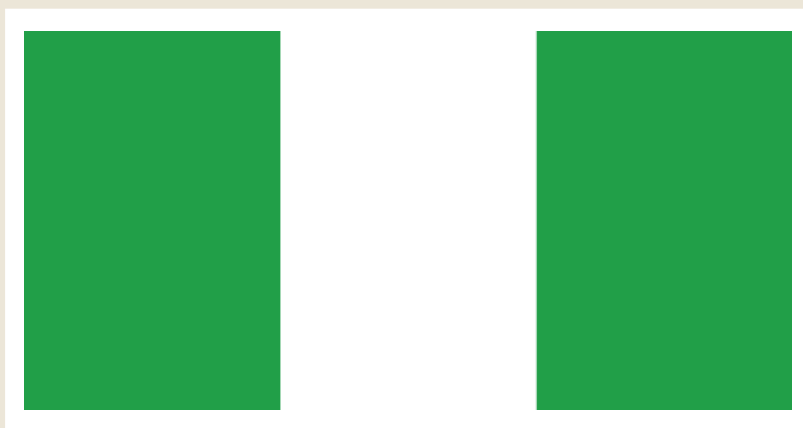


EISA INTERNATIONAL ELECTION OBSERVER MISSION REPORT

NIGERIA



PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS

23 FEBRUARY 2019



14 Park Rd, Richmond
Johannesburg 2092, South Africa
P O Box 740 Auckland Park 2006
Johannesburg South Africa
Tel: 27 11 381 6000-7
Fax: 27 11 482 6163
Email: eisa@eisa.org
www.eisa.org



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Published by EISA
14 Park Rd, Richmond
Johannesburg
South Africa

P O Box 740
Auckland Park
2006
South Africa
Tel: 27 11 381 6000
Fax: 27 11 482 6163
Email: eisa@eisa.org
www.eisa.org

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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

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ACRONYMS AND ABBREVIATIONS

APC	The All Progressives Congress
AU	African Union
BON	Broadcasting Organisation of Nigeria
CDD	Center for Democracy and Development
CSOs	Civil Society Organisations
CVR	Continuous Voter Registration
ECOWAS	Economic Community of West Africa States
EISA	Electoral Institute for Sustainable Democracy in Africa
EU	European Union
FCT	Federal Capital Territory
FPTP	First-past-the-post
ICCES	Inter-Agency Consultative Committee on Election Security
IDPs	Internally Displaced Persons
IEOM	International Election Observer Mission
INEC	Independent National Electoral Commission
IPAC	Interparty Advisory Council
LGA	Local Government Areas
NBC	National Broadcasting Commission
NDI/IRI	The National Democratic Institute / The International Republican Institute
NGOs	Non-governmental Organisations
NICVEP	National Inter-Agency Advisory Committee on Voter Education
NOA	National Orientation Agency
NRM	National Reparation Movement
PAM	Pre-Election Assessment Mission
PDP	People's Democratic Party
PLAC	Policy and Legal Advocacy Centre
PVCs	Permanent Voter Cards
PWDs	People with disabilities
RACs	Registration Area Centres
REC	Resident Electoral Commissioner
ShoA	State House of Assembly
SIECs	State Independent Electoral Commissions
YIAGA	The Youth Initiative for Advocacy, Growth & Advancement

ACKNOWLEDGEMENTS

The Electoral Institute for Sustainable Democracy in Africa (EISA) International Election Observation Mission (IEOM) to the 2019 general elections in Nigeria would not have been possible without the assistance and support of a number of people and institutions.

We thank the Independent National Election Commission (INEC) and the government of the Federal Republic of Nigeria for extending an invitation to EISA to observe the elections. We are grateful to the INEC officials at both national and state levels for their availability to provide information to EISA observers.

EISA is grateful to His Excellency, Mr Rupiah Banda, former president of Zambia, who led the mission, for his leadership, time and patience, even after the postponement of the elections. The mission is equally grateful to Mr Denis Kadima, EISA Executive Director, the Deputy Mission Leader.

EISA acknowledges and is grateful to all those who contributed directly or indirectly to the mission's success. EISA appreciates the national stakeholders, including political parties, election candidates, civil society organisations and media representatives who made themselves available to brief the mission and its leaders and share their experiences. The IEOM is also grateful to the Nigerian people for being open and willing to share information about and their views and experiences of the electoral processes.

We extend our appreciation to the citizen observer groups and sub-regional, continental and international observer missions with whom the mission interacted, shared information and learnt from.

Among the international observer groups are the African Union, the International Republican Institute-National Democratic Institute, the Economic Community of West Africa states, the Commonwealth, and the European Union. The citizen observer group includes the Center for Democracy and Development, YIAGA Africa, Policy and Legal Advocacy Centre, and the CLEEN Foundation, among others.

We thank UK AID, without whose generous financial support the mission would not have been possible. EISA acknowledges its IEOM members for their availability and their efforts during the mission. Thanks to the experts on the IEOM core team led by Mr Naphtaly Sekamogeng and Mr Martin Omwange for compiling this report and the EISA Elections and Political Processes (EPP) team for coordinating the mission.

EXECUTIVE SUMMARY

Guided by the 1999 Constitution (amended) of the Federal Government of Nigeria and the Electoral Act (amended), 2010, Nigerians went to the polls to vote for the president and members of the National Assembly (the Senate and House of Representatives) on 23 February 2019, in 29 states and the Federal Capital, Abuja.

The elections were the sixth since the transition of power from military to civilian democratic rule. At the invitation of the Federal Government of Nigeria, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Election Observation Mission to the elections. The mission, which comprised 16 observers from 13 African countries, was led by His Excellency Mr Rupiah Banda, former president of Zambia, with Mr Denis Kadima, EISA's Executive Director, as the Deputy Mission Leader.

To ensure a holistic approach to its assessment of the electoral process, EISA deployed a Pre-Election Assessment Mission (PAM) to Nigeria from 6 to 13 January 2019 and short-term observers (STOs), who arrived in the country from 6 February 2019. The EISA International Election Observation Mission (IEOM) observed pre-election activities, including campaigning, civil society organisation (CSO) activities in preparation for observation and the preparations of the Independent National Electoral Commission (INEC) for election day.

In addition, the mission assessed the legal framework and the political context and environment in which the elections were conducted. Members of the mission observed election day procedures at polling units as well as the collation of results at registration area collation centres and national collation centres. During the observation period, the EISA IEOM also conducted interviews with key election stakeholders at federal capital and state levels to better understand the electoral environment.

After assessing the situation EISA believes that, although the country at the time of the elections was facing insecurity challenges in some states, among them attacks by terror groups like Boko Haram, violent conflict between

herders and farmers, a separatist movement and general criminal activities such as kidnapping, hijacking and murders, the electoral environment remained manageable.

The mission also noted the fears expressed by stakeholders of the possibility of military deployment and influence. The EISA IEOM did not encounter the military in any of the states to which it was deployed. The political environment generally appeared to be calm. However, the mission noted reports from other observers and civil society groups that there were military interventions, especially in Benue, Kano, Lagos, Rivers and Sokoto, among others in the south. To the north, there were reports of ongoing operations against terror groups, which were not related to the elections.

Although Nigeria is a signatory to many international instruments on gender equity, it continues to lag in domesticating the instruments, especially with regard to electoral processes. The constitutions of political parties make no provision for affirmative action in relation to the nomination of women or other marginalised groups like the youth and people with disabilities (PWDs). Nigeria's legal framework does not provide for affirmative action, despite several unsuccessful attempts by the last two parliaments to legislate on gender equality.

Of the 91 registered political parties, only 73 fielded presidential candidates, and only six of those were women. Only 21 women contested the position of vice-president. Only 13 women were elected to the Senate and House of Representatives, which have a total of 499 seats.

These figures show that Nigeria falls short of affirmative action targets and efforts to support women in electoral processes. Its democracy largely excludes women, people living with disabilities and young people.

EISA observed that the cost of politicking in the country is high. This, coupled with the culture of political patronage and patriarchy, makes it difficult for marginalised groups to contest and be elected.

Despite the fears of violence expressed by some stakeholders, the electoral environment in most states was calm and peaceful, though there were pockets of violence before, during and after the elections. These included the burning

of INEC premises in the Isiala Ngwa South Local Government Area of Abia State and the Qu'an Pan Local Government Area of Plateau State and Awka in Anambra State.

Media and observer groups reports noted that at least 46 people lost their lives in election-related violence, and others were injured in a stampede during President Buhari's campaign in Port Harcourt. In some cases, vehicles transporting electoral materials in Benue and Ondo states were burnt.

A number of cases of violence were reported on election day, including snatching of elections materials in Lagos, Rivers and Abia, among others. Clashes between supporters of the All Progressive Congress (APC) and the People's Democratic Party (PDP) were reported in Imo State and killings in Bayelsa on election day.

INEC informed the EISA IEOM that logistical challenges led to the postponement of elections, which had initially been scheduled for 16 February. The EISA IEOM observers noted problems with accrediting observers at the state level; sensitive and non-sensitive materials delivered to the wrong addresses, late delivery of materials and the late opening of polling units.

On election day, the IEOM noted that INEC's ad hoc staff were not sufficiently trained in the general management of polling and setting up polling units, at some of which the secrecy of the ballot could not be guaranteed. INEC did not provide sufficiently for the welfare of the ad hoc staff, who worked for long hours without basic amenities such as water and meals.

The EISA IEOM has noted a contradiction between Section 40 of the 1999 Constitution concerning the right of Nigerians to form or be part of a political party and Section 222(f), which requires all political parties to have their headquarters in Abuja, the Federal Capital Territory.

The mission similarly noted the legal limitations on diaspora voting and independent political candidacy. Nonetheless, it was encouraging to observe some positive developments in the legal framework in relation to the age reduction law, commonly known as 'Not Too Young to Run', which reduces the age limit of candidates for political office.

This change in the electoral legal framework enabled more young people to contest the 2019 elections than were able to stand in 2015.

The EISA mission also noted that INEC regulations provided for marginalised groups, with guidelines for registering internally displaced persons (IDPs) and the participation of PWDs in elections. There were attempts to amend the electoral laws through the Electoral (Amendment) Bill 2018. The Bill was passed by Parliament but was declined three times by the president for several reasons, including that the proximity to the coming elections left insufficient time to implement the amendments

Drawing on the mission's observations, the EISA IEOM made recommendations for consideration in future electoral processes. Key among these are:

- That the President expedite the process of signing the Electoral Act Amendment Bill 2018.
- That legislators review the legislation relating to out-of-country voting, extending it to Nigerians living abroad.
- That legislators review the legal framework relating to INEC temporary staff and security personnel working away from home on election day, extending to them the right to vote.
- INEC should arrange for prison inmates, including those serving sentences, to vote, as ruled by the Federal High Court (*Victor Emenuwe & 4 Ors v. Independent National Electoral Commission* 2014).
- Security agencies should investigate the incidents of arson at INEC offices as well as all other electoral violence and account to the public.
- Parties and candidates should restrict their campaigns to issues and refrain from evoking emotions, division and ad hominem attacks that may contribute to violence, loss of life and destruction of property.
- Civil society should continuously lobby for and advocate amendments to the electoral laws to improve the general electoral environment and provide for affirmative action for women, youth and PWDs.
- INEC should enforce the electoral laws to deter offences like vote buying.

EISA's APPROACH TO ELECTION OBSERVATION

Since its inception in July 1996, EISA has established itself as a leading institution and an influential player in the field of elections and democracy-related issues on the African continent. It envisions an Africa in which democratic governance, human rights and citizen participation are upheld in a peaceful environment.

EISA seeks to achieve the establishment of effective and sustainable governance in Africa through strengthened electoral processes, good governance, human rights and democratic values. In this regard, the institute undertakes applied research, capacity building, technical support to continental and regional bodies on election observation, advocacy and other targeted interventions.

Within this broad context, it fields international election observer missions (IEOMs) to assess and document the context and conduct of selected elections on the continent, thus contributing to the transparency, integrity and improvement of electoral processes.

In assessing elections, EISA takes into account that they are not merely events. They are technical processes with deep political implications. As a result, it adopts a holistic approach that enables it to cover the main aspects of the electoral process and the context within which the elections are conducted.

A Pre-Election Assessment Mission (PAM) was deployed to Nigeria from 6 to 13 January 2019, tasked with assessing the pre-election and political contexts and determining whether they would allow for democratic elections to take place. At that point, the elections were scheduled for 16 February and 2 March 2019. They were subsequently rescheduled to 23 February and 9 March.

The mission also examined the state of preparedness of key stakeholders such as the Independent National Elections Commission (INEC), political parties and civil society organisations.

The EISA PAM assessment was based on international benchmarks for democratic elections set out in the African Charter for Democracy, Elections and Governance, the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa, the Declaration of Principles for International Election Observation, the Principles for Election Management, Monitoring and Observation and the Liberian legal framework for elections.

Following an invitation from INEC to observe the elections, EISA deployed a short-term IEOM to observe the final stages of the 2019 electoral process, namely the campaigns, voting, counting, vote collation, the announcement of results and the immediate post-election phase.

The IEOM, which was on the ground from 9 February to 2 March 2019, was guided by the same principles and obligations as the PAM.

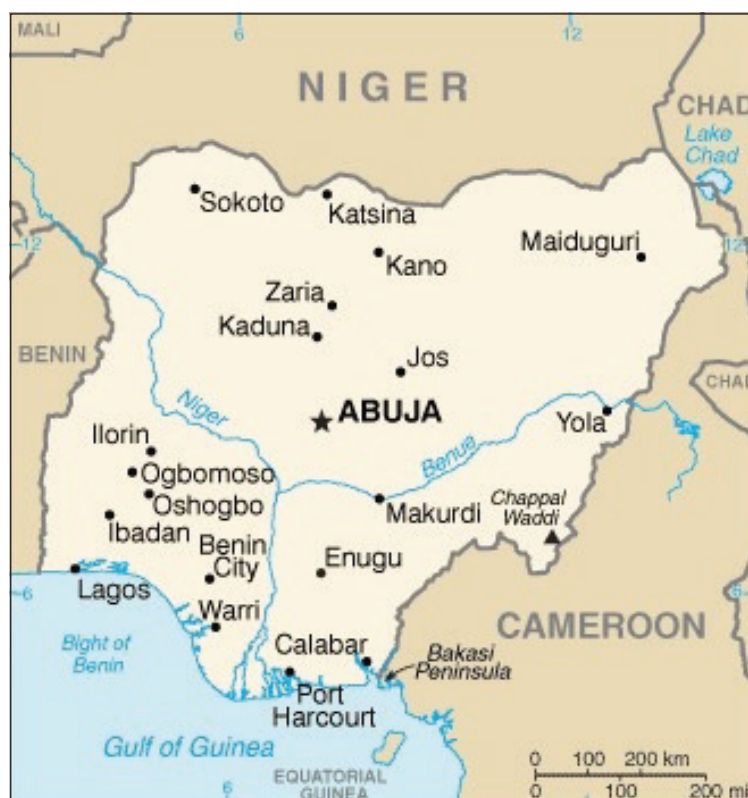
Sixteen STOs arrived in Nigeria on 6 February, were briefed on 11 and 12 February and were deployed on 13 February. The teams were deployed in eight states to observe key pre-election activities. The STO component was supported by a core team comprising a coordinator, an administration coordinator, finance personnel and a technical analyst. The core team was supported by a team of national staff, including a media expert, security experts and one administrative officer. EISA STOs remained in the country until 25 February. The core team of the mission remained until 2 March.

