional. It ought to be regarded as a civilian coup d'état against the state, and just as a military coup is considered unconstitutional. Any such government, despite its pretences, must be condemned and disallowed. But our experience as a nation has not stood up to this constitutional requirement.

History of elections in Nigeria

Nigeria has known better times as far as electoral integrity is concerned. The elections into the legislative Councils in 1922 and 1938 went without any serious complaints. Even in 1938 when the Nigerian Youth Movement (NYM) defeated the first political party, Nigerian National Democratic Party (NNDP) at the polls, there was no cause for complaint. Both of these, of course, were conducted by the colonial administration, which may have prompted the former governor of Imo State, Chief Sam Mbakwe, to canvass the return of the colonizers after the debacle that was 1983.

We also know however, that when the interest of the British colonial administration was at stake in 1959, it strategically encouraged rigging, as a number of British colonial officials have come out to confess. At that time, the nation was persuaded to move on. In the face of the fraud that was the pre-independence elections, Nigerians were told that if they did not accept the verdict, the British would withdraw her offer of independence in 1960. Therefore, the country moved on. Only three years later, things started falling apart because it was a case of a house built on a foundation of sand. It collapsed and Nigerians moved on to the forbidden fruit of a first military take-over which eventually resulted in 30 months of bloodshed and loss of a million Nigerian lives.

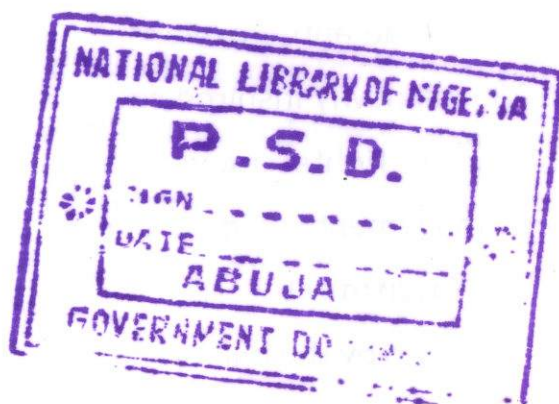
In 1979, we witnessed another flagrant manoeuvring of the system by the same characters who led the assault on democratic norms in the first republic. The military manufactured the joker of a formula that stood mathematics on its head and set the stage for another disastrous mode of governance for the next four years. Again, Nigerians were urged to move on so that the military could be sent back to their barracks. The new government was burdened with a crisis of legitimacy which rendered it weak and ineffective and it was clear that the people were going to reject it decisively in 1983. However, the ruling party had its joker, which was released as "Verdict '83", a shameless show of the barbarity as raw power. Again we were told that the nation must move

on. It did, but the movement was not into anything good; it led us to the General Muhammadu Buhari-led putsch of December 1983 and the successive coups and counter coups that dragged the country to its very nadir. The corruption that is now a hydra-headed monster in our society was nurtured in the belly of the military regimes of the 1980s and 1990s which we moved on to from the fraud of 1983.

Our people woke up in 1993 to see an inching toward the fulfillment of their dream of a government of the people by the people and for the people. They voted overwhelmingly in an election that was adjudged the best in the history of the country. It was not to be, however, as the same characters that have always sabotaged the true will of the people insisted that Chief Moshood Abiola, who was believed to have been popularly elected as President of Nigeria would not be installed in power. The presidential election was annulled and Nigerians were told again to move on. We moved on to the General Sani Abacha's palace coup and experienced the most barbaric assault on the psyche of a people with incarceration, assassinations, and extra-judicial murders sponsored by the state. Nigeria became a pariah in the comity of nations. This was yet another wound that the "move on" syndrome has inflicted on Nigerians.

