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Presidential and Gubernatorial Elections Marred by Serious Irregularities and Fraud in Many States

Second Preliminary Statement - Abuja, 22nd April 2003

The Presidential and Gubernatorial Elections were the second in a series of important polls held in Nigeria, in the context of transition from civilian to civilian administration, crucial for the country and for the region as a whole. The Presidential and Gubernatorial Elections are generally perceived as the most important of the 2003 general elections, given the extensive powers of the executive at both the Federal and State level.

The European Union Election Observation Mission (EU EOM) issued a first preliminary statement on 14 April regarding the National Assembly Elections of 12 April. As elections could not be held in some constituencies, delayed and repeated National Assembly polls were held in certain parts of the country. This second preliminary statement contains the EU EOM's findings on the Presidential and Gubernatorial Elections held on 19 April, as well as on the delayed and repeated National Assembly polls. In total, on 19 April the EU EOM deployed 118 observers in 31 States throughout Nigeria, except in Akwa-Ibom, Bayelsa, Gombe, Kebbi and Taraba. The EU EOM will remain in country to observe and report on any run-offs in the elections and on the State Houses of Assembly Elections of 3 May 2003. A final report, including recommendations, will be issued by the EU EOM after the conclusion of its mission.

Summary:

- The Presidential and a number of Gubernatorial Elections were marred by serious irregularities and fraud - in a certain number of States, minimum standards for democratic elections were not met.
- EU EOM observers witnessed and obtained evidence of widespread election fraud in certain States. Many instances of ballot box stuffing, changing of results and other serious irregularities were observed in Cross River, Delta, Enugu, Kaduna, Imo and Rivers. The elections in these States lack credibility and appropriate measures must be taken by the relevant authorities.
- Similar irregularities were observed to a lesser extent in a number of other States, including Anambra, Benue, Edo, Katsina and Nassarawa. These incidents undermined the integrity of the electoral process in these States. Irregularities should be thoroughly investigated and addressed by the appropriate authorities without delay.

- In many other States in the country and in particular in the South-West (including Lagos), elections were reported as by and large orderly and improvements were noted in the distribution of election material, the timely opening of polling stations and, in some places, the secrecy of the vote. Nevertheless, also in these States, substantial flaws and weaknesses remain, e.g. with voter lists, ballot distribution and safeguards against multiple voting.
- Delayed and repeated polls for the National Assembly Elections were not conducted in a transparent and credible manner. A countrywide breakdown of results by polling station would enhance the credibility of the process.
- Federal and State-owned media failed to live up to their legal obligation to provide equal access and fair coverage of all political parties and demonstrated political bias in favour of the ruling parties at Federal and State level. Private broadcasters and print media provided greater coverage of opposition parties; editorial policy was however influenced by commercial imperatives and led to unbalanced treatment of candidates.
- The EU EOM notes that once again there was a generally peaceful conduct of the elections. It encourages all stakeholders to actively contribute to a peaceful environment and urges aggrieved parties to resort only to legal remedies through the judiciary.

Pre-Election Period

- The immediate period leading up to the 19 April Presidential and Gubernatorial Elections was marked by political tension, due to the rejection of results of the National Assembly Elections by key opposition parties. Some political leaders even threatened to call their supporters to mass action to protest against these elections, thus raising their political profile ahead of the 19 April elections. However, the week immediately preceding the Presidential and Gubernatorial Elections was characterised by fewer reported incidents of violence than before 12 April. For their part, the Chairman and Secretary of the Independent National Electoral Commission (INEC) issued repeated addresses to stop acts of violence and intimidation against INEC field staff.
- Considerable in-fighting between gubernatorial candidates took place during the campaign, as many unsuccessful candidates in the primaries chose to run as flag-bearer for a different party in the State. The nomination of candidates was often characterised by a process of selection rather than election; many party primaries took place outside of clear democratic rules, testifying to the weakness of party politics in Nigeria.
- The period leading up to the Presidential and Gubernatorial Elections was also marred by the fact that repeated and delayed National Assembly Elections in a number of constituencies were not conducted in a transparent and credible manner. INEC failed to provide information on the exact dates and constituencies up for repeat and postponed election in Abia, Akwa-Ibom, Anambra, Delta, Enugu, Kogi, Rivers and Zamfara, where elections could not be held on 12 April because of violence and late distribution of materials. EU EOM observers on the ground reported that no adequate information on these polls was available to voters, political parties and observers alike, as well as low turnout and even no voting in some polling stations on repeat Election Day. The repeat elections did not provide voters with an effective opportunity to vote.
- The 12 April elections highlighted a number of important areas for improvement ahead of the 19 April elections. The

