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APRIL 14 AND APRIL 21, 2007

ELECTION OBSERVATION MISSION FINAL REPORT

**Federal Republic of Nigeria
State and National Elections
April 14 and 21, 2007**

Election Observation Mission Final Report



The International Republican Institute

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Executive Summary

The International Republican Institute (IRI) deployed international delegations to observe Nigeria's April 14, 2007, state governorship and legislative elections and April 21, 2007, presidential, national assembly and senate elections. The elections were found to be well below international standards and below the standards Nigeria set for itself in the previous two elections which IRI also observed in 1999 and 2003.

During the April 14 elections, IRI deployed teams to 16 of Nigeria's 36 states.¹ IRI deployed 17 teams to a total of 15 states for the April 21 elections.² IRI's delegations witnessed significant lapses in electoral preparedness, numerous irregularities and fraudulent activity at polling stations, and a collation and collection process that was not transparent. During the April 21 elections in particular, some of IRI's observation teams reported that they saw very little election activity, and in Imo State, they questioned whether there had been any election at all.

Preparation for the April 2007 elections was insufficient, and the Independent National Electoral Commission (INEC) was negligent in carrying out its duties. From the registration process through the tabulation of votes, INEC failed to carry out its responsibility of ensuring that the elections would accurately reflect the will of the Nigerian people. IRI observers noted a significant number of disenfranchised voters due to INEC's inability to carry out proper elections.

The pre-election period was marked by a lack of political will from Nigerian leadership to ensure that the elections could be conducted in as fair a manner as possible. A number of candidates were targeted with politically-motivated criminal probes designed to discredit

1. Abuja Federal Capital Territory, Bauchi, Benue, Cross Rivers, Ebonyi, Enugu, Gombe, Imo, Kaduna, Kano, Katsina, Lagos, Nassarawa, Ogun, Oyo and Plateau states.

2. The same states were observed on April 21 as on April 14, with the exception of Kano State.

them or force them to withdraw from the elections. In perhaps the most blatant case, the sitting Vice President was kept off the ballot until just five days prior to Election Day as a result of a spurious prosecutorial effort. While the independence demonstrated by the upper levels of Nigeria's judiciary throughout the elections process was a positive sign, their ability to adjudicate election challenges remains insufficient to correct the significant flaws in these elections' execution and purported results.

The 2007 Nigerian elections were a failure both of will from the country's political leadership and of logistical preparation by INEC. The former preordained the outcome of the elections before voters went to the polls, while the latter's decisions prevented many Nigerians from voting. Low voter turnout witnessed throughout both election days, but especially on April 21, indicates that Nigerians are growing increasingly disillusioned with their nascent democracy and have little faith that their votes count.

I. INTRODUCTION

Following nearly four decades of alternation between civil and military governments, Nigeria finally held elections in 1999 that, although flawed, were expected to usher in a new democratic era for Nigeria. President Olesegun Obasanjo was re-elected in flawed 2003 elections but was limited to two terms of office by the Nigerian Constitution. The 2007 elections represented the first opportunity for one democratically-elected government to hand over power to another since Nigeria's independence in 1960.

IRI's pre-election program focused on party poll-watcher training (500,000 poll watcher manuals were distributed), candidate schools held in each of the six geo-political zones of Nigeria and negotiation of a political party code of conduct to govern parties' behavior. IRI also sponsored a pre-election mission in November 2006 to assess the political environment and electoral preparedness in advance of April's elections. The pre-election assessment team's findings and recommendations were made public and presented to the Nigerian government and INEC for their consideration.

To observe voting for the April 14 and April 21 elections, IRI fielded two separate election observation delegations. Teams were deployed throughout Nigeria, observing in 16 states on April 14, and 15 states on April 21. A combination of Nigerian academics and civil society experts formed the core of the April 14 election observer group. The 59-member April 21 election observation group was led by Hungarian Member of the European Parliament Andras Gyürk, Democratic Republic of Congo Electoral Commission President Father Apollinaire Mulholongu Malumalu and former U.S. Ambassador Pierre-Richard Prosper. The delegation included members from four continents, including eight African nations.

This report summarizes the pre-election, Election Day and post-election findings of IRI's election observation mission and makes

recommendations on aspects of Nigeria's electoral system that should be reviewed.

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II. PRE-ELECTION PERIOD

A. *Political Situation in Nigeria*

The political situation in Nigeria in advance of the April 2007 elections was volatile and tense. Having won consecutive elections in 1999 and 2003, President Olusegun Obasanjo attempted to extend his term of office. However, Nigeria's constitution restricted him from serving more than two terms. In early 2005, President Obasanjo and his supporters started a public campaign to modify the constitution to allow him to run again in 2007. Many public figures, including some within President Obasanjo's own People's Democratic Party (PDP), opposed the move and the constitutional amendment was rejected by voice vote in the Senate in May 2006. A subsequent effort to allow President Obasanjo to preside over a two-year interim government on the basis that the country would not be ready for elections in 2007 was similarly unsuccessful.

With his attempts to secure another term defeated, President Obasanjo sought to secure his position of power within the PDP and the country by hand-picking his successor, selecting little known Governor of Katsina State Umaru Yar'Adua. President Obasanjo subsequently used all the powers his office afforded to ensure that Yar'Adua won the PDP primary and the general election. The Economic and Financial Crimes Commission (EFCC), a government agency which was designed to combat Nigeria's endemic corruption, became increasingly selective with its prosecutions, in particular targeting President Obasanjo's opponents within and outside the PDP. In 2006, six governors were impeached based on charges lodged against them by the EFCC, although two were later re-instated by the courts. In October of that year, the EFCC indicated that it had developed corruption cases against 31 of the 36 governors in Nigeria. Because Nigerian law shields elected officials from prosecution, there were widespread allegations that members of the Obasanjo administration were holding their immunity as a bargaining chip designed to ensure that they adhered to the president's wishes.

In addition, the Obasanjo regime further used the EFCC as a mechanism to disqualify opposition candidates from running. In February 2007, the EFCC presented a list directly to President Obasanjo, bypassing the courts, of 135 individuals indicted for crimes under the EFCC's jurisdiction. In less than a week, a presidential panel appointed to investigate the cases had completed its investigation, and the government barred 37 individuals on the list from running for election, including Vice President Atiku Abubakar of the opposition Action Congress (AC) Party. While various PDP members appeared on the list, they were generally not of the same stature as those targeted from opposition parties.

Vice President Abubakar was one of the most public opponents of President Obasanjo's bid for a third presidential term. When Vice President Abubakar, then a PDP member, formally announced his opposition, President Obasanjo's administration lodged a volley of corruption and other legal complaints against him, moving so far as to suspend him, making him ineligible to seek the PDP presidential nomination for the 2007 election - a slot many had assumed was reserved for him. Vice President Abubakar subsequently defected from the PDP to join the AC in December 2006, and President Obasanjo initiated impeachment charges against his second-in-command - a move that was blocked by an appeals court in February 2007.

Compounding matters, on March 15, the Independent National Electoral Commission (INEC) announced it was removing Vice President Abubakar from the presidential ballot because he was on the government's list of those barred from seeking election. The government's list was based on the EFCC's list of February 2007. A general state of uncertainty surrounded the election as Vice President Abubakar and INEC battled in the courts to reinstate his candidacy. Public holidays were declared by the government for April 12 and 13, two days prior to governorship and state legislative elections, ostensibly so that voters could get to the polls. The government made this move, most likely, to prevent the Supreme Court from

ruling on Vice President Abubakar's case until after those initial elections (for the April 21 elections, the government saw no need to declare a similar holiday). When it finally met on April 16, the Supreme Court ruled that INEC lacked the power to disqualify any candidate, placing Vice President Abubakar back on the ballot just five days prior to the April 21 elections.

While the Abubakar drama was playing out, it became clear that General Muhammadu Buhari, the candidate of the All Nigeria People's Party (ANPP), would be the other main challenger to Yar'Adua in the presidential election. Rumors of a "grand coalition," composed of the ANPP and AC determined to topple the PDP machine, circulated around Abuja in the days leading to April 21. Any hopes for a grand coalition ended when General Buhari refused to boycott the election as proposed by Vice President Abubakar, who then re-entered the race.

B. Electoral Framework and Oversight

Under Nigerian law, the conduct of the elections is entrusted to INEC, composed of 12 commissioners led by Chairman Maurice Iwu. INEC oversees the work of the State Independent Election Commissions (SIEC) in each of Nigeria's 36 states. It is estimated that INEC had more than \$400 million at its disposal to conduct the elections. Although INEC's Chairman is appointed by the president and must be approved by the Senate, INEC remains dependent on the executive branch for its funding and thus subject to the executive branch's pressures.

C. Voter Registration, Education and Electoral Preparation

Under the Electoral Act of 2006, INEC is charged with compiling a National Register of Voters "which shall include the names of all persons entitled to vote in any Federal, State, or Local Government/Area Council Elections," individualized for each polling place. By statute, the "registration of voters, updating and revision of the

register of voters...shall stop not later than 120 days before any election.” For the April 2007 elections, this date was December 14, 2006. Challenges to the register may be made up to 60 days before the election, in this case February 14, 2007, after which the voter roll must be closed and the final register made available to the public.

