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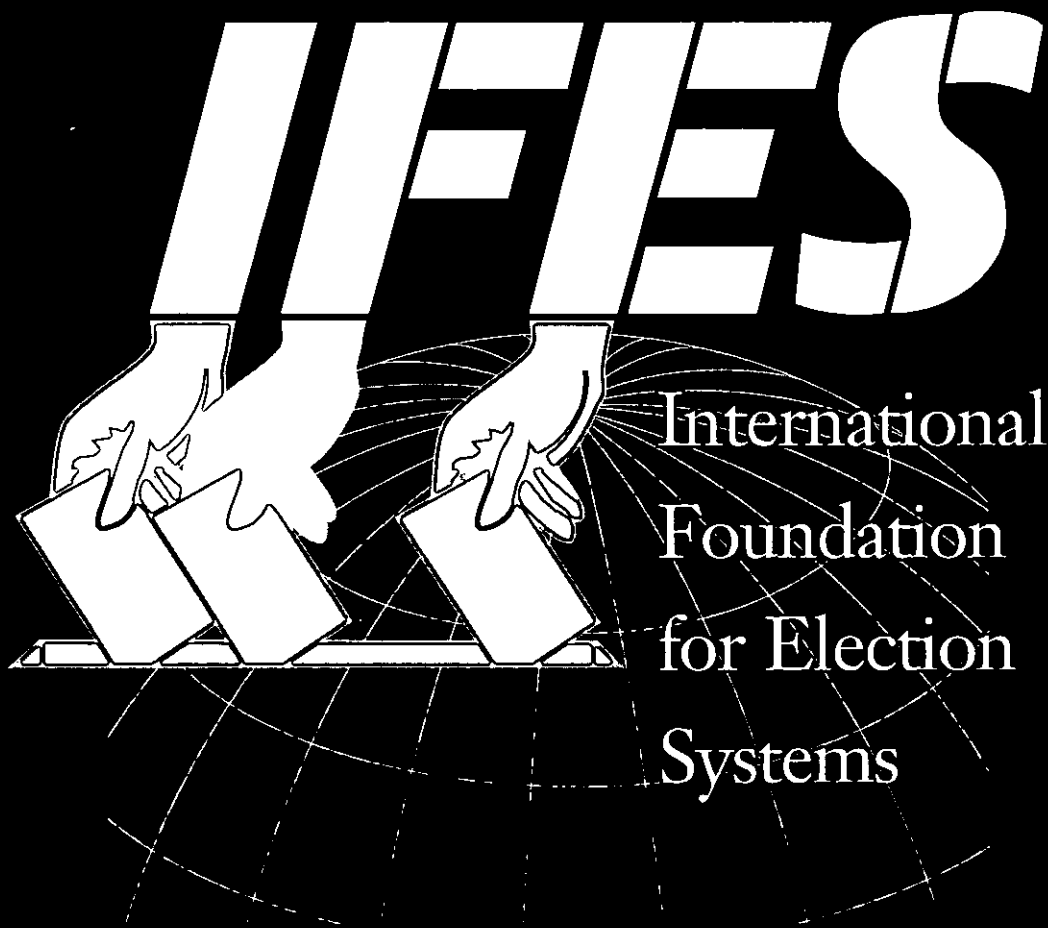
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International
Foundation
for Election
Systems

**Report on the Impact of IFES Activities
in Nigeria**

November 1998 to April 1999

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May 27, 1999

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Section 1. Executive Summary

From November 15, 1998 to April 5, 1999, the International Foundation for Election Systems (IFES) undertook a technical assessment of the electoral process that would lead to Nigeria's historic transition to civilian rule. IFES long-term monitors assessed the transitional electoral process and IFES, in collaboration with the Association of African Election Authorities (AAEA), conducted three joint observer missions. IFES also provided technical assistance on voter education programming to Johns Hopkins University (JHU) and the Center for Development and Population Activities (CEDPA).

Through its presence in Nigeria, IFES contributed to Nigerian and international understanding about the electoral process. With that knowledge, citizens and national and international observers were better equipped to judge the openness and transparency of the elections and to evaluate the strengths and weaknesses of the process. IFES distributed a *Pre-Election Report* immediately preceding the December 5, 1998 local government elections; post-election statements on the December elections and the February 20 National Assembly and 27 presidential elections; and two in-depth reports on the transitional elections to Nigerian nongovernmental organizations, political parties, election officials, donors, and others interested in Nigeria. IFES long-term monitors held numerous meetings with representatives of NGOs and political parties throughout Nigeria to share information on the electoral process. IFES also developed materials on the election system and designed observation checklists with suggestions for their use. These materials were distributed to local and international observer groups. Interviews of IFES monitors and Association of African Election Authorities (AAEA) Executive Secretary, Kwadwo Afari-Gyan, with Nigerian and international news outlets enabled IFES to reach a wider audience outside of state capital cities and the Federal Capital Territory.

IFES had a significant impact on the increased confidence of the Nigerian people and the international community about the electoral process through the implementation by the Independent National Electoral Commission (INEC) of several recommendations presented by IFES monitors and IFES/AAEA observers. Following the December 1998 local government elections, the INEC clarified and added to the election procedures in response to comments made by the IFES/AAEA missions and other observers. For example, IFES/AAEA observers noted the lack of indelible ink to mark voters to safeguard against multiple voting during the December 1998 local government and the January 1999 Governorship and State House of Assembly elections. This shortcoming was emphasized after both elections by IFES monitors in meetings with the INEC and resulted in widespread and proper use of indelible ink in the February 20 and February 27 elections. Following the February 20 National Assembly elections, IFES monitors expressed concern to the INEC on the seemingly inflated accreditation figures in those elections. This resulted in the distribution of additional forms to record the number of accredited voters at the close of

accreditation (a procedure designed to thwart additional accreditation and ballot box stuffing). IFES comments also prompted the INEC to develop messages for Nigerian voters on the timing of the accreditation and voting processes and on the importance of protecting the voter's right to mark his or her ballot in secret.

IFES also identified the lack of training of poll officials as a significant shortcoming in the electoral process. With the financial assistance of the Department of International Development in the UK and the Canadian International Development Agency, IFES developed a step-by-step poll worker manual for the January elections and revised it for the February elections. A training module to accompany the manuals was also developed for the INEC.

IFES activities demonstrated the interest and support of the international community in the electoral and democratic processes in Nigeria. Through its technical assistance to the JHU and CEDPA voter education project, IFES ensured that the voter education materials were technically accurate and properly reflected the election guidelines. IFES also provided advice on key electoral messages that needed to be communicated to the Nigerian people. In addition, IFES kept the Independent National Electoral Commission (INEC) fully informed about the content of the voter education materials and the means through which the messages were communicated.

The activities undertaken in Nigeria enabled IFES to successfully meet the objectives and achieved the results stated in the IFES project proposal. This report describes IFES' activities in Nigeria and the impact of this program.

IFES is grateful to the United States Agency for International Development (USAID) for program funding.

Section 2. IFES in Nigeria

In support of Nigeria's transition to a civilian government, the International Foundation for Election Systems (IFES) conducted several activities in Nigeria from November 15, 1998 to April 5, 1999 including:

- long-term monitoring of the transitional election process;
- a pre-election assessment mission preceding the December local government elections;
- joint observer missions with the AAEA for the December 5 local government elections and the February 20 National Assembly and February 27 presidential elections; and
- technical assistance to JHU and CEDPA on voter education programming.

Through these activities, IFES successfully met its stated objectives in Nigeria. This section provides an overview of the IFES program.

IFES established a field presence in Nigeria in mid-November in response to the invitation issued by Head of State General Abdulsalami Abubakar on July 20, 1998 asking the international community to observe the election process intended to lead to the transition to an elected civilian government in May 1999. The IFES office in Nigeria served to assist in monitoring election preparations, to support the IFES/AAEA observer delegations and to provide technical assistance to JHU and CEDPA in designing voter education materials.

Simon Clarke, an election advisor who served as an election administrator in the United Kingdom and on various international missions, led the IFES monitoring team. Mr. Clarke remained in Nigeria as a long-term monitor through the duration of the IFES project. The monitoring team also included Trefor Owen, an election administrator from Australia who served with the United Nations in Cambodia. Mr. Owen was in Nigeria from mid-November to early January. John Acree, who has observed elections in Guatemala and Liberia, served as logistics coordinator for IFES/Nigeria for the monitoring and December observer mission from mid-November to mid-December. Kendall Dwyer, an election analyst, joined the IFES monitoring mission in mid-January, replacing John Acree as logistics coordinator for the monitoring and observer missions, and served as technical advisor to JHU and CEDPA on the voter education project. Susan Palmer, IFES Program Officer for Nigeria, also served as a long-term monitor from November 1998 to March 1999.

The long-term monitoring team conducted a pre-election assessment with Kwadwo Afari-Gyan, Chairman of the Electoral Commission of Ghana and Executive Secretary of the Association of African Election Authorities (AAEA), from November 16-21, 1998. Members of the team held meetings in Abuja, Jos, Kaduna and Lagos with a variety of stakeholders in Nigeria's transition. On

November 30, 1998, the assessment team issued a *Pre-Election Report*¹ which identified several key areas for further attention of the INEC prior to the December 5, 1998 elections. This report was distributed to senior officials at the Independent National Electoral Commission (INEC), political party representatives, local and international nongovernmental organizations, donors, domestic and international media outlets and other interested individuals.

IFES organized and managed three observer missions conducted in collaboration with the AAEA. The joint international missions observed the December 5, 1998 local government elections, the February 20, 1999 National Assembly elections and the February 27, 1999 presidential elections. Composed of election officials and administrators from throughout sub-Saharan Africa as well as IFES staff, the IFES/AAEA delegates provided concrete recommendations on the technical aspects of the electoral process in Nigeria based on their personal expertise in election administration. This expertise also enabled AAEA/IFES delegates to constructively interact with their INEC counterparts at the national, state and local levels.

IFES established an IFES/AAEA Secretariat to support the two February observer missions and invited staff members from two AAEA member institutions to work in the Secretariat. Lino Musana, Head of the Administration Department at the Electoral Commission of Uganda, and Angela Neequaye, Public Information Officer at the Electoral Commission of Ghana, assisted IFES staff in the logistical and administrative preparations for the observer missions and served as observers for both elections.

In the period preceding the National Assembly and presidential elections, IFES monitor Kendall Dwyer provided technical assistance on the elections for a voter education project conducted by Johns Hopkins University (JHU) and the Center for Development and Population Activities (CEDPA). Several coordinating meetings were held beginning at the end of January to discuss messages for voter education materials. IFES provided up-to-date information to JHU and CEDPA on election procedures and acted as liaison with the INEC on the voter education campaign. As such, IFES ensured that members of the INEC were aware of the messages being conveyed in the voter education materials and the means through which the messages were communicated. In these meetings, INEC officials verified the validity of information presented in radio spots and newspaper inserts on election day procedures and on electoral guidelines.

Throughout the long-term monitoring mission, IFES monitors held extensive meetings with officials of the Independent National Electoral Commission (INEC), representatives of political parties, members of Nigerian NGOs and other important actors in Nigeria. IFES long-term monitors observed and evaluated preparations for and the conduct of the local government run-off and bye-

¹ The *Pre-Election Report* can be found in Appendix II of the attached *Report of the AAEA/IFES Joint International Observer Mission: Local Government Elections in Nigeria: December 5, 1998*.

elections on December 12, 1998; the January 9, 1999 Governorship and State House of Assembly elections; and the delayed Bayelsa elections on January 30, 1999.

Section 3. Project Activities and Impact

IFES activities in Nigeria were designed to support a credible electoral process and provide information on the process to the Nigerian people and the international community. The objectives of the long-term monitoring, pre-election assessment and election observation were:

1. to contribute to the knowledge of the Nigerian people and the international community about the elections so they are better able to judge the freedom and fairness of the elections and to evaluate the strengths and weaknesses of the electoral process; and
2. to exhibit by the presence of IFES and the IFES/AAEA missions the interest and support of the international community in the electoral and democratic processes in Nigeria.

The objectives of the voter education technical assistance were:

1. to ensure that voter education materials are technically accurate and a reflection of the election guidelines;
2. to provide advice on key electoral messages to be communicated through the voter education program; and
3. to inform the INEC about the voter education project.

In meeting these objectives, IFES activities in Nigeria resulted in:

- increased knowledge on the part of the Nigerian people and the international community about the electoral process; and
- increased confidence on the part of the Nigerian people and the international community about the electoral process as a result of the presence of international monitors and observers.

A. Long-Term Monitoring and Election Observation

RESULT 1: Increased knowledge on the part of the Nigerian people and the international community about the electoral process.

Indicator 1: Timely dissemination of the pre- and post-election reports to major political parties and Nigerian NGOs, main Nigerian and international media outlets, diplomatic missions in Nigeria, relevant international intergovernmental and nongovernmental organizations, and stakeholders in the U.S.

This result was achieved through coordination and sharing of IFES-produced reports and documentation with domestic observer groups, Nigerian NGOs, and members of the Nigerian and international press. IFES also provided these reports and documents to international observer groups, donors, members of Congress, and others interested in the Nigerian transition to civilian rule. Press coverage on the IFES/AAEA observer missions and interviews with IFES monitors and AAEA delegates in Nigeria and internationally also contributed to the dissemination of information to audiences in Nigeria and throughout the world.

IFES posted several documents related to the Nigerian elections on the IFES website. CNN developed a Nigeria website which linked to the IFES/Nigeria information as well as to CNN's Election Watch, a site with up-to-date information on elections around the world, developed and updated by IFES for CNN. CNN also engaged Michael Boda, Deputy Director of the F. Clifton White Resource Center at IFES, to write an article for its Nigeria site.

Reports

IFES produced and distributed several reports on its Nigerian experience to domestic NGOs, political parties, domestic and international media outlets, international observer groups, bilateral and multilateral donors and others interested individuals. These reports included:

- *Pre-Election Report* preceding Nigeria's December 1998 local government elections;
- Post-election statements issued immediately after the December 5 local government elections, the February 20 National Assembly elections and the February 27 presidential election;²
- In-depth observation report on the December 1998 local government elections;³ and
- In-depth report on the transitional election process from December 1998 to February 1999.⁴

The *Pre-Election Report* released on November 30, 1998, examined the election framework, voter registration, election day procedures, voter education, and the role and accreditation of domestic and international observers, offering a series of recommendations. The *Report of the AAEA/IFES Joint International Observer Mission: Local Government Elections in Nigeria, December 5, 1998* included an in-depth look at the preparations for the first election in the transition process.

² The post-election statements from December 1998 and two February 1999 elections can be found in Appendix II of the attached *Report of the AAEA/IFES Observation of the Transitional Elections in Nigeria: December 1998-February 1999*.

³ See attached *Report of the AAEA/IFES Joint International Observer Mission: Local Government Elections in Nigeria: December 5, 1998*.

⁴ See attached *Report of the AAEA/IFES Observation of the Transitional Elections in Nigeria: December 1998-February 1999*.

The pre-election environment observed for the *Pre-Election Report* was compared to the actual election day events, with particular attention paid to polling station set-up, voter accreditation, and voting, counting, and collation procedures. This report also discussed shortcomings in polling station staffing, the irregular distribution of election materials, the location and set-up of polling stations, voter awareness, the lack of training of poll officials and incorrect and irregular use of indelible ink. The disenfranchisement of voters and the lack of secrecy in several polling stations were also highlighted.

On March 29, the final *Report on the AAEA/IFES Observation of the Transitional Elections in Nigeria: December 1998-February 1999* was released. This report presents IFES' observations and offers recommendations to enhance the credibility of the electoral process.

Specifically, IFES recommended a review of the electoral law; the computerization of the voters register; the enhancement of the organizational capacity of the INEC; the review of election procedures; and the conduct of widespread civic and voter education campaigns.

Prior to the public release of each statement and report, IFES long-term monitors personally delivered a copy of the statement to the Chairman and Secretary of INEC as well as to the heads of each of the directorates. This personal contact enabled IFES monitors to review the strengths and weaknesses of each election with INEC staff to affect changes in policy and procedure. In fact, the INEC incorporated several of the recommendations provided by IFES into election day procedures. For example, based on recommendations made by IFES and other international observers following the December 1998 local government elections and January 1999 Governorship and State House of Assembly elections, the INEC obtained indelible ink from India and provided clearer rules for the application and use of indelible ink.

The INEC issued specific instructions to voters on how to mark votes for the APP/AD candidate on the ballots for the presidential election based on concerns expressed by IFES that the ballots did not correspond to the parties represented by the presidential candidates. IFES recommendations also led the INEC to introduce a new procedure to limit inflated accreditation and voting figures.

The INEC accepted IFES' recommendation to revise the poll official manual provided for the December 5, 1998 local government elections and worked with IFES to develop and produce new manuals for the January 9, 1999 Governorship and State House of Assembly elections and the two February elections. Funding from the British Department for International Development and the Canadian International Development Agency was used to develop the poll official manuals.

IFES generated periodic situation reports on all aspects of the preparations leading up to each election, including logistic and administrative obstacles,

electoral tribunal proceedings, voter education, campaign finance, and media coverage. Due to the nature of some of the information included in those reports, distribution was limited to USAID, the State Department, and IFES partner organizations (IRI, NDI and the Carter Center).

Briefings

The long-term presence of IFES monitors in Nigeria and close observation of the preparations for the elections enabled the IFES team to develop expertise on the situation on the ground that proved useful to local groups as well as visitors to Nigeria and others outside of Nigeria. IFES held numerous meetings and informal briefings with domestic organizations around the country.

Formal briefings were provided for members of Congress, international observer groups, the diplomatic community, and donors. In particular, the report produced by IFES monitors Simon Clarke, Trefor Owen and Susan Palmer following the January 9, 1999 Governorship and State House of Assembly elections, provided strong insight into some of the larger problems of fraud and manipulation of the polls.

The briefings conducted by IFES included:

- Briefing for Congressmen Payne and Campbell in Abuja by IFES monitors Simon Clarke and Trefor Owen, Susan Palmer, IFES Program Officer for Nigeria and Keith Klein, IFES Director of Programs in Africa, at the end of November, 1998;
- Presentation to meeting chaired by United Nations-Electoral Assistance Division (UN-EAD) in New York to UN member countries on the observations of the long-term IFES monitors by Valeria Scott, IFES Program Assistant for Africa and the Near East, on December 2, 1998;
- Briefing of President Carter by long-term monitor Simon Clarke in Abuja in January 1999;
- Briefing for the United Nations Zonal Coordinators by Simon Clarke, Kendall Dwyer, and Susan Palmer in Abuja on February 10, 1999;
- Briefing for Ambassador Jeter and other organizers of the Congressional Delegation to Nigeria by Tom Bayer, IFES Director of Programs for Africa and the Near East, and Valeria Scott at the State Department in Washington, DC on February 11, 1999;
- Two-day briefing on the Nigerian election system for 100 European Union observers by Kendall Dwyer in Lagos on February 14-15, 1999;
- Briefing on the Nigerian election system for Commonwealth observer delegation by Simon Clarke and Susan Palmer in Lagos on February 15, 1999;
- Briefing by Dr. K. Afari-Gyan, Chairman of the Electoral Commission of Ghana and Executive Secretary of AAEA and Tom Bayer, Director of Programs for Africa and the Near East, on the IFES/AAEA observations of the Nigerian elections for the Washington community on March 12, 1999;

- Briefing of US Ambassador Twadell by Simon Clarke in Lagos on March 18, 1999; and
- Periodic briefings for the diplomatic community in Nigeria, including the US Embassy, the British High Commission and the Canadian High Commission by the IFES long-term monitors.

Coordination

IFES developed and distributed background documents and informational material to the various domestic and international observer groups, domestic NGOs, members of the press and other interested members of the international community. Many of these materials were distributed at coordination meetings in Nigeria and in Washington.

IFES provided the following materials for the February 20 National Assembly and February 27 presidential elections to the European Union observation mission coordinated by the United Nations Electoral Assistance Secretariat (EU/UN-EAS), IRI, Carter Center/NDI and Commonwealth Observer missions, together with local observer groups:

- Election Day Checklists (*prepared by IFES in consultation with UN-EAS*)
- *Suggestions for Use of the Checklists*
- *Scope of Observation*
- *Election Day Procedures*
- *Election System*
- IFES/INEC-produced Poll Official Manual

The EU/UN-EAS, Carter Center/NDI and IRI delegations, as well as some observers from the diplomatic missions, used the IFES-developed checklists to assist with their observations on election day.⁵

IFES worked with the INEC to ensure that sufficient poll official manuals were printed for all INEC officials as well as all accredited observers and the media to assist these actors in their understanding of the election day procedures. INEC distributed a total of 5,507 manuals to observers and media. Local observer groups received 4,624 manuals, international observer groups received 664, local press outlets received 200, and international news agencies received 19 manuals.

In addition, IFES provided a full set of briefing materials to the Congressional Delegation, prior to their departure from Washington, and to the CNN correspondent in Nigeria and CNN researchers in Atlanta. Also, the EU/UN-EAS briefing packets contained background information on the Nigerian electoral system drawn from IFES reports.⁶

⁵ See Appendix I

⁶ See Appendix II

IFES long-term monitors participated in various coordinating meetings including CEPPS coordinating meetings in Abuja and Lagos; a UN coordinating meeting in Nigeria, February 11; and periodic consultations with CEPPS partners, USAID and State Department in Washington, DC.

Press Contact and Coverage

IFES/AAEA press statements and reports were distributed to over 60 Nigerian and international print, radio, television and internet news outlets and were featured in numerous articles and news stories.⁷ Dr. K. Afari-Gyan, as head of the IFES/AAEA delegation, gave numerous interviews to Nigerian newspapers, including the Guardian, the Punch, This Day, National Concord, New Nigerian. Dr. Afari-Gyan was also interviewed by the Washington Times and was quoted in the Washington Post, Reuters, and the USIS Washington File. The IFES/AAEA *Statement on the February 27, 1999 Presidential Elections in Nigeria* also appeared in a Liberian newspaper (The News). Dr. Afari-Gyan appeared on Nigerian radio and television, including DAR Communications TV, DAR Communications Radio, MITV, and Channels Television. An Agence France Presse photograph of Dr. K. Afari-Gyan and Valeria Scott was sent worldwide and appeared in the East African Standard in Kenya.

In addition, the IFES/AAEA post-election statements from the December and two February elections appeared on the CNN website, and several internet listserves including Africa News online, InterNews and the United Nations Office for the Coordination of Humanitarian Affairs Integrated Regional Information Network for West Africa.

Tom Bayer, Director of Programs for Africa and the Near East appeared on WorldNet on February 11, 1999, a USIS sponsored radio program that is broadcast throughout the African continent. After his presentation, Mr. Bayer fielded questions from callers in several African countries. Long-term monitor Simon Clarke was interviewed in Nigeria by Voice of America and Pacifica.

IFES Website

In order to reach as wide an audience as possible, IFES developed an extensive website on the Nigerian transitional elections and included several INEC documents as well as documents produced by IFES. IFES posted the *INEC Timetable for Electoral Activities*, the *INEC Code of Conduct for Foreign Observers*, the *Guidelines for Election into the Office of President and the National Assembly*, and the *INEC Manual for Poll Officials for the National Assembly and Presidential Elections* on the IFES website.⁸ IFES developed a background document on the Nigerian Independent National Electoral

⁷ See Appendix III.

⁸ See Appendix IV.

Commission (INEC) and posted state-by-state and party-by-party election results for the December 5 local government, January 9 Governorship and State House of Assembly, February 20 National Assembly and February 27 presidential elections. IFES also included IFES/AAEA post-election statements and press releases as well as an overview of IFES' activities in Nigeria on the IFES website.

The IFES Nigeria website was linked to the CNN Interactive Election Watch which is developed and updated by IFES. Michael Boda, Deputy Director of Information Resources at IFES contributed an article on Nigeria's transitional elections to the CNN In-Depth Reports website.⁹ Between February 20 and March 2, over 2,000 visits to this article were recorded. The CNN website also provided direct links to IFES/AAEA post election statements and press releases, the Poll Official Manual, the guidelines for the National Assembly and presidential elections, and the background document on the INEC developed by IFES.¹⁰ The CNN website was also linked to the IFES home page and the home page of the Association of African Election Authorities (AAEA).

In February the IFES Nigeria website was visited more than 300 times. The majority of hits in March and April were recorded on the election results section of the website.

RESULT 2: Increased confidence on the part of the Nigerian people and the international community about the electoral process as a result of the presence of international monitors and observers.

Indicator 2.0: Prevalence of public statements by Nigerian stakeholders (in particular domestic NGOs and political parties) concerning the utility of the IFES/AAEA monitoring and observer presence.

The most significant public statement made on the utility of the IFES/AAEA monitoring and observer presence, and of other observers, was made by Justice Akpata, Chairman of the INEC. In a March 4, 1999 article in the Nigerian newspaper, *The Punch*, Justice Ephraim Akpata "commended the role of the international observers in the . . . transition program." He indicated that "the comments, reports and advice of the observers assisted the INEC in the

⁹ See Appendix V.

¹⁰ See Appendix VI.

correction of some lapses in previous elections [and] contributed immensely to the success of the elections".¹¹

In addition, IFES long-term monitors and members of the AAEA delegation were actively sought for interviews with several Nigerian and international press agencies marking an interest on the part of the public to receive more information on the observations made by the IFES/AAEA delegations.

Indicator 2.1: Degree to which assessments by monitors and observers are acknowledged and received by the election authorities.

Indicator 2.2: Increased knowledge on the part of the Nigerian citizens about the electoral process and about their rights and responsibilities as citizens in a democracy.

IFES long-term monitors held extensive meetings with officials of the Independent National Electoral Commission (INEC) throughout the IFES mission to Nigeria. The presence of the IFES office in Abuja allowed IFES monitors to meet almost daily with INEC Commissioners, Heads of Departments and the INEC Secretary. IFES monitors and members of the IFES/AAEA observer delegation also met with representatives of political parties, Nigerian NGOs and members of the media.

Meetings with INEC

Providing advance copies of all IFES/AAEA statements and reports to the INEC, enabled IFES to create opportunities to discuss recommendations and findings with INEC officials. This open dialogue led to the implementation of several IFES/AAEA recommendations during the course of the election cycle.

Following the December 1998 local government elections, the INEC clarified and added to the election procedures in response to comments made by the IFES/AAEA missions and other observers. For example, IFES/AAEA observers noted the lack of indelible ink to mark voters to safeguard against multiple voting during the December 1998 local government elections and the January 1999 Governorship and State House of Assembly elections. This shortcoming was emphasized after both elections by IFES monitors in meetings with the INEC and resulted in widespread and proper use of indelible ink in the February 20 and February 27 elections.

After the February 20 election, IFES provided recommendations on the importance of recording the number of accredited voters at the conclusion of accreditation to prevent against accreditation after 11:00am and to limit inflated accreditation and voting figures. On February 23, IFES monitor, Simon Clarke, met with INEC Secretary Alhaji Adamu Bawa Mu'azu and INEC Chairman

¹¹ See Appendix VII.

Justice Ephraim Akpata to express concern over the inflated accreditation figures observed by IFES/AAEA delegates. On the same day, as a direct result of this intervention, Secretary Mu'azu issued a statement instructing supervisory presiding officers to travel to each polling station to record the number of accredited voters at the conclusion of accreditation on a new form, Form AC at the polling station¹². To verify the validity of the number of accredited voters, the presiding officer had to sign the form along with the party agents if they agreed with the accreditation figures. Data collected at the conclusion of accreditation was then to be compared with accreditation figures at the collation centers. The introduction of this form also enabled the INEC to track accreditation figures from the polling stations to the ward collation centers and finally at the local government consolidation centers, a statistic which the regular counting forms did not trace through the counting process.

Prompted by IFES recommendations, the INEC also developed messages for Nigerian voters on the timing of the accreditation and voting processes and on the importance of protecting the voter's right to mark his or her ballot in secret.

Another significant impact of the relationship that IFES developed with the INEC was the development of the poll official manual for the January 9, 1999 Governorship and State House of Assembly elections and its subsequent revision for the February 20 National Assembly and February 27 presidential elections. IFES/AAEA observers noted after the December 5, 1998 local government elections that poll officials were inadequately trained and lacked proper reference materials. Given the restriction on using USG money to directly assist the government of Nigeria, IFES was able to secure funding from the British and Canadian governments to bring a specialist from an AAEA member country to Nigeria to develop the poll official manual. USAID funding of the long-term monitoring mission and the IFES/AAEA observer missions enabled IFES to make the recommendation for a revised poll official manual and donor coordination in Nigeria permitted IFES to provide technical assistance to the INEC.

IFES/AAEA delegates met with state-level INEC officials and representatives of political parties to assess preparations for each election at their deployment sites. At each site, IFES/AAEA observers were able to interact with the state Resident Electoral Commissioner and various members of the state electoral commission staff. This interaction with stakeholders in the Nigerian transition process permitted an in-depth understanding and analysis of the election process and of election day preparations. AAEA delegates also brought election-related materials, such as electoral laws, constitutions, voter education pamphlets and posters, poll official training manuals, from their respective countries to share with the INEC in Abuja and at the state level.

¹² See Appendix VIII.

Meetings with other stakeholders

In addition to numerous meetings with INEC officials, IFES monitors met with representatives from several Nigerian NGOs both in Abuja and Lagos. In Lagos IFES met with most organizations in the Transitional Monitoring Group (TMG) coalition and in Abuja, several meetings were held with the Abuja Coalition, the Yakubu Gowon Centre and the National Council for Women's Societies, as well as with TMG member groups. IFES provided copies of all IFES/AAEA statements and reports as well as various briefing documents to these and other NGOs in Nigeria.

At each observation deployment site, IFES/AAEA delegates met with representatives from all political parties participating in the National Assembly and presidential elections. These meetings were useful in alerting the presence of IFES/AAEA observers in various sites around the country and in providing delegates with an understanding of the political climate in each region visited. Prior to the December 5, 1998 elections, IFES monitors met with several of the political parties who contested the local government elections.

B. Voter Education Technical Assistance Project

Indicator 3.0: Voter education material and messages that accurately explain election procedures.

In the period preceding the National Assembly and presidential elections, IFES monitor Kendall Dwyer provided technical assistance to the voter education project conducted by Johns Hopkins University (JHU) and the Center for Development and Population Activities (CEDPA). Several coordinating meetings were held beginning at the end of January to discuss messages for voter education materials. The group concluded that the most important messages for the voter education campaign would be: importance of secrecy in the vote; instruction of step-by-step voting procedures; and encouraging women to participate in the elections.

The different responsibilities during the project were allocated according to the technical expertise and previous activities of each of the three organizations in Nigeria and around the world. JHU/CEDPA used its established track record in developing large-scale public education campaigns in Nigeria to create and distribute radio spots and newspaper inserts for the voter education campaign. IFES provided technical assistance on voter education materials and served as a liaison with the Independent National Election Commission (INEC).

IFES input in the voter education campaign included verification of the information presented in radio spots and newspaper inserts on election day procedures and on electoral guidelines. As liaison with the INEC on the voter

education campaign, IFES ensured that members of the INEC were aware of the messages being conveyed in the voter education materials and the means through which the messages were communicated. Also, through its regular meetings with the INEC, IFES representatives were able to inform JHU/CEDPA of the most updated information regarding the elections. Specifically, IFES communicated last-minute alterations in the voting procedure. For example, the regulation requiring all accredited voters to be in line by 11:30 in order to be eligible to vote was reaffirmed by the INEC for the two February elections. IFES effectively communicated this change to JHU/CEDPA so that all voter education materials emphasized this important message.

C. Additional Impact

The impact of IFES' Nigeria program surpassed the proposed objectives of the long-term monitoring mission, IFES/AAEA observer missions and the voter education project.

To build the institutional capacity of the nascent AAEA, IFES established the AAEA/IFES Secretariat to support the two February observer missions and invited two AAEA staff members to join the Secretariat. Lino Musana, Head of the Administration Department at the Electoral Commission of Uganda, and Angela Neequaye, Public Information Officer at the Electoral Commission of Ghana, contributed tremendously to the success of the February observer missions. Both assisted IFES staff in the logistical and administrative preparations for the observer missions and contributed their own expertise to the mission. Angela Neequaye's contacts with the media and expertise in communication were instrumental in distributing AAEA/IFES statements and materials to the press. In the briefing preceding the presidential observer mission, Lino Musana delivered the module on election day procedures to AAEA and IFES delegates. The involvement of the two AAEA staff members in the daily activities of the Secretariat familiarized them with the organizational elements of a successful monitoring and observation effort. The AAEA considers the experience a good way to prepare itself to independently organize future AAEA activities.

The capacity of the AAEA and the individual AAEA delegates was also enhanced through participation in the observer mission. Exposure to a different electoral system and discussions among delegates and with state level INEC officials on various electoral systems throughout Africa will assist AAEA members in their electoral work in their home countries. During breaks in the briefing sessions, AAEA delegates shared the experiences of organizing, administering and observing elections in their countries. These conversations continued during deployment as delegates were sent in teams of two to their sites for three days each election.

The credibility of the AAEA as an Association of election experts was demonstrated by the interest of the INEC to join the AAEA. Chairman Akpata has applied for membership to the AAEA and arrangements for the membership of the INEC in the AAEA are now in progress

Section 4. Conclusion

IFES clearly met the objectives stated in its project proposals for the long-term monitoring, the IFES/AAEA observation of three out of four elections in the Nigerian transition process and technical assistance on voter education to JHU and CEDPA. IFES raised Nigerian and international awareness of the election process in the interest of preparing them to judge the freedom and fairness of the elections and to evaluate the strengths and weaknesses of the electoral process. IFES provided a steady stream of information and recommendations to the INEC, political parties, NGOs, international and domestic media outlets, donors and others interested in the Nigerian transition process. The information was provided through written reports and in meetings with several of the stakeholders in the process as well as through television and radio interviews.

Through its long-term presence and the involvement of African election experts, IFES demonstrated the interest and support of the international community in Nigeria's electoral and democratic processes. IFES maintained a field office in Abuja from mid-November through early April and IFES monitors took several trips to Lagos and other parts of the country for meetings and consultations with political parties, NGOs and state-level INEC officials. IFES/AAEA delegates met with these same representatives at their deployment sites.

IFES also met its objectives in the voter education component of the IFES project, advising the development of electoral messages that were communicated through the voter education materials. The relationship developed with the INEC enabled IFES to verify that the voter education materials accurately reflected the election guidelines while keeping the INEC informed on the voter education project.

USAID funding to this project also contributed to additional results not stated in the project proposal. The partnership between IFES and the AAEA for the three observer missions assisted in developing the network of election officials and election-related NGOs among AAEA delegates and with the INEC. The institutional capacity of the AAEA was enhanced through the inclusion of two AAEA staff members in the IFES/AAEA Secretariat. This experience will assist the AAEA in organizing future AAEA activities elsewhere in Africa.

Appendix I

CHECKLIST - NIGERIAN ELECTION - FEBRUARY 1999 ACCREDITATION PROCESS

(Prepared by the International Foundation for Election Systems, in consultation with UN-EAS)

TEAM NUMBER <input style="width: 50px;" type="text"/>	Arrival Time <input style="width: 50px;" type="text"/>
Name(s) <input style="width: 350px;" type="text"/>	Departure Time <input style="width: 50px;" type="text"/>
State <input style="width: 150px;" type="text"/> LGA <input style="width: 150px;" type="text"/>	Ward <input style="width: 150px;" type="text"/>
Polling Station <input style="width: 200px;" type="text"/>	Code <input style="width: 150px;" type="text"/>

POLLING STATION STATISTICS			
Number of voters on register: <input style="width: 50px;" type="text"/>	Time sensitive material arrived: <input style="width: 50px;" type="text"/>	Time accreditation began: <input style="width: 50px;" type="text"/>	ended: <input style="width: 50px;" type="text"/>
Count the accredited on register: <input style="width: 50px;" type="text"/>	Number waiting to be accredited: <input style="width: 50px;" type="text"/>		
Time to process each accred. voter: <input style="width: 50px;" type="text"/>	Time voting began: <input style="width: 50px;" type="text"/>	ended: <input style="width: 50px;" type="text"/>	
Percentage of women being accred: <input style="width: 50px;" type="text"/> %	Number waiting to vote: <input style="width: 50px;" type="text"/>		

PEOPLE PRESENT <input checked="" type="checkbox"/> (Tick where people present. Note any comments they make about the process on reverse.)			
INEC Staff:	Presiding Officer <input checked="" type="checkbox"/>	Poll Orderly <input type="checkbox"/>	Poll Clerk <input type="checkbox"/>
Security Agents:	Police <input type="checkbox"/>	Army <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
Party Agents:	AD <input type="checkbox"/>	APP <input checked="" type="checkbox"/>	PDP <input checked="" type="checkbox"/>
Observers:	Local accredited <input style="width: 50px;" type="text"/>	International <input style="width: 50px;" type="text"/>	Local unofficial <input style="width: 50px;" type="text"/>
Representing:	<input style="width: 100px;" type="text"/>	<input style="width: 100px;" type="text"/>	<input style="width: 100px;" type="text"/>

GENERAL OBSERVATIONS		Yes	No
1. Material: Is all the required material present in sufficient quantities? (see checklist in manual)	<input type="checkbox"/>	<input type="checkbox"/>	
2. Voters Register: Is it accurate, complete, a clean copy, and being correctly marked?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Poll Officials Manual: Is it present, being used, and its directions followed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Election Forms: Are these being completed accurately and at the correct time?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Conduct: Are all officials, Party Agents, voters, Security Agents conducting themselves correctly?	<input type="checkbox"/>	<input type="checkbox"/>	

6. Opening: At what time did the polling station open for accreditation?
7. Polling Station Management: Is layout correct, queues orderly, and are voters efficiently processed? ☐ ☐
8. Processing: Are voters register and voter's cards checked and marked correctly? ☐ ☒
9. Integrity of Processing
- (a) Are any voters being refused accreditation? ☐ ☐
- If Yes, how many and why
- (b) Are any voters apparently ineligible to vote being granted accreditation?
- If Yes, how many and what irregularities were apparent? (describe on reverse)
10. Confinement: Are voters staying at the polling station after being accredited? ☒ ☐
11. Polling Station Evaluation (tick applicable)

	Party Agents' View	Observer Team's View
Polling Station functioning correctly	<input type="checkbox"/>	<input type="checkbox"/>
Minor irregularities not significant to result	<input type="checkbox"/>	<input type="checkbox"/>
Serious problems, could affect result	<input type="checkbox"/>	<input type="checkbox"/>

Where problems are indicated give a brief description on reverse of this sheet.

CHECKLIST- NIGERIAN PRESIDENTIAL ELECTION - FEBRUARY 1999 VOTING PROCESS

(Prepared by the International Foundation for Election Systems, in consultation with UN-EAS)

TEAM NUMBER <input style="width: 50px;" type="text"/>	Arrival Time <input style="width: 50px;" type="text"/>
Name(s) <input style="width: 350px;" type="text"/>	Departure Time <input style="width: 50px;" type="text"/>
State <input style="width: 100px;" type="text"/> LGA <input style="width: 100px;" type="text"/>	Ward <input style="width: 100px;" type="text"/>
Polling Station <input style="width: 150px;" type="text"/>	Code <input style="width: 100px;" type="text"/>

POLLING STATION STATISTICS	
Number of voters on register <input style="width: 50px;" type="text"/>	Time sensitive material arrived <input style="width: 50px;" type="text"/>
Count the accredited on register <input style="width: 50px;" type="text"/>	Time accreditation began <input style="width: 50px;" type="text"/> ended <input style="width: 50px;" type="text"/>
Time to process each accred. voter <input style="width: 50px;" type="text"/>	Number waiting to be accredited <input style="width: 50px;" type="text"/>
Percentage of women voting <input style="width: 50px;" type="text"/> %	Time voting began <input style="width: 50px;" type="text"/> ended <input style="width: 50px;" type="text"/>
	Number waiting to vote <input style="width: 50px;" type="text"/>

PEOPLE PRESENT ✓ (Tick where people present. Note any comments they make about the process on reverse.)			
INEC Staff:	Presiding Officer <input type="checkbox"/>	Poll Ordery <input type="checkbox"/>	Poll Clerk <input type="checkbox"/>
Security Agents:	Police <input type="checkbox"/>	Army <input type="checkbox"/>	Other <input type="checkbox"/>
Party Agents:	AD <input type="checkbox"/>	APP <input type="checkbox"/>	PDP <input type="checkbox"/>
Observers:	Local accredited <input style="width: 50px;" type="text"/> International <input style="width: 50px;" type="text"/> Local unofficial <input style="width: 50px;" type="text"/> Other <input style="width: 50px;" type="text"/>		
Representing			

GENERAL OBSERVATIONS		Yes	No
12. Materials: Is all the required material present in sufficient quantities? (see checklist in manual)	<input type="checkbox"/>	<input type="checkbox"/>	
13. Poll Officials Manual: Is it present, being used, and its directions followed?	<input type="checkbox"/>	<input type="checkbox"/>	
14. Election Forms: Are these being completed accurately and at the correct time?	<input type="checkbox"/>	<input type="checkbox"/>	
15. Conduct: Are all officials, Party Agents, voters, Security Agents conducting themselves correctly?	<input type="checkbox"/>	<input type="checkbox"/>	
16. Voting Information: Did the Presiding Officer fully inform voters about voting processes?	<input type="checkbox"/>	<input type="checkbox"/>	
17. Polling Station Management: Is layout correct, queues orderly, and are voters efficiently processed?	<input type="checkbox"/>	<input type="checkbox"/>	
18. Access: Is access to the polling station area (ie, queues) properly controlled after voting commences?	<input type="checkbox"/>	<input type="checkbox"/>	
19. Processing: Are ballots being issued (stamped, signed, folded) correctly to properly accredited voters?	<input type="checkbox"/>	<input type="checkbox"/>	
20. Indelible Ink: Is the indelible ink used correctly on all voters?	<input type="checkbox"/>	<input type="checkbox"/>	
21. Secrecy: Is a polling booth or private space provided with access to it controlled?	<input type="checkbox"/>	<input type="checkbox"/>	
22. Ballot Paper Fold: Are ballot papers being folded after being marked to preserve secrecy?	<input type="checkbox"/>	<input type="checkbox"/>	
23. Security: Is there secure control over the ballot papers and the ballot box?	<input type="checkbox"/>	<input type="checkbox"/>	
24. Assistance: Is assistance being provided to disabled voters?	<input type="checkbox"/>	<input type="checkbox"/>	
25. Irregularities: Were any voting irregularities detected?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, how many <input style="width: 50px;" type="text"/> (describe on reverse)			
26. Polling Station Evaluation (tick applicable)			
	Party Agents' View	Observer Team's View	
Polling Station functioning correctly	<input type="checkbox"/>	<input type="checkbox"/>	
Minor Irregularities not significant to result	<input type="checkbox"/>	<input type="checkbox"/>	
Serious problems, could affect result	<input type="checkbox"/>	<input type="checkbox"/>	

Where problems are indicated give a brief description on reverse of this sheet.

COLLATION PROCESS

(Prepared by the International Foundation for Election Systems, in consultation with UN-EAS)

TEAM NUMBER	<input type="text"/>	Arrival Time	<input type="text"/>	
Name(s)	<input type="text"/>		Departure Time	<input type="text"/>
State	<input type="text"/>	LGA	<input type="text"/>	
Code	<input type="text"/>	Ward	<input type="text"/>	

- | | Yes | No |
|--------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 38. Forms: Is the Collation Officer using the correct consolidation form? | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. Vote Totals: Do votes recorded agree with figures from previous level (result sheets/own figures)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 40. Accuracy: Is the collation process conducted accurately and transparently? | <input type="checkbox"/> | <input type="checkbox"/> |
| 41. Party Agents: Are they present with copies of forms from previous level? | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. Party Agents: Do Party Agents sign and take a copy of completed results sheets? | <input type="checkbox"/> | <input type="checkbox"/> |

Party	PS Ref. _____ President		PS Ref. _____ President		PS Ref. _____ President		PS Ref. _____ President		PS Ref. _____ President	
AD										
APP										
PDP										
Votes cast										
On Register										
Accredited										
Invalid										

Party	PS Ref. _____ President		PS Ref. _____ President		PS Ref. _____ President		PS Ref. _____ President		PS Ref. _____ President	
AD										
APP										
PDP										
Votes cast										
On Register										
Accredited										
Invalid										

Where problems are indicated give a brief description on reverse of this sheet.

**LGA or CONSTITUENCY
CONSOLIDATION WORKSHEET**

(Prepared by the International Foundation for Election Systems, in consultation with UN-EAS)

TEAM NUMBER	<input style="width:90%;" type="text"/>	Arrival Time	<input style="width:90%;" type="text"/>
Name(s)	<input style="width:95%;" type="text"/>		Departure Time
State	<input style="width:90%;" type="text"/>	LGA/CONSTITUENCY	<input style="width:90%;" type="text"/>
Code	<input style="width:90%;" type="text"/>		

- | | Yes | No |
|---------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 43. Forms: Is the Collation Officer/Returning Officer using the correct consolidation form? | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. Vote Totals: Do votes recorded agree with figures from previous level (result sheets/own figures)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 45. Accuracy: Is the collation process conducted accurately and transparently? | <input type="checkbox"/> | <input type="checkbox"/> |
| 46. Party Agents: Are they present with copies of forms from previous level? | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. Party Agents: Do Party Agents sign and take a copy of completed results sheets? | <input type="checkbox"/> | <input type="checkbox"/> |

Complete the following table for results brought to this collation centre.

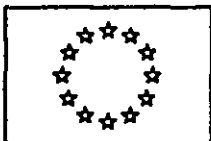
Party	Ward Ref. _____ President	Ward Ref. _____ President	Ward Ref. _____ President	Ward Ref. _____ President	Ward Ref. _____ President
AD					
APP					
PDP					
Votes					

Party	Ward Ref. _____ President	Ward Ref. _____ President	Ward Ref. _____ President	Ward Ref. _____ President	Ward Ref. _____ President
AD					
APP					
PDP					
Votes cast					

Where problems are indicated give a brief description on reverse of this sheet.



Appendix II



EUROPEAN UNION

Delegation of the European Commission in the FEDERAL REPUBLIC OF NIGERIA (Abuja Office)

ABUJA OFFICE, 18 January 1999
D(99)

IFES

Attn. Simon Clarke, Trefor Owen, Sue Palmer
Noga Hilton, RM 164

Dear IFES-Team,

Please be informed that I have faxed chapters 3 through 5 of the 'Report of the AAEA/IFES Joint International Observer Mission' to Ambassador Ekström of Sweden, with due attribution to IFES.

He made a last minute request for legal background information on the Nigerian elections just before his departure to Stockholm last week. The materials will be used for the training of Swedish short term observers.

Kindest Regards,

A handwritten signature in dark ink, appearing to read 'Curiijn M. Hasselaar'.

Curiijn M. Hasselaar
Third Secretary - Development

A vertical dashed line on the left side of the page, consisting of 20 short horizontal segments.

Appendix III



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Monitors say Nigerian polls credible

12:37 p.m. Dec 08, 1998 Eastern

LAGOS, Dec 8 (Reuters) - International monitors who observed weekend local elections in Nigeria said on Tuesday they were largely satisfied with the voting procedures.

Both the National Democratic Institute (NDI) and the Carter Centre in the United States, as well the Association of African Election Authorities (AAEA) and International Foundation for Election Systems (IFES) expressed their approval following the first of several polls to end years of military rule.

"Despite the difficult conditions in which these elections were held, our observers reported that they were largely orderly and peaceful," the NDI/Carter Centre said in a joint statement sent to Reuters in Lagos.

The statement said there were only isolated incidents of trouble and wrongdoing, and that most Nigerians saw the election as a positive move towards civilian rule.

"We are encouraged that this first vote passed in a relatively peaceful atmosphere, and we hope the following months will be marked by a further commitment to a credible process," AAEA/IFES said in their joint statement.

Among shortcomings identified by the groups in the polls, dominated by the centrist Peoples Democratic Party, were inadequate or late arrival of election materials and isolated cases of violence and multiple voting.

The polls were the first, crucial step in military ruler General Abdulsalami Abubakar's election timetable to end 15 years of military rule in Africa's most populous country of 108 million people.

Oil-producing Nigeria has been ruled by the military for all but 10 years since independence from Britain in 1960.

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International observers list ways to ease polling

INTERNATIONAL observers who monitored Saturday's council polls yesterday outlined some grey areas which they suggested should be addressed by government to ease polling processes.

They suggested extended "claims and objections" period for additional registration of voters, streamlined accreditation, adequate training for poll workers and voter education.

Briefing the press yesterday in Abuja, the National Democratic Institute (NDI) and the Carter Centre also called on the Federal Government to make more funds available for the Independent National Electoral Commission (INEC) to carry out its mandate.

From Oghoghor Obayuwana (Abuja), Mohammed Abubakar (Maiduguri), Sunny Ogefe (Asaba), Uba Okeke (Onitsha), Seun Adeoye (Osogbo) and Saxe Akhaine (Kaduna)

The International Foundation for Election Systems (IFES) and the Association of African Elections Authorities (AAEA) also spoke in the same vein that there should be an immediate development and wide dissemination of detailed step-by-step instruction manual for poll officials as well as a review of the ballot layout to minimise invalid ballots for future elections.

But the NDI and Carter Center's delegation led by Sharon Pratt Kelly, former Mayor of Washington and Hama Amadou, former Prime Minister of Niger, denied that they were in the country to fund and ensure support for Gen. Olusegun Obasanjo being a good friend of former President Jimmy Carter.

Fielding reporters' questions, the group said: "It is not for us to decide who is to be elected president of Nigeria. We are here to ensure that all goes well and that there is fairness. It is up to the Nigerian people to decide whether any candidate is appropriate. We are neutral."

Continued on Page 5

WORLD

In Brief

AFRICA

Results in Gabon Give Bongo Another Term

LIBREVILLE, Gabon—President Omar Bongo won another seven-year term in Sunday's presidential election, taking 66.55 percent of the vote, according to results announced late last night.

Interior Minister Antoine Mboumbou Miyakou read the results on state television after opposition parties cried foul and demanded the scrapping of the election.

Bongo's closest rival, Pierre Mamboundou, won 16.54 percent of votes cast, with the Rev. Paul M'ba Abessole, a vocal opposition leader, in third place with 13.43 percent.

Libyans Take Up Deal for Lockerbie Suspects

TUNIS—Libya's General People's Congress, the top legislative and executive body that formally will endorse any decision on the Lockerbie issue, began a meeting expected to last several days.

As Libyan state television, monitored in Tunis, broadcast debates at the opening session in Sirte, 250 miles east of Tripoli, Libyan lawyers launched a fund-raising campaign for the defense of two Libyan suspects in the case. The United States has accused two Libyans, Abdel Basset Megrabi and Lamen Khalifa Fhimr, of blowing up a Pan Am airliner over Lockerbie, Scotland, on Jan. 21, 1988, killing 270 people.

Party Cries Foul Over Nigerian Elections

ABUJA, Nigeria—The second-place party in Saturday's Nigerian local elections accused the dominant Peoples Democratic Party of cheating with the help of the electoral commission and security forces.

The All People's Party said in a statement in Abuja, the capital, that the Independent National Electoral Commission had appointed known Peoples Democratic Party supporters to staff polling stations and decide disputes in its favor. Two American groups—the National Democratic Institute and the Carter Center—as well as the Association of African Election Authorities and the International Foundation for Election Systems expressed approval following the elections.

