



**STATEMENT OF THE  
NATIONAL DEMOCRATIC INSTITUTE (NDI) INTERNATIONAL  
ELECTION OBSERVER DELEGATION TO NIGERIA'S APRIL 19  
PRESIDENTIAL AND GUBERNATORIAL ELECTIONS**

*Abuja, April 21, 2003*

**I. EXECUTIVE SUMMARY**

This statement is offered by the international election observer delegation organized by the National Democratic Institute (NDI) to Nigeria's 2003 general elections. The delegation to the April 19 Presidential and Gubernatorial elections was led by the Honorable Justice Joseph Warioba, former Prime Minister of Tanzania; the Honorable Nora Schimming-Chase, Member of Parliament from Namibia; the Honorable Carole Hillard, former Lt. Governor of South Dakota; Kenneth Wollack, President of NDI; and Dr. Christopher Fomunyoh, NDI's Senior Associate for Africa. This delegation followed a separate mission that monitored the April 12 National Assembly polls. NDI's combined delegation for the two elections included 50 observers from 12 nations in Africa, Asia, Europe and North America, who visited Nigeria from April 7-22.

The purposes of the delegation are to express the international community's interest in and support for a democratic election 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 election process and recognizes that it is the Nigerian people who will ultimately determine the credibility and legitimacy of the outcome. The delegation's assessment is based on international standards and comparative practices for democratic elections, as well as provisions of the Nigerian Electoral Act. It includes direct observation and information shared by other international observers and domestic monitors. This statement also includes updated information from the April 12 National Assembly elections collected by the delegation during the run-up to the Presidential polls.

The delegation witnessed widely varying electoral practices on April 19: those that were conducted in a generally orderly manner, where problems occurred but were localized and not likely to have a measurable impact on the outcome; and those where blatant malpractices clearly distorted the poll results in the areas where they occurred. Serious irregularities appeared more widespread in certain states; others were concentrated in areas within states.

It is not possible at this stage, however, to render a final judgment on these elections. The tabulation process has not been finalized for either the National Assembly or the Presidential and Gubernatorial elections, and the adjudication of electoral disputes has not begun.

The delegation urges all parties to pursue peacefully the resolution of disputes through Nigeria's judicial system, including electoral tribunals. This could conceivably include the re-holding of elections in those areas of greatest dispute. The judicial system must assume responsibility for rendering independent and impartial judgments in a timely manner.

The delegation commends the vast majority of Nigerians who expressed their right to vote for the candidates and parties of their choice with determination and patience, and in a peaceful manner. The Independent National Electoral Commission (INEC) also deserves credit for rectifying many of the logistical problems that marred the conduct of the National Assembly elections in the space of one week. In preparation for the April 19 polls, INEC delivered sufficient supplies of voting materials to allow the majority of polling stations to open on time. Provisions were made in many places to allow voters to mark their ballots in relative secrecy. Efforts were also made to ensure adequate lighting and in some cases

calculators at collation centers. These efforts by INEC demonstrated that the Commission had the capacity to execute its duties more efficiently.

However, there were irregularities committed by officials, activists and supporters of the major political parties. INEC demonstrated an inability to ensure the overall secrecy and security of the voting and counting process. This appeared to have severely limited, and even denied in some parts of the country, the ability of Nigerians to express their franchise during both the National Assembly and the Presidential/Gubernatorial elections. During the National Assembly polls, instances of ballot stuffing, rigging, voter intimidation, violence and fraud – particularly during the collation process - were so acute in certain parts of the country, particularly the South-South and South-East regions, that we have serious concern about the legitimacy of the results in certain constituencies. A similar and equally worrisome pattern is emerging from the April 19 polls.

It is difficult to ascertain the impact of these irregularities. However, the cumulative effect of these problems seriously compromised the integrity of the elections where they occurred and will most likely erode public confidence in the electoral process. Many Nigerians, committed to expressing their choice of party and candidate through the ballot box, expressed to delegation members grave doubts that their vote would actually be counted in the manner it was cast at the polling site. Therefore, they urged delegation members to extend their observation from polling sites to the complicated and multi-staged collation process.

