



**ELECTION OBSERVATION DELEGATION TO
THE PRESIDENTIAL ELECTIONS
IN THE FEDERAL REPUBLIC OF NIGERIA**

(16 April 2011)

**Report by
MARIYA NEDELICHEVA, Chair of the Delegation**

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Introduction

Following invitations from the Government of the Federal Republic of Nigeria and the Independent National Electoral Commission, the Conference of Presidents of the European Parliament authorised, on 13 January 2011, the sending of an Election Observation Delegation to observe the Presidential Elections in the Federal Republic of Nigeria, which were initially scheduled for 9 April, but were rescheduled for the 16 April after logistical difficulties. The European Parliament Election Observation Delegation was composed of four members: Mrs Mariya NEDELICHEVA, Bulgaria, EPP (Chair of delegation), Mr Juan Fernando LÓPEZ AGUILAR, Spain, S&D, Mrs Jean LAMBERT, UK, Greens/EFA, and Mr. John ATTARD-MONTALTO, Malta, S&D.

The Delegation conducted its activities in Nigeria from 13 to 19 April 2011 and was integrated into the EU Election Observation Mission (EU EOM). The very tight cooperation between the EU EOM and the Chief Observer, Mr Alojz PETERLE (Slovenia, EPP), followed the example of recent Election Observation Missions and can be considered a model of successful cooperation.

The European Parliament (EP) Delegations perform election observation in accordance with the Declaration of Principles of International Election Observation and the Code of Conduct for international election observers. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in conformity with the decision of the Conference of Presidents of 10 December 2009.

Programme

Before the day of the Presidential elections, the EP Delegation met the EU EOM Core team, which provided a full briefing on the political background, legal and electoral framework and media landscape.

The EP Delegation also met with President Goodluck Jonathan in his capacity as the presidential candidate of the governing party, the Peoples' Democratic Party (PDP), with Professor Attahiru Jega, Chairman of the Independent National Electoral Commission (INEC), and with the Head of the EU Delegation and the Ambassadors of the EU Member States (in the presence of the Chief Observer). Furthermore, the Delegation met with the President of the outgoing Senate, the Hon. David Mark of the Peoples Democratic Party (PDP), and with Mr. Buba Galadima, National Secretary of the Congress for Progressive Change (CPC). The Delegation also attended an exchange of views with other international observer organizations.

In addition, the EP Delegation met with the Federation of Muslim Women's Associations in Nigeria (FOMWAN); Justice, Development and Peace/Caritas Nigeria (JDPC); the Nigerian Bar Association (NBA), and the Transitional Monitoring Group (TMG), four civil society groups which pooled their efforts and formed the Project 2011 Swift Count. Supported by foreign donations¹, Project 2011 Swift Count

¹ The project is supported by the US National Democratic Institute (NDI). See: www.pscnigeria.org.

deployed around 1,000 domestic observers for the registration process and some 8,000 observers for the election days.

On the Presidential Election Day, the EP Delegation deployed two observer teams, one to the federal capital Abuja and the other one to Minna, the capital of Niger State.

Background

The 2011 General Elections in the Federal Republic of Nigeria were the fourth elections since the country returned to civilian rule in 1999. The previous elections of 2007 fell far short of basic international and regional standards for democratic elections, due to a lack of transparency and strong evidence of fraud.

The 2011 general elections were initially scheduled for three consecutive Saturdays: 2 April for the elections for the National Assembly (Senate and House of Representatives), 9 April for the Presidential elections and 16 April for the Governorship and State Assembly elections. However, although voting had already begun in some areas on 2 April, INEC declared that it would be necessary to delay the elections due to logistical deficiencies in a number of States regarding the distribution of sensitive election materials such as ballot papers and results forms. The delay in the elections was portrayed as a means to protect the integrity of the process. The new dates were scheduled as follows: Saturday 9 April 2011 – Senate and House of Representatives (National Assembly) elections; Saturday 16 April 2011 – Presidential election; Tuesday 26 April 2011 – Governorship and State House of Assembly elections. Candidates competed for 109 seats in the Senate, 360 seats in the House of Representatives and 36 Governors.

Following an invitation from the Federal Government of Nigeria and the Independent National Electoral Commission (INEC), the European Union (EU) deployed an Election Observation Mission (EOM) on 1 March 2011. The European Parliament Delegation observed the Presidential elections and was carefully integrated into the EU EOM shortly before election day. The Presidential elections were based on a qualified plurality (first-past-the-post) system, under which the successful candidate also had to obtain at least one-quarter of votes in two-thirds of the states, or else face a run-off.

Originally, the EP Election Observation Delegation consisted of six Members². However, as a result of the rescheduling of the elections and conflicting agendas, not all Members were able to maintain their participation in the Delegation, and on 13 April 2011 a revised, smaller, European Parliament delegation arrived in Abuja, led by Mrs. Mariya NEDELICHEVA and including Mrs Jean LAMBERT, Mr. John ATTARD-MONTALTO, and Mr. Juan Fernando LÓPEZ AGUILAR.

The Independent Nigerian Electoral Commission registered 21 candidates for the Presidency. The only female candidate was Ebiti Onoyom Ndok of the United

² Mrs Mariya NEDELICHEVA, Bulgaria, EPP (*Chairperson*); Mr Joachim ZELLER, Germany, EPP; Mrs Joanna SENYSZYN, Poland, S&D; Mr Andres PERELLO RODRIGUEZ, Spain, S&D; Mr Juan Fernando LÓPEZ AGUILAR, Spain, S&D; Mrs Jean LAMBERT, UK, Verts/ALE.

National Party for Development (UNDP), who is also the only female party chairperson. An informal "zoning" agreement in the PDP should have meant that the Presidency would rotate between the Muslim North and Christian South every two terms; however, the decision of Goodluck Jonathan (a Southern Christian) to run for president in these elections, while found to be not unconstitutional, was interpreted by many to be in violation of that informal agreement.

EU - Nigeria Relations

EU relations with Nigeria, as with any other ACP country, are framed by the ACP-EU Partnership Agreement, signed in Cotonou in 2000, revised twice since then and valid until 2020. Annual Nigeria–EU Ministerial meetings have been held since 2008 and led to the issuing of Joint Communiqués setting out priorities for the political dialogue and for cooperation. This jointly agreed framework, the 'Nigeria-EU Joint Way Forward'³, which now underpins the Nigeria-EU bilateral relations, devises three priority areas for political dialogue: (1) Peace and security (addressing domestic and regional concerns); (2) Governance and human rights; and (3) Regional integration and trade⁴. The 10th European Development Fund (EDF) Country Strategy Paper (CSP), which covers development cooperation for the period 2008-2013, was launched in November 2009⁵. The new development cooperation strategy formulated jointly with the Federal Republic of Nigeria has an allocation of € 677 million (for 2008-2013) to address the three aforementioned priority areas. The largest proportion of the cooperation strategy focuses on governance reforms at all three levels of government, fighting corruption and supporting electoral reform with regards to the 2011-2015 electoral cycle. In this regard, it is important to note that the 2007 elections were severely condemned by the EU and other international and domestic observers, with the 2007 EOM Final Report stating that "*the 2007 State and Federal elections fell far short of basic international and regional standards for democratic elections.*" and "*the process cannot be considered to have been credible.*"⁶

Since 1 January 2008 trade with Nigeria is regulated by the standard EU trade regime, the Generalised System of Preferences (GSP) which applies to non-Least Developed Countries, like Nigeria.

The European Parliament adopted in 2004 a resolution on Nigeria condemning all forms of religious intolerance and violence and asking the EU to launch a political dialogue with the Nigerian Government to promote tolerance and peace between the communities and the respect for human rights.⁷

³Nigeria-EU Ministerial Troika Meeting, Prague, 9 June 2009, Joint Communiqué:
<http://register.consilium.europa.eu/pdf/en/09/st10/st10906.en09.pdf>

⁴Country Briefing Nigeria 2011 European Parliament, Directorate General for External Policies, Policy Department:
http://www.expo.ep.parl.union.eu/expo/webdav/site/myjahiasite/shared/podp/documents/Regions_and_countries/ACP/nigeria_2011.pdf

⁵ http://ec.europa.eu/development/icenter/repository/scanned_ng_csp10_en.pdf

⁶ http://eeas.europa.eu/human_rights/election_observation/nigeria/final_report_en.pdf

⁷ European Parliament Motion for a resolution - Number: P5_TA(2004)0381

Political environment

Democratic government has been in place since Nigeria returned to civilian rule in 1999. However, the three subsequent elections in 1999, 2003 and 2007 were generally considered to have increasingly declined in quality. Thus, there was enormous pressure on INEC to ensure that these elections, the fourth since the return to civilian rule, would be credible.

