



NIGERIA

**NATIONAL ASSEMBLY ELECTIONS, 12 April 2003
PRESIDENTIAL AND GUBERNATORIAL ELECTIONS, 19 April 2003
STATE HOUSES OF ASSEMBLY ELECTIONS, 03 May 2003**

**EUROPEAN UNION
ELECTION OBSERVATION MISSION**

FINAL REPORT

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1. EXECUTIVE SUMMARY

The 2003 elections were significant for Nigeria and the region in the context of transition from civilian to civilian administration.

Legal Framework: The laws provide for a workable framework for the elections, but contain many shortcomings, including a number of serious inconsistencies. The laws remain silent on a number of issues and the Independent National Election Commission (INEC) did not issue sufficient subordinate legislation, as envisaged by law. The many pre-election court cases made it difficult for the general public to get an overview of the applicable legal situation, but do provide for the necessary checks and balances of the system. Only candidates and political parties can file Election Petitions and no viable opportunity is given to address electoral malpractice for other interested parties, like voters.

Election Administration: The administration of elections in Nigeria suffers from a number of structural shortcomings. The legal provisions governing the appointment and removal of the members of the Independent National Electoral Commission (INEC) on both Federal and State level, as well as the lack of autonomous sources of funding do not provide adequate guarantees for the independence of the electoral authorities and for effective and consistent implementation within the States of the directives issued by the Headquarters. The nature of the structural shortcomings is such that they could not be overcome in time to allow for a genuine improvement between the National Assembly Elections and the State Houses of Assemblies. The challenge of organising a series of elections in Nigeria, given the size of the electorate and the limited infrastructure, was further compounded by the late release of funds to INEC.

The electoral preparations by INEC, and in particular the registration of voters, started too late and led to recurrent delays during the whole electoral process. Many deadlines were missed and certain legally prescribed tasks, such as the display of the voters register, were not fully adhered to. INEC also did not disseminate adequate guidelines and instructions on certain matters, for instance regarding political party campaigning and candidates' nominations.

Voter Registration: Voter registration has been a main source of difficulties and controversy. The establishment of a computerised register is commendable; however, the task and complexity of the process was seriously underestimated, especially given the time available. The initial registration exercise in September 2002 was marred by numerous problems and the make-up registration in January 2003, as well as the Claims and Challenges Period, did not provide adequate opportunities for corrections. The number of total registered voters announced by INEC shortly before Election Day varied greatly (from 67.9 million applications only 60.8 million were accepted in the final register) and fuelled suspicion, particularly as the process of detecting and deleting millions of applications in a short period was not transparent.

Voter Cards: The distribution of voter cards started late and created confusion, as there was conflicting information on whether registered voters who had not been issued voter cards could still vote on Election Day. The distribution subtracted critical resources from the distribution of material to polling stations for the General Assembly Elections, and

then continued largely unmonitored between the various electoral dates. The poor and non-uniform implementation of the exercise provided fertile ground for underage voting and voter impersonation.

Election Related Violence: The elections in general were more peaceful than expected, to which the deployment of the Military and additional government security forces contributed. However, there were a number of serious incidents resulting in death. The EU EOM recorded 105 election-related deaths.

Election Days Assessment: In a number of states the conduct of the elections did not comply with Nigerian law and international standards. Various parties – mainly the established ones - were identified as being involved in malpractice. INEC was unable to counteract this tendency, as a result of an insufficient level of technical and logistical preparation and the inadequate implementation of its own procedures. This combined to seriously undermine the transparency and regularity of the process. Systemic flaws and shortcomings marked the election process across the country, in particular in regard to the voters' list, ballot distribution and safeguards against multiple voting.

The *National Assembly Elections* (12 April) took place in a generally peaceful manner. However, the process was marked by serious shortcomings and delays in the electoral preparations. The conduct of the elections brought to the fore several areas for necessary improvements. Many of the shortcomings experienced on Election Day were the consequence of the late release of the voters' lists and find their roots in the problematic registration process. In particular, the resources devoted to voters' cards distribution exercise caused a setback in other logistical preparations. On Election Day, the main problems included late opening of most polling stations, lack of secrecy of the vote and in certain areas elections did not take place. Some observers witnessed serious irregularities in the collation of results, e.g. in Enugu and Rivers State.

The *Presidential and Gubernatorial Elections* (19 April) were marred by serious irregularities and frauds. In a number of States the minimum standards for democratic elections were not met. EU EOM observers witnessed and obtained evidence of widespread electoral fraud (ballot box stuffing, forgery of results and other irregularities) in Cross River, Delta, Enugu, Kaduna, Imo and Rivers. Similar irregularities, to a lesser extent, were observed in other States including Anambra, Benue, Edo, Katsina and Nassarawa. In many other States of the country elections were reported as by and large orderly and peaceful. The improved logistics arrangements from INEC allowed polling to start largely on time and the entire process benefited from it, but INEC guidelines of 15 April only partially remedied some of the various shortcomings observed on April 12.

After the release of the EU EOM's preliminary statement on 22 April, its findings of serious irregularities were confirmed by new information received and acquired by observers. Newly emerged issues such as large differences between votes cast for the Presidential and for the Gubernatorial Elections were not clarified.

The *States' House of Assemblies Elections* (3 May) were marred by serious electoral fraud (ballot box stuffing, multiple voting and forgery of results) in Cross River, Delta, Edo, Enugu, Imo, Kaduna and Rivers. Elections in the mentioned States lack credibility and the level of frauds effectively disenfranchised a considerable number of voters. In a number of other States, including Abia, Anambra, Benue, Ebonyi, Katsina and

Nassarawa similar irregularities, to a lesser extent, compromised the integrity of these elections. In all other States, the elections were observed to be relatively calm and orderly. Overall, no improvements were noticed in the general administration of the process compared to the Presidential and Gubernatorial Elections.

Announcement and Publication of Results: The manner and timing of the publication of the results and announcement of postponed or suspended elections added concerns about the credibility of the whole process. In many instances, the announcement of electoral results remained incomplete and insufficiently detailed. In particular, the publication of official results did not include the number of registered voters. In certain States where results were made available, substantial discrepancies were recorded between votes cast for the Presidential and for the Gubernatorial elections. Throughout the electoral period, it proved to be difficult to ascertain whether a number of electoral races for various levels of elections were to be held. Whenever postponed elections were observed, the process lacked any credibility due to the many observed serious cases of electoral fraud (fabrication of results).

Election Petitions: At the time of writing of this report, a limited number of Elections Petitions have been filed, mainly regarding the National Assembly Elections and the Gubernatorial Elections. One petition was filed by the Movement for Democracy and Justice (MDJ) presidential candidate challenging the result of the Presidential Elections. Two Election Tribunals issued decisions ordering INEC to provide the tribunals with all relevant documentation.

Media monitoring: Federal and State-owned media were biased in favour of the parties and candidates in power throughout the elections. These media have a particular obligation to provide impartial and unbiased information to the electorate, because they are publicly owned and because of their advantage in reaching the largest number of people in Nigeria. However, detailed analysis shows that they failed to live up to this obligation. Even considering the relative activities of the different parties and the advantages of incumbency, the amount and favourable nature of the coverage of the ruling party was contrary to the standards set by the Electoral Law and the National Broadcasting Commission.

The privately owned broadcast media monitored gave greater access to the major political parties and candidates in opposition, however to a large extent to those presidential and gubernatorial candidates able to pay for access to the media (through advertising). This led to a generally uncritical treatment by the privately owned media of the parties and candidates.

Parties had greater access to the print media in terms of advertising and electoral coverage, although editorial and professional standards were clearly demoted in favour of commercial gain, as a result of the poor economic condition of most newspapers. Nevertheless the print media should be commended for carrying out a lively debate about the results of the general elections.

Recommendations:

Where petitions are filed by political parties or candidates Election Tribunals and the Court of Appeal shall carefully analyse the evidence provided and decide without delay.

INEC together with the state authorities in charge must take necessary steps in order to create conditions for genuine elections observed by domestic observers in case elections are nullified in one or several states. This relates particularly to those above mentioned states where serious patterns of irregularities and fraud have been observed and the trust and confidence of the electorate in the 2003 elections has yet to be re-established.

The police, the judiciary and INEC should conduct investigations without further delay against those involved in the irregularities and malpractices observed and reported by the different domestic and international observer groups. Subsequently, INEC must take adequate measures, such as dismissing INEC officials involved in malpractice.

The complete results of the elections should be made available and published as soon as possible, giving detailed breakdowns of results on all levels, down to the level of the polling stations, including the number of registered voters.

With regard to the legal framework the EUEOM recommends a total review of the legal framework to remove inconsistencies and to provide for a better conduct of elections, in particular a) introduction of provisions guaranteeing INEC's independence with regard to appointment and removal of key personnel as well as funding, b) a merger of the dual structure of RECs and SIECs in order to increase institutional capacity of the election administration.

With regard to the election administration the main recommendations are: a) Implementation of a permanent electronically based voter register including a central database and improved voters cards, b) improved transparency of INEC activities, in particular better communication and service provided by INEC for political parties and candidates.

With regard to the media it is recommended that National Broadcasting Commission is using transparently and impartially its powers to sanction media conduct which violates the law.

Conclusions: The irregularities observed and reported by the EU EOM, as well as the recommendations as set forth in detail in the last chapter of this report, need appropriate action by the relevant authorities without delay. This is considered by the EU EOM as being of utmost importance for the restoration of the trust and faith of all parties involved in democracy in Nigeria.

2. INTRODUCTION, BACKGROUND TO THE MISSION AND ACKNOWLEDGMENTS

The long-term stability of Nigeria and the legitimacy of its government are crucial factors for the success of the new African initiatives, in particular the credibility of the African Union and its development goals embodied in NEPAD. Nigeria is also central to West African regional stability. For these reasons, the Nigerian elections were considered a priority for international support. A programme of election assistance to the 2003 elections was elaborated by the UN Electoral Assistance Division (UNEAD), with European Commission support worth € 6.5 million from the European Development Fund, comprising three components: civic and voter education, domestic observation and

support to INEC's information policy. Nigeria is also a focus country for support under the European Initiative for Human Rights and Democracy.

The EU was invited in February 2003 by the Nigerian government to observe the elections of April and May. The Mission started its work on 11 March and closed operations on 20 April. It consisted of eleven core team members¹, 38 Long Term Observers² (LTOs), and 62 Short Term Observers³ (STOs - 51 coming from Europe and 11 locally recruited in country from the staff of EU member states embassies). The European Parliament was present with a delegation of one MEP⁴ and one EP staff during the Presidential and Gubernatorial elections on 19 April. The total strength of the mission on the three Election Days varied between 108 and 118 persons.

In order to achieve an even coverage throughout the country 19 LTO teams were deployed staying permanently in 17 different locations (Abuja, Akure, Bauchi, Benin City, Enugu, Ibadan, Ilorin, Jos, Kaduna, Kano, Lagos, Maiduguri, Makurdi, Minna, Port Harcourt, Sokoto, Yola). From these locations STOs were deployed to adjacent states in order to stay there for a limited period of days. Out of 36 states and the Federal Capital observers on Election Days covered 31 states (12 and 19 April) and 32 states (3 May). With exception of Bayelsa (security concerns) all states were visited.

The core team and the LTOs conducted a wide range of meetings with representatives of political parties, state authorities and traditional leaders, members of the election administration, representatives of the civil society as well as the media. Activities of the mission were widely covered by domestic and international media.

The Mission issued a preliminary statement after each of the three Election Days⁵ (see Annexes) and conducted two press conferences. The Mission followed the EU election observation methodology⁶. The Mission assessed the elections on the basis of international standards, which bind Nigeria, and on domestic law.

Appreciations:

The Mission would like to take the opportunity to thank the people of Nigeria for their hospitality and generosity shown to all members of our team during our staying in Nigeria. We further would like to thank the Nigerian authorities and in particular election

¹ Mr. Max van den Berg (Netherlands) as Chief Observer, Mr. Oskar Lehner (Austria) Deputy Chief Observer, Mr. Heinz Jockers (Germany) Country Expert, Mr. Domenico Tuccinardi (Italy) Election Expert, Mr. Adriaan Stoop (Netherlands) Legal Expert, Ms. Gillian McCormack (United Kingdom) Media Expert, Mr. Riccardo Barranca (Italy) Press Officer, Mr. Michel Paternotre (Belgium) LTO Coordinator, Mr. Miguel Jesus Arranz (Belgium) Operation Expert, Mr. Frank Balme (France) Operation Expert Assistant, Mr. Julian Cheasley (United Kingdom) Security Advisor.

² Including two Norwegian LTOs.

³ Including an STO from Hungary

⁴ Ms. Karin Junker (Group of the Party of European Socialists, Germany).

⁵ See texts also under: www.eueomnigeria.org or http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/index.htm

⁶ See Handbook for European Union Election Observation Missions

officials for their co-operation. The Mission expresses its appreciation to the Inspector General of the Nigerian police and his police corps for providing professional protection to all mission members under difficult conditions. We also thank representatives of political parties and civil society for their co-operation.

Many domestic election observer organisations, namely Transition Monitoring Group (TMG), Justice, Development and Peace Commission (JDPC), the Federation of Muslim Women's Associations of Nigeria (FOMWAN), Muslim League for Accountability (MULAC), Labour Election Monitoring Team (LEMT), conducted an excellent election observation. The fact that they shared their analysis, insight and knowledge with us was greatly appreciated.

The core team held weekly meetings and briefings with representatives of the embassies of the EU member states and acceding countries as well as Norway. The Mission would like to express its appreciation for the excellent co-operation with all above-mentioned embassies and to convey its gratitude for the support received. In particular it would like to thank the Head of the EC Delegation, Ambassador Leonidas Tezapsidis for his continued extensive support, which was of particular help in fulfilling the mandate of the Mission.

The EU Election Observation Mission was implemented as a joint project of the European Union and UNDP. The core team would like to express its gratitude to Mr. Jules Frippiat, Resident Representative of UNDP Nigeria, for his good co-operation.

3. POLITICAL BACKGROUND

3.1. Short Overview of Nigerian History since Independence in 1960

The post-independence Nigerian political landscape has been highly unstable. It was never possible to create a political leadership that would be acceptable countrywide. Since Nigeria's independence in 1960 there were only fifteen years of a civilian political administration. The remaining 28 years were made up of different military dictatorships. Many of the internal political problems have their roots in the colonial period. The policy of divide-and-rule instigated by the colonial administration through indirect rule kept Nigerian interests separate and discouraged national integration of the diverse groups into the artificially created entity that is Nigeria. Although efforts were made to prepare Nigeria for independence, its history has been characterised by fighting and rivalry. This is still a major factor of Nigerian life today. For a certain time it appeared that the political leadership was dominated by Northern traditional powers. The First Republic (1960 – 1966) was marred by political unrest and only the military were in a position to guarantee the unity of the country. The attempt by the Military dictator General Ironsi to form a central government in the end led to the Civil War (Biafran War 1966-1970). General Obasanjo, who made a name in the Civil War, came to power 1976 after General Murtala Mohamed was killed in a coup. Obasanjo stayed in office till 1979 when he handed over to the new elected President Shagari.

The Second Republic (1979-1983) was essentially a rehash of the First Republic with the same players. The same political parties emerged in new clothes. The elections in 1983 were marred by large-scale malpractice and violence and the ruling National Party of Nigeria consolidated its position with a 'landslide victory'. The politics of regionalism and ethnicity was re-introduced in spite of certain measures taken by the presidential system to develop political norms, practices and culture. The problems of the First Republic such as political intrigues, manipulation of ethnic and regional sentiments, electoral fraud, corruption, violence, deceit and the pillaging of national resources by the political class continued. The change from a parliamentary system to a presidential system did not substantially change the political sphere.

The second republic came to an end with a military take-over led by General Mohamed Buhari (1983), who was ousted by General Babangida (1985). The annulment of the so-called 'June 12 election' (1993) marked the end of the Babangida administration and gave way to an interregnum known as the Third Republic, which was overthrown by a new coup under General Mohammed Sani Abacha (1993). The Abacha Years were characterised by corruption on a larger scale than ever before, political suppression and political killings using government death squads. This period ended in 1998 with Abacha's sudden death. His successor General Abdulsalami Abubakar paved the way for a new civilian political administration under retired General Obasanjo, who was elected in 1999.

Officially more than 10.000 people have been killed in ethnic and/or religious clashes during the Obasanjo administration. Often the background to these conflicts has been the issue of distribution of land.

3.2. Ethnic and Religious Composition

In Nigeria there are about 420 languages and more than 1.000 dialects. Language is also the only criteria identified for differentiating between the different ethnic groups. Three main peoples – the Hausa-Fulani in the North with about 20%, the Yoruba in the South-West with about 20% and the Igbo in the South-East with about 15% and hundreds smaller ethnicities form the population of 120 million inhabitants. Other large groups each with about 3-4% of the population are the Tiv from the Middle Belt, the Ibibio and Ijaw in the South and the Kanuri in the North-East. Most of the smaller groups are concentrated in the Middle Belt and in the South, however there is no state without minorities. Hausa is the lingua franca in the Middle Belt and in the North while Pidgin is the dominant language in the South.

The political influence of the traditional structures is evident even today and these structures reach much deeper into society than the modern state. They are represented down to the ward level while the modern administration rarely goes further than the capital of the Local Government Area. To refer to them as a ‘second administration’ may illustrate their importance. They are financed with 3-5% of the annual budget from the State.

Since there is no reliable census it is very difficult to judge the spread and percentage of followers of the different religions. The followers of Christianity (established, Pentecostal or various other churches) are estimated at 50%, followers of Islam, who are concentrated in the North and South-West, are also estimated at 50%, but many people are followers of traditional religions at the same time.

4. POLITICAL LANDSCAPE

4.1. Overview of Political Parties

Of the 30 registered parties only 20 parties had candidates for the presidential election. It was clear that only two candidates, incumbent President Obasanjo and retired General Buhari (both former military dictators), had a realistic chance of election. Many of the other parties used the opportunity to increase their political profile and to gain experience with a view to elections in 2007.

Most of the parties were first registered only at the end of 2002, with the consequence that they had little time to build party structures and develop campaign strategies. The National Conscience Party, with its candidate Ganiyu Fawehinmi, a famous human rights activist, fought a two-year legal battle to get registered.

The Peoples Democratic Party (PDP) won the elections observed with a large margin, but not in all states the election results are credible (see below). The results of the elections for the House of Representatives and the State House Elections showed that there was room for other parties as well.

The ethnic configuration played a role in all the parties' presidential line-ups. Either the presidential candidate was a Northerner with a running mate from the South or vice versa. This selection according to area or tribe was also evident in the choice of gubernatorial candidates. Within the political parties there was rather a process of selection than election in term of the nominations. This led to considerable tension between candidates since many who lost out in the primaries decamped to other parties and even became the main flagbearer of their new party. This is especially true for the Alliance for Democracy (AD), which even presented some former PDP governors as their candidates, for example in Bornu and Anambra. This also illustrates the fact that party-ideology and solidarity is a matter of little or no concern for the greater part of Nigerian politicians. The system strongly encourages personal strategies rather than any kind of ideology of political platform.

Smaller parties might have been an exception. Their basis is very often found in NGOs who form a very lively part of society. For some time they were very reluctant to go into politics but this seems to have changed. Their limit might be that they are very often concentrated on a region or on a certain subject lacking a wider scope. Politically they may only have a chance if they can find a unifying agenda to form an alliance.

The political parties that have been formed appeared to have either strong religious or ethnic agendas. This has always been a significant part of the strategy for winning political power by political parties.

4.2. Peoples Democratic Party (PDP)

Presidential candidate incumbent President Olusegun Obasanjo, Vice Alh. Atiku Abubakar

The Party is not concentrated in specific areas or on religion, though ethnically there is a strong Yoruba influence. Lacking a clear ideological basis or 'being a mix of ideologies' the Party can be seen as an organisation of people with 'political' interests, formed in 1999 partly in order to keep the soldiers in the barracks. The economic blueprint authored by the President does not show signs of any ideological position for managing the economy and has not been widely publicised.

4.3. All Nigerian Peoples Party (ANPP)

Presidential Candidate Muhammadu Buhari, Vice Chuka Okadigbo

The Party has its base mainly in the North and is dominated by the Hausa/Fulani. The ANPP did not declare any religious policy but immediately after the elections in 1999 Zamfara State declared itself a Sharia State. Other mainly ANPP-run states followed although PDP-run states in the North also introduced Sharia law. Many Nigerians see the ANPP as a pro-Islamic party even if they do not associate it directly with Sharia.

4.4. Alliance for Democracy (AD)

AD has its stronghold in the Yoruba areas and is seen by many as a tribal orientated party. To get into the mainstream of Nigerian politics the AD decided to widen its appeal and several Northerners have become members of its leadership. For the 2003 election the party decided not to present its own presidential candidate and instead supported incumbent President Obasanjo – a strategy which was not necessarily successful, since all their governors were ousted (gubernatorial elections took place on the same day as the presidential elections) except in Lagos. It is the first time in Nigerian history that the Yoruba have not voted en bloc.

4.5. New and Smaller Parties

In the House of Representatives seven members represent five different smaller parties: among them the United Nigeria Peoples Party (UNPP), the All Progressive Grand Alliance (APGA) and the National Democratic Party (NDP). They may represent a new tendency in Nigerian political life especially when they are strong enough to form political alliances. These are parties with former human rights activists as their candidates like National Conscience Party (NCP) with Ganiyu Fawehinmi, Peoples Mandate Party (PMP) with Arthur Nwankwo and Peoples Redemption Party (PRP) with Musa Balarabe. This last party has a long history in the Nigerian political context as a socialist movement and they were known as the spokesmen for the Talakawa (the downtrodden) during the first Republic.

5. LEGAL FRAMEWORK

5.1. Relevant Legislation

The main laws relevant to the organisation and conduct of the elections are the 1999 Constitution and the Electoral Act 2002, as well as subordinate laws in the form of INEC Guidelines. For the media, the Nigerian Broadcasting Code is the main legal document (see chapter 16 of this report).

The Constitution

The Constitution was adopted in 1999 after the general elections held in that same year. The document sets out the ground rules for the election of the President, members of the National Assembly (which consists of a Senate and a House of Representatives) and Governors and State Houses of Assembly for each of the 36 states. Furthermore, the Constitution establishes INEC, tasks it with the conduct of the elections and provides it the authority to issue rules and regulations on certain matters. The Constitution also contains rules for the establishment of State Independent Electoral Commissions (SIECs) and Election Tribunals as well as rules for the establishment and conduct of political parties, including their finances.

The Electoral Act 2002

The Electoral Act 2002 regulates in detail the actual conduct of the elections. It covers all relevant items, including voter registration, political party registration, candidate nominations, political party finances, the electoral procedures and – imbedded in the text – a code of conduct for political parties, their candidates and supporters, as well as electoral offences and Election Petitions. It stipulates that INEC shall issue further regulations on certain matters, such as voter registration, political party campaigns and finances. Until shortly before the elections, there was uncertainty as to which version of the Electoral Act would be applicable on the general elections – due to *inter alia* a court case in which it was argued that the Act had not been duly adopted by the National Assembly. Furthermore, in the run up to the elections, certain deadlines in the law were amended by the National Assembly.

INEC Guidelines

The 1999 Constitution and the Electoral Act 2002 stipulate that INEC is authorised – and on certain matters obliged – to issue rules and regulations on election related matters. In practice, INEC issued few of such subordinate laws. In 2002, INEC issued Guidelines on the Registration of Political Party's – declared void by the court at the end of that year – and Guidelines on the Registration of Voters. Early April 2003, INEC issued "Guidelines for Federal, State and Area Council (F.C.T.) Elections". Mid March 2003, INEC presented a Code of Conduct for Political Parties. However, being part of the Electoral Act all provisions of this Code were already applicable to the political parties. Between the 12 and 19 April polls and between the 19 April and 3 May polls, INEC issued fresh guidelines, in an attempt to improve the actual conduct of the elections. These guidelines, however, were not very detailed and did not contain rules on some of the major shortcomings of the elections – and had therefore little noticeable effect. Despite a legally prescribed obligation, INEC did not issue specific guidelines on campaigning and on political party finances.

5.2. Positive Aspects and Shortcomings

The positive aspects of the laws include the following.

