

STATEMENT OF THE NDI/CARTER CENTER ELECTION ASSESSMENT DELEGATION TO NIGERIA

January 12, 1999

I. Introduction

This statement is offered by an international election assessment delegation, jointly organized by the National Democratic Institute for International Affairs (NDI) and The Carter Center, that visited Nigeria from January 5 through January 12, 1999. NDI and The Carter Center have conducted programs to support democratic development in Africa, Asia, Europe, the Former Soviet Union, the Americas and the Middle East. The two organizations have maintained offices in Abuja and Lagos since November 1998. This is the second in a series of NDI/Carter Center multinational delegations that will observe and assess the ongoing transition in Nigeria, culminating in a delegation during the presidential elections in February that will be co-led by former United States President Jimmy Carter.

The delegation's mission is intended to assess the evolving political environment, to offer an impartial report on the second of four elections scheduled to take place in Nigeria through February 1999, and to demonstrate the support of the international community for Nigeria's developing democratic process. The delegation has conducted its assessment according to international standards for nonpartisan international assessments. It does not seek to interfere in, or make a definitive judgment about, these elections or the transition program. Though the international community may well play an important role in supporting the Nigerian movement toward democracy, it will ultimately be the people of Nigeria who will determine the legitimacy of the elections and of the transition process.

SUMMARY

The delegation would like to stress that it did not attempt to carry out a comprehensive assessment of the January 9th elections. Through our meetings around the country, as well as from the findings of our election-day teams, which visited eight states and witnessed activities at over 100 polling sites and collation centers, the delegation offers findings, observations and recommendations in this statement.

The January 9th elections were generally peaceful and orderly. It appeared to the delegation that the elections represented another step forward in Nigeria's transition to civilian rule. The delegation noted a number of encouraging aspects in the electoral environment and on election day. At the same time, the delegation observed a number of problems and irregularities in the electoral process, and identified several areas for improvement to help ensure that the transition process leads to democratic civilian rule, as planned. These points are discussed in Sections II - VII below.

A number of positive steps have been taken by the Head of State, General Abdulsalami Abubakar, to liberalize Nigeria's political environment since the sudden death of General Sani Abacha last year. After 29 years of military rule, Nigerians express a desire to find a way for the military to assume a nonpolitical role in society. Nigerians will need to find a way to provide effective civilian oversight and adequate resources for military activities. Issues of how a civilian

government, civil society and military authorities learn from each other and develop constructive relationships were key concerns of many with whom the delegation met.

Nigerian voters appeared to be enthusiastic about the January 9th elections and hopeful about the transition process. It was apparent that the Independent National Electoral Commission (INEC) worked hard between the December 5th and January 9th elections to improve transportation, provide adequate materials and ensure that polling officials and security personnel were present at the polling sites. Agents from political parties were present in virtually all of the polling sites visited by the delegation, although all three parties were not universally represented. Nonpartisan Nigerian election observers were mobilized for the elections by the Transition Monitoring Group (TMG) and other nongovernmental organizations.

In addition to these positive aspects of the election, the delegation noted a number of issues that cause concern, including:

- *Lack of ballot secrecy;*
- *Low participation of women in the electoral process;*
- *Inconsistent application of electoral procedures;*
- *A number or irregularities, described in Section IV; and,*
- *Lack of a constitutional framework to give legal backing to the transition process.*

The delegation also offers a number of recommendations, set forth below in Section VI.

