



## STATEMENT OF THE THIRD JOINT NDI/IRI PRE-ELECTION ASSESSMENT MISSION TO NIGERIA

*December 19, 2018*

### I. INTRODUCTION

From December 14-19, 2018, the International Republican Institute (IRI) and the National Democratic Institute (NDI) conducted a third pre-election assessment mission as part of their joint observation of Nigeria's 2019 general elections. IRI/NDI conducted an initial [pre-election assessment](#) in July 2018 and a second [pre-election assessment](#) in September 2018. The goals for all three missions were to: assess the current political and electoral environment; review preparations for the general elections; and, as appropriate, offer recommendations to enhance confidence in the process as well as to mitigate potentials for election-related violence.

At the end of both previous assessments, IRI/NDI issued statements that highlighted improvements achieved since the 2015 general elections and provided recommendations on steps to enhance confidence in the credibility of the 2019 elections. This mission examined changes to the electoral environment since the second assessment, the status of recommendations previously offered by IRI/NDI, and issues that could still be addressed between now and election day to ensure more credible and peaceful polls.

This assessment delegation comprised: **Linda Thomas-Greenfield** (lead delegate), former Assistant Secretary for African Affairs; **Lewis Lucke**, former USAID senior official and Ambassador to the Kingdom of Swaziland; **Dickson Omondi**, NDI Kenya Resident Country Director; and **John Tomaszewski**, IRI Africa Regional Director.

The delegation met with a wide array of election stakeholders, including the Independent National Electoral Commission (INEC), political parties and their candidates, members of the judiciary, civil society representatives, media practitioners, security officials, and senior government officials. The delegation expresses its appreciation to everyone with whom it met for sharing insights from which the mission benefited greatly. The delegation conducted its activities in accordance with the Declaration of Principles for International Election Observation, which was launched in 2005 at the United Nations, and the laws of Nigeria. It also considered international and regional electoral standards, including the African Union (AU) Africa Charter on Democracy, Elections and Governance, as well as the Economic Community of West African

States (ECOWAS) Protocol on Democracy and Good Governance. All activities were conducted on a strictly nonpartisan basis and without interfering in the election process.

Both IRI and NDI have deployed international election observation missions to all general elections in Nigeria since the 1999 transition from military to civilian democratic rule. NDI and IRI are nonpartisan, nongovernmental organizations that support and strengthen democratic institutions and practices worldwide. The Institutes have observed collectively more than 200 elections in more than 50 countries over the last 30 years. IRI and NDI will deploy a joint international delegation to observe the presidential, National Assembly, gubernatorial and state assembly elections in Nigeria in 2019.

## **II. SUMMARY**

The 2019 polls will be Nigeria's sixth elections since the transition from military to civilian democratic rule. While past elections have had their challenges, significant improvements in 2011 and 2015 have generated high expectations for the quality of the 2019 electoral process. The presidential and gubernatorial elections, in particular, are expected to be closely contested. More than seventy candidates will be vying for the nation's top office, including incumbent President Muhammadu Buhari of the All Progressives Congress (APC), former Vice-President Atiku Abubakar of the People's Democratic Party (PDP), and a number of new challengers, including women presidential candidates. The elections will also take place against the backdrop of insecurity with violence in the North East and Middle Belt and threats from non-state actors that could impact negatively the electoral process.

All three of NDI/IRI's pre-election delegations have heard Nigerians express a strong commitment to democracy and of continued efforts to improve Nigeria's election practices. If credible and peaceful, the 2019 general elections could further consolidate the country's democratic institutions, and Nigeria would continue to serve as an example for the region and the continent. However, if the polls are not seen as sufficiently transparent, accountable, and inclusive by Nigerians or are marred by violence, it could undermine past democratic gains, erode Nigerians' trust in its democratic system, and threaten democratic progress across the region.

