



# NIGERIA NATIONAL ELECTIONS

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*Election Observation Report: Nigeria April 2011 National Elections*

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## EXECUTIVE SUMMARY

In April 2011, Nigeria held its fourth presidential election since the end of military rule in 1998 alongside legislative and gubernatorial elections. The incumbent president, Goodluck Jonathan, and the party to which he belongs—the People's Democratic Party (PDP)—won the presidency and a majority of legislative and gubernatorial seats in relatively orderly elections organized by the revamped Independent National Electoral Commission (INEC). While the 2011 elections were marked by improvements, the widespread post-election violence and lack of internal party democracy highlighted the ongoing need for improving future elections.

At INEC's request, the International Republican Institute (IRI) organized an election observation mission to observe Nigeria's 2011 national elections. IRI's mission consisted of 12 core, long-term observers, and an international delegation of 44 short-term observers. IRI's long-term observers were deployed throughout Nigeria in the month prior to the elections (one two-person team per geopolitical zone) to observe legislative, presidential and gubernatorial elections, which took place on April 9, 16 and 26, respectively. IRI's delegation of short-term observers witnessed the April 16 presidential election, covering 12 states and all six geopolitical zones. IRI's delegation of short-term observers was co-led by Janez Janša (former prime minister of Slovenia and current member of the Slovenian parliament) and Constance Berry Newman (IRI board member; former U.S. assistant secretary of state for African affairs; former United States Agency for International Development (USAID) assistant administrator for Africa). IRI coordinated its efforts with U.S. government officials and its partners, the National Democratic Institute (NDI) and the International Foundation for Electoral Systems, along with other international and multilateral entities.

In addition to its Election Day efforts, IRI conducted a pre-election assessment mission six weeks prior to the elections—headed by the former president of Ghana, His Excellency John Kufuor—to evaluate the political climate and the preparations for the elections. IRI also participated in a separate pre-election assessment mission organized by NDI in early October 2010. These election-specific efforts were components of a much larger IRI program to engage political parties, media, youth, women and other stakeholders as key players in improving the credibility of Nigeria's elections. This mission was made possible by funding from USAID. IRI thanks USAID for its support, as well as the U.S. government for its commitment to improving Nigeria's political processes.

The pre-election landscape in Nigeria was particularly noteworthy, given a number of critical changes made in the months leading up to the April 2011 elections. Most importantly, a series of modifications were made to the 2010 Electoral Act. A key outcome of this process was to ensure independence from the executive branch, including adequate funding for elections. Politically, the most important contribution to the improved 2011 elections was President Jonathan's decision to appoint Professor Attahiru Jega, a well-respected academic and civil society activist, as the chairman of INEC. Across the political spectrum, Jega was generally viewed as credible and independent.

This report is based upon the in-person reports of the pre-election assessment missions, the observations of IRI's long and short-term election observation teams, the staff of IRI's Nigeria office, and other data obtained from international and Nigerian sources. The report contains IRI's

detailed observations of the pre-election period, the three days of voting—particularly the presidential election—and the immediate post-election period.

On the April 16 presidential election day, IRI's teams observed more than 340 polling stations in both urban and rural areas across Nigeria's six geographic regions, called geopolitical zones. The observation teams witnessed each stage of the election, beginning with the opening of polling stations and continuing through the accreditation process, voting, vote counting and a portion of the tabulation of results. Throughout that Election Day, data and information from the observation teams were collected in real-time and relayed to the IRI command center in Abuja. Observers also took photos and documented their observations in writing for each polling station visited. The data collected was analyzed for this report.

IRI found the 2011 Nigerian elections to be an improvement over the 2007 "election-like" event. The Nigerian people were generally enthusiastic about exercising their civic duties, and turned out to vote in large numbers. The preparation and administration of the election was unprecedented, considering Nigeria's troubled electoral history. The majority of polling centers visited by IRI were provisioned with the proper materials and, for the most part, opened on time or with only a short delay. During the actual election days, the incidents of violence were few, also signaling an improvement over past elections.

Despite these gains, there were a number of challenges that were witnessed by the delegation. In some cases, IRI observed polling stations that were overcrowded, failed to maintain ballot secrecy for voters, allowed underage voting and inappropriate campaigning, or turned away voters because their names could not be found on the voter list. Most unfortunate was the wave of post-election violence that overwhelmed the northern regions when INEC announced President Jonathan had won the election with 59.6 percent of the vote. This violence resulted in more than 800 deaths, as well as massive displacement of people and the destruction of property. This was the worst case of post-election violence in recent Nigerian history.

## INTRODUCTION

In April 2011, the Federal Republic of Nigeria held national elections: national assembly elections were held on Saturday, April 9; the presidential election was held on Saturday, April 16; and gubernatorial and state assembly elections were held on Tuesday, April 26.<sup>1</sup> Acting President Goodluck Jonathan of the PDP won the presidential race with 59.6 percent of the vote, together with his vice-presidential candidate and acting vice-president, Mohammed Sambo, also of the PDP. Opposition candidate, Muhammadu Buhari, of the Congress for Progressive Change (CPC), came in second with 32 percent. Officially, 39,469,484 Nigerian voters (representing 53.7 percent of registered voters) turned out for the presidential election on April 16. With respect to the national assembly elections, Nigerians voted in 74 races for the Senate (out of a total of 109 senate seats) and 234 races for the House of Representatives (out of a total of 360 seats)<sup>2</sup>; turnout in the national assembly elections was approximately 29 percent of total registered voters. At the state level, 26 of Nigeria's 36 states held gubernatorial elections. While turnouts varied considerably between the three voting days, [according to Project Swift Count](#), it "dropped to near or below one-third of registered voters" for the gubernatorial elections.

The 2011 elections marked the fourth national electoral cycle in Nigeria since its 1999 transition from military rule to democracy. As stipulated by the Nigerian constitution, elections were originally scheduled for January 2011. However, this timeframe became unrealistic and jeopardized the potential for credible elections. The election schedule was thus postponed until April 2011. (For more detailed analysis of the elections' postponement, see the Pre-Election Environment, Date of Elections section, p. 11). The April electoral calendar originally had the elections scheduled as follows: national assembly elections on April 2; presidential election on April 9; and gubernatorial and state assembly elections on April 16. On April 2, INEC called off the elections, citing pervasive logistical delays. Although this last-minute postponement created a moment of intense uncertainty, INEC managed to quickly restore order and confidence, and the electoral cycle was re-initiated on April 9.

Overall, Nigeria's 2011 elections were an improvement over the flawed elections of 2007. As IRI stated in its [April 18 preliminary statement](#), the presidential election was "orderly and transparent." IRI noted several major improvements compared to Nigeria's previous elections, particularly in the overall integrity of the process, the professionalism and independence of INEC, and the more positive role played by Nigerian security forces. IRI also witnessed an increase in the level of fair and legitimate competition between the candidates and political parties. In particular, opposition parties made visible gains and increased their degree of representation in government in the national assembly and state-level elections.

Although it was relatively peaceful on the day of the presidential election, the situation changed dramatically following the INEC announcement that President Jonathan, a Christian from the south, had defeated Muhammadu Buhari, a Muslim from the north, by a 27 percent margin. In Kano, Kaduna, and 10 other northern states, heavy violence broke out between supporters of the two candidates, and between Christians and Muslims. [According to Human Rights Watch](#), the violence

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<sup>1</sup> For security reasons, two states, Kaduna and Bauchi, held their gubernatorial and state assembly elections two days later on Thursday, April 28, 2011.

<sup>2</sup> Fifteen Senate and 48 House of Representatives races were rescheduled for April 26 due to misprinted ballots.

that occurred between the April 16 presidential election and the April 26 state elections resulted in more than 800 killed, thousands injured, some 65,000 displaced, as well as damage and destruction to homes and property due to arson and vandalism. The outbreak of post-election violence in April 2011 marked one of the worst episodes of such violence in Nigeria's recent democratic history. Working to prevent such violence, and its underlying causes, is critical to the quality of Nigeria's democratic and political future.

With the exception of this tragic outbreak of violence, IRI commends many of the key stakeholders who effectively carried out their duties during the election cycle, including: the Nigerian people, for showing sustained interest and concern regarding the integrity of the elections, and who turned out in large numbers throughout the country to vote in a peaceful, participatory and orderly manner; INEC, whose staff acted professionally and worked hard to meet many challenges and deadlines; INEC's chairman, Professor Attahiru Jega, who demonstrated integrity, commitment and leadership in the face of a tight deadline and almost constant uncertainty; the approximately 240,000 youth volunteers of the National Youth Service Corps (NYSC), who staffed the country's 120,000 polling units in an effective and non-partisan manner; the Nigerian armed forces and police, who deployed throughout the country to ensure the integrity of the process; the national and local Nigerian media, who provided wide and thoughtful coverage of the entire election cycle over television, radio, print, Internet and mobile phones; and, the political parties and their candidates, who engaged in active campaigns, contributed their time and energy, and vocalized their desire for free and fair elections.

IRI has formally observed each of Nigeria's national electoral cycles, as part of a larger effort to support the country's transition to democracy. This support began in 1998 with the establishment of a field office in the country and implementation of programs to train and strengthen Nigerian political parties, civil society organizations, media and marginalized groups such as youth, women and persons with disabilities. Although the country's first elections held in 1999 were viewed to be a good start, subsequent elections failed to contribute to the consolidation of democracy in Nigeria. In fact, the most recent prior elections—held in 2007—were universally deemed by the international community to be the most fraudulent, and worst organized, of the electoral cycles held by Nigeria since the end of military rule in 1998 and the introduction of multiparty democracy. Consequently, both Nigeria and the international community placed high stakes and expectations on the 2011 elections for fear that a continued deterioration in the quality of the country's elections could result in internal conflict and a disintegration of national integrity.

A key component of IRI's overarching strategy for enhancing the credibility of Nigeria's 2011 elections was to promote widespread attention towards, support for and interest in a transparent and democratic electoral process in the country. This effort was directed at the international community, Nigerian power structures, the media and Nigeria's diverse population. This approach reflected IRI's philosophy that elections are not simply singular events, but rather one part of the democratic process. Throughout the pre-election period, IRI worked extensively with all of Nigeria's stakeholders. The goal of these programs was to help prepare and encourage these stakeholders to embrace democratic reforms and encourage equal access to political space. IRI's field office carried out this work with assistance from Washington, D.C. staff, international trainers, consultants and prominent experts from the United States, Europe and Africa.

To assist in evaluating Nigeria's efforts to prepare for the elections, two pre-election assessment missions were jointly conducted between IRI and its sister organization, the NDI. Each assessment

delegation was composed of a small team of prestigious election experts, led or co-led by a former head-of-state or head-of-government His Excellency John Kufuor (former president of Ghana), Sir Ketumile Masire (former president of Botswana) and the Right Honorable Joe Clark (former prime minister of Canada), respectively. The first assessment, conducted October 11–15, 2010, and led by NDI, took place prior to voter registration and before the postponement of the elections from January to April; IRI led the second assessment (February 28 – March 3, 2011), which occurred following voter registration, and one month prior to the elections. Each assessment delegation met with Nigerian officials from the executive branch, the national assembly, INEC and other stakeholders, including representatives from the security services, political parties, academia, judicial and religious leaders, the media and media regulators and civil society organizations. Each assessment concluded with a press conference in Nigeria to discuss findings and offer recommendations (see appendices B and C).

The fielding of an international delegation to observe the April elections marked the culmination of IRI's support for Nigeria's 2011 electoral cycle.

IRI's long-term observers arrived in Nigeria on March 28, 2011, and were deployed in two-person teams (a total of 12 observers) to six locations across Nigeria, split equally between north and south, and covering all six of Nigeria's geopolitical regions. The teams observed the aborted national assembly elections on April 2, the rescheduled national assembly elections on April 10 and the presidential election on April 16.