THE MIDDLE EAST

U.N. Team Holds Surprise Searches in Iraq

BAGHDAD, Iraq—U.N. inspection teams launched surprise searches for banned Iraqi weapons despite angry assertions from Baghdad that the searches amount to harassment.

"We are undertaking a very intensive schedule," said Catherine Cross, the spokeswoman in Baghdad for the U.N. Special Commission, which oversees the inspections. "We have teams in town. We need to test Iraq's pledge to comply."

The official Iraqi News Agency said the inspectors—using helicopters—made 32 surprise visits, the most since they returned to Baghdad last month. Baghdad did not hide the visits. State-run newspapers quoted Deputy Prime Minister Tariq al-Hassani in Moscow, as saying there was a limit to Iraq's compliance.

Stop Overproduction, Gulf Oil Nations Urge

ABU DHABI, United Arab Emirates—Persian Gulf countries are grappling with ways to halt the plunge in oil prices that has hurt their budgets, called on oil-rich nations to stop overproducing.

"The whole problem" of low oil prices is caused by countries not sticking to their production quotas, Jamil Hojeilan, secretary general of the Gulf Cooperation Council, said on the second day of a three-day summit of the six-nation group.

Earlier, Hojeilan said oil ministers decided not to cut oil production to shore up depressed world prices.

UNITED NATIONS

Office for the Coordination of Humanitarian Affairs
Integrated Regional Information Network for West Africa
tel: +225 21 73 54, fax: +225 21 63 35
e-mail: irin-wa@africaonline.co.ci

IRIN-WA Update 356 of Events in West Africa (Wednesday 9 December)

NIGERIA: Nigeria needs to do more to get sanctions lifted, US says

The United States on Tuesday (yesterday) told Nigeria that further steps were needed to ensure US sanctions were lifted, despite moves to restore democracy, AFP reported. US Under Secretary of State Thomas Pickering said restrictions on direct flights between Nigeria and the US were based on "technical and safety issues", while Nigeria's place on a US black list of drug-trafficking countries was a "legal issue". A US team had concluded a number of cooperation agreements with the Nigerian government on fighting transnational crime in October, but Pickering said more needed to be done before the US could "revisit the issue of narcotics".

Gabriel Sam Akunwafor, Nigeria's deputy representative to the UN in New York, said the Nigerian government was embarking on reform but "but we are given at all times a list of what to do. We want to see some kind of recognition." Akunwafor said the restoration of direct flights was a high priority for Nigerians and it was "unfair" to hide behind technical problems. Regarding drug trafficking, he said the Nigerian government had taken action to curb the problem and the US statement was against "evidence on the ground".

Direct flights between the two countries were discontinued during the administration of the late General Sani Abacha on grounds of poor security and corruption at Nigerian airports. The US placed Nigeria under sanctions after the execution of human rights activists in November 1995, but lifted some of its restrictions earlier this year.

US hails local elections

US State Department spokesman James Foley said the success of recent "peaceful and professional elections in Nigeria bodes well for the state, federal and presidential elections early next year," a USIA report said. The US-based **International Foundation for Election Systems (IFES)**, in a report received by IRIN today (Wednesday), said it was "encouraged" by the Nigerian electoral commission's commitment to Nigeria's transition to democracy. IFES said it hoped the following months would be marked by a further commitment to a credible and transparent poll. It recommended the dissemination of a detailed instruction manual for poll officials as well as better training of political parties. Local government elections were held on 5 December.

From: <Darrenkew@aol.com>
To: IFES.IFES(VSCOTT)
Date: 12/14/98 5:59PM
Subject: Guardian IFES article

Monday, December 14, 1998

Ways to better polls, by foreign observers

From Hendrix Oliomogbe, Benin City

A 15-member delegation of international observers from the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) has suggested ways in which the Federal Government can improve on subsequent elections.

In a post-election statement by the AAEA/IFES, the delegation leader, Mr. K. Afari-Gyan, recommended the immediate development and wide dissemination of a detailed step by step instruction manual for poll officials and that the Independent National Electoral Commission (INEC) undertake a thorough and timely re-training of polls' officials.

Afari-Gyan, the Chairman of the Electoral Commission of Ghana, noted that there were a lot of inconsistent procedures on election day as a result of inadequate guidelines to, and training of polls' officials.

According to him: "We observed a lack of uniform procedures from polling station to polling station". At many polling stations, we observed that, either at the point of marking the ballot or dropping it into the box, the voter's right to secrecy was not preserved. Indelible ink was used to mark the voters in only a few polling stations."

Calling for a review of the ballot lay-out to minimise invalid ballots, the observer team noted that ballots were rejected even when the voter's intention could be discerned. The lay-out of the ballot paper, he added, contributed to numerous invalid ballots as did the lack of clear guidelines to the poll officials on what constituted an invalid ballot.

The AAEA/IFES observer mission advised INEC to provide polling stations additional materials to increase the efficiency of the accreditation and voting processes and the provision of additional staff at polling stations with more than 500 registered voters.

Afari-Gyan and his team also called for uniform procedures for the application of indelible ink to mark voter's thumbs after casting ballots and for increased attention and resources to be given to widespread voter education campaigns by the INEC.

BRIEFING/AFRICA

Monitoring elections becomes cottage industry

Leaders enjoy
observers they
can count on

By Julius Wamery
SPECIAL TO THE WASHINGTON TIMES

Under normal circumstances, the arrival of French election monitors in Gabon three days before the Dec. 6 presidential elections should have reassured all parties that the voting would be held under the gaze of scrupulously impartial observers.

It was a blue-chip panel of six judges and seven lawyers from the International Association for Democracy (AID) — led by Robert Bourgi, a high-ranking member of French President Jacques Chirac's Rally for the Republic party (RPR) and Mr. Chirac's unofficial adviser on African affairs.

But the circumstances were far from normal.

According to the Paris daily *Le Monde*, the AID members were also guests of Gabon's President Omar Bongo, who was running for re-election. They were wined and dined at his expense and chauffeured around in official limousines.

Mr. Bourgi was an old friend of the Gabonese president's, and faxes he sent to Mr. Bongo addressed the president as "Papa" and signed them "your son."

Mr. Bongo, who has ruled over this small, oil-rich, Central African country of just about a million people for 32 of his 64 years and was facing opposition at the polls for the second time in five years, needed some observers he could count on.

The monitoring business

His claimed victory in the 1993 election, with 50.07 percent of the vote, was greeted with violent demonstrations in the streets that were brutally suppressed by the military. Local and foreign observers agreed that the balloting had been massively rigged.

In this month's election, Gabon's constitutional court, under the observers' approval, certified Mr. Bongo as the winner with 67 percent of the vote.

Election monitoring is a growing cottage industry in Africa.

In the early 1990s, citizens of many African countries — fed up with decades of one-party rule, single-candidate ballots and 99.99 percent election victories — emboldened by the collapsing autocracies in Eastern Europe, took to the streets and force-marched their own rulers to participatory democracy.

This spawned an alphabet soup of foreign and indigenous election-monitoring, human-rights and other democracy-related organizations.

Most of the difficult and usually thankless work is still done by reputable and experienced groups like the Washington-based International Republican Institute (IRI), the National Democratic Institute (NDI), the International Foundation for Electoral Systems (IFES) and the Carter Center in Atlanta.

All these institutions, with extensive experience from Eastern Europe and Asia, are now involved in the multistage democratic transition under way in Nigeria, where the first phase of local elections took place two weeks ago.

Local efforts endorsed

About 40 independent organizations are involved in the Nigerian



Nigerians cast their ballots in an election observed by monitors from the International Foundation for Electoral Systems, a respected group.

operation, many of them small, indigenous outfits representing genuine attempts by citizens to make sure that democracy takes hold and works, said Tom Bayer, deputy director for Africa and Middle East at IFES.

"It is important that there be indigenous, civil society organizations that can call into question the validity of election results. They also represent the local point of view, they understand the language and customs, and are better able to ask the right questions," Mr. Bayer said.

Christopher Fomunyoh, director for the Africa region at NDI, said home-grown groups also represent the eagerness to participate in the democratic process that has become evident in Africa.

"Just 10 years ago, many of these groups would not have been permitted to exist, or their leaders would have been jailed. These elections concern them primarily, so it is but natural that they ensure their fairness and validity," he said.

It is to this end that IRI is involved in training a quarter-million poll agents in Nigeria — not only for next year's election, but as part of a long-term democracy-building process.

Training for democracy

"We anticipate that one day, Africans will run their own elections and ensure that they're clean, without outside help," said Lloyd Pearson, who oversees African elections for IRI. "That is why we all place great emphasis in training not only poll agents but also parliamentarians and civil servants."

For the Gabonese election, IFES carried out a 17-day pre-election technical assessment of preparations for the poll and found some serious shortcomings.

Its report cited continuing "disputes over electoral lists, the ineffectiveness and unpreparedness of the National Electoral Commission and lack of any coherent civic education program."



GOING TO THE POLLS

African countries where elections are due in the next six months:

Nigeria: Voting for governors and state assemblies is slated in January, followed by balloting for the National Assembly and Senate on Feb. 20, and presidential elections a week later. A democratically elected civilian government is

Niger has scheduled local elections, postponed last month to allow more time to prepare, for Feb. 7.

Benin is to hold parliamentary elections in March.

Democratic Republic of Congo, formerly Zaire, has promised elections in April — the first since the overthrow of dictator Mobutu Sese Seko in May 1997.

Malawi has set municipal elections for April.

South Africa is to hold its second multiracial parliamentary elections April 27.

Djibouti is to hold a presidential election in May.

Malawi plans presidential and parliamentary elections in May.

The Washington Times

Later reports showed that the number of eligible voters had increased by almost a third since 1996, from 410,000 to almost 600,000, making Gabon the only country with two-thirds of its population eligible to vote.

The emergence of mercenary election monitors worries officials in Washington concerned about maintaining the integrity of their stamps of approval.

One such institution is the Group for Study and Research into

Democracy and Development in Africa, known by its French acronym GERDDES, headed by controversial Benin lawyer Alao Sadikou Ayo — a retired executive of the African Development Bank who is so taken with his job that he has declined to call elections for his position since they were due in 1995.

Some dubious outfits

Mr. Alao, whose organization is

"We anticipate that one day, Africans will run their own election and ensure that they're clean. . . ."

—Lloyd Pearson

usually funded by the U.S. Agency for International Development, showed up in Gabon, although one seemed to know who was funding his trip.

The U.S. Embassy in Gabon filed in two GERDDES monitors from Togo — largely because the head of the Gabonese chapter of that organization is a high-ranking member of the ruling party — but Tugolese observers were arrested on arrival by Gabon authorities and later deported. When 10 Americans complained, the government said it was all a mistake and that it would bring them back or reimburse the embassy for their fares.

Some dubious democracy monitors are also emerging from the United States.

The Cameroon weekly newspaper *Mutations* reports that a little-known Chicago-based entity called IBS was the only foreign observer mission to give a clean bill of health to the re-election of Cameroon's President Paul Biya last year.

Interestingly, the paper says was the IBS that organized the October visit to Cameroon and Ivory Coast of a delegation led by departing D.C. Mayor Marion Barry.

With the billions of dollars that have salted away in foreign banks over the years, many African leaders have enough money to corrupt any system, said Narcisse Tik Cammeroun journalist who lives in the Washington area.

But as Gabon's president is a reporter days before his election: "An African head of state is like a big brother. You change a big brother as easily as you would a prime minister."

THE PUNCH

Tuesday Feb 16 1999.

AAEA/IFES delegation arrives Nigeria

A 12-person delegation from the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES), will Tuesday arrive in Nigeria to observe the nation's National Assembly elections on February 20. A 28-member AAEA/IFES delegation will also observe the February 27 presidential election.

The AAEA is a membership organization of election administrators and representatives of Non-Governmental Organisations (NGOs) from sub-Saharan Africa, dedicated to the professionalization of election administration. IFES, a Washington, DC-based NGO, provides non partisan assistance to develop or refine election systems in emerging and established democracies around the world. The AAEA and IFES also observed the local government and state-level elections in December and January in Nigeria.

Decrees on presidential, assembly polls ready

Onyedí Ojiabor, Abuja

THE Provisional Ruling Council (PRC) has finalised the decrees for the national assembly and presidential elections scheduled for February 20

Continued on Page 6

Decrees on presidential, assembly polls ready

and 27.

Briefing the press after the PRC meeting on Wednesday in Abuja, the Chief of Planning and Operations, Naval Headquarters, Rear Admiral Victor Ombu, said the meeting worked mainly on the transition programme and confirmed some sentences of the miscellaneous tribunals set up in various parts of the country.

He noted that it was a brief meeting at which the

Head of State, General Abdulsalami Abubakar, implored Nigerians to ensure that Saturday's national assembly election and the forthcoming presidential poll were successful.

He said field commanders had been ordered back to their respective stations where they were enjoined to ensure a hitch-free election on Saturday.

According to him, the head of state re-affirmed May 29 as the date for

handing over power to a democratically-elected government.

Admiral Ombu confirmed that the committee working out the financial details of the handover ceremonies had submitted its estimates.

On the draft constitution, he said the PRC had not produced a clean copy.

His words: "There are still certain areas that required fine-tuning," he added.

Continued from Page 1

"As a subject (constitution) yes, we almost arrived at the end, but it's only to dot the i's and cross the t's. But by the next meeting, I think we should be able to conclude."

He pointed out that there was no division among the members of the PRC over Sharia, adding that everybody expressed his opinion on the issue and a consensus was reached.

This day, February 18, 1999

Two International Observer Groups Arrive for Assembly and Presidential Polls.

Two international non-governmental organisations, the Association of African Election Authorities (AAEA) and the International Foundation for Election System (IFES) have expressed their preparedness to observe next Saturday's National Assembly polls and the Presidential elections slated for February 27.

This was disclosed yesterday by the Chairman, Electoral Commission of Ghana and executive secretary of AAEA, Dr. Kwadwo Afari-Gyan and the project manager of IFES, Mr. Simon Clarke during a chat with *THISDAY* yesterday.

Dr. Afari-Gyan, while speaking on the preparation of the two bodies, said that a 12-person observation team would be jointly deployed for the National Assembly polls, while the Presidential election which he

By Tokunboh Adedaja

called the 'big event' would be observed by a 28-member AAEA/IFES delegation.

He also spoke on the uniqueness of the AAEA, saying it was predominantly African.

"Twenty-one of us are Africans not only from the English or Anglo-phone countries but also Francophone countries," he said.

Atari-Gyan also spoke on the need for proper enlightenment of the electorate and the press so as to ensure a free and fair election. Afari-Gyan also cautioned journalists on the choice of words when reporting about the elections. Warning that such words used could have consequential effect on the whole process of democratization.

Specifically, he made a distinction between 'rigging' and 'electoral irregularities,' saying that while the former implies fraud, the latter could mean negligence in carrying out functions.

"If there is double thumbprinting for example it is irregularity and not rigging, the press must be made to know all these," he added.

The project manager of IFES, has provided technical assistance to the Independent National Electoral Commission (INEC) for the remaining two national elections adding that 150,000 copies of the manual would be distributed to all INEC's officials and also made available to the political parties, the media, and international and local observers. Clarke added that a new innovation has been introduced into the voting system which include the use of an indelible ink which could last on the thumb for two or three weeks. This he said check double voting by voters.

Also on the method of voting, Clarke said that the left-hand thumbnail would be used to thumbprint during the national Assembly election, while the right hand thumbnail would be used for the presidential poll.

The Punch.

24th Feb 1999

Observers fault Assembly elections

Theophilus Abbah,
Foreign Affairs Correspondent

A group of election observers, the Association of African Election Authorities/International Foundation for Election Systems (IFES) has expressed disappointment over the low turnout across the nation during last Saturday's national assembly elections, and the "many irregularities they observed in the conduct of the vote."

Representatives of the organisation who have been monitoring the elections since December 1998, in a press release dated Tuesday, said the Independent National Electoral Commission (INEC) would

need to amend the voting procedure to avoid the problems that characterised the February 20 polls.

Some of its recommendations would ensure that "accredited voters are distinctly marked on any previously-used register in a different coloured ink; the number of accredited voters is recorded on form EC. 8A immediately after the close of accreditation; accredited voters are at the polling station at 11.30 a.m. for the commencement of voting; the indelible ink specified by the INEC is used to mark all voters; and the INEC-supplied envelopes are used to package used ballots at the end of the count and that the election materials are properly

returned to the ward coalition centre..."

The joint AAEA/IFES mission observed that clean copies of the voters' register were not used at many of the polling stations visited, making it difficult for the poll officials to distinctly mark the accredited voters.

"Of additional concern", the statement said "was the lack of voters' registers at two polling stations in two wards in Yenogoa Local Government area (LGA), in Bayelsa State, and in some cases in Plateau State, accreditation began before 8.00 a.m., while in Rivers and Bayelsa states, accreditation and voting were conducted simultaneously at several polling stations."

EAST AFRICAN Standard

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(TShs 400/00; UShs 800/00)

INSIDE TODAY

presidential campaign on Sunday in the remote north-

and All Peoples Party between them secured 38 seats in the Senate and 123 in the House.

ernorship elections in which the party took just over half the vote.

But the party performed

International observers happy with results

FOREIGN observer groups yesterday praised Nigeria's national assembly elections despite some cheating and said they expected a higher turnout for the upcoming presidential ballot.

Saturday's elections, which were the latest step on the military government's plan to restore civilian rule on May 29, were generally peaceful and orderly but marked by a low turnout in most areas.

Observers from the Commonwealth, European Union and other groups said they hoped irregularities that were reported from some areas would be addressed by the Independent National Electoral Commission before next Saturday's presidential vote.

ABUJA, Monday.

"The EU said some of its group of 100 monitors had uncovered cheating in the volatile oil-producing Niger Delta states of Bayelsa and Rivers.

"In many instances, accreditation did not take place, some ballot boxes were stuffed with votes and there were irregularities in the count," said EU spokesman Hans Gunter Sullmme in a statement.

"In most places the elections took place as planned, were peacefully conducted and can be judged a qualified success. The problems noted did not mar the credibility of the overall result," he added.

Independent National Elec-

toral Commission officials said that turnout in parts of Nigeria had been as low as 20 percent. Witnesses said that in some places it appeared to be much lower than for recent local and state elections.

"While the turnout was lower than observed in the previous two rounds, a greater turnout for the presidential election is expected," said Lloyd Pierson of the International Republican Institute, a foreign monitor group.

The Commonwealth of Britain and former colonies, which suspended Nigeria in 1995 for lack of democracy and human rights abuses under late dictator Sani Abacha, also said it hoped for a better showing at the presidential poll. — Reuters



Some of the international observers monitoring Nigeria's Parliamentary elections, Valeriy Skov (left) of the US based International Foundation of Election Systems (IFES) and Kwadwo Afi-Gyan (second left) chairman of the Electoral Commission of Ghana monitor the polls which recorded low voter turnout. — Picture by AFP

The Punch.

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Some of its recommendations would ensure that "accredited voters are distinctly marked on any previously-used register in a different coloured ink; the number of accredited voters is recorded on form EC. 8A immediately after the close of accreditation; accredited voters are at the polling station at 11.30 a.m. for the commencement of voting; the indelible ink specified by the INEC is used to mark all voters; and the INEC-supplied envelopes are used to package used ballots at the end of the count and that the election materials are properly

returned to the ward coalition centre..."

The joint AAEA/IFES mission observed that clean copies of the voters' register were not used at many of the polling stations visited, making it difficult for the poll officials to distinctly mark the accredited voters.

"Of additional concern", the statement said "was the lack of voters' registers at two polling stations in two wards in Yenogoa Local Government area (LGA), in Bayelsa State, and in some cases in Plateau State. accreditation began before 8.00 a.m., while in Rivers and Bayelsa states, accreditation and voting were conducted simultaneously at several polling stations."

Observers advise INEC

THE Independent National Electoral Commission (INEC) has been urged to issue a clear statement on the status of ballots which may be marked for the Alliance for Democracy (AD) in Saturday's presidential election.

A joint international observer mission comprising members of the Association of African Election Authorities (AAEA) and representatives of the International Foundation for Election System (IFES) led by Dr. K. Afari-Gyan, AAEA executive secretary and chairman of the Ghanaian electoral commission said in its comments after the National Assembly polls that INEC statement on the AD ballots would ensure a consistent counting of ballots at the polling stations on Saturday.

Observer groups stress need for credible polls

THE joint observer mission of the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) have emphasised that the responsibility for credible elections rests with the INEC, political parties and the Nigerian people.

Consequently, the mission, whose 12 members observed Saturday's polls, said to have been marred by low voters turnout and irregularities; recommended steps to be taken to ensure a transparent and open presidential polls on Saturday.

To further promote confidence in the electoral process, increase transparency, ensure consistent counting of ballots at polling stations for Saturday's exercise and promote increased participation in the coming elections, the mission recommended that:

- INEC should remind election officials that, like the voters and party representatives, they are liable for election offences;
- political parties and observers be permitted to monitor the secured transportation of sensitive election materials;
- INEC should ensure availability of polling station results at the state level for public inspection after the election;

AFRICAN bandi
• INEC should issue a clear statement on status of ballot which may be marked for the Alliance for Democracy (AD).

The AAEA/IFES mission also suggested that the INEC, political parties and civil organisations should focus their voters' education efforts, in the time remaining, for the next election (Saturday's).

on the need for increased participation by registered voters in the electoral process;

that indelible ink will be used to mark the right thumb of all those voting in the presidential election; and,

the necessity for an accredited voter to be present at the polling station at the commencement of voting at 11.30a.m. in order to cast a ballot.

The AAEA/IFES mission, led by Dr. K. Afari-Gyan, executive secretary of AAEA and chairman of the Electoral Commission of Ghana, urged INEC to give specific instruction to polling officials to ensure that accredited voters are distinctly marked on any previously used register in a different coloured ink; the number of accredited voters is recorded on Form EC.8A immediately after the close of accreditation; non-accredited voters are at the polling stations at 11.30a.m. for the commencement of voting; indelible ink, specified by the INEC, is used to mark all voters; the INEC-supplied envelopes are used to package used ballots; and the polling station staff follow the laid-down procedures in cases of late delivery of election materials.

News

Presidential poll //

From Front Page, Col. 4
cal and foreign observers to monitor the elections.

Some of the foreign observers, who have been in the country since before last Saturday's national assembly elections, include those from the European Union, the Commonwealth, the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES).

Others include a delegation from the National Democratic Institute and the Carter Centre led by former U.S. President Jimmy Carter and his wife, Roseline Carter.

To ensure adequate security during the elections, NAN reports that Inspector General of Police, Alhaji Ibrahim Coomassie has ordered the immediate redeployment of assistant inspectors-generals and all commissioners of police in all state commands.

NAN also reports that tomorrow's elections will be the third attempt to install a democratically elected since the military struck in 1983, terminating the democratically elected government of President Shugu Shagari, barely three months into his second term in office. (NAN)

VICE-Presidential candidate of APP, Alhaji Umaru Shinkafi, has accused the Nigerian military of a gang-up against the Nigerian masses in their bid to perpetuate themselves in power.

Alhaji Shinkafi, who was speaking at a political rally in Port Harcourt on Wednesday, told thousands of people that the PDP was the manifestation of a gang-up by the military, through retired generals, to impose military rulers from the backdoor.

He said the AD/APP alliance was a platform by the Nigerian masses to resist the imposition and continuation of military rule.

Alhaji Shinkafi said that the alliance would metamorphose into a political party after the presidential election, adding that their leaders were putting

PDP is a gang-up against the masses //

— Shinkafi

Meanwhile, Obaneze Ndigbo, the pan-Igbo cultural organisation, yesterday declared support for the presidential candidate of the APP/AD alliance, Chief Olu Falae, saying that the alliance's manifesto and public statements conform with its principles and aspirations.

A statement signed by the organisation's Secretary General, Prof. Ben Nwabueze, urged the people to vote for the alliance.

According to Obaneze, the APP/AD alliance is in agreement with the two cardinal principles that have guided the stand of Ndigbo on the issues of unity and indissolubility of Nigeria and genuine democracy.

"Obaneze said that the Igbos were committed to the inescapable necessity to restructure the Nigerian federation in terms of its constituent units, power relations between them, revenue allocation, the armed forces and the police."

"Democratic civilian government after the initial transition from more than 14 years of continuous military rule should not be headed by a retired military man, especially one who happened to have been a former military head of state," it said.

The organisation called on the Igbos to turn out massively

to cast their votes in the exercise of their birth right as Nigerians, adding that "the matter transcends our desires and hopes for personal gains and advantage as individuals."

The News Agency of Nigeria (NAN) reports that the cultural organisation's call may have been ignored by a former APP presidential aspirant, Chief Emmanuel Iwuanyanwu, who has thrown in his support for the PDP presidential candidate, Gen. Olusegun Obasanjo.

Chief Iwuanyanwu, at a press conference yesterday in Enugu, claimed that Obaneze Ndigbo did not consult with him before issuing the electoral advice to the Igbos. (NAN)

Observer groups stress need for credible polls

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pledged to investigate why the contractor has not begun work.

Foreign observers laud Nigerians' commitment to transition

Toye Fawole

AN international observer mission which monitored local elections in Nigeria from last December till last Saturday, has commended Nigerians for their commitment to the transition programme.

The mission, fielded by the Association of African Election Authorities (AAEA) and the International Federation of Election Systems (IFES), based in Washington DC, also recognised the efforts of the

gated neglect of our educational

Independent National Electoral Commission (INEC) to achieve a transparent electoral process.

In a statement issued in Lagos on last Saturday's presidential election, the AAEA/IFES mission noted in particular that the INEC "has worked to strengthen the electoral system, since the first round of polling conducted in December and has taken steps towards more open and credible elections."

The mission commended INEC for demonstrating its commitment to dialogue with the political parties and for taking into account, "the parties' concerns throughout the elections."

The mission, as a passing shot, has however, recommended a simplification of the election procedures, the computerisation of the voters register and the enhancement of the organisational capacity of INEC.

It also suggested the promotion of transparency of the electoral process and the conduct of widespread education campaigns.

The AAEA/IFES mission is a 28-member delegation of African election officials, representatives of African non-governmental organisations and international election specialists.

It was led by the chairman of the Electoral Commission of Ghana, Dr. Kwadwo Afari-Gyan, who also doubles as the executive secretary of AAEA. He left for Accra, Ghana, Tuesday night.

buys 145 bikes, 40 sets for workers

Maiduguri

The state Administrator, Group Captain Lawal Haruna, had promised that the money would be used to enhance the welfare of the workers and to motivate them.

The Chairman of the state Joint Public Service Negotiations Council, Comrade Zanna Shettima, commended the government for initiating various welfare packages for the state civil servants.

Shettima, who is also the state Chairman-elect of the Nigeria Labour Congress (NLC), disclosed that government bought the 145 bicycles at the rate of N4,500 each while the 14-inch colour television sets with remote control devices were bought at N13,500 per set.

He commended the state government for initiating the owner-occupier scheme of government low cost houses.

"This, we believe is long overdue as civil servants cannot afford houses for their families. By this gesture, many civil servants will now own houses," Comrade Shettima stated.

BEATRICE OSCOTE
I formerly Mohammed Ibrahim, now **JESSY JOCKTHAN**, former documents remain valid. 19 Mechanised Battalion note.

Formerly Miss Patricia Egwu, now **MRS. PATRICIA OKOOTI**. Former documents remain valid, National Orthopaedic Hospital Enugu and public note.

Formerly Odunleye Foluke Aduke, now **MRS. FOLUKE ADUKE ADEBESIN**. Ipokia Local Government note.

Elizabeth Oluwafemi Ogunyankinnu, now **MRS. ELIZABETH OLUWAFEMI KUNLERE**. Former document remain valid. Public note.

Helen Omolara Abayomi, now **HELEN OMOLARA OLOPADE**. Public note.

Former Miss Mopelola Ogunsemowo, now **MRS. MOPELOLA LASILO**. Former documents remain valid. Police Authority note.

Formerly Miss Janet Oluwakemi Akintola, now **MRS. JANET OLUWAKEMI ABRAHAM-YAKUBU**. Former documents remain valid. New Capital School, public note.

I formerly Miss Flora Tamunotokini Karibo, now known as **MRS. FLORA TAMUNOTOKINI ALAKA**. Former documents valid general public take note.

Former Miss Oluseyi Fakeye, now **MRS. OLUSEYI OMOTUNDE-ADAMS**. Former documents remains valid. Public note.

Former Funmilola Pauline Alibalo, now **MRS. FUNMILOLA PAULINE ADEBOLA-DADA**. All other documents remain valid. Public take note.

I formerly known as Miss

Public note.

Former Latifat Adebisola Sanusi, now **LATIFAT ADEBISOLA BABAJIDE**. TSC Abeokuta note.

I formerly Miss Olubunmi Alinuke Falowo, now **MRS. OLUBUNMI ATINUKE ADEBAYO**. Pharmacists Council of Nigeria note.

Miss Tochi Francisca Chilaka, now **MRS. TOCHI FRANCISCA OKORIE**. NYSC Public note.

Formerly Miss Mirian Nkechinyere Ekpe, now **MRS. MIRIAN NKECHINYERE SMART UKAEGBU**. IMSU Public note.

Formerly Miss Azeez Basirat Ayodele, now **MRS. OBARO BASIRAT AYODELE**. LSPEB and public note.

Formerly, Miss Garba Asmau Karaye, now **MRS. ASMAU ABDUL-RAHMAN-ADO**. Former documents remain valid. NYSC note.

Formerly Shittu Kudirat Idowu, now **MRS. KUDIRAT IDOWU SULAIMON**. NYSC please note.

Formerly Edo Noah Akpan, now **ELIJAH NOAH EDEM EKONG**. Former documents remain valid. Public/UCTH please note.

Formerly Mrs. Ujoh Lydia, now **MISS. LYDIA ABE**. NITEL Ltd. and public note.

Formerly Miss Adenike Bilikisu Dada, now **MRS. ADENIKE BILIKISU OSHO**. Public note.

Udeji Beatrice Ifeoma, now **MRS. AZIUDE BEATRICE IFEOMA**. NEPA and public note.

Formerly Michael Ebor, now known as **MICHAEL EBORSON**. All documents

TOLA-GB
document note.

I formerly dressed as K now wish to be dressed as **MF CHIMENIM**. All former valid. General

Formerly Jennifer Ugo, now **MRS. JEN**. Former document take note.

Former Adekoya, now **ADEMOLA**.

I formerly **MRS. MAROK**. Former main valid. Public

OGUNL
known as M Ogunlade now as **MRS. IBIJ**. **AGBEM**. All remain valid. note.

Former Olawumi Ogburne, now **OLAWUMI**. University of Ibadan

Former Modupeola, now **BABALOLA, ENITAN**. General

Bilqis M, now **MRS. ABDULRAZA**. Lagos State,

I formerly dressed as Ag Mary, now **MARY OL**. Documents remain public note.

Formerly Olalusi, now **MODUPEOLA**. Information documents remain

USIS Washington File

04 March 1999

U.S. DEMOCRACY NGO DISCUSSES NIGERIAN PRESIDENTIAL ELECTION

(NDI is concerned with voting flaws) (760)

By Jim Fisher-Thompson
USIA Staff Correspondent

ABUJA, Nigeria -- Having completed their mission of helping monitor Nigeria's historic presidential election, two U.S. non-governmental organizations expressed their concern over flaws they witnessed in the overall balloting.

At a March 1 press conference, spokesmen for the National Democratic Institute (NDI) and The Carter Center issued a statement commending what the group felt was "the strong, widespread support of Nigerians for a rapid transition to democratic civilian rule."

Presented in part by NDI President Ken Wollack and The Carter Center's Director of Democracy Programs Chuck Costello, the statement added that "although there were many positive aspects of the presidential election, notably the peaceful conduct of polling, we are greatly concerned about evidence of serious flaws in the electoral process in certain areas of the country."

The 66 members of the NDI/Carter Center observer team were led by former U.S. President Jimmy Carter and co-led by former Nigerian President Mahamane Ousmane and former U.S. Joint Chiefs of Staff chairman General Colin Powell. Other members included former U.S. Ambassador to Nigeria Princeton Lyman, former Mayor of Washington, D.C., Sharon Pratt Kelly, scholar in Nigerian studies John Paden, and Africanist Pauline Baker.

President Carter, who observed polling stations in and around Abuja on election day February 27, returned to the United States the next day.

Other democracy NGOs in America fielded observer teams, such as the International Republican Institute (IRI) and the International Foundation for Electoral Studies (IFES). Observer teams also were put together by the Organization of African Unity (OAU), the European Union (EU), and the United Nations.

Immediately following the NDI/Carter Center briefing, the former president of Botswana, Sir Ketumile Masire, who was the chairman of an observer team from the Commonwealth, also gave a press conference.

By the time of the press conferences, the Independent National Electoral Commission (INEC) had tabulated most returns from Nigeria's voting districts, indicating that former head of state General Olusegun Obasanjo had won the election.

While his opponent Olu Falae put up a good fight and won majority votes in several states, he was not able to overtake the man many Nigerians think can keep the military in the barracks and out of active politics.

Even though the military has a sullied reputation, because of widespread corruption and misrule, the NDI/Carter Center statement noted that the group was "encouraged by the firm commitment of the present military government to adhere to their transition schedule and

to achieve a prompt hand-over to civilian rule on May 29."

It added that "throughout the [election] process we received full cooperation and support from the government, INEC, Nigerian political parties, and non-governmental organizations that monitored the electoral process."

The statement itemized a number of voting irregularities the NDI/Carter Center witnessed in 20 states and the federal capital of Abuja, including:

- inflated vote returns, especially from nine states in the southern part of the nation, which did not accord with the few numbers of voters the teams actually saw during the voting period. In general, the group estimated a turnout of only about 20 percent based on its monitoring, whereas INEC has indicated a figure as high as 48 percent for overall voter participation. The group was also disappointed at the low turnout of women for the balloting;

- ballot box stuffing seen by several team members with ballots neatly stacked in the box with sequential numbers; and

- altered tabulations, which in a number of cases meant the observers saw a small number of voters attending the accreditation phase of the process but later during the voting phase those same polling stations were claiming a larger number of voters than had earlier been accredited.

Among the recommendations the NDI/Carter Center group made were:

- INEC's role as "an effective, arms-length regulatory body that can ensure a fair and legitimate electoral process" should be strengthened.

- "Political parties should take the opportunity to build stronger links with their constituencies, and elaborate clear positions on key issues of concern to the nation. There must be a move away from the much criticized politics of money, and winner-take-all contest."

- "Efforts should be made to integrate the military into a democratic society. Civilian leaders should develop the mechanisms and knowledge needed to oversee and manage security affairs."

This was a point that General Powell frequently made when he addressed the issue of civilian-military relations in the new democratic Nigeria.

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LIBERIA'S PARTICIPATION IN THE NIGERIAN ELECTIONS

IFES

AAEA/IFES Statement on the February 27, 1999 Presidential Election in Nigeria

A 28-member joint delegation of African election officials, representatives of African non-governmental organizations and international election specialists observed the February 27 presidential election in Nigeria. This mission, headed by the Association of African Election Authorities (AAEA) and the International Foundation of Election Systems (IFES), commends all Nigerians on their commitment to the transition process which will result in the inauguration of a civilian, elected government on May 29. As a delegation focusing on the technical aspects of the administration of the election, the AAEA/IFES mission presents its observations so that the people of Nigeria are better able to assess the conduct of this election, and submits its recommendations as to steps that could be taken to strengthen the electoral process in Nigeria in order to contribute to the nation's democratic consolidation.



Chairman Paul N. Gush
telling his booklet about his warrant

The AAEA/IFES mission, led by Dr. K. Ajar-Gyan, AAEA Executive Secretary and Chairman of the Electoral Commission of Ghana, observed the conduct of the February 27 election in thirteen of Nigeria's 36 states (Adamawa, Bayelsa, Borno, Cross River, Enugu, Kaduna, Kano, Kwara, Lagos, Oyo, Plateau, Rivers and Sokoto) and in the Federal Capital Territory (FCT). The AAEA and IFES have been present in Nigeria since November 1998, when they conducted an assessment prior to the elections. AAEA/IFES missions observed the December 5, 1998 local government and the February 20, 1999 National Assembly Elections and IFES long-term monitors additionally assessed the December 12, 1998 by-elections in Rivers and the run-off elections in the FCT; the January 9, 1999 state elections; and the January 30 elections in Bayelsa state.

The AAEA/IFES team recognizes the efforts of Nigeria's Independent National Electoral Commission (INEC) to achieve a transparent electoral process. In particular, the INEC has worked to strengthen the electoral system since the first round of polling conducted in December, and has taken steps towards more open and credible elections. The INEC has demonstrated its commitment to dialogue with the political parties and has taken into account their concerns throughout these elections. Further, the INEC has opened the electoral process to the international and, more importantly, domestic observers, accrediting more than 10,000 Nigerians from civic groups throughout the country as domestic observers and extending an invitation to approximately 600 international observers, including the AAEA/IFES mission. Since the December 1998 local government elections, the INEC has clarified and added to the election procedures in response to its review of the process and to comments made by the AAEA and IFES and other observers. Of great importance has been the use of indelible ink to mark voters in the February 20 and February 27 elections - a notable safeguard against multiple voting. The step-by-step INEC poll worker manual, produced for the January and February elections, also increased the uniformity of election day procedures from polling station to polling station.

Following its observation of the February 20 National Assembly Elections, the AAEA/IFES mission made several specific recommendations concerning steps that could be taken by the INEC to strengthen the conduct of the February 27 presidential poll. AAEA/IFES mission notes that the INEC has responded positively to many of these recommendations. In particular, the AAEA/IFES observers reported:

- the increased use of indelible ink to mark voters, particularly in the rural areas of the country;
- the distribution of additional forms to record the number of accredited voters at the close of accreditation (a procedure designed to thwart additional accreditation and ballot box stuffing later in the day);
- the increased awareness on the part of election officials and the Nigerian voters as to the timing of the accreditation and voting processes;
- an enhanced effort to protect the voters' right to mark his or her ballot in secret;
- the INEC's clear guidance to election officials as to the counting of ballots in secret;
- the INEC's clear guidance to election officials as to the counting of ballots cast for the Alliance for Democracy (AD), which supported the presidential candidate fielded by the All People's Party (APP); and
- the INEC's re-distribution of the oath of office for polling for the polling officials as a reminder to its staff, both permanent and ad hoc, that they would be held liable for any election offences committed.

In its observation of the February 27 vote, the AAEA/IFES team nevertheless noted a considerable lack of adherence to the election procedures as stipulated by the INEC. In addition, the AAEA/IFES observer delegation was concerned about some cases of possible fraudulent activity, apparently resulting from collusion on the part of some election officials with agents of the political parties. The delegation's specific observations are summarized below:

ACCREDITATION:

The late distribution of sensitive materials delayed the opening of polling stations in several areas (Bayelsa state - Kolokoma/Opokuma LGA; Cross River state - Calabar Municipality; Enugu state - Aninri and Awgu LGAs; Kano state - Gabasawa LGA; and in Rivers state - Oyibo LGA). The late delivery of materials in Oyibo LGA (Rivers) resulted in simultaneous accreditation and voting. Accreditation and voting also occurred at the same time in two wards in Adamawa State (Hong LGA, Oksin and Hong Wards). In one of these cases, some voters were accredited without being marked as accredited on the voters register.

At one polling station in Kaduna state (Kajuru LGA, Ward - Code 127), the AAEA/IFES team noted five cases of accreditation of multiple voter's cards. Two individuals accredited five cards each and three individuals were in possession of two cards. The Presiding Officer of that polling station explained that the voters were accrediting cards for their family members and that the rightful holders of the voter's cards were expected to cast their vote in persons.

Despite the introduction of the series AC forms to record the number of accredited voters at the close of accreditation, the AAEA/IFES team observed that in most cases the Supervisory Presiding Officer (SPO) did not complete the AC.1 form immediately after the close of accreditation. While some of the AC forms were completed later in the day, the fact that the number of accredited voters at the close of accreditation was not immediately recorded by the SPO left open the possibility of additional accreditation or ballot box stuffing, which the forms were intended to prevent.

As with the previous elections, at none of the polling stations observed by the AAEA/IFES team did all accredited voters remain at the polling station from the time of accreditation to voting, as mandated by the INEC.

VOTING:

While the AAEA/IFES delegates noted that the application of indelible ink to mark voters was more prevalent than in February 20 elections, AAEA/IFES observers noted that the ink was not used in some polling stations in Bayelsa (Kolokoma/Opokuma LGA), Cross River (Calabar Municipality LGA, Wards 1, 4 and 9, and Calabar South LGA, Wards 1 and 10); Kwara (Ifeladun LGA, Omupo Ward; and Rivers (Eleme, Oyibo, Obio Akpor and Tai LGAs).

The AAEA/IFES team observed a stack of about 30 ballots in a ballot box at a polling station in Kaduna state (Kajuru LGA, Kajuru Ward). The Presiding Officer was not able to explain this occurrence to the observers. At many polling stations in Kolokoma/Opokuma LGA in Bayelsa state, the AAEA/IFES team observed that the voter's right to mark the ballot in secret was not respected.

At several polling stations in Kaduna state (Kajuru LGA, Kajuru and Kufana Wards), the AAEA/IFES noted voters apparently under age of 18 casting ballots. One of these voters was in possession of a voter's card of a person of 30 years of age.

COUNTING AND COLLATION:

One of the AAEA/IFES teams deployed to Kano state, expressed concern about polling station results from four of the 11 polling stations in Gabasawa LGA, Zugachi Ward, as these polling stations reported 100% voter turn-out. The AAEA/IFES observer team noted that they did not witness a high voter turn-out in this Ward throughout the day. Voter turn-out of 100% was also reported at two polling stations in Kwara state (Ifeladun LGA, Omupo Ward). In addition, the AAEA/IFES observers in Rivers noted two polling stations with 100% turn-out in Oyibo LGA Ward 4, while polling stations in that same general area showed turn-outs of 20% and below.

During counting at three polling stations in Cross River (Calabar South LGA, Ward 10), the AAEA/IFES team noted significant discrepancies in the number of accredited voters as compared to voters cast at three polling stations. Two of these stations, which were observed by the AAEA/IFES team prior to voting, reported accreditation figures of 21 and 35 respectively, but later reported 500 and 311 as having voted. The third station, with a register of 500 voters, reported 500 accredited, with 501 voters recorded on the EC.8A. Also in Cross River (Calabar South LGA, Ward 10), the AAEA/IFES team reported three polling stations which lacked EC.8A forms; consequently, the Presiding Officers recorded the results on pieces of paper.

Of serious concern to the AAEA/IFES mission was the changing of results from the polling stations as reported at the Local Government Collation Centre from one Ward in Enugu state: In Awgu LGA, Mgbowo Ward, the original EC.8B form, as submitted to the Local Government Collation by the polling stations at the Ward level.

RECOMMENDATIONS:

The AAEA/IFES observer mission recognizes the tremendous challenge faced by the INEC and the Nigerian government in making the transition from military to civilian government in the given time-frame. As noted above, the AAEA/IFES delegation to the February 27 presidential election observed numerous cases of irregularities in the implementation of the election procedures and some possible cases of electoral fraud, as also reported in previous reports and in the AAEA/IFES statement following the February 20 National Assembly elections.

The shortcomings of the electoral system and the lack of civic awareness of many Nigerians resulted in many of these irregularities and possible cases of fraud. The AAEA/IFES joint international observer mission recommends the review of the legal framework for the elections in addition to nationwide civic and voter education in advance of the future elections. Specifically, the AAEA/IFES mission recommends:

the review of the electoral

in this transition timetable, the conduct of these elections was governed by guidelines which were issued by the INEC and promulgated by Decree by the Provisional Ruling Council, in most

instances less than a week before each election day. The late release of the legal framework for the elections resulted in a limited understanding of the electoral process on the part of the Nigerian public and even on the part of the ad hoc election officials, despite the efforts of the INEC to inform the public and to train its officials. In the review of the law, consideration should also be given to the simplification of election procedures to enhance the transparency of the process and to facilitate the participation of all Nigerian citizens. The computerization of the voter register. Many of the procedures put into place in the conduct of these elections (such as the separate accreditation and voting periods) were designed to reduce the opportunities for multiple voting. The computerization of the voters register, in conjunction with photo identification cards, would greatly enhance integrity of the register. The enhancement of the organizational capacity of the INEC. A comprehensive review of the mandate and organizational structure of the INEC at national and state levels would contribute to the ability of the INEC to efficiently administer credible Elections. A detailed and ongoing training program would further develop staff professionalism. the promotion of the transparency of the electoral process. The institutionalization of the dialogue between the INEC and the political parties would encourage the transparency of the electoral process, particularly as the issues noted above are addressed. Consideration should also be given to the further development of a transparent budgeting process on the part of the INEC. the conduct of widespread civic and voter education campaigns. A comprehensive civic education program be developed and

implemented on a continuous basis, in order to ensure that citizens understand their rights and responsibilities in a democracy. Closer to the next elections a more detailed and far reaching voter education campaign should be mounted in order to explain the registration and election day procedures and the importance of being able to mark the ballot in secret and without undue influence.

The AAEA and IFES would like to extend its appreciation to the INEC and to the people of Nigeria for the warm welcome they have given since the beginning of their activities in November 1998. The AAEA and IFES look forward to continuing their support to Nigeria's transition to democracy and hope that these observations will contribute to Nigeria's efforts to strengthen the electoral system.

The Association of African Election Authorities is a membership organization of election officials and representatives of election-focused non-governmental organizations from sub-Saharan Africa dedicated to promoting the professionalization of election administration

Since its inception in 1987, the International Foundation for Election Systems, based in Washington, DC, has provided nonpartisan assistance to develop or refine election systems in more than 100 emerging and established democracies worldwide.

AAEA and IFES observation activities in Nigeria are funded by a grant from the U.S. Agency for International Development.

AAEA/IFES Joint International Observer Mission Nigerian presidential Election: February 27, 1999

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Nigeria Presidential Electoral Results

STATE	REGISTERED VOTERS	TOTAL VOTES	VOTER TURN-OUT	PDP	KOF TOTAL	APP	%
ABIA	1,321,364	535,918	40.56%	360,823	67.33%	178,095	
ADAMAWA	1,259,543	845,107	67.10%	667,239	78.96%	177,868	
AKWA IBOM	1,450,367	883,278	60.90%	730,744	82.73%	152,534	
ANAMBRA	1,605,030	833,178	51.91%	633,717	76.06%	199,461	
BAUCHI	1,899,154	1,178,541	61.95%	834,308	70.91%	342,233	
BAYELSA	497,333	610,032	122.66%	457,812	75.03%	269,043	
BENUE	1,798,337	1,252,967	69.67%	983,912	78.53%	334,053	
BORNO	1,650,943	915,975	55.47%	581,382	63.47%	283,458	
CROSS RIVER	1,091,930	876,156	80.24%	592,688	67.65%	240,344	
DELTA	1,547,685	816,574	52.76%	576,230	70.57%	240,344	
EBONYI	902,327	345,921	38.34%	250,587	72.56%	84,934	
EDO	1,414,511	679,784	48.06%	516,581	75.99%	163,203	
ENITI	1,075,278	713,650	66.37%	191,618	26.85%	195,168	
ENUGU	1,468,472	835,586	56.98%	640,418	76.64%	311,381	
GOMBE	1,113,734	844,539	75.83%	533,158	63.13%	314,339	
IMO	1,627,933	736,105	45.22%	421,767	56.79%	237,025	
JIGAWA	1,568,423	548,596	34.98%	311,571	56.79%	381,350	
KADUNA	3,685,405	1,676,029	45.43%	1,294,679	77.25%	222,456	
KANO	3,680,990	904,713	24.58%	682,266	75.41%	222,456	
KATSINA	2,736,067	1,193,397	43.69%	964,216	80.80%	172,336	
KEBBI	1,187,171	512,223	42.89%	309,893	60.36%	172,336	
KOGI	1,265,442	584,710	46.22%	507,803	86.35%	478,807	
KWARA	940,425	659,558	70.14%	470,510	71.33%	189,068	
LAGOS	4,093,143	1,751,581	42.80%	209,012	11.93%	1,542,569	
NASSARAWA	702,021	597,008	85.04%	423,731	70.96%	173,277	
NIGER	1,553,303	871,133	56.08%	730,665	83.86%	140,465	
OGUN	1,592,502	475,504	29.88%	143,564	30.17%	337,340	
ONDO	1,333,617	801,797	60.12%	133,323	16.63%	668,474	
OSUN	1,495,058	784,639	52.43%	187,011	23.83%	607,628	
OYO	2,397,270	921,178	38.43%	227,668	24.71%	693,510	
PLATEAU	1,313,603	672,442	51.19%	499,072	74.22%	173,370	
RIVERS	1,778,583	1,565,633	88.03%	1,352,275	86.37%	213,358	
SOKOTO	1,249,311	354,427	28.33%	155,598	43.90%	198,829	
TARABA	879,031	871,032	99.09%	189,743	21.67%	681,289	
YOB	877,582	311,576	35.50%	148,517	47.02%	165,060	
ZAMFARA	1,113,428	353,079	31.71%	136,324	38.61%	216,755	
FCT	384,277	99,222	25.77%	59,724	59.87%	39,498	
GRAND TOTAL	87,339,523	22,828,141	26.13%	18,736,154	82.06%	4,091,987	

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International Foundation for Election Systems

African Delegation to Observe National Elections in Nigeria

February 16, 1999

ABUJA, NIGERIA - The following document was released by the International Foundation for Election Systems: In response to Nigeria's invitation to international election observers, a 12-person delegation from the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) will arrive in Nigeria today to observe the nation's National Assembly elections on February 20.

A 28-member AAEA/IFES delegation will also observe the February 27 presidential election. The AAEA is a membership organization of election administrators and representatives of non-governmental organizations (NGO) from sub-Saharan Africa, dedicated to the professionalization of election administration. IFES, a Washington, DC-based NGO, provides nonpartisan assistance to develop or refine election systems in emerging and established democracies around the world. The AAEA and IFES also observed the local government and state-level elections in December and January in Nigeria.

"As African election officials and election experts with vast, practical experience in the administration of elections, the AAEA/IFES delegation is unique," noted Dr. K. Afari-Gyan, Executive Secretary of the AAEA and Chairman of the Electoral Commission of Ghana. He added, "Our sustained involvement in Nigeria demonstrates a long-term commitment to supporting transparent and credible elections in Nigeria."

Led by Dr. K. Afari-Gyan, delegates on the AAEA/IFES mission to the February 20 elections include the following AAEA members:

- Benin: Francis Oke, Consultant, GERDDES-Benin
- Ghana: Angela Neeguaye, Electoral Commission
- Liberia: Paul N. Guah, Chairman, Elections Commission

- Uganda: Flora Nkurukenda, Deputy Chairperson, Electoral Commission; Lino Musana, Electoral Commission

- Zimbabwe: Mabel Sikhosana, Deputy Director, ZimRights

Also participating in the mission are the following IFES representatives: Simon Clarke, Program Manager/Nigeria; Kendall Dwyer, Projects Coordinator/Nigeria; Susan Palmer, Program Officer, IFES/Washington; Valeria Scott, Program Assistant, IFES/Washington; and Caroline Vuillemin, Program Assistant, IFES/Washington.

Additional AAEA members and IFES representatives will join the delegation for the presidential election on February 27. AAEA/IFES observers of the February 27 elections will include additional election officials such as Samuel Kivuitu, Chairman of the Election Commission of Kenya, and Cheikh Gueye, Director-General of Elections in Senegal.

