



**STATEMENT OF THE
NATIONAL DEMOCRATIC INSTITUTE (NDI)
INTERNATIONAL ELECTION OBSERVER DELEGATION
TO NIGERIA'S APRIL 21 PRESIDENTIAL AND NATIONAL
ASSEMBLY ELECTIONS**

Abuja, April 23, 2007

This statement is offered by the National Democratic Institute's (NDI) international election observer delegation to Nigeria's 2007 national elections. The delegation to the April 21 presidential and national assembly elections was led by: Madeleine Albright, Chairman of the NDI Board of Directors and former US Secretary of State; Mahamane Ousmane, Speaker of the ECOWAS parliament and former President of Niger; Amos Sawyer, former President of Liberia; Joe Clark, former Prime Minister of Canada; Jeanne Shaheen, Director of the Institute of Politics at the John F. Kennedy School of Government of Harvard University and former Governor of New Hampshire; Justice Yvonne Mokgoro of the Constitutional Court of South Africa; and Kenneth Wollack, president of NDI. The delegation visited Nigeria from April 16 to 23 to assess preparations for, and observe, the 2007 general elections. The delegation included political and civic leaders, election experts and regional specialists from 16 countries in Africa, Asia, Europe and North America, as well as a team of long-term observers who, since March 15, have visited all six of the country's geo-political zones to observe the campaign period and the April 14 state elections.

Through this delegation, NDI seeks to express the international community's interest in, and support for, a democratic electoral process in Nigeria, and to offer an accurate and impartial report on the character of the election process to date. 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 the outcome. The delegation conducted its activities in accordance with Nigerian law and the *Declaration of Principles for International Election Observation*, which has been endorsed by 29 intergovernmental and nongovernmental organizations.

The delegation would like to stress that it does not intend to render a final judgment on the April 21 elections at this stage in the electoral process. Gubernatorial, state and national assembly elections in several states have been re-scheduled, the tabulation process has not been finalized for the presidential and national assembly elections, and the adjudication of electoral disputes has not yet begun. This statement is therefore preliminary in nature.

I. SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

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. As a result, at this stage, it is unclear whether the April 21 elections reflect the will of the Nigerian people.

A major problem that marred this stage of the electoral process was that polling stations in many states opened hours late, closed early or failed to open at all. This represented a fundamental barrier to popular political participation and most likely

disenfranchised many prospective voters. In all of the elections that NDI has observed in every region of the world, such a delay in the delivery of essential electoral material and in the opening of polling sites is unprecedented. The delegation also observed the additional electoral malpractices listed below. Similar electoral violations were cited by NDI's observer delegation to the 2003 national elections. Moreover, the pre-election period was characterized by the inability or refusal of the election authorities to release basic information about the electoral process to the contestants and the electorate.

Regrettably, the 2007 polls represent a step backward in the conduct of elections in Nigeria. At the same time, there are positive trends in the country's democratization process that give rise to hope. These include: an independent judiciary that responded in a timely way to the deadlines imposed by the electoral calendar; a legislature that has exercised its oversight and representative functions more effectively; a civil society that has mobilized in large numbers to monitor the electoral process and to educate voters; and a more vibrant media that has created channels for the expression of diverse views and the dissemination of information.

The delegation was impressed by the determination of thousands of Nigerian voters who waited patiently to exercise their fundamental political and civic rights, and the commitment of many pollworkers to conduct themselves and administer the polls in a professional manner under difficult circumstances. At the same time, delegates were disheartened by the relatively low voter turnout, which both voters and polling officials attributed to problems, including violence, experienced during and after the April 14 state elections.

The serious flaws witnessed during this electoral process threaten to further erode citizen confidence in the country's democratic institutions. Therefore, the delegation recommends, among other things, that between now and the end of the current government's mandate on May 29, peaceful and constitutional means should be pursued with all sense of urgency to resolve election-related disputes. The delegation believes that the expeditious adjudication and resolution of legal complaints arising from the polls is a vital component of this process.

II. THE ELECTORAL CONTEXT

Nigeria's 1998 and 1999 transition elections are best seen in the context of the broader impetus to end military rule. Nigerian and international observers viewed those elections as the beginning of a process of democratization and the rebuilding of a political infrastructure that would sustain and broaden the efficacy of civilian rule. Consequently, the flaws of a rushed electoral process were largely overlooked.