publication of results for the National Assembly Elections added further concern with the whole election process. The EU EOM observed serious discrepancies between polling station level results and collated results in some constituencies in Edo, Enugu and Rivers. Moreover, information collected after 12 April indicates implausibly high turnout in certain constituencies in Bauchi, Benue and Kaduna. For all elections in Nigeria, results should be published with a breakdown by polling station to enhance the transparency in the process and increase confidence in the final results. INEC results should also include figures concerning the number of registered voters per constituency.

Election Administration

- For the Presidential and Gubernatorial Elections, and in an attempt to address some of the shortcomings identified on 12 April, INEC issued fresh guidelines for the organisation and conduct of the polls. However, these guidelines failed to address effectively the tracking of sensitive material (e.g. ballot papers), underage voting, use of tendered ballots and the collation process.
- Moreover, the measures adopted by INEC to address the issue of inaccurate voter registers opened up a new loophole in the process. For the 19 April elections and contrary to previous guidelines, INEC instructed polling staff to use the hand-written lists of applications as back-up voter registers, thereby demonstrating its lack of confidence in the accuracy of the computerised registers. It also left the process open to abuse, as a number of applicants deleted during the computerisation stage may have thus been permitted to vote. This is all the more important since the distribution of voter cards ahead of the 19 April polls was not carried out in a uniform manner and did not allow for adequate scrutiny by party agents and observers. Long-term efforts should be dedicated to creating and maintaining an accurate civil registry that could also serve as basis for voter lists.
- Election administration in Nigeria suffers from a number of structural shortcomings as evidenced in the 2003 elections so far. The legal provisions governing appointment and removal of INEC Commissioners on both Federal and State level, as well as the lack of autonomous sources of funding do not provide adequate guarantees for the independence of electoral authorities. INEC's lack of transparency through key stages of the process opened it up to accusations of political bias voiced by several parties. Moreover, the legal provisions for complaints and appeals do not provide voters with an easily accessible mechanism for seeking redress. Finally, it is regrettable that INEC could not benefit from logistical resources available at the State Independent Electoral Commissions, given the legal separation between the two structures and the lack of initiative to share resources. Election Day observations also show the need for further voter education, particularly in the areas of secrecy of the vote and marking of ballots.

Media Coverage

- Media performance during the Nigerian elections was flawed, as it failed to provide unbiased, fair and informative coverage of the political parties and candidates contesting the elections. This was a result of a variety of factors: the financial instability of the Nigerian media, the low purchasing power of the population, illiteracy, electricity shortages, media reliance on sponsorship for survival, a media culture of deference to the party of power, problems of professional development and the

weakness of both government- and self-regulation. Media outlets were largely unable to overcome these barriers and provide adequate coverage of the 2003 elections.

- Federal and State-owned media were biased in favour of the parties and candidates in power. These media have a particular obligation to provide impartial and unbiased information to the electorate, because they are publicly owned and because of their advantage in reaching the largest number of people in Nigeria. However, detailed analysis carried out by the EU EOM shows that they failed to live up to this obligation. The privately owned broadcast media monitored gave greater access to the major political parties and candidates in opposition, however to a large extent to those presidential and gubernatorial candidates able to pay for access to the media. This led to a generally uncritical treatment by the privately owned media of the parties and candidates.
- There is a vibrant and prolific print media in Nigeria, which generally succeeded in disseminating more detailed information about more parties and candidates than the broadcast media. Nevertheless, newspapers did not remain impartial; federally owned newspapers favoured the ruling party in terms of space and tone, while privately owned newspapers tended to favour candidates of their choice. Individual journalists and programmes succeeded in the face of great difficulties in alerting the public to some of the complexities of these elections, however as a general rule the media served to confuse rather than clarify the issues.
- In a positive development, the Nigerian media organised some useful initiatives to improve political communication during the elections. Most of the parties and candidates were able to present their views to the electorate through the presidential debates broadcast on public and private media, an event organised by a group of Nigerian media organisations. There was also a significant amount of information provided about the elections in general and voter education. Also, the programmes broadcast by public and private media from the INEC Media Centre provided a useful service in disseminating election information.
- There are few laws regulating the media coverage of elections and they are inadequate to cope with the new political and media landscapes of Nigeria. For instance, the 24-hour campaign silence cannot be enforced during staggered elections. The role of the broadcasting regulatory authority - the National Broadcasting Commission (NBC) - during the elections was low key and the lack of a decisive body enforcing the rules left an open playing field for violations to take place.