IFES will maintain its presence in Nigeria after the February elections to continue to monitor the ongoing electoral process and the transition to the elected government. IFES and AAEA activities in Nigeria are supported by the U.S. Agency for International Development. Further information on AAEA and IFES activities in Nigeria, as well as information on the Nigerian elections, can be found on the IFES website at www.ifes.org.

CONTACT: Torie Keller/Washington, +1-202-828-8507 Susan Palmer/Abuja, +234-9-523-1811 x164 Susan Palmer/Lagos, +234-1-497-8661 x140; IFES 1101 15th Street, NW Suite 300 Washington, DC USA +1-202-828-8507 phone +1-202-452-0804 facsimile torie@ifes.org

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the International Foundation for Election Systems

Presidential Election in Nigeria

March 2, 1999

ABUJA, NIGERIA - The following document was released by the International Foundation for Election Systems (IFES): ABUJA, NIGERIA (March 2, 1999) - A 28-member joint delegation of African election officials, representatives of African nongovernmental organizations and international election specialists observed the February 27 presidential election in Nigeria.

This mission, fielded by the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES), commends all Nigerians on their commitment to the transition process which will result in the inauguration of a civilian, elected government on May 29.

As a delegation focusing on the technical aspects of the administration of the election, the AAEA/IFES mission presents its observations to help the people of Nigeria assess the conduct of this election, and to contribute to the nation's democratic consolidation by submitting recommendations that could be taken to strengthen the electoral process in Nigeria.

The AAEA/IFES mission, led by Dr. K. Afari-Gyan, AAEA Executive Secretary and Chairman of the Electoral Commission of Ghana, observed the conduct of the February 27 election in thirteen of Nigeria's 36 states (Adamawa, Bayelsa, Borno, Cross River, Enugu, Kaduna, Kano, Kwara, Lagos, Oyo, Plateau, Rivers and Sokoto) and in the Federal Capital Territory (FCT). The AAEA and IFES have been present in Nigeria since November 1998, when they conducted an assessment prior to the elections.

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The AAEA/IFES mission notes that the INEC has responded positively to many of these recommendations. In particular, the AAEA/IFES observers reported:

- * the increased use of indelible ink to mark voters, particularly in the rural areas of the country;
- * the distribution of additional forms to record the number of accredited voters at the close of accreditation (a procedure designed to thwart additional accreditation and ballot box stuffing later in the day);
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In addition, the AAEA/IFES observer delegation was concerned about some cases of possible

fraudulent activity, apparently resulting from collusion on the part of some election officials with agents of the political parties. The delegation's specific observations are summarized below.

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The late delivery of materials in Oyigbo LGA (Rivers) resulted in simultaneous accreditation and voting. Accreditation and voting also occurred at the same time in two wards in Adamawa State (Hong LGA, Daksiri and Hong Wards).

In one of these cases, some voters were accredited without being marked as accredited on the voter's register

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At several polling stations in Kaduna state (Kajuru LGA, Kajuru and Kufana Wards), the

AAEA/IFES noted voters apparently under the age of 18 casting ballots. One of these voters was in possession of a voter's card of a person of 30 years of age.

Counting and Collation: One of the AAEA/IFES teams, deployed to Kano state, expressed concern about polling station results from four of the 11 polling stations in Gabasawa LGA, Zugachi Ward, as these polling stations reported 100% voter turn-out.

The AAEA/IFES observer team noted that they did not witness a high voter turnout in this Ward throughout the day. Voter turnout of 100% was also reported at two polling stations in Kwara state (Ifeledun LGA, Omupo Ward).

In addition, the AAEA/IFES observers in Rivers noted two polling stations with 100% turnout in Oyibgo LGA, Ward 4, while polling stations in that same general area showed turnouts of 20% and below.

During counting at three polling stations in Cross Rivers (Calabar South LGA, Ward 10), the AAEA/IFES team noted significant discrepancies in the number of accredited voters as compared to votes cast at three polling stations. Two of these stations, which were observed by the AAEA/IFES team prior to voting, reported accreditation figures of 21 and 35 respectively, but later reported 500 and 311 as having voted.

The third station, with a register of 500 voters, reported 500 accredited, with 501 votes recorded on the EC.8A. Also in Cross River (Calabar South LGA, Ward 10), the AAEA/IFES team reported three polling stations that lacked EC.8A forms; consequently, the Presiding Officers recorded the results on pieces of paper.

Of serious concern to the AAEA/IFES mission was the changing of results from the polling stations as reported at the Local Government Collation Centre from one Ward in Enugu state.

In Awgu LGA, Mgbowo Ward, the original EC.8B form, as submitted to the Local Government Collation Centre, differed significantly from the results as submitted by the polling stations at the Ward level.

RECOMMENDATIONS The AAEA/IFES observer mission recognizes the tremendous challenge faced by the INEC and the Nigerian government in making the transition from military to civilian government in the given timeframe.

As noted above, the AAEA/IFES delegation to the February 27 presidential election observed numerous cases of irregularities in the implementation of the election procedures and some possible cases of electoral fraud - this was also previously reported in the AAEA/IFES statement following the February 20 National Assembly elections.

The shortcomings of the electoral system and the lack of civic awareness of many Nigerians resulted in many of these irregularities and possible cases of fraud.

The AAEA/IFES joint international observer mission recommends the review of the legal framework for the elections in addition to nationwide civic and voter education in advance of the future elections. Specifically, the AAEA/IFES mission recommends: * the review of the electoral law; In this transition timetable, the conduct of these elections was governed by guidelines that were issued by the INEC and promulgated by Decree by the Provisional Ruling

Council, in most instances less than a week before each election day.

The late release of the legal framework for the elections resulted in a limited understanding of the electoral process on the part of the Nigerian public, and even on the part of the ad hoc election officials, despite INEC efforts to inform the public and to train its officials. In the review of the law, consideration should also be given to the simplification of election procedures to enhance the transparency of the process and to facilitate the participation of all Nigerian citizens.

- * the computerization of the voter register; Many of the procedures put into place in the conduct of these elections (such as the separate accreditation and voting periods) were designed to reduce the opportunities for multiple voting. The computerization of the voters register, in conjunction with photo identification cards, would greatly enhance the integrity of the register.

- * the enhancement of the organizational capacity of the INEC; A comprehensive review of the mandate and organizational structure of the INEC at national and state levels would contribute to the ability of the INEC to efficiently administer credible elections. A detailed and ongoing training program would further develop staff professionalism.

- * the promotion of the transparency of the electoral process; and The institutionalization of the dialogue between the INEC and the political parties would encourage the transparency of the electoral process, particularly as the issues noted above are addressed. Consideration should also be given to the further development of a transparent budgeting process on the part of the INEC.

- * the conduct of widespread civic and voter education campaigns; A comprehensive civic education program should be developed and implemented on a continuous basis, in order to ensure that citizens understand their rights and responsibilities in a democracy. Closer to the next elections a more detailed and far reaching voter education campaign should be mounted in order to explain the registration and election day procedures and the importance of being able to mark the ballot in secret and without undue influence.

The AAEA and IFES would like to extend its appreciation to the INEC and to the people of Nigeria for the warm welcome they have been given since the beginning of their activities in November 1998. The AAEA and IFES look forward to continuing their support to Nigeria's transition to democracy and hope that these observations will contribute to Nigeria's efforts to strengthen the electoral system.

Since its inception in 1987, IFES has provided nonpartisan assistance to develop or refine election systems in more than 100 emerging and established democracies worldwide.

The AAEA is a membership organization of election officials and representatives of election-focused nongovernmental organizations from sub-Saharan Africa dedicated to promoting the professionalization of election administration.

Additional information on AAEA and IFES activities in Nigeria, as well as information on the Nigerian elections, can be found on the IFES website at www.ifes.org.

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In 1997, General Sani Abacha, Nigeria's military ruler, promised an imminent return to civilian rule. He announced that elections would be held in August 1998, that the country's parliament-- which he had dissolved four years earlier-- would be reinstated, and that a new constitution would be written for the new civil regime.

But as political parties registered for the elections, it quickly became apparent that the promised elections would be a farce. Only five of the fifteen parties applying to contest the elections were approved by the Abacha government, and all five eventually chose Abacha himself as their candidate.

This state of affairs was radically altered when Abacha suddenly died in June 1998. His former chief of staff and successor, General Abdusalam Abubakar, responded to international demands that fair elections be held. Abubakar dissolved the Abacha cabinet and all five parties that had nominated him, released ten political prisoners --including future Presidential candidate Olusegun Obasanjo --and announced a new transition timetable.

The first step, the formation and registration of new political parties, was completed in late October 1998. The Independent National Electoral Commission qualified nine out of 23 potential parties to participate in the elections. INEC's choice was based on the parties' national support bases. It disqualified those groups that emphasized regional or ethnic divisions or interests, on the grounds that such parties threatened national unity.

Elections were structured over four successive rounds. Municipal officials would be elected on December 5th, after which eligible parties would be further reduced to three. Elections for

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[INEC issues statistical details on presidential polls](#)

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[Abdullahi, Musdapher, three others in polls court](#)

The Guardian (Lagos), 19Mar99

[Petition: PDP, INEC prepare defence](#)

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[Falae to appeal polls result today](#)

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The Guardian (Lagos), 3/11/99

[I won by 84,000 votes, says Falae](#)

The Vanguard, 3/11/99

[Why I must challenge polls results, by Falae](#)

The Guardian (Lagos), 3/10/99

[Clinton hails Obasanjo, Falae, Abubakar](#)

The Vanguard, 3/9/99

[Supporters meet Falae over options for protest](#)

state governments would follow on January 9th. Finally, the races for seats in the national parliament and the Presidency would be decided on February 20th and 27th respectively.

The December elections were overwhelmingly carried by the People's Democratic Party (PDP), a center-left coalition formed by well-known politicians and military leaders. The other two parties approved by INEC to contest further elections were the All People's Party (APP), comprised of businessmen and former Abacha supporters, and the Alliance for Democracy (AD), a party founded by the National Democratic Council (NADECO), an anti-Abacha, non-governmental association popular with the Yoruba people in Nigeria's Southwest region.

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In the January elections for state government, the PDP again proved itself the dominant party, winning just over 50 percent of the popular vote, and the governors' seats in 21 of Nigeria's 36 states. The APP finished in second place, with approximately 36 percent of the vote, winning the governorships in nine states. The AD swept the six states in which the Yoruba are the ethnic majority.

Following the state elections, the parties began to prepare for the national contest. To the surprise of many observers, the APP and AD soon announced that they would field a joint candidate to better challenge the PDP. The alliance was viewed as proof that "politics makes strange bedfellows."

The two parties appeared to have very little in common. The APP was ideologically conservative, aligned with many of Abacha's programs, while the AD was a leftist party --the ideological antithesis of Abachism. The APP was strong in the nation's Northern, Muslim region; the AD controlled the Christian Southwest. The two found common ground in their choice of a presidential nominee,

The Guardian (Lagos), 3/9/99

Falae vows to contest election results
The Vanguard, 3/3/99

Obasanjo to the nation: Nigeria Will Rise Again
Tempo, 3/3/99

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In Abacha's Dungeon: Interview with Obasanjo
Newswatch Magazine, 1/30/99

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Resources

Chief Olu Falae. Falae, a Yoruba, had a reputation as a talented economist. As a finance minister in the cabinet of former military ruler Ibrahim Babangida, he had helped devise and implement a structural adjustment program (SAP) that would qualify Nigeria for assistance from the International Monetary Fund and the World Bank. While these programs were not popular with the Nigerian people, they did serve to bolster Falae's reputation in the international community and improve his credibility as a potential leader.

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Falae's nomination was not uncontroversial within the ranks of either of the two parties that supported him. Many in the AD thought another candidate, Chief Bola Ige, would be a better representative of the leftist political and economic ideals that the AD purported to champion. And in the APP, some party leaders resented being passed over for a man who was identified with the Yorubas and the AD. Though there was a broad national consensus that the next Nigerian president should be a Southerner, many Northern politicians resented this and were determined to push their candidacies.

Falae's competitor was announced at a national convention of the PDP on February 13th. General Olusegun Obasanjo, a former military leader of the country, was picked by around three-fourths of the delegates. It is assumed that the delegates picked Obasanjo for both his democratic and military credentials --a combination that makes him a credible candidate both to the power structure and to many citizens. Obasanjo had assumed power in 1976, following the assassination of General Murtal Muhammed, the previous head of state. He spent much of his three years in power preparing to hand his government over to civilians in what would be known as the "Second Republic." It was the only time in Nigerian history that a military ruler

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willfully transferred power to an elected President.

Obasanjo's main rival for the 1999 PDP nomination was Dr. Alex Ekwueme, one of the men for whom Obasanjo had stepped down two decades earlier. Ekwueme was the Nigeria's Vice President during the Second Republic, in the administration of Shegu Shagari.

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When the PDP gave the nod to Obasanjo, it was feared that the move might weaken support for the party in the Southeast --a potential swing region. The Ibo might desert the party if their native son Ekwueme were passed over for Obasanjo, who was a high ranking officer in the Nigerian Army during the civil war.

But such fears were at least partially dispelled when the results of the elections for National Assembly came in. The PDP again had the best showing, and won an absolute majority in both Houses, and was the most popular party in the Southeast. Some East/West border states, though, had gone over to the AD/APP alliance

Obasanjo easily carried the presidential elections on February 27th, with 63% of the popular vote. But international observers discovered evidence of vote-rigging that called the legitimacy of the vote into question; a team led by former President Jimmy Carter found that in one district, 500 votes were counted for the PDP despite the fact that only 50 individuals had been registered to vote. Olu Falae and the parties that had backed him protested these irregularities, but INEC declared the results valid. In the wake of its decision, some rioting broke out in the streets of Lagos, an AD stronghold.

With the elections over and a winner certified, another question is causing some concern: where is the Constitution? It is unclear whether

Abubakar plans for the new government to operate under an earlier version of the Constitution (versions drafted in 1979 and 1989 are available), or one that Abacha and the military had drafted in 1995. Some sources claim that language will be taken from each of these documents and woven into a new Constitution, but as yet no one knows for sure.

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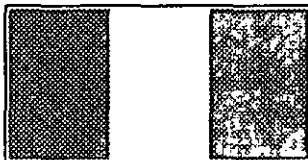


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NIGERIAN ELECTION INFORMATION

INEC Timetable for Electoral Activities	INEC Guidelines for Election into the Office of President and the National Assembly (PDF-22kb)	INEC Background Information	INEC Code of Conduct for Foreign Observers
IFES in Nigeria	Association of African Election Authorities (AAEA)	AAEA/IFES Observer Delegation List	AAEA/IFES Press Releases
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General information on IFES is also available in: [Español](#), [Russian](#).

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Building credibility without a constitution

By Michael Boda

While Nigerians edge their way toward democracy under a "Transition to Civil Rule" decree pushed forward by the country's current head of state and military leader, Gen. Abdulsalami Abubakar, the legal foundation for their right to vote is unique among most other democracies.



Nigeria currently lacks a constitution, complicating the work of election officials who often find their mandate for running an election in this creed.

With this in mind, Nigeria's Independent National Electoral Commission (INEC) has devised a solution that has offered credibility to the electoral process among candidates, political parties and voters in advance of the transition of power scheduled for May 29, 1999.

Comparing Nigeria to other countries

In the United States, the Constitution assures universal suffrage among citizens. Article XV states that the right to vote will not be denied based on race, color or previous condition of servitude. Article XIX enshrines the vote for women.

In India, the world's largest democracy, the right to vote for all adults is described in that country's constitution, which was adopted in 1950.

South Africa, a newer democracy, first laid the foundation for universal adult suffrage in a constitution passed in preparation for its premier democratic elections held in April 1994.

In each of these countries, a constitution provides the principal direction for electoral legislation, regulations and codes of conduct that direct the voting process.

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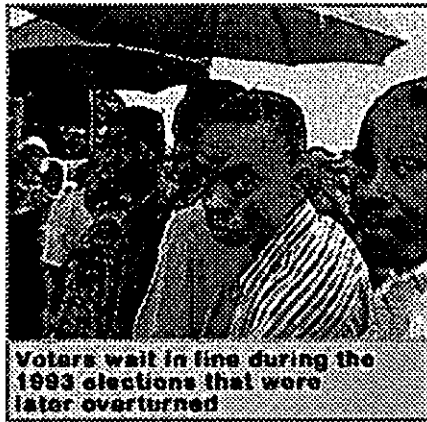
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This has not been the case in Nigeria, however, where progress on assembling a constitution moved slowly until the death of the country's former military leader, Gen. Sani Abacha, in June 1998.

Abacha's successor, Abubakar, has since quickened the pace by appointing a Constitutional Debate Commission to complete a

document based on two earlier attempts -- one from the Abacha era and another from the last period of civilian rule in Nigeria, which lasted from 1979 to 1983.

Once completed, the Nigerian Constitution will undergird the transition to civilian rule. Still, a constitution will not be available to lend credibility to the elections scheduled in advance of the May transition. Elections for local governments, governors and state assemblies, the National Assembly and president, all will have been held without a constitutional mandate.

International declarations offer support

While conducting elections may not be backed by a constitution in Nigeria, international law certainly reinforces the process. The Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948, lists a variety of basic rights and freedoms, including the right to vote.

According to Article 21, "[E]veryone has the right to take part in the government of his country, directly or through freely chosen representatives. ... The will of the people shall be the basis of the authority of the government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

This document is not in itself binding, but it "has acquired the status of customary international law in terms of the broad respect it enjoys," say Harry Barnes and David Carroll in an Elections Today article that focuses on voting as a human right.

In addition, Nigeria is a party to the International Covenant on Civil and Political Rights, a subsequent agreement that embodies the concepts outlined in the Universal Declaration.



Article 25 of the Covenant states, "Every citizen shall have the right and the opportunity ... a) To take part in the conduct of public affairs, directly or through freely chosen representatives; b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; c) To have access, on general terms of equality, to public service in his country."

'Electoral guidelines' issued

While international law is important, its practical impact is often quite limited. Without a constitution, the Independent National Electoral Commission has been forced to devise an alternative legislative tool until a new constitution is assembled and accepted by Nigerians.

To bridge the gap, the Commission has released a series of "electoral guidelines" that describe the overall direction most often outlined in a constitution and provide the basic ground rules typically found in election law.

The guidelines include the basic parameters for the election and the qualifications for candidates, political parties and voters. Further, they outline that voting will be by secret ballot and describe the voting regulations to be followed on election day.

Helping poll workers

For the three elections held since December, electoral guidelines issued by the Commission have won the support of the public. The candidates, parties and voters have generally accepted them as the "rules of the game."



Step-by-step directions have been developed to assist poll workers

The elections could not have been implemented, however, without further detail being offered on the voting process. Poll workers tasked with managing the vote at individual polling stations on election day require step-by-step guidance that simply is not found in the electoral guidelines.

For the Nigerian National Assembly and presidential

elections, INEC and the International Foundation for Election Systems (IFES) have created a "Manual for Poll Officials" that offers this fundamental direction.

Created with financial assistance from Canada and Britain, an inaugural version of this manual was published for the governorship and state House of Assembly elections in January 1999. Based on feedback from poll workers, the publication was improved and updated for the most recent round of elections.

After 15 years of military rule, Nigeria's INEC has assembled an initial voting system for the country's transitional elections that can facilitate the transfer of power from a military to civilian government on May 29.

While the timelines have been short, the infrastructure assembled has thus far proven credible during the elections leading to the presidential race scheduled for February 27.

Clearly, the legal framework necessary for maintaining democratic electoral practices in the long term -- including a constitution, election law and regulations -- is not yet in place. Still, Nigerians have made notable progress toward this eventual goal.

Michael Boda is editor of Elections Today and deputy director of the F. Clifton White Resource Center at IFES, the International Foundation for Election Systems.

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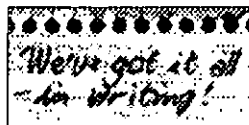
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Related sites on Nigeria

(CNN) -- As Nigeria moves toward democracy, the Internet has taken notice. There is no shortage of sites, both official and personal, that detail the latest news, debates and campaign information about the elections. Here are several to get you started:



- [International Foundation for Election Systems \(IFES\)](http://www.ifes.org/) -- This private, nonprofit organization established in 1987 has provided technical and other assistance concerning elections in more than 90 countries
 - [IFES Election Monitoring and Observation for Nigeria](#)
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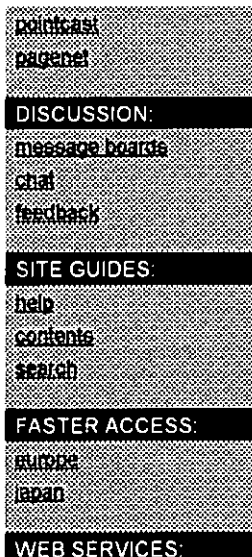
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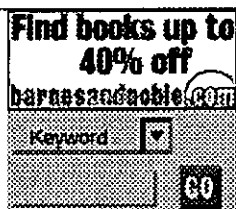
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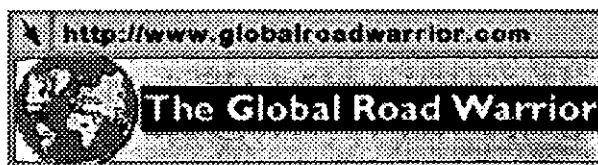
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- Nigeria.com -- News, political discussions and an election chat room cater to the upcoming elections
- Lagos-Online -- Detailed information about Nigerian government, election, business, news and travel
 - Lagos-Online election news
- African News Service -- Nigeria -- Weekly news archive and special section on "Nigeria After Abacha"
- ShellNigeria.com -- Information about the company's operations in Nigeria
- Nigeria Action Newsgroup -- Information and opinion about the presence of Shell in Nigeria



- Global Road Warrior: Nigeria -- Information about Nigerian communications, business services, technical support and Internet connections
- MBendi Information for Africa: Nigerian Oil Industry -- Profiles of the oil industry in Nigeria with background information, links and search functions



- Index on Africa -- Information about Nigerian culture, economy, human rights and politics
- TIME on Nigeria -- Story on the next generation of leadership in Nigeria

Nigerian political links:

- Falae.org -- Official site for presidential candidate Olu Falae
- Obasanjo-Campaign.com.ng -- Official site for People's Democratic Party presidential candidate Olusegun Obasanjo
- APPNigeria.org -- Official site for All Peoples Party of Nigeria
- AllianceForDemocracy.com -- Official site for Alliance for Democracy

Nigerian election guidelines:


- [Administration and Cost of Elections \(ACE\) Project](#) -- including background on electoral systems, legislative frameworks, and electoral management
- [U.N. Universal Declaration of Human Rights](#) -- United Nations
- [International Covenant on Civil and Political Rights](#) -- Tufts University
- [Electoral guidelines for the National Assembly and presidential elections](#) -- International Foundation for Election Systems (IFES)
- [Manual for Poll Officials for the National Assembly and Presidential Elections](#) -- International Foundation for Election Systems (IFES)
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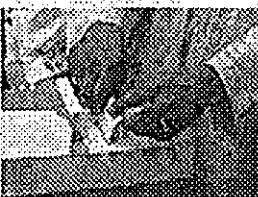
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FULL TEXT OF IFES REPORT**Pre-election Stories and Analysis:****Dream of democracy sprouts in shadow**

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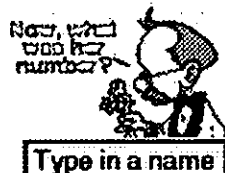
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- Nigerian vote pivotal to Africa's future
- Building credibility without a constitution



- Nigeria election commission background information
- Association of African Election Authorities
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Parliamentary election (June 29 & July 6 & 13, 1997)

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Presidential election (April 19, 1998)

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Parliamentary election (September 12-13, 1998)

Presidential election (September 12-13, 1998)

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Presidential election (June 15, 1997)

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Presidential election (February 15, 1998)

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Parliamentary election (November 13-14 & 20-21, 1998)

Parliamentary election (June 19-20, 1998)

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Parliamentary election (May 10 & 24, 1998)

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Parliamentary election (August 27, 1998)

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Wales referendum (September 18, 1997)		

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JORDAN	Legislative election (November 4, 1997)
SYRIA	Parliamentary election (November 30, 1998)

**SOURCE: INTERNATIONAL FOUNDATION FOR ELECTION
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Nigeria (Parliamentary)

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COUNTRY	ELECTION TYPE	DATE
Federal Republic of Nigeria	Parliamentary	February 20, 1999

At stake in this election:

- Seats in the Senate: 109
- Seats in the House of Representatives: 360

Description of government structure:

- Chief of State and Commander in Chief of the Armed Forces: General Abdulsalami ABUBAKAR. General ABUBAKAR obtained power upon the June 1998 death of military ruler General Sani ABACHA.
- Parliament: Nigeria's bicameral parliament, the National Assembly, is composed of the Senate and the House of Representatives. Members of both the Senate and the House are directly elected for four-year terms.
- Total number of seats in the Senate: 109
- Total number of seats in the House of Representatives: 360

Main parties in the electoral races:

- **Party: People's Democratic Party (PDP)**
Leaders: Olusegun OBASANJO, Solomon LAR, Alex EKWUEME
- **Party: All People's Party (APP)**
Leader: Mahmud WAZIRI
- **Party: Alliance for Democracy (AD)**
Leader: Solomon Oluyemi FALAE
- Note: In July 1998, General ABUBAKAR announced the dissolution of the five political parties recognized by the previous government of General ABACHA. To meet eligibility requirements for the February 1999 National Assembly elections, a party must have received at least five percent of the votes cast in 24 of the 36 federal states in the December 5, 1998, local government elections.

When was the last election? Number of seats in last election?

- Legislative elections last held: July 4, 1992
- Seats decided in the 1992 election to the Senate: 90
- Seats decided in the 1992 election to the House of Representatives: 300

Note: Elections to the National Assembly were also held on April 25, 1998. The 1998 elections, however, have since been declared invalid.

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1998. The 1998 elections, however, have since been declared invalid.

Population and number of registered voters:

- Population: 108,000,000 (approx.)
- Number of registered voters: 60,000,000 (approx.)

Of interest:

- General ABUBAKAR's military regime is scheduled to hand over governing power to an elected civilian government on May 29, 1999.
- The February 20, 1999, National Assembly elections are part of a series of polls in Nigeria, beginning with local elections on December 5, 1998, and culminating with the election for Nigeria's civilian president on February 27, 1999.
- The National Assembly elections are being organized and administered by the recently created Independent National Election Commission (INEC).

SOURCE: INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS (IFES)

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Nigeria (Presidential)



COUNTRY	ELECTION TYPE	DATE
Federal Republic of Nigeria	Presidential	February 27, 1999

At stake in this election:

- The office of the president of Nigeria

Description of government structure:

- The president is directly elected by simple majority vote for a four-year term.

Results of election for president:

- **Presidential Candidate: Olusegun OBASANJO**
 Party: People's Democratic Party (PDP)
 Valid Votes Received: 18,738,154
 Percent of Valid Votes Received: 62.78%
- **Presidential Candidate: Samuel Oluyemi FALAE**
 Parties: Alliance for Democracy (AD) and All People's Party (APP)
 Valid Votes Received: 11,110,287
 Percent of Valid Votes Received: 37.22

When was the last presidential election?

- Last presidential election held: June 12, 1993
- On November 17, 1993, General ABACHA assumed power through a military coup.

Population and number of registered voters:

- Population: 108,000,000 (approx.)
- Number of registered voters: 60,000,000 (approx.)

Of interest:

- General ABUBAKAR's military regime is scheduled to hand over power to an elected civilian government on May 29, 1999.
- The February 27, 1999, presidential election was the last of a series of polls in Nigeria which began with local elections on December 5.
- The presidential elections were organized and administered by the recently created Independent National Election Commission (INEC).

SOURCE: INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS (IFES)

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Appendix VII

Akpata commends observers

Churchill Umoren, Abuja

THE Chairman of the Independent National Electoral Commission (INEC), Justice Ephraim Akpata, has commended the role of the international observers in the just concluded transition programme.

He gave this commendation Monday night at a cocktail party in honour of the international election observers.

According to Justice Akpata the comments, reports and advice of the observers, assisted INEC in the correction of some lapses in previous elections.

The INEC boss explained: "We organised the party, to show appreciation to various international observer groups for the crucial role they played in the electoral process within the last six months.

Justice Akpata added that their reports contributed immensely to the success of the elections.

Responding on behalf of the observers, former Botswana president, Sir Ketumile Masire, who headed the Commonwealth observer mission, thanked the INEC for the invitation to international observers to monitor the elections.

According to him, observers had the opportunity to witness the elections first hand in all the states of Nigeria.

Their general belief, he noted further was that the elections were largely successful.

In a similar development, the leader of a United Nations delegation, Mrs. Carina Perelli, has expressed delight that all the elections scheduled for the transition were concluded.

Women prepare for 2003 elections

Akpandem James, Port Harcourt

WOMEN in the country are already mobilising for active participation in the 2003 elections as the Women Opinion Leaders Forum (WOLF) embarks on grassroots mobilisation campaign.

The programme tagged: "300,000 for 2003" launched last month in Abuja by its leader, Hajiya Laila Dogonyaro, is principally aimed at educating, encouraging and mobilising women towards effective participation in future democratic processes.

Apart from carrying out enlightenment programmes,

WOLF henceforth would sensitize policies of women participation in politics, promote democratic participation, support female candidates at every level of election, train and mobilise 300,000 women who would favour victory for female candidates in the year 2003.

According to the State Mobiliser of Women, Dame Valerie Young, "the organisation has decided the project because of the drop in female participation in the politics of the present dispensation."

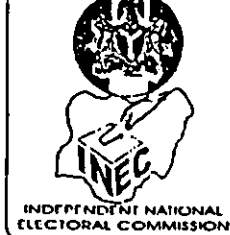


Appendix VIII



INDEPENDENT NATIONAL ELECTORAL COMMISSION

INEC-HEADQUARTERS
Plot 436, Zambezi Crescent, Maitama District A5,
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23rd February, 1999

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I write to inform you that the Commission has approved an additional responsibility for the Supervisory Presiding Officers (SPO) as follows:-

- (a) While going round the polling units under his supervision, the SPO using the above prescribed form is to record the number of accredited voters at the close of accreditation i.e at 11.00 a.m.;
- (b) The information is to be lifted from the entry made by the Presiding Officer (PO) on the prescribed form EC8A;
- (c) Thereafter, the SPO, the PO and the Party Agents present will sign the form as appropriate, and
- (d) Finally, the SPO will then deliver the already signed form to the Collation Officer who in turn will cross-check (compare) the information contained thereon with the one on form EC 8A as submitted.

2. Please, ensure STRICT compliance. You will endeavour to ensure that the information is disseminated to all concerned.

3. Thank you.

A handwritten signature in black ink, appearing to read 'ADAMU BAWA MU'AZU', written in a cursive style.

(ALHAJI ADAMU BAWA MU'AZU)
SECRETARY,
for: CHAIRMAN, INEC.

: SECRETARY.
INEC HQTRS.ABUJA.

TO : ALL REL.

REF. NO. INEC/SEC/015/VOL. 1/99/282

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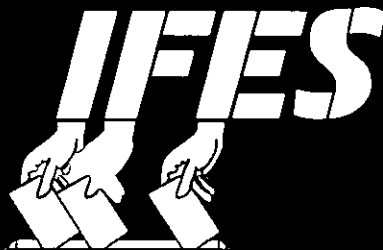
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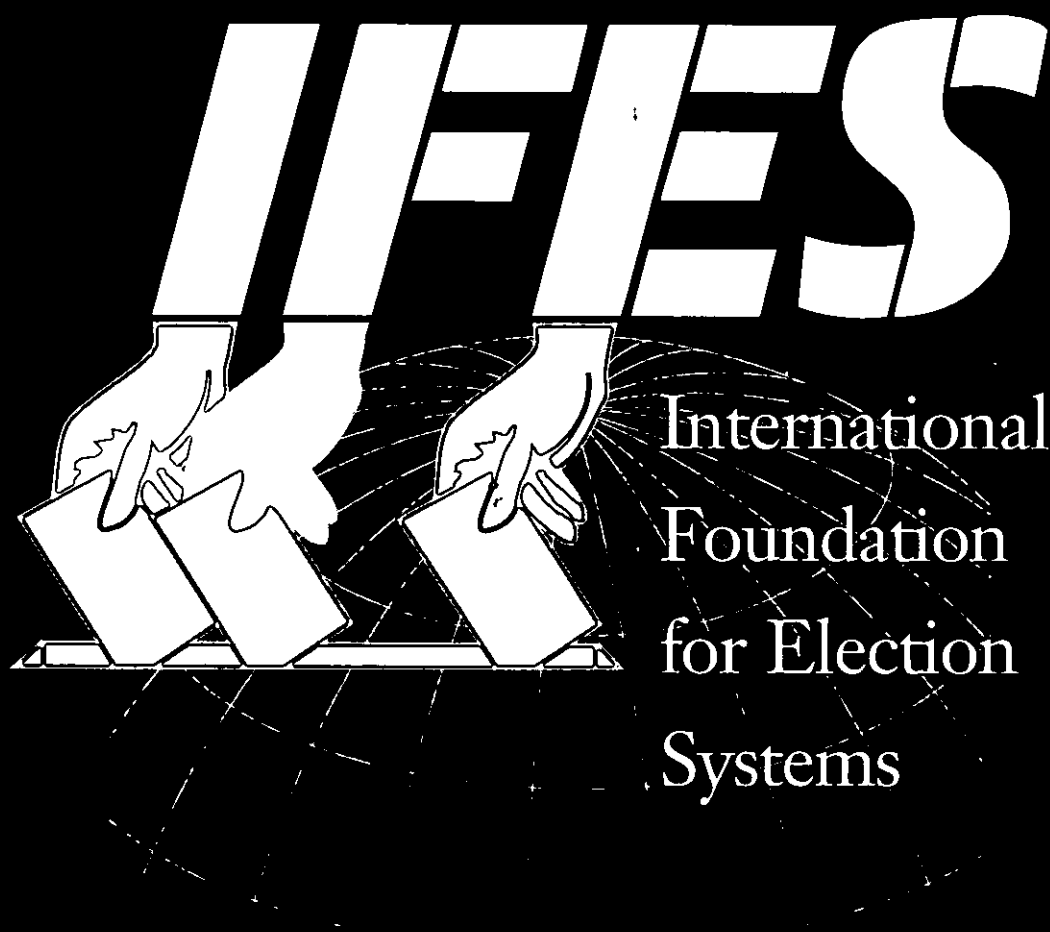
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**Local Government Elections in Nigeria:
December 5, 1998**

**The Report of the AAEA/IFES Joint International
Observer Mission**

Simon Clarke, Trefor Owen and
Susan L. Palmer

January 1, 1999

*This project has been made possible through funding from the United States Agency
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Chapter 1

Executive Summary

The Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) undertook a joint mission to observe the December 5, 1998 local government elections in Nigeria. This mission was informed by an AAEA/IFES pre-election assessment mission conducted in November as well as by the presence of long-term IFES monitors who arrived in Nigeria earlier that month and who will remain in the country until the conclusion of the elections that are enabling Nigeria's transition to an elected, civilian government. The AAEA/IFES missions produced a *Pre-Election Report* (November 30, 1998) and a *Post-Election Statement* (December 8, 1998) which summarizing the mission's observations of the December 5 elections.

This final report on the December 5 elections, and of the monitoring of the immediate post-election period, presents the observations of the AAEA/IFES missions in the hope that our findings will contribute to the preparations for the upcoming Governorship and State House of Assembly elections scheduled for January 1999 and the parliamentary and presidential elections planned for February. We also hope that these observations may support the strengthening of Nigeria's electoral system, enabling the transition to a credibly elected civilian government by May 29, 1999.

Being composed of election officials, election experts and experienced election observers, the joint AAEA/IFES missions focused their assessment of the electoral process on the technical aspects of the administration of the vote. Areas of particular concern to the AAEA/IFES missions were:

- the legal framework for the electoral process;
- the organizational capacity of the Independent National Electoral Commission (INEC); and
- election procedures.

While this report suggests several means of promoting the credibility of the electoral process within each of these three areas, we hope that the INEC will focus on two issues in the immediate short-term as it works to prepare for the conduct of the January and February votes: 1) additional clarification of election day procedures and 2) the use of indelible ink to further guard against multiple voting.

On December 5, election day, the AAEA/IFES observer mission noted the lack of a uniform application of election procedures from polling station to polling station, resulting from inadequate specificity concerning the procedures in the electoral guidelines, lack of thorough and timely training of poll officials and the lack of clear

direction on the election day process in the *Training Manual for Poll Officials*. We also noted the lack of uniform application of the electoral guidelines through the tabulation process. The INEC has now revised the poll official manual, and its distribution before the January 9 elections should contribute significantly to the poll officials' understanding of their responsibilities and of the process. However, we also urge the INEC to include in the electoral guidelines specific direction on such election day procedures as ensuring the secrecy of the ballot, the confinement of voters from the time of accreditation to voting and the use of indelible ink. We also recommend that the INEC address other aspects of the accreditation, voting, counting and tabulation processes that were not clear in previous guidelines. We recommend the re-training of election officials (including *ad hoc*/temporary staff as well as permanent staff of the INEC). The training should focus on the provisions of the electoral guidelines to prevent their uneven and often discriminatory application as well as enhance the professional nature of election administration.

Not unreasonable concern has been expressed by many election officials, leaders of political parties, Nigerian citizens and observers of the electoral process, including the AAEA/IFES mission, about the shortcomings of the voter registration process, including the reports of the disenfranchisement of eligible Nigerian citizens resulting from the shortages of voter's cards, reported multiple registration and the apparent lack of controls in the distribution of the cards. While the AAEA/IFES missions were unable to observe the registration process and comment fully on its effectiveness, we are encouraged that the INEC has placed an order to procure further supplies of indelible ink which will be used in the future to mark voters who have cast ballots. The use of indelible ink will help safeguard against multiple voting which might have been facilitated by the weaknesses in the voter registration process. We urge that the poll officials receive clear instructions on the correct application of the ink. We further urge that all polling stations be supplied with sufficient quantities of indelible ink for the January 9 elections. In the long-term, the AAEA/IFES mission urges the examination of all phases of the voter registration process, with efforts made to consider the computerization of the registration list to facilitate the enfranchisement of eligible voters, and the adoption of other measures to enhance the accuracy of the list.

The AAEA/IFES delegation recognizes the great challenge faced by Nigeria's Independent National Electoral Commission in administering the December 5 local government elections given the size of the country, the stated time frame for the transition process and the attendant logistical constraints. We note the tremendous desire of all Nigerians to make the transition to an elected, civilian leadership and to build a sustainable democratic system.

The local government elections of December 5, 1998 demonstrated the commitment of the INEC, the political parties and the Nigerian people to the transition to democracy, as we witnessed people from all walks of life and all political persuasions cast their ballots for local government Councillors and council Chairmen. We are encouraged that this

first vote passed with the support of most Nigerians, and we hope that the following months will be marked by a further commitment to a credible, transparent, and representative process on the part of all major stakeholders and the citizens of Nigeria.

Chapter 2

Introduction to the AAEA/IFES Observer Mission

The Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) conducted a pre-election assessment and deployed an observer mission to the December 5, 1998 local government elections in Nigeria. These missions were supported by an IFES team of long-term monitors who arrived in Nigeria in mid-November. The objectives of the AAEA/IFES project were:

- to contribute to the knowledge of the Nigerian people and the international community about the elections so that they are better able to judge the freedom and fairness of the elections, and to evaluate the strengths and weaknesses of the electoral process; and
- to exhibit by the presence of the AAEA and IFES the interest and support of the international community in the electoral and democratic processes in Nigeria.

Given the expertise of the AAEA and IFES, the focus of their assessment and observation efforts was on the technical administration of the electoral process, with the groups addressing the legal guidelines governing the elections as well as the organizational capacity of the Nigerian officials to conduct the elections.

The AAEA/IFES project to observe the local government elections in Nigeria had three components:

<i>November 15-Dec. 20, 1998</i>	Presence of long-term IFES monitors in Nigeria
<i>November 16-21</i>	AAEA/IFES pre-election assessment mission
<i>November 30-December 8</i>	AAEA/IFES election observer mission

The AAEA/IFES missions were independent, non-governmental and non-partisan. IFES received funding for the project from the U.S. Agency for International Development (USAID), but neither IFES nor the AAEA, which was funded by USAID through IFES, represented the U.S. government nor do any of the findings of the AAEA/IFES missions necessarily represent the views of the U.S. government. The mandate of the missions, the selection of its members, the organization of its deployment and all statements and reports were the sole responsibility of the AAEA and IFES.

The AAEA was conceived in an effort to promote and institutionalize the professional nature of African election authorities through regional exchanges and networking. The Association was formally established in August 1998 at the inaugural meeting of its

General Assembly in Ghana. At this meeting, election authorities from fifteen countries signed on to the Association's Charter to become full members, and six NGOs became associate members.¹ At the August meeting, Dr. K. Afari-Gyan, Chairman of the Electoral Commission of Ghana, was elected Executive Secretary of the Association. The AAEA's involvement in observing the Nigerian electoral process was the first activity undertaken by the Association.

IFES was founded in 1987 as a private, non-profit and non-partisan organization to provide consultative assistance and technical support to electoral and democratic institutions in emerging, evolving and established democracies. IFES has carried out pre-election assessments, technical election assistance, civic and voter education and election observation activities in more than 90 countries in Africa, the Americas, Europe, the Near East and the former Soviet Union. Based in Washington, DC, IFES currently has field offices in Albania, Armenia, Azerbaijan, Benin, Bolivia, Bosnia-Herzegovina, Democratic Republic of the Congo, Georgia, Ghana, Guinea, Haiti, Indonesia, Kazakhstan, Kyrgyzstan, Liberia, Malawi, Moldova, Paraguay, Philippines, Russia, Slovakia, South Africa, Tajikistan, Ukraine and Uzbekistan.

Assessment of Election Preparations

In his speech of July 20, 1998, Head of State General Abdulsalami Abubakar invited the international community to observe the election process which would lead to the transition to an elected civilian government in May 1999. The AAEA and IFES agreed to respond to this invitation and jointly undertake to observe the December local government elections—the first in the series of transitional elections. IFES established a field presence in Abuja, Nigeria in mid-November to assist in monitoring election preparations and to support the AAEA/IFES election-week observer delegation. The monitoring team was composed of John Acree, who has observed elections in Guatemala and Liberia; Simon Clarke, an election advisor who served as an election administrator in the United Kingdom and on various international missions; Trefor Owen, an election administrator from Australia who has served with the United Nations in Cambodia; and Susan Palmer, IFES Program Officer for Nigeria.

The IFES team monitored the conduct of election preparations and held extensive meetings with officials of the Independent National Electoral Commission (INEC), representatives of political parties, members of Nigerian NGOs and other important actors in Nigeria. Soon after the monitor's arrival, Dr. K. Afari-Gyan, AAEA Executive Secretary, joined the team to assess the pre-election environment. Focusing on the technical aspects of the administration of the elections, the team examined:

- the organizational capacity of the national and State election authorities;

¹ Full members of the AAEA are Benin, Burkina Faso, Central African Republic, Gabon, The Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Mali, Senegal, Togo, Uganda and Zimbabwe. The following NGOs are associate members: CERUDE-Cameroon, GERDES-Benin, Institute for Education in Democracy-Kenya, Institute of Economic Affairs-Ghana, Zambia Independent Monitoring Team and Zimbabwe Human Rights Association.

- the voter registration process;
- anticipated election-day problems, according to election authorities, political party and NGO leaders, other Nigerians and the diplomatic community; and
- the general interest and awareness of the public regarding the elections and the candidates.

Members of the team held meetings in Abuja, Jos, Kaduna and Lagos, and they were able to meet with a broad range of Nigerian stakeholders in most of these capitals. However, it should be noted that full access to INEC officials and documents was granted to the team on November 27, 1998. The team was able to meet with representatives of the nine political parties at the national and local levels to learn their views of the electoral process and issues for election day, with members of civic organizations to discuss their perspective on and participation in the electoral process and with others involved in the political life of the country. The monitors also met with officials and diplomats from the international community and with representatives of three other organizations fielding observer missions: the Commonwealth Secretariat, the International Republican Institute (IRI) and the National Democratic Institute for International Affairs (NDI)/Carter Center.

On November 30, the AAEA/IFES assessment mission issued a *Pre-Election Report* (Appendix II) that commented on the framework for these elections, the registration process, anticipated election day procedures, voter education campaigns and the INEC's role in administering the process. The report was not intended to be an exhaustive commentary of the electoral process but rather identified several key areas for the further attention of the INEC prior to the December 5 elections. The *Pre-Election Report* was distributed to the Chairman and other Commissioners of the INEC as well as to its senior staff, the nine provisionally registered political parties, Nigerian civic organizations, other international observer delegations (Commonwealth, IRI and NDI/Carter Center), United Nations, the U.S. government and other members of the diplomatic community in Nigeria, USAID and the State Department in Washington, the NGO community in Washington, others interested in the electoral process in Nigeria and Nigerian stakeholders.

Observation of the December 5 Local Government Elections

The AAEA/IFES election observer delegation arrived in Nigeria on November 30, joining the IFES monitoring team already on the ground. The 15-member AAEA/IFES delegation was composed of election administrators, representatives of election-focused NGOs and election experts. AAEA Executive Secretary Dr. K. Afari-Gyan led the joint AAEA/IFES observer mission whose members included the four IFES monitors in addition to the following delegates:

Abuya Abuya, *Member, Electoral Commission of Kenya;*
Marren Akatsa-Bukachi, *Program Officer, Institute for Education in Democracy, Kenya;*
Albert Geoffrey M. Dzvukamanja, *Member, Electoral Supervisory Commission, Zimbabwe;*

John Ernest Ekuban, *Coordinator, Institute of Economic Affairs, Ghana*;
Paul Guah, *Chairman, Elections Commission of Liberia*;
Keith Klein, *Director, Africa and Near East, IFES*;
Ramanou Kouferidji, *Communications Secretary, GERDES-Benin*;
Gilbert Ngouongue, *Permanent Secretary, CERCUDE, Cameroon*;
Flora Nkurukenda, *Deputy Chairperson, Electoral Commission of Uganda*;
and
Kwadwo Sarfo-Kantanka, *Deputy Chairman (Finance and Administration),
Electoral Commission of Ghana*.

The delegation received accreditation as international observers from the INEC on December 1 (see Appendix I for sample of observer badge).

Upon arriving in Abuja, the delegation participated in a two-day briefing session during which they discussed Nigeria's political framework and the electoral system. The briefing included an analysis of the electoral regulations and of the electoral environment; meetings with officials from the INEC, political parties and civic organizations; and an overview of the political environment. The IFES monitoring team also presented a thorough review of election day procedures, from the opening of the poll to the count and collation of results. The briefing prepared the delegation to assess the electoral process, including, among other issues:

- the adherence of Nigerian election officials to internationally-recognized standards of democratic elections and to the requirements of the Nigerian electoral code and guidelines;
- constraints on the ability of individual voters to cast their vote without undue hardship or intimidation, in secrecy, in an informed manner and to have that vote counted and reported accurately; and
- the extent to which the participants in the electoral process are fully informed of their rights and responsibilities with regard to the elections.

The AAEA/IFES delegation also set forth the methodology it would employ to observe these elections. Delegation members would:

- maintain absolute neutrality and impartiality throughout the observer mission;
- never disrupt or interfere with the accreditation, voting, counting, collation or any other phase of the electoral process;
- ask questions and express concerns but would not instruct, give orders or otherwise attempt to countermand decisions of election officials; and
- be vigilant and take detailed notes regarding positive aspects of the process as well as any questionable or irregular voting or counting practices.

In addition to being asked to fill out observation forms for the three stages of the election process (accreditation, voting and counting), the members of the delegation were requested to submit summary reports, which also included recommendations for the conduct of future elections. The observations of the AAEA/IFES delegation, as contained in these reports and forms, in addition to the findings of the long-term IFES monitors, form the basis of this report.

The AAEA/IFES observer mission also followed the *Code of Conduct for Election Observers* as issued by the INEC immediately before the elections and as contained in its *Manual for Election Observers*. That *Code of Conduct* is included below:

CODE OF CONDUCT FOR ELECTION OBSERVERS

The thrust of the Code of Conduct as prescribed by the Commission is to ensure that:

- (a) election observation is done with integrity and transparency;
- (b) election officials are left alone to do their work.

1. An Observer shall not offer advice or give direction to or in any way interfere with the work of an election official.
2. An Observer shall not touch any election material or equipment without the express consent of the Presiding Officer at a Polling Station or the Returning Officer at the Collation Centre.
3. An Observer shall maintain strict impartiality in the course of observing the election and shall at no time indicate or express any bias or preference for any political party or Candidate contesting the election.
4. An Observer shall not carry, wear or display on his or her person any electioneering materials or any article of clothing or any insignia denoting support or opposition to any party or Candidate contesting the election.
5. An Observer shall not carry or display arms or any offensive weapon during the conduct of his or her duties as an election observer.
6. An Observer shall take reasonable steps to substantiate every statement or information provided in connection with the conduct of the elections. If any statement cannot be substantiated, the Observer's report shall state he or she was unable to verify the truth of the Statement or information.
7. An Observer shall comply with any lawful directive issued by or under the authority of the Commission, including an order to leave a Polling Station or Collation Centre given by the Officer in charge of the place.

Note: It should be noted that failure to adhere to a lawful directive is a violation of Nigerian Law.

(From *Manual for Election Observers*, issued by the INEC, November 1998)

From December 3-7, the AAEA/IFES delegation deployed seven teams of two and one team of one delegate to the following States: Kaduna, Kano, Lagos, Oyo (capital: Ibadan), Plateau (capital: Jos), Rivers (capital: Port Harcourt), and to the Federal Capital Territory (capital: Abuja). The AAEA/IFES observer mission coordinated its deployment with the delegations of the Commonwealth, IRI and NDI/Carter Center,

selecting Local Government Areas that would not be observed by the other international teams.

The AAEA/IFES teams returned to Abuja on December 7, after having observed election day and reviewing the collation of results on December 6. The teams shared their observations in the AAEA/IFES de-briefing on December 7. The information gained from that de-briefing allowed for the compilation of the AAEA/IFES *Post-Election Report* (Appendix III), which was distributed to the INEC, political parties, domestic organizations, the media and others on December 8. The AAEA/IFES mission stressed that the *Report* was preliminary in nature, focusing on the mission's observations concerning election day but not fully addressing the announcement of results or the collation process, as that process was still underway.

Post-Election Environment

The IFES monitoring team remained in Nigeria throughout the month of December to monitor the announcement of results, the final registration of the three political parties and the preparations for the January 9, 1999 State House of Assembly and Governorship elections. Further, the team also observed the by-elections and run-off elections in four Local Government Areas on December 12, 1998.

Also in the month of December, IFES, in conjunction with the Electoral Commission of Ghana, collaborated with the INEC in the production of a *Poll Official Manual* for the Governorship and State House of Assembly elections. Election observers, including the AAEA/IFES delegation, had noted the lack of uniformity in the administration of the elections from polling station to polling station on December 5. In response to the reports by international and domestic observers, and following its own assessment, the INEC requested support from the international community to develop step-by-step guidelines for polling station staff to facilitate the conduct of the January 9 Governorship and State House of Assembly elections. With funding from the Department for International Development of the United Kingdom, the IFES/Electoral Commission of Ghana team worked with INEC staff in late December to produce a *Manual* for the more than 112,000 Presiding Officers and other election staff. The Canadian International Development Agency funded the printing of a total of 130,000 manuals which were distributed by the INEC in advance of the January 9 vote.

