

# Final NDI Report on Nigeria's 2007 Elections



National Democratic Institute



# **Final NDI Report on Nigeria's 2007 Elections**

**National Democratic Institute**



## NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government. NDI has worked closely with Nigerian democrats to support the development of representative institutions and electoral processes since Nigeria's 1998-99 transition from military to civilian rule.

National Democratic Institute  
2030 M Street, NW, Fifth Floor  
Washington, DC 20036  
Tel: +1 (202) 728-5500  
Fax: +1 (202) 728-5520  
[www.ndi.org](http://www.ndi.org)

National Democratic Institute-Nigeria  
18 Buchanan Crescent,  
Off Aminu Kano Crescent,  
By EMAB Plaza,  
Wuse II, Abuja  
Tel: +234 9 413 2761  
Fax: +234 9 413 1762

Copyright © National Democratic Institute for International Affairs (NDI) April 2008. All rights reserved. Portions of this work may be reproduced and/or translated for noncommercial purposes provided NDI is acknowledged as the source of the material and is sent copies of any translation.

## **ACKNOWLEDGEMENTS**

The National Democratic Institute (NDI) would like to thank the co-leaders of its international observation delegations to Nigeria, including former President Ketumile Masire of Botswana, former President Mahamane Ousmane of Niger, former President Karl Auguste Offmann of Mauritius, former President Amos Sawyer of Liberia, former Prime Minister Joe Clark of Canada, former Prime Minister Hage Geingob of Namibia, Prime Minister Raila Odinga of Kenya, former New Hampshire Governor Jeanne Shaheen, Justice Yvonne Mokgoro of the Constitutional Court of South Africa, human rights leader Martin Luther King III, and NDI Chairman and former U.S. Secretary of State Madeleine Albright. NDI also extends its gratitude to all members of the observer delegations to Nigeria during the 2007 electoral process, each of whom contributed to the success of the mission.

NDI expresses deep appreciation to Nigerian political and civic leaders, government officials, election commissioners, and poll workers who facilitated the work of the delegations. Most important, NDI would like to thank the Nigerian people for their warmth and hospitality.

Based on the findings of NDI's international election observers, Ayo Obe prepared this report with the assistance of Bodunrin Adebo, Machill Manidu Maxwell, Simon Fanto, and Oduenyi Ahaneku. Our gratitude also goes to Keith Jennings, Barrie Hofmann, Makram Ouais, Julie Denham, Courtney Creek, and Roman Shpak who provided guidance and helped edit the report.

### **Kenneth Wollack**

President  
National Democratic Institute

### **Chris Fomunyoh, Ph.D.**

Senior Associate  
National Democratic Institute

This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID) under Associate Cooperative Agreement No. 620-A-00-05-00124-00. The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of USAID or the United States Government.



## **TABLE OF CONTENTS**

<b>I. SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS</b>	<b>3</b>
Recommendations	4
<b>II. INTRODUCTION</b>	<b>6</b>
The NDI Election Observation Mission	6
The New Government and the Crisis of Legitimacy	7
The Nigerian Elections in the Regional Context	8
The Nigerian Electoral Context and Prospects for Democratic Consolidation	9
<b>III. ELECTORAL CONTEXT</b>	<b>9</b>
Introduction	9
The 2006 Constitution Amendment Bill (The “Third Term” Issue)	10
Rejection of Constitutional Amendments	11
The Political Environment Prior to the Elections	11
<b>IV. ELECTORAL PREPARATIONS</b>	<b>12</b>
Legal Framework: The Electoral Act 2006	12
Electoral Calendar	13
Voter Registration	13
Display of the Voter Register	18
Voter Education	19
Election Materials	19
International and Domestic Observer Accreditation	20
Hostility towards Domestic Election Observers	20
<b>V. POLITICAL PARTIES</b>	<b>21</b>
Registration	21
Candidate Selection	22
The Campaign Period	23
<b>VI. STATE INSTITUTIONS AND THE ELECTION PROCESS: PERCEPTIONS OF PARTIALITY</b>	<b>23</b>
Election Administration: Crisis of Public Confidence	23
Candidate Disqualification	24
The EFCC and the Impeachment of Governors	25

<b>VII. POLITICAL VIOLENCE</b>	<b>25</b>
Perceptions of Impunity and Police Bias	26
<b>VIII. THE ELECTORAL PERIOD</b>	<b>27</b>
Unscheduled Public Holidays	28
<b>IX. THE APRIL 14 STATE ELECTIONS</b>	<b>28</b>
Fraud, Violence and Other Irregularities	29
Declaration of Results	31
Election Observers Condemn Conduct of Polls	31
<b>X. THE INTERLUDE BETWEEN POLLS</b>	<b>32</b>
Supreme Court Rules on INEC’s Disqualification of Candidates	32
Tension and Violence Persist	32
<b>XI. THE APRIL 21 NATIONAL ELECTIONS</b>	<b>33</b>
The Presidential Ballot Papers	33
Poll Delays and Cancellations	33
More Ballot Problems: Polls Re-Scheduled	34
INEC’s Declaration of the Presidential Election Results	34
The April 2007 NDI Observer Mission	34
NDI International Observer Delegation Preliminary Statement	36
Interim Recommendations	37
Observations and Recommendations by NDI and Other Observers	37
<b>XII. APRIL 28 RE-SCHEDULED ELECTIONS</b>	<b>38</b>
<b>XIII. THE POST-ELECTION PERIOD</b>	<b>39</b>
The Complaints Process	39
Election Petitions	39
Status of INEC	40
Political Uncertainty	40
Harassment of Civil Society Leaders	41
The New National Assembly	41
The Yar’Adua Administration	41
The Obi Decision	42

<b>XIV. CONCLUSION</b>	<b>42</b>
The April Elections and Democratic Consolidation in Nigeria	42
Appendix A: 2007 Presidential Election Results Released by Inec	45
Appendix B: The Abraka Memorandum of Understanding	46
Appendix C: List of Domestic Election Observers under the Abraka Mou Process	47
Appendix D: Domestic Observers' Statement on the April 14 Elections	48
Appendix E: Domestic Observers' Statement on the April 21 Elections	55
Appendix F: List of International Election Observation Delegations	63
Appendix G: Preliminary Statement of NDI's International Pre-Election Delegation to Nigeria's April 2007 Elections	64
Appendix H: Preliminary Statement of NDI's International Observer Delegation to Nigeria's April 2007 Elections	74
Appendix I: List of Delegates to NDI's International Observer Delegation to Nigeria's April 2007 Elections	81
Appendix J: List of States where NDI Observed State Elections	83
Appendix K: Preliminary Findings of the International Republican Institute Delegation to Nigeria's April 21 Elections	84
Appendix K: Map of Nigeria	87



## **LIST OF ACRONYMS**

AC	Action Congress
AD	Alliance for Democracy
ADC	African Democratic Congress
ACE	Alliance for Credible Elections
ANPP	All Nigeria Peoples Party
APGA	All Progressives Grand Alliance
BNPP	Better Nigeria Progressive Party
CLO	Civil Liberties Organization
CPP	Citizens Popular Party
DPA	Democratic Peoples Alliance
DPP	Democratic Peoples Party
ECOWAS	Economic Community of West African States
FCT	Federal Capital Territory
FDP	Fresh Democratic Party
FEC	Federal Executive Council
INEC	Independent National Electoral Commission
LP	Labour Party
MMN	Masses Movement of Nigeria
MOU	Memorandum of Understanding
NAC	National Action Council
NBA	Nigerian Bar Association
NCP	National Conscience Party
NDI	National Democratic Institute for International Affairs
NDP	National Democratic Party
NLC	Nigeria Labour Congress
NNPP	New Nigeria Peoples Party
NPC	Nigeria Peoples Congress
NUP	National Unity Party
PDI	Peoples Democratic Institute
PDP	Peoples Democratic Party

PMP	Peoples Mandate Party
PPA	Progressive Peoples Alliance
REC	Resident Electoral Commissioner
RPN	Republican Party of Nigeria
SSS	State Security Service
TMG	Transition Monitoring Group

## I. SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

### Observations

The National Democratic Institute (NDI) fielded an international observer delegation to Nigeria's April 21, 2007, elections. Comprised of 61 observers and NDI staff, the delegation included former elected officials, political and civic leaders, elections experts and regional specialists drawn from 16 countries in Africa, Asia, Europe and North America. Delegation teams were deployed to observe the elections in the Federal Capital Territory (FCT) and in 14 states drawn from each of Nigeria's six geopolitical zones.

In a preliminary statement released on April 23, the NDI delegation concluded that, "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.

In the year before the 2007 elections, Nigerian and international organizations organized pre-election assessment missions, identified shortcomings and recommended changes to the electoral framework. Most of these recommendations were not acted upon by the Independent National Electoral Commission (INEC).

During the April 2007 elections, 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 in numerous places 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 was unprecedented. In addition, the delegation also observed the following serious irregularities in the majority of states visited:

- failure to display the voter register;
- inadequate supplies of voting materials;
- ballot papers that did not include all of the candidates;
- inadequate locations and facilities for voting and collation;
- lack of secrecy of voting;
- disenfranchisement due to errors in the voter register; and
- underage voting.

NDI also noted incidents of improper conduct by security agents, the stuffing and snatching of ballot boxes, intimidation of voters by party agents and vote buying.

The poor conduct of Nigeria's 2007 elections stands in marked contrast to other, positive trends in the country's democratization process. These include:

- an independent judiciary that responded in a timely way to the deadlines imposed by the electoral calendar;
- a legislature that exercised its oversight and representative functions more effectively;

- a civil society that mobilized in large numbers to monitor the electoral process and to educate voters; and
- a more vibrant media that created wider channels for the expression of diverse views and the dissemination of information.

The NDI delegation was impressed by the determination of thousands of Nigerian voters who waited patiently on election day to exercise their fundamental political and civic rights, and the commitment of many poll workers 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.

Nigeria's crisis of legitimacy can only be overcome by a strong commitment to political reform and concrete efforts to strengthen the country's democratic institutions. At this critical juncture in the country's history, the Nigerian government and other public officials should undertake political reforms that could stimulate democratic consolidation. The Nigerian people must ensure that the failures of the electoral process noted during the 2007 elections do not go unaddressed. Civic and political leaders must work together, with a common purpose and sense of urgency, to move these reforms forward.

## **Recommendations**

In the spirit of international cooperation, NDI respectfully offers the following recommendations for broad, genuine reform of the electoral process.

### The Government of Nigeria

- The Government of Nigeria should expeditiously bring alleged perpetrators of electoral fraud, violence and other violations of the Electoral Act and Nigerian criminal law to justice, irrespective of their position or political association. Legal complaints arising from the polls should be promptly adjudicated.
- The Government of Nigeria should engage in an open, inclusive and comprehensive dialogue with members of all sectors of Nigerian society, including the leaders of the political opposition, members of civil society, and representatives of professional associations and religious bodies, to identify the principal impediments to credible elections and reach consensus on concrete steps and benchmarks for effective electoral reform.
- The Government of Nigeria should draw upon the lessons learned from the 2007 elections to overhaul the electoral framework, including the Electoral Act 2006.

- The Nigerian National Assembly and Nigerian civil society organizations and professional associations, such as the Nigerian Bar Association (NBA), should exercise more robust oversight over the electoral reform process.
- Vague references to election observers in the Electoral Act 2006 should be clarified and reinforced so that election observation by domestic monitoring groups is recognized as a legal right.
- The financial autonomy of INEC, and its freedom from executive branch influence, must be enshrined in the constitution, and concrete steps should be taken by the legislature and various administrative agencies to guarantee INEC's independence.
- To be credible, Nigeria's anti-corruption efforts must be fair and devoid of partisan political motivation, or perception thereof.

### INEC

- The constitutional provisions that vest undue power for the appointment of INEC Commissioners and Resident Electoral Commissioners in the president should be reviewed. An electoral commission that is beholden to an individual or a particular party cannot enjoy the confidence of the people in its ability to conduct credible elections.
- As stipulated by the Electoral Act, INEC should release results by polling site, and post these figures publicly to enable citizens to independently verify the accuracy of the announced results.
- INEC must cooperate fully with the election tribunals and avoid actions or statements that could call into question its impartiality during the adjudication process.
- Where results declared by INEC are set aside by the decisions of election tribunals, INEC should conduct internal investigations and take steps to sanction those found to have been involved in electoral malpractices. Criminal prosecution should be initiated where appropriate.
- INEC must adopt regulations and procedures that allow for the effective observation of all stages of the electoral process, including the collation process and the tallying and announcement of final results.

### Political Parties

- Nigerian political parties should establish an inter-party commission to review measures to reduce the violence and intimidation that plagued the 2007 electoral process.

- Nigerian political parties should develop more transparent and democratic procedures for candidate selection.
- Nigerian political parties should create more opportunities for women and youth to participate actively in their parties, including as leaders and candidates for public office.

### Civil Society Organizations

- Civil society organizations that observe elections should expand their activities to include monitoring and reporting on the adjudication process for election-related disputes.
- Civil society organizations should seek avenues to contribute to genuine electoral reform efforts.
- Religious leaders should use their considerable moral authority to promote genuine electoral reform in Nigeria.

## **II. INTRODUCTION**

An accurate and complete assessment of any election must take into account all aspects of the process, and no election should be viewed in isolation from the political context in which it takes place. Factors to consider include:

- the legal framework for the elections as laid out in the constitution and electoral laws of the country;
- the ability of citizens to seek and receive accurate information upon which to make political choices;
- the ability of political competitors to organize freely and to reach out to citizens in order to win their support;
- the conduct of the mass media in covering 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 register;
- the conduct of the voting, counting, results tabulation, transmission and announcement processes;
- the handling of election complaints; and
- the installation in office of those duly elected.

### **The NDI Election Observation Mission**

From April 16 to 23, 2007, NDI deployed an international delegation comprised of 61 civic and political leaders, academics, election experts and staff from 16 countries in Africa, North America, Europe and Asia to observe the presidential and legislative polls.

The delegation was co-led by Madeleine Albright, Chairman of NDI and former US Secretary of State; Mahamane Ousmane, Speaker of the Economic Community of West African States (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; Yvonne Mokgoro, Justice of the Constitutional Court of South Africa; and NDI President Ken Wollack. The April 2007 delegation was NDI's 10th international election-related mission to Nigeria since the country's transition from military to civilian rule in 1999.

The NDI delegation visited polling sites in 14 states covering all of Nigeria's six geopolitical zones. The observer delegation built on the work of NDI long-term observers who monitored the voter registration process, the campaign period, and the April 14 state elections. It also drew on the findings and recommendations of an earlier mission that visited Nigeria in May 2006 at the peak of the debate over constitutional amendments that included a controversial proposal to extend presidential and gubernatorial term limits. The May 2006 delegation included Ketumile Masire, former President of Botswana; Karl Auguste Offmann, former President of Mauritius; Hage Geingob, former Prime Minister of Namibia; Joe Clark; Jeanne Shaheen; and Martin Luther King III.<sup>1</sup>

### **The New Government and the Crisis of Legitimacy**

Umaru Yar'Adua of the Peoples Democratic Party (PDP), the declared winner of the April 21 presidential election, was sworn in to office on May 29, 2007. Although his inauguration represented the first time in Nigerian history that a civilian government served two full terms and transferred power to another without military interference, serious electoral irregularities marred what could have been a landmark achievement. Gubernatorial, national and state assembly elections were also characterized by pervasive irregularities that cast a shadow over the inauguration of many state governors and the induction of many national and state legislators. The cumulative effect of the serious, widespread problems witnessed by international and domestic observers made it uncertain whether the April elections reflected the will of the Nigerian people.

Nigerian civil society organizations, opposition political parties and some members of the ruling PDP, religious bodies, and the national and international media decried fundamental flaws in the electoral process. The National Assembly, the judiciary, civil society and the media each played more positive roles in Nigeria's political process, and in many ways enhanced citizen interest and participation in the early stages of the 2007 electoral process. In May 2006, following a rigorous and open debate, the National Assembly voted down an attempt to amend the country's constitution to extend term limits for the president and state governors. The courts also asserted their independence, strictly and impartially applying the country's laws. The courts overturned improperly conducted impeachments of state governors, confirmed that the

---

<sup>1</sup> For a copy of the report detailing the May 2006 delegation's findings, please see Appendix G.

then-vice president's tenure in office should continue after he switched his party affiliation, and reversed INEC's controversial disqualification of some candidates.

In his inaugural address, the new Nigerian president acknowledged shortcomings in the electoral process by declaring that: "Our [election] experiences represent an opportunity to learn from our mistakes. Accordingly, I will set up a panel to examine the entire electoral process with a view to ensuring that we raise the quality and standard of our general elections, and thereby deepen our democracy."<sup>2</sup> Many Nigerians applauded President Yar'Adua's statement, but others remained skeptical, remembering failed promises of reform after the 1999 and 2003 polls.

The way Nigerians deal with the flaws of the 2007 electoral process will, in large measure, determine whether the country continues to earn its seat in the community of democratic nations or whether it will stumble and in the process stall the democratic gains of the last decade for itself and most of Africa. Ignoring the seriously flawed elections could derail the still fragile democratic transition underway, with grave consequences, including increased potential for conflict and instability for the country, much of surrounding West Africa and beyond. The Nigerian government must translate its public statements on electoral reform into deeds, as soon as possible, to gain the trust and confidence of citizens and the international community. A first step would be to create conditions that guarantee the credibility of the electoral reform panel, so it is empowered to recommend extraordinary steps for deep and genuine reforms.

### **The Nigerian Elections in the Regional Context**

With a population of 140 million inhabitants<sup>3</sup>, Nigeria matches the combined population of all other West African countries. One out of every five Africans is a Nigerian. Nigeria plays a leadership role within the African Union and ECOWAS, and is involved in peacekeeping efforts in Liberia, Sierra Leone, the Democratic Republic of Congo, Sudan (Darfur) and other trouble spots across Africa and beyond. It is a major supplier of oil on the world market and an important economic power on the continent.

The April 2007 elections took place against the backdrop of advances in democratic governance and competitive elections held across Africa since the early 1990s. Despite ongoing conflicts and stalled transitions in countries such as Sudan, Somalia and Zimbabwe, Africa has moved from a situation in which only four countries practiced some level of multipartyism in 1990—Botswana, Mauritius, Senegal and The Gambia—to one in which 34 countries were rated 'free' or 'partly free' by Freedom House in its 2006 *Freedom in the World* publication. African countries such as Benin, Botswana, Ghana, Mali, Namibia, Sierra Leone, South Africa, and Zambia demonstrate to the continent and to the rest of the world the universality of democratic principles and practices, including the desire of people to freely choose those who govern them through regular and credible elections. Between 1960 and 1990, only three African

---

<sup>2</sup> Inaugural address given by President Umaru Yar'Adua, May 29, 2007.

<sup>3</sup> Based on figures from the 2006 census.

heads of state had retired voluntarily or left office after losing an election; since 1990, that number has soared to nearly 40.

## **The Nigerian Electoral Context and Prospects for Democratic Consolidation**

Democratic elections are a window to understanding how those in power treat citizens and whether they respect citizens' right to participate in government and public affairs. Elections depend on the exercise of political rights by citizens and political competitors. They are an important test of the integrity of democratic institutions, just as genuine, credible elections are a prerequisite for achieving democratic governance.

By 1999 at the return of civilian rule, Nigeria had been ruled by military regimes for 29 of its first 39 years of independence. The years of military rule impeded the development of civilian political leaders and hampered the emergence of a democratic culture. Unbridled corruption and poor governance resulted in weak political institutions, a decayed infrastructure, a feeble economy (outside the oil sector) and an impoverished population.

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 them as the beginning of a process of democratization and the rebuilding of a civilian-led political infrastructure. Consequently, many Nigerian citizens, including some political contestants, overlooked or otherwise tolerated the flaws of a rushed electoral process.

The 2003 elections were seen as an opportunity to further advance democratic gains. While better organized in some respects, serious problems compromised the integrity of the process. Most notably, INEC was criticized for its perceived lack of independence and for delays and the lack of transparency in the voter registration process that disenfranchised eligible voters. High levels of political violence were most pronounced in Rivers, Kogi and Enugu States. Across the country, observers noted the widespread lack of secrecy in balloting, vandalized and stuffed ballot boxes, and altered results during the multi-tiered tabulation or 'collation' process.

The cumulative effect of INEC's shortcomings in 2003 dashed citizens' confidence in the electoral process. A public opinion survey conducted in 2006 by the Afrobarometer revealed that only 9 percent of Nigerians believed that the 2003 elections were "completely free and fair." An October 2006 poll by the Lagos-based newspaper, *The Guardian*, reported that 75 percent of those polled had little or no confidence in INEC.