INEC elected to utilize Direct Data Capture (DDC) machines to register each of the estimated 98 million eligible voters. According to INEC, approximately 165,000 registration officers received training on the operation of the DDC machines, and 33,000 DDC machines were reportedly ordered to meet the registration deadline. Registration opened throughout Nigeria on October 25, 2006, but by then only an estimated 3,000 DDC machines had arrived and been deployed. As of November 20, 2006, INEC announced that it had registered just two million voters (2-3 percent of the total estimated) with 24 days remaining before the registration deadline. On November 30, 2006, Chairman Iwu testified that the number had increased to 4.2 million voters (4-6 percent of the total), with 14 days remaining. He added that more DDC machines were to be deployed (only 18,000 had been deployed as of December 14) and that INEC would also revert back to the 2003 voter register as the base list for the 2007 elections. The 2003 register was widely acknowledged to contain between 10 and 20 million fraudulent registrations as of 2003, and had grown more inaccurate with the passage of four years' time. In apparent contravention of the law, INEC continued to register voters past the December 14 deadline.

Registration finally ceased on January 31, with approximately 61 million voters registered, below the internationally accepted standard of 50 percent of the population (in this case, 70 million). Using Chairman Iwu's figures of November 30, 2006, INEC would have had to register more than 900,000 individuals per day between December 1 and January 31, to reach 61 million; it had been averaging 113,000 registrations per day. INEC also failed to display the voter register as required, eliminating the ability of aggrieved voters to challenge their exclusion.

Voter education efforts were limited. Little effort was undertaken by either the executive branch or INEC to inform the public of how to vote or where to vote. IRI's pre-election assessment delegation, deployed in November 2006, noted that while voters were informed via broadcast and print media of the need to register, they were provided almost no information about how to do so or where to locate a DDC machine. The assessment team saw only one advertisement for voter registration, a billboard on the road to Abuja's international airport on the way out of the city.

INEC planned to operate 120,000 polling places throughout Nigeria, each designed to accommodate no more than 500 voters. This calculation was based on a population model of 120 million Nigerians, yet January 2007 census numbers released by the government indicated that number underestimated the population by 20 million.

INEC was also responsible for the printing and distribution of ballots for all governorship, state assembly, national assembly and presidential elections held on April 14 and 21. The Commission's decision to unilaterally disqualify Vice President Abubakar and remove him from the ballot and the Supreme Court's subsequent reinstatement of his candidacy left INEC in the position of needing to print and distribute 65 million presidential ballots in just four days.

IRI flagged these issues in its November pre-election assessment report. Unfortunately, INEC was overly confident in its level of preparation for the April 2007 elections. The failure to resolve the critical issues that were exposed through the voter registration process resulted in the mismanagement of both the State and National Elections.

III. ELECTION PERIOD

A. Pre-Election Meetings, April 14 Governorship and State Legislative Elections

In the week preceding the election, the IRI observation delegation attended the mandatory INEC international observer briefing to receive accreditation, was privately briefed on electoral preparations by one of INEC's 12 commissioners, met with representatives of Nigerian civil society and domestic observer groups and was briefed on international election observation standards and IRI security and data collection protocols.

On April 12, the observers deployed to their respective states, and on April 13, each of the 16 groups met with local INEC officials, police and security officials, domestic and international observers and political party representatives. In general, INEC officials were markedly more positive on the prospects for a successfully executed election than were others with whom IRI teams spoke.

B. Election Day, April 14, 2007

IRI observers noted a number of problems throughout Election Day, most notably that ballots were not distributed in a timely fashion. Polls were scheduled to be open from 8:00 am until 3:00 pm; IRI monitors did not witness any polls open prior to 10:00 am, with some opening as late as 2:45 pm. This appeared to be largely a logistical failure on INEC's part as ballots traveled from several central distribution centers, then had to be hand-counted and handed to the relevant official for each polling station. With 120,000 polling stations, even a small delay in getting the ballots to the field would have resulted in significant delays of poll openings, particularly in rural areas.

Voter rolls were another significant problem on Election Day. Few voters were told the location of their polling station. With a separate

polling station for each 500 voters, this caused a considerable amount of confusion in more urban areas. Moreover, pictures of voters and their identifiers were posted in no particular order, neither alphabetically nor numerically by identification number. This led to a number of voters searching through 500 names only to find they were not at the correct polling station and having to move on to restart the process. While INEC pledged that there would be no more than 500 registered voters per station, some registration lists contained many more than that number.

Polling stations were also a source of much discontent among voters. A majority of polling stations that IRI observed maintained no privacy for voters, allowing political party, security or other individuals to interfere in the voting process. Group voting was not uncommon. Ballot boxes made of transparent plastic secured only with an unlocked zipper also made it difficult to ensure voting secrecy as votes could be viewed through the side walls of the box.

Underage voting was prevalent across the 16 states in which IRI observed, as was political party, military and police interference in the process. Election Day violence was serious, with an estimated 40-50 deaths related to electoral activity and numbers of reports of ballot box thefts, burning of local INEC offices and mobs storming offices to steal ballots and other materials.

Tabulation procedures were easily compromised as results sheets were often unavailable, not on display or pre-inked. Ballots were not counted at some polling stations before being transferred to ward or district-level collection centers, making it difficult for the accuracy of results to be tracked. Despite the late openings, some polls closed as early as 1:00 pm and all IRI-observed stations were closed by 4:30 pm; some polls were open for as few as three hours. Low turnout was generally reported, with few people still in line at the scheduled closing time of 3:00 pm, possibly reflecting both the disillusionment of Nigerians with the entire electoral exercise

and the difficulty many faced locating the polling places where they were registered.

Tension centered on those areas where governorship races were anticipated to be competitive, with the greatest political tension witnessed by IRI in Bauchi and Plateau states. Additionally anger developed in Imo, Enugu, Ogun and Ebonyi states, which saw some of the latest poll openings due to INEC organizational failures. The Niger Delta states, as might be expected, experienced above average levels of violence, including a reported 1,140 Nigerians storming INEC offices in Cross Rivers State.

The April 14 elections saw numerous planning failures by INEC, most notably the inability to distribute ballots on time. Fraudulent activity was witnessed to an extent that calls into question the validity of results; however, the extent of that fraudulent activity and the degree to which it might have affected outcomes appeared to IRI observers to depend on the significance of the elections taking place in the state in question.

C. Pre-Election Meetings, April 21 Presidential and Legislative Elections

Members of the observation mission for the April 21 elections met with a number of key stakeholders in the election. Many meetings were especially timely given the Supreme Court ruling in Vice President Abubakar's favor on April 16, which ensured that the electoral environment in the week proceeding April 21 was particularly volatile. Both main opposition candidates, Vice President Abubakar (AC) and General Muhammadu Buhari (ANPP), met in person with IRI delegation leadership, as did a representative for Governor Umaru Yar'Adua's PDP. INEC Chairman Maurice Iwu also met with the delegation, in addition to other international organizations (including the United Nations Development Program, National Democratic Institute for International Affairs and IFES), and domestic observer groups.

Chairman Iwu expressed complete confidence that INEC had met all of its legal obligations, including those related to its effort to disqualify Vice President Abubakar, and that any of the “minor” abnormalities witnessed in the April 14 election would be corrected for the April 21 elections. Overall, he believed INEC had done a superior job in the face of all of Nigeria’s many logistical challenges. General Buhari questioned the ability of INEC to effectively carry out its responsibilities and indicated his lack of faith in the courts to resolve any disputes in a timely manner (his challenge of the 2003 election took two years to adjudicate). Vice President Abubakar, fresh off his victory at the Supreme Court, questioned INEC’s ability to include him on the ballots with the election just days away in a way that did not compromise his ability to compete fairly.

Both international and domestic observer groups were pessimistic about INEC’s ability to improve its logistical preparedness over the effort of the previous week and expressed frustration, to varying degrees, that INEC had not overseen a more inclusive process that allowed for input from many of the institutions and foreign governments that had offered technical assistance.

On April 20, IRI’s observation teams deployed to 15 states; deployment was delayed a day due to security concerns. Despite the delay, many of IRI’s teams were able to meet with local INEC officials, political party leaders and international and domestic observers. As with the meetings prior to the April 14 elections, INEC officials were generally more positive that they were prepared for the elections than were IRI’s other interlocutors.

D. Election Day, April 21, 2007

Irregularities were more widespread, more systemic and organized, and electoral preparedness was demonstrably worse than during the previous week's elections. Once again, INEC's missteps began with the most basic of its tasks – distributing ballots. Perhaps recognizing that the combination of the need to reprint 65 million ballots at the last minute and its inability to properly distribute ballots the prior week spelled trouble, INEC pushed back poll openings by two hours across the country. Polls were scheduled to open at 10:00 am (as opposed to 8:00 am) and close at 5:00 pm.

While some polls did open at the scheduled time (albeit two hours delayed) with materials in hand, the discrepancies between opening times across the country was far more widespread than during the previous week, as some polls reportedly never received any voting materials. IRI observers witnessed late poll openings in nine of 15 states, ranging from 45 minutes to more than seven hours before ballots arrived. An IRI observation team witnessed ballots leaving a central distribution point in Owerri at 3:00 pm for polling stations that were, at best, three hours away. The inability of INEC to deliver ballots throughout the country led to the disenfranchisement of a significant number of Nigerians.