- The election law entitles observers and party agents to observe most aspects of the electoral process. This generally gives the possibility for a transparent process, open to public scrutiny, and could increase the confidence of political parties and voters in the process.
- The counting takes place at the polling stations, improving the speed and transparency of the process and reducing the likelihood of constituency centres being a focus for tension and violence.
- Due to a court judgement of end 2002, new political parties can easily register and therewith enter the political race.
- The National Broadcasting Code provides for fair and balanced coverage of all political contenders by all media – although in practice this did not take place.

However, the laws also contain a number of shortcomings, including:

- On a number of issues, the laws are not specific enough. For example, the Electoral Act states the possible judgements on Election Petitions, without mentioning whether – in case of substantial non-compliance – the courts can order re-elections to take place in whole or in part.
- Due to one section of the Electoral Act having been declared void, while the rest remained in force, this law became contradictory on many points; elections could be held on different days while the act had been designed for elections to be held on one and the same day. Furthermore, some provisions in the Electoral Act are directly contradictory. For example it stipulates that notice of elections must be given at least 90 days before the elections are held, and it further stipulates that political parties must present the list of candidates at least 90 before the elections as well.
- The laws do not adequately regulate the campaign period. It stipulates that INEC should issue guidelines on the campaign, but INEC failed to do so.
- Last minute amendments were made to the Electoral Act, in particular changing some of the deadlines. This was not conducive to the transparency of the process.
- The laws do not limit the number of assisted voters per assistant. This opened up the possibility for fraud and undue influence, in particular in light of widespread illiteracy and reported attempts to buy votes.
- The laws do not stipulate how results should be announced and published and in what detail – breakdowns down to polling station level.
- The laws do not adequately provide for independence of INEC. It states that all commissioners on both Federal and State are appointed by the President and moreover that INEC is dependent for its funding on the government.
- INEC and the State Independent Electoral Commissions (SIECs) are separated by law. This does not allow for an optimal use and pooling of resources.
- The laws do not limit the number of party agents per polling station per party. This led to an overrepresentation in a number of polling stations, sometimes up to five agents for one party.
- The laws do not authorise INEC to issue specific rules to enable voting for polling officials, police officials, military and other groups who were due to their role on Election Day not able to vote in the ordinary manner.
- The laws do not explicitly task any institution (other than general civic education by the National Orientation Agency) with voter education regarding electoral issues.
- The laws do not provide an opportunity for interested parties, in particular voters, to file complaints, other than resorting to an Election Petition, which can only be filed by candidates or their parties.
- The laws do not contain provisions regulating the tracking of sensitive material, including ballot papers.

INEC Approach

In the context of the positive aspects and shortcomings as set forth above, the adherence to and interpretation of the laws by INEC was a weak point. As mentioned, INEC did not issue guidelines or sufficiently detailed guidelines on a number of issues where the law envisaged or obliged INEC to do so. Furthermore, the INEC Guidelines on Registration of Political Parties (before the decision by the Supreme Court in December 2002) were overly restrictive, instead of allowing and facilitating new political parties to join the contest – as should have been the case. Last but not least, INEC has shown no indication that it takes serious its legally prescribed duty to enforce the rules on political party's finances and campaign expenditure.

5.3. Court Cases / Election Petitions / Complaints

Conventional Court Cases

Many court cases were initiated with regard to the elections in which various interested parties figured as claimants or defendants, including political parties, individual candidates or some that lost the party primaries, INEC (including individual commissioners), the National Assembly and the President. The following is a selection of the most significant court cases the headings refer to the contents of the relevant judgements.

Annulment of Guidelines on Registration of Political Parties

The judgement with the most far-reaching consequences for the elections was issued in a court case initiated by Chief Gani Fawehinmi against INEC regarding the Guidelines for Registration of Political Parties, issued by INEC in May 2002. Ultimately, the Supreme Court ruled in December 2002 that the guidelines were overly restrictive and therefore in violation of the Constitution. As a result of this ruling, 26 new political parties registered for the elections. However, for many parties the period was too short to properly prepare for the elections.

Annulment of Section 15 of the Electoral Act

Another prominent court case was initiated by INEC against the National Assembly, alleging that section 15 of the Electoral Act 2002, stipulating that at a general election all elections must be held on the same day, was in contravention of the Constitution, which gives INEC the authority to decide on the dates of different elections. The Federal High Court of Abuja ruled in favour of INEC, setting aside section 15 of the Electoral Act. This led to difficulties later on in the electoral process as the rest of the Electoral Act 2002 is based on the assumption that all elections are taking place at the same day. For example, it proved difficult to enforce the rule of no campaigning 24 hours before Election Day while there were three different election days. In this case, the President joined the proceedings arguing the invalidity of the whole Electoral Act 2002 because he did not sign it, but the court dismissed his claim.

No Postponement of Elections

The National Democratic Party asked the court to order postponement of the elections because certain legally prescribed deadlines were not met, particularly a deadline set for the end of voter registration. The Federal High Court of Abuja adjudicated that, although some deadlines were not met, this did not require elections to be postponed. No appeal was lodged against this decision.

Third Term for Governors

The Court of Appeal confirmed a High Court judgement that governors can in practice run for a third term since the 1999 Constitution may not be applied retro-actively – and that therefore the maximum of two terms as set forth in the Constitution only applies from 1999 onwards. At the time of writing this report, no appeal has been lodged.

Candidates not duly nominated

After the Presidential and Gubernatorial Elections, the Federal High Court of Abuja issued a judgement that three senators-elect had not been duly nominated, and that the claimants in that court case should have been running for the relevant positions on the party's ticket. Subsequent to the judgement, INEC withdrew the certificates of elections it had already handed to three senators-elect concerned. At the time of writing this report, no appeal had been lodged.

Election Petitions

To challenge the result of an election, an Election Petition must be filed within 30 days of the announcement of that result. For a more elaborate description of Election Petitions and for cases filed and adjudicated, see chapter 13 of this report.

Complaints

The law does not provide for a possibility for voters or other stakeholders to file complaints with INEC or another body specifically set up for the elections – other than filing of Election Petitions as set forth above. The only possibility is to file a complaint with the Public Complaints Commission (PCC). However, this is an ombudsman-institution, which has no powers to enforce any of its findings.

5.4. Conclusions

Although the laws provide for a workable framework for the elections, they contain many shortcomings, including a number of serious inconsistencies. Furthermore, certain items were not covered because the laws are silent on them and INEC did not issue sufficient subordinate legislation. The many court cases made it difficult for the general public to get a good overview of the applicable legal situation, but do provide for the necessary checks and balances of the system. It is unfortunate that only candidates and political parties can file Election Petitions and that no viable opportunity is given to address electoral malpractice for other interested parties, in particular voters.

6. OVERVIEW OF THE ELECTED INSTITUTIONS AND ELECTORAL SYSTEM

6.1. The elected institutions

Nigeria is a federal republic with a presidential system. The *Federal President* is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces of the Federation and is elected for a four-year mandate for a maximum of two terms in office.

The legislative at the federation level is composed of a *National Assembly* with two chambers, the *Senate* with 109 members and the *House of Representatives* with 360 members. Delegates to both the Senate and House of Representatives are elected for a four-year term for a maximum of two terms in office. The Federation is divided into 36 States plus the district of the Federal Capital Territory (FCT), Abuja. Each Federal State is sub-divided into *Local Government Areas* (LGAs) for a total of 774.

The *Senate* consists of three senators from each of the 36 States plus one from the Federal Capital Territory. For the Senatorial Elections, the territory of each State is therefore divided into three senatorial districts.

The *House of Representatives* is composed of 360 delegates, who are elected in 360 federal electoral constituencies into which the Federal Territory is divided. The borders of the federal constituencies do not cross different States, and are theoretically drawn in such a manner that the elected delegates represent an almost equal number of Nigerians. Consequently the number of delegates elected from different States varies significantly, as it is supposed to be directly proportional to the size of the population of the States.

Each of the 36 States has a *Governor* and a *House of Assembly*. The Governor is the Chief of the State's executive and is elected for a four-year mandate for a maximum of two terms in office. Each State's House of Assembly consists of a number of delegates from three to four times the number of seats that a given state has in the Federal House of Representatives. Each State's House consists in any case of not less than 24 and not more than 40 members and has a four-year mandate. The territory of each State is therefore divided into a number of constituencies equal to its number of delegates to its own House of Assembly.

6.2. The Electoral System

Like most other states historically influenced by Great Britain, Nigeria has adopted, since its independence, a plurality-majority system based on the principle of the First Past The Post (FPTP).

The winning candidate is the person who wins most votes, even though s/he might not necessarily have won the absolute majority of the votes. The main feature of the FPTP is the exclusive usage of single member electoral constituencies, which allow the establishment, and maintenance of a direct link between the geographical constituencies and the elected candidates. The Nigerian Constitution provides for the FPTP system for all level of elections, apart from the presidential and gubernatorial levels.

For the Presidential and Gubernatorial Elections the Constitution sets forth a specific system that represents a departure from the pure FPTT in favour of a majority run-off (or two-round) system similar to the French model. The specificity of the Nigerian model is represented by the possibility of a third round. The system introduces an element of proportionality in the elections of these two key executive functions, ensuring that the returned candidates obtain an adequate representation (determined in one-quarter of the cast votes) in at least two-thirds of the electoral areas (States or LGAs) that make up the relevant electoral constituency. However, the threshold of one-quarter of the votes cast in two-thirds of the relevant electoral districts is easily met already at the first round if there are only two or three strong contenders for an electoral race.

Sections 134 and 179 of the Constitution spell out the system for both Presidential and Gubernatorial Elections. The candidates run in a ticket with their respective deputies. In case at the first round the highest-scoring candidate does not obtain at least one-quarter of the votes cast in at least two-thirds of all the States of the Federation (for Gubernatorial Elections, in at least two-thirds of the LGAs of the relevant State), a second round (or a first run-off) takes place between the candidate who scored the highest number of votes and the one among the remaining candidates who has the majority of votes cast in the highest number of States (or, for Gubernatorial Elections, in the highest number of LGAs). If in the first run-off none of the two candidates obtains at least one quarter of the cast votes in at least two thirds of the States (or LGAs), a second run-off between the same contenders is to take place. The second potential run-off is straight; the highest-scoring candidate wins the elections.

7. ELECTION ADMINISTRATION

7.1. The Independent National Electoral Commission of Nigeria (INEC)

7.1.1. The Legal Foundations

The Independent National Electoral Commission (INEC) was established by the Federal Military Government of Gen. Abdulsalam Abubakar with Decree N. 17 of 5 August 1988. It is the inheritor of a number of similarly shaped electoral bodies that had been running all previous elections since Nigeria's independence. In its current structure, it already organised the transitional elections of 1999.

The key INEC functions are described in Part 1 of the Third Schedule to the 1999 Constitution, that is to organise, undertake and supervise the National Assembly, Presidential, Gubernatorial and States House of Assemblies Elections. The other functions assigned to INEC in the Constitution are the registration of political parties and candidates, the monitoring and audit of the political parties' expenditure, the registration of voters, the determination and periodical revision of the sizes of the various levels of electoral constituencies, the monitoring of the political campaign and the enactment of by-laws and guidelines to regulate all the matters that fall within its sphere of competence. INEC is currently established in accordance with Section 153(f) of the 1999 Constitution, even though some of the provisions of Decree 17 are still valid.

7.1.2. The Structure

INEC is composed of twelve Commissioners (two from each of the six geo-political zones) plus the Chairman, who is the Chief Executive. The Chairman and all the Commissioners are directly appointed by the Federal President after consultation with the Council of State and approval of the Senate, and their term in office is five years. The decision-making process within the body is by simple majority. The quorum required for passing a decision is eight commissioners. In case of a draw, the Chairman retains the discretion to use a casting vote. The permanent field structure of INEC is composed by a State office headed by a Resident Electoral Commissioner (REC) in each of the thirty-six States plus the FCT. The RECs are the Chief Executives at the State level and are appointed directly by the Federal President, after consultation with the Council of State (but no approval from the Senate). They discharge all INEC functions as delegated to them. The REC offices have an average of ten permanent staff and always include at least an Administrative Secretary, in charge of the administration and serving as a Deputy REC, a Logistic Officer in charge of the operations, an IT Supervisor in charge of the IT administration and voter registration and a Public Affairs Officer.

Below the state level, there is an Electoral Officer (EO) in every of the 774 LGAs who answers directly to their REC. Each LGA is further divided in a number of Wards or Registration Areas. No permanent electoral authority is present at the Ward level. Every Ward is serviced by a number of Polling Stations/Registration Centres.

7.1.3. The INEC Secretariat

INEC is serviced by a Common Secretariat headed by a Secretary, a senior civil servant, appointed directly by the Federal President. The Secretary is the Chief Operation Officer of INEC (in practice functions as Deputy Chief Executive) and is directly responsible for the implementation of all the decisions made by INEC. The Secretariat comprises nine main divisions and three units, each of them managed by a director: Logistic and Electoral Stores, Information and Communication Technology, Field Services, Estate and Works, Public Affairs, Finance and Supplies, Research and Statistics, Legal Services, Personnel Management. The three units are Audit, Pensions, Security and Secretariat. The approximate number of permanent staff is 900 in Abuja headquarters, and around 9,000 countrywide (this figure includes the staff at the State and LGA level). INEC has the power to appoint and dismiss the Secretariat's staff and all field staff, with the exception of the RECs, that can only be reassigned.

7.1.4. The “ad hoc” staff

The “ad hoc” staff is generally recruited through means of public notices and the recruitment process is managed by the Election Officers at the LGA level unless the “ad hoc” positions concern the highest levels of the collation process. The lists of the “ad hoc” positions in the current electoral set up include polling clerks, presiding officers, supervisory presiding officers, ward returning officers, constituency returning officers and in certain cases the LGA returning officers.

7.1.5. Modus Operandi

The practical functioning of the INEC decision-making system is not as well defined as described in the Constitution, and remained unclear to the EU EOM. The INEC sessions are closed to observers, and the INEC decisions are not always communicated in written form. No election calendar was ever published or made available to the public. A Strategic Plan for the 2000-2003 period was published and distributed only in 2003, and none of the major objectives stated in the plan had been met according to the set out timelines.

The funding of INEC activities has represented a hindrance to its operational capability throughout the electoral process. Even though INEC submitted a budget to the National Assembly, it had to be approved by the Executive. Funds were not released and allocated to INEC after the budget was passed, but their release is subject to the discretion of the executive. The EU EOM found no clear distinction between an operational budget (which is more or less the same amount every year) and an electoral budget. All the major electoral projects had to be delayed and reviewed because no funds had been released by the Federal Government in a timeframe that would allow the timely implementation of the operations. The lack of a specific yearly budget allocated to INEC is probably the major source of delays and other problems

7.2. State Independent Electoral Commissions (SIECs)

Section 197 of the Constitution provides also for a State Independent Electoral Commission (SIEC) in every State, with the exclusive mandate to organise the LGA Elections. The SIECs have a structure similar to INEC at the LGA level, with their own electoral officials, separate offices and separate logistic infrastructure.

The SIECs played no role in the observed elections. For the organisation of the LGA Elections, they rely on INEC solely for the process of voter registration, parties' registration and candidate nomination. The Constitution also grants SIECs a very generic advisory role to INEC on the compilation of the Register of Voters, without any clear specification of the nature of such role.

LGA Elections were originally scheduled to take place in 2002. Being dependent on the voters registers produced by INEC, these elections had to be postponed various times and caretaker LGA administrations had to be appointed. The new tentative date for the LGA Elections is June 28. However, further postponements are possible.

8. VOTER REGISTRATION

8.1. General Overview

The compilation of the voters' lists generally represents the most contentious and sensitive part of any election preparation process. Nigeria is no exception. On the contrary, some specific circumstances, like the absence of a civil registry (and related lack of common identification document throughout the country) and of a reliable Census

(the last and very controversial one was conducted in 1991), the lack of institutional knowledge in voter registration (this kind of exercise was carried out only four times in forty years) and the rigging that has characterised most of Nigeria's elections contributed to set the stage for another controversial process. In addition the planning and funding process for the 2002 voter registration started very late.

Unlike previous voter registration exercises (1959, 1978 and 1998) that were set up exclusively for a specific cycle of elections, the 2002 process was envisaged with a view to establishing a permanent National Register of Voters. To this purpose the 2001 Electoral Act provided for the first time that the "Register of Voters" be compiled, maintained and updated by INEC. This implied the creation of an electronic database. The voter registration provisions of the 2001 Electoral act were then maintained when a new electoral bill, the 2002 Electoral Act, was enacted.

The principle of a permanent electronic register of voter was elaborated in the INEC Voter Registration Manual. In the absence of a civil registry, and given the problems that characterised previous elections, the decision to establish an electronic register was appropriate. However, despite long feasibility studies and various consultancy programs, no adequate training and logistic arrangements were planned in support of this demanding exercise.

8.2. The Legal Provisions

The Constitution assigns to INEC the responsibility for the conduct of voter registration (Section 78 and Section 15 of the Third Schedule), and the process is regulated in Sections 1-14 of the 2002 Electoral Act.

The Electoral Act provides for a system of active registration that requires prospective voters to physically present themselves at Registration Centres and apply for registration in order to participate in a given series of elections. The system provides for a Claims and Challenges Period (Section 10), which is meant to increase the public's trust in the voters' lists and afford INEC with the chance to delete deceased applicants, amend possible mistakes and transfer voters who moved their residency after applying for registration. According to the 2002 Electoral Act (Section 1,5), the entire process of voter registration must be completed at least 60 days before election day. The eligibility criteria are set forth in Section 2. A successful applicant must have Nigerian citizenship, must be eighteen years of age, must reside (due to work, birth or origin) in the Local Government Area or Ward covered by the Registration Centre, and not be subject to any legal incapacity under Nigerian Laws. Due to the absence of any widely used ID documents, the registration officials must satisfy themselves that the information presented by the applicant are correct and all conditions set forth in Section 2 are met. No provisions are made for the registration of non-resident Nigerians living abroad.

8.3. Description of the System

The backbone of the new system was envisaged to be a specific period during which all Nigerian citizens were called for voter registration in one of the 120,000 Registration

Centres opened throughout the country. The usage of scan-able forms allowed for the computerisation of the process at a later stage without demanding the provision of IT equipment in all 120,000 used locations. This system requires that successful registrants be ascertained as such only after the scanning process and the compilation of the provisional lists. Until that moment a prospective voter remains only an applicant. The process was planned to unfold in five stages.

1. Every applicant is requested to go to the Registration Centre of residence and fill in a specific form (EC 1A) with the applicant's name, sex, age, registration ID number, LGA, Ward and PS numbers and codes, applicant's thumbprint and signature. Originally, the plan included digital picture taking. This was set aside allegedly due to resistance in certain religious and cultural environments to the usage of pictures.

2. The information obtained is then transferred onto computer readable OMR (Optical Mark Recognition) forms by INEC registration staff. Every OMR form contains a barcode with a unique registration number assigned to the applicant. Upon completion of the OMR form, the applicant is issued the tear-off part of the form that also contains all information mentioned above. The tear-off receipt constitutes a proof of application and in case of successful application is to be exchanged later on with a voters' card.

3. All application forms are taken to the data processing centres within the REC Office, scanned and entered onto a database. The database runs a series of crosschecks (thumbprints and other key personal data) in order to delete cases of multiple registrants, mistakes and duplicates before compiling provisional lists. Every REC Office produces its own statewide database.

4. A Provisional Register of Voter is publicly displayed during a Claims and Challenges Period in every Ward or LGA (minimum five days) in order to guarantee all interested parties the chance to file challenges for deletions, removals or requests to change registration details. Specific public hearings are held in order to adjudicate every complaint.

5. After the deletions and additions made necessary by the Claims and Challenges Period, the Final Register of Voters (FRV) is publicised and the printing and distribution of voters' cards to all citizens successfully registered takes place. According to the Electoral Act, the FRV must be finalised 60 days before the first elections. Voters are listed in the FRV in the same place where they registered, as the Registration Centre turns into a Polling Station for the elections and maintains the same serial number and code (including the Ward, LGA and State's codes). Ideally, around 500 voters are allocated to each Polling Station.

Upon completion of the 2003 cycle of elections (including LGA ones), it is envisaged that INEC will establish a system of ongoing registration, with a unified central database maintained in INEC headquarters (running continuous updates and deletions) and permanent Registration Centres set up in at least every LGA.

8.4. The 2002 Voter Registration Process

The events that characterised the 2002 process did not unfold as planned. The preparation for the exercise started late, as of February 2002 no information was available yet on the details of the project. It was reported that the process was delayed four times, the reason being the lack of timely release of funds from the Central Government. INEC signed the contract with ITCL⁷, the technical implementing company of the project, only by the end of May 2002. The exercise eventually took place from 12-21 September 2002

The process, although very successful in terms of turnout (INEC official figures state some 67 million applications), was reported to be marred by a number of severe irregularities, such as lack or short supply of registration materials, improper training of registration officials, inadequate number of Registration Centres, under-age registration, hoarding and selling of registration materials by political party agents, violence, and inadequate security for registration officials. TMG described the process as taken place “in a general context of popular alienation and political uncertainty”⁸.

It appears that INEC did not have an adequate demographic mapping of the country and an updated list of constituencies and wards to support the whole operation. According to INEC, 69,5 million registration forms were used⁹(no official breakdown of delivered forms per State was issued) for an estimated 60 million eligible voters, based on projections established by the National Population Commission which may not have taken into account population evolution and movements (particularly important in some States which have experienced serious ethnic conflicts since 1999). A large number of forms seem to have “disappeared”, given that many stakeholders estimate that only 60-70% eligible voters were able to register, mainly because of lack of materials¹⁰. This is in conflict with the fact that there are 60,823,022 names in the FRV, which tends to suggest that almost every eligible voter managed to register.

Overall, INEC severely underestimated the logistical challenges and technical complexity of completing the task in the limited timeframe available in a vast and diverse country like Nigeria. INEC registration officials were reported to have serious problems in understanding and filling the OMR forms. A substantial number of citizens that turned out at the Registration Centres were reported to be unable to register in the given period due to either lack of material or incapacity of INEC officials to process the applicants, whilst many other applicants had their names not properly recorded. Other recurrent problems reported by domestic observers were grossly misspelled names, omissions and

⁷ ITCL stands for “Image Technology Company Limited” and is the joint venture company registered in Nigeria made of MM&A, South African consulting company and Ittech, Nigerian company. ITCL was the official INEC contractor for the voter registration project, managed the logistics and provided the software services. ITCL further subcontracted a number of international companies to supply the hardware needed for such a project.

⁸ “Registration of Voters 2002”, Report of Transition Monitoring Group, page 6 and Chapter V

⁹ The official brochure of MM&A reports that 80 million forms were provided.

¹⁰ “Registration of Voters 2002”, Report of Transition Monitoring Group, Chapter V

assignment of applicants to the wrong polling stations and lack of adequate public information campaigns.

8.5. The “Make-up” Registration

Acknowledging the legitimacy of several complaints from political parties and civil society actors that a large number of citizens had been unable to apply for registration, INEC decided in January 2003 to open a voter registration window of three days (21-23 January) in order to give all the aggrieved citizens a chance to be entered in the Voter Register. The aim of this initiative was not to have a large turnout, but rather to offer a chance to those citizens that had been genuinely prevented from applying during the September process. The fact that this was possible only at the LGA level did not help the process to achieve the hoped outcome. In addition, the information campaign was reported to be very limited and new shortcomings of registration materials were signalled¹¹.

8.6. The Claims and Challenges Period

Section 10 of the Electoral Act envisages a period between five and fourteen days during which a copy of the Provisional Register of Voters at each LGA or Ward is to be displayed for public scrutiny. Any interested party could raise objections in relation to names omitted or included in the voters' register or request specific corrections. A detailed procedure was also foreseen in the INEC Claims and Challenges Manual to set up the Hearing Committees in charge of adjudicating the claims. However, the EU EOM could observe that the long and continued delays that characterised the scanning process prevented an efficient and orderly Claims and Challenges Period from taking place. The compilation of the Provisional Register of Voters, undertaken at the State level, was carried out with different degrees of effectiveness and depended heavily on the specific problems encountered in each state. The result was a staggered process, not longer than five days and inadequately advertised, with a very low turnout and insignificant number of filed claims. It was also reported that in many States the process was completely cancelled due to the time constraints for the preparation of the voters' lists¹².