### **III. ELECTORAL CONTEXT**

#### **Introduction**

INEC took some positive steps to improve public confidence after the 2003 elections, including organizing a post-election stakeholders' seminar in July of that year. Some of the electoral reforms suggested during this seminar and proposed by the observer

missions to the 2003 elections were ultimately incorporated into the draft Electoral Act. INEC also established “stakeholder forums” to meet political parties and civic groups. The forums provided a venue for the exchange of information and views, although they did not become a regular venue for addressing electoral problems. In addition, INEC organized civil society seminars in conjunction with international and domestic groups. It likewise convened an international group of election administrators to visit the country and provide insights on administrative matters. Among other significant steps, INEC created the Electoral Institute of Nigeria to provide enhanced training and promote professionalization of INEC staff, polling officials and other election workers.

Early on, however, many Nigerians and various international observers identified areas of potential shortcomings with the April 2007 elections. The Electoral Act was finally enacted in June 2006, less than one year before the elections and after the National Assembly rejected proposed constitutional amendments that would have extended presidential term limits. INEC’s inability to assemble adequate registration equipment delayed the publication of the electoral calendar and the start of the voter registration process. As the elections approached, INEC failed to publicize sufficient or timely information on the voter registration process, the location and number of polling stations, or the voting and tabulation procedures. Information that ballots were still being printed in South Africa 48 hours before election day added to the confusion, uncertainty and anxiety surrounding the process.

In the weeks leading up to election day, INEC disqualified a number of candidates, including then-Vice President Atiku Abubakar, based on their indictment by a federal government administrative panel for corruption. Many Nigerians and independent analysts felt that INEC’s actions cast doubt on its impartiality. When the Supreme Court ruled on April 16 that Vice President Abubakar should appear on the ballot as a presidential candidate, INEC had to rush to print millions of new ballots in time for the April 21 elections. The new ballots lacked serial numbers as required by law and arrived so late that voting was officially postponed by two hours. In many polling sites, the delay was much longer, and in some places ballots never arrived.

Nigerian civil society organizations attempting to monitor all phases of the electoral process were inhibited by onerous rules created by INEC. The Commission unnecessarily delayed the accreditation of tens of thousands of domestic election monitors, even though many of these monitoring groups had fought for the restoration of civilian democratic rule in Nigeria during military rule and successfully monitored the transition elections of 1998/99.

### **The 2006 Constitution Amendment Bill (The “Third Term” Issue)**

A prolonged debate on proposed constitutional amendments dominated the pre-election period and, according to many Nigerians, deflected attention and resources away from election preparations. In May 2006, following a rigorous debate covered by public television and radio, the National Assembly voted down the Constitutional Amendment Bill of 2006, which contained 105 amendments to the 1999 Constitution. Foremost

among the bill's provisions was an amendment to extend presidential term limits from two to three four-year terms, which would have allowed President Obasanjo to stand for a third term in 2007. Another provision sought to extend term limits for state governors as well.

The so-called 'third term' debate ran in tandem with an acrimonious dispute between President Obasanjo and Vice President Abubakar, who publicly opposed the extension of term limits, exposing rifts within the ruling PDP. PDP leaders threw their weight behind the amendment, while several state governors, numerous legislators, civil society organizations and media outlets spoke out against it.

### **Rejection of Constitutional Amendments**

To shore up support for the third term amendment, the government organized limited public hearings (generally for selected, pro-third term audiences) and promoted the issue through state-run electronic media. Meanwhile, following days of debate on the issue, the Senate put the question of whether any of the proposed constitutional amendments should be considered at all to a voice vote. As there were no voices raised in favor, the constitutional amendments died in the Senate. In the House of Representatives, where members had voted in favor of considering the amendments and were preparing to debate and vote on the individual clauses, the leadership was forced to adjust its position in light of the Senate's decision.<sup>4</sup> President Obasanjo accepted the National Assembly's unprecedented show of independence in rejecting the Constitution Amendment Bill, proclaiming it "a victory for Nigerian democracy."

### **The Political Environment Prior to the Elections**

Initially, the rejection of the third term proposal, and President Obasanjo's assurances that he would indeed quit power at the end of May 2007, bolstered citizen confidence that INEC would conduct the elections in an impartial manner. However, speculation soon emerged that some leaders envisaged the possibility of an 'interim government' that would allow the Obasanjo administration to remain in power. Continued delays in INEC's preparations lent credibility to this rumor.

Candidate selection processes underway within the main political parties rekindled regional tensions. Within the PDP, northern leaders successfully insisted that it was the turn of 'the North' to produce Nigeria's next president. Others in the PDP had argued that power should 'rotate' among the country's six geopolitical zones, rather than 'oscillate' between north and south. Proponents of this approach contended that since the South-South geopolitical zone had never produced a president or head of state, while the South-East zone had only produced a military ruler who was ousted after just six months, one of those zones should produce Nigeria's next president. Other major

---

<sup>4</sup> Amending Nigeria's constitution is a lengthy and difficult process under the 1999 Constitution, requiring a two-thirds majority in each chamber of the National Assembly and majorities in at least two-thirds of Nigeria's 36 state assemblies.

political parties, notably the All Nigeria Peoples Party (ANPP) and Action Congress (AC), nominated northern candidates for president.

#### **IV. ELECTORAL PREPARATIONS**

##### **Legal Framework: The Electoral Act 2006**

The Constitution of the Federal Republic of Nigeria (1999) and the 2006 Electoral Act provided the legal framework for Nigeria's 2007 elections. On the positive side, the Electoral Act, a significant improvement over the 2002 Act, closed a loophole that allowed parties to change candidates even after polling had ended; reinforced the supremacy of election tribunal judgments over INEC's certification process in instances of contested election results; limited campaign funding; and empowered INEC to appoint its own secretary. The Act failed, however, to address fundamental problems relating to the independence of INEC's operations or budgeting delays and shortfalls. Its passage less than a year before the elections also ultimately hindered some aspects of electoral preparations.

One problematic aspect of the new law was the retention of the provision that allows the declared winner of an election to remain in office during both the pendency of an election petition against his/her victory and—even if their election was overturned as a result of that petition—during the pendency of any appeal. Rather than achieving the stated goal of expediting election petitions, this provision encourages legal subterfuge in efforts to drag out petition and any subsequent appeal processes.<sup>5</sup>

Another issue not addressed by the Electoral Act 2006 was that of electronic voting. Dismayed by the failures of a pilot electronic voter registration exercise that INEC launched in the Federal Capital Territory, which was plagued by malfunctioning equipment and other problems, the National Assembly specifically prohibited electronic voting. The National Assembly mandated the 'open-secret' voting method, whereby accreditation of voters and issue of ballot papers would take place in the open, but the voter had privacy to actually mark their ballots in secret before depositing them in the ballot box in the open.

The Electoral Act mandated the posting of election results on INEC's website, but did not require INEC to publish the voter lists.<sup>6</sup>

The new law did not include provisions to allow election workers and security officials on duty to vote, either before, during or after polling times, thus effectively disenfranchising these groups. Furthermore, the law did not provide for the registration of or voting by

---

<sup>5</sup> For example, Governor Peter Obi of Anambra State was not sworn in as Governor until March 2006, when his opponent's declared victory in the 2003 gubernatorial election was nullified.

<sup>6</sup> INEC stated that it would not post the lists on its website because the inclusion of the photographs of registered voters increased the risk of identity theft.

prisoners (both convicts and those awaiting trial), despite the fact that they enjoy this constitutional right.<sup>7</sup>

Although the Act recognized the legitimacy of election monitors or observers, it did not confirm a right to monitor elections or make specific provisions for the accreditation of observers and monitors.

## **Electoral Calendar**

Delays in announcing the electoral calendar and a timetable for electoral preparations caused many political parties, civil society organizations and citizens to question INEC's capacity to conduct the 2007 polls. Delays persisted even after the enactment of the Electoral Act 2006, although the Act provides a timetable for the completion of certain election-related activities. Rather than release a single, comprehensive timeline, which would have enhanced citizen confidence in the process, INEC released limited information intermittently. INEC did not produce a comprehensive election timetable, with firm election dates, until August 2006.

These delays made it difficult for parties and civil society groups to conduct voter education and to mobilize their supporters to participate in the election process. Two weeks prior to the April 14 elections, many Nigerians questioned whether INEC would be able to print and distribute an estimated 100 million ballots by election day. Information was lacking on the actual number and location of polling sites, estimated between 120,000 and 150,000, and the procedures that would govern the voting and tabulation process were not well publicized. In the same vein, procedures for the accreditation of observers were not settled.

## **Voter Registration**

A series of delays and false starts undermined the voter registration process. Unable to launch voter registration in January 2006 as planned, INEC eventually began a 'pilot' voter registration exercise in the Federal Capital Territory (Abuja) in May.

INEC decided to compile an electronic register of voters using the direct data capture (DDC) method<sup>8</sup> to eliminate double registration, double voting and other electoral malpractices. However, INEC's inability to deploy adequate DDC equipment and failures with the machinery ultimately undermined public confidence in the process.

At its National Forum in Abuja in August 2006, INEC announced the new registration process and demonstrated how the DDC machines would be used to produce the new electronic register. INEC predicted a 'hitch-free' process. In response to questions

---

<sup>7</sup> The Electoral Act required prospective voters to appear in person at registration centres with documents proving their identity, age and nationality.

<sup>8</sup> A direct data capture machine is a device that embeds the picture and biometric data of the voter in a bar code. This information is linked to a central database that cross-checks to eliminate duplicate registrations.

raised about the operability of DDC machines in remote parts of the country, INEC explained that batteries for the DDC machines needed to be recharged from car batteries where electricity was unavailable.

Although 120,000 polling stations would be in operation for the 2007 elections, INEC purchased just 33,000 registration machines<sup>9</sup>. The Commission was forced to register voters in three phases, targeting voters in one-third of the states at a time.<sup>10</sup> Nonetheless, INEC maintained that it would produce the final voters' register by the mid-December deadline established by the Electoral Act.<sup>11</sup>

Several days prior to the launch of the voter registration exercise, INEC announced that registration would be conducted on a rolling basis, beginning on October 7 in a select number of 'special areas'—remote areas in which registration had not been conducted in 2002. Registration would continue in other parts of the country beginning on October 25.<sup>12</sup> NDI observers visited some of the 'special areas,' such as Jenuwa, Kwambai and Bika in Taraba State, as well as the New Cattle Market at Ummoneachi in Abia State. While INEC said registration would start on October 7 and end on October 24, NDI observers learned that the exercise had ended in these areas before October 18.<sup>13</sup>

Voters complained to NDI observers that even where registration officials were deployed, registration could not commence because the officials in some instances did not know how to operate the DDC machines. Some registered voters found that the wrong data had been entered for them, including several cases of pictures of male registrants appearing on female registrants' cards. In many cases, DDC machine batteries depleted quickly, while camera, keyboard and software problems further slowed the exercise. By the time that the nationwide exercise began on October 25, many voters in the 'special areas' were still unregistered, even though INEC declared that the lists for the special areas had been completed.

On an inspection tour of the voter registration process in the Federal Capital Territory at the end of October, INEC Chairman Maurice Iwu declared that:

"INEC has observed some teething problems in the ongoing registration exercise ...and INEC wishes to state that these problems were not totally unexpected and it has made adequate provisions to effectively handle them as they arise. ...those whose centers have not yet commenced registration should be patient and should not rush to other centers as their centers will unfailingly be covered before 14 December 2006."<sup>14</sup>

---

<sup>9</sup> *The Guardian*, November 6, 2006.

<sup>10</sup> As noted by NDI staff in discussions with INEC Director of Voter Registration, 2006.

<sup>11</sup> The deadline for publishing the voter register is 120 days before any election, i.e. in the case of the 2007 general elections, 120 days before April 14, 2007. See 'INEC to publish names of ghost voters': *Vanguard*, October 3, 2006.

<sup>12</sup> 'INEC designates special areas for registration': *This Day*, October 4, 2006.

<sup>13</sup> Interviews conducted by NDI observers with the Village Heads of Jenuwa, Kwambai and Bika on October 18-20, 2006, and with residents of the New Cattle Market on October 18, 2006.

<sup>14</sup> Prof. Maurice Iwu, reported in *Vanguard* newspaper, October 31, 2006.

The problems that had plagued the registration in the ‘special areas,’ including malfunctioning machines and software, flat batteries and untrained staff, were magnified when the nationwide exercise commenced. By November 24, only 3.5 million voters had been registered, according to INEC. The International Republican Institute (IRI), which sent a pre-election assessment mission to Nigeria in November 2006, issued the following statement:

“We express grave concern over the fact that with only two weeks remaining before the registration deadline, less than half of the direct data capture machines (DDC) have arrived, let alone been deployed to registration centers throughout the country. We are additionally concerned that only 3.5 million of the potential 60 million eligible voters are registered to vote as of the end of last week. The leadership of the INEC has set a noble and ambitious goal of implementing this cutting-edge system to deter past fraud in registration efforts and the ensuing acrimony; the ability however to meet the expectations of this goal on the timetable established is quite seriously in doubt. As a result, INEC is losing credibility with the public.”<sup>15</sup>

On November 30, as the legal deadline for closure of the voter registration exercise approached, Chairman Iwu testified before the National Assembly that only 4.2 million of INEC’s estimate of 60 to 70 million eligible voters had been registered.<sup>16</sup> Blaming foreign suppliers for not producing the required number of machines, INEC began in late November to use laptop computers loaded with the DDC applications to increase the number of machines available.

Across the country there were reports of problems with batteries for the machines, ink shortages and lack of specific information about where and when registration would take place. Nevertheless, INEC claimed on December 10 that 10 million voters had been registered and subsequently announced that it had registered 20 million voters by December 21.<sup>17</sup>

Given the serious delays that risked disenfranchising millions of citizens, the House of Representatives passed an amendment to the Electoral Act giving INEC more time to complete voter registration. The amendment also directed INEC to use manual registration procedures rather than the DDC machines. Although the Senate also passed an amendment extending the time for registration, it was silent on the actual procedures to be used. The National Assembly did not pass a reconciled amendment until March 2007. In the meantime, INEC claimed that no extension of time was needed and continued to register voters under the guise of ‘voter revalidation.’

---

<sup>15</sup> Statement by Ambassador Pierre-Richard Prosper, Leader of IRI Pre-Election Assessment Delegation, issued on December 1, 2006.

<sup>16</sup> ‘Masari: INEC’ll throw Nigeria into Confusion’: *This Day*, December 13, 2006.

<sup>17</sup> News conference by Andy Ezeani, Chief Press Secretary to INEC Chairman, reported in *Business Day* newspaper, December 22, 2006.

The lack of publicity about the voter registration process caused confusion among prospective voters. INEC rotated machines between offices and was not able to operate all registration centers. Many people traveled considerable distances to register, but as more registration centers became operative closer to their homes, some of the same individuals re-registered so as to avoid traveling long distances on election day. In Nigeria, voters must vote where they have registered. In response to this development, INEC announced it would eliminate double registrations, thereby denying the voter any chance to cast a ballot at all. As the extended deadline for voter registration approached, government employees were given the day off on January 29 to register, but found no machines in some places, and malfunctioning machines and shortages of materials in others. INEC's public criticism of voters for waiting until the last minute to register contributed to growing voter apathy and confusion.

Reports of deliberate fraud and manipulation compounded the problems caused by the lack of preparation. According to news reports, potential candidates in some parties were accused of bribing INEC staff to ensure their registration before the cut-off date for the nomination of candidates in November, while some voters alleged that INEC staff demanded bribes to register them.<sup>18</sup> Some communities were reportedly asked to provide money to INEC officials to buy supplies such as ink,<sup>19</sup> even though the Commission was expected to have in place all supplies prior to the beginning of the registration process.

There were persistent complaints from several parts of the country that registration machines had been commandeered by politicians, that registration centers in some opposition areas were not provided with sufficient machines, or that only known

Table 1

<b>PROGRESSION OF VOTER REGISTRATION FIGURES</b>			
<i>Date</i>	<i>Number of voters announced</i>	<i>Number of days since previous announcement</i>	<i>Total number registered during period</i>
November 24	3,500,000	-	-
November 30	4,200,000	6	70,000
December 10	10,000,000	10	5,800,000
December 21	20,000,000	11	10,000,000
January 19	30,000,000	28	10,000,000
February 2	54,000,000	14	24,000,000
February 14	61,000,000	12	7,000,000

*Table compiled by NDI from INEC figures*

<sup>18</sup> Report by the British Broadcasting Corporation (BBC) on March 31, 2007, <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/africa/6314547.stm>

<sup>19</sup> Ibid.

supporters of the ruling party were permitted to register.<sup>20</sup> According to one report, six DDC machines were found at the residence of an Ibadan-based politician.<sup>21</sup> While NDI could not confirm all of the above-mentioned claims and reports, the reports created considerable anxiety among the political contestants and Nigerian citizens.

The decision to use laptops to augment the DDC machines and the extension of the registration period allowed a much higher percentage of voters to be registered. However, INEC's inability to acquire additional DDC machines in time for the elections meant that voters' identities could not be verified electronically, which undercut the additional oversight that electronic verification and tracking would have provided.<sup>22</sup>

The 2006 census estimated Nigeria's population at 140 million. INEC assumed that half of this number, or 70 million citizens, would be aged 18 years or older, and therefore eligible to vote.<sup>23</sup> By the end of the voter registration exercise, however, it was unclear

Table 2

<b>VOTER REGISTRATION TOTALS BY STATE</b>			
<i>State</i>	<i>Number of Voters</i>	<i>State</i>	<i>Number of Voters</i>
Abia	1,365,641	Katsina	2,589,047
Adamawa	1,315,950	Kebbi	1,345,436
Anambra	1,844,819	Kogi	1,479,834
Akwa Ibom	1,408,197	Kwara	1,216,478
Bauchi	2,211,463	Lagos	4,204,000
Bayelsa	955,279	Nassarawa	1,001,423
Benue	2,150,515	Niger	1,551,903
Borno	2,159,515	Ogun	1,466,308
Cross River	1,139,736	Ondo	1,356,779
Delta	1,626,930	Osun	1,297,297
Ebonyi	929,375	Oyo	1,793,476
Edo	1,345,410	Plateau	1,602,550
Ekiti	771,228	Rivers	2,583,317
Enugu	1,201,697	Sokoto	1,109,337
Gombe	1,410,234	Taraba	1,173,514
Imo	1,372,975	Yobe	994,380
Jigawa	1,722,352	Zamfara	1,330,572
Kaduna	3,374,245	FCT	765,472
Kano	4,072,597		

Figures released by INEC as of February 14, 2007

<sup>20</sup> 'Voters' registration: AC accuses PDP of hiding data machines': *This Day*, January 24, 2007.

<sup>21</sup> 'Adedibu and INEC machines': *The Sun*, February 6, 2007.

<sup>22</sup> Remarks by Engineer Adesina, INEC director of voter registration, at the NDI/Nigerian Bar Association/Nigeria Labour Congress All Nigeria Pre-Election Civil Society Conference, November 2006. In order to electronically verify voters' identities, INEC would have needed at least 120,000 DDC machines, or one machine per polling station.

what percentage of eligible voters the registration process reached. INEC also admitted that it would not be able to remove duplications from the voter register, even though eliminating duplications was one of the main reasons originally given for using DDC technology.

At the conclusion of the registration process in February 2007, INEC announced that 54 million voters had been registered.<sup>24</sup> Several weeks later, INEC revised the figure to 61 million voters.<sup>25</sup>

### **Display of the Voter Register**

Like the voter registration process itself, the display of the voter register, which was required by law, was extremely inconsistent. Initially, INEC announced that it would display the voter register for a five-day period from February 5 to 10, 2007, the legal minimum period stipulated by the Electoral Act.<sup>26</sup> However, voter registration did not end until February 2,<sup>27</sup> and in many places voter lists were not displayed until February 8 or 9, and then only at the ward level. The very short time between the closing of the registration and the display of the lists deprived voters of a genuine opportunity to check the list and seek corrections in the Claims and Objections period.

Voters were not given sufficient information on where and when to check the voter lists. Moreover, observers noted that in many of the places where lists were displayed, there were no INEC officials to assist in the verification and/or rectification process. The very limited display of voter lists raised concerns among political contestants and the public over the potential for multiple and underage voting, the significant disenfranchisement of eligible voters and the possibility that an inflated voter register could provide cover for large-scale ballot box stuffing.

When INEC failed to make the voter register available to political parties as required by the Electoral Act,<sup>28</sup> some parties sought to challenge this in court. INEC responded to complaints by announcing that it would display the voter register, complete with details of the polling stations or units where voters were expected to register, in early April.<sup>29</sup>

In fact, political parties claimed that they were not provided with copies of the complete voter register until a few days before the April 14 state elections, while civil society organizations claim they never received copies of the voter register. When international

---

<sup>23</sup> 'Voters' registration ends tomorrow': *Daily Trust*, January 29, 2007.

