



SDN

Bayelsa State 2019 governorship election observation assessment



2020

SDN supports those affected by the extractives industry and weak governance. We work with communities and engage with governments, companies and other stakeholders to ensure the promotion and protection of human rights, including the right to a healthy environment. Our work currently focuses on the Niger Delta.

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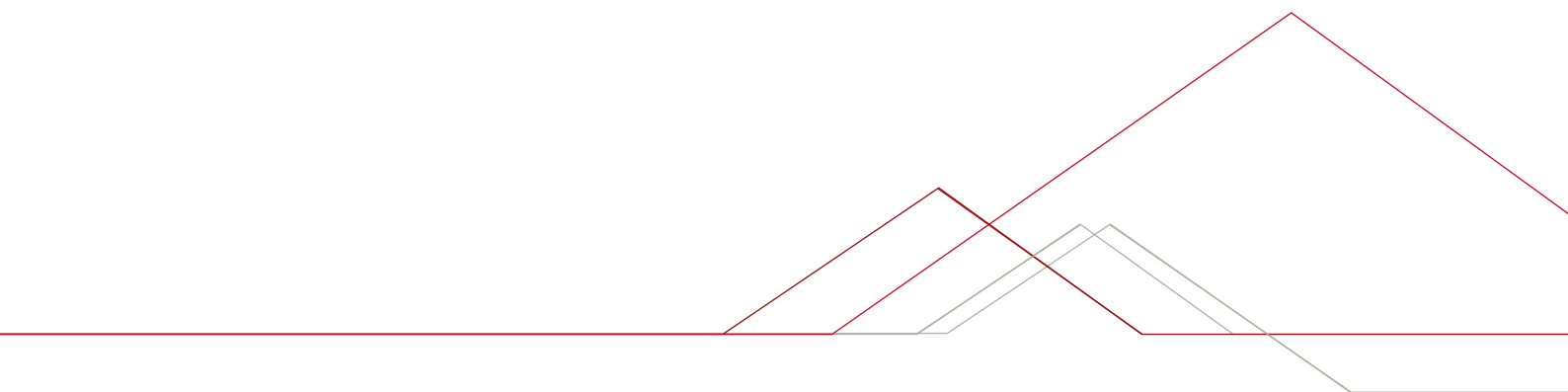
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Executive summary

A combination of intimidation, inducement, and violence spanning the electoral period damaged the freedom, fairness, and credibility of the 2019 Governorship election in Bayelsa State. However, most voters, INEC officials, security services, and civil society organisations are to be commended for their efforts to maintain a peaceful election.

Prior to the election, the main political parties—People’s Democratic Party (PDP) and the All Progressives Congress (APC)—repeatedly accused the Independent National Electoral Committee (INEC) of bias, and credible accounts were reported by observers of attempts by politicians to bribe, influence, or intimidate election officials. This again created an atmosphere in Bayelsa State that made it markedly more difficult for the electoral body to carry out its role, and undermined public confidence in the election.

Reports were received of violent incidents from across the State—including Ogbia, Sagbama, Kolkuma/Opokuma, Southern Ijaw, and Ekeremor. These incidents were contained within specific localised areas, sometimes affecting broader areas because they were focused on Registration Area Centres (RACs) where election materials were to be distributed from. However, in places such as Ekeremor, Nembe and Sagbama, security personnel appeared helpless in repelling non-state actors from carrying out both electoral violence and fraud. The decision of INEC officials to cancel results from some polling units where elections were marred by violence and over-voting should also be acknowledged.

Recommendations

General recommendations for making progress towards free, fair, and credible elections are laid out in SDN’s *Building transparent polls* report. Recommendations based on the specific experience of the Bayelsa State off-cycle election are:

- INEC should take pro-active steps to cooperate with the election tribunal and the appellate courts to highlight instances where electoral officials were under duress to manipulate the electoral process in favour of a political party.
- Security agencies should investigate incidents of violence during the election and seek prosecution for the culprits, to act as a deterrent to potential election offenders in subsequent election cycles.
- Culpable members of the security services and INEC should be immediately dismissed, and prosecuted accordingly, to serve as a deterrent to would-be perpetrators.
- An investigation should be launched into the alleged insufficient policing of the Bayelsa State election. It should investigate the rationale behind the apparent shortfall of personnel relative to the official deployment figure of 31,041 personnel announced by the Inspector General of Police prior to the election.
- Higher sanctions for sponsors and perpetrators of electoral violence and fraud should be incorporated into the Electoral Act and INEC Guidelines. Higher sanctions could include a 5-10-year ban on any form of political activities.

