



**PRELIMINARY STATEMENT OF THE JOINT NDI/IRI
INTERNATIONAL OBSERVER MISSION TO NIGERIA'S FEBRUARY 23
PRESIDENTIAL AND LEGISLATIVE ELECTIONS**

**February 25, 2019
Abuja, Nigeria**

I. OVERVIEW

This preliminary statement is offered by the international observation mission of the International Republican Institute (IRI) and the National Democratic Institute (NDI) to Nigeria's February 23, 2019 presidential and National Assembly elections. The 40-person mission, with members from 19 countries, was co-led by: former Vice President of The Gambia, H.E. Fatoumata Tambajang; NDI President, Ambassador Derek Mitchell; and IRI President, Dr. Daniel Twining. The mission visited Nigeria from February 11 to 25, 2019, with some turn-over in leadership and members mid-way due to the one-week delay of the polls from February 16 to February 23. The original mission included among its leadership former President of Botswana, H.E. Festus Mogae; former President of Latvia, H.E. Vaira Vīķe-Freiberga; former U.S. Assistant Secretary of State for African Affairs, Ambassador Johnnie Carson; and IRI Vice Chairman Randy Scheunemann. The mission deployed 20 observer teams to 16 states covering all six geo-political zones and the Federal Capital Territory (FCT).

Through this statement, NDI and IRI seek to: reflect the international community's interest in and support for democratic electoral processes in Nigeria; provide an accurate and impartial report on the election process to date; and offer recommendations to improve future elections. The mission expresses its condolences for the loss of life in election related violence and salutes the Nigerian people for their resilience. The mission builds on the findings of joint IRI/NDI pre-election assessments conducted in July, September and December 2018; reports submitted by NDI/IRI observers who were deployed in each of the country's six geopolitical zones and the FCT in the pre-election period and those deployed for the February 23 polls; and additional reports submitted by thematic technical experts and in-country staff.

The mission conducted its activities in accordance with Nigerian law and the *Declaration of Principles for International Election Observation*. The mission collaborated closely with other international observer missions that endorse the Declaration, and with YIAGA Africa, one of Nigeria's leading civil society organizations, which deployed more than 3,900 citizen observers on election day and conducted a parallel vote tabulation (PVT or Quick Count). The mission is grateful for the hospitality and cooperation it received from all Nigerians with

whom it met, especially voters, government officials, officers of the Independent National Election Commission (INEC) and polling officials, party members and candidates, citizen election observers, civic activists and members of the National Peace Committee.

The mission notes that Nigeria has achieved significant democratic gains over the past two decades since the return to civilian rule, including in managing elections. High levels of citizen engagement in supporting inclusive and credible polls through voter education and election monitoring, demonstrate the strong commitment of Nigerians to their democracy. On February 23, millions of Nigerians turned out, waited patiently throughout the process and cast their ballot peacefully. However, the last minute postponement of the election by INEC and significant delays in the opening of polling units risk undermining citizen confidence in elections and disenfranchising voters. As stated by YIAGA Africa, “Nigeria missed an opportunity to improve the quality of its elections as compared to 2015.” Last minute election postponements should not become the norm in Nigeria. Also, the mission notes that political parties are the weakest link in the chain of efforts to deepen Nigeria’s democracy through more inclusive and peaceful polls. Party leaders and candidates carry significant responsibility to promote peaceful conduct by their supporters and foster inclusive politics. The mission highly appreciated that, despite the many challenges, Nigerians exhibited their strong dedication to electoral and democratic processes.

The IRI/NDI mission stresses that this statement is preliminary in nature. With elections postponed in parts of three states, the tabulation and announcement of final results have not been completed. As this process continues, the mission calls on Nigerian political parties and candidates to cooperate in good faith with INEC; political leaders to adhere fully to the 2019 Abuja Accord and respect the will of the Nigerian people as expressed through the ballot box; and for INEC to release official results in a timely manner. The mission recognizes that, ultimately, it is the people of Nigeria who will determine the credibility of these elections. NDI and IRI will continue to watch the remaining phases of the electoral process, including the announcement of official results and swearing in of newly elected officials.

