



**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE'S
INTERNATIONAL ELECTION OBSERVER MISSION TO
NIGERIA'S APRIL 16 PRESIDENTIAL ELECTION**

Abuja, April 18, 2011

This preliminary statement is offered by the National Democratic Institute's (NDI) election observer delegation to Nigeria's April 16, 2011, presidential election. The 30-member delegation from 14 countries was co-led by: Joe Clark, former prime minister of Canada; Mahamane Ousmane, former president of Niger and former speaker of the ECOWAS Parliament; Robin Carnahan, secretary of state of Missouri (USA); and Christopher Fomunyoh, NDI senior associate and regional director for Central and West Africa. Through this delegation, NDI seeks to express the international community's interest in – and support for – a democratic electoral process in Nigeria, to provide an accurate and impartial report on the character of the election process to date and to offer recommendations to improve future electoral processes.

The delegation arrived in Nigeria on April 4, prior to the National Assembly elections, and remained in country until April 18. As part of NDI's comprehensive election observation mission, the delegation builds upon the findings of NDI's pre-election delegation conducted in October of 2010, and the reports of 12 NDI long-term observers, who, since January, have witnessed pre-election preparations, including voter registration and the campaign period. Members of the delegation also observed the April 9 National Assembly elections and concluded, in an April 11 statement, that despite a number of significant problems, those elections represented a break from Nigeria's electoral past and provided a real opportunity for citizens to exercise their right to vote. During the presidential election, delegates observed over 153 polling units in 61 local government areas (LGAs) across 11 states in all six geopolitical zones and in Abuja, the Federal Capital Territory (FCT). The delegation conducted its activities in accordance with Nigerian law and the *Declaration of Principles for International Election Observation*.

The delegation would like to stress that it does not intend to render a final judgment on the April 16 presidential election at this time and that this statement is preliminary in nature. The tabulation and announcement of final results, as well as acceptance of results by candidates, have not been completed. As this has been a phase of the process during which serious irregularities have emerged in the past, the delegation urges candidates and their supporters to utilize peaceful, legal means to resolve election-related complaints. The Institute does not seek to interfere in the electoral process and recognizes that it is the Nigerian people who will ultimately determine the credibility and legitimacy of their elections.

I. KEY FINDINGS

As was the case with the National Assembly elections, this presidential poll represents a step forward from seriously flawed elections in the past. Nigerian citizens demonstrated commitment and dedication as they turned out to vote in elections that hold the promise of setting a new standard for integrity in Nigeria's electoral process. The presidential election was the second in a series that appears to mark a turning point for Africa's most populous country.

At the same time, the April 16 poll, like those on April 9, revealed important problems that need to be addressed before the upcoming state elections and in the longer term. Continued vigilance is still needed through the completion of the 2011 election process to realize the promise of these polls.

Effective and committed leadership at the Independent National Electoral Commission (INEC) is a key factor in the improvement over previous polls. However, democratic elections are not simply a technical exercise and their success does not rest with the electoral authority alone. While the election commission is charged with providing an effective and neutral setting for voting, the actions of political parties and their supporters, security forces, citizen election observers and other civil society organizations and voters themselves significantly impact the integrity of the electoral process. Each of these actors contributed to the improvements of the April 9 and 16 polls, while each faces challenges to maintaining electoral integrity.

Millions of Nigerian citizens met their civic responsibility with great enthusiasm and perseverance through their presence in polling stations across the country on election day. The delegation applauds this dedication and encourages continued engagement by citizens and their organizations in upcoming elections and other political processes. We encourage parties and their supporters to abide by the provisions of the Code of Conduct they signed to foster Nigeria's efforts to deepen and strengthen its democracy. The responsibility to combat negative practices, such as vote buying, electoral malfeasance, intimidation and violence, rests not only with INEC, but with all sectors of Nigerian society.