Some delay may ordinarily be attributable to the late decision to include Vice President Abubakar on the ballot, but IRI's teams consistently found that, in more cases than not, polling places that were open had the presidential ballots, but lacked national assembly and senate ballots that should have been prepared long before. National assembly and/or senate races had to be re-run in 27 of 36 states due to errors on the ballots or a complete lack of ballots.

Complicating matters further, presidential ballots were not serially numbered, unlike the national Assembly and Senate ballots. This meant that the presidential ballots could not be tracked from their original distribution center to the polling place and back through

the tabulation process to INEC headquarters. This singular failure opened the entire electoral process to fraudulent activity as there was no way to track, or prove in court, that fraud took place without being able to individually identify ballots. INEC demonstrated that it knew that such serial numbers were necessary to protect the process by printing them on the ballots used on April 14 and on the non-presidential ballots on April 21. Its failure to print them on the presidential ballots may have been an omission in the rush to print following Vice President Abubakar's Supreme Court victory, or may have been intentional. In any event, the use of non-serially numbered ballots seriously undermined the credibility of the election.

Presidential ballots, again allegedly due to the haste in which they were printed, contained only the logos and names of the political parties contesting the election, requiring the voters to be able to identify the logos rather than an individual's name. If this was due to the need to reprint ballots, it remains unclear why INEC was unable to include names during the second round of printing. However, if the ballots were prepared in advance in the expectation that Vice President Abubakar might win his case, then it calls into question the lack of serial numbers, which is in contravention of Section 45(2) of Nigeria's Electoral Act which states that "the ballot papers shall be...numbered serially." In either regard, INEC's protestations that it did everything possible ring hollow.

In addition to INEC's gross negligence, the April 21 elections also saw numerous irregularities and widespread fraud that appeared to be orchestrated to the advantage of the PDP. Some problems were identical to those of the previous week, demonstrating INEC's inability or unwillingness to try to correct their deficiencies. Voter registration issues were identical to the week before, with many Nigerians unable to locate their polling place due to the disorganization of the register. Voters in most polling locations continued to lack suitable privacy to cast their ballot, and since identical ballot boxes were used both weeks, the privacy and security deficiencies of the INEC boxes carried over to the April

21 elections. Underage voting was rampant, with numerous young voters in line and on the registers. One IRI team noted photos of toddlers on a register in Cross Rivers State. Another registration list in Oyo lacked photos altogether.

Political party intimidation and interference was considerably more widespread and seemingly organized than during the April 14 elections. Party officials interfered with voting in at least nine of 15 states that IRI observed. Group voting continued to be a challenge, and security officials were witnessed instructing voters on how to vote. Ballot box stuffing by polling officials was observed at polling places and collection centers. Remarkably, much of the irregular and illegal activity that IRI witnessed was conducted in an open and brazen manner with little regard for the security, polling or domestic and international observers present.

In addition to the lack of serially-numbered ballots, collation efforts suffered from several problems. Some polls, despite the late start, closed as early as 1:00 pm. Results sheets were lacking in many polling locations or appeared already completed. Almost no regard was paid to the instruction to distribute results to party agents at the end of the collation process; the process remained extremely opaque. INEC made no use of its proposed system to electronically collect results at each level of the counting process, and again the lack of serial numbers made tracking ballots from the local precinct to INEC headquarters impossible.

Election Day violence was, in terms of magnitude, higher on April 21 than during the previous week. In downtown Abuja, there was an attempted attack on the national headquarters of INEC with a gasoline tanker at 4:00 am. Other attacks included arson attacks on INEC headquarters in Kaduna and Katsina states, and a polling agent in Benue State was murdered allegedly in order to facilitate the theft of that polling station's ballot boxes. More than 200 Nigerians are estimated to have been killed in Election Day-related violence.

Voter turnout was extremely low and appeared to IRI observers to be lower than that on April 14. This was most likely a result of increased frustration after the April 14 elections and a more serious lack of preparedness by INEC in some areas of Nigeria, particularly the Southeast, on April 21.

INEC was woefully unprepared or unwilling to conduct a proper election on April 21, as demonstrated by the lack of ballots in many parts of the country, thereby likely disenfranchising millions of voters. The commission was similarly unconcerned with its constitutional responsibility to ensure that the election be transparent, given the lack of serial numbers on the ballots.

In connection with or perhaps taking advantage of INEC's lapses, there was rampant voting fraud throughout all stages of the process, from ballot thefts prior to distribution to falsified results sheets after collation.

The April 21 elections were undermined by the combination of an inept electoral commission and the ability of political interests to interfere throughout the process. The elections, where they were even able to take place, cannot be said to be credible or representative of the will of the Nigerian people; they did not meet international, regional or Nigeria's own past standards for electoral competence. A combination of errors, some made long before Election Day, turned the entire elections process into nothing more than a hollow exercise in futility.

IV. POST-ELECTION PERIOD

A. Election Results

INEC Chairman Maurice Iwu announced on April 23 that PDP candidate Governor Umaru Yar'Adua had won the election, based on the results from 13 states. Given the logistical difficulties INEC faced in getting ballots distributed, many observers questioned their ability to collect and collate results in just two days. Moreover, the Nigerian Constitution requires that, in addition to a majority of all votes cast, a candidate must have "not less than one-quarter of the votes at the election in each of at least two-thirds of all states in the Federation and the Federal Capital Territory, Abuja." Yar'Adua could not constitutionally be declared the winner with the results in from only 36 percent of Nigeria's states, yet Chairman Iwu did exactly that. As of June 6, a week after President Yar'Adua's inauguration, INEC had yet to publish comprehensive electoral data confirming that he had met the aforementioned constitutional requirement. Whether this was intentional on INEC's part or simply another side effect of ballots lacking serial numbers remains unclear.

Final results for the election, as produced by INEC, list Governor Umaru Yar'Adua (PDP) with 24.8 million votes, General Muhammadu Buhari (ANPP) with 6.6 million votes, and Vice President Abubakar (AC) with 2.6 million votes. No other candidate received more than 650,000 votes. Total votes cast were a little more than 34 million, indicating an INEC-reported turnout rate of approximately 56 percent, which appears to be much higher than what IRI observed on Election Day, and questionable given that many parts of the country had limited or no opportunity to vote.

B. Post-Election Complaints and Appeals

Following what they perceived to be widespread electoral fraud committed on April 21, Vice President Abubakar, General Buhari and five other presidential aspirants filed petitions of protest with

the judicial tribunals established by the Electoral Act of 2006. As would be expected following the breadth and depth of election fraud witnessed on April 14 and 21, a large number of cases were filed with the tribunals with roughly 1,250 petitions as of June 1, 2007.

The tribunal process generally favors the declared winner, in this case President Yar'Adua. Between Election Day and Inauguration Day (May 29), there were 39 days to adjudicate any petition that would preclude Yar'Adua from taking office. Notable cases from the 2003 election, including one filed by General Buhari, were resolved in two to three years. Although they are supposed to be given precedence by the judicial system, electoral cases are dealt with slowly by a Nigerian judiciary that is simply unwilling or unable to handle cases involving such high-level politics and wide-scale injustice.

In addition, under Nigerian law, petitioners are required to meet an extremely harsh test to advance their case. Section 146(l) of the Electoral Act states that "an election shall not be liable to be invalidated by reason of non-compliance with the provisions of this Act if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non-compliance did not affect substantially the result of the election." In other words, a petitioner would have to prove that were it not for the fraudulent activity, they would have won the election. This is a very high bar for a petitioner to meet, especially when they have little if any access to the electoral materials after the election.

As of June 6, 2007, INEC had yet to comply with a court order allowing General Buhari access to all electoral materials in its possession. But, as noted earlier, INEC may not even be able to fully assimilate all the data before it; some of their figures may simply be made up. Perversely, the courts may not be able to resolve challenges to the 2007 elections because they were bungled so badly that not enough data exists to determine a true winner or the actual results. At a minimum, an INEC chairman, who owes his job to the

incumbent political party, is likely to be extremely reluctant to assist in any challenges that may threaten his patron.

V. FINDINGS AND RECOMMENDATIONS

The April 14 and 21 Nigerian elections lacked credibility. The Nigerian people were failed by their government, their political party leaders and INEC. Most Nigerians remain extremely dedicated to the democratic process but were outmaneuvered by those in power. Those citizens who stood in line waiting for hours for a poll to open so they could cast their votes should be commended, as should local poll workers who in many instances were dedicated to performing their tasks appropriately. President Yar'Adua, INEC and other stakeholders have clearly heard the disdain from the Nigerian electorate as well as the international community over the conduct of these elections, and must endeavor to identify and find solutions for the errors and lack of will that undermined them. IRI has identified some areas of weakness, by no means an exhaustive list, and offers the following recommendations.

Finding 1: The ruling PDP, under President Obasanjo, used the EFCC to eliminate and intimidate opponents, including those within the PDP.

Recommendation 1: While ostensibly already an independent body, the EFCC must further strengthen its independence from the executive branch and not succumb to pressure to prosecute politically-motivated cases. Stronger accountability to a body other than the President, either to the legislature or the courts, is necessary to prevent similar abuses from being replicated.

Finding 2: Public officials' immunity from prosecution motivated electoral abuse by providing an incentive for incumbents to rig elections in their favor to avoid prosecution. The threat of removing an official's immunity was used as leverage to ensure their compliance with party leaders, particularly President Obasanjo.