<sup>24</sup> 'INEC's Voting population': *Vanguard*, February 17, 2007.

<sup>25</sup> '61 Million Voters registered by INEC-Professor Iwu': Rose Oriaran, INEC website, February 16, 2007.

<sup>26</sup> 'INEC Displays Voter Register': *Daily Independent*, February 6, 2007.

<sup>27</sup> 'INEC Extends Voters' Registration Deadline: Senate Amends Act': *This Day*, January 31, 2007.

<sup>28</sup> Section 16 of the Electoral Act provides:

'The Commission shall cause a voters' register for each State to be printed, and any person or political party may obtain from the Commission, on payment of such charges a certified copy of any voters' register for the State or for a Local Government/Area Council or Registration Area within it.'

<sup>29</sup> 'Voters' Register to be Ready Feb 13—Iwu': *Vanguard*, February 2, 2007.

observers raised this issue, INEC officials said that all parties had received copies of the voter register.<sup>30</sup>

## **Voter Education**

INEC did not begin publicizing details of how polling would be organized until April 8. Prior to this, INEC officials made contradictory statements about whether voting would be a day-long process or would follow the “June 12 formula,” with initial accreditation and returning to vote at a specific, limited time.<sup>31</sup> Ultimately, the polls were scheduled to open at 8 a.m. and close at 3 p.m. INEC’s instructions indicated that each voter would present himself/herself to polling officials, be confirmed as a registered voter, and have his/her finger or thumb marked with indelible ink before being given his/her ballot papers in the open. S/he would then vote in secret before placing the ballot paper in the ballot box in the open.

INEC initially stated that results would be relayed electronically from the individual polling stations to three points simultaneously: the ward level, the constituency level and INEC’s national headquarters in Abuja. However, as results would not be compiled by local government area or state, observers worried about how to independently confirm that gubernatorial and presidential candidates received the geographical spread of votes required by Nigeria’s legal framework. Meanwhile, INEC became embroiled in a controversy about the award of a multi-billion naira contract for the supply of the telecommunications system.<sup>32</sup> By election day, the system that was supposed to enable the simultaneous transmission of results as promised by the Commission was deployed in a few areas, but was never activated.

## **Election Materials**

Two weeks prior to the state elections, INEC stated that it had received and distributed up to 90 percent of the materials for the elections and had commenced training of ad hoc staff. To assure Nigerians of INEC’s preparedness to conduct the polls, Chairman Iwu declared that nothing short of a “tsunami” could derail the elections.”<sup>33</sup> But the asserted state of preparations was not visible to most seasoned pollwatchers. In a notable outburst of frustration, the Sultan of Sokoto publicly complained about an apparent ‘lack of seriousness’ on the part of INEC at a public forum in Kaduna on March 14, 2007.<sup>34</sup> A few days later, the Commission took steps to inform the public about its

---

<sup>30</sup> Meeting between INEC officials and NDI international observer delegation on April 18, 2007.

<sup>31</sup> During the June 12, 1993, presidential election, voters went for accreditation between 8-10 am, and then returned at 11 am to vote. At 12 noon the line was closed, and after all those on the line had voted, the ballot box was opened, the votes counted and the results declared there and then. The whole process was completed in most places by 2 pm.

<sup>32</sup> ‘INEC contracts election results to candidate: Election Monitors cry foul!': *Sunday Tribune*, April 1, 2007.

<sup>33</sup> ‘Only a Tsunami can stop polls—Iwu’: *This Day*, March 31, 2007.

<sup>34</sup> Sultan of Sokoto Alhaji Mohammad Sa’ad Abubakar III made the comments in Kaduna at a forum where traditional rulers were asked to urge their subjects to come out and vote on election days, March 14, 2007.

preparations by showing its election stores and materials to a small, select group, the Council of State,<sup>35</sup> which included a few opposition candidates such as Muhammadu Buhari, the ANPP presidential flag-bearer, and Governor Shekarau of Kano State, as well as skeptical PDP leaders such as then-Senate President Ken Nnamani.

### **International and Domestic Observer Accreditation**

In its reference to election observers, the 2006 Electoral Act did not establish procedures for accreditation. As the elections approached, INEC's relations with election observers became increasingly contentious. INEC spurred debate over the difference between "election monitoring" (which INEC insisted it alone was entitled to do) and "election observation" (which specifically excluded the right to direct or correct abuses). Nigerian civil society organizations insisted that as stakeholders in the electoral outcome, they did indeed have the right to monitor the process.

With regard to international observers, INEC initially announced that Nigeria would only accredit observers on a reciprocal basis from countries that allowed Nigerians to observe their elections.<sup>36</sup> INEC Chairman Iwu was reluctant to recognize NDI's pre-election assessment mission in May 2006, though the mission was ultimately well-received by INEC and others, including President Obasanjo. Accreditation for NDI's long-term observers was complicated when INEC announced that security conditions would prevent observers from deploying outside Abuja earlier than three weeks before the April 14 poll.

INEC requested that all international and domestic observers present themselves in person for accreditation between April 9 and 10. A plan to use DDC machines to produce ID cards bearing the photograph of each observer was eventually abandoned, and accreditation tags that bore neither photographs nor names were handed over to groups for distribution to their delegates.

### **Hostility towards Domestic Election Observers**

Nigerian civil society organizations, many of which had monitored national elections in 1999 and 2003, regularly drew public attention to INEC's lack of preparedness and transparency in the lead-up to the 2007 elections. In August 2006, many of the leading independent election monitoring organizations created a new, common platform. Launched in September 2006 as the Alliance for Credible Elections (ACE), the group's criticism of INEC soon brought it into conflict with the Commission. For their part, some INEC officials attempted to restrict the activities of the domestic monitoring groups.

Several domestic election monitoring groups met in Abraka, Delta State, in January 2007, where they agreed to use a common checklist for election observation, co-

---

<sup>35</sup> This consists of the president, vice president, all former heads of state, all former chief justices of Nigeria, the senate president, the speaker of the House of Representatives, all sitting state governors and the attorney-general of the federation.

<sup>36</sup> Statement made by Prof. Iwu at the Enugu Civil Society Conference in May 2006.

ordinate deployment, data collection and transmission, issue joint interim statements on the elections and freely exchange data collected by their election observers when preparing their final reports.<sup>37</sup> Representatives of the groups signed a Memorandum of Understanding that came to be known as the Abraka MOU,<sup>38</sup> and agreed to make a joint application for accreditation as observers.

INEC's attempts to limit the number of election observers at polling stations and to direct the deployment plans of observer groups raised tensions, as did allegations by INEC of partisanship on the part of some groups, including the Transition Monitoring Group (TMG)<sup>39</sup> and ACE. The State Security Service (SSS) visited several of the 327 groups listed as members of the TMG coalition, ostensibly to confirm their existence, but at the same time demanded information about their sources of funding and details about their members and officers. Many Nigerian civic leaders saw this as a campaign of harassment.<sup>40</sup>

Ultimately, INEC was unable to put any lasting obstacles in the way of the domestic monitoring groups. Nonetheless, the difficulties experienced by both domestic and international observers, whose right to observe had not been challenged either under the military government overseeing the transition to civil rule in 1998/99 or in 2003, further dampened confidence in INEC.<sup>41</sup>

## V. POLITICAL PARTIES

### Registration

According to the 1999 Constitution and the Electoral Act, political parties and associations that intend to participate in national elections may register up until six months before the elections. By the October 2006 cut-off date for the 2007 elections, 50 parties had registered. By the deadline for the nomination of candidates, however, some parties presented a presidential candidate and several contestants for offices at various levels across the country, while others declined to nominate presidential candidates, and chose instead to present candidates only for the state elections and for the national legislature. Several parties supported the presidential candidates of other parties. Although the constitutional requirements for the formation of political parties were designed to ensure that each party had national representation, some parties presented few or no candidates outside their ethnic heartlands, including the Democratic Peoples Alliance (DPA) in the South-West, the All Progressives Grand Alliance (APGA) and the Progressive Peoples Alliance (PPA) in the South-East, and the Democratic Peoples Party (DPP) in the North-West.

---

<sup>37</sup> See Appendix B for a copy of the Abraka MOU.

<sup>38</sup> See Appendix C for the list of groups that took part in the Abraka MOU process.

<sup>39</sup> One of Nigeria's leading domestic monitoring organizations, the Transition Monitoring Group (TMG) was formed in 1998 by a coalition of civil society organizations, many of which had played a prominent role in advocating for an end to military rule and the establishment of democratic, civilian rule.

<sup>40</sup> Interview with TMG Chair in *Daily Independent*, April 29, 2007.

<sup>41</sup> INEC: UK firms to handle polls results, Foreign observers besiege commission': *This Day*, April 10, 2007.

During the registration period, the three largest political parties that emerged from the transition to civilian rule in 1999—the Alliance for Democracy (AD), the All Nigeria People’s Party (ANPP) and the PDP—were embroiled in internal crises. ANPP National Chairman Donald Etiebet quit his party in 2006 to stand as the PDP candidate for the governorship of Cross River State. Likewise, a group of PDP members, including several of its founding members, left the party to form the Advance Congress of Democrats (ACD), which later joined a faction of the AD to create the AC.

Feuding between President Olusegun Obasanjo and Vice President Atiku Abubakar led to Abubakar’s suspension from the PDP, making him ineligible to contest the party’s presidential nomination. In response, Abubakar joined the AC and became its presidential candidate, prompting Obasanjo to attempt to have his position as vice president declared vacant.

### **Candidate Selection**

Most parties selected candidates in late 2006. Many were consumed by internal debate over the geographic rotation of power and which region’s ‘turn’ it was to produce elected officers in both the executive and legislative branches of government. On December 17, 2006, the PDP conducted voting to select its presidential candidate, although observers claimed that voting only took place after several of the leading candidates were forced to stand down in favor of then-Governor Umaru Yar’Adua. The other major parties all announced “consensus” candidates, while some endorsed candidates from other parties.

Intense competition and allegations of manipulation characterized primaries held to select gubernatorial candidates in many states. PDP leaders in Lagos State rejected the primary victory of its female aspirant, Hilda Williams. Within the ruling AD, 11 of its gubernatorial candidates quit the party to protest the imposition by then-Governor Bola Tinubu of his preferred candidate Mr. Babatunde Fashola (AC). The AD deputy governor, Femi Pedro, left the party as well, and was subsequently chosen as the Labour Party’s (LP) candidate.

In Imo State, PDP Senator Ifeanyi Araraume won the gubernatorial primary, but was rejected by the party, which instead put forward Charles Ugwu as its candidate, who had come in fourteenth place in the primary. Araraume successfully challenged this in court, but the party refused to implement the Supreme Court’s ruling, opting instead not to present any candidate for the state’s governorship.

As many as 75 percent of Nigeria’s incumbent national legislators did not secure their party’s nomination for re-election. Some PDP watchers asserted that perceptions of party disloyalty disadvantaged many incumbents, particularly those who failed to support President Obasanjo’s proposed third term amendment.

## The Campaign Period

While few parties directly addressed issues of concern to ordinary Nigerians, some parties produced manifestos, and a few candidates, mainly from smaller parties, engaged in debates on issues such as the challenges of development, education policy and public infrastructure priorities. The argument that such candidates represented smaller parties and lacked any solid political base was used by candidates of more established parties to ignore issue-based campaigning during the campaign.

The Nigerian Election Debates Group (NEDG), a coalition of more than 20 media outlets, human rights and pro-democracy groups, lawyers, and women's and youth associations, organized presidential debates in early April 2007. Twenty-six candidates were invited to participate in twelve 90-minute debates held in Abuja and broadcast live on television and radio across the country.<sup>42</sup> The NEDG established clear rules and guidelines for participating candidates and solicited questions from voters via e-mail.

Several key contenders, including PDP candidate Umaru Yar'Adua and PPA candidate Orji Kalu failed to honor commitments to participate, while AC candidate Vice President Atiku Abubakar was unable to participate due to his disqualification by INEC. However, Nigerians were able to watch other presidential candidates debate, including Muhammadu Buhari and Pat Utomi.

## VI. STATE INSTITUTIONS AND THE ELECTION PROCESS: PERCEPTIONS OF PARTIALITY

### Election Administration: Crisis of Public Confidence

The impartiality, independence and effectiveness of election administrators are critical to a credible and democratic electoral process. Actions taken by INEC in the lead-up to the elections generated concerns over INEC's preparedness, independence and impartiality, and prospects for a transparent process.

**Independence of INEC Members** The 1999 Constitution provides the Head of State with the authority to appoint members of the national electoral commission, as well as the Resident Electoral Commissioners in each state, raising questions about their independence and impartiality. The debate over the constitutional amendment that would have extended the presidential term created doubts about the ability of INEC officials to detach themselves from the wishes of the incumbent government.

**Funding** INEC's dependence on the executive branch for its funding exposed the Commission to political influence. As had happened during the 2003 elections, INEC experienced funding delays and shortfalls in 2006 and 2007. Even when funding was appropriated by the legislature, the executive branch's disbursement delays limited

---

<sup>42</sup> NDI and the U.S. Commission on Presidential Debates (CPD) have worked with the Nigerian Election Debates Group since 2002.

INEC's ability to function. For example, in October 2006, several INEC checks were not honored, because the Budget Monitoring and Price Unit within the Office of the President failed to clear INEC payments for critical electoral materials.

## **Candidate Disqualification**

Created in 2002 to fight fraud and other financial crimes in Nigeria, the Economic and Financial Crimes Commission (EFCC) has played a significant role in pursuing high-level government officials. As the candidate selection deadline approached, the EFCC published the names of Vice President Abubakar and 134 other nominated candidates it claimed were unfit to hold public office. Critics charged the EFCC with political bias since many of those listed were either strong opposition candidates or individuals who had opposed the third term campaign, while the PDP members on the list were generally not seen as top figures. The list did not include several major PDP figures that the EFCC chairman had previously identified as corrupt.

In September 2006, the EFCC accused the vice president of misappropriating funds from the Petroleum Technology Development Fund (PTDF). The EFCC could not bring criminal charges against the vice president because of his constitutional immunity; however, it submitted a report to the presidency, which referred the matter to the Federal Executive Council (FEC). The FEC set up an administrative panel led by Nigeria's Attorney-General, which indicted Vice President Abubakar. Abubakar immediately challenged this charge in court, while his campaign organization produced documents it claimed showed that the PTDF was controlled by President Obasanjo. In response, the PDP suspended Abubakar for 'anti party activities.' Criminal charges were brought against the vice president's media spokesperson, alleging that he had contravened Nigeria's Official Secrets Act.

While challenging his suspension from the PDP in court, Vice President Abubakar joined the AC, which adopted him as its presidential candidate. The PDP expelled Abubakar from the party, while President Obasanjo announced that he interpreted Abubakar's action as tantamount to resignation from the office of vice president and declared the position vacant. The presidency ultimately withdrew from this position, though it suspended many of Abubakar's privileges of office. In the days leading up to election day, a total of 13 motions or law suits related to these issues were filed by Vice President Abubakar, the PDP and/or the federal government, one or two of which were not vacated until after election day.

In February 2007, the FEC convened another administrative panel to investigate the EFCC report on those characterized as unfit for public office. The panel reviewed 77 individual cases and recommended that 37 of those named by the EFCC should be barred from running for elective office, including Vice President Abubakar and PPA presidential candidate Abia State Governor Orji Kalu. Thirty-six politicians were referred for further investigation, and four were cleared.<sup>43</sup>

---

<sup>43</sup> 'White Paper Reverses Panel Report, Disqualifies 37': *This Day*, February 18, 2007.

The EFCC's arrest of three INEC Commissioners and two senior INEC staff members in February 2007<sup>44</sup> was also seen by critics as part of the campaign against the vice president. Those arrested were reputed to have asserted INEC's independence from the Executive, particularly regarding pressure to disqualify opposition candidates.<sup>45</sup> Others questioned whether the EFCC was trying to disrupt the elections, since those arrested played key roles in logistical preparations. Many Nigerians questioned why it took the EFCC four years after the 2003 elections to uncover corruption at INEC, only to do so on the eve of the 2007 elections.<sup>46</sup>

On March 15, INEC announced the formal disqualification of Vice President Abubakar's presidential candidacy and those of 130 other candidates on the EFCC list.

### **The EFCC and the Impeachment of Governors**

Between 2004 and 2006, legal processes criticized for lacking due process protection led to the impeachment of five state governors on corruption charges. In October 2006, the head of the EFCC announced that corruption investigations were underway against 31 of the 36 state governors. This statement was perceived by many observers as a warning to governors considering presidential bids that the outcome of the PDP presidential primary had already been determined. Courts later overturned the impeachments of three state governors, though efforts to obtain legal redress drained resources and energy from the campaigns of those who had hoped to run for office in 2007. In one case, the EFCC put pressure on legislators in Adamawa State, the vice president's home state, to impeach Governor Boni Haruna; only the steadfastness of the chief judge,<sup>47</sup> who refused to constitute the investigation panel, prevented the removal of the governor.

## **VII. POLITICAL VIOLENCE**

Politically motivated violence creates an environment in which voters cannot make choices free from fear of retribution; it undermines the right of people to campaign for their preferred candidates and may impede the right to stand for election.

In the lead-up to the 2007 elections, acts of violence were committed by supporters of competing factions within political parties, particularly during contests for party nominations, and against members of rival parties in the general elections. These included: assassinations of candidates for party nominations and for the general elections; armed attacks against campaign meetings and rallies; threats against

---

<sup>44</sup> Those arrested were the national commissioner, logistic and transport, Anuka Emmanuel and the national commissioner, legal services, Mohammed Abubakar, Director of logistics Ken Ukeugbu and Head of Department (HOD), logistics and transport, Farouk Usman.

<sup>45</sup> 'EFCC arrests three INEC commissioners': *The Punch*, February 15, 2007.

<sup>46</sup> Two weeks after the well-publicized arrests, all those arrested were released without charge and returned to work.

<sup>47</sup> The Nigerian Bar Association had made it clear that it would seek the discipline of any chief judge of a state who proceeded to constitute any investigation panel without the constitutional requirements being met, or in defiance of existing injunctions restraining them from doing so.

potential voters to influence their choice at the ballot box; and attacks against polling stations, polling officials and rival party agents. Reports by Nigerian sources, IFES, the Institute for Democracy in South Africa, the International Crisis Group and Human Rights Watch cited as many as 280 election-related deaths and many more injuries in the six months leading up to the April 2007 elections.<sup>48</sup> Though incidents of violence did not occur in all of the country's 36 states, the frequency and brazen nature of repeated incidents affected the political atmosphere at the national level.

Violence worsened once election campaigning began, and particularly after President Obasanjo was quoted as describing the 2007 elections as a "do or die affair," and as "a matter of life and death for the PDP."<sup>49</sup> In response, some opposition leaders called on the Nigeria Police Force (NPF), which answers directly to the president, not to act as a partisan force. The AC further warned that "if Abubakar was not allowed to run, there would be no elections," and many Nigerians were unsure whether this was a threat of violence or merely a hope for court intervention.<sup>50</sup> There were also several incidents of activists from different parties attempting to disrupt opponents' rallies and other events.

In some parts of the country, violence limited the ability of parties and candidates to campaign or conduct other electoral activities freely. In the Niger Delta area, increased cases of kidnapping and threats by militant groups reduced citizen participation in the elections. In Anambra State, four of the largest parties were known to have militias working with them to "protect our votes."<sup>51</sup> In Benue State, political clashes in the lead-up to the elections resulted in casualties.<sup>52</sup> Similar clashes in Nassarawa also led to fatalities, including nine policemen killed while safeguarding the transport of electoral materials.<sup>53</sup> Some candidates were alleged to have hired organized gangs of youth and private militias to protect them and threaten their opponents.<sup>54</sup>

### **Perceptions of Impunity and Police Bias**

Instances of politically motivated violence in the lead-up to the 2007 elections and the failure to prosecute perpetrators, as well as those suspected of electoral fraud, fed a perception that such actions could be conducted with impunity. The NPF, criticized in the past by local and international human rights organizations for using violence against citizens, appeared ill-equipped to battle organized corruption or political violence.

---

<sup>48</sup> As electoral competition intensified, political violence also rose, particularly at the state level. The July 2006 murder of Funso Williams, the leading contender for the PDP gubernatorial nomination in Lagos State, was preceded by that of Jesse Arukwu, an ACD governorship candidate in Plateau State, in June. In August, another gubernatorial candidate, Ayo Daramola, was murdered in Ondo State. None of the killers were charged, although in the case of Funso Williams, the Nigerian Police Force flew in detectives from Scotland Yard and detained all the other PDP gubernatorial candidates for questioning, before releasing all without charge.

