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***AFRICAN UNION ELECTION OBSERVATION MISSION (AUEOM) TO
THE FEDERAL REPUBLIC OF NIGERIA***

***23 FEBRUARY 2019 PRESIDENTIAL AND NATIONAL ASSEMBLY
ELECTIONS***

PRELIMINARY STATEMENT

**25 February 2019
Abuja- Nigeria**

I. INTRODUCTION

On 23 February 2019, Nigerians went to the polls to elect their president and representatives for the National Assembly. This marks the sixth consecutive elections since the return to civilian rule in 1999 and attests to a growing democratic culture. The elections recorded the highest level of participation, with 84, 004,084 registered voters and 73 Presidential candidates.

Following an invitation from the Government of the Federal Republic of Nigeria and the Independent National Electoral Commission (INEC), the African Union (AU) participated in the 2019 electoral process by deploying a short-term election observation mission from 9 to 28 February 2019. The Mission is led by His Excellency Hailemariam Desalegn Boshe, former Prime Minister of the Federal Democratic Republic of Ethiopia and assisted by Her Excellency Minata Samate Cessouma, AU Commissioner for Political Affairs. The Mission also comprises four (4) core team members and 50 short-term observers drawn from AU member states and institutions notably the Permanent Representatives Committee (PRC) or African Ambassadors accredited to the African Union in Addis Ababa, the Pan-African Parliament (PAP), Election Management Bodies (EMBs) and Civil Society Organizations (CSOs) from across the continent. Staff from the African Union Commission (AUC) and PAP provided support to the Mission.

The goal of the African Union Election Observation Mission (AUEOM) is to make an independent, objective and impartial assessment of the electoral process and offer recommendations for improved management of elections in Nigeria. The Mission conducts its observation activities in accordance with key international normative frameworks such as the 2002 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; the 2007 African Charter on Democracy, Elections and Governance; the 2002 African Union Guidelines for Election Observation and Monitoring Missions; and the 2005 Declaration of Principles for International Election Observation. The AUEOM's observation is further guided by the national laws.

Since its deployment, the AUEOM has met with a broad range of electoral stakeholders, including INEC, political parties and candidates, civil society representatives, security agencies, the media, academics, and other

international observer groups to assess the political environment and the state of preparedness for the elections. On Election Day, the Mission observed 122 voting points in 13 States spread across the 6 geopolitical zones in the country.

This preliminary statement offers a succinct summary of the AUEOM's key observations on the pre-electoral political context, legal framework, election administration, campaign, participation of women, security and media landscape, as well as the voting and counting processes. It is important to note that the electoral process is ongoing. Therefore, this statement is not an overall and conclusive assessment. The AUEOM will issue a final comprehensive report at the conclusion of the whole process.

II. SUMMARY OF KEY FINDINGS

a) Political Context

The 2019 Presidential and National Assembly elections were critical for deepening and consolidating Nigeria's democracy. The Mission observed that the political space has significantly broadened, as evidenced by the high number of registered voters, political parties and candidates who took part in the elections. Despite some reports of election-related violence, deaths and intimidation, the overall political climate remained largely peaceful and conducive for the conduct of democratic elections.

b) Legal Framework

Following the 2015 elections, the AUEOM notes that key electoral reforms, including the mandatory use of Smart Card Readers (SCR) and electronic transmission of results, were proposed. However, these proposed amendments were not passed into law. Nonetheless, the Mission commends the Nigerian Government for the passage of the Not Too Young To Run Act which enhances youth participation and political representation in the 2019 elections by reducing the age limit for the office of the Presidency, National and State Assemblies.

c) Electoral Administration

INEC is vested with responsibility to direct and supervise all aspects relating to the conduct of elections and referenda including, constituency delimitation, registration and regulation of political parties, registration of voters, civic and voter education, establishment of polling units, and prosecution of electoral offences.

The AUEOM welcomes the fact that the 2019 elections were internally driven, and largely funded by the Federal Government of Nigeria. This reinforced INEC's independence. The Mission recognizes the operational and logistical challenges faced by INEC that led to the rescheduling of the original date of the 2019 elections. At the same time, it is concerned by the pattern of consistent postponement of elections which have implications for citizens' participation.

d) Participation of Women, Youth and Marginalized Groups

The 1999 Constitution of Nigeria guarantees the equal participation of citizens in all spheres of public life, including in the electoral process. The AUEOM recognizes efforts by INEC, civil society organisations (CSOs) and other stakeholders to increase participation of women, youth and persons with disability (PWDs) in the electoral process. In particular, it notes that women and youth recorded high number of registered voters – 47.14% for women and 51.1% for youth, which is a notable increase compared to the 2015 elections.

While there was slight increase in the number of women presidential candidates, overall, women's participation as candidates remains low. For instance, of the 73 presidential candidates, only 3 were women two of whom withdrew their candidature.

Concerning youth, the AUEOM observed that several young people were recruited as candidates and polling staff. This demonstrates a commendable level of youth mobilization for political participation.

The Mission also observed that INEC made efforts to address election-related challenges faced by People with Disabilities (PWDs) with the adoption of a policy and the provision of magnifying glasses to increase their participation in the electoral process.

e) Participation of Civil Society Organisations

The AUEOM found that civil society organisations (CSOs) actively participated in the electoral process through observation and dissemination of voter information. The most prominent CSOs involved in the elections included YIAGA AFRICA, which fielded several thousands of domestic observers across the country before and during the elections; the Women Situation Room (WSR) and the Centre for Democracy and Development (CDD).