Recommendation 2: Immunity from prosecution for sitting elected and appointed officials should be eliminated. This would level the playing field and lessen the “win at all costs” mentality that currently dominates Nigerian politics at the highest levels. If, for reasons of self-interest, this seems implausible, a statute of limitations could be imposed to decrease the risk of prosecution of sitting politicians. Forgoing prosecution of such individuals would be unfortunate, but would result in a healthier Nigerian body politic in the long run.

Finding 3: INEC is not an independent body and succumbed to the pressure of the incumbent PDP.

Recommendation 3: The process by which the INEC commissioner is appointed must be revised so that the executive branch does not directly control the appointment. There is an inherent incentive for the INEC chair to want to please his political master, as was the case with President Obasanjo and Chairman Iwu. Either the legislature or an independent oversight body would be more appropriate to appoint a dedicated technocrat, with no demonstrated political leanings, for a fixed term of office.

In addition, INEC should be independently funded and not reliant on the executive for the release of its funding. The power of the purse is a strong incentive to act in accordance with the wishes of those holding the purse strings. Either a mandatory fixed payment (increasing in pre-election periods) or access to an independent trust fund may be alternative arrangements which would ensure INEC’s independence from any political entity.

Finding 4: Reliance on DDC machines and, later, the 2003 Electoral Register led to a registration process that failed both in terms of the number of Nigerians registered and the accuracy of data collected.

Recommendation 4: Voter registration must start much earlier than roughly two-and-a-half months prior to the registration deadline. Now that Nigeria presumably is in possession of most of the DDC machines it ordered, registration for the 2011 elections should start no later than the start of 2010. The 2003 and 2007 voter registration lists should be destroyed due to the high probability that both are significantly compromised. Voter lists must be physically displayed within the timeline mandated by the Nigerian Electoral Act; Internet listings are insufficient in a country with a low Internet-penetration rate.

Finding 5: Voters lacked knowledge on where and how to register to vote and the location of their assigned polling station.

Recommendation 5: INEC must engage in a sustained public education campaign in the lead-up to the 2011 elections, including mass media campaigns on registration and voting processes and procedures. These campaigns must be supplemented with individualized information efforts to allow Nigerians to learn the location of their registration and voting stations.

Finding 6: INEC was completely unprepared for the late addition of Vice President Abubakar to the ballot on April 16.

Recommendation 6: INEC must plan for all eventualities based on any court cases that may be pending headed into the elections. In this case, INEC had adequate notice that Vice President Abubakar might need to be added to the ballot yet apparently elected to do nothing to prepare. A contingency fund should be maintained to respond to such occurrences. The Nigerian legislature must also consider providing the power to delay the election in such circumstances to an appropriate body, such as itself or the judiciary.

Finding 7: Haphazard ballot distribution led to late poll openings during both elections, and some polls received no ballots at all on April 21.

Recommendation 7: INEC must develop a stronger logistical arrangement with more flexibility to prevent a recurrence of the greatest failure of the 2007 elections. The desire to protect the sanctity of the ballots should not preclude ballots from reaching their destination. Ballots should be stored and distributed from locations within a reasonable distance of their appropriate polling stations. This may require a significant increase in the number of centralized locations and decrease in the number of polling stations. Additionally, ballots should be under the protection and oversight of national security and electoral officials to prevent local political leaders from obstructing their distribution.

Finding 8: Voter rolls were unordered and not standardized.

Recommendation 8: Because confusing voter rolls can have a depressive effect on voter turnout and enthusiasm, INEC must undertake efforts to significantly improve the quality and design of voter registration lists. At a minimum, they must be ordered, either alphabetically or numerically. INEC must also ensure that the voter rolls have the appropriate number of individuals listed and consistent quality of information present.

Finding 9: There was a general lack of privacy for voters at polling sites, which encouraged voter interference and group voting.

Recommendation 9: Each polling station should establish an appropriate number of voting areas shielded from public view. Non-voters should be kept out of the private area and access to the area should be constrained to one individual per voting area to prevent group voting and voter interference.

INEC should also eliminate the transparent ballot boxes, which aside from providing no privacy to voters, did not serve their intended purpose of decreasing ballot box stuffing and other fraudulent activity.

Finding 10: The voting collation and tabulation processes lacked transparency, particularly at levels beyond that of the individual polling station. Individual presidential ballots could not be tracked.

Recommendation 10: Results sheets should be displayed at the polling station through the day to ensure they are left blank until tabulation. Once completed, copies should be provided to party poll watchers and other observers who should be able to verify that the results remained unchanged as the ballots make their way to INEC headquarters in Abuja. Results should be made public at all levels at which they are collated to allow any significant discrepancies to be caught early in the process. Ballots should contain serial numbers which are recorded prior to distribution to ensure that the ballots can be tracked back to a particular polling station.

Finding 11: Ballot and ballot box thefts were common, and there were regular occurrences of ballot box stuffing.

Recommendation 11: Security must be tightened at polling stations and agents encouraged to intervene when they witness such activities. A decrease in the number of the polling stations may be required to better focus manpower. National security forces or police from a different region should be used to ensure that officers are not complicit in fraudulent activity.

Finding 12: Results for the presidential election were presented only in national aggregate form.

Recommendation 12: INEC must publish presidential election results down to the lowest level prior to declaring a winner to demonstrate that the results are accurate and within expectations. This is doubly important since without vote breakdowns by the state level at a minimum, it is impossible to determine whether all the constitutional requirements for an election have been met.

Finding 13: Election tribunals lack the time necessary to adjudicate major election disputes before the declared winner is inaugurated.

Recommendation 13: The Nigerian legislature should extend the period of time between the election and Inauguration Day, perhaps by setting a fixed election day. Election tribunals must be empowered to expedite consideration of cases that focus on large-scale fraud and legal abnormalities that may affect the outcome of elections. Tribunals preferably must also be provided the resources to adjudicate such a case within the window between Election Day and Inauguration Day.

Finding 14: The requirement that a petitioner be able to demonstrate that the outcome of the election would be substantially altered if their allegations are correct is a significant impediment to the causes of individuals who do not have access to the evidence they require.

Recommendation 14: The Nigerian legislature should rewrite the Electoral Act to remove this requirement. A suitable replacement might be proving that the alleged fraud took place in a significant number of Nigeria's 36 states. Petitioners should also be granted access to electoral documents prior to bringing a case before an election tribunal, rather than having to meet the evidentiary requirements before they have access to the evidence.

Finding 15: INEC was not suitably beholden to any institution other than that of the executive to prod it into preparing for a better, more transparent, fairer election process. INEC also repeatedly violated Nigeria's Electoral Act.

Recommendation 15: INEC should report to a body other than the executive, either the legislature or a special judicial panel. Additionally, INEC officials must be held accountable for the failures of the organization to undertake its duties in compliance with the Electoral Act. Should it not be followed, an ombudsman should have standing to bring INEC to court to force it into compliance. INEC officials should be held personally responsible for intentional violations of the Electoral Act and face the possibility of criminal prosecution for such violations.

VI. IRI in Nigeria

IRI has worked in Nigeria since 1998 to strengthen the political process by monitoring the electoral process, enhancing the capacity of political parties, encouraging greater participation of women and youth in the political process and forging stronger ties and developing collaborative efforts between political parties and civil society organizations.

IRI's history in Nigeria also includes fielding international delegations to observe the national elections in both 1999 and 2003. In both elections, IRI noted the determination of the Nigerians to participate in the electoral process, despite several shortcomings of the government, electoral bodies and political parties. IRI used these observations to assist political parties and civil society organizations in their preparations for the 2007 elections.

In the run-up to the 2007 elections, IRI embarked on a series of initiatives to strengthen the political and electoral environments and processes. Through a series of workshops held throughout Nigeria, campaign schools helped to prepare hundreds of newly selected candidates from Nigeria's political parties in all aspects of effective campaign planning and management. Twenty-five national political parties attended the first campaign school in Abuja. Additional campaign schools were conducted in Benue, Nasarrawa, Kano, Kaduna, Katsina, Lagos, Ogun and Oyo states.

To create an environment suitable to the conduct of open, transparent and violence-free elections in 2007, IRI worked with Nigeria's political parties for more than a year to develop a political party code of conduct. Through a series of roundtable discussions that began in October 2005, IRI provided a forum for parties to deliberate on some of the most crucial issues involved in the electoral process. The hard work and determination to reach consensus on issues related to electoral violence and proper rules of engagement came to fruition

on February 8, 2007, as representatives of 38 parties endorsed this essential document at a public signing ceremony.

IRI also provided substantial assistance to party poll-watchers in preparation for the April elections. Several hundred party poll-watchers were trained by IRI to serve as trainers for other poll-watchers. IRI additionally printed and distributed 500,000 party poll-watcher manuals nationwide, to provide basic civic education and guide poll-watchers through their obligations and responsibilities.

Since the election, IRI continues to work to strengthen the ties between political parties, civil society and the government to further entrench and solidify democracy in Nigeria.

VII. APPENDIX

Appendix A. Preliminary Statement, April 22, 2007



The International Republican Institute

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For Immediate Release
April 22, 2007

Nigeria's Elections Below Acceptable Standards Preliminary Findings of IRI's International Election Observation Mission

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.

