



# **EUROPEAN UNION ELECTION FOLLOW-UP MISSION TO NIGERIA**

## **FINAL REPORT EXECUTIVE SUMMARY**

**MAY- JUNE 2014**

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## **I. EXECUTIVE SUMMARY**

- The European Union (EU) deployed Election Observation Missions (EOM) to Nigeria in 2003, 2007 and 2011. Further to policy developments in the EU since 2009 in which review of EU EOM recommendations is a significant policy reference, an Election Follow-up Mission (EU EFM) was organised in May-June 2014. The EU EFM was mandated to assess the progress made in electoral reforms following the 2011 General Elections namely on the basis of the implementation of the recommendations offered to the authorities by the EU EOM 2011 and other international and national observer groups. It was also assigned to offer a concrete set of recommendations that could be implemented in the run-up to the February 2015 General Elections. The EU EFM is independent in its conclusions and adheres to the UN Declaration of Principles for International Election Observation.
- The EU EFM was led by the former Chief Observer of the EU EOM 2011 and consisted of two election experts deployed to Nigeria on 17 May 2014 joined by European Union External Action Service staff from Headquarters and EU Delegation. The EU EFM organised a roundtable on 2 June 2014 to share its findings and discuss its preliminary recommendations with representatives from different international and national stakeholders, such as the Independent National Electoral Commission (INEC), the National Planning Commission, the Inter-Party Advisory Council (IPAC), the National Bar Association, civil society organisations, media and international donor community.
- The EU EFM found that the INEC made commendable efforts in taking into consideration the EU EOM 2011 recommendations that were within its remit. In particular, improvements were noted regarding the ongoing update of the voter register and the introduction of the permanent voter cards, the strengthening of the Electoral Training Institute, the creation of the INEC National Inter-Agency Advisory Committee on Voter Education and Publicity (NICVEP), the establishment of the Alternative Dispute Resolution (ADR) Department and the Gender unit and the creation of the IPAC. While the INEC should be commended for its organisational and administrative achievements, the integrity of the updated voter register and the proper execution of the duties of these new bodies, however, remain to be seen.
- Most of the recommendations offered by the EU EOM 2011 concerning the amendments of the legal framework were endorsed by INEC and submitted to the National Assembly in summer 2013 but their adoption is still pending. Due to the standstill of the review process by the National Assembly, the different election stakeholders are conducting their activities under a legal uncertainty over the legislative framework that will regulate the 2015 elections. However, the Deputy Senate President assured the EU EFM that the review process would be finalised by July 2014.
- The 2015 elections will be conducted in a deteriorating security environment. The Boko Haram insurgency has worsened tremendously during the last months, from occasional attacks to almost everyday incidents with high casualty figures,

exacerbating insecurity in the country. This significant threat of domestic terrorism is likely to escalate during the election period and overshadow the elections in the affected States. In addition, several other complex and multi-layered security challenges throughout the country have not been tackled. Questions arise on whether there will be a political will to revoke the emergency rule in the three States; whether INEC will be able to deploy and secure the election material and, most importantly, whether the necessary number of permanent and ad-hoc election staff will accept to serve in the most volatile areas of the country.

- The risk of electoral violence varies within the States depending on several factors such as the political context of the local and state elections and the social context of ethnic and sectarian lines. A significant alteration of the political landscape is discernible by the emergence of a merged opposition under the All Progressive Congress (APC). Several politicians, including members of the National Assembly from the Peoples Democratic Party (PDP) have already defected to APC. Although the cohesion of the opposition will be seriously tested during the congress for the nomination process of their candidates, for the first time since 1999, the opposition appears to threaten the dominance of the PDP through the tangible possibility of an electoral win.
- The National Conference, which commenced on 17 March for initially three months, was extended until 17 July. It is considered by most interlocutors as a unique opportunity to bring together diverse entities of the country in one platform. However, a number of political as well as legal issues are emanating from this discussion forum. Although the Conference could act as a supportive force for recommended legislative changes, some stakeholders express criticism, as it enjoys neither an electoral mandate nor a legal backing and ought not to be perceived as a parallel to the National Assembly power; furthermore, President Goodluck Jonathan is accused of using the Conference as a mean to attain edge over his opponents.

