



Cognisant of the fact the process is yet to be concluded, with the results collation for the presidential and national assembly elections still ongoing, the EISA EOM refrains from making a conclusion at this point. This is a preliminary statement of the EISA mission's assessment up until the end of polling. A final report of the EOM's overall assessment of the presidential and national assembly elections will be issued in a few months.

The EISA EOM commends Nigerians for their commitment and resilience and encourages them to remain peaceful throughout the final stages of the process.

1. Introduction

The Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an Election Observation Mission (EOM) to the 2019 general elections in Nigeria. The EISA EOM is comprised of 16 observers drawn from civil society groups and election management bodies from 13 African countries. The EISA EOM is led by His Excellency Rupiah Banda, former President of Zambia, with Mr. Denis Kadima, EISA's Executive Director as the Deputy Mission Leader. The deployment of the EISA EOM was preceded by a pre-election assessment mission in January 2019. Members of the EOM began arriving in the country on 6 February 2019 and will depart on 26 February 2019.

To gain further insights on the context of the elections, the mission engaged with key stakeholders such as the Independent National Elections Commission (INEC), the National Broadcasting Commission of Nigeria, national civil society organisations (CSOs) particularly citizen election observer organisations, political parties, academics, legal experts and heads of other international observer missions present in Nigeria. Prior to their deployment to eight States,¹ observers were trained on EISA's election observation methodology. EISA's election observation methodology is aligned with the principles set out in the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers.

In their areas of deployment, EISA observers witnessed the final phase of the campaigning, interacted with local stakeholders, and observed the delivery and receipt of materials at the INEC offices and at polling units. Following the postponement of the elections a few hours before the opening of the polls, EISA observers remained in their areas of deployment to observe the implementation of INEC's new operational plan, including the retrieval of sensitive materials, as announced by the INEC Chairman in his press release of 16 February 2019.

¹ Abuja, Adamawa, Akwa Ibom, Enugu, Kaduna, Kwara, Lagos and Ondo. Following the postponement, the team in Lagos was dissolved due to non-availability of some observers.

On Election Day, members of the EISA EOM observed all election day procedures from the opening of polls to the counting of votes. The observers were equipped with smart tablets that enabled them to collect and transmit election observation data to the EOM coordination centre in Abuja in real time.

The EISA EOM's assessment of the elections is based on international benchmarks set in the following instruments: the African Charter on Democracy, Elections and Governance, the OAU/AU Declaration on the Principles Governing Democratic Elections, and the ECOWAS Protocol on Democracy and Good Governance and the Principles for Election Management, Monitoring and Observation (PEMMO).

This statement presents EISA's preliminary findings, conclusions and recommendations on the pre-election period and Election Day operations. *It is issued while the transmission and collation of results is on-going, and only reflects the mission's observations up to the conclusion of the counting process at polling units and observation of the first day of results collation. This statement does not therefore cover the transmission of results nor the finalisation of collation of results at the State and national levels, hence this is a preliminary statement.*

A final report of EISA's overall assessment of the presidential and national assembly elections will be issued in a few months. This statement identifies both best practices and gaps in the conduct of the elections and makes short-term recommendations which could inform the conduct of the gubernatorial and state assembly elections scheduled to take place on 9 March 2019.

2. Political environment

The 2019 general elections (Presidential, Senatorial and National Assembly) are the sixth in Nigeria's 4th Republic, which is the longest democratic dispensation in the country's history. The 2019 elections come after Nigeria's democratic alternance of power in 2015 and is seen as the test of the country's commitment to democracy and credible elections. The general elections were preceded by seven off-cycle elections² that shaped the political context ahead of the general elections. The elections were held against the backdrop of growing insecurity fuelled by activities of the terrorist Boko Haram group, violent activities of cattle herders, banditry, hijacking/kidnappings, threats by the Biafra separatist group, activities of secret cults, and other forms of politically motivated violence. The elections were also held within a polarised context where religious, ethnic and political divisions carried on from the aftermath of the 2015 elections played a key role.

On 16 February 2019, barely six (6) hours to the time scheduled for the commencement of the polls, the INEC postponed the general elections by one week. The Governorship and State House of Assembly, including the Federal Capital Territory (FCT) election scheduled for 2

² These are elections conducted outside the dates declared for general elections. The timing of the off-cycle elections is the result of court rulings where elections were nullified and re-run elections conducted, hence the term of office of such elected officials commence once sworn-in and ends at the expiry of the 4year term.