IRI's delegation of 44 short-term observers witnessed the April 16, 2011 presidential election, with 17 teams deployed to 12 key states covering each of Nigeria's six geopolitical zones. IRI also set up a command center in Abuja to: monitor up-to-the-minute news coverage; assist the deployed observers with technology, security and advice; coordinate reporting efforts; and maintain contact with key Nigerian entities, consortium partners and other international and multilateral organizations.

The release of IRI's preliminary statement and press conference on Monday, April 18—two days after the presidential election—represented IRI's initial analysis of the April 16 presidential election. As a follow-up, IRI has prepared this election observation mission final report as a comprehensive review of data obtained by IRI's observers, analyzed in the context of official statements and news coverage of the entire 2011 electoral process, as well as information acquired via IRI's first-hand working relationships with political parties, civil society and media stakeholders. This data is supplemented by the results of two national public opinion polls IRI conducted—a pre-election poll conducted November 29 – December 7, 2010, and a post-election poll conducted October 20 – November 3, 2011. These polls measured public perceptions and expectations prior to and after the elections, in order to allow a more informed comparison of the views and actions of Nigerian officials, political leaders and journalists, with the opinions of a representative sample of Nigeria's voting age population. The findings of these [pre-](#) and [post-](#)election polls are also interpreted within this report.

The findings and recommendations contained in this report represent IRI's institutional assessment, and not necessarily the opinions of any individual IRI person, election observer or any other individual who may have contributed to IRI's election observation and the data used to prepare this report.

## **ELECTORAL FRAMEWORK**

### ***Independent National Election Commission***

Elections in Nigeria are organized and administered by the INEC, a constitutionally-sanctioned government institution with a chairman appointed by the president and confirmed by the Nigerian Senate. Twelve national election commissioners, who are responsible for overseeing various aspects of election preparation and administration, report to the INEC chairman but are appointed by the president. At the state level, resident election commissioners are also appointed by the president to ensure that the logistical and administrative arrangements in each state are adequate to contribute to a transparent, fair and credible voting process. Chairman Jega was appointed by President Jonathan in June 2010, along with 12 fellow national election commissioners and 18 state resident election commissioners.

### ***Voting Process***

On each Election Day, all registered voters wishing to vote needed to arrive at their correct polling unit (i.e., the one where they registered) before noon. Accreditation, where voters check-in at their polling stations before voting begins, was to begin promptly at 8:00 a.m.; polling unit personnel were instructed not to allow anyone to enter the line for accreditation after 12:00 p.m. (noon). Any voter already in line at that time, however, could remain in line, be accredited and vote. Once all eligible voters were accredited, voters would promptly form a new line and begin voting. Voters were expected (albeit not required) to stay to ensure that their votes were counted and that procedures were followed. Once all voters had cast their ballots, all votes were counted publicly by polling unit personnel, and the results were announced at the individual polling units. The results were recorded on a form (Form EC40), which was signed by representatives of the various political parties, poll agents, security personnel, INEC officials and other relevant stakeholders. A copy of this form was posted at or near the polling unit for public inspection.

Each polling station then tabulated the votes from all of its polling units,<sup>3</sup> after which all votes were physically transported and tabulated at the ward-level in each ward's central tabulation facility. From these ward-level facilities, all of the materials and ballots were transported to a central state-level facility in order to tabulate the results from all of the state's wards. After this process, an INEC representative would release the official results for that state for final tabulation at the national level.

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<sup>3</sup> Multiple polling units were grouped together into polling stations.

## PRE-ELECTION ENVIRONMENT

The pre-election environment leading up to the 2011 elections was pre-dominantly shaped by the aftermath of Nigeria's discredited 2007 elections, which were widely recognized by Nigerians and the international community to be the most poorly organized and fraudulent in the country's history. Factors contributing to the poor 2007 elections included: a fraudulent voter register; polling stations that opened late or not at all; stuffed ballot boxes; snatched ballot boxes; lack of voting privacy; violence and intimidation at polling stations; falsified results sheets; and, underage voting. The country's political leadership had preordained the outcome of the elections before voters went to the polls, and INEC—established to objectively oversee the elections—not only failed to make logistical preparations, but acted under the auspices of the ruling PDP to ensure an outcome favorable to that party's candidates. Low voter turnout, moreover, highlighted the public's disillusionment with their government and indicated how little faith Nigerians had that their votes would be fairly counted.

### *Electoral Reform Committee*

Following the failed 2007 elections there was a palpable and immediate need for reform. President Shehu Mura Yar'Adua—elected in that flawed poll and facing enormous pressure to alter Nigeria's international image—acknowledged in his inaugural address the necessity to improve Nigeria's election process. Soon after, he created the Electoral Reform Committee, chaired by retired Chief Justice Mohammed Uwais, and tasked it with holding nationwide consultations and offering recommendations to hold free and fair elections in the future. The committee consulted with individuals, institutions and governments, and held public hearings in two state capitals in each of the six geopolitical zones. Moreover, the Electoral Reform Committee reviewed Nigeria's constitution, as well as the 2002 Electoral Act and 2006 Electoral Act, to determine what needed to be improved to promote a more efficient, transparent electoral process.

The [Uwais Report](#) was completed and submitted to President Yar'Adua in December 2008. Among its various observations and recommendations, the report called for a review of Nigeria's political party system and for amending Nigeria's 1999 constitution to make INEC more independent of the executive branch. The Uwais Report also noted the instrumental role that civil society played in positively impacting Nigerian politics, and thus recommended that all civil society organizations be empowered legally to more effectively function as sentinels of democracy. Although many of the report's recommendations were initially voted down in the national assembly, or not even brought to the floor for a vote, the Uwais Report nevertheless established a comprehensive framework for electoral reform and identified the numerous areas to be addressed by the government as it prepared for the 2011 national elections.

### *2010 Electoral Act*

Because of concerns related to corruption and close alignment with the PDP in past elections, INEC needed to regain its credibility as the 2011 elections drew nearer. Using many of the recommendations listed in the Uwais Report, the 2010 Electoral Act amended particular aspects of the 2006 Electoral Act that had proved ineffective or discriminating. Most importantly, it made INEC a first-line budget item, guaranteeing that necessary funding would be made available in the federal budget. This change drastically reduced INEC's financial dependency on the executive branch and, as a result, increased the institution's overall independence. In addition, the 2010 Electoral Act placed a cap on how much money could be legally spent on individual campaigns.

Presidential candidates were limited to one billion naira (\$6.7 million) while gubernatorial candidates could spend up to 200 million naira (\$1.4 million). Those seeking a position in the national assembly were capped at 40 million naira (\$270,000) while state assembly aspirants could only spend 10 million naira (\$62,000). Other amendments extended the period of time allowed for voter registration and shortened the deadlines for action on petitions to annul election results. In response to repeated calls for more internal party democracy, the 2010 Electoral Act detailed requirements for primaries and banned the practice of "cross-carpeting," a common practice where a candidate would switch parties after being elected into office on another party's ticket.

While the 2010 Electoral Act included many reforms, other key proposals recommended in the Uwais Report were noticeably absent from the final draft. The most controversial omission was INEC's complete independence from the executive. Under pressure from the executive branch, and from many within the national assembly, the Senate did not approve this recommendation made by the Uwais committee, and therefore kept INEC's dependence on the executive branch. The president continues to appoint the INEC chair, which leaves INEC's credibility subject to the integrity of the sitting president. In addition to failing to promote a more transparent, independent INEC, lawmakers also failed to implement other Electoral Reform Committee proposals such as the establishment of an electoral offences commission and a political parties commission. The former would have had widespread authority to prevent, investigate and prosecute electoral crimes while the latter would accredit political party observers and oversee party registration.

### ***Transfer of Power from President Yar'Adua to Goodluck Jonathan***

In an attempt to moderate Nigerians' discontent and anger over the overt and widespread electoral fraud of 2007, President Yar'Adua undertook other large-scale initiatives in addition to electoral reform. Early in his term, Yar'Adua received positive marks for initiating financial reform and offering amnesty to Niger Delta rebels, a move that slowed the regularly occurring bombings and insurgent attacks in that region and reduced interruptions of the area's oil production. After these initial successes, however, Yar'Adua's administration failed to address many of Nigeria's core problems: poor infrastructure, inability to expand the energy sector and lack of economic reform. Corruption and impunity, moreover, continued to be pervasive throughout the government. The failures and unwillingness to comprehensively take on Nigeria's problems suggested that Yar'Adua's administration was not fully capable of implementing the full range of necessary reforms, which generated much criticism about the slow pace of progress.

In November 2009, President Yar'Adua fell seriously ill. He departed the country for treatment in Saudi Arabia, leaving behind a power vacuum that sparked fears Nigeria would revert back into a military dictatorship. Although aides, loyal party members and those closest to him proclaimed that the president's health would return, President Yar'Adua died on May 5, 2010. Vice President Goodluck Jonathan was sworn in as president one day later. Jonathan—a Christian from the southern state of Bayelsa—entered office under much pressure. Not only did he inherit the myriad of problems that Yar'Adua failed to address while in office, but he also garnered suspicion from many within his own party, who feared that he would run for reelection in 2011 and thereby violate the PDP principle of "zoning." Zoning is an unwritten, informal power-sharing agreement within the PDP that seeks to rotate senior offices among Nigeria's six geopolitical zones—most notably by alternating the presidency between a candidate from the Muslim north and Christian south. Under the zoning agreement, Yar'Adua, a northerner, should have retained the presidency until 2015, since

the south enjoyed eight years under President Oluṣẹgun Mathew Okikiṣla Arẹmu Obasanjo between 1999 and 2007. In the minds of the PDP northern members, a northerner should still have been the party nominee in 2011. Yar'Adua's untimely death, and Jonathan's swearing in as president, complicated this unwritten balance of power.<sup>4</sup> This turn of events caused many northerners to become wary of the new president, and suspect—rightfully so as events showed—that he would eventually have an ambition to run for the presidency in 2011.

### ***Appointment of Dr. Attahiru Jega, Chairman of the Independent National Electoral Commission***

Within weeks of assuming office, President Jonathan took a significant step toward restoring public confidence in the executive by appointing Professor Attahiru Jega to the position of INEC chairman. Jega is known for his integrity. He earned a doctorate degree in political science in the United States (from Northwestern University in Evanston, Illinois), studied and wrote about the construction of a stable democratic system in Nigeria for the better part of his life, served as vice-chancellor at Bayero University, actively voiced his opposition to military rule while president of the Academic Staff Union of Universities and—through his work with civil society organizations—was credited with changing fundamental aspects of Nigeria's ineffective political system. He was also an integral member of the Electoral Reform Committee that inspired the 2010 Electoral Act.

Though Jega's appointment came with only half a year to prepare for the 2011 elections, it was well-received by the Nigerian people and by reform-minded politicians who hoped to see a more honest and transparent process as the country prepared for its 2011 national election cycle. The short timeframe meant that Jega faced a seemingly impossible task. The public perceived INEC and its previous leadership as complicit in pervasive electoral fraud, aligned to the PDP, prone to patronage and institutionally dysfunctional. Not only did Jega have to strengthen INEC's ability to organize elections, he also had to reform INEC into a respectable and independent entity, capable of producing credible elections in less than a year's time. Ultimately, Jega's authority to achieve this was somewhat limited since the president—rather than INEC—was still mandated to appoint the resident electoral commissioners in each state. Still, the former professor and civil society activist set out to amend many fundamental aspects of Nigeria's electoral process that had failed in the past.