8.7. Publication of the Final Register of Voters

It is not clear in Section 1 (5) of the Electoral Act whether the final lists should be published 60 days before an election or whether the voter registration as an active process must be completed. This ambiguity fuelled a number of court cases that called for the postponement of the elections, but were all dismissed in the light of Constitutional provisions assigning to INEC the competence to determine the electoral dates.

¹¹ TMG Preliminary Report on the National Assembly Elections, page 1

¹² TMG Preliminary Report on Gubernatorial and Presidential Elections, and directly reported to many EU EOM observers

In any case, the publication of the voters list took place far too late, and was marked by non-transparent and controversial events. At the end of March, INEC Secretary Baba-Ahmed announced to the EU EOM and to the press the approximate overall figure was 64 million voters. A few days later, on 5 April, and only one week before the National Assembly elections, the INEC Chairman announced to the press that the final figures on the FRV was 60,823,022 and that 7,069,740 applications had been stricken off the registers due to multiple and underage registration. Insufficient explanations were provided to justify the sudden deletion of additional three million applications, and CD-ROMs with the FRV were not distributed as announced.

8.8. Production and Distribution of Voters Cards

The introduction of voters' cards was originally aimed at providing the eligible voters with a first form of identification in a context where no other generalised document of identification is available. The underlying concept is connected to the computerisation of the voters' lists. Section 7 of the 2002 Electoral Act determines that every voter must have no more than one valid voter card and that INEC is charged with the design, the printing and distribution of cards to those voters who are listed in the FRV. This provision suggests only voters who show a voter card be allowed to vote. The delays in the compilation of the FRV forced INEC to change the plan. The INEC Manual for election officials, issued at the end of March, already contemplated the possibility that a citizen without a voter card must be allowed to cast a regular ballot if his/her name was found in the FRV. Consequently, a number of new instructions and addenda to the Manual had to be issued when the distribution of the cards started only four days before the National Assembly Elections.

The procedures set up for such distribution were marked by confusion and were inconsistently applied throughout the country. The entire strategy of setting up the exercise at such a late stage in the electoral process is questionable. It absorbed crucial resources that had originally been planned for the distribution of other material, contributing therefore to the late start of polling on 12 April.

The main problem was the scarce turnout of voters in the days originally devoted to the exercise and the necessary extension of the exchange activities on election days. The distribution of cards at the polling sites increased the confusion and provoked tension on many occasions. Furthermore, it continued largely uncontrolled after and in between the election dates. A number of gross abuses (parties buying and borrowing cards, cards distributed in private houses, underage voters in possession of large numbers of cards) were observed and reported throughout the electoral period. The result is that the exercise completely failed in its effort to provide a transparent form of identification for eligible voters, providing instead a fertile ground for massive underage voting and voter impersonation.

8.9. Assessment

A variety of factors appeared to have played in the delays that hindered a timely compilation of the Provisional Register of Voters. Apart from the reportedly high number

of multiple applications (the thumbprint matching technology to detect these cases could not be always easily applied in case of deteriorated or spoiled OMR forms), underage applications (no real investigation appeared to have taken place on this matter), improperly filled OMR forms, INEC was faced with lack of available IT specialists in some States, several computer failures (difficulties in reading the data sheets and technical problems with computers and scanners in desert wind-stricken regions) in others¹³, and delays from its own officials in storing and forwarding the OMR forms to the States' Processing Centres.

Even though the EU EOM was not present in Nigeria until March 11, the lack of preparedness in tackling the scanning problems and the consequent delays in the compilation of the Provisional Register of Voters were immediately evident to the Mission. Unfortunately, the lack of transparency and information that surrounded the entire exercise (particular the deletion of some 7 Million applicants) and especially certain decision that had to be taken at the end (cancellation of Claims Period in certain states), exacerbated the doubts and the suspicions among many actors that INEC was favouring one political side.

The current system is organised in way that crosschecks are possible only within each States' databases. This set up is not in accordance with the provisions of Section 1 (2) of the Electoral Act, and raises a number of technical problems. There is no central database that screens all the states' entries and isolates intra-state duplicates and the dubious or incomplete cases, as there is no consistent implementation of the given procedures among the various States. The thumbprint matching technology is reliable but it depends on the quality of the images captured. In many cases, given the deteriorated state in which many OMR forms arrived at the processing centres, it proved impossible to detect with certainty all potential multiple applicants.

In general, the RECs have little or no knowledge of the activities going on in their respective data processing centres. The existence of 37 databases represents by itself a challenge and notably increases the maintenance and security risks. The parties were given copies of the various databases only few days before or even after the 12 April elections.

In general, it was not possible to express a judgement on the accuracy of the current register, mainly because it was not properly tested in the 2003 elections. Three factors occurred to make this judgement impossible; a) the unmonitored distribution of voters cards, b) the low turnout and c) the late INEC decision to allow presiding officers to use the hand-written record of original applications (the so called "EC 1A" registers) as a backup. In particular, the widely observed use and abuse on election days of the manual register of applications watered down the value of the entire voter registration exercise and is indicative of a certain degree of mistrust within INEC itself of the accuracy of the current electronic register.

¹³ As stated by Alan Campell, MM&A director, in a meeting with EE on 12 May.

Despite all these shortcomings and their impact on the administration of the electoral process, the choice of a permanent electronic voter register was appropriate and if properly safeguarded and completed, it would significantly improve future elections.

9. POLITICAL PARTIES REGISTRATION AND NOMINATION OF CANDIDATES

9.1. Political Party Registration

Thirty parties contested the 2003 Elections. The registration of political parties is a task assigned to INEC by the Constitution (Section 40), and it is regulated in Part III (Sections 68-96) of the 2002 Electoral Act. In addition to that, INEC issued on May 2002 restrictive additional guidelines that were later annulled by a Supreme Court ruling on 8 November 2002.

Neither the Constitution nor the 2002 Electoral Act provide stringent criteria for the registration of political parties. Before the invalidation of the INEC guidelines of May 2002, only three additional parties (UNPP, APGA and NDP) had been able to meet the restrictive conditions and enter the electoral contest. The three parties that contested the 1999 elections are the ruling party PDP, ANPP and AD. The annulment of the 2002 INEC guidelines opened up the possibility to register only on the basis of the provisions of the Electoral Act, and by December 2002, 24 additional associations were able to register as parties.

The 2002 Electoral Act does not foresee any specific certification procedure for registered parties to contest a specific set of elections. Once registered, the party is therefore registered permanently for all future elections and the only condition for participation is to nominate candidates within the prescribed deadline. The Electoral Act does not contain any specific provision for the registration of independent candidates.

9.2. Nomination of Candidates

The deadline for the submission of candidates' nomination was originally set in Section 21 of the Electoral Act for 90 days before elections. The National Assembly amended this deadline on 10 January after pressure from all 30 political parties that considered the deadline unrealistic, and reduced it to 60 days. This amendment was also prompted by the acknowledgement of the conflict with the fact that the same deadline of 90 days was prescribed for the announcement of the elections.

A new deadline (17 February) was later set by INEC after the emergence of serious discrepancies between the party primaries' results and the candidates' lists that the parties leaderships submitted to INEC. The vetting process then brought to the surface a high number of incomplete applications. The amended Section 21 describes in details the needed documentation for the nomination of candidates. As a result of that, the deadline was once more moved by INEC to 12 March. Despite the fact that the deadline was no longer officially changed, the nomination process remained non-transparent, especially in

the scrutiny of the documentation submitted by individual candidates and in its vetting procedures. A number of specific exceptions were reported and observed by EU EOM where parties were given the opportunity to complete the candidates' documentation, bring consistency into the lists presented at the State and Federal levels, or even switch or change names after the 12 March deadline.

The vetting process was extended well beyond the seven-day deadline prescribed in Section 21 (2) of the Electoral Act and it was concluded only a few days before the National Assembly Elections of 12 April. Due to the delays in the publication of the voters' list the candidates' names could not be crosschecked against the FRV. It is therefore possible that certain candidates were either not registered at all or registered for a constituency different than the one they contested for.

The figure of the total number of nominations submitted was never made available to the EU EOM, although requested on several occasions. Similarly, the lists of approved candidates were never displayed at the constituency level as prescribed in the same provision, but only, at the INEC Headquarters at the REC 's offices and at the LGA level. On 11 April INEC still had no consolidated list of accepted candidates for all 109 senatorial districts and for the 360 federal constituencies. It remained unclear whether nominations were presented for all seats being contested.

10. PRE-ELECTION PHASE

10.1. Election Environment and Campaign

Apart from a limited number of rallies organised in the framework of the presidential candidates' tours or by some gubernatorial candidates, the campaign for the three consecutive elections concentrated on corner meetings, caravans and door-to-door campaign. The campaign was characterised by its low key content and a highly personalised debate. Political message was often absent from the candidates' communication at all levels. Networks of influence and institutional support played a key role in this context, explaining the relative apathy of the voters and the high importance of religious and ethnic factors, group affiliation and loyalty to personalities, all elements favouring the impact of incumbency and emphasising events as funds raising occasions and visits to traditional rulers.

The intensity of the campaign decreased significantly after the 12 April Elections, the major parties reduced their activities while, in most of the cases, the smallest ones disappeared altogether from the scene¹⁴. After April 19, little political activity was recorded in connection with the forthcoming States' Houses of Assembly elections, the parties' interest being focused on the results and the various issues raised after the conduct of the 12th and 19th elections. Except in a few cases as in Lagos, the outcome of the 3 May elections was expected to be strongly influenced by results of the governors'

¹⁴ In Nassarawa for instance, NDP and NPP, which had been reportedly actively campaigning carried out no more electoral activities after the National Assembly elections.

elections. In some cases the 3 May results were a complete reversal of the 19 April results.¹⁵

Taken the nature of campaigning by some candidates,¹⁶ there are few doubts that they violated the INEC regulations and exceeded the limits of campaign expenditure as provided by the Electoral Act.¹⁷

10.2. Interference by State Administration and Use of State Resources

The incumbency factor was exploited by many office holders. In most of the states, governors' offices were used as electoral HQ and rally points for supporters and caravans. Cases where the administrative structure had been mobilised and fully integrated in the incumbent candidate's campaign machinery were noticed particularly at the local governments level¹⁸. The fact that the elections for these bodies did not take place prior to the States and National level election reinforced the dependence of the caretaker committees and favoured their allegiance and involvement in the incumbent candidates' electoral machinery.

10.3. Voter Education

INEC does not have a specific mandate in voter education. The National Orientation Agency (NOA), a governmental publicity and public information agency placed under the responsibility of the Ministry of Information, has the lead role in this field. NOA is charged with the effective communication of governmental policies and programs and avails itself of a very large field structure, with offices in all States and LGAs and according to information given, a volunteer network in all Wards.

In briefing the EU EOM on its voter education activities, NOA emphasised its potential to reach rural areas and its nation-wide door-to-door campaign, complementing information in electronic and print media. However, the EU EOM found little signs of door-to-door activities. Some very basic information material was carried out with the support of domestic NGOs.

The co-ordination between INEC and NOA appeared to be weak, and the absence of an overall strategy was noted. INEC's disengagement from the process had a negative impact on the effectiveness of NOA's initiatives. No proper information was delivered on

¹⁵ In Benue, Guma LGA, the Sanghev ward, which had given on 19 April 73% of its votes to ANPP (with some polling stations showing 100% turnout), gave on 3 May 95% to PDP (and the same 100% in the group of polling stations as on 19 April).

¹⁶ In Enugu, the observers witnessed the distribution of hundreds of new bicycles by the PDP Governor during its campaign; In Kwara, food was distributed regularly in front of the PDP candidate's house.

¹⁷ Section 84 provides for a threshold of 20 Nairas per registered voter.

¹⁸ In Kano, LGAs offices visited by the EU team were systematically plastered with PDP posters.

crucial themes like voting procedures, importance of the individual vote in enhancing the democratic process, secrecy of the vote.

Certain voter education initiatives were undertaken by civil society organisations, mainly funded by international donors. For this purpose, the regular Election Partners' Assistance Meeting proved to be a useful mechanism to exchange information. However, the lack of a co-ordination role from the electoral administration body remained evident and resulted in a very patchy coverage. Overall, the structural problems deriving from the absence of INEC's involvement could not be adequately remedied by these short-term initiatives.

Assessments made on Election Day by the EU observers concerning the voters' awareness of their rights as well as of their understanding of the procedures of polling clearly pointed at the insufficient level of voter education as one of the structural deficiency in the process, especially in rural areas. The integrity of the process, in several crucial aspects as the respect of the secrecy, is directly linked to the level of voter education.

10.4. Training of Election Officials

The training capacity of INEC was very limited, with a small training unit with only four professional trainers. IFES procured training material and delivered a three-day "Train the Trainers" course to 37 INEC State trainers. The size of the country required the usage of a "cascade" system for the training of election officials. Despite the fact that the program introduced a training methodology that included training techniques, elements of active learning and role-playing for the first time, the reported lack of consistency in the management of the polling and collation process indicated the limited effectiveness of the program. The lack of willingness from many election officials (especially from the LGA level downwards) to respect the procedures, the late start of the training process, the repeated changes in the voting procedures all contributed to the deterioration of the quality of the training delivered to the final recipients, the "ad hoc" election officials.

Despite the explicit ban in the Electoral Act for political party activists and the INEC calls to limit the enrolment of civil servants, the recruitment process of the "ad hoc" officials was not managed properly and left entirely in the hands of the Election Officials at the LGA level, with little or no screening mechanism.

The INEC Manual for election officials, though developed at a very late stage, provided a clear and comprehensive supporting tool to the election officials.

11. ELECTION RELATED VIOLENCE

A positive feature of these elections was that levels of election related violence was significantly lower than feared. Nevertheless 105 persons were reportedly killed on various occasions through violence related to the elections. While this was not due to a large scale violent outbreak it remains a worrying figure.

The violent events witnessed in Warri, Delta State, did have an effect on the election process, but was not directly election related. Tribal violence continued, but to a far lesser extent than prior to the arrival of the EOM.

Before the 12 April election, reports of electoral related violence were minimal in most areas. However, the assassination of Harry Marshal of the ANPP was believed by many to be politically motivated.

INEC's request for military assistance, and the government deploying additional arms of the security services to increase the police force probably contributed to decreasing the level of violence. All security personnel deployed for the 12 April elections, stayed in place until after the 3 May. During all election days, political thugs were used to intimidate voters and/or INEC officials. These acts often turned violent resulting in death to voters or officials. Burning of INEC vehicles and buildings occurred predominately during the days following an election, by disgruntled youths. The majority of the perpetrators were not apprehended nor was their party affiliation known.

Police confirmation of such incidents was mostly not available and accounts have been collected through the media, often days after the event. Some incidents, however, were witnessed by the EOM.

12. ELECTION DAYS

12.1. National Assembly Elections (Senate and House of Representatives) – 12 April 2003

The observation of the 12 April Elections was conducted in 31 states of the Federation, including the Federal capital territory (excluding Delta, Bayelsa, Akwa Ibom and Kebbi) and covered 276 polling stations (178 in urban areas, 98 in rural areas)¹⁹.

12.1.1. Opening

The Elections were characterised by major logistical shortcomings and consequently late openings all over the country (only 17% of the observed polling stations opened in time). Delays of 2 hours and more were common. In some cases, polling stations did not open before the afternoon or did not open at all.

12.1.2. Polling

Despite the serious logistical shortcomings observed at the opening (in 40% of the visited polling stations some essential material was missing - seals, aggregation of results forms, stamps, etc - and in one third of the cases, the polling staff was incomplete), the conduct of polling was generally described as orderly. However, there were some severe

¹⁹ The comparatively low number of polling stations observed during the 12th April elections is a direct consequence of the late openings; as a result, most of the polling stations had a reduced period of activity.

weaknesses in terms of implementation of the INEC polling procedures. Particular areas for concerns were:

- The respect of the secrecy of vote (reported as being violated in half of the observed polling stations);
- The way the safeguard measures against multiple voting were applied (no proper check of the voter's fingers in 28% of the observed cases, no proper marking of the voter's finger in 11% of the observed cases).

Additionally, in half of the observed cases of voters requiring assistance, the voters were not given the choice of selecting the person to be assisted.

Most of the voters were observed in possession of their voter's card when entering the polling station, whether they had collected it before or on Election Day.

The identity check was generally conducted, but not necessarily in a proper manner as under-aged voting was witnessed as well as proxy voting (in 7% of the polling stations).

However, the observers in Enugu North Senatorial Zone, and more specifically Nsukka LGA and Igboetiti LGA, reported serious disruption of polling by PDP activists, leading them to the conclusion that the whole process in this zone was severely hampered. Cases of ballot box snatching were also reported in Edo and Delta states²⁰.

12.1.3. Closure and Counting

Given the delays in opening the stations, it was not surprising that in one third of the observed cases, the hours of polling were extended. Counting was complicated by the absence of appropriate equipment to carry it out during night-time but was generally done in an appropriate manner, despite the imprecision in implementing the entire set of procedures. However, it was observed that in a significant number of cases (22%) the party agents were not given a completed copy of the aggregation of results form. In Port Harcourt, no EC.8.A results forms were observed as delivered to the polling stations, no counting was observed to take place in several locations and the material was delivered directly to the Local Government Area Collation Centre.

12.1.4. Collation of Results

The collation phase, crucial for the integrity of the process and for building the public's confidence in it, suffered from shortcomings and an incomplete implementation of the procedures set forth in the Manual. The teams stationed in the collation centres observed in various places the lack of compliance with the INEC regulations. Incoming material was improperly packed in 44% of the places and only 20% of the boxes were sealed when arriving. Furthermore, the safeguard measures were not necessarily implemented as in 14% of the observed collations centres party agents were not offered to sign the

²⁰ 25 ballot boxes captured in Edo state. 12 ballot boxes, with the election material, captured in Sapele LGA, Delta State.

aggregation of results forms and in 17% of the cases – where party agents were present – no copy was delivered to them.

In Rivers and Enugu, serious anomalies were observed in the transfer of material and results to the following level of collation, reinforcing the concerns regarding the integrity of the procedure.

In Enugu North Local Government, the team present observed various malpractices: forged signatures being added to the results sheets, people piling up ballot papers and signing them on the back, implausible results (1 polling station: 343 registered voters, 343 PDP, no rejected ballots).

In Rivers, the team observing in Port Harcourt reported serious anomalies in the conduct of the collation. Firstly, no counting could take place at the polling stations in absence of the appropriate record of results forms. Secondly, no collation was organised at the Ward level and the presiding officers were directed to the LGA collation centre, with their material. Thirdly, the state level collation centre had allegedly been transferred to another location – the city town hall – where they could not observe any activity while, according to INEC, collation was still going on at 08.00 a.m. on the 13th.

12.1.5. Results

The manner and time taken to announce and publish the results gave rise to additional concerns on the credibility of the process. Apart from the fact that results were not publicly posted at any level of collation (the wording of Section 61 Electoral Act allowed this interpretation), the Returning Officers simply declared the winners at the constituency level without issuing any public notice after returning the results. In addition, consolidated breakdown of results were never made available neither by the EOs nor by the RECs, despite repeated request from all EU EOM field observers. It was reported that parties were equally unable to obtain such figures.

In certain States, after repeated requests, EU EOM observers were able to put together pieces of information from various sources (copies of official collation sheets obtained by parties, number of registered voters, figures provided by INEC official on pieces of papers). The results breakdown obtained appeared either inexplicable or unrealistic. INEC officials always declined to provide registration figures per levels lower than LGA.

The breakdown of results per federal constituencies and senatorial districts posted on the official INEC website did not contain the number of registered voters per constituencies. In no case INEC provided breakdown of results per Wards or Polling Stations.

The repetition and postponement of the National Assembly Elections in an uncertain number of senatorial districts and federal constituencies of eight states (Abia, Anambra, Akwa-Ibom, Delta, Enugu, Kogi, Rivers, Zamfara,) did not take place in a transparent and credible fashion. Despite repeated requests for information from the EU EOM, INEC was unable to provide stakeholders in the process with the dates and places of the federal constituencies and senatorial districts where delayed polls or re-runs were to be conducted. The EU EOM observers confirmed that in the constituencies where elections were postponed or repeated no adequate information on the places and dates of these polls was available to voters, political parties and observers.

Throughout the course of the EU EOM assignment it remained difficult to acquire information on whether elections had been conducted in all federal constituencies and senatorial districts. Contradictory and imprecise information continued to circulate throughout the period, both at the State and Federal level. No calendar of repeated and postponed elections has ever been made available by INEC.

12.1.6. Evaluation

The INEC performance was largely insufficient. The conduct of the elections brought to the fore several areas for necessary improvements. Many of the shortcomings experienced on Election Day were the direct consequence of the late release of the voters' lists and find their roots in the problematic registration process. In particular, the resources devoted to voters cards distribution exercise caused a setback in the logistical arrangements for Election Day. However, these circumstances do not account for the general lack of contingency plans and the elaboration of possible alternative solutions. The RECs also generally demonstrated lack of initiative and understanding in managing those segments of the operation that were entirely within their control such as ballot delivery, handling and tracking of election material, communications and logistical arrangements for collation centres, communication between Ward/ Constituencies/LGAs.

It appears that, given the varying level of preparedness among the States and general uncertainty that characterised many operations in the immediate aftermath of the elections, INEC deliberately avoided to make certain policy decision that could be viewed as difficult to be implemented throughout Nigeria, allowing the RECs wide freedom of manoeuvre in dealing with the specifics of their own States, effectively using the 12 April as a test run for the most important 19 April Elections.

Moreover, the 12 April elections showed that the organisational, technical and structural shortcomings opened the door for fraudulent activities conducted by the parties and candidates with or without the direct or passive participation of INEC staff and security officers.

12.2. Presidential and Gubernatorial Elections – 19 April 2003

Observation on 19 April was conducted in 31 states of the Federation, including the Federal Capital Territory (excluding Bayelsa, Akwa Ibom, Kebbi and Taraba) and covered a total of 375 polling stations (175 in urban areas and 200 in rural areas).

12.2.1. Opening

Noticeable improvements were observed in the logistical arrangements, with a significant increase in the number of observed in-time openings (54%) or openings with reasonable delays (1 to 2 hours) In states as Rivers, Imo or Enugu, the delays remained significant. Shortages of essential material were still observed in 21% of the polling stations (comparing to 40% on the 12th).²¹

²¹ The comparative low number of polling stations observed during the 12 April elections is a direct consequence of the late openings; as a result, most of the polling stations had a reduced period of activity.

12.2.2. Polling

Despite the release of additional instructions the week preceding the Presidential and Gubernatorial elections, the level of inconsistency in the implementation of the INEC procedures remained high and little progress was noticed in this field.

Improvements were noticed in “public order” related domains (lesser tension around the polling stations - from 17% to 7% -, lesser mention of disruption within the polling station – from 16% to 8% and serious decrease in campaign activities around the polling stations: from 42% to 19%).

On the other hand, safeguards measures against multiple voting were still badly implemented, especially in the rural areas: ink finger checks not properly done in 31% of the cases, marking of the finger not properly done in 22% of the cases. In 10% of the cases, the names of the voters were not checked in the register. The marking and stamping of the cards was not properly done in more than 10% of the cases (twice the result of the 12th).

Some improvements were observed in respecting the secrecy of vote, mainly in urban areas and/or specific states as Lagos, where screens were provided to polling stations (but not necessarily used). Nevertheless, the number of cases where violation of secrecy was observed remained high (around 40% compared to 50% on the 12th).