Methodology

The project deployed teams of election observers to cover the eight Local Government Areas (LGAs) in Bayelsa State, tasked with tracking and reporting incidents relating to electoral violence, fraud, and manipulation. The observers also reported their assessment of the preparedness of INEC during the different phases (pre-election, election day, and post-election) of the election cycle. Mobile observers with a deep understanding of the politics and geography of the State were drawn from the media, civil society organisations (CSOs), and community-based organisations, and trained on election observation and reporting.

A total of 16 observers were engaged and deployed for long-term observation—five females and 11 males. Two election observers were assigned to each of the eight LGAs for the pre-election and post-election observation, while on the election day, they were focused on only two registration areas closest to their respective LGA collation centres. In addition, six experienced SDN observers were deployed on election day to Yenagoa, Ogbia, and Sagbama LGAs to complement the activities of mobile observers.

An election observation WhatsApp platform was created for real-time reporting of incidents around the Bayelsa State election cycle by observers. This was to ensure timely escalation of incidents that required prompt interventions by institutions such as INEC, police command, and other security agencies in the State.

The observation was focused primarily at the ward and LGA collation levels on election day, aiming to track incidents relating to electoral fraud and manipulation, including interference from State and non-State security agencies usually experienced at the ward and LGA levels of collation.

Findings

Pre-election conditions

Violence and related risks

- Campaign violence: Nembe provides clear example of where PDP was prevented by APC followers and thugs from embarking on any form of electioneering, and PDP's logo was not allowed to be displayed. The area was one of the APC strongholds so any dissenting political voices were violently resisted and prevented from having access for campaigning. On 13/11/19, this resulted in a PDP political rally in the area coming under attack, with shooting and the eventual deaths of a Radio Bayelsa staff member, and two other people.



Injured person at the PDP Rally in Nembe, Bayelsa State

- Influx of political thugs: The project tracked information relating to the influx of political thugs from the adjoining States of Delta and Rivers that supported both PDP and APC in perpetuating violence and fraud during the election. It was reported that these armed young people were housed in hotels across the State for weeks before the election.

Pressure on, and attempted bribery of, INEC officials

Efforts were purportedly made by criminally minded members of the political class to influence the recruitment process of ad-hoc staff members of INEC who were recruited from the National Youth Service Corps (NYSC) and federal tertiary education institutions. During the training (October 28-31, 2019) conducted by SDN, with funding from the United Nations Democracy Fund (UNDEF), chieftains of leading political parties invaded training centres in Ogbia, Nembe, and Yenagoa LGAs to confirm if their nominees were shortlisted for recruitment. This indicates that efforts were made by the political parties to compromise the INEC ad-hoc staff recruitment process. SDN trained 1,500 INEC ad-hoc staff to contribute to improved poll management.

Election day

The following components of the election were tracked by our observers:

Late poll opening

Polls opened late in some parts of Bayelsa State with our observers noting very late opening that was consistent with the findings from YIAGA Africa's 'Watching the Vote' observers that only 56% of observed units were open by 12.30pm. In some areas, polling units were opened as late as 2pm. However, in parts of Nembe and Ogbia LGAs, observers noted early openings between 8am and 9am.

In parts of Southern Ijaw, Brass, and Sagbama LGAs, polling commenced late due to a number of reasons. One of the reasons given by INEC is that there was a breach of contract by members of the Boat Union who suddenly requested 100% payment for their services on the election day.

Consequently, the services of the Nigerian Navy and Air Force were mobilised, leading to the eventual deployment of election materials and officials to the affected areas. Another reason was that security services attached to support the election in most places were unavailable to accompany INEC ad-hoc staff to their various polling units before the stipulated time of 8am.

Electoral incidents

Reports from our observers and other observation groups showed fewer incidents on the election day as compared to the pre-election phase. In ward 5, unit 9, Kolukuma/Opokuma local government area, young people in the area destroyed election materials. Similarly, INEC officials were attacked in units 12, 13 and 14 at Boumundi, Ward 10, Yenagoa LGA, as well as in Ward 1 Oporoma, Southern Ijaw. Also, materials meant for units 29, 30 and 31 in Ward 17, Southern Ijaw were reportedly thrown in the creek by political thugs, and alleged to have been destroyed.

Violence also continued to target collation in some areas—an attack in Brass Local government, Twon, led to the relocation of all collation centres to Yenagoa. Other cases of attempts to disrupt collation were reported in Ekeremor.



Snatched ballot papers dumped in a nearby creek

In Ofoni ward 4, unit 6, Sagbama LGA, INEC officials were reportedly compromised by a bribe of NGN40,000 each to divert election materials to Opua hotel at Toru-Orua instead of the designated Sagbama LGA collation centre. The observer who attempted to track this electoral fraud was spotted and beaten by a combined team of police officers and political thugs dressed in black clothes and red berets.