### ***Date of Elections***

One of the key decisions Jega fought for in the period immediately following his appointment was a political consensus on postponing the elections from January 2011 to April 2011. Initially, Jega's INEC worked hard—and demonstrated a visible effort—to prepare for elections in January 2011; however, between August and September 2010, it became increasingly clear to all stakeholders that it would be logistically challenging to hold organized and credible elections in January. Principally, the postponement would give INEC more time to produce a new voter register to replace the flawed 2007 register. Building a new voter register, free of fraudulent registrations and inclusive of as many legitimate Nigerian voters as possible, became a top priority for Jega and an essential cornerstone to improving the quality of the 2011 elections. Consensus on this issue was required, however, because the January 2011 election dates were fixed by a timeframe defined in the Nigerian constitution; a formal amendment to the constitution was thus needed to alter these dates. After much deliberation and stakeholder dialogue, Nigerian political parties, civil society organizations, media and citizens

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<sup>4</sup> The zoning concept had not been previously tested for a situation in which the incumbent dies in office or otherwise had his or her term in office cut short.

eventually came to a consensus in favor of the election rescheduling, as it indicated to them that the Jega-led INEC was serious about implementing reforms, promoting a transparent process and improving the inclusiveness, credibility and quality of the elections. The constitution and related legislation were thus duly amended and election dates were officially rescheduled for April. Under the new schedule, the swearing-in date for the new president—May 29, 2011—remained unchanged.

The process leading up to the rescheduling of elections for April was not the final change to the electoral calendar, however. As mentioned earlier, the national assembly elections were originally scheduled for April 2 but were called off and rescheduled for April 9, causing the entire election schedule to be moved back by one week. Although in some areas of Nigeria the voting process got underway as planned on the morning of April 2, many areas had not received the needed election materials. Around noon, Jega officially announced that the accreditation process already underway be terminated and all national elections rescheduled. Originally, Jega proposed Tuesday, April 4, but this short extension did not satisfy the majority of stakeholders, nor necessarily ensure sufficient time for solving the logistical problems encountered. After a short period of deliberation, the new—and final—electoral calendar was announced on Sunday, April 3: national assembly and presidential elections would be postponed by one week, to April 9 and April 16, respectively. Since shifting the entire election schedule back by one week would have resulted in the gubernatorial and state assembly elections falling on the weekend of Easter Sunday (April 23–24), an important Christian holiday, another modification to the electoral calendar was made to avoid controversy between Muslims and Christians: gubernatorial and state assembly elections would be held on Tuesday, April 26, instead of Sunday, April 24.

Other minor changes were made to the electoral calendar: selected national assembly elections (15 in the Senate and 48 in the House of Representatives) were delayed due to problems related to lack of election materials and rescheduled for Tuesday, April 26. Also, due to the outbreak of violence following the April 16 presidential election, and the need to deploy adequate security forces, INEC rescheduled the gubernatorial and state assembly elections in the states of Kaduna and Bauchi for Thursday, April 28.

### ***Voter Registration***

After amendments to the 2010 Electoral Act officially allowed the elections to be postponed, INEC undertook the critical and challenging task of creating a new voter registry. Since 1999, questionable voter registration lists had been a principal contributor to the lack of credible elections. Both 2003 and 2007 saw incidents of names missing from the voter register as well as reported occurrences of underage and fictitious voters. In those two elections, it is likely that supporters of certain candidates, or political parties, registered multiple times by bribing election officials, stealing registration materials for production of illegal voter cards, and/or compiling illegal lists. Areas with inflated voter registration figures then received more ballots, allowing unscrupulous candidates to win by producing higher votes in their name, along with higher reported turnouts. Erroneous, inflated voter lists likely provided cover for the overwhelming instances of electoral fraud, especially in the 2007 elections.

In this context, Jega concluded that the inaccurate voter register used in 2007 could not be used in 2011; not only would it invite further electoral fraud, but the symbolism presented by the 2007 voter register would also undermine public and stakeholders' confidence and lead to diminished turnout and voter participation. INEC decided to eliminate the 2007 register altogether and undertake the

creation of a new voter register using biometric technology. The voter registration, originally slated for November 2010, was moved to January 15–30, 2011 (registration was eventually extended through February 7). This milestone proved to be a critical first test of Jega's ability to execute a key phase of the electoral preparation process. A successful voter registration would mark INEC's progress and heighten overall confidence in Jega, INEC and, ultimately, the overall process. To help ensure efficiency and reduce fraud, INEC planned to purchase and deploy approximately 120,000 direct data capture machines—an average of at least one machine per polling station. These machines consisted of a laptop, webcam and biometric fingerprint scanner to capture identifying details of an individual that would be difficult to fake.

According to the Nigerian press, and anecdotal evidence received by IRI staff in Nigeria, the first few days of the registration process were fraught with errors and inconsistencies. INEC failed to deliver direct data capture machines to all of the registration units and many arrived late. Collecting fingerprint scans took longer than anticipated, and a number of direct data capture machines were stolen from the registration centers. Software repeatedly malfunctioned and officials present at the registrations were poorly trained, as indicated by their unfamiliarity with equipment and procedures. Security seemed to have been inadequate, as registration officers reported harassment from both individuals and political party representatives. In the first two days, it was estimated that only 16 percent of the registration stations had opened.

Despite these failures, INEC continued with the registration and learned from its mistakes as the registration period progressed—software was adjusted so that it could more efficiently collect fingerprints; delayed direct data capture machines arrived at the registration centers; and security was augmented in specific areas where reports of theft and harassment had been high. As a result, daily registrations steadily increased as more registration centers opened. By the end of the first week, more than 90 percent of registration centers were functioning and reports of malfeasance had diminished. The initial delays and the desire to register as many voters as possible meant INEC had to extend voter registration an additional week until February 7. At the close of the registration period, INEC officials reported that they had registered a total of 67,746,327 eligible Nigerian voters (i.e., Nigerian citizens age 18 and older).<sup>5</sup> Jega was widely applauded for undertaking a substantial task with severe time constraints, and for INEC's ability to overcome the problems that arose at the start of registration. INEC's initial missteps were offset by the organization's willingness to punish employees engaged in fraudulent activity and by its ability to remain adaptable throughout the registration period. The voter registration exercise was generally successful and public confidence in INEC increased as the organization prepared for the April polls.

The completion of voter registration was a turning point for improving the public mood prior to the April elections; it sharply contrasted with the voter registration conducted four years earlier. For the 2007 elections, voter registration commenced on October 25, 2006, but by November 20—almost a full month later—only two million voters had been registered. This was primarily a result of not having enough registration machines—only an estimated 3,000 machines had arrived and been deployed by this date, and only 33,000 in total were expected to arrive (in contrast, Jega's INEC ordered almost 120,000 machines). As of November 30, 2006, INEC declared that only 4.2 million voters had been registered and reported only 18,000 machines deployed as of December 14. Voter registration for the 2007 elections was extended through January 31, 2007—running a total of 98

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<sup>5</sup> This initial number was provisional; the final number of registered voters was certified in March 2011 as 73,528,040.

days — and was in violation of the law, which mandated that voter registration stop at least 120 days prior to elections. To make matters worse, INEC's final 2007 tally of registered voters was 61 million, a highly unlikely number based on the number of machines, employees and daily registration rates during the aforementioned time period. Given that INEC also neglected to display the voter registration information as mandated, the voter registry was almost certainly manipulated to facilitate fraud in the 2007 elections. Even if the 2007 registry was legitimate, Jega's INEC far outperformed the INEC of his predecessor: in 2011, INEC registered an average of 2,822,764 voters per day; in 2006, INEC averaged no more than 622,449 voters per day (and probably fewer given the questionable figures reported). The 2011 voter register was built at least four times faster than the flawed register of 2007, and represented a clear improvement over 2007, both in logistics and credibility.

### ***Political Party Primaries***

IRI has frequently cited lack of internal party democracy as a concern in past Nigerian elections. Various state governors and powerful local elites (referred to as "godfathers") have sponsored candidates who did not have to compete in free and fair internal primaries within their respective parties. On some occasions, governors and "godfathers" have substituted candidates whose names had been forwarded to INEC without providing valid and verifiable reasons, as required by the law. This phenomenon led to resentment and frustration among Nigerians and members of the various political parties. The courts—acting as the last line of defense against this blatant nepotism—responded by annulling the 2007 governorship elections in the states of Imo and Rivers, as well as numerous state and national assembly elections.

To combat the absence of internal party democracy within the nomination processes of political parties, the national assembly included a section in the 2010 Electoral Act that defined how parties may conduct their primaries. This section (Part V – Political Parties, Section 87: "Nomination of candidates by parties") established transparent procedures for political party primaries. In addition, the act stipulated that "the aspirant [within each party] with the highest number of votes at the end of voting...shall be declared the winner" and "the aspirant's name shall be forwarded to the commission [INEC]..." as the candidate of the party. Unfortunately, most political parties circumvented whichever aspects of the particular provisions that they deemed unfavorable to their nomination processes. Many political parties altered their lists of delegates outside of the prescribed procedures or coerced aspirants to drop their ambitions—ostensibly on the grounds of "achieving consensus." Others simply submitted a different list to INEC that left off the names of individuals who won their respective party primary elections, but—for whatever reason—were deemed to not be official party candidates by party leadership.

Before the commencement of the political party primaries, the national assembly inserted a provision into the amended Electoral Act, which specified that INEC must accept the list of candidates a party proposes to sponsor and "shall not reject or disqualify candidates for any reason whatsoever." INEC, therefore, had no power to enforce section 87 and could not reject party candidates, even those who were not elected democratically via the prescribed party primary process.

The 2010 Electoral Act, as amended, did not improve the conduct of the party primaries. In many states, for example, authentic party delegates to the primary elections were disenfranchised, leading to disintegration or weakening of the party in the states concerned. In other states, delegates were directed by their state governors not to meet with certain aspirants seeking the party's nomination as

candidates. Even the country's largest party, the PDP, inconsistently selected its candidates and failed to follow a transparent primary process apart from the presidential nomination. A number of court cases arose in the aftermath of the primaries, highlighting that many parties failed to select their representatives in the legally prescribed manner. Unable to challenge or sanction parties for their conduct, however, INEC was forced to recognize each party's final selection of candidates, despite obvious flaws in how these candidates were chosen.

### ***Political Environment***

Since his ascension to the presidency in May 2010, Jonathan had raised hopes of implementing meaningful reform. His appointment of Jega as Chairman of INEC—a man known for his integrity—was well-received, as was his decision to sign the 2010 Electoral Act into law.

A critical political moment occurred in September 2010, however, when President Jonathan announced via Facebook his intention to compete as the PDP candidate in the 2011 presidential election. Jonathan's intention to run for the presidency was considered a violation of the PDP's unwritten zoning agreement. While some feared that Jonathan's candidacy could jeopardize Nigeria's fragile democracy, others felt that Jonathan—himself a southerner—might have the ability to build upon the progress made by Yar'Adua and sustain peace with the militants in the Niger Delta.

President Jonathan faced a number of critics and needed to win the PDP primary in order to compete in the April presidential election. Within his own party, northern elites were upset by the president's dismissal of the zoning agreement, which—if followed—should have resulted in a northern presidential candidate in 2011. Outside of the PDP, critics expressed concern over Jonathan's unwillingness to endorse the more progressive elements of the Electoral Act, such as the amendment calling for INEC's complete independence from the executive, and the creation of an electoral offenses commission.

As the PDP presidential primary approached, the political environment in Nigeria was tense and uncertain. Competing against President Jonathan for the PDP nomination was Atiku Abubakar, a northerner and a former Nigerian vice president. Abubakar, like many northerners within the PDP, expressed his displeasure over President Jonathan's refusal to recognize the zoning agreement and made this a main component of his platform throughout his primary campaign. In the end, however, President Jonathan won the PDP presidential primary with more than 77 percent of the delegates voting for him.