March 2019, were also postponed by one week. The Commission cited logistical challenges that it could not resolve within the remaining hours as the reasons for postponement of the elections.³ This last-minute postponement forms a trend in Nigeria's electoral practice as it is the third consecutive postponement of national elections.

For the 2019 presidential elections 73 out of the 91 registered political parties fielded presidential candidates. Despite the large number of presidential candidates, the presidential race was considered a contest between two contenders, i.e. between the incumbent president, Muhammadu Buhari of the *All Progressives Congress (APC)* and Alhaji Abubakar Atiku of the *People's Democratic Party (PDP)*. On the eve of the postponed elections, 12 of the 73 presidential candidates announced their support for President Buhari, encouraging their supporters to vote for the incumbent president. This action further reiterated the fact that the increased number of candidates was not necessarily an indicator of a more competitive process. For the 2019 National Assembly elections, the parties fielded 6,511 candidates, of which 4631 are candidates contesting for the 360 House of Representatives seats (there were 3 undefined candidates due to court orders) and 1,880 are contesting for 109 senatorial seats (includes one undefined candidate due to court judgement).⁴

Unlike the previous political rhetoric and elections that were characterised by religious, ethnic and regional discourse, the two major presidential candidates are both from the Hausa-Fulani ethnic group and Muslims from the North, thus changing the dynamics of political discourse in the run up to the elections. Political discourse for the 2019 election has been more focused on issues of age of the candidates, their health status, corruption and performance or non-performance in office.

The 2019 elections saw greater participation of the youth who benefited from the Constitutional Amendment, popularly referred as 'Not Too Young to Run' Bill, that amended constitutional provisions on age qualifications for elective positions. The amendments have reduced the age limit by five (5) years for elective positions, specifically, reducing the age limit for presidential candidates from 40 to 35 years, the age limit for membership of House of Assembly is reduced from 30 to 25 years; while the age limit for membership of the senatorial candidates remains 35 years. The bill received support across the country and was ratified by more than two-thirds of the States of the Federation. Youth participation is particularly important in the 2019 elections because it marks 20 years of democratic rule, which means that some first-time voters are young people born during the 4th republic, who will shape the next generation of leaders. Following these amendments, the number of youth contesting for elective positions has increased from 18% in the 2015 for House of Representatives election to 27.4% in the 2019; 9.8% of those vying for gubernatorial position in 29 States are youth and 14% of presidential candidates are between the aged of 35-40 years.⁵

³ <https://www.inecnigeria.org/resources/press-release/>

⁴ INEC final briefing of observers 12 February 2019.

⁵ <https://www.yiaga.org/youth-candidacy-in-the-2019-general-elections/>

The pre-election context was also shaped by the decision of the President of the Republic to suspend the Chief Justice of Nigeria (CJN) on 25 January on the grounds of false assets declaration. The constitutionality of the president's decision and the timing of the decision raised concerns as the CJN was scheduled to swear-in members of the election tribunals on the day his suspension. While the case is before the courts, the EISA EOM notes that the timing of the decision to suspend the CJN negatively impacted on the credibility of the judiciary as an institution and its independence vis-à-vis the executive.

3. Constitutional and legal background

The 1999 Constitution (as amended) and the Electoral Act, 2010 (as amended) are the cornerstone of the legal framework for the conduct of elections in the Federal Republic of Nigeria. The EISA EOM is cognisant of other supportive legislations, policies and penal code that support and regulate the conduct of electoral processes.

The legal framework for the 2019 general elections is very similar to the framework for the 2015 elections as the bill to amend the Electoral Act was not assented to by the President. The last amendment to the Electoral Act was done in March 2015. The 2015 amendment, amongst other issues: increased the time limit for completion of transfer of registration from 30 days to 60 days; increased the timeline for replacement of lost and damaged voters' cards; removed the ban on the use of electronic voting; encouraged INEC to make provisions for internally displaced persons to vote; and prohibited serving public officials from serving as party agents.