<sup>49</sup> '2007 Elections: A Do or Die Affair for PDP—Obasanjo': *The Punch*, January 11, 2007.

<sup>50</sup> 'Nigerian opposition accused of coup plotting-report': *Reuters*, March 21, 2007.

<sup>51</sup> Reports from NDI long-term observers.

<sup>52</sup> 'Political Clashes Claim 10 Lives, 30 Houses in Benue': *Guardian*, March 20, 2007.

<sup>53</sup> 'Violence mars Nigeria elections': *BBC News*, April 22, 2007.

<sup>54</sup> Reports from NDI long-term observers.

NDI observers heard many complaints that the police and other security forces seemed to be acting to advance the electoral interests of those in power.<sup>55</sup> In some cases, the police failed to issue permits to opposition candidates and parties in a timely manner, and then broke up rallies and meetings of the parties for not having permits<sup>56</sup> or under the pretence of security considerations.<sup>57</sup> Six days prior to the presidential election, the NPF announced a ban on all political rallies to forestall further violence.<sup>58</sup>

According to the NPF, approximately 200,000 officers were detailed to the more than 120,000 polling stations to deter intimidation and bribery of voters and election officials, discourage vandalizing or stealing of ballot boxes and mitigate the potential for violence. Senior police officers received training on a “Code of Conduct for Security Officials on Election Duty” drawn up by the Police Service Commission,<sup>59</sup> but observers found little evidence that the training extended to junior officers and constables on duty. In many states, Nigerians noted that the police had varied interpretations of their role in the electoral context.

The then-Inspector-General of Police Sunday Ehindero stated that police officers on election duty would only take action if directed to do so by the presiding officer at a polling station.<sup>60</sup> He later modified his statement to note that criminal activity would be prevented and perpetrators apprehended. On election day, however, NDI observers in Anambra, Enugu, Kaduna and Ogun States witnessed security personnel standing by when polling stations were invaded by thugs who seized ballot boxes and scared away voters.

## VIII. THE ELECTORAL PERIOD

As the elections neared, INEC’s failure to release the voter register, the lack of election information, the tardy recruitment and training of staff, and the general failure of INEC to engage civil society as legitimate stakeholders in the process exacerbated public unease.

---

<sup>55</sup> The Ibadan Elders Forum went so far as to issue a public statement on April 5 lamenting the partisan role played by the police and the federal government. *The Punch*, April 7, 2007.

<sup>56</sup> The NPF’s insistence that it had the right to permit or refuse public meetings (including political rallies) remains a contentious issue. The NPF argues that no public meeting can take place without its permission. Others cite the 1999 Constitution guarantee of freedom of association, however, in arguing that the police need only be informed if the organizers choose to do so or to ask for police protection.

<sup>57</sup> Following the Supreme Court decision on April 16 reversing the disqualification of the vice president and other candidates barred by INEC, the Inspector General of the Police announced a ban on public rallies and processions. While the police may have been reacting to the violence that occurred during the conduct and declaration of results of the April 14 state elections, Vice President Abubakar’s supporters interpreted the ban as a pretext to prevent him from campaigning as an official candidate in the remaining four days before the national elections.

<sup>58</sup> ‘No more campaign in Gombe’: *Weekly Trust*, April 7, 2007.

<sup>59</sup> The Police Service Commission was established under the 1999 Constitution as a civilian oversight body for the Nigeria Police Force. The Code of Conduct was intended to apply to all security forces used for election duty, including members of the NPF, the Federal Road Safety Corps, Customs and Immigration officers and the Civil Defense Corps.

<sup>60</sup> Remarks at the All Nigeria Civil Society Pre-Election Conference, November 2006.

INEC's release of the lists of candidates qualified to contest the state and national elections on March 5 and April 7, respectively, generated controversy. High profile candidates, such as Vice President Abubakar, were excluded, while INEC's decision to allow last-minute substitutions disadvantaged women candidates, who were sometimes arbitrarily replaced with male candidates by party leaders.

INEC continued to disqualify candidates on the eve of the elections, including Ibrahim Bapetel, the AC gubernatorial candidate in Adamawa State and Prince Abubakar Audu, the ANPP candidate in Kogi State. When Bapetel's name and picture appeared on the ballot paper on election day, NDI election observers in Adamawa State witnessed INEC election officials defacing ballots by crossing out his name.

The reported collapse of PDP presidential candidate Umaru Yar'Adua and his evacuation to Germany on March 6 fueled rumors about his fitness to run for office and forced an examination of the circumstances under which elections could constitutionally be postponed. Yar'Adua returned to Nigeria insisting that he was healthy, though the sudden death of AD candidate Adebayo Adefarati on March 29 renewed debate on the potential postponement of the elections. INEC confirmed that Adefarati's death would not result in the postponement of the elections, however.

Based on the April 3 Court of Appeal ruling upholding its right to disqualify candidates, INEC refused to include Vice President Abubakar in the list of presidential candidates, despite a Federal High Court order to do so. The AC and Vice President Abubakar appealed to the Supreme Court against the Court of Appeal's decision. INEC meanwhile printed tens of millions of ballot papers for the presidential election that omitted the vice president's name. These ballots would have to be reprinted following the Supreme Court's ruling in favor of the vice president.

### **Unscheduled Public Holidays**

At the beginning of the second week of April, the Supreme Court announced that it would hear the AC's appeal against the Court of Appeal's decision confirming INEC's power to disqualify candidates.<sup>61</sup> The federal government's declaration of April 12 and 13 as public holidays, ostensibly to enable citizens to travel home in order to vote in the state elections, meant that the Supreme Court could not sit.<sup>62</sup> As a result, the Supreme Court hearing on the Abubakar appeal could not be held until after the state elections.

## **IX. THE APRIL 14 STATE ELECTIONS**

NDI deployed long term observers (LTOs) and staff to witness the April 14 gubernatorial and House of Assembly elections in 17 states. Two LTOs were deployed in each of Nigeria's six geopolitical zones.

---

<sup>61</sup> 'Only Supreme Court Can Redeem Atiku's Presidential Ambition': *Vanguard*, April 8, 2007.

<sup>62</sup> 'FG Declares Public Holidays': *Daily Champion*, April 12, 2007.

Overall, NDI observers noted that voting started late in many places because of the shortage of electoral materials, problems with the voter registry and the absence of candidates' names and/or photographs on the ballot papers. In some states, poll workers, some of whom were recruited on the spot when those that had been recruited failed to show up, were poorly trained or not trained at all. Electoral officials in a number of polling sites visited did not follow the procedures outlined in INEC's manual for electoral staff, including counting and recording the electoral materials delivered to them.

NDI observers reported that the absence of forms for recording results raised particular concerns in several states. This led to delays in distribution of voting materials to local government areas in Enugu when citizens refused to allow polling officers to leave the Central Bank (where the materials had been stored for safe keeping) until the results sheets were delivered. Voters protesting the absence of results sheets burned down the INEC office in Onitsha, Anambra State. NDI observers received credible reports that results sheets were being filled out well before the close of polls in polling stations in Rivers and Bayelsa States.

NDI observers noted that the late delivery of voting materials and other logistical failures were particularly acute in several states where the ruling party was either out of power or faced a strong challenge. In Kano State, voting materials were not delivered in many polling stations until well after midday.<sup>63</sup> In Ondo State, where the incumbent PDP governor faced a strong challenge from the LP,<sup>64</sup> voting materials arrived very late or not at all in areas where the opposition was considered strongest. In Delta State, voting did not take place in Abraka, the home town of the DPP candidate, Chief Great Ogboru.<sup>65</sup> In Zamfara and Sokoto States, voting started more than three hours later than scheduled.

### **Fraud, Violence and Other Irregularities**

Polls opened late but were largely peaceful in Lagos, despite pre-election skirmishes between the AC and the PDP. There were sporadic outbreaks of violence and three

---

<sup>63</sup> The situation in Kano State was already tense following the murder of one of the country's leading religious scholars, Sheikh Jaafar Mahmud Adam, on April 13, 2007, though the killing did not appear to have been political. Immediate appeals from several religious leaders sufficiently calmed the situation to allow polling to proceed once materials finally arrived.

<sup>64</sup> The PDP was extremely apprehensive about the popularity of the Labour Party candidate, Segun Mimiko, who had previously been a member of the PDP. At the PDP rally in the state, President Obasanjo astonished listeners when he declared that he had warned Mimiko not to contest the election, but that since he had ignored that advice, he was going to send the EFCC after him. These remarks attracted such adverse comment that the EFCC had to issue a public statement that it was not investigating Mimiko and had no plans to do so.

<sup>65</sup> 'Controversial Elections, Curious Results': *This Day*, April 18, 2007. Ogboru had first come to national attention when he was accused of being a major sponsor of the April 1990 coup attempt which almost toppled the military regime of Ibrahim Babangida.

people were reportedly killed on Lagos Island, despite the widespread deployment of soldiers to man roadblocks and control movement on election day.<sup>66</sup>

NDI received reports of ballot box stuffing and snatching from constituencies throughout the country. In Kwara and Osun States, NDI observers received reports that soldiers had kept voters at bay while PDP incumbents seized and/or stuffed ballot boxes with pre-marked ballot papers. In Offa in Kwara State, however, the police recovered ballot boxes that had earlier been snatched by club-wielding thugs. In Ekiti State, some party supporters snatched ballot boxes or otherwise attempted to stuff ballot boxes in plain view of voters and observers.<sup>67</sup> In many cases, observers witnessed indifferent security forces, who did not act to stop attempts at election rigging. In Ogun State, where two people were reported killed on election day, claims that 6,000 police officers would be deployed appeared not to prevent ballot box snatching and stuffing in the state capital, Abeokuta. NDI observers witnessed violent incidents of ballot box snatching in Edo and Enugu States, and in one instance in Edo State saw pre-marked ballot papers that had fallen from the pocket of a person identified by onlookers as a PDP stalwart. Reports from the state indicated that at least seven persons were killed during the polling.<sup>68</sup>

In Rivers State, two police stations were firebombed. Eight people, including seven policemen, lost their lives in the incident,<sup>69</sup> which the federal government later ascribed to militants from the Niger Delta. The invasion of police stations by thugs who destroyed voting materials stored there deterred many potential voters from turning out on election day. The perpetrators of political violence in the state operated with such brazenness and impunity that they even snatched a ballot box in front of a BBC correspondent in Port Harcourt, the state capital.<sup>70</sup>

Aside from bombs in Rivers State, two mobile police officers were shot in Abia State during an apparent attack on the PDP gubernatorial candidate.<sup>71</sup> In Delta State, youth protesting the conduct of the elections burned police vehicles.<sup>72</sup> The perceived vulnerability of the police may have been a factor in deterring would-be voters from going to the polls.<sup>73</sup>

---

<sup>66</sup> Although the unconstitutionality of an earlier 'stay-at-home' order was successfully challenged in court, the lack of transport and roadblocks kept many citizens off the roads.

<sup>67</sup> Several reports indicated that a former deputy governor of the state was at the head of one team of such partisans. Ballot box snatching and stuffing took place in Ekiti State despite the presence of several foreign journalists.

<sup>68</sup> 'Large turn out, Bloodshed at polls. Violence in Edo, Oyo, Ogun, Enugu, Anambra, Lagos, Delta, Osun, others': *The Guardian*, April 15, 2007.

<sup>69</sup> 'Gunmen kill seven policemen, injure soldiers in Rivers': *The Guardian*, April 15, 2007.

<sup>70</sup> Information broadcast on BBC radio, April 14, 2007.

<sup>71</sup> 'Violence on Election Day in Abia': *This Day*, April 21, 2007.

<sup>72</sup> 'Violence Rocks five councils': *The Guardian*, April 15, 2007.

<sup>73</sup> See Human Rights Watch report dated April 17 2007: "*Nigeria: Polls Marred by Violence Fraud.*"

## Declaration of Results

Election day violence was followed by public protests in many states as INEC announced results mostly in favor of the PDP that in some cases were at odds with anticipated results. In some instances, INEC's national headquarters announced results, whereas this responsibility was supposed to have fallen to the Residential Electoral Commissioners (REC), who served as chief returning officers for the gubernatorial elections. In Delta State, the results were declared in Abuja before the collation and counting of votes had finished in the state.

In Ondo State, protesters set ablaze the houses and vehicles of known PDP supporters. In Edo State, former Nigeria Labour Congress (NLC) President Adams Oshiomhole of the AC was arrested for leading protests against the declaration of victory for the PDP candidate. In Kogi State, riots broke out when the state was declared for the PDP, and a Deputy Commissioner of Police was among a reported total of 15 persons killed.<sup>74</sup> In Nassarawa State, six persons were reported killed during protests against the declaration of the state for the PDP over the ANPP candidate.<sup>75</sup> The palace of a traditional ruler in the state was razed by a mob in the ensuing violence.

In Adamawa State, where INEC's purported disqualification of the AC gubernatorial candidate had come too late for his name to be removed from the ballot papers, the Commission voided all votes cast for that candidate.<sup>76</sup> The candidate and his party claimed that he had been leading in the count before the Commission took this position. Sporadic protests occurred in several parts of the state.

In Imo State, where there had been relatively few reports of violence, INEC cancelled the results of the gubernatorial election on the grounds that there had been electoral violence.<sup>77</sup>

## Election Observers Condemn Conduct of Polls

Although few of the international observers<sup>78</sup> who were present in the country for the April 14 elections made public statements on the conduct of the polls, the Domestic Election Observation Group, a coalition of domestic monitoring groups, issued a joint statement on April 16 in which they condemned the conduct of the state elections.<sup>79</sup> The coalition rejected the results in as many as 10 states where observers had witnessed serious electoral malpractices, ranging from the hoarding of results sheets, lack of secrecy in voting, underage voting, the non-inclusion of candidates' names

---

<sup>74</sup> 'Police DCO killed, Audu disqualified': *The Guardian*, April 15, 2007.

<sup>75</sup> 'Assistant Commissioner, 8 other policemen killed': *The Guardian*, April 22, 2007.

<sup>76</sup> 'INEC voids front-runner's votes in Adamawa': *Daily Trust*, April 16, 2007.

<sup>77</sup> 'Confusion in Imo over Ballot papers': *The Guardian*, April 15, 2007.

<sup>78</sup> Those who had deployed observers for the state elections included the European Union and NDI.

<sup>79</sup> See Appendix D for joint statement of domestic observer groups.

and/or pictures on ballots, partisanship of INEC, violence and voter intimidation.<sup>80</sup> The coalition also criticized INEC for its attempts to obstruct their work, noting that the lack of an effective partnership between civic groups and INEC had hindered voter education efforts and contributed to many of the problems witnessed on election day that led to the disenfranchisement of voters. The domestic monitoring groups considered the irregularities and malpractices widespread enough to call “into serious question the reliability and validity of the results declared by INEC in the affected states.”

## **X. THE INTERLUDE BETWEEN POLLS**

### **Supreme Court Rules on INEC’s Disqualification of Candidates**

On April 16, the Supreme Court ruled that INEC had no power to disqualify a duly nominated candidate. As a result, Vice President Abubakar was cleared to stand as a candidate in the April 21 presidential elections.

The Supreme Court’s decision also overturned INEC’s disqualification of several candidates for the state elections. The Commission insisted, however, that it would not cancel the results or re-run the elections in the affected states, and that the wrongly disqualified candidates would have to take their complaint to an election tribunal.<sup>81</sup>

### **Tension and Violence Persist**

As protests continued and tensions rose across the country, senior PDP officials, including Senate President Ken Nnamani, condemned the state elections as rigged.<sup>82</sup> On April 19, President Obasanjo broadcast a national appeal to quell tensions and encourage citizens to turn out for the April 21 polls. In his remarks, Obasanjo called for “significant improvements” in the April 21 elections and appealed to Nigerians “to exercise their civic responsibility of voting peacefully, diligently and without indulging in any malpractices.” He called on INEC “to do everything possible to strengthen the integrity of the process, the system and the outcome,” and on political parties to restrain themselves and their supporters from undermining the process through electoral malpractices. Finally he asked law enforcement agencies “to deal strictly and firmly with electoral offenders, no matter who they are.”<sup>83</sup>

Despite President Obasanjo’s appeal, violence continued to simmer. In Benue State, 10 people were reported killed and 30 houses were attacked and burned when violence erupted between the AC and PDP. Several police officers lost their lives in violent attacks on police stations in Kano State by a group that called itself the ‘Nigerian

---

<sup>80</sup> These included Anambra, Adamawa, Delta, Edo, Enugu, Kogi, Nasarawa, Ogun, Ondo and Rivers State. The group later said that additional information that they received showed that the election results in other states, such as Ekiti State, ought also to be cancelled.

<sup>81</sup> ‘It’s D-Day! INEC throws out Adamawa AC Candidate’: *The Guardian*, April 14, 2007.

<sup>82</sup> Meeting between leaders of NDI International Observer Mission and National Assembly leaders held on April 19, 2007.

<sup>83</sup> Broadcast by President Olusegun Obasanjo on April 19, 2007, reported in *Vanguard* newspaper of April 20, 2007: *Obasanjo admits to flaws in guber polls*.

Taliban.<sup>84</sup> Although some analysts believe that the attacks on the Kano police stations may have been in retaliation for the murder of a local leader and not directly connected with the elections, they generated more tension and fear in the state in the days leading up to the national polls.<sup>85</sup>

## **XI. THE APRIL 21 NATIONAL ELECTIONS**

On April 21, Nigerians awoke to the news that an unsuccessful attempt had been made to bomb INEC's national headquarters in Abuja. No group claimed responsibility and no damage was done, yet the incident further heightened the level of anxiety among voters.

### **The Presidential Ballot Papers**

After the Supreme Court ruling on April 16, INEC rushed to print millions of ballots, hoping to distribute them to over 120,000 polling stations prior to April 21. INEC abandoned the original plan to include photographs of the candidates on the ballot papers and, more importantly, did not adhere to section 45(2) of the Electoral Act 2006, which stipulates that: "The ballot papers shall be bound in booklets and numbered serially with differentiating colors for each office being contested." Instead, INEC distributed two different versions of the presidential ballot paper on election day: one that had no numbers printed on them, and another set with zeros printed on the ballot paper.

### **Poll Delays and Cancellations**

As it became evident that ballot papers would not be delivered in time to be distributed to the over 120,000 polling stations for the scheduled 8:00 a.m. opening on April 21, INEC announced that polls would open nationwide two hours late, at 10:00 am.

NDI observers noted that the polls opened after 10:00 a.m. in almost every part of the country, and in some places did not open at all. In some cases, voters waited until late in the afternoon for polling officials who did not show up. Voter frustration boiled over in some places, with as many as four people killed in Katsina State, home of PDP presidential candidate Umaru Yar'Adua and ANPP candidate Muhammadu Buhari.<sup>86</sup> In Oyo State, ANPP senatorial candidate Seyi Makinde claimed that he had narrowly escaped abduction by people masquerading as police officers.

---

<sup>84</sup> 'Police to deploy tanks to Kano as armed men kill officers': *Daily Trust*, April 12, 2007.

<sup>85</sup> The nationwide violence, in which two international European Union observers were physically attacked in Nassarawa State, caused NDI and other international observer missions to delay their deployment, and to reconsider plans to deploy observers to Kano and Edo States.

<sup>86</sup> 'Violence mars Buhari's campaign in Katsina': *Daily Trust*, April 12, 2007.

## More Ballot Problems: Polls Re-Scheduled

With regard to the legislative races, NDI observers deployed in different parts of the country noted that not all ballot papers included the party symbols of candidates for the elections, while many candidates complained about not being on the ballot at all. The ballot paper problems were so widespread that INEC had to re-schedule elections in 117 of the country's 774 local government areas.

## INEC's Declaration of the Presidential Election Results

Although the national elections were delayed by an entire day in some areas, INEC began releasing the results of the elections on April 22. The results showed the PDP, ANPP and AC candidates leading many races, with PDP presidential candidate Umaru Yar'Adua far ahead of the others.

