



**European Union Election Observation Mission  
Federal Republic of Nigeria**

Presidential, National Assembly, Gubernatorial and State Houses of Assembly  
Elections 14/21 April 2007

**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.*

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**Preliminary Conclusions**

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- **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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Transcorp Hilton Hotel Abuja, Floor 5  
Tel: +234 9 4613005  
Fax: +234 9 4613104  
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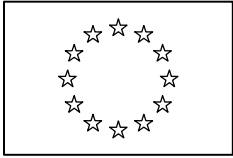
not publicly displayed at any level of the election administration throughout the country. Following INEC's decision to order re-runs in two states and undertake investigations in four other states, serious consideration should now also be given to initiating investigations in a number of other states 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 wave 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.**

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### **Preliminary Findings**

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#### **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.

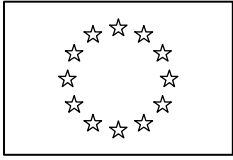
During the 14 April elections, Nigerians voted for 36 State Governors and 990 Legislators in the 36 State Houses of Assembly. On 21 April, elections were held for the President, 109 Members of the Senate and 360 Members of the House of Representatives. The elections were conducted using the simple majority 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 election<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup> 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

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<sup>2</sup> 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.

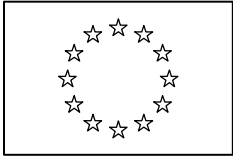
A limited national voter education media campaign by INEC commenced only seven days prior to the 14 April election day. In one national TV spot INEC misinformed voters about the secrecy of the vote by broadcasting a mock polling station without a polling booth. INEC's partners through the Joint Donor 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.

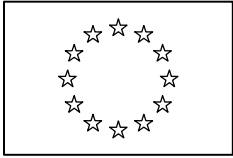
Distribution of the time among the candidates and parties in the news programmes of the private broadcast media, monitored by the EOM, was more equitable in comparison with the state-owned media. However, coverage of the broadcast media, both state owned as well as private, was focused on only a small 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 wave 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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Presidential, National Assembly, Gubernatorial and State Houses of Assembly Elections 14/21 April 2007

Transcorp Hilton Hotel Abuja, Floor 5

Tel: +234 9 4613005

Fax: +234 9 4613104

[www.eueom-ng.org](http://www.eueom-ng.org)



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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 were 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

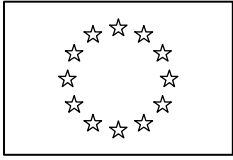
In 45 per cent of polling stations observed, the overall conduct of polling was rated as poor. Observers witnessed disorder in 22 per cent of polling stations visited. In the majority of polling stations observed, breaches of the secrecy of the vote occurred. In many polling stations observed it was 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 Arikyia) 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 turn out 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 turn out 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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