The decision of Goodluck Jonathan (PDP), incumbent president, and a Southern Christian, to run for President in 2011 was controversial as it violated the informal "zoning" agreement of 1998 inside his PDP party, by which the presidency should rotate between the mainly Muslim North and the mainly Christian South every two terms. The Presidency was held by a Southerner, General Olusegun Obasanjo for two terms (1999-2007), and after that by the Northerner Umaru Musa Yar'Adua, who was, however, in poor health and was permanently incapacitated for health reasons in November 2009, when, in accordance with the Constitution, presidential powers were transferred to Vice President Goodluck Jonathan, a Southerner. After Yar'Adua's death in May 2010, Jonathan was formally sworn in as President of the Federation. Despite the zoning agreement, Jonathan presented himself and won the PDP presidential primaries and was declared his party's official candidate for the presidential election.

All presidential races since 1999 have been won by the ruling Peoples Democratic Party. The most active political parties in the 2011 election campaign were: the ruling Peoples Democratic Party (PDP), to which the majority of current Governors and the incumbent President, Goodluck Jonathan, belong; the Action Congress of Nigeria (ACN) of Nuhu Ribadu; the Congress for Progressive Change (CPC) of Muhammadu Buhari and the All Nigeria Peoples Party (ANPP) of the Governor of Kano State Ibrahim Shekarau. Days before the presidential election, the CPC and the ACN attempted to form an election coalition supporting the CPC's Muhammadu Buhari as their single presidential candidate, but this attempt failed on 13 April.

A budget of 88 billion naira or 383 million euro was allocated to INEC by the government for the organisation of the 2011 general elections. This, combined with the fact that the Legislature passed the budget in a timely fashion and without executive interference, were seen as positive steps in the electoral process.

Campaigning is financed by national party headquarters, donations, fund-raising, and membership fees. The most visible party, the PDP, is often accused of use of state resources, mainly vehicles. There were reports of gifts such as mobile phones with prepaid cards, gadgets, oil, rice and other gifts in general, being distributed by parties at rallies. The line between the ruling party and the State is blurred and this may have resulted in an uneven playing field for the opposition. Some reports indicated restriction on access to State-owned venues and resources for opposition parties. Courtesy visits by the leaders of the political parties to traditional authorities and religious leaders were important for convincing the electorate⁸.

⁸ Interim report No. 2 European Union Election Observation Mission - Federal Republic of Nigeria General Elections 2011

Violence, involving all the political parties, has been reported in several States in the North Middle Belt and in the South. From mid-March, election-related violence increased and, after the delay of the elections, became even more frequent. Diverse drivers of conflict triggered particularly high levels of violence in Plateau, Bauchi, Oyo, Borno and Akwa Ibom States, while Ogun, Osun, Bayelsa, Ekiti, Nassarawa, Niger and Benue also experienced a tense electoral run-up. Few, if any, States were entirely immune to political violence. On 7 April, more than 40 supporters of the Action Congress of Nigeria (ACN), including governorship candidate James Akpanudoedehe were arrested, apparently following rioting between rival party activists the month before.

Electoral Administration

The EP Delegation acknowledged the capacity of INEC and the electoral administration at all levels to draw appropriate conclusions from the National Assembly elections of 9 April and to adapt and improve its procedures for the Presidential elections.

Overall, the EU EOM Preliminary Statement finds that "The legal framework for the 2011 General Elections appears to provide an adequate basis for the conduct of democratic elections in accordance with international principles." However, it also added that there are remaining issues that need to be addressed. The legal framework is mainly composed of the 1999 Constitution of the Federal Republic of Nigeria, as amended⁹ and the 2010 Electoral Act, which has also undergone revisions since its enactment.

The Independent National Electoral Commission (INEC) is composed of 12 Commissioners and is chaired by a Chief Electoral Commissioner, Professor Attahiru Jega. All members are directly appointed for a five-year tenure by the President after consultation with the Council of the State and confirmation by the Senate. Goodluck Jonathan appointed Prof. Jega for his reputation of competency and honesty, and this move greatly improved the confidence of the electorate.

In order to support the transparency of the process and avoid multiple voting, voters were asked to first register at their polling unit in the morning and then cast their vote in the afternoon. This system generally worked well, although it meant that voters had to spend many hours at the polling units and to queue twice during the day. Voter willingness to participate in this process was considered to be a sign of the enthusiasm and willingness of the Nigerian people to have credible elections.

Approximately 120,000 polling units were initially made operational for voting. INEC decided to split polling units with more than 300 voters into smaller polling points, in order to ensure the timely processing of voters. However, this decision was not implemented consistently.

⁹ Amended in July 2010, and December 2010.

Voter Register

As had also been recommended in the EU EOM 2007 Final Report, INEC decided that a credible voter register was crucial to transparent and genuine elections and thus decided to produce a new voters' register, despite the tight schedule and the logistical challenge of covering an estimated 70 million voters.

Voter registration started on 15 January and extended until 7 February. INEC initially released a provisional registration figure of 67,764,327 voters. However, on 2 March INEC released the certified register of 73,528,040 voters, which represents an increase of 18.6 percent compared to the 61.5 million voters registered for the 2007 elections. The difference of almost six million voters between the February and March lists has partially been explained by INEC as the result of multiple registration (with 870,612 detected cases) and lack of timely and effective communication between local officials and headquarters¹⁰. INEC made attempts to remove any false or duplicated names from the register and released the certified final results of the registration process and the results of the deduplication process to the press. However, it appeared that national stakeholders were not fully informed about the findings of the deduplication process or about the method used by INEC to reach the final figure of 73 million registered voters.

Candidate Registration

Since the end of the military dictatorship of Sani Abacha in 1998, all elected Presidents were members of the Peoples Democratic Party (PDP).

Although the Electoral Act foresees the holding of primaries for political parties to nominate candidates for elective positions, every party has its own procedures for the election of its representatives and candidates for the elections. 31 January 2011 was the last day for political parties to submit their candidates to INEC and 21 February was the deadline for the withdrawal or replacement of candidates for the Presidential elections. It is important to note that most political parties signed the INEC Code of Conduct, which, while not legally binding, indicates a strong willingness to ensure fair and free elections.

INEC's role in the internal party procedures is limited to monitoring whether party regulations are abided by and are not in conflict with the Constitution. In the past, INEC's role was to legalise the election of party candidates, but with the December 2010 amendments to the 2010 Electoral Act¹¹, INEC's role became limited to mere observation of the selection procedure of the candidates.

¹⁰ Nigeria Election Watch, Issue 3, 15 March 2011, National Democratic Institute (NDI), available at http://www.nda.obg/files/Nigeria_ElectiknWVatch3*.pdf

¹¹ The last sentence of Section 31(1) of the Electoral Act (“[...] provided that the Commission shall not reject or disqualify candidates for any reason whatsoever”) was introduced with the amendment of 29 December 2010. In the preceding Electoral Act 2010, Section 87(9) granted to INEC the power to reject a candidate whose party did not comply with the Act in the conduct of its primaries; this section was abolished. The last sentence of Section 31(1) was introduced after the commencement of the primaries and confusion arose among the stakeholders regarding which provision applies.

Partly because of this confusion, aggrieved candidates for the political party primaries filed more than 300 complaints with the courts, where INEC is a joint party, some 70 of which were 'ex-parte' orders issued by the State and Federal courts. Additionally, over 200 complaints were filed directly with INEC.

Media

Nigeria has a lively and diverse media landscape and offered examples of pluralistic political discourse in the election campaign, although access to sufficient information sources to become familiar with the political parties is almost exclusively limited to urban dwellers.

Broadcasting media operate on two levels, Federal and State, and are dominated by the state-owned media: the Federal Radio Cooperation of Nigeria (FRCN) and the Nigerian Television Authority (NTA) broadcast at Federal Level.

In general, the broadcasting media did not comply with the provisions on equal and equitable coverage of the political parties and candidates, as stipulated in the Electoral Act 2010.

The coverage of the candidates also differed according to the media houses. State-owned television, Nigerian Television Authority (NTA), failed to fulfil its obligations¹² as a publicly owned broadcaster, as its coverage lacked balance towards the candidates and their parties. Only 21 parties and their representatives were mentioned during the NTA prime time. 80 percent of the coverage allocated to the political actors was devoted to PDP, 5 percent to ACN and CPC each, and 3 percent to the All Nigeria Peoples Party (ANPP). 12 out of the 20 presidential candidates were mentioned during NTA prime time. With regard to direct speech in the NTA news bulletins, 75 percent of it was dedicated to incumbent President Jonathan.

Kapital FM, the State owned radio, provided more equitable coverage of political parties in the period observed by the EU EOM: 57 percent was devoted to PDP, 10 percent to the National Transformation Party (NTP), 9 percent to the Social Democratic Mega Party (SDMP), 7 percent to CPC and 6 percent to the ACN. However, the proportion of direct speech in the news on Kapital FM was similar to the one on NTA: 86 percent was assigned to President Jonathan¹³.