Expectations for the electoral process were higher for the 2003 polls, both within and outside Nigeria. The 2003 elections were seen as an opportunity to further advance democratic gains. While those elections were successful in some respects, there were also serious problems that compromised the integrity of the process. Those elections tested the viability of many of Nigeria's weak public institutions, most notably the Independent National Electoral Commission (INEC). NDI's delegation to the 2003 general elections noted extended delays and lack of transparency in the voter registration process that disenfranchised eligible voters; high levels of political violence; widespread lack of secrecy in balloting; vandalized, stolen and stuffed ballot boxes; and altered results during the multi-tiered tabulation, or "collation" process.

In the lead-up to the 2007 elections, a number of contentious issues have dominated the political discourse. The early pre-election period was overshadowed by a debate on proposed constitutional amendments, which included a provision to enable the incumbent president and governors to run for a third term in office. It was only after the National Assembly voted down the constitutional amendments that the Electoral Act was passed in June 2006. Party primaries were often contentious and many Nigerians believe that the lack of transparency in the selection of candidates impacted negatively on prospects for an inclusive and violence-free electoral process.

Even after this, INEC's public announcement of the electoral timetable in August 2006 was so delayed that many Nigerians began to question whether the Commission could register the estimated 65 million citizens eligible to participate in the 2007 polls. The electoral calendar stipulated that voter registration would begin on October 7, with elections for governors and state legislatures scheduled for April 14, and the presidential and national legislative elections for April 21, 2007.

Although voter registration started late, by early February INEC announced that 61 million Nigerians had registered to vote. However, the Commission did not make public the complete voter register or, in light of the technical problems that characterized the exercise, explain the process by which the 61 million voters had been listed. Nigerian citizens, civic organizations and political parties had a right to expect to see the voter rolls in order to verify the accuracy of the register, and to contact and mobilize eligible voters for the polls. While the lists were made available briefly at the precinct level immediately after the close of registration in early February, there was limited information about the release, thereby preventing a review by citizens, civic groups and political parties. Delays and/or lack of transparency surfaced again in other aspects of the process, such as the announcement of voting procedures; the location of polling stations; the training of pollworkers; and the accreditation of domestic observers.

During this period, INEC disqualified a number of candidates, including the vice president, on the grounds of indictment by a federal government administrative panel. INEC proceeded with its preparations while this decision was still being challenged in court. Five days prior to the election, the Supreme Court restored the vice president on the ballot.

III. OBSERVATIONS

The delegation visited polling sites in 14 states drawn from all six geo-political zones. Delegation members were also briefed by NDI's long-term observers, who had been present in all of these states during the previous five weeks. In other states not visited by the delegation, credible information was gathered from other observer groups, both domestic and international. This information reinforced the observations of the NDI delegates.

On a positive note, on April 21 the delegation observed a relatively smooth electoral process in some parts of the Federal Capital Territory, Niger, Plateau and Lagos states. In these places, polling stations opened on time, with sufficient materials and adequate numbers of polling officials and security agents. Domestic observers were present while polling officials and party agents generally performed professionally and cooperated to produce a credible voting process on election day.

However, in the preponderance of places the delegates visited, such as Abia, Adamawa, Anambra, Bauchi, Benue, Cross River, Enugu, Kaduna, Katsina, Ogun and Oyo states, a different picture emerged. Serious irregularities included:

- Delay in the distribution of balloting materials, which prevented polls from opening until late in the afternoon or not at all.
- Inadequate supply of voting materials, particularly ballots for both the presidential and legislative elections, and the “opening” and “results” sheets.
- In the case of legislative elections, ballot papers did not include all of the candidates. Because of these omissions, a significant number of races were suspended on election day and will have to be re-scheduled.
- Inadequate locations and facilities for voting and collation.
- Lack of secrecy of voting.
- A non-transparent and multi-tiered collation process, which made it vulnerable to manipulation.
- Disenfranchisement due to errors in the voter register.
- Inconsistent application of verification procedures for identifying voters.
- Failure to display the voter register.
- Allocations of voters per polling station that were greatly in excess of the standard 500 voters per polling station announced by the Commission.
- Underage voting.

While pre-election violence decreased prior to the April 21 polls, the delegation was deeply concerned by the use of youth for “protection” by political parties before and on election day. There were also incidents of improper conduct by security agents, stuffing and snatching of ballot boxes, intimidation by party agents and vote buying. In all places, ballot security was severely compromised as a result of the presidential ballot lacking serial numbers. This makes the system susceptible to abuse and will make it impossible to verify the accuracy of the results.

