



# AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 28 MARCH 2015 PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS IN THE FEDERAL REPUBLIC OF NIGERIA

## PRELIMINARY STATEMENT

Abuja, 29 March 2015

### I. INTRODUCTION

At the invitation of the Government of the Federal Republic of Nigeria, the African Union Commission Chairperson, Her Excellency Dr. Nkosazana Dlamini-Zuma, deployed an African Union Election Observation Mission (AUEOM) to the 28 March 2015 Presidential and National Assembly elections in the Federal Republic of Nigeria.

The Mission is headed by His Excellency, Prof. Amos Sawyer, Former President of the Republic of Liberia; deputised by Prof. Ibrahima Fall, former Foreign Minister of Senegal; and supported by Dr. Aisha Laraba Abdullahi, Commissioner for Political Affairs of the African Union Commission. The Mission comprised 84 Short and Long Term Observers drawn from several African countries representing the African Union Permanent Representatives' Committee, the Pan-African Parliament, Election Management Bodies, Civil Society Organisations and Independent Elections Experts.

The AUEOM assessed the 28 March 2015 Presidential and National Assembly elections in Nigeria in conformity with the 2007 African Charter on Democracy, Elections and Governance; the 2002 AU/OAU Declaration on Principles Governing Democratic Elections in Africa; the 2002 AU Guidelines for Elections Observation and Monitoring Missions; and the legal framework governing the conduct of elections in Nigeria.

This statement presents the Mission's preliminary findings up until the closing and counting processes on 28 March, 2015. The Long Term Observers will, however, continue to observe the post-electoral developments and the Gubernatorial and State Assembly elections planned for 11 April 2015. A final report will be released upon the conclusion of the electoral process.

## **II. OBJECTIVE AND METHODOLOGY**

In fulfilling its mandate, the objective of the AUEOM is to make an independent, impartial and objective assessment of the 28 March 2015 Presidential and National Assembly elections in the Federal Republic of Nigeria.

To this end, the AUEOM undertook the following activities:

The AU observers underwent a three-day training on the African Union observation methodology and briefing from stakeholder from 23 – 25 March 2015. On 26 March 2015, the observers were deployed to their assigned states with hand-held computer tablets which enabled them to collect and transmit observation data in real-time. Among the states that the observers were deployed included the Federal Capital Territory and 20 of the 36 States namely: Enugu, Ebonyi, Anambra, Imo, Abia, Rivers, Delta, Lagos, Oyo, Bayelsa, Cross River, Ogun, Kaduna, Kano, Katsina, Niger, Kwara, Nasawara, Plateau, and Jigawa. While on ground in their areas of deployment, observers consulted with Resident Elections Commissioners of the Independent National Electoral Commission (INEC), National Peace Committee, the Police and other relevant stakeholders.

Meanwhile, the leadership of the AUEOM also engaged in consultations with key election stakeholders including the President of the Federal Republic of Nigeria, the Minister of Foreign Affairs, the Chief Justice, the Inspector General of Police, the Independent National Electoral Commission of Nigeria, leaders of political parties and civil society organisations.

On the Election Day, the teams visited 319 polling units comprising 69% urban and 31% rural where they observed the accreditation, voting and counting processes. 2% of the polling units visited were located in camps of Internally Displaced Persons (IDPs).

## **III. PRE-ELECTION FINDINGS**

### **(a) General Context**

The 2015 general elections are the fifth consecutive in Nigeria's fourth Republic and therefore present an important step towards consolidation of democracy in the country. The pre-election environment was characterised by security concerns, particularly in the northeast and certain parts of the country. In addition, there were some uncertainties including legal challenges on the eligibility of some presidential candidates; challenges associated with the introduction and distribution of the Permanent Voter Cards (PVCs); the testing of Smart Card Readers; and the postponement of the elections, all of which contributed to the heightening of the already charged political environment.

The elections which were initially scheduled to be held on 14 and 28 February 2015, were postponed for six weeks to 28 March and 11 April 2015, respectively. The postponement was on grounds of inadequate security to guarantee, in particular, the protection of over 700,000 election officers, electoral materials, polling units, as well as the general citizenry. The postponement also allowed the INEC some time to adequately prepare for the polls, especially on the printing and distribution of PVCs which was at 66.8% on the day the polls were officially postponed.