Chapter 3

Background to the Elections

Many in Nigeria characterize the system of governance in post-independence Nigeria as one of "permanent transition." Over the past decades, Nigeria has been subject to the frequent pendulum swing from elected civilian government to un-elected military regime and back again. The transition program of General Sani Abacha, who came to power in 1993 after the annulment of that year's election, was the fourth such transition program promulgated by a military regime. In a speech on October 1, 1995, Abacha set out his transition program, which was to culminate in the handover of power to an elected civilian government on October 1, 1998. Human Rights Watch/Africa, in its October 1997 report (*Nigeria: Transition or Tragedy?*), noted that the Abacha transition plan recalled that of previous programs: "As before, the process includes the drafting of a new constitution, the lifting of a pre-existing ban on political activities, the establishment of transitional institutions, the election of local government officials on a non-party basis, the re-drawing of State and Local Government Area boundaries, the formation of political parties and, finally, the holding of elections on a party basis."²

Under General Abacha, the transition program met with numerous delays. A new constitution was to have been approved by the military Provisional Ruling Council (PRC) by the end of 1995. While the government convened a National Constitutional Conference, which presented a draft constitution to Abacha in June 1995, the constitution was not promulgated.³ Local government elections were originally scheduled for 1996 but did not take place until March 1997, while State Assembly elections, which were to have been held in September 1997, were shifted to December of that year. Gubernatorial elections were not held in 1997 as scheduled, being postponed until 1998.

The pace of change in Nigeria, since the death of General Sani Abacha in early June 1998 and the subsequent naming of General Abdulsalami Abubakar as Head of State, has been stunning. Under General Abacha, the Nigerian military regime had abolished all legal forms of political opposition, jailed and executed political dissidents, purged the military of moderate elements, banned legal challenges to military rule, intimidated the press and subverted the independence of the judiciary. A little more than a month after Abubakar assumed his post, he confirmed the regime's intention to organize a transition to an elected government, giving confidence to many for the first time by setting out

² *Nigeria: Transition or Tragedy?*, Human Rights Watch/Africa, October 1997, p. 8.

³ *Ibid.*, p. 10.

commitments that are being used to gauge the depth, timeliness and credibility of the transition to civilian rule. Those benchmarks include the following points from Abubakar's speech of July 20, 1998:

- Dissolution of the five existing political parties, new parties to be established;
- Dissolution of existing election commission, new commission to be established;
- Release of political prisoners;
- International observation of the process;
- Elections to be held in the first quarter of 1999; and
- Civilian federal and State legislatures and local councils to be inaugurated by May 29, 1999.

Confidence among Nigerians and the international community concerning Abubakar's commitment to a credible transition was bolstered by his August 11 release of Decree No. 17 which defined the statutory obligations and areas of responsibility for the new Independent National Electoral Commission (INEC). Soon after, the INEC was established and began preparations for the elections which would lead to a new civilian government by May 1999.

Election Time Table

Soon after its establishment, the Independent National Electoral Commission (INEC) released a *Transitional Time Table* (August 21, 1998) which presented a "proposed program of events for electoral activities." The timetable for the transition to a civilian, elected government, which was subsequently amended by the INEC, is shown at the end of this Chapter.

Constitutional Framework

The Abubakar regime is currently ruling under a hybrid constitutional framework—observing some provisions of the 1979 and 1989 Constitutions. The 1989 Constitution was, however, never legally implemented, and the 1979 Constitution was not repealed.

On November 11, 1998, General Abubakar announced the formation of a 24-member Constitutional Debate Coordinating Committee whose mandate was "to pilot debate (on the 1995 draft constitution), coordinate and collate views and recommendations canvassed by individuals and groups." The CDCC was expected to submit its report to the Head of State no later than December 31, 1998 so that the resulting constitutional guidelines can govern the subsequent elections, particularly the presidential elections of February 27. It is expected that Abubakar's Provisional Ruling Council will promulgate the resulting constitution by decree in advance of the February elections.

According to CDCC Chair, Justice Niki Tobi, General Abubakar "did not indicate to the committee 'no go areas' but merely called the attention of the committee to some issues

in the draft constitution which are wholly new and untested.”⁴ However, Tobi did state that Abubakar regarded the 1979 Constitution as “the basic document to which amendments, as and when needed, could be made to accommodate all the major constitutional changes brought about as a result of both the 1989 and 1995 constitution-making exercises.”⁵

One of the main issues of the 1995 Constitution up for debate is Article 229 which stipulates the rotation of the Presidency between North and South. Many believe that the South is “due” for a president, arguing that political power has for too long resided in the North. Numerous newspapers have run full-page notices from the Coordinating Committee calling for memoranda, from “Nigerians at home and abroad,” on any of the issues contained in the draft constitution. Those election-related issues on which the CDCC is particularly interested in feedback, and some of the questions asked by the Committee are as follows:

- “Concerning the provisions on the principle of zoning and rotation (rotation of executive/legislative offices based on geographical origin), is it desirable to entrench these in the constitution and, if so, what offices should they affect, for how long and between which identifiable geographic or geo-political zones? What other ways and safeguards are there to allay fears of political domination and marginalization or groups and other elements in the society?”
- “What is the best way of cultivating a sense of belonging in all segments of our society, in the light of our recent experience in the political arena and those of other nations the world over, through political engineering, without forsaking the ideals of democracy or sowing the seeds of permanent discord that may have disastrous consequences in the future?”
- “What are the merits and demerits of the provisions which call for multiple Vice-Presidents? How feasible or workable is the idea given our experience with the operation, during the Second Republic, of a single Vice-President and the Deputy Governor under the 1979 Constitution?”
- “The draft has proposed the novel idea of a Constitutional Court charged with the responsibility of handling election petitions and hearing matters pertaining to the enforcement of fundamental Rights. How justifiable is it to confer such wide jurisdiction on the court and what impact will it have on litigants?”
- “How workable is the novel provision for proportional representation of political parties in the formation of the cabinet within a presidential system of government?”
- “Should the 1979 Constitution be simply amended and if so (what would be) the nature of amendments, to maintain the much desired continuity in our constitutional development and history?”⁶

From the end of November into December, the CDCC scheduled public hearings on the 1995 draft constitution in ten centers throughout Nigeria: in Benin, Enugu, Ibadan, Jos,

⁴ *Hearings to Hold in 10 Centres*, ThisDay, November 19, 1998, pp. 1-2.

⁵ *Ibid.*

⁶ *Call for Memoranda* from the Constitutional Debate Coordinating Committee, Vanguard, November 26, 1998, p. 7.

Kaduna, Kano, Lagos, Maiduguri, Port Harcourt and Sokoto. Additionally, the CDCC called on individuals and groups to organize workshops and seminars and to send their reports to the CDCC. Many pro-democracy and human rights activists are highly critical of the CDCC's mandate and process of consultation, arguing that a new constitution should be the result of considerations undertaken by the elected, civilian government, scheduled to be inaugurated in May 1999 or as the outcome of a Sovereign National Conference, with representation from a cross-section of Nigerian interest groups, to be held before May (as opposed to the type of constitutional conference which was convened in 1994 under Abacha whose members were selected in widely boycotted balloting from a list of regime-approved candidates).

At the time of writing this report (end of December 1998), the CDCC was reported to have just submitted its preliminary findings to the Provisional Ruling Council. Newspaper reports, including ThisDay (December 29, 1998) speculated that the CDCC might be recommending the adoption of the 1979 constitution with some amendments. The Committee is reportedly proposing the adoption of the presidential system of government with a separation of powers between the executive, legislative and judiciary. Under this system, there would be one vice-president. The federal government would have exclusive control over the armed forces and police, and elected leaders would have a four-year term but could be elected for another four years. The CDCC has also apparently recommended against proportional representation, zoning, rotation of power and the Constitutional Court.

As is noted in the following Chapter, decrees of the Provisional Ruling Council provide the overall legal framework under which the transitional elections are being held. These decrees have also enabled the Independent National Electoral Commission (INEC) to issue guidelines concerning voter and party registration, election day procedures and other issues relevant to the administration of the elections.

Methodology of Recent Elections in Nigeria

Nigeria's last presidential elections were held in June 1993 under the regime of General Ibrahim Babangida after considerable interference by the military government as to which candidates and parties could contest the election. In an effort to curb multiple voting, which had been widespread in previous elections, the Electoral Commission mandated a separate accreditation and voting period on election day, although voters were permitted to mark their ballots in secret (called an "open/secret" system). While the election was marred by corruption, court injunctions and low turnouts, it was generally agreed that the results, which were widely publicized by the media, pointed to victory by the Social Democratic Party candidate Chief Mashood Abiola. However, the results were annulled by the Babangida regime and Abiola was subsequently arrested, tried and convicted of treason after having claimed that he had a mandate to form a government.

Elections for Local Government and Area Councils were held in March 1996 and March 1997, the elections in 1996 being held on a "zero party" basis with the winners of those elections to hold office for one year, after which they were to be succeeded by the winners of the party-based local elections held later.⁷ The 1996 elections were held using the open balloting system, with voters lining up behind their preferred candidate to be counted—a practice roundly criticized by pro-democracy advocates as it did not protect the secrecy of the ballot and did not allow for any legal challenge to the ballot due to the non-use of ballot papers.

The March 15, 1997 local elections were held on a party basis and filled 774 Council chairmanships and 8184 councillorship seats (one for each ward). The elections in 1997 were conducted using the "secret ballot" system with the polling stations being open throughout the day for voting, and the voters marking their ballot in secret. Many observers reported that these elections were fraught with irregularities. The U.S. State Department's 1997 *Human Rights Report: Nigeria* notes that "significant problems with voter registration, the delineation of constituencies, guidelines for the conduct of elections and the screening of candidates remained even after the elections were held, casting doubts on the process."⁸ Further, Human Rights Watch/Africa reported that there were "many credible reports that members of the election tribunals (established to resolve disputes arising out of the elections) engaged in corrupt practices" and that the federal government, in many cases, reviewed the decisions of the tribunals due to concern over the allegations of bribery at the tribunals.⁹

State House of Assembly elections were held in December 1997, but turnout was very low, reportedly due to voters' concerns about the credibility of the process as well as concerns about the transparency of the vote.

Lack of controls of voter's cards, leading to reports of cards for sale, multiple voting and an inflated voters register, in the conduct of the 1997 elections resulted in a revision of the electoral procedures for the 1998-1999 transitional elections. In 1998, the INEC, after consultation with the political parties, set in place the current Open Secret Ballot System (OSBS), which was also used in the 1993 presidential elections. As is discussed in greater detail in Chapter 6, this system split accreditation and voting into two separate procedures, stipulating that any accredited voter not in line at the commencement of voting at 11:30am could not vote. With accreditation and voting occurring at set times throughout the country, the INEC hoped to limit opportunities for multiple accreditation and subsequent multiple voting.

⁷ *Nigeria: Transition or Travesty?*, Human Rights Watch/Africa, October 1997, p. 15.

⁸ *Nigeria Country Report on Human Rights Practices for 1997*, U.S. Department of State, January 30, 1998, p. 24.

⁹ *Ibid.*, p. 21.

INEC TIME TABLE FOR ELECTORAL ACTIVITIES

August 25, 1998	Release of (provisional) Guidelines for the formation of political parties
August 31	Release of (provisional) Guidelines for voters' registration
September 24	Release of provisionally registered political parties (delayed until October 19)
October 5-19	Voters' registration exercise
November 2	Release of (provisional) Guidelines for local government council elections
November 16	Submission of names of candidates for local government elections to the INEC
November 20	Return of list of cleared candidates to parties
December 5	LOCAL GOVERNMENT COUNCIL ELECTIONS
December 12	Run-off elections, if any
December 14	Release of Guidelines for Governorship/State House of Assembly elections
December 23	Submission of names of candidates for Governorship/State Assembly elections
December 31	Return of list of cleared candidates to parties
January 9, 1999	GOVERNORSHIP/STATE HOUSE OF ASSEMBLY ELECTIONS
January 16	Run-off elections, if any
January 20	Release of Guidelines for Presidential and National Assembly elections
January 25	Submission of names of candidates for National Assembly elections
Jan 29-Feb. 2	Return of names of cleared National Assembly candidates to parties
February 12	Submission of names of presidential candidates
February 13-15	Return of names of cleared Presidential candidates to parties
February 20	NATIONAL ASSEMBLY ELECTIONS
February 27	PRESIDENTIAL ELECTION
March 6	Run-off elections, if any for National Assembly and President Inauguration of Local Government and Area Councils, and State Assemblies—to be announced at a later date Swearing-in of Governors—to be announced at a later date
May 29, 1999	Swearing in of elected President

Chapter 4

Election Framework

Local Government and Area Councils

Voters in the December 5 elections in Nigeria went to the polls to elect Chairmen and Councillors for the 774 Local Government and Area Councils in Nigeria's 36 States and in the Federal Capital Territory. Local government councils, which are the lowest level of representative government in the nation, were first established in 1976 by government decree. Decree No. 16, released on August 11 but effective as of July 20, 1998, dissolved all Local Government and Area Councils, preparing the way for the conduct of the local government elections in December.

According to Decree No. 36, released on December 2 but effective as of August 11, 1998, there shall be a Council for each of Nigeria's 774 Local Government Areas. Some of the functions of Local Government and Area Councils, as recorded in Decree No. 36, are as follows:

- debating, approving and amending the annual budget of the Local Government or Area Council;
- the formulation of economic plans and development schemes;
- construction and maintenance of roads and other public facilities as may be prescribed by the State Administrator or the House of Assembly of a State;
- assessment of privately owned houses for the purpose of levying rates as may be prescribed by the Administrator or the House of Assembly of a State; and
- the provision of education, development of agriculture and natural resources (other than the exploitation of minerals) and the provision of health services in coordination with the State government.

The Local Government or Area Council is headed by a Chairman, who is directly elected from the Local Government Area at large. The Council is composed of Councillors, each of whom represents one of Nigeria's 8811 wards. The Councillors are elected from single-member wards through a simple plurality system. On the other hand, the winning candidate for Chairman must obtain a majority and $\frac{1}{4}$ of the votes cast in $\frac{2}{3}$ of the wards in the Local Government Area.

Legal Framework for the Local Government Elections

The legal framework for the electoral process in Nigeria is provided by decrees, which are issued by the military government through General Abubakar, as Head of State and Commander-in-Chief of the Armed Forces. The decrees, listed on the following page, provide for:

- the dissolution of existing Local Government and Area Councils (as noted above);
- the dissolution of the National Electoral Commission of Nigeria and the establishment of the new Independent National Electoral Commission;
- the dissolution of the five political parties established under the Abacha regime and the registration of new political parties; and
- the conduct of the December 5 local government elections.

Under Decrees No. 17 and No. 33, the Independent National Electoral Commission (INEC) has the mandate to issue Guidelines to govern the conduct of the elections. The following chapters, on the *Pre-Election Environment* and *Election Day*, review the three guidelines issued by the Commission which relate to the local government elections: *Guidelines for the Formation and Registration of Political Parties*, *Guidelines for Registration of Voters* and *Guidelines for Local Government Council Elections*. As the transition program progresses, the INEC will also issue guidelines to govern the conduct of the Governorship, State House of Assembly, National Assembly and Presidential elections.

Independent National Electoral Commission (INEC)

The Independent National Electoral Commission (INEC) was created by Decree No. 17 of August 11, 1998, and replaced the National Electoral Commission of Nigeria (NECON), which had been established by General Sani Abacha. Section 4 of Decree No. 17, as amended by Decree No. 33 of 1998, gives the following powers and functions to the Commission:

- to organize, conduct and supervise the election of persons into the membership of Local Government Councils or Area Councils or the Executive and Legislative Arms of State and Federal Governments, and such other offices as may be specified in any enactment of law;
- to register parties in accordance with the provisions of the relevant enactment or law;
- to monitor the organization and operation of the political parties including their finances;
- to conduct the registration of persons qualified to vote and the preparation, maintenance and revision of the register of voters for the purpose of any election;
- to monitor political campaigns and provide rules and regulations which shall govern political parties; and

- to divide the area of the Federation, State or Local Government or Area Council, as the case may be, into such number of Constituencies for the purpose of elections to be conducted by the Commission.

The INEC was allocated approximately Naira 3.4 billion (or US\$39.5 million) by the federal government of Nigeria for the conduct of the elections in the transition program. The Commission had prepared an initial budget for the local government polls which amounted to N747 million (US\$8.6 million) before it was slashed to N382 million (US\$4.4 million) by the government.

The Commission is headed by a Chairman who is the Chief National Electoral Commissioner of the Federation and who is assisted by twelve other National Electoral Commissioners. The Chairman and all Commissioners were appointed by Head of State Abdulsalami Abubakar following the announcement of Decree No. 17 in August. According to that Decree, "a member may at any time be removed from office by the Head of State, Commander-in-Chief of the Armed Forces for inability to discharge the functions of his office..." There are two criteria for Commissioners: "The Chairman and members of the Commission shall not be less than 50 and 40 years of age respectively" and "shall be persons of unquestionable integrity" (Decree No. 17). Also, "a member shall not while holding office hold any other office of emolument whether in the Federal or State Public Service." The term of office of the Commissioners is five years. Based in Abuja, the INEC is chaired by Justice Ephraim Akpata (Rtd.).

The Head of State also has the authority to appoint the Secretary to the Commission and the Resident Electoral Commissioners for the State Offices of the Commission. The Secretary is responsible for the day-to-day administration of the Commission and, according to Decree No. 17, is "responsible for keeping proper records of the proceedings of the Commission, the head of the Commission's secretariat and be responsible for the administration thereof; and responsible for the direction and control of all other employees of the Commission with the approval of the Commission." Decree No. 17 stipulates that the Secretary "shall be an officer in the public service of the Federation not below the rank of a Permanent Secretary and the accounting officer of the Commission; and have such qualifications and experience as are appropriate for a person required to perform the functions of his office under this Decree."

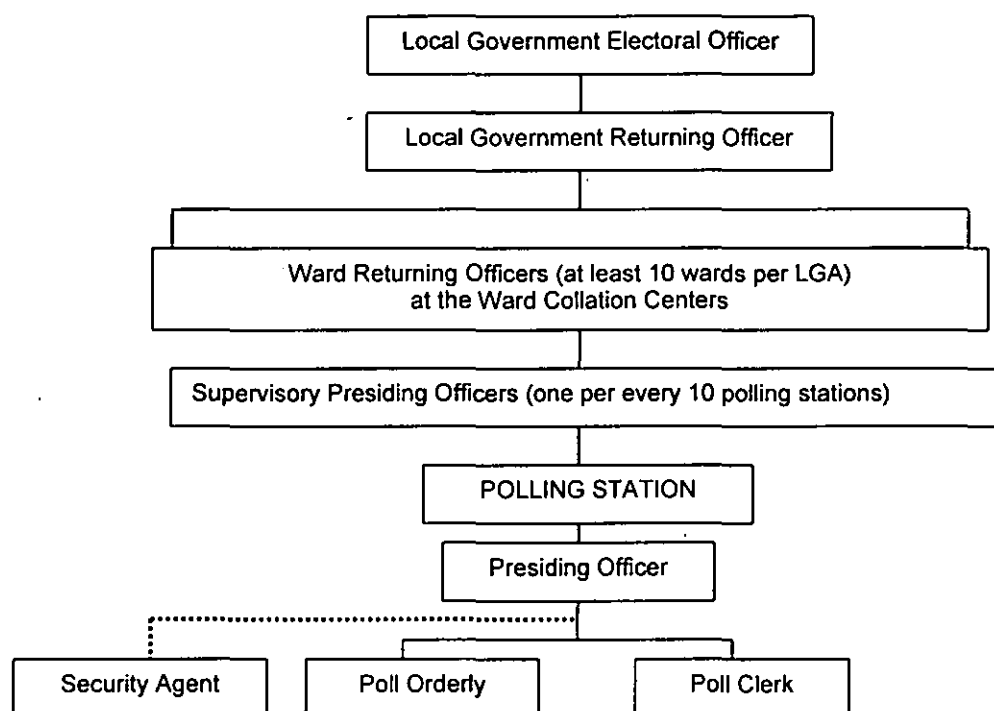
As can be noted in the organizational chart for the INEC at the end of this Chapter, the Commission, through the Secretary, directs the work of eight departments: Public Affairs, Legal Services, Finance & Supplies, Personnel Management, Planning Research & Statistics, Logistics, Field Services and Estate & Works. However, Commissioners also have responsibilities in these areas as they are chairs of committees on which sit the directors of the relevant functional areas. The INEC's Standing Committees are as follows: Security Committee, Political Parties Monitoring/Clearance Committee; Logistical and Electoral Stores Committee; Finance, General Purpose and Budget Committee; Field Services, Election Process and Training Committee; Publicity and Information Committee; Estate Works and Transport

DECREEES ISSUED BY THE FEDERAL MILITARY GOVERNMENT OF NIGERIA CONCERNING THE ELECTORAL PROCESS

Decree:	No. 7—National Electoral Commission of Nigeria (Repeal, Etc.)	
In Effect:	July 20, 1998	Issued: August 11, 1998
Comments:	Dissolved the NECON.	
Decree:	No. 15—Political Parties (Registration and Activities) (Repeal, Etc.)	
In Effect:	July 20, 1998	Issued: August 11, 1998
Comments:	Dissolved the five political parties established under the Abacha regime.	
Decree:	No. 16—Local Government (Basic Constitutional and Transitional Provisions) (Repeal, Etc.)	
In Effect:	July 20, 1998	Issued: August 11, 1998
Comments:	Dissolved Local Government and Area Councils.	
Decree:	No. 17—Independent National Electoral Commission (Establishment, Etc.)	
In Effect:	August 5, 1998	Issued: August 11, 1998
Comments:	Established the Independent National Electoral Commission (INEC) and mandated its functions.	
Decree:	No. 33—Independent National Electoral Commission (Amendment)	
In Effect:	August 5, 1998	Issued: December 1, 1998
Comments:	Includes provisions for the transfer of assets from the NECON to the INEC, and allows for the election of Vice President "such number of Vice-Presidents as may be specified in the Constitution of the Federal Republic of Nigeria for the time being in force."	
Decree:	No. 34—Transition to Civil Rule (Political Programme)	
In Effect:	August 11, 1998	Issued: December 1, 1998
Comments:	Spells out the election schedule and allows the INEC to "make any rules and regulations and issue circulars and guidelines with respect to the schedule.	
Decree:	No. 35—Political Parties (Registration and Activities)	
In Effect:	August 11, 1998	Issued: December 1, 1998
Comments:	Enables the INEC to issue guidelines and make rules and regulations for the formation and registration of political parties; guide electioneering campaigns by registered political parties, monitor and control activities of the registered political parties; and to dissolve or proscribe any political association.	
Decree:	No. 36—Local Government (Basic Constitutional and Transitional Provisions)	
In Effect:	August 11, 1998	Issued: December 1, 1998
Comments:	Enabling Decree for December 5 local government elections. Mandates responsibilities of Local Government and Area Councils.	

Committee; Appointment, Promotion and Disciplinary Committee; and Legal Services Committee. The appropriate department heads, in effect, serve as secretaries to these committees. The members of the staff of the Commission are appointed by the Commission either directly, on secondment or on a temporary basis. The staff of the Commission are public servants and are not removable from office except in accordance with the Civil Service Rules. Many of the staff from the previous National Election Commission of Nigeria (NECON) were absorbed into the INEC.

In addition to having supervisory responsibility over the committees named above, the National Commissioners are also responsible for election administration in two to four States, depending on state size. The functions of the INEC are conducted in Nigeria's 36 States and the Federal Capital Territory by State Resident Electoral Commissioners (REC), permanent employees of the INEC who are appointed by the Head of State. According to Decree No. 17, the RECs "shall not be less than 40 years of age" and "shall be persons of unquestionable integrity." The REC's support staff loosely mirrors the structure of the Central Office of the Commission although there are minor variations from State to State. These offices receive materials and policy from the Abuja headquarters of the INEC and recruit and train poll officials and locate and equip the polling stations. The following organizational chart shows that the RECs are assisted by an Administrative Secretary and direct the activities of an Electoral Officer at the Local Government or Area Council Level. The Electoral Officer, who is responsible for the conduct of elections in the Local Government or Area Council is also a permanent employee of the INEC. Under the Electoral Officer, there are *ad hoc* employees of the INEC, as follows:



Local Government Electoral Officer: The Local Government Electoral Officer is the representative of the INEC at the local level and supervises the *ad hoc* (temporary) staff down to the polling station level. The Electoral Officer is responsible for all aspects of the conduct of the elections, including the distribution and collection of election materials.

Local Government Returning Officer: Each Local Government Area has a Returning Officer who has the responsibility of collating results as submitted by the Ward Returning Officer and declares the results of the election for Council Chairman. The Returning Officer is also to liaise with the Security Agents to maintain law and order at the Local Government Collation Center.

Ward Returning Officers: The Ward Returning Officer receives the results directly from the Presiding Officers from each polling station in the ward and collates the results. The Returning Officer has the responsibility of declaring the results for Member of Council for the ward and submits the collated results for Council Chair to the Local Government Returning Officer. The Returning Officer also works in liaison with the Security Agents to see to the maintenance of law and order at the Ward Collation Center.

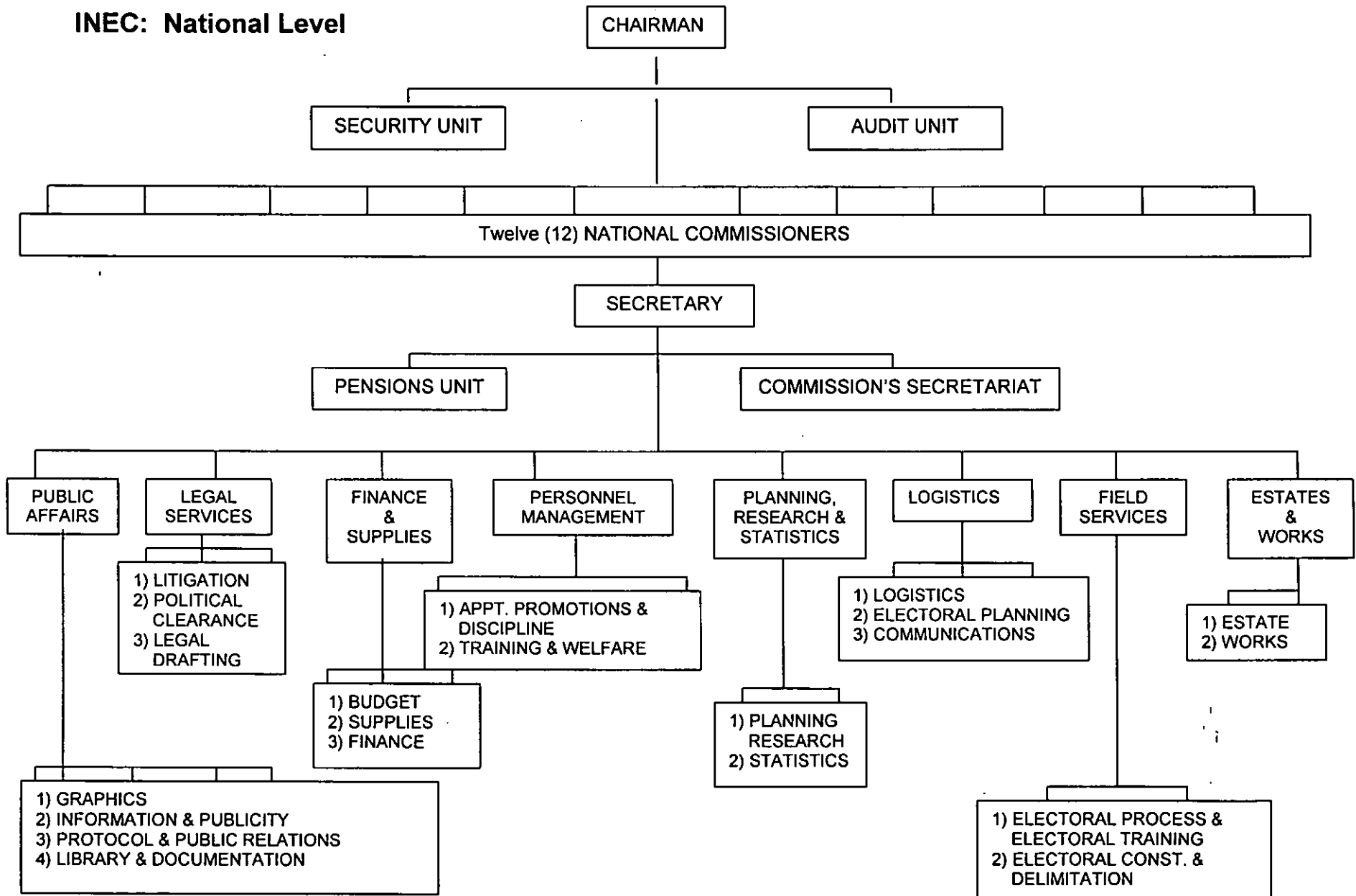
Supervisory Presiding Officers: Each Supervisory Presiding Officer supervises not more than ten polling stations and ensures the distribution of election materials to the polling stations as well as the return of the materials to the Local Government Electoral Officer through the Ward Returning Officer. In addition to liaising with the Security Agents to ensure that there is law and order within the polling stations under his or her supervision, the Supervisory Presiding Officer is answerable to the Local Government Electoral Officer in the conduct of his or her responsibilities.

Presiding Officer: The Presiding Officer is in charge of a polling station and is responsible for the conduct of accreditation, voting and counting at the polling station. After recording the results from the polling station, the Presiding Officer submits the results to the Ward Returning Officer and delivers the election materials to the Local Government Electoral Officer through the Ward Returning Officer. The Presiding Officer is assisted by:

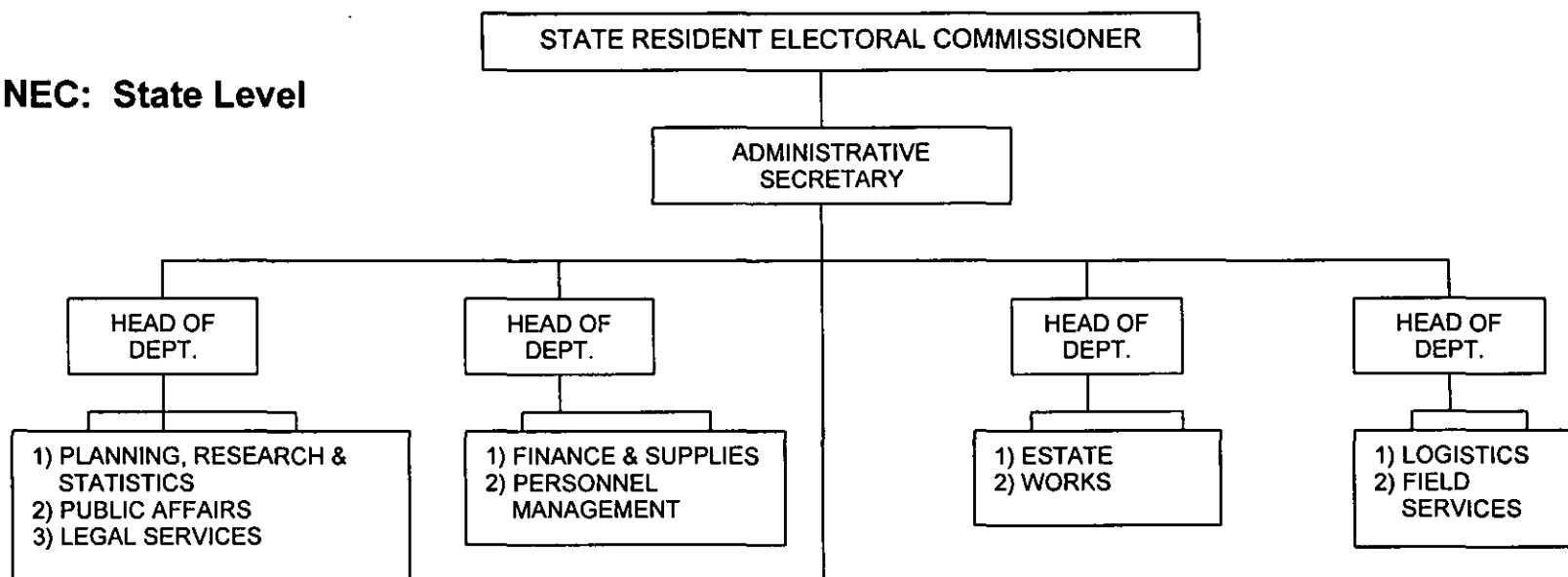
Poll Clerk: Assists the Presiding Officer in the collection and return of election materials, the conduct of the poll and can deputize for the Presiding Officer in his or her absence.

Poll Orderly: Assists with the removal of persons misconducting themselves from the polling station if so ordered by the Presiding Officer and regulates the movement of voters within the polling station.

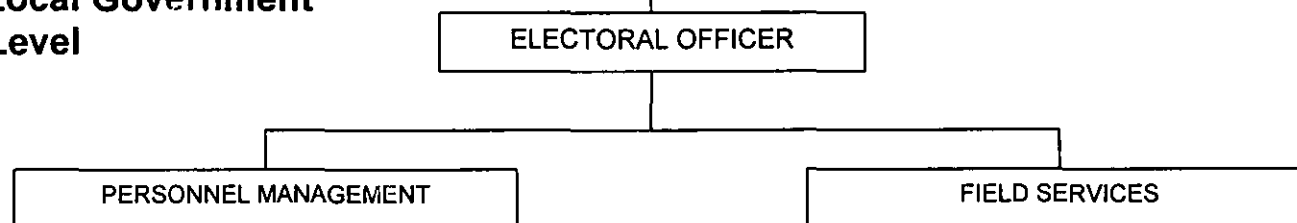
Security Agent: The INEC mandated that an uniformed Security Agent be present at each polling station to maintain law and order. The Security Agents operated under the authority of the Presiding Officer. The Security Officer could also be directed by the Presiding Officer to stand at the back of the line at the commencement of voting given the absence or unavailability of the Poll Orderly.

INEC: National Level

INEC: State Level



INEC: Local Government Level



Chapter 5

Pre-Election Environment

The importance of the pre-election period is well understood as it establishes the "rules of the game." The fundamental first step of the voter registration process very much dictates to what extent the citizens are able to participate in choosing their representatives. The election campaign shows to what extent the electoral playing field is level and how candidates and parties are able to communicate their message to the electorate. Unfortunately, the AAEA/IFES missions were not able to witness the registration process first hand; however, we have been able to gather sufficient information to enable some brief comments. We are focusing our comments on a number of specific areas, namely, voter registration, the accreditation of observers, the debate and subsequent revision of the guidelines for party registration and candidate nomination procedures and campaign finance.

Voter Registration

Through this period, of greatest concern to all citizens with whom we met (INEC officials and staff excluded) was the unavailability of voter's cards during the registration process. Almost all of our contacts had to return to the registration center more than once in order to get registered.

On August 31, 1998 the INEC published *Guidelines for Registration of Voters*, (Decree No. 17 1998) which detailed the registration procedure and the subsequent methodology for revision of the voters' register. A person was qualified to register to vote if he or she was a Nigerian, was at least 18 years of age, was resident in the area covered by the registration center that he or she intended to register at and had presented him or herself to the registration officers in person within the period of time that the INEC had proscribed for registration. The period of registration of voters was October 5 to October 19 (inclusive) between 8:00am and 6:00pm. The subsequent display of the register, for claims and objections was very short: between October 20 and October 22, 1998. At the registration center each day, the Form EC.1A, the registration form, was compiled by *ad hoc* INEC appointed registration officers. These officers recorded the voter's name, age, sex, occupation and address on Form EC.1A. Each registration center was uniquely identified by a series of code numbers denoting the State, Local Government Area, ward and registration unit identity. Form EC.1A also noted both the unique voter's card number (Form EC.1G) and the further number of voters registration. This voters registration number was that of the position on the register. The first to register being 001, the twentieth to register being 020 and so on. At

the same time as Form EC.1A was being compiled, the voter's card and counterfoil (Form EC.1G) was also prepared. This card was uniquely numbered and contained all of the same information as that of Form EC.1A, in addition the voter's thumb print was marked on it (and the counterfoil). The voter was then issued with the card and the counterfoil and registration form were retained by the registration officials. Once 500 names had been recorded on the registration form the registration unit was complete and a further unit was started. Daily records of the number of voters registered were recorded on Form EC.1B(A) and copies were given to any Party Agents present. After the period of registration, Form EC.1A was displayed so that voters could check to see that the detail was accurate. This claims and objections period provided a brief opportunity to correct this preliminary register. A claim was to correct a detail on the register or to add a voter who had been omitted. An objection was a method to remove a name should they not be either qualified or entitled to vote. Any person could make an objection, both claims and objections being decided by the INEC-appointed revision officer.

No form of national identity documentation exists in Nigeria, thus verifying a person's identity, age, etc. is not an easy matter. This, in combination with the fact that the register of voters at each registration center were not crosschecked against any other list meant that the potential for multiple registration was all too real. It is widely believed that the register of voters used for December 5 and soon to be used for the January 9 elections contains an unquantifiable number of duplicate entries. In order to safeguard against the possibility of a voter personally casting more than one ballot, the INEC has designed the election day procedures to minimize this risk. These procedures do not, however, guard against voter impersonation. It is also widely alleged that a trade exists in the buying and selling of voter's cards. In part in order to undermine this allegation, the INEC has published the figures for the number of voting cards distributed to each State. This number, however, should not be confused with the number of registered voters. We have detected a marked reluctance on the part of INEC to publish and make available accurate voter registration information. The publication of such information would increase the transparency of the electoral process. (See Appendix IV for registration figures that IFES has been able to obtain from the INEC.)

Accreditation of Election Observers (Local and International)

Neither the Guidelines nor the enabling decrees explicitly provide for either domestic or international observers. The INEC, however, designed a system of accreditation for both types of observers. In both cases the individual observer was accredited and issued with an official numbered identity badge.

The procedure for accreditation was in practice extremely cumbersome and effectively ensured that very few domestic observers were accredited. The forms were only issued from the INEC headquarters in Abuja. Moreover, an individual from the organization (domestic or international) had to sign for their receipt. This requirement placed a difficult logistical hurdle for any organization not based in Abuja. Only 370 domestic

observers received accreditation in time to observe the December 5 elections. It was suggested that the system of accreditation be designed to ensure that the number of domestic observers was limited, for whatever reason. We have been able to confirm with INEC that this was not the case. We understand that the number of domestic observers will greatly increase over the course of the transition period with approximately a further 1,500 being accredited for the January 9 Governorship and State House of Assembly elections.

Registration of Political Parties

The first in a series of guidelines issued by the INEC entitled *Formation and Registration of Political Parties* was published in August 1998. This was subsequently published as Decree No. 35 on August 11, 1998. The Decree outlined a code of conduct for political parties and provided detail on the following administrative arrangements:

- qualification for registration;
- organizational and operational requirements;
- articulation of policies and strategies;
- payment of registration fees; and
- financial reporting.

A number of requirements were placed on parties seeking provisional registration, including the directive that they would have to be able to demonstrate that they were able to maintain functional branches in at least 24 States. Nine political parties were granted provisional registration by the INEC for the December 5 elections. In order to contest elections subsequent to the local government elections, the Decree specified that parties would have to demonstrate a measurable level of electoral support. The *Guidelines for the Formation and Registration of Political Parties*, paragraph 10 (3) stated that a party's provisional registration certificate would be withdrawn by the INEC unless it polled at least ten percent of the votes cast in each of at least 24 States of the Federation at the Local Government Council election. This became known as the "threshold" issue and was the subject of debate between the INEC and the provisionally registered political parties. A number of parties argued that this threshold should be removed altogether as there should not be such a restriction within a democratic system. The INEC did respond to the party complaints on this issue by reducing the minimum percentage of votes cast to five percent and by relaxing the geographic spread provisions of the paragraph so that a minimum of three political parties would receive full registration after December 5 elections provided each polled at least five percent of the vote. The full calculations of this provision are discussed in detail in Chapter 7 of this report.

Candidate Nomination Procedures

The Local Government (Basic Constitutional and Transitional Provisions) Decree No. 36, 1998 and the *Guidelines for Local Government Council Elections* define the nomination procedures for both the councillorship and chairmanship elections. Paragraph 51 of Decree No. 36 notes that candidates must be a resident of the ward or constituency that they are contesting, provide evidence of being a tax payer, pay a non refundable deposit (subsequently revised down by the INEC) and further notes the number of nominators each candidate requires. Basic provisions covering who is excluded from being nominated are also detailed. The nomination papers themselves, Form C.F. 001 (for the councillorship election) and Form EC.4C (for the chairmanship election) further specify both a minimum age and educational threshold. The minimum age for nomination was revised downward by the INEC to be 25 years of age for Councillorship and 30 years of age for Chairmanship. All nominated candidates had to be educated to at least School Certificate Level (or equivalent). All nominations were then screened by the INEC to verify that the nominee was eligible to contest the election. A short period of time, 48 hours from receipt of nomination by the INEC, was given to the candidate to rectify any administrative errors that have occurred in the nomination papers. This screening period, originally to have ended on November 19 was extended by the INEC to November 26, 1998, and was carried out at State level by the Electoral Officers in each Local Government Area. The final list of nominated candidates was to be displayed or published by these Electoral Officers no later than 24 hours prior to December 5.

Campaign Finance

Two of the major responsibilities of the INEC, according to Decree No. 17, are to: "monitor the organization and operation of the political parties including their finances; and arrange for the annual examination and auditing of the funds and accounts of the political parties and publish a report on such examination and audit for public information."

Decree No. 35, Political Parties (Registration and Activities), mandates that the political parties submit such financial reports as required by the Commission. The only two constraints on the financing of political parties are contained in Chapter 14(3) as follows:

"No political party shall—

- (a) hold or possess any funds or other assets outside Nigeria; or
- (b) be entitled to retain any funds or assets remitted or sent to it from outside of Nigeria."

During the pre-election period, the lack of controls on spending by political parties led to concerns that the large amount of financial support that seemed to be available to some of the parties would promote unscrupulous and illegal uses of those funds.

Concern about the need for regulations on parties' finances reached a peak when it was learned that General Olusegun Obasanjo, seen as a potential candidate for president

under the banner of the Peoples' Democratic Party (PDP), had allegedly donated Naira 120 million (\$1.4 million) to the party. Responding to the public outcry about the donation, and other large gifts to parties by other political aspirants and businessmen, INEC Chair Justice Ephraim Akpata was reported to have considered limiting individual donations to parties. The Nation newspaper reported on December 3, 1998 that Justice Akpata said, "I must say that INEC has not put a ceiling on the amount a candidate can donate to a political party, we are thinking seriously about that." However, the INEC ultimately decided that it would not place any limit on individuals' contributions to parties, noting that the monitoring of parties' finances, as stipulated by law, would provide adequate controls. The debate on campaign finance limits has particular resonance in Nigeria given the history of state-supported parties. Under Abacha, for instance, the government financed the five political parties which were allowed to contest in the elections of the transitional period. At this point, the political parties appear to be shying away from advocating any form of state funding given these historical connotations.

We observed as a very healthy sign, in the pre-election period, the dialogue that clearly existed between the provisionally registered political parties and the INEC. It, however, became clear that this "threshold" issue, together with that of campaign finance and nomination fees, were all areas that the some or all political parties wished to see modified. The threshold issue found seven of the nine political parties in agreement, on a reduction of its strictures. The INEC, after consultation, did in fact reduce the ten percent to five percent. The INEC also reduced the registration fees from Naira 10,000 to Naira 5,000 for candidates for Chairman and from Naira 2,500 to Naira 1,000 for candidates for Councillor as well as the age requirements for candidates.

Chapter 6

Election Day

The fifteen-member AAEA/IFES delegation deployed eight teams for the December 5 elections. Two teams were deployed to the Federal Capital Territory and others to Lagos, Kaduna, Kano, Oyo, Plateau and Rivers States from December 3-7. Throughout the observation mission the teams met with INEC officials and staff, members of political parties, representatives of non-governmental organizations and other Nigerians involved in the political life of the country. On December 5 the AAEA/IFES delegation looked closely at polling station organization, capabilities of poll officials, the ability of voters to cast their votes without undue hardship or intimidation and in secrecy, and the procedures for vote counting and result tabulation.

AAEA/IFES has focused its assessment on the electoral process, particularly the legal and constitutional instruments governing the conduct of the elections and an analysis of their implementation. This Chapter outlines the electoral provisions governing the accreditation, voting and counting procedures and presents the AAEA/IFES observations of these processes.

Overview

The INEC reported that there were 112,240 polling stations in the 774 Local Government Areas. The legal framework describing the conduct of the local government elections was promulgated in Decree No. 17, 1998 and subsequently published in official gazette form as the *Guidelines for Local Government Council Elections (Guidelines)*. The INEC also produced a *Training Manual for Poll Officials (Manual)* which further clarified and expanded on a number of the details contained in the *Guidelines*.

The polling stations were to be located at the sites where voters had been registered. Some sites, however, contained more than one polling station. Some polling stations were in school grounds or halls but many were in open spaces such as village squares or city street corners. The registration system used was designed to ensure that the average polling station did not exceed 500 registered voters.

At each polling station, three *ad hoc* INEC staff were to carry out all election day activities: Presiding Officer (in charge of a Polling Station), Poll Clerk and Poll Orderly.

A Security Agent, usually a member of the police force, was also to be posted at each polling station to maintain law and order under the overall direction of the Presiding Officer. The *Guidelines* note that each candidate may appoint a Party Agent for each polling station in each ward in which he or she is contesting an election. The INEC must receive prior notification, in writing, of the names and addresses of the Party Agents and their place of deployment on election day.

As at previous elections, INEC Commissioners and certain senior INEC staff were prohibited from voting in the elections. According to custom and practice, the election officials at the lower levels, from the State downward, including the three officials posted at the polling station, also were not able to vote. Party Agents and Security Agents were able to vote, but only if they were posted in their own polling station.

The INEC prohibited campaigning 12 hours prior to the date of the election and further proscribed other activities within 200 meters of a polling station on election day. Such offences were punishable either by imprisonment or by a fine, or both, and included:

- canvassing for votes;
- soliciting for the vote of any voter;
- "being in possession of any acid, offensive weapon or missile or wearing any dress or having any facial or other decoration which in any event is calculated to intimidate voters;" and
- "exhibiting, wearing or tendering any notice, symbol, sign, token, photograph or party card referring to the election."

Election Day Activities

Election day itself can be considered under six broad activity headings:

1. Polling station set-up and preparation (prior to 8:00am)
2. Accreditation (8:00am – 11:00am)
3. Preparation for voting (11:00am – 11:30am)
4. Voting (11:30am – 2:30pm)
5. Counting (at polling station)
6. Ward and Local Government collation and declaration of results

The system of voting was known as the "open secret ballot" so named as the ballot was cast openly, in public view, but marked in secret. The secrecy of the voter's choice was supposed to have been preserved when the ballot was placed in the ballot box. In order to ensure that no opportunity existed for an individual to cast multiple votes, certain safeguards were built into the system, namely that of directing voters to be physically present at the polling station from the accreditation period until their vote had been cast. In addition, the voter was to be marked with indelible ink to prevent multiple voting.

1. Polling station set-up and preparation

On the day before the elections, the Presiding Officer was to have collected the non-sensitive election material from the Supervisory Presiding Officer and recorded the materials collected on Form EC 25. The non-sensitive material was to have included a copy of the voters register, ballot box, lock and key, polling booth, indelible ink, INEC stamp (for validating voter's cards and ballots), stamp pad and ink, envelopes (to retain used/unused/spoilt ballot papers), pens and a plastic election bag.

On the morning of the election day itself, prior to 8:00am, the Presiding Officer was to have received the sensitive material from the Supervisory Presiding Officer: ballot papers for the election of Councillor and Chairman and Statement of Result of Poll: Forms EC.8A (for Chairman) and EC.8A(1) (for Councillor). All three *ad hoc* election officials, the Security Agent and the Party Agents (bearing the relevant identity letter), were expected to arrive prior to 8:00am.

There were no step-by-step instructions issued to the poll officials to help guide them in setting up the polling station in either the *Manual* or the *Guidelines*.

2. Voter accreditation

INEC Guidelines provided for accreditation to start, at each Polling Station, at 8:00am and end at 11:00am. According to the *Manual*, the process of accreditation was to have been as follows: "All voters cards will be checked, stamped and signed at the back by the Presiding Officer who will record such details as the date, type of election and code number." The *Guidelines* are more specific on the process, directing the Presiding Officer to ask the voter to verify their details as set out on the register and to confirm that he or she is above 18 years of age, should a candidate or Party Agent "challenge" the voters identity.

According to the *Guidelines*, electors may vote without a voter's card, if that card is missing or destroyed. The *Guidelines* state, "The Presiding Officer shall, if the name of the person is found on the register of voters for the Polling Station or Unit; and he has satisfied himself that the person is not impersonating any other person, allow the person to vote." However, neither the *Manual* nor the *Guidelines* provided any instruction concerning what the poll officials should do if a voter had a voter's card but was not on the register. The list of election offences, found in Appendix I of the *Manual*, notes that these electors could be considered to have committed an election offence and thus the following penalties could be enforced:

"...[offences that are punishable either by imprisonment or fine or by both]

Voting or attempting to vote, when one's name is not in the register of voters;
Bringing into the Polling station a voter's card belonging to another person whether that person is living or dead."

Once a voter is accredited he or she is instructed not to leave the polling station environs ("zone"). This process was commonly described as "confinement." However,

none of the poll officials or security personnel are directed, in either the *Manual* or the *Guidelines*, to ensure that this happens.

According to the *Manual*, at the close of the accreditation period at 11:00am, the Poll Orderly was to stand behind the last person waiting to be accredited in the queue. Any person who arrives at the polling station after 11:00am shall not be accredited.

3. Preparation for voting

The *Guidelines* state that, at the close of accreditation, the Presiding Officer was to enter "in Form EC.8A, *Statement of Results Form*, the number of persons registered to vote at the Polling Station or Unit, the number of registered voters accredited, the serial numbers of the ballot papers issued to the Polling Station or Unit, the serial numbers of ballot papers issued to the voters, the serial numbers of unused ballot papers and the number of accredited voters standing in the queue at the commencement of voting."

Immediately after accreditation concluded (which is stated at 11:00am in the *Manual* but which was, in fact, later where there were still people queuing for accreditation at 11:00am), the *Manual* directed the Presiding Officer to explain the voting procedure to all present, including all electoral offences and the penalties for committing such offences and show that the ballot box contains no ballot papers prior to the commencement of voting.

The *Guidelines* further stated that the Presiding Officer was to introduce the candidates or their posters and symbols, the Poll Clerk and Orderly and the Party Agents; call the roll of accredited voters; and ensure that posters bearing photographs of the candidates were displayed within the polling zone or unit.

4. Voting

According to the *Manual*, voting was to commence at 11:30am and end at 2:30pm nationwide. Voting, however, was to be concluded when the last accredited voters "in line" had cast his or her ballots. Counting was to commence immediately after voting had concluded, either prior to 2:30pm or as soon as the voting had concluded, if this was later than 2:30pm.