II. The Delegation and Its Work.

The delegation was composed of: Harry Johnston, former Member of the United States House of Representatives and Chairman of the House Subcommittee on Africa; Theresa Nyarko-Fofie, Member of the Ghanaian Parliament and Chair of the Women's Caucus; Maria Leissner, Representative of the Swedish Development Agency and former Leader of the Swedish Liberal Party and Member of Parliament; Maiga Amadou, Secretary of Elections of the PNDS Tarayya party of Niger and former Prefect of Dosso; Kenneth Melley, Secretary of NDI's Board of Directors; Robert LaGamma, The Carter Center's Nigeria Country Director; Peter Lewis, Professor of Political Science at The American University; Christopher Fomunyoh, Director of NDI's Programs in East, Central and West Africa; Patrick Merloe, NDI Senior Associate and Director of NDI Programs on Election and Political Processes; Peter Manikas, NDI Senior Associate and Regional Manager for Southern Africa. The delegation was also joined by Shari Bryan and Jerry Henderson, NDI Representatives in Nigeria, Vernice Guthrie NDI Program Officer for Nigeria, and Gillian Flies, The Carter Center's Nigeria Deputy Country Director.

The delegation was invited by Head of State General Abdulsalami Abubakar and accredited by the Independent National Electoral Commission (INEC). Delegation members met with a cross-section of Nigerian political party leaders, election officials, journalists and representatives of nongovernmental organizations, including the Transition Monitoring Group (TMG), a network of Nigerian civic organizations. The delegation consulted with representatives of other international groups present in Nigeria, including the United Nations, the Commonwealth Secretariat, the European Union, the International Republican Institute (IRI), the International Foundation for Election Systems (IFES) and the Solidarity Center. Delegates traveled to Abuja, Lagos, Enugu, Ibadan, Minna, Kaduna and Jos, to meet with local political parties, INEC authorities and to observe the January 9 Governorship and State House of Assembly Elections. On election

day, members of the delegation visited more than 100 polling sites, collation centers and INEC offices in 28 local government areas in eight states.

III. Current Political Environment

A number of positive steps have been taken by the Head of State, General Abdulsalami Abubakar, to liberalize Nigeria's political environment since the sudden death of General Sani Abacha last year. These steps have been welcomed by most Nigerians and the international community, and have set the stage for Nigeria's transition to civilian rule. While Nigerians seem hopeful that the transition plan will be completed, a segment of the population continues to doubt the intentions of the military to hand over substantial amounts of power, and others continue to express skepticism that the transition will be fulfilled. The December 5th elections demonstrated that the transition is underway and provided a basis for increased confidence in the runup to the January 9th poll.

It was generally agreed by Nigerian and international election monitors that the December 5th local government elections were credible, and confidence in the transition process appears to have grown among many Nigerians in the last few months. A number of political parties raised complaints about aspects of the December 5th election process, including allegations of intimidation, bribery of officials, vote-buying and other matters. Nonetheless, the parties have continued to participate in the process. The release of most civilian political prisoners and the lifting of some repressive decrees also have contributed to the growing confidence. The transition plan scheduled elections for December 5, 1998 (Local Government); January 9, 1999 (Governors and State Assemblies); February 20, 1999 (National Assembly); and February 27, 1999 (Presidential). Power is to be transferred to the elected authorities on May 29, 1999.

Electoral Framework. In the absence of an electoral code, the Independent National Electoral Commission (INEC) has issued guidelines that provide a legal foundation for the elections. The political parties have accepted the electoral framework, even though the transition schedule provides little time for the parties to prepare for elections. The guidelines are not comprehensive and they have been issued only a short time before the relevant elections.

Campaign Environment. Parties have been free to campaign throughout the country. Party leaders raised concerns about the expense of campaigning and intimidation in some areas. The news media have actively covered the parties and political issues. The media gave ample coverage and access to the parties and candidates in the run up to the poll.

Political Parties. Political parties have formed and are playing a growing role in shaping the political environment. Of the nine parties that were provisionally registered by INEC, only three qualified to compete in the state and national elections. The three - All Peoples Party (APP), Alliance for Democracy (AD) and Peoples Democratic Party (PDP) - vigorously contested the State Governorship and State House of Assembly Elections. While the parties appear determined to ensure a successful transition to civilian rule, they are still struggling to establish structures that are democratic and address the needs of the population.