The National Bureau of Statistics indicates that, in 2009, 88 per cent households had access to radio, and 57 per cent to television. Around 100 out of 427 press titles printed on daily, weekly or monthly basis, focus on news and infotainment. No reliable circulation figures are available for print media¹⁴. It is unlikely that the average readership of any respected daily would exceed 350,000. With the growth of

¹² Section 100(3)(4), Electoral Act 2010, as amended.

¹³ EU EOM Preliminary Statement

¹⁴ According to the information given by the Nigerian Press Council, the most popular newspapers have a readership from 100 to 125 thousand; however, newspapers claim to sell around 70 thousand copies per day with an average of five readers per copy.

Internet accessibility, social media is tending to become a substantial player in Nigeria's media landscape, also in the election context.

Election Day

The Presidential Election Day was generally peaceful and voting took place in an overwhelmingly orderly manner in the locations observed by the Delegation. As mentioned before, the EP Delegation split up into two groups, and deployed in greater Abuja, and in Minna and its surroundings, in the Niger State. These places were chosen for their political and geographical diversity. About 20 polling stations were visited by the EP Delegation.

In Abuja the atmosphere was generally peaceful and relaxed. A few cases of violence were registered, but they were minor and did not have any negative impact on the global atmosphere. The team visited a number of polling units in poor and semi-rural neighbourhoods of the capital city, where EU EOM observer teams had reported a rather tense atmosphere during the legislative elections of 9 April, only to find that the mood was orderly and peaceful, with relatively disciplined crowds waiting to be accredited and cast their vote.

In many places, crowds had formed queues according to sex, although this was not the case in all polling units. Where single-sex queues had formed, polling unit agents and security forces took care to grant equal access to both queues. In a number of polling stations, preferential treatment was given to elderly, disabled and pregnant voters.

Security forces were conspicuous and numerous at all polling units visited, and in all cases behaved in a professional, firm but non-intrusive and polite manner. In one polling station, a police officer in uniform assisted the polling agents by applying the indelible ink to the fingernails of voters who had received their accreditation. It is therefore important to underline the key role played by the security forces in making the electoral process as peaceful as possible.

Although this constituted a formal violation of the relevant provision of the Electoral Act (and resulted in the ink being applied to the wrong finger, as the police officer was clearly not aware of the conditions in the Electoral Act), this officers' presence and involvement in the electoral process was clearly not felt as wrong or threatening, neither by the voters in the queues nor by the polling or party agents present at the polling station. In one instance, towards the end of the day, when a small dispute on the validity of a number of votes cast erupted during the count, a political party agent seized some ballot papers and tried to run away with them. However, security forces intervened to restrain the party agent and to calm the situation. They managed, without the use of excessive force, to return the ballot papers to the polling unit agents and to calm the crowd so that the process could resume and proceed normally.

The EP team in Abuja did not observe any polling unit where the INEC decision to split polling units with more than 300 registered voters into smaller polling points had

been put into practice. In most polling units crowds seemed to exceed the 300 voter "limit", with polling unit staff reacting in diverse ways to try to speed up the accreditation and voting process (sometimes organising and processing the crowds alphabetically, in almost all cases giving each voter a slip of paper indicating their location in the register, which did speed up the voting process in the afternoon). It was clear that the previous week's experience with the legislative elections had enhanced familiarity with the procedure and helped to speed up the process.

Although a number of minor technical shortcomings and non-compliance with the letter of the Electoral Act were observed, the stakeholders of the election process did not consider these to be intentional or to have any influence on the conduct or the results of the process.

Two observations in particular merit mentioning, although they seem to have been unique and isolated cases. In one polling unit in urban Abuja, polling agents were accrediting voters using two registers: one register was the register used the previous week and bearing a photograph of each voter, while the other register was clearly a new document, described to the EP observers as an "additional register" containing the names of voters who had presented themselves the week before and who did not figure in the 'general' register. This register did not contain any photograph next to the name of the voter. In the same polling unit, EP observers also noted two instances of double entry of voters in the official voter register (same name, registration number and other details, but two different photographs of the same voter).

The team observing the Presidential Election in the surroundings of Minna experienced a peaceful atmosphere and patient voters attending the accreditation and voting from early hours. However, some shortcomings were observed. Often, voter registers were not in alphabetic order, which made both the accreditation and voting extremely lengthy and time consuming. However, different solutions were found in different places to speed up the process and make voting possible. In one polling unit observed, voters were able to leave after accreditation and come back later in the day to vote. In another polling unit, an important military leader came from Abuja to his birthplace in Wushishi, to observe in person how the elections were organized in his own village and address all problems which may arise. He seemed more in charge of the elections than the young polling agents. The next polling unit that the EP team visited had about 1400 voters, and was not divided into polling points under 300 votes as INEC had promised. Because of the huge size of this polling station, only about half of the voters were accredited by midday, raising issues about delaying voting and counting. Probably the most important issue that this team observed was that of education and voter education. Puzzled voters were seen in rural areas with no voter education. On the one hand, a big percentage of voters in rural areas, especially women, do not know to read. On the other hand, people did not seem to know for whom to vote nor how to vote. A voter education campaign took place in the print and audiovisual media but obviously did not appear to reach the poor countryside.

In order to better illustrate the efforts made by INEC in making the process as transparent as possible, the example of the results publicly displayed in front of the polling stations just after the counting of the results has to be underlined. This was not the case for the legislative elections on 9th April.

Results

The EP delegation noted with satisfaction that none of the candidates declared himself winner before the official announcement of the results. This helped in calming down the tensed atmosphere that followed the election day.

Goodluck Jonathan won his first four year term, securing 22.5 million votes, while his nearest rival, Muhammadu Buhari, won 12.5 million votes, coming mainly from his core constituency of Muslim Northerners.

The total number of votes cast for the Presidential Elections stands at approximately 37.5 million, indicating that only about half of the country's 74 million voters participated on Election Day.

Party	Candidates	Votes	Percentage
PDP	Goodluck Jonathan	22,495,187	58.89%
CPC	Muhammadu Buhari	12,214,853	31.98%
ACN	Nuhu Ribadu	2,079,151	5.41%

As soon as the results were announced by INEC¹⁵, riots broke out in the North of Nigeria. The EP delegation did not witness these riots. However, according to certain reports, at least 500 people died in the rioting following the Presidential Election, and police in the northern state of Bauchi said that at least 11 recent college graduates who helped run polling stations as part of the country's National Youth Service Corps were killed in postelection violence¹⁶.

On 18 April, the presidential candidate for the CPC, Muhammadu Buhari, called for the cancellation of results and accused the PDP of orchestrating massive vote rigging. Mr Buhari's assertion was backed by a petition submitted by his party to INEC, in which the party demanded an investigation into the allegations¹⁷. However, generally speaking, international observers referred to these elections as the most credible of those observed in Nigeria in recent years.

There was a significant improvement in the display of results at polling units observed when compared to the National Assembly elections the week before, as was verified by the two EP observer teams on election night in all the Abuja polling units they visited, although clearly more efforts are needed to ensure the display of results at ward and local government areas (LGA) collation centres.

A positive aspect has to be underlined : the meetings with the other international organisations the day of the election and the day after the election. Indeed, these meeting were extremely fruitful as they enabled an exchange of information and of

¹⁵ INEC results www.inecnigeria.org

¹⁶ http://www.msnbc.msn.com/id/42738147/ns/world_news-africa/

¹⁷ <http://www.vanguardngr.com/2011/04/buhari-rejects-results-in-22-states-and-fct/>

impressions of the different missions present. It was a good way to find common tendencies in the electoral process, but also to point out its main insufficiencies.

Domestic and International Election Observation

INEC set up the Election Monitoring and Observation Committee (EMOC) to manage and administer all observation, registration and accreditation processes. INEC accredited 337 domestic Observation Groups for the 2011 elections, including the National Human Rights Commission and the Electoral Reform Network.

Aside from the EU EOM, other International Observers included the African Union (AU), Economic Community of West African States (ECOWAS), the Commonwealth, the National Democratic Institute (NDI), the International Republican Institute (IRI) and the Organisation of the Islamic Conference (OIC).

Conclusions

On 18 April, the Chief Observer Alojz Peterle and EP head of Delegation Mariya Nedelcheva, presented the EU EOM's Preliminary Statement at a press conference. In its own statement, the European Parliament presented its position on the conduct of the Presidential election process and endorsed the EU EOM's Preliminary Statement.

The EU EOM Preliminary Statement found that the day of the presidential elections 2011 appeared to be generally peaceful and orderly and there was less violence on election day than during previous elections. However, during the election campaign and after the results became apparent, there were serious incidents of violence.

The European Parliament, for its part, commended INEC on the generally transparent and efficient manner in which the elections were conducted and the security forces for their professional and non-intrusive conduct. Furthermore, the delegation commended the work carried out by the National Youth Service Corps in their endeavours to ensure the smooth and fair completion of the election process.

The EP Delegation highlighted the role played by women in voting and in organising the elections and expressed its conviction that women's participation is vital in elections and politics.

The copies of the results were, in 87 percent of cases observed, distributed to all party agents and posted outside the polling stations, a huge improvement on the National Assembly Elections the week before.