The success of these elections will hinge on whether voters have confidence in the process and ultimately accept the outcome as reflecting their will. The IRI/NDI delegation heard from a number of Nigerian interlocutors about efforts to enhance citizen confidence and participation in the polls. Since the 2015 elections, INEC has implemented several improvements and innovations to strengthen election integrity, including enhancements to the smart card reader, increased protection of ballot secrecy, and improved operational and logistical plans. Civil society and citizen observer groups are monitoring and reporting on electoral processes, and are engaged in advocating for these processes to be inclusive of all Nigerians, including marginalized populations.

The delegation notes the positive efforts being made to conduct more transparent, accountable, and inclusive elections, but confidence in the process and the outcome of the elections could still

be undermined. Irresponsible political rhetoric threatens to weaken public confidence in Nigeria's electoral institutions and potentially incite violence. Widespread concerns about vote buying, illegal voting, and efforts to compromise the secrecy of the vote on election day could lead to the rejection of election results or post-election violence. Further, given Nigeria's persistent insecurity, perceptions about the lack of neutrality on the part of the security forces could undermine participation in the election and confidence in the outcome despite assurances to the contrary.

With less than two months until the 2019 Nigeria general elections, the delegation notes there are still tangible steps that should be taken to address these concerns. In particular: INEC and all other electoral stakeholders should increase communication with the public to enhance confidence in the electoral process and the commission's independence; political parties and their candidates should adhere to codes of conduct and peace pledges, including the Abuja Accord 2018 and actively discourage voter inducements such as vote buying; security forces should go above and beyond to reassure the public that they are professional and neutral; concerted efforts should be made to include and promote the full participation of marginalized groups, particularly women, in all aspects the electoral process; and INEC, civil society, and political parties should urgently increase voter education efforts.

### **III. OBSERVATIONS**

#### **Election Administration**

##### *Legal Framework for Elections*

On December 6, 2018, President Buhari for the fourth time withheld his assent to a bill to further amend the *Electoral Act 2010 (as amended)*, citing the proximity to the election. International and domestic election observers, including NDI/IRI's July and September delegations, have repeatedly emphasized the importance of pursuing electoral reforms early in the election process to allow INEC sufficient time to implement electoral changes. The delegation heard that most of the proposed changes would have codified important improvements in the electoral process since the 2011 elections. INEC expressed its confidence in organizing the 2019 elections under the existing legal framework. INEC will exercise its authority specified under Section 52 of the 2015 amendment to the *Electoral Act 2010* to issue election guidelines. INEC assured the delegation that the voting guidelines and procedures for the 2019 elections will include the use of the smart card reader for accreditation, which is seen as an important safeguard against illegal voting.

##### *Permanent Voters Cards and Smart Card Readers*

The introduction of Permanent Voters Cards (PVCs) and smart card readers in the 2015 elections contributed significantly to the credibility of that process. INEC will again utilize these features in the 2019 polls. In 2017, INEC launched the Continuous Voter Registration process and printed PVCs for new registrants. IRI/NDI's July and September delegations made the recommendation that INEC intensify and decentralize the PVC collection process. INEC informed this delegation of its efforts to develop localized strategies to increase collection rates including potentially

extending the collection deadline until the week before the election; expanding daily operating hours; and sending SMS's to remind voters to collect their PVCs. INEC stressed that voters must have a valid PVC to vote. Presiding officers will determine the validity of the PVCs and the identity of the voter by using the smart card readers. Unlike in 2015, INEC stated that it does not intend to use incident forms for voters with valid PVCs whose fingerprints cannot be authenticated. Instead, in such cases the incident will be recorded on the manual voter register. However, the delegation found confusion amongst stakeholders concerning this process.

### *Polling Units and Voting Points*

There has been a significant increase in the number and changes in the distribution of registered voters without an increase in the number of polling units to accommodate these population changes. As a result, many polling units include more registered voters than could be processed on a single day. Therefore, INEC has established subsidiary voting points at many polling units to enable all registered voters to cast ballots on election day. In response, political parties have expressed the desire to deploy party agents to every voting point to ensure that voting and counting are witnessed at all locations. However, Section 45 of the *Electoral Act of 2010 (as amended)* stipulates that each political party can appoint a person to each polling unit. While INEC expressed concern about too many party agents present at a polling unit, this provision unduly limits the ability of political parties (and citizen observers) from witnessing the entire voting and counting process at every polling location.