The three parties conducted their candidate selection process for the January 9th elections through a mix of primaries and selection by consensus of the party leadership. The candidate selection process created considerable conflict within each party, and there were some

cases where different party factions each claimed that their candidate won the party's nomination for governor. A few of those denied their party's nomination decamped and sought to be the flagbearer of another party. These developments created difficulties in submitting the names of party candidates in time to meet the INEC deadlines. In a number of cases, the delays left less than one week to campaign.

Civil Society. A particularly encouraging aspect of the political environment is the role of civic organizations in monitoring aspects of the transition process. A nationwide coalition of 45 nongovernmental organizations formed the Transition Monitoring Group (TMG), which, along with representatives of other civic groups and trade unions, have been mobilizing Nigerian nonpartisan election observers. In addition, some Nigerian nongovernmental organizations, including religious and women's groups, have undertaken civic and voter education campaigns. These activities illustrate the desire of Nigerians to exercise their right to participate in governmental processes and their commitment to helping ensure the success of Nigeria's transition.

Broader Transition Issues. The Constitutional Debate Coordinating Committee (CDCC) was appointed by General Abubakar in November 1998 and charged with collecting views around the country on the 1995 draft constitution, which was produced under the Abacha regime but never enacted. The CDCC was called upon to recommend a constitutional framework before the completion of the transition to civilian rule. The CDCC submitted its report to the Head of State at the end of December and recommended adoption of the 1979 Constitution with some amendments taken from the 1995 draft. Many Nigerians criticized the CDCC's process for the short time frame, lack of comprehensive analysis and limited participation; many others, however, pointed to the importance of having a constitution firmly in place to support the transition and provide transparency to the process. The government has stated that a new constitution will be promulgated before the last set of elections, although it will not take effect until May 29, 1999.

The CDCC's recommendations reportedly address several issues at the core of the political debate in Nigeria, including the approach to federalism, decentralization and the aspirations of regional and ethnic communities. These issues are sometimes intertwined in discussions about "zoning" and regional rotation of offices. The issues surrounding allocation of wealth from natural resources were reportedly addressed by the CDCC's recommendation concerning revenue allocation. These issues are important because of concerns over severe economic deprivation in the oil-producing areas and because of fears in parts of the country that political and economic inequalities will exclude some groups from political power and control over national resources.

These constitutional issues are linked to pluralism and the problem of ethnic inclusiveness. Political developments, especially in recent years, have created serious grievances among major ethnic groups, and this increases the urgency of dealing with such issues promptly. The issue of revenue sharing, for example, has contributed to lingering unrest in the Niger Delta region, including recent protests by Ijaw minority youths in which demonstrators were killed. The demand for a greater share of oil revenue generated in the area has escalated, and demonstrators are now demanding that oil companies pull out of the Delta until ownership issues are settled. Troops reportedly were dispatched to the area, and the January 9th elections were postponed in Bayelsa state, where the unrest is located.

Another important issue facing Nigeria's transition is improving

civil-military relations. After 29 years of military rule, Nigerians express a desire to find a way for the military to assume a nonpolitical role in Nigerian society. Nigerians will need to find a way to provide effective civilian oversight and adequate resources for military activities. Issues of how a civilian government, civil society and military authorities will be able to learn from each other and develop constructive relationships were key concerns of many with whom the delegation met.

IV. The December 5th NDI/Carter Center Delegation

The NDI/Carter Center assessment delegation for the December 5th local government elections noted that those elections marked an important step forward in Nigeria's transition process. That delegation described a number of positive elements of the election process and pointed to several shortcomings as well. The delegation recommended that: 1) consideration be given to the possibility of opening another short voter registration period, because problems in the process prevented many from registering; 2) voter accreditation procedures at the polling sites either be followed consistently or other methods be considered for preventing multiple voting, particularly methods that would be less time consuming and thus more favorable for women to vote; 3) more training for polling officials be conducted on secrecy of the ballot, consistent use of the indelible ink and other procedures; 4) INEC enhance its national voter education program and encourage civic organizations and political parties to do so as well; 5) the government provide additional resources for INEC to carry out its mandate, including providing additional transportation, sufficient fuel, extra supplies and personnel; 6) credentials for non-partisan domestic monitors be made available widely and easily to competent organizations around the country; 7) political party leaders promote and develop a political culture that supports internal party democracy and reflects a commitment to including all Nigerians in the development of their country.