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***Appendix B. News Release on IRI Election Observation
Delegation to Nigeria*****The International
Republican Institute**

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For Immediate Release
April 11, 2007

**IRI to Monitor Nigeria's Presidential and
National Assembly Elections**

Washington, D.C. – The International Republican Institute (IRI) today announced it will send an international delegation to monitor Nigeria's April 21 presidential and national assembly elections. Representatives from China, Democratic Republic of Congo, Hungary, Kenya, Liberia, Mali, Namibia, Poland, Somaliland, Uganda and the United States will travel to Nigeria to monitor voting and ballot counting throughout the country. Following the voting, IRI will issue a statement on the findings of the delegation.

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

Other delegates are 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 will also serve as observers and assist in the mission. IRI staff will be 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.

Delegates will travel to Abuja, the capital of Nigeria, on April 14. Once there, delegates will be briefed by representatives from the U.S.

Embassy, Nigeria's National Elections Commission, international and Nigerian nongovernmental organizations, political parties, and representatives of the media. They will also be briefed on the rights and responsibilities of international observers and Nigerian election law.

Delegates will then be deployed throughout the country where they will monitor polling stations and identify and evaluate strengths and weaknesses in Nigeria's election system, including campaign regulations, the balloting process, vote tabulation and reporting.

IRI will also field a group of 13 Nigerian civil society activists and academics to observe the gubernatorial and state assembly elections on April 14.

Since 1998, 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. Presently, IRI's efforts are assisting political parties prepare for the 2007 elections.

In November 2006, an IRI delegation traveled to Nigeria to assess the country's preparations for the April elections. The report, *Nigeria's 2007 National Elections Pre-Election Assessment*, was issued in February 2007.

IRI has monitored more than 130 elections in more than 40 countries. IRI monitored Nigeria's 2003 and 1999 presidential and national assembly elections, 1999 state elections and the 1998 local elections.

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Appendix C. IRI Statement on Pre-Election Assessment



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For Immediate Release
December 1, 2006

**IRI Issues Statement on Pre-Election Assessment
of Nigerian Elections
Statement by Ambassador Pierre-Richard Prosper,
Leader of IRI Delegation**

Abuja, Nigeria – “It has been my privilege to head this group of prestigious international delegates, organized by the International Republican Institute (IRI). The purpose of this mission was to assess the political environment and preparations for this important country’s elections next year.

“We want to express our appreciation to all those who met with the delegation and shared their views. Our interlocutors spoke to us with frankness and out of concern and hope for Nigeria. We have been impressed with the wealth of information provided to us by key government officials, political leaders, civil society organizations, religious groups, the media and the donor community, and their commitment to the issue.

“Democracies around the world are founded on the ideals of freedom, liberty, equality and the rule of law. These values are often difficult to achieve, but we must always remember democracy is not a destination – it is a journey. We may not always succeed in

achieving the ideals of democracy, but we must try for the sake of a better tomorrow for our children and grandchildren. This delegation understands and believes the 2007 elections are an historical event and indeed a significant milestone in Nigeria's young democracy.

“In 2007, political power will transfer from one civilian government to another for the first time in Nigeria's history. The delegation realizes what happens here next year will have wide implications. The stakes are high: In the words of Independent National Electoral Commission (INEC) Chairman, Professor Maurice Iwu, ‘whatever happens to Nigeria touches the rest of the world.’ As a result, it is important the chosen process be ultimately free, fair and in accordance with international standards.

“The election process must be credible with the Nigerian population because government legitimacy depends on the consent of the people. The history of Nigeria has compelled its citizens to be skeptical about the integrity of the procedures in place. It has caused them to question the weight of their voices and the value of their votes. Many fear they will be disenfranchised by the inadequacies of the electoral system in place.

“Although this may be the case, it must also be noted that there is a determination, among many different stakeholders, to hold elections that are a true reflection of the will of the Nigerian people. While the government has expressed its intention to conduct free and fair elections, the words of commitment can only be judged by actions. It is the opinion of this delegation that in many respects the actions, to date, have been deficient.

“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.

“The weaknesses in the voter registration process are mirrored also in basic voter education efforts, characterized by a dearth of information about the most basic practical elements. For example, while potential voters have been informed through various media of the need to register, they have almost no information about when and where to actually go about doing so. During its stay in Abuja, the delegation saw no evidence of civic education for the voter registration exercise, such as posters, billboards or signs indicating voter registration centers. Furthermore, in our conversations with different stakeholders very few had been successful in registering. Our own experience underscores the existence of widespread confusion and skepticism regarding the most fundamental aspect of a democratic process: registering to vote.

“The issue of security surrounding the elections also presented itself as a major concern among many stakeholders with whom we met. We received numerous reports during the week of widespread concerns over intra-party violence as rivals seek their respective party nominations, as well as worry that once the party process is complete, this would simply shift to inter-party violence. Additionally, the delegation heard reports of the stockpiling of cutlasses, firearms and ammunition. Given the combination of the violence surrounding past elections in Nigeria and the reported stockpiling of weapons, the delegation is very concerned about the 2007 poll and the potential for violence.

“What we make today are preliminary observations. Over the coming weeks, the delegation will continue to analyze the data and reflect on its visit, and will issue a final report with conclusions and recommendations.

“Several themes emerged from our work this week. A deficient and confusing voter registration process and the potential for election-related violence are weakening democratic efforts in Nigeria. Despite these serious issues, the many impassioned people who want to make democracy succeed in Nigeria impressed and gave hope to the 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 in their efforts to strengthen democracy and enhance freedom.”

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***Appendix D. IRI November 2006 Nigeria Pre-Election
Assessment Report released February 2007***

**Report of the International Republican Institute (IRI)
International Pre-Election Assessment Delegation
for the 2007 Nigerian Elections**

I. INTRODUCTION

This report is offered by the international pre-election assessment delegation organized by the International Republican Institute (IRI) in anticipation of the 2007 national and state executive and legislative elections in the Federal Republic of Nigeria. The delegation is part of IRI's long-term commitment to assist the democratic processes in Nigeria, where it has operated since 1998, monitoring the national and state elections of 1999 and 2003 and, in the inter-electoral period, working with Nigerian political parties, civil society organizations and other stakeholders which share its dedication to building the infrastructures of democracy and advancing freedom, self-government and the rule of law worldwide.

IRI's core activities in Nigeria, which are funded mainly by the United States Agency for International Development (USAID), include offering hands-on training to national, state and local leadership registered political parties in grassroots skills building and political development; conflict resolution; drafting codes of conduct (as it assisted some political parties to do in the run-up to the 2003 elections); political party poll agent training; promoting women's participation in party politics; promoting issue-based political party agendas; and election observation.

The international pre-election assessment delegation was led by Ambassador Pierre-Richard Prosper, former Ambassador-at-Large, Office of War Crimes Issues, U.S. Department of State. Serving as delegates were the Honorable Frances Johnson-Morris, Minister of Justice and Attorney-General of the Republic of Liberia, who

formerly served as chairperson of the National Election Commission of the same; the Honorable Harry A. Johnston II, former Member of the U.S. Congress and Special Envoy to Sudan for President Bill Clinton; the Honorable Manuel Pinto, former Member of Parliament (as well as Minister of State for Internal Affairs) of the Republic of Uganda; the Honorable Benjamin Ulenga, Member of Parliament and Leader of the Official Opposition in the Republic of Namibia; and Dr. J. Peter Pham, Director of the Nelson Institute for International and Public Affairs at James Madison University in Virginia (U.S.A.). Accompanying the delegates were Ms. Elizabeth Dugan, IRI Vice President for Programs; Ms. Stephanie Blanton, IRI Regional Program Director for Africa; and Mr. Scott Pool, IRI Program Officer for Africa; as well as Dr. Matthias Zana Naab, Resident Country Director for IRI in Nigeria.

The purpose of the pre-election mission was to observe technical preparations for the coming elections, facilitate the presence of observers who will monitor the campaign and election period in the West African country and prepare for international election observers who will be present for the voting. The delegation also assessed the political environment and the state of preparations for the poll. This information will be used to advise IRI's partner democracy promotion organizations as well as, indirectly, other international and national organizations and governmental agencies, in planning for and understanding the election process.

The delegation emphasizes that it did not seek to reach any final conclusions on the 2007 election process since a comprehensive assessment of the electoral exercise is only possible at its conclusion when the ensemble of events and developments can be viewed as parts of a larger continuum. The objective of the delegation's work was to achieve an accurate snapshot of the actual status of preparations for the poll—technical, political and otherwise—at the time of its mission.

That being said, however, within this overall context, the pre-election period bears a particular importance. Concerns like the general political context of and climate surrounding the poll, the legal framework for the electoral exercise, how the constitutional and legislative requirements are actually implemented, the technical preparations and other mechanisms for the carrying out of the election process, the capacity and/or willingness of political actors to undertake campaigns based on substantive issues, the opportunities for cooperation with and avenues open to civil society organizations, the level of information available to and engagement of the electorate at large, and security for every stage in the process all impact the eventual judgment, both of the Nigerian people and the African continent as well as of the international community, on the democratic character, credibility and, ultimately, legitimacy of the elections scheduled for April 14 and 21, 2007.