INTRODUCTION

The 2019 polls were Nigeria's sixth elections since the transition from military to civilian democratic rule. Although there have been challenges in past elections, significant improvements in 2011 and 2015 generated high expectations of the quality of the 2019 electoral process.

The central contestants in the 2019 elections, especially the presidential election, were the APC and PDP candidates. However, 71 candidates vied for the nation's top office, including the incumbent, President Muhammadu Buhari of the APC, former Vice-President Atiku Abubakar of the PDP and a number of new challengers, including women. The elections took place against a backdrop of insecurity, with violence in the North East and Middle Belt threatening the electoral process.

This report covers the pre-election, election and post-election events of the presidential and National Assembly elections. Section one looks at the historical and political background ahead of the elections, highlighting issues related to the electoral environment. Section two assesses the legal and institutional framework. The third section looks at the pre-election phase, considering issues of delimitation of constituencies, voter registration, political party and candidates' nominations, civic and voter education, and the campaigns. Section four focuses on the election phase and evaluates election-day activities. Section five looks at the post-election phase – collation and announcement of results, and the general post-election environment. Section six assesses cross-cutting issues, including the role of CSOs, the media, gender, minority rights and security. Section seven is the conclusion and recommendations.



1

Historical and Political Overview



- I.1 Background and Political Context
- I.2 Political and Electoral Developments Ahead of the 2019 General Election

I.1 BACKGROUND AND POLITICAL CONTEXT

The history of Nigeria as a modern-day nation-state, dates back to 1960 when it became independent from Britain. At independence, three regions – Northern, Western and Eastern – were amalgamated, bringing together about 250 ethnic groups. The largest groups are the Hausa and Fulani (29%), Yoruba (21%), Igbo (Ibo) (18%), Ijaw (10%), Kanuri (4%), Ibibio (3.5%), Tiv (2.5%).¹ The groups are distinguished by language, custom and religious beliefs.²

Nigeria has approximately 184 million inhabitants, making it the most populous country in Africa. It is a federation of 36 states and the Federal Capital Territory (FCT) of Abuja. Identity politics mean the country is broadly divided between the north and south and further into six geopolitical zones³ with different social and economic disparities. The southern regions have higher socioeconomic indicators such as levels of education and employment in the public sector.⁴

The country is the largest oil exporter in Africa, and the fact that its economy is over-reliant on oil exports has led to a decline in agricultural production

1 <https://photos.state.gov/libraries/nigeria/487468/pdfs/Nigeria%20overview%20Fact%20Sheet.pdf>. Accessed 19 January 2019.

2 <http://countrystudies.us/nigeria/3.htm>.

3 North Eastern Zone (NE), North-Central Zone (NC), Middle-Belt Zone (MB), South-East Zone (SE), South-West Zone (SW), and South-South Zone (SS).

4 <https://iiste.org/Journals/index.php/DCS/article/viewFile/12202/12555>. Accessed 19 January 2019.

and the eventual collapse of other revenue sources like cocoa, peanuts and palm products, which, before independence, were the country's biggest foreign exchange earners.

Since the 2008-2009 global financial crisis Nigeria has begun to shift its economic growth to agriculture, telecommunications and services. Despite these changes though, poverty remains one of the biggest challenges, with over 62% of the country's population destitute.⁵ This factor, coupled with the poor performance of elected representatives and low civic awareness, has contributed to the expansion of vote buying, particularly in the off-cycle gubernatorial election, since 2015. The lack of enforcement of punishment for this offence has allowed the practice to persist and grow.⁶

Politically, Nigeria has a history of coup-induced military rule. The first military junta lasted from 1966 to 1979 and the second from 1983 to 1999. But most relevant to democratic elections is the military government of Major General Abdulsalami Abubakar, who returned Nigeria to civilian rule by allowing elections in 1999. The presidential election was won by Olusegun Obasanjo, inaugurated on 29 May 1999, a day which was commemorated by the institution of a public holiday called Democracy Day.⁷

Obasanjo was re-elected in 2003 during the first civilian-run elections since the end of military rule. Subsequent elections were held in 2007, 2011 and 2015. The long history of military administration has resulted in the military producing two of the four presidents since 1999, and it is perceived as a powerful political agent.

In their ascent to power, both military and civilian presidents have exploited deep-seated issues affecting the country.

5 www.indexmundi.com/nigeria/economy_profile.html. Accessed 18 January 2019

6 www.ndi.org/sites/default/files/FINAL%20Nigeria%202018%20NDI-IRI%20PEAM%20Statement.pdf

7 In June 2018 President Buhari changed the date of the holiday to 12 June.

Key among these are poverty, the economy, corruption, unemployment and ethnic and religious tensions and conflicts.⁸

This history led many stakeholders to fear that the military would influence the 2019 general elections. There were claims that the government wanted to deploy the military to gain undue advantage. These fears were informed by the claim that the government had influenced the off-cycle elections in Ekiti and Osun states.⁹ In the states in which EISA IEOM observers were present, there was no military intervention, so the IEOM cannot comment substantively on the level of military influence.

Ethnic and religious tensions and conflicts in Nigeria date as far back as the pre-colonial period. Notable conflicts include the 1967 civil war, the 2004 attack in Yelwa, Plateau State, by Christian militia. This left more than 200 Muslims dead,¹⁰ continuous attacks on oil installations by militants¹¹ in the Niger Delta, with foreign oil workers kidnapped in some instances, and the Boko Haram uprising and its escalating attacks on Nigerians.¹²

8 For instance, the first military coup, in 1966, was justified on the grounds that the leaders wanted to get rid of rotten and corrupt ministers, political parties, trade unions and the whole clumsy apparatus of the federal system and that the military had taken over to bring an end to gangsterism and disorder, corruption and despotism. Similarly, the 1983 coup was justified on the grounds of ending the serious economic predicament and the crisis of confidence that had afflicted the nation because of civilian rule. Issues cited included the mismanagement of the economy, rigged elections, corruption and indiscipline. Likewise, the 1985 coup was justified on the grounds of the inability of the previous regime to bring the anticipated changes, which had led to continued deterioration in the standard of living and to suppression and government insensitivity.

9 www.researchgate.net/publication/312096284_IMPLICATIONS_OF_MILITARIZING_ELECTIONS_IN_NIGERIA_THE_EKITI_AND_OSUN_STATE_2016_JOURNAL_OF_SECURITY_STUDIES_AND_GLOBAL_POLITICS_IMPLICATIONS_OF_MILITARIZING_ELECTIONS_IN_NIGERIA_THE_EKITI_AND_OSUN_STA. Accessed 19 January 2019.

10 A state of emergency was declared in central Plateau State following the killing. Revenge attacks were launched by Muslim youths in Kano.

11 The rebels demanded more control over the region's oil wealth.

12 Boko Haram promotes a version of Islam that makes it 'haram', or forbidden, for Muslims to take part in any political or social activity associated with Western society. Its militants have claimed responsibility for various attacks, including the 2010 Christmas Eve bombings near the central city of Jos, which killed at least 80 people; the 2011 suicide bomb attack on UN headquarters in Abuja, which killed 23 people; the 2011 December Christmas Day bomb attacks on churches, which left about 40 people dead and the 2014 kidnapping of more than 200 girls from a boarding school in the northern town of Chibok that sparked outrage and both locally and internationally.

There have also been recurring conflicts between herders (mostly Muslim) and farmers (mostly Christian).¹³

I.2 POLITICAL AND ELECTORAL DEVELOPMENTS AHEAD OF THE 2019 GENERAL ELECTION

The 2019 elections were set against the background of the historic transition of power in 2015 when then-President Goodluck Jonathan (PDP) conceded defeat to Muhammadu Buhari (APC).

In April 2018 President Buhari declared his intention to stand for a second term. Thereafter, 72 other candidates joined the race, making a total of 73 presidential aspirants, among them former Vice-President Atiku Abubakar and Kingsley Moghalu, the former deputy-governor of the Central Bank of Nigeria.

Despite the high number of candidates the presidential election was dominated by Buhari and Atiku. The expectations of most Nigerians that there would be a third contender did not materialise.

The difference in this election was that the two leading contenders did not represent the opposing forces of north and south or religious or ethnic differences. Both Buhari and Atiku are Muslims from the north and members of the Hausa-Fulani ethnic group. This fact turned the focus to issues of age, health, corruption and performance or non-performance in office.

Notably, Buhari and Atiku's politics also influenced the elections for other political seats, including those in the House of Representatives, the Senate and governorships. As of March 2019, the APC had over 60%, and PDP had over 35% of members of the National Assembly.¹⁴

INEC registered 91 political parties for the 2019 elections, but only 73 fielded presidential candidates. While the increase in the number of parties could be an indicator of democracy and competitiveness, it could also indicate a lack of internal party democracy and growing trends of patronage.

¹³ www.crisisgroup.org/africa/west-africa/nigeria/252-herders-against-farmers-nigerias-expanding-deadly-conflict. Accessed 19h January 2019.

¹⁴ See INEC, www.inecnigeria.org/elections/election-results/.

As the mission observed, most political parties are largely personality-driven and lack internal democracy. The political alliances that emerged ahead of the 2019 elections, based mostly on personalities and agreements among political leaders, did not necessarily reflect differences in policy or ideology.¹⁵

In addition to the lack of intra-party democracy, the large number of registered political parties can also be attributed to the high cost of politicking within them. Worth noting too is the dominance of men and the exclusion of marginalised groups, including women, youth and persons living with disabilities. Nigeria has the lowest number of women in elected office in both West Africa specifically and the world in general. Political parties do not respect internal quotas on gender, making it difficult for women to feature in politics. The EISA IEOM noted that only six of 71 presidential candidates (about 8%) in 2019 were women. Similarly, only 21 of 73 (29%) vice-presidential candidates were women.

The withdrawal of Oby Ezekwesili, who was seen as a female front-runner in the presidential election, disappointed many and dimmed the hopes of many women and other Nigerians who wished to increase the participation of women in political processes.

Political and electoral developments were also shaped by constitutional amendments setting the age limits for running for political office. The amendment popularly referred to as the 'Not Too Young to Run' Bill, reduced the age limit by five years for elected positions. The limit for presidential candidates was reduced from 40 to 35 and for House of Assembly representatives from 30 to 25 years, while the limit for senatorial candidates remained at 35. The Bill received support across the country and was ratified by more than two-thirds of the states of the federation.

As a result of the enactment of the amendment, an increased number of young people participated in the 2019 elections. The numbers increased from 18% in 2015 for the House of Representatives to 27.4% in 2019. Of those standing for governor in 29 states, 9.8% were young people, and 14% of presidential candidates were between the ages of 35 and 40.

15 www.ndi.org/sites/default/files/FINAL%20Nigeria%202018%20NDI-IRI%20PEAM%20Statement.pdf.

Other legal and policy frameworks that informed the 2019 elections are the Discrimination against Persons with Disability (Prohibition) Act, 2019 and the INEC Framework on Access and Participation of Persons with Disabilities in the Electoral Process – a positive step towards inclusivity and, importantly, the recognition of PWDs. However, the EISA IEOM observed that the law lacks affirmative provisions, especially to ensure that PWDs are nominated, appointed and elected to positions within political parties and in federal and state governments.

President Buhari's suspension of the Chief Justice of Nigeria (CJN), Justice Onnoghen, in the month before the elections, caused panic among many Nigerians and the international community. The constitutionality and timing of the president's decision raised concerns as the CJN was scheduled to swear in members of the election tribunals on the day of his suspension.

The EISA IEOM notes that the timing of the decision had a negative impact on the credibility of the judiciary as an institution and its independence from the executive. The Code of Conduct Tribunal has since convicted on charges of a false assets declaration and banned Justice Onnoghen from holding public office for ten years.

In light of the experiences, challenges and lessons learned from 2011, 2015, and off-cycle elections, INEC made some significant improvements in 2019. Among these were the deployment of smartcard readers and improved security arrangements. The changes raised expectations about the quality of the 2019 electoral process. The prospect of peaceful and credible elections was critically dependent on INEC's performance.

The EISA IEOM's pre-election assessment indicated that there was a commitment to democracy and a desire for continued efforts to improve Nigeria's election practices. This would depend, however, on a credible process that might cultivate the peace and harmony needed to advance Nigerian democracy.

The postponement of the planned general and state elections was disappointing and reduced the expectations of the electorate, as well those of political parties of INEC's preparedness, further damaging the

commission's image and raising questions about its independence. INEC did, however, redeem itself to some degree by continuously updating stakeholders about its implementation plans for the postponed elections.

2

Legal and Institutional Framework



- 2.1 The Constitution
- 2.2 Electoral Laws
- 2.3 The Electoral System
- 2.4 Legal Reforms Ahead of the Elections
- 2.5 Election Management: The INEC
- 2.6 Political Party and Campaign Financing

2.1 THE CONSTITUTION

The Constitution of the Federal Republic of Nigeria is the supreme law and binding force on the authorities and persons throughout the country. The introductory sections state that ‘Nigeria shall not be governed, nor shall any persons or group of persons take control of the Government of Nigeria or any part thereof, except in accordance with the provisions of this Constitution.’¹⁶ These preliminary provisions lay the ground for the leadership and administration of the country.

The 1999 Constitution (as amended) is the cornerstone of the legal framework for both the electoral process and the institutions set up to administer that process. It proclaims that the Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice.¹⁷

Section 19 recognises the fundamental rights and freedoms critical for a democratic dispensation. These include the right to vote and be voted for through universal suffrage, fundamental freedoms such as freedom of assembly, association, expression and movement, and access to justice and legal remedies.

¹⁶ See Section 1 and 2 of the Constitution of the Federal Republic of Nigeria 1999 as amended, www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm.

¹⁷ Section 14(1) of the Constitution 1999 (as amended).

The Constitution also entrenches democracy by providing for a multi-party system, the separation of powers within a presidential system, a majoritarian electoral system, term limits for elected offices and the conduct of regular elections managed by the INEC.