Elections in any country bring to light the strengths and weaknesses of political institutions in society as a whole. This is true in Nigeria. It is the hope of this delegation that these elections will provide a structural framework upon which to replicate and expand the positive practices that did occur during the electoral process and to correct serious flaws in Nigeria's evolving democratic dispensation. Given Nigeria's political history and electoral experiences, extraordinary steps will be necessary to build public confidence in the country's election process. In the spirit of cooperation, the delegation offers the following recommendations:

- The Nigerian government should convene a comprehensive, inclusive and nationwide review of the entire electoral framework that will lead to fundamental reforms. These reforms should include, among others, the proper implementation of a continuous system of voter registration, the streamlining of the multi-tiered tabulation process and the nationwide publication and posting of results from individual polling sites. Provision should also be made to allow for poll workers and on-duty security personnel to vote.
- The Nigerian government should provide INEC with adequate funds in a timely manner so that it can carry out its responsibilities, and should grant it greater autonomy and independence.
- A more autonomous and accountable INEC must resolve problems in the election process, implement internal reforms to improve its technical capacity, strengthen internal controls to protect the sanctity of the voting process and immediately make public the voter registry.
- The Nigerian government, INEC and political parties should share responsibility for and give priority to conducting voter and civic education.
- Nigerian electoral tribunals should move expeditiously and fairly in assuming responsibility to adjudicate election disputes.
- Political parties should adhere to conduct that rejects violence as an instrument of political participation. Political leaders should assume responsibility for reining in those

within their party ranks who are committing violent acts. Perpetrators of political violence should be prosecuted.

- Nigerian civil society groups and individual citizens should continue and expand their efforts to promote and protect a democratic election process.
- At all levels of Nigerian society, extraordinary efforts must be made to reduce opportunities for the corruption that has too often undermined the conduct of elections and the country's nascent democratic institutions.

## **II. THE DELEGATION AND ITS WORK**

The delegation to the Presidential and Gubernatorial elections arrived in Abuja on Monday, April 14 and held a series of meetings with political and civic leaders. Delegation members met with leaders from the ruling and opposition parties. The delegation also met with: representatives of the Independent National Election Commission (INEC), including its Chairman and Secretary; and leaders of Nigeria's nonpartisan election monitoring organizations, including the Transiting Monitoring Group (TMG), Justice Development and Peace Commission (JDPC), National Labor Council (NLC) and Federation of Muslim Women Associations in Nigeria (FOMWAN). The delegation also met with representatives of the international community, including the United Nations Electoral Assistance Division and the International Foundation for Electoral Systems. The delegation worked closely with other international observer missions, including the African Union, the Commonwealth, the European Union and the International Republican Institute.

On April 17, delegation members deployed to the Federal Capital Territory (FCT) and the following 15 states: Abia, Anambra, Delta, Edo, Enugu, Kaduna, Kano, Katsina, Kogi, Lagos, Niger, Oyo, Plateau, Rivers and Sokoto. The meetings conducted in Abuja were replicated at the local level by our teams. On election day, the teams observed the voting and counting process in nearly 300 polling stations and collation centers. Following the elections, the delegation members returned to Abuja to share their findings and prepare this statement.

NDI believes that an accurate and complete assessment of any election must take into account all aspects of the electoral process, in addition to the political context in which it takes place. These include:

- The legal framework for the elections
- The voter registration process
- The campaign period
- The voting process
- The counting process
- The tabulation of results
- Election petitions and the application of sanctions for election violations
- The process for the transfer of power

In preparation for these elections, NDI conducted two pre-election assessment missions jointly with The Carter Center in November 2002 and March 2003. Reports from those missions, along with NDI's periodic updates on the election process, can be found on NDI's web site at [www.ndi.org](http://www.ndi.org). An NDI/Carter Center team also visited Nigeria during the voter registration exercise conducted in September. In addition, ongoing monitoring of the electoral process by NDI staff in Abuja contributed to the international observer assessments of the electoral process.

NDI conducted the first phase of its present electoral mission from April 7-14, 2003, to observe the April 12 National Assembly elections. NDI released a preliminary statement of its findings and

recommendations from the observation of that election on April 14, which is also available on NDI's website.

Since 1998, NDI has worked continuously with Nigerian partners to strengthen election, parliamentary and other democratic processes. The Institute is presently assisting civil society organizations in the training and deployment of domestic election observers across the country. The activities of this international election observer delegation are meant to complement and support the work of Nigeria's domestic monitors.

NDI does not seek to interfere in the election process, and the delegation wishes to emphasize that NDI does not at this point intend to render a conclusive assessment of the process. At the time of issuance of this statement, the final tabulation of results for both the April 12 and April 19 elections is not complete. This statement is therefore preliminary and will be followed by a more comprehensive report of Nigeria's 2003 election process.

### **III. ELECTORAL CONTEXT**

Unlike Nigeria's 1998-99 polls, when the broader impetus to end military rule obscured the flaws of a rushed electoral process, expectations for more credible elections were higher for the 2003 polls, both in and outside of Nigeria. Nigerian and independent observers viewed the 1998-99 elections as the beginning of a process of democratization and the rebuilding of political institutions to sustain and broaden the efficacy of civilian rule. The 2003 elections came to be seen as an opportunity to further advance democratic gains. Broad consensus in Nigeria exists over the importance of change through the ballot box, with the vast majority of Nigerians strongly committed to keeping the military out of politics.