With these points in mind and in the spirit of cooperation, the IRI pre-election assessment delegation offers the following observations and recommendations in the hope of contributing in a positive manner to the Nigerian people's exercise of their sovereign right of free self-determination.

II. THE DELEGATION AND ITS WORK OF ASSESSMENT

The delegation held a series of meetings with government officials, political party leaders, civil society organization representatives, religious authorities, members of the media, and other Nigerian stakeholders in the electoral process as well as foreign diplomats and representatives of international intergovernmental, governmental and nongovernmental agencies. The delegation expresses its deepest gratitude to all those who met with it to share their perspectives and is very appreciative of their frankness which it believes comes out of both their concern and hopes for the Nigerian nation.

The delegation as a whole met with the following authorities from the national government of Nigeria: the Right Honorable Aminu

Bello Masari, Speaker of the House of Representatives, who was joined by the Honorable Abdul A. Ningi, Leader of the House, and several Members of the House; the Right Honorable Salihu Modibo Alfa Belgore, Chief Justice of the Supreme Court of Nigeria, who was joined by several Honorable Justices of the Court as well as the Honorable Administrator of the National Judicial Service and the Chief Registrar of the Supreme Court; Professor Maurice M. Iwu, Chairman of the Independent National Election Commission (INEC), who was accompanied by two commissioners; Mr. Sunday Gabriel Ehindero, Inspector-General of the Nigerian Police Force, who was accompanied by six of the Deputy Inspectors-General.

The delegation was able to meet with representatives of other diplomatic missions accredited to the Federal Republic of Nigeria. The delegation also met with representatives of governors as well as members of the media and leaders of civil society organizations and social activists and representatives of religious organizations.

The delegation was also briefed by leaders and representatives of a wide range of registered political parties, although it regrets that no officials of the People's Democratic Party (PDP) were available to meet with it during its stay in the Federal Capital Territory due to the dispersal of members of the national party leadership to attend the state primaries ongoing at the time of the pre-election assessment.

Meetings were sought and/or scheduled with a number of other officials but did not take place, including encounters with His Excellency Olusegun Obasanjo, President of the Federal Republic of Nigeria; His Excellency the President of the Senate the Right Honorable Ken Nnamani; and the Honorable Minister of Foreign Affairs Professor Joy Ogwu. Due to the many demands upon these public figures, the delegation draws no conclusions from its inability to meet with them.

The delegation was also able to attend a plenary hearing before the House of Representatives, presided over by the Right Honorable

Speaker and held under the auspices of that legislative body's Committee on Electoral Matters chaired by the Honorable Hamisu Mu'azu Shira, at which INEC Chairman Iwu testified.

In addition to the delegation's meetings, which took place from November 27 through December 1, 2006, its members had available as a resource the document *IRI First Tier Pre-Election Assessment in Nigeria—A National Report*, prepared by a ten-person team of assessors drawn from civil society practitioners and academia who conducted field research in order to gauge the political environment, levels of preparedness and the state of security regarding the 2007 national elections in nine targeted states in all six geopolitical zones of the Federation during the period of October 16-27, 2006. Two of the researchers who prepared this report, Dr. Oka Obono of the University of Ibadan and Dr. Ataoto Igirgi of the Benue State University, briefed the delegation on their findings.

III. THE CONTEXT OF THE 2007 ELECTIONS

With its estimated population standing at a generally estimated 130 million, the largest in Africa; its vast proven petroleum and other hydrocarbon reserves the greatest in Africa and the eighth largest in the world; its political and military contributions to United Nations (UN), African Union (AU) and Economic Community of West African States (ECOWAS) peace and security operations of great significance; and its leading role in the New Partnership for Africa's Development (NEPAD) and its Peer-Review Mechanism, Nigeria is without a doubt one of the most strategically important states on the African continent, one that others look to for leadership. In the words of INEC Chairman Iwu to the delegation, "Whatever happens in Nigeria touches the rest of the world."

The Nigerian nation now stands at a historical crossroads. After long episodes of military rule, since 1999 the country has enjoyed its longest continuous period of civilian authority. While there have been controversies and difficulties during the two terms of President

Olusegun Obasanjo, including the sapping debate on a possible constitutional amendment that would allow incumbent presidents and governors to seek a third term which consumed much of the nation's political attention and energy through the first half of 2006 (and which continues to haunt the political discourse of the country), Nigeria has benefited from a number of notable policy successes, including a historical debt relief concession from the Paris Club that wipes out some \$30 billion of the country's \$37 billion external debt. The government of Nigeria has also taken steps to fight the endemic culture of corruption that has long plagued the country's political, economic and social development. The federal Economic and Financial Crimes Commission (EFCC), established in 2004, has been charged with investigating, prosecuting and punishing economic and financial offenses and other related corruption, although some have criticized its enforcement as arbitrary and politically motivated. During the delegation's visit, for example, a High Court sitting in Lagos quashed legal moves by the EFCC against Vice President Atiku Abubakar which would have placed a hurdle in his run for the presidency, but the anti-corruption agency is appealing the ruling.

Nevertheless the cynicism and distrust of the political system that corruption has bred is such that many say, "The best people have fled politics while the worst are in it." This mental attitude makes fertile ground for all manner of "conspiracy theory," both factually grounded and not, in the tense electoral dynamic.

It is in this context the Nigerian electoral exercises, now set for April 14 and 21, 2007, for the state and national elections respectively, take on an immense importance. If a democratically-elected civilian president can hand over power to another, not only will it be a singular feat in Nigeria's history as an independent state and an important consolidation of the nation's nascent democracy, it will also represent a significant contribution to regional stability and international security as well as democracy worldwide.

There is no denying that the repeated military interventions in the constitutional history of Nigeria have had a cumulative corrosive effect on both the democratic culture as well as the overall political economy of the country, often resulting in weak political institutions and rampant public and private sector corruption, resulting in poor economic performance and decreased governance and other social capacity. The return to civilian rule following the 1999 elections was only the beginning of a process of democratization and capacity building. It is to be appreciated that the 1998-1999 electoral process—as well as the underlying constitutional framework—was far from ideal but there was a broad consensus in Nigerian society that such defects had to be accepted within this context with the understanding that they were the price of returning the soldiers to the barracks and that they would be overcome over time through a transparent reform process. Thus expectations were rather high in the lead-up to the 2003 elections, which were viewed as a further step forward. Unfortunately, while the results of the latter poll were ultimately accepted (albeit very grudgingly in some quarters), the disappointment over many of the problems which characterized the poll—including, *inter alia*, the multiple cases of delays, flawed procedures, political violence and questionably tabulated results—have given rise to cynicism and a broad decrease in confidence on the part of the general population, especially the more educated classes, in the Nigerian electoral system if not in the will of the political establishment to respect the sovereign decision of the people. Thus it is even more important that the current electoral process be credibly shown to indeed be free and fair.

However, the delegation found that the political climate in Nigeria today, while relatively open in comparison to many other societies making transitions toward greater democracy, is very tense. While the overwhelming consensus among the delegation's interlocutors—shared by the delegates themselves—is that elections must be held as scheduled and a transition must take place on the constitutionally-mandated date of May 29, 2007, there remains doubt on the part of a not insignificant number as to whether there truly exists a political

will to actually have free and fair elections which are credibly carried out. Furthermore, even if assuming that the quasi-unanimous declarations of support for the poll on the part of political figures are indeed manifestations of the requisite will, the question remains whether Nigeria is prepared or can be reasonably expected to become prepared to actually carry out the exercise in a credible manner. Finally, even assuming both these presuppositions, serious concerns relating to security remain unanswered. In fact, enough reports of violence and fear in the current intra-party primary campaigns do not augur well for the general election campaign that is only now beginning.

IV. SPECIFIC OBSERVATIONS OF THE DELEGATION

General Election Administration. Under Nigerian law, the conduct of the electoral exercise is entrusted to INEC, composed of 12 commissioners led by a chairman, which also oversees the work of the subsidiary State Independent Election Commissions (SIEC) in each of Nigeria's 36 states and the Federal Capital District. Although the chairman of INEC assured the delegation that his agency is fully funded with a budget allocation of 42 billion naira (approximately \$330 million), half of which has been released, this information has been questioned by both members of the international community in Nigeria and representatives of political parties and other local stakeholders.

The voting is scheduled to take place in 120,000 polling places, each designed to accommodate no more than 500 voters, throughout Nigeria. These numbers are based upon the modeling use of a population of 120 million, half of whom would be eligible voters. However, since the voter registration exercise (see below) has only begun and no census data will be released before the election date (officially cited for reasons of security), it is presently not possible to assess the adequacy of this provision.

At the very least, there is a perception on the part of many stakeholders of the incompetence if not willful malfeasance on the part of INEC in general and its chairman in particular that needs to be dispelled if the electoral body is able to garner enough trust to carry out its assigned task.

Voter Registration. The delegation is very concerned with the voter registration process. Under the terms of the Electoral Act of 2006, INEC is charged with compiling a National Register of Voters “which shall include the names of all persons entitled to vote in any Federal, State or Local Government/Area Council Elections,” individualized to each polling place. By statute, the “registration of voters, updating and revision of the register of voters... shall stop not later than 120 days before any election,” that is December 14, 2006, for the 2007 elections (the delegation’s visit occurred two weeks before this date). Challenges to the register and other amendments may be made up to 60 days before the election—in the case of the present exercise, February 14, 2007—after which the voter roll must be closed and the final register made available to the public. The delegation notes that the language of the statute closes registration for the election on December 14, even if amendments may be made up to a later date.