The December 1998 delegation pointed out that many Nigerians had been willing to overlook problems at the time of the local government elections, but that such problems, unless properly addressed, could take on added significance during the elections for state and federal offices. The present delegation noted that some of the problems have been addressed in varying degrees. Nevertheless, significant further improvements are needed in the final runup to the national elections on February 20th and 27th as enumerated below.

V. The January 9th Elections

The delegation would like to stress that it did not attempt to carry out a comprehensive assessment of the January 9th elections. Through our meetings around the country, as well as from the findings of our election-day teams, which visited eight states and witnessed activities at over 100 polling sites and collation centers, the delegation offers the following observations.

The January 9th elections were generally peaceful and orderly. It appeared to the delegation that the elections represented another step forward in Nigeria's transition to civilian rule. The delegation noted a number of encouraging aspects in the electoral environment and on election day. At the same time, the delegation identified several important areas for further improvement that would help ensure that the transition process leads to democratic civilian rule, as planned.

Atmosphere at the Polls. Nigerian voters appeared to be enthusiastic about the January 9th elections and hopeful about the

transition process. Despite administrative challenges on election day, voters, electoral officials, party agents and local observers demonstrated a cooperative attitude. Voter awareness seemed to have improved since the December 5th elections, which can be attributed to voters' experience with those polls and additional voter education efforts by INEC, the political parties and civic groups. While the delegation is concerned with any incidents of violence, it was encouraged that such incidents apparently were not widespread in this election. The role of police in providing security at the polls was a positive element of the election process.

Electoral Preparations. It was apparent that INEC worked hard between the December 5th and January 9th elections to improve transportation, provide adequate materials and ensure that polling officials and security personnel were present at the polling sites. In addition, a manual for polling officials was produced, with the assistance of international organizations, and additional training was provided to polling officials. Posters were available at polling sites that illustrated how to vote. In a number of locations, newly purchased voting screens were used to provide a private voting place, although a large number of polling sites still had no place for voters to mark ballots secretly. Polling officials, while in many instances arriving late, worked diligently for long hours, and most that we saw carried out their duties with integrity and competence.

Party Agents. Agents from political parties were present in virtually all of the polling sites visited by the delegation, although all three parties were not universally represented. Many appeared to have reviewed the polling officials manual, and were respectful of agents from the other parties. While there were confrontations among party agents, the delegation is not aware of widespread, large-scale clashes on election day. In a number of situations where questions arose about a voter's eligibility, agents seemed to cooperate with polling officials to resolve the issue.

In addition to these positive aspects of the election, the delegation noted a number of issues that cause concern.

Lack of Ballot Secrecy. As was the experience of the December 5th delegation, there was a distinct lack of secrecy at the point of marking the ballot and at the ballot box in the majority of polling sites visited by the delegation around the country. The common practice of marking ballots in the view of others and allowing the voter's choice of candidates to be visible as the ballot is put into the ballot box runs counter to INEC's guidelines and its polling official's manual. While many voters did not show dissatisfaction with the procedures, the process may well subtly but decisively affect some voters' choices. It also opens the possibility for electoral offences, such as that witnessed by one of the delegation's teams, where an unauthorized individual directly inspected each voter's choice as they marked their ballots, and even took ballots from some voters and deposited them in the ballot box.

