

**Press Statement on the 2019 Elections Report of the Nigeria Civil Society Situation Room**

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The Nigerian Civil Society Situation Room has released its final report on the 2019 Nigeria General elections, with 20 recommendations to improve Nigeria's electoral system.

In the report, Situation Room points out that from the lapses noted during the observation of the 2019 general elections, it is its conclusion that the 2019 elections failed to meet the threshold for a credible election and worries that this poses serious questions about the future of elections and quality of democracy in Nigeria.

On a positive note however, Situation Room stated that the election was one in which citizens were determined and mobilised to exercise their votes, including marginalized groups such as women, persons with disabilities (PWDs), young people, etc. This positive excitement was truncated by the unexpected postponement of elections from the initial dates set.

Situation Room, a platform of over 70 Nigerian Civil Society Organisations (CSOs) working in support of credible and transparent elections in Nigeria, observed the country's elections to determine if they conform to minimum requirements for a free and fair conduct and has observed all Nigerian elections as a group since 2011. Ahead of the 2019 elections, Situation Room issued an ***Election Threshold*** document to help define a common expectation from the elections.

To effectively play the role of an election observation group during the 2019 elections, Situation Room deployed observers to all the country's six geopolitical zones. On its own, the Situation Room directly deployed about 4,000 field observers, with an additional 20,000 field observers deployed by member and partner- organisations. Situation Room also had observers in 8,809 electoral wards across the country's 36 States and the Federal Capital Territory, Abuja.

**OUR FINDINGS**

**According to Situation Room, of the eight measures used by Situation Room to assess the elections, there was significant non-compliance with five of them.**

**In its reports Situation Room outlined its findings as follows:**

- **Independent National Electoral Commission**  
Without fixing the shortcomings identified in the 2015 electoral law, INEC went into the 2019 elections already constrained from doing much to rectify them. While most people agreed that biometric identification of voters would improve election credibility, there was no law making it mandatory. Similarly, there was no law supporting the electronic transmission of results from polling units.

In the end, INEC operations fell short of its identified role and obligations in the Threshold Document. Logistical and operational challenges marred the credible conduct of the elections. The first sign of this flaw manifested with the shock and unexpected postponement of the elections in the early hours of the very day they were to begin, on Saturday, February 16, 2019.

Postponing voting about six hours to the start of polls did not only expose an ill-prepared INEC, it also dampened the nationwide enthusiasm that had built up for the elections. It made it impossible for many who had travelled earlier to vote in their constituencies to make a second trip, worsening voter apathy.

The collation of results, another major weakness of Nigerian elections, remained a concern throughout the elections, with observers reporting interference with the process, especially by political parties and security agencies, oftentimes, with the active participation of INEC officials. Data in the voters' register as well as results declared by INEC threw up several glaring discrepancies that have yet to be explained. There were differences between the number of accredited voters and the total number of votes cast in many polling units.

A scrutiny of the registration numbers given by INEC reveals discrepancies between the total number of registered voters before the election and the total number of registered voters announced by INEC during the collation in 30 of Nigeria's 36 states.

Many of the lapses that were observed could have been taken care of if the Electoral Act amendment passed by the National Assembly had been signed into law and put into use.

In spite of the postponement and assurances by INEC on its readiness, major shortcomings still undermined the conduct of the elections. There were significant delays to the start of voting due to challenges in deploying men and materials, and many cases where materials supplied to polling units were incomplete, perceived in some quarters as deliberate acts of vote suppression.

Reports received by the Situation Room from its network of observers and partner organisations indicated that INEC officials and materials did not reach a significant number of polling stations across the country until about 11a.m. Voting ended late in many places, delaying collation and leaving room for malpractices.

More so, the election day was characterised by localised incidents of voter intimidation, ballot box snatching and destruction, and general voter apathy as the national voter turnout rate dipped from 43.7% in 2015 to just 35.6 %.