The written procedure for voting also made provision for separate voting queues for men and women when necessary for cultural reasons. Further, it states that the Presiding Officer was to request the Security Agent or Poll Orderly to stand at the end of the queue behind the last accredited voter. Voters were to then show their duly stamped and signed voter's cards and be issued with the two ballot papers; one each for the Councillor and Chairman elections respectively. Voters were to then be directed to the polling booth (one at a time) to put their thumbprint on the ballot. They were to drop the ballot papers into the ballot box in the full view of all present.

Ballots: The design of the ballot was determined by the INEC. Two ballot papers were used for this election—one for the Chairman (printed on pink paper) and one for the Council member (printed on blue/green paper). The ballots were identical in design, (except for their headings), in that they both listed all nine parties contesting the election, and not candidates. Ballots showed each party's name (using the acronym) and the party's symbol, with a blank square next to the name and symbol to be marked with the voter's thumbprint. Ballot papers were printed with squares three across and three down. The parties were in alphabetical order, by acronym, from left to right across the ballot paper. A sample of the ballot paper is attached as Appendix V.

Ballot papers were supplied to the polling station in books of 100 with serial numbers indicating the state, Local Government Area and ward on the ballot stub. Polling stations were to receive a quantity that matched the voter's register plus a further one percent.

No clear instructions existed in either the *Guidelines* or the *Training Manual* on the marking of the ballot papers by the poll officials before issuing them to the voter. We were told by the INEC that they advised staff at training that ballots must be stamped and signed by the Presiding Officer before being issued to the voter. The only reference to this procedure is in the *Training Manual* which notes that the Poll Clerk will "assist the Presiding Officer with the stamping of the ballot papers on the back, if requested to do so."

It should be noted that the horizontal design of the ballot promoted invalid votes. If a voter folded the ballot and the ink from the thumb print was still wet, it would be possible for the ink to smudge and mark another party's box. Ballots so smudged were usually declared invalid by the poll officials.

Indelible ink: There were no instructions for poll officials with regard to the use of indelible ink. We do know that the INEC supplied indelible ink to the State level to be used on election day to mark, in some way, those accredited voters who had cast ballots. Some INEC officials told us that the voters would be marked with indelible ink after they had cast their ballots. It is also unclear how the poll officials were told to mark the voters. It should be noted that the ink supplied was not fully indelible.

Assisted voters: No official provisions were made for issuing ballot papers to more than one voter at once. According to the *Manual*, voters were directed, *one at a time*, to a private area to mark their ballot before placing it, publicly, in the ballot box. There was no guidance from the INEC on procedures for voters needing assistance, such as the elderly, the blind and others physically disabled.

5. Counting (at polling station)

Immediately after the last accredited voter has voted, the *Manual* states that the Presiding Officer shall:

- Empty the contents of the ballot box.

- Separate the Councillor and Chairman ballot papers.
- Sort the ballot papers into nine piles according to the party symbol.
- Using the alphabetical order of the acronyms of the parties, count loudly the number of votes.
- Enter the votes on EC.8A and EC.8A(1) in descending order.
- Verify the voter total by cross-checking the number of persons registered to vote; the number of accredited voters in the queue before voting; and the total number of votes scored.
- Check the ballot papers to ensure none should be rejected.
- Sign Forms EC.8A and EC.8A(1) and have the candidate or Party Agent(s) sign the Statement of Results.
- Give a copy of the statement of results to the each candidate or Party Agent and the Police.
- Proceed with the original of Forms EC.8A and EC.8A(1), accompanied by Security Agents and Party Agents and deliver them to the Ward Returning Officer
- Return all materials for preservation.

There were no guidelines as to what constituted an invalid ballot paper in either the *Manual* or the *Guidelines*. Several INEC staff told us that any mark outside the blank square next to the party name/symbol would invalidate the ballot. (The only reference as to where the voter should mark the ballot paper is in the *Manual* which notes that the voter should "put his/her thumb mark in the space opposite the symbol of the candidate of his/her choice.")

6. Ward and Local Government collation and declaration of results

For the Election of Councillor the Ward Returning Officer will (according to the *Guidelines*):

- Take delivery of Forms EC.8A and 8A(1) and collate the votes using Forms EC.8B and 8B(1).
- Enter the total votes on Form EC.8B(1) and get the polling agents to countersign.
- Crosscheck the figures and distribute copies to the Party Agents and Security Agents.
- Complete Form EC.8E for the councilor election and declare the candidate with the majority of votes duly elected.

For the Election of Chairman the Ward Returning Officer will (per the *Guidelines*):

- Enter the Polling Station votes on Form EC.8B, add and cross balance, sign the form and get the Polling Agents to countersign.
- Announce the result for the ward.
- Give copies of Form EC.8(B) to Party Agents or candidates and the Police.
- Take returns and materials to the Local Government Area Returning Officer.

For the Election of Chairman the Local Government Returning Officer will (per the *Guidelines*):

- Enter ward results on Form.8C to get the number of votes for each party.

- Sign Form.8C and ask candidates, Party Agents present to sign the form.
- Distribute the forms to Party Agents and the police.
- Declare the result (this exact mechanics of this process is described in Paragraph 11 of the *Guidelines for Local Government Council Elections*, a number of possibilities exist as the result of voting is not determined by a simple majority of votes cast, unlike that of the election of Councillor).

AAEA/IFES Observations on Election Day

On election day, the AAEA/IFES delegation visited 112 polling stations located across 34 Local Government Areas. The teams observed the opening and closing of polls, accreditation, voting and counting operations. We observed the declaration of the polling station results and watched material being transported to Ward Counting Centers. After the declaration of ward results we monitored the further transport of material to Local Government Collation Centers and observed the declaration of the results.

The AAEA/IFES teams returned to Abuja on December 7, 1998 and met to share their observations on December 8, 1998. The mission based its findings and reporting primarily on first-hand observations and carefully documented its observations, in all instances distinguishing verifiable fact from hearsay and objective from subjective judgement. The AAEA/IFES delegation used election day checklists to document accreditation, voting and counting operations and wrote longer analytical reports which discussed the general election environment of their deployment area and summarized their findings and recommendations.

On December 8, the AAEA/IFES mission issued its *Post-Election Report* (Appendix III) which summarized the teams' findings. The following section details the teams' observations of election day.

Disenfranchisement of voters:

A number of problems were reported to members of the observer mission prior to polling day. There were reports in the press of multiple registration, sale of voter's cards and severe shortages caused by rationing by the INEC to prevent misappropriation. A number of individuals we spoke to confirmed that voter's cards were difficult to obtain. The INEC State offices and their temporary recruits did not always keep the records as well as required and INEC Headquarters had not called for the return of voter registration records and unused cards, held in the states, to enable a reconciliation to take place. The INEC itself has admitted publicly that the register has significant problems.

In our discussions with the parties and NGOs about registration all acknowledged that there was a problem but all of them reserved judgement as to whether, for instance, the sale of voter's cards would benefit any particular party. We did speak to a number of

people who had personally had difficulty during the registration period, in finding a local registration point where voter cards were available. Some had not obtained a card.

The voters registers used at this election were hand-written. It was claimed by INEC that they were fair copies of the original registers but this was difficult to tell in practice. There is no doubt that some clerical errors would be made in copying approximately 59,000,000 names and details to form "fair copy" registers. We certainly observed instances where the voter number on the register and the voter number on the voter card differed and the elector's name was thus difficult to find. Some of these electors were then sent on by largely inexperienced poll officials to other polling stations. On the other hand, we saw some poll officials making determined efforts to find these electors' names on the register.

The lengthy period of accreditation, the theoretical enforced wait until the voting period, and the wait to vote during the voting period would have been a deterrent to voters to engage in multiple voting. We can understand that INEC hoped that this process would make it difficult for voters to vote twice but low turnouts observed at by-elections indicate that this cumbersome process will probably deter voters in the future.

Electors who had lost their voters' cards had a right to vote provided their name was on the register of voters. In practice this provision was not advertised. No team observed any elector asking for their right to vote where they had lost their card. On election day, it was reported that INEC Chair Justice Akpata had issued a notice directing poll officials to allow a voter without a card to vote if that voter could prove to the satisfaction of the poll official that he or she was on the register. The AAEA and IFES have no evidence that this directive was received or followed at the polling stations.

Polling station staffing:

As mentioned previously there were to be three *ad hoc* INEC staff working at each polling station. In reality in the vast majority of the polling stations that we visited only two staff (Presiding Officer and Poll Clerk) were present. We understood from the INEC that financial constraints prevented the Commission from fully staffing all polling stations.

The most efficient staff accredited voters at the rate of around one every 30 seconds, although usually they took closer to one minute. In some cases the staff had approximately 1,500 voters on up to three, or even four, registers. Typically a polling station operating with only the Presiding Officer marking the register, in accordance with the *Manual*, and with an accurate register could handle around 300 voters in the time allowed. At some polling stations we observed up to 1,000 electors came to vote. In some of these cases the Presiding Officer and Poll Clerk split the registers to speed the process but long queues formed at a significant number of the polling places we observed. Occasionally inaccurate registers made the queues even longer. These queues could have been a strong deterrent to potential electors contemplating going to vote.

Lack of a Poll Orderly meant that there was no one to stand at the end of the queue at 11:00am, meaning that voters who arrived at the polling station after 11:00am could be accredited.

Potential for multiple voting:

On polling day the three-hour accreditation period and the fact that there were commonly long queues meant that it would often have been difficult for a voter to cast a ballot at more than one polling station. However, if an elector had illegally obtained a voter's card, it was certainly possible, particularly at adjacent polling stations. In theory, electors who were accredited had to remain at their polling station until they had voted; however, none of our teams saw this rule enforced. Poll officials could see that it would be impossible to keep large sections of the community, such as the elderly and parents with young children, at the polling station and did not enforce the rule from the outset.

We did observe a significant number of electors in one State in northern Nigeria with more than one voter's card waiting in the queue during accreditation. In other isolated instances, particularly in a State in northern Nigeria, we observed individual electors with more than one card. These instances often involved a husband who had brought his wife's voter's card. As our observers remarked on a significant increase in the number of women in the queue from accreditation to voting in polling stations in the north, in some cases it appeared that the wives returned to the polling station during voting with their accredited card to cast their ballots. Our observers did not witness any cases of multiple voting.

Lack of election materials:

Lack of election materials both sensitive and non-sensitive, and in particular the Statement of Result of Poll (Forms EC.8A and 8A(1)), caused polling stations to open late in a large number of cases. The shortcomings in the delivery of the forms appear to have been the result of both local transport problems after the material left the State INEC headquarters, coupled with a late supply by the printers of the Forms 8A and 8A(1) to INEC headquarters.

In Rivers State this late delivery caused the count to commence late and/or pieces of paper to be used in lieu of the official Form EC.8s. A number of polling stations had to abandon voting in River State due to lack of light when materials eventually arrived. Surprisingly River State repeated the same error the next weekend, once again counting in the dark at a number of polling stations and ward counting centers for the by-elections and having insufficient copies of Form EC. 8s to give the Party Agents, as required by the INEC guidelines.

Under-age voting / Impersonation:

Most observer teams noted that they saw a small number of instances where a voter may have been under 18 years of age. This of course is difficult to quantify as no national identity documentation scheme exists in Nigeria. The election day procedure very much relies on "local knowledge" meaning that the Presiding Officer, other poll officials and Party Agents should be from the locale. This then very much reduces the

chance of both under-age voting and more importantly that of voter impersonation. In fact the onus of responsibility on challenging voter identity rests with the Party Agents as they are looking after the interests of their candidate/party. Thus, it can be noted that it is very important that candidates ensure that they are represented at each Polling Station. We observed that in all 112 Polling Stations more than one Party Agent was present. There is of course a universal responsibility on all voters to bring to the attention of the poll officials any possible case of under-age voting or impersonation.

At several polling stations we observed poll officials collect voter's cards from those waiting in line for accreditation. The cards would be accredited and then the poll officials would call the names out on the cards and return them to the voter. By doing this, poll officials could not ensure that they were not accrediting under-age voters or those who were using cards that were not their own.

As previously noted, the registration process very much "shapes" that of election day. If the distribution of voter's cards and the registration itself is not tightly controlled the potential for voter impersonation and multiple voting increases. We offer one example to illustrate this drawn directly from our observations. In Gabasawa Local Government Area in Zakirai ward in Kano State, we saw numerous people with multiple voter's cards during the accreditation process, including one man holding at least 20 voter's cards. Although the AAEA/IFES observers were able to observe voting at some polling stations in this ward, our inability to remain at the polling stations throughout the voting process, the lack of domestic observers, and the non-application of indelible ink to mark voters meant that our observers could not determine if multiple voting took place. While Party Agents from two parties were present at the polling stations in this ward, our observers were not convinced that the agents were acting in the full interest of their parties to ensure the credibility of the process.

Location and set-up of polling stations:

Polling stations were most commonly in school grounds, grounds of local community halls or village squares. There was often little shelter available and these venues were not conducive to confinement of voters from accreditation to voting as envisaged in the guidelines. Most polling stations contained party posters in contravention of Decree No. 36, which prohibited the display of campaign material within 200 meters of the Polling Station. To some extent this was a benefit, as voters often did not otherwise know who was fielding candidates.

No attempt was made at any of the polling stations we observed to rope off areas to control queues. At some polling stations queues were crowded right on top of poll officials making their job stressful and extremely difficult. Security Agents often allowed this to happen.

Transparency and efficiency of counting process:

At most polling stations we observed, counting was carried out in the open in full view of Party Agents and, often, the public. As mentioned previously, the lack of Forms EC.8A and 8A(I) was the major problem that caused delays and, in a few observed cases,

caused poll to be re-conducted 7 days later. The tabulation system, where it was used, gave Party Agents and poll officials a clear paper trail. The system, whereby at each stage of the counting process Party Agents signed and received a copy of the result, was widely accepted and worked well.

Lack of training and instructions for poll officials:

We were advised by the INEC that they lacked sufficient funds to train all staff in election procedures. This problem was exacerbated by the loss of a large number of poll officials due to industrial disputes on the eve of the election. To compound the problem, some important topics were not covered in the Presiding Officer *Manual*, such as assistance to voters and what constitutes a valid and invalid ballot paper. In many instances we observed that the environment in which many voters marked their ballots could be considered to be quite intimidating. By this we mean that, those waiting to vote, Party Agents and security personnel, were in a majority of cases, in very close physical proximity to the polling booths (if supplied). On many occasions, we observed voters placing their marked ballot papers in the ballot box unfolded. This meant that their vote was clearly visible to all those around waiting to vote and those observing the process, resulting from the lack of guidance given to poll officials on polling station layout and their duty to instruct voters on how to cast their vote. This problem points to the need for further voter education on the importance of the right to cast a vote in secrecy. Problems such as these inevitably caused some inconsistency in the operation of polling stations.

On December 4, the States of Enugu, Kano, Katsina and Oyo were forced to replace thousands of poll officials due to strikes by state and local workers. The staff was not protesting against the INEC but were pressing the State and Local governments for pay increases for their regular work (many of them were teachers). Many of these poll officials were replaced by federal workers and students from the federal educational institutions in those States. The AAEA/IFES observer team deployed to Kano reported that more than 5,000 poll officials were replaced on the eve of election day, most receiving training only hours before assuming their election responsibilities. While it was noted that many of these poll officials performed admirably in these difficult circumstances, election day procedures were inconsistently applied at the polling stations we observed because there was no time for a thorough training program to be implemented.

Invalid ballots:

Most teams, at the count of votes, observed ballot papers rejected even where the voter's intention could clearly be discerned. In some cases, smudges, thumbprints over the party symbol and thumbprints that overlapped borders very slightly were all rejected.

Domestic observers:

Procedures for accreditation of domestic observers were only finalized a few days prior to December 5. Three hundred and seventy domestic observers received accreditation for the Local Government Council elections. We observed the presence of domestic

observers in only four polling stations that we visited on December 5 (two in FCT, one in Lagos and one in Kaduna).

The importance of allowing access for informed domestic observers throughout the process and in particular at the points of registration, voting, counting and results declaration cannot be overstated. They provide another level of scrutiny in the process and being non-partisan, provide a different focus to that of Party Agents. International observer delegations do not have the outreach in terms of numbers of observers, that can be provided by domestic observation groups. Thus, a far greater number of polling stations could be observed if the accreditation process was decentralized to State level.

Voter awareness:

It was obvious from the high level of invalid ballot papers observed, both genuine and where the voters intention could reasonably be discerned, that whatever voter education campaign had been conducted by both the National Orientation Agency and the INEC, needs to be improved. It is perhaps reasonable to conclude that the number of changes in the voting system that has been used over the last few years may well have contributed to the confusion on election day. Most Presiding Officers, when instructing the voters on the procedure to be used for voting (prior to 11:30 am), did not provide adequate and clear guidance. Also, no voting system should rely on last minute guidance as information about the procedures should already have been widely disseminated.

Secrecy of the ballot:

One State Resident Electoral Commissioner told us that the voters would be told not to fold their ballot papers before putting them into the transparent ballot box which would be situated so that it was clearly visible to the poll officials, Party Agents and voters waiting to cast their ballots. He explained that this ensured openness. All other INEC officials to whom we spoke stressed the secrecy of the ballot; particularly the marking of the ballot paper in private and the folding of the ballot before it was cast. In practice, folding was not common and often the ballot was folded with the thumbprint facing outward and clearly visible.

Indelible ink:

With the exception of Lagos State, we did not observe the correct application of indelible ink. In reality, most Presiding Officers, if the Polling Station was supplied with indelible ink, poured it into the inkpad. A correct application would have been to dip the voter's thumb in the ink, ensuring that both the thumbnail and more importantly the cuticle are marked with ink. Consequently by just marking the tip of the thumb, the ink's designed indelible properties are much reduced. We observed that a voter could remove the ink from the tip of their thumb fairly easily after voting just by wiping it with a cloth. This problem was in part due to the fact that the *Manual* did not contain any guidance for Presiding Officers on the use of ink nor was an effective voter awareness campaign mounted to pre-notify the voters that indelible ink was to be used on the day of the election. Indelible ink provides a very visual safeguard against the possibility of multiple voting.

Chapter 7

Post-Election Environment

Run-Off and By-Elections

On December 12, 1998, the INEC conducted run-off and by-elections in 20 of Nigeria's 36 States and in the Federal Capital Territory, with elections taking place in 353 wards for the chairmanship elections and 206 wards for the councillorship elections. On December 9, INEC Chairman Justice Akpata commented on the December 12 run-off and by-elections in a press conference at which he also announced the provisional results of the December 5 vote. Justice Akpata noted that, "In areas where elections were inconclusive, there will be run-off elections on..the 12th December. Similarly, there will also be elections on the same day...in areas where elections did not hold [sic] on the 5th December due to the late arrival of sensitive materials, civil disturbances or where the elections were aborted for whatever reason."¹⁰ Justice Akpata added, "It is relevant to state that the late arrival of sensitive materials was not due to the tardiness of our staff but to the disappointing performance of our official printers." Akpata's comments were a direct reference to the late arrival of the polling station results form (Form EC.8 series) from the Nigeria Security Printing and Minting Corporation.

The IFES long-term monitors observed the December 12 run-off elections in Gwagwalada Area Council, Federal Capital Territory (FCT), and the by-elections in the Port Harcourt area in Rivers State, assessing polling station operations, the count, and then following the tabulation of results from the ward to the local government level. The IFES monitors noted:

- continued inconsistency in election day procedures as conducted by the poll officials;
- lack of election materials;
- intimidation of voters;
- some cases of under-age voting;
- no use of indelible ink to mark voters; and
- disputes concerning invalid ballots.

Of particular concern was the re-use of the ballot papers for the December 12 elections in the wards where run-off elections were held and where only two candidates were contesting the elections. Voters invariably cast ballots for parties that were not fielding candidates, resulting in an unnecessary amount of invalid ballots. Also, indelible ink was not used to mark voters at any of the polling stations observed by the monitors. The

¹⁰ *Public Remarks*, Justice Ephraim Akpata, December 9, 1998.

following are some specific comments concerning our observations.

RUN-OFF ELECTION—

Gwagwalada Central Ward, Gwagwalada Area Council, FCT:

The IFES monitors visited all nine polling stations in Gwagwalada Central ward throughout the day. The poll officials at the polling stations had served on December 5, but had been rotated so none had previously served in this ward. However, despite this being the “second time around” for them, IFES continued to observe a widely inconsistent application of the election guidelines.

Accreditation: All nine polling stations did not follow the guidelines directing the confinement of voters. In one polling station, IFES observed accreditation after the commencement of voting. In one polling station, it was noted that accreditation was kept open in the period 11:00-11:30am, as the Presiding Officer believed that accreditation finished at 11:30am. In another polling station, the Presiding Officer was not marking the register if the voter had his voter's card previously stamped from December 5; the Presiding Officer was re-stamping the card, but was only checking the register for those with unstamped cards. Consequently, accurate accreditation figures could not have been declared.

Election day procedures: Consistent with AAEA/IFES observations on December 5, the IFES monitors observed a lack of uniform procedures from polling station to polling station throughout the election day. As before, there was no uniformity across the nine polling stations to ensure the voter's right to secrecy in marking the ballots. Not all polling stations were provided with a polling booth. Further, at none of the polling stations was indelible ink applied to mark voters.

Invalid ballots: The IFES monitors observed that ballots were rejected even when the voter's intention could be discerned. Moreover, the criteria for invalid ballots varied over the three polling stations where the count was observed. As unused ballots from December 5 were used, a number of voters marked their ballots for parties other than the two that were contesting the run-off.

Under-age voters: At two polling stations, we observed the arrest of under-age voters. One boy seemed to be attempting to use his older brother's card. He was questioned by the Security Service, and detained by the police after no one in the accreditation line could vouch for his age.

RUN-OFF ELECTION—

Kutunku Ward, Gwagwalada Area Council, FCT:

Accreditation: Problems remained regarding the procedure of accreditation as explained in the guidelines, i.e., the hours of operation, the need for voters to remain until they cast their ballots, and the general understanding among the voters of what accreditation is and what their responsibilities/rights are as voters.

Voting: Considering the registration numbers recorded at the five polling stations, voter

turnout was low. Polling booths at four sites allowed for secret voting and an attempt was made to allow voters to mark their ballots privately at the fifth site. INEC headquarters staff was present and was called upon several times to help poll officials answer questions or resolve minor disputes. Marking the ballot with a thumbprint still proved frustrating, as voters were concerned they would spoil their ballots if they folded them before they placed them in the ballot box. Many simply inserted their ballots without folding in order to avoid this problem. No indelible ink was used.

BY-ELECTIONS—

Port Harcourt Local Government Area and Oyiibo Local Government Area, Rivers State:

Late starts: Between 7:30-10:30am, the IFES monitor visited seven polling stations. Apart from a few voters, no one was present before 8:30am—even police arrived between 8:30 and 9:00am. At 10:30am, IFES visited INEC in Port Harcourt and spoke with the Logistics Director who said that all the material had gone out the night before; she gave no reason for the late starts. Of the five polling stations where IFES recorded opening times, one polling station claimed to have opened at 10:30am, three at mid-day, and one hadn't yet opened by 1:55pm and had a wrong voters register. Given the late starts on December 5 and the INEC report that materials had been delivered, these late starts are difficult to explain.

Police intimidation: We saw a number of examples of police intimidation. At two polling stations, voters were ejected when they started to tell us of irregularities. In three other instances, voters followed the IFES monitor out of polling stations to complain about incidents, which strongly suggest they felt unable to raise these issues openly.

Counting: Form EC.8s were again not available or were in insufficient quantities. Most Party Agents were excluded from the Ward Collation Center at the Port Harcourt Town Hall except for a few who, without Form EC.8s, had little prospect of tracking the results.

Results

The result of voting for the election of Councillor and Chairman is declared at local level first, by the Ward and Local Government Returning Officers respectively. The INEC headquarters, has to rely on each of the Resident Electoral Commissioners to forward a copy of the result before making the calculations for the registration of political parties and overall voter turnout figures publicly available. Not all election results are available as yet, on December 30 some 766 Chairmen and 8699 Councillor results are known to the INEC. This information, as well as overall turnout figures by State are included in Appendix VI.

Threshold

On December 14, 1998, the Chairman of the INEC announced at a press conference the outcome of the final registration of political parties. The conditions for final

registration of political parties are stipulated in the *Guidelines for Registration of Political Parties*. In brief, any political party that "scored" five percent of the votes cast in at least 24 States would receive final registration and thus be able to participate in subsequent elections. (Paragraph 10(3)). These *Guidelines* provide for a number of differing eventualities should parties not meet this minimum threshold (Paragraphs 12,13):

"(12)(1) Where only one provisionally registered Political Party satisfies the requirement of subparagraph (3) of Paragraph 10 of these Guidelines, the Commission shall register along with it two other provisionally registered Political parties which come first and second respectively in accordance with the number of States in which the provisionally registered Political Parties scored 5 percent of the total votes cast.

(12)(2) Where only two provisionally registered Political Parties satisfy the requirement of sub-paragraph (3) of paragraph 10 of these Guidelines, the Commission shall register along with the two provisionally registered Political Parties the next provisionally registered Political Party which scored 5 percent of the total votes cast in each of the highest number of States of the Federation and the Federal Capital Territory, Abuja.

(13)Where no provisionally registered Political Party satisfies the requirement of sub-paragraph (3) of paragraph 10 of these Guidelines, the Commission shall register three provisionally registered Political Parties which scored 5 percent of the total number of votes cast in the highest number of States of the Federation and the Federal Capital Territory, Abuja."

The above *Guidelines* provide for the eventuality of a political party receiving registration if it does not meet the minimum threshold for geographic spread of the vote (i.e., less than 24 States). It does not amend the minimum percentage of the vote required, (i.e., five percent). Thus a political party with four percent of the vote in at least 24 States will not receive registration. The Federal Capital Territory is considered to be a State for this purpose.

The INEC provided the following analysis of the result of voting, with regard to the five percent requirement :

1.	AD	-	14 States
2.	APP	-	36 States
3.	DAM	-	Nil
4.	MDJ	-	3 States
5.	NSM	-	1 State
6.	PDP	-	37 States
7.	PRP	-	Nil
8.	UDP	-	Nil
9.	UPP	-	1 State

Two parties satisfied the condition of scoring five percent of the votes cast in at least 24 States, PDP and APP. A third party, AD, was also granted registration as the Guideline provided for the situation where only two parties received five percent in at least 24 States, the party which scored five percent of the total votes cast in more States than others (Paragraph 12 (2) above).

The Guideline notes that "the number of votes cast" is considered to be the summation of the number of votes cast at the councillorship and chairmanship elections. The number of votes cast in an election is traditionally taken to mean the aggregate of both the valid and invalid votes. Clearly, as the number of invalid (rejected) votes cast is not recorded past the Ward Collation Center the more traditional interpretation of "cast" is not being used. This lack of information on the number of invalid votes also impacts on the calculation of voter turnout.

Tribunals

Disputes that arise from the Local Government Council elections are to be resolved through an election petition filed at an Election Tribunal. Decree No. 36, Local Government (Basic Constitutional and Transitional Provisions) Decree 1998, promulgated on December 2, 1998, describes in detail this procedure. It notes that the method of complaint about the elections is by lodging an "election petition" with the court that is constituted to deal with these matters in the first instance, namely an "election tribunal." The tribunal is a five-person body, comprised of a Chairman, who is a High Court Judge, and four other members who will be drawn from the High Court or at the very least be a Chief Magistrate. Each of the 36 States and the FCT will constitute separate Election Tribunals, the members being appointed in consultation with the Chief Justice of the Federation. On December 29 the Chairman of each of these tribunals was sworn in.

An "election petition" can only be filed by a contesting candidate (or person whose nomination was rejected by the INEC) rather than a political party. It must be lodged within 14 days of the declaration of result of the relevant election. The tribunal must determine the outcome of the petition and pronounce judgement within 60 days of the date of filing. The tribunal has the power to nullify an election, or should the candidate originally declared elected not be the person with a majority of votes, declare the correct one in his or her stead. The Decree further notes that an election may not be overturned just because a technical breach of the election guidelines has occurred. The legal test is that of whether the "spirit" of the guidelines has been observed. The INEC is indemnified from damages arising from any judgements made.

Should the petitioner not be satisfied, an appeal to the election tribunal decision must be lodged within seven days of judgement. Ordinarily this would be with the Constitutional Court; however, since this is yet to be constituted it will on this occasion be heard by the Court of Appeal, whose judgement will be final.

To date a number of election petitions have been lodged, but no central data exists with the INEC on exact numbers. We are aware of two arising from the conduct of chairmanship elections held in the FCT. Obviously, no Councils can be constituted until all these matters are resolved. The process described above is not "open ended" and the vast majority of petitions will have to be concluded in the first instance around the second week of February 1999.

It is of course more desirable that the election tribunals be constituted prior to the expiration of the period that petitions could be lodged. This would have ensured that all petitions could be considered in the fullest time available under the above arrangements (60 days) which would also enhance the transparency and promote the confidence in the process. However, it is interesting to note that the Chief Justice of the Federation, Justice Mohammadu Uwais, commented when swearing in the Local Government Election Tribunal Chairman on Tuesday 29 December that "Nigerian politicians will do anything to get what they want". (ThisDay, December 30). He was perhaps anticipating that some petitions lodged may well not be based on the most stringent of legal cases, and was cautioning the Election Tribunal Chairman to be vigilant about this.

Chapter 8

Findings and Recommendations

A credible election process ensures the protection of the rights of the voters and candidates through mechanisms administered by the electoral authorities. The assessment of the AAEA/IFES mission of the process of the December 5 local government elections in Nigeria began with a review of the election framework—the setting of the ground rules and the tasking of institutional actors to administer the elections—and then tested that framework by observing the implementation of the laws and the procedures during the pre-election period, election day and the tabulation processes.

As an observer mission of election officials, election experts and experienced election observers, the joint AAEA/IFES delegation to the December 5 local government elections in Nigeria focused its assessment of the electoral process on the technical aspects of the administration of the vote. Areas of particular concern to the AAEA/IFES mission were:

- the legal framework for the electoral process;
- the organizational capacity of the Independent National Electoral Commission (INEC); and
- election procedures.

The recommendations of the AAEA/IFES mission fall within these three general areas. Our comments about the local government elections are presented here in the hope that they might contribute to preparations for the upcoming Governorship, State House of Assembly, parliamentary and presidential elections, to the overall strengthening of Nigeria's electoral system, and to the transition to a civilian, democratic government.

1. Legal Framework

Under the military regime of General Abdulsalami Abubakar, the electoral process is governed by decrees, issued by the federal military government. The Independent National Electoral Commission (INEC) was established by decree, following the dissolution of the National Electoral Commission of Nigeria (NECON) by an earlier decree. In the absence of a standing electoral law, the INEC issues electoral guidelines which are then ratified by decree by the military government.

In the case of Decree No. 36, the enabling decree for the local government elections, and its accompanying guidelines on political party registration, it should be noted that

these instruments were formulated through consultations between the INEC, the political parties and key stakeholders in Nigeria, demonstrating the openness of the legal drafting process to different views and concerns. The INEC should be commended for its efforts to engage Nigerian stakeholders in dialogue and for including their recommendations in the policies promulgated by the Commission.

Despite this process of review and consultation, and of the issuance of guidelines and decrees for each transitional election, many gaps remain in the legal framework governing these elections which have resulted in a lack of standard election procedure at the local level. The rights of the electorate, for example, to the secrecy of the ballot, should be protected by the guidelines and the decree governing the elections, as should the rights of international and domestic organizations to observe the electoral process. These, and other issues, are addressed informally by the INEC in documents such as manuals for poll officials and the code of conduct for observers, but there is no guarantee that these issues will be treated in a standard way without them being formally included in a document which has the force of law.

We offer the following observation on the legal language used in drafting the Decree No. 36, with particular reference to that used when describing the mechanism for determining the threshold calculations used to determine those parties qualifying for registration (five percent of the "votes cast" in 24 States--see Chapter 7). A greater precision and consistency is required in describing some terminology, such as the phrase "votes cast," more accurately described as valid votes cast. Consideration should also be given to ensuring the controlling forms also use the same language and contain provision for the relevant detail to be captured. A clear example of this is that of the issue of recording the number of invalid ballots "cast" in each election. The current series of EC.8 forms makes no provision for the number of invalid ballots to be recorded past that of the Ward Collation Center. This has one implication: the calculations that the INEC made to determine which parties should receive registration based on the percentage of votes cast will have not been calculated in accordance with the Decree. Fortunately no material effect has occurred, that is to say the same three parties would have received registration if the calculation had been in accordance with the legal language stated, it being imprecise. In reality a more serious issue to consider is that this unrecorded data (invalid ballots) will provide an important "check and balance" into the system in the area of early detection of "results tampering."

Another issue which deserves further attention concerns campaign finance regulation. While the INEC is tasked with monitoring the finances of political parties, there are few restrictions on contributions to the parties and how the funds are spent. The examination of the electoral guidelines and the drafting of a new electoral code should take this issue into account but should also be sure to provide the INEC, or the responsible regulatory body, with an adequate mandate and sufficient resources to enforce any regulations.

Recommendations:

- The generally accepted rights of a voter in a democracy, including the rights to cast a ballot in secrecy and without undue hardship or intimidation, should be fully protected by the legal electoral guidelines. Further, to reduce the less than uniform application of election procedures on election day, the INEC should include, in its guidelines, explicit instruction to poll officials on such issues as the confinement of voters at the polling station, assisted voting, invalid ballots, use of indelible ink and others.
- The right of access for accredited domestic and international observers and the media to all aspects of the electoral process should be legally protected. This will be an additional universal signal that the process is open and transparent.
- Upon its inauguration, the National Assembly should undertake a thorough review of the electoral guidelines and decrees, including the responsibilities and powers of the Electoral Commission and the jurisdiction of the election tribunals. The result of this review should be the drafting and promulgation of a new electoral code which protects the rights of voters, candidates and parties and ensures the conduct of periodic, transparent and credible elections.

2. Organizational Capacity of the Independent National Electoral Commission

The AAEA/IFES delegation recognizes the great challenge faced by Nigeria's INEC in administering these elections given the size and complexity of the country, the stated time frame, and the attendant logistical constraints. Despite the good performance of the INEC in conducting the December 5 elections, we recommend that the Commission address several areas to enhance the effective and transparent conduct of the electoral process.

As has been noted by international and domestic observers of the December elections, there was a wide variance in the application of election procedures from polling station to polling station, as well as throughout the tabulation process. In preparation for the January 1999 elections, the INEC requested international technical assistance to support the development of a manual that would provide step-by-step instruction to Presiding Officers and other poll officials on election day. IFES and the Electoral Commission of Ghana collaborated with the INEC in the development of this manual which will partly address the lack of standard procedures on election day.

The INEC had worked to limit the number of registered voters at each polling station to 500 or less, although on election day, the AAEA/IFES team observed several polling stations with more than 500 voters. At some of these larger polling stations, inadequate provisions were made for the security of the materials, the efficiency of the process and

the control of the crowds. The inefficiencies of the polling station operation were added to by the lack of a Poll Orderly at every polling station observed.

Serious concern has been expressed by many election officials, leaders of political parties, Nigerian citizens and observers of the electoral process about the shortcomings of the voter registration process, including the disenfranchisement of eligible Nigerian citizens resulting from the shortages of cards, reported multiple registration and the apparent lack of controls on voter's cards. The credibility of any electoral process is based, as a first step, on the accuracy of the register of voters. For the Nigerian electoral authorities to ensure the enfranchisement of all Nigerian citizens and the fairness of the process, it is imperative, in the longer-term, that the inaccuracies of the voter register be corrected.

Recommendations:

- To promote more effective and transparent election administration, election officials (including *ad hoc*/temporary staff as well as permanent staff of the INEC) should receive regular training in registration procedures, polling station set-up and on accreditation, voting, counting, tabulation and review processes. Training should focus on the provisions of the electoral guidelines to prevent its uneven and often discriminatory application and be updated as appropriate as well as enhance the professional nature of election administration.
- In polling stations of more than 500 registered voters, the INEC should ensure the provision of additional staff and materials to increase the efficiency of the accreditation and voting processes.
- In the review of the legal electoral framework by the soon-to-be-elected National Assembly, all phases of the voter registration process should be examined and the process made more efficient, transparent and credible. Efforts should be made to open registration permanently and to computerize the list to facilitate the enfranchisement of eligible voters and to enhance the accuracy of the list. Also, registration procedures in the electoral guidelines should facilitate public access to registration data to promote the list's regular revision. The INEC should also ensure that political parties have full access to the registration list. One option for consideration by the Nigerian authorities is the linking of the voter register to a national identification system, which would include a photo identification card.

3. Election Procedures

The production and distribution of a manual for poll officials prior to the January 9 elections will address many of the weaknesses observed in election day procedures. In addition, thorough and timely training of election staff will enhance their understanding of the process and the uniformity of the application of procedures. As is noted above,

the INEC should also ensure that the election day process is clearly mandated in the relevant election guidelines to address the present ambiguity that exists in several areas.

In preparation for the January Governorship and State House of Assembly elections, the INEC has requested the assistance of the government of India in procuring indelible ink for the marking of voters. The AAEA and IFES are encouraged that the INEC has taken this step to help prevent multiple voting and to strengthen the overall credibility of the process.

Every effort should also be made by the INEC to ensure that Party Agents and voters are informed about the election day process and their rights and responsibilities in that process. The main responsibilities of the Party Agents, in particular, are to help detect impersonation and multiple voting and to ensure that the poll is conducted in accordance with the laws and regulations governing the conduct of the elections.

Recommendations:

- The INEC should give specific direction to its poll officials concerning:
 - a) Polling station set-up: The polling station should be arranged to ensure the efficiency of the process, the full observation of the Party Agents to the process and the secrecy of the vote.
 - b) Impersonation: To prevent impersonation, where necessary, poll officials should ask the voter for information that is not on the card, but that is contained in the voters register against that person's name.
 - c) Confinement: If it is INEC policy that, after accreditation, voters should remain at the polling station until the commencement of voting, then this instruction should be clearly conveyed to all poll officials.
 - d) Instructions to the voter: Poll officials should instruct voters to fold their ballots after marking them, provided that the ballot's design is appropriate, and before casting them in the ballot box. Folding the ballots will help ensure that the voter's choice remains secret. Some inkpads, which voters can use to mark their thumbs for voting, are available that dry quickly and will not blot.
 - e) The application of indelible ink: The poll officials should be given clear guidance in the method of applying indelible ink (at the base of the nail and the cuticle of the appropriate finger).
 - f) The secrecy of the ballot: When available, polling booths should be used to ensure that voters can mark their ballot in private. When polling booths are not available, the table for marking ballots should be placed well away from the poll officials' table, the Party and Security Agents and others, including waiting voters.
 - g) Invalid ballots: Clear guidance should be given to the poll officials as to what constitutes an invalid ballot.
- The INEC should make available to the political parties additional written information for the Party Agents so that they can better understand and contribute to the election process. Such information would also be useful to the Security Agents to enable

them to perform their duties more effectively at the polling station under the direction of the Presiding Officer.

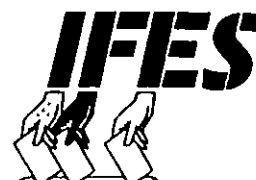
- Increased understanding on the part of the voters as to their rights and responsibilities will contribute to the INEC's efforts to guard against multiple voting and to promote the secrecy of the ballot. The AAEA and IFES recommend that further attention and resources be given to widespread voter education campaigns by the INEC to explain the voting process and the general framework of the elections.

Conclusion

Many of the recommendations proposed by the AAEA/IFES mission in this report can be implemented before the conclusion of these transitional elections. The AAEA and IFES encourage consideration of these recommendations to further the credibility and transparency of the electoral process and to enhance the representative nature of the offices that are elected by the Nigerian citizens. It is important that the government that is inaugurated following these coming elections be viewed by all Nigerians as one that truly reflects the will of the nation's citizens. As a country facing many challenges, the elected civilian government will need the support of the Nigerian people if it is to guide the nation toward democracy, good governance, unity and development.

APPENDIX I:

AAEA/IFES Observer Mission: Delegation List
International Observer Badge



**AAEA/IFES Observer Mission
Nigerian Local Government Elections: December 5, 1998**

Delegation Leader

K. Afari-Gyan
Executive Secretary, AAEA
Chairman, Electoral Commission of Ghana

Delegates

Abuya Abuya
Member, Electoral Commission of Kenya

John Acree
Consultant, IFES/Nigeria

Marren Akatsa-Bukachi
Program Officer, Institute for Education in Democracy, Kenya

Simon Clarke
Program Manager, IFES/Nigeria

Albert Geoffrey M. Dzvikamanja
Member, Electoral Supervisory Commission, Zimbabwe

John Ernest Ekuban
Coordinator, Institute of Economic Affairs, Ghana

Paul Guah
Chairman, Elections Commission of Liberia

Keith Klein
Director, Africa and the Near East, IFES

Ramanou Kouferidji
Communications Secretary, GERDDES-Benin

Gilbert Ngouongue
Permanent Secretary, CERUDE, Cameroon

Flora Nkurukenda
Deputy Chairperson, Electoral Commission of Uganda

Trefor Owen
Election Specialist, IFES/Nigeria

Susan Palmer
Program Officer, Africa and the Near East, IFES

Kwadwo Sarfo-Kantanka
Deputy Chairman (Finance and Administration), Electoral Commission of Ghana



ELECTION DUTY

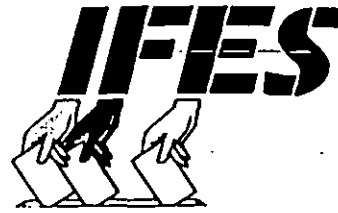
INTERNATIONAL

OBSERVER

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Authorised by: The Chairman of INEC

APPENDIX II: AAEA/IFES Pre-Election Report (November 30, 1998)



November 30, 1998

Pre-Election Report Nigeria's Local Government Council Elections: December 5, 1998

This report was prepared by the four-person joint monitoring team of the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) which arrived in Nigeria on November 15, 1998 to observe and assess the preparations for the December 5 Local Government Council elections. The team was able to meet with officials from the Independent National Electoral Commission (INEC), representatives of all nine political parties, civil society groups involved in the election process, other Nigerian stakeholders, and domestic and international organizations observing the electoral process.

This report is a summary of the team's observations and should be considered as a preliminary report on the process. It should be noted that full access to INEC officials was granted to members of the AAEA/IFES team on November 27, 1998. Also, the team was not able to travel throughout Nigeria given the short time that the members have been in country.

It is within this framework that we have gathered information from a number of varied sources and offer the following comments. This document is not intended to be an exhaustive commentary of the electoral process but identifies several key areas for further attention. All of the recommendations that we make can reasonably be addressed prior to December 5.

This report is the first of a series of reports that will be written as part of the joint AAEA/IFES observation mission to observe the December 5 Local Government elections. A brief statement will be issued after polling day and will be followed by a detailed analysis of the process approximately four weeks later.

Election Framework

The framework for the current transition was set forth by General Abdulsalami Abubakar, who came to power in early June 1998 after the death of General Sani Abacha. Shortly after assuming his post as Head of State, General Abubakar confirmed the regime's intention to organize the transition to an elected civilian government. His speech of July 20, 1998 provided the framework and timeframe for this transition with the announcement of the dissolution of the existing political parties and of the election commission, the release of political prisoners, the scheduling of elections for the first quarter of 1999, and the setting of a date for the inauguration of a newly elected government on May 29, 1999. He further announced the establishment of a new elections commission and permitted the formation of new political parties.

In August, General Abubakar signed Decree 17, which defined the statutory obligations and areas of responsibility for the new Independent National Electoral Commission (INEC). The INEC has six responsibilities: 1) organizing elections; 2) registering political parties; 3) monitoring the activities of political parties; 4) auditing the finances of political parties; 5) registering voters; and 6) establishing and enforcing campaign rules.

Shortly after the decree, INEC published the *Guidelines and Transition Time Table August 1998–May 1999*, which details the various activities and steps, such as the registration of political parties and voters and the nomination of candidates, leading up to December 5, the day of voting for the Local Government Council elections. INEC subsequently issued voter registration and party/candidate registration guidelines. In early November, INEC published the *Guidelines for Local Government Council Elections*, which was subsequently amended on November 26 to incorporate changes previously announced to the public via INEC press releases.

On December 5, elections are scheduled to take place in 774 Local Government Areas throughout Nigeria. Each Local Government Area is made up of approximately 11 wards, each ward electing one council member. Each voter will also be able to cast a vote to elect the Chairman of the Council.

The November 26 *Guidelines* will form part of an enabling decree that will provide the legal framework for the Local Government elections. The Decree will be promulgated prior to the election day and it is expected to detail election provisions not included in the *Guidelines*. The Decree has been formulated through consultations between INEC, the political parties, and key stakeholders in Nigeria, demonstrating the openness of the process to different views and concerns.

While providing the legal framework for the Local Government elections, the Decree will also formally address several of the issues that have been debated by the key actors and the Nigerian public over the last weeks. It is expected that the decree will amend the *Guidelines for the Formation and Registration of Political Parties*, which was released in August. The original *Guidelines* states that for the nine provisionally registered parties to have their registration confirmed, they must receive at least 10% of the votes cast in a minimum of 24 States (the Federal Capital Territory is considered a "State" for electoral purposes). In response to discussions with the political parties and others, INEC has recommended that the voting threshold be reduced to 5%. The reported outcome of this change is that it may enable a minimum of three parties to be granted registration and allowed to contest the subsequent elections. The Decree will likely address other issues, the nature of which is not known at this time.

Registration

The credibility of any election process starts with an effective registration of voters. The challenge of organizing the registration of voters in a nation such as Nigeria, with a population of over 100 million living in 36 states and the Federal Capital Territory, is immense. The logistics required to plan the registration, including the employment and training of over 200,000

temporary registration staff, are vastly complex. In mid-October, voters were registered by appearing in person at registration centers throughout the country. As no national identity document exists, the responsibility of ensuring that only those entitled to vote were registered lay with the registration officials under the vigilant eyes of party agents and other stakeholders. All Nigerian citizens 18 years of age and older were entitled to register in their appropriate Local Council Ward. INEC has announced that it distributed slightly over 60 million registration cards to the States.

Upon registration, each eligible voter received a voter's card that carries information about the person in addition to a voter registration number. Through political party representatives, election officials and others, we learned that the distribution of the cards to the registration centers was regulated to reduce the possibility of misappropriation. Consequently, in very many cases, Nigerian citizens had to return repeatedly to registration centers in order to register as and when cards became available. It has been widely reported that some Nigerians were not able to register, despite repeated attempts, due to the unavailability of cards. However, during our discussions with representatives of the political parties no one suggested that there was pattern to this problem; moreover no one suggested that this will advantage or disadvantage any particular political party contesting the elections.

To counteract possible registration fraud, INEC has established several procedures on voting day to ensure effective voter accreditation and to prevent multiple voting. One measure that has been taken will have the voter remain at the polling station after accreditation and to the time that he/she is able to vote.

- **We recommend that these crucial safeguards designed to prevent multiple voting be provided for in the Decree or that the Decree enables any clarifying guideline to be published by INEC.**

We remain concerned about the possible disenfranchisement of eligible voters during the registration process and understand that this is a concern shared by many in Nigeria. We are encouraged that this issue has been openly discussed by INEC, the political parties and others and we hope that it will be resolved in a way that does not threaten the credibility of and the confidence in the electoral process. We encourage INEC to release the figures of Nigerian citizens who have registered to vote so that this knowledge may enable the Nigerian stakeholders to more constructively debate this issue.

- **We urge the publication of registration figures before the December 5 vote to facilitate the openness and transparency of the electoral process.**

Election Day Procedure

There will be three elements to election day: voter accreditation (from 8:00-11:00am), voting (from 11:30am-2:30pm) and counting. INEC has announced that there will be 111,430 polling stations, located largely in the same places as the previous registration centers. The voter's card carries the polling station information and other important administrative and security details, in particular the registration number of the voter on the registration roll. This number is a sequential record of the individual's position on the register of voters, i.e., the first to validly register on the

first day of the registration process at a given registration center will have his/her card marked 001 and so on.

We understand that the system of registration was designed to produce polling stations with 500 (or less) voters on the voters' register, 500 being the number of entries to complete one registration book. However, population demographics are not uniform and in areas of high population, registration officials registered more than 500 people at some centers. We understand that INEC has provided for an upper limit of approximately 1500 registered voters at any one polling station. For polling stations over 1500, the registration list will be "split", creating an additional polling station at the original registration location.

The creation of new polling stations, even if in close proximity to the original polling station (registration center), creates the potential for confusion on voting day. It will present polling officials and others with the problem of ensuring careful direction to the voter to his or her correct polling station. This becomes particularly important as the accreditation process is time-limited. Voters who do not arrive at the polling station early in the accreditation process might find that they do not have enough time to move to the correct polling station. We have further concerns as to whether up to 1500 people can be efficiently processed through the system of accreditation and vote in the three hours defined for the process.

- We recommend that INEC issue clear instructions as to the set-up of the newly created polling stations to ensure that voters are quickly directed to their correct polling station. We also recommend that in polling stations of more than 500 voters, special consideration be given to the efficient processing of voters through the possible allocation of additional resources and/or specific guidelines.

A further area that requires clarification is that of situation where a person is not able, for whatever reason, to produce his/her registration card on the day of voting. The *Guidelines for Local Government Council Elections* provides for a procedure to deal with this eventuality although the instruction manual for poll officials does not. While the *Guidelines* takes precedence, it is important that this issued be clarified for the poll officials, party agents, observers, and voters.

Neither the *Guidelines* nor the training manual allows a voter bearing a voter's card that appears to be valid for the polling station to vote if his/her name is absent from the voter register. We note that INEC, in its voter education material, only refers to the entitlement to vote on production of a valid registration card on the day of election.

- We recommend polling day issues such as these be addressed by additional written guidance to presiding officers, party agents and observers.

The smooth conduct of any election process relies on staff who are honest, competent and well-trained in all of their duties. An important aspect of training is that of the documentation used, and that of the instruction provided to the poll officials both verbally and through written material. The need for a clear understanding of the process extends not only to the poll officials but also to the party agents, domestic and international observers and the general population as well.

We have detected that the material currently available does not clarify all aspects of the process. A specific example of this is that there are no instructions in either the *Guidelines* or the poll official training manual concerning the use of indelible ink to mark accredited voters who have cast ballots. We understand that indelible ink will be supplied to every polling station.

- We recommend that the use of indelible ink be specifically addressed in additional guidelines to the poll officials, party agents, observers, and voters.

Voter Education

Effective voter education is crucial to the conduct of the elections. Both INEC and the governmental body the National Orientation Agency have the responsibility to inform and educate the populace. While we note that the media, in all forms, together with poster campaigns, are being utilized, further effort is required in this key area. For example, in speaking with potential voters a real confusion appears to exist concerning the methodology on polling day. Voters are confusing the open secret ballot system with methodologies that have been used in the past, which have not ensured the secrecy of the ballot. Concern about these previous failed and unacceptable voting methods has obviously shaped the method that INEC will use on December 5. However, without further and more far-reaching voter education, the credibility of the process in the mind of the electorate will suffer, as will, perhaps, their willingness to participate.

- We recommend that further detailed voter education be urgently undertaken, both by INEC and the National Orientation Agency, to clarify the voting procedure used.

Domestic and International Observers

A rigorous election process provides for a number of levels of scrutiny. Traditionally, parties have been able to nominate agents who look after the interests of the party. The process is further observed by nonpartisan domestic and international observers. These levels of scrutiny do not of course mitigate the responsibility of the individual citizens to report activities of concern, but engage specialized and more informed people in the process.