The main issue turned out to be the high number of situations where EU observers directly observed obvious electoral frauds. In total, 12 teams reported having personally witnessed and/or having been confronted with clear evidence of ballot box stuffing, changes in the results and/or other malpractices. In six of the states – Kaduna, Enugu, Rivers, Cross River, Imo and Delta -, the number of reported and substantiated cases as well as the number of Local Government Areas affected, showed a pattern of widespread fraud seriously undermining the credibility of the results²². In several other states – Edo,

²² Enugu: PS 001/Ward 04/LGA 03: at 09.40, no voter present, only PDP agents, 50 votes cast, all votes folded the same way, on the voters' list the 50 first names in alphabetical order were ticked; PS 0001 to 0009/Ward 17/LGA 03: 10.35, some voters present, around 50% of the votes cast were not registered on the voters' list, no secrecy of vote, only non PDP voters were marked with ink and had their cards marked; PS000/Ward 08/LGA 04: ballot box not sealed, full of ballots folded together, only PDP agents present; PS 0009/Ward 15/LGA 08: stuffing of the ballot box directly witnessed by a NDLA agent; PS 0005/Ward 08/LGA 09: 600 votes cast in 1.30 hour, the 2 polling staff had stained thumb; PS 0003/Ward 20/LGA 13, 150 ballots cast corresponding to the 150 registered voters, no names ticked on the voters' list, presence of 7 people including an identified PDP agents with their thumbs, hand and even , in the case of the PDP agent, the shirt stained with blue ink; PS 0004/Ward 15/LGA 13: at 13.00 the ballot box was found full while only 85 names out of a list of 743 registered voters were ticked; Cross River: PS 0007/Ward 06/LGA 17: polling stopped at 12.10, results were known: Registered voters = 560, Presidential: votes cast: 486, PDP: 474, Gubernatorial: votes cast: 491, PDP: 489; PS 0009/Ward 08/LGA 17: polling stopped at 12.30, results were already known: PDP: 458 (from 490 cast), Gubernatorial: PDP: 489 (from 550 cast), no results sheet available; PS 0009/Ward 04/LGA 06: at 13.20, 30 votes cast so far (591 registered voters), when arriving the observers saw the presiding officer and a PDP agent pre-marking the ballots in favor of PDP; PS 0007/Ward 04/LGA 08: at 14.45, 159 votes cast (540 registered voters), no results sheet available, material was transferred to the LGA level collation center at 17.00. When crosschecked, the official results for PS 0007 were officially, total votes cast: 540, PDP: 535; Imo: PS 04/Ward 003/Owerri North LGA: 800 ballots issued, 1029 presidential ballots found in the ballot box at counting and 608 gubernatorial, part of the PDP votes were thumb marked with a different ink than the official INEC one; Kaduna: PS 0002/Ward 07/LGA

Nassarawa, Anambra, Katsina, Benue²³ -, the directly observed cases were more limited in numbers or contained to certain areas. However, given the specific nature of the irregularities observed, the integrity of the process in these states is brought into question.

12.2.3. Closure and Counting

A similar pattern of poor application of the closing procedures was observed again, especially for the pre-counting operations and packaging. While the counting itself was generally well conducted, a lower but still significant number of presiding officers did not provide the party agents with a copy of the record of results form. Packaging prior to transfer of the material was, again, not done in conformity with the procedures in 37% of the observed cases. The sealing of the envelopes was more an exception (21% of the observed cases) than a rule.

In various states as Enugu, Kaduna, Kogi, etc, observers witnessed in several places that the polling stations count took place directly at the Ward or the LGA level. Early closures were also noticed in Cross River and in Enugu where the results of the 11 polling stations from ward 04 of LGA 13 (Ede Ukwu ward) had already been collected, collated at ward

11: at 12.45, all presidential ballots were cast and only the Gubernatorial ballots were distributed. Names in the voters' list were ticked in an alphabetical order; PS 001/Ward 07/LGA 11: a man was seen in the vicinity of the polling station distributing voters cards to a group of young people who went to cast their votes; PS 004/Ward 09/LGA 11: the names on the voters' list were all already ticked when polling was still going on, PS 007/Ward 09/LGA 11: at 09.30, the presiding officer of this polling station was absent for the distribution of material at the ward level. At 14.00 the polling station was found closed, the team went to the ward collation center closed by and arrived before the Presiding officer who came to deliver his material at 14.10. Opening, polling of 681 voters, closing, counting and packing the material was supposed to have taken place in an unrealistic period of no more than 4 hours; a ballot box snatching was witnessed at 12.50 in Makarfi LGA (Ward 08/PS 016); PS 012/Ward 06/Makarfi LGA, turnout of 100%, all the votes for other parties than ANPP and PDP had been counted as rejected; Delta: PDP supporters roadblocks were observed in Ethiope West LGA, at PS 008 and 009/ward 01, at 10.00, polling was already stopped and the counting ongoing; in Sapele LGA, the polling stations in town were closed by noon, in Ika North East LGA, polling stopped at noon due to the lack of ballot papers (only 100 had been delivered to the 7 PS visited by the team); Rivers: PS 005/Ward 01/LGA 14: 300 ballots cast, no presiding officer nor voters present, no result sheet, stuffing was confirmed by the polling clerk himself; PS 01/ward 12/LGA 14: when arriving, the EU team could see the presiding officer and the clerk placing ballots in the open box; PS 009/ward 05/LGA 18: PS closed and counting finished at 15.15: results received ballots: 609, cast: 609, gubernatorial: PDP 609, presidential: PDP 603.

²³ Benue: voters bribing by PDP was witnessed in Naga LGA.; in PS 020/Modern market Ward of Makurdi LGA, at 13.00, all the voters had allegedly already voted and the polling staff was witnessed ticking one by one the names of the voters on the list (432 alleged voters: 418 for PDP) and, at 13.00, in PS 024 of the same ward, counting was already ongoing (441 alleged voters, 438 for PDP); Katsina: generalized under aged voting coupled with observed cases of stuffing by multiple votes in Daura. In Safana LGA, the destruction of at least 10 ballot boxes was confirmed during the day; Nassarawa: ballot stuffing evidenced in one Doma LGA (200 voters in 30 minutes), In obi LGA/Agwatashi ward/PS 006, at 14.30, 455 votes were cast for the gubernatorial – allegedly, voters were supposed to come back later to cast their presidential ballot -, when returning to the polling station 45 minutes later, the 455 presidential ballots had been cast. Polling stations 005, 009, 011 and 012 of the same ward opened after 14.30, these stations closed after one hour polling, delivering turnouts near 100%, in favor of PDP. A large number of under aged voters were seen in all the observed polling stations. In Anambra, the pattern of turnout and vote in the observed places (noticeable given the absolute lack of secrecy) was not reflected in the results.

level and were on their way to the LGA collation centre at 14.15. At 14.30, the situation was identical for the 25 polling stations of the Idi/Ogbozara ward.

A particularly problematic issue was the absence of EC.8.A. forms in all the places visited in states as Imo and Rivers.

12.2.4. Collation of Results

The collation phase remained a critical part of the process. In 22% of the 50 continuously observed collation centres, the aggregation of results was not properly done. The domestic observers' presence in 46% of the cases represented a significant improvement compared to the 12 April elections, where they were found in only 7% of the collation centres. However, even if party agents and/or candidates were present in 90% of the centres, in 22% of the cases they were not offered to sign the aggregation of results forms and in 6% of the cases, they did not receive copies of these forms. The lack of respect of the INEC procedures in this particular case was seen as a critical aspect of the evaluation of the day.

Furthermore, in several collation centres, major anomalies as well as cases of forgery of results were directly witnessed.²⁴ In one case, the fraud was the result of an inter-party agreement.²⁵

12.2.5. Results

The PDP ticket led by the presidential candidate and incumbent President, Olosegun Obasanjo, was declared winner on the late evening of Tuesday 22 April with 39,480,489 votes, which represents 61.94 % of the total votes cast. The main opponent, ANPP candidate, Muhammadu Buhari, obtained 12,710,022 (32.19%). The INEC Chairman

²⁴ Enugu: LG 04 (Enugu North): no party agents or domestic observers present but the collation sheets showed signatures of party agents. Polling stations where counting had been observed had a average 30% turnout while results from other polling stations gave 85% turnouts with 90% in favor of PDP; at the Enugu South LGA, presiding officers were seen copying results given to them on the originals of the EC.8.A. forms under the supervision of police officers; Cross River: change of results at LGA collation Center (LGA 08) confirmed for the 4 polling stations for which the results were known by the team; Imo: no collation could be observed in Owerri North LGA, nor at ward 003 level or at LGA level. The ward collation center closed at 20.15 without having received any ballot box; Kaduna: around 22.00, a ballot box full of unidentified unstamped ballot papers disappeared from the Kagarko, ward 09, collation center and at 24.00, 2 ballot boxes containing PDP marked ballots were found in the same collation center in a separate room. On all the ballots, the fingerprint was the same. Half burned senatorial elections ballots were found at the Kagarko LGA collation center; Delta: In Ika South LGA, PS 004 and 005, ward 01, no EC.8.A. forms were available. Results of these polling stations were checked at the LGA level during the observation of the collation and the results of PDP had been changed from 52 to 757 and from 46 to 297. The team checked the results of 5 wards (48 PS), all were presenting turnouts between 95 to 100%; Rivers: Eleme LGA, at 16.00, the ballot boxes were delivered to the LGA collation center but no results forms were given to the presiding officers.

²⁵ Kaduna: in Makarfi LGA, at ward 06 level, at 14.30, PDP and ANPP agents have been witnessed thumb marking remaining ballots (ANPP for the Presidential election and PDP for the Gubernatorial election).

made the announcement in his capacity of National Returning Officer, and on Wednesday afternoon President elect Obasanjo received the electoral certificate from the INEC Chairman.

During the days of Monday and Tuesday, the State Returning Officers certified the results for the gubernatorial races in all 36 States and declared the winners. All winning candidates obtained already in the first round the necessary quota of at least one-quarter of the votes in at least two-thirds of their respective LGAs, and therefore no run-offs were necessary.

The official turnout for the presidential race, according to the figures published on the INEC website, was high, 64,9 % of the 60,823,022 registered voters. This appears implausible in the light of EU EOM findings, especially with a view to the large difference between the votes cast for the presidential and gubernatorial races which emerged in the South West Region (more than 1,000,000 votes). In particular, in Ogun State, a striking difference of 600,000 votes emerged between the two races. The EU EOM team that observed in Ogun did not observe any case of voter casting his/her vote for the presidential election only. Furthermore, at the ward and LGA collation centres observed, collation sheets for presidential election were missing and only gubernatorial collation sheets were available.

The publication of the official results remained obscure and chaotic. The figures published on the INEC website did not include the number of registered voters per LGA, and once more the figures were not generally made available by the RECs to the EU EOM observers. The compilation work that the EU EOM undertook confirmed in many cases the implausibility of the official high turnout and consequently of the results. In several states, and on a particularly large scale in the six states where serious and repetitive cases of fraud were witnessed, extremely high turnout figures (over 90%, with peaks at 100%) were noticed. Some of these results contradicted Election Day observation (especially in Cross River, Rivers, Imo, Delta, Enugu) or highlighted serious differences (Nassarawa, Edo or Kaduna) when compared to the states' average results²⁶. These high turnouts appeared mainly to favour PDP, however, in a more limited number of cases ANPP was the beneficiary or, in some isolated cases, UNPP.

Another specific case worth being mentioned is Plateau, where only 7000 votes separated the Governor elect (PDP incumbent) from his closest contestant. Various allegations were brought to the EU EOM attention concerning anomalies in the results of three Local Government Areas (Jos North, Bokkos²⁷ and Wase LGAs). Despite repeated requests, INEC failed to provide the EU team assigned to the state with detailed results for these three Local Government Areas. The team finally had access to the consolidation forms of

²⁶ Edo: PS 006 to 008/Ward 04/Ovia North East LGA: the final results of the PS were: registered voters 1043, 368 and 368, PDP: 971, 364 and 364. PS 006 was visited on Election Day at 13.00 and only 90 votes had been casted at that time.

²⁷ On the 19th, in Bokkos LGA, the EU team observed PDP party agents and presiding officers instructing voters to vote for the PDP candidates. In several polling stations, party agents were checking the ballots before introducing them in the ballot box.

several wards of Jos North. More than 51000 votes were counted for PDP while the observers' count suggests 45000.

On a positive note, the INEC Media & Results Centre continued to execute its function well and the Public Affairs Division endeavoured to disseminate fast to the public the information that was made available by the Commission.

12.2.6. Evaluation

The elections were marred by serious irregularities and frauds of various nature: ballot box stuffing and ballot box snatching, forgery of results, falsification of results sheets, etc. In a number of States like Cross River, Delta, Enugu, Kaduna, Imo and Rivers, minimum standards for democratic elections were not met and the results of the Presidential and Gubernatorial elections in these states can hardly be considered as credible. The improved logistics arrangements from INEC allowed polling to start largely on time and the entire process benefited from it. However, the INEC guidelines of 15 April only partially succeeded to remedy some of the various shortcomings emerged on April 12.

Improvements were noticed in the distribution of material and in the utilisation of various mechanisms to help the secrecy of the vote and, taking aside the several observed episodes of massive rigging, the overall performance of the "ad hoc" staff was regarded as encouraging and marking an improvement compared to 12 April. The additional training sessions that took place in several states during the week between the two elections and the experience of the previous elections seemed to have had some impact on the quality of the polling stations' overall management. However, the lack of proper civic education and in-depth understanding of the procedures was among the factors that permitted organised rigging by parties and candidates.

No improvements were noticed in the tracking and accountability of sensitive material (ballot papers and voters' cards), safeguards against underage voting, use of tendered ballots and implementation of collation procedures. These issues were not adequately addressed in the 15 April guidelines.

12.3. States' Houses Assembly – 3 May 2003

Observation on the 3 May has been conducted in 31 states of the Federation (excluding Bayelsa, Akwa Ibom, Kebbi, Taraba and the Federal capital territory), in 343 polling stations (123 in urban areas and 211 in rural areas, representing a ratio of 65% rural – 35% urban observed polling stations.).

12.3.1. Opening

The elections of 3 May showed several parallels with those of the 19 April. Around half of the polling stations opened in time, while the others faced some delays in opening, but generally contained in reasonable limits. However, in 25% of the cases, essential material was reported missing, in half of the observed polling stations members of the polling staff were missing, unauthorised persons were present in 20% of the cases and ballot boxes were not sealed in the large majority of the places.

12.3.2. Polling

Despite a new set of instructions issued by INEC during the week preceding the elections, no significant improvements could be noticed in the main areas of concerns identified during the previous elections.

The basic safeguards measures for preventing multiple voting were still badly implemented: finger check and marking of finger were not properly conducted in 36% and 29% respectively of polling stations (on the 19th the results were 31% and 22%). No overall improvement in the use of the voters' lists was observed (no check of the name in 7% of the polling stations and no marking of names in 9%). Some marginal improvement in the marking and stamping of the voters cards was reported but it was still not properly done in 9% of the observed polling stations.

Some progress was noticed in the respect of secrecy of vote, marking a slow but clear tendency of improvement. However, the teams reported violations of the secrecy in ¼ polling stations observed. At the same time, the pressure on people requiring assistance remained high (in ¾ of the observed polling stations, cases where the voters could not choose who was assisting them were witnessed). As the previous elections, most of the reported cases were involving party agents rather than polling staff or security agents.

The geographical pattern of frauds observed reproduced the one reported on 19 April with again a high occurrence of cases in Enugu, Rivers, Cross River, Delta, Imo and Kaduna²⁸ and more evidence was collected on Edo²⁹.

²⁸ Imo: No EC.8.A. found in any polling stations visited in 9 LGAs. Merely no voters were seen during the day. In Ezinihitte Mbaise, at 10.45, in the first visited polling station in this LGA, the ballot box was full, despite the fact that only 12 voters' names were ticked on the list. At PS 002/ward 07/LGA 03, the PS was running out of ballots at 12.30, according to the figures, since the opening, the station processed 1 voter per 25 seconds, the same in PS 005/ward 08/LGA 09. In PS 006/ward 08/LGA 09, the ballot box contained several pack of ballots folded together. In PS 001/ward 01/LGA 08, the lower half of the ballot box was neatly filled with hundreds of well sorted ballots, the turnout of 592 voters at 14.05 was leaving an average vote each 30 second. By comparison, at PS 017/ward 07/LGA 27, the result after counting was of 23 votes (13 AGPA, 10 PDP). In the neighboring PS 014, 27 votes were casted at 14.40; the decision was taken to extend polling. At 16.30, the observers left the polling station for a short period and came back at 16.35. At this time the counting was starting and 139 ballots were now in the box (PDP ballots were folded together); Cross River: PS 008 and 009/ward 10/LGA 02: no adequacy between the number of ballots issued and the number of names ticked; ward 01/Calabar South LGA: not a single voter observed, all the visited polling stations provided with 200 ballots, regardless of the number of registered voters, very low turnout in most of the PS. The collation for the 9 PS of the ward was observed when arriving at the LGA collation center. Ballots were not sorted in the boxes, contradicting the claim they had been counted. PS 006, 007, 008 and 009 had when visited after 13.00 respectively 187, 21, 5 and 10 voters. When collated at 15.20, the results of these 4 PS were: 198, 490, 490 and 390 votes casted; In Kaduna: implausible turnouts were noted in many visited polling stations: Kajuru LGA, Idon Ward, PS 23, 2 votes per minute, in PS 004, more than 4 votes per minute, Kachia LGA, Agunu ward, PS 002, 5 votes per minute, PS 012, more than 2 votes per minute.

²⁹ 8 polling stations were already collated from ward 09/LGA 05 at 13.15, giving very high turnouts, merely all the votes for PDP. In Iguebeden, in ward 04 and 05, the polling process was overtook by PDP agents who were directing the voters. Clear indications of ballot stuffing were noticed in several polling stations: 400 votes at Afuda/Igueben (ward 3) at 09.20, 195 votes at Egbiki/Igueben (ward 1) at 10.10, 410 votes at Ewossa/Igueben (ward 9) at 11.00, at 11.40, 476 votes at PS 010, 499 at PS 011, and 535 at PS 012

Severe irregularities and frauds were also reported in Abia, Anambra, Benue, Ebonyi, Katsina, Plateau and Nassarawa³⁰. For these last states, as on April 19, the occurrence of directly observed or evidenced cases of frauds was lower or the number of concerned polling stations less significant. However, the credibility of the elections in these states should be regarded as seriously affected. In other states, especially in the South West, while some isolated cases of frauds or major irregularities were reported³¹, the process – as for the previous elections – was generally considered as conducted in the respect of the procedures.

12.3.3. Closure and Counting

A new pattern observed on 3 May was the large number of polling stations that were found already closed before 15.00. The standard motivation provided was that all voters had shown up and cast their ballots. In states like Cross River, Enugu, Imo, in Kaduna, in parts of Nassarawa, Benue³², etc. this phenomenon, already observed in some cases on 19 April, were more generalised. Some EU EOM teams, i.e. in Rivers³³ or in Kaduna, were

of Oligie/Orhiomwon; In Anambra, a batch of 10 ballot papers attached to the counterfoils (serial INEC 62654901) was found in a ballot box during an observation of counting, alternatively marked in favor of ANPP and AGPA.

³⁰ Benue: PS 008/Mbawa ward/Guma LGA: at 11.10, the polling station was closed and the results known, 500 votes casted, 498 for PDP. To be able to reach that result, the PS should have been able to process 3 voters per minute. The same situation was observed at PS 001 at 11.40. Plateau: in several polling stations, ballot stuffing could be evidenced by the implausibility of the announced turnouts, as 180 votes casted at 08.30 or 1050 in a maximum of 4 hours; Katsina: in Batsari and Safana LGAs, the team observing had been repeatedly confronted to a high number of cases under aged voting; In Imo, implausible turnouts were announced in ward 05/LGA 14: PS 004, 215 voters between 11.00 and 12.00, PS 001, 97 between 11.20 and 12.15, PS 006, 328 between 11.35 and 12.15, PS 007, 300 between 10.45 and 11.45, etc, at PS 001/ward 009, 27 votes were casted at 14.10, but the result was 298 at 15.45, at PS 008/ward 005, 290 ballots were casted at 14.50 but at 15.30 the result at the collation center was 490 voters; Nassarawa: disruption of the polling in Doma LGA due to violence perpetrated by PDP activists, in PS 001/Egon North ward/Egon LGA, 200 votes were casted while the number of registered voters was 145, the same was noticed for PS 010/Gurku ward/Karu LGA, where 1107 votes were casted in a PS of 920 registered voters.

³¹ Lagos: PS 028/ward 09/LGA 15, 3 persons with unstamped voters' cards could not vote as their names were already ticked on the voters' list, attempts of impersonate voting reported in several polling stations: PS 009/ward 11/LGA 15; PS 038/ward 08/LGA 01, Ekiti: PS 002/ward 05/LGA 14, at opening of the ballot box, 40 ballots were found folded together in groups of 5; PS 001/ward 04/LGA 01: bribing of voters observed; Bauchi: PS 017 and 024 of Siri Baba Primary school, counting was achieved at 13.05, according to the turnout, these polling stations should have processed around 2 voters per minute; Sokoto: PS 008/ward 05/LGA 16, the presiding officer was seen writing the voters' cards number on each of the ballot before giving it to the voter; Niger: PS 001/Rijau ward/Rijau LGA, 300 ballots officially casted at 11.50 not matching the amount of ballots in the ballot box. Osun: evidences of ballot stuffing in ward 10 of Ife Center (10 PS), ballots were seen folded together. Given the turnout announced at 13.00, the polling unit had allegedly processed 1 voter every 15 seconds.

³² At 12.00, in Buruku LGA/ ward Mbaapen, seven polling stations were closed and the results collated showed a 100% turnout in favour of PDP in all of them.

³³ At 14.00: all ward 12 of Degema LGA were allegedly already closed, counted, collated at ward level and results were already at LGA level. However, the ballots were folded in the boxes and were not stretched out

unable to observe any closing; when arriving on the sites, no open polling stations could be found.

The early closures, combined with evidences of ballot box stuffing having taken place and very high turnouts contradicting the observation of reduced interest and participation (in Enugu, in the team observed almost no voter casting a ballot, but turnout was announced very high presiding officers and collation officers), closely reproduced the scheme of the 19 April where the South-South and South-East states appeared to be particularly affected by severe and widespread fraud.

12.3.4. Collation of Results

Fewer major irregularities were reported in this field. Improvements were observed in the respect of the official procedures. The proportion of collation centres where material arrived properly packed was 69%, compared to the 40% of 19 April. Aggregation of results seemed also to have been conducted in a better way than previously (properly done in 86% of the cases instead of 76% on the 19th). In all the observed collation centres, where party agents were present, they were offered to sign the collation forms and received a copy in almost all the cases. It appeared that more attention had been paid to the functioning of the collation centres, but fewer party agents and domestic observers were seen (in 83% and 33% of the places).

12.3.5. Results

No relevant changes were observed in the publication and announcement of results. The information on which results had been returned, remained very patchy and insufficient from State to State, no public notices were made available in this respect.

Following the EU EOM's repeated calls to make the breakdown of results available to all stakeholders, the INEC Secretary issued a memo to all the RECs to urge them to be more open and proactive in providing this kind of information. Despite that, the attitude did not improve and the EU EOM was often refused access to the results with the motivation that clearance from INEC headquarters was needed.

Postponed elections for the States' House of Assemblies took place on 9 May in three constituencies in Delta State (Okpe, Burutu I and Burutu II; and on 10 May in Kwara). Once more, INEC gave no adequate notice of these events, neither centrally nor locally.

12.3.6. Evaluation

The observation of 3 May confirmed the findings of the 19 April elections. No improvements were noticed in the general administration of the process. The elections were again marred by serious irregularities and fraud, which effectively disenfranchised a considerable number of voters. The degree of irregularities varied from State to State, but the elections lacked total credibility in at least seven States (Cross River, Delta, Edo,

or piled together as it would have been the case if counting had really taken place. At 14.15, ballots from ward 14 arrived with ballots identically folded not showing any sign that counting took effectively place.

Enugu, Imo, Kaduna and Rivers) and were seriously compromised in at least other six (Abia, Anambra, Benue, Ebonyi, Katsina and Nassarawa). INEC failed to avoid the reproduction of massive frauds by parties and candidates and to prevent election officials and “ad hoc” staff to participate in organised fraudulent activities.

The belated issuance of new INEC guidelines did not bring about the desired effects, as there was considerably less care among “ad hoc” officials in applying the voting procedures. It appeared that election fatigue and the decreased tension impacted their ability to properly implement the procedures. In particular, it was striking how certain issues specifically addressed in the guidelines like the usage of seals and tamper-evident envelopes, tracking mechanisms for the accountability of the ballot papers and the voters’ cards at the polling stations’ level were neglected.