On April 23, INEC Chairman Iwu announced that Yar'Adua had received over 70 percent of the vote, though he did not state the figure of the total votes cast nationwide or the percentage scored by each of the candidates. There was also no state-by-state breakdown of the results.<sup>87</sup>

Table 3

<b>INEC RESULTS FOR LEADING CANDIDATES RELEASED ON APRIL 22 2007</b>			
<i>State</i>	<i>PDP</i>	<i>ANPP</i>	<i>AC</i>
Akwa Ibom	1,149,508	2,887	10,618
Edo	700,604	12,477	56,321
Imo	744,876	10,159	18,391
Lagos	383,956	66,411	599,300
Ogun	583,806	55,605	75,310
Osun	594,912	6,758	131,123
Oyo	391,164	125,645	204,196
Rivers	1,841,956	55,427	53,322
Sokoto	418,446	87,154	NA
FCT	74,822	91,217	16,746

*Source: The Punch newspaper, Monday April 23 2007*

## The April 2007 NDI Observer Mission

NDI deployed 61 civic and political leaders, academics, election experts and staff from 16 countries in Africa, North America, Europe and Asia to observe the April 21 presidential and National Assembly polls. The delegation was co-led by Madeleine Albright, Chairman of NDI and former US Secretary of State; Mahamane Ousmane,

<sup>87</sup> See Appendix A for presidential election results.

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; Yvonne Mokgoro, Justice of the Constitutional Court of South Africa; and NDI President Ken Wollack.

The NDI delegation visited polling sites in 14 states covering all six of Nigeria's geopolitical zones. NDI's observation mission built on the work of long-term observers deployed to monitor the voter registration process, campaign period, and April 14 state elections. It also drew on the findings and recommendations of an NDI Pre-Election Assessment Mission in May 2006. The NDI observer delegation also coordinated closely with those fielded by the Commonwealth, ECOWAS, European Union and International Republican Institute, as well as with Nigerian domestic monitoring groups. In states not visited by the NDI delegation, credible information was gathered from other established observer groups, both domestic and international.

On April 21, the delegation witnessed a relatively smooth electoral process in some parts of the Federal Capital Territory, Niger, Plateau and Lagos States. In these places, polling stations generally opened on time, with sufficient materials and adequate numbers of polling officials and security agents. Domestic observers were present, and polling officials and party agents generally performed professionally and cooperated to produce a credible voting process on election day. The delegation was also impressed by the deep commitment to peaceful civilian rule and the strong determination of the Nigerians with whom it met that problems should be resolved by legal and political means.

In Adamawa, Anambra, Bauchi, Benue, Cross River, Enugu, Kaduna, Katsina, Ogun and Oyo States, however, NDI observers noted serious irregularities that undermined the integrity of the electoral process. These irregularities included:

- Delay in the distribution of balloting materials, which prevented polls from opening until late in the afternoon in many polling sites, or not at all in others.
- 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, and the presidential ballot papers lacked serial numbers.
- 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 INEC.
- 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. The NDI delegation also witnessed incidents of improper conduct by security agents, stuffing and snatching of ballot boxes, and intimidation by party agents. The delegation noted that in all places, ballot security was severely compromised due to the omission of serial numbers from the presidential ballots. This left the system susceptible to abuse and would make it impossible to track election returns by constituency or to verify the accuracy of the overall results.

### **NDI International Observer Delegation Preliminary Statement**

At a press conference organized in Abuja on April 23, the NDI observer delegation announced its preliminary findings in a statement released to the national and international media.<sup>88</sup> The NDI delegation found that, "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."

One of the major problems that marred election day 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 fact, the delegation stated that "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 further noted that similar electoral violations were cited by NDI's observer delegation to the 2003 national elections, but that "regrettably, the 2007 polls represent a step backward in the conduct of elections in Nigeria."

The NDI delegation nevertheless noted positive trends in Nigeria'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 exercised its oversight and representative functions more effectively; a civil society that mobilized in large numbers to monitor the electoral process and to educate voters; and a more vibrant media that created channels for the expression of diverse views and the dissemination of information.

The delegation stated that it 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 poll workers to conduct themselves and administer the polls in a professional manner under difficult circumstances. At the same time, delegates noted the relatively low voter turnout, which both voters and polling officials

---

<sup>88</sup> Please see Appendix H for the preliminary statement of the NDI observer delegation to Nigeria's April 21 elections.

attributed to problems, including violence, experienced during and after the April 14 state elections.

The NDI statement concluded that: “The serious flaws witnessed during this electoral process threaten to further erode citizen confidence in the country’s democratic institutions.” The delegation therefore recommended 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” and stated that “the expeditious adjudication and resolution of legal complaints arising from the polls is a vital component of this process.”

### **Interim Recommendations**

The NDI observer mission made specific recommendations for the five weeks between the end of the elections and the expected inauguration of the new president and governors in order to restore credibility and confidence in the electoral process. These included:

- 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.

### **Observations and Recommendations by NDI and Other Observers**

The observations of the NDI delegation mirrored those of other international observer groups, all of which were critical of the conduct of the elections. All of these international observer groups concurred that the 2007 electoral did not meet minimum international standards for democratic elections.

The conclusions reached by international observers echoed the findings of the independent domestic observer groups. On April 24, the Catholic Bishops Conference joined other observers in denouncing the presidential elections, stating that “we have again failed in conducting free, fair and credible elections...reports from across the country showed that the mandate of the people was abused, traumatized and brutalized.”

The only exception to this consensus finding among observer groups was the declaration of the Peoples Democratic Institute (PDI), a foundation of the ruling PDP that had been accredited by INEC to observe the elections. The PDI issued a preliminary report in which it commended the elections, claimed an “extremely high voter turn out” and a “peaceful, orderly and transparent” voting process “in most cases” and a “significantly transparent” collation process. Regarding the criticism of the electoral process made by other observers, the PDI said:

“We however note with dismay and regret the highly unpatriotic and partisan conduct of some local observer organizations that preferred to make alarmist and exaggerated statements against the conduct of the elections and INEC. Whereas more understanding has been shown by some international observer groups, our own local observer groups have chosen to say things that will please their foreign paymasters and funding organizations rather than speak patriotically and responsibly in support of Nigeria, our young democracy and our collective hopes and aspiration for peace, stability and unity.”<sup>89</sup>

## **XII. APRIL 28 RE-SCHEDULED ELECTIONS**

INEC re-scheduled the gubernatorial election in Imo State for April 28 after voting a week earlier had been disrupted by electoral violence. INEC also announced that at least 117 legislative elections in 27 of the 36 states would be rescheduled for April 28 because of ballot omissions for National Assembly races in those constituencies.

The rescheduled elections were marked by an extremely low voter turnout across the country. In some states, political parties boycotted the April 28 polls to protest the conduct of the previous two elections. Those boycotting included the LP and the AC in Ondo State, the Fresh Democratic Party (FDP) in Lagos State and the ANPP in Katsina State. The African Democratic Congress (ADC) also boycotted the polls and called the voting exercise a charade. Despite this trend, INEC later released results asserting that there had been a high turnout in most areas.

There were once again allegations of vote rigging during the April 28 elections. In some cases, security forces intervened against perpetrators, arresting a man who tried to

---

<sup>89</sup> Paid advertisement placed by the PDI in *This Day* newspaper on April 30, 2007, at p. 78 under the title: “Preliminary Report of the PDI INEC Accredited Election Observer Group on the 2007 General Elections held on Saturday April 14, 2007 and Saturday April 21, 2007 and the Bye-Elections of Saturday April 28, 2007.”

bribe election officials to give him unmarked ballot papers and thugs attempting to attack polling stations. Apart from the South-East, where the PPA won the Imo State gubernatorial elections, and the South-West, where the AC secured victories in Lagos State, most of the rescheduled elections were won by the PDP.

### **XIII. THE POST-ELECTION PERIOD**

#### **The Complaints Process**

New guidelines intended to expedite the adjudication of electoral disputes were adopted prior to the 2007 elections. The new rules require the filing in advance of all witness statements and documents intended to be used as part of an originating petition. The Nigerian Bar Association criticized some aspects of the new guidelines, particularly the onerous requirements for filing and the potential for intimidating witnesses, whose details and sworn statements would have to be disclosed upon filing. In the immediate post-election period, citizens and parties attempting to file petitions criticized INEC's lack of cooperation in providing documentation required to meet the new guidelines.

Nigeria's Court of Appeal, which has original jurisdiction in the presidential election, ordered INEC to produce documents for inspection by would-be petitioners against the results of the presidential elections. Candidates Buhari and Abubakar applied for orders to this effect, and although the registrar of the Court of Appeal initially refused to accept their applications because no substantive petition had yet been filed, the president of the Court of Appeal directed the registrar to accept and list the applications. The Court of Appeal's order, issued on May 14, called for a range of electoral materials to be presented, including the Statement of Poll Results from Polling Stations (form EC8A). Other requested documents included collation forms, the voter register, the Electoral Materials Receipts form (EC25) and Ballot Paper Account and Verification Statement (form EC40C). NDI identified INEC's inability to track the results from the polling stations as a major weakness of the electoral process.

While hopeful that the adjudication process will resolve electoral complaints, some stakeholders questioned whether justice will be rendered in a timely fashion, given the delays experienced in resolving electoral disputes following past elections. It took three years for an election tribunal to hold that the true winner of gubernatorial elections in Anambra State was not the candidate sworn into office, despite the fact that a gubernatorial election petition was filed immediately after the 2003 elections. The rightful winner of the 2003 election, Peter Obi, was sworn into office in 2006, and on June 14, 2007, won a declaration from the Supreme Court confirming that he was entitled to serve his full four-year term. It also took almost three years to rule on Muhammadu Buhari's challenge to the results of the 2003 presidential elections.

#### **Election Petitions**

Under the Electoral Act, only candidates and political parties are entitled to present petitions challenging the result or conduct of any election. Nevertheless, the election

tribunals were deluged with petitions arising from the 2007 elections. Thirty days after the declaration of the results, the cut-off date for filing election petitions, 1,260 petitions had been filed, including eight that dispute the results of the presidential race, 106 challenging gubernatorial outcomes, 131 cases against Senate races, 291 related to the House of Representatives results, and 724 cases regarding state legislatures. Although there is an election tribunal for each of Nigeria's 36 states and the Federal Capital Territory, and new rules have been adopted to speed the processing of claims, the total number of petitions filed in 2007 is more than double the number filed in 2003. Anambra State, with 148 petitions, has the highest number of cases. Challenges to the outcome of gubernatorial elections have been filed in 35 of 36 of the federation's states.

In response to complaints that some respondents, including INEC, were evading service, the tribunals ordered substituted service, which delayed the commencement of hearings. In some cases, tribunals have shown a determination not to allow delaying tactics. For example, when INEC pleaded for more time to file its response to a gubernatorial petition in Lagos State, the tribunal gave it one day.

Although the adjudication process has progressed slowly, the Nigerian judiciary has thus far nullified more elections from 2007 than in past electoral years. As of April 18, nine of 36 gubernatorial elections have been overturned. In addition, at least 21 (out of 469) National Assembly elections, including that of Senate President David Mark, and 13 state assembly elections have been overturned, pending appeal. The presidential election petition tribunal upheld the victory of President Umaru Yar'Adua; the decision has been appealed to the Supreme Court.

### **Status of INEC**

Since the elections, several Resident Electoral Commissioners have alleged that their lives have been in jeopardy and pleaded to be re-assigned. INEC Chairman Iwu has rejected these requests on the grounds that the RECs need to remain in place to answer any questions that may be raised by the election tribunals.

Observers have expressed concern that INEC will not produce the documents and information needed for the adjudication of electoral disputes, such as information on the number of votes cast at polling stations where allegations suggest that the number of votes cast exceeded the number of voters.

### **Political Uncertainty**

After the April 21 elections, the federal government encouraged post-election dialogue even as its security services were threatening and in some cases arresting opposition supporters and civil society leaders protesting the election results. The government admitted that the elections were flawed and spoke of partnership with the international community even as it decried as "misguided" the unprecedented unanimity among international observers in condemning the fundamentally flawed electoral process.

The National Assembly was called back into session immediately following the elections. A few days later, the House of Representatives went into recess again. The Senate, however, passed a vote of confidence in Senate President Ken Nnamani, following accusations by presidential aides that he was plotting to bring about an interim national government with himself at the head. The Senate also refused to extend an earlier state of emergency in Ekiti State, where President Obasanjo had re-appointed a former military governor as sole administrator.

Contrary to the show of independence within the Senate, the House of Representatives failed to discuss a report prepared by its Electoral Matters Committee. Some committee members argued that the aggrieved parties should seek redress in the election tribunals, while others suggested that it was possible to distinguish between individual cases, which would be a matter for the tribunals, and the overall conduct of the elections, which should be discussed by the committee. Given the acrimonious nature of this debate, the National Assembly was unable to hold hearings on the elections before the change in administration on May 29.

### **Harassment of Civil Society Leaders**

The police and the SSS harassed some civil society activists who had called on Nigerians to condemn the fraudulent and criminal behavior of INEC officials and to reject the election results. On April 30, the SSS raided the ACE offices and arrested its general secretary, claiming that he possessed 'subversive materials.'

### **The New National Assembly**

On June 5, President Yar'Adua inaugurated the new National Assembly with Hon. Patricia Olubunmi Etteh of Osun State as Speaker of the House of Representatives and Senator David Mark of Benue State as Senate President. While noteworthy that Patricia Etteh was the first female Speaker of the House of Representatives, there was dissent even within the PDP over the choice of the new Senate leader, given that Senator Mark's election was still being contested before the election tribunal.<sup>90</sup>

### **The Yar'Adua Administration**

While some PDP leaders appeared embarrassed at the over-inflation of votes ascribed to their candidate, Yar'Adua did not respond to calls to reject the election. Instead he appealed for 'understanding' and constitutional challenges to the election results, and invited candidates Buhari and Abubakar and their parties to join him in a government of national unity. During his inauguration speech, the new president voiced a commitment to electoral reform before the next round of state and national elections in 2011. In August 2007, he established a 22-member panel to review the 2007 electoral process

---

<sup>90</sup> Outgoing Senate President Ken Nnamani warned against imposing the leadership of the legislature, for which he was condemned by the PDP party Chairman Ahmadu Ali. Former Benue State Governor George Akume did contest for the position in the Senate, losing by 68 votes to 39. Party chairman Ali had reportedly stated that if Mark had lost the vote, the party would have "dealt severely with the rebels."

and make recommendations for electoral reform. In addition to electoral reform, Yar'Adua expressed a commitment to addressing problems related to power supply, inadequate infrastructure, education, health care, agriculture, the Niger Delta and unemployment.

President Yar'Adua named his government in June. The president's first post-inauguration appointments included three holdovers from his predecessor's administration. He later swore in military chiefs who had been appointed by President Obasanjo just as he was leaving office.<sup>91</sup> The PDP was asked to nominate three persons for federal appointments from each state, thereby affording existing or outgoing state governors, who controlled the state party machinery, much influence over the selection process.

### **The Obi Decision**

Peter Obi of the APGA was duly sworn in as the governor of Anambra State on March 10, 2006, following a three-year legal battle to overturn the fraudulent victory of PDP candidate Chris Ngige in 2003. When Obi was finally sworn in, however, INEC issued him a certificate, backdated to 2003. Drawing on the backdated certificate, INEC prepared to hold gubernatorial elections in Anambra State in April 2007, despite section 180(2) of the Constitution which provides that a governor is to vacate his office four years from the date on which she/he takes the Oath of Allegiance. Elections were therefore held in Anambra State on April 14, in contravention of this constitutional provision.

Governor Obi took his case to court, and following a lengthy appeals process, the Supreme Court ruled in June 2007 that Obi's term had not expired and that he should remain in office until March 10, 2010, or four years from the date on which he had been sworn into office. The effect of this decision was to invalidate the 2007 gubernatorial election in Anambra State. The Yar'Adua government ordered that Obi be restored to office, demonstrating its preparedness to comply with the Supreme Court's ruling.

## **XIV. CONCLUSION**

### **The April Elections and Democratic Consolidation in Nigeria**

In its preliminary statement issued in Abuja on April 23, NDI concluded that, "In many places, and in a number of ways, the electoral process failed the Nigerian people. The cumulative effect of the serious problems witnessed substantially compromised the integrity of the electoral process."

The new Nigerian government must therefore take the extraordinary steps needed to remedy the flaws in its electoral process witnessed by NDI and other observers in order

---

<sup>91</sup> This was in marked contrast with Obasanjo's early days in office, when he had changed all the military chiefs appointed by former head of state Abdulsalami Abubakar within his first week in office.

to gain the lost confidence of citizens and to consolidate the important, yet fragile, gains made by the country's fledgling democratic institutions.

Certain positive trends in Nigeria's democratization process give reason to hope that the concerns resulting from the recent elections can be overcome. As noted above, the Nigerian judiciary performed admirably in rulings that enhanced its credibility and independence in the eyes of many Nigerians. The outgoing National Assembly exercised considerable oversight over an attempted expansion of executive powers and an energized civil society mobilized in large numbers to monitor the elections and to educate voters. The media also created channels for the expression of diverse views and the dissemination of information. Most importantly, millions of Nigerian voters waited patiently to exercise their fundamental political and civic rights, showing a strong desire to participate in the democratic process.

Many institutions face challenges in the post-election environment. The election tribunals are already deluged with the more than 1,250 election petitions filed. Even with tribunals based in each of Nigeria's 36 states and new rules to speed the processing of claims, the sheer number of petitions—which is more than double the number filed in 2003—is a challenge for the tribunal system.

Many Nigerians hope that the adjudication process will resolve election-related complaints, but are apprehensive that justice can be rendered soon enough, given the delays experienced in resolving election-related disputes following past polls. In addition, guidelines for filing election petitions, although designed to speed up the process of adjudication, have drawn criticism. Critics cite difficulties in meeting filing requirements, the potential for intimidating witnesses (whose details and sworn statement must be disclosed upon filing) and a lack of cooperation from INEC in providing required documentation as serious obstacles. It is true that adjudication of electoral disputes is an integral part of the electoral process, but to ensure stability and the sustainability of democracy in Nigeria, the election tribunals must process complaints expeditiously and in a transparent manner.

The new National Assembly faces a turnover rate of approximately 75 percent of members of the House and Senate. Adding to the inexperience of many of these new members, the work of the National Assembly may be hindered by the numerous petitions that have been filed against members' elections with the election tribunals. Many candidates for the new National Assembly emerged from controversial primary contests within the political parties. Also, some of the legislative races were marred by serious irregularities on election day. To inspire public confidence and continue the past legislature's steps towards independence from the executive branch, the new National Assembly will have to demonstrate its commitment to democratic reforms.

With regard to civil society, post-election protests organized by civil society groups, labor and some opposition parties resulted in the arrest of more than 300 people, including some civil society leaders who spoke publicly on the failings of the elections. Anxieties were further aggravated when Nigerian security services raided the offices of

some civil society groups in the weeks following the announcement of elections results. The government needs to recognize civil society's role in advocating for constructive and meaningful reforms and its right to do so.

In the aftermath of these seriously flawed elections, millions of Nigerians are left wondering whether to keep faith in the electoral process and to believe that their votes count, or to succumb to apathy and disaffection with democracy. As Nigerians lose faith in the democratic process as a means for resolving disputes, the potential for tensions and instability will inevitably grow. Almost immediately after the April polls, violence increased in the Niger Delta, and no visible efforts have been made to disarm militias that perpetuated violence against political opponents and threatened stability and general security across the country.

The post-election period could be a turning point for Nigeria's democratic development. On one hand, the period could serve as an opportunity for rebuilding shattered citizen confidence in the electoral process and governing institutions before the next national election cycle. On the other hand, failure to expeditiously and fairly address electoral complaints and implement comprehensive electoral reform could send the country's democratic development into a further backward slide, undoing progress made since the return to civilian rule.

## APPENDIX A: 2007 PRESIDENTIAL ELECTION RESULTS RELEASED BY INEC

PRESIDENTIAL ELECTION RESULTS			
	Name	Party	Votes
1	Governor Umaru Musa Yar'Adua	PDP	24,784,227
2	General Muhammadu Buhari rtd	ANPP	6,607,419
3	Alhaji Atiku Abubakar	AC	2,567,798
4	Governor Orji Uzor Kalu	PPA	608,833
5	Governor Attahiru Bafarawa	DPP	289,324
6	Dim Chukwuemeka Ojukwu	APGA	155,947
7	Chief Pere Ajuwa	AD	89,511
8	Rev. Chris Okotie	FDP	74,049
9	Dr. Brimmy Asekharuagbom Olaghere	NPC	33,771
10	Chief Ambrose Owuru		28,518
11	Dr. Arthur Nwankwo	PMP	24,164
12	Chief Emmanuel Osita Okereke		22,592
13	Sir Lawrence Famakinde Adedoyin		22,459
14	Alhaji Aliyu Habu Fari	NDP	21,974
15	Galtima Baboyi Liman	NNPP	21,665
16	Dr. Maxi Okwu	CPP	14,027
17	Chief Sunny Joseph Okogwu	RPN	13,566
18	Dr. Iheanyinchukwu Godswill Nnaji	BNPP	11,705
19	Dr. Osagie O. Obayuwana	NCP	8,229
20	Dr. Olapade Agoro	NAC	5,692
21	Dr. Abone Solomon	MNDP	5,666
22	Pro. Isah Odidi	ND	5,408
23	Mal. Aminu Garbarti Abubakar	NUP	4,355
24	Maj. Dr. Rev. Mojisola A. Adeunle-Obasanjo	MMN	4,309

Source: INEC website

\*INEC Chairman, Prof. Maurice Iwu, who announced the result of the presidential election, neither gave the figure of the total votes cast nationwide, nor the percentage scored by each of the candidates. There was also no state-by-state breakdown of the results announced.