### *Results Collation and Transmission*

IRI/NDI's July and September delegations noted in the Ekiti and Osun gubernatorial elections INEC's pilot exercise to use smart card readers to transmit electronically the number of accredited observers present and results from each polling unit. INEC stated that will not utilize e-transmission of official results of the 2019 elections as it is not supported under the existing legal framework. Instead, INEC informed the delegation it will continue e-transmission as a pilot program and use the e-transmitted results internally to identify discrepancies in the manually collated results. Citizen observer groups and political parties noted confusion in past elections about which observers and party agents have access to the collation process, and registered concern that the procedures had not been well explained or made available. These actors also expressed a desire for INEC to grant access to observe the commission's data center in Abuja.

### *Voting for Marginalized Groups including Women and Persons with Disabilities (PWDs) as well as Internally Displaced Persons (IDPs)*

In the July and September joint assessments, IRI/NDI noted numerous efforts by INEC and civil society to promote the participation of marginalized groups in the electoral process. INEC has a Gender Policy to help promote a level playing field for all stakeholders in the delivery of credible elections. In implementing this policy, INEC should strive to ensure that women comprise half of all election officials at all levels. Election day procedures should be reviewed to ensure that they do not contain barriers to women voting.

INEC has adopted *Framework on Access and Participation of Persons Living with Disabilities* and use of the Braille Ballot Guide during the Osun gubernatorial election. INEC assured the delegation that it plans to extend these efforts nationwide for the 2019 elections.

More than two million people have been internally displaced in Nigeria. On December 10, 2018, INEC released its updated *Framework for Voting by Internally Displaced Persons (IDPs)*. INEC informed the delegation of its efforts to re-issue lost PVCs and to register first-time voters resident in IDP camps in Nigeria. As in 2015, those displaced but residing in camps within their home state will be able to vote. Under the new framework, INEC is allowing IDPs in camps outside their home state to vote in the presidential elections. The delegation heard concerns about the implementation of the IDP and PWD frameworks, and the extent to which marginalized groups are aware of frameworks enabling them to vote on election day.

### *Communication and Information Sharing*

In meetings with the delegation and in statements to the media, political actors conveyed inaccurate information concerning the election, particularly regarding INEC's plans for using smart card readers, incident forms, electronic transmission of results, and IDP voting. The delegation found that stakeholders often lacked information directly from INEC on these issues. Such misinformation has added to general confusion and uncertainty about election procedures, and have the potential to undermine confidence in the elections. INEC acknowledged that it needs to increase its communication and outreach efforts to electoral stakeholders and the public, and more quickly respond to inaccurate information.

### **Insecurity and Election Violence**

The 2019 elections will be conducted in an environment of insecurity in some parts of the country. Recent attacks in the North East have raised concerns about Boko Haram's resurgence. In the Middle Belt, intercommunal violence continues, while criminality and gang violence across the country, particularly in the South South, is on the rise. As NDI/IRI's previous delegations noted, if insecurity persists or increases, this could deter citizens from participating in the electoral process, including voting on election day.

Nigerian interlocutors also expressed concern about the rise of political violence during the political party primary process and following the start of the campaign period. Election observation and violence monitoring groups noted a number of violent incidents during the primary process. YIAGA Africa's second pre-election statement noted instances of verbal attacks in 23 percent of local government areas (LGAs), and vandalism or the destruction of political party or candidate property in 16 percent of LGAs. Nigerian interlocutors informed this delegation about troubling levels of hate speech made by candidates, political party leaders, and their supporters on the campaign trail, in the media, and on social media that has the potential to stoke fears about election-related violence. They expressed particular concern over hate speech targeting women. Special consideration should also be given to preventing and denouncing violence against women in the electoral process (VAW-E) to ensure the full participation of

women. Civil society organizations are monitoring violence across the country, but given the many potential flashpoints even more vigilance is required.