There were shortcomings observed during elections and attempts to influence voters were seen. The media mainly reached only urban areas and in general the broadcast media coverage of the pre-election campaign did not meet certain provisions on equity and equal coverage of political parties and candidates, as stipulated in the Electoral Act 2010. While the legal framework appears to provide a reasonable basis for the conduct of democratic elections, there are some issues, such as the fact that the

2010 Electoral Act (as amended) does not provide for voters to lodge a complaint when an infringement of their electoral rights has occurred.

There were reports of several acts of political violence and intimidation of candidates. It was also observed that there were instances of voter disenfranchisement due to issues such as omissions on the voter register and the fact that polling workers were unable to cast their vote. Moreover, there were attempts to influence voters, instances of interference by party agents in the process, and in almost half of the polling stations observed, the secrecy of the vote was not respected. In addition, there were reports of underage voting in some polling stations.

Recommendations

- Women are drastically underrepresented in the public and political life in Nigeria. Only 9 % of the candidates for the National Assembly who contested in the polls were women and there was only one female presidential candidate. There were also instances of women candidates being threatened with violence. The EP delegation calls on Nigeria to significantly improve this environment and to ensure better representation of women in the next elections.
- The issues of media accessibility and freedom of expression are important ones and it is therefore recommended to work to improve the current obstacles that are faced by the country in this regard. Improvements in the fundamental freedoms of speech and the media are needed and it should be ensured that media workers or other citizens are not arrested or intimidated for the sole reason of exercising their right of free expression.
- Improvements must be made in direction of political pluralism. It is therefore of utmost importance that the capacity of action of the opposition parties shall not be undermined. The opposition should indeed play a key role in the good functioning of democracy. Therefore, the issue of party and campaign financing needs to be addressed.
- The Electoral Act 2010, as amended, does not provide for voters to lodge a complaint when an infringement of their electoral rights has occurred; it is therefore recommended that this be rectified before the next general elections.
- The EP delegation considers it essential that an Electoral Offences Commission, with powers to investigate and prosecute electoral crimes, is set up. Similarly, a Political Parties Commission, to oversee political parties' compliance with the law, should be established.
- The EP delegation urges INEC to continue to improve the accuracy of the voters register by updating it continuously and also by paying close attention to ensure that the issue of underage voting is dealt with.
- The independence of INEC is essential for free and fair elections. Therefore, the current process where all members of INEC, including the chairman, are directly

appointed by the President for a five-year tenure, after consultation with the Council of State and confirmation by the Senate, needs to be revised.

- The EP underlines the importance of the follow-up of the elections and of the strengthening of the bilateral relations between the EU and Nigeria.

EUROPEAN PARLIAMENT

PRESIDENTIAL ELECTIONS IN FEDERAL REPUBLIC OF NIGERIA

ELECTION OBSERVATION DELEGATION

13-18 April 2011

LIST OF PARTICIPANTS

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Abbreviations :

EPP	European People's Party/European Democrats	ECR	European Conservatives and Reformists
S&D	Progressive Alliance of Socialists and Democrats	GUE/NGL	European United Left/Nordic Green Left
ALDE	Alliance of Liberal and Democrats for Europe	EFD	Europe of Freedom and Democracy
Green/ALE	Greens/European Free Alliance	NI	Non-attached

EUROPEAN PARLIAMENT

PRESIDENTIAL ELECTIONS IN FEDERAL REPUBLIC OF NIGERIA

ELECTION OBSERVATION DELEGATION

13-18 April 2011

FINAL PROGRAMME

Members

Mrs Mariya NEDELICHEVA, Bulgaria, EPP (*Chairperson*)

Mr Juan Fernando LÓPEZ AGUILAR, Spain, S&D

Mr John ATTARD-MONTALTO, Malta, S&D

Mrs Jean LAMBERT, UK, Greens/EFA

Secretariat

Mrs Alina-Alexandra GEORGESCU, Administrator

Mr Guido VAN HECKEN, Administrator

Mrs Montse GABÁS, Assistant

Interpreters

Mr Prince Eviano ACHAKOBE

Prof. Ekundayo SIMPSON

Wednesday, 13 April

Afternoon	Arrival of Members in Abuja and transfer to the hotel <i>Venue: Rockview Hotel Abuja, Royal Wing</i> 194/196, CAD Zone A8 Adetokunbo Ademola Crescent Wuse 11, Abuja +234 (0) 9 413 0041 - 50 +234 (0) 9 413 0093 - 102 +234 (0) 9 413 0168 - 75
19:30 Dinner	Meeting with the newly elected Member of the Senate (constituency Benue South), President of the Senate (2007-2011), Hon. David Mark (PDP) <i>Venue: Apo Village, Abuja</i>

Thursday, 14 April

8:30	Meeting with the Chief Observer, Mr Alojz PETERLE <i>Venue: EU EOM premises</i> <i>Rockview Hotel Classic, 3rd floor</i>
10:00 – 11:00	Briefing by the Core Team of the EU Election Observation Mission - Analysis of the political situation with reference to the presidential elections (Mr. Heinz Jockers) - Analysis of the electoral administration (Ms. Margarida Alves) - Analysis of the legal framework (Ms. Eirini Gounari) - Analysis of the media environment (Ms. Inta Lase) <i>Venue: Rockview Hotel Classic, Syndicate Hall</i>
11:00	The EU EOM Chief Observer and the Chairperson of the EP Delegation meet the presidential candidate for PDP, President of the Federal Republic of Nigeria, Dr. Jonathan Goodluck <i>Venue: Presidential Residence</i>
12:00 – 13:00	Professor Attahiru Jega, Chairman of INEC <i>Venue: INEC Headquarters, Abuja</i>
14:00 – 15:30	Meeting with the Head of the EU Delegation, the Ambassadors of the EU Member States in the presence of the Chief Observer <i>Venue: EU Delegation</i> 21st Crescent, Off Constitution Avenue, Central Business District Telephone: +234 (9) 4617800, 07072206884 -8
18:00	Meeting with Federation of Muslim Women's Associations in Nigeria (FOMWAN); Justice, Development and Peace/Caritas Nigeria (JDPC), Nigerian Bar Association (NBA), and Transition Monitoring Group (TMG) <i>Venue: Sheraton, Project 2011 Swift Count Office</i>

Friday, 15 April

8:30	Technical briefing on the MEP's security by Mr. Piers Zvegintzov, member of the Service Provider (Control Risks London) <i>Venue: Rockview Hotel Royale, Ushafa Hall</i>
10.00 – 12:15	Meeting with Engr. Buba Galadima, National Secretary of Congress for Progressive Change (CPC) <i>Venue: Rockview Hotel Royale, Ushafa Hall</i>
13:30 Abuja	The EU EOM Chief Observer invites the Chairperson of the EP Delegation to a business buffet lunch with the most influential editors of the Nigerian media <i>Venue: Rockview Hotel Classic, Restaurant, ground floor</i>
14.30 Abuja	Briefing with LTO in charge of Federal Capital Territory (Abuja) <i>Venue: Rockview Hotel Royale, Ushafa Hall</i>
16.00 Abuja	Briefing on the political situation with reference to the presidential elections (Mr. Heinz Jockers) for Mr. López Aguilar <i>Venue: Rockview Hotel Classic</i>
17.00 Abuja	Technical briefing on the MEP's security by Mr. Piers Zvegintzov, member of the Service Provider (Control Risks London) for Mr. López Aguilar <i>Venue: Rockview Hotel Classic</i>
17:00 Minna	Meeting with LTOs in charge in Minna (Niger State) <i>Venue: The Haske Hotel</i> <i>Niteco Road, off Shiroro Hotel Road, Tunga, Minna</i> <i>Tel. +234 (0) 8057224026</i>
18.15 Minna	Meeting with the Head of the INEC of the Niger State <i>Venue: INEC Premises</i> <i>Minna</i>

Saturday, 16 April: Election Day

All day	Election observation
19:30 - 21.00	Return to Abuja of the team deployed to Minna and observation of the posting of results at polling unit and ward level

Sunday, 17 April

Morning	Debriefing of the delegation on the election observation from different teams <i>Venue: Rockview Hotel Royale, Ushafa Hall</i>
10.30	Exchange of views of the delegation with Mr PETERLE, the EU-Election Observation Mission and the representatives of the Member States <i>Venue: Rockview Hotel Royale, Ushafa Hall</i>
14.00	Exchange of views among the leaderships of the international observer groups: EP Delegation and the EU EOM, African Union, Commonwealth, ECOWAS, NDI, IRI and Organisation of The Islamic Conference <i>Venue: Rockview Hotel Classic, Gurara Hall (ground floor)</i>
19.00	Dinner invitation from Ambassador David Macrae, Head of the EU Delegation in Abuja <i>Venue: Restaurant "Chez Victor" 20 Ganges Street, off Alvan Ikoku, Maitama</i>