The active involvement of these organisations helped to raise awareness among voters and reinforced the transparency and credibility of the electoral process.

f) Campaign

The AUEOM observed limited political campaign activities during the extended one-week period and these were largely peaceful. It also gathered from stakeholder consultations that earlier campaigns were generally violence-free. Political parties and candidates exercised their fundamental rights of association, free speech and assembly without significant restrictions. However, there were reports of the use of inflammatory language and intimidation of political opponents during the campaign period.

g) Electoral Security

The 2019 elections took place in a generally peaceful environment. Nevertheless, certain parts of the country, particularly in the North East, South-South and Middle Belt regions, faced security challenges. On election day, there were reports of bomb blasts and violence in some regions. The Mission notes the destruction of election materials including over four thousand Smart Card Readers, ballot boxes, and voter registers and fire incidents at INEC warehouses in Plateau and Anambra States impacted on the timely conduct of the elections. It further notes that the collaborative relationship between INEC and the Inter-Agency Consultative Committee on Election Security (ICCES) contributed to the generally peaceful elections.

h) Media Environment

The media played a critical role during the election as a platform for candidates to communicate their political agendas and educate the electorate. The AUEOM notes that the media in Nigeria is diverse and largely accessible. However, the misuse of social media in propagating misinformation about the electoral process and the contestants has implications for the country's democracy, peace and stability.

III. ELECTION DAY OBSERVATIONS

On Election Day, the AUEOM deployed 50 observers to 122 voting points in 13 states representing the 6 geopolitical regions. Below is a summary of the Mission's observations on the opening, voting, closing and counting processes:

Opening

The AUEOM observed opening procedures at 16 voting points in rural and urban areas. All (100%) of the voting points observed opened late. The average delay was over an hour. The reasons for the delayed opening were late arrival of polling officials and election materials as well as poor preparation of voting points.

More than a half of the AU observer teams reported lack of essential election materials in the voting points observed as follows: Ballot Boxes (25%), Polling booths (25%), Ballot Papers (25%), Copy of voter register (25%), Envelopes (25%), Indelible ink- marker pen (25%), Polling station journal (25%), Forms (25%), Seals (25%), Stamps (75%), and Smart Card Readers (25%).

Despite these challenges, all observers reported that the environment outside the polling units was peaceful, even though some polling units were overcrowded and congested.

Generally, polling staff did not demonstrate sufficient knowledge and competence in application of the opening procedures.

Thirteen (13) of the sixteen (16) voting points observed were not accessible to Persons with Disabilities (PWDs) due to their placement in uneven ground.

Party agents were present and performed their duties without restriction. Similarly, the presence of security personnel outside the polling units was observed and their performance was non-intrusive.

Voting

Although opening was delayed, voting took place in a relatively peaceful environment. However, there were reports of incidents of violence and snatching of ballot materials at some polling units.

The AUEOM observed that voters exercised their right to vote without systematic restriction. The secrecy of the vote was guaranteed in 85.4% of the voting points observed. Where it was not guaranteed it was mainly due to overcrowding.

Over ninety percent of voting points observed were laid out in a manner that allowed for easy flow of voters. Ballot boxes were placed in public view.

Observers reported that the polling procedures such as verification, authentication and accreditation of voters were adhered to in 98.4% of the voting points observed.

In 7.3% of the voting points observed, the process was stopped due to malfunctioning of the smart card readers and insufficient materials.

In 91.1% of the voting points observed, priority was given to persons with disability, the aged, expectant and nursing mothers. The AUEOM notes that assistance was given to persons unable to vote. While the procedures require that such assistance be provided by a person chosen by the voter other than polling staff, party agents or security personnel, in the majority of the cases the voters were aided by polling officials.

The AUEOM observed a commendable representation of women as polling staff (50%), citizen observers (45%) and party agents (12%).

Closing and Counting

Thirty eight percent (38%) of the voting points observed did not close at 2pm due to late opening. Voters on the queue at closing time were allowed to vote.

The closing and counting procedures were adhered to in over 80% of the voting points observed. Where they were not observed, it was mainly due to inconsistencies in determining valid or invalid votes, and failure to publicly post the result forms at the polling units.

The AUEOM observed overcrowding and interference by voters and party agents during the counting process. This situation amounts to a violation of INEC's rules and regulations, creates tension and undue influence on the results.

Despite the challenges noted above, Election Day operations were administered in a manner that allowed the free expression of the will of the voters.

IV. CONCLUSION

The 2019 Presidential and National Assembly elections provided an opportunity for the consolidation of democracy in Nigeria. The AUEOM observed that the political space has broadened as evidenced by the high number of political parties and candidates that took part in the elections. Furthermore, the Mission is impressed by the patience and resilience demonstrated by Nigerians during the elections. Overall, the process was largely peaceful and orderly and in conformity with Nigeria's legal framework.

V. RECOMMENDATIONS

In the spirit of cooperation and solidarity, the Mission recommends the following:

- Political parties and candidates are urged to uphold the commitment to peaceful elections and resolution of disputes in keeping with the two peace accords signed in December 2018 and February 2019. They are further urged to call on their supporters to remain calm and

peaceful and refrain from any action that might incite post-election violence.

- In case of any grievances over the election results, political parties and candidates are encouraged to use the legal instruments at their disposal to seek redress.
- While congratulating INEC for being open and cooperative with electoral observers, the Mission urged INEC to expeditiously and transparently collate and announce the results of the Presidential and National Assembly elections as provided for by law.
- Calls on INEC to continue to improve election management to address the consistent postponement of elections through proper planning and execution of election logistics and operations.
- INEC should strengthen the capacity of polling staff through training on assisting voters, counting and other electoral procedures.
- Political parties and young people should leverage the opportunity created by the Not Too Young To Run Act to increase political participation and representation.
- Calls on Nigerians and other stakeholders to act responsibly in the use of social media and refrain from disseminating false information on the elections, particularly the results.