General Abubakar, in his July 20 speech, recognized the importance of impartial observation of the electoral process. While attention is often focused on international observation missions, in reality domestic observation provides for this level of scrutiny in the most meaningful way. The importance of allowing access for informed domestic observers throughout the process and at the points of registration, voting, counting and results declaration cannot be overstated. Domestic observers can provide coverage of many polling stations on election day; international observation is limited in outreach due to the size of the delegations. In the guidelines published to date, the right of a political party to provide agents to observe all stages of the process is well documented. However, none of the guidelines issued specifically notes the involvement of domestic and international observers in the process, nor do they provide for access of media to the process. The status of domestic and international observers together with the media needs to be formally clarified.

- We recommend the right of access for accredited international and domestic

observers and the media to all aspects of the electoral process, as has been granted to party agents; this will be an additional universal signal that the process is open and transparent.

- A centralized accreditation process already exists for observers both national and international. However, given the inevitable logistical constraints that often exist for domestic observer groups, we urge INEC to decentralize the process to allow domestic observers to apply for and receive accreditation at the State level.

INEC

Campaign finance is an aspect of the election process that has been widely aired, most notably in the press. We offer no comment on the guidelines concerning this issue, which are largely silent other than to debar parties receiving campaign donations from non-Nigerians. We do, however, echo the specific comments that have been made on the issue of voter confidence in the process. There is a real danger that voters may well lose confidence in the political process if they perceive that politicians can effectively buy their candidature by the size of donation that they bring to a party.

The clear message that we have received from all parties/commentators about INEC is the confidence that exists in it from many sectors of Nigerian society. INEC has been able to demonstrate that the process allows for a meaningful dialogue between the Commission and the parties. This is a highly desirable aspect of any election process and we fully commend and support INEC for this. An election process should be fully open and transparent in order to gain voter's confidence in the process and to facilitate the legitimacy of the final results.

Conclusions

We commend the Independent National Electoral Commission (INEC) and the people of Nigeria for their efforts to undertake a credible and transparent electoral process. We hope that the recommendations made in this report will be seen as constructive and useful as INEC continues to develop an election framework and implement a process during such an important time in Nigeria's history.

We note the extreme challenge of conducting elections with all their attendant logistical constraints within the published timeframe. While we have identified several areas and issues that need clarification, we know that the INEC and all Nigerians are committed to a process that will lead to a legitimately elected civilian government. We understand the importance of these Local Government Council elections to the ongoing transition process and extend our support, as international observers, to these elections.

This report understandably focuses on electoral procedures and the INEC as the electoral management body; however, we want to underscore that political parties, the media and the individual citizen all have a responsibility to contribute towards a transparent and peaceful election process.

Finally, we would like to thank INEC, the political parties, Nigerian civic groups, and other Nigerian stakeholders for the information and time provided to us to enable the compilation of this report.

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The AAEEA is a membership organization of election administrators and representatives of election-focused nongovernmental organizations from throughout sub-Saharan Africa dedicated to the professionalization of election administration.

Since its inception in 1987, IFES has provided nonpartisan assistance to develop or refine election systems in more than 100 emerging and established democracies around the world.

APPENDIX III: AAEA/IFES Post-Election Report (December 8, 1998)



December 8, 1998

**Post-Election Report of the AAEA/IFES Observer Mission
to the Local Government Elections in Nigeria**

A 15-member delegation of election officials, election experts, and experienced election observers from the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) observed the December 5 local government elections in Nigeria. The international observer mission, led by Dr. K. Afari-Gyan, AAEA Executive Secretary and Chairman of the Electoral Commission of Ghana, arrived in Nigeria on November 30 and deployed to seven of Nigeria's 36 states from December 3-7 to assess the pre-election environment, observe voting day, and evaluate the tabulation of results and the immediate post-election period. The delegation included a four-person IFES team that has been in Nigeria since November 15 to monitor election preparations.

The AAEA/IFES observer mission focused its assessment of the electoral process on the technical aspects of the administration of the December 5 elections--on the organizational capacity of the Independent National Electoral Commission (INEC), the legal framework for the electoral process, and election day procedures. Our comments about the local government vote are presented here in the hope that they might contribute to preparations for the upcoming State Assembly, governorship, parliamentary and presidential elections, to the overall strengthening of Nigeria's electoral system, and to the transition to a civilian, democratic government.

The AAEA/IFES delegation deployed eight teams for these elections, two to the Federal Capital Territory and others to Lagos, Kaduna, Kano, Oyo, Plateau, and Rivers States from December 3-7. Throughout the observation mission, the teams met with INEC officials and staff, members of political parties, representatives of nongovernmental organizations and other Nigerians involved in the political life of the country. On December 5, the AAEA/IFES delegation looked closely at polling station organization, capabilities of poll officials, the ability of voters to cast their votes without undue hardship or intimidation and in secrecy, and the procedures for vote counting and results tabulation.

As is well known, Nigeria's struggle to build a democratic state has been a long and difficult one, and elections within this process have frequently been marred by lack of credibility and transparency. Citizens have a right to expect that their elections process will guarantee that they can register to vote and cast their ballot without undue hardship and in secrecy. They also expect that their vote is recorded accurately and counted toward the result of the election and that the result be universally respected. Given Nigeria's history, the citizens' aspirations and the importance of these elections to the present transition process, it is encouraging to note that the INEC generally had the confidence of the political parties and voters prior to the period leading to the elections.

Based on the observations of the AAEA/IFES mission and knowledge gained through our long-term presence, we present the following findings:

- **Voters register:** Most voters had a voter's card and their names were readily found on the register. Of great concern, however, was our observation at some of the polling stations of the accreditation of multiple cards in the possession of the same voter. Some voters with cards were not able to find their names on the register.
- **Accreditation:** Although the INEC attempted to eliminate the possibility of multiple voting by directing the confinement of voters at the polling station from the time of accreditation to voting, the guideline was not followed. We also observed a small number of voters under the age of 18 receiving accreditation.
- **Election day procedures:** We observed a lack of uniform procedures from polling station to polling station throughout the election day processes. At many polling stations, we observed that, either at the point of marking the ballot or dropping it into the box, the voter's right to secrecy was not preserved. Indelible ink was used to mark the voters in only a few polling stations. We believe the inconsistent election day procedures were a result of inadequate guidelines to, and training of, poll officials.
- **Materials:** Many polling stations that we observed opened late due to delay in receiving materials. Further, the provision of additional materials, such as extra ink pads, would have allowed more than one voter to mark his or her ballot, making the voting process more efficient. Some polling stations were not provided with lanterns or other materials to facilitate counting and tabulation in the night.
- **Invalid ballots:** We observed ballots that were rejected even when the voter's intention could be discerned. The lay-out of the ballot paper contributed to numerous invalid ballots, as did the lack of clear guidelines to the poll officials on what constituted an invalid ballot.
- **Voter awareness:** A low level of understanding on the part of the voter was evident resulting in difficulty in marking the ballot and casting it in secrecy.
- **Poll officials:** Only two poll officials were present at the majority of the polling stations we observed, hampering the efficiency of the voting and accreditation processes.
- **Domestic Observers:** We observed that most Nigerian nongovernmental organizations were not able to receive accreditation in time to effectively monitor the vote. Explicit recognition of the role of domestic observers would provide the framework needed to more easily include these important actors in the process.

RECOMMENDATIONS

We recommend:

- the immediate development and wide dissemination of a detailed, step-by-step instruction manual for poll officials and that INEC undertake a thorough and timely re-training of poll officials;
- a review of the ballot lay-out to minimize invalid ballots;
- the provision to polling stations of additional materials to increase the efficiency of the accreditation and voting process and the provision of additional staff at polling stations with more than 500 registered voters;
- that the logistical arrangements should allow for the timely delivery of all election day materials;
- uniform procedures for the application of indelible ink to mark voters' thumbs after casting ballots;
- that increased attention and resources be given to widespread voter education campaigns by the INEC and civic organizations;
- in the absence of training by political parties, that additional written information be made available by the INEC to the party agents so that they can better understand and contribute to the election process; and
- that the INEC recognize the role and responsibility of domestic and international observers in the electoral process and decentralize the accreditation process for domestic observers to the State level to allow their full and timely participation in the election process.

CONCLUSION

The AAEE/IFES delegation recognizes the great challenge faced by Nigeria's Independent National Electoral Commission (INEC) in administering these elections given the size and complexity of the country, the stated time frame, and the attendant logistical constraints. We note the tremendous desire of all Nigerians to make the transition to an elected, civilian leadership and to build a sustainable democratic system. The December 5 local government elections demonstrated the commitment of the INEC, the political parties and the Nigerian people to the transition to democracy, as we witnessed people from all walks of life and all political persuasions cast their ballots for local government councilors and council chairmen. We are encouraged that this first vote passed in a relatively peaceful atmosphere and with the support of most Nigerians, and we hope that the following months will be marked by a further commitment to a credible, transparent and representative process on the part of all major stakeholders and Nigerian citizens.

**AAEA/IFES Observer Mission
Nigerian Local Government Elections: December 5, 1998**

Delegation Leader

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Chairman, Electoral Commission of Ghana

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Deputy Chairman (Finance and Administration), Electoral Commission of Ghana

APPENDIX IV: Registration Figures (INEC)

INDEPENDENT NATIONAL ELECTORAL COMMISSION
REGISTRATION FIGURES

	STATES	TOTAL CARDS ISSUED	NO. OF VOTERS REGISTERED
1	ABIA	1,321,400	1,321,895
2	ADAMAWA	1,261,900	1,260,956
3	AKWA IBOM	1,476,500	1,450,367
4	ANAMBRA	2,249,600	2,221,384
5	BAUCHI	1,997,000	1,941,913
6	BAYELSA	897,500	873,000
7	BENUE	1,813,000	1,806,121
8	BORNO	1,923,000	1,822,987
9	CROSS RIVER	1,137,800	1,142,876
10	DELTA	1,787,500	1,794,361
11	EBONYI	903,500	902,327
12	EDO	1,369,400	1,380,418
13	EKITI	1,094,500	1,077,195
14	ENUGU	1,459,100	1,466,145
15	GOMBE	1,105,000	1,108,171
16	IMO	1,744,200	1,746,673
17	JIGAWA	1,749,800	1,567,423
18	KADUNA	2,557,800	2,536,702
19	KANO	3,980,800	3,680,990
20	KATSINA	2,406,900	2,151,112
21	KEBBI	1,202,000	1,172,054
22	KOGI	1,266,300	1,265,230
23	KWARA	938,300	940,400
24	LAGOS	4,724,400	4,091,070
25	NASSRAWA	754,300	949,466
26	NIGER	1,581,400	1,572,979
27	OGUN	1,589,000	1,559,709
28	ONDO	1,492,300	1,331,617
29	OSUN	1,491,200	1,496,058
30	OYO	2,356,600	2,362,772
31	PLATEAU	1,304,100	1,311,649
32	RIVERS	2,200,000	2,202,655
33	SOKOTO	1,514,800	1,274,060
34	TARABA	979,400	983,227
35	YOBE	960,400	874,957
36	ZAMFARA	1,253,500	1,112,627
37	FCT	388,300	385,399
38	Cards distributed by National	288,000	
	TOTAL	60,520,500 (1)	58,138,945 (2)

(1) Publicly released registration figures

(2) As given to AAEA/IFES on December 1, 1998

APPENDIX V: Sample of Ballots (INEC)

SAMPLE BALLOTS

032327999



INDEPENDENT
NATIONAL ELECTORAL
COMMISSION

CHAIRMANSHIP
ELECTION
5th December, 1998

BALLOT PAPER

 AD	 APP	 DAM
 MDJ	 NSM	 PDP
 PRP	 UDP	 UDP

5856601

 AD	 APP	 DAM
 MDJ	 NSM	 PDP
 PRP	 UDP	 UDP

COUNCILLORSHIP
ELECTION
5th December, 1998

BALLOT PAPER

APPENDIX VI: Voter's Turn-Out (INEC)
 State Results (INEC)

INDEPENDENT NATIONAL ELECTORAL COMMISSION

DECEMBER 5, 1998 LOCAL GOVERNMENT ELECTIONS ANALYSIS OF VOTERS' TURN-OUT ON STATE BASIS

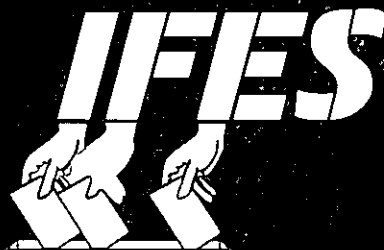
(As reported on December 30, 1998)

S/No	STATE	REGISTERED VOTERS	VOTES CAST	% TURN-OUT
1	ABIA	1,321,364	521,620	39.48
2	ADAMAWA	1,259,543	676,874	53.74
3	AKWA IBOM	1,450,367	957,545	66.02
4	ANAMBRA	1,605,030	629,606	39.23
5	BAUCHI	1,899,154	932,780	49.12
6	BAYELSA	497,333	340,654	68.50
7	BENUE	1,798,337	983,662	54.70
8	BORNO	1,690,943	638,412	37.75
9	C/RIVER	1,091,930	773,325	70.82
10	DELTA	1,547,685	682,174	44.08
11	EBONYI	902,327	459,319	50.90
12	EDO	1,414,511	555,781	39.29
13	EKITI	1,075,278	380,744	35.41
14	ENUGU	1,466,472	1,068,109	72.84
15	GOMBE	1,113,734	707,944	63.56
16	IMO	1,627,939	677,497	41.62
17	JIGAWA	1,568,423	556,831	35.50
18	KADUNA	3,886,405	1,770,811	45.56
19	KANO	3,680,990	2,619,114	71.15
20	KATSINA	2,236,067	804,799	35.99
21	KEBBI	1,167,171	422,508	36.20
22	KOGI	1,265,442	686,567	54.26
23	KWARA	940,425	535,791	56.97
24	LAGOS	4,093,143	1,219,524	29.79
25	NASARAWA	702,021	493,393	70.28
26	NIGER	1,553,303	729,565	46.97
27	OGUN	1,592,502	449,919	28.25
28	ONDO	1,333,617	529,389	39.70
29	OSUN	1,496,058	475,038	31.75
30	OYO	2,397,270	717,812	29.94
31	PLATEAU	1,313,603	748,847	57.01
32	RIVERS	1,778,583	848,815	47.72
33	SOKOTO	1,248,311	436,597	34.98
34	TARABA	979,001	785,872	80.27
35	YOBE	877,580	290,742	33.13
36	ZAMFARA	1,113,426	416,763	37.43
37	FCT	384,272	133,769	34.81
	TOTAL	57,369,560	26,658,512	46.47%

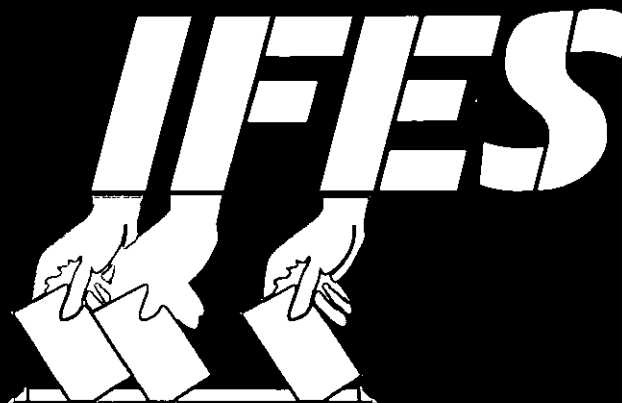
INDEPENDENT NATIONAL ELECTORAL COMMISSION
THE DISTRIBUTION OF SEATS WON BY EACH PARTY
IN THE DECEMBER 5, 1998 LOCAL GOVERNMENT ELECTIONS

(As reported on December 30, 1998)

S/No.	STATE	CHAIRMANSHIP SEATS											No. of WARDS	COUNCILLORSHIP SEATS										
		No. of LGA's	AD	APP	DAM	MDJ	NSM	PDP	PRP	UDP	UPP	TOTAL		AD	APP	DAM	MDJ	NSM	PDP	PRP	UDP	UPP	TOTAL	
1	ABIA	17	0	3	0	0	0	14	0	0	0	17	184	11	45	0	2	0	124	0	1	1	184	
2	ADAMAWA	21	0	6	0	0	0	15	0	0	0	21	226	3	71	0	0	0	141	1	0	10	226	
3	AKWA IBOM	31	2	10	0	0	0	19	0	0	0	31	329	33	104	0	5	1	180	0	6	0	329	
4	ANAMBRA	21	1	2	0	0	0	18	0	0	0	21	327	14	67	0	0	0	242	1	0	0	324	
5	BAUCHI	20	0	3	0	0	0	17	0	0	0	20	212	6	68	0	1	0	137	0	0	0	212	
6	BAYELSA	8	0	0	0	0	2	5	0	0	0	7	105	1	27	0	0	12	61	0	0	0	101	
7	BENUE	23	0	9	0	0	0	14	0	0	0	23	276	0	116	0	2	0	158	0	0	0	276	
8	BORNO	27	0	13	0	1	0	13	0	0	0	27	312	1	132	0	6	0	173	0	0	0	312	
9	C/RIVERS	18	0	11	0	0	0	7	0	0	0	18	193	0	88	1	0	0	104	0	0	0	193	
10	DELTA	25	1	6	0	1	0	16	0	0	0	24	268	21	72	0	11	1	132	0	0	6	243	
11	EBONYI	13	0	4	0	0	0	9	0	0	0	13	171	8	63	0	3	0	96	0	0	1	171	
12	EDO	18	0	3	0	0	0	15	0	0	0	18	192	6	62	0	0	0	124	0	0	0	192	
13	EKITI	16	12	2	0	0	0	2	0	0	0	16	177	104	31	0	0	0	42	0	0	0	177	
14	ENUGU	17	0	5	0	0	0	12	0	0	0	17	260	4	82	0	2	0	151	0	0	1	240	
15	GOMBE	11	0	4	0	0	0	7	0	0	0	11	114	1	55	0	0	0	58	0	0	0	114	
16	IMO	27	1	9	0	0	0	14	0	0	1	25	307	4	104	0	2	0	155	0	0	11	276	
17	JIGAWA	27	0	7	0	1	0	18	1	0	0	27	287	0	80	0	10	0	190	7	0	0	287	
18	KADUNA	23	0	5	0	0	0	18	0	0	0	23	255	1	63	0	0	0	188	1	1	0	254	
19	KANO	44	0	6	0	0	0	38	0	0	0	44	484	5	137	0	7	0	334	1	0	0	484	
20	KATSINA	34	0	5	0	0	0	28	1	0	0	34	361	0	91	0	3	0	262	4	0	0	360	
21	KEBBI	21	0	5	0	0	0	16	0	0	0	21	226	0	68	0	1	0	157	0	0	0	226	
22	KOGI	21	0	8	0	0	0	13	0	0	0	21	239	3	89	0	1	0	144	0	0	0	237	
23	KWARA	16	2	10	0	0	0	4	0	0	0	16	194	38	116	0	0	0	35	4	0	0	193	
24	LAGOS	20	17	3	0	0	0	0	0	0	0	20	245	187	33	0	0	0	23	0	0	2	245	
25	NASARAWA	13	0	2	0	0	0	10	0	0	0	12	147	0	38	0	1	0	97	0	0	1	137	
26	NIGER	25	0	1	0	0	0	24	0	0	0	25	274	3	38	0	2	0	231	0	0	0	274	
27	OGUN	20	17	2	0	0	0	1	0	0	0	20	234	163	13	0	0	0	59	0	0	0	235	
28	ONDO	18	13	1	0	0	0	3	0	0	0	17	203	121	16	0	0	0	52	0	0	0	189	
29	OSUN	30	18	5	0	0	0	6	0	0	0	29	332	202	56	3	0	0	68	0	0	0	329	
30	OYO	33	18	6	0	0	0	9	0	0	0	33	351	154	56	0	0	0	140	0	0	0	350	
31	PLATEAU	17	0	1	0	0	0	16	0	0	0	17	207	1	47	0	2	0	156	1	0	0	207	
32	RIVERS	23	0	5	0	0	0	17	0	0	0	22	319	6	83	0	0	3	206	0	1	0	299	
33	SOKOTO	23	0	11	0	0	0	12	0	0	0	23	245	0	122	0	0	0	122	0	0	0	244	
34	TARABA	16	0	4	0	0	0	12	0	0	0	16	168	0	72	0	8	0	82	0	0	2	164	
35	YOBE	17	0	7	0	0	0	10	0	0	0	17	178	0	104	0	0	0	103	0	0	0	207	
36	ZAMFARA	14	0	7	0	0	0	7	0	0	0	14	147	0	74	0	0	0	72	0	0	0	146	
37	FCT	6	0	1	0	0	0	5	0	0	0	6	62	0	16	0	2	0	41	1	2	0	62	
TOTALS :		774	102	192	0	3	2	464	2	0	1	766	8811	1101	2599	4	71	17	4840	21	11	35	8699	



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**Report of the AAEA/IFES Observation of the
Transitional Elections in Nigeria**

December 1998 – February 1999

Simon Clarke, Program Manager, IFES/Nigeria
Susan L. Palmer, Program Officer for Nigeria, IFES

March 29, 1999

This project has been made possible through funding from the United States Agency for International Development. Any person or organization is welcome to quote information from this report if it is attributed.

Association of African Election Authorities (AAEA)

The Association of African Election Authorities (AAEA) was conceived in an effort to promote and institutionalize the professional nature of African election authorities through regional exchanges and networking. The Association was formally established in August 1998 at the inaugural meeting of its General Assembly in Accra, Ghana. At this meeting, election authorities from fifteen countries (Benin, Burkina Faso, Central African Republic, Gabon, The Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Mali, Senegal, Togo, Uganda and Zimbabwe) signed on to the Association's Charter to become full members, and six non-governmental organizations (NGOs) became associate members (CERCUDE-Cameroon, GERDDES-Benin, Institute for Education in Democracy-Kenya, Institute of Economic Affairs-Ghana, Zambia Independent Monitoring Team and Zimbabwe Human Rights Association). Dr. K. Afari Gyan, Chairman of the Electoral Commission of Ghana, is the Executive Secretary of the AAEA.

International Foundation for Election Systems (IFES)

The International Foundation for Election Systems (IFES) was founded in 1987 as a private, non-profit and non-partisan organization to provide consultative assistance and technical support to electoral and democratic institutions in emerging, evolving and established democracies. IFES has carried out pre-election assessments, technical election assistance, civic and voter education and election observation activities in more than 90 countries in Africa, the Americas, Europe, the Near East and the former Soviet Union. Based in Washington, DC, IFES currently has field offices in Albania, Armenia, Azerbaijan, Benin, Bolivia, Bosnia-Herzegovina, Democratic Republic of the Congo, Georgia, Ghana, Guinea, Haiti, Indonesia, Kazakhstan, Liberia, Malawi, Moldova, Paraguay, Philippines, Russia, Slovakia, South Africa, Tajikistan, Ukraine and Uzbekistan.

Additional information on the AAEA and IFES can be found on the IFES website at www.ifes.org.

Map of Nigeria

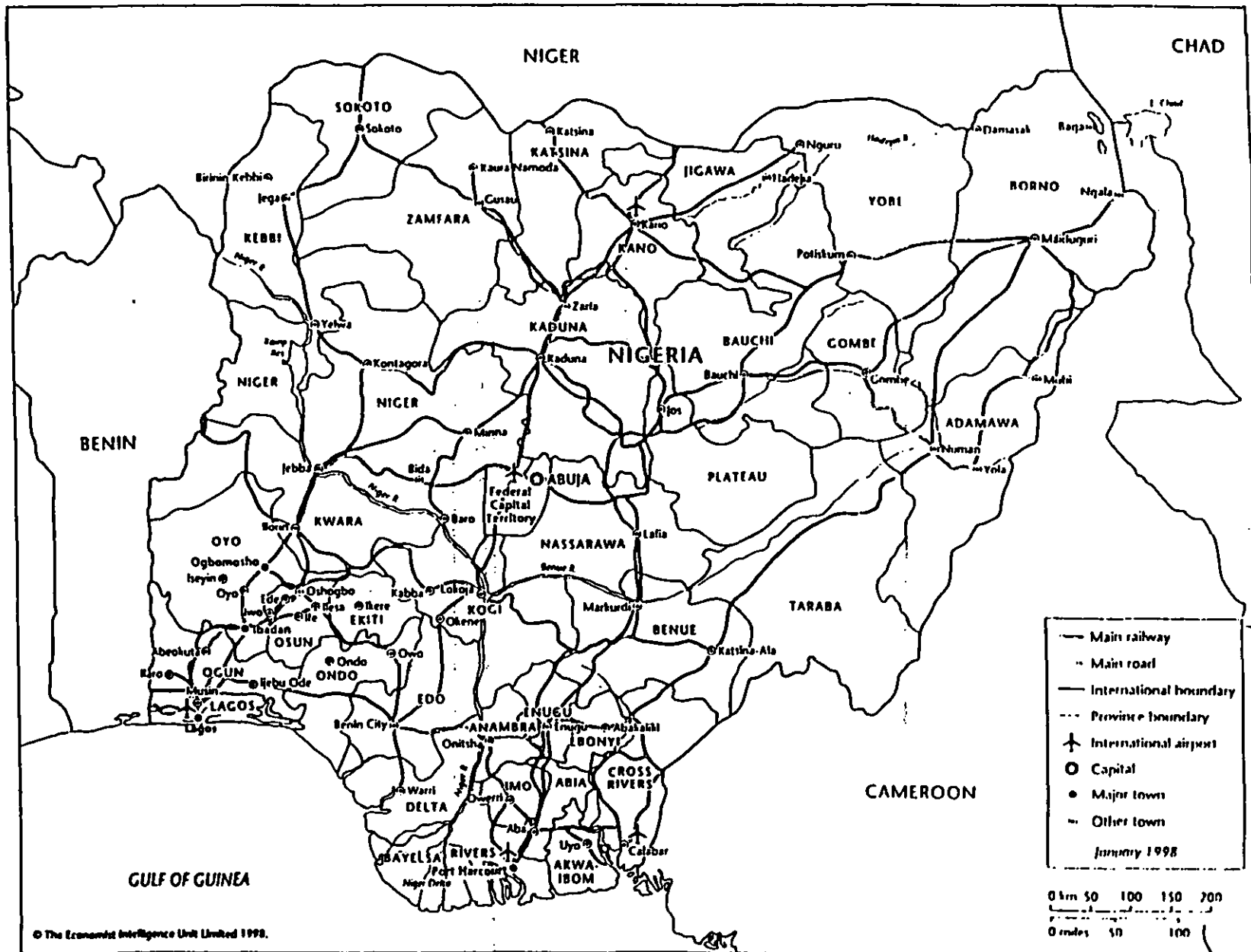


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- II. Post-Election Statements: AAEA/IFES Joint International Observer Missions
- III. Decrees Issued by the Federal Military Government of Nigeria Concerning the Electoral Process
- IV. Delimitation of Senatorial Districts and Federal/State Constituencies
- V. Results of the Elections

Section 1

Executive Summary

In support of Nigeria's transition from a military regime to a democratically-elected civilian government, the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) undertook a technical assessment of that nation's electoral process. The AAEA and IFES examined the legal guidelines governing the elections as well as the election procedures and the organizational capacity of the Nigerian election authority. The objectives of the AAEA/IFES project were:

- to contribute to the knowledge of the Nigerian people and the international community about the elections so that they are better able to judge the freedom and fairness of the elections, and to evaluate the strengths and weaknesses of the electoral process; and
- to exhibit by the presence of the AAEA and IFES the interest and support of the international community in the electoral and democratic processes in Nigeria.

AAEA and IFES activities in Nigeria involved long-term monitoring of the electoral process, a pre-election assessment mission, and missions to observe the elections.

Head of State Abdulsalami Abubakar, who came to power with the death of General Sani Abacha in June 1998, directed the holding of elections in order to bring an elected, civilian government into power in Nigeria by May 29, 1999. Elections were held according to the following time line:

December 5, 1998	Elections for Local Government and Area Councils
January 9, 1999	Elections for Governors and State Houses of Assembly
February 20, 1999	Elections for National Assembly
February 27, 1999	Election for President

This report is based on the findings of IFES long-term monitors, who were present in Nigeria from November 1998 to April 1999, and of the AAEA/IFES missions to observe three of the four transitional elections—the local government elections on December 5, 1998; National Assembly elections on February 20, 1999; and the presidential election on February 27, 1999 (the IFES monitors observed the January 9 state elections). In this report, the AAEA and IFES present their observations to the Independent National

Electoral Commission (INEC) of Nigeria, political parties, civic organizations, the Nigerian public and to the international community to encourage these actors to work to enhance the credibility of the Nigerian electoral process in order to promote the sustainability of democracy in Nigeria.

Following the December 1998 local government elections, the INEC has clarified and added to the election procedures in response to its review of the electoral process and to comments made by the AAEA/IFES missions and other observers. Of great importance was the use of indelible ink to mark voters in the February 20 and February 27 elections—a notable safeguard against multiple voting. The step-by-step INEC poll worker manual, produced for the January and February elections, and further training of election staff also increased the uniformity of election day procedures from polling station to polling station. Also, in its observation of the February 27 presidential election, the AAEA/IFES mission noted the distribution of additional forms to record the number of accredited voters at the close of accreditation (a procedure designed to thwart additional accreditation and ballot box stuffing); the increased awareness on the part of election officials and the Nigerian voters as to the timing of the accreditation and voting processes; and an enhanced effort to protect the voter's right to mark his or her ballot in secret.

The AAEA and IFES recognize that improvements have been undertaken by the INEC in an effort to increase the transparency of the electoral process and to promote participation in the elections by eligible Nigerian voters. However, throughout the course of these transitional elections, the AAEA/IFES missions observed numerous election irregularities and some cases of fraud which resulted from the shortcomings in the electoral system and the lack of civic awareness of many Nigerians. The AAEA and IFES recommend that the following steps be taken to strengthen Nigeria's electoral process:

- the development and promulgation of a new electoral law;
- the review of the electoral procedures to enhance the participation of all Nigerians and to promote the credibility of the process;
- the computerization of the voter register;
- the enhancement of the organizational capacity of the INEC, with a focus on training of its permanent and temporary staff;
- the promotion of transparency of the electoral process through the institutionalization of dialogue between the INEC and the political parties; and
- the conduct of national civic and voter education campaigns.

Achievement of these steps necessitates a long-term commitment on the part of the INEC, the Nigerian government, political parties and Nigerian citizens. Particular attention needs to be given to the process by which Nigerians undertake these reforms. During the transitional elections, the INEC demonstrated its commitment to dialogue by meeting frequently with political parties and other stakeholders and acting on their concerns. The INEC's accreditation of more than 14,000 local and international

observers reflected its recognition of the need for a transparent process. Nigeria's local government elections are to be held in three years. For the credibility of these elections to be ensured, the process by which they are conducted must be democratic—inclusive and transparent—to reflect the democratic system that Nigeria seeks to build and sustain.

Section 2

AAEA and IFES in Nigeria

The activities of the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) in Nigeria involved long-term monitoring of the transitional electoral process, a pre-election assessment mission and missions to observe the elections. The following activities were undertaken:

- Presence of long-term IFES monitors in Nigeria:
November 15, 1998 - April 1999
- AAEA/IFES pre-election assessment mission:
November 16-21, 1998
- AAEA/IFES joint international observer mission -- Local Government elections: *November 30-December 8, 1998*
- IFES monitoring -- Bye- and run-off elections:
December 12, 1998
- IFES monitoring -- Governorship and State House of Assembly elections:
January 9, 1999
- IFES monitoring -- Bayelsa state elections:
January 30, 1999
- AAEA/IFES joint international observer mission -- National Assembly elections: *February 17-22, 1999*
- AAEA/IFES joint international observer mission -- Presidential election:
February 23 - March 2, 1999

The AAEA/IFES missions were independent, non-governmental and non-partisan. IFES received funding for the project from the U.S. Agency for International Development (USAID), but neither IFES nor the AAEA, which was funded by USAID through IFES, represented the U.S. government nor do any of the findings of the AAEA/IFES missions necessarily represent the views of the U.S. government. The mandate of the missions, the selection of its members, the organization of deployment of the election missions and all statements and reports were the sole responsibility of the AAEA and IFES.

Methodology of the AAEA and IFES

Given the expertise of the AAEA and IFES, the focus of the organizations' assessment and observation efforts was on the technical administration of the electoral process, with the missions addressing the legal guidelines governing the elections as well as the election procedures and the organizational capacity of the Nigerian election authority to conduct the elections.

The AAEA/IFES project was supported by the presence of long-term IFES monitors who were based primarily in Abuja—the headquarters of the Independent National Electoral Commission (INEC). The IFES monitors were election specialists and administrators, with international experience in election observation. The IFES team monitored the conduct of election preparations and held extensive meetings with officials of all levels of the INEC, representatives of political parties, members of Nigerian non-governmental organizations (NGOs) and other important actors in Nigeria. The IFES monitors also assessed the conduct of the run-off elections in Gwagwalada Local Government Area (Federal Capital Territory) and the bye-elections in Port Harcourt Local Government Area (Rivers state) held on December 12, 1998; the Governorship and State House of Assembly elections on January 9, 1999 (deploying to Borno and Rivers states); and the January 30 elections in Bayelsa state.

Soon after the monitors' arrival in November, Dr. K. Afari-Gyan, AAEA Executive Secretary, joined the team to assess the pre-election environment. The team examined:

- the organizational capacity of the national and state election authorities;
- the voter registration process;
- anticipated election day problems, according to election authorities, political party and NGO leaders, other Nigerians and the diplomatic community; and
- the general interest and awareness of the public regarding the elections and the candidates.

Members of the team held meetings in Abuja, Jos, Kaduna and Lagos, and they were able to meet with a broad range of Nigerian stakeholders in most of these capitals. However, it should be noted that full access to INEC officials and documents was only granted to IFES and the AAEA on November 27, 1998. On November 30, the AAEA/IFES assessment mission issued a *Pre-Election Report*. The report was not intended to be an exhaustive commentary of the electoral process but rather identified several key areas for the further attention of the INEC prior to the December 5 elections.

The AAEA and IFES conducted joint international observer missions to the December 5, 1998 local government elections (15-member delegation), the February 20, 1999 National Assembly elections (11-member delegation) and the February 27, 1999 presidential election (28-member delegation). The delegations, which were accredited

as international observers by the INEC, were composed of African election officials, representatives of African non-governmental organizations and international election specialists (see Appendix I for list of delegates). After briefings on the Nigerian election system, the delegations deployed in small teams to state capitals two days prior to each election to meet with INEC officials and representatives of political parties and civic groups. The AAEA/IFES deployment plan for each delegation was as follows:

December 5 Local Government elections: Eight teams

Federal Capital Territory (FCT) and Kaduna, Kano, Lagos, Oyo, Plateau and Rivers states

February 20 National Assembly elections: Six teams

FCT and Bayelsa, Kano, Lagos, Plateau and Rivers states

February 27 Presidential election: 14 teams

FCT and Adamawa, Bayelsa, Borno, Cross River, Enugu, Kaduna, Kano, Kwara, Lagos, Oyo, Plateau, Rivers and Sokoto states

On election day, the delegations observed the opening of the polling stations; assessed the accreditation, voting and counting processes; and followed the collation of results from the ward level to the local government/constituency level, and then to the state level. Following post-election meetings with INEC officials and other observers in the states, the teams reconvened to share their observations and to issue *Post-Election Statements*, which were submitted to the INEC and released to the political parties, local observers, the diplomatic community, the media, and other international observer missions (see Appendix II for *Statements*).

The AAEA/IFES delegations focused their observation of the elections on:

- the adherence of Nigerian election officials to internationally-recognized standards of democratic elections and to the requirements of the Nigerian electoral code and guidelines;
- the capacity of the Nigerian election authorities to administer the elections; and,
- constraints on the ability of individual voters to cast their vote without undue hardship or intimidation, in secrecy, in an informed manner and to have that vote counted and reported accurately.

In addition to being asked to fill out observation forms for the four stages of the election process (accreditation, voting, counting and collation), the members of the delegation were requested to submit summary reports, which also included recommendations for the conduct of future elections. The observations of the AAEA/IFES delegations, as contained in these reports and forms, in addition to the findings of the long-term IFES monitors, form the basis of this report.

In their observation of the elections, the AAEA/IFES missions:

- maintained absolute neutrality and impartiality throughout the observer missions;
- never disrupted or interfered with the accreditation, voting, counting, collation or any other phase of the electoral process;

- asked questions and expressed concerns but did not instruct, give orders or otherwise attempt to countermand decisions of election officials; and
- were vigilant and took detailed notes regarding positive aspects of the process as well as any questionable or irregular voting or counting practices.

The AAEA/IFES observer missions also followed the *Code of Conduct for Election Observers* as issued by the INEC immediately before the elections and as contained in its *Manual for Election Observers*.

Section 3

Overview of the Electoral Process

I. Legal Framework for the Elections

The legal framework for the electoral process in Nigeria was provided by decrees, which were issued by the military government through General Abdulsalami Abubakar, as Head of State and Commander-in-Chief of the Armed Forces. The decrees (see Appendix III) provided for:

- the dissolution of the National Electoral Commission of Nigeria and the establishment of the new Independent National Electoral Commission;
- the dissolution of the five political parties established under the Abacha regime and the registration of new political parties; and
- the conduct of the transitional elections for Local Government Councils, Governors and State Houses of Assembly, National Assembly (Senate and House of Representatives), and President.

Under Decrees No. 17 and No. 33, the Independent National Electoral Commission (INEC) had the mandate to issue guidelines to govern the conduct of the elections. These guidelines were usually released by the INEC approximately one month prior to the relevant election (e.g., *The Guidelines for Governorship and State House of Assembly Elections* were released on December 14, 1998 for the elections of January 9, 1999). The decrees issued by the Provisional Ruling Council (PRC) brought the guidelines into force of law and were most often released only several days before each election.

The INEC-issued time table for the elections follows.

Table 1.

INEC TIME TABLE FOR ELECTORAL ACTIVITIES

August 25, 1998	Release of guidelines for the formation of political parties
August 31	Release of guidelines for voters' registration
September 24	Release of provisionally registered political parties (delayed until October 19)
October 5-19	Voters' registration exercise
October 20-22	Display of the register
November 2	Release of guidelines for local government council elections
November 16	Submission of names of candidates for local government elections to the INEC
November 20	Return of list of cleared candidates to parties
December 5	LOCAL GOVERNMENT COUNCIL ELECTIONS
December 12	Run-off elections, if any
December 14	Release of guidelines for Governorship/State House of Assembly elections
December 23	Submission of names of candidates for Governorship/State House of Assembly elections
December 31	Return of list of cleared candidates to parties
January 9, 1999	GOVERNORSHIP/STATE HOUSE OF ASSEMBLY ELECTIONS
January 16	Run-off elections, if any
January 20	Release of guidelines for presidential and National Assembly elections
January 25	Submission of names of candidates for National Assembly elections
Jan. 29-Feb. 2	Return of names of cleared National Assembly candidates to parties
February 12	Submission of names of presidential candidates (postponed to February 15)
February 13-15	Return of names of cleared presidential candidates to parties
February 20	NATIONAL ASSEMBLY ELECTIONS
February 27	PRESIDENTIAL ELECTION
March 6	Run-Off and Bye-Elections for National Assembly/President, if needed (postponed to March 20)
.....	Inauguration of Local Government and Area Councils, and State Assemblies—to be announced at a later date
.....	Swearing-in of Governors—to be announced at a later date
May 29, 1999	Swearing in of elected President

II. Schedule of Elections

Local Government Elections: December 5, 1998

Voters in the December 5 elections in Nigeria went to the polls to elect Chairmen and Councilors for 698 Local Government Councils in Nigeria's 36 states and six Area Councils in the Federal Capital Territory. Local Government/Area Councils are the lowest level of representative government in the nation.

The Local Government or Area Council is headed by a Chairman, who is directly elected from the Local Government/Area Council at large. The Council is composed of Councilors, each of whom represents one of Nigeria's 8811 wards. According to Decree No. 36 (1998), the INEC "shall divide each Local Government Area or Area Council into such number of wards, not being less than 10 or more than 20, as the circumstances of each Local Government Area or Area Council may require." The Councilors are elected from single-member wards through a simple plurality system. However, for Chairman, the winning candidate must obtain a majority (if two candidates) or the highest number of votes (if more than two candidates) and $\frac{1}{4}$ of the votes cast in $\frac{2}{3}$ of the wards in the Local Government Area.

Some of the functions of Local Government and Area Councils, as recorded in Decree No. 36, are debating, approving and amending the annual budget of the Local Government or Area Council; the formulation of economic plans and development schemes; and the construction and maintenance of roads and other public facilities as may be prescribed by the State Administrator or the House of Assembly of a state. Decree No. 36 notes that "A Local Government Council or an Area Council shall stand dissolved at the expiration of a period of three years commencing from the date of the first sitting of the Council."

Governorship and State House of Assembly Elections: January 9, 1999.

For the January 9, 1999 elections, voters elected a Governor and a State House of Assembly for each of Nigeria's 36 states. Voters in the Federal Capital Territory, which does not have these institutions of state government, did not go to the polls.

The winning candidate for Governor must have the majority of votes cast (if two candidates) or the highest number of votes cast (if more than two candidates) in the election and not less than $\frac{1}{4}$ of the votes cast in each of at least $\frac{2}{3}$ of all the LGAs in the state. The executive powers of the state are vested in the office of Governor. The term of office for the Governor is four years. Candidates for Governor chose candidates for Deputy Governor as their running mates.

Voters in the State House of Assembly elections selected one member of the State House for each state constituency. The State House members are elected from single-member constituencies through a simple plurality system. Every state is divided into

state constituencies which are equal to three or four times the number of Federal Constituencies within that state.

According to Decree No. 3, promulgated on January 6, 1999, the House of Assembly of a state consists of "not less than 24 or more than 40 members." The Speaker and Deputy Speaker of the House are elected by the members. The State House of Assembly is a legislative body which has the authority to "make laws for the peace, order and good government of the State" (Decree No. 3). A list of areas from which the state is excluded from making legislation (defense, immigration, etc.) is included in the decree as is a list of those areas over which the state has responsibility (collection of taxes, etc.). State House members have a four-year term of office.

National Assembly Elections: February 20, 1999

The National Assembly is composed of the Senate and the House of Representatives. The Senate has 109 members, three members from each of the 36 states and one member from the Federal Capital Territory. For the Senate, Decree No. 5 divides every state into three Senatorial Districts with one Senatorial District allotted to the Federal Capital Territory. The House of Representatives has 360 members, representing constituencies of "as far as possible nearly equal population, provided that no constituency shall be within more than one state" (Decree No. 5). Each Senator and Representative, then, is elected by plurality from a single-member district/constituency.

The legislative powers of the Federal Republic of Nigeria are vested in the National Assembly. The President and Deputy President of the Senate and the Speaker and Deputy Speaker of the House are elected by the members of those respective bodies. Decree No. 5 states that "The Senate and House of Representatives shall each stand dissolved at the expiration of a period of four years commencing from the date of the first sitting of the House."

Presidential Election: February 27, 1999

The term of office for the president is four years and he is the Head of State, the Chief Executive of the Federation and the Commander-in-Chief of the Armed Forces.

In the presidential election, the nation of Nigeria is considered as one constituency. The winner of the presidential election must have the majority of the votes cast at the election (if two candidates) or the highest number of votes cast (if more than three candidates) and not less than 1/4 of the votes cast at the election in each of at least 2/3 of all the states of the Federation and the Federal Capital Territory, Abuja. As running mates, the presidential candidates chose a vice-presidential candidate.

III. The Administration of the Elections

The Independent National Electoral Commission (INEC) was created by Decree No. 17 of August 11, 1998, and replaced the National Electoral Commission of Nigeria

(NECON), which had been established by General Sani Abacha. Section 4 of Decree No. 17, as later amended by Decree No. 33 of 1998, gave the following powers and functions to the Commission:

- to organize, conduct and supervise the election of persons into the membership of Local Government Councils or Area Councils or the Executive and Legislative Arms of State and Federal Governments, and such other offices as may be specified in any enactment of law;
- to register parties in accordance with the provisions of the relevant enactment or law;
- to monitor the organization and operation of the political parties including their finances;
- to conduct the registration of persons qualified to vote and the preparation, maintenance and revision of the register of voters for the purpose of any election;
- to monitor political campaigns and provide rules and regulations which shall govern political parties; and
- to divide the area of the Federation, State or Local Government or Area Council, as the case may be, into such number of Constituencies for the purpose of elections to be conducted by the Commission.

The INEC was allocated approximately Naira 3.4 billion (or US\$39.5 million) by the federal government of Nigeria for the conduct of the elections in the transition program. To date, the INEC has reported that Naira 556.3 million (\$6.5 million) was spent on voter registration; Naira 28.9 million (\$336,046) on the registration of political parties; Naira 381.4 million (\$4.4 million) on the local government elections; Naira 402.2 million (\$4.7 million) on the Governorship and State House of Assembly elections; Naira 394 million (\$4.6 million) on the National Assembly elections; and Naira 313.2 million (\$3.6 million) on the presidential election. Naira 279.5 million (\$3.3 million) was earmarked for the presidential run-off election. The original budget of Naira 3.4 billion includes the certain capital liabilities inherited from the previous dissolved election commission (NECON). The NECON's budget was Naira 2.6 billion.

The Commission is headed by a Chairman who is the Chief National Electoral Commissioner of the Federation and who is assisted by twelve other National Electoral Commissioners. The Chairman and all Commissioners were appointed by Head of State Abdulsalami Abubakar following the promulgation of Decree No. 17 in August 1998. Based in Abuja, the INEC is chaired by Justice Ephraim Akpata (Rtd.). The Head of State also appointed the Secretary to the Commission—the Secretary is responsible for the day-to-day administration of the INEC. While the Resident Electoral Commissioners for the State Offices of the Commission were also appointed by General Abubakar, the INEC Chairman gave them new state assignments soon after their appointments.

Below the State Resident Electoral Commissioners are Electoral Officers for each Local Government Area or Area Council, who are also permanent employees. Additional officials to staff the polling stations (Presiding Officers, Poll Clerks and Poll Orderlies) were hired for the elections on a temporary basis as were Returning Officers and Supervisory Presiding Officers.

Registration of Voters

On August 31, 1998 the INEC published *Guidelines for Registration of Voters*, (Decree No. 17 of 1998) which detailed the registration procedure and the subsequent methodology for the revision of the voters' register. A person was qualified to register to vote if he or she was a Nigerian, was at least 18 years of age, was resident in the area covered by the registration center at which he or she intended to register and had presented him or herself to the registration officers in person within the period that the INEC had prescribed for registration. The period of registration of voters was October 5 to October 19, 1998 (inclusive) between 8:00am and 6:00pm. The subsequent display of the register, for claims and objections, was very short: between October 20 and October 22. The registration card issued to the voter had the voter's name, age and sex, and information pertaining to the state, local government area, ward and registration unit. The card was stamped by the INEC and the voter placed his or her right thumb-print on the card. The card was marked with a unique registration number. The voter's photo was not placed on the card.

Once 500 names had been recorded on the registration form by the registration officials (who were temporary INEC employees), the registration unit was complete and an additional unit was started. Registration units were to become polling stations on election day and it was the INEC's intention that no polling station would have more than 500 voters. The resulting voters' register was a hand-written list that could not be cross-checked for duplicate entries.

Registration of Political Parties

The first in a series of guidelines issued by the INEC was published in August 1998 and concerned the *Formation and Registration of Political Parties*. A subsequent decree (Decree No. 35) outlined a code of conduct for political parties and provided details on the following for the parties:

- qualification for registration;
- organizational and operational requirements;
- articulation of policies and strategies;
- payment of registration fees; and
- financial reporting.

A number of requirements were placed on parties seeking provisional registration, including the directive that they would have to demonstrate that they were able to maintain functional branches in at least 24 states, including the Federal Capital

Territory. Nine political parties were granted provisional registration by the INEC for the December 5 elections.

In order to contest the elections subsequent to the local government elections, the decree specified that parties would have to demonstrate a measurable level of electoral support. The *Guidelines for the Formation and Registration of Political Parties*, paragraph 10 (3) stated that a party's provisional registration certificate would be withdrawn by the INEC unless it polled at least ten percent of the votes cast in each of at least 24 states of the Federation at the local government elections. This became known as the "threshold" issue and was the subject of debate between the INEC and the provisionally registered political parties. A number of parties argued that this threshold should be removed, as there should not be such a restriction within a democratic system. The INEC responded to the party complaints on this issue by reducing the minimum percentage of votes cast to five percent and by relaxing the geographic spread provisions. The new guidelines ensured that a minimum of three political parties would be registered, even if none of the parties achieved the five percent support in the geographical spread mandated. Two parties, the Peoples' Democratic Party (PDP) and the All Peoples' Party (APP), achieved five percent of the votes in 37 and 36 states respectively. The Alliance for Democracy (AD) achieved five percent in only 14 states but was registered according to the amended guideline ("Where only two provisionally registered Political Parties satisfy the requirement..., the Commission shall [also] register...the next provisionally registered Political Party which scored five percent of the total votes cast in each of the highest number of States in the Federation and the Federal Capital Territory..."). The AD, APP and PDP all contested the subsequent state, National Assembly and presidential elections.

Candidate nomination procedures varied depending on the election contested, and were explicitly laid out in the relevant decree/guideline for each election. Candidates submitted a nomination form to the INEC along with a non-refundable fee. Candidates had to meet certain minimum age and educational requirements and demonstrate evidence of paying taxes, in addition to other requirements. After screening, the INEC published a final list of eligible candidates for each election.

Election Tribunals

Each of the decrees that were promulgated prior to the Local Government Council elections, the Governorship and State House of Assembly elections, the National Assembly elections and the presidential election set out in detail the method by which complaints can be made about the elections. This method is by lodging an "election petition" with the appropriate court. The detail of how this is done is described within the decree text and the fine detail is captured in a schedule that is attached to the decree. The text of the decree is immutable, however the appropriate court could flexibly look at the detail contained in the schedule. An example of this is that for each election the length of time that a complainant has to register a complaint appears in the

body text, however the length of time that the court has to consider this and come to a conclusion is described in the schedule.

The first court to consider the petition in all cases, other than that for the presidential election, is an election tribunal. The court of the first instance for the presidential election is the Court of Appeals. Should the petitioner not be satisfied with the decision of the tribunal, he or she can further appeal the tribunal's decision to the court of the second instance (in all cases, except that of the presidential election, this is the Court of Appeals). For the presidential election, the court of the second instance is the Supreme Court. In each case, the decision of the court of the second instance is final.

Table 2.

APPEALS PROCESS

TYPE OF ELECTION	COURT OF THE FIRST INSTANCE – INITIAL PETITION	COURT OF THE SECOND INSTANCE – FINAL OUTCOME
Local Government Elections	Local Government Election Tribunal	Court of Appeals*
State House of Assembly and Governorship Elections	Governorship and Legislative Houses Election Tribunals	Court of Appeals*
National Assembly Elections	National Assembly Election Tribunals	Court of Appeals*
Presidential Election	Court of Appeals*	Supreme Court

* Notwithstanding the provisions of the Constitutional Court Decree 1998—that is to say the original intent of each of the decrees was that the Constitutional Court would be operative and hear the petitions/appeals instead of the Court of Appeals.

In each case the relevant promulgating decree for each election outlines the time line that governs this complaints procedure—see below. The start of the time line is from the declaration of results: for example, in the case of the presidential election, which was held on February 27, the result was officially declared on March 1. Thus any petition relating to the presidential election must be lodged within 14 days from March 1.