Getting to these critical elections has tested the capacity of many of Nigeria's weak public institutions, most notably INEC. INEC's performance leading up to and during the April 12 National Assembly elections made it the object of significant criticism for its perceived lack of independence from the executive branch of government, and for a wide range of institutional and professional shortcomings. INEC blamed its slow and inefficient management of the electoral process on delays in government disbursement of the Commission's budgetary allocations.

INEC did not begin registering voters until September 2002, blaming the delay on a number of factors, including the late arrival of registration materials from a South African contractor, the refusal by the executive branch to release funds to INEC for registration, and a court order postponing the exercise during the Appeals Court hearings on the suit brought against INEC by five unregistered political parties.

The initial voter registration conducted in September 2002 was repeated on a more limited scale in late January 2003. In a less than uniform fashion, voters were offered the opportunity to scrutinize and correct the voter register in March. This marked an important step toward the elections, though the period for displaying the list coincided (and competed for citizens' attention) with a national identity card campaign. In the end, INEC was not able to publish the voter registry or provide for a reasonable period of claims and objections.

During the party primary season in early 2003, politicians began jockeying for positions. Intra-party rivalries emerged as a significant source of conflict, sparking violence in a number of areas. Results from many primary races were contested in court and on the streets. Amidst predictions of wide scale electoral violence, the voting and counting processes for Nigeria's April 12 National Assembly elections unfolded in a manner that exceeds expectations. Significant problems related to the tabulation process in particular surfaced in the days after the election. The Presidential and Gubernatorial polls that followed one week later took place before the tabulation process for the earlier elections was even concluded. This compressed electoral timeline has overstretched the capacity of the electoral authorities.

#### IV. OBSERVATIONS

##### *The Electoral Framework*

While Nigeria's electoral framework generally provides citizens the ability to freely elect their representatives, it nevertheless presents serious impediments in the Nigerian political context. Provisions should also be made to facilitate voting by the hundreds of thousands of poll workers and on-duty security personnel, as well as students and other transient citizens.

Of deep concern to the delegation is the four-tiered "collation" process of votes from the polling site to the national level, the only system of its kind in the world. This system has proven to be vulnerable to manipulation and lapses in transparency. A common fear of voters was that their ballots would be counted accurately at the polling sites but later altered in the tabulation process. Moreover, results for individual polling sites are not publicly accessible. Nationwide publishing results by polling site and streamlining the process could provide a check against efforts to alter the results at various stages of the collation process.

Because it lacks or otherwise refuses to accept certain authority, INEC has not asserted itself to correct or take action against electoral inconsistencies and misconduct. While INEC claims that disagreements on the interpretation of the electoral law must be settled solely by the courts, the delegation believes that the Commission must assume or be given authority to interpret the electoral code and take corrective action to uphold the integrity of the electoral process as it progresses. By refusing to comment on or clarify seemingly implausible election results in certain areas, especially the South-south, and referring all inquiries to the courts, INEC undermines public confidence in the Commission's work and the electoral process as a whole.

##### *The Voter Registration Process*

Delays and a lack of transparency in the voter registration process may have disenfranchised eligible voters and likely contributed to the high number of underage voters noted during both the April 12 and April 19 polls. Though there were discrepancies between the manual and computerized voter lists, both were used on election day. The late distribution of voter cards – which in some places began the day before the National Assembly elections and continued on both the April 12 and April 19 polling days – added to administrative burdens and confusion on election day at many polls. Cards were kept and distributed in insecure environments, thereby undermining the integrity of the voter registry. The total number of registered voters was implausibly high in many constituencies across the nation, and there is no check on the veracity of the registry itself. At many polling stations, the number of registered voters was not known. The fact that these numbers are not publicly available means that it is not possible to calculate voter turnout. An obvious inflated turnout is the most obvious check on fraud.

##### *The Campaign Period*

High levels of political violence, including assassinations and attacks on well-know political figures, marked the campaign period. The level of political violence, which intensified after contentious party primaries in early 2003, created an atmosphere of anxiety and fear that the election process could be disrupted or even derailed.

##### *The Conduct of the Elections*

The delegation was impressed by the Nigerian public for its commitment to the democratic process by patiently and peacefully casting their votes on election day, as well as those polling officials, party agents and domestic election observers who participated at all stages of the election process and

performed their responsibilities with dedication and integrity. We also wish to commend many security personnel who helped protect the security of voters and voting materials on election day.