The EISA EOM notes the legal reforms that contributed to the inclusiveness of the 2019 elections, namely the enactment of the "Not Too Young to Run" Bill in 2018, Discrimination against Person with Disability (Prohibition) Act, 2018 and the INEC's Framework on Access and Participation of Persons with Disability in the electoral process. In itself this is encouraging, to the extent that Nigeria will commit to operationalising these laws to ensure that Nigeria's democracy is all inclusive. The EISA mission however takes note democratic process in Nigeria still remains largely exclusive to 47% of its population,⁶ as women remain in the minority in electoral processes

While the Constitution and the electoral legal regimes since 1999 to date have contributed to the consolidation and growth of democratic processes in Nigeria, the EISA EOM observes that other legal reforms proposed based on lessons from previous elections, were not passed ahead of the 2019 elections. An Electoral Act Amendment Bill was passed by the National Assembly but not assented to by the President. The EISA EOM noted that the Bill, if enacted within the time limit stipulated in the ECOWAS Protocol on Good Governance, would have strengthened the legal framework by:

- improving the openness of the voter register by allowing INEC to provide copies of the register in other formats as well as online verification of voter details;

⁶ Policy and Legal advocacy, *Nigeria's 2019 Election Environment* (February 2019), pp.12-13.

- strengthening internal party democracy by mandating parties to hold party primaries before substituting the names of candidates;
- nullifying elections if the votes cast in the polling unit exceeds the number of accredited voters,
- creating deterrents for corrupt practices and irregularities by introducing punitive measures for election officials involved in such practices.

The EISA EOM considers non-enactment of these provisions as a missed opportunity. Furthermore, the EOM notes that the legal framework in Nigeria does not provide for independent candidature and out-of-country voting. Silence of the law on such provisions remains a gap in the legal framework which impacts on the right to stand and the right to vote.

4. Electoral system

Nigeria runs a presidential system of government where the president is elected directly for a four-year term that is limited to two terms of office. Similarly, governors are elected for four-year terms, also limited to two terms. The Constitution requires candidates for the presidency to be Nigerian citizens, sponsored by a party, aged 35 years and above. Whilst candidates for the Senate are required to be Nigerian citizens, sponsored by a party, aged 35 years and candidates for the House of Representatives have similar requirements with an age limit of 25 years.

For both presidential and gubernatorial elections, a two-round majoritarian system is used. Beyond requirement for presidential candidates to receive the votes cast, the winning candidate is also required to receive at least a quarter (25%) of the votes cast in at least two-thirds of the 36 states and the Federal Capital Territory. A similar threshold applies for the gubernatorial elections, with the winning candidate required to receive at least 25% of the votes cast in at least two-thirds of the Local Government Areas (LGAs) in the state. The simple majoritarian system is used for legislative elections. The legislators are elected every four years by direct popular vote in single-member constituencies, with unlimited tenure for as long as legislators are re-elected.

Nigeria is delimited into 360 constituencies for the House of Representatives and 109 senatorial districts. Articles 73 and 114 of the Constitution mandates the INEC to conduct boundary delimitation whenever a population census has been completed. The Constitution stipulates that INEC shall review the division of every State into constituencies at intervals of not less than ten years. Despite population growth and population movement over the past 20 years, a revision of the electoral boundaries has not been undertaken. This has resulted in disparities in the size of constituencies and thus not consistent with the principle of equality of the vote.

The EISA EOM notes that the electoral system adopted in Nigeria largely guarantees the right to stand. However, restriction of candidature to persons sponsored by parties, impinges on this right. The electoral system adequately addresses the country's historical and political

peculiarities and seeks to guard against politics driven by ethno-religious and regional sentiments.

5. Political parties

Political parties in any democracy occupy a special place in the political governance of a country. They are guided by democratic norms and are critical to the entrenchment of democracy. The procedures for registration of political parties in Nigeria largely guarantees the freedom of association. For the 2019 elections, 91 political parties were registered⁷ by INEC. Of the 91 political parties, 23 were new parties registered ahead of these elections. While the increase in registration of political parties is indicative of a more competitive democratic space, this increase has not been accompanied by the institutionalisation of political parties. Parties remain largely driven by personalities rather than ideologies. The increase in number of registered parties could also be attributed to stifled internal party democracy following the acrimonious party primaries that left many aspirants disgruntled.

In addition, the high pricing of nomination for electoral candidates, excludes some qualified aspirants who may not have such financial means, (especially women and young people) from seeking nomination within political parties. The EISA EOM takes note of the rocky party primaries that ended in disputed outcomes within some parties. These outcomes led to court cases that ended with the disqualification of some candidates and creation of splinter groups from some parties. This is an indication of inadequate democratic culture within such political parties.