Monday, 18 April

11.00	Joint press conference, presentation of the preliminary statement <i>Venue: Hilton Hotel , Main Conference Hall</i> End of delegation.
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	EUROPEAN UNION ELECTION OBSERVATION MISSION FEDERAL REPUBLIC OF NIGERIA GENERAL ELECTIONS 2011
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PRELIMINARY STATEMENT

Important step towards strengthening democratic elections, but challenges remain Abuja, 18 April 2011

The European Union Election Observation Mission (EU EOM) is present in Nigeria since 1 March 2011 following an invitation from the Government of the Federal Republic of Nigeria and the Independent National Electoral Commission (INEC). The EU EOM is led by Chief Observer, Alojz Peterle, a Member of the European Parliament. It comprises a Core Team of nine analysts based in Abuja, 52 Long-Term Observers (LTO), 60 Short-Term Observers (STO) and 15 Locally-recruited Short-Term observers (LSTO) from the diplomatic missions of the EU Member States, and of Norway and Switzerland present in Nigeria. Shortly before the Presidential elections, the EU EOM was joined by a four-member delegation from the European Parliament, led by Mariya Nedelcheva. The delegation of the European Parliament endorses this preliminary statement. In total, for the Presidential elections the EU EOM deployed 141 observers from the 27 EU Member States, as well as from Norway and Switzerland to all the States and the Federal Capital Territory (FCT) of Nigeria. The mission will remain in country to observe the Governorship and State House of Assembly elections and post-polling developments. This statement is preliminary. At the time of printing, the collation process and the petitions and appeals phase was still open. A final report with recommendations will be presented to the authorities of Nigeria within two months after the departure of the mission from Nigeria. The EU EOM operates autonomously under its specific mandate and in compliance with the Declaration of Principles for International Election Observers, commemorated at the United Nations in New York in October 2005.

PRELIMINARY CONCLUSIONS

- The appointment of Professor Attahiru Jega as the new Chairman of the Independent National Electoral Commission (INEC) improved the confidence of the electorate. The voters' registration conducted between January and February 2011 further increased this trust in the process. The postponement of the 2 April's elections was presented as a means to protect the integrity of the process and the conduct on 9 April of the National Assembly resulted in a boost of public confidence, increasing expectations for the Presidential elections.
- The 2011 Presidential election day showed a generally peaceful and orderly process with enthusiastic voters committed to patiently attend accreditation and voting from the early hours on Saturday 16 April.
- On election day, violence was not as intense as during previous elections. The authorities were serious in their commitment to minimise the escalation of clashes between political rivals. However, during the election campaign serious violent confrontations occurred.



- If compared with the National Assembly elections held on 9 April, the Independent National Electoral Commission (INEC) managed to improve the overall organisation of the polling day, mainly during the accreditation and counting phases. Nevertheless during voting, inconsistent implementation of procedures and attempts to influence voters were noted. Moreover, the INEC results coming from the States in South-South and South-East show percentages close to 100 percent.
- The accuracy of the voters' register appears to have improved since the National Assembly elections. Yet problems remain and INEC should continue addressing this issue before the next elections. The decision of INEC to divide polling units into manageable voting points, with a maximum of 300 voters per unit was to allow for smoother accreditation and voting. However, INEC did not manage to consistently implement this decision. Although in the observed cases, the display of the results at the polling units improved significantly, more efforts are needed for the display of results at ward and local government areas (LGA) collation centres.
- The EU EOM considers that generally the work of the National Youth Service Corps (NYSC) is commendable as they endeavoured to perform their duties with courage and to their best capacity.
- Nigeria's vibrant and diverse media spectrum offered a pluralistic political discourse and an intense pre-election campaign coverage to the electorate. However, only the persons residing in urban zones could become familiar with the political parties and their candidates, as in these areas access to a wider range of information sources was available. The broadcast media coverage of the pre-election campaign differed according to the media houses and in general, did not comply with the provisions on equal and equitable coverage of the political parties and candidates, as stipulated in the Electoral Act 2010, as amended.
- Women remain under-represented in public and political life. Only one presidential candidate and nine per cent of the candidates for the National Assembly contested in the polls. In general, female candidates faced economic and social constraints to be nominated by parties. They lacked financial resources to equally compete with men. Some female candidates were victims of threats and physical violence.
- Civil Society Organizations (CSO) were engaged in a positive dialogue with INEC. They played an important role in promoting an orderly electoral process. CSO's brought to public attention among other issues, the timely address of logistical challenges, the need for civic education on voting procedures and the establishment of INEC Election Day hotlines.
- In general, the legal framework appears to provide a reasonable basis for the conduct of democratic elections. The 1999 Constitution, as amended, guarantees fundamental freedoms, while election-related legislative provisions are generally in line with international standards for election. The channels for addressing election-related petitions and appeals also appear to be clear. Nevertheless, the Electoral Act 2010, as amended does not provide for voters to lodge a complaint when an infringement of their electoral rights has occurred.
- Recent amendments to the Constitution and the Electoral Act provide for procedures, aiming to increase the internal parties' democracy during their primaries. However, further improvements and commensurate political will are required to address remaining challenges, such as the absence of provisions for independent candidates to run for office.



- The judiciary is playing a critical role in the process, being inundated so far with petitions lodged after political parties' primaries. Nevertheless, the absence of time limits for the resolution of electoral disputes by the courts before the election days delayed legal redress during a time-sensitive period and led to a number of judgement being delivered by the courts only a few days before the polls.

PRELIMINARY FINDINGS

BACKGROUND

The 2011 General Elections of the Federal Republic of Nigeria follow the widely rigged and disputed 2007 elections and are the fourth elections since the country's return to democracy in 1999. The death of President Umaru Yar'Adua in May 2010 determined the succession of the Vicepresident Goodluck Jonathan in the same year.

In June 2010, President Jonathan appointed Professor Attahiru Jega as the new Chairman of Independent National Electoral Commission (INEC) for his reputation and competency, marking a change with the previous INEC Chair. He was designated in recognition of the role he played in the Electoral Reform Committee that was established to review the electoral process and the legal framework after the 2007 elections.

INEC scheduled the 2011 elections for three consecutive weekends in April¹. On 2 April, on the National Assembly election day, during a live broadcast at noon, Prof. Jega informed the public that due to the late arrival of the result sheets in many parts of the country, the National Assembly elections were postponed to 4 April. On 3 April in another televised speech, Prof. Jega announced that after consultations with the political parties all the elections were shifted by a week from the original schedule: on 9 April the National Assembly, on 16 April the Presidential elections and on 26 April, after Easter holiday the Governorship and State House of Assembly elections. The need to re-print a number of ballot papers was announced on 7 April and caused a third postponement for 15 Senatorial Districts and 48 Federal Constituencies, which are to be held simultaneously with the gubernatorial polls.

LEGAL FRAMEWORK

Nigeria follows the common law legal system and has ratified the international instruments relevant to the protection of civil and political rights related to elections. The legal framework for the 2011 General Elections appears to provide an adequate basis for the conduct of democratic elections in accordance with international principles. Nevertheless, a number of issues remain to be addressed and an exercise of political will by all stakeholders is required to ensure proper implementation. The legal framework comprises mainly the 1999

¹ On 2 April the elections for the National Assembly (Senate and the House of Representatives), on 9 April the Presidential elections and on 16 April for the Governorship and State House of Assembly elections.



Constitution, as amended², and the 2010 Electoral Act, that underwent a series of revisions since its enactment.

Among the major improvements of the 1999 Constitution, as amended, is the regulation of the financial and administrative independence of INEC from the executive, the establishment of Election Tribunals for each State and for the Federal Capital Territory (FCT) and shortened deadlines for filing petitions after the declaration of results. Regrettably, the amendments failed to introduce some of the recommendations suggested by national and international observers, and by the Electoral Reform Committee, such as the establishment of an Electoral Offences Commission³. Existing shortcomings in the legal framework include the INEC Commissioners appointment process and the absence of provisions for independent candidates to run for office, thus restricting the effective rights to stand for elections and limiting the voters' choice of candidates.

The Electoral Act 2010, as amended, includes detailed provisions for post-election litigation and places emphasis on the pre-hearing of petitions. Under the provisions of the Act, election petitions can only be filed by candidates and political parties, which participated in the elections, within 21 days of the declaration of results. The deadlines for the dispute-resolution process are significantly shortened. Although the new and comprehensive Electoral Act 2010⁴ further strengthened the electoral process, some concerns remain, particularly in regard to not providing for filing of complaints by voters on breaches of the law during polling and counting, and the absence of time limits for the filing, consideration and adjudication of election complaints and appeals prior to polling. Furthermore, in relation to polling, counting and collation of results the Act is relatively vague, this negatively affecting the transparency of the electoral process.