The delegation recognizes the innovative and cost-effective use of new media in these elections by INEC, political parties, security forces, citizen observers and voters themselves. Websites, social networking, SMS messaging and other technology tools aided in the collection, analysis and dissemination of information about the election process.

The delegation commends efforts by INEC staff at all levels to improve transparency and credibility. In the very short time after the April 9 National Assembly elections, INEC:

- Improved considerably on the distribution of polling materials and registered fewer incidents of delayed materials;
- Re-trained polling station staff on voting procedures, including measures to increase ballot secrecy and post polling station results; and
- Made efforts to amend the voter register to include voters who had been wrongly excluded before.

Observers applauded the dedication and neutrality of polling station staff, most of whom were National Youth Service Corps (NYSC) members. These staff showed initiative and increased confidence in addressing challenges that arose on election day.

The delegation also acknowledges the role of security services, which in the majority of polling stations observed played a positive, low-profile and professional role.

Obviously in a country so complex, problems remain: Overwhelming crowds influenced some polling officials to relax procedures intended to safeguard the voting process, and the crush of people may have prevented some eligible voters from participating in the election. While INEC instructed presiding officers to assign no more than 300 voters to a polling site, NDI observers visited locations that had over 1,000 registered voters. Observers visited two polling sites in Nassarawa state with over 3,800 and 6,000 registered voters, respectively. In addition, observers heard reports of wide state-by-state variance in the number of invalidated ballots that, if true, is an area of concern.

The delegation noted the complicated and multi-tiered collation process that is vulnerable both to human error and malfeasance as tabulation proceeds from the polling unit to INEC headquarters. Despite efforts in this election to fast-track election returns, this process created added work for INEC officials and observers.

Though international observers were received warmly at polling sites, some domestic observers faced intimidation and harassment. There were credible reports of observers kidnapped by 'thugs' and detained by security forces. In Asaba, Delta state, six domestic observers and one NDI international advisor were held overnight at a police station without charge.

On election day, two separate explosions struck Borno state. Two bombings occurred in Kaduna and a shooting in Jos left one person dead. Tensions between party supporters led to serious incidents of violence after the close of the polls. Mob violence broke out in a number of states where party supporters damaged property and physically harmed and killed members of opposing parties or INEC officials. The delegation notes with grave concern multiple incidents of violence in the post-election period that have resulted in loss of life and destruction of property.

Short-Term Recommendations

In preparation for the April 26 elections, the delegation recommends the following actions:

- Split all polling places with over 500 voters into sub-units to improve efficiency and access to the process;
- Standardize implementation of procedures in all states and local government areas;
- Ensure security, sufficient staff and adequate facilities for collation centers; and
- Follow through in prosecuting electoral offenders.

Recognizing the collaborative role that security officials have played in the improved electoral environment thus far, the delegation recommends that security services:

- Respond to increasing needs for better crowd control in ways that neither intimidate voters nor compromise the secrecy of their ballots; in cooperation with polling station staff; and
- Protect the rights of INEC-accredited citizen observers, including their right to move freely on election day and to access all aspects of the process.

As the aggregators of citizen interests and opinions, political parties play an important role in consolidating democratic practices. Given heightened competition for elective office at the state level, the delegation recommends that political parties:

- Rigorously follow and abide by provisions of the Code of Conduct prohibiting acts of violence, intimidation of voters and other violations of the Electoral Act;
- Refrain from extrajudicial and violent rejection of election results and use peaceful, legal means to resolve electoral disputes; and
- Submit names of agents assigned to represent parties at each polling unit.

I. ELECTION DAY OBSERVATIONS

Election Administration

The delegation noted higher voter turnout than for the National Assembly elections in polling sites observed, and was impressed by the dedication and neutrality of polling station staff, primarily

comprising NYSC members. Election officials showed initiative and exhibited increased confidence in addressing challenges that arose on election day.