Out of the 73, only two parties (PDP and APC) have nationwide outreach and presence. The two parties are also the major contenders in the 2019 general elections; with great influence on presidential, national assembly and state elections. Their influence is largely informed by their financial resources. In that regard political parties and individuals treat elections and elective positions as commodities to be purchased by the highest bidder. The existing laws do not regulate the campaign expenditures of the individual candidates who are contesting elections. However, the laws require INEC to exercise control over political campaign expenditures. The Constitutional and other legal provisions envisage that every political party maintains proper accounts of its funds. This sentiment explains the misconduct of political candidates and parties involved in voter bribery and vote buying accusation that featured prominently in these elections.

The EISA EOM notes with concern the use of intimidating language by party leaders, who accused each other of planning to rig the elections after the postponement of the elections. The National Chairman of APC, at their party caucus held on the 18th February 2018, accused PDP of conniving with the INEC to rig the elections. He went further to say that APC will go against INEC's direction for parties not to hold campaigns ahead of the rescheduled elections. President Buhari, the APC presidential candidate, in the same meeting, ordered the security agents to ruthlessly deal with anybody who attempts to disrupt elections. The President remarked that anyone trying to steal or destroy ballot boxes and voting material would do so "at the expense of his own life". In response, PDP warned that President Buhari's threat

⁷ <https://www.inecnigeria.org/political-parties/>

to use the military is a “direct call for jungle justice”. Equally, PDP accused APC and INEC of plotting to rig the elections. The PDP questioned the integrity and credibility of INEC to conduct free and fair elections. More disturbing was the pronouncements by the Kaduna State Governor warning against international interference and warned that this could result in international returning in body bags. This statement was later retracted but it created a negative of international observers. The EISA EOM is of the view that such pronouncements by national leaders contributed to the tense atmosphere before the elections.

The Inter-Party Advisory Committee (IPAC) which is supposed to be a multi-party dialogue platform has been inactive since the IPAC elections that led to controversial outcomes. With the increase in number of registered parties, the EISA EOM is of the view that the IPAC is an important platform for effective communication amongst and between the political parties and INEC and should be revived.

The EISA EOM commends the National Peace Committee for facilitating the signing of the Peace Accord by the presidential candidates. By signing the Peace Accord, candidates demonstrated their commitment to the conduct of peaceful elections. The EISA EOM calls on candidates to continue to live up to their commitments within the framework of the Peace Accord even as they await the final results of the elections.

6. The role of security agencies

In elections, security is key. The security forces have a role to play to secure both the processes and the actual voting and to enable citizens to express their democratic right. For that reason, security agents ought to act independently and not influence the electoral processes or create fear and suspicion. Stakeholders consulted by the EISA EOM, expressed fears of possible military deployment and the possible influence of the security agencies in the general elections. These fears were based on stakeholders’ assessment of the role played by security agencies during the Ekiti and Osun State governorship elections where it was reported that security agencies obstructed the process and, in some cases, intimidated voters. The EISA EOM observed that there was no widespread military deployment across the country on election day except in the North East where the threat of terrorism remains high.

Both international and citizen observers have identified a number of security risks and threats to the 2019 elections. These include, banditry, terrorism (Boko Haram), herder-farmer conflicts, Biafra separatists, activities of cults, Niger-Delta militants, political violence and high numbers of internally displaced persons, which could have a bearing on the 2019 elections. Elections were not organised in some of the Local Government Areas that experienced violence and terror attacks due to some of the security risks and threats ensuing in the Nigerian political environment. In the context of increased risks and threats, as with previous elections in Nigeria, in the lead up to the 2019 elections, there were incidents of arson, thuggery and destruction of property. This raised doubts about the capacity of the security agencies to effectively secure the electoral process. These doubts were further heightened by the fire outbreaks at three INEC offices just before the elections.

7. Inclusivity

Article 9(1b) of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa promotes equal rights to participation in the political life of African countries through affirmative action.

Women continue to be marginalised within political party structures and in general political and electoral processes in Nigeria. Nigeria ranks 181 out of 193 in the global Women in Parliaments ranking with only 5% women representation in its outgoing National Assembly.⁸ The mission notes that the gender and equal opportunities bill aimed at bringing domestic laws in line with Nigeria's international commitments has been tabled before the seventh and eighth National Assemblies. This has however not been passed, dealing a blow to affirmative action efforts. In the 2019 presidential and national assembly elections, only 897 women are contesting for various elective positions out of the total of over 23,000⁹ candidates translating to about 11%. For the 2019 National Assembly elections, there are 1,645 male and 232 female candidates, vying for 109 senatorial seats; while 4,086 male and 542 female candidates are contesting for 360 House of Representatives seats. Only six (6) of the 73 presidential candidates are women translating to 8.2%. Only 21 out of 73 candidates (29%) vying for the position of vice president are women. The low number of women contesting for the listed positions clearly indicates that the representation of women in the next political dispensation will remain minimal. The EISA EOM notes that Nigeria as a State Party to the Convention on the Elimination of all forms of Discrimination Against Women and the Protocol to the African Charter on Human and People's Rights on the Rights of Women has not done much to create enabling conditions for women to run for office.

