

**STATEMENT BY THE NATIONAL DEMOCRATIC INSTITUTE
ON THE JULY 7 AND 8 1996 PRESIDENTIAL ELECTION IN NIGER**

Washington, D.C., July 19, 1996

Since early 1991, the National Democratic Institute for International Affairs (NDI) has been working to assist Nigerien efforts to promote and then consolidate democratic institutions in the country. This effort has been a clear demonstration of the international community's interest in and support for democracy and human rights in Niger.

The efforts of Nigerien democrats were interrupted by the January 1996 coup d'etat led by then-Colonel Mainassara Bar., who promised a quick transition back to democratic, civilian rule. Unfortunately, the conduct of the presidential election on July 7 and 8 was so flawed that it represents a major setback to the democratization process in Niger.

At this time, NDI's activities to help strengthen democratic institutions have become incompatible with political developments that prevent Nigeriens from participating fully and freely in the civic and political life of the country. NDI feels that it can no longer carry out meaningful programs in support of democratic institutions in Niger and, therefore, has suspended its program and withdrawn its Niamey-based staff.

NDI has maintained a permanent presence in Niger since opening an office in Niamey last October. Following the January coup and the suspension of NDI's program to strengthen the Nigerien parliament and civic organizations, NDI representatives remained in Niger to support the transition process. They observed the pre-election and election periods, conducted pollwatcher training and assisted a coalition of Nigerien NGOs, the Collectif, which monitored the electoral process. The Collectif trained 840 independent Nigerien monitors, who were deployed on election day to observe the process in all regions of the country.

The events leading up to this election must be viewed not only within the context of international norms and standards but also in comparison to previous elections conducted in Niger since the democratic transition of 1991-92. The three rounds of legislative and presidential elections in 1993 were all characterized by strict compliance with Nigerien election laws and by a strong emphasis on transparency. The 1995 parliamentary elections, while not without problems, also enjoyed the confidence of the Nigerien electorate. This brief but positive electoral history makes recent events all the more lamentable.

Five years ago, the citizens of Niger made a historic turn in their call for multiparty democracy. The process of transition to democratic government has not been easy. Nevertheless, Nigeriens inside and outside of government had committed themselves to improving the political system. Unfortunately, these efforts fell to impatience in January as General Bar, led a military coup d'etat that overthrew Niger's democratically elected government.

General Bar, took power ostensibly to end the political impasse that had prevailed in Niger as a result of disputes between the former president and prime minister. The new government stated its intention

to restructure the country's constitutional system and restore democratic civilian government as soon as possible; Bar, expressed disinterest in remaining as head of state. During the early days following the coup, Nigeriens and members of the international community remained hopeful that the new military government would keep its promises. The government attempted to consult all sectors of Nigerien civil society in the process of drafting a new constitution and electoral law and convened a National Forum in early April to discuss this drafting process. Beginning with this Forum, however, disturbing trends emerged. These included the following:

- The recommendations of the Coordination Committee, which was named to propose a new constitution and electoral law, were largely ignored at the National Forum;
- The military government -- which had already replaced all local administrators (prefects) with members of the military shortly after the coup -- replaced most mayors, sous-prefects as well as numerous other officials within the government;
- The government continued to hold the former president, prime minister, and president of the National Assembly under house arrest through April 24 (three months after the coup d'etat); Intimidation of journalists and party activists became commonplace;
- The military government changed by decree a provision of the new electoral law requiring a candidate for president to resign from the military three months before an election. Invoking a clause added after the National Forum to authorize such changes by decree, the government shortened the time frame to eight days in order to allow General Bar, to run for president;

After the government announced the truncated presidential election calendar in April, the political environment continued to deteriorate, raising serious questions about the prospects for a legitimate election.