As President Jonathan secured the PDP nomination, other presidential aspirants entered the field from opposition parties. Malam Nuhu Ribadu, the former chairman of Nigeria's Economic and Financial Crimes Commission, won the nomination for the Action Congress of Nigeria (ACN), and General Muhammadu Buhari, a former military ruler, emerged as the CPC nominee. Ibrahim Shekarau, the All Nigeria People's Party (ANPP) nominee, was another leading candidate.

Ribadu, who was forced into exile during Yar'Adua's presidency, was widely recognized for effectively battling corruption in Nigeria. Though he had spent the previous two years in the United States, the former chairman of the Economic and Financial Crimes Commission was respected for his willingness to weed out corrupt individuals. General Buhari, likewise, was another candidate who was well-respected by the Nigerian people. Not only did he have experience leading the

country, but, as one of the country's most powerful northerners, he also had the support of millions of voters in the north. In the days leading up to the election there were rumors of a "grand coalition" between Ribadu and Buhari. However, this alliance never came to fruition.

### ***IRI's National Public Opinion Survey (Pre-Election)***

As the April elections approached, IRI released a [public opinion survey](#) on Nigerians' expectations for the country's upcoming elections. The survey, conducted between November 29 and December 12, 2010, was intended to inform Nigerian media, election officials, candidates, and political parties about current public perception of key issues, voter education and prospects for peaceful and credible elections.

IRI's poll indicated that Nigerians as a whole were optimistic about their prospects for peaceful and credible elections in 2011. Seventy-seven percent of those interviewed agreed that the elections would be mostly free, fair and credible and 74 percent believed that they would be more credible than the 2007 elections. Eighty-four percent very strongly or somewhat agreed that Nigeria would be ready for elections by April 2011. With respect to violence, only 21 percent felt that there would be more or the same level of violence in 2011 versus 2007. Unfortunately, while this proved to be untrue in the wake of the outbreaks following the April 16 presidential election, the result shows public optimism four months before elections, and before any milestones (e.g., voter registration, party primaries, etc.) had been met.

Confidence in various institutions was also tested, with the president of Nigeria rating second highest after religious institutions (81 and 76 percent, respectively, stated that they had a lot or some confidence in these institutions). INEC also polled positively, at 63 percent, even though the poll was conducted at a time when INEC had not produced any concrete achievements, other than postponement of voter registration and the elections themselves. Confidence in the media polled at 69 percent—third highest of the institutions tested. Voter interest also appeared to run high, as 89 percent of those polled indicated that they would definitely or probably vote in the upcoming presidential election.<sup>6</sup> A similar majority also indicated their intention to vote in the national assembly and state-level elections.

### ***IRI's Pre-Election Assessment Mission***

To evaluate the state of preparations in the lead-up to the elections, a second joint pre-election assessment mission was conducted (led by IRI) just one month before the elections (February 28 – March 3). IRI's mission was led by the former president of the Republic of Ghana, His Excellency John Kufuor, who was joined by a small team of international experts in civil society, development, democratic reform and election systems (see Appendix C for the complete roster of experts who participated in the mission). The IRI delegation met with the chairman and commissioners of INEC, members of the national assembly, the president of the Court of Appeals, and the inspector general of police, as well as presidential candidates, religious leaders, representatives of political parties and civil society organizations, including women's activists, the media and international development partners.

Similar to the poll, IRI's mission found that Nigerians were hopeful for credible national elections but equally cognizant that many challenges remained in the final month of preparation. [IRI's pre-](#)

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<sup>6</sup> The poll sampled only Nigerians of eligible voting age.

[election statement](#), released at a press conference on March 4 in Lagos, recommended that steps be taken to strengthen security ahead of the April polls, that resources flow quickly to the institutions and individuals involved in election logistics, that voter education be intensified, and that all political parties sign codes of conduct to show their commitment to credible elections.

## **LONG-TERM OBSERVERS**

IRI's 12 long-term observers arrived in Nigeria on March 28, 2011, to attend briefings in Abuja, and then deployed in two-person teams to six locations across Nigeria, split equally between the north and the south. Again, IRI's teams observed the aborted national assembly elections on April 2, the rescheduled national assembly elections on April 10, and the presidential election on April 16. IRI staff were deployed to observe the gubernatorial and state assembly elections on April 26.

### ***April 2 Election Observation***

In the days before the April 2 parliamentary elections, the six IRI observation teams met with gubernatorial and legislative candidates, police and security officials, journalists and media organizations, INEC staff and civil society leaders. The teams observed that INEC seemed more prepared for the elections than it had been in 2007 and there appeared to be less hostility and fear of violence. Overall, the long-term observers first-hand impressions were that civil society groups and government officials seemed to have more confidence in the process compared to 2007.

In the early morning hours of April 2, the teams travelled to polling stations across Nigeria to observe the opening of polling stations, scheduled to commence at 8:00 a.m. The observers reported that polling stations consistently opened late—often up to two hours late—which angered some voters who had already been waiting the entire two hours to begin the accreditation process. Despite this initial frustration, the accreditation ran smoothly once it was underway and most voters had been accredited by noon at polling stations visited by the long-term observers. IRI observers noted that media generally had free access to polling stations and reported fairly on the events they encountered. Police were present, sometimes in large numbers. IRI's teams reported that the security forces were doing their job by focusing on calming angry voters; there were no reports or observations of security forces harassing voters or causing other types of electoral disturbances. Teams frequently encountered other international and domestic observers documenting the proceedings at the polling stations they visited. When INEC's decision to cancel the election was received following Jega's noon announcement, voters became angry. However, despite voters' visible discontent, the observers did not witness any violence. Voters focused on the announcement that the elections would be rescheduled for the following week and tuned in to available media sources for updates.

### ***April 9 Election Observation***

In the week between the cancelled April 2 elections and the April 9 elections, the IRI long-term observers met with other observers, civil society groups, police officials, political party leaders and business leaders in their assigned regions. Most supported the rescheduling of the elections, saying that it would make peaceful elections more likely. The political parties and INEC reported generally good relations with one another during this time. However, civil society groups mentioned in a few instances that they were frustrated at the lack of communication and inclusion from INEC.

During the April 9 elections, observers noted that the police security presence was higher at polling stations than the previous week. A bombing that occurred in western Nigeria on April 8 may have accounted for the increased police presence. The increased security was not observed to result in intimidation or brutality on the part of police personnel. Unlike April 2, voting went smoothly with

almost all polling stations opening on time at 8:00 a.m., or shortly thereafter, for accreditation. Civil society groups, party poll watchers and other international and domestic observers were present in large numbers during the April 9 vote.

Despite the positive aspects of the April 9 national assembly vote, there were a number of downsides. Turnout was unexpectedly low, around 35 percent, and misunderstandings over the accreditation process were common. Many voters thought that the April 2 accreditation was still legitimate and that they were thus not required to get accredited again on April 9. This misunderstanding directly prevented a number of Nigerians from voting in the national assembly election. IRI teams also observed INEC officials who lacked training and were not aware of proper procedures. Other frequent problems with the April 9 elections included a lack of privacy for voters and failure to maintain ballot secrecy, attempts by underage voters to cast a ballot, and a few observed cases of polling officials and/or party agents inappropriately helping voters to cast their ballots.

### ***April 16 Election Observations***

Procedures for the April 16 vote were a visible improvement over the logistics and processing of the April 9 round. In the week between April 9 and the presidential election on April 16, the long-term observer teams continued to meet with INEC officials, police and security administrators, local leaders, other election observers and civic organizations. On April 16, polls opened on time or with short delays and voter turnout was observed to be high almost everywhere, particularly compared to the national assembly election the previous week. IRI teams observed large numbers of women and youth voting in many locations. Priority was often given to persons with disabilities, the elderly and pregnant women. Most polling stations had a calm atmosphere and many people stayed long after the polls closed to observe the vote tabulation.

Although INEC officials appeared well prepared for this election, certain irregularities and inconsistencies were observed. In some instances, election materials arrived behind schedule. In parts of Lagos, for example, it was observed on multiple occasions that INEC officials had trouble reaching the polling station on time due to transportation issues. Most accreditation processes went smoothly. IRI's teams reported, however, that in some cases individual voters were turned away and prevented from being accredited for unspecified reasons. Other discrepancies occurred in the actual voting, including instances of blatant ballot-box stuffing and distribution of free food and beer to voters and INEC officials by party representatives. In a number of cases, the reported vote tabulation was suspiciously close to the total number of voters registered or the exact number of ballots provided to a given polling station—a highly unlikely situation. Although political party poll watchers were often present to observe polling, they were sometimes unaware of their rights or responsibilities.

With respect to security, IRI's long-term observers did not receive or witness any reports of violence during voting. In many locations there was a surprising reduction of security presence compared to the April 9 poll and most of the police officers present were unarmed. Only in a few instances did IRI teams report that security personnel were associated with problems that arose. Teams observed occasional instances of verbal intimidation of citizen observers by police. In one instance, a domestic observer was assaulted by police and then taken away in an unmarked vehicle.

## PRESIDENTIAL ELECTION DAY

### *Leadership and Logistics of IRI's Short-Term Election Observation Mission*

After months of speculation, postponements and national debate, INEC's final election timetable allowed IRI to organize a 44-member team of short-term observers to witness the April 16 presidential election. Representatives from 14 countries comprised the IRI delegation: Bangladesh, Canada, Estonia, Ghana, Kenya, Liberia, Mali, Mexico, Norway, Slovenia, Uganda, Ukraine, United States and Sierra Leone. The delegation was co-chaired by Janez Janša (former prime minister of Slovenia and current member of the Slovenian parliament) and Constance Berry Newman (IRI board member, former U.S. assistant secretary of state for African affairs, and former USAID assistant administrator for Africa).<sup>7</sup> IRI's short-term observers also included: Judy Van Rest, IRI's executive vice president; Dan Fisk, IRI's vice president for policy and strategic planning; Paul Fagan, director of IRI's Africa division; and Mourtada Deme, resident country director for Nigeria. IRI staff from Washington, DC, and various IRI field offices in sub-Saharan Africa and other regions also served as observers and assisted in the mission.

The April 9 national assembly elections, though far from perfect, were broadly perceived as credible and an improvement from previous elections. This positive climate set a precedent for the April 16 presidential election and provided IRI's short-term observers with a more defined context to focus monitoring efforts. One of IRI's key expectations was that voter turnout would be higher than national assembly elections given the importance of the presidential election. IRI's long-term observers—along with Nigerian stakeholders and other international observers—had noted several issues negatively affecting the April 9 elections. These issues were communicated, assessed and presented to the short-term observer teams as issues of concern. They included: excessively long lines and overcrowded polling stations; disorganized polling stations; underage voting; problems with voters' registration cards; unprotected ballot casting areas; and, interference on the part of party poll watchers.

IRI's short-term observers began arriving in Abuja on April 10—approximately four days before the presidential election—to attend a comprehensive series of briefings before deploying to their assigned locations on April 14.<sup>8</sup> Once the entire delegation had arrived in Abuja, delegates were briefed on the current political and electoral situation, Nigeria's voting system and possible malpractices and procedural violations which could arise. The delegates also heard from representatives from INEC, the inspector general of the police and various political parties, including the ACN, CPC, PDP and other smaller parties.

IRI's 44 short-term observers deployed in 17 teams, while IRI's six teams of long-term observers remained deployed separately. Counting both short- and long-term observers, IRI's overall effort

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<sup>7</sup> Note: A complete list of IRI's delegates is included in the "IRI Preliminary Statement on Nigeria's National Elections" made available in Appendix C at the end of this report.