Situation Room acknowledges the efforts made by INEC toward building an accurate and inclusive register through its continuous voter registration, the public verification of the register and the issuance of voter cards. However, there were still identified challenges and

tedious processes that proved to be a challenge for citizens seeking to register or collect their PVCs.

- **The Political Parties**

The 2019 general elections saw a record number of 73 political parties contesting for the presidency. While a few of the parties conducted primaries to select their candidates, most failed to conduct transparent primaries, leading to allegations of imposition of candidates.

Although the campaigns were robust, several of the parties that had candidates on the ballot failed to show that they were seriously competing in the elections, meaning that the two main political parties – the incumbent All Progressives Congress (APC) and the main opposition party – the Peoples’ Democratic Party (PDP), dominated the campaigns. The Situation Room observation showed flagrant abuse of electoral laws by the two main political parties including vote buying, intimidation, use of hate speech and fake news.

- **Militarisation of the Elections**

The Situation Room observers noted military involvement in the elections outside of the limits allowed by law. The Electoral Act specifically states that military involvement in the elections shall only be at the request of INEC and only for the purpose of securing the distribution and delivery of election materials and protection of election officials. The Threshold Document called for a security deployment that was under the operational control of INEC in accordance with the provisions of the Electoral Act.

In apparent contravention of this, troops were deployed nationwide during the elections, without any clear coordination with INEC. In Rivers state, the military posed significant challenges and obstructions to the performance of election duties by INEC officials. Situation Room received reports of incidents of partisan involvement in the elections by the military, particularly in Rivers state.

- **State Institutions**

There are questions about the role played by the executive arm of government as well as other state institutions, such as the military and the security services, and their negative effect on the credibility of the elections. The security forces, especially the Department of State Services – the state security police – but also the military and the police on many occasions put themselves in overbearing roles on behalf of partisan interests.

## **Conclusions and Recommendations**

The Situation Room’s report on the 2019 elections presents the analysis of the various findings in the course of the elections. It has also taken steps to highlight the inconsistencies in the electoral process. It is our reasoned conclusion therefore that the elections did not meet the credibility threshold based on the patterns of abuse of process and the consequent lack of integrity observed.

## **Recommendations**

### **Legal Framework/ Enforcement of Rules**

1. There is an urgent need for all stakeholders to put in place processes to tackle the lapses that have been identified. INEC should work together with civil society organisations to immediately commence the push for reforms in the electoral process, working closely with all critical stakeholders, to achieve lasting reforms to the Electoral process.
2. The Electoral Act (Amendment) Bill passed by the National Assembly and declined by the President, should be re-introduced, passed by the National Assembly and transmitted to the President for assent.
3. The Executive should commit to passing reforms proposed in the Electoral Act (Amendment) Bill and also champion a credible implementation of the recommendations in the 2008 Uwais Panel Report.
4. The National Assembly should fast track the process of passing the Electoral Offences Commission Bill. Attention should also be paid to providing a more credible framework for political finance issues - one that ensures transparency, accountability and fairness. In addition, amendments to the Electoral Act should include altering section 68, that gives unquestioning powers to the Returning Officer to declare results for an election even where such Returning Officer may have done so dubiously or as a result of coercion. Criminal infractions committed en-route to the declaration of results should also compel the review of results announced from such incident without requiring that remedial action be only possible through litigation at either the election Tribunal level or in the Courts.
5. INEC should take steps to ensure the uniform and firm application of the electoral rules across all regions, stakeholders, and institutions during elections. In particular where the system makes enforcement difficult, INEC should take steps to at the least, call out erring institutions or individuals.

### **Election Administration**

1. There should be an independent inquiry into the poor management of the electoral process by INEC, the conduct of the 2019 Nigeria General Elections. This independent inquiry should address amongst others issues; procurement, logistics management, role of the security agencies and abuse of process by INEC officials. This is urgently needed to identify challenges and recommendations towards repairing the damaged credibility of Nigeria's electoral process. INEC should work with civil society and development partners to operationalise this enquiry.