We are impressed by the deep commitment to peaceful civilian rule and the strong determination of the Nigerians with whom we met that problems should be resolved by legal and political means.

IV. RECOMMENDATIONS

During this critical time for Nigeria, in which major questions about the country’s evolving political and electoral system have been raised by those with whom the delegation met, concerted measures must be taken by the current government within the next five weeks in order to restore credibility and confidence in the electoral process. In recognition of these efforts, and in the spirit of international cooperation, the delegation respectfully offers the following recommendations:

- INEC should release results by polling site, and post these figures publicly as stipulated by the Electoral Act. This will enable citizens to independently verify the accuracy of the announced results. The delegation views the inability to track election results from the polling station to the national level as a major weakness of the electoral process.
- The election tribunals, contesting parties and INEC should cooperate to ensure the speedy judicial resolution of complaints, paying careful attention to their responsibility

to give voice to Nigerian voters, and to address issues which adversely affected voters on election day. In particular, the delegation calls on INEC to make available all the information and materials needed for the resolution of electoral disputes.

- All offences and crimes committed within the electoral context must be prosecuted expeditiously. This would reduce the impunity which has marred Nigeria's electoral process to date, and which threatens to undermine citizen confidence in the country's political institutions.
- All aggrieved parties should continue to respect the rule of law and exercise their constitutional rights peacefully. We commend the efforts of those Nigerians who through this entire process, have sought redress through constitutional means and demonstrated respect for the rule of law.
- The Commission should ensure that the technical failings identified above are corrected before the rescheduled elections are held.

The serious flaws witnessed during this electoral cycle threaten to further erode citizens' confidence in their country's nascent democratic institutions. Therefore, extraordinary steps must be taken by all concerned to address these issues in the immediate future. Resolution of these problems would contribute to the legitimacy of the incoming government, build trust in the country's institutions and demonstrate Nigeria's continued leadership on the continent. This delegation has faith in the resolve of the Nigerian people to rise to this challenge. Additional recommendations addressing direct citizen recourse will be included in our final report.

V. THE DELEGATION AND ITS WORK

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 registry; the voting, counting, results tabulation, transmission and announcement processes; and the handling of election complaints and installation to office of those duly elected.

NDI observation efforts for the April 2007 elections have thus far included a pre-election assessment mission in May 2006, followed by the deployment of long-term observers to monitor and report on electoral preparations, the voter registration process, the campaign period and the April 14 state elections. Through its program, the Institute has also assisted Nigerian civic organizations to field a coordinated domestic election monitoring effort during the voter registration period and on election day.

Since 1999, NDI's office in Abuja has conducted legislative strengthening programs with the National Assembly, worked with state governors, promoted women's political

participation and leadership, and supported civic organizations' issue-based voter education and mobilization efforts.

The delegation arrived in Abuja on April 16, 2007, and held a series of meetings with political and civic leaders. Delegation leaders met with the President of the Federal Republic as well as presidential candidates and political party representatives. The delegation also met with: representatives of the Independent National Election Commission (INEC), including its chairman; the Deputy Inspector-General of Police; former and current members of the National Assembly, including the Senate President and Speaker of the House; members of the Nigerian Bar Association; leaders of Nigeria's independent nonpartisan election monitoring organizations; representatives of the private sector; media executives; and religious leaders. The delegation also met with members of the diplomatic community. In accordance with the *Declaration of Principles for International Election Observation*, the delegation cooperated with international election observation missions from the European Union, the Commonwealth, the Economic Community of West African States (ECOWAS) and the International Republican Institute (IRI), as well as with Nigerian nonpartisan domestic election monitoring organizations.

On April 20, 61 delegates and staff members deployed in teams to the Federal Capital Territory (FCT) and to the following 14 states: Abia, Adamawa, Anambra, Bauchi, Benue, Cross River, Enugu, Kaduna, Katsina, Lagos, Niger, Ogun, Oyo and Plateau. The meetings conducted in Abuja were replicated at the local level by the observer teams. On election day, the teams observed the voting, counting and collation processes. Following the elections, the delegation members returned to Abuja to share their findings and prepare this statement.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, civic activists and those providing for our security. It benefited from their views and insights. NDI will continue to follow developments in the electoral process, and will issue a final report at a later date.