<sup>8</sup> The abrupt postponement of the presidential election from April 9 to April 16—caused by the last-minute cancellation and rescheduling of the April 2 National Assembly elections—required IRI to delay the arrival of its international delegation by one week. Though logistically challenging, IRI was able to maintain, with few exceptions, the original composition and deployment plans of its international delegation, which deployed throughout Nigeria on Thursday, April 14, instead of Thursday, April 7, as originally planned.

involved 56 expatriate elections experts, assisted by dozens of Nigerian experts, including IRI's local staff (some local staff traveled to their states of origin in order to vote), security and logistics contractors.

Once deployed, the short-term observers met with election stakeholders in their respective deployment location in preparation for Election Day. These included meetings at the state and local level with INEC officials, political party representatives, candidates, civil society and the media. As described earlier, IRI's long-term team observed the April 16 presidential election separately from the short-term observation mission; the findings and observations of the long-term teams, although collected independently, helped to inform the preliminary assessment of the April 16 presidential election. Part of this assistance included briefing the short-term teams upon arrival in their assigned states. In total, IRI observers conducted more than 250 collective and individual meetings with Nigerian political party representatives, candidates, election and local government administrators, domestic nongovernmental organizations, activists, security officers, news correspondents and voters throughout Nigeria.

Each short-term team was comprised of no more than two delegates (mostly one delegate) and at least one IRI staff member. In total, IRI's 44 short-term observers covered 12 states, with coverage of at least one state in each of Nigeria's six geopolitical zones, and a mix of both urban and rural locations (roughly 60 percent urban, 40 percent rural). IRI deployed multiple teams in the more densely populated states, such as Lagos. The table below shows the location and number of teams (both long-term and short-term) deployed in each of the 12 states covered:

<i>State</i>	<i># of teams</i>
Akwa Ibom	1
Adamawa	1
Cross Rivers	2
Ebonyi	1
Enugu	2
Kano	3
Kaduna	3
Kogi	1
Lagos	4
Nasarawa	1
Ogun	1
Federal Capitol Territory (FCT)	3

### ***IRI Observation Methodology***

On the day of the presidential election, IRI's short-term and long-term teams observed the voting process at more than 340 polling stations, each of which contained several polling units and voting tables. IRI estimates that its observers collectively witnessed the participation of at least 100,000 Nigerian voters.

IRI observers were present for the opening and closing of polling stations, as well as for the vote counting and, in some locations, the vote tabulation and collation processes. Each team observed the opening of at least one polling center, the accreditation process (8:00 a.m. – 12:00 p.m.) at multiple polling centers, voting (from 12:30 p.m. until all accredited voters had voted), the closing and vote counting process at each polling station and a portion of the vote tabulation at ward and/or local government level depending on that observer team's proximity.

For each polling station, observer teams called in responses to a brief 10-question integrated voice response (IVR) survey. The purpose of the IVR survey was to obtain real-time information during the presidential Election Day in order to spot trends in the voting process and advise teams of any widespread and overwhelming deficiencies or concerns. The responses were collected automatically using a phone and relayed to IRI's command center in Abuja. After finalizing each 10-question survey, the observer team was also given the opportunity to leave additional information via voicemail. Teams used two different versions of the survey, one for morning (accreditation, 8:00 – 12:00) and one for afternoon (voting, 12:30 – close of polls). The data revealed by the IVR provided an immediate assessment tool and influenced [IRI's preliminary press statement](#) and April 18 press conference. The IVR responses also form a basis—along with the other information gathered and described in this section—for the content of this report and the recommendations contained within.

In addition to the IVR surveys, each IRI observer team was provided paper questionnaires, with 72 questions—one per each polling station visited—and submitted to command center staff as hard copies.<sup>9</sup> The paper questionnaires contained eight sections covering opening and closing of polling stations, conditions inside and outside of polling stations, presence of required officials and (un)authorized persons, voter turnout and accreditation and voting procedures. These paper questionnaires were collected from each team upon returning to the command center in Abuja on the day after the elections (April 17), transported to IRI headquarters in Washington, DC, and analyzed by IRI program staff.

Lastly, more-detailed verbal reports were obtained from all of IRI's observers and informally documented. Each observer team called in at three designated times during Election Day to provide a verbal update to command center staff to clarify or amplify observations reported in the IVR surveys and/or paper questionnaires. Upon returning to Abuja on Sunday, April 17—the day after the elections—each team was debriefed by IRI's election observation co-leaders, IRI senior management and IRI command center staff. This debriefing information was gathered verbally and informally documented; it was utilized as a basis for the conclusions expressed in IRI's April 18 press conference and press release. All of these verbal sources also serve as a basis for IRI's final recommendations regarding the 2011 elections.

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<sup>9</sup> See Appendix D: Results of Election Observation Polling Station Checklists

In addition to the sources cited above, IRI also examined INEC's actions and statements on the presidential Election Day, and the days following, as reported by Nigerian media and/or INEC's official website. The results of IRI's pre-election poll conducted November 29 – December 7, 2010, and post-election poll, conducted October 20 – November 3, 2011, were also analyzed by IRI to compare public perception at those respective points in time with actual reported electoral outcomes and circumstances, as well as the general mood and situation of Nigerian voters as directly observed (or evidenced in the numerous photos taken) by IRI observer teams.

IRI's observers noted that the 2011 presidential election was markedly better than that of 2007; a higher percentage of polling stations observed by IRI adhered to INEC's rules and procedures, and instances of fraud, voter intimidation and other improprieties were reduced. IRI observed 340 polling stations, of which 162 were documented via the more comprehensive paper questionnaire.<sup>10</sup> Of these 162, some were only partially documented and are therefore missing certain data points. The results of this data collection are included in Appendix D and are cited as a percentage of documented polling stations, with the number of valid data points indicated in parentheses (i.e., n=xx). The next section summarizes the general findings contained in the data collected by IRI. These findings mirror the informal verbal reports and post-deployment debriefings received from IRI's observers, as well as the findings of other international observers.

### ***Polling Centers (Environment/Preparedness/Material Distribution)***

About three-quarters of the polling stations visited by IRI's observers opened on time (at 8:00 a.m.) for the April 16 presidential election day. Those that opened late generally experienced short delays, and the vast majority of polling stations visited were adequately staffed and supplied with the necessary election materials when they opened. (Also, a few stations opened but did not immediately begin accrediting voters). Once the accreditation process was underway, assigned polling officers were found to be present and actively assisting voters at virtually every polling station (98 percent) as were party poll watching agents (97 percent). Party agents representing the PDP were almost always present (89 percent) although major opposition parties also frequently had agents available: CPC (63 percent); ACN (48 percent); ANPP (22 percent)—particularly in the states where they were strongest. Anecdotally, however, some observers felt that on a few occasions party agents claimed to represent an opposition party but were in fact associated with the dominant party. (Observers were not able to verify this suspicion, however). Other Nigerian non-partisan observers were present in 35 percent of the polling stations visited by IRI. Only in six percent of the polling stations visited did voters or officials inform IRI observers that there were problems or irregularities occurring prior to their visit.

With respect to the general mood and environment outside of the polling stations, IRI observers witnessed a small number of disturbances: tension and unrest (three percent); police or military interfering with voters (one percent); other problems (two percent). Most polling stations appeared to have the appropriate/adequate/proper amount of security present and the security personnel were performing their duties in the correct manner, though a few stations either lacked security or had a disproportionately large police or military presence. Similarly, the environment inside the

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<sup>10</sup> This was not due to procedural error; IRI instructed its observers to visit as many polling stations as possible during the course of Election Day, and to attempt to collect data only when feasible, and when the time and environment were conducive to the same. Also, command center staff informally visited a few polling stations in Abuja during the presidential Election Day for which data collection was not expected.

polling stations was found to be placid and orderly more than 90 percent of the time. The worst problems encountered inside the polling station were: overcrowding (eight percent); missing election materials (eight percent—mainly lack of voting booths for privacy); and intimidation of voters, polling agents or election officials (six percent). In one instance, a polling station did not have any indelible ink to mark voters and prevent multiple voting, and observers complained that the ink used was not always of sufficient quality.

In more than 90 percent of the polling stations visited, the accreditation process went exactly as prescribed, the exception being—in about a third of the polling stations—voters did not wait within the polling zone as instructed once they had been accredited. With respect to the voting phase of the process, which was supposed to start at 12:30 p.m., procedures were followed in more than 90 percent of the stations visited. IRI did witness certain, occasional irregularities: in 20 percent of polling stations, IRI observed a person (sometimes more than one) being denied the right to vote because his or her name could not be found in the voter register, or names being found after much difficulty, or in some cases, people being allowed to vote even though their names did not appear in the register. Irregularities observed in four percent of the polling stations included: allowing more than one person in the voting booth at a time; same person "assisting" numerous voters; bystanders inappropriately attempting to influence voters; one or more cases of underage voting. IRI's observers in Enugu were the only ones to report ballot box stuffing. All in all, IRI observed some type of procedural problem during the voting phase in about one out of four polling stations, though not all problems reported were consequential to the process, or pervasive on a nationwide scale.

On a positive note, the transparency of the elections was high compared to 2007. IRI's observers did not record a single instance in which they were prevented from gaining access to a polling station, nor were they prevented from viewing any part of the voting process. (One of IRI's teams did experience a problem during the vote counting phase, however, as police or military officials at a ward collation center in Kogi challenged their ability to observe the process. It appears that it may have been an isolated case of misunderstanding and the observers involved were not sure whether or not it was done to conceal a manipulation effort).

All short-term observers were debriefed between Saturday night on presidential Election Day and Sunday night, April 17, the day after the elections. (By the end of the day on Sunday, all short-term teams had returned to Abuja for debriefing). With respect to the polling stations that IRI observers visited but were not able to formally document, the information reported back during the debriefings generally coincided with the more formally documented findings described above, further strengthening the conclusions drawn from the paper observer questionnaire.

On Monday, April 18, after debriefing all of IRI's short-term delegates and discussing the information received, IRI released its preliminary statement on the elections (see Appendix C). The April 16 presidential election was an improvement from previous elections. The elections demonstrated Nigerian citizens' commitment to democracy, as well as INEC's ability to organize and implement an administratively sound, generally peaceful, broadly participatory and transparent electoral process.

Despite administrative successes, however, the process made clear the need for further reform of Nigeria's political party system. Absent such reform, Nigerian democracy remains vulnerable to the

corruption, polarization and electoral violence that has characterized past elections. This could threaten Nigeria's sustainability and limit its ability to address the serious social and economic challenges that confront its 160 million citizens.

## POST-ELECTION ENVIRONMENT

### *Post-Election Violence*

Although the April 2011 elections showed vast improvements in preparation, administration and transparency, the announcement of the presidential election results sparked the deadliest and most damaging election related violence in the history of Nigeria's nascent democracy.

During the weekend of April 16–17, rumors and speculation reinforced a widely held belief that the election between Goodluck Jonathan and Muhammadu Buhari would be very close, and possibly even result in a run-off between the two.<sup>11</sup> More specifically, one expectation regarding the electoral outcome was that Jonathan would win all of the states in the south, and Buhari, all of the states in the north, resulting in a close election that would ultimately be decided by each candidate's respective margins in the areas that they won. On the day after the presidential election (Sunday, April 17), results became available during the early evening hours via the resident electoral commissioners of the 36 states and the Federal Capital Territory (FCT). These results—which closely mirrored the final, official results announced later—showed Jonathan winning by a large margin over Buhari. On Monday, April 18, at 8:32 p.m., INEC officially declared incumbent Goodluck Jonathan the winner of the presidential election. In assessing how INEC handled the adjudication of the election results, IRI did not find any aspect that was mishandled or that could have avoided the post-election violence if handled differently. IRI views the violence as unrelated to the assessment of INEC's performance, the validity of the election results and the average perceptions held by Nigerians about the credibility of the electoral process—especially compared to those of 2007.