II. THE NIGERIAN ELECTION CONTEXT

Many Nigerians believe that the peaceful transfer of power between parties after the 2015 elections, the first time in Nigerian history, increased citizen and political engagement in the lead up to the 2019 elections. The 2015 experience underscored for Nigerians that credible elections matter. Nigerians undertook many initiatives to enhance citizen participation and create an enabling environment for credible polls. However, the failure to enact the amended Electoral Act was a missed opportunity for codifying recent improvements in election processes. Moreover, the absence of internal democracy within political parties continues to hinder women and youth from rising within their ranks and running as candidates for elected office. The last-minute delay of the presidential and legislative elections in the early hours of election day on February 16 also contributed to voter apathy and the lowering of confidence in the election commission.

A. Electoral improvements since 2015

Advances for youth, women and persons with disabilities. Between the 2015 and 2019 elections, more than 14 million Nigerians registered as new voters, bringing the total number of registered voters to over 84 million. Approximately 51 percent of those voters are aged 18 to 35. In 2018, the constitutional amendment emanating from the “Not Too Young to Run” campaign lowered the minimum age for elected offices at national, state and local levels. It also led to an increase in youth candidates at all levels. For example, the percentage of youth candidates increased from 21 percent in 2015 to over 34 percent in 2019. The number of women candidates also increased, and six women ran for president. Advocacy groups worked with INEC to adopt measures to facilitate accessible voting for persons with disabilities, notably through a national campaign on the use of the Braille Ballot Guide, which was piloted in the Ekiti and Osun gubernatorial elections, and the distribution of information posters targeting the hearing impaired.

Consolidation of electoral advances. INEC updated the 2019 elections guidelines to require that voters possess a valid permanent voter’s card (PVC) to be allowed to vote. The guidelines also included provisions for the use of smart card readers to accredit voters, and instituted measures to protect the integrity of the vote such as mandating that voters not use cell phones while in the voting booth, and ensuring that ballot boxes are no more than two meters away from the voting cubicle and at a distance from party agents. For the 2019 polls, 86.6 percent of PVCs were collected, up from 82 percent in 2015.

Nigerian-led initiatives to support inclusive, credible and peaceful elections. In preparation for the 2019 polls, Nigerians actively sought to increase citizen participation, enhance confidence in the elections, and mitigate the risk of election-related violence. Various citizen organizations conducted initiatives such as:

- voter education by the Inclusive Friends Association (IFA) and the Access Nigeria campaign, as well as Enough is Enough (EiE) and its RSVP campaign;
- get-out-the-vote campaigns targeting women and youth by the Stop Violence against Women in Politics campaign and Connected Development (CODE);
- peace messaging by the Peace and Security Network (PSN) and during Media Peace Day, and the nationwide campaign targeting youth, “Vote Not Fight,” led by celebrity ambassador 2Baba Idibia and Youngstars Development Initiative (YDI);
- efforts at combating disinformation by the Centre for Democracy and Development (CDD) and fact checking initiatives such as CrossCheck Nigeria;
- election monitoring by the Nigeria Civil Society Situation Room and Gender Election Watch; and
- YIAGA Africa’s nationwide PVT, a methodology that provides an accurate qualitative assessment of the conduct of election day processes and near real-time independent verification of official results, which helps enhance confidence in the process.

Conflict mitigation initiatives at the grassroots reduced tensions and community-based conflict in the months leading up to the elections. At the national level, the National Peace Committee (NPC) facilitated the signing of the 2019 Abuja Accord by all presidential candidates at a public ceremony on February 13. During the ceremony, also attended by the Commonwealth Secretary-General, representatives of the United Nations (UN), African Union (AU), Economic Community of West African States (ECOWAS), United States (US) and European Union (EU), presidential candidates pledged to avoid behavior that would endanger the country's stability and to accept the outcome of the election. Similar accords were also signed at the state level, in the eight most volatile states.

B. Persisting challenges

Weak internal democracy within political parties. Political parties remain the weakest link among Nigeria's nascent democratic institutions. Opaque campaign financing and candidate selection processes, and weak internal party democracy, are significant disadvantages for women and youth trying to break into male-dominated party leadership ranks. The two major political parties, the All Progressives Congress (APC) and the People's Democratic Party (PDP), fielded only 24 and 31 women candidates, respectively, for the bicameral National Assembly's 469 seats, and only 13 and 8 legislative candidates under the age of 35. Most women and youth candidates thus ran on the tickets of newly created parties, with unfavorable odds of winning. The lack of ideological differentiation between political parties favors "cross-carpeting," with party elites regularly switching parties to secure nomination for elected office. Contentious and, at times, violent party primaries contributed to party factionalism and resulted in pending litigation in more than 600 instances. In a context of deep mistrust among parties, the suspension of Chief Justice Walter Onnoghen six weeks ahead of the election fed into suspicions of manipulation of the electoral process.