Essential materials, including ballots and results sheets, were present in all polling stations observed, and most stations opened on time. The impact of refresher trainings quickly ordered by INEC was apparent—with many polling staff, for example, making renewed efforts to post polling station-level results.

In response to voter register omissions that emerged during the April 9 elections, INEC took positive steps to enfranchise more eligible voters, by providing updated voter registers or, in a few cases, addenda to polling staff.

The delegation noted a lack of uniformity among different states and localities in implementing INEC directives issued just days before the election, as well as an inconsistent application of prescribed procedures, especially regarding changes to the voter register.

Secrecy of the ballot continued to be a problem in many sites, where poor station set-up, lack of privacy screens or improper instructions to voters on folding ballots was observed. In one extreme case witnessed by delegates, voters were displaying their ballots to party agents before placing them in the ballot box.

Overcrowding was observed in many stations, creating a challenge for polling staff and security officials alike. Although INEC increased the number of staff in some stations, most units observed did not have sufficient staff or equipment to create or efficiently manage polling sub-units; even though some polling stations were assigned thousands of voters. While most polling staff and officials employed cooperative and creative measures to ensure order within stations observed by NDI, some were unable to maintain sufficient organization of the process. In these problematic stations, procedures developed by INEC to prevent fraud, including distinct accreditation and voting periods and double inking, were set aside – often at the request of voters – to expedite the congested process.

Delegates in some locations witnessed serious incidents including underage voting, campaigning, intimidation and indications of vote buying. While these incidents were limited and most polling station officials attempted to mitigate them, observers noted that the local voting communities in some areas encouraged these violations.

While some collation centers were well organized, transparent and adequately staffed, others lacked basic necessities including sufficient space and electricity. In some locations, observers witnessed large crowds – mostly comprising male youths – that were unruly and sometimes violent, threatening the quality of the process.

Political Parties and their Agents

Observers saw a number of party agents on election day and, despite isolated incidents of undue voter influence, most contributed positively to the process by cooperating with polling station staff and security officials to maintain order in polling stations. Despite requests by INEC, most political parties did not provide the names of those agents who would represent that party at specific polling units on election day, limiting the ability of polling staff to enforce order in the station and increasing the likelihood of impersonation of party agents by those wishing to disrupt the process.

Citizen Election Observation

The delegation notes the diligent efforts of tens of thousands nonpartisan citizen election observers, including the systematic observation activities of Project 2011 Swift Count, present on election day. It is troubling that a number of accredited citizen observers were intimidated and harassed. Some were prevented from completing their duties when they were not allowed to enter polling locations or to travel between polling sites. A number of observers were reportedly kidnapped by thugs and detained by police. In Asaba, Delta state, six domestic observers and one NDI international advisor were held overnight at a police station. The delegation strongly condemns the restriction of observers' rights and all threats to their safety and freedom, whether by criminals or officials.

Security Officials

Security forces deployed to polling stations throughout the country to maintain order in polling stations and prevent incidents of violence throughout election day. While the delegation found them to be present in most stations, their numbers in some stations were insufficient -- particularly in rural areas. Most security officials demonstrated restraint and professionalism, although the delegation heard isolated but concerning reports of mistreatment and unnecessary use of force.

Electoral Violence

On election day, two separate explosions struck Borno state; there were also two bombings in Kaduna and a shooting in Jos that left at least one person dead. Tensions between party supporters led to serious incidents of violence after the close of the polls. Mob violence broke out in a number of states and resulted in at least 12 deaths, many injured and destroyed or damaged property.

II. THE ELECTORAL CONTEXT

Since Nigeria's return to civilian rule in 1999, the country has struggled to hold credible democratic elections. The 2007 elections were especially flawed, prompting over 1200 petitions that ultimately led to the overturning of several gubernatorial and legislative races by the courts.