In some states visited by delegation members, voting irregularities and instances of misconduct appeared isolated, and the overall voting process on the day of the elections generally followed INEC procedures. At this time, examples of such places include Lagos, Niger, Abuja, Abia, Edo and Oyo states. Despite these positive features of certain areas of these states, of other states serious malpractices were systematic and included:

Fraudulent Use of the Ballot Box. Delegation members witnessed instances of vandalized, stolen and stuffed ballot boxes. The most egregious cases in the states the delegation visited occurred in Rivers, Enugu and Kogi. At polling sites in Kogi, for example, voting was prematurely ended, with boxes containing ballots indicating more than a 100 percent turnout.

Disenfranchisement of Voters. During both the National Assembly and Presidential/Gubernatorial elections, polls failed to open at all in a number of areas, disenfranchising all voters in those places. In some areas, voters could not express their franchise due to insufficient voting materials or because polling sites opened late and closed early. In other cases, although the voter's choice was clear on the ballot paper, some were disenfranchised because of the transfer of ink from one side of the ballot paper to another. In one highly disturbing case, local INEC officials told delegation members that at five polling stations where National Assembly elections had not been held, a decision was taken not to schedule make-up elections as the results were, in their view, not likely to have an impact on the overall results.

Efforts should be made to facilitate the participation of women in the voting process, in accordance with local cultural practices.

Altered Results. The multi-tiered tabulation, or "collation" process, opened up the electoral process to widespread abuse during both the National Assembly and Presidential/Gubernatorial elections. There were seemingly inflated voter turnout figures, as well as changed results. One glaring example may have been in Anambra. As reported to observers, the results of a National Assembly race in which the candidate from one of the parties was officially the declared the winner, with 14,405 votes, were cancelled. When fresh results were reported four days later, official posted results show voter turnout increased by approximately 150 percent. The vote for his opponent soared from 13,076 to 67,857, while the original winner garnered only 5,065 votes. In polling sites in Enugu and Rivers states, no tally sheets were present, only to appear at the collation centers completely filled in even though ballots had not been counted. Counting and tabulation occurred at collation centers, where access in some places was denied to party agents and other observers. In some parts of the country, voter turnout figures appear wildly inflated compared to the observations of our delegation, particularly in Rivers and Delta states.

Election Violence. The use of armed militias by political parties in states such as Rivers, Delta and Anambra created a general environment of intimidation that reduced voter turnout or curtailed voting processes. In Kogi, voters during the National Assembly elections were harassed and beaten for not voting for the dominant party in their area. While incidents of violence were fewer than anticipated on election day for both the National Assembly and Presidential/Gubernatorial polls, there were pockets of such violence, particularly in Kogi, Rivers, Bayelsa and Delta states. Based on delegation findings, the anticipation of violence reduced voter turnout in some states, notably in Enugu, Rivers and Anambra.

Lack of Ballot Secrecy. Voting in private and corresponding secrecy of the ballot is a key element in establishing the free choice of representatives. Though improvements in this area were noted between the April 12 and April 19 polls, observers witnessed numerous instances in nearly all states visited where this fundamental principle was violated and poorly understood by polling officials and voters alike. In

some cases, security officials, poll workers and party agents stood guard over the voting table, even showing voters how and where to make their thumbprints.

The failure to meet this fundamental condition for democratic elections is all the more disturbing in light of the emphasis placed on the issue by observers of the 1998-99 elections in Nigeria. Lack of ballot secrecy creates the potential for intimidation and undue influence that can corrupt the election process.

## **V. CONCLUSION**

The delegation has at this stage insufficient knowledge upon which to judge the cumulative effect of the serious electoral problems noted above. These problems have, however, substantially compromised the integrity of the electoral process, particularly in the areas where they occurred. If not rectified, public confidence in the country's overall political process will likely erode. As the INEC chairman stated, "Those who win elections must be seen to have done so fair and square." In the immediate post-election period, corrective action should be taken through the court system, to include the holding of bye-elections in appropriate cases, and followed by a national dialogue on genuine election reform between government, political parties and civil society.

In referring to the prospect for a truly democratic election process, one prominent Nigerian civic leader said that, "the people of Nigeria are ahead of the political class in this country." Election day was largely peaceful in many parts of the country. While these elections may have brought to the fore systemic weaknesses in key sectors of governance in the country, Nigerians repeatedly shared with international observers their hopes and aspirations for the development of a democratic society. The challenge for Nigeria's leaders from across the political spectrum is to rise to the level of the people's aspirations.

The delegation is grateful for the warm welcome it received from voters, election officials, candidates, political party leaders, and domestic election observers. NDI will continue to follow the election process in the weeks ahead and will issue a final report at a later date. We are particularly gratified by the long-term and comprehensive election observation effort undertaken by the European Union and its intent to remain in country to monitor post-election developments. We look forward to our continued collaboration with them and with Nigerian domestic observers who have played such a central role in promoting and protecting the integrity of the election process.

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