Election Day

- Presidential and Gubernatorial Elections (19 April 2003) - Election Day for the Presidential and Gubernatorial Elections was marred by serious irregularities throughout the country and fraud in at least 11 States. In total, approximately 25% of EU EOM observers directly witnessed one or more cases of election fraud and attempts thereto, which is exceptionally high.
- In certain States, particularly in Cross River, Delta, Enugu, Imo, Kaduna and Rivers, EU EOM observers witnessed or obtained evidence of widespread election fraud. The elections in these States lack credibility and appropriate measures must be taken to provide voters with a truly democratic electoral process. Similar irregularities were observed to a lesser extent in a number of other States, including Anambra, Benue, Edo,

Katsina, Kogi and Nassarawa. These incidents undermined the integrity of the electoral process in these States and should also be thoroughly investigated and addressed by the appropriate authorities without delay.

- The reported irregularities include stuffing of ballot boxes, forgery of results, falsification of result sheets, ballot box snatching and a variety of other means of rigging. Examples below are meant as illustrations and are by no means exhaustive.

Observers witnessed and obtained evidence of widespread ballot stuffing in several States, including Benue, Cross River, Delta, Enugu, Imo, Kaduna, Katsina and Rivers.

For instance, in Kaduna, INEC staff was observed thumb-printing ballots in favour of the ruling party. In Cross River, in Calabar municipality, one party agent and the presiding officer were seen stuffing the box when EU observers arrived. In Enugu, observers saw a member of the police force stuffing ballots in the box; in another polling station in Enugu, observers reported that already 600 ballots had been cast after only one hour of polling. In a cluster of four polling stations in Imo, the count revealed that 1100 ballots were cast when only 800 were officially issued. In Kaduna, in the same Local Government Area (LGA), observers collected evidence that one of the wards contained a so-called "ghost polling station", as one of the 11 polling stations had no materials allocated to it.

Forgery of results, falsification of result sheets in Cross River, Delta, Edo, Enugu, Imo, Kaduna, Nassarawa.

In some States, polling station results show improbable turnout figures, up to 100%, while actual voter participation was visibly lower. In Nassarawa State, as in other States, polling stations closed early and results indicated a 99% turnout with a very strong majority for one party. It was also reported that in a number of places, there were serious discrepancies between polling station results and figures recorded at the different collation centres. For instance, in Delta State, observers reported that several hundred votes had been added to the results in favour of the one party during the collation at LGA level, when compared to the figures from the polling stations where they had observed the count. Out of 48 polling stations in the region, 44 had an official turn-out of 95 to 100%.

In Enugu, during the collation, observers saw presiding officers writing in their result sheets figures dictated by the returning officer. In Kaduna, several wards recorded exceptionally high turnouts as well as results in stark contrast to the general pattern of the other wards. In those wards, ANPP won in the Presidential Elections and PDP the Governorship; elsewhere ANPP is the winner for both elections. At a collation centre, observers even witnessed two party agents from PDP and ANPP, marking side by side unused ballots, respectively for Governor and Federal President.

In Edo, observers collected evidence of forged results, as an additional 200 votes were added on the collation sheet for two polling stations. In Imo, observers reported

that election materials proceeded directly from polling station to LGA level, with no result sheets filled in at polling station level nor any collation at ward level. In Cross River, observers reported that in a polling station, no result sheet was filled in after the count; at ward level however, a result sheet was produced recording 540 votes cast, 535 in favour of the ruling party.

