



## **PRELIMINARY STATEMENT OF THE JOINT NDI/IRI INTERNATIONAL OBSERVATION MISSION TO NIGERIA'S MARCH 9 GUBERNATORIAL AND STATE HOUSE OF ASSEMBLY ELECTIONS**

**March 11, 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 March 9, 2019 gubernatorial and state House of Assembly elections. The 20-person mission, with members from 11 countries, was co-led by Dr. Christopher Fomunyoh, Senior Associate and Regional Director for Central and West Africa (NDI); and John Tomaszewski, Regional Director for Africa (IRI). The mission visited Nigeria from March 4 - 11, 2019, and deployed 10 observer teams to 10 states covering all six geo-political zones and the Federal Capital Territory (FCT). The IRI/NDI deployment for the March 9 elections underscores the significance of the state level polls for the consolidation of democracy in Nigeria.

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 electoral process to date; and offer recommendations to consolidate democratic gains and improve future elections. The mission builds on the findings of three joint IRI/NDI pre-election assessments conducted in [July](#), [September](#) and [December](#) 2018; an observation mission deployed for the [February 23 national elections](#); reports submitted by members of the NDI/IRI mission observing the March 9 state-level polls; and additional reports prepared 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 the European Union (EU) observation mission and with Nigerian citizen observer groups. The IRI/NDI mission is grateful for the hospitality and cooperation it received from all Nigerians with whom it met, especially voters, government officials, the Chairman and members 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 (NPC).

### ***Summary of findings***

Many Nigerians continue to underscore the particular significance of the March 9 state level elections. Under Nigeria's federal system, the 36 states and FCT are the pillars of the country's democratic architecture where the decisions that impact citizens' everyday lives are made. Moreover, it is easier for citizens to hold elected leaders at the state level than those at the federal level, because their actions affect local services more directly. While a marked improvement was seen in the administration of the March 9 state-level elections compared to February 23, and the electoral environment was generally calm in most parts of the country, the elections our delegation observed were marred by irregularities, instances of intimidation, vote-buying and violent acts during the voting, counting, and collation processes in some places. Incidents of violence and disruption to the balloting process were observed in Lagos, Benue, Rivers, and Nasarawa states. The delegation was informed of the loss of life as a result of election-day violence. The mission deplores these losses and expresses its deepest condolences to the bereaved and to the Nigerian people. These actions and the impunity with which some electoral actors conducted themselves, including some polling agents and members of the military, undermine citizen confidence in elections and threaten the legitimacy of Nigeria's democracy.

In the days leading up to the March 9 elections, many states still grappled with inconclusive candidate selection processes, uncertainty about the parties to appear on the ballot and pending litigation on these matters. The confusion generated by this uncertainty hampered effective campaigning, and hence hindered voters' ability to make informed choices on election day. For the most part, political parties were unable to resolve disputes emanating from party primaries and candidate selection processes through internal mechanisms. As a result, many aggrieved individuals petitioned courts of law for redress, overtaxing INEC and the country's legal system.

Moreover, the intense focus on federal campaigns for the presidency and National Assembly so close to the state-level polls overshadowed local campaigns and may have also undermined the mobilization of voters for the March 9 elections. There were very few women in winning positions on the tickets fielded by major political parties for the gubernatorial and state House of Assembly polls. Despite being Africa's largest democracy, Nigeria has the lowest representation of women in national legislative office of any country on the continent, and this representation will likely fall below five percent following the February 23 National Assembly vote. This is not a record to be proud of. Finally, many Nigerians expressed deep concerns about the militarization of the election process.