Table 3.

TIME LINE FOR ELECTION TRIBUNALS
(Starting from the declaration of results of each election)

TYPE OF ELECTION	TIME TO LODGE PETITION WITH COURT OF THE FIRST INSTANCE	TIME FOR COURT OF FIRST INSTANCE TO DECIDE ON THE PETITION	TIME TO LODGE APPEAL OF DECISION OF COURT OF FIRST INSTANCE	TIME FOR COURT OF SECOND INSTANCE TO DECIDE FINAL OUTCOME
Local Government Elections	14 days	60 days	7 days	30 days
State House of Assembly Elections	30 days	60 days	7 days	30 days
Governorship Elections	30 days	30 days	7 days	14 days
National Assembly Elections	30 days	60 days	7 days	30 days
Presidential Election	14 days	21 days	7 days	14 days

An election tribunal is composed of a Chairman and four members, the Chairman being a Judge of the High Court and the other members being at least members of the judiciary not below the rank of Chief Magistrate. In each case, one or more election tribunals were established in each state. Thus a minimum of three tribunals could well be sitting at any one time in each of the 37 states (the Federal Capital Territory (FCT) being considered a state for electoral purposes). The Court of Appeals, the equivalent of the election tribunal for the presidential election, was established in the FCT and is composed of at least three members of the Court of Appeals, including the President of the Court. As each tribunal is separately constituted for each election, this places a tremendous burden of work on the senior members of the Nigeria's judiciary.

A petition can only be lodged by either a candidate or a person whose candidature was not accepted by the INEC. The tribunal has the power when determining the outcome of the petition to either nullify the original election or declare another candidate elected should the complainant prove that he or she received a majority of the votes cast. In reality most election petitions that have been lodged are either about alleged electoral malpractice/fraud or about the ineligibility of a candidate's nomination. With regard to the Governorship and presidential elections, the courts are directed to examine the standing of the running mates as well—the candidates for Deputy Governor and Vice President. In all cases, the INEC is considered to be a co-respondent together with the non-complainant candidates. The INEC is, however, indemnified from any damages arising from any judgments made.

While no central statistics have been released as to the number of petitions (and counter petitions) that have been lodged, it has been estimated that just considering the local government elections, approximately 1,500 petitions were made--of which approximately 150 went to the Court of Appeals. Of these, some 3% resulted in a fresh election being ordered. A majority of these elections were conducted on March 20, 1999.

A number of higher profile petitions have been made resulting from the Governorship elections. To date, results of the Governorship election held in Bauchi state have been nullified on the grounds that the Deputy Governor had been dismissed from a governmental job, thus rendering his candidature invalid. However, the winning Governorship candidate is free to contest the subsequent re-run election which will most likely be held on April 10. A similar situation exists in Adamawa state, where the originally elected Governorship candidate for the PDP was selected as the vice-presidential candidate for the party and was subsequently elected on February 27. The INEC decided to re-run this election, rather than install the Deputy Governor. The PDP petitioned the election tribunal which overturned the INEC decision and directed that a fresh election not be held. The APP has lodged an appeal to this judgment.

The most high profile petitions to date are those that have been lodged by the losing presidential aspirant for the APP, Chief Olu Falae, and by Chief Chuba Egolum (a leader in the AD). The President of the Court of Appeals, Justice Umaru Abdullahi, immediately disqualified himself from hearing the petitions as he noted that in both the petitions filed that the fifth respondent, the Resident Electoral Commissioner for Edo state, was his wife. The court subsequently reconvened with Justice A. Musdapher presiding. The Court of Appeals for the presidential election is composed of a five-member panel. The petition brought by Chief Chuba Egolum was struck out as it did not comply with the provisions set out in the decree governing the conduct of the presidential election. In essence, in order to have a petition considered, it must be brought either by a contesting presidential candidate or by a person who reasonably believes that he or she should have been one. The latter provisions are meant to apply to a candidate whose nomination was rejected by the INEC. Egolum's petition did not comply with either provision and thus was rejected, as he only claimed that he could have been a candidate, rather than actually being one. Egolum has subsequently appealed the decision to the Supreme Court.

Falae's petition against the winning presidential candidate, Olusegun Obasanjo, sought either to have the Court of Appeals declare him the rightfully elected candidate or to have the INEC conduct a fresh election. It alleged a number of irregularities, namely that Obasanjo was a member of a secret society and had been adjudged guilty of treason or a treasonable offence. If proven, either charge would rule his candidature invalid. Further, Falae alleged that Obasanjo broke the provision for campaigning in that advertisements supporting Obasanjo's candidacy appeared in a number of

newspapers on February 27, the day of the presidential election. Falae also attacked the validity of the voter turn-out figures, submitting a complex set of population data for the Court to consider. He alleged widespread election malpractice, citing a number of specific instances in 24 states.

Voter Education

Both the INEC and the National Orientation Agency (NOA) were responsible for providing civic and voter education to the public. The NOA, a parastatal body under the Ministry of Information, focused its efforts on raising public awareness of the importance of participating in the transition to democracy, and as such received a small amount of financial assistance from the INEC's overall budget. However, the primary responsibility to provide the public with information about the procedures for registration and voting was that of the INEC, through the Directorate of Public Affairs (DPA).

The INEC's DPA utilized a number of medium to keep the public informed: television, radio, the print media and posters. For television, a 30-minute drama sketch was produced on how to vote together with a number of 30-second public information slots; these were aired on both State-owned and private television companies. A more important medium was the radio, which has a greater outreach than television. For the radio, a series of jingles were produced and aired frequently. Each of the *Guidelines* that the INEC produced, which defined the requirements for voter and party registration and described each of the four transitional elections, were reproduced verbatim in a range of newspapers. The *Guidelines* themselves were also published but were available to the public in a much more limited way. Posters covering topics such as how to vote, and the time for accreditation and voting, were also produced by the DPA.

The INEC centralized the voter education campaign to ensure a uniform message. However, each of the states was provided a limited amount of resources to supplement this effort taking into consideration local languages as the DPA produced all media in English. Typically, the radio jingles would be translated at state level, as necessary, and aired on local radio to supplement the national message.

IV. Election Procedures

The conduct of the elections at the polling station level was done by temporary election officials, headed by the Presiding Officer. Election day at the polling station had three stages: 1) accreditation, 2) voting and 3) counting. The system used was known as the "open secret ballot system" and, when followed correctly, protected the voter's right to cast his/her ballot in secret within a transparent, or open, process. The system was designed to minimize opportunities for an individual to cast more than one vote, as the periods for accreditation and voting were to have been the same throughout the country.

Following the set-up of the polling station on the morning of election day, the Presiding Officer was to open accreditation, which was scheduled to run from 8:00-11:00am, or until the last person in line at 11:00am was able to be accredited. Accreditation involved the voter submitting his/her voter's card which was to be signed and stamped by the election officials. The accredited voter was then to have waited at the polling station until the beginning of voting.

At the close of accreditation, the Presiding Officer was to have explained the voting process to the accredited voters, noting which parties were contesting the election. The voting period was to have run from 11:30am to 2:30pm or until the last accredited voter in line was able to cast his/her ballot. Upon presentation of an accredited voter's card, the voter was to receive a ballot (or ballots, depending on the election) which had been signed and stamped by the Presiding Officer, have his/her thumbnail marked with indelible ink, mark the ballot in secret, and drop the ballot in the ballot box, in open view of the election officials, police, party agents¹ and other voters.

At the close of voting, the election officials were to count the ballots, sorting them first according to validity (whether they had been signed or stamped by the Presiding Officer or marked correctly by the voter). The results of the count were to be recorded on the results sheet (EC.8A or EC.8A(1))—a carbonized form whose duplicates would be shared with the party agents and security officials present.

The original of the polling station results form would be submitted to the Ward Collation Officer, who would then transfer the results to a form which compiled the Summary of Results from Polling Stations (EC.8B or EC.8B(1)). Results from the ward level were then submitted to either the constituency or local government level, and, from there, to the state level, depending on the election. For the December 5, 1998 local government elections, the results of the races for Councilor were announced at the ward level and at the local government level for the Chairman of the Council. For the January 9, 1999 elections, the State House of Assembly results were declared at the constituency level and for the Governorship results at the state level. The results of the February 20, 1999 National Assembly elections were declared at the constituency level for the House of Representatives vote and at the state level for the Senate races. The INEC National Chairman announced the result of the February 27 presidential vote.

¹ Each contesting party or candidate was allowed one party agent to observe the conduct of the election at the polling station, Ward Collation Center, Local Government Collation Center, and anywhere where results were compiled. The party agent was accredited by the INEC.

Section 4

Findings and Recommendations

I. The Legal Framework for the Elections

A. Electoral Law

Under the military regime of General Abubakar, the electoral process was governed by decrees, issued by the federal military government. The decrees ratified the electoral guidelines issued by the INEC.

Despite this process, many gaps remain in the legal framework governing the transitional elections which resulted in the lack of the full protection of the voter's basic right to cast his or her ballot without undue hardship or intimidation, in secrecy, in an informed manner and to have that vote counted and reported accurately. Additional guidance from the INEC to its election officials addressed invalid and spoiled ballots, the application of indelible ink, the need to ensure ballot secrecy and assistance to disabled voters, among other issues. The drafting of a comprehensive and detailed electoral code will reduce the likelihood of the uneven implementation of the electoral process at the local level and will protect the right of all eligible Nigerians to participate in Nigeria's democratic system.

Recommendation

- ***The Independent National Electoral Commission (INEC) and appropriate bodies should undertake a thorough review of the electoral guidelines and decrees, including the responsibilities and powers of the INEC. The result of this review should be the drafting and promulgation by the National Assembly of a new electoral code that protects the rights of voters, candidates and parties and ensures the conduct of periodic, transparent and credible elections.***

B. Campaign Finance

Two of the major responsibilities of the INEC, according to Decree No. 17, are to:

"monitor the organization and operation of the political parties including their finances; and arrange for the annual examination and auditing of the funds and accounts of the political parties and publish a report on such examination and audit for public information."

Decree No. 35, Political Parties (Registration and Activities), mandates that the political parties submit such financial reports as required by the Commission. The only two constraints on the financing of political parties are contained in Chapter 14(3) as follows:

"No political party shall—

(a) hold or possess any funds or other assets outside Nigeria; or

(b) be entitled to retain any funds or assets remitted or sent to it from outside of Nigeria."

Throughout the electoral period, the lack of controls on spending by political parties led to concerns that the large amount of financial support that seemed to be available to some of the parties would promote unscrupulous and illegal uses of those funds. The observation of some AAEA/IFES teams of possible electoral fraud which was apparently the result of collusion between party agents or operatives and election officials seems to justify the concerns regarding the unregulated use of campaign funds by the political parties.

Recommendation

- ***The AAEA and IFES recommend the review of the campaign financing, spending and reporting provisions of the relevant laws with a view toward promoting greater transparency and accountability on the part of the parties. Further, the AAEA/IFES mission urges that serious consideration be given to enhancing the role of the INEC in regulating campaign finance as well as to increasing the enforcement capabilities of the Commission both through legal means and the provision of additional resources.***

II. The Administration of the Elections

A. The Independent National Electoral Commission (INEC) of Nigeria

The December 8, 1998 *Post-Election Statement* of the AAEA/IFES joint international observer delegation to the December 5 local government elections made several recommendations to the INEC concerning election procedures, the first of these being the immediate development and wide dissemination of a detailed, step-by-step instruction manual for poll officials and the thorough and timely re-training of the poll

officials. The INEC seized on this recommendation and requested donor assistance to fund the development and printing of a new *Manual for Poll Officials*. With funding from the Canadian International Development Agency (CIDA) and the Department for International Development (DFID, United Kingdom), IFES worked with the INEC on this *Manual*, which was distributed to Presiding Officers, Supervisory Presiding Officers, Ward and Local Government Electoral Officers, and INEC officials at the state and national level prior to the January 9 state elections.

The dissemination of the *Manual*, and its incorporation into a revised training program for the election officials, contributed to more uniform application of election procedures from polling station to polling station and at the collation level at the January elections and also in February, when a revised version of the *Manual* was again distributed. Importantly, the *Manual* clarified aspects of the election day process while introducing additional guidance in several areas. The *Manual* included guidance to election officials on polling station lay-out (to achieve the secrecy of the ballot), invalid and valid ballots, spoiled ballots, and voters needing assistance. It emphasized the importance of voters being in line to vote at 11:30am, the role of the party agent and the proper use of the various election forms.

In its preparation for the future elections, one of the INEC's main challenges will be to strengthen the professionalization of its permanent staff as well as that of the thousands of temporary or ad hoc staff it hires to conduct the elections (such as the polling station staff, Supervisory Presiding Officers, and returning officers). Despite the additional training prior to the January and February elections, the AAEA/IFES observer missions, as well as other international and domestic observers, noted numerous cases of election irregularities and some cases of fraud committed by election officials, primarily by those hired on a temporary or ad hoc basis. While election irregularities can be addressed with enhanced training, it is recognized that election fraud committed by election officials is more difficult to address. Cases of election fraud observed by the AAEA/IFES missions included the involvement of Presiding Officers in ballot box stuffing and, on at least two cases, the involvement of Ward Collation Officers in mis-reporting ward results. To prevent electoral fraud, the INEC must enforce the law and prosecute any of its temporary or permanent staff found guilty of committing election offences. Publication of polling station results at the local level could also prevent the mis-reporting of results.

Late delivery of election materials in Rivers and Bayelsa states, as well as in some more rural areas elsewhere in Nigeria, resulted in the delay of polling on election day in the December-February elections. AAEA/IFES observers reported that even in some polling stations in the city of Port Harcourt, in Rivers state, some polling stations did not open before noon on election day, although they were in close proximity to the local government INEC office—the distribution point for materials. It is unclear whether these delays were due to the lack of resources or poor planning on the part of the INEC. The late opening of some polling stations resulted in decreased voter participation, created

opportunities for election fraud and contributed to lack of voter confidence about the process.

With regard to staffing of the polling stations, the AAEA/IFES missions to the December-February elections did not report Poll Orderlies present at any polling station observed. Among other duties, the Poll Orderly was to have ensured that anyone not in line at 11:30am would not be able to cast a ballot. Perhaps due to the lack of Poll Orderlies, at no polling station observed by the AAEA/IFES teams did the election officials enforce the 11:30am "deadline." It should be noted, however, that the election guidelines and the poll official *Manual* also directed the security agent to assume this responsibility. Security agents were present at the vast majority of polling stations observed by the AAEA/IFES teams.

Recommendations

- ***To promote more effective and transparent electoral administration, election officials (including temporary staff as well as the permanent staff of the INEC) should receive regular training in registration procedures, polling station set-up, election day procedures and the collation and review processes. Training should focus on the provisions of the electoral law to prevent any uneven and discriminatory application and be updated as appropriate. Regular and formalized training programs, conducted well in advance of the next elections, will enhance the professional nature of election administration in Nigeria.***
- ***The INEC should strenuously investigate reports of electoral fraud committed by its own officials and should prosecute those found guilty of committing election offences according to the law.***
- ***In the review of the electoral law, some mechanism should be considered for the INEC itself to seek the Court's directive to conduct fresh elections. At present, even if the INEC is acquainted with information that leads it to the conclusion that an election result may be less than legitimate, the only recourse appears to be to await a legal challenge brought by a candidate.***
- ***Consideration should also be given to the publication by the INEC of polling station results at the local level. The availability of such results to the public might serve to prevent the mis-reporting of results and would enhance the transparency of the collation process.***
- ***The INEC should thoroughly assess its material resources and logistics plans to guard against the late delay of election materials. The INEC should also***

encourage the political parties, through their agents, and accredited observers to monitor the distribution of materials.

- ***The INEC should also review its staffing needs, particularly at the polling station level, and ensure that there is adequate staff present to conduct the elections as the law requires.***

B. Registration of Voters

The AAEA and IFES note that the INEC has publicly expressed concern about the integrity of the voters' register and has clearly worked to minimize opportunities for multiple voting resulting from ineligible voters being on the list and from some Nigerians holding multiple registration cards. The problem with the voter registration process of these transitional elections is twofold: 1) the lack of integrity and accuracy of the voters' register, and 2) the production of voters' cards that do not clearly show the identity of the card-holder.

No form of national identity documentation exists in Nigeria, thus verifying a person's identity, age, etc. is not an easy matter. This, in combination with the fact that the hand-written register of voters at each registration center was not cross-checked against any other list meant that the potential for multiple registration was all too real. It is widely believed that the register of voters used for the transitional elections contains an innumerable number of duplicate entries. While the INEC has worked to safeguard against the possibility of a voter personally casting more than one ballot, these procedures do not, however, guard against voter impersonation. It is also widely alleged that a trade existed in the buying and selling of voters' cards.

The AAEA/IFES observers of the December-February elections noted the accreditation of voters holding multiple cards on numerous instances. This practice seemed particularly prevalent in northern Nigeria where men were allowed by the Presiding Officers to accredit the cards of their female family members. (Northern Nigeria is predominantly Muslim and women tend to be less publicly visible for religious and cultural reasons.) When questioned about this practice, the Presiding Officers told the AAEA/IFES teams that the women would come to the polling stations in person to cast their ballots. Some AAEA/IFES observers in the north did report a greater percentage of women present during voting as compared to during accreditation. The most serious instance of a voter with multiple cards was observed by our mission to the December local government elections in Kano where observers witnessed a man attempting to accredit more than 30 voters' cards.

The AAEA/IFES missions to the elections observed a significant number of underage voters participating in the process. Children clearly no more than 15 years of age were seen holding cards which noted their age as 20 or older.

Recommendations

- ***To address the real concerns on the part of the INEC and observers of the electoral process as to the integrity of the voters' register, the computerization of the register is strongly recommended. Further, consideration should be given to the production of voters' cards or national identity cards which contain information, such as photographs, that would safeguard against voter impersonation.***
- ***Also, registration procedures should facilitate public access to registration data to promote the list's regular revision. The INEC should also ensure that political parties have full access to the registration list.***

C. Role of Political Parties

In addition to the INEC, all Nigerian citizens have a responsibility to ensure the conduct of credible and transparent elections in their nation. The INEC should be commended for actively seeking the input of the political parties throughout the electoral process, as was evidenced by the INEC's frequent meetings with political party leaders to inform them about the electoral process and to seek their input on various issues. The lowering of the threshold of votes for the registration of political parties after the December local government elections is one result of the consultation between the INEC and the political parties.

Despite this consultation, and the INEC's campaign to educate the political parties and Nigerian voters about the electoral process, it was apparent to the AAEA/IFES observer missions that many party agents at the polling stations and at the collation of results did not fully understand the election procedures. The main responsibilities of the party agents are to help detect impersonation and multiple voting and to ensure that the poll is conducted in accordance with the laws and regulations governing the conduct of the elections. The AAEA/IFES observers noted some cases of party agents committing electoral fraud, such as stuffing the ballot boxes and working with the election officials to mis-report election results.

Recommendations

- ***It is recommended that the INEC, in conjunction with the registered political parties, establish a forum under which the INEC and the parties could meet regularly to discuss the electoral process. Issues relating to the electoral law, party and candidate registration, election procedures, etc. could be discussed***

within the forum and would enhance the transparency of the electoral process.

- *The INEC should make available to the political parties additional written information for the party agents so that they can better understand and contribute to the election process. For their part, the political parties should clearly and publicly condemn the committing of election offences by party agents and should support the prosecution of anyone found guilty of such offences.*

D. Accreditation of Local and International Observers

While neither the guidelines nor the enabling decrees explicitly provide for either local or international observers, the INEC supported the accreditation of local and international observers as well as local and international media. The INEC reported the following accreditation figures by the time of the February 27 presidential election: 703 international observers; 14,008 local observers; 283 international press; and 242 local press. Once accredited, international and local observers (including press) had full access to the electoral process including the polling stations on election day, the counting and collation process, election tribunals, and the announcement of results. Through the accreditation of observers, the INEC demonstrated its interest in promoting the transparency of the process.

The accreditation process was conducted by the Directorate of Public Affairs at the INEC headquarters in Abuja. This centralized process proved difficult for some of the local observer groups who were not located in Abuja. In its pre-election report of November 30, 1998, the AAEA/IFES mission urged the INEC to consider implementing a decentralized accreditation process for the local observers to allow those organizations to be accredited at the state level.

Recommendations

- *Given the inevitable logistical constraints that often exist for local observer groups, the AAEA/IFES mission recommends that the INEC decentralize the accreditation process to allow local observers to apply for and receive accreditation at the state level.*
- *The AAEA and IFES further recommend that the electoral law include provisions for the observation of the electoral process by international and, particularly, local organizations.*

E. Election Tribunals

Throughout the post-election period, the AAEA and IFES have closely monitored the conduct of the election tribunals and the Court of Appeals. Election tribunals are constituted for each level of government (Local Government, State, and National Assembly) to hear petitions concerning each election. The Court of Appeals hears all appeals from these tribunals. Regarding the presidential election, the Court of Appeals hears the initial petition, with the Supreme Court hearing any appeals. The number of election tribunals which must be established significantly strain the already under-resourced judicial system.

Further, information on the conduct of the election tribunals, and their decisions, is available only at the level at which they are established. There is no centralized mechanism for reporting the outcome of the tribunal process at the various levels other than through the media (if the case warrants media attention). If a bye- or run-off election is necessary as a result of a decision by a tribunal, the INEC, obviously, would also publicize the tribunal decision. With each decision of an election tribunal, a body of case law is developed. For example, the tribunal in Bauchi state ruled that the nomination of the Deputy Governorship candidate was not valid, causing the election to be re-conducted. Thus, in the future, a potential petitioner now knows that this will be the outcome of any successful challenge on these grounds. Equally, subject to the Supreme Court upholding the Court of Appeals decision with regard to Chief Egolum, any potential petitioner now knows that he or she must be either a qualified or rejected candidate in order to present a petition. The collection and publication of information on all election tribunal decisions would serve to better inform the public about the appeals process, reduce the number of possibly spurious petitions (decreasing the work load of the courts) and, in general, enhance the openness of the electoral process.

Recommendations

- ***The AAEA and IFES recommend that due consideration be given to a standing election tribunal in each state rather than the present arrangement whereby they are constituted for each election. It is further recommended that the members of the judiciary sitting on the election tribunals be trained thoroughly in the electoral law and procedures.***
- ***In order to promote the transparency of the electoral process, the INEC should consider a mechanism to formally gather and publish information about the tribunal decisions.***

F. Voter Education

While the budget available to the INEC for voter education was appreciable and significant, it was noted by many observers that additional civic and voter education would have enhanced the public's understanding of the voting day procedures. A clear example of this was that of the confusion surrounding the requirement for voters to remain at the polling station after they had been accredited and prior to the commencement of voting. Further problems were observed about both the importance of casting a vote in secret and the necessity of the use of indelible ink. Secrecy in particular was a significant concern and the importance of being able to mark the ballot paper in private was not sufficiently addressed in the public awareness campaigns. Also, many voters were totally unaware that their ballot paper should be folded prior to placing it in the ballot box. A further unfortunate confusion was caused by the poster that was produced which incorrectly stated that all voting was to end at 2:30pm. This poster was cited by Presiding Officers and others as a reason for keeping the polling station open until 2:30pm even if all accredited voters had voted before then. This presented an opportunity for ballot box stuffing because the additional safeguard of having voters present in numbers to witness the count at the polling station was lost.

Recommendation

- ***The AAEA and IFES recommend that an increased and more vigorous civic and voter campaign is undertaken for future elections. Voters' understanding concerning the importance of voting in secret and instructions regarding voting procedures takes time to permeate through all strata of society and so this campaign should be undertaken in a timely fashion. It is also recommended that the INEC consider decentralizing aspects of the voter education campaign to the states to increase the dissemination of election information to voters. With this decentralization, it is important that the INEC continue to emphasize the uniformity of message.***

III. Election Procedures

A. Elections Process

As noted earlier, the separate processes for accreditation and voting were instituted by the INEC to minimize opportunities for multiple accreditation and, hence, multiple voting. While the INEC should be credited for working to implement these safeguards, particularly in light of the concerns about an inflated voters register, the establishment of a new, computerized register, and a more sophisticated voter's card or identification card, in addition to the use of indelible ink to mark voters, are very effective safeguards

against multiple voting. These safeguards, combined with thorough training of election officials to ensure uniform adherence to election procedures, extensive voter education, and the vigilance and full and lawful participation of party agents, will make it difficult for anyone to cast more than one vote.

The separation of the accreditation and voting processes appears to have depressed voter participation as some voters, in conversations with the AAEA/IFES observers, said it was difficult for them to go twice to or wait at the polling station, for one reason or another. In many polling stations observed by the AAEA and IFES, it was clear that some accredited voters did not return to cast their ballots. Further, in many cases observed by the AAEA/IFES missions to all elections, many Presiding Officers allowed accreditation to extend into the voting period or conducted the accreditation and voting processes simultaneously. The AAEA/IFES observers to the December 5 elections, December 12 bye-elections and February 20 and February 27 elections in Rivers state reported that simultaneous accreditation and voting often resulted from the late delivery of materials.

The accreditation and voting processes were to have been implemented in conjunction with a procedure known as "confinement," whereby voters were required to remain at the polling station after being accredited in order to be able to cast their vote. At no time did the AAEA/IFES missions to the December-February elections witness the implementation of confinement. Presiding Officers did not request the voters to stay at the polling station nor did any voters remain on their own volition. The lack of any facilities at the polling stations for confining voters combined with the voters' interest in resuming their daily business before returning to vote made this guideline impossible to enforce.

Recommendation

- ***It was clear to the AAEA/IFES joint international observer missions that the processes for accreditation and voting were not uniformly followed by the polling station staff as stipulated by the INEC. As a result, the separate accreditation and voting processes, in themselves, were not effective safeguards against multiple voting as had been originally envisaged by the INEC. The AAEA and IFES urge the INEC to revise the election day procedures to ensure the ease of voter participation in the process while protecting the credibility of the elections.***

B. Materials

Indelible Ink

The AAEA/IFES delegation to the December elections and other observer groups strongly recommended the use of indelible ink to mark voters as a safeguard against multiple voting. The INEC responded by requesting the Government of India to furnish indelible ink for the January and February votes. While this ink did not arrive in time for the January state elections, it was used for the National Assembly vote of February 20 (applied on the left thumbnail) and the February 27 presidential election (applied on the right thumbnail). (It should be noted that in some areas of Lagos, enterprising Presiding Officers used non-indelible ink to mark voters at the January 9 elections.)

The AAEA/IFES delegates to both February elections noted the use of the indelible ink particularly in the urban areas of the country (most uniformly used, for example, in Lagos and Abuja). However, in many rural areas, election officials either did not receive the ink or were reluctant to use it (responding, in some cases, to pressure from the voters and party agents)—this was most prevalent for the February 20 National Assembly vote.

Recommendation

- ***The AAEA and IFES urge that the use of indelible ink to mark voters be continued in subsequent elections in Nigeria. Indelible ink is an important safeguard against multiple voting.***

Election Forms

The INEC has worked to promote the transparency of the electoral process by supplying results forms (series EC.8 forms) with enough carbon copies to be distributed to each of the contesting political parties and the security agents posted at the polling station and at each level throughout collation. The AAEA/IFES delegation to the February 20 National Assembly elections was concerned to note two instances of original EC.8 forms missing at the polling station level. In one of these wards, where the collation was observed at the ward level, the originals of the EC.8 were separately filled out and the results did not reflect the results of the polling stations. In both wards, it was unclear to the AAEA/IFES observers whether the Presiding Officers and the party agents at the polling stations were aware that the originals (top copy) of the EC.8 forms were missing.

Also concerning the results form, it is noted that the number of invalid votes was not recorded past the polling station level. The recording of the number of invalid votes ensures that the number of total votes cast is accurately reported and provides

information which can be used by the INEC in educating its election officials and the public to prevent invalid ballots.

In its observation of the December 5, January 9, and February 20 elections, the AAEA/IFES missions noted with concern the extension of accreditation into the voting period and apparent inflation, at some polling stations, of the number of voters, by the close of voting. In addition, several cases of suspicious 100% turn-outs were also observed, resulting from this inflation. To address these concerns, in its February 23 *Statement* following the National Assembly elections, the AAEA/IFES joint international observer mission urged the INEC to give specific instruction to polling station officials to ensure that the number of accredited voters is recorded on the EC.8A forms immediately after the close of accreditation.

The AAEA and IFES commend the INEC for acting swiftly on this issue and developing a new form, the Accreditation/Verification Form (AC form), on which the Supervisory Presiding Officer (SPO) would record the number of voters at the close of accreditation. In a February 23 letter to the State Resident Electoral Commissioners (RECs) from INEC Secretary Alhaji Adamu Mu'azu (reiterated in a February 24 electronic message), the RECs were notified that:

"the Commission has approved an additional responsibility for the [SPOs] as follows:-

- a) While going round the polling units under his supervision, the SPO using the above prescribed form is to record the number of accredited voters at the close of accreditation, i.e., at 11:00am;
- b) The information is to be lifted from the entry made by the Presiding Officer (PO) on the prescribed form EC.8A;
- c) Thereafter, the SPO, PO and the Party Agents will sign the form as appropriate, and
- d) Finally, the SPO will then deliver the already-signed form to the Collation Officer who in turn will cross-check (compare) the information contained thereon with the one of form EC.8A as submitted.

Please ensure STRICT compliance. You will endeavor to ensure that the information is disseminated to all concerned."

Unfortunately, the AAEA/IFES observers to the February 27 presidential election noted the adherence of the Supervisory Presiding Officers to this new instruction in only a very few cases. It was unclear whether the lack of implementation of this guideline was due to the unavailability of the AC forms, difficulties in communication between the RECs and Local Government Electoral Officers (for onward transmittal to the SPOs) or to the failure of the SPOs to implement this instruction. Whatever the reason, it should be noted that the full compliance of the Presiding Officer to the electoral law (which was also emphasized in the *Manuals*) which stipulated that the number of accredited voters should be recorded in the EC.8 forms at the close of accreditation would have obviated the need for the AC forms.

Recommendations

- *It is recommended that the original of the series EC.8 results forms be clearly marked as an "Original" and that the carbonated copies are marked as copies. Numbering the copies would allow the election officials to also ensure that they have received all sheets of the form. The poor quality of the carbon on the forms was also noted by the AAEA/IFES missions.*
- *The number of invalid ballots cast by the voters should be recorded on all EC.8 series forms, in addition to the EC.8A form used at the polling station level.*

Ballot Paper

Following its observation of the local government elections in December, the AAEA/IFES joint international observer delegation recommended the review of the ballot lay-out to minimize invalid ballots. The ballot for the December election was organized horizontally, and with nine parties contesting that election, it could be difficult for the voter to mark his or her choice (the parties in the middle of the ballot, for example, had empty boxes next to the symbols of the parties listed to their right).

IFES monitors observing the January 9 state elections noted the use of ballots which listed the contesting parties vertically, thereby making it easier for the voter to mark his or her choice. The vertical design also reduced smudging, which could lead to invalid ballots, as, when the ballot is folded vertically, the ink from the voters' thumbprint would not mark another party's box. The ballots for the February 20 and 27 elections again used the horizontal design. The new ballot design complicated INEC's voter education efforts as well as the parties' campaigns to notify voters as to where they were placed on the ballot.

Also of concern to the AAEA and IFES missions was the size of the ballot paper as the ballot could be placed into the ballot box without being folded. The transparency of the ballot boxes meant that the voter's marked ballot could often be clearly viewed by the election officials, party agents, security officials and other voters at the polling station.

Recommendations

- *It is recommended that the ballot design be reviewed in order to minimize invalid ballots, promote the secrecy of the ballot and increase the voter's ease in marking the ballot.*

Ballot Box

For the most part, the ballot boxes used in these transitional elections were the previously-used NECON ballot boxes with metal rims and Plexiglas sides. Additional ballot boxes of the same design were manufactured for the December-February elections given the increase in polling stations from previous elections. Some polling stations, particularly in rural areas, were forced to use metal-sided, non-transparent boxes, as there remained a shortage of boxes in some regions.

The use of the transparent boxes promoted the voter's confidence that the boxes had not been stuffed before the opening of the poll as it could be clearly seen that the boxes were empty. An unfortunate result of the fully transparent boxes, however, was that the marked ballots in the box could be easily viewed by many at the polling station, particularly as many voters did not fold their ballots.

Of additional concern to the AAEA/IFES delegations to the elections was that many of the ballot boxes observed were not equipped with properly functioning locks. The lack of functioning locks on some ballot boxes compounded the issue of lack of control over the ballot papers following the election. In some cases, ballot box stuffing might have been facilitated as well.

Recommendation

- **Numbered seals that could be used to secure the ballot box during the time of voting, with additional seals being used to secure the ballot box after the counting, would provide further control on the ballots.**

Envelopes

In its guidelines and instructions to election officials, the INEC stipulates the use of various envelopes at the polling station. The Presiding Officer was to be supplied with:

- Envelope EC-50A (for miscellaneous material)
- Envelope EC-50B (for voters register)
- Envelope EC-50C (for counterfoils of used ballots)
- Envelope EC-50D (for tendered ballots)
- Envelope EC-50F (for unused ballots)
- Envelope EC-50G (for invalid, spoiled or rejected ballots)
- Envelope EC-50K (for Ballot Paper Account and Verification Statement)
- Envelope EC-50L (for used ballots)

While the INEC was not able to supply all of these envelopes, as observed by the AAEA/IFES missions, each Presiding Officer received usually one to three envelopes into which they generally placed the results form (EC.8A series), the unused ballots and/or the voters register. The used ballots were most commonly placed loosely in the ballot box after counting. The envelopes were constructed of brown paper and were

not easily or permanently sealed. The Presiding Officer returned all material to the ward level, while the results form would then be submitted to the local government or constituency level for collation. The material other than the forms remained in the ballot box at the local government level until the next election.

More stringent controls of the unused and used ballots following the count would safeguard against electoral fraud and would facilitate any post-election investigations regarding the conduct of a polling station. In one of the cases cited above (under *Election Forms*), for example, polling station results in one ward did not reflect the count of ballots cast at those polling stations. One of the methods of investigating this issue would have been to examine the ballots from those polling stations. Had the Presiding Officer at each of those polling stations sealed used and unused ballots in a tamper-resistant envelope at the close of counting, the integrity of the ballots could have been better ensured, thereby facilitating any needed investigation. Most important, the use of such envelopes might have prevented this case of changing of results in the first place.

Recommendation

- ***It is recommended that the INEC examine the controls on the ballots following the counting process at the polling station. The use of tamper-resistant envelopes for the ballots could be considered.***

Polling Booths

To protect the voter's right to mark his or her ballot in secret, the INEC supplied free-standing polling booths (covered, three-sided booths with a small ledge on which the ballot could be marked) to many polling stations. Where these booths were used, the AAEA/IFES missions to the various elections noted that the voter was able to mark the ballot in secret. In some polling stations where polling booths were not available, the election officials had often placed a table some distance away from other people at the polling station or requested the voter to mark the ballot in a classroom (if the polling station was at a school) to ensure secrecy of the ballot.

From the December 5 to the February 27 elections, AAEA/IFES noted an improvement in the protection of the secrecy of the ballot due to the availability of polling booths and also to improved polling station lay-out. In December and January, for example, many voters were observed marking their ballots on the table being used by the election officials or at a table near a security agent. Further instruction to election officials prior to the February elections, in particular, seemed to increase the secrecy of the ballot at polling stations which were not supplied with polling booths.

Recommendation

- ***Although the right of a voter to mark his or her ballot in secret is well-protected by the provision of polling booths to the polling stations for election day, it is recommended that the INEC consider other materials, such as cardboard voting screens, as less-expensive alternatives to the supply of booths.***

Posters at the Polling Station

At the beginning of the election cycle, it had been the intention of the INEC to distribute to each polling station a poster noting which parties were contesting the elections to inform the voters and to reduce the number of invalid ballots. However, the INEC did allow the political parties to place candidate posters at the polling stations. The better-financed and mobilized parties were able to place their posters at many, but not all, of the polling stations observed by the AAEA/IFES missions. Posters from some parties were not visible to the observers at any of the polling stations visited. While the INEC's decision to allow party posters in the polling station did inform some voters as to the contestants of the elections, the INEC guidelines and the relevant decrees stipulate that it is an election offence to "...tender a notice, sign, symbol, slogan, badge, photograph or party card referring to the election...within the polling station or unit or in a public or private place within a distance of two hundred meters of the polling station or unit."

The issue of voter education about the contestants of these elections is a particularly important one given the nature of the electoral process. For example, on December 12, 1998, there were run-off elections between two candidates in several areas of the country. Although only two candidates were contesting the election, the ballot paper used for that election showed the nine political parties that had been provisionally registered for the December 5 local government election, resulting in, in some observed cases, a disappointing number of invalid ballots.

The INEC did not rely solely on posted material to inform voters of the election contestants but also clearly directed the Presiding Officer to "introduce the candidates, their symbols..." to the voters prior to the commencement of the voting period (see the relevant decrees and guidelines). However, in their observations of the December-February elections, at no time did the AAEA/IFES missions note that the Presiding Officers identified the parties contesting the elections. It is clear that the voters must be better educated about the contestants to ensure that their votes count and are not invalidated.

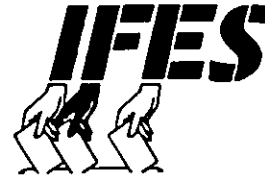
Recommendation

- ***The INEC should make every effort to educate the voters at the polling station as to the election contestants.***

IV. Conclusion

The AAEA and IFES submit this report to the Independent National Electoral Commission (INEC) and the people of Nigeria in the hope that these findings and recommendations can assist in the strengthening of the electoral system in advance of future elections. The AAEA and IFES are confident that the INEC can meet the challenges of addressing the shortcomings in the electoral process by continuing to seriously assess the experience of these transitional elections and by seeking the input and support of the Nigerian people, including the political parties and the civic groups, in preparing for the next elections. With a well-conceived plan, and drawing on diverse experiences and the nation's many resources, the INEC and the people of Nigeria can continue to build the foundation for a strong and sustainable democratic system.

Appendix I



**AAEA/IFES Observer Mission
Nigerian Local Government Elections: December 5, 1998**

Delegation Leader

K. Afari-Gyan
Executive Secretary, AAEA
Chairman, Electoral Commission of Ghana

Delegates

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Member, Electoral Commission of Kenya

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John Ernest Ekuban
Coordinator, Institute of Economic Affairs, Ghana

Paul Guah
Chairman, Elections Commission of Liberia

Keith Klein
Director, Africa and the Near East, IFES

Ramanou Kouferidji
Communications Secretary, GERDDES-Benin

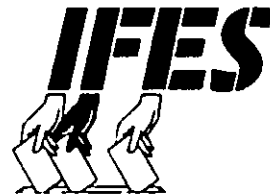
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Permanent Secretary, CERCUDE, Cameroon

Flora Nkurukenda
Deputy Chairperson, Electoral Commission of Uganda

Trefor Owen
Election Specialist, IFES/Nigeria

Susan Palmer
Program Officer, Africa and the Near East, IFES

Kwadwo Sarfo-Kantanka
Deputy Chairman (Finance and Administration), Electoral Commission of Ghana



**AAEA/IFES Joint International Observer Mission
Nigerian National Assembly Elections: February 20, 1999**

Delegation Leader

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Chairman, Electoral Commission of Ghana

Delegates

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Projects Coordinator, IFES/Nigeria

Paul Guah
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Lino Musana,
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Public Information Officer, Electoral Commission of Ghana

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Deputy Chairperson, Electoral Commission of Uganda

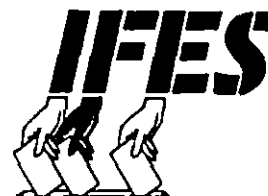
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Valeria Scott
Program Assistant, Africa and the Near East, IFES

Mabel Sikhosana
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Caroline Vuillemin
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**AAEA/IFES Joint International Observer Mission
Nigerian Presidential Elections: February 27, 1999**

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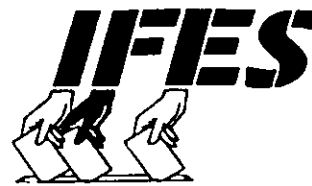
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Appendix II



December 8, 1998

Post-Election Report of the AAEA/IFES Observer Mission to the Local Government Elections in Nigeria

A 15-member delegation of election officials, election experts, and experienced election observers from the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES) observed the December 5 local government elections in Nigeria. The international observer mission, led by Dr. K. Afari-Gyan, AAEA Executive Secretary and Chairman of the Electoral Commission of Ghana, arrived in Nigeria on November 30 and deployed to seven of Nigeria's 36 states from December 3-7 to assess the pre-election environment, observe voting day, and evaluate the tabulation of results and the immediate post-election period. The delegation included a four-person IFES team that has been in Nigeria since November 15 to monitor election preparations.

The AAEA/IFES observer mission focused its assessment of the electoral process on the technical aspects of the administration of the December 5 elections—on the organizational capacity of the Independent National Electoral Commission (INEC), the legal framework for the electoral process, and election day procedures. Our comments about the local government vote are presented here in the hope that they might contribute to preparations for the upcoming State Assembly, governorship, parliamentary and presidential elections, to the overall strengthening of Nigeria's electoral system, and to the transition to a civilian, democratic government.

The AAEA/IFES delegation deployed eight teams for these elections, two to the Federal Capital Territory and others to Lagos, Kaduna, Kano, Oyo, Plateau, and Rivers States from December 3-7. Throughout the observation mission, the teams met with INEC officials and staff, members of political parties, representatives of nongovernmental organizations and other Nigerians involved in the political life of the country. On December 5, the AAEA/IFES delegation looked closely at polling station organization, capabilities of poll officials, the ability of voters to cast their votes without undue hardship or intimidation and in secrecy, and the procedures for vote counting and results tabulation.

As is well known, Nigeria's struggle to build a democratic state has been a long and difficult one, and elections within this process have frequently been marred by lack of credibility and transparency. Citizens have a right to expect that their elections process will guarantee that they can register to vote and cast their ballot without undue hardship and in secrecy. They also expect that their vote is

recorded accurately and counted toward the result of the election and that the result be universally respected. Given Nigeria's history, the citizens' aspirations and the importance of these elections to the present transition process, it is encouraging to note that the INEC generally had the confidence of the political parties and voters prior to the period leading to the elections.

Based on the observations of the AAEA/IFES mission and knowledge gained through our long-term presence, we present the following findings:

- **Voters register:** Most voters had a voter's card and their names were readily found on the register. Of great concern, however, was our observation at some of the polling stations of the accreditation of multiple cards in the possession of the same voter. Some voters with cards were not able to find their names on the register.
- **Accreditation:** Although the INEC attempted to eliminate the possibility of multiple voting by directing the confinement of voters at the polling station from the time of accreditation to voting, the guideline was not followed. We also observed a small number of voters under the age of 18 receiving accreditation.
- **Election day procedures:** We observed a lack of uniform procedures from polling station to polling station throughout the election day processes. At many polling stations, we observed that, either at the point of marking the ballot or dropping it into the box, the voter's right to secrecy was not preserved. Indelible ink was used to mark the voters in only a few polling stations. We believe the inconsistent election day procedures were a result of inadequate guidelines to, and training of, poll officials.
- **Materials:** Many polling stations that we observed opened late due to delay in receiving materials. Further, the provision of additional materials, such as extra ink pads, would have allowed more than one voter to mark his or her ballot, making the voting process more efficient. Some polling stations were not provided with lanterns or other materials to facilitate counting and tabulation in the night.
- **Invalid ballots:** We observed ballots that were rejected even when the voter's intention could be discerned. The lay-out of the ballot paper contributed to numerous invalid ballots, as did the lack of clear guidelines to the poll officials on what constituted an invalid ballot.
- **Voter awareness:** A low level of understanding on the part of the voter was evident resulting in difficulty in marking the ballot and casting it in secrecy.

- **Poll officials:** Only two poll officials were present at the majority of the polling stations we observed, hampering the efficiency of the voting and accreditation processes.
- **Domestic Observers:** We observed that most Nigerian nongovernmental organizations were not able to receive accreditation in time to effectively monitor the vote. Explicit recognition of the role of domestic observers would provide the framework needed to more easily include these important actors in the process.

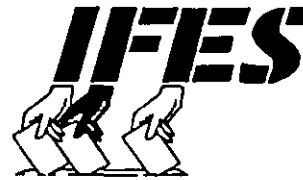
RECOMMENDATIONS

We recommend:

- the immediate development and wide dissemination of a detailed, step-by-step instruction manual for poll officials and that INEC undertake a thorough and timely re-training of poll officials;
- a review of the ballot lay-out to minimize invalid ballots;
- the provision to polling stations of additional materials to increase the efficiency of the accreditation and voting process and the provision of additional staff at polling stations with more than 500 registered voters;
- that the logistical arrangements should allow for the timely delivery of all election day materials;
- uniform procedures for the application of indelible ink to mark voters' thumbs after casting ballots;
- that increased attention and resources be given to widespread voter education campaigns by the INEC and civic organizations;
- in the absence of training by political parties, that additional written information be made available by the INEC to the party agents so that they can better understand and contribute to the election process; and
- that the INEC recognize the role and responsibility of domestic and international observers in the electoral process and decentralize the accreditation process for domestic observers to the State level to allow their full and timely participation in the election process.

CONCLUSION

The AAEA/IFES delegation recognizes the great challenge faced by Nigeria's Independent National Electoral Commission (INEC) in administering these elections given the size and complexity of the country, the stated time frame, and the attendant logistical constraints. We note the tremendous desire of all Nigerians to make the transition to an elected, civilian leadership and to build a sustainable democratic system. The December 5 local government elections demonstrated the commitment of the INEC, the political parties and the Nigerian people to the transition to democracy, as we witnessed people from all walks of life and all political persuasions cast their ballots for local government councilors and council chairmen. We are encouraged that this first vote passed in a relatively peaceful atmosphere and with the support of most Nigerians, and we hope that the following months will be marked by a further commitment to a credible, transparent and representative process on the part of all major stakeholders and Nigerian citizens.



FOR IMMEDIATE RELEASE
February 23, 1999

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Statement by the AAEA/IFES Observer Delegation on February 20 National Assembly Elections in Nigeria

LAGOS, NIGERIA — A joint international observer mission composed of members of the Association of African Election Authorities (AAEA) and representatives of the International Foundation for Election Systems (IFES) has made recommendations to Nigeria's Independent National Electoral Commission (INEC) to further strengthen the electoral system in advance of the February 27 presidential elections. The delegation observed the conduct of the February 20 National Assembly elections in five of Nigeria's 36 states (Bayelsa, Kano, Lagos, Plateau and Rivers) and in the Federal Capital Territory. The AAEA and IFES have been present in Nigeria since November 1998, when they conducted a pre-election assessment prior to the elections. An AAEA/IFES mission observed the December local government elections and IFES long-term monitors assessed the January state elections.

Like many in Nigeria, the AAEA/IFES observer mission was disappointed in the very low voter turnout across the nation for the National Assembly elections. In addition, the observers were concerned about the many irregularities they observed in the conduct of the vote. However, the AAEA/IFES joint delegation has emphasized that the responsibility for credible elections rests not only with Nigeria's INEC, but with the political parties and all Nigerian citizens. Therefore, the AAEA and IFES have made suggestions of steps to be taken within the week to facilitate the conduct of a transparent and open presidential election on February 27. The delegation has also urged all registered voters to exercise their right to cast a ballot in this crucial election so that the government represents the will of the Nigerian people.

RECOMMENDATIONS

The AAEA/IFES mission, led by Dr. K. Afari-Gyan, Executive Secretary of the AAEA and Chairman of the Electoral Commission of Ghana, has recommended that additional guidance be given to election officials, voters and political parties regarding election day procedures. In particular, the team has recommended that the INEC give specific instruction to the polling station officials to ensure that:

- accredited voters are distinctly marked on any previously-used register in a different-colored ink;

- the number of accredited voters is recorded on Form EC.8A immediately after the close of accreditation;
- accredited voters are at the polling station at 11:30am for the commencement of voting;
- the indelible ink specified by the INEC is used to mark all voters;
- the INEC-supplied envelopes are used to package used ballots at the end of the count and that the election materials are properly returned to the Ward Collation Centre and, from there, to the local government Electoral Officer; and
- the polling station staff follow the laid-down procedures in cases of the late delivery of election materials.

To further promote confidence in the electoral process, the AAEA/IFES mission has also recommended that:

- the INEC remind its election officials, both permanent and ad hoc, that they will be held liable for any election offences committed, in the same way as the voters and representatives of political parties are liable.

In addition, the AAEA/IFES mission urged that the following steps be taken to increase the transparency of the process:

- that the political parties and observers be permitted to monitor the secure transportation of sensitive election materials; and
- that the INEC ensure the availability of polling station results at the State level for public inspection after the election.

To ensure a consistent counting of ballots at the polling station for the February 27 presidential elections, the AAEA/IFES observers also suggested that:

- the INEC issue a clear statement on the status of ballots which may be marked for the Alliance for Democracy (AD).

Finally, to promote increased participation in the upcoming elections, the AAEA/IFES mission recommended that the INEC, political parties, and civic organizations should focus their voter education efforts in the time remaining on:

- the need for increased participation by registered voters in the electoral process;
- that indelible ink will be used to mark the right thumb of all those voting in the presidential election; and
- the necessity for an accredited voter to be present at the polling station at the commencement of voting at 11:30am in order to cast a ballot.

OBSERVATIONS

The findings of the joint AAEA/IFES international observer mission were based on the delegates' observations of the electoral process in five of Nigeria's states and in the Federal Capital Territory (FCT). The 12-member AAEA/IFES mission was deployed in teams of two and met with INEC officials, political party representatives, domestic observers and others and observed the accreditation, voting, counting and collation processes. The delegation's observations are summarized below.

Accreditation: Clean copies of the voters register were not used at many of the polling stations visited by the AAEA/IFES mission, making it difficult for the poll officials to distinctly mark the accredited voters. Of additional concern was the lack of voter registers at two polling stations in two wards in Yenagoa Local Government Area (LGA) in Bayelsa. In some cases in Plateau state, accreditation began before 8:00am, while in Rivers and Bayelsa states accreditation and voting were conducted simultaneously at several polling stations observed. In Rivers state, in particular, the late distribution of materials delayed the opening of the poll. Further, all accredited voters did not remain at the polling stations observed by the AAEA/IFES team, from the time of accreditation to voting, as stipulated by the INEC.

Voting: The AAEA/IFES mission noted at many polling stations that all accredited voters were not present at the commencement of voting. Moreover, the Security Agent or Poll Orderly did not stand at the back of the line to ensure that only accredited voters present at the commencement of voting could cast ballots. ~~The AAEA/IFES team also noted that, outside of~~ polling stations observed in Lagos state and FCT, indelible ink, an important safeguard against multiple voting, was not consistently used to mark voters. Further, the layout of polling stations observed in Bayelsa, Kano and Rivers states did not allow the voter to mark the ballot in secret. It should also be noted that, in many cases, the voter appeared not to be aware of his or her right to cast a vote in absolute secrecy. In addition, the AAEA/IFES team observed voters who seemed to be under the age of 18 years in Lagos (Epe LGA), Kano (Gabasawa LGA), and Plateau (Langtang LGA).

