



EUROPEAN PARLIAMENT

**DELEGATION TO OBSERVE THE
GUBERNATORIAL AND STATE ASSEMBLY ELECTIONS
(14 April)**

**AND THE PRESIDENTIAL AND LEGISLATIVE
ELECTIONS
(21 April)**

IN THE FEDERAL REPUBLIC OF NIGERIA

(12 April - 23 April 2007)

**Report by
Mr John ATTARD-MONTALTO and Mr Vittorio AGNOLETTI,
Co-Chairs of the delegation
8 May 2007**

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Introduction

Following the receipt of an invitation addressed to the European Union on 17 May 2006 by the Independent National Electoral Commission (INEC) of the Federal Republic of Nigeria, the Conference of Presidents authorised on 8 March 2007 "the sending of an election observation mission to the general elections in Nigeria both on 14 April 2007 (gubernatorial and state assembly elections) and on 21 April 2007 (parliamentary and presidential elections). The list of delegation Members is attached in Annex A.

At the invitation of the Nigerian authorities, the European Union set up an Election Observation Mission (EU EOM) to observe these elections. As was the case for the EU EOM for the observation of general elections in 2003 in Nigeria, this EOM was led by Mr Max van den Berg, MEP. The EU thus deployed about 150 long term and short term observers over the whole territory of Nigeria. In accordance with regular practice in these situations, the European Parliament delegation and the EU EOM worked in close cooperation.

The delegation met two times before leaving for Nigeria. At its first meeting on 28 March, it was decided as none of the Members of the delegation would be able to stay in Nigeria for the whole mission, the delegation would split in two groups: Mr John Attard-Montalto, Mr Libor Roucek and Mr Toomas Savi would take part in the first part of the mission (for the Gubernatorial and National Assembly elections - 14 April) and Mr Vittorio Agnoletto, Mr Filip Kaczmarek and Mr Edward McMillan-Scott would take part in the second part (the Presidential and Parliamentary elections - 21 April). Under these circumstances Members decided that the chairmanship of the delegation will be shared between Mr John Attard-Montalto and Mr Vittorio Agnoletto. Both Members were elected Co-Chairs by acclamation.

At this meeting, the Members had an exchange of views with Mr van den Berg, Chief Observer, who explained the background of the elections, and particularly the case of the Vice-President Abubakar who could not run in the elections because of accusations of corruption and was waiting for a Court decision on the issue at that specific time. Mr van den Berg also detailed the deployment of the EU EOM in the country. The delegation further discussed the programme and the deployment.

At its second meeting, on 11 April, the delegation agreed on the programme and the deployment for the election day. At the same time the delegation held an exchange of views with the representatives of the European Commission on the political situation of the country and the activities of the EU EOM on the spot.

Political context

The elections organised in April 2007 in Nigeria were the third to take place since the end of the military dictatorship in 1998. For the first time since the independence they created the opportunity to see power transferred from one civilian President to another. Olesgun Obasanjo, in office since 1999, was not willing to leave the Presidency. After his failed attempt to run for a third mandate, he supported the candidature of Katsina governor Umaru Musa Yar'Adua, a pale political figure but officially "clean" of corruption, and he hoped to retain some behind-the-scenes influence. He should indeed chair the PDP's Board of Trustees, which could be an

important body for resolving disputes within the party and be responsible for the economic policy in the name of the (PDP) government. President Obasanjo wanted above all to maintain his economic heritage and ensure that the reforms he undertook would be completed. Therefore it is said that the indictment for corruption of Vice President Atiku Abubakar was politically motivated. A founding member of the PDP, Vice-President Atiku Abubakar was suspended from the party after he was accused of diverting \$125m to personal businesses. Mr Abubakar denied the accusation but his bitter feud with President Obasanjo led to him becoming the candidate of the opposition Action Congress (AC). He was later disqualified by the Electoral Commission and was only authorised to be a candidate a few days before the elections after a ruling by the Supreme Court.

This “sortie de scène” may affect the international image of Olesegun Obasanjo who played an essential role the past few years in Africa and placed Nigeria on the map. His fight against corruption, initially seen as a positive action an, could be overestimated as it was used politically during the electoral campaign. Yet the President got some results at federal level, with the state level remaining extremely corrupted.

The last 2003 election was characterised by rigging. Unfortunately the 2007 poll was not better. The so-called Independent National Electoral Commission (INEC) proved to be far from independent. The lack of preparation seems to be the result of a political will to avoid Nigerian people making their own choice. Obviously the situation is not better than in 2003.

THE EUROPEAN PARLIAMENT OBSERVATION MISSION FOR THE
ELECTIONS OF THE STATE GOVERNORS AND MEMBERS OF THE HOUSE
STATE ASSEMBLIES

14.04.2007

Election observation mission 12-23 April 2007

**Report of the Co-Chairman of the delegation for election observation
in Nigeria, Mr John ATTARD-MONTALTO**

Programme of the observation mission (the programme is annexed to the report)

Thursday, 12 April

**Meeting with Mr Max VAN DEN BERG,
Chief Observer of the EU EOM**

Mr Max van den Berg welcomed the Members of the European Parliament delegation and explained the background of the elections as well as the activities of the EU EOM in this context. The Chief Observer underlined the important role that the Independent National Electoral Commission was to play in these elections. The main responsibilities of INEC are to organise both elections (14 and 21 April), to register the political parties and candidates, to register the voters, monitor the political campaign and to develop voters' education activities. Mr van den Berg underlined

that INEC was not cooperative during the electoral process with the national and international observers.

Mr van den Berg added that these elections are more competitive than the 2003 elections, due to the fact that the incumbent President and 25 out of 36 Governors, for example, were concluding their second term in office and therefore not allowed to run again for the same position. Moreover, 50 political parties had been registered and 25 of them had nominated a presidential candidate.

However the Chief Observer reminded members that the EU EOM 2003 (that he conducted) concluded that the elections were marred by serious irregularities and fraud and that the minimum standards for democratic elections were not met.

The Chief Observer stressed that civil society in Nigeria is very active in connection with the electoral process and that in this context a continuous commitment is expected from the local NGOs side. At the same time, amongst the positive findings of the EU EOM up to present was the vibrant and reliable media, enjoying generally freedom of expression in private and state owned sphere. However the EU EOM took note of some cases where media outlets and journalists were attacked or harassed.

EU EOM Core Team briefing

During the briefing, the following issues were highlighted:

The 2007 elections in Nigeria are a crucial moment for the democratic development of the country. They mark the first time one elected leader succeeds another and gives the opportunity for a first peaceful transfer from a civil government to another. However the 2007 elections are a reminder of the country's history of electoral fraud and past elections that were often associated with political tension, crisis and even violence.

With regard to Atiku Abubakar's case, it has been underlined that in a statement released by INEC, it was noted that Atiku's name was missing because he was on a list of officials indicted for corruption by a panel set up by the ruling government (the Economic and Financial Crimes Commission). This list is seen by many as a tool to weed out opponents of the PDP who may have a high popularity in the elections. However, INEC disqualified Atiku even though there was a court judgement which states that INEC does not have the power to disqualify candidates. Atiku went to court on this matter, and the judgement of the Supreme Court was to be expected soon on this subject. However, the days of public holidays granted by the government in the eve of the gubernatorial elections is delaying all processes in tribunals.

INEC registered almost 61 million voters, which represent 44% of the population of the country. According to INEC, these voters would be shared between 120,000 Polling stations with a maximum of 750 voters each. For each of the 120,000 polling stations three ad hoc staff are deployed: one Presiding Officer and two Assistant Presiding Officers. The voting days will open at 8am and close at 3pm. The results will be transferred to 8,813 Ward Collation Centres and afterwards transmitted to 768 Local Government Councils. The results will be centralised at the INEC State Offices and then the INEC central office.

The 2007 elections are budgeted with 350 million Euros of which 10% were provided by international partners (European Commission, CIDA, UNDP are supporting these elections through a joint donor basket fund; IFES and USAID are also funding the process).

Meeting with IFES representatives
Mr Rudolf ELBLING, Country Director
Mr Jide OJO, Senior Programme Officer

IFES is a non profit election assistance organization that works to provide countries with the technical advice and tools they need to run democratic elections. IFES representatives worked directly to offer support, training and advice to INEC officials. Their conclusion is that INEC is very weak viewed from a managerial perspective and also not transparent with regard to the preparation process and reluctant to embrace IFES training initiatives.

Mr Elbling stressed that the image given by the forthcoming elections will be a mixed one: there are chances to have well organised elections in some regions of the country, but also very disappointing ones in others.

Mr Ojo highlighted that in order to have credible elections, a necessary pre-condition is to have the political will of the government in this sense. In his opinion, such a will is lacking in Nigeria, and he brought as an argument in this sense the public holidays declared at these times (after the Easter break) by the Government, whilst important judgements are ongoing in tribunals.

Meeting with Princess ADEDYIN,
Action Congress, Head of Political Department for the campaign of Atiku
Abubakar

Princess Adedyin underlined that INEC has no intention of being fair in this electoral exercise. At the same time the Government does not want “trouble free elections”. They are not ready to leave their offices, following the elections, added Princess Adedyin. Commissioners in INEC that were friendly with the opposition have been removed from their positions. In case of commissioners that were not “cooperative with the government” they were moved from one state to another.

However under these circumstances, the permanent approach of Mr Abubakar was to bring his case in courts and did not choose to instigate violence on this matter, underlined Princes Adedyin.

Friday, 13 April

Meeting with Mr Robert VAN DER MEULEN,
Head of the Delegation of the European Commission

The members of the delegation had an exchange of views with Mr van der Meulen on the political situation of the country and the activities of the EC Delegation in this context. The challenges of these elections (the transfer from a civil government to another civil government through a democratic process, the Atiku Abubakar case, the work of INEC) were discussed. Mr van der Meulen underlined that Niger Delta is a crucial territory that has a heavy influence on the destiny of Nigeria firstly from an

economic perspective that then triggers political and security aspects. Under these circumstances it is not in the interest of Nigeria that the Niger Delta would be falling into civil war, added the Head of the EC Delegation.

Mr van der Meulen stressed that under these circumstances the EU could play a supporting role in two important areas: (i) good governance and (ii) agriculture. The EU contribution in terms of financial support to the country is not large compared to the country's own revenues from the oil sector. Therefore the EU should invest in the areas where Nigeria really needs help, and which are the ones mentioned above, in which the transfer of knowledge is indeed necessary.