Counting and collation procedures appeared on the contrary to be better implemented. This was partially due to simpler procedures, partially to the fact that more attention was paid to the regulations. However, the apparent improvement in the implementation of the procedures loses credibility in the light of the observed implausible figures collated.³⁴

12.4. Role of Party Agents and Domestic Observers

On the 12 April elections, the massive presence of party agents in almost all the polling stations (98% of the polling stations visited on the day) and the significant number of domestic observers (present in 62% of the observed polling stations) was encouraging. A similar presence was observed on the 19th April (respectively 96% and 60%). On the 3rd May, the number of party agents slightly decreased (their presence was noticed in 89% of the polling stations). Domestic observers were only present in 27% of the observed polling stations.

While most of the domestic observers conducted their duties within their mandates, the presence of agents did not always offer the guarantee of transparency expected. In most of the cases where violations of the secrecy of vote were reported, agents were alleged to be directly involved. In states as Rivers, Imo, Enugu, Delta, etc., where a pattern of massive organised fraud was observed, in most of the polling stations, only ruling party agents were seen (PDP in states as Cross River, Rivers, Imo, Enugu, or ANPP in Kano – particularly on the 3rd May – Jigawa, Sokoto, etc). Identification of the agents appeared also problematic: various ways were used (badges, old 1999 badges, originals or copies of letters of accreditation, etc) that could not necessarily guarantee the identity of the agent³⁵. Finally, several cases of bribery were reported³⁶.

³⁴ The credibility of the collation phase, although technically more respectful of the procedures could hardly be defined as transparent in places like Degema LGA (Rivers) if one considers that the aggregation of results of 10 wards was observed without having seen any transfer of results sheets (Form EC.8.A). At the state level, the results produced by Eleme LGA (Rivers), when being handed over to INEC, showed a total number of votes casted superior to the total of registered voters and therefore were not accepted.

³⁵ Bauchi: on the 19th, in one Gajuwa LGA polling station, a alleged ANPP agent was witnessed advising the voters to vote Obasanjo.

12.5. General Assessment of the Electoral Process

Although there were some states where only minor or few irregularities were observed, the conduct of the elections of 12 April, 19 April and 3 May in a number of states did not meet the standards of Nigerian legislation or international agreements to which Nigeria is signatory. The 2003 elections in Nigeria suffered from a number of structural and political shortcomings, which were aggravated by the behaviour of some of the political parties.

In a number of states of the Middle-Belt, the South-East and the South-South, certain political parties and incumbent power holders, their supporters and functionaries created an environment which was detrimental to the democratic process. Various parties – mainly the established ones - were identified as being involved in malpractice.

INEC was unable to counteract this tendency, as a result of an insufficient level of technical and logistical preparation, the inadequate implementation of its own procedures and the lack of civic education. These factors combined, seriously undermined the transparency and regularity of the process. INECs passivity in relation to reported patterns of systematic fraud in a number of states gave space for a repetition of rigging on the 19 April and 03 May.

There are various factors, which led to this situation: the legal provisions governing the appointment and removal of INEC Commissioners on both Federal and State level, as well as the lack of autonomous sources of funding do not provide adequate guarantees for the independence of the electoral authorities and for effective and consistent implementation within the States of the directives issued by the Headquarters.

Within INEC Headquarters, a strong and visible disconnect exists among the various Secretariat's divisions that share operational responsibility in conducting the elections' operations. In particular, INEC's lack of transparency through key stages of the process made it vulnerable to accusations of political bias. All this was magnified by the general lack of initiative and operational capacity demonstrated by the RECs in the conduct of those activities that fell within their powers. The relationship between the RECs and their EOs is not founded on a solid basis and the technical competence of many EOs is limited.

INEC's dependence on the recruitment of a high number of untrained or politically biased "ad hoc" staff for the management of the electoral processes was risky. The mechanisms for the recruitment did not sufficiently guarantee the impartiality of the polling staff.

Voter registration was the main source of difficulties and controversy. The establishment of a computerised database is commendable as well as the declared purpose to move from an "ad hoc" register to a permanent system of voter registration. However, the task and complexity of the task were severely underestimated, especially given the time available.

³⁶ Delta: Ika North-East LGA, at 14.15, on the 19th, an argument arose in front of the EU team when 30 party agents requested the payment of promised bribes. Imo: on the 19th, PS 003/ward 003/Owerri North LGA party agents were seen receiving money from a person later identified as the INEC supervisor; Cross River: PS 008/ward 01/Calabar South: 1 agent introduced himself as ANPP representative but when reminded that the party had announced a boycott of the election, he admit to be a PDP member.

As a consequence of that, all electoral preparations suffered from serious delays because of this initial underestimation. Many deadlines were missed and certain legally prescribed obligations were not fully adhered to. All INEC efforts were so much devoted to make up for the accumulated delays and no attention was paid to elaborate possible alternative strategies.

The distribution of voter cards added unnecessary confusion and subtracted critical resources from the delivery of election material. The entire exchange exercise was poorly planned and badly implemented, and did not at the end add any safeguard to the process, but on the contrary opened up new loopholes for underage voting.

It is also regrettable that INEC could not benefit from logistical resources available at the State Independent Electoral Commissions, given the legal separations between the two structures and the lack of initiative to share such resources.

All the mentioned structural shortcomings were such that they could not be remedied in time to effect a genuine and clear improvement in the course of the observed process. However, INEC demonstrated on certain occasions a capacity to react and to improvise, while on other occasions it remained completely inactive. In particular, the inadequate manner of announcing and publicising the results cast a shadow on the entire process.

13. ELECTION PETITIONS

Filing of Petitions

Election petitions can only be filed by candidates and political parties. The candidate, whose election is being challenged, is the respondent and if the petition complains of conduct of the electoral officials, then such officials must be challenged as well. If the petition regards the presidential elections, it must be filed with the Court of Appeal. Appeal from decisions of the Court of Appeal lies with the Supreme Court and must be filed within 21 days of the judgement. Any other election must be challenged by filing a petition with an Election Tribunal – judgements of the Election Tribunals can be appealed at the Court of Appeal within 21 days.

Establishment of Tribunals

In each state, an Election Tribunal was established from judges of the High Courts. These judges were selected by the president of the Court of Appeal in Abuja and sworn in by the Chief Justice of the Federation. The selection took place at least 14 days before the first elections on 12 April, and the swearing in of the Tribunal members took place from 25 to 28 April 2003.

Procedures

The legal procedures for the Election Tribunals are to be found in the 1st Schedule to the Electoral Act 2002 and the practice and procedures of the relevant courts. The Electoral Act states that Election Petitions and related appeals must be “given accelerated hearing and shall have precedence over all other cases”. However, the laws do not contain deadlines within which Election Petitions must be dealt with and therefore it can take months before Election Petitions have been decided on in last instance.

Possible Judgements

The Court of Appeal and the Election Tribunals can pass the following judgements (as stipulated by Sections 135 and 136 of the Electoral Act 2002):

- (i) declare that, although there was non-compliance with the provisions of the law, such non-compliance did not substantially affect the result of the election;
- (ii) nullify the election;
- (iii) declare as elected another candidate than the one who was originally returned as elected;
- (iv) strike out an election petition on the ground that it is not in accordance with the law.

Pending the determination of election petitions, candidates returned as elected will remain in office. The same goes for the period of appeal (21 days) and pending an appeal of a judgement declaring a candidate not validly elected.

Petitions Filed

At the time of writing of this report, the EU EOM received information on Election Petitions regarding the National Assembly, Presidential and Gubernatorial Elections.

With the Court of Appeal an Election Petition was filed by Mr. Yusuf, presidential candidate for the Movement for Democracy and Justice, challenging the result of the Presidential Elections. Election Petitions challenging the results of the Gubernatorial Elections were filed in Adamawa, Enugu, Imo, Anambra, Plateau mainly by the ANPP and its candidates. Election Petitions were filed in Adamawa, Benue, Edo, Enugu, F.C.T. Abuja, Kebbi, Lagos, Imo, Sokoto and Zamfara challenging the results of the National Assembly elections (either Senatorial or House of Representatives) by a variety of candidates and their parties, including PDP, ANPP, UNPP and APGA.

More Election Petitions may be filed regarding the different elections and in particular regarding the State Houses of Assembly Elections.

Judgements/Orders Issued

At the time of writing of this report, only a limited number of decisions had been taken by some of the different Election Tribunals. The two first court orders made by Election Tribunals in Abuja and Enugu contained requests to INEC to provide the tribunals with all relevant documentation. An Election Tribunal in Zamfara struck out an Election Petition on the grounds that it did not comply with the requirements for petitions as stated in the Electoral Act.

14. GENDER RELATED ISSUES OF THE 2003 ELECTIONS

14.1. Background

Most of Nigerian laws – save for customary laws and some laws inspired by religious considerations – do not differentiate between men and women. The Fundamental Human

Rights contained in the 1999 Constitution of the Federal Republic of Nigeria are guaranteed to all persons, irrespective of gender.

According to the 1991 National Population Census, women constitute 49.7 % of the total population and even a larger proportion of registered voters. Yet, there is no true reflection of these figures in the decision and policy-making bodies in the state.

14.2. Women as Candidates

In the 2003 Gubernatorial Elections two females (out of 72 governor and deputy governor positions) were elected as deputy governors (Ogun State and Osun State in the South-West). Although this may be cited as a slight improvement on the 1999 elections, when only one female was elected as deputy governor of Lagos State, it still represents only 2.8 %. In the Senate, the situation is not different: women hold only three seats out of the 109 of the High Chamber (2.7%).³⁷

Lack of funds is one of the major constraints faced by female politicians as the cost of electioneering is high and the male-dominated business community would rather raise funds for male candidates. One could make it imperative for political parties in Nigeria to reduce the amount of non-refundable deposit payable by female candidates. The lack of property rights under the Nigerian Customary Property law as regards women limits their access to credit facilities hindering their active participation in politics. With regard to party primaries, a NGO like Women's Rights Advancement and Protection Alternative (WRAPA) was of the opinion that women were more or less already edged out in party primaries with the result that most of the female candidates are running under minor parties' tickets.

Existing deep-rooted traditions and cultural practices prevent women from participating in politics. The traditional responsibilities of women at home are another major obstacle to their participation in the political process, as candidates as well – to a certain extent – as voters.

14.3. Women as Voters

Women were aware of the importance of their potential political force and turned out in large numbers. Political parties were definitely interested to take advantage of the female electorate as they were inviting them in large numbers to rallies and encouraged them to vote. In certain areas, women were actually active in political campaigning. In Lagos, widows of late political figures addressed the crowds and "praise choirs" consisted largely of women.

Across the country there was a consensus on the necessity of women to vote. However, in the North, there was not necessarily a consensus on the extent to which political activity was compatible with being a woman, and where proxy voting took place, it would frequently be on behalf of women by their male relatives. Reasons for female under-age

³⁷ At the time the report has been written, the final list of the elected members of the House of Representatives was not yet known.

voting could be found in widespread early marriages, which are locally interpreted as a factor of maturity, synonymous with eligibility to vote.

15. FOREIGN AND DOMESTIC ELECTION OBSERVATION STATEMENTS

There were seven international observation groups present in Nigeria for the general elections including the EU EOM: the National Democratic Institute (NDI), the International Republican Institute (IRI), the Commonwealth Observer Group (COG), the African Union (AU), the Economic Community of West African States (ECOWAS) and the Institute for Democracy in South Africa (IDASA).

There were several groups of domestic observers, which included hundreds of smaller Nigerian civil society organisations. These were the Transition Monitoring Group (TMG), the Justice, Development and Peace Commission (JDPC), the Nigeria Labour Congress (NLC), the Muslim League for Accountability and the Federation of Muslim Women's Associations of Nigeria (FOMWAN), Muslim League for Accountability (MULAC), the Movement for the Survival of the Ogoni People (MOSOP) and Civil Liberties Organisations (CLO). All together they deployed some 68,000 observers on Election Days.

National Assembly Elections 12 April 2003

Following the National Assembly elections, there were four statements released by other international observation groups – NDI, IRI, AU, Commonwealth – and four by domestic organisations – TMG, JDPC, NLC and MULAC/FOMWAN. The initial preliminary statements struck a cautious note – commending the peaceful conduct of the elections (although TMG observed violent incidents in 8% of polling centres monitored) but criticising late opening and calling for improvements in logistics, secrecy and training for the next elections.

Presidential and Gubernatorial Elections 19 April 2003

There was a substantial increase in the number of observer statements released following the 19 April elections, which was a reflection of the perceived significance of the presidential and gubernatorial polls. The Commonwealth called the elections “historic...a landmark transfer of power from one civilian administration to another” and praised the elections as a step forward for Nigerian democracy and Nigerians for their dedication to the process. It also commended INEC, reporting that it had emerged from these elections as “a stronger organisation”. The report criticised elections in two States – Rivers and Enugu – where their monitors had observed serious irregularities. ECOWAS, the African Union and IDASA also gave a broad stamp of approval although they looked for improvements in logistics for future elections.

While the IRI “recognised the Nigerian people are on a journey to democracy”, it nevertheless felt the elections suffered as a result of administrative and procedural errors, as well as electoral manipulation in some parts of the country. The report named Cross River, Imo and Rivers as states where elections were “seriously flawed”. The NDI was

also cautiously critical, citing “serious concern about the legitimacy of results in certain constituencies”, specifically in Bayelsa, Delta, Rivers, Enugu and Kogi.

The findings of domestic observation groups were broadly similar to those of the EU EOM. The JDPC highlighted shortcomings and serious irregularities, especially in Enugu, Imo and Rivers and reported violence in the South East and South South regions, which it said, took place “with the connivance of some INEC officials and Security Officers”. Although the TMG noted high turnout in most states and improvements in INEC’s polling day preparations, its report highlighted cases of electoral violence and fraud in some parts of the country. Electoral fraud was found in Enugu, Imo, Taraba, Bayelsa, Kogi, Kano and Kaduna. In Delta and Bayelsa the TMG report listed LGAs where no elections took place at all. The statement of the Nigeria Labour Congress cited cases of electoral malpractices around the country and found that elections in some states could not “pass a basic test of fairness.” It went further in that it estimated that in the case of the gubernatorial elections, it is “highly probable” that some of the declared winners would not have been successful had it not been for the scale of electoral fraud in those areas.

State Houses of Assembly Elections 3 May 2003

The EU EOM was the only international observer group to monitor the 3 May elections. TMG released a preliminary report detailing “numerous cases of electoral fraud and malpractice, including under-age voting, multiple voting, stuffing of ballot papers into ballot boxes, snatching of ballot boxes, falsification of results in many states in different parts of the country.” It also cited low turnout in all the polling stations monitored in all 36 states. The TMG statement was released before the EU EOM statement and contained a passage criticising “executive justification of rigging”.

16. MEDIA MONITORING

16.1. Methodology

The EU EOM monitoring of media coverage during the election period was conducted in order to ascertain:

- whether political parties and candidates had equitable access to the media;
- whether the media and the authorities abide by the rules and regulations covering their conduct during the campaign;
- whether it was possible for the public to gather sufficient information via the media to assist them to make a decision on election day.

Media monitoring was conducted between 17 March and 3 May 2003 using the quantitative monitoring methodology of the European Institute for the Media. National and local media were monitored in Abuja, Abia, Enugu, Kaduna, Kano, Jos, Lagos and Rivers States.

In Abuja the following media were monitored: the National Television Authority (NTA) and African Independent Television (AIT) for six hours per day from 17:00 – 23:00; the Federal Radio Corporation of Nigeria network station Capital FM, the state-owned Aso

FM and the privately owned Ray Power radio (106.5 FM) from 16:00 – 19:00 daily. The following national newspapers were also monitored on a daily basis: the *Daily Times*, the *New Nigerian*, the *Daily Trust*, *This Day*, *Vanguard*, *The Daily Champion*, *The Guardian* and *The Punch* as well as collecting for content analysis a number of other national dailies and weeklies (*The Nigerian Tribune*, *The Monitor*, *Tell*, *Newswatch*). In Abia the EU EOM monitored the Abia State Broadcasting Service, in Enugu the Enugu State Broadcasting Service, Coal City FM and the newspapers *The Republican* and *Ogene*, in Jos the state radio station Plateau FM and the newspaper *The Standard*, in Kaduna, the Kaduna State Broadcasting Service and the Hausa newspaper *Gaskiya Ta Fi Kwaabo*, in Kano the Kano State Broadcasting Service and the *Triumph*. In Lagos the EU EOM monitored four radio stations: Radio Lagos, Cool FM, Star FM and Eko FM as well as the newspapers: *Newsbreak*, *Alaroye*, *PM News* and *New Age*. In Port Harcourt, Rivers FM, Ray Power and Rhythm FM were monitored as well as the newspapers *The Argus*, *The Beacon*, *Tide PH*, *the Independent Monitor* and *The Telegraph*.

16.2. Background

The Nigerian media system is varied and prolific with a substantial number of both broadcast and print media operating on a regular basis: nine private television companies, nine private radio stations, 20 federally owned FM radio stations (soon to be 37), 37 state owned FM radio stations (including Abuja), 56 functioning federally owned television companies (out of 101 licensed) and 36 state owned television companies. There are also 24 cable and two satellite networks licensed for pay per view. While it is true to say that the media landscape in Nigeria is very diverse in comparison to the rest of the region, the ratio of federally and state owned media to privately owned media is high, at just over eight outlets to one. Radio is by far the most accessible medium for Nigerians.

16.3. Legal Framework

There are three key legal instruments for regulating media coverage of elections: the obligation of the government owned media to remain impartial [Electoral Act 2003 29.2], the obligation of the government owned media to provide “equal access on a daily basis to all registered parties or candidates” [Electoral Act 2002 94.1] and a prohibition on campaigning in the 24 hours prior to an election [Electoral Act 2003 95.1]. These were not observed for a variety of reasons. The Electoral Act was conceived when there were only three registered parties, therefore there was then no perceived difficulty in devoting equal time to each. With the registration of 27 new parties, the logistical difficulty of giving each one equal time is clear; also, many of the smaller parties failed to campaign and therefore there was little or no information to broadcast. The 24-hour prohibition was conceived when all elections were meant to take place on the same day. When the elections were staggered over a period of four weeks it was no longer possible to observe this regulation and indeed campaigning continued to be broadcast in the 24 hours after the National Assembly vote on behalf of presidential and gubernatorial candidates. As for impartiality, the financing and appointment structure of the publicly owned media ensured loyalty to the national and regional parties of power; factors which were not adequately counterbalanced by the effectiveness of the laws or the regulatory authorities.

16.3.1. Nigerian Broadcasting Code

The Code establishes the minimum standard for broadcasting in the Federal Republic of Nigeria, seeks to define the role of the broadcast media in Nigeria society and sets out the main functions of the broadcasting regulatory body – the Nigerian Broadcasting Commission. Chapter Five provides guidelines for equal opportunity and airtime which should be provided to all political parties and views (with “particular regard to amount of time and belt during electioneering campaign period”) and for a moratorium on partisan political broadcasts in the 24 hours before polling day. Chapter Five also elaborates on the duty of the stations to highlight the activities of the government but without “glamorising government functionaries” or through “resort to praise singing or denial of access to those with contrary views or political leaning”.

16.3.2. National Broadcasting Commission (NBC)

The National Broadcasting Commission is the government regulatory authority for the broadcast media in Nigeria, established by decree in 1992. Its behaviour during the elections was rather low key. Indeed, the Director-General of the NBC and several members of his senior staff were absent attending an international conference for over a week and were not present in Nigeria during the National Assembly elections on the 12 April. In the run up to elections, the NBC distributed and publicised guidelines advising broadcast media on how to cope with political broadcasting. During the elections the NBC received complaints from most of the parties about their coverage in all of the states, but particularly from the PDP and the ANPP. In investigating these complaints, the NBC dismissed the vast majority of them as being without foundation. According to NBC officials, adverts had often been rejected by broadcasters on the grounds that they were defamatory or in some way not conforming to the National Broadcasting Code.

Despite the actions of the NBC in the run up to the elections and the warnings it disseminated during them, federal and state-owned broadcasters did not observe guidelines on equal opportunity and airtime and many did not refrain from “glamorising government functionaries”. The NBC has ten zonal offices monitoring broadcasters around the country which are run by experienced professionals and was well informed about violations of the guidelines for political broadcasting. The NBC does have the power to sanction³⁸ and used it on occasions – instructing police to close down the Kano offices of AIT/Ray Power in early March 2003 over the fact that the company did not have a license to broadcast to Kano. However in this instance, AIT/Ray Power in Kano were restored after just a few days. The law does not yet allow for the existence of private networks in Nigeria, nevertheless AIT/Ray Power has been operating as such for years. The NBC also used its powers following the Presidential and Gubernatorial Elections of 19 April to close down the private radio station Jeremi FM operating in Warri, Delta State. The station had broadcast an erroneous announcement that the Alliance for Democracy Gubernatorial Candidate Chief Great Ogboru had won the elections in Delta. Station staff were arrested and charged with disseminating false information. This indicates a certain lack of impartiality in the actions of the NBC, which in this instance

³⁸ According to the Act of the National Assembly no.38 on the National Broadcasting Commission (1992) and the NBC (Amendment) Act no. 55 (1999).

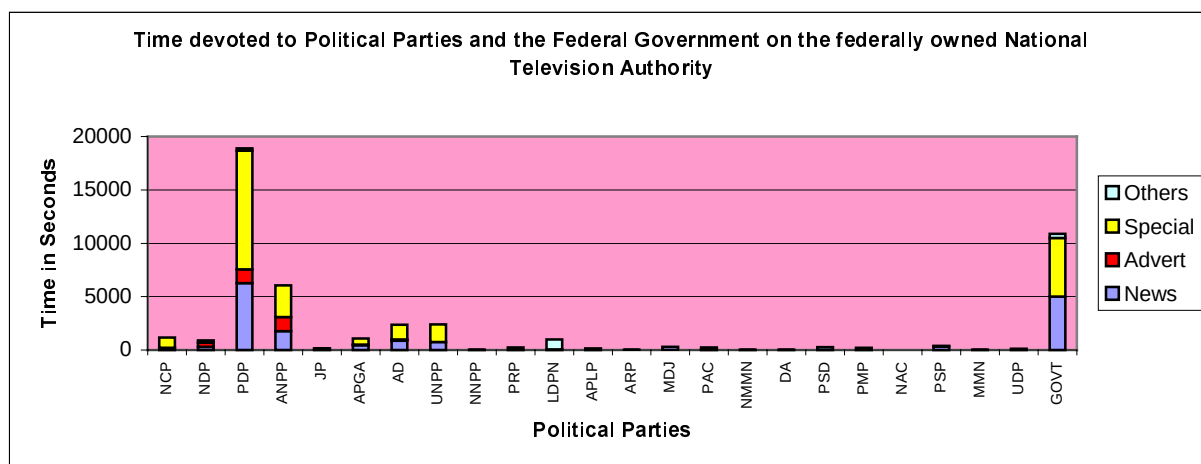
again moved swiftly against a privately owned station, an action inconsistent with taking a more relaxed attitude to legal abuses elsewhere amongst the state and federally owned media.

16.4. Broadcast Media Performance during the April and May Elections 2003

Media performance during the Nigerian elections was flawed, as it failed to provide unbiased coverage of the political parties and candidates contesting the elections. This was a result of a variety of factors: the financial instability of the Nigerian media, the low purchasing power of the population, illiteracy, electricity shortages, media reliance on sponsorship for survival, a media culture of deference to the party of power, problems of professional development and the weakness of both government- and self-regulation. Media outlets were largely unable to overcome these barriers and provide adequate coverage of the 2003 elections. However, in a positive development, the Nigerian media organised some useful initiatives to improve political communication during the elections. Most of the parties and candidates were able to present their views to the electorate through the presidential debates broadcast on public and private media, an event organised by a group of Nigerian media organisations. Also, the programmes broadcast by public and private media from the INEC Media Centre provided a useful service in disseminating election information.