IRI's short-term observers did not witness the violence first-hand. The media and second-hand reports received by IRI indicate that northern Muslims expressed frustration with northern politicians and with the continuation of a southern, Christian presidency. This frustration was manifested by demonstrations in the streets to protest both the failure of northern politicians, as well as the perceived electoral fraud they attributed to the Jonathan campaign, the PDP and INEC. These initial protests degenerated into uncontrolled riots accompanied by cycles of sectarian and retribution violence between Muslims and Christians. Stirred by the alleged electoral fraud and/or motivated by revenge, rioters in the northern states of Adamawa, Bauchi, Borno, Gombe, Jigawa, Katsina, Kano, Kaduna, Niger, Sokoto, Yobe and Zamfara targeted religious communities, politicians, government buildings and security forces. The violence left more than 800 people dead and 65,000 people displaced. Rioters burned churches, homes and shops, and attacked police stations, INEC offices, PDP offices, and universities. At one university in Zaria, four Christian students and a Christian lecturer were cornered and hacked to death with machetes. In Kaduna state, predominantly Christian mobs retaliated by attacking Muslims and burning down mosques and Muslim-owned properties. Once reports of violence had been received, the army deployed throughout the north to restore order, in preparation for the gubernatorial and state assembly elections on April 26. Unfortunately, reports also surfaced citing instances of excessive use of force and other abuses committed by military and/or security personnel while responding to the violent protests.

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<sup>11</sup> To win in the first round, Nigeria's constitution requires that a presidential candidate receive a simple majority of the total national vote, and at least 25 percent of the vote in at least two-thirds (i.e., 24) of the states. Jonathan met both conditions, thereby negating the need for a run-off election.

### ***Post-Election Petitions***

Following the April elections, an estimated 640 post-election petitions were filed nationwide challenging the results of the national assembly, presidential, gubernatorial and state assembly races. The five states from which the greatest number of petitions were submitted, across all four election categories, were: Anambra, Imo, Rivers, Benue and Akwa Ibom. Conversely, no petitions were submitted from five states: Delta, Kebbi, FCT, Osun and Sokoto. Out of all petitions filed, an estimated 140 were filed contesting national assembly elections; a total of two petitions were filed contesting the presidential election: one by the CPC, the other by the Hope Democratic Party. [The CPC petition](#) was filed by the party's presidential candidate, Muhammadu Buhari; the petition rejected the results of the presidential race and called for fresh elections in 22 states across the south, as well as the FCT. On November 1, 2011, the [Nigerian Presidential Election Petition Tribunal](#) upheld the presidential results released by INEC on April 17, 2011.

### ***IRI's National Public Opinion Survey (Post-Election)***

To gauge Nigerians' assessment of the electoral process, IRI fielded a [national public opinion poll](#), covering the period October 20 to November 3, 2011. IRI's poll shows that Nigerians' overall perception of the 2011 national assembly, presidential, gubernatorial and state assembly elections was very positive, with 80 percent agreeing that all three elections were generally free, fair and credible. Most Nigerians (86 percent) also agreed that the country was well prepared for the elections. Compared to IRI's pre-election poll, confidence in Nigeria's political system had improved, with an increased majority—78 percent, versus 69 percent before the elections—stating that they believed democracy exists or mostly exists in Nigeria. Voter interest—even a half year after the elections—also appeared to run high, with 96 percent of those polled indicating that they would definitely or probably vote in the next election.

This positive perception of elections can be correlated to Nigerians' confidence that their vote in the general elections was fairly counted, kept secret, and properly collated, and that corruption had been reduced within INEC. INEC can be evaluated positively within the context of the survey's findings: a majority of Nigerians (52 percent) stated that they had greater confidence in INEC after the elections than they had during the time leading up to the elections. However, those who claim to have less confidence (eight percent), or the same, albeit negative, level of confidence they had prior to the elections (minus 23 percent) constitute a small but significant minority. INEC's strongest points, according to the survey, appeared to be: security at polling centers (73 percent); provision of sufficient election materials (72 percent); improved competency (70 percent); less corruption among INEC officials (64 percent); and the decision to enlist NYSC volunteers to work the polls (only five percent of respondents thought the volunteers did a poor job). The survey also provides evidence of INEC's logistical success: when asked about the greatest challenge or obstacle to conducting freer and fairer elections in the future, the number one response was insecurity (34 percent) while logistical problems figured last on the list (only five percent).<sup>12</sup>

Nigerians' confidence in the political parties remained unchanged, however, indicating room for improvement in this area in future elections. Interestingly, views on the PDP practice of zoning

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<sup>12</sup> When alternatively asked what the government should do, 49 percent indicated that the government should provide more (adequate) security; once again, the least frequent response was for logistics, or for INEC to be more organized (only 12 percent).

appear to have changed slightly, with the country about equally split (46 percent / 45 percent) on whether zoning is now "dead"—prior to the elections, a 60-percent majority of Nigerians felt that the practice of zoning was good for Nigeria. Overall, Nigerians' impressions of the winning candidates appear favorable (64 percent viewed them as more concerned about the people than their predecessors), albeit with very high expectations that the newly elected officials will be less corrupt—a 52 percent majority believes that corruption would decrease under the newly elected government. The PDP remains the most popular party (40 percent said they would vote for them again) although the poll also revealed a sizable level of support for two main opposition parties, the ACN (24 percent) and the CPC (16 percent), which have since merged together to form All Nigeria. With respect to candidates, honesty and integrity remained—by far—the most important factor weighed by voters when deciding who to vote for, while ethnicity, religion, and political party affiliation appeared to be the factors of least concern.

Lastly, looking at governance, IRI's post-election survey found that violence, insecurity and terrorism, as well as unemployment, have risen as issues of importance for Nigerians since the elections. In fact, when asked about the most important issue or problem facing Nigerians at the local or community level, the number of respondents who cited violence and terrorism rose from less than two percent (before the elections) to 16 percent after the elections, putting it on par with poor economy as the top two local issues. This change in attitude suggests that the strongest negative perception of the 2011 elections, in the mind of many Nigerians, was not corruption or lack of credible elections, but the post-election violence that occurred—and continues to occur—between different religious and ethnic groups.

## RECOMMENDATIONS

IRI's observation of Nigeria's 2011 national elections, along with its continued implementation of US-funded programs for strengthening civil society and political participation in Nigeria, provide a basis for making recommendations on how Nigeria can improve its electoral institutions and processes. IRI has formulated recommendations following every national electoral cycle in Nigeria since the 1999 transition to democracy. This set of recommendations builds on past recommendations, as well as areas of weakness identified in 2011.

### **Recommendation 1: Nigeria should revisit the recommendations of the Electoral Reform Committee that were not adopted by the national assembly.**

- Prior to the next election cycle, key stakeholders—INEC, the national assembly, political parties and civil society leaders—should open new discussions about the recommendations of the Electoral Reform Commission and the Uwais Report in the context of the 2011 elections in order to determine if views have changed on any of the recommendations that previously were not adopted. In particular, the establishment of an electoral offences commission and a political parties commission should be considered. A discussion of new ideas and recommendations that have arisen in retrospect of the 2011 elections should also take place.

### **Recommendation 2: Improve the voter list to ensure people are properly registered.**

- INEC should embark on continuous voter verification and registration in accordance with the 2010 Electoral Act, with a target start date well prior to the 2015 national elections (ideally by mid-2014). This will free up staff and resources in the months immediately approaching the elections to focus on preparations for the scheduled election days. If correctly managed, a continuous voter registration system would also allow INEC the possibility of avoiding the high costs associated with conducting voter registration under an extremely short timeframe, political pressure and uncertainty related to election dates.

### **Recommendation 3: Strengthen civic education so all Nigerians fully understand the nature of the election process and their role.**

- INEC and other agencies of the national government should emphasize the need for mainstreaming civic education in the Nigerian school curriculum, from primary to university level. Nigeria's government and electoral processes should be integrated into relevant courses at universities and ways for civil society to help improve voter and civic education outside of schools should also be explored.

### **Recommendation 4: Create incentives for the political parties to evolve into constructive actors in the process, respecting democratic values in their internal behavior and commitment to transparent elections.**

- As a first step toward improving internal democracy in future elections, INEC should strictly enforce current laws and take a more active role in organizing and adjudicating the political party primaries at the national, state and local level. This includes asking the national assembly to revisit the amendment to the 2010 Electoral Act that requires INEC to accept all nominations provided by political parties and prevents INEC from barring names or sanctioning parties that do not follow the rules related to party primaries.

- Political parties should, of their own volition, work to improve internal party democracy, especially in the nomination of candidates for elections. Continuous registration would allow for all parties to conduct their primaries at the same designated time on a nationwide basis, and in accordance with more precise procedures approved by the 2010 Electoral Act. INEC and the political parties should continue to hold stakeholder dialogues to explore ways for greater INEC involvement in party primaries, potential impact on voter registration, associated allocation of costs, and possibility of holding pilot primaries at the state-level to test feasibility of different systems (e.g., registration by party affiliation, election of party nomination delegates, or popular, non-binding preferential vote to allow parties to "test" candidates). PDP and major opposition parties should be encouraged to participate in any public dialogues on improving internal democracy, while also allowing smaller parties a role.
- Political parties should create adequate space for young people to participate in the electoral process by making party nomination forms free for interested young people seeking political offices. Parties should ensure that the youth leaders are between the ages of 18–35, the prescribed age for youth under the African Youth Charter, the National Youth Policy and the Nigerian Youth Manifesto. Youth organizations should encourage their members to join political parties of their persuasion and participate actively in the political process of Nigeria.
- Political parties should encourage fuller participation of women in the electoral process, including through continued advocacy for party or nationwide requirements to include a quota for women candidates in national, state and local elections;

**Recommendation 5: Address the problem of underage voting.**

- INEC should re-evaluate its current measures for addressing and preventing underage voting. (Issues such as this are further arguments for creating an electoral offences commission and political parties commission.)

**Recommendation 6: Ensure that polling stations have a manageable number of registered voters.**

- INEC should carefully adjust its plans in future elections to ensure that all polling stations have a manageable number of registered voters.

**Recommendation 7: Strengthen INEC.**

- INEC should make information and election data more accessible to the public, particularly official results and voter registration information. INEC should continue to improve its website, as it still falls short of its potential as an online resource for public, transparent, historical and detailed data related to election results, voter information, and communications to the public and to INEC officials. The 2011 election results and voter registration data should be made completely available online, as easy-to-find, downloadable, workable, database files, with exact results by state, local government areas and ward, and if feasible, by polling station and polling unit. The data should also contain non-geographic information, such as age and gender of voters, while avoiding the release of any personally identifiable data that could lead to voter intimidation. Availability of this data will contribute to the transparency and credibility of future elections; serve as a strategic voter outreach resource for political parties, candidates and civil society organizations; assist journalists and researchers in analyzing elections and political issues; and allow INEC (and the resident

election commissioners) to better track and identify geographic and functional areas relevant to organizing credible elections. INEC should allocate greater funds to updating and maintaining its website, as well as to publicizing the database and encouraging its use. Incorporation of a data visualization tool for customizing and analyzing geographic maps of available data should also be considered.

- INEC should consider increasing the number of commissioners to include positions for representatives of specific groups, such as youth and women.
- INEC should work with the national government, and respective state-level authorities, to strengthen security measures and mechanisms during and after elections. In particular, INEC's collaboration with security agencies should be strengthened to protect NYSC youth volunteers who assist with elections, and facilitate the maximum prosecution of those who commit violence against such volunteers, as well as other electoral offenses.