The agitation of a reasonable people for a sovereign national conference to deal once and for all with all issues that have militated against nationhood and prosperity was brushed aside by those whose interest was to be able to milk the national cow for their own ends. The demise of the General Abacha provided another opportunity for the redemption of the national soul. Still, however, the opportunity slipped away. Even the constitution was not to be seen by the **selected** leaders who were made to swear to protect it. But they wanted power, and got it in circumstances

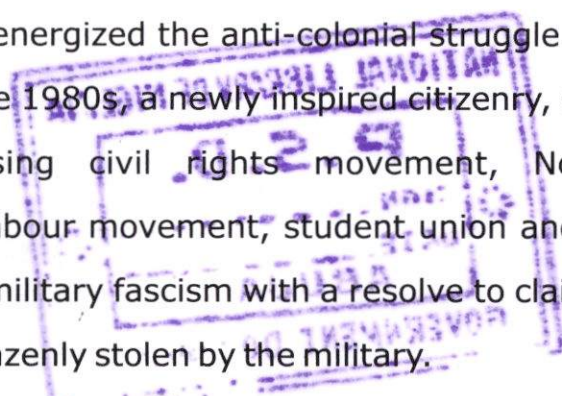
Asiwaju Bola Ahmed Tinubu's
Speech at the Launching of
CODER,
Abuja, 28th July, 2009.



ROTOCOLS

It is with special joy that I join this gathering today. My joy derives from the fact that we are making history today. Generations yet unborn will learn about this historic event that we have the privilege of participating in and they would salute the vision and courage of the organizers of this critical movement for the democratic salvation of Nigeria.

Current historians, political scientists and other informed analysts have concluded that Nigeria has experienced two liberations. The first is the liberation from external imposition, that is, colonial rule; while the other is the liberation from internal colonisation, that is, military rule. Despite the inspired successes of the early years of political independence, thirty years of military dictatorship turned Nigeria into a pariah nation and almost completely ruined all the hopes and aspirations that energized the anti-colonial struggle. However, by the second half of the 1980s, a newly inspired citizenry, and a vibrant civil society comprising civil rights movement, Non-Governmental Organizations, labour movement, student union and women groups, rose up against military fascism with a resolve to claim back a country that had been brazenly stolen by the military.



As the pro-democratic forces marched through the length and breadth of Nigeria and beyond, the voices of Nigerians were heard. It was a united voice for the termination of military rule. I am proud to have been numbered among those who led the struggle for the restoration of

democracy. In 1999, despite many set-backs and with the blood of democratic martyrs, the limbs of nameless Nigerians, and the freedom of many soldiers for human dignity, Nigeria was set free of military rule. The world was united with Nigerians in celebrating the restoration of democracy.

Let us make no mistakes about it. Nigerian won a resounding victory against the forces of retrogression and darkness by ensuring the restoration of democracy. We cannot overemphasize the immensity of the implications of the restoration of democracy in 1999. It came almost miraculously as some would conclude in the context of what many had predicted as the near-certain collapse of the Nigerian enterprise. Without true democracy, it is now evident, Nigeria can neither survive nor be at peace with its constituent parts.

In the last ten years, our democratic experiment, as it is called, has witnessed the most invidious violations from anti-democratic forces, remnants of the feudal and martial eras who have found it impossible to trust in the wisdom of the people to let our hard-won democracy be, not only in words, but in deed, a government of the people, by the people and for the people.

My dear comrades in the struggle for genuine democracy and fellow Nigerians, we are gathered here today to re-assert the people's fundamental right to elect their leaders by announcing our collective resolve to struggle for and ensure the credible, democratic and

necessary reforms in the electoral laws of Nigeria.

Why do we want genuine electoral reforms and why have we decided to form a movement that brings together all Nigerians to struggle for electoral reforms? Our primary goal is to improve the electoral process so as to enhance the impartiality, inclusiveness, transparency, integrity and the accuracy of elections in Nigeria. There three principal areas involved. The first is legal. This would involve the amendment of the constitution and the electoral law to enhance the integrity, relevance and adequacy of the legal framework. The second is administrative. We need to introduce new strategies, policies, procedures and technical innovations that would ensure that INEC is able to implement its legal policies and deliver its services effectively. We will need to consider in this context issues of INEC's its financial integrity, procuring new technologies for elections and election monitoring, improving the voter registration process, and ensuring that men and women of good character are in charge of INEC. The third is political. The selection of the headship of INEC has to be reconsidered. This is important because the political environments and the possibilities of transparency are predicted to some extent on the process of selection of the leadership of INEC and the framework of funding.