### **Role of Security Forces**

As in July and September, Nigerian stakeholders across sectors expressed a lack of confidence in the neutrality of security services. They cautioned that interference in the election process by security forces, perceived or otherwise, could undermine confidence in the electoral process. President Buhari told the delegation that he has warned security forces against partisanship. Under Section 29 of the *2010 Electoral Act (as amended)*, INEC has the authority to request for the deployment and assignment of security personnel for elections. The Inter-agency Consultative Committee on Electoral Security (ICCES) is co-chaired by the National Security Advisor (NSA) and the INEC Chairman and is meant to improve coordination and information sharing. However, the delegation was informed that in practice, security agencies do not always share necessary information, and at times circumvent INEC's legal authority. In addition, some Nigerians with whom the delegation met indicated that ICCES has not been sufficiently operationalized at the state and local government levels. While efforts such as creating emergency and information hotlines are being made by police at the state level, civil society groups monitoring violence told the delegation that incident reports are not adequately responded to or investigated.

### **Political Parties**

#### *Candidate Nominations*

Party primaries to select candidates were concluded in October. Ninety-one political parties will be competing for public office, more than 70 of which have selected candidates for the presidency. IRI/NDI's first pre-election delegation called upon political parties to conduct transparent and democratic candidate selection processes that adhere to their own bylaws and policies. However, civil society organizations informed the delegation that some primaries were undercut by vote buying as well as by confusion over methods for voting, the location of the nomination conventions, and composition of membership lists. Other stakeholders expressed frustration over the continued practice by political parties of substituting names on their candidate lists. Several candidates who won their primaries, including numerous women and youth, were removed from the list by party leaders and replaced by preferred candidates. Aggrieved aspirants filed nearly 400 election petitions, many of which are still pending in the courts. There is a prescribed timeline for the adjudication of all pre-election disputes. All outstanding cases, including any appeals, should be expeditiously resolved prior to the election.

#### *Political Party Agents*

Political party leaders indicated to the delegation their plans to deploy party agents to monitor the conduct of voting and counting processes. INEC indicated its intention to allow political parties to deploy only one agent to each polling unit. However as noted, as many polling units will be divided into multiple voting points, this could inhibit political parties from fully

monitoring the electoral process. Despite this being the sixth election since the return to multi-party politics, political parties still lack sufficient capacity to effectively deploy well trained agents and to establish systems for collecting data from polling units nationwide.

### *Commitments to Peaceful Campaigns*

In early December, political parties and presidential candidates signed the Abuja Accord 2018 under the auspices of the National Peace Committee (NPC), a body composed of eminent Nigerians under the leadership of former head of state, General Abdulsalami Abubakar. By signing the accord, candidates committed to refrain from declarations or speeches that have the potential to incite violence and to speak out against such statements made by their supporters. The NPC is planning a second accord that will ask political parties and their candidates to commit to respecting the outcome of elections and taking disputes to the courts. The NPC hopes to also convene political leaders in states with a high potential for political violence. However, some Nigerians indicated that even more should be done to step down the peace accord at the state and local levels. All political parties, as members of the Inter-party Advisory Committee (IPAC), have agreed to a code of conduct.

### **Voter Education**

With less than two months until the elections, the delegation noted low levels of voter education. In its second pre-election report, YIAGA Africa's observers witnessed voter education activities by INEC in only 61 percent of LGAs, by civil society groups in only 52 percent of LGAs, and by the National Orientation Agency in only 21 percent of LGAs. Civil society representatives told the delegation that there is a lack of coordination among civil society groups and with INEC to establish targeted messaging, identify gaps, and develop strategies to ensure all voters, and particularly marginalized communities, are sufficiently informed about and engaged in the election process. Political parties also have an incentive to ensure their voters are knowledgeable about the election process; however, the delegation did not hear of efforts by political parties to conduct their own voter education campaigns.