The INEC is established under Section 153 of the 1999 Constitution, and its powers are spelt out in part 1 of the third schedule, subsection 15. Section 154 (1) empowers the president to appoint the chairman and commissioners subject to Senate confirmation. Section 14(3) provides that the composition of the government or any of its agencies and the conduct of its affairs be carried out in such a manner as to reflect the country's federal character and the need to promote national unity, and also to command national loyalty, 'thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or any of its agencies'.

The EISA IEOM observed that this provision does not take into consideration gender, marginalised groups like PWDs or even youth concerns. Without such express provision in the legal framework, the marginalised groups might not be considered for appointment to important organs like the INEC.

Section 40 provides for the conduct of elections and confers the right of assembly and association to form or belong to any political party. Sections 65(1)(a) and s66 set out the qualifications for election as a member of the National Assembly. Section 131 states the candidates for the presidency must be citizens of Nigeria by birth and be 40 years old (amended in 2018 to 35), must be a member of a political party and have at least a School Certificate or the equivalent.

On matters relating to elections, ss 130 to 146 relate to the process of electing the president. Sections 130 to 137 prescribe the minimum age for presidential candidates and reasons for disqualification of a candidate. If these constitutional preconditions are not satisfied, any aggrieved party can petition the courts to determine the constitutionality of the election.

2.2 ELECTORAL LAWS

The 1999 Constitution is the cornerstone of the legal framework for both the electoral process and the institutions set up to administer this process. It is

reinforced by the Electoral Act, 2010 (as amended) and the INEC Regulations and Guidelines for the Conduct of Elections.

The Electoral Act sets out the procedures for the conduct of elections for federal, state and area councils. Together with the Constitution Third Schedule, Section F (14 and 15) provides for additional functions of INEC, which include:

- Conduct voter education and civic education;
- Promote knowledge of sound democratic elections processes;
- Conduct any referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law or Act of the National Assembly.

The Act also provides for the funding of the INEC and outlines the expenditure and staffing of the commission, the national register of voters and voters' registration and election procedures, registration and monitoring of political parties, procedures for election to area councils, electoral offences, determination of election petitions arising from elections.

The INEC Regulations and Guidelines for the Conduct of Elections sets out procedures for determining the dates of presidential and National Assembly elections, who can vote, where to vote, the appointment of polling officials, accreditation and voting procedures during elections, the mandatory use of smartcard readers, voting, sorting, election observers, counting and recording of votes and collation of results.

The EISA IEOM noted INEC's confidence in its ability to deliver the 2019 elections within the current legal framework, despite President Buhari's rejection on four occasions of the much-anticipated reform of the Electoral Act, 2010. The president's decision is in accordance with Article 2 of the ECOWAS Protocol on Democracy and Good Governance, which provide that no substantial modification shall be made to the electoral laws in the last six months before the elections, except with the consent of a majority of political actors.¹⁸

18 See PLAC, <http://placng.org/wp/wp-content/uploads/2018/02/FACTSHEET-ON-THE-ELECTORAL-ACT-AMENDMENT-BILL-2018-AS-PASSED-BY-THE-NATIONAL-ASSEMBLY.pdf>.

2.3 THE ELECTORAL SYSTEM

Each of Nigeria's states has a governor and a State House of Assembly (SHoA). Each of the 36 states has three senatorial districts, and the FCT is constituted as one district, bringing the total number of senators to 109. The House of Representatives has 360 members, each of whom represents a constituency.¹⁹ There are 774 local government authorities.

The president is elected directly by the voters for a four-year term and may only serve two terms. The same term limits apply to governors. A majority run-off system applies to both the presidential and gubernatorial elections

A presidential candidate can only be declared the winner after garnering the highest number of votes cast and receiving at least 25% of the votes cast in two-thirds of the 36 states and the Federal Capital Territory. If a candidate does not reach this target, a run-off election is held between the two leading candidates within seven days of the pronouncement of the result. The candidate who gets the majority of the votes in the run-off election is elected.

The same procedure applies to the gubernatorial election. In this case, a run-off election is conducted if no candidate wins the majority of votes and at least 25% of the votes cast in at least two-thirds of all states in the Federation and the FCT or local government areas (LGAs). The run-off, conducted within seven days of the announcement of results, is between the candidate who wins the highest number of votes and the candidate who wins the majority of votes cast in the highest number of states (or LGAs). The candidate who wins the majority of votes in the run-off election is declared governor.

The first-past-the-post (FPTP) system is used to elect legislators to the House of Representatives, the Senate and the state houses of assembly. Legislators are elected every four years. Members are elected by direct popular vote in single-member constituencies. Elections are also held for the 774 local government authorities. These are, however, organised at the state level, and scheduling differs from state to state.

¹⁹ The law provides that the population of each constituency should, as far as possible, be equal, provided that no constituency falls within more than one state.

Section 132 subsections 1 and 2 of the Constitution, read together with s25 of the Electoral Act, 2010, empowers the commission to name a date not earlier than 150 days and not later than 30 days from the end of the incumbent's tenure. For the 2019 elections and motivated by the need to ensure certainty about the date and allow for proper planning by the various stakeholders, the commission set a date for the national elections on the third Saturday in February of the election year, followed by state elections two weeks later.

The state elections were scheduled for Saturday, 16 February and the gubernatorial/State Assembly/Federal Capital Territory Area Council Elections for Saturday 2 March. However, six hours before the elections were due to start, the commission postponed them for seven days, 23 February and 9 March, citing logistical challenges that could not be resolved in time.

2.4 LEGAL REFORMS AHEAD OF THE ELECTIONS

Nigeria has ratified and signed major international, continental and regional treaties relating to human rights and the conduct of democratic elections.²⁰ Consistent with the practice in the lead-up to previous elections, several efforts were made to amend the Constitution and legal framework governing elections with the intention of aligning them with international obligations and enhancing the transparency and credibility of the elections. To this end, the National Assembly approved 33 Bills, some of which were election related.

The legal framework has been reviewed extensively since the 2015 elections. In 2018 there were attempts to amend the Electoral Act 2010 (as amended) by means of the Electoral Act Amendment Bill. The amendments were passed by the National Assembly four times. Still, the president first refused to assent on 13 March 2018 and finally on 6 December, arguing that the amendments would substantively affect preparations for the 2019 elections.

In brief, the amendments sought to codify the use of electronic devices and the supplementary electronic transmission of results, and ceilings for

²⁰ These include: International Covenant on Civil and Political Rights; UN Convention on Political Rights of Women; Convention on the Elimination of All Forms of Discrimination against Women; UN Convention on Rights of Persons with Disability; Convention Against Corruption, African Charter on Democracy, Elections and Governance; African Charter on Human and People's Rights; and Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

nomination fees in primaries. The proposed reforms also sought to amend the Constitution and Electoral Act to provide for independent candidacy. The current laws do not permit independent candidacy of any kind – all candidates must belong to a political party. If passed, the provision will align the electoral law with the fundamental right and freedom to associate (which also implies freedom not to associate) and the right to be voted for.

The amendment also sought to change the order of elections, having the presidential election follow rather than precede those for the state houses of assembly and governors. The president believed this change would infringe the ‘constitutionally guaranteed discretion of the INEC to organise, undertake and supervise elections’.

He returned the Bill to the legislature, recommending that consideration be postponed until after the 2019 elections. While the reason for declining it is in line with international best practice, which discourages substantial modifications to electoral laws six months before an election, as well as an obligation under the ECOWAS Protocol on Democracy and Good Governance, the process projected a lack of will on the part of the president. The Bill had been declined three times before, in the course of 2017, for various reasons.²¹

The president did accept some of the election-related Bills, among them the ‘Not Too Young to Run’ Bill that extended further opportunities to young people to stand for various seats.

Other amendments that were passed included the Restriction of Tenure of President and Governor; a law governing the determination of pre-election matters that reduced the date and time for determining pre-election matters, and the law governing the conduct of by-elections.

21 It was first submitted in February 2017 and rejected because of the provisions about changing the order of the elections. The second submission was in June 2017, when the president refused to consider it at all. On the third occasion, in July 2017, it was rejected because of alleged cross-referencing errors and fears that it would increase the cost of elections, among other reasons, www.vanguardngr.com/2018/12/signing-amended-electoral-act-for-2019-elections-will-create-uncertainty-crisis-buhari/, accessed 23 January 2019.

While the legal framework broadly provides a sufficient basis for the conduct of democratic elections, it could be further strengthened to ensure more democratic elections. It lacks provisions for voting by prisoners or diaspora voting, in line with international best practice, disenfranchising sections of the population.

Further, despite being a signatory to and having ratified key international and regional obligations to promote the participation of women in politics, Nigeria falls short of attaining the recommended gender numbers. Women's representation in the National Assembly has been on a downward trend since 2011. In the eighth legislature, women occupied seven of 109 Senate seats and only 22 out of 360 seats in the House of Representatives.

While Nigeria has gender policies that advocate increased political participation by women, these have not been implemented or reinforced by law. It is commendable that the Gender and Equal Opportunities Bill, aimed at bringing domestic laws in line with international commitments, has been discussed by both the seventh and eighth legislatures. The Bill has, however, not been passed, dealing a blow to affirmative action efforts. The length of time it has been before Parliament indicates that the political leadership, which is dominated by men and largely informed by a culture of patriarchy, lacks the will to change the status quo.

2.5 ELECTION MANAGEMENT: THE INEC

The INEC was established by s153(1)(f) of the 1999 Constitution, which sets out its responsibilities, independence and funding. It is mandated to conduct elections for president, vice-president, members of both houses of the National Assembly, governors, deputy governors, and members of state houses of assembly.

Section 15, Part 1 of the Third Schedule of the Constitution and Section 2 of the Electoral Act 2010 sets out the functions of INEC. They include:

- Organise, undertake and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each state of the federation;

- Register political parties in accordance with the provisions of the constitution and Act of the National Assembly;
- Monitor the organisation and operation of the political parties, including their finances; conventions, congresses and party primaries;
- Arrange for the annual examination and auditing of the funds and accounts of political parties, and publish a report on such examination and audit for public information;
- Arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for any election under this Constitution;
- Monitor political campaigns and provide rules and regulations to govern political parties;
- Conduct voter and civic education;
- Promote knowledge of sound democratic election processes;
- Conduct any referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law or Act of the National Assembly.

Nigeria has a two-tier system of election administration at national and local levels. The INEC is responsible for managing national-level elections (for the president and National Assembly), while the state independent electoral commissions (SIECs)²² are responsible for managing state-level local government council elections.

At the national level, the commission comprises a chairman, who is the Chief Electoral Commissioner, and 12 other members referred to as National Electoral Commissioners. The SIECs are headed by a Resident Electoral Commissioner (REC). The chair of the commission serves as the returning officer for the presidential elections, while the RECs serve as returning officers for the state elections (gubernatorial and state assembly). Both the national and regional commissioners are appointed by the president, subject to confirmation by the Senate, for a five-year term which is renewable. At the state level, the governors appoint the chair and members of the SIECs, subject to confirmation by the state house of assembly.

22 Located in each of the 36 states and one in the FCT.

The Constitution imposes age limits for office bearers as follows: The chair should not be younger than 50, while the national and resident electoral commissioners should not be younger than 40. The age requirement discriminates against qualified candidates who are younger. The EISA IEOM believes these provisions should be amended to align with the 'Not Young to Run' amendment to the Constitution. In addition, consideration should be given to introducing affirmative action provisions to enable women, PWDs, and young people to be appointed.

The mission noted the staggered appointment of INEC commissioners, commending this approach, which ensures that terms do not all end at the same time, almost causing paralysis in the commission's operations.

2.6 POLITICAL PARTY AND CAMPAIGN FINANCING

Nigeria's laws do not provide for political parties and campaign funding. Each party, therefore, finances its activities, including operational and campaigns budgets. However, the constitutional and other legal provisions envisage that every party should keep proper accounts. Section 225(2) of the Constitution specifically requires political parties to disclose their sources of funds and manner of expenditures.

Section 91 Subsection 2 to 7 of the Electoral Act, 2010, sets out limits for campaign expenditure, prescribing that:

- A presidential candidate can spend a maximum of N1 000 000 000;
- A governorship candidate can spend a maximum of N200 000 000;
- A senatorial candidate can spend a maximum of N40 000 000;
- A House of Representative candidate can spend a maximum of N20 000 000;
- A candidate in a state assembly election can spend a maximum of N10 000 000;
- A candidate for election as chair of an area council may spend a maximum of N10 000 000.

The Electoral Act caps individual financial support to any candidate at N1 000 000). The Electoral Act (Amendment) Bill, 2018 proposes amendments to the above limits as follows:

- Presidential election, N5 000 000 000;
- Governorship election, N1 000 000 000;
- Senatorial seat in National Assembly election, N100 000 000;
- Federal House of Reps, N70 000 000;
- State Assembly Election, N30 000 000;
- Election for chair of an area council, N30 000 000;
- Election to an area council, N5 000 000.

Section 91(9) also prohibits any individual or entity from donating more than N10 000 000.

Regardless of these provisions, the regulations as they stand do not serve any meaningful function in terms of regulating political spending. The EISA IEOM and other IEOMs observed that political finance regulation does not work and is not aligned to international instruments that demand transparency and equality of opportunity among contestants.²³

The legal provisions are incomplete, allowing for the rules to be circumvented easily. While candidates are subject to contribution and expenditure limits, there are no corresponding reporting requirements. Conversely, although parties are required to submit financial reports, there are no limits on contributions or spending. Limits and reporting requirements are, therefore, ineffective. The most recent constitutionally mandated INEC audit of financial statements of political parties was published in 2011.

Some of the stakeholders, women and PWDs with whom the EISA IEOM consulted, raised concerns about the high cost of politicking as an impediment to aspirant candidates. Increasing this figure will make it even more difficult for members of these groups to consider standing for election. With the above minimum standards already set, it becomes hard to get a political party nomination if one is unable to raise the money. This may explain electoral offences like vote buying, which were reported to have taken place in 2019.

²³ Article 10 of the African Union Convention on Preventing and Combating Corruption states: 'Each State Party shall ... incorporate the principle of transparency into funding of political parties.' Article 7.3 of the United Nations Convention Against Corruption states: 'Each State Party shall ... enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.'

3

The Pre-Election Phase



- 3.1 Delimitation of Constituencies
- 3.2 Registration
- 3.3 Political Party Registration and Candidate Nomination
- 3.4 Civic and Voter Education
- 3.5 Election Campaigns
- 3.6 The INEC

3.1 DELIMITATION OF CONSTITUENCIES

Sections 73 and 114 of the Constitution give the INEC the responsibility for delimitating constituencies, stipulating that the process must be carried out every ten years.