***The NDI/IRI mission stresses that this statement is preliminary in nature; the collation and announcement of final results has not concluded, and IRI and NDI will continue to watch the remaining phases of the electoral process. The mission recognizes that, ultimately, it is the people of Nigeria who will determine the credibility of these elections. As the 2019 electoral cycle comes to a close, NDI and IRI call on all electoral stakeholders in the immediate post-election period to take stock of and build consensus on priority electoral reforms in order to rebuild popular confidence in advance of future elections.***

## **II. THE CONTEXT LEADING UP TO STATE-LEVEL ELECTIONS**

On March 9, gubernatorial races were held in 29 states<sup>1</sup>, and state House of Assembly elections were held in all 36 states. Area council elections occurred in FCT. In 19 states, incumbent governors sought reelection. Heading in to the March 9 polls, the All Progressives Congress (APC) controlled the governorship and state House of Assembly in 22 states, while the People's Democratic Party (PDP) controlled 13 states, and the All Progressives Grand Alliance (APGA) one. Supplementary elections were also organized on March 9 for seven Senate and 25 House of Representatives seats in 14 states where polls were suspended on February 23 due to violence or other disruptions.

The gubernatorial, state House of Assembly, and supplementary elections were conducted in a context of lingering tensions in the immediate aftermath of the February 23 national-level polls. Moreover, numerous electoral disputes from last year's party primaries are still being litigated in the courts, creating uncertainty about the status of individual candidates in certain gubernatorial and state House of Assembly races.

**Significance of state-level elections.** Gubernatorial elections are a better indicator of the strength of respective political parties within each locality as opposed to elections for offices at the federal level. Governors manage state budgets and play an important role in mobilizing grassroots support. Similarly, state Houses of Assembly exercise crucial oversight authority over state executives and legislate on local concerns.

State level elections are fiercely contested, as various groups compete for access to public office and resources, and engage patronage networks at the local level. Intra-state politics can exacerbate pre-existing ethnic and religious tensions. The delegation heard concerns that, in states such as Lagos and Kaduna, ethnic or religious divisions create fault lines that could become drivers of election-related violence.

**Inconclusive candidate selection processes.** The absence of internal party democracy and the lack of effective mechanisms for resolving intra-party disputes contributed to highly contentious party primaries in 2018 which resulted in more than 600 pending court cases, some of them to resolve candidacies for state-level offices. As one respected Nigerian commented, “parties and candidates are relying on the court system to resolve problems caused by their own opaque candidate selection processes.” In the lead-up to the gubernatorial elections, court rulings on the eligibility of parties and candidates in several states were issued within days of the polls. Last-minute legal proceedings and uncertainty about which parties would be on the ballot created confusion among voters and may have hindered effective campaigning by parties and candidates. These legal wranglings also posed significant challenges in election planning for INEC and overburdened the legal system.

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<sup>1</sup> Seven states hold their gubernatorial polls off-cycle.

**INEC communication.** After the one-week postponement of the presidential and National Assembly polls on February 16, INEC increased public outreach and communications, including through regular press briefings. However, while some information sharing continued at the state-level through Resident Election Commissioners (RECs), the frequency of communication from INEC headquarters declined following the national elections. Only on March 9 – the day of the elections – did INEC publicize the names of the winners of the Senate and House of Representative elections and the list of constituencies and polling units where supplementary elections were to hold. Additionally, INEC has yet to release detailed results from the national polls, has not responded publicly to questions about the discrepancy in the number of registered voters announced during the collation process, nor explained the high number of cancelled votes in the February 23 polls.

**Lack of women's representation.** The percentage of women candidates running for governor and deputy governor increased slightly this year from 6 and 17 percent respectively in 2015 to 8 and 26 percent. However, the two major parties did not field any women candidates for governor. Additionally, of the 276 women running for deputy governor, only five were candidates from APC or PDP. Similarly, of the nearly 1,900 women running for state House of Assembly seats, only 75 are from APC or PDP. As was the case for the February 23 national elections, the vast majority of women candidates for state-level elections ran on the tickets of newly created parties, with little prospect of winning elected office.

Thus far, the Nigerian government has not applied the 35 percent affirmative action principle included in the 2006 National Gender Policy, and the National Assembly has repeatedly missed opportunities to adopt legislation that would support greater participation of women in politics. A Gender and Equal Opportunities Bill has been before the National Assembly since 2010.