## **APPENDIX B: THE ABRAKA MEMORANDUM OF UNDERSTANDING**

### **MEMORANDUM OF UNDERSTANDING**

We the underlisted civil society groups and organizations involved in Election Monitoring and Observation in Nigeria met at Abraka, Delta State from the 21<sup>st</sup> to the 24<sup>th</sup> of January 2007 to review developments in the 2007 Electoral Process and at the end of deliberations agreed as follows:

1. To use the common checklist for election monitoring and observation developed at Abraka on the 23<sup>rd</sup> day of January 2007 for the two strands of elections that are scheduled to be conducted in Nigeria on the 14<sup>th</sup> and 21<sup>st</sup> of April, 2007.
2. To collate and pull together data generated from the checklists into one central data base to be hosted by Alliance for Credible Elections (ACE-Nigeria).
3. To constitute a national steering committee made up of top level personnel from each of the underlisted civil society groups and organizations with authority to take decisions to harmonize data and information generated from the state and zonal data collation hubs.
4. To create zonal data pooling and collation hubs to be hosted by one of the underlisted civil society groups in each of the 6 geopolitical zones of Nigeria.
5. To constitute zonal committees made up of participating civil society groups and organizations to facilitate the collection and transmission of data.
6. To constitute a committee of Information Technology experts from member groups and organizations to harmonize the software required for the pooling and transmission of data.
7. To issue joint statements on the elections and after each election.
  - The Transition Monitoring Group (TMG)
  - The Justice, Development and Peace Commission (JDPC)
  - The Nigerian Bar Association (NBA)
  - Alliance for Credible Elections (ACE-Nigeria)
  - Labour Election Monitoring Team (LEMT)
  - Federation of Muslim Women's Associations of Nigeria (FOMWAN)
  - The Civil Liberties Organisation (CLO)
  - Muslim League for Accountability (MULAC)
  - Human Rights Monitor (HRM)
  - Institute of Human Rights and Humanitarian Law (IHRHL)
  - The Institute of Social Sciences and Administration (TISSA)

## **APPENDIX C: LIST OF DOMESTIC ELECTION OBSERVERS UNDER THE ABRAKA MOU PROCESS**

List of domestic election observers that took part in the Abraka MOU process and agreed to use a common checklist:

1. The Institute for Social Sciences and Administration (TISSA)
2. Federation of Muslim Women's Associations of Nigeria (FOMWAN)
3. Nigerian Bar Association (NBA)
4. Justice, Development and Peace Commission of the Catholic Secretariat (JDPC)
5. Civil Liberties Organisation (CLO)
6. Muslim League for Accountability (MULAC)
7. Institute of Human Rights and Humanitarian Law (IHRHL)
8. Labour Election Monitoring Team (LEMT)
9. Transition Monitoring Group (TMG)
10. Christian Association of Nigeria (CAN)
11. Alliance for Credible Elections (ACE)
12. Women Environmental Programme (WEP)

NB: The JDPC later decided to use its own checklist and issued its own statement, while a breakdown in communications meant that the NBA was unable to be present when the Interim Statement on the April 14<sup>th</sup> 2007 State Elections was being prepared, and subsequently issued its own statement.

The Christian Association of Nigeria attended the meetings on behalf of itself and of the Nigerian Supreme Council for Islamic Affairs.

## **APPENDIX D: DOMESTIC OBSERVERS' STATEMENT ON THE APRIL 14 ELECTIONS**

### **Preliminary Report on the Gubernatorial and State Assemblies Elections, Held on Saturday, April 14, 2007**

#### **Introduction**

In continuation of our tradition of monitoring general elections in Nigeria, which began with the 1999 elections, civil societies groups in Nigeria under the umbrella Domestic Election Observation Groups, which includes the of Transition Monitoring Group (TMG), Federation of Muslim Women Association of Nigeria (FOMWAN), Labour Monitoring Team (LEMT), Women Environmental Programme (WEP), Muslim League for Accountability (MULAC), Centre for Democracy and Development (CDD), Civil Liberties Organization (CLO) and Alliance for Credible Elections monitored the Gubernatorial and State Houses of Assemblies Elections, which held on Saturday, April 14, 2007 by deploying 50,000 trained observers throughout the country.

This preliminary report is issued based on the observations made by monitors from the 36 states and the Federal Capital Territory, Abuja. A more detailed report will be issued at the end of all the elections.

#### **Background to the Elections**

The primary role of election observers is to strengthen a nation's election processes and outcomes. This is realized by observing the management of the various phases in the electoral process and reporting strengths and weaknesses. Responsive authorities and civil society can take appropriate actions to enhance the quality of succeeding elections. The participation of civil society organizations in Nigeria in the observation and monitoring of elections since the early 1990s has been informed by the need to develop and sustain an electoral process in the country that is open, inclusive, free and fair. Unfortunately, succeeding electoral authorities in varying degrees have failed to realize the value of election observation by citizens and its importance for political legitimacy.

Civil society organizations in the country have over time been confronted by hostility from electoral authorities and officials which think that election observation and observers expose their inadequacies. This reaction is understandable in a country where public accountability by government officials is general ignored. Notwithstanding the obstacles and impediments created by various officials, many civil society organizations, individually and collaboratively participated in the observation of the preparations for and the conduct of the elections of governors and members of the legislatures in the 36 states of the Federation held on the 14<sup>th</sup> of April 2007. Election observation covers many activities and actions before, during and after the polling.

Electoral process begins with the drafting, discussion and enactment of electoral law for the country. An electoral law was enacted for the country in 2006 and amended in 2007

to accommodate many actions taken by INEC outside the legal provision. A major characteristic of the country's electoral legal framework is that the Constitution contained substantial provisions dealing with the formation and registration of parties, powers of the INEC, qualifications for nominations and election into various offices, etc. The electoral law is essentially aimed at simplifying electoral management. However, in the preparations for the 2007 elections, the country witnessed unprecedented litigations against the decision and actions of the electoral commission, especially as they relate to screening and disqualifications of candidates for elections. The INEC, in what appears to be attempts to avoid the observance of the rule of law and compliance with court orders also instituted several legal actions against individuals. As at the time of the election on Saturday, 14<sup>th</sup> April, 2007, several cases were still in court. There will also be many additional litigations arising from the conduct of the election due to observed inadequacies and late disqualifications by INEC of gubernatorial candidates without adequate opportunity for fair hearing, appeal and even notification of disqualification and grounds for so doing.

Voter registration and civic education are important aspects of elections. Election in democratic societies enables citizens to participate in governance by electing their representatives and leaders. It also enables them to remove the representatives and leaders who do not satisfy the expectations and aspiration of the voters. Voter registration and education require collaboration among the electoral commission, political parties and civil society organizations. The preparation for the current election has been characterized by general lack of civic education. The voter registration exercise witnessed several problems which necessitated amendment of the electoral law to regularize what was an unlawful registration that persisted for nearly six weeks after the period specified by statute.

Most of the problems (such as inadequate manpower and materials, malfunctioning equipment, etc.) observed during the voter registration were anticipated by civil society organizations, including the Transition Monitoring Group, that have participated in strengthening the electoral process in the country since 1999. However, rather than seek solutions to them, the leadership of the electoral commission alienated, demonized and regularly misrepresented them to the public, government and security agencies. Despite the monumental failures associated with the registration exercise, the Commission did not create effective platform for partnership with the civil society organizations. Notwithstanding, antagonism from the electoral agency, many civil society organisation mobilized the citizens and their efforts resulted in very high enthusiasm and subsequent registration, even against the backgrounds of numerous voter registration administration failures. Voter education is also necessary for smooth polling.

Due to lack of effective partnership between INEC and the civil society, there was no effective voter education prior to the election. Information were not made available to the public by the authority; voter register was not displayed as stipulated by law, samples of ballot papers were not made available to civil society organizations to enable them to educate voters. These deficiencies were responsible for many of the

problems that were observed during the April 14 elections. For example, a very high number of voters were disenfranchised because their names were missing on the voter register while names of contestants were not on the ballot papers. Some of the lapses in the election resulted from unnecessary antagonism of the electoral body towards civil society groups and individuals that expressed concerns about its preparations and actions.

Voter turn-out is an indication of the level of citizens' participation in election. Ordinarily, it also expresses the confidence of the public in the electoral process. In Nigeria, voter turn-out is often high because of extensive mobilization by interest groups. Frequently, the enthusiasm of the voters is eroded by lapses in the management of elections. Surveys conducted by the Alliance for Credible Elections and the CLEEN Foundation indicated that voter turn-out in the elections will be very high. INEC and security agencies were therefore urged to make adequate preparations to ensure smooth polling. However, the scale of problems that were witnessed during the April 14<sup>th</sup> election shows that adequate preparations may not have been made. High voter turn-out was witnessed in most parts of the country, though very many eligible voters were disenfranchised because their names were not on the register all the units where they registered and should vote or even be voted for.

Election commenced very late at majority of the polling stations due to later arrivals of personnel and materials. In a large number of polling units across the country, materials were either insufficient or incomplete (e.g. ballot papers were provided but not result sheets). In many polling units, voters were in gross excess of 500 voters which has been the norm in elections conducted during the past two decades. In such centres, there was no corresponding increase in personnel. As a result, there was rowdiness around the polling officials, and in some circumstances leading to skirmishes.

The polling centres were generally accessible because public spaces were used. However, the polling units lacked proper organisation and necessary materials for orderly voting. Officials and party agents crowded around rickety tables where voters receive materials, sometimes thumb-print in the presence and under the watchful eyes of party agents. The officials generally understood what they were supposed to do, if things went normally. However, once there is a problem or complaints from voters, majority were at a loss about how to solve them. In units with high number of voters, officials (including security agencies) were helpless and at the mercy of party agents, some of who were very domineering, especially when deployed by the ruling party in the state. Two major problems that characterized the election and were foreseeable but were not prevented during the April 14 election. These were incomplete voter registration and inadequate security arrangement to ensure orderly voting at the polling centres. Complete voter registration and adequate security during polling and of the personnel, materials and voters are some of the most important requirements of free, fair and credible election.

## **Serious Malpractices observed in the Elections**

Contrary to the expressed satisfaction with the conduct and outcome of the April 14 elections by the President, Chief Olusegun Obasanjo and INEC Chairman, Prof. Maurice Iwu, preliminary reports from our observers across the states indicate that the elections were seriously marred by egregious irregularities and malpractices to the extent of not only compromising the integrity of the ballot in many states of the federations but also calling into serious question the reliability and validity of the results declared by INEC in the affected states.

Some of these irregularities and malpractices include, hoarding of result sheets by INEC; lack of secrecy in balloting; underage voting, non inclusion of pictures and/or names of candidates on the ballot paper; partisanship of INEC officials, snatching of ballot boxes and papers; intimidation of voters and unacceptably high number of deaths recorded in the exercise:

### *Hoarding of Results Sheets by INEC*

In the 2003 elections, incidents of people queuing in the scorching sun and being made to vote in vain without result sheets were only recorded in parts of Anambra state. In the April 14 elections, the devious act was recorded in 4 states namely Anambra, Enugu, Rivers and Cross Rivers State thereby calling into question the validity of results declared in the states. In the case of Anambra, the absence of result sheets led to the burning of INEC's office in Onitsha by angry residents. A similar thing would have happened to the Central Bank office in Enugu where people kept vigil and insisted that no distribution of voting materials would take place in the state unless result sheets were included. In Rivers State, most voting centres in the 23 Local government areas of the state had not gotten their result sheets by late afternoon on April 14 leading to protests.

### *Lack of Secrecy in balloting*

A common feature of the Saturday elections across the states was lack of secrecy in balloting leading to subtle and overt intimidation of voters by agents of dominant parties and their loud supporters. Voting took place in makeshift environment in public schools and under trees without any efforts to screen voting areas. In many cases, the same tables used by electoral officers in clearing people for voting were also used for voting in the full glare of other voters waiting to be cleared to vote and party agents. It was therefore easy to tell who voted for whom, which cause serious problems for dissenters in close knit communities associated with particular parties.

### *Underage voting*

One of the advantages canvassed by INEC for its preference for electronic voters' registration system was that it would check incidents of underage registration, which leads to underage voting. Our experience on April 14 was that the technology failed

woefully in checking kids from acquiring voters' card to vote. Our observers reported in many states that children between the ages of 10 and 15 voted in many states such as Nassarawa, Benue, Kogi, Plateau, Katsina, Cross River, Kano, Yobe and Niger States. INEC officials pleaded that they did not have adequate security to enforce the age restriction in voting. In some other cases they were told that there was nothing INEC could do since the kids had valid voters' cards.

#### *Non-Inclusion of Candidates' Names and/or Pictures*

In many states candidates were brazenly denied opportunity to be voted for through non inclusion of their names and/or pictures on the ballot papers by INEC. The affected candidates are as follows:

- Dr. Chris Ngige, AC guber candidate, Anambra
- Nicholas Ukachukwu, ANPP Guber candidate, Anambra
- Ifeanyi Araraume, PDP gubernatorial candidate, Imo State
- Jimi Agbaje, DPA Gubernatorial Candidate, Lagos States
- Uchenna Ohimai, Fresh Guber candidate, Lagos States
- Saka Abioye, NAC, Lagos State
- Christopher Obatunwa, Lagos State
- Wilson Olabode, UNPP, Lagos State

In the case of Dr. Chris Ngige and Nicholas Ukachukwu, their names were excluded from the ballot papers in flagrant disobedient of court orders which portray INEC as organization an that has contempt for the rule of law and due process.

#### *Partisanship of INEC*

The infamy of partisanship in favor of the ruling party at the federal level of government which trailed INEC activities in the build up to the April 14 elections was observed at play in many states during the elections. Some of the egregious instances are as follows reported by our observers are as follows:

- Declaration of PDP gubernatorial candidate as the winner of the election in Delta by INEC headquarters while collation and counting of votes were still going on in the state.
- Cancellation of results of gubernatorial elections in Imo State where APGA's candidate was leading on account of electoral violence while upholding the results of State assembly's elections in the state where PDP won 26 of the 27 seats in spite of the fact that the two elections held at the same time and at the same venues in the state. In many states controlled by the PDP such as Rivers, Ondo, Ogun, Delta and Edo, similar acts of violence were reported without INEC canceling the elections in the State.

- Refusal of INEC to include the names and pictures of major opposition candidates for the gubernatorial elections in Anambra State such as Dr. Chris Ngige of AC and Nicholas Ukachukwu of ANPP in spite subsisting court rulings in order to pave for the victory of the favored PDP candidate in the state, Dr. Andy Uba.
- Disqualification of the candidates of AC in Adamawa State, Alhaji Ibrahim Bepetel, 12 hours to the commencement of the elections when it was clear that he was going to win the elections.
- Disqualification of the candidate of ANPP in Kogi State, less than a day to the elections.

### *Violence and Intimidation*

Violence and intimidation of the electorate characterized the elections in many states of the federation, particularly in four out of the six geographical zones of the country—South-South, Southeast, South West and North Central. At the last count over eighty persons were reportedly killed and hundreds seriously injured. The affected states are: Anambra, Adamawa, Delta, Edo, Enugu, Kogi, Nassarawa, Ogun, Ondo and Rivers. The level of violence, intimidation and ballot box snatching that took place in these states is so grievous that the results announced in them cannot be said to reflect the will of the people in the states.

### **Conclusion and Recommendations**

1. From the forgoing, it is clear that the elections on April 14 were marred by serious irregularities and malpractices that the results announced in many states such as Anambra, Adamawa, Delta, Edo, Enugu, Kogi, Nassarawa, Ogun, Ondo and Rivers States cannot be said to have reflected the will of the people of the states and we therefore reject them.
2. We urge Nigerians protesting the outcome of the elections in their various states to do so peacefully and in accordance with the law and the Constitution.
3. We urge the Nigerian Police Force and other security agencies to give adequate protection to Nigerians who are peacefully protesting their unhappiness at the outcome of the elections in their states. Aggrieved persons should under no circumstances be suppressed or intimidated.
4. We appeal to the judiciary and Election Tribunals to act as the true guardian of the law and the constitution and use its adjudicatory and interpretative powers to deliver electoral justice in deserving cases.
5. The Nigerian Police Force and other security agencies must give adequate protection to electoral officials and materials during the Presidential and National

Assembly elections to prevent criminal gangs from hijacking or tampering with the process.

6. Materials should be transported to the States early enough to ensure that voting commenced at the scheduled time.
7. Adequate security should be provided to protect voters, officials and electoral materials.
8. INEC and the security agencies should let the national interests and survival dictate their actions in accordance with the law and without bias.
9. The irregularities that characterized the April 14<sup>th</sup> election should be prevented in the next election on April 21, 2007.

Signed:

Transition Monitoring Group (TMG),

Federation of Muslim Women's Associations of Nigeria (FOMWAN),

Labour Monitoring Team (LEMT)

Women Environmental Programme (WEP)

Muslim League for Accountability (MULAC),

Centre for Democracy and Development (CDD)

Civil Liberties Organization (CLO),

Alliance for Credible Elections (ACE Nigeria)

Nigeria Bar Association (NBA)

## **APPENDIX E: DOMESTIC OBSERVERS' STATEMENT ON THE APRIL 21 ELECTIONS**

### **An Election Programmed to Fail:**

#### **Preliminary Report on the Presidential and National Assembly Elections**

**Held on Saturday, April 21, 2007**

#### **Introduction**

Civil society organizations in Nigeria, under the banner of the Domestic Election Observation Group, observed the Presidential and National Assembly Elections held on Saturday, April 21, 2007. The organizations, which include the Transition Monitoring Group (TMG), Labour Election Monitoring Team (LEMT), the Citizens Forum for Constitutional Reform (CFCR), the Electoral Reform Network (ERN), Muslim League for Accountability (MULAC), Centre for Democracy and Development (CDD), and Alliance for Credible Elections (ACE-Nigeria) deployed approximately 50,000 trained election monitors throughout the country.

#### **Summary of Observations**

Our monitors throughout the country noted and documented numerous lapses, massive irregularities and electoral malpractices that characterized the elections in many states. Based on the widespread and far-reaching nature of these lapses, irregularities and electoral malpractices, we have come to the conclusion that on the whole, the elections were a charade and did not meet the minimum standards required for democratic elections. We therefore reject the elections and call for their cancellation. The Federal Government and the Independent National Electoral Commission (INEC) have failed woefully in their responsibility to conduct free, fair and credible elections.

We do not believe that any outcome of the elections can represent the will of the people. A democratic arrangement founded on such fraud can have no legitimacy.

Despite the chaotic, troubled electoral process, what unites all Nigerians and the entire international community is the very strong belief that the problems that beset Nigeria and its elections should be resolved by legal and political means. The violence should stop and the law enforcement agencies should continue exercising their constitutional responsibility of maintaining the peace within the Constitution and under civil leadership within the rule of law.

#### **Conclusions and Recommendations**

Accordingly, we hereby make the following conclusions and recommendations:

- In order to overcome the vicious circle of fraudulent elections conducted by successive election management bodies, Nigeria should adopt a public policy which requires those charged with the management of elections to account for their conduct and actions. In furtherance of this, the leadership of INEC, under the chairmanship of Professor Maurice Iwu, should be held accountable for the lapses that arose from institutional and leadership incompetence as well as malpractices, fraud and lack of adequate preparations that characterized the elections of April 14 and 21, 2007.
- The management of the April 21 elections was characterized by massive but unnecessary waste of this country's resources. INEC printed millions of ballot papers for the presidential elections which were discarded without being used. Sensitive election materials which ought to have been checked carefully before being sent to the printers were handled with criminal negligence, resulting in many of them being unusable, particularly in senatorial elections in many states. The cost of re-printing the ballot papers and organizing senatorial elections on another day in these states is a huge drain on the country. INEC officials should be held criminally liable for the waste of resources.
- The Voters' Register for the election is very poor. The public ought to have had an opportunity to correct the list, and then INEC should have divided it so that there is a closer approximation for each polling station to 500 voters. The list should then have been organized for each polling station so that the names are arranged either alphabetically or serially by voter identification number.
- Following the shoddy elections, which were clearly programmed to fail, INEC and the Federal Government have thrown the country into a constitutional crisis not envisaged by the Constitution. We call on the National Assembly to immediately re-convene to find a constitutional solution to the crisis. Having orchestrated the failure of the elections, whatever political arrangement put in place by the National Assembly must be such that should not allow President Olusegun Obasanjo and his government to profit from the crisis, in terms of remaining in office beyond May 29, 2007. We call on National Assembly and the international community to hold President Obasanjo to his commitment to step down from office by May 29, 2007.
- Whatever arrangement the National Assembly puts in place must include the conduct of fresh elections within a three-month period. We therefore call on the international community not to recognize these discredited elections and not to confer legitimacy on any government that emerges therefrom.
- We call for the immediate dissolution of the INEC as presently constituted and the institution of a process that will lead to the conduct of free, fair, transparent and credible elections in the shortest time possible, which should exclude INEC under the leadership of Professor Iwu.