However, due to a lack of the “direct data capture” (DDC) machines used for voter registration, numbers reported to the delegation varied widely, and perhaps as few as 3.5 million voters had been registered at the time of the delegation’s mission. According to the INEC Chairman, the Commission had taken delivery of only 15,000 units of the machines (a figure strongly disputed by both other government officials and civil society representatives), but this number nonetheless falls far short of the targeted 33,000 expected to be necessary to complete voter registration. The delegation finds it worrisome that even if all the projected number of DDC units were available at the time of its visit, it would still be very difficult to register the number of potential eligible voters within the limits prescribed by law. In Imo State, for example, at the time

of the delegation's visit, only 82 of the 880 machines required had been delivered. In Lagos, for another example, while a number of machines had been delivered, there were firsthand reports of their being "hijacked" or "monopolized" by individuals with partisan interests.

The delegation's concern is accentuated by the virtual absence even in the Federal Capital Territory of any visible registration activity as well as questions raised by both political parties and civil society organizations that the registration process is being manipulated for partisan gain (the more benign interpretation) or even (in some more conspiratorial interpretations) intentionally set up to fail in order to justify a postponement of the poll itself. The delegates noted that out of all the individuals whom they interviewed, only one nongovernmental official had actually registered. The delegation observes that, relying on INEC's own estimate of 60 million eligible voters and its interpretation that it has until February 14, 2007, to finalize and publish the final voter registry, this would mean even with all DDC units in place and ongoing registration, the Commission would have to register approximately one million individuals per day beginning immediately. The delegation notes that the production of a creditable National Register of Voters that neither disenfranchises significant numbers of individual persons in the aggregate nor specific regions or interest groups is the condition *sine qua non* for a minimally free and fair electoral process. It, however, emphasizes that the same production must be firmly established on a legal basis.

At the time of the conclusion of the delegation's stay in Nigeria, INEC had announced that it would use the register from the 2003 election as the basis for a register of voters for the 2007 election. However, interlocutors questioned both the actual availability of this database and its reliability (one well-placed observer noted that the previous voter roll was widely acknowledged to contain between 10 and 20 million fraudulent registrations). Furthermore, the legality

of recourse to the older register was debated by several of those interviewed by the delegation.

Voter Education and Information. While the populace appears to be very interested in the election process, there seems to be a general dearth of information concerning the most basic practical elements. For example, while potential voters have been informed via broadcast and print media as well as other outlets, including announcements in houses of worship, of the need to register, they have almost no information on when and where to actually go about doing so. In its entire stay in the Federal Capital Territory, the delegation did not see one poster with the relevant information and saw only one piece of visual advertisement for the exercise, ironically a billboard on the road to Abuja's international airport far from the city center.

Media. There is freedom of the press in Nigeria and the country is fortunate, especially in the print media, to have a wide breadth of editorial perspective, including many voices which are highly critical of the incumbent administration. On the other hand, in a fiercely competitive environment, some print journalists have adapted a very sensationalistic style which some critics would describe as irresponsible and which could, in the wrong circumstances, fan tensions. There are also sporadic reports of denial of print media access, especially at state and local levels, targeted against certain political candidates who allege that their paid messages have been refused by some media outlets.

Furthermore, while even other journalists concede that the national broadcasters have tried to give "fair and balanced" coverage of the issues and candidates, the credibility level of state and local broadcast media is very low. A number of journalists expressed to the delegation their view that state and local broadcasters are little more than partisan propagandists since they are controlled by the powerful governors of the states in which they are located.

At the opposite end of the spectrum, it should be acknowledged that a great deal of self-censorship is also exercised by certain members of the media. For example, the state-owned NTA network is accused of not adequately reporting recent episodes of election-related violence, although its representative explained that his organization “did not want to interfere with ongoing investigations.”

It should be noted that while Nigeria’s electoral legislation stipulates that “equal airtime shall be allotted to all political parties during prime times at similar hours each day,” this provision is neither applicable to the intra-party primaries and, with respect to the general elections, is “subject to the payment of appropriate fees” by the interested parties and their candidates.

Political Parties. Liberalization of party registration procedures, both by legislation and by administrative practices initiated by INEC, has made the launch of political parties considerably easier than before. From the starting point of three political parties registered at the time of the return to civilian rule in 1999, there are now more than 50 registered political parties contesting the 2007 elections with almost bewildering constellations of regional and national alliances between them.

On the other hand, with the exception of the ruling PDP and possibly one or two other organizations, most of Nigeria’s political parties are relatively weak. While their representatives complain of an “uneven playing field” (Nigerian legislation more or less allocates public support for political parties on the basis of votes received in the previous round of general elections which, in the present case, gives the PDP with its approximately three-quarters of the national legislative seats a considerable advantage), it is also true that, objectively speaking, little distinguishes the competing parties other than personalities. The party platforms examined by the delegation were remarkably similar with little to differentiate their authors in terms of actual policies. For example, several agreed on the “central role of tertiary education in national development” and the need to

“provide adequate funds” for universities, but none spelled out the modalities for achieving this priority.

There is also the question of the primaries or other candidate selection mechanisms within the political parties which have not always been especially transparent. The process has also been marred by violence in some states and, even without the physical conflict, may also poison the political climate over the next few months as incumbents who lose may seek to retaliate through the political process which they control at least through May 2007.

The delegation notes with great encouragement the recent decision by several of the political parties to draft and sign on to a code of conduct for the election.

Civil Society and Other Actors in the Political Process. The strongest Nigerian civil society organizations have been those focused on fighting corruption and other abuses in specific circumstances and, consequently, they have generally taken on an oppositional character. According to more than one international donor representative, civil society groups have only recently been “roped into” the electoral process with the incentive of funding opportunities. While they are vocal advocates, their capacity remains weak. There is no nationwide umbrella organization and, consequently, there is neither a code of conduct nor coordination between this sector and authorities like INEC. PACT is supporting the creation of an Alliance for Credible Elections (ACE), but it was only beginning its activities at the time of the delegation’s visit.

In addition, there are disputes over both terminology and accountability in the nongovernmental organization (NGO) sector. A number of interlocutors told the delegation that some NGOs were little better than fronts for political interests (perhaps more analogous to political action committees than civil society organizations), while others were not themselves immune from corruption.

For their part, civil society groups complain of lack of funding, a concern verified by the delegation which learned that the “donor basket” of assistance from the European Union and other intergovernmental and governmental partners (except USAID)—approximately \$30 million being budgeted for the pre-election period—has not yet been released to any of the applicant organizations.

The delegation found its conversations with leaders representing a broad spectrum of religious faiths more heartening, especially considering the deep religious faith of many Nigerians and the access religious leaders have to the grassroots. The delegates were gratified to find here a strong will for both peace and democratic and transparent government although they wish that there were greater efforts on the part of both the government and Nigeria’s international partners to engage this significant sector at this critical moment in the country’s historical development.

Women in the Political Process. The 1991 census puts the Nigerian female population at approximately 49.7 percent of the total population, providing a strong foundation from which women can assert a positive role in the political process. This strength should translate into involvement in political and policy decision-making within Nigeria.

Constitutionally, women have the same rights drawn from Chapter IV of the 1999 Constitution with regard to the right of freedom of expression and association, thereby providing them the legal basis from which to participate fully in all aspects of Nigerian political discourse.

The delegation had the opportunity to meet with a number of women representing political parties and groups for professional women as well as women’s advocacy groups properly speaking. While the existence of these organizations and the discussions with their very articulate spokespersons heartened the delegation, the delegates also

noted the need to increase the number of women involved in the electoral process.

Security for the Elections. The delegation heard from virtually all stakeholders and other observers of the Nigerian election process that security is a major concern in these elections. There are some reports that the security forces have served political ends. There was not only widespread concern at the time of the delegation's mission of intraparty violence as rivals seek their respective party nominations, but also worry that once the primary process was complete this would simply shift to inter-party violence. Information was received that cutlasses as well as firearms were being stockpiled. Security officials confirmed reports from others that many candidates were gathering gangs of "area boys" around them with both defensive and aggressive intent. One candidate told the delegation that if his supporters suffered "violence" through fraudulent tabulation they would "defend themselves with whatever means they have." During the delegation's sojourn in Nigeria, the political offices of one Delta State candidate for the House of Representatives were bombed. As one observer asked the delegation, "If these types of things happen during the primaries, what do you think will happen during the general elections?" Knowing the history of past violence surrounding electoral exercises in Nigeria, the delegation is very concerned when it hears, as it did from one interlocutor, reference to the upcoming poll as "preparations for war."

For the elections themselves, the Nigerian Police Force (NPF) plans to deploy approximately two-thirds of its overall manpower capacity, 220,000 out of 330,000 officers. According to the Inspector-General of the NPF, arrangements are also being made to plan for contingencies as well as cooperation with "sister services" of the police. On the other hand, some political actors complained to the delegation about the use of large numbers of personal state security services as escorts to some political candidates, alleging that they represented *de facto* endorsement if not intimidation.