Counting and Collation: Of great concern to the AAEA/IFES observers was the absence of the first page (the original) of Form EC.8A (for polling station results) at all polling stations of Ward I in Ikwerre LGA in Rivers, and at one polling station in the FCT. With regard to Ikwerre LGA (Rivers), AAEA/IFES observers recorded that the polling station results from Ward I as reported at the LGA Collation Centre significantly differed from the polling station results noted at the Ward Collation Centre. Further, ~~AAEA/IFES observers at Ward IB in Ahodoa...~~ West LGA in Rivers also noted a substantial difference in polling station results from that Ward when the results reached the LGA level. The AAEA/IFES team has reported some of these observations to the appropriate INEC officials.

CONCLUSION

In further support of Nigeria's transition to an elected, civilian government, the AAEA and IFES will sponsor a 28-person observer mission to the February 27 presidential election. The AAEA and IFES are grateful to the INEC and the Nigerian people for the warm reception they have received and look forward to continued support to the nation's transition to a sustainable democracy.

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Since its inception in 1987, IFES has provided nonpartisan assistance to develop or refine election systems in more than 100 emerging and established democracies worldwide.

The AAEA is a membership organization of election officials and representatives of election-focused nongovernmental organizations from sub-Saharan Africa dedicated to promoting the professionalization of election administration.

Additional information on AAEA and IFES activities in Nigeria, as well as information on the Nigerian elections, can be found on the IFES website at www.ifes.org.



FOR IMMEDIATE RELEASE
March 2, 1999

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AAEA/IFES Statement on the February 27, 1999 Presidential Election in Nigeria

A 28-member joint delegation of African election officials, representatives of African nongovernmental organizations and international election specialists observed the February 27 presidential election in Nigeria. This mission, fielded by the Association of African Election Authorities (AAEA) and the International Foundation for Election Systems (IFES), commends all Nigerians on their commitment to the transition process which will result in the inauguration of a civilian, elected government on May 29. As a delegation focusing on the technical aspects of the administration of the election, the AAEA/IFES mission presents its observations so that the people of Nigeria are better able to assess the conduct of this election, and submits its recommendations as to steps that could be taken to strengthen the electoral process in Nigeria in order to contribute to the nation's democratic consolidation.

The AAEA/IFES mission, led by Dr. K. Afari-Gyan, AAEA Executive Secretary and Chairman of the Electoral Commission of Ghana, observed the conduct of the February 27 election in thirteen of Nigeria's 36 states (Adamawa, Bayelsa, Borno, Cross River, Enugu, Kaduna, Kano, Kwara, Lagos, Oyo, Plateau, Rivers and Sokoto) and in the Federal Capital Territory (FCT). The AAEA and IFES have been present in Nigeria since November 1998, when they conducted an assessment prior to the elections. AAEA/IFES missions observed the December 5, 1998 local government and the February 20, 1999 National Assembly elections and IFES long-term monitors additionally assessed the December 12, 1998 bye-elections in Rivers and the run-off elections in the FCT; the January 9, 1999 state elections; and the January 30 elections in Bayelsa state.

The AAEA/IFES team recognizes the efforts of Nigeria's Independent National Electoral Commission (INEC) to achieve a transparent electoral process. In particular, the INEC has worked to strengthen the electoral system since the first round of polling conducted in December, and has taken steps towards more open and credible elections. The INEC has demonstrated its commitment to dialogue with the political parties and has taken into account their concerns throughout these elections. Further, the INEC has opened the electoral process to international and, more importantly, domestic observers, accrediting more than 10,000 Nigerians from civic groups throughout the country as domestic

observers and extending an invitation to approximately 600 international observers, including the AAEA/IFES mission.

Since the December 1998 local government elections, the INEC has clarified and added to the election procedures in response to its review of the process and to comments made by the AAEA and IFES and other observers. Of great importance has been the use of indelible ink to mark voters in the February 20 and February 27 elections—a notable safeguard against multiple voting. The step-by-step INEC poll worker manual, produced for the January and February elections, also increased the uniformity of election day procedures from polling station to polling station.

Following its observation of the February 20 National Assembly elections, the AAEA/IFES mission made several specific recommendations concerning steps that could be taken by the INEC to strengthen the conduct of the February 27 presidential poll. The AAEA/IFES mission notes that the INEC has responded positively to many of these recommendations. In particular, the AAEA/IFES observers reported:

- the increased use of indelible ink to mark voters, particularly in the rural areas of the country;
- the distribution of additional forms to record the number of accredited voters at the close of accreditation (a procedure designed to thwart additional accreditation and ballot box stuffing later in the day);
- the increased awareness on the part of election officials and the Nigerian voters as to the timing of the accreditation and voting processes;
- an enhanced effort to protect the voter's right to mark his or her ballot in secret;
- the INEC's clear guidance to election officials as to the counting of ballots cast for the Alliance for Democracy (AD), which supported the presidential candidate fielded by the All Peoples' Party (APP); and,
- the INEC's re-distribution of the oath of office for polling officials as a reminder to its staff, both permanent and ad hoc, that they would be held liable for any election offences committed.

In its observation of the February 27 vote, the AAEA/IFES team nevertheless noted a considerable lack of adherence to the election procedures as stipulated by the INEC. In addition, the AAEA/IFES observer delegation was concerned about some cases of possible fraudulent activity, apparently resulting from collusion on the part of some election officials with agents of the political parties. The delegation's specific observations are summarized below.

Accreditation:

The late distribution of sensitive materials delayed the opening of polling stations in several areas (Bayelsa state—Kolokma/Opokuma LGA; Cross River state—Calabar Municipality; Enugu state—Aninri and Awgu LGAs; Kano state—Gabasawa LGA; and in Rivers state—Oyigbo LGA). The late delivery of materials in Oyigbo LGA (Rivers) resulted in simultaneous accreditation and voting. Accreditation and voting also occurred at the same time in two wards in Adamawa State (Hong LGA, Daksiri and Hong Wards). In one of these cases, some voters were accredited without being marked as accredited on the voter's register

At one polling station in Kaduna state (Kajuru LGA, Ward—Code 127), the AAEA/IFES team noted five cases of accreditation of multiple voter's cards. Two individuals accredited five cards each and three individuals were in possession of two cards. The Presiding Officer of that polling station explained that the voters were accrediting cards for their family members and that the rightful holders of the voter's cards were expected to cast their vote in person.

Despite the introduction of the series AC forms to record the number of accredited voters at the close of accreditation, the AAEA/IFES team observed that in most cases the Supervisory Presiding Officer (SPO) did not complete the AC.1 form immediately after the close of accreditation. While some of the AC forms were completed later in the day, the fact that the number of accredited voters at the close of accreditation was not immediately recorded by the SPO left open the possibility of additional accreditation or ballot box stuffing, which the forms were intended to prevent.

As with the previous elections, at none of the polling stations observed by the AAEA/IFES team did all accredited voters remain at the polling station from the time of accreditation to voting, as mandated by the INEC.

Voting:

While the AAEA/IFES delegates noted that the application of indelible ink to mark voters was more prevalent than in the February 20 elections, AAEA/IFES observers noted that the ink was not used in some polling stations in Bayelsa (Kolokma/Opokuma LGA), Cross River (Calabar Municipality LGA, Wards 1, 4 and 9; and Calabar South LGA, Wards 1 and 10); Kwara (Ifeledun LGA, Omupo Ward); and Rivers (Eleme, Oyigbo, Obio Akpor and Tai LGAs).

The AAEA/IFES team observed a stack of about 30 ballots in a ballot box at a polling station in Kaduna state (Kajuru LGA, Kajuru Ward). The Presiding Officer was not able to explain this occurrence to the observers. At many polling stations in Kolokma/Opokuma LGA in Bayelsa state, the AAEA/IFES team observed that the voter's right to mark the ballot in secret was not respected.

At several polling stations in Kaduna state (Kajuru LGA, Kajuru and Kufana Wards), the AAEA/IFES noted voters apparently under the age of 18 casting ballots. One of these voters was in possession of a voter's card of a person of 30 years of age.

Counting and Collation:

One of the AAEA/IFES teams, deployed to Kano state, expressed concern about polling station results from four of the 11 polling stations in Gabasawa LGA, Zugachi Ward, as these polling stations reported 100% voter turn-out. The AAEA/IFES observer team noted that they did not witness a high voter turn-out in this Ward throughout the day. Voter turn-out of 100% was also reported at two polling stations in Kwara state (Ifeledun LGA, Omupo Ward). In addition, the AAEA/IFES observers in Rivers noted two polling stations with 100% turn-out in Oyigbo LGA, Ward 4, while polling stations in that same general area showed turn-outs of 20% and below.

During counting at three polling stations in Cross Rivers (Calabar South LGA, Ward 10), the AAEA/IFES team noted significant discrepancies in the number of accredited voters as compared to votes cast at three polling stations. Two of these stations, which were observed by the AAEA/IFES team prior to voting, reported accreditation figures of 21 and 35 respectively, but later reported 500 and 311 as having voted. The third station, with a register of 500 voters, reported 500 accredited, with 501 votes recorded on the EC.8A. Also in Cross River (Calabar South LGA, Ward 10), the AAEA/IFES team reported three polling stations which lacked EC.8A forms; consequently, the Presiding Officers recorded the results on pieces of paper.

Of serious concern to the AAEA/IFES mission was the changing of results from the polling stations as reported at the Local Government Collation Centre from one Ward in Enugu state. In Awgu LGA, Mgbowo Ward, the original EC.8B form, as submitted to the Local Government Collation Centre, differed significantly from the results as submitted by the polling stations at the Ward level.

RECOMMENDATIONS

The AAEA/IFES observer mission recognizes the tremendous challenge faced by the INEC and the Nigerian government in making the transition from military to civilian government in the given time-frame. As noted above, the AAEA/IFES delegation to the February 27 presidential election observed numerous cases of irregularities in the implementation of the election procedures and some possible cases of electoral fraud, as also reported in previous reports and in the AAEA/IFES statement following the February 20 National Assembly elections.

The shortcomings of the electoral system and the lack of civic awareness of many Nigerians resulted in many of these irregularities and possible cases of fraud. The AAEA/IFES joint international observer mission recommends the review of the legal framework for the elections in addition to nationwide civic and voter education in advance of the future elections. Specifically, the AAEA/IFES mission recommends:

- the review of the electoral law

In this transition timetable, the conduct of these elections was governed by guidelines which were issued by the INEC and promulgated by Decree by the Provisional Ruling Council, in most instances less than a week before each election day. The late release of the legal framework for the elections resulted in a limited understanding of the electoral process on the part of the Nigerian public and even on the part of the ad hoc election officials, despite the efforts of the INEC to inform the public and to train its officials. In the review of the law, consideration should also be given to the simplification of election procedures to enhance the transparency of the process and to facilitate the participation of all Nigerian citizens.

- the computerization of the voter register

Many of the procedures put into place in the conduct of these elections (such as the separate accreditation and voting periods) were designed to reduce the opportunities for multiple voting. The computerization of the voters register, in

conjunction with photo identification cards, would greatly enhance the integrity of the register.

- the enhancement of the organizational capacity of the INEC
A comprehensive review of the mandate and organizational structure of the INEC at national and state levels would contribute to the ability of the INEC to efficiently administer credible elections. A detailed and ongoing training program would further develop staff professionalism.
- the promotion of the transparency of the electoral process
The institutionalization of the dialogue between the INEC and the political parties would encourage the transparency of the electoral process, particularly as the issues noted above are addressed. Consideration should also be given to the further development of a transparent budgeting process on the part of the INEC.
- the conduct of widespread civic and voter education campaigns
A comprehensive civic education program should be developed and implemented on a continuous basis, in order to ensure that citizens understand their rights and responsibilities in a democracy. Closer to the next elections a more detailed and far reaching voter education campaign should be mounted in order to explain the registration and election day procedures and the importance of being able to mark the ballot in secret and without undue influence.

The AAEA and IFES would like to extend its appreciation to the INEC and to the people of Nigeria for the warm welcome they have been given since the beginning of their activities in November 1998. The AAEA and IFES look forward to continuing their support to Nigeria's transition to democracy and hope that these observations will contribute to Nigeria's efforts to strengthen the electoral system.

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The Association of African Election Authorities is a membership organization of election officials and representatives of election-focused nongovernmental organizations from sub-Saharan Africa dedicated to promoting the professionalization of election administration.

Since its inception in 1987, the International Foundation for Election Systems, based in Washington, DC, has provided nonpartisan assistance to develop or refine election systems in more than 100 emerging and established democracies worldwide.

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Appendix III

**DECREEES ISSUED BY THE FEDERAL MILITARY GOVERNMENT OF NIGERIA
CONCERNING THE ELECTORAL PROCESS**

<i>DECREE</i>	<i>DATE</i>	<i>COMMENTS</i>
No. 7—National Electoral Commission of Nigeria (Repeal, Etc.)	In Effect: July 20, 1998 Issued: Aug. 11, 1998	Dissolved the National Electoral Commission of Nigeria (NECON).
No. 15—Political Parties (Registration and Activities) (Repeal, Etc.)	In Effect: July 20, 1998 Issued: Aug. 11, 1998	Dissolved the five political parties established under the Abacha regime.
No. 16—Local Government (Basic Constitutional and Transitional Provisions) (Repeal, Etc.)	In Effect: July 20, 1998 Issued: Aug. 11, 1998	Dissolved Local Government and Area Councils.
No. 17—Independent National Electoral Commission (Establishment, Etc.)	In Effect: Aug. 5, 1998 Issued: Aug. 11, 1998	Established the Independent National Electoral Commission (INEC) and mandated its functions.
No. 33—Independent National Electoral Commission (Amendment)	In Effect: Aug. 5, 1998 Issued: Dec. 1, 1998	Includes provisions for the transfer of assets from the NECON to the INEC, and allows for the election of Vice President "such number of Vice-Presidents as may be specified in the Constitution of the Federal Republic of Nigeria for the time being in force."
No. 34—Transition to Civil Rule (Political Programme)	In Effect: Aug. 11, 1998 Issued: Dec. 1, 1998	Spells out the election schedule and allows the INEC to "make any rules and regulations and issue circulars and guidelines with respect to the schedule.
No. 35—Political Parties (Registration and Activities)	In Effect: Aug. 11, 1998 Issued: Dec. 1, 1998	Enables the INEC to issue guidelines and make rules and regulations for the formation and registration of political parties; guide electioneering campaigns by registered political parties, monitor and control activities of the registered political parties.
No. 36—Local Government (Basic Constitutional and Transitional Provisions)	In Effect: Aug. 11, 1998 Issued: Dec. 1, 1998	Enabling decree for December 5 local government elections. Mandates responsibilities of Local Government and Area Councils.
No. 3—State Government (Basic Constitutional and Transitional Provisions)	In Effect: Nov. 2, 1998 Issued: Jan. 6, 1999	Enabling decree for January 9 state elections. Mandates responsibilities of the State Houses of Assembly and Governors.
No. 5—National Assembly (Basic Constitutional and Transitional Provisions)	In Effect: Jan. 20, 1999 and on inauguration of National Assembly Issued: Feb. 17, 1999	Enabling decree for February 20 National Assembly elections. Mandates responsibilities of the Senate and House of Representatives.
No. 6—Presidential Election (Basic Constitutional and Transitional Provisions)	In Effect: Jan. 20, 1999 Issued: Feb. 17, 1999	Enabling decree for February 20 Presidential election. Mandates responsibilities of President and Vice-President and gives a four-year term of office.

Appendix IV

INDEPENDENT NATIONAL ELECTORAL COMMISSION
Delimitation of Senatorial Districts
Federal/State Constituencies
1999

S/N	State	LGA	Sen. District	Federal Const.	State Const.	Polling Stations	Wards
1	ABIA	17	3	8	24	2504	184
2	ADAMAWA	21	3	8	25	2442	226
3	A/IBOM	31	3	10	26	2791	329
4	AHAMBRA	21	3	11	30	4327	327
5	BAUCHI	20	3	12	31	3813	212
6	BAYELSA	8	3	5	24	1689	105
7	BENUE	23	3	11	29	3454	276
8	BORNO	27	3	10	28	3681	312
9	C/RIVER	18	3	8	25	2137	193
10	DELTA	25	3	10	29	3393	268
11	EBONYI	13	3	6	24	1670	171
12	EDO	18	3	9	24	2460	192
13	EKITI	16	3	6	26	2054	177
14	ENUGU	17	3	8	24	2769	260
15	GOMBE	11	3	6	24	2076	114
16	IMO	27	3	10	27	3297	308
17	JIGAWA	27	3	11	30	3301	287
18	KADUNA	23	3	16	34	4780	255
19	KANO	44	3	24	40	7556	482
20	KATSINA	34	3	15	34	4582	361
21	KEBBI	21	3	8	24	2244	226
22	KOGI	21	3	9	25	2385	239
23	KWARA	16	3	6	24	1752	193
24	LAGOS	20	3	24	40	7922	245
25	NASSARAWA	13	3	5	24	1399	147
26	NIGER	25	3	10	27	2983	274
27	OGUN	20	3	9	26	3004	236
28	ONDO	18	3	9	26	2816	203
29	OSUN	30	3	9	26	2817	332
30	OYO	33	3	14	32	4476	351
31	PLATEAU	17	3	8	24	2462	207
32	RIVERS	23	3	13	32	4156	319
33	SOKOTO	23	3	11	30	2840	244
34	TARABA	16	3	6	24	1788	168
35	YOBE	17	3	6	24	1604	178
36	ZAMFARA	14	3	7	24	2355	147
37	FCT ABUJA	6	1	2	-	526	62
TOTAL		774	109	360	990	112,305	8810

Appendix V

VOTER TURN-OUT

S/No	STATE (b)	Registered Voters	Dec. 5, 1998 Local Govt. Elections Total Valid Votes Cast	Dec. 5, 1998 Local Govt. Elections Voter Turn- Out	Jan. 9, 1999 State Elections Total Valid Votes Cast (a)	Jan. 9, 1999 State Elections Voter Turn- Out	Feb. 20, 1999 Nat'l. Assem. Elections Total Valid Votes Cast (b)	Feb. 20, 1999 Nat'l. Assem. Elections Voter Turn-Out	Feb. 27, 1999 Presidential Election Total Valid Votes Cast	Feb. 27, 1999 Presidential Election Voter Turn-Out
1	ABIA	1,321,895	521,620	39.46%	540,359	40.88%	474,009	35.86%	535,918	40.54%
2	ADAMAWA	1,260,956	676,874	53.68%	627,226	49.74%	503,984	39.97%	845,107	67.02%
3	AKWA IBOM	1,450,367	957,545	66.02%	1,167,516	80.50%	957,134	65.99%	883,278	60.90%
4	ANAMBRA	2,221,384	629,606	28.34%	1,026,259	46.20%	923,657	41.58%	833,178	37.51%
5	BAUCHI	1,941,913	932,780	48.03%	906,408	46.68%	958,752	49.37%	1,176,541	60.59%
6	BAYELSA	873,000	340,654	39.02%	559,183	64.05%	521,510	59.74%	610,032	69.88%
7	BENUE	1,806,121	983,662	54.46%	1,007,888	55.80%	968,177	53.61%	1,252,957	69.37%
8	BORNO	1,822,987	638,412	35.02%	766,742	42.06%	726,060	39.83%	915,975	50.25%
9	CROSS RIVER	1,142,876	773,325	67.66%	984,586	86.15%	873,397	76.42%	876,156	76.66%
10	DELTA	1,794,361	682,174	38.02%	932,267	51.96%	310,224	17.29%	816,574	45.51%
11	EBONYI	902,327	459,319	50.90%	502,648	55.71%	521,495	57.79%	345,921	38.34%
12	EDO	1,380,418	555,781	40.26%	737,198	53.40%	578,704	41.92%	679,784	49.24%
13	EKITI	1,077,195	380,744	35.35%	494,195	45.88%	413,263	38.36%	713,690	66.25%
14	ENUGU	1,466,145	1,068,109	72.85%	836,277	57.04%	803,557	54.81%	835,586	56.99%
15	GOMBE	1,108,171	707,944	63.88%	656,894	59.28%	608,800	54.94%	844,539	76.21%
16	IMO	1,746,673	677,497	38.79%	779,657	44.64%	752,921	43.11%	736,106	42.14%
17	JIGAWA	1,567,423	556,831	35.53%	535,137	34.14%	523,204	33.38%	548,596	35.00%
18	KADUNA	2,536,702	1,770,811	69.81%	1,503,487	59.27%	1,392,231	54.88%	1,676,029	66.07%
19	KANO	3,680,990	2,619,114	71.15%	904,441	24.57%	854,299	23.21%	904,713	24.58%
20	KATSINA	2,151,112	804,799	37.41%	878,807	40.85%	921,960	42.86%	1,193,397	55.48%
21	KEBBI	1,172,054	422,508	36.05%	445,226	37.99%	410,034	34.98%	512,229	43.70%
22	KOGI	1,265,230	686,567	54.26%	962,076	76.04%	805,336	63.65%	984,710	77.83%
23	KWARA	940,400	535,791	56.97%	587,897	62.52%	456,937	48.59%	659,598	70.14%
24	LAGOS	4,091,070	1,219,524	29.81%	1,177,502	28.78%	816,412	19.96%	1,751,981	42.82%
25	NASARAWA	749,466	493,393	65.83%	577,824	77.10%	458,169	61.13%	597,008	79.66%
26	NIGER	1,572,979	729,565	46.38%	746,272	47.44%	730,708	46.45%	871,130	55.38%
27	OGUN	1,559,709	449,919	28.85%	391,023	25.07%	350,716	22.49%	475,904	30.51%
28	ONDO	1,331,617	529,389	39.76%	546,534	41.04%	498,618	37.44%	801,797	60.21%
29	OSUN	1,496,058	475,038	31.75%	555,095	37.10%	556,395	37.19%	794,639	53.12%
30	OYO	2,362,772	717,812	30.38%	687,148	29.08%	582,141	24.64%	921,178	38.99%
31	PLATEAU	1,311,649	748,847	57.09%	713,724	54.41%	669,952	51.08%	672,442	51.27%
32	RIVERS	2,202,655	848,815	38.54%	1,531,393	69.52%	1,421,935	64.56%	1,565,603	71.08%
33	SOKOTO	1,274,060	436,597	34.27%	436,187	34.24%	310,936	24.41%	354,427	27.82%
34	TARABA	983,227	785,872	79.93%	810,727	82.46%	624,751	63.54%	871,039	88.59%
35	YOBE	874,957	290,742	33.23%	295,443	33.77%	262,176	29.96%	311,578	35.61%
36	ZAMFARA	1,112,627	416,763	37.46%	433,102	38.93%	353,313	31.75%	380,079	34.16%
37	FCT	385,399	133,769	34.71%	0	0	83,949	21.78%	99,022	25.69%
	TOTAL	57,938,945	26,658,512	46.01%	27,244,338	47.02%	23,979,827	41.39%	29,848,441	51.52%
										(c)
	(a) This is an average of total votes cast for the Governorship and State House of Assembly.									
	(b) This is an average of total votes cast for the House of Representatives and Senate.									
	(c) Voter turn-out, calculated using the total valid and total invalid votes cast, is 52.26%.									

INDEPENDENT NATIONAL ELECTORAL COMMISSION

**DECEMBER 5, 1998 LOCAL GOVERNMENT ELECTIONS
VOTES CAST ON PARTY AND STATE BASIS**

RS.13

S/No	STATE	AD VOTES	APP VOTES	DAM VOTES	MDJ VOTES	NSM VOTES	PDP VOTES	PRP VOTES	UDP VOTES	UPP VOTES
(a)	(b)	(f)	(h)	(j)	(l)	(n)	(p)	(r)	(t)	(v)
1	ABIA	110,303	319,259	13,617	30,770	9,120	507,918	5,858	18,303	14,514
2	ADAMAWA	55,520	721,103	22,499	12,132	16,872	1,020,717	25,799	10,734	56,379
3	AKWA IBOM	262,704	669,835	5,034	48,246	18,571	1,014,156	5,857	22,479	10,882
4	ANAMBRA	55,615	366,505	19,795	9,309	4,201	759,650	3,804	5,170	3,859
5	BAUCHI	44,272	823,816	11,670	41,469	19,918	1,015,252	8,607	7,635	20,494
6	BAYELSA	7,117	304,520	56	528	223,817	532,350	18	44	2,703
7	BENUE	19,828	537,965	7,117	6,555	9,532	668,917	5,320	20,043	12,664
8	BORNO	35,558	556,822	16,902	50,922	17,391	553,994	19,444	8,213	14,149
9	CROSS RIVER	63,091	662,394	6,746	22,228	7,514	642,685	1,165	2,639	6,587
10	DELTA	245,955	418,490	4,577	22,817	19,200	601,474	2,268	2,119	44,919
11	EBONYI	45,874	349,684	8,758	41,181	17,682	396,862	3,925	5,512	27,020
12	EDO	62,141	528,025	28,804	1,958	2,957	315,704	22,121	1,372	2,217
13	EKITI	391,943	149,523	3,973	4,818	2,891	195,307	2,352	2,642	2,689
14	ENUGU	79,043	411,217	8,263	35,797	11,264	599,375	7,677	4,835	37,183
15	GOMBE	25,145	529,756	5,977	52,264	6,481	466,348	2,401	2,095	3,773
16	IMO	61,015	524,555	14,577	39,888	11,978	581,599	5,307	8,483	88,778
17	JIGAWA	19,451	380,235	14,509	68,173	23,034	485,985	30,116	10,418	14,538
18	KADUNA	62,032	1,034,492	6,804	16,793	17,379	1,250,164	97,539	27,270	13,030
19	KANO	56,784	757,849	23,253	65,949	41,426	1,031,364	36,512	20,949	19,817
20	KATSINA	16,817	549,649	13,303	34,004	22,362	1,249,388	39,508	9,423	16,191
21	KEBBI	17,752	310,971	12,991	14,610	17,371	441,841	5,478	7,960	12,328
22	KOGI	20,068	636,869	8,478	10,965	7,689	654,012	3,643	4,997	12,721
23	KWARA	167,278	576,147	5,574	5,130	6,864	276,472	14,334	5,139	6,384
24	LAGOS	1,212,781	515,317	35,073	53,651	13,886	506,285	11,555	12,878	77,272
25	NASARAWA	3,732	427,591	2,774	5,816	2,820	461,672	3,332	1,415	6,389
26	NIGER	35,904	469,397	17,372	14,216	20,843	839,949	8,191	20,410	28,576
27	OGUN	483,565	98,455	17,395	32,914	5,589	273,752	4,703	4,370	6,485
28	ONDO	527,139	166,889	5,776	4,143	3,639	336,387	2,781	2,642	4,454
29	OSUN	475,221	218,564	12,068	9,162	6,592	244,259	5,775	5,574	14,932
30	OYO	562,370	344,798	17,493	11,603	9,766	449,613	5,942	6,533	10,651
31	PLATEAU	25,715	573,996	12,108	15,304	16,287	843,697	42,558	11,028	13,325
32	RIVERS	84,550	573,335	1,645	3,089	49,917	1,036,846	772	16,083	8,279
33	SOKOTO	20,697	317,972	10,491	7,830	17,273	324,234	4,723	8,842	14,504
34	TARABA	17,306	620,741	13,002	100,848	14,902	1,111,179	3,942	4,858	19,150
35	YOBE	10,799	231,241	6,958	8,565	14,275	259,492	3,408	4,847	7,495
36	ZAMFARA	22,201	359,867	12,090	9,852	24,548	346,687	6,714	9,387	14,947
37	FCT	15,517	57,177	3,198	15,384	5,521	121,790	8,233	8,503	9,317
	TOTAL	5,402,799	17,095,021	430,718	928,883	741,472	22,417,374	459,682	323,644	675,595

INDEPENDENT NATIONAL ELECTORAL COMMISSION
DECEMBER 5, 1998 LOCAL GOVERNMENT ELECTIONS
VOTES CAST ON PARTY AND STATE BASIS

DISTRIBUTION OF SEATS WON BY EACH PARTY*			
CHAIRMANSHIP		COUNCILLORSHIP	
1 AD	102	1 AD	1,104
2 APP	192	2 APP	2,578
3 DAM	0	3 DAM	4
4 MDJ	3	4 MDJ	71
5 NSM	2	5 NSM	17
6 PDP	454	6 PDP	4,856
7 PRP	2	7 PRP	21
8 UDP	-0	8 UDP	11
9 UPP	1	9 UPP	36
TOTAL	758	TOTAL	8,698

*Declared election results of December 5 do not take into account Election Tribunal/Court of Appeal-ordered run-offs.

INDEPENDENT NATIONAL ELECTORAL COMMISSION
JANUARY 9, 1999 GUBERNATORIAL AND STATE HOUSES OF ASSEMBLY ELECTIONS
ANALYSIS OF VOTES CAST ON STATE AND PARTY BASIS

S/No	STATE	GUBER. VOTES	STATE ASSEM. VOTES	TOTAL VOTES	AVE. VOTES*
1	ABIA	590,686	490,032	1,080,718	540,359
2	ADAMAWA	620,660	633,791	1,254,451	627,226
3	AKWA IBOM	1,167,987	1,167,044	2,335,031	1,167,516
4	ANAMBRA	1,029,815	1,022,703	2,052,518	1,026,259
5	BAUCHI	904,779	908,037	1,812,816	906,408
6	BAYELSA	595,785	522,580	1,118,365	559,183
7	BENUE	987,941	1,027,834	2,015,775	1,007,888
8	BORNO	741,953	791,531	1,533,484	766,742
9	RIVER	998,607	970,564	1,969,171	984,586
10	DELTA	899,287	965,246	1,864,533	932,267
11	EBONYI	505,862	499,433	1,005,295	502,648
12	EDO	815,554	658,841	1,474,395	737,198
13	EKITI	494,963	493,427	988,390	494,195
14	ENUGU	842,415	830,138	1,672,553	836,277
15	GOMBE	622,379	691,408	1,313,787	656,894
16	IMO	783,051	776,262	1,559,313	779,657
17	JIGAWA	540,764	529,509	1,070,273	535,137
18	KADUNA	1,540,797	1,466,176	3,006,973	1,503,487
19	KANO	908,956	899,926	1,808,882	904,441
20	KATSINA	881,783	875,831	1,757,614	878,807
21	KEBBI	472,062	418,389	890,451	445,226
22	KOGI	961,206	962,945	1,924,151	962,076
23	KWARA	567,568	608,226	1,175,794	587,897
24	LAGOS	1,149,375	1,205,629	2,355,004	1,177,502
25	NASARAWA	613,030	542,617	1,155,647	577,824
26	NIGER	764,645	727,899	1,492,544	746,272
27	OGUN	391,395	390,651	782,046	391,023
28	ONDO	544,299	548,769	1,093,068	546,534
29	OSUN	536,252	573,938	1,110,190	555,095
30	OYO	693,349	680,946	1,374,295	687,148
31	PLATEAU	734,741	692,706	1,427,447	713,724
32	RIVERS	1,573,286	1,489,500	3,062,786	1,531,393
33	SOKOTO	436,738	435,635	872,373	436,187
34	TARABA	816,117	805,336	1,621,453	810,727
35	YOBE	294,572	296,314	590,886	295,443
36	ZAMFARA	431,375	434,829	866,204	433,102
	TOTAL	27,454,034	27,034,642	54,488,676	27,244,338

* rounded to nearest whole vote

INDEPENDENT NATIONAL ELECTORAL COMMISSION
JANUARY 9, 1999 GUBERNATORIAL AND STATE HOUSES OF ASSEMBLY ELECTIONS
ANALYSIS OF VOTES CAST ON STATE AND PARTY BASIS

S/No	STATE	AD					APP					PDP				
		GUBER. VOTES	STATE ASSEM. VOTES	TOTAL VOTES	AVE. VOTES*	% VOTES	GUBER. VOTES	STATE ASSEM. VOTES	TOTAL VOTES	AVE. VOTES*	% VOTES	GUBER. VOTES	STATE ASSEM. VOTES	TOTAL VOTES	AVE. VOTES*	% VOTES
1	ABIA	46,788	26,606	73,394	36,697	6.79%	173,873	168,931	342,804	171,402	31.72%	370,025	294,495	664,520	332,260	61.5%
2	ADAMAWA	7,103	31,944	39,047	19,524	3.11%	283,962	271,022	554,984	277,492	44.24%	329,595	330,825	660,420	330,210	52.6%
3	AKWA IBOM	7,254	20,855	28,109	14,055	1.2%	317,373	343,452	660,825	330,413	28.3%	843,360	802,737	1,646,097	823,049	70.5%
4	ANAMBRA	8,799	10,853	19,652	9,826	0.96%	141,326	157,355	298,681	149,341	14.55%	879,690	854,495	1,734,185	867,093	84.5%
5	BAUCHI	15,168	19,421	34,589	17,295	1.91%	386,174	372,427	758,601	379,301	41.85%	503,447	516,189	1,019,636	509,818	56.2%
6	BAYELSA	2,089	29,614	31,703	15,852	2.83%	269,233	170,399	439,632	219,816	39.31%	324,463	322,567	647,030	323,515	57.9%
7	BENUE	3,683	3,657	7,340	3,670	0.36%	399,728	442,338	842,066	421,033	41.77%	584,530	581,839	1,166,369	583,185	57.9%
8	BORNO	5,095	5,972	11,067	5,534	0.72%	388,058	385,201	773,259	386,630	50.42%	398,800	400,358	799,158	399,579	52.1%
9	CROSS RIVER	11,612	13,490	25,102	12,551	1.27%	457,660	481,030	938,690	469,345	47.67%	529,335	476,044	1,005,379	502,690	51.1%
10	DELTA	44,053	65,174	109,227	54,614	5.86%	296,902	301,475	598,377	299,189	32.09%	558,332	598,597	1,156,929	578,465	62%
11	EBONYI	20,197	15,809	36,006	18,003	3.58%	213,106	195,196	408,302	204,151	40.62%	272,559	288,488	561,047	280,524	55.8%
12	EDO	8,995	6,342	15,337	7,669	1.04%	249,688	191,787	441,475	220,738	29.94%	556,871	460,712	1,017,583	508,792	69%
13	EKITI	300,118	303,184	603,302	301,651	61.04%	82,239	64,845	147,084	73,542	14.88%	112,606	125,398	238,004	119,002	24.1%
14	ENUGU	4,455	3,970	8,425	4,213	0.5%	235,000	248,591	483,591	241,796	28.91%	602,960	577,577	1,180,537	590,269	70.6%
15	GOMBE	6,052	53,475	59,527	29,764	4.53%	349,284	358,830	708,114	354,057	53.9%	267,043	279,103	546,146	273,073	41.6%
16	IMO	14,880	18,389	33,269	16,635	2.13%	379,491	354,619	734,110	367,055	47.08%	388,680	403,254	791,934	395,967	50.8%
17	JIGAWA	5,400	5,972	11,372	5,686	1.06%	279,591	257,581	537,172	268,586	50.19%	255,773	265,956	521,729	260,865	48.7%
18	KADUNA	183,728	142,941	326,669	163,335	10.86%	512,544	479,759	992,303	496,152	33%	844,525	843,476	1,688,001	844,001	56.1%
19	KANO	10,119	10,293	20,412	10,206	1.13%	311,218	304,431	615,649	307,825	34.03%	587,619	585,202	1,172,821	586,411	64.8%
20	KATSINA	8,157	15,442	23,599	11,800	1.34%	288,845	300,068	588,913	293,507	33.4%	586,681	560,321	1,147,002	573,501	65.3%
21	KEBBI	4,013	3,771	7,784	3,892	0.87%	259,498	166,249	425,747	212,874	47.81%	208,552	248,369	456,921	228,461	51.3%
22	KOGI	3,822	22,710	26,532	13,266	1.38%	608,329	559,942	1,168,271	584,136	60.72%	349,055	380,293	729,348	364,674	37.9%
23	KWARA	110,227	118,621	228,848	114,424	19.46%	283,136	326,816	609,952	304,876	51.86%	174,205	162,989	337,194	168,597	28.7%
24	LAGOS	841,732	822,657	1,664,389	832,195	70.67%	122,743	185,288	308,031	154,016	13.08%	184,900	192,684	377,584	188,792	16%
25	NASARAWA	975	1,343	2,318	1,159	0.2%	290,736	242,645	533,381	266,691	46.15%	321,319	298,629	619,948	309,974	53.6%
26	NIGER	5,401	5,748	11,147	5,574	0.75%	158,549	164,621	323,170	161,585	21.65%	600,695	557,532	1,158,227	579,114	77.6%
27	OGUN	247,154	238,009	485,163	242,582	62.04%	22,102	36,240	58,342	29,171	7.46%	122,139	116,402	238,541	119,271	30.5%
28	ONDO	328,053	315,830	643,883	321,942	58.91%	20,564	45,134	65,698	32,849	6.01%	195,682	181,205	376,887	188,444	34.5%
29	OSUN	295,557	350,459	646,016	323,008	58.19%	136,105	113,525	249,630	124,815	22.49%	104,590	109,954	214,544	107,272	19.3%
30	OYO	454,680	44,840	499,520	249,760	36.35%	19,449	31,496	50,945	25,473	3.71%	219,220	201,258	420,478	210,239	30.6%
31	PLATEAU	50,445	32,408	82,853	41,427	5.8%	200,016	196,839	396,855	198,428	27.80%	484,280	463,459	947,739	473,870	66.4%
32	RIVERS	92,932	62,648	155,580	77,790	5.08%	710,280	623,834	1,334,114	667,057	43.56%	770,074	803,018	1,573,092	786,546	51.4%
33	SOKOTO	4,878	4,806	9,684	4,842	1.11%	249,205	248,456	497,661	247,831	56.82%	182,655	184,373	367,028	183,514	42.1%
34	TARABA	5,194	10,541	15,735	7,868	0.97%	343,898	359,228	703,126	351,563	43.36%	467,025	435,569	902,594	451,297	55.7%
35	YOBE	2,936	2,917	5,853	2,927	0.99%	150,688	145,464	296,152	148,076	50.12%	140,948	147,933	288,881	144,441	48.9%
36	ZAMFARA	3,942	3,338	7,278	3,639	0.84%	265,529	265,174	530,703	265,352	61.27%	161,904	166,319	328,223	164,112	37.9%
	TOTAL	3,165,888	2,844,045	6,009,933	3,004,966	11.02%	9,854,223	9,556,088	19,410,311	9,705,155	37.63%	11,151,123	11,163,923	22,315,046	11,159,523	52.63%

INDEPENDENT NATIONAL ELECTORAL COMMISSION
FEBRUARY 20, 1999 NATIONAL ASSEMBLY ELECTIONS - ANALYSIS OF VOTES CAST ON STATE AND PARTY BASIS

S/No	STATE	SENATE VOTES	FED. H.R. VOTES	TOTAL VOTES	AVE. VOTES*	AD					APP					PDP				
						SENATE VOTES	FED. H.R. VOTES	TOTAL VOTES	AVE. VOTES*	% VOTES	SENATE VOTES	FED. H.R. VOTES	TOTAL VOTES	AVE. VOTES*	% VOTES	SENATE VOTES	FED. H.R. VOTES	TOTAL VOTES	AVE. VOTES*	% VOTES
1	ABIA	503,926	444,091	948,017	474,009	22,225	20,604	42,829	21,415	4.52%	178,178	111,225	289,403	144,702	30.53%	303,523	312,262	615,785	307,893	64.96%
2	ADAMAWA	420,508	587,459	1,007,967	503,984	4,017	12,053	16,070	8,035	1.59%	193,896	218,907	412,803	206,402	40.85%	222,595	358,499	579,094	289,547	57.45%
3	AKWA IBOM	1,061,292	852,976	1,914,268	957,134	15,430	62,727	78,157	39,079	4.08%	234,496	193,531	428,027	214,014	22.36%	811,366	598,718	1,408,084	704,042	73.56%
4	ANAMBRA	926,795	920,519	1,847,314	923,657	7,003	21,588	28,591	14,296	1.55%	150,921	169,531	320,452	160,226	17.35%	768,871	729,298	1,498,169	749,084	81.10%
5	BAUCHI	968,879	950,824	1,919,703	959,852	6,477	6,898	13,375	6,688	0.70%	355,021	346,977	701,998	350,999	36.81%	605,181	598,949	1,204,130	602,065	62.69%
6	BAYELSA	551,989	491,030	1,043,019	521,510	101,131	83,412	184,543	92,272	17.69%	16,468	84,856	101,324	50,682	9.71%	434,390	322,762	757,152	378,576	72.59%
7	BENUE	966,098	970,256	1,936,354	968,177	2,556	8,670	11,226	5,613	0.58%	328,585	310,927	639,512	319,756	33.03%	634,957	650,659	1,285,616	642,808	68.39%
8	BORNO	727,295	724,824	1,452,119	726,060	4,915	6,258	11,173	5,587	0.77%	368,068	372,698	740,766	370,382	51.01%	354,312	345,870	700,182	350,091	48.22%
9	CROSS RIVER	875,639	870,954	1,746,593	873,297	19,755	37,419	57,174	28,587	3.27%	368,400	401,618	770,018	385,009	44.08%	487,684	431,829	919,513	459,757	52.64%
10	DELTA	281,925	338,523	620,448	310,224	10,697	604	11,301	5,651	1.82%	117,588	113,130	230,718	115,359	37.19%	153,640	224,789	378,429	189,215	60.99%
11	EBONYI	534,107	508,882	1,042,989	521,495	31,629	15,709	47,338	23,669	4.54%	121,772	117,826	239,598	119,799	22.97%	380,708	375,347	756,055	378,027	72.49%
12	EDO	595,736	561,872	1,157,608	578,704	2,862	3,077	5,939	2,970	0.51%	100,133	118,040	218,173	108,087	18.68%	492,741	442,555	935,296	467,648	80.81%
13	EKITI	412,508	414,017	826,525	413,263	279,730	282,221	561,951	280,976	67.99%	2,674	2,690	5,364	2,782	0.87%	129,904	129,108	259,012	129,505	31.34%
14	ENUGU	844,542	782,571	1,627,113	803,557	363,024	186,633	549,657	264,829	32.96%	165,379	214,118	379,497	189,749	23.61%	316,139	381,820	697,959	348,980	43.43%
15	GOMBE	604,707	612,893	1,217,600	608,800	4,747	33,007	37,754	18,877	3.10%	320,290	258,627	578,917	289,459	47.55%	279,870	321,259	600,929	300,465	49.35%
16	IMO	759,859	745,982	1,505,841	752,921	7,165	5,303	12,468	6,234	0.83%	386,258	384,213	770,471	385,238	51.17%	366,438	356,468	722,906	361,451	48.01%
17	JIGAWA	523,342	523,065	1,046,407	523,204	3,579	4,587	8,166	4,083	0.78%	280,057	291,128	571,185	285,592	54.59%	239,706	227,352	467,058	233,529	44.63%
18	KADUNA	1,478,539	1,305,923	2,784,462	1,392,231	48,074	44,360	92,434	45,217	3.25%	619,482	502,739	1,122,221	561,101	40.30%	813,003	758,824	1,571,827	785,914	58.45%
19	KANO	832,244	876,353	1,708,597	854,299	7,602	8,315	15,917	7,859	0.93%	265,765	302,404	568,169	284,085	33.25%	558,877	565,634	1,124,511	562,256	65.81%
20	KATSINA	931,378	912,581	1,843,959	921,980	7,144	7,035	14,179	7,090	0.77%	242,287	252,917	495,204	247,602	28.86%	681,947	652,629	1,334,576	667,288	72.38%
21	KEBBI	410,476	409,591	820,067	410,034	1,548	2,897	4,445	2,223	0.54%	194,873	214,533	409,406	204,703	49.92%	214,055	192,181	406,236	203,108	49.53%
22	KOGI	877,012	733,660	1,610,672	805,336	2,142	2,099	4,241	2,121	0.26%	541,820	415,574	957,394	478,697	59.44%	333,050	315,987	649,037	324,519	40.30%
23	KWARA	457,979	455,894	913,873	456,937	70,979	81,464	152,443	76,222	16.68%	235,517	223,750	459,267	229,634	50.28%	151,483	150,680	302,163	151,082	33.06%
24	LAGOS	817,137	815,686	1,632,823	816,412	641,736	630,947	1,272,683	636,342	77.94%	49,688	62,335	112,023	56,011	6.88%	125,715	122,404	248,119	124,060	15.20%
25	NASARAWA	459,696	456,842	916,537	458,169	584	3,693	4,277	2,139	0.47%	162,204	162,695	324,899	162,450	35.46%	296,907	290,254	587,161	293,581	64.08%
26	NIGER	748,025	713,390	1,461,415	730,708	6,836	5,354	12,190	6,095	0.83%	45,377	56,217	101,594	50,797	6.95%	695,812	651,819	1,347,631	673,816	92.21%
27	OGUN	350,326	351,105	701,431	350,716	219,808	220,683	440,489	220,245	62.80%	7,800	29,259	37,059	18,530	5.28%	122,720	101,163	223,883	111,942	31.92%
28	ONDO	517,839	478,397	996,236	498,118	360,093	328,041	688,134	344,067	69.00%	12,170	17,816	29,986	14,993	3.01%	145,578	133,540	279,118	139,558	27.99%
29	OSUN	558,565	553,225	1,111,790	556,395	359,160	375,887	735,047	367,524	68.05%	5,412	5,442	10,854	5,427	0.98%	194,993	171,896	366,889	183,445	32.97%
30	OYO	581,484	582,788	1,164,272	582,141	378,051	377,394	755,445	377,723	64.89%	21,448	26,178	47,626	23,812	4.09%	181,987	179,228	361,215	180,607	31.02%
31	PLATEAU	684,893	655,010	1,339,903	669,952	4,903	28,074	30,977	15,489	2.31%	204,451	188,654	393,105	196,553	29.34%	475,539	440,282	915,821	457,911	68.35%
32	RIVERS	1,515,871	1,328,000	2,843,871	1,421,936	4,857	4,743	9,600	4,800	0.34%	383,581	384,308	767,889	383,944	27.00%	1,127,433	938,951	2,066,384	1,033,192	72.66%
33	SOKOTO	312,402	309,473	621,875	310,938	2,343	3,138	5,481	2,741	0.88%	191,788	190,802	382,588	191,294	81.52%	118,273	115,533	233,806	116,903	37.60%
34	TARABA	595,543	653,959	1,249,502	624,751	2,315	9,917	12,232	6,116	0.98%	179,542	209,812	389,354	194,677	31.16%	413,686	434,230	847,916	423,958	87.86%
35	YOBE	258,524	265,828	524,352	262,176	1,856	2,145	4,001	2,001	0.76%	147,490	158,419	305,909	152,955	58.34%	109,178	105,264	214,442	107,221	40.90%
36	ZAMFARA	355,516	351,109	706,625	353,313	1,961	2,575	4,536	2,268	0.64%	228,819	226,527	455,346	227,573	64.41%	124,938	122,007	246,945	123,472	34.95%
37	FCT	84,852	83,245	168,097	83,949	8,895	10,883	19,778	9,939	11.84%	25,555	26,348	51,903	25,951	30.91%	50,202	45,918	96,120	48,059	57.25%
	TOTAL	24,386,247	23,573,407	47,959,654	23,979,827	3,015,827	2,918,514	5,934,341	2,967,171	12.37%	7,453,227	7,364,783	14,818,010	7,408,995	30.90%	13,917,193	13,289,938	27,207,131	13,603,568	56.73%

RESULTS
(Votes Cast Data from INEC – Analysis by IFES)
FEBRUARY 27, 1999 PRESIDENTIAL ELECTION

S/No	STATE	REGISTERED VOTERS	TOTAL VALID VOTES	VOTER TURN-OUT (OF VALID VOTES CAST)	PDP VALID VOTES	PDP % OF VALID VOTES CAST	APP VALID VOTES	APP % OF VALID VOTES CAST
1	ABIA	1,321,695	535,918	41%	360,823	67.33%	175,095	32.67%
2	ADAMAWA	1,260,956	845,107	67%	667,239	78.95%	177,868	21.05%
3	AKWA IBOM	1,450,367	883,278	61%	730,744	82.73%	152,534	17.27%
4	ANAMBRA	2,221,384	833,178	38%	633,717	76.06%	199,461	23.94%
5	BAUCHI	1,941,913	1,176,541	61%	834,308	70.91%	342,233	29.09%
6	BAYELSA	873,000	610,032	70%	457,812	75.05%	152,220	24.95%
7	BENUE	1,806,121	1,252,957	69%	983,912	78.53%	269,045	21.47%
8	BORNO	1,822,987	915,975	50%	581,382	63.47%	334,593	36.53%
9	CROSS RIVER	1,142,876	878,156	77%	592,688	67.65%	283,468	32.35%
10	DELTA	1,794,361	816,574	46%	576,230	70.57%	240,344	29.43%
11	EBONYI	902,327	345,921	38%	250,987	72.56%	94,934	27.44%
12	EDO	1,380,418	679,784	49%	516,581	75.99%	163,203	24.01%
13	EKITI	1,077,195	713,690	66%	191,618	26.85%	522,072	73.15%
14	ENUGU	1,468,145	835,586	57%	640,418	76.64%	195,168	23.36%
15	GOMBE	1,108,171	844,539	76%	533,158	63.13%	311,381	36.87%
16	IMO	1,748,673	736,106	42%	421,767	57.30%	314,339	42.70%
17	JIGAWA	1,567,423	548,596	35%	311,571	56.79%	237,025	43.21%
18	KADUNA	2,536,702	1,676,029	66%	1,294,679	77.25%	381,350	22.75%
19	KANO	3,680,990	904,713	25%	682,255	75.41%	222,458	24.59%
20	KATSINA	2,151,112	1,193,397	55%	964,216	80.80%	229,181	19.20%
21	KEBBI	1,172,054	512,228	44%	339,893	66.36%	172,336	33.64%
22	KOGI	1,265,230	984,710	78%	507,903	51.58%	476,807	48.42%
23	KWARA	940,400	659,588	70%	470,510	71.33%	189,088	28.67%
24	LAGOS	4,091,070	1,751,981	43%	209,012	11.93%	1,542,969	88.07%
25	NASARAWA	749,466	597,008	80%	423,731	70.98%	173,277	29.02%
26	NIGER	1,572,979	871,130	55%	730,665	83.88%	140,465	16.12%
27	OGUN	1,559,709	475,904	31%	143,584	30.17%	332,340	69.83%
28	ONDO	1,331,817	801,797	60%	133,323	16.63%	668,474	83.37%
29	OSUN	1,406,058	784,639	53%	187,011	23.53%	607,628	76.47%
30	OYO	2,362,772	921,178	39%	227,668	24.71%	693,510	75.29%
31	PLATEAU	1,311,649	872,442	51%	499,072	74.22%	173,370	25.78%
32	RIVERS	2,202,655	1,565,603	71%	1,352,275	86.37%	213,328	13.63%
33	SOKOTO	1,274,060	354,427	28%	155,598	43.90%	198,829	56.10%
34	TARABA	983,227	871,039	89%	789,749	90.67%	81,290	9.33%
35	YOBE	874,957	311,578	36%	148,517	47.02%	165,061	52.98%
36	ZAMFARA	1,112,627	380,079	34%	136,324	35.87%	243,755	64.13%
37	FCT	385,399	99,022	26%	59,234	59.82%	39,788	40.18%
	TOTAL	57,938,945	29,848,441	51.52%	18,738,154	62.78%	11,110,287	37.22%

Number of Invalid votes cast for AD 34,295

Number of other Invalid votes cast 397,316

Therefore, total number of votes cast 30,280,062

Thus, voter turn-out (of total votes cast) 52.26%



Association of African Election Authorities
c/o Electoral Commission of Ghana
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