Unfulfilled promises of electoral reform. In December, with just two months to election day, the president rejected a pending bill to amend the Electoral Act 2010, citing the proximity to the election. The failure to enact an amended electoral code early in the process was a missed opportunity to codify important improvements since the 2011 elections. The Bill, if enacted, would have also introduced increased penalties for vote-buying; imposed higher fines on media houses not providing candidates equal airtime; made the voter register and election results electronic and accessible; and extended the application of the Electoral Act to local government elections.

Slow resolution of election disputes. Long delays in resolving disputes stemming from party primaries left INEC with barely a month to print ballots and result sheets. Most judgments remained pending by election day; moreover, cases from the 2015 elections remain in court, underscoring the need for amending the legal framework to ensure fair and expeditious resolution of election related disputes.

Multiple sources of insecurity. Despite repeated appeals, instances of violent clashes between party supporters and the use of inflammatory language by political actors increased

as election day approached. Kidnappings and general criminality were on the rise across the country, increasing electoral insecurity. Community-based conflict in the Middle Belt states and terrorist attacks by Boko Haram in the North-East have displaced more than two million Nigerians internally. Women, in particular, have faced sexual violence and additional physical, psychological and economic barriers to participation as aspirants, candidates, and voters.

Hate speech and disinformation. The Internet now reaches half of Nigeria's population and platforms such as Facebook, Twitter, YouTube and WhatsApp are increasingly superseding traditional media as a source of news. Content spreads rapidly on large WhatsApp groups, largely unchecked and unverified on closed, encrypted platforms. Efforts at disinformation do not appear to be state driven or to come from external actors, but to serve the interests of politicians with their own agendas. Overall, the mission heard reports that it was challenging for voters to obtain verifiable information in deciding for whom to vote. The spread of hate speech via social media and in public settings is also worrisome, including hateful language targeting women candidates or fueling regional, ethnic, and religious differences. Specifically, the mission heard credible concerns that the spread of fake news following the election delay heightened tensions and threatened to undermine confidence in the overall process and in the electoral outcome.

Last minute postponement of elections. INEC underestimated the challenges associated with the administration of the elections as originally scheduled. The Commission did not communicate sufficiently with political parties and the public about election preparations and waited until the morning of the February 16 elections to announce the delay. It is highly probable that such a late postponement had negative effects on voter turnout, created controversy about the duration of candidate and party campaign activity, and imposed significant additional economic costs for Nigerians, many of whom traveled to their constituencies to vote on February 16. Most significantly, the delay also undermined public confidence in INEC.

III. ELECTION DAY OBSERVATIONS

Participation. The mission noted that despite many challenges tens of millions of Nigerians demonstrated their resilient commitment to democracy by voting on election day. Those who voted waited patiently to cast their ballot, often despite long lines and delays. Women and youth served as polling officials, party agents and observers. However, IRI/NDI observers noted significant impediments to voting for persons with disabilities and the elderly. In addition, observers found that the location of polling units for internally displaced persons (IDPs) was changed at the last minute from camps to wards in some locations, which could have impacted IDP enfranchisement.

Material deployment. NDI/IRI observers who were deployed initially for the February 16 election noted the absence or misplacement of essential materials at the Central Bank of Nigeria (CBN) and INEC offices, including result sheets and ballots. In the days prior to

February 23, observers found that most materials had been received from headquarters and distributed to Registration Area Centers (RACs). Observers noted the absence of an inventory of materials across CBNs and RACs, hindering tracking and leaving officials to rely on notification from their counterparts about missing and misplaced materials. In addition, due to a fire in an INEC office in Anambra, over 4,600 smart card readers were destroyed, leaving certain districts without adequate backup machines.

Set-up and opening. A majority of polling units observed by the mission did not have essential materials and polling staff in place by 8am and, as a result, opened late. Media and other observer reports similarly indicated that more than half of the polling units were not open as of 10am. Some polling units observed by the mission did not commence voting until 1pm, just one hour before polls were intended to close. Nigerians, however, continued to remain calm and exercised patience. In some cases, IRI/NDI observers noted that polling officials lacked understanding about how to orient or use the materials in the polling unit. Notably, in some polling units observed, ballot boxes were found unsealed or missing labels and lids. Observers found many polling units to be overcrowded and located in areas lacking sufficient space for the number of voting points, contributing to an overall environment of disorder and tension.