Meeting with domestic observers

Organisations represented: TMG, JPDC, and Muslim League for Accountability

The representatives of civil society underlined that INEC did not provide a clear timetable for the accreditation of domestic observers. INEC actually accredited the national observers networks at the last minute and therefore most domestic observers would probably not be able to have accreditation materials (accreditation cards, visibility materials). Moreover INEC asked for each observer to go personally to the INEC state headquarters to take his/her accreditation in person, which is difficult to do. The TMG representative underlined for example that in only 3 states out of 33 this process is almost final.

The national observers stressed that the different networks that they represent would try to cooperate between themselves with regard to observation at the national level, they would permanently exchange data concerning their findings and they would also plan to draft a joint observation report at the end of the process.

At the end of the meeting the domestic observers expressed their hope that these elections would provide an "unbroken chain of democratic rule in Nigeria" and for a "more experienced democracy" that would "convince the Nigerians of its benefits".

Saturday, 14 April – Election Day

Composition

During the Election Day, 14 April 2007, the European Parliament delegation split into two teams as follows:

A: TEAM NASSARAWA

Mr John ATTARD-MONTALTO, MEP (Co-Chair)

Mrs Adriana BUCHIU, EP staff

Mrs Simona IACOBLEV, EP staff

B: TEAM LAGOS

Mr Libor ROUCEK, MEP

Mr Toomas SAVI, MEP

Teams observed proceedings at 21 stations. The findings of the delegation are the following:

- Both teams observed that polling stations did not open at 8.00 am. In Lagos voting started between 8.40 am and 10.00 am, in Nassarawa about 11.00 am (in one instance even at 14h30).
- Because of the delay, the Nassawara team went to the Local Government Secretariat (INEC distribution centre in Karu), meeting the top official. He was still providing the electoral materials to his officials, explaining that he was first dispatching those whose polling stations were furthest. It was observed that many officials were still collecting electoral material, although it was past 10.00 am.
- Both teams observed discrepancies in electoral material in different stations. Some had one ballot box, others two (for the two elections). Some stations had registers with fingerprints, others photos, or both for identification purposes.
- Not all INEC officials appeared familiar with procedures. Organisation of the voting area had to take place ad hoc, and in Lagos some stations lacked basic items (tables, chairs...). Checking of voting documents with electoral lists was the main problem. Lists were not alphabetic and potential voters were only located through comparison of the numerical sequence appearing on the voting document and register list. This took time and it was observed that on average it took 3/4 minutes for each vote to be deposited. Only one person voted at a time (Sabon Gida, Daraku, Nassarawa). Eventually it was observed that the procedure of comparison was abandoned as it was proving almost impossible to locate electors within reasonable time.
- In Lagos out of 13 polling stations 10 did not provide for secret voting. In Nassarawa, out of 5 stations sampled, secret voting took place at 2. It was the ingenuity of the officials which provided for secluded voting.
- Except at road blocks the army was not present. The police were present, but kept a low profile. Instances of individual interventions took place for organisation purposes.
- At Kokona, Agwangimba, the son of the Elder of the village intentionally caused verbal and physical commotion each time voting recommenced. It was impossible for INEC officials to carry out their duties and the station was closed.
- In Lagos it was apparent that the number of voters at the polling stations was not high. Where there were queues these were relatively limited. For instance at Kuramo College (Victoria Island – Lagos) out of 714 registered voters 134 casted their vote. In comparison, in Nassarawa, at Yawan 003, a much higher percentage was recorded. Out 685 registered voters 320 cast their vote. A number of other stations, in both locations, had a large number of registered voters, for instance in Daraku Sabon Gida polling station (Nassarawa) out of 2014 given as the number of registered voters by 4.10 pm it was observed that

less than 100 votes were in the ballot box. Many voters had left as the station opened at 2.30 pm.

- In Lagos some stations closed at 3.00 pm, INEC officials being unaware of any extension in time, refusing access to potential voters. In Nassarawa, stations remained opened after 3.00 pm, where queuing was observed prevalent.
- The counting process was observed at Kuramo College, Victoria Island (Lagos) and at Yawan, 003 (Nassarawa). In both cases counting was transparent, orderly and with no serious arguments between party agents. There were instances where the INEC officials were too harsh on disqualifying votes, but with no political bias.

The final conclusions of the delegation were that:

INEC was not adequately organised for the process, the two main problems being the late opening of polling stations and the non alphabetical electoral register. The delegation welcomed the enormous enthusiasm of the electorate especially in Nassarawa and took note of the perceivable relief that elections took place without major incidents in Lagos.

Sunday, 15 April

At the return of the team from Lagos, the delegation had a debriefing meeting with regard to the election day. The findings of the delegation are reflected in this report.

The members of the delegation had a meeting with Mr Max van den Berg, who briefed the members on information the Core Team was receiving from the 30 states where the EU EOM had deployed observers. The findings of the EUEOM are noted in the preliminary statement, attached to this report (Annex E). On the same subject, the EU EOM issued a press release on Monday 16 (Annex D).

Monday, 16 April and Tuesday 17 April

Mr John Attard Montalto and Mr Toomas Savi met the Long Term Observers from Niger State on Monday 16 in Minna.

The LTOs informed the members that the results coming out at that time were not in accordance with observation in the field. In the polling stations visited by them and the other short term observers the All Nigeria People's Party won with a considerable difference, by comparison to the People's Democratic Party. The results showed however an overwhelming victory for the PDP. This situation could trigger a lot of cases in court at the end of the election process.

On 17 April, Mr Toomas Savi met the LTOs of Kaduna state.

The LTOs underlined that there were no cases of violence (as expected from a religious perspective) in Kaduna. The LTOs noted similar findings with the EP delegation: late opening of polling stations (10h00 or even 14h30, low turnout, difficulty in finding the voters on the voter's registrar). It was also underlined that no domestic observers were present at the collation centres.

PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS IN NIGERIA

21 APRIL 2007

Election observation mission 12-23 April 2007

Report of the Co-Chairman of the delegation for election observation in Nigeria, Mr Vittorio AGNOLETTO

Programme of the observation mission (the programme is annexed to the report)

19 April 2007

Meeting with Publish What You Pay coordination, Mr David UGOLOR, National coordinator, and other members of the Steering committee

In Nigeria, Publish What You Pay is composed of almost 50 NGOs active in human rights, women's rights, democracy and governance and development. Most of its members were also involved in election monitoring, some of them as members of TMG. Of course, PWYP in Nigeria also stressed the direct link between revenues of oil and democracy. They underlined the role of corruption in the electoral process. Peace and stability in Nigeria can only be secured through credible elections, they said.

The representatives of the NGOs present could share their impressions on the process after the gubernatorial elections. The description they made about the 14 April was completely in line with what the EUEOM and the EP delegation had observed: the late opening of the polling units – or absence of opening, the shortage of material, the problems of voters' registration and the violence in many places. They described that the preparation of the process as highly politicised. For them the election was not free and fair because Nigerians could not express their voting rights.

For them the process was rigged from the beginning and what should come out of the ballot boxes was "*a legal but not a legitimate government*".

EUEOM Core Team briefings

The members of the European Parliament delegation were briefed by the core-team experts on the election situation, especially after the gubernatorial and State Houses of Assemblies elections.

The Members first met the Chief Observer, Mr Max van den Berg who recalled the electoral situation of the country after the gubernatorial elections. Violence was widespread throughout the country. Most of the parties took part in fraud. The PDP, as the ruling party in most States, was the most involved but ANPP and AC behaved in the same way where their representatives were the incumbent. Rigging was not at

polling unit level but at a higher level. The Chief Observer stressed the demoralisation of the domestic observers for the second time after 2003.

Nigeria is a very complex country where solidarity of the people is first and foremost within their own ethnic group. The power of traditional chiefs, emirs or kings, is still extremely important. Most of Nigerians belong in fact to minority groups which are politically "outcast". Corruption is a fact in the country and is largely accepted by the population as being unavoidable. President Obasanjo has chosen his successor after the reports by the State Security Service. Umaru Yar'Adua is said to be "clean" of corruption.

The legal situation of the Vice President, and AC candidate, Atiku Abubakar was the main issue in the weeks before the elections. The Supreme Court ruled on 23 April in a case filed by the Vice President that INEC did not have the power to disqualify a candidate. As a consequence Atiku Abubakar could run for the presidential elections. The late decision obliged INEC to reprint the ballot papers for the presidential election.

Members were informed on the electoral framework. The lack of transparency of INEC in the publication of results was highlighted. On the media situation, Members were told that press freedom is respected in Nigeria but most publications are linked - or owned - by political forces.

20 April 2007

NGOs/Civil Society

Meeting with Ms FONDO, Electoral Reform Network, Project Manager

ERN is an NGO active in advocacy, civic education, and capacity-building and was very active in the drafting of the 2006 Electoral law. Ms Fondo's analysis of the electoral situation was in line with others: the late accreditation of domestic observers, the widespread irregularities, problems with the voters register - people who could not find their name and under-aged voters - late and chaotic distribution of voting material, late opening or absence of opening of some polling stations. For Ms Fondo the next step should be in the courts.

Ms Fondo explained to the delegation the difficulties for her organisation to receive European funds, notably from the European Initiative for Democracy and Human Rights (EIDHR). The procedures to obtain the money are too bureaucratic and the necessity to be registered is a problem for most organisations (this will not be compulsory anymore with the new European Instrument for Democracy and Human Rights). In general the European support for elections came too late, a few months before the elections, when the real work on democratisation and capacity-building of civil society should have been done long in advance. As a result ERN is financed by the Open Society Institute, whose funds were delivered already in 2005. The organisation is indirectly financed by the EU through the Joint Donor Basket (EC, DFID, UNDP...). Indeed she said election support does not have to start one year before the poll. She asked the international community to provide for sustained support rather than focussing on Election Day only.

**Meeting with Mrs Hauwa IBRAHIM,
Sakharov Price Winner 2005**

The delegation met Mrs Ibrahim together with Mr Abaran Maku, Deputy Governor of Nasarawa State, and Mr Charles Ndukwe, from a human rights NGO in the South. The first part of the conversation was about the application of Sharia law in 12 states in Northern Nigeria. Sharia law is still effective as regards death sentence but it is not as effective as two years ago. This is now an issue of credibility and public support: the governors who introduced Sharia law did not adapt their own life to Muslim law. It is then difficult for people to abide by a rule which is not respected by their leaders. The application of Sharia law is also seen as an instrument of politics and of harassment.

The Military has not yet left power, but a positive point is the independence of the judiciary. The government has lost almost all its cases in the Supreme Court which is an excellent sign as the rule of law is indispensable to democracy.

They called for the EU to follow closely the process after the elections for the next four years by supporting grassroots organisations and democratic institutions and not to focus only on the electoral period.

