

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

December 8, 1998, Abuja

I. The Delegation and Its Work

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 November 30 through December 8, 1998. The two organizations have conducted programs to support democratic development in Africa, Asia, Europe, the Former Soviet Union, the Americas and the Middle East. This is the first in a series of 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 led by former President Jimmy Carter.

The delegation is composed of Sharon Pratt Kelly, former mayor of Washington, DC; Hama Amadou, former prime minister of Niger; J.A. Kufuor, leader of Ghana's New Patriotic Party; Thomas Melia, NDI Vice President for Programs; Gordon Streeb, Associate Executive Director of The Carter Center; Njoki Ndungu, Kenyan jurist and civic leader; Gwendolyn Mikell, Chair of the African Studies Program at Georgetown University; James Oliver, former member of the Maine State Legislature; Linda Rotblatt, legislative assistant to U.S. Senator Russ Feingold (Member, Senate Subcommittee on Africa); Grant Wilson, U.S. businessman and philanthropist; and David Carroll, Associate Director of The Carter Center's Democracy Program.

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 non-governmental organizations, including the Transition Monitoring Group (TMG), a network of Nigerian civic organizations. The delegation consulted with representatives of other international groups present, including the United Nations, the Commonwealth, the International Foundation for Election Systems (IFES) and the International Republican Institute (IRI). Delegates traveled to Abuja, Lagos, Enugu, Ibadan and Kano to meet with local political parties, INEC authorities and to observe the December 5 local government elections. On election day, members of the delegation visited more than 200 polling sites, as well as collation centers and INEC offices in 21 local government areas in six states and Abuja.

The purposes of the delegation's mission are to demonstrate the support of the international community for a successful transition to democratic civilian government, to assess the evolving political environment, and to offer an impartial report on the first of four elections that are scheduled to take place in Nigeria during the next three months. The delegation has conducted its assessment according to international norms. It does not seek to interfere in, or make a definitive judgement about these elections or the transition program. Though the international community may well play a critical role in supporting the Nigerian movement toward democratization, it will ultimately be the people of Nigeria who will determine the legitimacy of the process.

II. Current Political Environment

Following the sudden death in June 1998 of General Sani Abacha, positive steps were taken by his successor, General Abdulsalami Abubakar, to liberalize the political environment. These steps have been welcomed by Nigerians and the international community, and have set the stage for Nigeria's transition to democratic rule. In a statement on July 20, Gen. Abubakar officially announced the time line for elections, dissolved the existing political parties and electoral commission, and set the official date for a return to civilian rule. According to the transition plan, power is to be handed over to a civilian government on May 29, 1999, after a series of elections scheduled for December 5 (Local Government), January 9, 1999 (State Assembly and Governors), February 20, 1999 (National Assembly), and February 27, 1999 (Presidential).

Although there are lingering fears about the role of security forces, confidence in the integrity of the transition appears to have grown among Nigerians in the last few months. Some political prisoners have been released, some repressive decrees have been lifted. Political parties have begun to develop freely and are playing a central role, even though they are newly established and in early stages of institutionalization. As such, they are still struggling to be fully inclusive of traditionally disenfranchised groups, especially women. Nine parties were provisionally registered by INEC, and only a few will qualify to compete in subsequent elections. All of the parties appear determined to ensure a successful transition to civilian rule.

In addition, INEC has assumed an independent role in keeping with its mandate, and has been given full responsibility for managing the election process. Since its creation, INEC has issued a series of guidelines governing the transition period, including requirements for the formation and registration of political parties, and for the conduct of local government elections. Some Nigerian non-governmental organizations, including women's groups, have also undertaken civic education activities. On December 1, the Provisional Ruling Council issued enabling decrees that made constitutional and transitional provisions for a system of local government by democratically elected local government councils. These decrees also reduced the threshold for enabling political parties to contest subsequent elections from ten to five percent of the vote in a minimum of 24 states.

While these electoral guidelines have created the legal foundation for the elections, Nigeria lacks a clear constitutional order. Working from a constitution drafted under the Abacha regime in 1995, but never enacted, the Abubakar government recently appointed a Constitutional Debate Commission to review and revise the Constitution prior to the completion of the transition. Even though many Nigerians criticize the process for the short time frame and the lack of comprehensive analysis and participation, many also recognize the importance of having a Constitution firmly in place to undergird the transition and provide transparency to the process.

At the core of the debate are questions of federalism and decentralization, including the control and distribution of national wealth, the power of federal government versus state authorities, and the aspirations of regional and ethnic communities. In several areas of the country, citizens have expressed fears that some groups may be excluded from political power and control over national resources. These concerns are amplified by the dire economic situation facing the country.

Although many Nigerians express a concern that elements in the military may not be fully supportive of the transition, most observers

believe that General Abubakar is firmly committed to completing the return to civilian rule. Overall, cautious optimism seems to characterize Nigerians' attitude toward the transition program and they look forward to rejoining the international community of democratic nations. As the first in a series of elections leading to a handover to civilian government, the December 5th elections represent an important step in Nigeria's transition to democracy.

III. Observations of December 5th Elections

The NDI/Carter Center delegation deployed observers for the December 5th local government elections. Given the size of Nigeria and the complexity of its politics, we cannot claim to have completed a comprehensive assessment of the elections. Nonetheless, our observation teams visited six states, and Abuja, and observed the activities during election day at 205 polling sites.