Whilst the political atmosphere preceding the initial dates of the elections was characterised by tensions and incidence of violence in certain States, the AUEOM noted that the environment in the run-up to the 28 March polls was relatively peaceful, despite the uneasiness surrounding the postponement of the polls. The AUEOM appreciates the leadership demonstrated by the presidential candidates to commit themselves to a peaceful electoral process. This was manifested through the signing of Peace Accord on 14 January 2015, and subsequently through a Joint Statement issued on 26 March 2015, two days before the polls, emphasising their commitment to peaceful conduct of the elections.

### **(b) Legal and Institutional framework**

The 2015 elections in Nigeria are conducted within the framework of the 1999 Constitution (as amended) and the Electoral Act of 2010 (as amended). In line with the OAU/AU Declaration on Principles Governing Democratic Elections in Africa, the Constitution provides for fundamental political and civil rights for citizens, thus guaranteeing the exercise of choice of leaders through the ballot. The Constitution provides for the holding of regular elections through direct universal adult suffrage. The AUEOM, however, notes that the right to vote is only limited to resident citizens and therefore excludes the important constituency of Nigerians in the diaspora.

The Independent National Electoral Commission (INEC) is the constitutionally mandated institution of election management in Nigeria. The Constitution provides it with guarantees for its independent and impartial management of elections. Its members are appointed by the President subject to approval by the Senate. The Commission also enjoys financial independence as it is funded through the Consolidated Fund. This is the first time that the same members of the Commission have managed two consecutive electoral processes. The AUEOM notes that this offered INEC the opportunity to engage in long-term planning following a post-election review in order to improve on the management of the electoral process. Such continuity also permits the nurturing of institutional memory, which constitutes an important element of elections management.

### **(c) The Electoral System**

Nigeria uses First-Past-The-Post electoral system for all elective posts. However, for the Presidential election, a two-round system is used. For a candidate to be declared winner in the first round, he or she must obtain an absolute majority vote, and at least not less than 25% of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory. Failure to attain

this threshold, a run-off is stipulated to hold within 7 days upon the announcement of the election results by INEC. In the event of a run-off, the AUEOM is of the opinion that the 7-days provision may not provide sufficient lead-time for effectively managing the operational aspects of organising the polls.

#### **(d) Voter Registration**

Nigeria administers continuous voter registration through a biometric voter registration system. In order to enhance the integrity of the voter register, INEC introduced Permanent Voter Cards (PVCs) and electronic card readers for the 2015 electoral process, after wide consultations with key electoral stakeholders including political parties. In order to ensure that eligible voters are included in the voter register, INEC updated the register used in the 2011 elections. The AUEOM noted that efforts were taken by the Commission to enfranchise Internally Displaced Persons in certain parts of the country.

The AUEOM also noted that the distribution of PVCs posed a major operational challenge in the voter registration process. The issuance of PVC is a two-stepped process where voters were issued with temporary voter cards and returned later to collect their PVCs. Efforts were made by INEC to step-up the distribution of PVC, including collaborating with local government authorities. Out of a total of 68,833,476 registered voters, at least 81.98 % of voters had collected their PVCs on the eve of the polls.

#### **(e) Electoral Campaign and Campaign Finance**

An effective system of regulation of party and campaign finance requires a process which includes disclosure, limits on expenditure and monitoring of campaign and party finance. The INEC is entrusted with the responsibility of regulating campaign finance by parties and candidates. As a result, all political parties are supposed to submit their detailed expenditure within six months after an election. While state funding of political parties' campaign does not exist, regulation of private funding sources and ceiling of campaign expenditure is provided for in the Electoral Act. The Act prohibits foreign funding of political parties. The AUEOM also noted that whilst INEC issued parties with Political Party Finance Tracking Forms to all candidates to track campaign expenditure, there is a challenge of ascertaining what the parties submit as it is not easy to trace all financial sources and expenditure.