The Federal Republic of Nigeria has enacted a legislation to prohibit discrimination of people living with disability (PLWDs) by signing into law the Discrimination against Persons with Disability (Prohibition) Act, 2019. The EISA EOM also notes the introduction of the INEC Framework on Access and Participation of Persons with Disabilities in the Electoral Process. This is a positive step towards encouraging the inclusivity and participation of PLWD. However, the mission notes the minimal representation of PLWDs in various elective and appointive positions. Actualisation of the aspirations embodied in the legislative framework requires further concerted efforts.

Since the 2015 elections, there has been an increase in the number of internally displaced persons (IDPs) resulting from violent communal conflicts, activities of Boko Haram and natural disasters. In comparison to the number of IDPs that INEC had to plan for in 2015, in 2019, the IDPs are spread across states in North Eastern Nigeria.¹⁰ The EISA EOM notes the effort made by INEC to create Polling Units within IDPs camps to ensure that IDPs are not disenfranchised.

⁸ <http://archive.ipu.org/wmn-e/classif.htm>

⁹ See Center for Democracy and Development, *Nigeria Elections Trends* (Abuja, 2019), p. 17.

¹⁰ The IOM estimates that over 2 million persons are displaced <https://reliefweb.int/sites/reliefweb.int/files/resources/Nigeria%20-%20Displacement%20Report%2023%20%28June%202018%29.pdf>

Regarding the participation of IDPs, section 26(1) of the Electoral Act provides that in the event of an emergency affecting an election, the Commission shall, as far as possible, ensure that persons displaced as a result of the emergency are not disenfranchised. The EISA EOM notes that INEC put in place measures to ensure that IDPs vote during the 2019 election. Two IDP voting methods were put in place by INEC: **Interstate** – Those outside their states were allowed to vote in the presidential election only; **Intrastate** – Those within their states were allowed to vote in all the elections. This differs from other voters who are required to vote at the centres where they registered.

On election day, EISA observers visited the polling unit at Malkhoi IDP camp in Adamawa where IDPs were redirected to the Malkhoi Primary School close to the IDP camp to cast their votes alongside other voters. The team also visited St Theresa Catholic Church IDP camp in Luggere Ward in Adamawa where IDPs voted at Upper Luggere primary school, close to the camp as well, where they voted alongside other voters provided that they were in possession of their PVCs and their names appeared on the register. The EISA EOM notes the efforts made to ensure that IDPs exercised their rights.

8. Civil society

Nigerian civil society organisations have been active stakeholders in political and electoral processes in Nigeria. Their commitment to this process is demonstrated by the programmes and activities including peace education, research and analysis to create awareness on the electoral processes. The EISA EOM acknowledges the contributions of several civil society organisation platforms including the YIAGA's Watching the Vote Initiative, the Civil Society Situation Room led by a group of CSOs, the CLEEN Foundation's Elections Security Support Centre and Centre for Democracy and Development's Analysis Centre, among other initiatives, have put in place elections monitoring and observation before and during election day. The EISA EOM further commends the initiatives taken by the CSOs in Nigeria to dispel false news and provide updates to counter the false news narratives. These initiatives have complemented INEC's efforts and are commendable. This was made possible by INEC's accreditation of 156 national and international observers.

The EISA EOM also commends the continued engagement of CSOs who provide alternative voices to INEC on electoral processes and challenges. This has added to public confidence, accountability and transparency of the electoral processes.

9. Preparedness of INEC

INEC is the institution mandated by the constitution to conduct elections at all levels. The INEC's preparation for the 2019 elections took place within a context of uncertainties, including pending electoral reforms, security and logistic challenges, which impacted on the operational preparedness for the polls.