Evidence of the deteriorating environment included the following:

- Despite earlier promises to relinquish power, Bar, announced his candidacy for the presidency and embarked on numerous campaign trips, receiving state-run media coverage. Promoted to general, he began to set up local committees of support for his independent candidacy, reportedly with local administration involvement;
- The ban on political party activity continued until after the May referendum on the new constitution, despite the shortened electoral calendar;
- Just weeks before the election, the composition of the Constitutional Chamber of the Supreme Court, which has the power to validate candidacies and results, was changed by decree;
- The military government created by decree the High Court of Justice, which, constitutionally, should be named by and comprise members of the National Assembly. The High Court is responsible for trying high government officials for crimes committed while carrying out official duties. This act raised the specter of trials against other presidential candidates;
- The Syndicat Autonome des Magistrats au Niger (SAMAN), a professional association of judges, suspended its participation in the Independent National Election Commission (CENI) at all levels for two weeks. SAMAN's members, many of whom served as regional CENI officials, were protesting what they considered to be excessive influence by local representatives of the military council in the CENI's work during the May 12

referendum;

- Despite the CENI's assertions that it was adequately prepared to allow Nigeriens living abroad to vote as provided for in the electoral code, the government passed a decree stating that logistical problems prevented electoral operations outside the country's borders;
- The CENI asked three times for logistical reasons to delay the election (mainly due to difficulty getting voter lists completed and posted on time and lateness in delivering materials, including voter cards, to all polling sites). The military government's only positive response came at the last moment, on July 6, when it called for voting on a second day, adding to the confusion;
- No voter lists were posted in advance of the election for verification. Voter lists and electoral cards were still being completed and distributed immediately prior to the start of voting. With the creation of 4,000 new polling stations for this election and the late delivery of voter cards, many Nigeriens were unable to obtain their cards or find their polling stations on election day.

Election Day

NDI did not organize a large-scale observer delegation for this election and, therefore, cannot comment on irregularities that may have occurred in specific polling stations around the country. Nevertheless, the problems with this process were of a nature so serious and obvious that a major international observation effort was not necessary to reach conclusions about the conduct of the election. NDI based its assessment on credible reports from the media, political parties, election monitors and direct observations by its own representatives.

The disbanding of the CENI, at all levels, while the election was being carried out, undermined public confidence in the results. Its replacement by the Commission Nationale Electorale (CNE), appointed and controlled by the Interior Ministry, heightened the concerns of political parties, candidates and other observers about the counting and tabulation process. On the second day of voting and after the dissolution of the CENI, ballot boxes at polling stations in and around Niamey and in the departments of Dosso and Tillabery were transported by the military to local town halls, where the counting process was conducted in secret and in the absence of candidate representatives and independent observers. The centralization and tabulation of votes in Niamey also occurred in secrecy at the Palais Des Sports, surrounded by military security. These actions violated the electoral code, compromised the integrity of the process and raised serious doubts about the results announced later by the CNE.

Serious anomalies exist in the partial results announced by the CNE on July 9. These results covered 35 percent of the votes cast. An NDI analysis of the results, which the CNE released by region, showed Bar, garnering 29 percent of the vote on the first day of balloting, which was conducted under the CENI. Voter turnout reached 61.6 percent. However, results from the second day of voting, conducted under the newly appointed CNE, had Bar, securing 72 percent of the vote with a voter turnout rate of 93 percent. These dramatic inconsistencies reveal a statistical improbability that raises questions about the official results. In addition, with delays in the opening of polling sites in many areas and the inability of many voters to obtain voter cards or find their polling sites, an extremely high voter turnout was unlikely. The final election results announced by the CNE gave General Bar, 52.2 percent of the vote, eliminating the need for a run-off election.

Conclusion

Since the election, the four other candidates for president have been placed under house arrest. Moreover, political activity and all public gatherings have been banned, and many civic and political activists have been jailed. The government has also curtailed the print and broadcast media. An environment of intimidation and fear has returned.

The irregularities observed on election day cannot be characterized simply as mistakes that were somehow unintended or isolated. Rather, it is apparent that these irregularities represent a willful effort to subvert the process in order to achieve predetermined results. By any standards, the Nigerien people were denied an opportunity to express fully their will, and nascent democratic institutions have been undermined. Nigeriens were denied an election process that they deserved and, since 1991, had come to expect.

NDI is proud of its association with Nigerien democrats from across the political spectrum who have struggled to establish and strengthen a political system that reflects the aspirations of the people. We are saddened by the events surrounding the election and remain committed to those Nigeriens who are seeking peaceful means to restore the integrity of the elections and the democratic process.

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