Section 113 provides that the numbers of inhabitants in each constituency be as equal as possible. Achieving this equality depends on the population census undertaken by the National Population Commission. The EISA IEOM was informed that the last census was done in March 2006 and the last delimitation in 1996.

No new delimitation can take place without an updated census. If a census is not carried out sufficiently in advance of a general election it might contribute to disfranchising the general population.

3.2 REGISTRATION

The current voters' roll was developed from a Continuous Voter Registration (CVR) exercise that commenced in April 2017 and ended in August 2018. The EISA IEOM believes the CVR improved the ability of citizens to participate in the 2019 elections.

The INEC reported that 84 004 084 Nigerians registered as voters ahead of the 2019 elections – an increase of 21% over the number registered in 2015.

Of these voters, 52.7% (44.4 million) are male and 47% (39.6 million) female. About 42.9 million (51%) are aged between 18 and 35.²⁴

According to the INEC's records, 72 775,502 (86.63%) permanent voters' cards (PVCs) were collected, and 11 228,582 million were not collected. The EISA IEOM noted that, despite the insecurity in the region, a higher percentage of voters in the north than in the south collected their PVCs. The highest percentage (98.69%) was in Katsina state, and the lowest (71.36%) was in Ogun state in the south.

Stakeholders interviewed attributed some of the failure to collect PVCs to the logistics of registration, which require s voters to return some days after they have registered to collect their cards. Some do not do so. In other cases, PVCs were posted to the wrong addresses, or voters had moved or had been displaced, either by the ongoing conflicts and security threats like terrorism or by natural calamities.

According to media reports, although the INEC decentralised the collection of PVCs to all 8 809 ward offices and extended the collection date from 8 to 11 February, millions of PVCs remained uncollected.

In general, the mission observed that the collection of PVCs was affected by poor logistics. The mission recommends that INEC improve its technology and introduce instant biometric voter registration²⁵ and collections of PVCs.

The EISA IEOM notes that the INEC only released the guidelines relating to the registration of IDPs in December 2018, not leaving the commission sufficient time to facilitate the registration and collections of PVCs of over a million IDPs. For that reason, the EISA IEOM believes the INEC should mainstream the registration and distribution of PVCs well in advance of any election.

The EISA IEOM noted that the INEC removed from the voters' register about 300 000 names of non-existent voters. While this was a commendable move, it is important to note that it is the responsibility of all Nigerians to

24 Policy and Legal Advocacy Centre, Nigeria's 2019 Election Environment, February 2019, 9.

25 Biometric voter registration entails capturing a voter's unique personal/physical details.

inspect the voters' register and ensure that it does not contain the names of non-existent voters. Similarly, the government should synchronise the registration of births and deaths with the voters' register to facilitate an up-to-date statistical data base of registered voters.

3.3 POLITICAL PARTY REGISTRATION AND CANDIDATE NOMINATION

Section 40 of the 1999 Constitution provides for the right of every Nigerian to join and register any political party of their choice. Articles 221 to 229 of Chapter 6 set out in detail the requirements for parties and their functions. According to Article 229, a political party is 'any association whose activities include canvassing for votes in support of a candidate for election to the office of President, Vice-President, Governor, Deputy Governor or membership of a legislative house or a local government council'.

A party affiliation is a prerequisite for all those wanting to participate in elections. Article 222(f) stipulates that for an association to be seen as a political party, its headquarters must be located in the capital city of Abuja and the names and addresses of national officials as well as a copy of the constitution of the party must be registered with the INEC. EISA IEOM believe these provisions limit participation.

The EISA mission noted that though the INEC has the constitutional powers to register political parties, it has no powers to deregister them in cases of non-compliance with constitutional and statutory requirements. The Inter-Party Advisory Council (IPAC), which, in essence, should promote inter-party relations, lacks support.

If it were supported by the major political parties, it could play a pivotal role in encouraging them to comply with the electoral laws. This would have to be done in line with the African Charter on Democracy, Elections and Governance, which makes political parties responsible for strengthening political institutions to entrench a culture of democracy and peace.

The registration of political parties and nomination of candidates is one of the pre-election activities that add to the credibility of the electoral process. As of 1 January 2019, the INEC had registered a total of 91 parties. Although

party primaries are the sole responsibility of the parties, they take place under the supervision of the INEC. Section 85 of the Electoral Act, 2010 makes it mandatory for parties to organise a congress,²⁶ a convention²⁷ and nominations.

Section 31(1) mandates the INEC to observe the party primaries. To enable it to do so, parties must give 21 days' notice of the dates of the primaries. The INEC may, however, not reject any candidate submitted by a political party. The EISA IEOM, therefore, observes that the law is deficient in that it assigns powers to the INEC that cannot be used or exercised.

Section 87 subsections 1-10 of the Electoral Act, 2010 prescribes two basic modes of conducting party primaries: direct and indirect. According to the media and various CSOs, many parties prefer indirect primaries, where candidates are endorsed at a party congress.

This method compromises internal party democracy because the final decision about candidates rests with the party congress, which is susceptible to manipulation. The EISA IEOM also noted that most political parties lack a credible membership register, which makes it difficult to contest or question the list of delegates.

A direct primary, on the other hand, involves all registered and active members of the party. Though seen as a more participatory and democratic process, it is not immune to vote trading. The parties also avoid it because of the logistical challenges associated with preparing such an election should the party opt for a secret ballot. If a party adopts such an approach, it must provide ballot papers and boxes, voting cubicles, results sheets and membership registers.

Various stakeholders informed the EISA IEOM that since many of the major parties prefer the indirect nomination of candidates at their congresses,

26 The congress is a gathering at which a party elects candidates or state, LGA and ward party officials.

27 A convention is a gathering at which a party elects its national officials and/or its presidential candidates, amends the party's constitution when necessary, reviews, ratifies, overturns or alters any decision taken by any of its constituent bodies and appoints external auditors, resolves disputes, establishes committees to deal with specific issues and decides on the running or future direction of the party.

these congresses are characterised by acrimony and the absence of internal democracy. This was evidenced by the fact that by the time of the election, there were more than 300 cases relating to party primaries already in court, and a number of petitions had been filed with the INEC.²⁸

In most cases, problems in the primaries related to financial barriers and procedural problems. Party fees for running in the primaries were very high and there was an overall lack of transparency. Without supporting legislation or INEC regulations that provide for gender quotas and marginalised and special interest groups at the level of primaries, these groups are excluded from fully participating in the electoral process.

The mission noted several attempts to legislate on matters of gender. For example, the Gender and Equal Opportunity Bill, which seeks to align domestic laws with international and regional instruments, has received little support. The Bill, which has been before the National Assembly since 2011, was passed by the Seventh Assembly (2011-2015) and the Eighth Assembly (2015-2019) but has yet to be enacted. Even the National Gender Policy of 2006, which drew its inspiration from the Beijing Platform for Action's call for 35% representation of women in national legislatures, has yet to be implemented.

The EISA IEOM notes the contradiction between Section 40 (on the right of Nigerians to form or be part of a political party) and Section 222(f), which requires all political parties to have their headquarters in Abuja. This requirement is a barrier for many formations that wish to register as political parties in some states or to have their headquarters in states other than the FCT.

Section 221, on the prohibition of political activities, and Section 222(f), lock out independent candidates who would otherwise wish to stand for office without necessarily affiliating themselves with a political party. The EISA IEOM, therefore, proposes that electoral stakeholders should revisit proposed amendments to The Constitution of the Federal Republic of Nigeria 1999 (Amendment) Bill, 2006, which sought to provide for

²⁸ See the INEC chairman's remarks on the matter, <https://punchng.com/2018-party-primaries-among-the-worst-in-nigeria-inec-chairman/>.

independent candidates and associations like coalitions to canvass for votes in any elections.²⁹ This will galvanise Nigerians in regard to freedom of association and the right to belong, or not belong, to a political party if they wish to enter the political arena.

3.4 CIVIC AND VOTER EDUCATION

Both the INEC and CSOs conducted voter education. The INEC produced manuals for training ad hoc staff, published frequently asked questions about the electoral process³⁰ and held a quarterly briefing for the stakeholders, partnership and groups including:

- Political parties
- Development partners (IFES, UNDP/DGD, IRI, AU, EU, IDEA etc.)
- National Inter-Agency Advisory Committee on Voter Education (NICVEP) members
- Tradition leaders
- Religious leaders
- INEC ambassadors
- NGOs/CSOs/CBOs

The mission observed that the INEC also used social media platforms like Instagram, Twitter, Facebook and SMS to engage and inform the public. It also used its official website effectively to provide information to stakeholders, but with some limitations. The EISA IEOM notes the practice of information sharing and increased transparency that built public confidence in the electoral process and institution conducting the elections.

CSOs are active stakeholders in political and electoral processes in Nigeria. Their commitment was demonstrated by the programmes and activities they implemented, including peace education and research and analysis to create awareness of political and electoral processes.

The EISA IEOM acknowledges the contributions of several CSO platforms, including the Watching the Vote Initiative by YIAGA; the Center for Democracy and Development, which analyses political and electoral issues;

²⁹ www.nassnig.org/document/download/16

³⁰ INEC, Frequently Asked Questions on the Electoral Process (Abuja: INEC, 2019).

the Policy and Legal Advocacy Centre, which analysis policy and laws relating to electoral processes, which, in the pre-election period, provided civic and voter education material both in print and electronic. Among the materials in print were periodic pre-election observation reports, which were also published online.

Some of the campaigns were target specific, for example, mobilising and empowering young people through youth summer camps, campaign advocacy, movement building and advocacy initiatives for constitutional/legislative/policy reform like the #NotToo-YoungToRun Movement, Youth Alliance of Constitution and Electoral Reform and youth driven campaigns like the #Fallen9 #ThumbPower #VotingForWhat and #ThePowerOf18. YIAGA had a radio programme targeted at youth and entitled 'Watching the vote half hour', the aim of which was to encourage young citizens to participate in the elections and to inform them about both the pre-election process and election day activities in order to counter misinformation and fake news.

The Policy and Legal Advocacy Centre produced some civic and voter education materials, including a compilation of the laws governing elections and briefs on the election environment. It also coordinated a Civil Society Situation Room.

The Centre for Democracy and Development also produced civic and voter education materials that were distributed to stakeholders. The centre was also involved in educating the public about fake news through update alerts to verify any political information circulating on social media that might impede the electoral process.

Notably, all the CSOs used social media platforms to disseminate civic and voter education before, during and after the elections. This use of technology worked well and reached many people at minimal cost compared to conventional methods of civic and voter education.

Despite these initiatives, the EISA IEOM observed on election day that a good number of electoral officials, both INEC and ad hoc staff, were not well informed about the electoral guidelines. Equally, voters were not adequately educated and informed about the electoral procedures.

In some circumstance, the secrecy of the ballot was compromised. For example, some voters would walk into the booth and mark their ballots but forget to fold them when they placed them in the ballot box. Others exposed their ballot papers, enabling other voters to see who they had voted for. In other cases, INEC staff folded the ballot papers once voters had left the booth and placed them in the ballot box.

While the CSOs made a valuable contribution to civic and voter education, the EISA IEOM notes that they are not members of the National Interagency Advisory Committee on Voter Education Programme.³¹ The mission believes that this limits CSOs' participation and contribution to the content and processes of civic and voter education despite the fact that they play a pivotal role in this area.

3.5 ELECTION CAMPAIGNS

Section 30(1) of the Electoral Act 2010, as amended, states that campaigning may begin no more than 90 days before an election. Campaigning for the 2019 presidential and National Assembly elections began on 18 November 2018 and for the gubernatorial and state house of representative elections on 1 December 2018. Section 99(1) of the Electoral Act prohibits advertisements or the distribution of campaign materials 24 hours before election day.

The EISA IEOM observed that these guidelines were followed to some extent. However, although the elections were postponed, the INEC banned any further campaigning, a ban that met with resistance from the parties. INEC reversed the ban, allowing them to campaign until 24 hours before the election days. The campaigns were characterised by tensions among supporters before, during and after the elections, with both the APD and PDP claiming that there were attempts to rig the poll.

In some cases, the Nigerian Broadcasting Commission penalised broadcasters for airing campaign related information beyond the stipulated time.

The EISA IEOM observed that all the political parties had manifestoes, but media reports revealed that the campaigns were not issue based. Some

³¹ NEC, Frequently Asked Questions, 16-17.

were personalised, and others included allegations of interference in the electoral process itself.

The allegations were more pronounced after the postponement of the elections, and at times major political parties threatened to protect their votes at all costs. The EISA IEOM believes that political campaigns that derail the electoral process by focusing on personal vendettas and threats rather than on issues heighten tensions, which might, in some cases, lead to the type of violence that took place during these elections. Political parties and their candidates should be encouraged to campaign on issues and avoid causing further division and tension or igniting violence.

In a similar vein, the mission noted that the 2019 campaigns were augmented by commitments to peace by the presidential candidates through the signing of the Abuja Accord under the auspices of the National Peace Committee in December 2018 and again on 13 February 2019.

However, commitment to the code did not prevent violence. Stakeholders and the media observed that some campaigns were characterised by disruption, violence and allegations of vote buying. Some stakeholders compared the situation to that of the 2015 elections, in which 80% of states reported at least one case of violence. In 2019 elections 50% reported election-related violence.³²

The incidents were largely concentrated in the southern and central belt of the country and were largely driven by local political actors within states rather than by political parties. Some observers and media reported that 46 people were killed in the course of the campaign.

In addition, voters died in a stampede caused by poor crowd control in Port Harcourt. There were also reports of cases of intra-party violence, especially within the APC, following the acrimonious party primaries that left many members discontented.

³² www.cfr.org/blog/tracking-election-violence-nigeria; see also observation by the CLEEN Foundation <https://cleen.org/wp-content/uploads/2019/02/ELECTION-SECURITY-THREAT-ASSESSMENT-OF-NIGERIA-OCTOBER-DECEMBER-2018-Thirty-Six-states.pdf>.

EISA IEOM observers in Ondo noted defaced or destroyed billboards and posters and others reported cases of destruction of party offices, predominantly of opposition parties, in different states. The EISA IEOM believes that defacing and destroying opposition campaign material should be treated as an offence, which is currently not the practice. In addition, security agents should act rapidly to deter, disrupt, arrest and bring to book anybody who intends to cause violence or plan any election malpractice.

Despite the incidents noted above, there was a general decline in cases of violence compared to previous elections. This is a positive trend, which, if it persists, will ensure that elections in Nigeria are free from intimidation and violence. The mission notes, however, that the leading contenders for president were both Muslims and members of the Fulani ethnic group and, should this change in the future, there is a possibility that violent incidents may well increase.