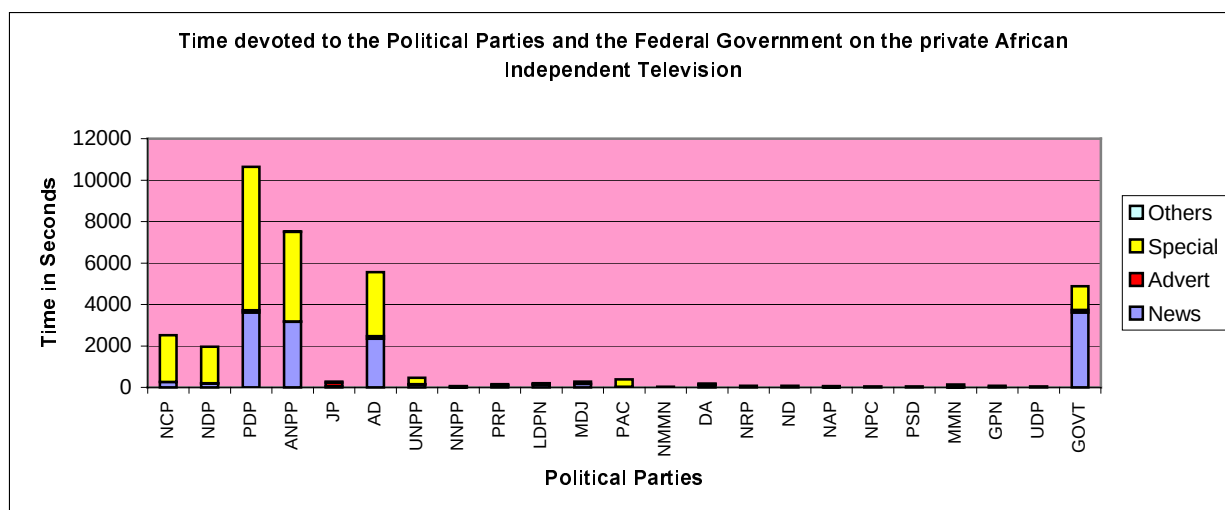
16.4.1. Federal TV and Radio

Federal and State-owned media were biased in favour of the parties and candidates in power. These media have a particular obligation to provide impartial and unbiased information to the electorate, because they are publicly owned and because of their advantage in reaching the largest number of people in Nigeria. However, detailed analysis shows that they failed to live up to this obligation. The federally owned National Television Authority and Capital FM stations devoted over double the airtime during news programmes to the activities of the ruling party and more coverage to the activities of the Federal Government than to most of the parties combined. Even considering the relative activities of the different parties and the advantages of incumbency, the amount and favourable nature of the coverage of the ruling party was contrary to the standards set by the Electoral Law and the National Broadcasting Commission. NTA devoted three times as much coverage to the ruling party overall as to any other. Programmes such as “Tuesday Live” were more balanced and encouraged discussion about the elections but they were the exception rather than the rule.



16.4.2. Private TV and Radio

The privately owned broadcast media monitored gave greater access to the major political parties and candidates in opposition, however to a large extent to those presidential and gubernatorial candidates able to pay for access to the media (through advertising). This led to a generally uncritical treatment by the privately owned media of the parties and candidates. The Daar Communications Ltd owned African Independent Television (AIT) covered 27 of the political parties during prime time in the period monitored (in comparison to the 18 covered by NTA) and gave more or less equal coverage to the three major parties – the PDP, the ANPP and AD. The ANPP garnered the most coverage overall, however not by a wide margin. The performance of AIT was in general more professional than that of its federally owned counterpart NTA. Some programmes stood out in terms of providing useful information and more open discussion, such as “Kakaki” and “Election 2003”. Nevertheless coverage was uncritical in general, and the channel was careful not to broadcast information the government might be sensitive to (e.g. the critical sections of the international and domestic electoral observation statements) during news programmes.



Ray Power radio, like AIT, is also owned by Daar Communications Ltd - their offices are together and they share resources. Nevertheless, election coverage broadcast by the radio station was quite different to that produced by its TV counterpart (AIT). The PDP received twice as much news coverage as the ANPP and three times as much coverage overall during prime time.

16.4.3. Regional Broadcast Media

State broadcasters showed an overwhelming tendency to support the incumbent governor and his party during the period of monitoring (26 March to 3 May). In the period running up to the gubernatorial elections Kano State radio devoted 100% of its monitored coverage of gubernatorial candidates to one candidate – the incumbent Governor Kwankwaso (PDP). Similarly, the state-owned Rivers FM devoted over 90% to the incumbent governor and none at all to any of his competitors. The only other gubernatorial candidate who received a mention was the governor of Delta State, James Ibori (a member of the same party, the PDP).

Nevertheless, the performance of the state broadcasters in some states was more balanced in terms of party political coverage during news than that of the private broadcasters monitored in the same region. In Lagos for example, two government subsidised radio stations were monitored: Radio Lagos and Eko FM. In terms of news coverage, although a certain partiality was noticeable in relation to the local ruling party (Radio Lagos) and the Federal Government (Eko FM), nevertheless both performed better than the private radio stations monitored in terms of party political coverage. The levels of financing and professionalism at state and federal radio are generally still higher than that apparent in private broadcasters. Radio Lagos and Eko FM gave coverage to a wider variety of the political parties during news programmes than the private radio stations in Lagos like Star FM and Cool FM.

16.5. Print Media

The Nigerian press is not widely accessible to people as a result of relatively low literacy levels (50% literacy, approx. 10% read English) and the low purchasing power of the population. Nevertheless the press is prolific, with each region producing one or more national newspaper and many locally distributed ones. The federally owned *New Nigerian* and *Daily Times* newspapers devoted over 50% more space to the ruling party and carried far more advertising for the PDP than for any of the other parties. The privately owned newspapers printed articles relating to far more of the political parties and candidates contesting the elections than the federal press – however the proportion of coverage was very similar. By far the main subjects were the PDP, the ANPP, the AD and the Federal Government.

Although there was a greater amount of information available in the newspapers about the different parties and candidates, the prevalence of advertising and advertorials – pages paid for by civil, political and government groups in support of or against specific parties – resulted in a proliferation of views in the same newspaper, often on the same page. Editorial policy even in newspapers with more obviously defined political positions was regularly compromised by this practice, which gave confusing and contradictory messages to readers. Such advertorials also frequently contained defamatory language

and unconstitutional messages (e.g. promoting or criticising specific ethnic groups). Parties and candidates sometimes took out advertorial pages to deny the content of advertorials which had been published in other newspapers – either to deny the substance of the allegations or to deny authorship of advertorials attributed directly to them elsewhere. The situation arises from the desperate financial situation of newspapers and journalists. Many privately owned newspapers are heavily in debt and according the head of the National Union of Journalists (speaking in March 2003), some media houses owe journalists up to 11 months in salary arrears. The practice of “brown-envelope journalism” – articles in exchange for cash – is well documented.

Despite all these professional and financial problems there is still a vibrant culture of journalism in Nigeria, which could not be completely quashed by the pressures of the election period and the economic climate. Columns and editorials in both federal and private newspapers monitored by the EU EOM took up the controversies surrounding the results, actively engaging in a public debate, which was almost entirely absent within the broadcast media.

16.5.1. Federal and State Newspapers

Between the 17 March and 3 May the federally owned *Daily Times* and *New Nigerian* devoted by far the most coverage in all types of articles and space (news items, comment, adverts and photographs) to the PDP. Both newspapers have been slated for privatisation but have yet to have their future decided. In the meantime it is clear that loyalty to the ruling party, despite patchy funding from the government, was required during the election campaign. However, this did not prevent the *Daily Times* from entering into the public debate provoked by the results and controversies after the elections had taken place – there was a considered approach to the issues in editorials and a balanced selection of views was published.

16.5.2. Private Newspapers

The most active advertiser during the period of monitoring of national newspapers (18 March to 20 April) was the PDP, although the ANPP and the AD were also major advertisers. Of the newer political parties, only a few received more than minor attention in the private newspapers – generally those which were more prominent during the campaign – the NDP, APGA, the UNPP and the NCP. The PDP was favoured with greater coverage than any other party, but this was sometimes a result of space taken up in order to criticise the ruling party.

16.6. Conclusion

Media coverage of the Nigerian general elections was dominated by the ruling party. This was partly the result of incumbency, partly the result of deference and partly due to the large amount of cash the ruling party invested into its public campaign. The levels of bias were most profound at the state level, where state broadcasting services and newspapers were unable to disentangle their interests from those of the local party in power. Federally owned radio and television also devoted disproportionate amounts of time to the ruling party in contravention of rules in the Electoral Act calling for fair and equal distribution.

Privately owned broadcast media did not on the whole provide an alternative to this distribution of coverage and they are not yet numerous enough to pose a challenge to government domination of the airwaves. The ratio of eight publicly funded broadcasters to one private one indicates an imbalance in the Nigerian media landscape and is a factor that acts as an additional barrier to professional and economic independence within the industry.

17. RECOMMENDATIONS

The recommendations in this chapter are made on the basis of the EU EOM's observations and assessment of the 2003 general elections, as well as on the analysis of the legal and electoral framework for these elections.

17.1. Recommendations on Further Action on the General Elections

With regard to the recently held elections, the EU EOM kindly recommends the following:

- Where petitions are filed by political parties or candidates Election Tribunals and the Appeal Courts shall carefully analyse the evidence provided and decide without delay.
- INEC together with the state authorities in charge must take necessary steps in order to create conditions for democratic elections observed by domestic observers in case election will be nullified in one or several states. This relates particularly to those states where serious patterns of irregularities and fraud have been observed and the trust and confidence of the electorate in the 2003 elections has yet to be re-established.
- The police, the judiciary and INEC should conduct investigations without further delay into the irregularities and malpractices observed and reported by the different domestic and international observer groups. Subsequently, INEC must take adequate measures, such as dismissing INEC officials involved in malpractice.
- The results of the General Elections should be made available and published as soon as possible, giving detailed breakdowns of results on all levels, down to the level of the polling stations, including the number of registered voters.

17.2. Legal Framework

The EU EOM makes the following recommendations regarding the legal framework governing the elections.

- The present laws, although providing for a workable framework for elections, contain a number of inconsistencies. In particular the laws contain some unrealistic deadlines and are – due to the court order annulling one particular section – no longer fully applicable and enforceable. Thus, it is advised to conduct a total review of the applicable laws and in particular of the Electoral Act 2002. This does not necessarily mean that the laws have to be rewritten entirely, but that

a clear and consistent legal framework should be developed that gives sufficient guidance to those working with it.

- The laws contain the shortcomings as set forth in chapter 5.2. of this report and are silent on a number of issues. Furthermore, INEC has not issued subordinate legislation on certain matters as is envisaged by the law. It is advised that these shortcomings be addressed and that, instead of leaving certain matters up to INEC, detailed provisions are developed governing the following issues:
 - campaigning and the campaign period;
 - financial reporting and disclosure, as well as campaign funding and spending by political parties, including rules for enforcement of such provisions;
 - the conduct of by-elections;
 - special needs voting for those groups in society that cannot vote in the ordinary manner due to their roles on Election Day;
 - a complaints mechanism easily accessible for all interested parties, including voters;
 - voter education;
 - publication and display of complete results, including registered voters, down to polling station level to enhance the transparency of the process.
- It is recommended that the laws explicitly provide for the necessary conditions to guarantee INEC independence. Other than is now the case, the independence of INEC should be reflected in the manner of appointment and removal of commissioners (on both Federal and State level), the composition of the commission and its funding.
- The applicable laws should be adhered to and should be consistently and properly applied by the relevant institutions, such as INEC and the National Broadcasting Commission. This pertains in particular to the enforcement of rules on political party's finances and on media coverage of elections.
- The existence of a dual structure of election administration bodies is costly and impractical. It creates a duplication of efforts and represents a waste of human and technical resources. Apart from the enormous financial burden to maintain the SIECs structure for elections that take place every four years, the SIECs also replicate (on a smaller scale) the appointment system of INEC. By merging the SIECs into the current INEC infrastructure large savings could be made and a widespread rationalisation of resources would be achievable. The other advantage is the reduction of possible undue influence from the States' executive.
- Four different electoral dates (incl. the LGA election) in such a short period represent a heavy financial and logistical burden, with a high risk of election fatigue among the electorate and little possibility for the electoral administration bodies to correct mistakes that emerged in the process. It should be considered to slate the various levels of elections in a different manner.

- It is recommended that means be put in place to enhance female participation in politics and the legislature, on both Federal and State level.

17.3. Election Administration

- A permanent system of voter registration should be implemented without delay. The foundations are laid, but now the voter register must become a thorough, public and challengeable document. All eligible Nigerian citizens must be given the chance to register to vote. In particular, the 37 state-wide existing databases must be merged into one, so that all duplicates can be properly identified and eliminated. The overall responsibility for the maintenance of the central database of registered voters must fall on INEC headquarters. In addition, a proper system of identification of voters must be put in place, e.g. by linking and cross checking the Register of Voters with a future Civil Register. If properly implemented, this system could also lead to the elimination of the tendered ballot provisions.
- As of now, it is not possible to determine the number of registered voters per constituency. The revision of the boundaries of the federal, senatorial and State constituencies should be implemented through a constituency mapping exercise. In order to achieve this objective it will be necessary to undertake a process of localisation and delimitation of all polling stations. The creation of a geographical index of addresses allocated to each polling stations is also advisable.
- The relationship between INEC and political parties, as well as between INEC and National Assembly should be strengthened and institutionalised. INEC's modus operandi should become more transparent. Its meetings should be open to party representatives and domestic and international observers in order to improve transparency. Regular briefings with political parties must be held on the central and state level. In this context, serious consideration should be given to the possibilities offered by the website as a powerful instrument of communication and transparency.
- INEC training capacity should be institutionalised and substantially strengthened. A proper Training Unit must be set up within INEC HQ, and a professional trainer must be permanently assigned to each REC office. Ideally, the Training Unit, must have a strong link with voter education programmes and not be confined to election related type of training, but be responsible for the professional development of all permanent election staff. In terms of specific election-related training programs, the experimental introduction of active learning-oriented programmes should be reinforced extensively and applied in a more timely fashion; further elements of practice, especially on counting and packing, should be added, and training kits must be provided. The procedures for the recruitment of the "ad hoc" staff must be revisited and improved, and more effective screening mechanisms must be introduced.
- A structural reform of the internal INEC decision-making system is recommended. There should be a clear identification of responsibilities among the various Commissioners and their relationship with the various Secretariats' divisions. Within the Secretariat, the creation of a field co-ordination division

with the overall responsibility to communicate and ensure the proper implementation of the INEC decisions in the field is recommended.

- It is recommended to draft a long-term strategic plan with a clear identification of the strategic objectives, well in advance of the next election cycle. Within the strategic plan, the development and publication of an election timetable should be an essential feature. The definition of the strategic objectives and the election calendar would increase the public's trust in the process. Such an approach should help the government in allocating the necessary funds, and then lead to the setting up of a proper and detailed operational plan (with in-depth, state to state specifications) for the next election year.
- Enhancement of logistical and operational capacity, both at the State and LGA level. The first step could be the establishment of a logistic database, maintained centrally, built upon the figures available in the electronic voter register. For the delivery and collection of election material, specific and detailed tracking and accountability mechanisms should be put in place.
- One of the peculiar characteristics of the FPTP system is the possibility granted to the electorate to vote directly for the candidate of their choice. It is therefore not acceptable that candidates' names are not listed on the ballot paper. Every single electoral race should have its own specific ballot paper, without including the names of the parties that are not competing in a given electoral race.
- More stringent procedures should be devised for the accreditation of political party agents. A written accreditation form, stamped and signed by the relevant Election Officer should be submitted by the accredited party agent to each Presiding Officer and remain available for challenges and inspection at the polling station. Only a limited number of agents per party should be allowed to be present in a polling station. It would also be advisable to introduce standard and more neutral INEC badges (i.e. with no party logos represented on it).
- A practical way to reduce tensions and enhance transparency would be to institute access to a "Complaints Book" to all interested parties in every polling station, in order to keep a record of alleged irregularities.

17.4. The Media

The EU EOM recommends some of the following steps to create a more level playing field for the Nigerian media and the parties during the elections:

- The National Broadcasting Commission (NBC) should implement sanctions against violations of the law impartially. The NBC should have a more transparent mechanism for dealing with complaints and addressing the problem of media violations during elections. With greater transparency and a public mechanism for dealing with complaints against media and breaches of the Broadcasting Code, the NBC could take a more forthright role in regulating media coverage of elections in a system that would allow checks and balances. The NBC should be independent and have sufficient resources to be able to guarantee that

the media cover the elections according to the principles of fairness, balance and impartiality.

- Practical support for the development of more private media and the consolidation of existing private media – by restricting the commercial activities of publicly funded media, and e.g. removing VAT and other taxes on paper for newsprint and creating tax breaks on advertising revenue and sales income for media outlets.
- The Independent National Electoral Commission should consider instructing publicly funded media to distribute free airtime to political parties and candidates competing in an election (within reasonable qualifying criteria), in order to ensure equity of coverage for all.
- A comprehensive system of access should be developed for parties and candidates for both private and public broadcasters that includes party political broadcasts. Where necessary the broadcasters should be compensated for providing access (either from license concessions or regulated and transparent payment systems). This system should be regulated by a consistent and independent procedure that is non-partisan. A clear set of guidelines should be developed for this access together with a legal framework that ensures that party political broadcasts remain within the parameters of the legal framework. Transparency, editorial independence and accountability should be guaranteed.
- The creation of programmes for professional training of Nigerian journalists and media workers is recommended, however there must be institutional changes in order for that training to be effective. The structure of appointing managerial staff at federal and state broadcasters should be reviewed so as to create distance from the government in power and grant the federal and state owned media greater editorial independence. The public service model should be strongly considered as a basic template for guaranteeing the basic principles of public interest and editorial integrity.

ANNEX

Annex 1

EU EOM Parliamentary, Presidential and States' Elections, Nigeria 2003 Press Release – Abuja, 13 March 2003

Upon the invitation of the Nigerian government, the European Union has established an Election Observation Mission (EU EOM) to observe the Parliamentary, Presidential and States' Elections in Nigeria. The EU EOM is led by Chief Observer Mr. Max van den Berg (Netherlands), a member of the European Union Parliament (MEP), Vice Chairman of the EP Committee on Development and Co-operation, Member of the Joint Parliamentary Assembly of the ACP-EU (Agreement between the African, Caribbean and Pacific States and the European Union). On the occasion of his arrival at Abuja, Chief Observer Max van den Berg stated that he is *“extremely pleased to have the opportunity to observe these historic elections, which can contribute to the democratic progress of Nigeria.”* Mr. van den Berg further expressed his hope that *“all stakeholders in the elections will actively support the creation of a peaceful environment for the process”*.

The mission has a Core Team comprising: Chief Observer, Mr. Max van den Berg (Netherlands), Deputy Chief Observer, Mr. Oskar Lehner (Austria), Election Expert, Mr. Domenico Tuccinardi (Italy), Legal Expert, Mr. Adriaan Stoop (Netherlands), Country Expert, Mr. Heinz Jockers (Germany), Media Expert, Dr. Gillian McCormack (United Kingdom), Press Officer, Mr. Riccardo Barranca (Italy), LTO Co-ordinator, Mr. Michel Paternotre (Belgium), Operations Expert, Mr. Miguel Jesus Arranz (Belgium), Operations Expert Assistant, Mr. Franck Balme (France) and Security Advisor, Mr. Julian Cheasley (United Kingdom).

The EU EOM to Nigeria was established on 11 March and will remain in the country until the completion of the whole electoral process. The mission will have 36 Long Term Observers (LTOs) to be deployed throughout the country. In addition, 60 Short Term Observers (STOs) will join the EU EOM in observing the polling and counting procedures.

The EU considers the observation of elections to be an important component of its policy in promoting human rights and democratisation throughout the world. The EU undertakes such activities on the basis of partnership with the host country and with the objective of developing national capacity.

The key objectives of the Election Observation Mission are:

Conduct a comprehensive analysis of the electoral process and to offer an impartial, balanced and informed assessment of the elections;

By the presence of observers, to seek to reduce tension, minimise instances of fraud, intimidation and violence and to strengthen the confidence of voters to participate freely.

EU EOMs take account of the election administration, the election campaign, any complaints and appeals and the conduct of the elections. The report the EUEOM produces will assess the electoral framework, the political environment, the conduct of the media during the campaign and the voting, counting and tabulation procedures.

Regular meetings are held with elections officials at the national, regional and local levels, with political parties, candidates, civil society and the media. On the election days observers will be deployed throughout the country to follow the voting, counting and tabulation procedures.

After the presidential elections, the EU EOM will issue an initial statement on its preliminary findings based on observation of the entire process. Following the States' elections, the EU EOM will issue a second preliminary statement on its findings. A more comprehensive report will be issued approximately one month after the elections. The report will include a series of recommendations for developing the overall electoral process and democratic environment in Nigeria. In its conclusions the mission will be guided by seven criteria on democratic elections

Annex 2

Nigeria National Assembly Elections 2003
EU Election Observation Mission
First Preliminary Statement
National Assembly Elections highlight important areas for improvement
for next rounds of Elections in Nigeria
Abuja, 14th April 2003

The National Assembly elections (Senate and House of Representatives) were the first in a series of important polls to be held in Nigeria, in the context of transition from civilian to civilian administration, crucial for the country and for the region as a whole.

The European Union Election Observation Mission (EU EOM) has been present in Nigeria since 11th March 2003, following an invitation from the Nigerian Ministry of Foreign Affairs. The Mission is led by **Chief Observer Mr. Max van den Berg, Member of the European Parliament**, Vice Chairman of the EP Committee on Development and Co-operation and Member of the Joint Parliamentary Assembly of the EU-ACP (African, Caribbean and Pacific States). In total, the EU EOM deployed 113 observers in 31 States throughout Nigeria to follow and report on the electoral process. Comprehensive findings and conclusions will be presented by the Chief Observer at a press conference to be held shortly after the 19th April elections.

Summary of preliminary findings:

The EU EOM welcomes the fact that polling took place in a generally peaceful manner, despite isolated cases of violence. In contrast, the pre-election period was marred by violent incidents, including the killing of political contenders and party supporters.

The participation of an increased number of political parties broadened the political spectrum and improved the quality of the debate. The presence of party agents and observers during voting and counting enhanced the transparency of the process. A number of safeguards were introduced to prevent widespread multiple voting on Election Day.

However, the election process was marked by serious shortcomings and delays in the electoral preparations. In particular, voter registration has been the main source of difficulties and controversy. Candidate nominations, the monitoring of campaign finance and media coverage of the elections were also not implemented in an adequate manner. On Election Day, the main problems included late opening of most polling stations, lack of secrecy of the vote and in certain areas elections did not take place. Some observers witnessed serious irregularities in the collation of results, e.g. in Enugu and Rivers State.

Prior to the forthcoming polls, the electoral authorities should address the difficulties identified during the National Assembly Election Day, in particular regarding the handling of electoral materials and safeguarding the secrecy of the vote. The EU EOM encourages all stakeholders in the electoral process to provide for a peaceful environment. The EU EOM will remain in country to observe and report on the Presidential and Gubernatorial elections and the States Houses of Assembly elections.

Election Administration

The legal framework allows for competitive elections, although it contains several inconsistencies. The electoral preparations by the Independent National Electoral Commission (INEC), and in particular the registration of voters, started too late and led to recurrent delays during the whole electoral process. Many deadlines were missed and certain legally prescribed tasks, such as the display of the voters register, were not fully adhered to. INEC also did not disseminate adequate guidelines and instructions on certain matters, for instance regarding political party campaigning. In many cases, observers reported that the distribution of sensitive electoral material, including ballot papers, was not documented.

Voter registration has been the main source of difficulties and controversy. The establishment of a computerised register is commendable; however, the task and complexity of the process was seriously underestimated, especially given the time available. The initial registration exercise in September 2002 was marred by numerous problems and

the make-up registration in January 2003, as well as the claims period, did not provide adequate opportunities for corrections. The number of total registered voters announced by INEC shortly before Election Day varied greatly (from 67.9 million applications to 60.8 voters in the final register) and fuelled suspicion, particularly as the process of detecting and deleting millions of applications was not transparent.

Distribution of voter cards started late and created confusion, as there was conflicting information whether registered voters who had not been issued voter cards could still cast their ballots on Election Day. The practice in this field was not uniform.

The challenge of organising a series of elections in Nigeria, given the size of the electorate and the limited infrastructure, was compounded by the late release of funds to INEC.

Pre-Election Environment

During the pre-election period, a number of violent incidents were reported, including the killing of political contenders and party supporters. It appears that some of the violence was the result of the ruling parties in certain areas obstructing campaign events of competing political forces.