The Involvement of Nonpartisan Local Observers. Nonpartisan Nigerian election observers were mobilized for the elections by the Transition Monitoring Group (TMG) and other nongovernmental organizations. The delegation noted that the approximately 1000 local observers accredited by INEC did not allow for adequate coverage of the over 110,000 polling stations. Domestic nonpartisan election monitoring is an accepted practice worldwide and provides an important vehicle for building public confidence in elections and citizen participation in democratic governance. The delegation's teams cooperated with Nigerian nonpartisan election observers, as well as other international observers, by sharing information about the

election process. The TMG and other organizations are planning to mobilize much greater numbers of local observers for the upcoming national elections, which should provide a valuable contribution by Nigerians to ensure the integrity of their election process and promote confidence in the mandate of those who win office.

Low Participation of Women in the Electoral Process. The delegation noted a low participation rate of women as voters and candidates. Traditional practices may account for low participation of women in many instances, but a more concerted effort by INEC, political parties, local monitoring groups, and civic and religious leaders could enhance the participation of women in the upcoming February elections.

Inconsistent Application of Procedures. Another matter of concern witnessed by this and the December delegation was inconsistent application of INEC procedures in ways that could cause confusion or undermine the integrity of the process. These included:

- Unavailability of indelible ink at some polling sites and non-application of indelible ink at a significant number of other polling sites;
- Failure at many polling stations to follow prescribed times and other procedures for the accreditation process at many polling sites;
- Departure of large number of voters after accreditation, rather than staying at their polling site to limit the possibility of multiple voting;
- Lax security of ballot boxes and ballots following the count in a number of polling sites visited by the delegation;
- Failure to provide legible copies of vote count forms to party agents and police;
- Polling stations run with two and sometimes only one election official; and,
- Some election officials seemed not to know their tasks.

Irregularities. A number of irregularities came to the attention of the delegation through its observations and interaction with other observers, both international and local. They included the following:

- Several delegation teams witnessed a limited number of instances where political party agents acted as polling officials or as the de facto manager of polling stations. Should this develop into a wide practice during the February elections, the integrity of the election process could be undermined, especially where races are close.
- Whether true or not, a perception exists among a significant segment of the population that financial corruption and thuggery could undermine the integrity of the election process. The delegation was concerned by numerous reports of bribery, attempted bribery and intimidation of polling officials and party agents as part of alleged efforts to stuff ballot boxes. These charges warrant investigation by INEC, the parties, media and election observers.
- Allegations that party agents “snatched” ballot boxes also cause concern for the integrity of the process, especially if tensions rise in the February elections.
- Of lesser concern, and a matter for voter education, the delegation witnessed numerous examples of probable “family voting,” where one person was allowed to present two or more voter cards for accreditation.

VI. Recommendations

The delegation appreciated the enthusiasm and determination of Nigerians to improve the election process and to complete a successful transition to civilian rule in accordance with the transition time-table. The delegation was warmly received by INEC, government officials, political and civic leaders and by the voters. Based upon the global experience of NDI and the Carter Center and in the spirit of international cooperation, the delegation therefore offers the following recommendations in hopes of assisting those working to implement the transition program.

1) Political Dialogue. The government, political parties and organizations representing civil society should advance a dialogue concerning issues that are central to building a political environment marked by political inclusiveness and pluralism. Establishing the ground rules for a political process whereby those who hold power after May 29, 1999, and those in opposition can take up constructive roles--rather than playing winner-take-all politics--should begin at the earliest possible stage of the transition.

2) Constitutional Framework. Without prejudice to long-term constitutional development, the government should provide a constitutional framework at the earliest possible date to establish a clear legal basis for the National Assembly and the Presidential elections. A related issue is the assumption of office by newly-elected civilian officials. Regardless of the day that the new constitution takes effect, the government should consider an early, staggered swearing-in of those civilians elected to local and state government offices. The assumption of office by these elected officials would greatly enhance the public's confidence in the transition and would allow the elected officials to begin immediately to take on the responsibilities they have sought. In addition, as in transitions in other countries, a government funded office should be established to assist the newly elected officials preparing to assume office.