In the pre-election period, some non-state stakeholders, among them the CLEEN Foundation, had observed that there were signs of insecurity in 22 states – Abia, Adamawa, Akwa Ibom, Bauchi, Bayelsa, Benue, Borno, Delta, Ekiti, Imo, Kaduna, Kano, Kogi, Kwara, Lagos, Ogun, Plateau, Rivers, Taraba, Yobe and Zamfara.³³ The EISA IEOM observed that during this period, Adamawa, Kogi, Kwara, Lagos, Bayelsa, Rivers, Zamfara, and Akwa Ibom were reported to have experienced some form of violence. The mission also received reports of fires having burnt down a number of INEC premises a few days and even a few hours before election day, destroying mostly non-sensitive materials and PVCs. The reports related to Rivers in January and Abia, Anambra and Plateau states in the first and second weeks of February.

In Bayelsa-Yenagoa LGA cult groups were said to have been involved in the violence that led to a number of fatalities. Cult groups, often linked to political parties, carry out attacks during election time on groups supporting the competitors.

33 <https://cleen.org/wp-content/uploads/2019/02/2019-Election-Security-Threat-Assessment-of-NigeriaJanuary-2019.pdf>.

Many cases of election-related violence were reported in Port Harcourt, which, as of November 2018, had recorded the highest number of election-related fatalities. The campaigns were also characterised by kidnapping and murder, a number of incidents of which were reported in Rivers State. A few reported election-related violent incidents involved or targeted women.

Another issue reported to the EISA IEOM was the abuse of public spending. Some CSOs informed the mission about various social and financial initiatives involving cash and in-kind disbursements.³⁴

One particular case was the TraderMoni scheme, launched in August 2018 by the federal government, which provided at least NGN 20 billion in interest-free loans to traders. At the state level, both the APC and the PDP governments announced similar schemes.

The EISA IEOM recommends that the law should prescribe that the incumbent should not launch projects that will use public funds at least eight months before elections. The mission further noted that, if this practice is left unchecked, sitting leaders may use such projects as a campaign tool, which will disadvantage their opponents and can also be interpreted as a public inducement.

3.6 THE INEC

The INEC's preparation for the 2019 elections took place in a context of uncertainties, including pending electoral reforms and security and logistical challenges that had an impact on its state of readiness.

Ahead of the elections, the commission released its Strategic Plan and Strategic Programme of Action for the period 2017-2021.³⁵ It also developed an Election Project Plan. These plans, which were both short and long term, looking beyond the 2019 elections, included improving the use of

³⁴ These included interest-free loans, healthcare benefits, food packages and infrastructure development projects. Although they cannot be directly attributed to the elections, these actions, if interpreted objectively, can be understood as voter inducement, especially if they take place close to the election date and give an incumbent an undue advantage.

³⁵ See www.inecnigeria.org/resources/downloads/page/3.

technology in electoral processes³⁶ and better strategies for voter education programmes relating to gender, youth and persons with disability.

Implementation of the plans depended on the adoption of proposed constitutional and legal reforms, some of which were vetoed by President Buhari.

However, some of the plans were implemented, among them voter education, mainstreaming the Framework on Participation of PWDS in Electoral Processes and the improved use of technology in voter registration.

CSOs interviewed about INEC's preparedness said the commission had improved its engagement with stakeholders, with the chair and commissioners holding regular quarterly update meetings.

This approach, which began at the beginning of 2017, is becoming institutionalised. The EISA IEOM commends this practice, which gives the INEC a platform from which to offer a counter-narrative to fake news.

On the eve of the 16 February election, EISA observers noted that sensitive materials, among them, results sheets, smartcard readers and ballot papers, stored at the Central Bank of Nigeria and INEC offices, were missing or had been misplaced. The postponement of the election gave INEC a week in which to correct the anomalies observed, especially the delivery of sensitive materials such as voters' registers, smartcard readers and ballot papers in states such as Anambra, Abia and Plateau. However, the mission observed that in the period before the rescheduled elections, it was reported that some of these materials had not been delivered to some polling stations, among them those in the FCT polling units.

Both EISA and other IEOMs observed that the ad hoc electoral staff were inadequately trained. For example, training in using the smartcard readers took place without the devices.

³⁶ These included the use of improved technology in elections results management systems, incorporation of e-collation and e-tracking, improved operational deployment, establishment of an effective and transparent election complaint and dispute mechanism, development of a database for archiving election results.

The EISA IEOM noted the complaints and concerns expressed by some political parties that they had not been consulted about the postponement of the elections. The information had not been shared although the INEC held quarterly meetings with the Inter-Party Advisory Council. Notably, there was a stakeholder meeting on 7 February, which would have been an appropriate opportunity to communicate the proposed change of date.

The EISA IEOM recommends that INEC increase the frequency of stakeholder briefing as election day draws closer in order to increase accountability, transparency public confidence and checks and balances.

EISA noted that if the off-cycle governorship elections and legislative and area council elections are taken into account, INEC has organised more than 150 elections since 2015. The off-cycle elections should have helped the commission to prepare for the 2019 elections.

The EISA pre-elections assessment team observed the following:

- Section 10 of the Electoral Act 2010 (as amended) provides for the continuous registration of voters in Nigeria. Section 9 of the Act provides for the INEC to compile, maintain and continuously update a national register of voters. Sections 10 and 12 outline the requirements and qualification for registration as a voter. The EISA PAM noted, however, that the law does not provide for out-of-country registration of voters.
- The INEC also indicated that it started nationwide continuous voter registration (CVR) on 27 April 2017. Section 9(5) of the Electoral Act provides that the voter registration exercise must end 60 days before the general election. Registration was concluded on 31 August 2018 to allow for the compilation of the register.

There are four elements to the CVR:

- New registration – first-time voters and voters who were unable to register during previous registration periods;
- Collection of PVCs in person
- Transfer of registration

- Replacement of lost or defaced PVCs, corrections of incorrect biodata, the inclusion of names omitted from the register and PVCs that were not printed.

The INEC conducted the second CVR exercise between 27 April 2017 and 31 August 2018.

Table 1: 2017 CVR exercises

Phase	Dates	Display
Phase 1	27 April-20 July	24 -28 July
Phase 2	31 July-19 October	23 -27 October
Phase 3	9 November--21 December	27 December 2017-2 January 2018
Anambra RA CVR	10-15 August	16-21 August

Source: Independent Electoral Commission of Nigeria

Table 2: 2018 CVR exercises

Phase	Dates	Display
Phase 1	8 January-22 March	26-30 March
Phase 2	2 April-31 July	N/A
Phase 2 ext.	1-31 August	2-6 September

Source: Independent Electoral Commission of Nigeria

The EISA PAM team noted that the INEC takes into account the difficult terrain of the country and the need for vulnerable groups such as internally displaced persons to participate. Special attention was given to IDPs and PLDs during both CVR exercises.

While commending the continuous registration process, which was maintained over the entire electoral cycle, the EISA IEOM notes that factors beyond the control of INEC have an impact on the accuracy and credibility of the voters' register. One of these is the absence of a national civil registry and an up-to-date register of births, deaths and population mobility.

The mission observed that the INEC had implemented some of the recommendations made by local and international IEOMs after the 2015 elections. Among these were procedural reforms, including the CVR, the voting process, merging accreditation and voting processes and reinforcing biometric identification checks to reduce manipulation of accreditation.

Despite the growth in the voting population, no delimitation exercise has been conducted to inform the reallocation and creation of new polling facilities. There were 119 973 polling units in the 2019 elections – the same number as in the 2015 elections. These were divided into 571 023 voting points with no more than 750 voters per voting point, ensuring that no voter was disenfranchised and making it easier for polling officials to manage the process.

The INEC also established voting point settlements to facilitate voter access to settlements not currently served by a polling unit. The Commission recruited 800 000 ad hoc staff, mostly drawn from the National Youth Service Corps. The EISA IEOM commends the young Nigerians who participated in the exercise.

Stakeholders consulted by the EISA IEOM, including political parties, affirmed their confidence in the INEC as a professional body capable of conducting an impartial election. However, the postponement of the elections resulted in criticism and dwindling public confidence in the commission. The EISA IEOM commends the Nigerian people for their patience and continued faith in the electoral process despite these misgivings.

Despite the INEC's conviction that it was ready to conduct the elections, there were shortcomings. These include confusion about the distribution of materials; for example, some sensitive materials were mistakenly sent to Enugu state instead of Lagos state; incomplete distribution of sensitive materials in some places, for instance, in Akure, where some of the senatorial results sheets were distributed late on election day. There were also challenges with the distribution of party agent and observer accreditations at the state level.

4

The Election Phase



- 4.1 Opening Times
- 4.2 Election Personnel, Party Agents and Security Agents
- 4.3 Polling Units and Election Materials
- 4.4 Independent and Citizen Observers
- 4.5 Voting Procedures and Secrecy of the Ballot
- 4.6 Closing and Counting

After the election was postponed, EISA observers remained in their areas of deployment³⁷ to observe the implementation of the INEC's new operational plan, including the retrieval of sensitive materials.

On election day, eight teams of EISA observers visited 54 polling units to observe all election day procedures from the opening of the poll to the counting of ballots and announcement of results at the polling units. To ensure real-time transmission and accuracy of data collected in the field, the teams were equipped with innovative handheld smart tablets.

4.1 OPENING TIMES

Polling was due to start at 8am. The EISA IEOM teams observed that voting at most of the polling units visited commenced at least one to one and a half hours late. They also noted media reports of polling units opening as late as 12 noon due to the delayed arrival of INEC staff and materials. It took polling officials some time to set up the polling units and voting points, which further delayed the voting process. There were also some reports of polling officials who were not aware of the locations to which they were assigned, which caused further delays.

³⁷ Abuja, Adamawa, Akwa Ibom, Enugu, Kaduna, Kwara, Lagos and Ondo. Following the postponement, the team in Lagos was dissolved due to the non-availability of some observers.

To address the late start of the polls, the INEC announced an extension of polling hours. While commending this, the EISA IEOM notes that the INEC did not specify the length of the extension and the decision to extend the polls was made rather late and was not communicated in a timely or effective manner to voters and polling officials.

Some polling units opened late and closed at the official hour of 2 pm. In some parts of the country, voting was cancelled due to violence and terror attacks, with Akwa Ibom, Lagos and Rivers being the most affected.

In the polling units observed by the EISA team, it was noted that opening procedures were not applied consistently. In 40% of the units visited, the presiding officer did not show the empty ballot box to people present, and the layout compromised the secrecy of the ballot. In most of the units visited, long queues of voters waited patiently to be accredited and cast their vote as the polls opened. The opening of the poll was considered by 60% of EISA IEOM observers to be bad and by 30% to be very bad.

4.2 ELECTION PERSONNEL, PARTY AGENTS AND SECURITY AGENTS

The EISA teams noted an average of four staff per voting point and the presiding officer, who was in charge of the polling unit. A roving supervisory presiding officer was in charge of clustered polling units. The observers noted that 50% of the polling staff at all units they visited were female. This was in line with INEC's gender policy.³⁸

EISA observers were granted access to all the polling units they visited, and the presiding officers willingly responded to questions. The EISA IEOM commends the INEC's efforts to draw the attention of polling staff to the independent observers' contribution to promoting the transparency of the electoral process.

EISA observer teams noted large numbers of party agents at all polling units visited, with an average of five per unit, few of whom were women. The EISA IEOM believes that the strong party representation at polling units contributes to enhancing the transparency and credibility of the

38 www.inecnigeria.org/wp-content/uploads/2019/02/Independent-National-Electoral-Commission-Gender-Policy.pdf.

procedures. The mission noted, however, that the poor location and setup of most units meant the agents were inappropriately located, compromising the secrecy of the ballot.

Security officials were present at all polling units visited but were not visibly armed. EISA observers assessed 52% of the security personnel polling units as professional.

4.3 POLLING UNITS AND ELECTION MATERIALS

The location of the polling units in open spaces enabled voters and the general public to scrutinise the process, but EISA's observers remarked that there was insufficient space in the units, especially where there were more than three voting points. Some were located in raised narrow verandas that hindered the easy movement of the voters and the space available for polling officials, party agents, observers and security personnel. The EISA IEOM believes the choice of location contributed to an overall environment of disorder and tension in some units.

Though INEC provided for special voting units for PWDs, there is a need to take into consideration the interests of the elderly as well as the general safety of voters. The EISA team in Kaduna North, Shaba Ward, observed a polling unit for PWDs whose location on a narrow verandah posed challenges for voters in wheelchairs. On the other hand, observers noted with satisfaction the provision of magnifying glasses, sign language translation and a priority queue for PWDs. All ad hoc staff received a checklist that focused on identifying and assisting PWDs.

In Adamawa, polling unit locations for IDPs in the Malkhoi IDP camp and St Theresa Catholic Church were moved to nearby wards in other locations without voters registered there being notified in advance. Such changes disenfranchise voters and, in some cases, raise unnecessary suspicions that can cause tension.

The presiding officer and the registration area supervisors are required to visit the polling unit locations under their supervision to identify the most suitable layout for the polling units and voting points and arrange for tables and chairs to be available on election day.³⁹

³⁹ INEC 2019 manual for election officials.

However, EISA teams noted that in some of the polling units they visited, there were no tables or chairs, and, in some cases, members of the public volunteered to provide them. This took some time, resulting in reducing the polling time. It was also noted that, where reconciliation and counting started late, it was because INEC had not provided lighting, resulting in electoral staff having to rely on members of the public to provide it.

EISA observers reported that some of the electoral officials were unable to operate the smartcard readers, either delaying the process or preventing voters from casting their ballots. They noted that the procedures for voters who could not be accredited using the smartcard readers were not uniformly applied across the stations visited. In some voters who were not accredited but whose names were on the register were authorised to thumbprint the register and vote, while this was not the case in others. This inconsistency highlights the need to coordinate the training of electoral staff.

The day before election day, members of the EISA mission observed the distribution of sensitive materials from central banks and INEC state offices to the registration area centres. The materials in all the INEC offices observed were accorded security, indicated by the number of police officers guarding the premises and those escorting the materials to different RACs and from the RACs to the polling units. The presence of security agents guaranteed the security of the materials to some extent.

The EISA mission noted media reports of cases where sensitive materials were destroyed or snatched on polling day.⁴⁰ These cases added to the number of cancelled results of polling units in different states.

4.4 INDEPENDENT AND CITIZEN OBSERVERS

Independent, non-partisan election observation plays a key role in promoting public confidence in the transparency of the electoral process.