A humanist of renown and one of the greatest crusaders for human liberty, Thomas Paine, once stated that, "the right of voting for representation is the primary right by which other rights are protected". At the Constitutional Convention in the United States in the 19th

century, Paine was echoed by James Wilson who affirmed that "Elections should be the faithful echo of the voices of the people." The last three elections in the Fourth Republic have shown clearly that Nigeria needs a Third Liberation. This is the liberation from a cabal of electoral criminals which has seized our democracy, turned elections into a kind of coup against the electorate and is seeking to end the constitutional sovereignty of Nigerians to freely choose their leaders. We have gathered here today to begin the third liberation movement. While the first liberation freed Nigerians from external imposition, the second freed us from internal martial colonisation. This third liberation will free Nigerians from internal "democratic" colonisation by anti-democratic elements posing as democrats.

Let me be illustrative of the bizarre joke that the major defects of the present electoral system throw up. First, a certain Senator whose election to the Senate is being contested and would most likely lose his seat which his opponent regard as a stolen mandate is the chairman of one of the most strategic Senate Committees in charge of one of the major federal security institution. What kind of electoral system should allow an electoral rogue to seat over critical, strategic decisions on a very significant security apparatus?

Second, in one of the states of the South-South, the Appeal Court declared categorically that no gubernatorial election took place on the appointed day, therefore there should not have been and there were no results. The Court therefore ordered that the incumbent vacate his

position and that proper a gubernatorial election should be held. The beneficiary of that most perverse of frauds by the Independent National Electoral Commission (INEC) working hand-in-hand with the ruling party had been governor for two years based on this grotesque swindle. He then stood again as a candidate, used the state funds that he had fraudulently amassed to fight for the election; and the same fraudsters in INEC who declared "results" for an "election" that never took place again conducted the newly-ordered election. As would be expected, the initial beneficiary of the fraud was again declared the "winner" by INEC. What manner of electoral system allows discredited electoral umpires to conduct elections over and over again even after their predilection for fraud has been confirmed by a court?

Third, a grave question confronts us all today if we really are committed to be best of democratic principles and the rule of law. Why is it that despite all the cancellations of elections, the declaration of fraud on the part of INEC, the commission's officials, politicians and others, there has never been a single conviction in a law court for electoral crimes? They say, where there is no law, there is no crime. How come that where is law, there is no crime? We now know that it is because the law is totally inadequate, and where it exists, is not applied.