Voting. Observers noted that the overall environment was peaceful and that polling officials generally adhered to voting procedures; PVCs were verified using the smart card reader and names were checked against the voter register. In most cases, when fingerprints were not verified by the smart card reader, voters' details were checked in the voter register as prescribed by the guidelines. Observers noted few instances of voters being turned away. However, frequent failures of smart card readers to authenticate fingerprints contributed to frustrations among polling officials and stymied the process.

Observers noted with concern numerous instances in which the secrecy of the ballot was not protected. For example, voting cubicles were not provided in all polling units. Even with voting screens, the setup of the polling unit did not always guarantee secrecy of the ballot. Moreover, party agents in many polling units observed provided assistance to voters in violation of procedures.

In urban and rural areas alike, observers noted that polling units were not always accessible to persons with disabilities. Magnifying glasses and ballots for the visually impaired were not seen by most of NDI/IRI observers. When asked, numerous polling officials were not aware of or not using the EC 40H form for documenting the number of disabled voters.

Closing. INEC extended voting past 2pm to make up for delayed polling unit openings. However, IRI/NDI observers found that the notification to extend polling hours had not reached some polling officials. Overall, polling officials followed the counting procedures in polling units where the mission observed. Observers noted that generally party agents signed the EC.8A and EC.8A VP results forms. In many polling units the counting and collation processes continued late into the night. According to YIAGA Africa, 19 percent of polling

units did not publicly post the results forms at the polling unit. The mission commends the dedication of polling officials, many of whom were members of the National Youth Service Corps, who remained resilient in working long hours.

Security forces did a commendable job exercising restraint in most areas. Observers noted that security officials overall acted professionally and impartially. Police showed restraint, even during contentious counting processes.

Electoral offences and violence. Observers reported disruptions and intimidation by party agents and campaigning in some polling units, which contravened regulations. Notably, observers reported many instances of party agents overstepping their responsibilities, often directing operations in the polling unit and, in a few cases, “assisting” voters to fill and cast their ballots. While observers noted few cases of overt vote buying, they reported that less visible forms of voter coercion may have influenced the integrity of the process. Though overall election day was peaceful, media and other observer groups have reported injuries and loss of life, including that of at least one polling official. The mission expresses its condolences to the victims and their families.

IV. RECOMMENDATIONS

In the spirit of international cooperation, the NDI/IRI mission urges Nigerians to address immediate and longer-term challenges to inclusive and credible elections.

Ahead of the March 9 state level elections, the IRI/NDI mission offers the following short-term recommendations to further strengthen the credibility of the process:

Short-term recommendations (in the lead-up to March 9 state elections)

To the Government:

- Ensure adequate security to support and protect INEC deployment and voter engagement.

To INEC:

- Intensify communication and outreach to the Nigerian public and relevant stakeholders in the electoral process.
- Improve plans for distribution of sensitive election materials such as ballot papers and result sheets.
- Ensure ad hoc polling staff are adequately trained on polling procedures, including the use of smart card readers, guidelines for assisted voting, and organizing polling units to ensure ballot secrecy.
- Fully implement the Disability Framework by ensuring that all polling units are accessible to persons with disabilities and that the Braille Ballot Guides are widely available for the State Assembly and gubernatorial elections.

- Fully implement the IDP Framework by making provisions for intra-state IDPs to vote, including the establishment of polling units in IDP camps where there are registered voters.
- Improve communication with polling staff throughout election day, including to convey important changes or updates to the voting process.
- Make polling unit level results publicly available in a machine-readable format and in a timely manner, in line with best practices for open election data.

To political parties and candidates:

- Respect the rule of law and call on supporters to remain peaceful before, during, and after the announcement of results.
- Reconfirm commitment to the NPC peace accords and existing codes of conduct, including by conducting peaceful campaigns and denouncing members or supporters who use hate speech, incite violence, or participate in vote buying.
- Instruct party agents to refrain from interfering in election day processes, including by attempting to coerce voters through vote buying and threats of violence or other punitive actions.
- Refrain from disseminating false or misleading information to citizens.
- Channel electoral complaints and disputes, should they arise, through established legal processes.