**Election-related insecurity.** In the lead-up to the March 9 polls, representatives of the two major parties accused each other of planning to disrupt the electoral process in various states, and the mission received reports of a spike in violent confrontations between APC and PDP supporters. In Akwa Ibom, an alleged arson at the INEC office in Ibesikpo Asutan LGA on March 8 destroyed smart card readers, and INEC had to mobilize nearly 200 replacements from other states within 24 hours. In this context, the INEC chairman felt compelled to state publicly that the commission would not declare any winners in cases of electoral malpractice, including cases in which INEC officials may be forced under duress to declare a winner, as happened in Benue and Imo states during the February 23 national polls. The killing of some INEC staff and citizens as a result of the Feb. 23 and Mar. 9 elections, as well as incidents of rape and other acts of sexual violence against women, are abhorrent acts that merit serious investigation with the aim of ensuring that perpetrators are brought to justice. The mission extends its deepest condolences to the victims and families.

**Positive initiatives in the lead up to the March 9 elections.** The mission noted several efforts by political leaders to decrease tensions and foster the conduct of credible polls. Three days before election day, President Buhari issued a statement stressing the importance of peaceful state-level elections, and his main challenger in the presidential race, former Vice President

Atiku Abubakar, used social media to call on PDP supporters to come out in large numbers and vote peacefully on March 9. In a positive step that defused tensions during a public demonstration staged by PDP at INEC headquarters to voice concerns over the role played by some security agencies during the national elections, INEC commissioners invited PDP leaders into the building and immediately engaged in discussions to address their concerns.

Gubernatorial candidates or their parties in 25 states signed peace accords, committing candidates and their supporters to avoid behavior that would endanger the peaceful conduct of the elections. This innovation was an effort to replicate, at the state level, the 2019 Abuja Accord facilitated by the NPC and signed by all presidential candidates at a public ceremony on February 13. Some of the state level agreements were facilitated by the NPC, and others by INEC and the Inter-Agency Consultative Committee on Elections (ICCES).

Well-respected Nigerian civil society organizations such as CLEEN Foundation, Situation Room, and YIAGA Africa, maintained efforts at monitoring the elections to support a credible electoral process. The Centre for Democracy and Development (CDD) supported balanced and professional media reporting on the electoral process, in an effort to curb disinformation and hate speech. Other groups, such as the Youngstars Development Initiative (YDI), intensified calls for peaceful citizen engagement in the elections. There were also instances of grassroots groups, such as Imo Youth, calling for violence-free polls and good governance.

### **III. ELECTION DAY OBSERVATIONS**

**Participation.** Overall, voter participation in the polling units observed by the NDI/IRI mission was low. Women and youth were well-represented as polling officials, party agents and observers, with a significant number of women serving as presiding officers in polling units. In addition, observers found that voting rights for internally displaced persons (IDPs) were generally respected, with IDPs in Benue and Adamawa permitted to vote in their camps. However, IRI/NDI observers noted significant impediments to voting for persons with disabilities and the elderly, as many polling units were not physically accessible to these voters.

**Set-up and opening.** Most polling units that NDI/IRI observed opened on time and received all essential materials prior to opening. However, in parts of Lagos, Nasarawa and Kaduna states, observers noted serious delays in the opening of some polling units. Such delays were generally due to the late arrival of INEC staff or party agents and the late distribution of materials from the Registration Area Centers (RACs). In Ikeja LGA in Lagos, many polling units opened late, some as late as 11:00 am, due to a strike by polling officials demanding back-pay for their services on February 23. These delayed openings created tension and disorder.

**Voting.** For the most part, voting was calm and polling officials performed their duties according to procedure. Overall, observers reported few instances of overcrowding; however, this may be due to low voter turnout in many states. In general, accreditation and voting procedures were followed according to INEC guidelines. Polling officials verified permanent voter cards (PVCs) using the smart card readers; where fingerprints could not be authenticated,

procedures for manual accreditation were generally followed and voter details were checked against the register. Where IRI/NDI observed, there was generally gender balance among INEC and ad hoc election officials.