2. Nigeria's election continues to be very expensive, the budget for the 2019 elections was 242.4 billion naira. This cost is not sustainable, it is important to open up national conversation on how to achieve sustainable costs for the conduct of elections in Nigeria.
3. The multiple numbers of political parties on the ballot for several of the elections including 73 for the Presidential election proved to be a logistical nightmare for INEC. There is a need for constitutional and electoral reform requiring parties to fulfil certain conditions before being on the ballot.
4. The failure of the smart card readers in identified polling units should be interrogated with a special audit of the results of polling units where 5% card reader incidence failure was recorded.
5. Following its findings from the independent enquiry, INEC should overhaul its processes and systems for procurement and logistics for elections.
6. INEC should improve education of its officials and ad-hoc staff on its processes in administering elections. In particular, ensure that training is timely and institutionalised.
7. Civil Society should do more to hold INEC more accountable in terms of its preparedness for elections.

### **Polling and Collation**

1. Clear directives regarding the opening and closing times for voting should be issued by INEC in order to make the election process more predictable for voters.
2. INEC should conduct an in-depth review of the lapses in the collation process and take steps to improve the transparency of the collation process, particularly at the Ward level.

### **Election Security**

1. INEC and security agencies to ensure accountability for acts inimical to the integrity and credibility of the polls especially individuals complicit in the burning of INEC offices, election materials, snatching of ballot boxes and other electoral offences.
2. Particular instances of contrived voter suppression due to violence must be thoroughly investigated and perpetrators and their sponsors punished to the full length of the law. These allegations must be thoroughly investigated to restore faith in the process and address lingering social fractures that reinforce feelings of exclusion.

3. The Inspector General of Police is called to urgently investigate allegations into Police overreach in identified locations in the country. We ask that such officers be held personally accountable for infringing on the rights of citizens in the exercise of their franchise. In the same vein, Situation Room also calls on the IGP to carry out investigations on all political actors who have instigated or perpetrated violence leading to the needless loss of lives.
4. The Inter-Agency Consultative Committee on Election Security should deploy security personnel in line with security risk findings taking into consideration major flashpoints in future elections.

### **Political Parties**

A major risk factor in the 2019 elections was the behaviour and impunity of the political class. INEC cannot deliver free and fair elections without committed support by the political class. The level of violence, hate speech and general toxic political environment contradicts the commitment to the Peace Accord signed by political parties and candidates prior to the elections. Politicians should commit to respecting the rules of the election and under the current circumstance ensure that their followers do not act outside of the law with respect to election returns.

### **International Action**

Situation Room calls for collaboration between election stakeholders and civil society organisations in Nigeria and the international community to help bring to account persons who subvert the electoral process as a result of their actions and activities. Recent decision by the United State government announcing visa bans against persons infringing the electoral process and subverting the people's vote is commendable. There is a need for a worldwide adoption of the principle of visa restrictions against such persons. Situation Room calls on other countries to follow the United States example.

### **SIGNED:**

*Nigeria Civil Society Situation Room*

*Clement Nwankwo - Convener*

*Y.Z Yau – Alternate Chair, Nigeria Civil Society Situation Room*

*Esther Uzoma, Alternate Chair, Nigeria Civil Society Situation Room*

The Situation Room is made up of Civil Society Organisations (CSOs) working in support of credible and transparent elections in Nigeria and includes such groups as Policy and Legal Advocacy Centre (PLAC), CLEEN Foundation, Action Aid Nigeria, Centre for Democracy and Development (CDD), Proactive Gender Initiative (PGI) Enough is Enough Nigeria, WANGONET, Partners for Electoral Reform, JDPC and YIAGA Africa. Others are Development Dynamics, Centre for Citizens with Disabilities (CCD), Partners West Africa Nigeria (PWAN), Stakeholder Democracy Network, Human Rights Monitor, Reclaim Naija, CITAD, Nigerian Women Trust Fund, Alliance for Credible Elections (ACE), CISLAC, and several other CSOs numbering more than seventy.

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