ELECTION ADMINISTRATION

INEC, inaugurated on 30 June 2010, is mandated to conduct elections to the offices of the President, the Governor, to the Senate, the House of Representatives and the House of Assembly of each State of the Federation. INEC is a permanent body, composed of twelve Commissioners and headed by a Chairperson who is the Chief Electoral Commissioner. All members are directly appointed by the President after consultation with the Council of State and confirmation by the Senate for a five-year tenure. INEC meetings are closed sessions. Quorum requires a third of Commissioners to be present and decisions are taken by majority.

The offices in all 36 States and in the FCT, staffed by Resident Electoral Commissioners (REC), also appointed by the President, manage State level election administrative duties. Lower level organizational structures include 774 LGA offices, further sub-divided into 8,809 wards, these without permanent INEC structures. Approximately 120,000 polling units were made operational for voting and generally they were the same locations used for the voter registration exercise conducted

² The 1999 Constitution of the Federal Republic of Nigeria underwent a series of significant revisions, first in July 2010 and again in December 2010, coming into force on 10 January 2011.

³ The Nigerian Bar Association and Human Rights Watch jointly called on the National Assembly on 14 March to pass the Electoral Offences Commission Bill (presented to the National Assembly in April 2009) that would establish the Electoral Offences Commission for investigating and prosecuting electoral offences under the Act, stating that INEC does not have the resources or capacity to prosecute all election-related abuses.

⁴ The Electoral Act 2006 was amended in August 2010, primarily to reflect the relevant changes to the Constitution and was further amended on 29 December 2010 and on 24 January 2011, in order to accommodate INEC's request for extension of the timeline for the conduct of the registration and polling.



from January to February 2011. A final polling unit list was made public, but a breakdown of assigned voters to each unit is still not available.

Voting was organised in separate phases throughout the election days simultaneously around the country: in the morning for the accreditation of registered voters and in the afternoon for voting. Only accredited voters were allowed to cast a ballot.

Adequate, timely training and Staffing of polling units was a considerable challenge. The training of trainers was conducted in Abuja on 8 and 9 March. Cascade training on State level took place between 15 and 25 March, just a week before the initially scheduled election day. In all, INEC planned to train approximately 325,000 polling workers and 1,497 Returning Officers. Similarly to the voter registration exercise, polling staff was drawn from the National Youth Service Corps (NYSC). Where the EU EOM observed the training, it considered it to be insufficient and poorly conducted, with overcrowded halls and lacking reading material. Nevertheless, the Mission considers that generally the work of NYSC is commendable as they endeavoured to perform their duties with courage and to their best capacity.

The decision of INEC to divide polling units into manageable voting points, with a maximum of 300 voters per unit was to allow for smoother accreditation and voting. However, INEC did not manage to consistently implement this decision.

The legal requirement to conclude the revision of the register not later than 30 days before the first elections was not met. The number of omissions on the voters' register was an indicator that INEC experienced persistent difficulties to timely edit a comprehensive list. The number of disenfranchised voters cannot be ascertained at this point. INEC stated that it would endeavour to continuously improve on the inclusiveness and accuracy of the register. Varying procedures at polling units in regard to voters not found on the register but in possession of a voters' card were observed. In some instances, these voters were allowed to cast a ballot, though INEC guidelines clearly state the contrary.

Despite repeated public appeals made by INEC's Chairman asking for the engagement of community leaders in preventing underage voting, the problem persisted both during National Assembly and Presidential elections. The full extent of this phenomenon, its regional or national dimension, cannot be ascertained. Underage participation stems from the voter registration exercise. However, the voter identification safeguards, combined with the presiding officers authority to remove any underage voter from the voting unit should have been a sufficient preventive measure.

The Presidential partial results from all the States and the FCT are collated and announced by the Chief Electoral Officer, the INEC's Chairman. A National Collation Centre was established for that purpose in Abuja. No definitive time line for the complete announcement of results is provided in the electoral framework, other than the provision of issuing a certificate to every winning candidate within seven days of the return of results.

Both for the National Assembly and the Presidential elections, INEC declared that it would investigate instances of reported irregularities and disruption of the election process. It is noteworthy that INEC announced its intention to disclose the nature of the submitted complaints.



VOTER REGISTRATION

In accordance with the recommendations of the EU EOM 2007 Final Report and the Electoral Reform Committee's report, INEC considered that a new register was crucial to improve the confidence of the electorate, despite the very tight schedule. Approximately 240,000 ad hoc staff were recruited and trained, mostly enrolled from the NYSC. On 2 March INEC released the certified register: 73,528,040 voters.

Compared to the 2007 voters' register, the EU EOM noted a significant increase of registered electors of over 40 per cent in States such as Adamawa, Yobe, Zamfara, Niger, Nassarawa, Plateau, Lagos and Oyo, and conversely a decrease of voters in States as Enugu and Bayelsa.

Multiple registrations were a concern and attempts were made to remove false and duplicated names. The de-duplication process reportedly involved matching registration data across LGA's, States and Federal level. To this end, INEC declared to have used specific software and identified 870,612 duplicates. INEC stated that it intends to prosecute all double registrants.

Despite good cooperation with INEC, the EU EOM was not granted sufficient access to be in the position to assess neither the process of de-duplication nor about how INEC reached the final number of 73 million registered voters. INEC claimed to post relevant information timely on its website. Nevertheless, a full breakdown of the voters' register was not made available.

CAMPAIGN ENVIRONMENT

Parties in general conducted a campaign at grass-root level and rallies or street parades at State and LGA level. The most active presidential candidates were the ruling party's President Goodluck Jonathan of the Peoples Democratic Party (PDP), the former Head of the Economic and Financial Crimes Commission (EFCC) Nuhu Ribadu of the Action Congress of Nigeria (ACN), the former Head of State General Muhammadu Buhari of the Congress for Progressive Change (CPC) and the Governor of Kano State, Ibrahim Shekarau of the All Nigeria Peoples Party (ANPP).

With the growth of Internet accessibility⁵, the on-line media were used as an innovative tool to reach youth electorate. All major presidential candidates had their Facebook pages and Twitter accounts. Since there are no specific regulations about campaign silence for the online media, mobilisation messages on the web and via SMS were sent on election days.

Canvassing in Nigeria can be very expensive. The pre-condition for a presidential candidate is to campaign in all 36 States and in the FCT. The Nigeria Television Authority (NTA) broadcast paid rallies, the longest one, five hours of live transmission was televised on 26 March on the occasion of the final rally of President Jonathan. Posters were mainly visible in urban areas. Mobile phones and pre-paid cards, and gadgets were distributed during rallies. Local communities were reported to receive from candidates carloads of goods, such as oil and rice, water pumps and gifts in general. The Electoral Act 2010, as amended contains detailed provisions for campaign expenditure. However, INEC admitted not to have the capacity to enforce the legal provisions.

Despite the public rejection by the major candidates of the "do or die" election approach, the intense political competition provoked in many instances violent confrontations during the election

⁵ According to Internetworldstats, in December 2009, 16 percent of the Nigerians were online.



campaign. However, during the Presidential election day violence was not as intense as during previous elections. The authorities appeared to be seriously committed to minimise the escalation of clashes between political rivals.

At the beginning of March, the majority of the political parties signed the INEC Code of Conduct, which regulates a common agreement among the parties regarding rule of law, campaign issues, election day and post election issues, and party finance. The Code is not legally binding.

A few days before the Presidential elections, around 40 parties announced publicly their support for the re-election of President Jonathan. One party, the Social Democratic Mega Party (SDMP) declared its backing to the Presidential ANPP candidate, Ibrahim Shekarau. During the same days, CPC and ACN tried to form a coalition in order to secure the votes from the Northern regions, but the tentative failed.

MEDIA ENVIRONMENT

Though the legal framework generally respects the freedom of speech, it suffers from intimidation⁶ and self-censorship. The Nigerian Union of Journalists is taking a firm stand on this matter by filing petitions⁷ and raising public awareness.

According to the Electoral Act 2010, media time shall be allocated equally among political parties and candidates. However, the coverage of the candidates differed according to the media houses. The state-owned Nigerian Television Authority (NTA) lacked balance towards the candidates. Only 21 parties and their representatives were mentioned during the NTA prime time. 80 percent of the coverage allocated to the political actors was devoted to PDP, a five percent to ACN and CPC each, and ANPP gained a three percent. Twelve out of the 20 presidential candidates were mentioned during the NTA prime time. With regard to direct speech in the NTA news bulletins, 75 percent of it was dedicated to the incumbent President Jonathan.

Abuja based state-owned radio Kapital FM provided political parties with more equitable coverage in the examined period: 57 percent was devoted to PDP, ten percent to the National Transformation Party (NTP), nine percent to Social Democratic Mega Party (SDMP), seven to CPC, six percent to the ACN. However, the proportion of the direct speech in the news on Kapital FM was similar to the one on NTA: 86 percent was assigned for President Jonathan.

A promising, but deficient initiative to broaden political diversity in broadcast media was the presidential and vice-presidential debate organised by the Nigeria Elections Debate Group (NEDG)⁸. However, since PDP refused to participate in a similar debate conducted by the privately owned TV station NN24, the candidates from ACN, CPC and ANPP ignored the NEDG debate.