- In the long term, the 1999 Constitution should be amended to ensure that INEC becomes truly independent, non-partisan, impartial, professional, transparent, and trustworthy as an institution and in the performance of its constitutional functions.
- We call on the National Assembly to immediately launch an inquiry into the conduct of INEC in the management of the elections, including the award of contracts relating to various aspects of the preparations for the elections. In particular, we note that while INEC had substantial allocations from the Federation Account to organize and conduct the elections, most of its expenses appeared to have been covered by the Joint Donor Basket Funds. Nigerians need to know what became of the allocations to INEC from the Federation Account and how those monies have been disbursed.
- We call on the National Assembly to review the elections and institute a judicial inquiry into the financial affairs and conduct of Professor Maurice Iwu and INEC to determine the extent to which financial improprieties, corruption and fraud contributed to the failure of the elections.
- We recommend that in future elections, the Chairman of INEC should not be charged with the technical responsibility for organizing elections. While the INEC Chairman and Commissioners may be involved in broad electoral policy and providing broad policy direction for the Commission, the actual task of organizing the elections requires technical competence in planning and logistics, and should be assigned to a person who has demonstrable experience and technical skills in this regard.

## **Evidential Basis of Conclusions and Recommendations**

Our conclusions and recommendations are derived from the following facts and evidence:

### **Preparations for the Elections**

In many states, especially in the South-East and North-East, elections did not take place due to the nondelivery of election materials and this created challenges for the security agencies.

In many states, including Abia, Lagos, Kaduna, Niger, Anambra, Adamawa, Imo and a host of others, Senatorial and House of Representatives elections did not take place or took place in few constituencies due to omissions and mix ups in names and photographs of candidates as well as the logos of political parties. The Commission offered no satisfactory explanation for this state of affairs. Some Presiding Officers were held hostage by voters on account of this. Ballot papers are sensitive election materials which ought to have been checked carefully before being sent to the printers. But in this case, they were handled with criminal negligence, resulting in many of them

being unusable. This situation is completely unacceptable because the Commission had ample time to correct mistakes on ballot papers as there were very few judicial disputes around those elections.

In many States, elections did not begin until late in the afternoon due to late arrival of election materials. Voters waited in the scorching sun and those that could not wait went home angry and disappointed at a system and process that denied them their sovereign right to elect leaders of their choice. Some that waited could not cast their votes as the Commission did not avail Presiding Officers of rechargeable lanterns even though it claimed to have them in store. In some places voting did not take place at all due to the nondelivery of election materials and this created security challenges for the security agencies as prospective voters became restive.

### **Management of the Elections**

The conduct of INEC and its principal officers in the period leading up to the elections and during the elections raises serious questions about its independence, impartiality and competence as an election management body.

The logistics arrangement made for the elections can only be described as shoddy. A few days to the elections, the INEC leadership was still moving around Resident Electoral Commissioners in some states. Some of the RECs were redeployed less than 48 hours to the elections. No satisfactory explanation has been offered by INEC for these redeployments. It is difficult to understand the rationale for these redeployments and how the RECs could be expected to familiarize themselves with their new states and deliver on the tasks assigned to them.

INEC failed in many places to make arrangements to transport election officials and materials to polling stations. In some places, even where materials arrived at distribution points more than three hours late, elections officials still had to carry their materials and trek with them for kilometers to their polling stations, causing more delays and exposing them to security risks.

INEC has claimed that the logistical problems it faced in the distribution of election materials were caused by the fact that it was ordered by the Supreme Court on Monday, April 16, 2007 to include the name of the AC presidential candidate, Vice President Atiku Abubakar, on the ballot paper, forcing it to reprint the ballot papers for the elections.

This excuse cannot exonerate the Commission from blame. For weeks prior to the elections, a broad section of Nigerians advised INEC that its relentless pursuit of the programme of disqualification of candidates instead of focusing its energies and resources on its primary task of organizing the elections would cause problems for the elections. But Professor Iwu and INEC persisted, claiming that they had contingency plans to deal with the situation. In the end, this unwholesome agenda was its undoing. It unjustifiably created for itself a logistical nightmare of having to print about 65 million

ballot papers for the presidential elections within a period of four days and distributing them across such a vast country in about 15 hours. Apparently, no contingency plan had been made to deal with the situation.

Throughout the period leading to the elections, INEC Chairman, Professor Maurice Iwu, was more preoccupied with making political statements and fighting political battles, which distracted him from the task of ensuring that arrangements were put in place to guarantee a smooth electoral process. He failed to appreciate the importance of his assignment and was unable to approach it with dignity and decorum. He presented himself as a man who knew all the answers and covered his inadequacies with unnecessary bravado. Most importantly, he adopted an adversarial, rather than a cooperative role with civil society organizations, and this diminished his credibility and INEC's capacity to conduct a transparent elections.

### **Security and Safety in the Elections**

Security agencies play critical roles in democratic elections. During the preparation preceding elections, the government and security agencies assured the citizens that safety and security will be guaranteed before, during and after the poll. Furthermore, the Inspector-General of the Police informed the nation that sophisticated arms and ammunitions, never before seen in the country, were acquired for use during the election. However, the electoral process, from voter registration, party primaries and political campaign to polling has been characterized by widespread violence and general insecurity.

The process has been characterized by harassment and oppression of persons belonging to the opposition parties or considered to be critical of government's mismanagement of electoral process. Law enforcement agencies constituted themselves into complainants, accusers, investigators, prosecutors and judges. Working in collaboration with the INEC and the Federal Ministry of Justice, they indicted and excluded opposition politicians from the electoral process. On several occasions, candidates belonging to the opposition parties in several states across the country were arrested and taken to Abuja, which negatively affected their preparations for the elections and frightened their supporters.

There was massive deployment of members of the armed forces and security agencies following threats directed against the opposition by President Obasanjo, the chairman of the ruling People's Democratic Party (PDP), Senator Ahmadu Ali, and the Inspector-General of Police, Mr. Sunday Ehindero. This militarization of the election further frightened voters while failing to guarantee safety and security. The widespread insecurity and the militarization of the society during the poll undermined the credibility of the elections.

## **Malpractices and Irregularities**

The elections were in many respects worse than the State elections held on April 14, which had already been adjudged by local and international observer groups as fundamentally flawed by all relevant standards - national and international. The highlights of the serious lapses, malpractices and irregularities are as follows:

### **Lapses**

There were serious lapses in the organization of the elections and manifest state complicity in the lapses. The following are examples of such lapses:

- Elections did not start on time in virtually all the states of the federation with the possible exception of Abuja, the Federal Capital. In some states, they started so late that they could not be said to have held at all. Such states include Imo, Abia, Anambra, and Enugu.
- There was undersupply and hoarding of voting materials in almost all the states, including in Katsina, Kaduna, Enugu, Benue, Niger, Nassarawa, and Adamawa.
- No elections took place in many polling centres in different states across the country, particularly in the North East and South East.
- House of Representatives and Senatorial elections were not conducted in many states, including Kaduna, Niger, Lagos, Adamawa, Gombe, Bauchi, Abia, Katsina, Imo, Anambra, Enugu, among others. Even in states where they held, the logos of some parties were omitted from the ballot papers.
- There was lack of security of the ballot. In States such as Kaduna and Niger, adequate security of the ballot was not provided as elections officials had to trek with their election materials for several kilometers to their polling stations without security.
- There was low voter turn out across the states to the point they could be described as a boycott by the Nigerian people because of the outcome of April 14 elections, which did not reflect the will of the people as expressed through their ballots.
- There was lack of secrecy in balloting across the 36 states and Abuja
- INEC officials who presided over the elections in many states were not properly trained and, in many cases, were underage.
- Police officials were also not properly trained and had no communication facilities, which made them helpless.

- The voters register was disorganized, which made it difficult for voters to identify their names
- Presidential ballot papers did not have serial numbers which made it difficult for voters and observers to know how many were actually printed.
- There was complete lack of transparency in the conduct of the elections

### **Malpractices**

There were also numerous incidents of electoral malpractices across the country. Some of these include:

- The intimidation of voters and, in some cases, of election observers
- partisanship of INEC and security agents
- an unacceptably high incidence of violence recorded during the exercise
- Underage voting
- Hoarding of election materials, including ballot papers and result sheets by INEC officials
- Stuffing of ballot papers by the dominant parties, often with the connivance of INEC and security officials
- Snatching and theft of ballot boxes and papers
- Voting did not take place in polling stations in many states across the federation, especially in the South East and the North East, and yet results were produced for those states.
- The criminal intent of INEC officials in depriving those whose mandates were stolen of effective judicial remedy by denying them the result sheets which could have been used in the election tribunal.
- The diversion of election materials, especially ballot papers and result sheets, to private homes of powerful politicians from where the ballot papers were thumb printed or the results of elections were written.
- The deliberate refusal of INEC officials to provide adequate voting materials to polling stations.

A fuller report with more detailed particulars of our observations in the different states across the country will be issued at a later date in the Final Report on our election observation exercise.

Thank you for your attention.

**Innocent Chukwuma**

***Chair, Transition Monitoring Group (TMG)***

***On behalf of the Domestic Election Observation Group***

## **APPENDIX F: LIST OF INTERNATIONAL ELECTION OBSERVATION DELEGATIONS**

List of international election observation delegations that observed the April 2007 elections:

1. Commonwealth
2. Economic Community of West African States
3. European Union
4. International Republican Institute
5. National Democratic Institute

## APPENDIX G: PRELIMINARY STATEMENT OF NDI'S INTERNATIONAL PRE-ELECTION DELEGATION TO NIGERIA'S APRIL 2007 ELECTIONS



### STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE (NDI) INTERNATIONAL PRE-ELECTION DELEGATION TO NIGERIA'S 2007 ELECTIONS

*Abuja, May 10, 2006*

This statement is offered by an international pre-election delegation organized by the National Democratic Institute (NDI). The delegation's teams visited Nigeria from April 29 to May 11 to assess preparations for the 2007 elections for President and Governors, and for National and State Legislators. The delegation is part of NDI's long-term program to observe Nigeria's election processes and is the ninth NDI election observation mission to Nigeria since 1998. NDI has maintained an office in the country since 1998 to assist Nigerians who are working to advance democratic processes through the National Assembly and civil society organizations. Though distinct from election observation, those activities helped to inform the delegation's work. NDI's programs in Nigeria are funded by the U.S. Agency for International Development and the British Department for International Development.

This delegation was composed of: Sir Ketumile Masire, former President of Botswana; Joe Clark, former Prime Minister of Canada; Karl Auguste Offmann, former President of Mauritius; Hage Geingob, Member of Parliament and former Prime Minister of Namibia; Jeanne Shaheen, former U.S. Governor of New Hampshire; Raila Odinga, former Minister of Roads, Public Works and Housing, Kenya; Martin Luther King III, U.S. human rights leader; Kenneth Wollack, President of the National Democratic Institute; Christopher Fomunyoh, NDI Senior Associate for Africa; and Keith Jennings, NDI/Nigeria Country Director. In addition to the work of the delegation, teams of election experts from Indonesia, Kenya, the United States and Zimbabwe visited all six of Nigeria's geopolitical zones.

The purposes of the delegation were to: express international support for and interest in a democratic electoral process in Nigeria; examine the preparations for and the electoral environment leading up to the 2007 polls; and offer an accurate and impartial report on the character of the election process at this juncture. The Institute recognizes that it is the Nigerian people who will determine the credibility and legitimacy of those processes. The delegation's assessment is based on international standards and comparative practices for democratic elections, as well as provisions of Nigerian law. The delegation followed the Declaration of Principles for International Election Observation which was adopted in 2005 at the United Nations headquarters and endorsed by more than 20 intergovernmental and nongovernmental organizations.

The delegation would like to stress that it did not seek to reach any final conclusions on the 2007 electoral process, which is in its early stages. An accurate and

complete assessment of any election must take into account all aspects of the electoral process, and no election can be viewed in isolation from the political context in which it takes place. The pre-election period, including electoral preparations and the political environment, must be given considerable weight when evaluating the democratic nature of elections, because this period is central to democratic political competition. 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 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; the conduct of the voting, counting, results tabulation, transmission and announcement processes; the handling of election complaints and the application of sanctions for electoral-related violations; and the process for the transfer of power based on credible electoral results. It is with these points in mind and in the spirit of international cooperation that the delegation offers the following observations and recommendations.

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

The delegation held an intensive series of meetings with political and civic leaders, government officials and others concerned with Nigeria's electoral and political processes. Delegation members met with leaders from the ruling and opposition parties. The delegation also met with: the President of the Federal Republic of Nigeria; Commissioners of the Independent National Election Commission (INEC), including its Chairman; members of the National Assembly, including the Senate President, the Speaker of the House of Representatives and Chairmen of the Senate and House Committees on Electoral Matters; the Chief Justice of Nigeria and the President of the Court of Appeal; the Governors of Nassarawa, Abia and Lagos states; representatives of the media; leaders of Nigerian election monitoring and civil society organizations as well as social activists; members of the business, academic and religious communities; and the Inspector-General of Police. The delegation also met with representatives of the international community.

In addition to the delegation's meetings, from April 29—May 2, the teams of elections experts held meetings in all six geopolitical zones (Kano, Bauchi, Plateau, Lagos, Rivers and Enugu states) with state governors, members of the state legislatures, representatives of civil society and the media, commissioners of police and religious leaders.

## **II. ELECTORAL CONTEXT**

By most accounts, Nigeria - Africa's most populous nation - is once again at a crossroads as the elections of 2007 provide the country with an opportunity to further consolidate its nascent democracy. The 2007 elections will be the third since Nigeria's transition from military rule in 1999; this will also be the first time in the country's history

that a democratically elected government has served two full terms without interruption by the military, and is poised to oversee another set of national elections.

The delegation arrived in Nigeria on the eve of the signing of the Peace Agreement for Darfur. This was a vivid reminder of Nigeria's leadership role in Africa, underlining the fact that the deliberations on constitutional reforms and the conduct of the forthcoming elections will have an impact on political developments on the continent, as well as the future course of Nigerian democracy.

The delegation was gratified by the stated commitment of INEC and government officials to administer democratic elections. At the same time, concerted, forceful and sustained efforts are required if Nigeria's 2007 elections are to be successful, as there are significant challenges to the holding of credible elections.

### III. OBSERVATIONS

**Historical Context.** A legacy of military rule has impeded the development of civilian political leadership and hampered the emergence of a democratic culture. Since achieving independence in 1960, Nigeria has suffered 29 years under military dictators and only 17 years of civilian rule. Years of unbridled corruption and poor governance have resulted in weak political institutions, a decayed infrastructure, a feeble economy (outside the lucrative oil sector), and an impoverished population.

Nigeria's 1998-99 elections are best seen in the context of the broader impetus to end military rule. 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. Consequently, the flaws of a rushed electoral process were largely overlooked or otherwise tolerated by the population and the political competitors.

Expectations for the election process were higher for the 2003 polls, both in and outside Nigeria. The elections were seen as an opportunity to further advance democratic gains. While the 2003 polls were successful in many respects, there were major problems that compromised the integrity of the election process. The elections tested the viability of many of Nigeria's weak public institutions, most notably the Independent National Election Commission (INEC). INEC was criticized for its perceived lack of independence from the executive branch and for institutional and professional shortcomings. Moreover, there were delays and lack of transparency in the voter registration process that disenfranchised eligible voters, high levels of political violence, vandalized, stolen and stuffed ballot boxes, most pronounced in Rivers, Kogi and Enugu states, altered results during the multi-tiered tabulation or "collation" process, all of which took place against a background of the wholesale replacement by the executive branch of state Resident Electoral Commissioners (RECs) in 2003 and the lack of fiscal autonomy and independence for the INEC.

The cumulative effect of these problems has contributed to a lack of confidence by the public in the Nigerian electoral process. A recent public opinion survey by the Afrobarometer reveals that only 9 percent of Nigerians believe that the 2003 elections were “completely free and fair.”

**Constitutional Amendment.** The challenges that Nigeria faces with regard to the 2007 elections are compounded by the current debate over a constitutional amendment that would allow incumbent presidents and governors to seek a third term. This is part of a package of more than 100 proposed constitutional amendments that are being debated in the National Assembly. The controversial provision on term limits has dominated the political discourse in Nigeria and continues to overshadow other still-important constitutional reforms.

News reports note that the country is highly polarized about extending presidential and gubernatorial term limits to three terms. The reports were born out during meetings in Abuja and by the teams of elections experts that traveled to all of Nigeria’s geopolitical zones. The issue seems, at least in some quarters, to be adding to the regional and ethnic volatility in Nigeria. In addition, opinion polls conducted in April by the Afrobarometer indicate that over 80 percent believe that the current two term limit should remain.

International experience demonstrates that maintaining constitutional stability is important for building public confidence in the democratic nature of governance. Citizens elect representatives based in large part on the contract with the people that a constitution embodies. Changing that contract is best done in a process that ensures due regard to further strengthening the country’s democratic institutions and practices .

Normal democratic governance necessarily includes processes for constitutional amendment, and no norm addresses presidential terms of office. Regrettably, the delegation heard many reports from civic and political leaders that there has been a lack of genuine public consultation on the proposed amendments and that the process is generating uncertainty and anxiety about the timing and state of preparations for the elections. Critics of the amendment questioned the morality of what they see as a political move to benefit sitting officeholders.

**Electoral Bill 2004.** The degree to which citizens have an ability to understand and participate in the electoral framework reform process has significant implications for public confidence in their government and those holding office. Public hearings on the 2004 Electoral Bill provided adequate citizen input into the development of new legislation. In April, at the request of Nigerian political and civil society leaders, NDI provided to the appropriate National Assembly committee chairs and others a commentary on the Electoral Bill. The commentary and almost everyone with whom the delegation met agreed that despite shortcomings, the Electoral Bill contains numerous positive features and represents a significant improvement over the 2002 Electoral Act.

One issue that has generated particular controversy is electronic voting. The delegation and teams of elections experts found substantial confusion concerning whether electronic voting and related technologies would be introduced into the 2007 election process. Public skepticism as reflected by both political party and civil society leaders who discussed the subject with the delegation's various teams appears high concerning such electronic technology. Reasons cited for skepticism include concerns about lack of transparency and inability of political competitors to examine and verify the integrity of such technologies, worries about consequences of the country's unpredictable power supply, the level of education of the country's electorate, and the vulnerability of such technologies to manipulation. INEC informed the delegation that electronic voting will only take place on a "pilot" basis in select polling sites. This does not appear to be widely known.

**Election Administration.** In response to many of the irregularities witnessed during the 2003 elections, INEC informed the delegation of the steps that it is taking to improve the integrity of the electoral process. INEC's decision to create digitized voter ID cards could help reduce electoral misconduct. The development of Geographic Information Service (GIS) maps that capture detailed information about all 120,000 polling sites in the country could assist in the distribution and tracking of sensitive electoral materials. The creation of an Electoral Institute of Nigeria within INEC to provide enhanced training and professionalization of election workers could help build confidence in the capacity of INEC staff at all levels. While some claim the establishment of INEC "stakeholders forums" were sporadic, they could help foster communication with political parties and civic groups. In addition, unlike 2003 when INEC blamed its slow and inefficient management of the electoral process largely on delays in government disbursement of the Commission's budgetary allocations, INEC indicated that disbursements thus far were sufficient to cover its activities at this stage of the process.

Despite these positive developments and the composition of INEC having changed since the 2003 elections, many of the negative public perceptions remain. People are waiting anxiously for passage of the new election law as well as a release by INEC of the electoral timetable. Although INEC laid out a strategic plan for the 2007 elections, the civic and political leaders that met with the delegation appeared to be unaware of its contents. The uncertainty that this created has hindered voter education efforts and other public campaigns by political parties and civil society organizations, and has above all, greatly contributed to public suspicion and lack of trust in the electoral process. Indeed, the delegation noted that in general there has been a serious failure of communication between INEC and the Nigerian public on what could turn out to be positive developments. INEC was also the object of significant criticism for its perceived lack of independence from the executive branch of government. The appointment of INEC Commissioners as well as Resident Electoral Commissioners (REC) and the discretion of the government in the INEC budgetary process undermine INEC's independence and effectiveness in the eyes of the public. This presents a continuing challenge for electoral integrity.