### **Vote Buying**

In its July and September statements, the joint mission highlighted the detrimental effect of vote buying on the integrity of the election process. As noted in its second pre-election report, YIAGA Africa's observers witnessed the distribution of money or gift items in 15 percent of LGAs. The delegation heard of efforts by civil society and government institution to educate voters on the importance of their vote. For example, the Independent Corrupt Practices and Other Related Offences Commission (ICPC) declared vote buying a form of corruption and launched a campaign to combat the practice. INEC also affirmed that measures taken in the Osun election to ensure secrecy of the vote, including changes to the layout of and the banning of cell phones in polling units, will be applied nationwide for the 2019 general elections. Stakeholders, however, noted that any efforts to curb vote buying will be insufficient unless political parties adamantly discourage the practice and hold their members accountable.

## **Citizen Observation**

Several citizen observation efforts are planned for the 2019 polls. Networks of credible civil society organizations, including Election Monitor and the Nigeria Civil Society Situation Room, will deploy observers to monitor events on and around election day. YIAGA Africa, as part of the *Watching the Vote* project, has deployed long-term observers to assess the pre-election environment in all 774 LGAs. It has and will continue to monitor and report on election preparations and the political environment, including PVC collection, voter education, the conduct of campaign events, and early warning signs of election violence. For the presidential election, YIAGA Africa plans to deploy nearly 4,000 observers, including 3,034 stationary observers to a statistically valid sample of 1,517 polling unit in order to provide independent verification of the presidential election results. Citizen observers noted to the delegation that INEC had not yet released information about the accreditation process for observers, which could hinder observer groups' recruitment and deployment efforts. INEC informed the delegation that the initial call for observers should be released shortly and that it would introduce online accreditation to facilitate the process.

## **Media**

Media practitioners acknowledged to the delegation that Nigerian media outlets face competing interests to both earn marketing dollars and conduct objective issue-based reporting. However, they recognized the positive influence of new regulations issued by the National Broadcasting Commission (NBC) to discourage the dissemination of hate speech and disinformation on television. The delegation also attended the vice-presidential debate hosted by the Nigerian Elections Debate Group and Broadcasting Organizations of Nigeria. These groups plan to hold a presidential debate on January 16, 2019. This type of collaboration between civil society and the media helps to promote issue-based discourse between candidates.

## **Disinformation**

Many stakeholders expressed concern over the levels and role of disinformation in the elections. As NDI/IRI's previous delegation noted, this type of false and unverified rhetoric manipulates public perceptions, heightens tension, and fuels the potential for violence. The delegation was informed that the websites and social media profiles of legitimate civil society organizations, observation groups, and media outlets have been recently cloned or hacked, and then used to spread disinformation to audiences who believe they are consulting trusted sources. Both media and civil society groups are collaborating on ways to fact check and verify the accuracy of reports, and are trying to alert social media platforms to take measures to remove posts that violate user policies.

## **IV. TANGIBLE STEPS NEEDED TO PROMOTE CREDIBLE AND PEACEFUL ELECTIONS**

With less than two months until election day, there are still a number of steps that should be taken to promote credible and peaceful elections in Nigeria. Furthering Nigeria's democratic

progress will require pro-active and concerted efforts to instill public confidence. In the spirit of international cooperation, this NDI/IRI delegation offers, respectfully, the following recommendations:

- ***INEC and all other electoral stakeholders should increase communication with the public to enhance confidence in the election process and the commission's independence.*** Elections not only need to be credible but must be seen to be credible. INEC should place public outreach and communications among its top priorities, and continue to engage in forums with interested civil society organizations and the media. The commission should proactively message and issue quick responses to correct inaccurate or misrepresented information through traditional and non-traditional forms of communication, including social media and community radios. This outreach should include strategies to disseminate this information at the state and local levels and in Nigeria's many languages. Specifically, INEC should urgently provide clarity on the voting, counting, and collation processes.
- ***INEC should ensure its guidelines for the 2019 elections are consistent with the existing legal framework and share these widely with political parties and observers in a timely manner.*** It is critical that INEC urgently release guidelines for the 2019 elections so that all stakeholders are fully aware of election day procedures. These should include clear provisions on access for party agents and observers all polling units and subsidiary voting points and to all stages of the collation process (including the pilot e-transmission of results data center) as well as for the posting of polling unit level results on the INEC website immediately after the announcement of the aggregated results in accordance with best practices for open election data ([www.openelectiondata.net](http://www.openelectiondata.net)).
- ***Political parties and their candidates should adhere to codes of conduct and peace pledges, including the Abuja Accord 2018.*** Negotiating and signing agreements are just the first step; political parties and their candidates must also hold party members and supporters accountable for violations. Political parties and candidates should also: run issue-based campaigns; abstain from using and openly condemn tactics that incite violence, such as hate speech and disinformation; and actively discourage voter inducement, such a vote buying and other coercive tactics. All candidates should publicly commit to respecting the outcome of elections and to settle electoral disputes in the courts. This commitment will reduce tensions in the lead up to elections and deter violence when election results are counted and released to the public.
- ***Security forces should go above and beyond to assure the public that they are professional and neutral.*** Security forces' prime role is to ensure voters can cast their ballot in a secure environment on election day. The president told the delegation that he has warned security forces against partisanship. He should hold to account those that seek to influence the outcome of any election in favor of a particular candidate or party. As prescribed by law, security forces should defer to INEC concerning their deployment for the 2019 elections, and provide the names of officers deployed at each polling unit. Security forces should participate fully in all ICCES meetings at the national and state

levels as well as engage in other coordination efforts convened by civil society. All security forces involved in facilitating the electoral process should also participate fully in INEC electoral security trainings.

- ***Voter education efforts should urgently be increased.*** INEC, civil society, and the National Orientation Agency should increase coordination to establish key messages, identify gaps, and conduct campaigns to inform voters about electoral process, engage citizens and political actors on issues, and encourage peaceful participation in the polls. Political parties, too, should invest in educating their members and supporters about the election process to ensure their full participation on election day.
- ***Efforts to counter vote buying should be enhanced.*** In addition to its efforts to enhance the secrecy of the vote on election day, INEC should work with civil society to disseminate messages about the importance of their vote and how vote buying compromises the integrity of elections. In accordance with the political party code of conduct, political party leaders should prohibit the practice among their members and candidates and hold them accountable for violations. Authorities, including INEC, security forces, the Independent Corrupt Practices and Other Related Offences Commission and the Economic, Financial Crimes Commission should also investigate and where warranted prosecute the improper use of campaign funds, including voter inducement.
- ***Include and promote the participation of marginalized groups, particularly women, in the electoral process.*** Women make up over half of the electorate but remain underrepresented in all aspects of the electoral process. Concerted efforts should be made by INEC, political parties, security forces, and civil society to ensure the equal participation of women. Special attention should be paid to preventing and denouncing violence against women in the electoral process (VAW-E). INEC should fully implement the *Framework for Voting by Internally Displaced Persons (IDPs)* and *Framework on Access and Participation of Persons Living with Disabilities*. Civil society, INEC, and political parties should conduct voter education to sensitize voters about these frameworks. All political actors should also discourage discrimination and hate speech, particularly against women, youth, and PWDs.
- ***The media should engage in responsible coverage of the elections.*** Media practitioners should promote issue-based coverage of the election campaign. Working with civil society, journalists should actively seek to fact check and verify stories and sources to discourage and counteract disinformation. Media outlets should also provide equal opportunities and access to all political parties and candidates.
- ***The international community should coordinate its messaging and activities to promote democratic and peaceful elections in Nigeria.*** Civil society and INEC strongly encouraged coordination to prevent the duplication of efforts and to ensure that clear and consistent messages are conveyed.