**Meeting with Dr Kabiru MATO,
Political Analyst, University of Abuja**

For Mr Mato, the challenge for Nigeria is to get out of locally based ethnicity. There is still no culture of political party solidarity he said. The life of Nigerians is not better in 2007 than in 1999 despite billions from oil revenues. He feared the "tactic" of the State of emergency after the election: provoking civil unrest to declare the state of emergency and allow the President to stay six more months in office. He recognised that freedom of speech is real in Nigeria but this does not seem to have had any impact on the government.

**Meeting with Mrs Rabi ABDULLAHI,
Women's Rights Advancement and Protection Alternative (WRAPA)**

The organisation is involved in political activities, on a non partisan basis, to empower women in politics. The activities are related to voters' education and to advocating the role of women, as candidates, in political parties. They supported and trained women running for election.

**Meeting with Dr Gabriel GUNDU,
African Peer Review Mechanism Secretariat**

The African Peer Review Mechanism (APRM) is a mutually agreed instrument voluntarily acceded to by the Member States of the African Union (AU) as an African self-monitoring mechanism. The APRM aims to ensure that the policies and practices of participating countries conform to the agreed values in the following four focus areas: democracy and political governance; economic governance; corporate governance; and socio-economic development. The APR process entails periodic reviews of the policies and practices of participating countries to ascertain progress

being made towards achieving the mutually agreed goals and compliance in the four focus areas, namely Democracy and Political Governance, Economic Governance and Management, Corporate Governance, and Socio-Economic Development.

The Director of APRM in Nigeria, Dr Gundu explained to the delegation that Nigeria is currently under review. The report should be presented in July 2007. But it is not up to the APRM to implement any programme. Some recommendations will be made and the authorities will have to enforce them. Support to civil society will certainly be foreseen in the report.

Meeting with LTOs in Lagos

The EP delegation met the long term observers when it arrived in Lagos. They described the 14 April poll as "*a carnival and not an election*". They estimated that the situation was worse than in 1999 and 2003.

Election Day, 21 April 2007

The delegation was deployed in different areas of Lagos: Eti-Osa (Victoria Island), Ikate-Elegushi, Surulere, Aguda.

The EP delegation found that Election Day proceeded in a manner that did not comply with democratic standards. The main conclusions from the delegation can be summarised as follows:

- The delegation learned on the eve of the election that INEC had postponed the opening hours of the polling stations. This last minute change could have influenced the turnout. The late decision did not guarantee that all potential voters could be informed in time.
- The situation at the Eti-Osa local government offices was rather confused a few minutes before the official opening of the polling stations. Sensitive material had not yet been distributed. Presiding officers of polling stations were counting the presidential ballot papers they needed in the courtyard.
- No transportation was provided by INEC for the transfer of sensitive material neither at the beginning nor at the end of the voting process.
- At the local government office, the delegation was informed that the officials in charge could not provide ballot papers for the election of both Houses in some areas, as the name of some parties was not on the ballot papers. As a result of that the delegation found that none of the polling stations observed could organise the vote for the Senate. Some polling units had the correct ballot papers for the House of Representatives.
- The Presidential election ballot papers were printed in loose sheets, and had no serial numbers.
- Except in one polling station, there were no polling booths provided by INEC. Yet in some polling stations, secrecy of vote was guaranteed due to the ingenuity of polling officers. In one case, the delegation found that a polling officer was holding the ballot paper – and looked on – when the voters made their choice. He even indicated where to vote to an undecided voter. The delegation noted that people were not afraid to cast their vote publicly. However the delegation recalls that the secrecy of vote is a precondition for a credible election.

- In many polling stations, the delegation observed that the security staff were standing very close to the polling area and were actively involved in the conduct of the process.
- In most polling stations observed, the polling agents were two and not three as required.
- Two auxiliary polling stations that were observed closed before 5 pm although not all registered voters had cast their vote.
- The count observed by the delegation was handled in a regular manner. The result sheet was correctly filled in. The delegation took note of a very low turnout in that specific polling station. Only 144 out of 1553 registered voters cast their vote.
- The delegation also observed the collation at ward and local government levels. At ward level, the results were properly registered. The few mistakes found were technical and not deliberate. The delegation could monitor later at local government level how that particular miscalculation was corrected. The delegation noted that the results were transmitted in a very chaotic way to another ward collection centre located in the premises of the Eti-Osa local government.
- At the ward level, the delegation also observed that the turnout was very low. Only 3401 voters cast their vote out of 19666 in Victoria Island 2 – the ward observed. Another example taken at the local government level for a different ward collation centre (Ajah Sangotedo) 2282 voters cast their votes out of 9626 voters registered.
- In the areas visited, the delegation witnessed neither violence nor tension. The relations between party agents did not appear to be tense.

For the EP delegation “*two main features emerged on both election days: the inability of INEC central office to handle the process efficiently; and the strong determination of Nigerians who managed to cast their vote. The situation that we monitored did not meet international standards for elections.*”

22 April 2007

The delegation met on Sunday afternoon and discussed the Election Day. The conclusions of the delegation were transmitted to the EUEOM. The full summary of the findings of the Election Observation Mission is attached to this report.

De-briefing with the EUEOM Chief Observer

On Sunday night the EP delegation held a de-briefing meeting with the Chief Observer. Mr van den Berg outlines the situation throughout the country and his concerns regarding the reactions by some international observers and EU Member States.

23 April 2007

The Co-Chair of the delegation took part to the EUEOM press conference. Mr Vittorio Agnoletto declared that the EP delegation fully endorsed the EUEOM Preliminary Statement and delivered the assessment of the delegation, in line with the EUEOM: the elections in Nigeria could not be qualified as credible. Mr Agnoletto

stressed the importance of a follow-up of the situation and announced that the European Parliament was likely to vote a resolution on the issue.

Conclusions

The EP delegation calls for a constant follow-up of the situation in the country. The delegation was indeed deeply impressed by the quality and the dynamism of civil society. The EU should use all instruments at its disposal - development aid, programmes towards civil society, the European Instrument for Democracy and Human Rights - to push for the idea of democracy and good governance in Nigeria. The EU should especially support civil society organisations during the whole legislature and not only a few months before elections.

The delegation welcomed the good relations with the EUEOM and would like to thank Mr Max van den Berg, who in his capacity of Chief Observer, offered all the support needed by the EP delegation on the spot.

The European Parliament voted a resolution on 24 May 2007 (Annex F) in which it endorses the conclusion of the EU EOM. The EP regrets that the elections cannot be regarded as credible and condemns the atmosphere of impunity for electoral violations, executive immunity and the practice of hiring thugs to perpetrate electoral violence.

Results

INEC declared on Monday 23 April the election of Umaru Yar'Adua as President.

EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION IN NIGERIA GUBERNATORIAL AND NATIONAL ASSEMBLY ELECTIONS (14 April) PRESIDENTIAL AND PARLIAMENTARY ELECTIONS (21 April)

List of participants

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Mr Vittorio AGNOLETTI, GUE, Italy, (*Co-chair*)
Mr Edward McMILLAN-SCOTT, EPP-ED, United Kingdom
Mr Filip KACZMAREK, EPP-ED, Poland
Mr Libor ROUCEK, PSE, Czech Republic
Mr Toomas SAVI, ALDE, Estonia

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Mrs Armelle DOUAUD, Administrator
Mrs Adriana BUCHIU, Administrator
Mrs Simona IACOBLEV, Assistant

Interpreters

Mrs Maria MONTERISI

Abbreviations :

EPP-ED	European People's Party/European Democrats	GUE/NGL	European United Left/Nordic Green Left
PSE	Party of European Socialists	ID	Independence/Democratic Group
ALDE	Alliance of Liberal and Democrats for Europe	UEN	Union for Europe of the Nations Group
Verts/ALE	Greens/European Free Alliance	I-D	Independence/Democracy
		NI	Non-attached

EUROPEAN PARLIAMENT

**ELECTION OBSERVATION DELEGATION IN NIGERIA
GUBERNATORIAL AND NATIONAL ASSEMBLY ELECTIONS
(14 April)**

**PRESIDENTIAL AND PARLIAMENTARY ELECTIONS
(21 April)**

11 April - 23 April 2007

Draft Programme

Members of the delegation

Mr John ATTARD-MONTALTO, PSE, Malta, *(Co-Chair)*
Mr Vittorio AGNOLETTI, GUE, Italy, *(Co-Chair)*
Mr Edward McMILLAN-SCOTT, EPP-ED, United Kingdom
Mr Filip KACZMAREK, EPP-ED, Poland
Mr Libor ROUCEK, PSE, Czech Republic
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Mrs Armelle DOUAUD
Mrs Adriana BUCHIU
Mrs Simona IACOBLEV

Interpreter

Mrs Maria MONTERISI

** **

Transcorp Hilton Abuja

Address: 1 Aguiyi Ironsi Street, Maitama,
Abuja
Nigeria
Phone: (234)(9) 4131811
Fax: (234)(9) 4132418

Thursday, 12 April

The delegation will be based in Hilton Hotel: Rate 146 Euro/night (breakfast included)

All meetings of the delegation will take place in Hilton Hotel, if not specified otherwise.

13:30 Meeting with Mr Max VAN DEN BERG, Chief Observer of the EU EOM

14:00-16:00 EU EOM Core Team briefing

- Analysis of the political situation
- Analysis of the electoral situation
- Logistic
- Security
- Media

18:00-19:30 - Meeting with IFES representatives, Mr Rudolf ELBLING, Country Director and Mr Jide OJO, Senior Programme Officer

- Meeting with Princess ADEDYIN, Action Progress, Head of Political Department for the campaign of Atiki Abubakar

Friday, 13 April

10:30 Meeting with Mr Robert VAN DER MEULEN, Head of the Delegation of the European Commission
Location: EC Delegation

13:00-16:00 Meeting with domestic observers
Organisations represented : TMG, JPDC and Muslim League for Accountability

Lagos Team

16:40 Departure from the Hilton hotel in order to deploy to Lagos
Mr Libor ROUCEK, MEP
Mr Toomas SAVI, MEP
Mrs Armelle DOUAUD, Secretariat PE

19:40 Departure of Virgin Nigeria flight to Lagos
Flight duration: 19:40-20:40

Hotel in Lagos:

Moorhouse Accor

Address :

1 Bankole oki road Ikoyi 0
LAGOS
NIGERIA
Rate: 170 Euro/night

Tel : (+234)1/4615409-22

Fax : (+234)1/2690937

E-mail : H2770-GM@accor.com

Team staying in Abuja

17:00 Meeting with Long Term Observers team for briefing
Location: Hilton Hotel

Team arriving in Lagos

Meeting with Long Term Observers team for briefing

Saturday, 14 April

Election Day

Sunday, 15 April

Morning: Return of Team from Lagos
Flight duration: 10:00-11:15

Afternoon: Debriefing of the delegation

Debriefing of the delegation with Mr Van den Berg, Chief Observer of the EUEOM

Monday, 16 April

Meeting of Mr Attard Montalto and Mr Savi with the LTOs from Niger State in Minna

Afternoon: Joint Press Conference

Tuesday, 17 April

Meeting of Mr Savi with the LTOs of Kaduna State

Thursday, 19 April

The delegation will be based in Hilton Hotel: Rate 146 Euro/night

All meetings of the delegation will take place in Hilton Hotel, if not specified otherwise.