Despite the difficult conditions in which these elections were held, our observers reported that they were largely orderly and peaceful. It appeared to us that turnout averaged from 20 to 30 percent of the number of voters on the registry. Most Nigerians we encountered felt that these elections represented a positive step in the transition to civilian rule. While there were reports of several election related deaths and acts of violence, these were apparently isolated events and not characteristic of the overall process.

An important indicator of the credibility of the electoral process was the fact that party agents were present at polling stations throughout the country. However, it is unclear to us how well they were able to fulfill their responsibilities.

We note that a number of Nigerian civic groups have assumed responsibility for monitoring the process and for conducting civic and voter education. These initiatives are a critical element in any successful democracy, and are to be applauded. Members of the delegation saw domestic monitors in various locations and exchanged information with them. The network of organizations that has come together in the TMG has set out to mobilize thousands of volunteers by the time of February's presidential election, and to coordinate with other complementary efforts, such as those organized by the free trade unions in the re-emerging Nigerian Labor Congress.

While our overall assessment is thus a positive one, there were several clear shortcomings in the administration of the elections that our observers noted. While many Nigerians have been willing to overlook these problems on this occasion, the forthcoming elections for state and federal offices may well be more hotly contested, receive more scrutiny or attract larger number of voters. These problems could then take on added significance if not properly addressed.

Before discussing them, however, it is important to underscore our admiration for the many thousands of INEC officials at every level. They endured personal hardships and labored tirelessly to implement this election and often had to rely on individual creativity and common sense to see the process through to completion. The conspicuous role of women as polling officials in many places was heartening.

The following concerns seem important to note:

Election procedures and poll workers The delegation observed that many procedures which had been clearly defined in the INEC training manual were not followed at the polling stations. Instead, individual stations resorted to ad-hoc measures to complete their tasks. Specific examples include: (a) voting instructions – voters were

given various instructions concerning how to handle and cast ballots; some were told to fold the ballot with the marked side inside so as to ensure secrecy, while others were told to fold with the marked side outside so as not to smudge the thumbprint; (b) indelible ink – only a small percentage of polling stations we visited employed indelible ink and there were no instructions in either the guidelines or training manuals for its use; (c) rejected ballots – our observers noted a lack of standard criteria for resolving contested ballots, many of which were the result of smudged ballots; (d) control and distribution of blank ballots - handling of booklets of blank ballots was often lax with no registering of ballot numbers assigned to specific ballot boxes; some clerks stamped registration cards when distributing ballots, others did not.

Ballot Secrecy In the majority of polling stations, the secrecy of the ballot was not guaranteed, either at the point of marking the ballot—which was often done in full view of other persons—or at the point of casting the ballot in the box. Although the delegation considers this a serious matter, since secrecy of the ballot is a fundamental aspect of sound elections, we also note that few Nigerians found this to be troubling, and most seemed comfortable with the process. This appears to suggest that voter education, as well as more thorough training of poll workers and party agents, is in order.

Women's Participation Observers were struck by the low turnout of women in many locations, particularly in the northern regions. Nigerians we spoke with suggested that this was due in part to the divided accreditation/voting process. This time consuming process placed an extra burden on women, who needed to combine voting with their responsibilities. In some areas cultural factors also influenced the low turnout.

Registration and Accreditation There was disenfranchisement of voters due to problems with registration, and to problems with the accreditation process. The two-week registration period was not sufficient to register all Nigerians who wanted to participate in the process. As a result, many potential voters complained that they were unable to register during the prescribed period. In addition, some voters with cards who expected to vote were turned away because their name did not appear on the registration list at their polling station. An election day instruction from INEC to permit such voters to cast ballots was apparently not circulate. Others did not understand the accreditation process and arrived to vote without having been accredited.

IV. Recommendations **Registration** In order to address the concern that many Nigerians were not afforded the chance to register, we recommend that INEC consider opening a short period for additional registration. To prevent multiple voting, we recommend that further measures be adopted, including strict adherence to the procedures for indelible inking and other measures which the international community could assist INEC in implementing.

Accreditation While in theory INEC's accreditation process should prevent multiple voting, in practice it was not implemented properly. It also was cumbersome, time consuming and contributed to lower turnout, especially among women. Therefore we recommend that INEC either enforce the rules consistently or examine other methods to minimize multiple voting.

Poll Worker Training Given the wide disparities in the ways that poll workers implemented Saturday's election, it is clear that more consistent training in the proper procedures is needed. This includes

training relating to the secrecy of the ballot, consistent use of the indelible ink, and implementation of the accreditation process.

Voter education In light of widespread confusion about election day processes, including the accreditation process, we recommend that INEC enhance its national voter education program and encourage civic organizations and political parties to do so as well.

Resources The government should ensure additional resources for INEC to carry out its mandate, including providing additional transportation, sufficient fuel, extra supplies and personnel.

Credentialing of Domestic Monitors Credentials for non-partisan domestic monitors should be made available more widely and easily to competent organizations throughout the country. Although INEC provided 370 credentials to domestic observers this week, we hope that a substantially larger number will be provided in the future because of the vital confidence-building and civic education role that nonpartisan independent monitors can play.

Party Development It is incumbent on political party leaders to 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.

V. Conclusion

The December 5th elections mark an important step forward in Nigeria's transition. In order to take the next steps however, several things must occur: INEC and the government will have to address some of the shortcomings that became apparent on December 5th; political parties and community leaders must remain committed to making a transition to civilian rule; and voters must increase participation and ownership of the political process. Moreover, Nigeria's return to the international community requires the military to abide by the mandate for a political transition through the elections and beyond May 29, 1999. Along with others in the international community, we are prepared to assist Nigerians in their efforts to secure a more genuine democracy.

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