⁴⁰ According to Never Nigeria Elections Violence Report, on 23 February at Ataba, Rivers state, and in Ugwunagbo Local Government Area, Ward 4, polling unit 9, Abia state, it was reported that the polling units had been attacked and the attackers had removed voting materials. In Otukpo Local Government Area, Okete-ward, Benue state, a vehicle conveying election materials was attacked and in Igbakwu, Imo state, unidentified individuals invaded the polling unit, tore down results sheets and injured one person. In Ward one Andoni unidentified individuals attacked a polling unit and made off with election materials.

Citizen observation, in particular, is an indicator of the participation of citizens in elections beyond their role as voters. In the 2019 elections, the INEC accredited 120 citizen observer groups and 36 international observer and diplomatic missions, enabling them to monitor and observe the electoral process and contribute to its overall transparency.

Accreditation was done at the national level. As election day drew, closer many observer groups had to go to the INEC offices to collect their accreditation, creating congestion. The EISA IEOM in some states noted reports about problems with the accreditation of observers. Some citizen observer groups did not receive accreditation in time, while in other cases, not all observers in a group were accredited.

4.5 VOTING PROCEDURES AND SECRECY OF THE BALLOT

The EISA teams observed voting procedures at 54 polling units, 67% of them in urban areas and 33% in rural areas. At some, there were tensions because voting started late. At 15% of the 54 units observed, voters were turned away because smartcard readers failed to authenticate fingerprints or because they were at the wrong polling unit. In some cases, those who were at the wrong unit were redirected to the correct one.

There was poor crowd control at most of the polling units visited, and perimeters were poorly demarcated. In some cases, voters remained at the polling unit after voting, waiting for counting to begin, and in some areas, the crowds grew bigger towards the close of polling and surrounded the polling units.

In some cases, the overcrowding compromised the secrecy of the ballot. In others, working conditions for polling staff, party agents, and observers were poor. In Kwara, for instance, a polling unit was located in the middle of a roundabout, with no shelter for workers from the scorching sun.

The EISA IEOM observed that each voter took an average of three minutes to vote. Voters requiring assistance were able to choose who assisted them. In some places, among them, in Akwa Ibom, smartcard readers failed, necessitating a resort to manual accreditation.

The Civil Society Situation Room, led by a group of CSOs, reported similar cases, including in the Binji Local Government Area in Sokoto state and Owerri North LGA in Imo state. The failure of smartcard readers was prevalent in Imo, Lagos, Ogun, Abia, Nasarawa, Kebbi, FCT and Kaduna.⁴¹

4.6 CLOSING AND COUNTING

EISA observers observed the closing and counting procedures at nine polling units that observed the stipulation that polls must close at 2 pm. Voters who were in the queue at that time were allowed to vote, and counting started only after the last person in the queue had voted.

Responding to the citizen observers' request for an extension of voting hours beyond 2 pm, INEC authorised extended voting hours for those units that had opened late. However, this information was not communicated effectively and not followed by all staff at polling units visited, 44% of which closed at 2 pm. At 56% of those units, voters already in the queue were allowed to vote. Vote counting took place immediately after the end of voting as per the regulations.

Some polling staff were not fully aware of the closing procedures, prompting agitation from party agents and voters. Reconciliation of ballots was not adequately conducted at most voting observed by EISA teams, with polling officials starting to count without taking time to reconcile the number of votes with the number of used ballot papers. This led to discrepancies in the count, causing further delay in closing the polling unit.

The EISA IEOM noted that counting procedures were not applied consistently in all polling units visited, which led to inconsistencies in determining valid and invalid votes. However, the mission noted with satisfaction that the results were announced publicly and posted at the polling units. Candidates were given a copy of the results, a decision that the EISA IEOM believes will contribute to transparency and accountability.

⁴¹ www.placng.org/situation_room/sr/wp-content/uploads/2019/02/Third-Interim-Statement-Monday-25th-Feb-2019.pdf.

5

The Post-Election Phase



- 5.1 Collation
- 5.2 Announcement of Results
- 5.3 Complaints and Appeals
- 5.4 Post-Election

5.1 COLLATION

EISA observers observed the counting and collation of results at different levels:

- Counting at the polling units
- Registration area (collation for all elections), including that of councillors, in the case of FCT.
- Local government area (collation for all elections), including that of chairperson in the case of FCT.
- State constituency (collation and declaration of state House of Assembly results).
- National constituency (collation and declaration of House of Representatives results).⁴² A National Constituency Centre was set up at the International Conference Centre in Abuja and was officially opened on Sunday, 24 February.

Upon completion of the vote count at the polling units, the results were aggregated at the registration area/ward level by the Registration Area/Ward Collation Officer.

⁴² www.placng.org/situation_room/sr/wp-content/uploads/2019/02/Third-Interim-Statement-Monday-25th-Feb-2019.pdf.

EISA observer teams followed the collation process in eight states. The team in Kwara state reported that the failure to reconcile the votes at the polling unit resulted in a delay in collations at RA/ward level. However, the EISA IEOM noted with approval that party agents, independent observers and the media were granted unrestricted access to the collation centres. The mission also noted the unobtrusive presence of security personnel in all the collation centres visited.

5.2 ANNOUNCEMENT OF RESULTS

INEC officially announced the presidential results on 27 February at the National Collation Centre located at the Abuja International Conference Centre. The announcements were transmitted live on television. The mission noted with approval the use of sign language, a commendable step towards mainstreaming INEC's policy on PWDs.

The APC candidate, General Muhammadu Buhari, who garnered a total of 15 191 847 valid votes, was declared the winner of the presidential election. His PDP opponent, Atiku Abubakar, garnered 11 262,978 votes. The mission noted with disappointment that the final results were not immediately posted on INEC's official website.

Table 3: Summary of results of 2019 presidential election

Candidate	Gender	Party	Votes	Remark
Muhammadu Buhari	M	APC	15 191 847	ELECTED
Atiku Abubakar	M	PDP	11 262 978	
Felix Nicolas	M	PCP	110 196	
Mailafia Obadiah	M	ADC	97 874	
Gbor John Wilson Terwase	M	APGA	66 851	

Source: INEC Declaration of Results 2019 Presidential Election⁴³

⁴³ www.inecnigeria.org/wp-content/uploads/2019/03/2019-GE-PRESIDENTIAL-ELECTION-RESULTS.pdf

Table 4: Voting statistics

A	Total number of registered voters	84 004 084
B	Total number of registered voters (as collated)	82 344 107
C	Total number of accredited voters (as collated)	29 364 209
D	Total number of valid votes (as collated)	27 324 583
E	Total number of rejected votes (as collated)	1 289 607
F	Total number of votes cast (as collated)	28 614 190
G	Percentage turn out (as collated)	35.66

Source: www.inecnigeria.org/wp-content/uploads/2019/03/2019-GE-PRESIDENTIAL-ELECTION-RESULTS.pdf

The statistics reveal a low voter turnout that can be attributed to several factors:

- A defective voters' roll that does not reflect the real numbers of registered voters;
- Disenfranchisement and voter apathy after the postponement of the election, which resulted in many people not returning to their voting areas;
- Insecurity in some areas.

This suggests that all stakeholders should strategise better about sensitising voters, and INEC should work closely with the Registrar of Persons and Deaths to tidy up the register.

With regard to the National Assembly elections, EISA observed that only four women were elected, and in the House of Representatives elections, that figure was nine.

Table 5: House of Representatives results

Party	Number of seats
All Progressives Congress (APC)	217
People's Democratic Party (PDP)	115
All Progressives Grand Alliance (APGA)	9
African Democratic Congress (ADC)	3

People's Redemption Party (PRP)	2
Action Alliance (AA)	2
Social Democratic Party (SDP)	1
Labor Party (LP)	1
Allied Peoples' Movement (APM)	1
Total	351
The remaining nine seats are yet to be awarded	

Source: www.inecnigeria.org/elections/election-results/

5.3 COMPLAINTS AND APPEALS

Following the acrimonious party primaries, media reports indicate that 396 complaints and 52 petitions had been filed by 1 December 2018.⁴⁴

The EISA IEOM also noted the ex parte application by the National Rescue Movement (NRM) candidate, Usman Ibrahim Alhaji, who sought the court's intervention to stop Buhari and Atiku from participating in the election because they had allegedly violated the law limiting campaign expenditure. The matter was adjourned until 26 March 2019. The EISA IEOM believes that campaign financing should be regulated by the INEC, which currently lacks the power to sanction parties and candidates in this regard.

After the results were declared the PDP presidential candidate, Atiku Abubakar, successfully filed an ex parte application before the elections tribunal, a sub court of the Court of Appeal, requesting an order compelling the INEC to allow him and his party to access and inspect election materials.

A three-person panel began hearings on 6 March. The EISA IEOM lauds the decision to use legal processes to present the grievances, thus contributing to nurturing democracy, not only in Nigeria but also regionally.

As of 5 April 2019, 736 petitions had been filed objecting to the outcome of the general elections at both state and federal levels, including the presidential petition by Abubakar and the PDP (CA/PEPC/002/2019), requesting the tribunal to nullify the election of President Buhari and the APC on the grounds that the election was rigged, that Abubakar had won more votes

⁴⁴ See <https://punchng.com/2018-party-primaries-among-the-worst-in-nigeria-inec-chairman/>.

than Buhari and that Buhari did not have a secondary school certificate, a basic requirement for contesting the election.

On 11 September 2019, the tribunal rejected all three of Abubakar's claims. President Buhari said he felt vindicated by the judgement. The PDP rejected the court's ruling and launch an appeal in the Supreme Court on 24 September 2019, urging the court to reverse the judgment of the tribunal.

The APC has since filed a counter appeal, challenging sections of the tribunal's judgement and requesting the apex court to disregard a number of statements and witnesses in support of the PDP's appeal. At the time of writing this report, the Supreme Court was yet to fix a date for the hearing of the appeals.

5.4 POST-ELECTION

The political environment in the post-election period was unstable for a number of reasons, among them cancelled votes in Kaduna, Kogi, Rivers, Akwa Ibom, Cross Rivers, Benue and Nasarawa. The House of Representatives, in its plenary session on 13 March 2019, expressed concerns about what seems to have become a regular feature of Nigeria's electoral process – the high number of inconclusive and supplementary elections, a practice, it maintained, that poses a danger to Nigeria's democracy.

On 20 March 2019 the Senate, in its plenary session, directed its Committee on the Independent National Electoral Commission to investigate the inconsistent application of electoral laws. The legislators condemned the 'extreme militarisation of a democratic electoral process and the inconsistent application of electoral laws by INEC in matters of national elections'. The house also urged President Buhari to assent to the recent Amendment to the Electoral Act to ensure a level playing field.

6

Cross-cutting Issues



- 6.1 Role of Civil Society
- 6.2 Role of The Media
- 6.3 Gender and Minority Rights
- 6.4 Security

6.1 ROLE OF CIVIL SOCIETY

The EISA IEOM noted the role played by CSOs in voter education and election observation. In conjunction with the INEC and the National Orientation Agency to ensure that information about the electoral process was accessible to all citizens, including IDPs.

A number of CSOs also assisted with electoral reform advocacy, election monitoring and observation, media monitoring, campaign-finance monitoring, the training of women and young people wanting to contest the elections, voter mobilisation and voter education. Organisations such as the Policy and Legal Advocacy Centre, the Centre for Democracy and Development and YIAGA Africa produced reports on the elections. CSOs also worked extensively with women, PWDs and the youth to provide civic education.

CSO platforms, including the YIAGA's Watching the Vote Initiative, the Civil Society Situation Room led by a group of CSOs, the CLEEN Foundation's Elections Security Support Centre and Centre for Democracy and Development's Analysis Centre, among others, made commendable efforts to put in place election monitoring and observation before and during election day, providing real-time communication and information on the polling process.

6.2 ROLE OF THE MEDIA

The Nigerian media landscape is diverse and vibrant. The Constitution provides for freedom of expression and freedom to hold opinions, including sending and receiving information without interference. The Electoral Act, the Nigeria Broadcasting Code and the National Broadcasting Act regulate media involvement in the country's electoral process.

Chapter 5 of the Broadcasting Code of Conduct provides for political broadcasting, and all media are required to observe its provisions. The code further provides that all political broadcasts be the product of the broadcaster except advertisements, promotions and collaborative productions supervised by relevant organisations like NBC, the Broadcasting Organisation of Nigeria, the INEC, NOA and the consortium of NGOs.

The code requires all broadcasters to broadcast all aspects of political education, with Chapter 14 giving NBC the power to sanction broadcasters and, in cases of severe violations of the code, to revoke licences.

Some members of the media complained that NBC was high handed and has, in the past, instituted unnecessary disciplinary action against media houses. The director general of the NBC refuted these claims during a courtesy visit paid by the EISA IEOM head of mission.

The director general informed the IEOM that the sanctions and disciplinary measures instituted against media houses are informed by the Electoral Act 2010 and the NBC Code of Conduct. He also disputed claims that the NBC is being used by the government to curtail the freedom of the media. In follow-up meetings, these arguments were reiterated by the Zonal Director-Abuja Zone, who informed the EISA mission of the legal basis of the regulations and sanctions, referring to the Code of Conduct.

Sections 99 to 101 of the Electoral Act, 2010 stipulate that public media, both electronic and print, should allocate media time equally among the political parties and candidates. They also prohibit the misuse of state resources, including the media, by any political party or candidate. However, the EISA IEOM noted that the law has a caveat (s100(4)) that this equal coverage is subject to payment of an appropriate fee.

This caveat gives an undue advantage to incumbents, who have access to unlimited resources, and also to wealthier candidates and/or political parties. The mission observed that in 2019 the media concentrated their coverage on two candidates (Buhari and Atiku) and their parties at the expense of the other 89 candidates, who received little or no coverage.

While the media environment in Nigeria is relatively free, there has been a worrying trend of biased reporting by both the state and private media. Some media stakeholders informed the EISA IEOM that the media are not politically neutral. The mission noted that state-owned media gave more prominence to the ruling party while the private media foregrounded opposition candidates, particularly Abubakar.

The EISA IEOM commended the efforts by the BON, in partnership with the Nigerian Election Debate Group and other bodies, in organising a presidential debate ahead of the elections. Although the debate was largely shunned by the major contenders it gave citizens the opportunity to become familiar with the manifestos of those parties whose candidates participated.

Nigeria, like many other countries, does not yet have a law regulating social media such as Facebook and Twitter, which have become very popular and are difficult to regulate. This gives politicians the opportunity to spread misinformation, rumours, falsehoods and fake news, as they did in 2019.

Twitter accounts, which are relatively easy to establish, were exploited to communicate political and partisan messages. The EISA IEOM was informed by the Centre for Democracy and Development (CDD), which was monitoring social media, that parties used social media to promote contestants, spread fake news or attack opponents. The mission noted the efforts made by the CDD to train journalists and INEC officials to carry out fact-checking exercises to combat these efforts.