Unquestionably, security is a key component of ensuring free and fair elections in April 2007. The absence of adequate security in conjunction with inadequate electoral transparency could well lead to increased violence upon the conclusion of the election.

Resolution of Eventual Election Disputes. Under the law, disputes regarding elections for state governors and federal legislators are heard by an *ad hoc* seven-judge tribunal appointed by the president of the Court of Appeal having territorial jurisdiction over the constituency in question. Appeals from this tribunal go to the Court of Appeal. Disputes regarding the presidential (and vice-presidential) election begin at the Court of Appeal with the Supreme Court serving as the appellate body. While the delegation was assured by the highest judicial authorities that they were prepared to deal with these eventualities, the fact that in one recent example, Anambra State, the judiciary did not resolve the disputed gubernatorial election of 2003 until this year does not lend great confidence in this regard.

V. RECOMMENDATIONS

Recognizing that no democratic experience ever achieves the ideal and that all electoral processes can and should be improved as well as acknowledging the progress that Nigeria has made since the return to civilian constitutional government, the International Republican Institute pre-election assessment delegation offers the following recommendations:

The President of the Federal Republic of Nigeria

- President Obasanjo needs to make a clear, unambiguous reaffirmation of his commitment to free and fair elections as scheduled in April 2007, followed by a peaceful and orderly constitutional handover to his democratically-elected successor in May 2007. Rumors and conspiracy theories concerning the incumbent administration's intentions towards the April elections continue to circulate, undermining public confidence in

the electoral process. President Obasanjo can quell these rumors by putting forth an appropriate declaration affirming his support for Nigeria's Constitutional process.

- The President needs to support INEC's fulfillment of its legal mandate and ensure that it receives the political encouragement and resources necessary to carry out its functions in a timely manner.
- The President should act expeditiously and collaboratively with the National Assembly in moving forward such legal remedies as may become necessary to ensure the lawful status of Nigeria's electoral system.
- As Commander-in-Chief of Nigeria's Armed Forces, the President should take concrete steps to ensure the neutrality of security forces during the election period, as well as provide the resources to protect voters and candidates alike.

The Independent National Election Commission (INEC)

- INEC must improve its voter education and public information efforts to educate voters on the electoral process and their individual rights and responsibilities during the period leading up to and including the elections.
- INEC needs to be more forthcoming with information it has on the actual state of the voter registration process in order to dispel misperceptions on the part of other stakeholders or, as the case may be, allow them to openly discuss alternative solutions to both voter registration and voting challenges.
- INEC should also broaden its outreach to potential partners, especially in civil society organizations and religious groups. In particular, INEC is encouraged to shift its often seemingly

confrontational nature to one of collaboration and cooperation with all key stakeholders in the electoral process.

- INEC must proactively maintain and ensure that the electoral process is transparent to Nigerian voters and international observers if it is to maintain its credibility as an independent election arbiter.

The National Assembly

- The delegation commends the National Assembly, especially the House of Representatives, for the seriousness with which it has carried out its oversight function of the electoral process in general and INEC in particular. Legislators should continue to play this important oversight role by establishing the necessary regulatory framework and policies for the conduct of credible elections in 2007.
- The National Assembly and other relevant bodies need to be prepared to act quickly on legislative amendments that may prove necessary to provide a legal basis for the elections to proceed in a free, fair and credible manner. This includes but is not limited to amending statutory language to pre-empt challenges to what will likely be the ongoing registration of voters for the April 2007 polls by INEC after the December 14, 2006, deadline, in violation of current electoral law.
- The National Assembly should reach out to civil society groups and others as it exercises its oversight function and, to the extent appropriate, engage with these actors in the crafting of such legal remedies as they become necessary to ensure the lawful conduct of the scheduled elections and the widest possible participation of Nigerians.
- The National Assembly should properly document shortcomings in the Electoral Act of 2006 as well as evaluate their oversight

capacity in order for the next Assembly to further strengthen the Electoral Act.

The Judiciary

- Acting within their administrative prerogatives, the Supreme Court of Nigeria and the National Judicial Council should provide in advance procedural guidelines by which electoral disputes can and will be expeditiously adjudicated in concordance with the law.

The Security Services

- The Nigerian Police Force and other security services should continue their efforts to establish comprehensive and practical measures, including further training on their neutral role in the electoral process, to provide for the safe conduct of the electoral exercise through all its stages, not just the actual election days.
- In the discharge of their duties, security services must not interfere in the balloting procedures on Election Day, but should ensure that voters feel safe to exercise their rights and civic responsibility through the ballot box. The security services should be reminded of the need to impartially protect lives and property in an apolitical manner.

Political Parties and Candidates

- Political parties are strongly urged to complete and implement at the earliest date possible a code of conduct for the electoral campaign. They should also educate their membership on the provisions of that code. Parties must agree and adhere to a code of conduct that rejects politically motivated violence.

- Parties are likewise encouraged to conduct their primaries and other candidate selection processes in a fair, transparent and peaceful manner.
- Parties should distinguish themselves from each other based on substantive issues of concern to voters rather than the personalities of their leaders. Parties are encouraged to seek to improve their understanding of voter concerns, address those concerns, and adopt responsive policies into their party platforms and manifestos.
- Parties should refrain from all acts of violence and inflammatory rhetoric and should discipline those candidates, representatives or members who encourage or participate in such activities.
- Political parties should ensure that women have equal access to party membership and leadership opportunities within party organizations and active steps need to be taken to eliminate existing double standards based on gender. To this end, political parties are encouraged to examine party structures and procedures to remove barriers that directly or indirectly discriminate against the participation of women in politics.

Civil Society Organizations

- Civil society organizations should take advantage of their capabilities to help educate and inform voters on the mechanics and importance of registering to vote and on the significance of the elections to the consolidation of Nigeria's young democracy.
- Civil society organizations also need to actively engage in exercising their "watchdog function" and work to hold politicians and political institutions accountable during the electoral process.

The Media

- The media is encouraged to continue its vigorous free debate, while tempering passionate reporting with the need to respect the truth and adhere to international standards of journalistic integrity. Media outlets should act in a non-partisan manner and remember their responsibility to provide the most accurate unbiased information to the Nigerian electorate.
- To this end, media outlets must take seriously the need to avoid inflaming already tense situations with unbalanced, biased or partisan reporting.

Religious Leaders

- Religious leaders are to be commended for their leadership and encouraged to continue to educate their adherents and urge them to actively participate in the electoral process in a peaceful manner.
- Religious leaders are equally encouraged to support faith-based organizations to conduct civic and voter education and election monitoring activities.

Nigeria's International Partners

- International donor groups should, to the extent possible, immediately make funding available to qualified groups promoting a free, fair and sound electoral process, if the funds are to achieve maximum effect.
- International donors need to not only coordinate their efforts but also support their Nigerian partners as appropriate to ensure that their capacities are strengthened during this current electoral cycle and beyond.

- Governments as well as international and regional organizations are encouraged to remain actively engaged with the government of Nigeria and to use their influence to encourage the incumbent administration to strengthen Nigerian democracy allowing for a peaceful transition of power on schedule in May 2007 and building a legacy of constitutional transition. They should also emphasize that the respect for the rule of law and universal standards of justice are prerequisites for recognition and continued good standing in the international community.

VI. CONCLUSION

The International Republican Institute international pre-election delegation is grateful to the staff of IRI for their hard work which made possible its mission. The delegation also wishes to acknowledge the hospitality and openness of all those with whom it visited in Nigeria. The mutual sharing was essential to the success of this pre-election assessment. The delegation reiterates the support of its members and of IRI for free, fair and credible elections in Nigeria in April 2007 and their commitment to doing whatever possible and appropriate to continue assisting the Nigerian people in building their country and its democratic institutions.

Appendix E. Official Presidential Election Results

<u>CANDIDATE</u>	<u># OF VOTES</u>
ALHAJI UMARU MUSA YAR'ADUA	24,784,227
MAJ. GEN. MUHAMMADU BUHARI (RTD) GCFR	6,607,419
ALHAJI ATIKU ABUBAKAR	2,567,798
DR. ORJI UZOR KALU	608,833
ALHAJI ATTAHIRU DALHATU BAFARAWA	289,324
DIM CHUKWUEMEKA ODUMEGWU-OJUKWU	155,947
CHIEF CHRISTOPHER PERE AJUWA	89,511
REV. CHRIS O. OKOTIE	74,049
DR. BRIMMY ASEKHARUAGBOM OLAGHERE	33,771
CHIEF AMBROSE OWURU	28,518
ARTHUR NWANKWO	24,164
CHIEF EMMANUEL OSITA OKEREKE	22,592
SIR LAWRENCE FAMA KINDE ADEDOYIN	22,459
ALHAJI ALIYU HABU FARI	21,974
GALTIMA BABOYI LIMAN	21,665
BARRISTER MAXI OKWU	14,027
CHIEF SUNNY JOSEPH OKOGWU	13,566
DR. IHEANYINCHUKWU GODSWILL NNAJI	11,705
DR. OSAGIE O. OBAYUWANA	8,229
DR. OLAPADE AGORO	5,692
DR. AKPONE SOLOMON	5,666
PROF. ISA ODIDI	5,408
MAL. AMINU GARBARTI ABUBAKAR	4,355
MAJ. DR. REV. MOJISOLA A. ADEKUNLE-OBASANJO (RTD)	4,309



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