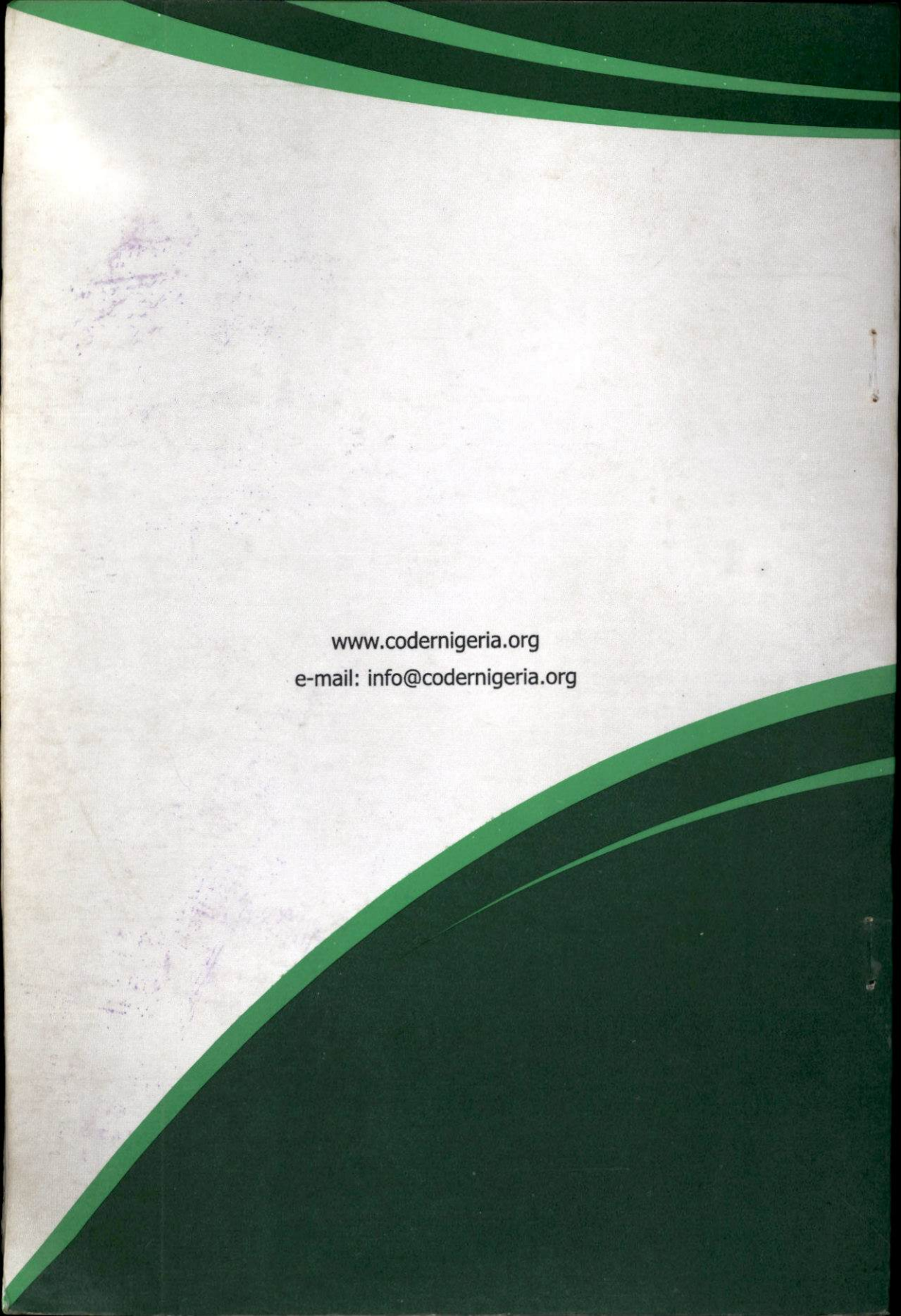
The crushing limitations, the appalling defects, the in-your-face theft of the people's mandate and the face-me-I-kill-you attitude that pervades the current electoral system are defeating the purposes of democracy. From the earlier and the recent sham in Ekiti State that was

condemned by the whole world and which was one of the most recent and most poignant reasons why President Barrack Obama decided to shun Nigeria during his recent African visit to the agonizing abrogation of the electorate in many other parts of the federation, Nigeria has now entered a stage where we must either stand up to save our democracy through electoral reforms or lose all our federal ventures. The only way to stop the decline in Nigeria is to elect the true representatives of the people into government and ensure the sanctity of the people's vote.

We cannot do this by just criticizing the existing racket that denies us of our fundamental right to elect our leaders. We must organize to end the system that allows them to steal our votes and violate our fundamental right to elect our leaders. As Nigerians, we have again reached a stage where we must again take our destiny in our own hands. Let us come together to pressurize all relevant institutions to ensure the relevant amendments in the Constitution. It is not only a matter of amending the electoral law; we must amend the relevant sections of the Constitution.

Take the message to every nook and cranny of Nigeria. Go everywhere and mobilize people to change an electoral system that has allowed electoral rogues, who arm themselves to steal the most valuable, or the most priceless thing, in the world: the people's sovereign right to determine their leaders. Electoral reforms are often politically painful. Therefore, we should be prepared for the long haul. With the teeming masses of Nigerians behind us, we shall succeed.

God bless Nigeria.



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