## **Appendix A: First Pre-Election Assessment Mission, October 11–15, 2010 (organized by NDI)**

### **NDI Delegation Finds Encouraging Developments and Significant Hurdles as Nigeria Prepares for 2011 Elections**

October 15, 2010

**Abuja, Nigeria** – Noting heightened interest and determination among Nigerians to overcome the nation's history of flawed elections, a pre-election assessment mission conducted by the National Democratic Institute (NDI) also identified a number of hurdles that could undermine a successful process surrounding next year's state and national polls.

“There is a deepening sense of the need to change the approach to elections in Nigeria,” the delegation said in a statement released at a press conference here today. “Many political actors expressed concern that the legacy of flawed elections has a negative impact on Nigeria's political and economic development, as well as its standing in the world.”

The statement reflected the findings of the pre-election assessment mission, which was conducted in Nigeria from Oct. 11-15 and was composed of political and civic leaders and democracy and election experts from Africa, Asia and North America. It was co-led by Sir Ketumile Masire, former president of Botswana, and the Right Honorable Joe Clark, former prime minister of Canada.

“The delegation observed that while many Nigerians are determined to actively participate in the 2011 elections, they are fearful that verbal commitments to electoral reform may not translate into concrete actions. The delegation found a sense of urgency among Nigerians to see demonstrable steps in election preparation,” the statement said.

But the delegation highlighted problems that it said could undermine a successful election process, including delayed agreement on the legal framework for the election, security and policing throughout the electoral process, and the efficiency of Independent National Electoral Commission (INEC) organs at the local government, constituency and ward levels.

The delegation also pointed to continuing uncertainty over when the election will actually be held as the national assembly considers whether to postpone the polls from January to April 2011. This “continuing uncertainty surrounding the electoral timetable could render planning even more difficult for all electoral stakeholders and potentially diminish the enthusiasm of potential voters,” the delegation said.

It also noted that “a cardinal aspect of the electoral process, voter registration, has yet to begin” for the estimated voting age population of 70 million. “Many Nigerians worry that the logistical and capacity challenges associated with INEC's plans to develop a new, electronically-based voter register could further delay the registration process,” the statement said. As Nigeria's election preparations move forward, the delegation issued a number of recommendations. They included:

- Nigeria's leadership should continue to affirm its commitment to free, fair and credible elections.
- The government should make clear that electoral misconduct by public officials, politicians, and members of the security services will not be tolerated.
- The national assembly and state assemblies should act to permit postponement of the elections from January 2011 to a later date.
- INEC should continue to enhance and facilitate regular and open communications with political parties, civil society, security services, media, the public and other election stakeholders, and develop a voter education program.
- Election observers should be granted accreditation well before the start of voter registration and observers should be guaranteed access to registration centers, polling stations, and tabulation facilities.
- Security services should require that all officers remain neutral, avoid intimidating voters and ensure that priority during elections is placed on protecting civilians
- Political parties should consider measures to reduce politically motivated violence.

Other members of the delegation include Christiana Thorpe, chairman of the Sierra Leone Election Commission; Peter Lewis, director of the African studies program at the School of Advanced International Studies at Johns Hopkins University; Nazmul Kalimullah civil rights activist and professor at the University of Dhaka, Bangladesh; Christopher Fomunyoh, NDI senior associate and regional director for Central and West Africa; and Barrie Freeman, NDI deputy regional director for Central and West Africa.

The delegation met with the chairman and senior officials of the INEC, political party leaders, members of the national assembly, presidential aspirants, civic and religious leaders, government officials, the acting inspector general of police, journalists, academics, citizen election observer groups, development partners and the Economic and Financial Crimes Commission.

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## **Appendix B: Second Pre-Election Assessment Mission, February 28 – March 3, 2011 (organized by IRI)**

### **Nigerians Hopeful for Credible Elections in April Despite Continuing Challenges**

March 3, 2011

**Abuja, Nigeria** – The citizens of Nigeria will go to the polls in April, engaging in the largest electoral exercise in Africa in 2011. The elections in Nigeria are critical to the future well-being of this nation; but they are also of great importance to the continent of Africa and especially the sub-region of West Africa.

The balloting will begin with the national assembly elections on April 2, followed by presidential and vice presidential elections on April 9, and concluding with state level (governors and state assembly) elections on April 16. To assess the legal and political environment prior to this exercise of the franchise, IRI deployed an assessment mission to Nigeria from February 28 to March 3, 2011. Led by His Excellency John Kufuor, former president of the Republic of Ghana (2001-2009), this mission met with almost all major stakeholders involved in the 2011 election cycle.

The IRI delegation met with the Chairman and commissioners of the Independent National Electoral Commission (INEC), members of the national assembly, the President of the Court of Appeal, and the Inspector General of Police (IGP), as well as presidential candidates, religious leaders, representatives of political parties, civil society organizations, including women's activists, the media, and international development partners.

The mission was assured by both the INEC and IGP that the government has provided adequate funding to conduct the April elections.

The delegation noted with satisfaction the commitment by INEC Chairman Attahiru Jega, who, a few days prior to the mission's arrival, made the following public statement, "The commission will spare no effort on its promise that the elections will be free, fair and credible. We recognize that a major step towards achieving that goal is to be transparent with our operations."

Chairman Jega reaffirmed this commitment in the meeting with the IRI delegation. In every one of its meetings, the delegation heard praise for the INEC chairman. It is clear that the Nigerian people have confidence in Chairman Jega's commitment to transparent, free and fair elections. Nigeria is fortunate in having an INEC Chairman praised across the political spectrum. However it is also critical that this confidence in the Chairman's integrity extends to the entire INEC structure. The means for achieving this is for all INEC personnel to exercise the utmost professionalism and impartiality in the fulfillment of their responsibilities. The delegation further noted a strong desire from Nigerian stakeholders to raise the quality of their electoral processes and, equally of note, was encouraged by the stakeholders' respective commitment to an improved process.

There are still some challenges to address with less than a month to go before the first of the series of important elections in April 2011. The delegation offers the following observations and recommendations:

- All stakeholders should continue to support the electoral process by renewing their public commitment, through words and deeds, to respect the independence of INEC, the sanctity of the electoral process and respect for the rule of law.
- Some stakeholders expressed concerns about security. The delegation was informed that full funding and an operational plan for the deployment of security personnel is in place for the elections. **The appropriate authorities are urged to continue to take steps to allay these fears.**
- The Nigerian Judiciary, which is already confronted with an overburdened docket, has had added to its responsibilities a role of adjudicating electoral disputes. This has allowed for situations through which candidates can thwart the will of voters as well as placing the courts in a politicized environment detrimental to public confidence in the integrity of the judicial branch of government. **It is recommended that consideration be given to the establishment of an administrative review process of petitions before they reach the court to determine whether they are frivolous or would materially affect the outcome of an election and thus merit judicial hearing. It is also recommended that, for these April elections, Nigerians only refer electoral disputes to the courts once all other means of resolution have been exhausted.**
- Another concern presented to the delegation was that of unequal access to state media. Given Nigeria's political landscape, the ability of political actors to have access to the media remains central to a fair election process. **All those who feel aggrieved are encouraged to document unequal access and submit their complaints to the appropriate media regulatory agencies and INEC. Media outlets are encouraged to ensure fair coverage of political activities.**
- The delegation welcomes the cooperation between INEC and the political parties in the development of a Code of Conduct for the parties, which is scheduled to be signed by all political parties and INEC on March 8. **This is an important initiative by INEC and the parties, but it will be imperative that parties ensure that their candidates and supporters strictly adhere to the code.**
- In early February 2011 the INEC completed what many Nigerian stakeholders consider to be a successful voter registration exercise. The commission decided not to use the old, flawed, voter register and, instead, developed a completely new register using biometrics. INEC reported that it registered more than 67.7 million voter names. **The INEC should build on this register to undertake continuous voter registration after the 2011 elections to improve the quality of the data captured.**
- The delegation was encouraged by the decision of INEC to address past election problems related to the integrity of the ballot process. In an attempt to strengthen the independence of poll workers, INEC has announced its intention to deploy members of the National Youth Service Corps (NYSC) as poll workers. **However, based on reports that NYSC members, in some instances, were not well trained to handle the voter registration process, it is imperative that the commission ensures the proper and timely training of these workers before the elections commence.**
- It was highlighted to the delegation that election offences have gone unpunished in Nigeria. In order to send a forceful message that Nigeria is serious about remedying this history and promoting respect for the law, **the appropriate authorities should take the necessary legal actions to prosecute individuals, including election officials, flouting the election law and committing such offences.**

- The delegation was concerned to hear about and see media reports of inflammatory rhetoric, including such characterizations by political actors as these elections being "do or die politics." This neither promotes a respectful and thoughtful process nor encourages participation. **Political parties, candidates and supporters should refrain from using inflammatory language in the run up to the elections.**
- The manipulation of youth to perpetrate violence on behalf of political actors continues to be a significant threat to the integrity of the electoral process. For the benefit of the April elections, as well as the long term health of Nigerian democracy, **it is recommended that those who engage in election-related violence in 2011 be prosecuted to the full extent of the law. There should be no tolerance for those who engage in violence.**
- It was reported to the delegation that, in past elections, there has been a failure to adequately pay polling staff and police, resulting in a circumstance that can make these individuals susceptible to being compromised. **The appropriate authorities should ensure the provision of sufficient and timely funding to enable these persons to fulfill their electoral duties.**
- The delegation was advised that the "modified open ballot system" would be used for the 2011 elections in an attempt to reduce multiple voting and other fraud on Election Day. This is a significant change from the system used in 2007. **It is recommended that there be vigorous and extensive voter education between now and Election Day to emphasize this change.**
- There exist strong barriers, including the use of violence and intimidation, to the full participation of women in Nigeria's political life. **Political parties should ensure that women have equal access to leadership opportunities, including the ability to run for office at all levels of government. Political parties are encouraged to examine party structures and procedures with the objective of removing all barriers against the participation of women.**
- The delegation heard numerous concerns about the lack of transparency and accountability of Nigeria's campaign financing system. The deficiencies and abuses of this system continue to undercut the credibility of the electoral process. **The delegation strongly recommends that, at a minimum, political parties and candidates fully adhere to current financial disclosure rules. Further, for the longer-term confidence in the election system, the delegation recommends the establishment of a national commission to develop a comprehensive framework to strengthen the reporting of all expenditures related to the activities of political parties and candidates and the prosecution of campaign finance violations.**

In addition to His Excellency John Kufuor, the delegation included Dan Fisk, IRI's Vice President for Policy and Strategic Planning; Martin Kimani, Director of the Michael S. Ansari Africa Center, the Atlantic Council; Fernand Julien Gauze, Secretary General of the Convention of Ivorian Civil Society; Charles Lasham, Electoral Consultant; and Frank Agyekum, Spokesperson for President Kufuor. Supporting the delegation were Paul E. Fagan, IRI's Regional Director for Africa; Mourtada Deme, IRI's Resident Country Director in Nigeria; Sarah Aldrich, IRI Assistant Program Officer for Africa and the IRI in-country team.

Since 1999, IRI's Nigeria program has focused on enhancing the credibility of the electoral process. With the 2011 elections approaching, IRI is working across the nation with a variety of stakeholders

including political parties, youth, women, media, persons with disabilities and civil society groups. IRI will send a delegation to observe the elections in April 2011.

IRI has monitored more than 135 elections in more than 40 countries, including Nigeria's 1999, 2003 and 2007 elections.

The delegation is grateful to all who took the time to meet with them and for sharing their views and opinions on the current state of the electoral process in Nigeria.