Soon after assuming office in May 2010, President Goodluck Jonathan appointed Professor Attahiru Jega -- a widely-respected member of civil society -- as INEC chairman. In planning for the April 2011 elections, INEC reintroduced the "modified open secret ballot," or accreditation voting, a system that requires voters to remain at polling units for long periods of time. Many Nigerians believe that this "vote and wait" effort limits fraud and the manipulation of results.

Although 20 individuals declared candidacies for president, only four candidates had national name recognition: Nuhu Ribadu of the Action Congress of Nigeria (ACN), Mallam Ibrahim Shekarau of the All Nigeria People's Party (ANPP), Muhammadu Buhari of the Congress for Progressive Change (CPC), and President Jonathan for the People's Democratic Party (PDP). In the week of the election, six of the 20 presidential candidates withdrew from the race and invited their supporters to vote for President Jonathan. A seventh left the race in favor of Gov. Shekarau. Since the official deadline for candidate withdrawal expired in February, all parties remained on the ballot.

Legal Framework

While a number of positive legal reforms were passed in the lead up to the April 2011 elections, the late timeline for their adoption led to confusion among political parties, election observers and the public. At one point, multiple versions of the law were in circulation. It took the intervention of the Nigeria's Attorney General in March 2011 to confirm the final version.

Voter Registration

In early 2011, INEC conducted an electronic voter registration exercise in an attempt to replace the widely discredited list from 2007. Problems in the process led to incomplete or inaccurate registrations of many voters, a number of whom were asked to re-register. Few citizens were able to verify they were registered, as procedures for review were not uniformly followed. INEC removed more than 870,000 duplicate entries, leaving 73.5 million voters on the list. On April 9, many eligible voters were turned away because their names were not on the register. Before the April 16 polls, INEC worked to update voter registers or create addenda of eligible voters omitted from the list.

The Campaign

Many presidential campaigns made a special effort to garner grassroots support, conducting door-to-door outreach and working with women's and other community groups. Two televised debates were organized for presidential candidates, but none involved all candidates. President Jonathan did not attend the first, and opposition parties refused to attend the second.

The National Assembly Elections

The National Assembly elections, held on April 9, marked a break from the failed elections of Nigeria's past. Citizen awareness, increased confidence in electoral authorities and engagement by parties and civil society contributed to a more credible election process. However, shortcomings included logistical problems, uneven performance by poll workers and violence in some places of the country on election day. Following the April 9 polls, INEC reported over 100 arrests of individuals – including potential voters and security personnel, election and government officials – for offenses ranging from electoral violence and voter intimidation, to vote-buying and diversion of sensitive election materials. The commission also confirmed 39 deaths immediately related to election day. This included the bombing of INEC's state office in Suleja where 16 individuals, including INEC staff, were killed.

Technology and New Media

As statistics confirmed that the number of Nigerians utilizing the internet substantially increased since 2007, parties, civil society, INEC and other government bodies utilized technology and new media to reach citizens, spread messages and gather information. Political parties used websites, social networking and SMS messaging to share information about their platforms and to organize their supporters. Citizen election monitors organized incident reporting and mapping to encourage citizens to share their experiences through online submissions and SMS messaging. INEC and security officials set up SMS hotlines to collect information and coordinate responses to incidents on election day.

Security Preparations

Between the National Assembly and presidential elections, INEC and the security services worked to further harmonize their respective responsibilities and mitigate violence in the election process. At the national, state and local levels, election and security officials coordinated efforts. They also shared information openly with parties and observers on steps taken to guarantee peaceful and credible elections. Civil society organizations conducted civic education programs aimed at raising the awareness of politicians and citizens in general on the need for peaceful and credible elections.

Election-Related Violence

Over 135 deaths have been attributed to politically-motivated violence with several hundred others injured during the primaries, campaign and election period. Through the election period, NDI

received reports of intimidation of candidates and their supporters, open brawls between supporters of different parties and candidates, kidnappings of candidates and their family members, shootings, assassination of candidates and bombings of innocent civilians.