6.3 GENDER AND MINORITY RIGHTS

Article 17(2) of the Constitution provides that ‘every citizen shall have equality of rights, obligations and opportunities by the law’. In addition, other legal reforms enacted shortly before the elections contributed to their inclusiveness. These were the enactment of the ‘Not Too Young to Run’

Bill in 2018, the Discrimination against Person with Disability (Prohibition) Act, 2018 and the INEC's Framework on Access and Participation of Persons with Disability 2018 in the electoral process.

The EISA IEOM noted efforts made by the National Orientation Agency and the International Federation of Women Lawyers to curb violence against women during the election in Anambra and the 2019 polls. The two organisations communicated the need to empower women politically to all political parties, states, local government areas and the National Assembly, especially in Anambra, Osun and Ekiti.

Nonetheless, as observed above, gender and minority groups remain largely excluded from the political process. Though the INEC has already promulgated regulations relating to the participation by PWDs, there is a need to enact policies and/or legislation that creates opportunities for all these groups.

6.4 SECURITY

Stakeholders expressed concerns about the role security forces would play in the electoral process, both during the pre-election phase and, more importantly, after the results were announced. These concerns, which were based on reports that security agencies had obstructed the voting process in the Ekiti and Osun state governorship elections, related to possible military deployment and influence of security agencies on the general elections.

Section 29 of the Electoral Act gives the INEC the authority to appoint other officers to conduct registration. These officers should fall entirely under the INEC's direction and should not receive instructions from other institutions or bodies. It is on this basis that security agents are appointed, with INEC taking the lead in organising the security of the electoral processes.

The Nigeria Police Force remains the lead agency for election security, with other security agencies playing a supportive role. To this end, an Inter-Agency Consultative Committee on Election Security (ICCES) was established, with elaborate roles and functions.⁴⁵ ICCES members are drawn

⁴⁵ INEC, Frequently Asked Questions, 14.

from the INEC, the military, the Ministry of Interior, the police, the fire services, the National Youth Service Corps directorate, Customs Services, Corps Marshal and immigration and prison services, among others.

On election day, EISA observers noted that in the polling units observed, security personnel were not armed. However, other observer groups, among them the CLEEN Foundation, reported that 13% of the polling units they observed were staffed by armed security agents.⁴⁶ Those polling units observed by the EISA IEOM were staffed by three to four security agents, but stakeholders who covered a wider range reported that some had only one. This then raises queries about INEC's deployment plans and the role of ICCES.

Some local government areas could not organise and conduct elections because of security risks. Although there were fears of military deployment during the elections, the EISA IEOM did not come across any military officers although they noted reports of military deployment in the north east, where the threat of terrorism remains high.

⁴⁶ <https://cleen.org/2019/03/10/post-election-statement-on-the-conduct-of-security-personnel-on-election-duty-during-the-2019-governorship-state-assembly-elections-in-nigeria/>.

7

Conclusion and Recommendations



7.1 Conclusion

7.2 Recommendations

7.1 CONCLUSION

EISA concludes that the 2019 general elections conducted on 23 February were competitive and a step towards nurturing democracy after the past experiences of military rule. EISA did note, however, that although the elections were generally peaceful, they were conducted in an atmosphere of security threats, including terror attacks, increasing criminal activities like hijacking, kidnapping and killings, emerging separatist movements and violent cultism.

The political context of the elections largely compromised the level playing field and the freeness of the process. It was also characterised by acrimonious party nominations, a high number of political parties and presidential candidates, patronage, violence and high costs of politicking. However, in general, the political environment gave all candidates the opportunity to campaign, promote their manifestos and reach out to the electorate. The media gave all presidential candidates an equal platform through the Presidential Debate 2019 session.

The EISA IEOM was satisfied with the legal and policy reforms put in place and implemented. Among these were the laws relating to discrimination against PWDs, reducing age limits and policies relating to the participation in the elections of PWDs and IDPs. However, that the mission believes that if the Electoral Amendment Bill 2018 is passed, it will reform the electoral system.

The EISA IEOM noted with satisfaction that the electorate conducted itself in a largely peaceful manner despite the background of tension and insecurity in the run-up to the elections. There was a general decline in election-related violence compared to the past elections.

On election day, the EISA IEOM observed the late opening of the polling units, late delivery of electoral materials and low levels of ability of ad hoc staff engaged by INEC to conduct elections activities at the polling units. The mission concludes, therefore, that if the INEC is to deliver effectively on its mandate, it must invest more in training staff. In general, INEC needs to improve communication, logistics and engagement with stakeholders on key decisions that might affect the electoral process.

7.2 RECOMMENDATIONS

For security agents

- Investigate the fire incidents at the INEC and report to the public the results of the investigations.
- Provide maximum security at INEC facilities across the country from registration areas to INEC headquarters.
- Provide maximum security for election materials in transit.
- Train security officers in crowd control and their role in the election process, including the setup of polling units and avoiding being intrusive.
- Investigate incidents of violence reported on election day and bring perpetrators to book.

For the National Assembly

- Expedite the passage of the Electoral Act Amendment Bill 2018 through Parliament.
- Review the electoral legislation to extend the vote to Nigerians living abroad.
- Consider the defacing and destruction of opponents' campaign material as an offence and take the necessary steps to include it among the other offences named in Part VIII of the Electoral Act 2010.
- Give the INEC more power to sanction political parties that do not submit financial reports.

- Consider introducing legislation promoting affirmative action and fast track the Gender and Equal Opportunities Bill to bring domestic laws in line with international commitments.
- Consider reviewing s14(3) of the 1999 Constitution to provide for gender equality and the inclusion of marginalised groups like youth and PWDs in appointments, especially to constitutional institutions like the INEC.
- The PWD Act, 2019 should be aligned with the amendment of Section 14(3) to provide for affirmative action within political parties and federal and state governments to support the nomination, appointment and election of PWDs.
- The provisions in the Constitution relating to age limits should be amended and aligned with the current constitutional amendment popularly referred to as 'Not Young to Run' and should also include affirmative action provisions to enable women, PWDs and youth to be appointed to political party and government positions.
- Fast track the process of carrying out a census, thus enabling the INEC to delimit boundaries to ensure equitable representation as per s113 of the Constitution.
- Amend the sections of the Electoral Act, 2010 to ensure that political candidates are not disadvantaged by their inability to pay for advertisements in the media.
- Consider legislation relating to campaign financing to create a level playing field ground for all contestants and introduce contribution and spending limits for political parties or entities.

For the INEC

- Consider decentralising the distribution of PVCs, enabling voters to collect their PVCs from their voter registration areas and improve voter registration technology to enable simultaneous registration and collection of PVCs.
- Ensure that polling starts at 8 am as per the regulations and ends at 2 pm to give polling staff sufficient time to complete the reconciliation and counting of votes before it gets dark.
- Consider assessing polling units to determine whether they are appropriate and accessible to PWDs and the elderly.
- Consider the general safety of voters.

- Improve the training of polling officials to ensure consistency in the application of voting and counting procedures.
- Provide for INEC temporary staff and security personnel working away from their voting areas on election day to vote.
- Improve the working conditions of election staff.
- Give more regular briefings to stakeholders as the elections date draws closer. Quarterly briefings should be held in the first 60 days of the campaign and weekly briefings as election day approaches. Seven days before the elections daily briefings should be held in order to dispel fears and accusations of non-transparency and prevent opportunities for misinformation.
- Allow ample time to implement guidelines for the registration and participation of IDPs.
- Improve the training of both ad hoc and regular staff in the use of technology and make it compulsory for every polling official to undergo a simulation exercise in the use of the technology.
- Lobby for amendments to the Electoral Act 2010 to provide for instant voter registration and collection of PVCs and adjust the guidelines to minimise the number of uncollected PVCs.
- Include in the regulations a visit of polling staff to their allocated units a day before the polls and mark the polling units for easy identification.
- Amend the regulations to provide for the equitable deployment of security agents at polling units

For political parties

- Consider mainstreaming affirmative action in relation to gender, PWDs and youth in by-laws and reducing the nomination fee.
- Promote and cultivate a culture of democratic nomination within party structures that will contribute to peaceful and democratic nomination processes.
- Promote accountability and transparency with regard to party funding and expenditure and conduct issue-based rather than personal campaigns.

For civil society organisations

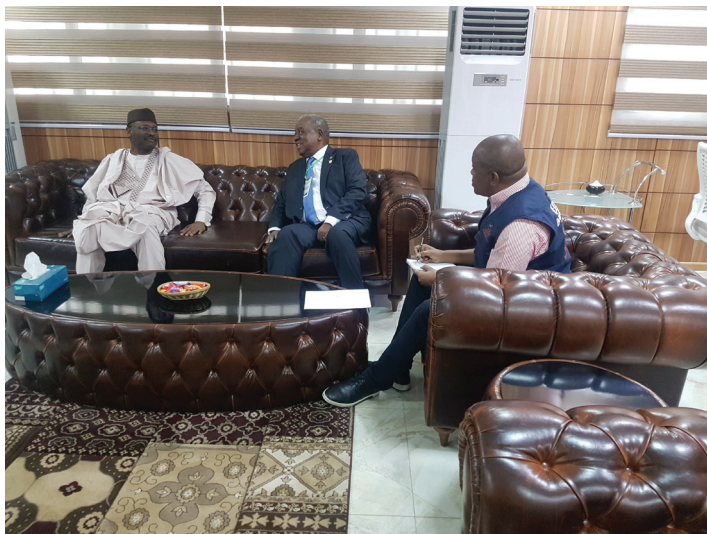
Increase civic and voter education programmes to enable citizens to

be better informed about governance, democracy, peace and their civic responsibility in elections.

- Continuously engage Parliament through lobbying and advocacy to amend the electoral legal framework to improve the general electoral environment and affirmative action for women, youth and PWDs.
- Engage INEC and its organs through quarterly forums to improve on logistics, training of electoral staff, implementation of the regulation on registration of IDPs, the participation of PWDs and electoral security.
- Sustain common platforms like the civil society situation room to synergise and strengthen CSO initiatives with regard to electoral reforms, civic and voter education, governance and democracy.

ANNEXURES

ANNEXURE I



Mission leadership meeting with INEC

ANNEXURE 2



EISA Mission leader and INEC briefing the media

ANNEXURE 3

EISA IEOM DEPLOYMENT PLAN

EISA INTERNATIONAL ELECTION OBSERVATION MISSION TO THE GENERAL ELECTIONS IN NIGERIA

18 FEBRUARY – 5 MARCH 2019

Observer Team	Observer names	Area of Deployment
Mission Leadership Team	H.E Banda	Abuja
	Denis Kadima	
	Wakumelo Mikatazo	
	Mfuni Chibeza	
Technical Team	Naphtaly Sekamogeng	Abuja
	Martin Omwange	
Staff team	Lenny Taabu	Abuja
	Pontsho Motaung	
	Naphtaly Sekamogeng	
Team 1	Martin Omwange	Abuja
	Soa Razafimanjato	
Team 2	Efrattise Bekele	Ondo
	Antonetta Hamandishe	
Team 3	Eline Moses	Kaduna
	Ilona Tip	
Team 4	Catherine Musuva	Kwara
	James Lahai	
Team 5	Henriette Diarra	Enugu
	Kalombo Ojilio Kumbi	
Team 6	Patricia Njatula	Akwa Ibom
	Djeri Akpo	
Team 7	Kuda Bandama	Adamawa
	Kondleka Nomthandazo	

ANNEXURE 4**REVISED EISA IEOM DEPLOYMENT PLAN****6 FEBRUARY – 5 MARCH 2019**

Observer Team	Observer Names	Area of Deployment
Technical Team	Ilona Tip	Abuja
	Naphtaly Sekamogeng	
	Martin Omwange	
Team 1	Catherine Musuva	Abuja
	Daniel Elono	
Team 2	Joyce Kazembe	Lagos
	Antonetta Hamandishe	
Team 3	Efratise Bekele	Ondo
	Molu Boya	
Team 4	Eline Moses	Kaduna
	Kuda Bandama	
Team 5	Soa Razafimanjato	Kwara
	James Lahai	
Team 6	Henriette Diarra	Enugu
	Gaston Kalombo	
Team 7	Patricia Njatula	Akwa Ibom
	Djeri Akpo	
Team 8	Thandi Kondleka	Adamawa
	Domingos Do Rosarios	

ANNEXURE 5

EISA IEOM TRAINING AND BRIEFING PROGRAMME



EISA INTERNATIONAL ELECTION OBSERVER MISSION TO THE 2019 NIGERIAN GENERAL ELECTIONS

PRE-DEPLOYMENT STAKEHOLDER BRIEFING AND ORIENTATION PROGRAMME

11 – 12 February 2019

DAY ONE – Monday 11 February 2019

TIME	TOPIC	PRESENTER/FACILITATOR
08:30 – 08:45	Arrival and registration	EISA
08:45 – 09:00	Welcome remarks and introductions	EISA
09:00 – 09:15	Mission Background, ToR & Code of conduct (signing observer pledge)	EISA
09:15 – 10:15	International and regional benchmarks for elections and the concept and rationale of election observation	EISA
10:15 – 10:30	Group Photo & Tea/ Coffee Break	
10:30 – 11:30	The practice of election observation methodology	EISA
11:30 – 12:00	Code of conduct	EISA
12:00 – 13:00	Political and Historical Context of the 2019 Elections – Presentation and discussion	Idayat Hassan Director of the Centre for Democracy and Development (CDD)
13:00 – 14:00	LUNCH	

14:00 – 15:00	The constitutional and legal framework for the elections in Nigeria – Presentation and discussion	Nigerian Bar Association (NBA)
15:00 – 16:15	Perspectives from Civil Society Organisations ☐ The role of civil society in the electoral process (electoral reforms, CVE and citizen observation) ☐ Gender issues in the electoral process ☐ Youth representation and participation in the electoral process ☐ Participation and representation of persons with disability in the electoral process	Civil Society groups - Youth Initiative for Advocacy, Growth and Advancement (YIAGA) - Policy and Legal Advocacy Centre - PLAC - Women's Trust Fund - Joint National Association of Persons with disabilities - JONAPWD
16:15 – 16:30	Tea/ Coffee Break	
16:30 – 17:15	Security situation ahead of the 2019 general elections	CLEEN
17:15	End of Day 1	

DAY TWO – Tuesday 12 February 2019

TIME	TOPIC	PRESENTER/FACILITATOR
09:00 – 10:00	The State of Preparedness and Readiness of NEC for the 2017 election	Independent National Electoral Commission (INEC) or IFES
10:00 – 10:45	The role of the media in the electoral process	Human Rights radio
10:45 – 11:00	Tea/Coffee break	
11:00 – 11:45	Introduction to the use of tablets for data collection on and post E-Day	EISA

11:45 – 12:45	Introduction to the use of ODK for data collection and transmission on and post E-Day	EISA
12:45 – 13:45	Lunch	
13:45 – 15:00	Use of checklists on tablets	EISA
15:00 – 15:30	Observer reporting: ☐ Checklists ☐ Phone check-in	EISA
15:30 – 15:45	Tea/Coffee break	
15:45 – 16:15	Guidelines on safety and security in the areas of deployment	Security expert, EISA
16:15 – 17:15	Deployment briefing and distribution of supplies	EISA
17:15	End of Day 2	

ANNEXURE 6

ARRIVAL STATEMENT

ARRIVAL STATEMENT OF THE EISA INTERNATIONAL ELECTION OBSERVATION MISSION TO THE 2019 GENERAL ELECTIONS IN THE FEDERAL REPUBLIC OF NIGERIA

The Electoral Institute for Sustainable Democracy in Africa (EISA) announces the arrival of its election observation mission to the Federal Republic of Nigeria to observe the 16 February 2019 General Election. The EISA mission is in Nigeria to conduct an independent assessment of the electoral process and contribute to its integrity through its findings and recommendations. The mission is in Nigeria at the invitation of the federal authorities represented by the Independent National Electoral Commission of Nigeria (INEC).