Afternoon:

1 pm - Meeting with Publish What You Pay/ANEEJ
Central Area Abuja

2 pm - EU EOM Core Team briefing

- Analysis of the political situation with reference to presidential and parliamentary elections
- Analysis of the electoral and legal situation
- Media

Friday, 20 April

Morning:

- 10.00 – Meeting with Ms Fondo from Electoral Reform Network, Project Manager
- 11.30 – Meeting with Mrs Hauwa Ibrahim, Winner of the 2005 EP Sakharov Price for the freedom of thought

Afternoon:

- Dr Kabiru Mato, Political analyst and Lecturer, University of Abuja
- Meeting with Mrs Rabi Abdullahi from WRAPA (Women's Rights Advancement and Protection Alternative)
- Dr Gabriel A. Gundu, African Peer Review Mechanism

Lagos Deployment

- 17.45 Departure from the Hilton Hotel
Mr Vittorio AGNOLETTO, MEP - Co-Chair of the Delegation
Mr Edward McMILLAN-SCOTT, MEP
Mr Filip KACZMAREK, MEP
Mrs Armelle DOUAUD, Secretariat PE
Mrs Adriana BUCHIU, Secretariat PE
Mrs Maria MONTERISI, Interpreter
- 19:40 Departure of Virgin Nigeria flight to Lagos
Flight duration: 19:40-20:40

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LAGOS
NIGERIA

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Fax : (+234)1/2690937

E-mail : H2770-GM@accor.com

Rate: 170 Euro/night

- Evening:* Meeting with long terms observers in Lagos

Saturday, 21 April

Election Day

Sunday, 22 April

Morning: Return of the Delegation from Lagos
Flight duration: 10:00-11:15

Afternoon: Debriefing of the delegation

Debriefing with the Mr Van den Berg, Chief Observer of the EUEOM

Monday, 23 April

Afternoon: Joint Press Conference

*Afternoon /
Evening* Departure to the airport

End of work



European Union Election Observation Mission
Federal Republic of Nigeria
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European Union Election Observation Mission urges significant improvements in advance of federal elections next weekend

Abuja, 16 April 2007 – The European Union Election Observation Mission (EU EOM) to Nigeria is encouraged by the commitment and engagement of the Nigerian people in the democratic process, but has a number of serious concerns about the conduct of the state elections on 14 April. It urges the Independent National Electoral Commission (INEC) to work closely with all election stakeholders to ensure that significant improvements are made in advance of the federal elections.

“The people of Nigeria deserve credit for the admirable way in which they conducted themselves on Saturday and demonstrated their commitment to democracy by patiently waiting to vote in often difficult circumstances”, said Max van den Berg, Chief Observer of the EU EOM, “however, preparations for the elections should have been of a higher standard and must be substantially improved in the coming days to deliver a credible and secure process at the federal elections”.

EU observers, deployed to 33 of the country’s 36 states, as well as the Federal Capital Territory, reported that polling stations opened very late throughout much of the country. In most cases, this was due to the late arrival of polling station officials and the insufficient or non-delivery of polling materials, including ballot papers. In a number of areas polling stations did not open at all. These factors led to voter disenfranchisement.

In many polling stations, only two election officials were present rather than the three foreseen by INEC regulations, which often led party agents to become involved in administering the process. Procedures were often not followed correctly and secrecy of the ballot was frequently not guaranteed due to the absence of polling booths and poor layout of polling stations. Under age voting was witnessed in a number of states. Last minute court rulings created uncertainty about the final list of candidates on ballot papers in a number of states.

These problems led to tension and confusion, that at times resulted in violence, which regrettably, according to official reports, resulted in at least 50 people being killed over the election day period, and chaos, including incidents of hijacking of ballot boxes by groups of thugs. EU observers have also reported irregularities during the counting and collation processes, including incidents of disruption and absence of counting at polling



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stations and examples of significant discrepancies between results at polling station and LGA collation level.

In view of the federal elections, scheduled to take place on 21 April, the EU EOM urges INEC to take swift action, in co-operation with election stakeholders, to address these problems, in particular to ensure that polling stations are provided with all materials in sufficient time to enable them to open at 08:00 and are that they are staffed throughout the day by three polling officials. Clear instruction and guidance should be given by INEC to promote full adherence to polling, counting and collation procedures. Strenuous efforts must be made to guarantee the secrecy of the ballot, as well as full transparency of the counting and collation processes through a wider distribution of results sheet copies, including to domestic observers, the public posting of result sheets at all polling stations and the swift publication of polling station results at all levels. Concrete steps must be taken by political parties and the police to create a peaceful and stable environment for the conduct of democratic elections.

In several states where serious problems have been reported, INEC should undertake a comprehensive investigation and give serious consideration to re-running the process as has already been announced in Imo state for the gubernatorial election.

The EU EOM was deployed to Nigeria on 14 March to undertake a comprehensive, long-term observation of the state and federal elections in accordance with international standards for democratic elections. Over 150 observers are being deployed over both election periods, including a delegation of Members of the European Parliament, who fully associate themselves with this statement. A preliminary statement assessing the conduct of both elections will be issued on 23 April after the federal elections, followed by a detailed report, containing recommendations for the future, within three months of the completion of the entire election process.

For further information, please contact:

Mr David Dahmen, Press Officer, EU EOM

Phone +234(0)703 150 1635

E-mail: ddahmen@eueom-ng.org

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Statement of Preliminary Findings and Conclusions

**Elections fail to meet hopes and expectations of the Nigerian people and fall far short
of basic international standards**

Abuja, 23 April 2007

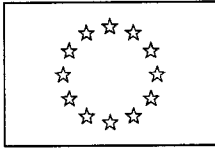
The European Union Election Observation Mission (EU EOM) has been present in Nigeria since 14 March 2007, following an invitation from the Nigerian authorities. The Mission is led by Chief Observer, Mr. Max van den Berg, Member of the European Parliament. In total, the EU EOM deployed over 150 observers from 21 EU Member States as well as Switzerland and Norway. The observers were deployed to all states and the Federal Capital Territory, except Delta, Bayelsa and Rivers states as a result of security concerns. The Mission assessed the conduct of the elections in accordance with international standards for democratic elections, and adhered to the "Declaration of Principles for International Election Observers", commemorated at the United Nations in October 2005. Over the election day periods, the EU EOM was joined by a delegation from the European Parliament, led by Mr. John Attard-Montalto and Mr. Vittorio Agnoletto, who fully endorse this statement. The EU EOM is currently observing the result tabulation process, and will remain in country to observe all aspects of the post-election process. A final report, containing detailed recommendations for the future, will be published within two months of the conclusion of the entire election process. The EU EOM is independent in its findings and conclusions from EU Member States, the European Parliament and the European Commission.

Preliminary Conclusions

- **The 2007 State and Federal elections have fallen far short of basic international and regional standards for democratic elections. They were marred by poor organisation, lack of essential transparency, widespread procedural irregularities, significant evidence of fraud, particularly during the result collation process, voter disenfranchisement at different stages of the process, lack of equal conditions for contestants and numerous incidents of violence. As a result, the elections have not lived up to the hopes and expectations of the Nigerian people and the process cannot be considered to have been credible. This is all the more regrettable since they were held in an improved atmosphere in which freedoms of expression and assembly were broadly respected during campaigning, the judiciary played a generally positive and independent role and the people showed remarkable commitment to democracy, eagerly engaging in the electoral process and waiting patiently to vote in often very difficult circumstances.**
- **On election day for the State elections, polling started late throughout the country due to the late arrival of polling officials and materials and in several areas did not take place at all. Polling stations were generally under staffed with officials who were under trained. Procedures were often not followed correctly and the secrecy of the ballot was not guaranteed in the majority of polling stations visited by EU observers. However party agents were seen in almost all polling stations visited with domestic observers present in close to half. Incidents of hijacking of ballot boxes were witnessed by EU observers, who reported widespread irregularities and significant evidence of fraud, particularly during the result collation process, which completely lacked transparency due to the fact that polling station results were**

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not publicly displayed at any level of the election administration throughout the country. Following INEC's decision to order re-runs in two states and undertake investigations in four other states, serious consideration should now also be given to initiating investigations in a number of other states where serious concerns have been raised by political parties, civil society and the media about the conduct of elections.

- On election day for the federal elections, polling material again arrived late and incomplete at many polling stations observed, resulting in significant delays in opening. Several National Assembly elections had to be postponed due to the incorrect printing of ballot papers, and at times there were insufficient numbers of presidential ballot papers. Party agents were again seen in almost all polling stations visited with domestic observers present in close to half. A heavier security presence helped contribute to a reduction in violent incidents. Again, polling procedures were often not followed correctly and the secrecy of the vote was not guaranteed in the majority of polling stations observed. EU observers witnessed examples of ballot box stuffing, alteration of official result forms, stealing of sensitive polling materials, vote buying and under age voting. Despite assurances by INEC, polling station result forms were not displayed at polling stations.
- Violence has been a major issue of concern and incidents increased as the elections drew nearer. Credible reports indicate that at least 200 people, including candidates and police were killed in election related incidents, which is unacceptable with respect to right to life and the democratic process. The continuing and widespread use of thugs by a number of political parties created a significant degree of fear and intimidation. Despite welcomed and repeated messages from security agencies showing a tolerance zero policy towards political violence, the security agencies, INEC and political parties did not appear to take decisive steps to address the situation and hold perpetrators to account.
- Several disputes relating, in particular, to the powers and functions of INEC and the nomination, substitution and disqualification of candidates brought the judiciary into centre stage in the electoral process. In a welcome development that made a positive contribution to the electoral process, the Judiciary generally acted impartially. However, the lack of adequate procedures and time limits for initiation and adjudications of complaints and appeals prior to election day resulted in a number of disputes being dealt with by the courts just few days before the elections. Some remained pending until after the election. In a further positive development the Courts of Appeal established mechanisms to simplify and ensure timely determination of post-election petitions.
- The Electoral Act 2006 contains improvements in comparison to the Electoral Act 2002, in particular some measures to strengthen the independence of INEC. However, full independence of INEC from the executive was not established due to the fact that Presidential involvement in the appointment of INEC Commissions was retained. Significantly, fundamental transparency requirements, in particular for the collation and publication of results requiring polling station results to be publicly displayed at all levels of the counting and collation processes were not included, leaving the electoral process wide open to fraud.