While the privately owned broadcasters with nation-wide coverage⁹ tend to follow a pattern similar to NTA, in the Northern States of the country there were radio stations favouring opposition. The Kano based, privately owned radio station Freedom Radio allotted to Muhammadu Buhari around 80 percent of the direct speech given to the presidential aspirants during the news. In the SouthWest

⁶ There were reports of twelve cases involving journalists for being assaulted, arrested and questioned by security forces in nine different States.

⁷ On 28 March 2011 petition was filed to INEC against Osun State REC, who humiliated "Leadership" reporter; another petition on 7 April to the Nasarawa State police on the armed attack on a correspondent in Lafia.

⁸ For presidential and vice-presidential aspirants from PDP, ACN, ANPP, CPC, MPP, SDMP, UNPD and NTP.

⁹ African Independent Television and radio Ray Power, both owned by DAAR Communications.



region the privately owned TV station Channels TV was more balanced: 46 percent of the direct speech in the news was given to President Jonathan, 18 percent to Muhammadu Buhari and ten percent to Ibrahim Shekarau.

Print media targeting urban elites offered a profound analysis and an equitably wide palette of the political discourse. In the last weeks of the campaign, all the major presidential candidates were equitably exposed, although incumbent President received larger coverage thanks to institutional activities.

Paid political advertisement in mass media is permitted by the law. In the print media an awry development was negative campaign advertisements targeting three out of four major presidential aspirants and their political parties. In the broadcast media, despite the law prohibiting political advertisements beyond 60 seconds, telecasting of much longer political rallies were monitored¹⁰. Lack of credible identification of the sponsoring organisation, as stipulated in the law, has been a common practice. This downgrades the political accountability and transparency of the campaign expenditures, as well as confines INEC's ability to control compliance of campaign expenses with the limitations stated in the Electoral Act 2010.

VOTER EDUCATION

INEC carried out a voter education campaign in the print and audio-visual media. Furthermore, INEC indicated that direct public outreach activities were decentralised to community level engaging traditional leaders, religious groups and non-governmental organisations (NGO). The messages delivered to the public presented the voting procedures, discouraged violence and urged people to go out and vote. INEC broadcasts its public service announcement (PSA) in English and four local languages¹¹. Additionally, some broadcasters¹² took the initiative to produce their own PSA. Voter education programmes were also conducted by the Ministry of Information and the National Orientation Agency, as well as local NGO's.

PETITIONS AND ELECTORAL OFFENCES

The law does not provide specific procedures for the submission and adjudication of petitions prior to the elections. These are treated as any other cases in ordinary civil litigation; therefore they were filed with INEC and the Federal, and State High Courts. Following the conduct of the primaries of the political parties, aggrieved aspirants filed approximately 375 petitions directly with INEC¹³ and more than 400 others in different courts throughout the country. The vast majority of the pre-election cases concerned allegations of illegal substitution of aspirants by the parties. INEC is mandated by the Electoral Act 2010, as amended, to monitor political parties to ensure that all their activities are conducted in a democratic manner. However, with the 2010 amendments, INEC does no longer have the power to disqualify candidates, so the aggrieved parties ultimately may seek legal redress at the courts.

¹⁰ During the time of observation NTA broadcasted six PDP, three ACN, two CPC and one ANNP rally. The longest live transmission of Jonathan final rally lasted five hours and was broadcast on NTA and AIT on 26 March 2011.

¹¹ Pidgin English, Hausa, Yoruba and Ibo.

¹² NTA, Freedom Radio and radio Ray Power.

¹³ The complaints submitted to INEC involved: disqualification, ex-convicts contesting contrary to the law, parties forwarded names of candidates who did not contest any primaries, exclusion of names after winning the primaries, no primaries held yet parties forwarded fictitious names, illegal nullification of primaries' results, wrongful publication of names, wrongful imposition of names, forced letters of withdrawal.



The absence of time limits for the resolution of electoral disputes by the courts before the election days delayed legal redress during a time-sensitive period and made it difficult for INEC to keep pace with the barrage of ex-parte orders¹⁴ and judgments to which it was a defendant. Overall, the courts functioned in a transparent manner and demonstrated a considerable degree of impartiality in upholding the constitutional and legal framework with regard to elections, issuing a number of judgments in accordance with procedures and with a generally sound evidentiary and legal basis. So far, the courts have been making commendable efforts to timely adjudicate the volume of petitions filed at the pre-election period. Nevertheless, the lack of deadlines for filing, consideration and determination of complaints prior to polling trailed the results of the primaries¹⁵, producing a large number of judgments delivered by the courts only a few days before the polls¹⁶. The persistent court litigation poses a considerable challenge, while the number of still pending petitions is negatively contributing to the voters' awareness over the electoral contestants.

In a notable case, an Abuja Federal High Court ruled on 3 March, on a petition submitted by the Labour Party (LP), that Section 25(1) of the Electoral Act 2010 is illegal and unconstitutional, and subsequently nullified the National Assembly's amendment of the Act, which places the Presidential election before the gubernatorial elections. The Court ruled that the National Assembly lacks the mandate to determine the order of the elections and that INEC is the only body empowered to schedule the elections in the order it deems fit. Subsequently, INEC announced on 18 March that it was too late to alter the sequence of the polling.

In the run-up to the polls, much legal and public attention was drawn to the tenure elongation case of the Governors of five States¹⁷, whose tenure, according to a judgment of an Abuja Federal High Court, only began after they won the run-off in their States, so it should not be terminated in April 2011. INEC appealed on 9 March, requesting the Court of Appeal to overturn the lower court's verdict. The appellate court delivered its judgment on 15 April, upholding the lower court's ruling and dismissing INEC's appeal on lack of merit.

In another judgment also examining tenure elongation, a Federal High Court in Asaba, Delta State, ruled on 15 March that the tenure of the Governor will end on 29 May 2011 and subsequently, ordered that Gubernatorial election must be conducted in the State. The Court rejected the Governor's argument that his tenure should start counting from 10 January 2011, when he was sworn in after winning the re-run Governorship elections.

A controversial case concerned the Akwa Ibom State ACN Governorship candidate, Senator Akpan Udoedehe, who was re-arrested on 31 March immediately after an Abuja Federal High Court granted

¹⁴ An ex-parte order is an order granted by a court upon the application of one party in an action without notice to the other party.

¹⁵ The Federal High Court in Kogi State ruled on 4 April 2011 for a fresh primary to select the PDP candidate for the Western Senatorial District, invalidating the primaries held on 28 January 2011, which produced Senator Adeyemi. The new primary was held only one day before the polls, on 8 April, and Senator Adeyemi won the PDP ticket.

¹⁶ For instance, in regards to the National Assembly elections, the Court of Appeal, Abuja Division, declared on 8 April Alhaji Usman as the PDP candidate for Kogi Central Senatorial District in 9 April's elections, affirming the decision of an Abuja Federal High Court. In Taraba State, a Federal High Court in Yola affirmed on 1 April, Alil Tutare as the PDP senatorial candidate for Taraba Central Senatorial District and El-Sudi as the House of Representatives candidate for Gassol constituency in the National Assembly elections. In Sokoto, a Federal High Court declared on 7 April Halima Tukur as the lawful PDP candidate for Yauri/Shanga/Ngaski Federal constituency of Kebbi State in the National Assembly elections.

¹⁷ Kogi, Sokoto, Adamawa, Cross Rivers and Bayelsa States.



him bail, following his initial arraignment for treason. On 5 April he was brought before a Magistrates' Court in Uyo for alleged murder and arson even though the Court lacked the jurisdiction to hear such case. An Abuja Federal High Court issued on 6 April a mandatory order directing the police to release him unconditionally from custody. However, a few hours after the Abuja Federal High Court granted the order releasing him, the Uyo Chief Magistrates' Court passed a conflicting judgment remanding Udoedehe in prison custody for 14 days; it is notable that the law that empowered the Magistrates' Court to remand him for 14 days was passed by the Akwa Ibom State House of Assembly on 31 March, while the offence he was charged with was allegedly committed on 22 March, nine days before the new law was passed¹⁸. Udoedehe was finally released on 8 April.

Following the publicly expressed commitment of INEC's Chairman to the prosecution of electoral offences, two persons found guilty of multiple registration in Adamawa State were sentenced to imprisonment, while the REC's in Rivers¹⁹ and Bauchi²⁰ States announced that they would prosecute those involved in multiple registration. From media reports, several arrests took place after the National Assembly elections for electoral malpractices in a large number of States²¹.

Until 15 April, apparently no petitions contesting the National Assembly Elections were filed with the Election Tribunals; however, separate complaints alleging serious irregularities in Taraba State were submitted to INEC by CPC and ACN, while ACN also filed complaints with the REC on electoral malpractices, requesting invalidation of results in various LGA's in Benue and Jigawa States, and DPP contested the results in two wards in Delta State through a complaint to the REC.