NDI/IRI observers reported that smart card readers were functioning in most polling units. In the few instances where they malfunctioned, the problem was immediately reported, and voting was suspended until the smart card reader was replaced. In some polling units in Lagos and Nasarawa states, the delay caused by malfunctioning smart card readers raised tension among voters who had been waiting in line for long periods.

As was also noted by IRI/NDI observers during the February 23 polls, the secrecy of the ballot was not uniformly protected in polling units observed. Insufficient physical space within some polling units meant citizens marked and cast their ballots in very close proximity to party agents, polling and security officials, and the general public. Some polling units in Lagos state did not have voting cubicles and did not provide adequate space to protect voter privacy. Moreover, much like the February 23 elections, instances of assisted voting exceeded the mandate set out in INEC's regulations.

**Closing.** In the majority of polling units where NDI/IRI observed, the atmosphere at closing and counting remained calm and orderly with polling officials mostly following procedures outlined in INEC guidelines. However, in some locations the atmosphere was tense and procedures were not followed. In particular, observers in Rivers reported party agents were not given an opportunity to sign the results form; in Akwa Ibom, party loyalists attempted to disrupt the counting process; in Imo, polling officials were uninformed about the procedures to handle unused ballots; and in Nasarawa, polling officials were not provided the means to transport election materials to the collation center, hindering the security of sensitive materials. Of most concern, IRI/NDI observers witnessed a melee in a Benue polling unit when, during the count, aggrieved voters looking to receive cash for their vote violently confronted party agents. INEC officials in this polling unit were forced to stop counting ballots and relocate to the collation center to complete the process.

**Collation.** The delegation heard concerns expressed by reputable citizen observer groups about serious irregularities and violence at collation centers in many parts of the country. These groups also reported that observers and party agents were chased away or barred from the collation centers. IRI/NDI observers similarly noted issues at collation centers in Adamawa, Benue, Lagos, Nasarawa, and in Rivers state where observers saw INEC officials flee a collation center due to a rumored threat of an attack.

**Electoral offences and violence.** Observers reported cases of violence and intimidation in Imo, Adamawa, and Akwa Ibom states. In this last state, frustrations rose between party agents and among voters over overt campaigning in the polling unit. NDI/IRI observers also reported in Benue that four polling officials were kidnapped as they travelled to the collation center and that voting had to be rescheduled in at least three locations where violence occurred. The civil society coalition Situation Room reported a total of seven deaths by midday, in addition to

several kidnappings in Rivers state. These incidents and the fire in Akwa Ibom that destroyed smart card readers and voter registers for one LGA on March 8 reinforce the impression of concerted attempts to disrupt the election process in certain localities.

Overt vote buying in the form of distribution of cash and food inside or near polling units was observed in Akwa Ibom, Benue, FCT, and Imo. Notably, open voting in polling units in Akwa Ibom allowed party agents to see marked ballots and to direct voters to a location near the polling unit to receive payments. The REC for Benue confirmed an incident whereby large bags of cash were intercepted by the Economic and Financial Crimes Commission (EFCC). The EFCC officials were subsequently attacked by party representatives.

**Security services and the military.** Police and unarmed security officials, for the most part, conducted themselves with restraint and professionalism in polling units where NDI/IRI observed. However, our observers reported a heavy military presence in some areas, including near polling units, which heightened tensions and raised fears of imminent military intervention in the election process. Media and credible observer groups also reported that the military disrupted the polls in some areas, including in Rivers state where soldiers deployed heavily around INEC's office.

**Political party agents.** As with the presidential and National Assembly elections, the overinvolvement of party agents was widespread in polling units observed, including instances in Nasarawa and Benue states where party agents accompanied voters to the voting cubicles and helped them mark and cast their ballots, in violation of procedure. Finally, the poor accreditation and training of party agents remains a major hindrance to an orderly and free voting process.