**Resolution of electoral disputes.** The process for resolving electoral disputes is lengthy and cumbersome. The delegation learned that out of a total of 519 petitions filed, 51 had to be sent back for re-trial. While all these petitions have now been disposed of at first instance, those decisions had led to a further 360 appeals, of which 15 still remain unresolved, with less than a year before the expiration of the mandate of those declared winners in 2003. Delays appear to have resulted both from the constitutional provision requiring a panel of five judges for each election tribunal, but also from the benefits to incumbents of exploiting interlocutory decisions to appeal and delay the conclusion of petitions.

**Voter Education and Registration.** The delegation was concerned by the absence of broad awareness among citizens about the rules of the game in an environment where elections could be held as early as March 2007. Apart from the debate on tenure elongation (the “third term” issue), little attention is being given to other proposed constitutional amendments and there is a lack of understanding that the draft Electoral Bill 2004 presently being considered by the National Assembly is separate from the proposed constitutional amendments and that it too contains important issues relating to electoral integrity. The delay in passage of the Bill has hampered civic education efforts by INEC and civil society organizations. It has also made it difficult for political parties to prepare for the forthcoming elections.

The delegation was also concerned about the multiple delays and lack of information regarding the voter registration process. These concerns were evidenced in the voter registration pilot conducted in Abuja.

**Political Parties.** Political parties are weak, ineffective and lack broad national structure. However, representatives of those parties expressed confidence in their ability to present Nigerians with viable electoral choices if more information about the electoral process was made available and if they had a “level playing field.” Electoral competition is also seen as personality-driven rather than policy-based, which has resulted in loyalty to an individual rather than allegiance to a party or ideology. Because of these weaknesses, other elements, such as - labor unions, civic organizations and independent media - of civil society are viewed by some as the only viable opposition force.

**Security.** The delegation and the teams of elections experts heard reports from around the country that indicate the security situation surrounding the 2007 elections is highly unpredictable. Given the prevailing electoral environment, in particular agitation surrounding the third term debate and commonly expressed doubts about the impartiality of INEC, there is a reasonable basis to fear that frustrations could lead to an increase in electoral related violence. Many report that portions of the security forces could act in a politically partisan manner. To counter such behavior, informal security forces or vigilante groups have been organized by some. These “extra-legal” security groups act on behalf of their sponsors often intimidating opponents and creating a climate of fear. The use of armed militias by political parties in states such as Rivers,

Delta and Anambra created a general environment of intimidation in the 2003 elections that reduced voter turnout or curtailed voting processes.

In meetings with Commissioners of Police in a majority of the states visited, it became clear that there is an inconsistent understanding of the role of the police in the election. All of the Commissioners acknowledge their duty to ensure a secure election environment and seem optimistic that the elections will be peaceful. However, their interpretation on the division of labor between INEC and the police, especially on the issue of training security forces, varies from state to state. The Inspector-General reported that the police are planning to educate their officers on their roles and responsibilities during the election process, but the level of coordination with INEC on that point was unclear.

## **RECOMMENDATIONS**

No electoral framework is perfect, and all electoral and political processes experience problems. Nigeria has covered much ground since the 1998 beginnings of transition to civilian rule and democratic governance. Though problematic, the 2003 elections stood out as the completion of a full civilian term of government and election of successor and second-term office holders. The delegation notes these substantial accomplishments and the many positive features of the electoral and broader political environment. It also notes that this is a relatively early point in the process leading to the 2007 Nigerian elections. It is nonetheless an important juncture in that process. There is sufficient time to address shortcomings and lingering defects from past elections, as well as the issues in the present political debate. The delegation therefore respectfully offers the following recommendations, in light of comparative electoral practices and in the spirit of international cooperation.

### *Election Administration*

- While INEC has received all of the funds it needs to date, in order to enhance the perception of autonomy for the Commission, the government should release the remainder of the budget for the election as soon as possible.
- Training programs on electoral related matters should be conducted for law enforcement officials. The general content should be disclosed publicly to enhance transparency and public confidence. Development of a comprehensive public security plan for the electoral process also should be made publicly known, and the plan itself in appropriate detail should be publicly available.
- Soon after the Electoral Bill is enacted, INEC should issue to the public an electoral calendar setting forth the deadlines and scheduled dates for all electoral processes. It should periodically issue revised and updated versions of the calendar.

- Plans for the nationwide voter registration process should immediately be provided and publicized.
- Detailed and comprehensive explanations about the voter registration cards to be issued, the purpose to which they will be put and any safeguards that they will offer should be provided by INEC.
- The results of INEC's voter registration should be publicized as widely as possible, including posting the same on its own website.
- INEC should consider holding the stakeholders forums more frequently at the national, state and local government levels. The election authorities should make every effort to be responsive to the concerns and recommendations that political parties and civic groups raise at these forums.
- INEC should carry out unbiased recruitment of election officials and provide adequate training and credentials.
- INEC should facilitate and provide timely accreditation to domestic monitors and international observers for all aspects of the election process, including voter registration.
- INEC should consult with the political parties and election monitoring organizations in the adoption of regulations and procedures that allow effective observation of counting, transport and other transmission, tabulation and announcement of results to address concerns about potential problems and manipulation. INEC's plans to electronically capture results from each polling site could enhance credibility in the tabulation process and deter misconduct. These plans and the system should be open to domestic and international observers.
- Where results declared by INEC are set aside by the decisions of election tribunals, INEC should conduct internal investigations and take steps to sanction those of its staff found to have been involved in electoral malpractices, including criminal prosecution where appropriate.

#### *Police*

- The Inspector-General, INEC and other appropriate officials should establish at the earliest date comprehensive and effective measures for providing for public security at each stage of the electoral process, from candidate selection, to voter registration, election campaigning, election day and the immediate post election day periods. The results of such an initiative should be made public.

### *Electoral Tribunals*

- An expedited process should be developed for electoral tribunals to adjudicate election complaints and prosecute those who are found to violate the electoral law.

### *National Assembly*

- The National Assembly should exercise appropriate legislative oversight over the implementation of the Electoral Bill 2004 once it is passed.

### *Political Parties*

- Nigerian political parties are in the process of adopting a code of conduct. All parties should be encouraged to sign. This effort however, should not be limited to the party leadership but used as a civic education tool to help reduce tensions and prevent or mitigate violence throughout the country. Therefore, there should be a concerted effort in each local government area to bring together electoral authorities, political parties, security forces, and civil society and religious leaders to implement the letter and spirit of the code. Women and youth should be actively recruited for this effort.
- Given past internal problems concerning selection of candidates, political parties should develop internal procedures for candidate selection that are open, transparent and democratic and require that those seeking nominations pledge not to use intimidation, violence or bribery to gain nomination or office. Emphasis should be placed on recruiting women and youth.
- Parties should pay particular attention to developing electoral programs based on clearly articulated positions on those issues. Clear platform and systemic views of governance issue contribute to stable and sustained approaches to governance and more rational electoral and political organization.
- The political parties should ensure that their agents are adequately trained in order to achieve a nationwide pollwatching effort.

### *Civil Society*

- Civil society organizations should continue and expand their broad civic and voter education about the importance of the elections, the voter registration process, and where, when and how to register and to vote.
- Civil society organizations interested in election observation should coordinate and cooperate in such endeavors in order to maximize their coverage of the entire process.
- Organizations such as the Nigerian Bar Association (NBA) and other professional bodies should encourage their members to volunteer for service as ad hoc election officials as proposed by INEC. The NBA should consider offering pro bono services to voters who are experiencing difficulty exercising their franchise.

- We commend the initiatives by religious leaders in Nigeria to speak with one voice and urge them to extend that practice to promote the integrity of the election process. Religious leaders should use their considerable moral authority to speak with one voice and strongly encourage political party leaders, government officials and INEC to make a concerted effort to ensure a non-violent election process.
- Religious leaders should also use their influence among their constituencies to promote non-violence as they participate throughout the election process.

## **CONCLUSIONS**

The delegation wishes to express its deep appreciation to everyone with whom it met for welcoming the delegation's mission and for freely sharing their views on the electoral process.

This delegation came to Nigeria early in the electoral process to demonstrate international support and to stand behind Nigerian efforts to organize an election that will reflect the will and enjoy the confidence of the people. We were heartened by the dedication we witnessed by many interlocutors. We encourage all those that have demonstrated their commitment to democratic elections to stay actively engaged in the process. We believe that early corrective measures and sustained political will among all those who will participate in this process could ensure that the election will be conducted properly. If this is done, the elections will be seen as contributing to the consolidation of Nigeria's democratic system and will promote peace and stability in the region and the continent. NDI and the members of this delegation remain committed to support this effort.

## APPENDIX H: PRELIMINARY STATEMENT OF NDI'S INTERNATIONAL OBSERVER DELEGATION TO NIGERIA'S APRIL 2007 ELECTIONS



### 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 geopolitical 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 poll workers 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 poll workers; 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 geopolitical 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.

## APPENDIX I: LIST OF DELEGATES TO NDI'S INTERNATIONAL OBSERVER DELEGATION TO NIGERIA'S APRIL 2007 ELECTIONS

### *Leadership*

1. **Madeleine Albright**  
NDI Chairman  
Former US Secretary of State  
*United States*
2. **Mahamane Ousmane**  
Former President of Niger  
*Niger*
3. **Amos Sawyer**  
Former President of Liberia  
*Liberia*
4. **Joe Clark**  
Former Prime Minister of Canada  
*Canada*
5. **Jeanne Shaheen**  
Director  
Institute of Politics, John F. Kennedy  
School of Government, Harvard  
University  
Former Governor of New Hampshire  
*United States*
6. **Yvonne Mokgoro**  
Justice  
Constitutional Court of South Africa  
*South Africa*
7. **Kenneth Wollack**  
President  
National Democratic Institute  
*United States*

### *Delegates*

8. **Jespa Ajereboh**  
Long-Term Observer  
*Cameroon*
9. **Herawati Aziz**  
Long-Term Observer  
*Indonesia*
10. **Pauline H. Baker**  
President  
The Fund for Peace  
*United States*
11. **Beverly Baker-Kelly**  
Professor and Attorney  
Former Deputy Registrar  
International Criminal Tribunal for Rwanda  
*United States*
12. **Jacqueline A. Berrien**  
Associate Director-Counsel  
National Association for the  
Advancement of Colored People Legal  
Defense and Educational Fund  
*United States*
13. **Nina Brink**  
Founder
14. **Brittany Danisch**  
Long-Term Observer  
*United States*
15. **Vivian Lowery Derryck**  
Senior Vice President and Director of  
Public-Private Partnerships  
Academy for Educational Development  
*United States*
16. **Fatoumata Diallo**  
Management Consultant and Facilitator  
Africa Center for Strategic Studies  
*Guinea*
17. **Kimberly Marteau Emerson**  
Consultant and Civic Leader  
Former Director of Public Liaison  
US Information Agency  
*United States*
18. **Chris Fomunyoh**  
Senior Associate for Africa  
National Democratic Institute  
*Cameroon*

- 19. Hannah Forster**  
Executive Director  
African Centre for Democracy and  
Human Rights Studies  
*The Gambia*
- 20. Michelle Gavin**  
Fellow  
Council on Foreign Relations  
*United States*
- 21. Marlène Haas**  
Secretary General  
Socialist International Women  
*United Kingdom*
- 22. Alfredo Junior**  
Member of Parliament  
*Angola*
- 23. Bernadette Kapet**  
Long-Term Observer  
*Côte d'Ivoire*
- 24. Ron Laufer**  
Long-Term Observer  
*Canada*
- 25. Peter Lewis**  
Director of African Studies  
Johns Hopkins School of Advanced  
International Studies  
*United States*
- 26. Sylvester Massaquoi**  
Long-Term Observer  
*Sierra Leone*
- 27. Timothy McDonald III**  
Pastor and President  
African American Minister's In Action of  
People for the American Way  
*United States*
- 28. Gwendolyn Mikell**  
Director, African Studies Program  
Georgetown University  
*United States*
- 29. Maren Milligan**  
Long-Term Observer  
*United States*
- 30. J. Stephen Morrison**  
Director, Africa Program  
Center for Strategic and International  
Studies  
*United States*
- 31. Dickson Omondi**  
Long-Term Observer  
*Kenya*
- 32. John N. Paden**  
Clarence Robinson Professor of  
International Studies  
George Mason University  
*United States*
- 33. Dave Peterson**  
Senior Director for Africa  
National Endowment for Democracy  
*United States*
- 34. Castle Redmond**  
Long-Term Observer  
*United States*
- 35. Carol Sharer**  
Consultant and Entrepreneur  
Founder  
McKinley Marketing Partners  
*United States*
- 36. Roman Shpak**  
Long-Term Observer  
*United States*
- 37. Angela Swayze**  
Long-Term Observer  
*United States*
- 38. Botlogile Tshireletso**  
Member of Parliament  
*Botswana*
- 39. Charles L. White Jr.**  
National Director of Field Operations  
National Association for the  
Advancement of Colored People  
*United States*
- 40. Alissa Suzanne Wilson**  
Long-Term Observer  
*United States*

## **APPENDIX J: LIST OF STATES WHERE NDI OBSERVED STATE ELECTIONS**

NDI observed elections in the following states on the 14<sup>th</sup> of April 2007:

- South-West Zone: Lagos, Ogun and Oyo States
- South-South Zone: Edo and Rivers States
- South-East Zone: Enugu, Anambra, Abia and Imo States
- North-Central Zone: Plateau State
- North-West Zone: Kano and Kaduna States
- North-East Zone: Bauchi and Borno States

# APPENDIX K: PRELIMINARY FINDINGS OF THE INTERNATIONAL REPUBLICAN INSTITUTE DELEGATION TO NIGERIA'S APRIL 21 ELECTIONS

## Nigeria's Elections Below Acceptable Standards

### Preliminary Findings of IRI's International Election Observation Mission

FOR IMMEDIATE RELEASE

April 22, 2007

**Abuja, Nigeria** - The International Republican Institute's (IRI) 59-member international election observation delegation determined that the first three parts of Nigeria's April 14 and April 21 elections process, which is thus far incomplete, fall below the standard set by previous Nigerian elections and international standards witnessed by IRI around the globe.

The fourth and final component of this process, the resolution of electoral disputes, will be critical. As such, the delegation is encouraged by the capability and degree of independence demonstrated during this election cycle by Nigeria's Supreme Court and legislature. IRI's delegation urges any aggrieved parties to use the courts and the constitutional process—and not the streets—to resolve those disputes.

In a December 2006 statement, an IRI pre-election assessment delegation said, "Democracy is not a destination—it is a journey." Nigeria has now completed three of the four components of its journey in this electoral process—preparation for administering the elections, the environment of the campaign period and Election Day itself.

IRI's pre-election assessment delegation raised concerns nearly five months ago about the weaknesses in the voter registration system. Potential voters had been informed through media of the need to register to vote, but they received almost no information about how, when or where to register. These problems were repeated during this month's general elections in the lack of civic education for balloting day. Nigerians were encouraged to vote, but again, were inadequately informed about where and how to vote.

The second component of the process, the pre-election environment, was greatly marred by attempts to bypass Nigeria's constitutional process to selectively disqualify candidates running for office.

In the third component, the days of balloting on April 14 and April 21, IRI's delegation witnessed numerous problems. On April 21, IRI saw polls opening late in the majority of the states observed, some as late as 5:15 p.m., due to the lack of preparedness to effectively distribute the necessary election materials to polling stations throughout Nigeria; confusion over the announcement in the change to polling hours on the eve of

elections further complicated the process. A number, if not most, of assembly and senate races were postponed due to errors in printed ballots or a lack of ballots altogether. Presidential ballots did not have serial numbers or candidates' names.

Irregularities were significantly higher than during the state and local elections the previous week. Recurring incidents included underage voting, voter registration list errors, stuffed ballot boxes, group voting, party observers and police instructing individuals on who to vote for, lack of privacy for voting, lack of results sheets and other materials, falsified results sheets, and early closings.

Neither the spirit of Nigerians who went to the polls to cast their ballots nor the dedication of the thousands of poll workers struggling to execute their responsibilities in polling stations throughout the country were matched by their leaders.

These elections did not measure up to those observed by the members of IRI's international delegation in other countries, whether in Africa, Asia, Europe or the Western Hemisphere.

Nigeria is now entering the critical fourth component of the process: how to resolve any disputes from Election Day. A peaceful constitutional process must be allowed to unfold and there must be creditable avenues of redress. Over the last year, Nigeria's Supreme Court and legislature have demonstrated an ability to resolve important political disputes with independence and integrity.

These institutions of democracy are underpinned by the many Nigerians who want to make democracy succeed in their country. Voters and poll workers demonstrated clear dedication to advancing democracy in their country, giving great hope to IRI's delegation. There is no doubt that Nigeria has the ingredients of a vibrant democracy and the potential to be a shining example to the African continent and the rest of the world. The delegation supports and encourages the Nigerian people and their institutions in their efforts to strengthen democracy and enhance freedom.

Even moreso than in other countries, IRI's delegation will follow the adjudication process closely, particularly through the coming month. IRI will issue a comprehensive report which will include conclusions and recommendations.

IRI delegates, from China, Democratic Republic of Congo, Hungary, Kenya, Liberia, Mali, Namibia, Poland, Somaliland, Uganda and the United States, monitored more than 100 polling stations in Abuja, Bauchi, Benue, Cross River, Ebonyi, Enugu, Gombe, Imo, Kaduna, Katsina, Lagos, Nassarawa, Ogun, Oyo and Plateau.

IRI's delegation was led by Abbe Apollinaire Muholongu Malumalu, President of the Independent Electoral Commission of Democratic Republic of Congo; Ambassador Pierre-Richard Prosper, former U.S. Ambassador-at-Large for War Crimes; and The Honorable Andras Gyurk, of Hungary, Member of the European Parliament.

Other delegates were Israel Akinsanya, National Chairman of Liberia's Liberty Party; Michael Davis, Executive Director of the Universal Human Rights Network; The Honorable Pawel Gras, Member of the Polish Parliament; The Honorable Carole Hillard, former Lieutenant Governor of South Dakota; Minister Edna Adan Ismail, former Foreign Minister of Somaliland; Jia Ping, of China, human rights lawyer and civil society activist; Christopher Khisa, aide to Member of the Kenyan Parliament, The Honorable Noah Wekesa; Rachael Leman, Policy Coordinator for U.S. Congressman David Dreier; Li Fan, of China, President of the World and China Institute; Dr. Robert Lloyd, Professor of International Relations at Pepperdine University; The Honorable Raila Odinga, Member of the Kenyan Parliament; Scott Palmer, former Chief of Staff to U.S. Congressman Dennis Hastert; Dr. Peter Pham, Director of the Nelson Institute for International and Public Affairs at James Madison University; The Honorable Manuel Pinto, former Member of the Ugandan Parliament; Dr. Jessica Piombo, Professor and Regional Coordinator for Sub-Saharan Africa at the U.S. Naval Postgraduate School; Ambassador John Price, former U.S. Ambassador to Mauritius; Tommy Ross, Legislative Assistant to U.S. Congressman David Price; Ambassador Lange Schermerhorn, former U.S. Ambassador to Djibouti; Sylvestre Somo, aide to the President of the Democratic Republic of Congo's Independent Electoral Commission; Marc Traoré, of Mali, Vice-Secretary of Programming for the Community of Democracies; Ambassador Charles Twining, former U.S. Ambassador to Cameroon; The Honorable Benjamin Ulenga, Member of the Namibian Parliament; Beau Walker, Legislative Assistant to U.S. Congressman John Boozman; The Honorable Noah Wekesa, Member of the Kenyan Parliament; Chris Wyrod, Africa Program Officer at the National Endowment for Democracy.

IRI staff also served as observers and assisted in the mission. IRI staff were led by Lorne Craner, President; Elizabeth Dugan, Vice President for Programs; Stephanie Blanton, Regional Director for Africa programs; and Matthias Naab, Country Director for Nigeria.

For nine years, IRI has played a role promoting Nigeria's democratic transition and has worked to strengthen the political process in Nigeria. Since the 2003 elections, IRI has focused on strengthening Nigerian political parties in the pivotal years between elections. IRI monitored Nigeria's 2003 and 1999 presidential and national assembly elections, 1999 state elections and the 1998 local elections.

IRI has monitored more than 130 elections in more than 40 countries.

## APPENDIX K: MAP OF NIGERIA