The electoral campaign process was relatively peaceful and characterised by freedom of speech and assembly, despite isolated incidence of violence reported by the AU observers in Jos (Plateau State) and Port Harcourt (Rivers State).

#### **(f) Participation, Women, Youth and Civil Society Organisations**

Active participation of women, youth and civil society organisations in the electoral process constitutes critical element for the deepening of democracy and human rights in Africa. The AUEOM noted that out of the 14 candidates for the 2015 presidential elections, there was only one female presidential candidate, and 4 female running-mates.

The AUEOM appreciates initiatives taken by women in Nigeria to enhance their participation in the electoral process including the Women's Situation Room which has been assessing the electoral process from a gender perspective. The AUEOM commends the formal role accorded to the youth in the electoral process through the involvement of the National Youth Service corps in the polling operations. Similarly, youth organisations were also actively involved in observing the electoral process with a youth-focused perspective as well as partnering with INEC in voter education initiatives. Equally, the civil society organisations were actively in citizen observation, thereby contributing to the transparency of the electoral process.

### **(g) Civic and Voter Education**

Through partnering with various stakeholders, INEC demonstrated the resolve to ensure that voters are adequately educated about the electoral process on a continuous basis. INEC's close collaboration with the National Orientation Agency, Civil Society Organisations and political parties ensured that information about the electoral process is accessible to citizens including the IDPs. Also noteworthy were measures taken to adapt materials and messages to ensure that they are gender sensitive and user-friendly for people living with disabilities which included sign language translations in televised voter information programmes.

### **(h) The Role of the Media**

Media freedom is fundamental in promoting the political and civil rights and liberties enshrined in the Constitution. The Electoral Act provides the regulatory framework for the conduct of the media in the electoral process. The public media is required to allocate equal airtime for campaign for parties and candidates and at similar time. However, the AUEOM noted that parties and candidates are required to pay for airtime in the public media. This may have constrained the accessibility of the public media to interested parties and candidates.

Nonetheless, the AUEOM also noted that media environment for the elections was generally vibrant and characterised by intense debates on electoral and governance issues in various platforms including television, radio, print as well as social media.

### **(i) Preparedness of INEC**

INEC's preparation for the 2015 elections was within a context of uncertainties that impacted on the operational aspects of organising the polls. These included pending reforms on the electoral law as well as security challenges.

Production of the PVCs and distribution was one of the major challenges for the INEC in the electoral preparations. For instance, on 7 February 2015, the day on which the elections were postponed, only 66.8% of PVCs had been distributed, yet this was only a week before the initial date of the polls.

In order to ensure optimal performance of the Smart Card Readers on polling day, INEC conducted a pilot on 7 March 2015 in two Local Government Areas in each of the six geopolitical zones of Nigeria. The outcome showed that 100% of the PVCs were authenticated while 59% did not authenticate the fingerprints. The Commission also recruited and trained polling personnel and also engaged in distributing electoral materials. Stakeholders including political parties that interacted with the AU observers generally expressed satisfaction on the openness and transparency with which the INEC undertook its operations.

The AUEOM also noted that INEC established over 8,800 camping centres across the country to ensure polling personnel are able to arrive at their designated polling units on time for the polling operations. This was a corrective measure undertaken following past experiences.

#### **IV. ELECTION DAY FINDINGS**

The polling process commenced with accreditation of voters which was stipulated to begin at 8am and end at 1pm. The process entailed authentication of PVCs and fingerprints before verification in the voter register. In the polling units visited by AU observers, 23% opened on time. Out of the 77% of polling units that opened late, 57% opened beyond an hour. Most of the polling units opened late due to the late arrival of polling personnel and election materials. In most polling units visited by AU observers, there were long queues of voters waiting patiently to be accredited, thus manifesting the resolve to exercise their franchise.

As experienced during the trial of the Smart Card Readers by the INEC, the processes of authenticating voters was challenging. The AU observers witnessed only 42% of cases in which the PVCs and fingerprints of voters were verified and authenticated. However, INEC provided for measures to ensure that voters whose PVCs were verified but the fingerprints not authenticated were still accredited, thereby guaranteeing their enfranchisement. The AUEOM noted that polling was extended to 29 March 2015 in 350 polling units where the accreditation was not possible due to malfunctioning of the Smart Card Readers.