*In light of the above observations, the EU EFM would like to share the following risks and weaknesses identified in the electoral process with all interested stakeholders:*

- Conducting transparent and credible elections in a country such as Nigeria, given its size, population, terrain and ethno-religious diversity, is a massive operational exercise. INEC expressed optimism and heightened expectations in being able to organise elections more successfully than in 2011; yet stakeholders express growing concerns over its capacity. There is little margin for error, as logistical mistakes might not be tolerated in the 2015 elections. The Ekiti and Osun governorship elections, scheduled for 21 June and 9 August 2014 respectively, are a test case for INEC's preparedness in view of the 2015 elections.
- As per the EU EOM 2011 Final Report, the existing constitutional and electoral legal framework provides an adequate basis for the conduct of democratic elections in line with Nigeria's international and regional obligations. However, the significant recommendations of introducing time limits for the adjudication of pre-election petitions, fettering presidential discretion in the appointment of

the INEC Chairperson and Commissioners, and establishing an Electoral Offences Commission have not been adopted. Bearing in mind that any amendments to the electoral legislation should be enacted well in advance of elections, in accordance with international best practices, and that the prolongation of the legal uncertainty into the new mandate of the National Assembly would not strengthen the credibility of the process, the EU EFM encourages the National Assembly and the government to demonstrate leadership by initiating reforms to the electoral legislation that would promote greater fairness and transparency.

- The allocation of sufficient funds for the conduct of INEC's operations has not been secured. The Federal Budget for 2014 was approved in the third week of May and allocated only the half of the funds that INEC requested. However, the electoral commission was assured to receive the remaining funds through an additional budget allotment. Certainty in terms of timely allocation of funds in order to secure procurement, to allow for sound early planning and organisation of the process is paramount for the success of the exercise is crucial. Therefore, serious concerns remain as to the timely provision of the necessary funds.
- INEC is in the process of identifying and remedying duplicate and incomplete registration data. The Commission is releasing partial registration information per State, while engaging in phased continuous registration and the distribution of permanent voter cards, which initiated its first phase from 23 to 25 May in ten States. As proxy exchange of cards is not allowed and voters should collect their cards in person within a short timeframe, an important number of cards might remain uncollected if the significance of permanent voter cards is not properly communicated to voters.
- Voter education features as one of the main concerns of all interlocutors. It faces serious challenges given the number of first time voters and women with existing low levels of literacy throughout the expansive non-urban areas of the country, but also the different types of elections that will take place.

*In light of the current situation and challenges identified regarding the election process, the EU EFM would like to share the following recommendations:*

The EU EFM identified crucial areas that need to be immediately addressed, and offers recommendations for consideration by the authorities, the National Assembly, the media and the civil society of Nigeria, in further support of their efforts to conduct elections in line with international and regional obligations and standards. A number of these recommendations have already been offered in the previous EU EOM 2011 final report, as well as by other international and national observer groups, but remain to be addressed. The EU EFM, as per its mandate, did not consider recommendations that might be implemented at a later post-electoral stage. The European Union stands ready to assist the authorities and civil society of Nigeria to further improve the electoral process.

The full recommendations of the EU EFM are detailed at the end of each chapter and listed at the end of this report. The EU EFM would like to draw attention to the most important ones, namely:

1. Sufficient and timely budget allocation should be guaranteed to INEC for the preparation and organization of the 2015 polls. Any existing INEC gaps within elections budget would require early identification and clarification as they could seriously impact the quality of the process.
2. The review process of the electoral legislation should be finalised before July 2014. The establishment of an Electoral Offences Commission that would disburden INEC would be a positive step. However, it would be highly advisable that some other amendments of the legal framework do not enter into force before the next electoral cycle, in order to avoid serious complications with heedless implementation.
3. Concrete reinforcement to INEC's Electoral Management System, support to enhance its efficiency and co-ordination with special focus on operational and logistics departments, planning and procurement directorates is crucial for the successful conduct of the elections.
4. The security of the process will require strong leadership, coordination and communication strategy of all security agencies involved early in advance. Training of security personnel should be conducted, aiming at not only improving their performance in line with their legal obligation to perform their duties in a neutral manner, but also to positively affect the public perception of security agencies.
5. Political actors should publicly commit to refrain from using inappropriate language in their political discourse and messages that promote hate speech and incite violence. It would be advisable that traditional, religious and community leaders are involved in a widespread campaign against violence; wider sensitization of the electorate should be conducted through mainstreaming the messages of dialogue, tolerance and peaceful resolution of conflicts.