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## **Appendix C: IRI Preliminary Statement on Nigeria's National Elections, Released April 18, 2011**

### **Nigerian Election Major Step Forward**

April 18, 2011

**Abuja, Nigeria** – IRI found that the April 16, 2011 presidential election was a major step forward in advancing Nigeria's democracy. Under the capable leadership of Attahiru Jega, chairman of the Independent National Election Commission (INEC), the election overall was transparent and orderly, allowing Nigerians the opportunity to exercise their right to vote. Chairman Jega and his team have made great strides in improving the quality of Nigerian elections and deserve credit for what has been achieved in the short eight months since they were appointed.

At more than 340 polling stations where IRI observed, delegates were particularly impressed by the Nigerian people's desire for democracy coupled with their determination to vote. Voters came early, calmly stood in line for hours to be accredited and then vote and in many cases remained in place to observe the count. The National Youth Service Corps members, who administered the election, are to be especially commended for their dedication and hard work.

Also, worthy of note was the fact that between the April 9 national assembly elections and the presidential election, INEC addressed a number of deficiencies in the election process.

Many of Nigeria's political parties have been active participants in the electoral process, signing the Party Code of Conduct and demonstrating their willingness to accept results of the April 9 national assembly elections. IRI hopes the parties will continue to accept election results and encourages them to be a positive part of the process.

Civil society was also an active participant in the electoral process and played a significant role by conducting voter education campaigns and serving as domestic observers during the national assembly and presidential elections. Strengthening the role of civil society organizations and ensuring they have the resources to conduct voter education will improve future Nigerian elections.

IRI delegates also noted the role women played in the national assembly and presidential elections. Women served as poll workers, provided security and voted in large numbers in the urban centers. However, the extent to which women are fully participating in the political process needs to be addressed.

IRI's delegation recognizes that all elections are a process of pre-election environment and pre-election administration, Election Day voting, vote counting, post-election adjudication and acceptance of legitimate results. Even though IRI's delegation is not yet able to assess the acceptance of the results, the overall conclusion is that in at least four areas this election was different from the previous three national elections – particularly from the election in 2007 where IRI observed and reported serious electoral fraud and disenfranchisement of the voters. The areas where IRI observed the most improvements are:

- The overall integrity of the electoral process;

- The professionalism and independence of INEC, specifically the appointment of Chairman Jega and Nigerians' confidence in his leadership and ability to oversee open and transparent elections;
- A more proper role of security forces; and
- A reduction in election-related violence.

As Nigeria enters the final stage of the electoral process for the presidential election and prepares for the gubernatorial, state assembly and local government elections, IRI's delegation encourages the political parties and election and government officials at all levels to respect the will of voters by conducting the vote tabulation in a transparent and honest manner. The delegation further encourages all candidates and their followers to accept legitimate results and file legitimate complaints with the proper authorities.

In meetings with IRI and other international election observation delegations, Chairman Jega has said that Nigerians must not rest on their laurels and that they must continue to build on the high election standards set on April 16. In this context, IRI will issue a comprehensive report in the future which will include recommendations on how Nigeria can continue to strengthen its election institutions and processes. Among the issues to be covered in those recommendations will be: 1) revisiting recommendations of the Electoral Reform Committee which were not adopted by the national assembly; 2) improving the voter list to ensure people are properly registered; 3) strengthening civic education so all Nigerians fully understand the nature of the election process and their role; 4) ensuring that the political parties evolve into constructive actors in the process, respecting democratic values in their internal behavior and commitment to transparent elections; 5) addressing the problem of underage voting; and 6) ensuring polling stations have a manageable number of registered voters.

While violence has been relatively low during these elections, the IRI delegation extends its sympathy for those people and their families who have died or been injured during the process.

Representatives from Bangladesh, Canada, Estonia, Ghana, Kenya, Liberia, Mali, Mexico, Norway, Sierra Leone, Slovenia and the United States observed accreditation, voting and ballot counting in Abuja, Adamawa, Akwa Ibom, Cross Rivers, Ebonyi, Enugu, Kaduna, Kano, Kogi, Lagos, Nasarawa and Ogun.

IRI's delegation was led by former Slovenian Prime Minister and current Member of Parliament Janez Janša and Constance Berry Newman, member of IRI's Board of Directors, former Assistant Secretary of State for African Affairs and former U.S. Agency for International Development Assistant Administrator for Africa.

Other IRI delegates were:

- Nadia Diuk, Vice President, Programs – Africa, Central Europe and Eurasia, Latin America and Caribbean at the National Endowment for Democracy;
- Valerie Dowling, Political Director for the National Federation of Republican Women;
- Rich Galen, political strategist and commentator;
- Deborah Grey, former member of the Canadian Parliament and first-ever female leader of the official opposition;

- Arturo Sanchez Gutierrez, advisor to the Federal Electoral Institute in Mexico;
- Jake Hale, founder of CS Advisors, LLC;
- Maureen Harrington, former Vice President for Policy and International Relations at the Millennium Challenge Corporation;
- Nazmul Ahsan Kalimullah, Chairman of the National Election Observation Council (JANIPOP) in Bangladesh;
- Darren Kew, Associate Professor of Conflict Resolution and the Executive Director of the Center for Peace, Democracy and Development at the University of Massachusetts at Boston McCormack Graduate School of Policy and Global Studies;
- Ann Liebschutz, Executive Director of the U.S. – Israel Science and Technology Foundation;
- Beate Bergsholm Lindgard, Regional Campaign Manager and Head of Office of the Conservative Party in Norway;
- Robert B. Lloyd, Associate Professor of International Relations at Pepperdine University;
- Djingarey Maiga, Executive Director of *Femmes et Droits Humains* in Mali;
- Peter Manu, Vice Chairman of the International Democratic Union and National Chairman of the New Patriotic Party in Ghana;
- Ray McNally, President and Creative Director at McNally Temple Associates, Inc.;
- Victoria Middleton, Chief of Staff to U.S. Congressman Duncan D. Hunter (CA);
- John Morlu, Auditor General of the General Auditing Commission in Liberia;
- Maimuna Abdalla Mwidau, Chairperson of the League of Muslim Women of Kenya;
- Mart Nutt, member of the Estonian Parliament;
- J. Peter Pham, Director of the Michael S. Ansari Africa Center at the Atlantic Council;
- Christiana Thorpe, Chief of the Sierra Leone National Electoral Commission; and
- Christopher Tuttle, Director of the Washington Program at the Council on Foreign Relations.

IRI staff also served as observers and assisted in the mission. They were led by Judy Van Rest, Executive Vice President; Dan Fisk, Vice President for Policy and Strategic Planning; Paul Fagan, Regional Director of IRI's Africa division based in Washington, DC; and Mourtada Deme, Country Director of IRI's Nigeria program based in Abuja.

Upon arrival in Nigeria, delegates were briefed by representatives from the U.S. Embassy, INEC, international and Nigerian nongovernmental organizations and political parties. They were also briefed on Nigerian election law and the rights and responsibilities of international observers.

IRI also fielded a pre-election assessment mission earlier this year, which was led by His Excellency John Kufuor, former President of Ghana, and deployed 12 long-term observers to Nigeria's six geographical regions. IRI's long-term observers have been in Nigeria since March monitoring the campaigns and preparations for the national assembly elections, the presidential election and the gubernatorial, state assembly and local government elections. They also participated in observing the April 16 presidential election.

IRI has monitored more than 135 elections in more than 40 countries, including Nigeria's 1999, 2003 and 2007 elections.

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## Appendix D: Results of Election Observation Polling Station Checklists

<i>Item Observed</i>	<i>Yes (%)</i>
<b>Opening</b>	
Polling stations opening on time [n=127]	76
adequate materials present	86
adequate staff present	95
<b>Outside Polling Station</b>	
Tension or unrest in the vicinity of the polling station [n=140]	3
Polling station difficult to locate or poorly marked [n=138]	5
Absence of police outside the polling station [n=140]	6
Heavy police presence outside the polling station [n=139]	7
Police or military interfering inappropriately with voters [n=137]	1
Other problems in the vicinity of the polling station [n=122]	2
<b>Inside Polling Station</b>	
Overcrowding [n=134]	8
Campaign material or campaign activity [n=133]	3
Missing election materials [n=109]	8
Polling booths	5
Indelible Ink / Other	2
Intimidation of voters, election officials, polling agents, or observers [n=126]	6
Tension/Unrest [n=127]	3
Other problems in the polling station [n=105]	10
<b>Officials and (Un)authorized Persons</b>	
Were all the polling officers present upon arrival? [n=132]	98
Do the polling officers respond to questions, concerns, complaints? [n=124]	98
Are authorized (party) polling agents present in the polling station? [n=148]	97
PDP	89
CPC	63
ACN	48
ANPP	22
Labour Party	6
All Progressives Grand Alliance	2
Other	6
Are domestic non-partisan observers present in the polling station? [n=127]	35
Are any unauthorized persons present in the polling station? [n=108]	4
Has anyone informed you of problems in the polling station? [n=104]	6
<b>Accreditation</b>	
Did accreditation process commence at 8:00am? [n=98]	70
Voters checked for traces of indelible ink? [n=99]	90
Voters' voter card and photo card checked for accuracy? [n=105]	98
Polling officer checked the name of the voter on the voter registry? [n=103]	98
Voters left index finger marked with indelible ink? [n=99]	94
Are accredited voters waiting within the polling zone? [n=84]	68

## Appendix D: Results of Election Observation Polling Station Checklists (CONTINUED)

<i>Item Observed</i>	<i>Yes (%)</i>
<b>Close of Accreditation</b>	
Did polling officer declare close of accreditation before voting commenced? [n=19]	89
Did polling officer count and record the total number of accredited voters? [n=20]	95
<b>Voting Procedures</b>	
Did the polling officer explain the voting procedures to the voters? [n=19]	95
Invite all accredited voters to queue for voting? [n=20]	100
Polling officer request the polling agent to stand behind the last person? [n=12]	58
Polling officer opens the ballot box to display to voters that it is empty? [n=17]	94
Polling officer lock the ballot box with a seal? [n=14]	79
Polling officer declare the poll open? [n=21]	100
Polling captain check voters' voter card and photo for accuracy? [n=42]	100
Voters checked for traces of indelible ink? [n=41]	93
Polling captain apply indelible ink on voters' right index finger? [n=40]	98
Polling officer stamp and sign the ballot? [n=48]	100
Voters use voting booths to mark and fold ballots? [n=46]	85
Voters remain within the vicinity of the polling station after voting? [n=37]	92
Persons unable to vote because they are not on the voting list [n=50]	14
Polling officers having difficulty locating names of voters on the voting list [n=58]	5
Persons denied the right to vote for inappropriate reasons [n=55]	2
More than one person voting in a booth at a time [n=47]	4
Same person "assisting" numerous (more than two) voters [n=49]	4
Anyone voting, or attempting to vote, more than once (multiple voting) [n=48]	0
Anyone attempting to influence voters for whom to vote [n=47]	4
Indications of ballot box stuffing (e.g., ballots in stacks/clumps inside box) [n=56]	0
Ballot box(es) improperly sealed? [n=46]	4
Have official complaints been noted? [n=41]	7
Were the police called at any time while you were in the polling station? [n=64]	6
Other procedural problems? [n=51]	24
<b>Transparency</b>	
Were you given full access to polling station? [n=103]	100
Were all phases of voting process visible to polling officer and observers? [n=81]	100

Note: "n" indicates the total number of responses received for that particular data point. IRI's observers returned a total of 162 forms, corresponding to a like number of polling stations. Not all items were completed on each form, thus n is always less than 162. Also, IRI's observers visited 340 polling stations and did not complete forms for each one. This was intentional; IRI's observers were instructed to focus mainly on observing the elections, and to complete forms only when time and other factors allowed. The data obtained is thus illustrative, but not scientific.



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