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- The Independent National Electoral Commission (INEC), which was financially dependent on the executive, did not prepare well for the elections and experienced widespread lack of confidence among election stakeholders in relation to its capacity and impartiality. Deadlines were missed throughout the pre-election period and it lacked transparency in its decisions and conduct. INEC was selective and inconsistent in the application and enforcement of electoral legislation. Training of polling staff started late, was of poor quality and in some areas did not take place at all. Engagement with political parties and civil society was poor. Overall, civic and voter education was very limited and ineffective.
- The voter registration exercise conducted by INEC was marred by delays due to a lack of available direct data capturing machines, technical break downs and establishment of illegal voter registration centres. The quality of the final voter register was poor and included under age voters, double entries, missing and blurred pictures of voters. The voter register was not displayed at local level as required by the law and was only partly posted prior to election day for orientation purposes only. Permanent voter registration cards were not issued due to the late publication of the final voter register.
- The pre-election period saw a vigorous campaign throughout the country, particularly in states where there was the prospect of a change in power. However, a lack of transparency and accountability in campaign spending, together with a lack of prohibition on use of state resources gave advantage to political parties in power at the state and federal level, meant there was an uneven playing field for candidates and parties. Payment to potential voters was both witnessed by EU observers and admitted by political parties.
- There is a vibrant and expanding media environment in Nigeria. Presidential contestants and their parties were given equal access to discussion programmes aired in state as well as private broadcast media, facilitating informed choices of voters. However, there was a failure to adhere to the legal requirements by state owned media which showed bias in favour of the incumbent party, and more generally by broadcast media which focused on a small number of parties only. Journalists were able to operate in an environment of relative freedom, given systematic weakness that characterise the media sector.
- Civil society organisations mounted a comprehensive observation exercise. INEC unnecessarily delayed the accreditation of international and domestic election observers which restricted the oversight role they could play. Most domestic observer groups only received accreditation cards on the day before the state elections, and then in insufficient numbers. Screening of domestic observer organisations was undertaken by the State Security Services.
- Despite strong commitments from INEC during the pre electoral period, significant efforts by civil society and measures by some political parties to waive nomination fees for female candidates, women remain underrepresented as candidates and within the electoral administration.
- The high levels of poverty, illiteracy and lack of access to basic needs, including education has an impact on the conduct of elections. Reaching the Millennium Development Goals should therefore be a key

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aspect of the consolidation of democracy as well as contributing towards improving social justice and economic development. In addition, increased international support should be directed towards good governance and democratisation, particularly through civil society organisations.

- The EU EOM strongly urges all political leaders to demonstrate responsibility in calling for calm, and for all political contestants to use the complaints and appeals mechanisms outlined in the election legislation if they have complaints about any aspects of the electoral process. The relevant authorities should urgently, thoroughly and transparently investigate any allegations of irregularities that are brought to their attention and take immediate action to ensure redress where appropriate.
- In order for the citizens of Nigeria to have trust and confidence in the political and electoral process, urgent remedial action by the relevant authorities and stakeholders is necessary to restore the conditions for credible and transparent elections to be held. In particular, concrete steps need to be taken to establish a truly independent and capable election administration, the atmosphere of impunity for electoral violations must cease, executive immunity should be removed, and political will must be demonstrated by parties at both federal and state levels to end the practice of hiring thugs to perpetrate electoral violence.

Preliminary Findings

Background

The 2007 general elections are the third such elections to be held since the transition from military to civilian rule in 1999 and are widely considered to be a crucial test of the commitment of the Nigerian authorities to strengthening democracy. For the first time since independence, the elections should see power transferred from one civilian President to another. They will also have a significant impact on the potential to find a solution for the serious problems of internal security and national cohesion. Following the problematic conduct of the 2003 elections, the 2007 elections provided an opportunity to strengthen public confidence in the electoral and wider democratic process.

During the 14 April elections, Nigerians voted for 36 State Governors and 990 Legislators in the 36 State Houses of Assembly. On 21 April, elections were held for the President, 109 Members of the Senate and 360 Members of the House of Representatives. The elections were conducted using the simple majority system, except for the presidential election, where at least 25 per cent in at least two thirds of states had to be achieved, and the gubernatorial elections where at least 25 per cent in at least two thirds of local government areas in a state had to be reached.

Nigeria has ratified the most prominent treaties related to human rights, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, which contain standards relating to the conduct of democratic elections, as well as the Convention on the Elimination of Discrimination Against Women (CEDAW). These international provisions are binding. Nigeria also has additional commitments to good governance, human rights and the rule of law under the framework of the New Partnership

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for Africa's development (NEPAD) and the Protocol on Democracy and Good Governance of the Economic Community of West African States (ECOWAS).

Legal framework

These elections are regulated by the 1999 Constitution, and new Electoral Act adopted in 2006, as well as regulations and guidelines issued by INEC. The Electoral Act 2006 is an improvement over the Electoral Act 2002 which regulated the conduct of the 2003 general elections. In particular, it contains measures to strengthen the independence of INEC, including appointment of the Secretary by INEC and the creation of a fund to provide INEC with financial independence. However, this was not established for the 2007 elections. The Electoral Act 2006 also clearly outlines the procedures and timeline of the voter registration exercise and is more inclusive in relation to the distribution of grants for political parties.

However, a number of problems were not addressed in the Electoral Act 2006, in particular relating to the independence of INEC. The President continues to have involvement in the appointment of INEC Commissioners. At the federal level, all Commissioners are still appointed by the President, after consultations with the Council of State and confirmation by the Senate, and at the state level, all 37 Resident Electoral Commissioners (RECs) are appointed directly by the President. Other significant concerns include a lack of requirement for results to be displayed at the polling station level and for a breakdown of polling station results to be displayed at all superior levels of the election administration, a lack of adequate procedures for the handling of complaints and appeals before election day, and a lack of time limits for the publication of results and for the determination of election petitions. The Electoral Act 2006 is also silent on a number of important issues. Significantly, there is no prohibition on use of state resources during the campaign or provisions to promote transparency in the appointment of polling station staff or access to INEC decisions. In addition, election petitions can only be filed by candidates and political parties.

An issue of particular concern is the lack of enforcement of the relevant legal framework by INEC such as the procedures for voter registration, financing of political parties and campaign rules. INEC's selectivity and inconsistency with regard to the application and enforcement of electoral laws also appeared in other instances. Following the request for an injunction restraining INEC from conducting any election for the office of Governor in Anambra State, the Supreme Court ruled, on 5 April, that it was the statutory duty of the INEC to conduct elections and to usher in tenure of office. The Constitution gives the responsibility to INEC to fix the date for a gubernatorial election¹ following the expiration of the term of office of a governor. Therefore, INEC had a clear duty to initiate action to cancel the gubernatorial election in Anambra State.

Registration of Political Parties and candidates

A record number of 50 political parties were registered by INEC to participate in the elections, of which 25 nominated a presidential candidate. Since a Supreme Court ruling in November 2002, INEC had been less stringent

¹ The Constitution establishes in Section 178 (1) and (2) that the date of a gubernatorial election shall be established by INEC on a date not earlier than 60 days and not later than 30 days before the expiration of the term of office of the holder of that office.



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in registering political parties. As stated in the Constitution, political parties need to reflect the federal character of Nigeria with executive committee members from at least two-thirds of the states of the Federation. Thereby interest groups such as minorities face constraints in establishing their own political parties. Further, under the Electoral Act 2006, independent candidates are not permitted.

The nomination of candidates by political parties was often characterised by a process of selection rather than election. Sometimes party primaries took place outside of clear democratic rules. This resulted in a number of court cases which involved politicians who won their internal party primary but were not nominated by the political party, or were nominated but subsequently substituted. During the nomination period, INEC disqualified about 100 candidates, mainly for non-fulfilment of the age requirements, and in some cases, including that of Vice President Atiku Abubakar, in view of indictments by the Administrative Panel of Inquiry. Further, some people who won primaries were not nominated or were substituted by the political parties. This again resulted in a number of court cases.

The lack of procedures and time limits in the law for handling complaints related to substitution or disqualification of candidates prompted the filing of many cases in the courts just a few days before the elections. Some cases remained pending at the time of the elections. This created uncertainty about the final list of candidates and was not conducive to clear voter choice at the elections. In one such case, a PDP gubernatorial candidate was substituted by the party leadership challenged his removal. On 4 April the Supreme Court ruled that the candidate was illegally substituted and ordered INEC to include his name as the gubernatorial candidate for Imo State. However the fact that the court decision was delivered so late, prevented the candidate's name from appearing on the ballot paper and the name of the substituted candidate remained on the ballot paper in some polling stations.

Despite a Federal High Court Abuja judgment ordering INEC to include Atiku Abubakar's name on the candidate list, INEC refused to comply until the Supreme Court ruled, on 16 April, that INEC was not vested with the power to disqualify candidates.² The decision of INEC not to include Mr. Abubakar's name until the Supreme Court ruling created last minute logistical difficulties regarding the ballot papers. The Supreme Court ruling also raised questions as to what would happen to disqualified candidates in the gubernatorial and State Assembly elections.

Election Administration

INEC was provided with a budget of Naira 54.5 billion (€349 million), which represented a sound financial basis. However, although the Electoral Act 2006 promulgated financial independence by INEC, the envisaged INEC fund was not established and INEC remained dependent on the President's office for approval of its expenditures as evidenced when some INEC cheques were not cleared in October 2006. By mid December 2006, serious questions were being raised by some political parties and elements of civil society about INEC's independence from the

² The Federal High Court Abuja delivered a judgment ordering INEC to include the name of Mr. Atiku Abubakar in the list of presidential candidates. The Court based its decision on the nullification of the indictment by the High Court in Lagos. Since the indictment was nullified, the grounds for disqualification lacked merit. This decision was appealed against and was pending at the time of the election.



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Federal Government, which contributed to undermining public confidence in INEC. In the period leading up to the elections, there was little engagement of INEC with political parties and civil society.

INEC lacked transparency in its decisions and did not provide important information, including the final number of candidates or the final number of voters per constituency. INEC also declined to provide observers with standard information and materials, including access to the voter register, and did not permit observers to attend INEC meetings with political parties or the media. Contrary to international best practice INEC made no provision for results to be posted at polling stations or published at superior levels of the election administration. After widespread irregularities in the result transfer and collation process during the 14 April elections, the INEC Chairman announced, on the eve of the 21 April elections, that for the federal elections results should be posted at polling stations and collation centres. However, EU observers reported that this was not implemented in the vast majority of places visited. The process of transferring polling station results electronically lacked clear guidelines and was ill-prepared, resulting in an expensive investment without the expected return.