The polling process was generally peaceful during the accreditation as well as voting and counting processes, despite isolated incidence of violence reported in Bayelsa and Enugu. Whilst crowd control was a challenge in a number of polling units observed, the AUEOM commends the security agencies for their professional conduct in upholding a peaceful atmosphere throughout the Election Day.

The AUEOM noted that the two-step polling process where voters have to be accredited and thereafter wait to cast their ballots is not voter-friendly. For instance, voters who were accredited at 8am had to wait for over 6 hours in order to cast their vote.

The opening of the voting process took place at varying times depending on the time of closure of the accreditation process which ranged from 1.30pm to 2.30pm. All election materials were available during the opening in 88% of polling units

witnessed by AU observers. INEC took measures to supply election materials where they were not available.

As per the procedures, the voting process closed after the last accredited voter cast his or her ballot in all polling units observed. Counting of ballots proceeded smoothly in most polling units witnessed by the AU observers. It was also observed that results were posted at the polling units and copies given to party agents.

The polling personnel in most polling units observed managed the polling operations in a professional manner, amidst operational challenges such as failure of the Smart Card Readers. Whilst they adhered to election procedures, there were certain instances where they did not follow the procedures. For instance, in some polling units observed, the polling personnel recorded names on plain papers rather than duly recognised incident forms for voters who were not authenticated by the Smart Card Readers.

In exercising the right to choose their leaders, the AUEOM commends women for participation in the polling process in various capacities. In all polling units visited, 38.9% of polling personnel and of 39.5% citizen observers were women. However, the AUEOM noted that only 18% of party agents of polling units visited were women, thus manifesting limited consideration for their representation.

The accreditation, voting and counting processes were generally transparent and took place in the presence of international and citizen observers as well as political party agents. The location of polling units in open spaces naturally subjected the process to open scrutiny by voters throughout the day. The AUEOM, however, noted that not all political parties and citizen observers were represented in all polling units visited, thereby diminishing their ability to effectively observe the polling process.

## **V. RECOMMENDATIONS**

Based on the aforementioned findings, the AUEOM makes the following recommendations in order to improve future electoral processes in Nigeria:

### **To the Government:**

- 1) Sustain efforts to ensure that electoral security is guaranteed at all times

### **To INEC:**

- 1) Consider reviewing the election day procedures to make them less tedious in future;
- 2) Provide ample time for testing of technology to adequately prepare for unforeseeable technical challenges during polling;
- 3) Consider reviewing the voter registration methodology in order to enhance the issuance of PVCs;
- 4) Undertake measures to reinforce training of polling personnel;

- 5) Explore measures to enhance equitable access to the public media during campaign;
- 6) Improve on the overall planning and implementation of electoral operations.

**To Parliament:**

- 1) Accord attention to the pending legal reforms in order to improve the legal framework governing elections in Nigeria.

**To Political Parties:**

- 1) Undertake measures to enhance the participation of women in the electoral process;
- 2) Undertake measures to improve on monitoring of the electoral process

**VI. CONCLUSIONS**

The 2015 elections constitute an important step towards consolidation of democracy in Nigeria. The AUEOM presents its preliminary conclusions, taking into consideration the fact that polling is still ongoing in some polling units, which experienced some challenges that necessitated their extension,. The AUEOM commends the people of Nigeria for their commitment to upholding democracy as demonstrated by their patience and civil conduct despite the postponement of the elections. Amidst political, operational and security challenges, the AUEOM commends INEC for measures undertaken to enhance the integrity and credibility of the electoral process. Equally commendable are the efforts made by all candidates, who demonstrated leadership by committing themselves to peaceful elections. The AUEOM also appreciates the role played by the security agencies in providing election security.

Thus far, the AUEOM concludes that the elections have been conducted in a peaceful atmosphere within the framework that satisfactorily meets the continental and regional principles of democratic elections. The AUEOM calls on the people of Nigeria to accept the outcome of the results and encourages all parties to resort to legally established channels, should there be a dispute on the outcome of the process. The AU long-term observers will continue to observe the post-electoral process.