#### **IV. RECOMMENDATIONS**

The delegation heard from many Nigerians that, in comparing the conduct of the 2019 polls to those of 2015, they are disappointed with the lack of progress in election administration and with the performance of political parties in elections. Nigerian democrats recognize that this election cycle coincides with the 20th anniversary of the country's transition to civilian democratic rule. We therefore urge a national conversation on progress made and vulnerabilities that must be overcome to further strengthen the credibility of electoral processes and safeguard the country's democracy. In the spirit of international cooperation, the IRI/NDI mission offers the following recommendations:

##### **To the Executive Branch of Government:**

- Expedite the adoption of comprehensive electoral reforms in order to lay the groundwork for an improved electoral framework.
- Implement fully and expeditiously the recommendations of Nigerian-led reform initiatives such as the reports from the Uwais Commission (2008) and the Nnamani Committee (2017), and create appropriate institutions to oversee political parties and

prosecute electoral offences, responsibilities that currently impede INEC's focus on election administration.

- Adopt and apply measures to achieve the 35 percent affirmative action for women in both elective and appointive posts as envisioned in the 2006 National Gender Policy.
- Investigate the actions of the military and hold accountable those who violated the electoral and other laws.

#### **To the National Assembly:**

- Undertake and pass amendments to the election law that address the challenges and lessons learned from the 2019 electoral cycle, and do so early enough to allow these changes to be implemented before the next round of state or national elections.
- Prioritize legislation that would promote women's leadership and political participation, notably by the adoption of the Gender and Equal Opportunities Bill.

#### **To INEC:**

- Publish complete and detailed state level results as well as national results in a timely manner.
- Conduct a comprehensive review of the conduct of the 2019 polls that involves a full spectrum of election stakeholders.
- Review the recommendations from credible domestic and international observer groups to improve the electoral framework and conduct of elections.
- Enhance communications and data management between the state and national levels to ensure that information about election processes and results are shared with the public in a timely and transparent manner.
- Reconsider the order and timing of general elections in Nigeria to ensure sufficient time for election preparations and to promote voter participation and engagement at both the grassroots and national levels.
- Fully empower presiding officers to exercise their authority to act on election offenses when they occur.

#### **To political parties and candidates:**

- As stated in NDI/IRI's February 25 statement, there is an urgent need to strengthen mechanisms for internal democracy, especially to encourage leadership of women and youth.
- Develop internal mechanisms for effective resolution of intra-party disputes.
- Work across party lines to identify common priorities and support electoral reform.
- Abandon electoral practices such as voter intimidation, vote buying, and other disruptions of the election process that undermine citizen confidence in elections and democratic governance.
- Develop state-level platforms and policy positions that take into consideration localized priority issues upon which voters can base their choices.
- Strengthen relationships between party structures and elected representatives in the National Assembly and at the state level to support parties' reform agendas and ensure campaign promises are met in ways that improve the well-being of citizens.

**To civil society:**

- Convene national and state-level multi-stakeholder dialogues to draw lessons from the 2019 election process and galvanize broad-based public support for electoral reform.
- Drawing upon lessons learned from the #NotTooYoungToRun campaign and the passage of the Discrimination Against Persons with Disabilities (Prohibition) Act, create a broad-based coalition and aggressively champion coordinated advocacy efforts to increase the political participation of women.
- Enhance efforts to channel citizen priorities at the state and local level to elected representatives and state-level party structures in an effort to promote more responsive and accountable governance.

**To security agencies:**

- Work with INEC to enforce the electoral law by investigating and prosecuting perpetrators of election-related criminal acts.
- Investigate and sanction security personnel who violate the rules of engagement on election day.

Most importantly, we call on the Nigerian people to claim, protect, and defend their democracy and respect the rights of fellow citizens to participate peacefully in the political process. Meaningful democratic progress can only be achieved if Nigerians continue to champion their civic duties and responsibilities.

**V. ABOUT THE MISSION**

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

The joint IRI/NDI observation mission for the March 9 elections built upon three NDI/IRI pre-election assessment missions conducted in July, September and December 2018, and an election day observation mission deployed for the February 23 national polls. The IRI/NDI 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 African Union (AU) African Charter on Democracy, Elections and Governance, as well as the Economic Community of West African States (ECOWAS) Protocol on Democracy and Good Governance.

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