Preparations by INEC to conduct the elections were delayed throughout the process. The delay of two months to complete the voter registration exercise affected the production and distribution of permanent voter registration cards. Voters had to use their temporary voter registration cards which were often basic un laminated print outs. In both elections the distribution of ballot papers was delayed which had a serious impact on both polling days. Although INEC printed correct ballot papers for the 14 April elections a number of elections could not be held on 21 April due to missing candidate names.

Originally, INEC had planned to print ballot papers which included pictures of candidates for security reasons. However, in the end it only produced presidential and gubernatorial ballot papers with pictures and the names of candidates, at times with spelling mistakes and missing pictures. Following the 16 April Supreme Court ruling, INEC reprinted presidential ballot papers without the pictures and the names of candidates and, contrary to the law, without serial numbers. Some candidate names were missing from the Senate and House of Representative ballot papers causing a cancellation of elections, for example in the case of a Senatorial race in Lagos State.

INEC had difficulties in recruiting the 500,000 plus *ad hoc* staff to administer polling stations, due, at least in part, according to numerous reports received by EU observers around the country, to fears of electoral violence and intimidation. Moreover, recruitment of *ad hoc* staff was conducted in a non-transparent manner and depended on an impartiality check by INEC. The late recruitment, reportedly for security reasons, delayed the cascade training, which varied in quality.

A limited national voter education media campaign by INEC commenced only seven days prior to the 14 April election day. In one national TV spot INEC misinformed voters about the secrecy of the vote by broadcasting a mock polling station without a polling booth. INEC's partners through the Joint Donor Basket Fund implemented voter education programmes, but a broad and effective and grass-root level civic education programme was lacking.

For security purposes most RECs and Administrative Secretaries were reshuffled to different postings about 10 days before the 14 April elections, reportedly in an attempt to limit fraud and electoral irregularities. At times various INEC state offices were not made aware of INEC HQ regulations, for example in the case of observer accreditation. In addition, contrary to INEC HQ regulations the Kano and Niger State INEC offices informed their

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Electoral Officers that corrections to the voter register could still be undertaken during the last few days before the 14 April elections when voter lists were posted at polling stations for orientation purposes only.

Constituency Delineation and Voter Registration

INEC has the constitutional mandate to delineate constituencies at least every 10 years to ensure equal suffrage. The current constituency boundaries date back to 1996 and are based on the 1991 census, leading to an imbalanced representation of Nigerians in the House of Representatives and the 36 State assemblies for the next four years. For example, one Member of the House of Representatives in Bayelsa State currently represents 284,000 people whereas one Member in Zamfara State represents 466,000 people. Citizens in the Federal Capital Territory (FCT), where one Member represents as many as 703,000 people, are particularly underrepresented. Additionally, the constitutional requirement of equal suffrage has not been upheld at state level. From the information available, the discrepancies among state assembly constituencies are even higher.

The voter registration exercise conducted by INEC was widely reported to have experienced significant problems. It was initially planned to run from 8 October to 14 December 2006 but had to be extended until 2 February due to the fact that by 10 December only 10 million voters had been registered. NDP filed an action before the Federal High Court on 27 March against INEC for failing to comply with the provisions of the Electoral Act 2006 relating to the display of the voter registration lists after the cut off date established in the law. However, on 29 March the President gave his consent to the Electoral Acts Amendment Bill 2007, passed by the National Assembly in January 2007, which extended the cut off date for registration to 60 days before the election and the deadline for display of the voter register to 45 days before the election. The electronic direct data capturing process used in the exercise was hampered by a delay in establishing sufficient registration centres in the field and experienced technical and power supply problems. On 15 February 2007, INEC announced that 61 million voters out of the 70 million Nigerians estimated to be above 18 years of age had been registered. Although INEC reported that the voter register was displayed at registration centre and ward level from 5 to 10 February 2007, multiple reports received by EU observers around the country indicated that this legal obligation was not implemented.

The number of registered voters of the total population varies widely between the states and ranges from 32 per cent in Ekiti to 60 per cent in Gombe State. The voter register at polling stations on 14 April was largely not in alphabetical or numeric order which delayed the voting process. In over 30 per cent of polling stations visited, EU observers rated the quality of the voter register to be poor on the basis of significant numbers of under age voters, double entries, and missing and blurred pictures of voters. The additional or sole use of the manual register at some polling stations was a further indication of the limitations of the electronic direct data capture exercise.

Campaign

The election campaign took place throughout the country in a lively, if sometimes quite heated, environment in which freedoms of expression and assembly were broadly respected. Political parties campaigned actively, addressing voters through a wide range of means, including public rallies, vehicle motorcades with loud speakers, gatherings in market places, door to door visits, billboards and posters, which were visible in abundance throughout the country. Paid for campaigns by political parties in both national and local broadcasters and print media were numerous. In some areas debates and public forums were organized by journalists, media outlets and civil society

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organizations. Traditional and religious leaders were active in some states by arranging public debates or providing various forms of peaceful conflict resolution between rival parties.

Only a few of the 50 registered political parties (AC, ANPP, DPP, PPD) conducted extensive nationwide campaigns. However, local activities were sometimes intense, with the primary target for campaign activities being the presidential and gubernatorial races. General interest in and intensity of, the campaigns varied greatly, but was reported by EU observers to be higher in states where there was a prospect of a change in power. Although plans to address the basic needs of the electorate were sometimes presented, parties and candidates generally lacked clear political programmes and the main focus was on personal qualities rather than political ideology. This explained the many high profile defections from one party to another of candidates seeking to affiliate themselves with the strongest backer and best network.

A level playing field did not exist during the campaign, with ruling parties taking advantage of resources available to them. INEC so far has neglected its role in providing legal oversight over campaign spending and scrutiny. While the electoral framework includes restrictions on campaign spending to prevent disproportionate expenditure, this was not supervised and enforced by INEC. The fact that there was no prohibition on the use of state resources in the electoral law contributed to the uneven playing field for political contestants.

While in some states peaceful campaign activities were observed, numerous violent incidents were reported by EU observers and other credible sources. These often involved destruction of campaign material and party offices, harassment, intimidation and violent clashes between party supporters. This was particularly the case in the south-west but other areas such as Gombe State were also affected. During this election, political sponsorship, recruitment and use of thugs, often armed with traditional weapons or fire arms remained a problem as had been the case in 2003. This activity was reported by media and credible organisations in most States and additionally was observed by EU observers in Borno, Abia, Taraba, Gombe, Bauchi, Kaduna, Zamfara, Niger, Oyo, Osun, Kogi and Edo States. At times inflammatory speech or indigenous references like "sons of the soil" or "home boys" further aggravated the tense atmosphere. In some areas, such as Assakio in Nassarawa State and Wukari, Takum and Jato Aka in the border area between Benue and Taraba States, violence assumed an ethnic dimension with people belonging to minorities being killed, displaced or rendered homeless because of politically motivated clashes. Assaults, assassination of candidates and attempts at assassination of candidates were reported in the pre-election period. Overall, credible reports, including from IDASA and the international and domestic media suggest that at least 200 people, including police, have been killed in election-related violence, which is a higher number than was reported for the 2003 elections.

Despite welcomed and repeated messages from security agencies showing a tolerance zero policy towards political violence, the security agencies, INEC and political parties did not appear to take decisive steps to address the situation and hold perpetrators to account.

Media

There is a vibrant and expanding media environment in Nigeria. Radio is the key media. Freedom of expression is guaranteed by the Constitution. However arbitrary actions by state security agencies curtail it at times. Press freedom is further limited by financial instability of the media while low income of journalists exposes them to

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offers of payment in return for favourable reporting. Access of citizens to information through media is limited as a result of various factors, including insufficient power supplies, lack of financial means to purchase a newspaper and high rate of illiteracy.

National state-owned media NTA (TV) and FRCN (radio), legally obliged to give fair and impartial coverage as they are publicly owned, demonstrated bias in favour of the incumbent party and its presidential candidate in their news programmes. PDP as a political party received a larger amount of news time than all other political parties together and the PDP presidential candidate received by far the largest share of time (52 per cent on radio and 30 per cent on TV), dedicated to presidential candidates in the news programmes of the two national broadcasters. Local state media showed tendency to favour the local ruling party.

Distribution of the time among the candidates and parties in the news programmes of the private broadcast media, monitored by the EOM, was more equitable in comparison with the state-owned media. However, coverage of the broadcast media, both state owned as well as private, was focused on only a small number of parties, predominantly PDP, ANPP and AC and overall, the broadcast media failed to provide balanced coverage of contestants, as required by the legal framework. The campaigns of the 50 registered parties varied in intensity, and lack of capacity to sufficiently cover their campaigns challenged the ability of the media to provide balanced coverage of the parties. PDP carried out the most extensive paid for campaign in the media. Visible campaigns were also conducted by AC, ANPP, DPA, DPP and PPA.

In a positive development, national state-owned as well as private media aired debates and interviews with presidential candidates, and some local media organized discussions with gubernatorial candidates, giving them equal access and opportunity to present their views and allowing voters access to information facilitating an informed choice. Unfortunately some candidates did not participate in these efforts, thus reducing the information value of these programmes.

Activities of INEC were given wide publicity in the media; in addition, INEC conducted an image-building paid for media campaign of its own. However visible information campaigns educating and informing voters about the process of voting appeared in the national media only in the last week preceding the 14 April elections. Get out the vote campaigns, organised by state institutions as well as by NGOs, were aired in the broadcast media.

Overall picture of the political scene provided by newspapers was more diverse than the one given by broadcast media. However, print media also provided the bulk of their coverage to a small number of parties with the highest ratings in the opinion polls. In contrast with national broadcast media, which gave most of their election coverage to the presidential contest, national newspapers provided much more detailed coverage of gubernatorial contests and developments in particular states.

Activities of the National Broadcasting Commission (NBC), the regulatory body for the broadcast media, were rather low-key during the campaign. NBC claimed to be conducting comprehensive monitoring of the campaign coverage in the broadcast media, however, it did not publicize the results of its media monitoring during the campaign. NBC fined 14 broadcast media for campaign blackout violations during the 14 April campaign silence period.

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Members of State Security Service suspended broadcasts of Lagos-based private TV Gotell and radio Unity FM on 11 April and sealed the premises of the stations. These media did not re-establish their operations during the remainder of the campaign period. The State Security Services also raided offices of TV AIT on 17 April, terminating broadcast of a paid program, critical of the incumbent president. Media regulatory framework was undermined by these actions of the State Security Services, which bypassed NBC.