The Supreme Court ruling annulling the INEC Guidelines for political party registration opened up the political spectrum for the general elections. The participation of an increased number of political parties broadened the political spectrum and improved the quality of the debate. For many of the newly registered parties however, time was short to properly prepare for these elections.

The process of candidate nominations was characterised by serious discrepancies between lists submitted by the parties at local and central level as well as numerous incomplete applications and many last-minute changes. In most parts of the country, the final list of candidates was not displayed at constituency level as prescribed by law.

INEC has not indicated how it intends to monitor and to enforce the legal provisions prescribing the limits on campaign expenditure.

Media Coverage

The law provides for equal opportunity and airtime for all parties in public and private media; however, this was not achieved given the large number of parties registered and their varying degrees of campaign activity. Moreover, federally owned media were found to be biased in favour of the party of power, both in terms of amount of time devoted and the positive tone accorded to its activities. State-owned media showed a tendency to promote the local ruling party. In a welcome development however, most political parties were able to present their views to the electorate through the debates between presidential candidates broadcast on public and private media.

Regulations on the 24-hour campaign silence were not strictly adhered to, despite National Broadcasting Commission warnings in advance.

Election Day – National Assembly elections (12 April 2003)

On Election Day, polling took place in a generally peaceful manner. However, there were reports of isolated violent incidents in certain parts of the country, and particularly in Enugu, Delta, Rivers and Bayelsa. Observers reported that election officials generally conducted their task in an impartial manner.

Almost all polling stations observed opened late due to delays in the distribution of election material, and no polling took place in certain areas of Bayelsa, Akwa Ibom, Enugu, Delta and Rivers, as confirmed by INEC. The distribution of voter cards on Election Day created confusion in many polling stations and sometimes required voters to queue up twice before casting their ballots. Moreover, in some polling stations observed, the number of registered voters far exceeded the aimed number of 500 and there were often long queues. Voters should be commended for their patience.

The secrecy of the vote was compromised by the inadequate layout of many polling stations, the lack of screens and of appropriate measures by and training of election officials and security forces. Ballot papers and boxes were not always provided in sufficient quantities. The sealing of ballot boxes was not satisfactorily implemented, as well as the inking of voter's fingers in certain polling stations. Some of the other safeguards designed to prevent multiple voting, such as the stamping of voter cards, were properly applied.

Political party agents accredited to observe the process were present in nearly all polling stations; their presence and that of domestic non-partisan observers enhanced the transparency of polling and counting. The count was generally

carried out in an adequate manner and the declaration of results at the constituency level contributed to increased transparency.

However, in certain places, the count and collation were not conducted in accordance with established procedures. Some observers witnessed serious irregularities in the collation of results, e.g. in Enugu and Rivers State. A few observers were obstructed while carrying out their duties at this stage of the process in these States.

Annex 3

Nigeria Presidential and Gubernatorial Elections 2003
Also covering the delayed and repeated National Assembly Polls
EU Election Observation Mission
Second Preliminary Statement
Presidential and Gubernatorial Elections
Marred by Serious Irregularities and Fraud in Many States
Abuja, 22 April 2003

The Presidential and Gubernatorial Elections were the second in a series of important polls held in Nigeria, in the context of transition from civilian to civilian administration, crucial for the country and for the region as a whole. The Presidential and Gubernatorial Elections are generally perceived as the most important of the 2003 general elections, given the extensive powers of the executive at both the Federal and State level.

The European Union Election Observation Mission (EU EOM) issued a first preliminary statement on 14 April regarding the National Assembly Elections of 12 April. As elections could not be held in some constituencies, delayed and repeated National Assembly polls were held in certain parts of the country. This second preliminary statement contains the EU EOM's findings on the Presidential and Gubernatorial Elections held on 19 April, as well as on the delayed and repeated National Assembly polls. In total, on 19 April the EU EOM deployed 118 observers in 31 States throughout Nigeria, except in Akwa-Ibom, Bayelsa, Gombe, Kebbi and Taraba. The EU EOM will remain in country to observe and report on any run-offs in the elections and on the State Houses of Assembly Elections of 3 May 2003. A final report, including recommendations, will be issued by the EU EOM after the conclusion of its mission.

Summary:

The Presidential and a number of Gubernatorial Elections were marred by serious irregularities and fraud – in a certain number of States, minimum standards for democratic elections were not met.

EU EOM observers witnessed and obtained evidence of widespread election fraud in certain States. Many instances of ballot box stuffing, changing of results and other serious irregularities were observed in Cross River, Delta, Enugu, Kaduna, Imo and Rivers. The elections in these States lack credibility and appropriate measures must be taken by the relevant authorities.

Similar irregularities were observed to a lesser extent in a number of other States, including Anambra, Benue, Edo, Katsina and Nassarawa. These incidents undermined the integrity of the electoral process in these States. Irregularities should be thoroughly investigated and addressed by the appropriate authorities without delay.

In many other States in the country and in particular in the South-West (including Lagos), elections were reported as by and large orderly and improvements were noted in the distribution of election material, the timely opening of polling stations and, in some places, the secrecy of the vote. Nevertheless, also in these States, substantial flaws and weaknesses remain, e.g. with voter lists, ballot distribution and safeguards against multiple voting.

Delayed and repeated polls for the National Assembly Elections were not conducted in a transparent and credible manner. A countrywide breakdown of results by polling station would enhance the credibility of the process.

Federal and State-owned media failed to live up to their legal obligation to provide equal access and fair coverage of all political parties and demonstrated political bias in favour of the ruling parties at Federal and State level. Private broadcasters and print media provided greater coverage of opposition parties; editorial policy was however influenced by commercial imperatives and led to unbalanced treatment of candidates.

The EU EOM notes that once again there was a generally peaceful conduct of the elections. It encourages all stakeholders to actively contribute to a peaceful environment and urges aggrieved parties to resort only to legal remedies through the judiciary.

Pre-Election Period

The immediate period leading up to the 19 April Presidential and Gubernatorial Elections was marked by political tension, due to the rejection of results of the National Assembly Elections by key opposition parties. Some political leaders even threatened to call their supporters to mass action to protest against these elections, thus raising their political profile ahead of the 19 April elections. However, the week immediately preceding the Presidential and Gubernatorial Elections was characterised by fewer reported incidents of violence than before 12 April. For their part,

the Chairman and Secretary of the Independent National Electoral Commission (INEC) issued repeated addresses to stop acts of violence and intimidation against INEC field staff.

Considerable in-fighting between gubernatorial candidates took place during the campaign, as many unsuccessful candidates in the primaries chose to run as flag-bearer for a different party in the State. The nomination of candidates was often characterised by a process of selection rather than election; many party primaries took place outside of clear democratic rules, testifying to the weakness of party politics in Nigeria.

The period leading up to the Presidential and Gubernatorial Elections was also marred by the fact that repeated and delayed National Assembly Elections in a number of constituencies were not conducted in a transparent and credible manner. INEC failed to provide information on the exact dates and constituencies up for repeat and postponed election in Abia, Akwa-Ibom, Anambra, Delta, Enugu, Kogi, Rivers and Zamfara, where elections could not be held on 12 April because of violence and late distribution of materials. EU EOM observers on the ground reported that no adequate information on these polls was available to voters, political parties and observers alike, as well as low turnout and even no voting in some polling stations on repeat Election Day. The repeat elections did not provide voters with an effective opportunity to vote.

The 12 April elections highlighted a number of important areas for improvement ahead of the 19 April elections. The publication of results for the National Assembly Elections added further concern with the whole election process. The EU EOM observed serious discrepancies between polling station level results and collated results in some constituencies in Edo, Enugu and Rivers. Moreover, information collected after 12 April indicates implausibly high turnout in certain constituencies in Bauchi, Benue and Kaduna. For all elections in Nigeria, results should be published with a breakdown by polling station to enhance the transparency in the process and increase confidence in the final results. INEC results should also include figures concerning the number of registered voters per constituency.

Election Administration

For the Presidential and Gubernatorial Elections, and in an attempt to address some of the shortcomings identified on 12 April, INEC issued fresh guidelines for the organisation and conduct of the polls. However, these guidelines failed to address effectively the tracking of sensitive material (e.g. ballot papers), underage voting, use of tendered ballots and the collation process.

Moreover, the measures adopted by INEC to address the issue of inaccurate voter registers opened up a new loophole in the process. For the 19 April elections and contrary to previous guidelines, INEC instructed polling staff to use the hand-written lists of applications as back-up voter registers, thereby demonstrating its lack of confidence in the accuracy of the computerised registers. It also left the process open to abuse, as a number of applicants deleted during the computerisation stage may have thus been permitted to vote. This is all the more important since the distribution of voter cards ahead of the 19 April polls was not carried out in a uniform manner and did not allow for adequate scrutiny by party agents and observers. Long-term efforts should be dedicated to creating and maintaining an accurate civil registry that could also serve as basis for voter lists.

Election administration in Nigeria suffers from a number of structural shortcomings as evidenced in the 2003 elections so far. The legal provisions governing appointment and removal of INEC Commissioners on both Federal and State level, as well as the lack of autonomous sources of funding do not provide adequate guarantees for the independence of electoral authorities. INEC's lack of transparency through key stages of the process opened it up to accusations of political bias voiced by several parties. Moreover, the legal provisions for complaints and appeals do not provide voters with an easily accessible mechanism for seeking redress. Finally, it is regrettable that INEC could not benefit from logistical resources available at the State Independent Electoral Commissions, given the legal separation between the two structures and the lack of initiative to share resources. Election Day observations also show the need for further voter education, particularly in the areas of secrecy of the vote and marking of ballots.

Media Coverage

Media performance during the Nigerian elections was flawed, as it failed to provide unbiased, fair and informative coverage of the political parties and candidates contesting the elections. This was a result of a variety of factors: the financial instability of the Nigerian media, the low purchasing power of the population, illiteracy, electricity shortages, media reliance on sponsorship for survival, a media culture of deference to the party of power, problems of professional development and the weakness of both government- and self-regulation. Media outlets were largely unable to overcome these barriers and provide adequate coverage of the 2003 elections.

Federal and State-owned media were biased in favour of the parties and candidates in power. These media have a particular obligation to provide impartial and unbiased information to the electorate, because they are publicly owned and because of their advantage in reaching the largest number of people in Nigeria. However, detailed analysis carried out by the EU EOM shows that they failed to live up to this obligation. The privately owned broadcast media monitored gave greater access to the major political parties and candidates in opposition, however to a large extent to those presidential and gubernatorial candidates able to pay for access to the media. This led to a generally uncritical treatment by the privately owned media of the parties and candidates.

There is a vibrant and prolific print media in Nigeria, which generally succeeded in disseminating more detailed information about more parties and candidates than the broadcast media. Nevertheless, newspapers did not remain impartial; federally owned newspapers favoured the ruling party in terms of space and tone, while privately owned newspapers tended to favour candidates of their choice. Individual journalists and programmes succeeded in the face of great difficulties in alerting the public to some of the complexities of these elections, however as a general rule the media served to confuse rather than clarify the issues.

In a positive development, the Nigerian media organised some useful initiatives to improve political communication during the elections. Most of the parties and candidates were able to present their views to the electorate through the presidential debates broadcast on public and private media, an event organised by a group of Nigerian media organisations. There was also a significant amount of information provided about the elections in general and voter education. Also, the programmes broadcast by public and private media from the INEC Media Centre provided a useful service in disseminating election information.

There are few laws regulating the media coverage of elections and they are inadequate to cope with the new political and media landscapes of Nigeria. For instance, the 24-hour campaign silence cannot be enforced during staggered elections. The role of the broadcasting regulatory authority - the National Broadcasting Commission (NBC) - during the elections was low key and the lack of a decisive body enforcing the rules left an open playing field for violations to take place.

Election Day – Presidential and Gubernatorial Elections (19 April 2003)

Election Day for the Presidential and Gubernatorial Elections was marred by serious irregularities throughout the country and fraud in at least 11 States. In total, approximately 25% of EU EOM observers directly witnessed one or more cases of election fraud and attempts thereto, which is exceptionally high.

In certain States, particularly in Cross River, Delta, Enugu, Imo, Kaduna and Rivers, EU EOM observers witnessed or obtained evidence of widespread election fraud. The elections in these States lack credibility and appropriate measures must be taken to provide voters with a truly democratic electoral process. Similar irregularities were observed to a lesser extent in a number of other States, including Anambra, Benue, Edo, Katsina, Kogi and Nassarawa. These incidents undermined the integrity of the electoral process in these States and should also be thoroughly investigated and addressed by the appropriate authorities without delay.

The reported irregularities include stuffing of ballot boxes, forgery of results, falsification of result sheets, ballot box snatching and a variety of other means of rigging. Examples below are meant as illustrations and are by no means exhaustive.

Observers witnessed and obtained evidence of widespread ballot stuffing in several States, including Benue, Cross River, Delta, Enugu, Imo, Kaduna, Katsina and Rivers.

For instance, in Kaduna, INEC staff was observed thumb-printing ballots in favour of the ruling party. In Cross River, in Calabar municipality, one party agent and the presiding officer were seen stuffing the box when EU observers arrived. In Enugu, observers saw a member of the police force stuffing ballots in the box; in another polling station in Enugu, observers reported that already 600 ballots had been cast after only one hour of polling. In a cluster of four polling stations in Imo, the count revealed that 1100 ballots were cast when only 800 were officially issued. In Kaduna, in the same Local Government Area (LGA), observers collected evidence that one of the wards contained a so-called “ghost polling station”, as one of the 11 polling stations had no materials allocated to it.

Forgery of results, falsification of result sheets in Cross River, Delta, Edo, Enugu, Imo, Kaduna, Nassarawa.

In some States, polling station results show improbable turnout figures, up to 100%, while actual voter participation was visibly lower. In Nassarawa State, as in other States, polling stations closed early and results indicated a 99% turnout with a very strong majority for one party. It was also reported that in a number of places, there were serious discrepancies between polling station results and figures recorded at the different collation centres. For instance, in

Delta State, observers reported that several hundred votes had been added to the results in favour of the one party during the collation at LGA level, when compared to the figures from the polling stations where they had observed the count. Out of 48 polling stations in the region, 44 had an official turn-out of 95 to 100%.

In Enugu, during the collation, observers saw presiding officers writing in their result sheets figures dictated by the returning officer. In Kaduna, several wards recorded exceptionally high turnouts as well as results in stark contrast to the general pattern of the other wards. In those wards, ANPP won in the Presidential Elections and PDP the Governorship; elsewhere ANPP is the winner for both elections. At a collation centre, observers even witnessed two party agents from PDP and ANPP, marking side by side unused ballots, respectively for Governor and Federal President.

In Edo, observers collected evidence of forged results, as an additional 200 votes were added on the collation sheet for two polling stations. In Imo, observers reported that election materials proceeded directly from polling station to LGA level, with no result sheets filled in at polling station level nor any collation at ward level. In Cross River, observers reported that in a polling station, no result sheet was filled in after the count; at ward level however, a result sheet was produced recording 540 votes cast, 535 in favour of the ruling party.

Unlawful behaviour by party agents and alleged observers in Bauchi, Delta, Enugu, Imo, Kaduna, Nassarawa and Rivers

The presence of party agents representing various political forces and domestic observers was reported in most polling stations observed and at different stages of collation of results, which contributed to the transparency of the process.

However, in some cases, party agents actively participated in ballot stuffing and forging results. For instance, in a polling station in Delta, observers reported that polling was stopped early at 14.00 hours, four out of seven ballot boxes produced over 90% turn-out figures with 90% votes cast in favour of PDP; a dispute erupted between 30 party agents from different political forces concerning the payment of promised bribes. In Imo, observers reported that party agents on the spot had signed the result sheet with 200 more ballots cast than ballots issued and were receiving money before leaving the polling station. In Nassarawa State, voter cards were distributed by ANPP activists. In Kaduna, distribution of voter cards by PDP supporters was also observed.

Party agents also contributed in certain areas to creating an atmosphere of intimidation and interfered in the process. For instance in Rivers, observers reported fighting between party supporters on the one hand and voters and polling staff on the other around the LGA office. In Delta, supporters of the ruling party took control of the election process in several LGAs.

Observers also reported abuse of identification cards for party agents or even in some cases domestic observers. In Bauchi, observers saw alleged ANPP party agents advising voters to vote for the incumbent president. In Enugu, an alleged domestic observer was seen participating in the stuffing of a ballot box.

Underage voting was observed on a large scale by EU EOM observers in the northern part of the country, particularly in Borno, Kaduna, Kano, Katsina, Sokoto, Yobe and Zamfara.

In many places, children were allowed to cast ballots; it is unclear whether they were allowed to vote as registered voters or whether they were standing in and proxy voting for others.

However, in many other States in the country, elections were reported to be generally orderly and improvements were noted in certain areas of the electoral process. The distribution of election material marked an improvement over the National Assembly Elections and generally allowed for a more timely start of polling operations, although delays were observed in a number of States. Supplies of ballot papers and ballot boxes were more adequate than on 12 April. The distribution of voter cards on Election Day proceeded smoothly in identified areas with specific staff assigned to the task. INEC staff was increased in polling stations with more than 500 voters, and was generally reported as operating in an impartial manner.

Following INEC guidelines of 15 April, in some areas election officials put in place various measures to promote the secrecy of the vote, including polling screens or cabins. Nevertheless, the overall system to guarantee the secrecy of the vote remained insufficient throughout the country and INEC instructions were not uniformly implemented. Moreover, the handling and tracking system of sensitive material (e.g. ballot papers) was not improved in comparison to the National Assembly Elections. Furthermore, no substantial improvements were observed in the sealing of ballot boxes and in the application of certain safeguards to prevent multiple voting, such as inking the voters' fingers and marking the voters' names in the voter register.

It was observed that on many occasions, illiterate voters were not able to cast their ballots without assistance and in some cases, without coming under undue influence particularly by party agents from the main political forces. Specific voter education efforts should be dedicated to ensuring all voters are able to enjoy fully their democratic rights.

Where observed, the count at polling station level was generally conducted in an orderly manner. However, the EU EOM received many reports of polling stations closing before the prescribed closing time of 15.00 hours, thus depriving potential voters from casting their ballots. These polling stations often showed implausibly high turnouts. More importantly, the electoral authorities should publish detailed final results by polling stations to remedy the serious shortcomings observed in the collation process as mentioned above.

The EU EOM encourages all stakeholders to actively contribute to a peaceful environment and urges aggrieved parties to resort only to legal remedies through the judiciary. In its final report, the EU EOM will make detailed recommendations for improvements.

Annex 4

Nigeria State Houses of Assembly Elections 2003 Also covering the period between the Presidential and Gubernatorial and State Houses of Assembly Elections

EU Election Observation Mission

Third Preliminary Statement

State Houses of Assembly Elections Show no Improvement on 12 and 19 April Elections

Abuja, 5 May 2003

The State Houses of Assembly Elections were the third in a series of important polls held in Nigeria, in the context of transition from civilian to civilian administration, crucial for the country and for the region as a whole.

The European Union Election Observation Mission (EU EOM) issued a first preliminary statement on 14 April regarding the National Assembly Elections of 12 April and a second preliminary statement on 22 April on the Presidential and Gubernatorial Elections of 19 April and on delayed and repeated polls for the National Assembly Elections. This third preliminary statement contains the EU EOM's findings on the State Houses of Assembly Elections held on 3 May as well as on the period between the Presidential and Gubernatorial and State Houses of Assembly polls. In total, on 3 May the EU EOM deployed 108 observers throughout Nigeria, except in Akwa-Ibom, Bayelsa, Kebbi and Taraba States. The EU EOM will issue a final report, including recommendations, after the conclusion of its mission.

Summary:

After the release of the EU EOM's preliminary statement on 22 April, its findings of serious irregularities were confirmed by new information received. Newly emerging issues such as large discrepancies between votes cast for the Presidential and for the Gubernatorial Elections need to be clarified. INEC should publish a detailed breakdown of election results per polling station and act on reported irregularities and malpractice of election officials. The EU EOM is concerned about reported cases of arrests of opposition candidates shortly before the 3 May elections.

The 3 May elections in a number of States, namely Cross River, Delta, Edo, Enugu, Imo, Kaduna and Rivers, were marred by serious electoral fraud, such as ballot box stuffing, multiple voting and forgery of results. The elections in these States lack credibility and the level of fraud effectively disenfranchised a considerable number of voters. In a number of other States, including Abia, Anambra, Benue, Ebonyi, Katsina and Nassarawa, similar irregularities were observed but to a lesser extent, which compromises the integrity of these elections. In many other States, the elections were observed to be relatively calm and organised – although previously reported weaknesses remained and certain irregularities were reported.

Media coverage of the elections continued to be dominated by the ruling party and the Federal Government, which were generally given positive treatment, particularly by the federally and state owned media. This was in clear contravention of the guidelines stipulated by the Electoral Act and the National Broadcasting Commission. The Nigerian print media should be commended for carrying a lively debate about the reactions to the Presidential and Gubernatorial Elections.

The EU EOM encourages any aggrieved parties to resort only to legal remedies through the judiciary and repeats its call to the relevant authorities to take appropriate action without delay.

Pre-Election Period

The findings of the EU EOM as set forth in its preliminary statement regarding the 19 April Presidential and Gubernatorial polls were further corroborated in the period between those elections and the State House of Assembly

Elections. Also, the statements of many prominent domestic and international observer groups confirmed the EU EOM's findings. On 22 April, at INEC's request, the EU EOM provided a detailed breakdown of polling stations where observed irregularities took place.

The period immediately leading up to the 3 May polls was relatively quiet with a low key political campaign. However, the EU EOM is concerned about the reported arrests of various opposition politicians in the run up to the elections (Ebonyi) or immediately after the 19 April elections (Benue and Cross River).

In the period between the 19 April and 3 May elections, it continued to be difficult to ascertain whether a number of elections in senatorial or federal districts were to be repeated. Conflicting information within INEC on such events is indicative of the absence of a certain degree of centralised control over the electoral process. In the only case of confirmed and observed postponed elections, the senatorial district in Abia North, the process lacked any credibility due to the many observed serious cases of electoral fraud (fabrication of results).

Contrary to guidelines and reminders issued by INEC, many of its officials failed or refused to make such information publicly available. In many instances, the announcement of electoral results of the 12 and 19 April elections remained incomplete and insufficiently detailed. In particular, the publication of official results did not include the number of registered voters. In certain States where results were made available, substantial discrepancies were recorded between votes cast for the Presidential and for the Gubernatorial elections. For example, a discrepancy of approximately 600,000 votes was reported in Ogun. This requires further clarification.

Election Administration

In the run up to the elections and on previous election days, serious shortcomings were noted in relation to the voters lists and the transparency of the implementing bodies. These shortcomings were not remedied in time to effect a genuine improvement on the 3 May elections.

In an attempt to remedy some of the weaknesses which emerged during the National Assembly and Presidential and Gubernatorial Elections, INEC issued additional guidelines on 29 April. The guidelines placed a strong emphasis on security matters and on efficient tracking mechanisms and accountability procedures for the distribution of ballot papers and voters cards. Better logistic and security arrangements for the various levels of collations were called for, and a more generic reminder on the usage of the various safeguards to prevent multiple voting and ballot stuffing was also included. However, these guidelines had little effect on the actual conduct of the elections and the instruction to utilise the handwritten records of registration applications as a back up to the computerised voters' lists remained. Problems with the lack of security of storing and archiving sensitive materials are a serious issue of concern – particularly in light of election petitions and necessary evidence.

Media Coverage

During the seven-week period of EU EOM media monitoring, the partiality of the federally and state owned media towards the parties and candidates in power has been clearly established. Indeed, the degree of bias was such that it was not possible to redress the balance in relation to the 3 May elections. With one exception out of the sixteen radio channels around the country sampled daily by EU EOM media monitors, all the federal, state and private radio channels recorded devoted 50% or more time to the ruling party than to any other party contesting the elections. Even considering the relative activities of the different parties and the advantages of incumbency, the amount and favourable nature of the coverage of the ruling party was contrary to the standards set by the Electoral Act and the National Broadcasting Commission.