To civil society:

- Redouble efforts to promote peaceful elections and educate voters on voting procedures and the importance of their vote.
- Continue to observe and report on the electoral process to ensure accountability.
- In coordination with the media, enhance efforts to counter false narratives, disinformation, and fake news.

To security agencies:

- Maintain the highest level of professionalism, understand their role on election day, and continue to take steps to assure the public of their neutrality.
- Support INEC to ensure the integrity of balloting and collation processes are protected.
- Work with INEC to investigate electoral offenses and take appropriate measures to sanction offenders.

In the spirit of international cooperation, the NDI/IRI mission also offers recommendations to strengthen the electoral process in the medium- to long-term:

Medium- to long-term recommendations

To the Government of Nigeria:

- Immediately after the 2019 elections, pursue a comprehensive and inclusive electoral reform process that draws upon the recommendations made by the Uwais

Commission and Nnamani Committee, among others, and codifies recent improvements in election procedures.

- Establish the National Electoral Offenses Commission and the Political Parties Registration and Regulatory Commission.
- Review the timeline for the resolution of electoral disputes.
- Ensure the timely approval and release of the election budget.

To political parties:

- Strengthen mechanisms for internal democracy and promote an inclusive environment in which women, youth and persons with disabilities can participate fully and equally in the electoral process without fear of violence, intimidation, sexual harassment, hate speech or forced patron-client relationships between political leaders and aspirants.
- Engage in transparent, inclusive, and credible candidate nomination processes.
- Develop party platforms that enhance confidence in electoral and democratic processes and institutions.

To INEC:

- Conduct a comprehensive and thorough audit of preparations for the 2019 polls to identify the shortcomings that contributed to the election delay and election day challenges. Make findings public and engage in a consultative process to address deficiencies and rebuild public confidence.
- Develop and adopt a strong strategic communication plan that builds on lessons learned from the 2019 elections in order to promote transparency and public trust.
- Revise election guidelines to accommodate voters on official duty on election day including polling officials, security agents, and citizen observers.
- Make the continuous voter registration process more accessible to voters through technological advances that would allow for immediate issuance of a PVC upon registration.
- Create more polling units and reassess polling locations to ensure sufficient space and accessibility for persons with disabilities and the elderly.
- Enhance training for ad hoc polling officials to ensure sound knowledge of procedures, to include opportunities for hands-on practice in using smart card readers.
- Fully implement its own Gender Policy and Disability Framework.
- Establish more detailed and timely guidelines and procedures that ensure the enfranchisement of IDPs.

To civil society:

- Coordinate efforts to advocate for the adoption and implementation of electoral reforms.
- Work with INEC and the National Orientation Agency to better coordinate voter education messaging and campaigns.

- Conduct civic education between elections to enhance citizen understanding of and engagement in democratic processes.
- In coordination with the media, educate citizens on the dangers of disinformation and misinformation in the public sphere and promote credible narratives in the media and online.
- Share best practices and lessons learned nationally and regionally to strengthen synergies and peer-to-peer support among civil society actors.

To security agencies:

- Continue to improve coordination with INEC on the provision of electoral security, including participating fully in INEC’s electoral security training and enhancing transparency around election day deployments.

To the judiciary:

- Ensure the timely and fair resolution of electoral disputes.

Unlike in previous years when suggestions by reputable domestic and international observation missions went unheeded, the IRI/NDI mission urges Nigerian stakeholders to consider seriously these and other recommendations to improve the electoral process.

V. ABOUT THE MISSION

Both NDI and IRI have deployed international election observation missions to all general elections in Nigeria since the 1999 transition from military to civilian democratic rule. IRI and NDI are nonpartisan, nongovernmental organizations that support and strengthen democratic institutions and practices worldwide. The Institutes have observed collectively more than 200 elections in more than 50 countries over the last 30 years.

The joint NDI/IRI observation mission for the February 23 elections built upon three IRI/NDI pre-election assessment missions conducted in July, September and December 2018, and a deployment of observers for the originally scheduled election date on February 16. The NDI/IRI mission conducted its activities in accordance with the *Declaration of Principles for International Election Observation*, which was launched in 2005 at the United Nations, and the laws of Nigeria. It also considered international and regional electoral standards, including the AU African Charter on Democracy, Elections and Governance, as well as the ECOWAS Protocol on Democracy and Good Governance.



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