Participation of Women

Despite a legal framework clearly prohibiting discrimination on the grounds of sex and strong commitments from Electoral Administration, political parties and authorities, women remained under-represented in public life. Many civil society women's organisations throughout the country as well as UNIFEM have struggled successfully to increase general political awareness in favour of the participation of women and the issue was also debated in the media during the campaign. However, the highly commercialised nature of politics, the male dominated party apparatus and political violence remain amongst the strongest deterrents. The decision by some political parties to waive nomination fees for female candidates has not succeeded in increasing their numbers. Some female candidates faced pressure, including violence, to withdraw as candidates or were substituted by male counterparts outside the timeframe permitted by the Electoral Act 2006. Turnout of women on 21 April appeared to be lower than on 14 April, which could have been due, at least in part, to violence during the 14 April polls. While INEC agreed to set up a gender team, only one of the 12 Commissioners is a woman. At the polling station level, a woman was the presiding officer in only 20 per cent of polling stations visited on 14 and 21 April. During the election days, only 2 per cent of the political party agents in the polling stations visited were women.

Civil society

Nigeria has a strong civil society, which has played a constructive role in the country's transition towards democracy. Civil society organisations were particularly engaged with the constitutional and electoral law amendment process and in the prevention of a third term for the offices of President and Governors. However, reports vary about civil society organisation involvement in civic and voter education.

The Transition Monitoring Group (TMG) an umbrella of around 250 organisations countrywide observed the 1999 and 2003 elections and issued critical statements. For the purpose of observing the 2007 elections, eight organisations (TMG, FOMWAN, LEMT, WEP, MULAC, CDD, CLO, ACE Nigeria) worked together to issue a common preliminary report. Other observer groups included the Nigerian Bar Association as well as the faith-based Justice, Development and Peace Coalition, Christian Association of Nigeria, Nigerian Supreme Council for Islamic Affairs and the Pentecostal Fellowship of Nigeria.

The fact that INEC did not established objective criteria and a timely process for observer accreditation encouraged the perception that INEC was not interested in the involvement of a strong civil society in the oversight of the elections. Screening of domestic observer organisations was undertaken by the State Security Services. In the end, 53 out of 175 organisations that applied were accredited. INEC unnecessarily delayed the observer accreditation process and most domestic observer organisations received accreditation cards for their observers on the eve of the state elections and then in insufficient numbers. Similarly political parties also faced problems in obtaining sufficient numbers of accreditation cards in time before the 14 April elections.

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Election Day – State Elections

Delays in the opening of polling stations were reported by EU observers throughout the country. By 9 am only one fifth of polling stations visited by EU observers were open and in only one third were the required three polling officials present. In some polling stations, for example in most of Enugu State, Zamfara State and in the LGA Lafia of Nassarawa State, polling did not commence before 15:00. In many polling stations, voting did not take place at all, for example in eight out of 24 polling stations observed in Gombe State and the whole of LGA Ohaozara of Ebonyi State. Essential polling materials, including ballot papers, were missing in almost 40 per cent of polling stations observed for the opening. In many states observers reported missing official result forms (EC8 series) as in Anambra State where none had been delivered to the polling stations and LGA collation centres visited

In 45 per cent of polling stations observed, the overall conduct of polling was rated as poor. Observers witnessed disorder in 22 per cent of polling stations visited. In the majority of polling stations observed, breaches of the secrecy of the vote occurred. In many polling stations observed it was common practice to openly vote surrounded by polling agents. In a fifth of polling stations visited, voters who were clearly under age were witnessed voting, particularly in Bauchi, Kebbi, Sokoto, Yobe, Plateau and Zamfara States.

In almost one fifth of polling stations visited attempts to influence voters were witnessed and in one fourth of polling stations procedures to check and apply ink were not adequately followed. Generally in many polling stations one of the three polling staff was missing and in 40 per cent of observed polling stations, polling staff had a poor understanding of polling procedures and was widely assisted by polling agents. The Manual for Electoral Officials did not appear to be available at most polling stations visited.

Disorder inside polling stations was observed in 15 per cent of polling stations visited during closing and counting. Although INEC was aware of the serious delay in the opening of polling stations, no regulation was issued to extend official polling hours. In one fourth of polling stations observed, voters who were queuing at 15:00 were not allowed to cast their vote as prescribed by the law. Despite procedural shortcomings observers rated the counting processes in four fifths of the observed polling stations as good. However in one fifth of counts observed, valid votes were incorrectly rejected by the presiding officer. In 30 per cent of observed polling stations the reconciliation of used ballot papers did not equal the number of valid, spoiled and rejected ballot papers. In one fourth of polling stations observed not all polling agents and police received an official result form copy as provided in the law. The newly introduced electronic result transfer system to INEC HQ was not used at any polling stations visited and used in only 15 per cent of collation centres observed.

Party agents were seen in 96 per cent of polling stations observed and in all collation centres visited. Domestic observers were present in 54 per cent during the opening of polling stations observed and in 40 per cent of collation centres observed. Police were present in almost all polling stations visited.

The collation process was marred by serious irregularities. In almost 30 per cent of collation centres observers had indications or proof that polling results were fraudulently changed. Observers rated the collation process at ward level and LGA level as poor in 45 per cent and 32 per cent respectively. Results were neither displayed at polling station level, nor publicly displayed broken down by polling station at collation centres or national level.

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EU observers witnessed cases of fraud. For example in Enugu State at ward level of the LGA Enugu North observers noted that completely different results in favour of the ruling party were recorded on the result forms when compared with those collected in eight polling stations. Similarly in Abia State, LGA Ohafia an EU observer team was able to detect from official result sheets of polling stations and ward collation centres that results from polling stations were falsely recorded. In Zamfara State, no elections took place in five wards but fake results were included into the Gubernatorial elections for these wards. In Enugu State, LGA Enugu South collation centre observers witnessed open thumb printing of unused ballot papers in favour of the ruling party. An identical case was observed in LGA Ife of Osun State. In LGA Akko of Gombe State EU observers witnessed the fraudulent change of election results by the presiding officer during the transmission of polling station results to the collation centre. Another indication of irregularities at collation centres was noted in Igweorie in Ebonyi State where a polling station with 223 registered voters showed a result of 601 votes cast for only one party.

During election day, disruption, sometimes violent, of the polling and the counting process by groups of thugs has been observed in several states. For example in Anambra State, election material had been hijacked at two polling stations visited by an observer team. A significant number of ballot papers for three LGAs (Assakio, Ashinge and Arikya) in Nassarawa State were snatched by thugs. However results were delivered including the total amount of ballot papers for these LGAs. Observers witnessed thugs stealing and destroying official ward collation result forms in front of the INEC office of the LGA Lafia of Nassarawa State. In Gombe State cases of hijacking and destruction of ballot boxes and placement of ballot boxes in the private houses of traditional leaders and ruling party members were observed.

Although for security reasons the EU EOM had no observers deployed in Delta, Bayelsa and Rivers States it received credible and multiple reports from international and domestic sources and media reports indicated that the elections in these states were marred by intimidation, violence and electoral fraud.

Election Day – Federal Elections

Although INEC decided on the eve of the 21 April election to postpone the opening of polling stations from 08.00 to 10.00 and the closing of polling from 15.00 to 17.00 the disorganised delivery of polling materials resulted once again in a delayed opening in the majority of states. In a number of states including Abia, Imo, Kaduna and Bauchi polling stations did not open until late afternoon.

In 78 per cent of polling stations observed during the opening essential polling materials were missing, especially polling booths and ballot papers. A number of elections could not be held since INEC did not print and provide the correct ballots. The newly printed presidential ballot papers were without serial numbers and insufficient quantities were delivered in many parts of the country. In eastern Benue State no presidential ballot papers were delivered and in Ebonyi and Abia States Presiding Officers only received 46 per cent of the required number. In Kaduna South in 6 out of 13 wards no elections were conducted due to the tensions surrounding the delivery of faulty ballot papers. Similarly in Anambra state in five LGAs no elections took place due to the delivery of incorrect polling materials. In Enugu State, thugs targeted the transport of polling materials to polling stations and robbed the sensitive materials. Once again a shortage of polling staff was reported in 50% of polling stations observed and at times a voter register was not used during the polling process.

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In almost half of polling stations observed the secrecy of the vote was not ensured due to a lack of polling booths. In 14 per cent of observed polling stations attempts were made to influence voters. EU observers witnessed underage voters in one fifth of observed polling stations particularly in Borno, Yobe, Gombe, Jigawa, Kano, Kebbi and Niger states and in Niger and Jigawa States cases of vote buying were observed.

Generally the security situation during polling day was better than on 14 April due to a heavier presence of police and the army. According to estimates by EU observers voter turnout in the North varied between 35 and 55 per cent whereas in the South the figures appeared to be lower. In 90 per cent of polling stations observed police were present. Party agents and domestic observers were present in 96 and 43 percent respectively of polling stations visited. Observers rated the overall conduct of the polling process as poor in 43 per cent of polling stations observed.

Despite the late opening of many polling stations visited, voting procedures stopped at 5 pm, limiting the polling hours and disenfranchising potential voters. Contrary to the provisions in the Electoral Act 2006, in a number of cases observed, voters waiting in line at 5 pm were not allowed to vote. The closing and counting procedures were generally transparent and no complaints were lodged in polling stations observed.

However disorder was observed in 24 per cent of the result transfer and collation centre processes observed. Generally the conduct of the collation centres was slightly better than on 14 April but in a fifth of cases the collation officers did not collate the results correctly. In one third of observed collation centres unauthorised staff had been present. In one fifth of ward collation centres the collation officer was a woman. In 25 per cent of collation centres not all party agents received an official result form copy and electronic transfer of results was rarely seen to be implemented. In 54 per cent of ward collation centres and 62 per cent of LGA collation centres observers rated the collation process as good.

A number of fraudulent practices were observed. In many polling stations unused ballot papers were marked and stuffed into the ballot box resulting in almost 100 per cent voter turnout as observed in Kwara, Gombe, Edo and Niger States. Likewise in Akwa Ibom ballot stuffing on a large scale was observed with 50 polling station result forms in LGA Ibiono-Ibom producing a 97.9%. Inflation of results on official result forms at any level of the collation process was observed, for example at ward level in Cross River State and at LGA level in Ogun and Kwara States. Despite assurances by INEC no public display of polling station results has been observed.

Complaints and Appeals

As no specific procedure is laid down in the law for initiation and adjudication of complaints prior to the elections, considerable confusion surrounded this aspect of the elections. In practice, complaints were submitted to a variety of institutions including INEC, RECs, the police and the different courts at State and Federal level. RECs reported that only a small number of official complaints were lodged with INEC. One reason for the small number of pre-election complaints might be due to the fact that INEC has advised political parties and candidates to lodge their petitions after election day. This has led to a situation where unlawful acts or omissions that should and need to be addressed before the election have not been dealt with prior to the election days.