Unlawful behaviour by party agents and alleged observers in Bauchi, Delta, Enugu, Imo, Kaduna, Nassarawa and Rivers

The presence of party agents representing various political forces and domestic observers was reported in most polling stations observed and at different stages of collation of results, which contributed to the transparency of the process.

However, in some cases, party agents actively participated in ballot stuffing and forging results. For instance, in a polling station in Delta, observers reported that polling was stopped early at 14.00 hours, four out of seven ballot boxes produced over 90% turn-out figures with 90% votes cast in favour of PDP; a dispute erupted between 30 party agents from different political forces concerning the payment of promised bribes. In Imo, observers reported that party agents on the spot had signed the result sheet with 200 more ballots cast than ballots issued and were receiving money before leaving the polling station. In Nassarawa State, voter cards were distributed by ANPP activists. In Kaduna, distribution of voter cards by PDP supporters was also observed.

Party agents also contributed in certain areas to creating an atmosphere of intimidation and interfered in the process. For instance in Rivers, observers reported fighting between party supporters on the one hand and voters and polling staff on the other around the LGA office. In Delta, supporters of the ruling party took control of the election process in several LGAs.

Observers also reported abuse of identification cards for party agents or even in some cases domestic observers. In Bauchi, observers saw alleged ANPP party agents advising voters to vote for the incumbent president. In Enugu, an alleged domestic observer was seen participating in the stuffing of a ballot box.

Underage voting was observed a large scale by EU EOM observers in the northern part of the country, particularly in Borno, Kaduna, Kano, Katsina, Sokoto, Yobe and Zamfara.

In many places, children were allowed to cast ballots; it is unclear whether they were allowed to vote as registered voters or whether they were standing in and proxy voting for others.

- However, in many other States in the country, elections were reported to be generally orderly and improvements were noted in certain areas of the electoral process. The distribution of election material marked an improvement over the National Assembly Elections and generally allowed for a more timely start of polling operations, although delays were observed in a number of States. Supplies of ballot papers and ballot boxes

were more adequate than on 12 April. The distribution of voter cards on Election Day proceeded smoothly in identified areas with specific staff assigned to the task. INEC staff was increased in polling stations with more than 500 voters, and was generally reported as operating in an impartial manner.

- Following INEC guidelines of 15 April, in some areas election officials put in place various measures to promote the secrecy of the vote, including polling screens or cabins. Nevertheless, the overall system to guarantee the secrecy of the vote remained insufficient throughout the country and INEC instructions were not uniformly implemented. Moreover, the handling and tracking system of sensitive material (e.g. ballot papers) was not improved in comparison to the National Assembly Elections. Furthermore, no substantial improvements were observed in the sealing of ballot boxes and in the application of certain safeguards to prevent multiple voting, such as inking the voters' fingers and marking the voters' names in the voter register.
- It was observed that on many occasions, illiterate voters were not able to cast their ballots without assistance and in some cases, without coming under undue influence particularly by party agents from the main political forces. Specific voter education efforts should be dedicated to ensuring all voters are able to enjoy fully their democratic rights.
- Where observed, the count at polling station level was generally conducted in an orderly manner. However, the EU EOM received many reports of polling stations closing before the prescribed closing time of 15.00 hours, thus depriving potential voters from casting their ballots. These polling stations often showed implausibly high turnouts. More importantly, the electoral authorities should publish detailed final results by polling stations to remedy the serious shortcomings observed in the collation process as mentioned above.
- The EU EOM encourages all stakeholders to actively contribute to a peaceful environment and urges aggrieved parties to resort only to legal remedies through the judiciary. In its final report, the EU EOM will make detailed recommendations for improvements.

Mission Information

The EU EOM has been present in Nigeria since 11 March 2003, following an invitation from the Nigerian Ministry of Foreign Affairs. The Mission is led by **Chief Observer Mr. Max van den Berg, Member of the European Parliament**, Vice Chairman of the EP Committee on Development and Co-operation and Member of the Joint Parliamentary Assembly of the EU-ACP (African, Caribbean and Pacific) States. In total, for the Presidential and Gubernatorial Elections the EU EOM deployed 118 observers throughout Nigeria. Ms. Karin Junker, Member of the European Parliament and two Members of the Dutch Parliament also participated in the EU EOM.