3) Accreditation of Local Observers. INEC has provided for accrediting local observers in its guidelines, and a number of nonpartisan Nigerian observers participated in the December 5th and January 9th elections. However, not all local observers were able to receive accreditation, which created some confusion about possible arbitrary caps being set on local observers. INEC therefore should make clear at the earliest possible date that it will accredit all local observers trained for impartial (nonpartisan) observation by Nigerian organizations.

4) Political Party Code of Conduct. Having noticed the political parties commitment to ensuring the integrity of the election process, the delegation recommends that the political parties and INEC agree on a code of conduct and ethics for the upcoming elections. As the stakes get higher and competition sharpens for national offices, the parties and the electorate would benefit if the parties agree not to manipulate the process through financial incentives, intimidation of voters and violence against each other. Agreement on a code of conduct and campaign ethics would send a major signal to the population that the political leadership of the country is committed to the transition to civilian rule and democratic practices.

5) Candidate Selection. In order to further enhance party development and internal democracy, the political parties should clarify, at the earliest possible time, the process each will use for candidate selection for National Assembly and President. This also would reduce the potential for conflict within the parties and provide a fairer chance to secure nominations.

6) INEC-Political Party Communication. INEC and the political parties

should maintain regular and frequent communications. One method of structuring this would be to establish a “party liaison committee” at the national and subordinate levels, which would meet at least weekly through the presidential election. Such interactions would allow INEC to provide information simultaneously to the parties. This would help avoid confusion and misunderstandings. It also would allow the parties to raise issues with INEC and each other, which could help avoid major problems that easily arise in heated election environments.

7) Release of further INEC Guidelines. INEC should release guidelines for the February 20 National Assembly elections and the February 27 presidential election on an urgent basis. Expedited release of the guidelines could help the parties prepare properly as the elections approach. Late release of guidelines causes the parties to organize their campaigns and candidate selection without a complete understanding of the legal framework for the elections. All three of the political parties expressed a desire to the delegation to receive the guidelines urgently.

8) Ballot Secrecy. Further efforts to ensure secrecy of the ballot should be taken by INEC, the political parties and others. Concerted voter education should be conducted at this point, including that secrecy of voting is a right. More voting screens should be provided, if possible, at all polling stations and all polling officials should be specially instructed in setting up their station to ensure secrecy of the ballot, by using any materials that may be available for this purpose. Polling officials should be instructed to prevent any person from inspecting the votes of others.

9) Voter Education and Enhancing Women’s Participation. While voter education efforts following the December 5th elections appears to have contributed to improved voter awareness, confusion about voting procedures merits further voter education efforts, especially efforts that can help illiterate voters know how to identify each candidate/party and mark the ballot properly. INEC, the political parties and civic organizations also should conduct concerted civic education efforts aimed at encouraging women to participate in the transition process as INEC polling officials, party agents, local observers, voters and candidates.

10) Further Training for Polling Officials and Providing Adequate Resources. The performance of polling officials and provision of voting materials improved over the December 5th elections. Inconsistent application of voting procedures and reports of irregularities in the January 9th elections indicate that further training of polling officials will be needed before the February elections. In addition, provision of adequate resources to INEC for administering the February elections will continue to be a major need for ensuring the success of those polls.

VII. Conclusion

The delegation would like to express its sincere appreciation to all of the political leaders, INEC officials, leaders of civic groups and representatives of the international community with whom it met. Without their valuable insights, the delegation could not have completed its work.

The January 9th elections mark another important milestone in Nigeria’s transition timetable. The upcoming elections and the period leading to the May 29, 1999, transfer of power to civilian rule will require continued hard work by electoral authorities, political parties and civic organizations. The pre-transfer period also will require greater dialogue about the issues facing Nigeria in the period after

May 29. It will be an important challenge to Nigeria's leaders to advance this dialogue, while taking on the pressing tasks of the third and fourth elections in the transition time-table. Many Nigerians are demonstrating a commitment to successfully taking on these challenges. NDI and The Carter Center will continue to monitor the process and remain prepared to assist those working to meet the challenges to build a democratic and stable future for Nigeria.

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