The Nigerian print media should be commended for carrying a lively debate about the reactions to the results of the Presidential and Gubernatorial Elections as well as on the statements made by the various domestic and international election observation groups. However this was not carried over into the broadcast media sphere – in particular radio, often the only medium many Nigerians have access to – thus limiting the discussion to a very restricted audience.

Election Day – State Houses of Assembly Elections (3 May 2003)

The structural shortcomings in the electoral preparation and election administration could not be overcome in time to allow for a genuine improvement for the 3 May elections. As with previous elections, Election Day for the State Houses of Assembly Elections was marred by serious irregularities and fraud in a number of States.

The degree of irregularities differs from State to State. The elections in Delta, Edo, Enugu, Imo, Rivers, Cross River and Kaduna were marred by serious electoral fraud and therefore lack credibility. In Katsina, Abia, Nassarawa, Benue, Anambra and Ebonyi similar irregularities were observed but to a lesser extent. This has compromised the integrity of these elections. The reported irregularities include stuffing of ballot boxes, forgery of results and other means of

rigging. Irregularities of varying degrees were observed in many parts of the country and were committed by a variety of political parties and individuals. In other parts of the country elections were relatively calm and well organised, such as in Lagos, Oyo, etc. – although also in these States most of the previously reported weaknesses remained and certain irregularities were observed.

South-South and South-East (Abia, Anambra, Ebonyi, Edo, Enugu, Cross-River, Delta, Imo and Rivers)

In these regions many irregularities were observed. In Enugu, Delta, Rivers, Cross-River, Edo, Imo and Abia it is doubtful that any credible elections took place. In many places ballot boxes were found to be full or nearly full in the very early hours of polling and other evidence of ballot box stuffing was obtained – some observers directly witnessed the practice. In Enugu, despite the high turnout reported in the rural areas, the observers could only see polling take place in one single village out of a large number of visited locations. The pattern of very low observed participation combined with very high turnouts, even up to 100% of registered voters, was observed in Cross River, Rivers, Abia, Edo, Imo, Anambra, Ebonyi. Closing of polling stations was in many cases well before the prescribed closing time and in a number of cases the collation of results was ongoing before that time: in one LGA of Rivers, at 14.00 hrs, when the observers arrived, the collation of results of 7 wards was nearly finished. In one polling station in Abia, 328 voters were supposed to have cast their ballots in 50 minutes. In Cross River, a polling station where 5 votes had been cast at 14.00 hrs, produced a final result of 490 votes at ward level at 15.20 hrs. This kind of unrealistic turnout was found in many locations and appears to be a common pattern in the constituencies visited. In some cases, stuffing was clearly evidenced through the presence of ballots in batches in the ballot boxes. In Anambra, a batch of AGPA thumb-printed ballots was found at counting and stuffing of pre-thumb marked PDP ballots was directly witnessed at another place. Ballot stuffing was also directly observed at the closing of a polling station in Imo, these ballots were folded together and marked with different ink, all in favour of PDP.

South-West (Ekiti, Lagos, Ogun, Ondo, Osun and Oyo)

Polling in the South-West went generally better than in other areas monitored. However, some isolated irregularities were reported. In Oyo the change of three candidates at the eve of the elections due to their alleged demise led to unrest in three Local Government Areas and hindered the poll. In one ward in Osun State, ballot stuffing was identified due to the implausible turnout (1 voter each 15 seconds). In Ekiti, bribery of voters was witnessed.

Middle-belt (Adamawa, Bauchi, Benue, Gombe, Kaduna, Kogi, Kwara, Nassarawa, Niger and Plateau)

In some States in the Middle-belt, improvement was noticed in the logistics. In Kogi, elections were reported to have been well conducted. However, in other States serious irregularities were observed in several places. In Plateau, Bauchi and Niger, implausible turnouts were reported in several polling stations. One Bauchi constituency produced turnouts going from 3% to 112%. In some of these States polling stations had implausibly high numbers of votes cast in the early hours of the poll. In Nassarawa, one polling station closed at 11.15 hrs had allegedly processed 800 voters (797 PDP, 3 rejected). Observers witnessed violent disruption of elections in Doma (Nassarawa) where several persons (voters as well as INEC staff) reportedly were injured or killed. Kaduna showed a high number of reported irregularities: INEC staff filling in a blank voters' list, various cases of unrealistic turnouts (460 ballots cast at 09.30 hrs) accompanying early closures, ballot stuffing evidenced by the presence of folded ballots, under-aged and proxy voting.

Core North (Borno, Jigawa, Kano, Katsina, Sokoto, Yobe and Zamfara)

Underage voting was reported in Kano, Katsina, Zamfara, Jigawa and Sokoto as well as misuse of voters' cards. Implausible participation was observed in polling stations in Zamfara, Sokoto and Katsina where low observed turnout was reported but several polling stations had official results reaching near 100%. In Sokoto, the observers had witnessed the case of a presiding officer writing the serial number of the voter's card on each of the ballots issued.

Throughout the country it was reported that no effective mechanism was in place for the tracking of sensitive materials, such as ballot papers and voter cards. As a result, voter impersonation, multiple voting and underage voting could not be properly quantified. Furthermore, other safeguards – such as inking voters' fingers and marking voters' names in the register were not properly implemented. The secrecy of the vote was also not respected on numerous reported occasions.

The EU EOM re-iterates its call upon all stakeholders to actively contribute to a peaceful environment and for aggrieved parties only to resort to legal remedies through the judiciary. The EU EOM will issue a final report, including recommendations, after the conclusion of its mission.

Annex 5

Results National Assembly / Senate Election 2003
107 of 109 Districts received

At the time of writing this report the results of the Senatorial Election have not been fully published yet. A number of electoral races for various levels of elections have been postponed and not held yet.

The only official collection of results, still currently being updated, is available on the INEC website (www.inecnigeria.org).

Source: INEC web-site, 30 May 2003

Party	Senate Districts Won	Total Scored	Votes	% of valid votes
AD	6	2,828,082		9.74
ANPP	28	8,091,783		27.87
APGA	0	429,073		1.48
APLP	0	14,004		0.05
ARP	0	9,138		0.03
BNPP	0	6,782		0.02
CPN	0	7,296		0.03
DA	0	6,476		0.02
GPN	0	4,722		0.02
JP	0	28,887		0.10
LDPN	0	5,419		0.02
MDJ	0	6,468		0.02
MMN	0	3,393		0.01
NAC	0	4,392		0.02
NAP	0	7,620		0.03
NCP	0	148,157		0.51
ND	0	14,527		0.05
NDP	0	459,462		1.58
NMMN	0	3,914		0.01
NNPP	0	11,533		0.04
NPC	0	12,224		0.04
NRP	0	13,227		0.05
PAC	0	140,854		0.49
PDP	73	15,585,538		53.69
PMP	0	50,765		0.17
PRP	0	204,929		0.71
PSD	0	10,482		0.04
PSP	0	117,295		0.40
UDP	0	13,960		0.05
UNPP	0	789,705		2.72
Total Valid Votes		29,030,107		
Rejected Ballots		965,064		
Valid Votes + Rejected Ballots		29,995,171		
Number of Voters on Register (109 Districts)		60,823,022		

Annex 6

Results of National Assembly/House of Representatives Elections 2003
346 of 360 Constituencies received

At the time of writing this report the results of the House of Representatives Election have not been fully published yet. A number of electoral races for various levels of elections have been postponed and not held yet.

The only official collection of results, still currently being updated, is available on the INEC website (www.inecnigeria.org).

Source: INEC web-site, 30 May 2003

Party	Federal Constituencies Won	Total Votes Scored	% of valid votes
AD	31	2,711,972	9.28
ANPP	95	8,021,531	27.44
APGA	2	397,147	1.36
APLP	0	12,936	0.04
ARP	0	8,746	0.03
BNPP	0	5,703	0.02
CPN	0	6,738	0.02
DA	0	6,096	0.02
GPN	0	4,257	0.01
JP	0	27,751	0.09
LDPN	0	4,966	0.02
MDJ	0	11,175	0.04
MMN	0	2,816	0.01
NAC	0	4,430	0.02
NAP	0	6,531	0.02
NCP	0	140,401	0.48
ND	0	21,854	0.07
NDP	1	561,161	1.92
NMMN	0	3,154	0.01
NNPP	0	8,779	0.03
NPC	0	10,687	0.04
NRP	0	13,500	0.05
PAC	0	137,328	0.47
PDP	213	15,927,807	54.49
PMP	0	29,100	0.10
PRP	1	222,938	0.76
PSD	0	10,889	0.04
PSP	1	96,550	0.33
UDP	0	12,695	0.04
UNPP	2	803,432	2.75
Total Valid Votes		29,233,070	
Rejected Ballots		1,153,200	
Valid Votes + Rejected Ballots		30,386,270	
Number of Voters on Register (360 Constituencies)		60,823,022	

Annex 7

Results Presidential Election 2003

Source: INEC web-site, 30 May 2003

Party	Candidates	Total Votes Scored	% of Valid Votes	Quotas
ANPP	Pres: Buhari Muhammadu Vice: Okadigbo Chuba William Malachy	12,710,022	32.19	19 of 25
APGA	Pres: Ojukwu Chukwuemeka Odumegwu Vice: Bayero Sani Ibrahim	1,297,445	3.29	2 of 25
APLP	Pres: Okereke Osita Emmanuel Vice: Abdullahi Tukur Alhaji	26,921	0.07	0 of 25
ARP	Pres: Yahaya G.K. Ezemue Ndu Vice: Hajia Asmau Aliyu Mohammed	11,565	0.03	0 of 25
BNPP	Pres: Nnaji Ifeanyi Chukwu Goodwill Vice: Suleiman Mohammed Awwal	5,987	0.02	0 of 25
DA	Pres: Ferreira, Antonia Abayomi Jorge Vice: Eboigbe Ehi	6,727	0.02	0 of 25
JP	Pres: Christopher Ogenebrorie Okotie Vice: Habib Mairo Baturiya (Mrs)	119,547	0.30	0 of 25
LDPN	Pres: Chief Christopher Pere Ajuwa Vice: Mohammed Nasir	4,473	0.01	0 of 25
MDJ	Pres: Yusuf Muhammadu Dikko Vice: Chief Melford Obiene Okilo	21,403	0.05	0 of 25
MMN	Pres: Major Mojisola Adekunle Obasanjo (rtd) Vice: Mohammed Ibrahim	3,757	0.01	0 of 25
NAC	Pres: Agoro (Dr) Olapade (Roland Aremo) Vice: Aminu Garbati Abubakar	5,756	0.01	0 of 25
NAP	Pres: Tunji Braithwaite Vice: Hajia Maimunatu Lata Tombai (MON)	6,932	0.02	0 of 25
NCP	Pres: Ganiyu Fawehinmi Vice: Jerome (Jerry) Tala Gopye	161,333	0.41	0 of 25
NDP	Pres: Sen. Ike Omar Sanda Nwachukwu Vice: Habu Fari Aliyu	132,997	0.34	0 of 25
NNPP	Pres: Dr. Kalu Idika Kalu Vice: Jawi Abdul Rahman Paga	23,830	0.06	0 of 25
PAC	Pres: Mrs. Sarah N. Jibril Vice: Chief Elemosho Babatunde Tajudeen	157,560	0.40	0 of 25
PDP	Pres: Chief Olusegun Obasanjo Vice: Alh. Atiku Abubakar	24,456,140	61.94	32 of 25
PMP	Pres: Nwankwo Agwucha Arthur Vice: Batubo Benett Raymond	57,720	0.15	0 of 25
PRP	Pres: Musa Abdukadir Balarabe Vice: Okafor Ernest Ngozi	100,765	0.26	0 of 25
UNPP	Pres: Sen. Nwobodo Jim Ifeanyichukwu Vice: Goni Mohammed	169,609	0.43	0 of 25
Total Valid Votes		39,480,489		
Rejected Ballots		2,538,246		
Valid Votes + Rejected Ballots		42,018,735		
Number of Voters on Register		60,823,		

Annex 8

Results Gubernatorial Elections 2003

Source: INEC web-site, 30 May 2003

State	Party	Governor	Deputy Governor
Abia	PDP	Kalu Orji Johnson Uzor	Chima Nwafor
Adamawa	PDP	Haruna Boni	Tukur Mohammed Bello
Akwa-Ibom	PDP	Attah Victor Bassey	Ekpenyong Christopher Stephen
Anambra	PDP	Dr. Chris Ngige	Hon. (Dr.) Okey Udeh
Bauchi	PDP	Mu'Azu Ahmadu Adamu	Mahammed Abdumalik
Bayelsa	PDP	Alamieyeseigha Diepreye Solomon Peter	Jonathan Goddluck Ebele
Benue	PDP	Akume George Orpel	Ogiri Ajene
Borno	ANPP	Sen. Ali Modu Sheriff	Alh. Adamu Shettima Dibai
Cross River	PDP	Duke Donald	Eneji Walter Patrick
Delta	PDP	Ibori James Onanefe	Elue Benjamin S. Chuks
Ebonyi	PDP	Dr. Egwu Samuel Ominyi	Ogbu Chigozie
Edo	PDP	Igbinedion Lucky Nosakhare	Oghiadomhe Michael Ayegboni
Ekiti	PDP	Fayose Peter Ayodele	Jacob Abiodun Aluko
Enugu	PDP	H.E. Dr. Chimaroke Ogbonna Nnamani	Okechukwu Ezewata Itanyi
Gombe	PDP	Mohammed Danjuma Goje	Lazarus John Yoriyo
Imo	PDP	Chief Achike Udenwa	Engr. Ebere Udeagu
Jigawa	ANPP	Turaki Ibrahim Saminu	Ibrahim Hassan Hadejia
Kaduna	PDP	Alh. Ahmed Moh'd Makarfi	Engr. Stephen Shekari
Kano	ANPP	Alh. Ibrahim Shekarau	Abdullahi Magaji Adamu
Katsina	PDP	Alhaji Umaru Yar'Adua	Alhaji Abdullahi Aminchi
Kebbi	ANPP	Alhaji Muhammed A. Aliero	Alhaji Suleman Moh'd Argungu
Kogi	PDP	Alhaji Ibrahim Idris	Philips Ozovehe Salanu
Kwara	PDP	Dr. Bukola Saraki	Joel Afolabi Ogundeji
Lagos	AD	Tinubu Bola Ahmed	Pedro Olufemi
Nasarawa	PDP	Alhaji Abdullahi Adamu	Mr. Labaran Maku
Niger	PDP	Engr. Abdulkadir Kure	Dr. Shem Zagbayi Nuhu
Ogun	PDP	Daniel Justus Olagbenga	Alhaja Falinat M. Badru
Ondo	PDP	Dr. Segun Agagu	Otunba Omolade Oluwateru
Osun	PDP	Olagunsoye Oyinola	Erelu Olusola Obada
Oyo	PDP	Rasheed Ladoja	Chief Christopher A. Akala
Plateau	PDP	Dariye Joshua Chibi	Chief Michael Botmang
River	PDP	Odili Peter Otunuya	Gabriel Toby
Sokoto	ANPP	Alh. Attahiru D. Bafarawa	Alh. Aliyu M. Wamako
Taraba	PDP	Rev. Jolly Tevoru Nyame	Bar. Uba Maigari Ahmedu
Yobe	ANPP	Alh. Bukar Abba Ibrahim	Alh. Bukar Abba Ibrahim
Zamfara	ANPP	Ahmed Sani Yerima	Mamuda Aliyu Shinkafi

Annex 9

Election Day Surveys

Opening

	House of Representatives and Senate Elections							Presidential and Gubernatorial Elections							States Houses of Assemblies Elections						
	Yes	No	N/a	A	B	C	D	Yes	No	N/a	A	B	C	D	Yes	No	N/a	A	B	C	D
Were all election officials present for opening?	83	17						80	20						55	45					
Was the security agent present at the polling station?	69	31						88	12						86	14					
Were any unauthorized persons inside the polling station at opening?	30	65	5					29	67	4					20	75	5				
Was essential material missing?	42	52	6					33	67						25	75					
Were party agents/candidates present?	87	8	5					88	12						91	7	2				
Were domestic observers present?	66	26	8					69	31						32	68					
Were polling agents candidates shown that the ballot box was empty before sealing?	66	16	16					80	20						67	29	4				
Were ballot boxes sealed by the Presiding Officer?	35	51	14					24	72	4					25	73	2				
Did party agents/candidates inspect or record serial numbers of ballot papers?	32	60	8					29	57	14					14	73	14				
Did the Presiding Officer explain the voting procedure to all those present?	61	34	5					54	40	6					27	70	2				
Did polling start at 0800?	17	78	8					48	48	4					50	50					
Is there any complaint recorded?	14	78	8					2	61	37					5	61	34				
Evaluate election officials understanding of procedures				10	35	33	20				11	43	34	13				5	47	40	9
Evaluate party agents understanding of procedures				4	44	28	20		6	6	50	25	13		2	2	43	45	7		
Overall assessment of the process.				4	32	36	26				4	41	41	14				2	49	40	9

A: Very Good, B: Good; C: Fair; D: Bad

Polling

	House of Representatives and Senate Elections							Presidential and Gubernatorial Elections							States Houses of Assemblies Elections						
	Yes	No	N/a	A	B	C	D	Yes	No	N/a	A	B	C	D	Yes	No	N/a	A	B	C	D
Did you see campaign activities/material within 300m of the polling station?	42	58						19	81						22	76					
Was there any tension in or around the polling station?	17	83						7	93	1					9	89	2				
Was there any tension in or around the polling station?	83	17						89	11						86	12	2				
Were any unauthorized people in the polling station?	25	75						29	67	5					34	61	5				
Did the clerk responsible properly check the prescribed voters' finger for ink?	72	28						66	31	3					52	36	12				
Did observed voters present a voter card?	87	3	11					91	3	6					78	2	20				
Did you observe voters allowed to vote on the basis of a registration slip?	30	70						38	60	2					25	60	14				
Was the registration slip exchanged for a voter card?	54	20	26					26	26	48					7	29	64				
Were voters' names checked against the register of voters?	97	2	1					89	6	5					76	7	16				
Was any voter protested against by a party or security agent?	11	79	10					8	77	15					6	65	29				
Are the names of the protested voters marked in the register?	11	20	69					11	17	73					9	19	72				
Were voters' names marked in the register before they vote?	89	7	4					85	11	4					73	9	17				
Was the voter card (registration slip) properly marked, signed and stamped?	93	4	3					84	10	6					74	7	18				
Was any tendered ballot placed in the ballot box?	11	46	43					7	40	53					13	31	56				
Did the responsible clerk properly mark the prescribed voter's finger with ink?	88	11	1					75	22	2					54	29	17				
Did you observe any violation of the secrecy of vote?	47	47	6					31	58	11					23	61	16				
Did you observe any cases of proxy voting?	7	88	5					4	78	17					4	68	28				
Did you observe any case of group/family voting?	8	87	5					2	80	18					2	68	29				
Were voters requiring assistance aided by the person of their choice?	25	25	50					13	19	69					8	21	71				
Was the ballot box sealed?	46	54						20	80						16	81	3				
Was essential material missing?	40	60						21	79						23	70	7				
Does the layout of the polling station allow an easy flow of voters?	68	32						77	23						82	15	3				
Were all election officials present?	67	33						84	16						60	33	7				
Were election officials performing their duties in an impartial manner?	93	7						89	11						87	10	3				
Were party agents/candidates present?	98	2						96	4						89	9	2				
Were domestic observers present?	62	38						60	40						27	70	2				
Was any person in the polling station disturbing polling?	16	84						8	92						6	81	13				
Is there any complaint recorded?	14	70	16					2	63	35					7	53	40				
Evaluate election officials understanding of procedures				7	47	29	17				16	44	28	12				10	42	28	22
Evaluate voters' understanding of procedures				3	39	42	16				8	43	36	13				3	42	34	21
Overall assessment of the process.				6	31	25	38				13	41	32	14				4	37	30	29

A: Very Good, B: Good; C: Fair; D: Bad

Closing and counting

	House of Representatives and Presidential and Gubernatorial Senate Elections												States Houses of Assemblies Elections											
	Yes	No	N/a	A	B	C	D	Yes	No	N/a	A	B	C	D	Yes	No	N/a	A	B	C	D			
Did the Presiding Officer extend the hours of polling?	37	63						14	86						3	89								
Were all voters queuing at 15.00 allowed to vote?	70	5	25					32	12	56					14	6	81							
Did the Presiding Officer count the unused ballots, counterfoils and spoiled ballots, and fill in the Did the Presiding Officer prepare the envelopes with unused ballots, counterfoils and spoiled ballots?	68	32						59	41						54	34	11							
	50	50						46	54						50	39	11							
	99	1						92	8						89	0	11							
	59	41						69	31						42	50	8							
Were the ballots properly segregated?	93	7						95	5						78	11	11							
Did the Presiding Officer show each rejected ballot to those present?	87	9	4					84	16						69	17	14							
Did any party agent object to rejected ballots?	25	71	4					22	76	3					3	77	20							
Did you observe any rejected (invalid) ballot being counted as valid?	4	93	3					0	100						0	86	14							
Were any ballots without stamp and signature counted?	34	66						11	89						3	89	8							
Did any party agent/candidate seek a recount or check of the ballots?	7	86	7					5	92	3					3	89	8							
Were party agents/candidates given opportunity to check and sign the Form EC.8A/EC.8A(1)?	90	4	6					86	8	5					92	0	8							
Did any party agent/candidate refuse to sign the Form EC.8A/EC.8A(1)?	6	88	6					8	78	14					8	83	8							
Were party agents (and Police, if present) given a completed copy of the Form EC.8A/EC.8A(1)?	70	22	8					81	11	14					89	3	8							
Did the Presiding Officer properly packed the material?	70	25	5					63	37						72	19	8							
Did the Presiding Officer seal the ballot box containing the used ballots and the counterfoils?	64	34	2					21	76	3					11	78	11							
Were domestic observers present for the duration of the count?	68	32						61	39						33	58	8							
Were party agents present?	93	7						100	0						89	3	8							
Did any person disrupt the counting process?	17	83						5	95						11	81	8							
Is there any complaint recorded?	7	80	13					3	78	19					0	69	31							
Evaluate election officials understanding of procedures				14	30	40	14				16	50	26	8				21	41	29	9			
Evaluate party agents understanding of procedures				22	25	34	18				10	46	36	8		8	19	35	32	5				
Overall assessment of the process.				11	34	38	15				11	55	24	11				21	50	21	9			

A: Very Good, B: Good; C: Fair; D: Bad

Collation

	House of Representatives and Senate Elections							Presidential and Gubernatorial Elections							States Houses of Assemblies Elections						
	Yes	No	N/a	A	B	C	D	Yes	No	N/a	A	B	C	D	Yes	No	N/a	A	B	C	D
Was the delivered material properly packed?	56	44						40	60						69	31					
Were the incoming ballot boxes sealed?	20	61	18					8	83	8					13	77	10				
Were the lower level results handed-over by the appropriate INEC official?	100	0						88	12						89	6	6				
Did the Collation Officer properly aggregate the results?	87	9	4					76	22	2					86	6	8				
Was any unresolved dispute reported to the Collation Officer?	16	84						24	62	14					18	74	9				
Were the results publicly announced?	70	25	5					78	22						83	8	8				
Did the Collation Officer offer the party agents to sign the Form EC.8...?	68	11	21					72	22	6					83	0	17				
Did all the present party agents sign the Form EC.8...?	62	18	18					72	20	8					74	9	17				
Did all the party agents (and the Police) receive a copy of the Form EC.8...?	62	13	25					88	6	6					81	3	17				
Was the original of the Form EC.8... delivered to the Collation Officer at the next level?	89	11						70	18	12					72	8	19				
Did the Collation Officer submit a report on the resolved disputes?	19	53	28					7	47	47					0	47	53				
Were domestic observers present for the duration of the collation?	7	93						46	52	2					33	64	3				
Were party agents/candidates present for the duration of the collation?	78	22						90	10						83	11	6				
Did any person disrupt the collation process?	20	80						8	92						10	84	6				
Evaluate election officials understanding of procedures				25	40	31	4				21	55	2	21				26	47	12	15
Evaluate party agents understanding of procedures			5	16	41	38	0		20	4	51	10	14		11	20	43	17	9		
Overall assessment of the process.				18	37	37	8				5	64	7	24				26	41	18	15

A: Very Good; B: Good; C: Fair; D: Bad