III. LONG-TERM RECOMMENDATIONS

In light of the steps Nigeria has already taken to embrace electoral reform and in the spirit of international cooperation, the delegation proposes additional recommendations to help strengthen the electoral framework in the medium to long term. The effective implementation of these recommendations requires a strong commitment by the government and INEC, with support from civil society and political parties. An important guide to improving the process would be the "Uwais Report," prepared by the Electoral Reform Committee, chaired by former Chief Justice Muhammadu Uwais. The government, INEC, parties, civil society and others should continue to advance the reforms recommended by the Committee.

For the Government:

- Finalize the legal framework at least six months before the election, as stipulated by Article 2.1 of the ECOWAS Protocol for Democracy and Good Governance;
- Establish an Electoral Offenses Commission and clear guidelines for the management of electoral complaints and litigation;
- Create a Political Parties Registration and Regulatory Commission so that INEC can focus on election administration and avoid potential contention with political parties;
- Strengthen INEC's authority over state-level Resident Electoral Commissioners;
- Consider ways to enfranchise Nigerians who work on election day – including poll station staff, security officials, party agents, and citizen observers – as well as other citizens unable to participate due to immobility;
- Create a Constituency Delimitation Commission with direct responsibility for re-allocating wards and registration areas based on population changes; and
- Consider reforms to strengthen and enforce comprehensive political party finance laws.

For INEC:

- Develop comprehensive and consistent training programs for permanent and ad hoc INEC staff at all levels;
- Review performance during the 2011 elections to consolidate best practices;
- Address weaknesses in the voter register and adopt procedures for continuous voter registration as stipulated by the Electoral Act;
- Design a clear, effective and timely accreditation process to encourage the continued engagement of civil society and the international community in observing elections;
- Take longer-term action to plan for an equitable allocation of polling units based on voter registration figures, as the Electoral Act and Constitution provide;
- Develop voting mechanisms that will reduce the incidence of invalidated ballots; and
- Build institutional expertise by incorporating now-experienced NYSC ad hoc poll workers as future trainers and INEC staff.

For political parties:

- Adopt transparent candidate selection, campaign and party finance processes in compliance with the 2010 Electoral Act;
- Participate actively in the Inter Party Advisory Committee to promote dialogue and adherence to the Code of Conduct; and

- Support and promote female participation in party leadership at national and state levels, during the candidate selection process and as candidates.

For Civil Society:

- Build on the accomplishments of the 2011 elections to strengthen involvement in the political process;
- Continue to advocate for electoral reforms; and
- Enhance collaboration and cooperation on citizen participation in elections.

IV. ABOUT THE MISSION

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voter registration process and integrity of the voter register; the voting, counting, results tabulation, transmission and announcement processes; and the handling of election complaints and installation to office of those duly elected.

NDI fielded a 50-member delegation to the April 9 polls that included all of the present delegation members except one, and issued an April 11 statement that can be found at www.ndi.org. NDI's long-term observers will remain in Nigeria to observe upcoming gubernatorial, state assembly and delayed legislative elections. The Institute will continue to monitor the electoral process and issue reports at appropriate times.

NDI conducts its election observation in accordance with the *Declaration of Principles for International Election Observation*, which is endorsed by 36 intergovernmental and non-governmental organizations. These include the United Nations Secretariat, the African Union, the Commonwealth Secretariat, the Southern African Development Community Parliamentary Forum, the Francophonie, Economic Community of West African States (ECOWAS), the European Union, the International Republican Institute and NDI.

NDI has organized more than 150 delegations to assess pre-election, election-day and post-election processes around the globe in every region in the world. NDI has observed elections in Nigeria in 1998, 1999, 2003 and 2007.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, domestic election observers and civic activists. NDI has been officially accredited to conduct an international election observation mission by INEC.

NDI's international election observation mission in Nigeria is funded by a grant from the United States Agency for International Development.