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No record of pre-election complaints has been kept and no evidence could be found of an official response to complaints. Meetings between INEC and the political parties have been the forum at which the majority of complaints have been made. Political parties report that the effective processing of pre-election complaints has depended mainly on the personal skills and degree of commitment of election officials. Most pre-election complaints related to the registration of voters and the recruitment of electoral officials.

Some pre-election complaints relating to the nomination and substitution of candidates by the political parties and disqualification of candidates by INEC have been lodged with the Federal High Court. Most complaints concerning campaign violations relate to actions of a criminal nature such as the defacement of campaign posters, intimidation, violent incidents and damage to property by opposing political parties. These have been made to the Commissioners of Police.

After the State elections, some complaints on the conduct of the State elections in a number of states, including Ebonyi, Anambra, Benue, Cross River, Taraba, Kaduna, Gombe, Kanu, Imo, Jigawa, and Zamfara states were lodged by political parties and individuals with INEC seeking the annulment of elections in some or all of the Local Government Areas in these states. The main grounds for complaints were violence, rigging and late distribution of materials. More specifically, complaints related to missing voter registers, ballot box stuffing, hijacking of ballot boxes and other sensitive materials, thumb printing of ballot papers, forgery of results, use of violence to force people to vote for a particular political party, intimidation and harassment of party agents and voters by thugs, police and the armed forces which, in most cases, resulted in elections not being held in a number of Local Government areas in these states.

Based on the reports received, INEC annulled the gubernatorial election in Imo state but failed to publicly outline the grounds for the annulment of the gubernatorial elections and reason why the State House of Assembly elections were not also annulled. As a result some political parties in Imo have requested INEC to clarify the matter.

The Electoral Act 2006 does not allow voters, observers or other interested organisations to file election petitions or to address electoral malpractice in any other way. Election petitions can only be filed by candidates and political parties and must be filed within 30 days of the declaration of results. At the time of this statement, no petitions had been filed before Election Tribunals, however several political parties have stated their intention to do so in areas where incidents were reported during the election day. In a positive development the Courts of Appeal established mechanisms to simplify the procedure and to ensure timely determination of election petition proceedings since there are no time limits for the determination of petitions included in the law. The new strategy focuses on accelerated hearing of petitions before Tribunals by identifying the issues for determination and narrowing the number of witnesses called at the hearing of the petition.

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Nigeria

European Parliament resolution of 24 May 2007 on the recent elections in Nigeria

The European Parliament,

- having regard to the Statement of Preliminary Findings and Conclusions of the European Union Election Observation Mission to the Federal Republic of Nigeria of 23 April 2007,
 - having regard to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, commemorated at the United Nations on 27 October 2005,
 - having regard to the Commission's Communication of 11 April 2000 on EU Election Assistance and Observation (COM(2000)0191),
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the 2007 state and federal elections in Nigeria fell short of basic international and regional standards for democratic elections and cannot be regarded as credible, free and fair,
- B. whereas those elections did not live up to the hopes and expectations of the Nigerian people, who eagerly engaged in the electoral process and voted under often very difficult circumstances, showing strong determination to cast their vote and make use of their democratic right despite the atmosphere of voter insecurity and fear in many areas,
- C. whereas the European Union Election Observation Mission concluded that the elections were deeply flawed due to poor organisation, lack of transparency, widespread procedural irregularities, significant evidence of fraud, particularly during the result collation process, voter disenfranchisement at different stages of the process and lack of equal conditions for contestants,
- D. whereas, instead of guaranteeing the basic right of citizens to vote freely, the Nigerian Government and electoral officials actively colluded in the fraud and violence or at least ignored human rights abuses committed by supporters of the ruling party and others,
- E. whereas, on state elections day, polling stations opened very late or not at all, lacked sufficient materials, and had an insufficient number of election officials, most of them without adequate training,
- F. whereas secrecy of the ballot was frequently not guaranteed due to the lack of polling booths and poor layout of polling stations, procedures were not followed correctly, independent monitoring was partially hampered, and under-age voting was witnessed,
- G. whereas EU observers reported irregularities during the counting and collation process, including incidents of disruption, no counting, and discrepancies between results, and polling station results were not publicly displayed at any level of the election

administration throughout the country,

- H. whereas these problems led to violence, which resulted in at least 50 people being killed, and as many wounded, over the period preceding and following the state elections on 14 April 2007, half of the deaths occurring in the Niger Delta region, and led to chaos, including incidents of hijacking of ballot boxes by groups of thugs,
- I. whereas it was possible to remedy some of the deficiencies between the ballots held on 14 April and 21 April 2007, and whereas concrete steps could have been taken by political parties and the police to create a peaceful and stable environment,
- J. whereas on federal elections day EU Observers witnessed the same type of irregularities as on 14 April 2007, namely ballot box stuffing, alteration of official result forms, theft of sensitive polling materials, vote buying and under-age voting,
- K. whereas the end result in both cases was a landslide victory for the ruling People's Democratic Party (PDP), in some cases with 100 per cent of all votes cast being in favour of the PDP,
- L. whereas serious concerns have been raised by political parties, civil society and the media about the conduct of the elections,
- M. whereas the Transition Monitoring Group, the largest domestic observer organisation in Nigeria, called for the rerun of the presidential polls,
- N. whereas the Independent National Electoral Commission (INEC) did not prepare well for the elections and did not inspire confidence among election stakeholders regarding its capacity and impartiality,
- O. whereas preparatory phases of the elections revealed failings in terms of basic fairness for the opposition, transparency, voter registration and respect for the rule of law, with President Olusegun Obasanjo attempting to exclude candidates,
- P. whereas the Obasanjo presidency has recorded impressive achievements and championed democracy across Africa, but now needs to consolidate these positive steps and commit itself to free and fair elections, in accordance with international standards,
- Q. whereas women remain underrepresented as candidates and within the electoral administration,
- R. whereas the general elections offered a possibility for the country to experience its first-ever transition of power from one civilian leadership to another, thus consolidating democracy,
- S. whereas with Nigeria's 140 million people making up some 250 ethnic groups and living in 36 states, each with its own governor and legislature, and with 64 million registered voters, the elections were the largest ever held in Africa,
- T. whereas the transparency and credibility of the elections strongly affect the international standing of Nigeria, as well as the quality of bilateral relations and economic cooperation,
- U. whereas, in order for elections to be successful and credible, immediate and proactive

national, regional and wider international involvement is required in order to guard against electoral violence and manipulation,

- V. whereas, despite the professional work carried out by the EU Election Observation Mission in building voter confidence in general by exposing irregularities, deterring fraud and providing recommendations to improve the electoral process, the credibility of the EU is damaged by the lack of a coherent post-electoral policy when it comes to addressing failed elections,
- W. whereas the stability of Nigeria is in the balance,
1. Calls for urgent remedial action by the relevant authorities and stakeholders in order to restore the conditions for holding credible and transparent elections in Nigeria;
 2. Urges the Nigerian authorities to investigate election irregularities urgently, thoroughly and transparently and to take immediate action to redress the situation and to make the perpetrators of those irregularities accountable for their actions;
 3. Calls for concrete measures to establish a truly independent election administration which is fully capable of conducting free and fair elections;
 4. Affirms that the Nigerian people are entitled to new credible elections, to be held under a truly independent and efficient INEC; emphasises that, as matters currently stand, the INEC is not able to meet the organisational and logistical challenges it faces;
 5. Regrets that the Electoral Act 2006 still fails to meet fundamental transparency requirements, in particular regarding the collation and publication of results, and calls for it to be amended;
 6. Notes that a committee, made up of Members of the House of Representatives and of the Senate belonging to all parties, could be set up to revise the election process and to come forward with suggestions for new and credible elections;
 7. Regrets that despite an improved atmosphere in which freedoms of expression and assembly were broadly respected during the campaign, with courts playing a generally positive and independent role and people genuinely committed to democracy, the elections cannot be regarded as credible;
 8. Strongly regrets that, despite the Government's arrangements for massive deployment of the police, army and state security services, the elections led to deaths, even before vote-counting began and sometimes even before votes were cast, with at least 200 people, including candidates and police officers, being killed in election-related incidents;
 9. Calls on the Nigerian authorities, the INEC and political parties to investigate all cases of violence and to hold perpetrators of such violence to account;
 10. Condemns the atmosphere of impunity for electoral violations, executive immunity and the practice of hiring thugs to perpetrate electoral violence, and calls for concrete action in this area;
 11. Calls on the Nigerian Government not to interfere with legal challenges to the electoral process and calls on the opposition political parties to use the electoral court procedures,

to refrain from the use of violence and to support joint African Union-Economic Community of West African States (AU-ECOWAS) mediation to hold new, credible elections in order to find solutions to the dramatic post-electoral situation;

12. Welcomes the mechanisms established by the Courts of Appeal to simplify and ensure timely determination of post-election petitions, but regrets that aggrieved opposition parties which filed petitions before the Election Petition Tribunal were still waiting for hearings to commence two weeks after the presidential vote;
13. Calls for effective and widespread civic rights and electoral education and stresses the need to tackle widespread illiteracy, which denies Nigerian people access to the printed press and is also one of the main constraints on participation in elections, especially for women;
14. Endorses the conclusions of the European Union Election Observation Mission;
15. Calls on the Commission to submit to the Council and the European Parliament a coherent and credible proposal on EU post-election policy which respects the free choice of the population in a given country, and fears that the current 'business as usual' policy is damaging and defeats the credibility of EU Election Observation Missions;
16. Stresses that EU aid to Nigeria should not be given to federal or state structures until new, credible elections have been held; points out that such aid must benefit the Nigerian people and should therefore be used for good governance, democratisation, voter education and community-based basic social services, particularly through civil society organisations;
17. Calls on the Commission and its Delegation in Nigeria to ensure that the Government has no involvement in the selection of projects or the implementation of any funding under the European Instrument for Democracy and Human Rights, which is explicitly designed to operate without host country consent;
18. Urges the Federal Government to combat the patterns of corruption, violence and impunity that have undermined governance in much of the country, especially at state and local levels, and have kept the majority of the citizens of Nigeria in poverty and deprived of basic health and education services, and to respect human rights;
19. Calls on the Nigerian authorities to start negotiating with local populations on the future of the Niger Delta region, namely on its social, economic and environmental development;
20. Notes that achieving the Millennium Development Goals is a key aspect of democracy and contributes to improving social justice and economic development;
21. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government of Nigeria, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the Chairmen of the Commission and Executive Council of the African Union and the Commission and Council of Ministers of the Economic Community of West African States.