HUMAN RIGHTS AND GENDER ISSUES

Nigeria has an active civil society, which plays an important role in monitoring human rights. The enactment of the Amendment Bill to the National Human Rights Commission Act, which provides for an independence of this body²², was noted as a significant step towards strengthening the protection of human rights. However, respect for fundamental rights still remains insufficient. Several acts of political violence and intimidation of candidates were reported throughout the electoral period. Instances of disenfranchisement of voters were also observed, notably omissions in the voters' register and lack of provisions enabling polling workers to vote.

Despite a general commitment to the principle of non-discrimination enshrined in the Constitution and various activities to promote gender equality, women remained under-represented in public and political life. The National Gender Policy aimed at providing 35 percent affirmative action for women for appointive positions has not been implemented yet.

¹⁸ The law empowers the governor to detain anybody for up to 14 days, in the first instance. The detention is also renewable. The House of Assembly passed the bill on 31 March; however the legislators declined to give it retroactive effect till January as requested by the Executive bill.

¹⁹ In Rivers State, INEC's REC stated on 23 March that the 48,000 persons involved in multiple registrations have been blacklisted and will be prosecuted after the elections.

²⁰ The REC of Bauchi State threatened to prosecute more than 7,000 people discovered to have registered twice in the State, saying on 15 March that those involved would be arrested when found and would be made to pay a fine or spend two years in prison, or both.

²¹ It was reported in the news that several people were arraigned in Adamawa, Akwa Ibom, Bayelsa, Bauchi, Borno, Benin, Benue, Edo, Enugu, Jigawa Oyo, Ogun and Sokoto States.

²² The National Human Rights Commission (Amended) Bill 2010 was signed by the President Jonathan on 25 February 2011. It provides for inter alia: the independence in the conduct of the affairs of the Commissions, the funds to be direct charged on the Consolidated Revenue Fund of the Federation, establishment of the Human Rights Fund, and recognition of an enforcement of the awards and recommendations of the Commission as decisions of the High Court.



In general, female candidates faced economic and social constraints to be nominated by parties. They lacked financial resources to equally compete with men. In the primaries, some women candidates experienced intimidation and pressure to step down in favour of male candidates. Only one presidential candidate and nine per cent of the candidates for the National Assembly contested in the polls. Female candidates were also victims of threats and physical violence. The largest number of violent incidents took place during political campaigns or rallies. The perpetrators were identified as primarily party supporters or agents²³.

CIVIL SOCIETY AND ELECTION OBSERVATION

Civil Society Organisations (CSO) were engaged in a positive dialogue with INEC. They played an important role in promoting an orderly electoral process. CSO's brought to public attention among other issues, the timely address of logistical challenges, the need for civic education on voting procedures and the establishment of INEC Election Day hotlines.

Worth mentioning is the Election Situation Room, its main concerns being the performance of the law enforcement agencies and political parties, and the role of the judiciary in the electoral process; the CSO Working Party Groups, identifying security hotspots ahead of the polls and called on political parties to condemn violence; the 2011 Swift Count with real-time information on the conduct of the polls; the National Elections Incident Centre (NEIC) with an Internet based map on incidents²⁴. A number of State based and regional CSO's were noted to observe the electoral process throughout the country. The EU EOM regrets that on 16 April several domestic observers were arrested and the mission encourages the authorities to do everything in order that any similar occurrence is prevented in the future.

By 23 March, INEC published a list of the accredited organisations, 313 in total, which intended to observe the elections and the deadline to submit the individual accreditations was set for two days later. Respecting this tight schedule was a serious challenge and criticism was voiced over INEC's poor capacity to timely organise the accreditation process. In addition to the EU EOM, there were other international observation groups deriving from the African Union (AU), Economic Community of West African States (ECOWAS), the Commonwealth, the National Democratic Institute (NDI), the International Republican Institute (IRI) and the Organisation of the Islamic Conference (OIC).

ACCREDITATION, VOTING, COUNTING AND COLLATION

For the Presidential elections, the EU EOM observers visited in total 633 polling units in all 36 States and the FCT covering both urban and rural areas. The observation indicated that the Presidential elections held on 16 April were conducted in a generally calm and peaceful atmosphere. Voters demonstrated genuine commitment and patience, having to queue throughout the morning accreditation process and once again during the afternoon voting. INEC's logistical preparations substantially improved since the National Assembly elections and only a limited number of polling units opened late due to a shortage of essential material or absence of polling staff. Similarly, the set-up of polling units was generally improved and positively rated for an efficient flow of voters. Only 14 percent of the observed polling units were split into the so-called voting points, even though the

²³ Preliminary statement of a coalition of civil society in Nigeria with support of UN Women and UNDP/DGD on Violence Against Women in Politics (VAWiP) issued on 1 April.

²⁴ So far the incidents from the registration period are displayed on <http://nigeriawatch2011.org/>. The 2011 Swift Count and NEIC are National Democratic Institute (NDI) supported projects.



average number of voters in the visited polling unit was 860, which is in contradiction to the objectives declared by INEC.

Women were well represented among the polling workers: in total 40 percent of the staff and 36 percent of the presiding officers were female. However, the proportion of women was substantially lower among collation officers. Party agents were present in 96 per cent and domestic observers in 35 per cent of the sampled Polling Units.

The presence of voters on the voters' register was generally well checked: their names ticked off in the register and fingers marked. However, in a few polling units, voters were allowed to be accredited either without being on the voters' register or holding their voters' cards.

While the shift from accreditation to voting was smooth and carried out in a timely manner, shortcomings were noted during voting. In 17 percent of the sampled polling units, attempts to influence voters were observed; in 26 percent there were instances of interference by party agents in the process and in 47 percent the secrecy of vote was not respected. General lack of organisation was noticed in 19 percent. These figures indicate deterioration since the National Assembly elections. The share of underage voting remained constant in both elections at 12 percent, while in a few cases serious malpractices, such as double voting and ballot snatching were observed.

The observed polling units closed on average around 16:00 hours, leaving time for the counting to be conducted during daylight. In a sixth of the observed polling units, the unused ballots were not properly accounted for and their number was not recorded. The copies of the results were in general distributed to all party agents and the official results were posted outside the polling unit in 87 percent of the cases, which is a remarkable improvement over the National Assembly elections (when the procedure had been followed in only 54 percent). Nevertheless, the results forms were packed in tamper-proof envelopes only in two-thirds of the observed polling units. In spite of some procedural deficiencies, counting was overall evaluated positively in 91 per cent.

Arithmetic errors were noted in 70 percent of the visited ward collation centres and in 87 percent of the observed LGA collation centres. This demonstrated insufficient training of the Collation Officers. The results were posted outside the ward collation centres only in 49 percent, which is still a tangible improvement compared to the 9 April elections. However, at the LGA level results were posted outside only in 35 per cent of the cases. This had a clear negative impact on the transparency of the election process. It is commendable that the final stage of the collation of the Presidential results and its announcement was broadcast live on NTA and AIT.

The EU EOM wishes to express its appreciation to the authorities of Nigeria. The EU EOM is also grateful to the EU Delegation in Abuja for their support during the course of the mission.



European Union
Election Observation Mission to Nigeria 2011
Press Release

EU EOM: Important step strengthening democratic elections but challenges remain

ABUJA, 18 April - "The presidential elections last Saturday mark an important step strengthening democratic elections in the Federal Republic of Nigeria. However, challenges remain" said Alojz Peterle, Chief Observer of the European Union Election Observation Mission (EU EOM) on Monday at the presentation of the Preliminary Statement of the EU EOM in Abuja.

Mariya Nedelcheva, the Head of the four member strong Delegation of the European Parliament, which joined the EU EOM shortly before the presidential elections added: "Saturday's elections are a convincing proof that the Nigerian authorities, institutions and electorate are determined to remain owners of their destiny and to run even better elections in the future".

Peterle noted "substantial improvements compared to the National Assembly Elections". He further said: "According to the findings of our 141 Observers almost all Polling Units opened timely, the atmosphere was predominantly peaceful and calm. Logistics, organisation of accreditation and counting was improved in most locations. However, shortcomings during voting were observed. Notably inconsistent implementation of procedures and attempts to influence voters were seen. These can have negative impact on the trust of voters in the integrity of the electoral process."

The European Union Election Observation Mission will present all of its findings at a later stage in a final report reflecting a comprehensive analysis some months after the polls.

The Chief Observer encouraged voters to remain confident in the electoral process also during the polls to be held in the next weeks. These elections will be also observed by the EU EOM. "We call upon the people of Nigeria, the candidates and political parties as well as all other stakeholders in the elections to maintain a peaceful and positive atmosphere and not to allow any intimidation."

Note to Editors:

Mission observes all aspects of the electoral process, prior, during and after election days. The EU EOM is independent from any EU institutions or member states and is obliged to remain neutral and abide by the Declaration of Principles for International Election Observation and the Code of Conduct, as well as Nigerian laws.

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