Election security

There was minimal violence on election day compared to previous election cycles where people were killed, election materials destroyed, and collation processes disrupted on election day. Although there were a few incidents of ballot box snatching and other types of electoral abuse, observers reported instances where security agencies prevented attempts to disrupt the electoral process. However, there were also instances where security personnel stood by as political thugs snatched ballot boxes and attempted to disrupt the electoral process—specifically in Kolokuma/Opokuma LGAs, Ward 1, PU 003 and Nembe LGA, Igbeta-Ewoama Ward, PU 002.



Nigerian Police Command escort the delivery of a ballot box and materials.

Access to polling units and collation centres

Our observers, and indeed others from various observation groups (such as CDD, Yiaga), reported easy access to the polling units and ward collation centres. However, ward collation did not take place in a number of places where unit level election materials, meant for ward collation, were diverted to unauthorised destinations such as private residences, and hotels. In Sagbama LGA, election materials were diverted to a hotel in Toru-Orua community. Members of the APC and PDP were accused of sponsoring these acts to influence the outcome of the election in their favour.



Accreditation and voting ongoing, Ward 1, Unit 1

Use of card readers

Observers reported cases where presiding officers refused to use the card readers during the collation process, such as in Ekeremor Ward 8, Southern Ijaw Ward. This makes ward-level results vulnerable to voter impersonation and inflation. In instances where the majority of polling units reported 100% use of the card readers, the voter turnout reported was normally well below the turnout reported in places where card readers were not used or were set aside at a point (with results often 80% or more). This was demonstrated in Ogbia Ward 12, where more than 60% (10 of 14 units) of the polling units reported average turnout of 43%. These lower turnouts were much closer to the level of participation noted by observers (sometimes less than 20%), and attributed to voter apathy and scepticism over the credibility of the election process.



Charged Card Readers at INEC Bayelsa State Office.

Pressure on officials

Election officials were reportedly threatened by political thugs when they insisted on using the data in the card reader, to collate the election process. This was reported by SDN observers in Kolga, Ward 5, PU 09, where a group of young men attacked INEC staff who remained adamant in using the card reader data for the collation.

Post-election conditions

The post-election period has been characterised by relative peace with celebrations by APC members and the seeming alienation of PDP members in APC strongholds. In Otuasega, it was reported that PDP members fled the area on November 27 as APC supporters attempted to arrest them, for acts of violence they allegedly perpetrated during the elections.

Election risk mapping reports have not recorded any acts of mass violence or reprisal attacks in the communities since the elections ended on November 16.

However, the outcomes of the ongoing litigations at the various courts (including the Governorship petition courts) may affect the current lull in violence in Bayelsa State.

Key challenges

- **Inflated results**

It was observed that election results from some polling units were not consistent with the figures captured on the card readers, suggesting deliberate attempts to undermine the election process.

- **Pressure on INEC officials**

Attempts were made by politicians to compromise the recruitment process of INEC ad-hoc staff to manipulate the election process. In addition, some INEC officials were influenced to boycott the use of card readers to facilitate electoral fraud and manipulation.

- **Over-voting due to the partial employment of the card readers in some polling units**

At some polling units, the card readers were not used in an apparently deliberate attempt to manipulate the election results. Those whose names were not on the voter register and whose identities could not be authenticated by the card readers were allowed to vote. As in the preceding point, INEC ad-hoc staff reportedly colluded with political party agents to influence the outcome of the results but a number of these cases were detected during the state collation process and the results cancelled.

- **Politicisation of election security measures**

The security measures for effective and efficient policing during elections needs to be modified to ensure that: there is collaboration between security agencies, they are adequately equipped to maintain law and order during elections, and remain politically neutral so that they do not collude with corrupt politicians to influence the outcome of elections.

- **Domination of the electoral space**

Citizens fundamental right to free association (in this case, political association) was violated by intolerant members of political parties in some communities in Bayelsa State. In some communities, such as Nembe LGA, PDP's and other parties' members were prevented by APC loyalists from publicly carrying out election campaigning.

Conclusion

Unfortunately, the 2019 Bayelsa State Governorship election showed significant deterioration in the credibility of elections, voter apathy, and citizens' confidence in the ability of INEC and security agencies to ensure adequate security provision during elections.

There is an expectation that INEC will utilise upcoming off-cycle elections to introduce reforms that reduce the pitfalls described above, preparing for a freer, fairer, and more credible 2023 general elections in Nigeria.



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