The mission is comprised of two components: a short-term observer team (STO component) and a technical assessment team. The STO component is comprised of 16 international observers drawn from CSOs and Electoral Management Bodies from across Africa. The mission is led by H.E Rupiah Banda, the former President of the Republic of Zambia, deputised by Mr. Denis Kadima, the EISA Executive Director, and supported by a coordination team and a technical team.

The mission will base its assessment on the legal framework governing elections in the Republic of Nigeria and the OAU/AU Declaration on the Principles Governing Democratic Elections, the standards and obligations stipulated in the African Charter on Democracy, Elections and Governance, the ECOWAS Protocol on Democracy and Good Governance, the Principles for Election Management, Monitoring and Observation (PEMMO) and the International Declaration of Principles for International Election Observation.

EISA observers will follow pre-polling, election day and post-polling activities in Abuja, Adamara, Akwa Ibom, Enegu, Kaduna, Kwara, Lagos

and Ondo. On 18 February 2019, the EISA mission will issue a preliminary statement on its findings and recommendations on the electoral process up to the voting and counting phases.

The mission will remain in Nigeria until 5 March 2019. Its Secretariat is located in Abuja at the Transcorp Hilton Hotel, Room 498.

For further information, please contact: Mr. Naphtaly Sekamogeng: email: naphtaly@eisa.org.za

Abuja 13 February 2019

ANNEXURE 7

MEDIA STATEMENT

Media Statement

Your Excellencies, Heads of Observer Missions here present, members of the diplomatic corps, the press, ladies and gentlemen.

Welcome to the preliminary brief of the Election Observation Mission deployed by the Electoral Institute for Sustainable Democracy in Africa (EISA).

As we release this statement, we are cognisant of the fact that the process is ongoing with results collation still in progress. Therefore, this statement, is by no means a final statement but EISA IEOM's preliminary assessment up until the end of voting in the presidential and national assembly elections. A final report of our overall assessment of the presidential and national assembly elections will be issued within few months. This preliminary assessment is based on the direct observation of EISA observers, their consultations with national stakeholders and verifiable media reports.

I would like to start by commending the Nigerians for their patience and resilience during this electioneering period, especially their calmness and peaceful conduct when the elections were postponed just hours to the opening of the poll on 16 February 2019. Despite the logistical and operational challenges encountered on election day, Nigerians showed much resilience and determination to exercise their rights. It is our sincere hope that Nigerians will maintain the same attitude till the end of the process. We note the unfortunate incidents of violence that occurred on election day and the day after, and we commiserate with the families that lost their loved ones in the incidents of violence that ensued on election day. EISA deployed 18 observers drawn from 13 African countries. The mission is led by myself (H.E. Rupiah Banda-Former President of Republic of Zambia), and I'm ably assisted by Mr Denis Kadima, EISA's Executive Director.

The 2019 elections were held against the backdrop of growing insecurity fuelled by activities of the terrorist Boko Haram group, violent activities of cattle herders, banditry, hijacking/kidnappings, threats by the Biafra separatist group, activities of secret cults, and other forms of politically motivated violence.

There were legal and electoral reforms undertaken ahead of the elections to make the legal framework more inclusive. These reforms include the Constitutional Amendment, popularly referred to as the *'Not Too Young to Run' Bill*, that candidates for the following elective positions: President, Governor, Members of the House of Representatives and Members of the State House of Assembly election. This resulted in an increase in the number of young candidates contesting in the 2019 elections. Youth participation is particularly important in the 2019 elections because it marks 20 years of democratic rule, which means that some first-time voters are young people born during the 4th republic, who will shape the next generation of leaders. Another significant reform is the enactment of the Discrimination against Persons with Disability (Prohibition) Act, 2018 and the introduction of INEC's Framework on Access and Participation of Persons with Disability in the Electoral Process.

While appreciating this move towards inclusivity, the EISA IEOM however notes that the legal framework is yet to adequately provide for the interests of women. Women remain largely excluded from political and electoral processes. For that reason, Nigeria's democratic process remains largely exclusive to 47% of its population.

In these elections, there were 91 political parties that took part in the elections; but only 73 fielded presidential candidates. While the increase of political parties could be an indicator of democracy and competitiveness, it could also indicate lack of internal political party democracy and growing trends of patronage.

Stakeholders consulted by the EISA IEOM expressed fears of possible military deployment and the possible influence of security agencies in the general elections. The EISA mission however noted that there was no widespread military deployment, except in the North-East where the threat

of terrorism remained high. There are some Local Government Areas where elections did not take place because of violence and security risks, including arson, thuggery and destruction of property. This raised doubts about the capacity of the security agencies to effectively secure the electoral process. These doubts were further heightened by the fire outbreaks at three INEC offices just before the elections.

Since the 2015 elections, there has been an increase in the number of internally displaced persons (IDPs) resulting from violent communal conflicts, activities of Boko Haram and natural disasters. The EISA IEOM notes the effort made by INEC to facilitate these IDPs to cast their votes and ensuring that they are not disenfranchised.

The EISA mission applauds the Nigerian civil society organisations for their active role as stakeholders in political and electoral processes. The commitment of these organisations is notable through their initiatives that directly supported the election process, through peace education, research and analysis for awareness and updates to counter false news narratives. These initiatives complemented INEC's efforts and are commendable.

On INEC preparedness, the EISA IEOM notes that INEC holds quarterly meetings with electoral stakeholders to provide them with updates. INEC also effectively used its official website to provide information to stakeholders. The EISA IEOM observes the practice of information sharing, which has increased transparency and built public confidence in the electoral process and institution.

In the lead up to the elections, three INEC offices were set alight in Isiala Ngwa South Local Government Area of Abia State, Qu'an Pan Local Government Area of Plateau State and Anambra State Office at Awka.¹ These incidents led to loss and damage of sensitive materials. Despite INEC's strong pronouncements on its readiness to conduct the general elections on 23 February, originally scheduled for the 16 February, there were operational and logistical shortcomings.

1 <https://www.inecnigeria.org/resources/press-release/>

The EISA IEOM observed all elections day procedures in 54 polling stations in eight States where observers were deployed. The EISA IEOM commends the people of Nigeria for turning out to cast their vote despite the observed logistical and operational challenges observed on election. Most importantly, the mission applauds them for their calmness after the postponement of the elections scheduled on the 16 February and 2 March 2019.

The EISA IEOM noted that election day procedures were off to a challenging start as voting started at least an hour late in all the polling units where EISA observers were deployed, and there were media reports of polling units that opened as late as 12 noon. The delayed opening in the units observed was due to delayed arrival of staff and materials at the units and slow preparation by the polling officials. There were also some cases where the polling staff were not aware of the exact location of polling units; some of the polling units listed by INEC, had incorrect physical addresses and incorrect information given to both the polling officials and other stakeholders.

To address the late start of the polls, INEC announced an extension of polling hours. Whilst commending the initiative taken to compensate for the time lost earlier in the day, the EISA IEOM also observed that the information about the extension was not effectively disseminated across the country. 44% of polling units visited closed at 2:00pm and at that time 56% of these stations had voters in the queue who were allowed to cast their votes.

The EISA IEOM appreciates the steps taken to harmonise the accreditation of voters and voting process to make it more convenient for voters. The EISA IEOM however notes that the procedures for voters who could not be accredited using the smart card readers was not uniformly applied across the stations visited.

The EISA IEOM observed that 50% of polling personnel encountered on election day were women. However, there were fewer female party agents encountered in the course of the day.

In its assessment of voter awareness of the stipulated voting procedures, the EISA IEOM is of the view that voters were not fully familiar with the required procedures and officials did not provide the required assistance or directions.

The EISA IEOM appreciates the efforts of the polling officials to deliver their duties with the limited facilities available and within challenging working conditions. The EISA IEOM observed that members of the National Youth Service Corps (NYSC) recruited as ad hoc staff and police officials on election duty were not provided meals in the course of the day. Yet they worked tirelessly into late hours of the day and in some cases they worked until the early hours of the next day.

The EISA IEOM is of the view that the staff did not demonstrate that they had been adequately trained, as they were not very familiar with the stipulated procedures. In some cases, election officials were not able to control the voters as they took instructions from the crowd of voters. During the counting, some officials were not fully aware of the closing procedures prompting agitation from the party agents and voters.

The EISA IEOM observed that there was poor crowd control in most of the voting points visited. The perimeters of the voting points were not appropriately demarcated in most of the voting points visited, thus making it impossible to control the crowd.

The secrecy of the ballot was compromised in most of the units visited due to the layout of the units and poor crowd control.

On election day, the EISA IEOM noted media reports of incidents of violence and intimidation in Lagos, Kwara, Rivers, Osun and Oyo States amongst others. These incidents involved armed men snatching elections materials and shooting at random within polling stations. The EISA IEOM is very concerned that after 6 consecutive elections, electoral violence remains a feature of Nigeria's electoral landscape.

RECOMMENDATIONS

The EISA IEOM offers the following short-term recommendations that the stakeholders need to take into consideration in preparation for the forthcoming gubernatorial and state house of assembly elections:

To the security agents

- Investigate the fire incidences at the INEC and account to the public regarding the cause

- Provide maximum security to INEC facilities across the country from registration areas to INEC headquarter
- Provide maximum security for elections materials in transit
- Train the security officers on their role in crowd control and make them aware of the place within the setup of the polling unit and avoid being intrusive.
- Investigate incidents of violence reported on election day and bring perpetrators to book

To INEC

- Provide for the welfare of polling officials and ad hoc staff before and during the election day.
- Conduct refresher training of all the election staff to ensure that the staff can conduct the exercise with confidence.
- Provide demarcation tapes for polling officials to clearly mark out the perimeter of voting points for crowd control.
- Make adequate arrangements to mark and set up the voting points in good time before the opening of the polls.
- Provide copies of training manuals to all voting points for easy reference.
- Introduce process of sorting ballots before counting in a systematic way.
- Train queue controllers in all polling units to contribute to orderliness of the process at polling units.

CONCLUDING REMARKS

Cognisant of the fact the process is yet to be concluded, with the results collation for the presidential and national assembly elections still ongoing, The EISA IEOM refrains from making a conclusion at this point. The EISA IEOM commends Nigerians for their commitment and resilience and encourages them to remain peaceful throughout the final stages of the process.

ANNEXURE 8

EISA MEDIA COVERAGE – NIGERIA 2019

EISA DEPLOYS 30 OBSERVERS FOR THE ELECTIONS

Read more at: <https://businessday.ng/ng-election/article/election-eisa-deploys-30-observers-to-nigeria/>

Ex-ZAMBIA PRESIDENT COMMEND ELECTION PROCESS IN ABUJA

Read more at: <https://www.today.ng/news/politics/zambia-president-commend-election-process-abuja-197563>

RUPIAH BANDA: NIGERIA'S PRESIDENTIAL CANDIDATES ALMOST SIZE OF ZAMBIAN PARLIAMENT

Read more at: <https://www.today.ng/news/politics/rupiah-banda-nigerias-presidential-candidates-size-zambian-parliament-195386>

SOUTH AFRICA DELEGATION ARRIVES COUNTRY

Read more at: <http://dailypost.ng/2019/02/15/nigeria-decides-south-africa-delegation-arrives-country/>

INEC COMMENCES DISTRIBUTION OF SENSITIVE MATERIALS IN KWARA

Read more at: <https://www.legit.ng/1223290-elections-2019-inec-commences-distribution-sensitive-materials-kwara.html>

WE'RE SET FOR PRESIDENTIAL, N/ASSEMBLY POLLS, INEC SAYS

Read more at: <https://www.dailytrust.com.ng/were-set-for-presidential-n-assembly-polls-inec-says.html>

#NIGERIADECIDES2019: EX ZAMBIA PRESIDENT COMMEND ELECTION PROCESS IN ABUJA

Read More at: <https://leadership.ng/2019/02/23/nigeriadesides2019-ex-zambia-president-commend-election-process-in-abuja/>

EX-ZAMBIA PRESIDENT COMMEND ELECTION PROCESS IN ABUJA

<https://twitter.com/todayng/status/1099364150814199808>

ABOUT EISA

EISA is a pan-African non-partisan, non-governmental organisation that was established in 1996. It strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa. To achieve its mission through technical assistance and capacity building of Election Management Bodies (EMBs), political parties, parliaments, relevant departments of intergovernmental bodies and Civil Society Organisations (CSOs) throughout the African continent. EISA envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The Institute has a successful track record of providing technical assistance and advice to its pan-African, sub-regional and national partners throughout the continent, to build sustainable institutional frameworks for democratic governance.

Headquartered in Johannesburg, South Africa, the Institute's current and past field offices include Angola, Burundi, Central Africa Republic, Chad, Côte d'Ivoire, DRC, Egypt, Kenya, Madagascar, Mali, Mozambique, Rwanda, Somalia, Sudan, Zambia and Zimbabwe, a reflection of its broader geographical mandate.

Election observation provides an important foundation for EISA's support to democratic processes in Africa. Through the deployment of its international observer missions, EISA provides an independent professional assessment of electoral processes which provides a basis for electoral reforms. Through its observation missions, the Institute is also able to identify and document areas of support in the post-election phase to inform its post-election support in the host countries. EISA also uses its observer missions as a lesson learnt platform for EMBs and CSOs on the continent because its missions are composed of CSO and EMB representatives from countries that are soon to hold elections.