Since its appointment in 2015, the Commission has conducted a number of off-cycle and by-elections that contributed to their preparations for the 2019 elections. INEC holds quarterly

meetings with electoral stakeholders to provide them with updates. INEC also effectively used its official website to provide information to stakeholders. The EISA EOM observes notes the practice of information sharing, has increased transparency and built public confidence in the electoral process and institution.

After the 2015 elections, INEC conducted continuous voter registration at its local government offices. This initiative enabled INEC to capture more voters in comparison to previous elections. The continuous voter registration ended on 31 August 2018. At the end of the exercise, there are over 84,004,084 registered voters. The Commission reported 86.63% PVC collection rate with over 11 million PVCs not collected. Whilst commending the continuous registration process which has been maintained over the entire electoral cycle, the EISA EOM notes that there are broader factors beyond the control of INEC that impact on the credibility of the voter register. Specifically, the absence of a national civil registry, absence of an up to date register of births, deaths and population mobility. These factors make it challenging to maintain an accurate voter register. The EISA EOM also considers the current modality for registration that requires registrants to return for collection of PVCs as not the most effective and could be improved.

The EISA EOM notes that despite the growth in voting age population, a delimitation exercise has not been conducted to inform reallocation and creation of new polling facilities. To ease the voting process, INEC established voting points within polling units to ensure that not more than 750 voters have to queue up. For the 2019 elections, INEC maintained the 119,973 polling units and established 571,023 voting points. INEC also established voting point settlements to facilitate access to voters in new settlements not currently served by a polling unit. To effectively administer their operations, INEC recruited 800,000 ad hoc staff, mostly drawn from the National Youth Service Corps (NYSC). The EISA EOM commends the young Nigerians who participated in the exercise.

In the lead up to the elections, three INEC offices were set alight in Isiala Ngwa South Local Government Area of Abia State, Qu'an Pan Local Government Area of Plateau State and Anambra State Office at Awka.¹¹ These incidents led to loss and damage of sensitive materials.

Stakeholders consulted by the EISA EOM, including political parties affirmed their confidence in the INEC as a professional body capable of conducting an impartial election. Following INEC's postponement of the 16 February 2019 election to address logistical challenges, there was increasing criticism and dwindling public confidence on INEC and its preparedness to deliver the 2019 elections across a broad spectrum of stakeholders. The EISA EOM commends the Nigerian people for their patience and continued faith in the electoral process that was demonstrated in their peaceful and calm disposition after the postponement of the elections.

Despite INEC's strong pronouncements on its readiness to conduct the general elections on 23 February there were shortcomings. These included, mix-up in the distribution of

¹¹ <https://www.inecnigeria.org/resources/press-release/>

materials for example, some sensitive materials were wrongfully sent to Enugu state instead of Lagos state; distribution of sensitive material was incomplete in some places, for instance, in Akure where some of the senatorial result sheets were distributed late only on election day. There were also challenges with the distribution of party agent and observer accreditations at state-level.

10. Election day observations

The EISA EOM observed all elections day procedures in 54 polling stations in eight States where observers were deployed. The EISA EOM commends the people of Nigeria for turning out to cast their vote despite the logistical and operational challenges observed on election. Most importantly, the mission applauds them for their calmness after the postponement of the elections scheduled for 16 February and 2 March 2019.

The EISA EOM noted that election day procedures was characterised by logistical and operational challenges, beginning with the late opening of the polls. Voting commenced at least one hour to one and half hours late in all the polling units where EISA observers were deployed. The EISA EOM also notes media reports of polling units that opened as late as 12 noon, due to delayed arrival of staff and materials at the units and slow preparation by the polling officials. There were also some cases where the polling staff were not aware of the exact location of polling units; some of the polling units listed by INEC, had wrong physical address and wrong information given to both the polling officials and other stakeholders.

To address the late start of the polls, INEC announced an extension of polling hours. Whilst commending the initiative taken to compensate for the time lost earlier in the day, the EISA EOM also notes INEC did not specify the length of the extension and that the information about the extension was not effectively disseminated across the country. 44% of polling units visited closed at 2:00 pm and at that time 56% of these stations had voters in the queue who were allowed to cast their votes.

The EISA EOM appreciates the steps taken to harmonise the accreditation of voters and voting process to make it more convenient for voters. The EISA EOM however notes that the procedures for voters who could not be accredited using the smart card readers was not uniformly applied across the stations visited. In some polling units, voters who were not accredited, but those whose names were on the register, were authorised to thumbprint on the register and vote. While in other polling units such voters were not allowed to vote.

The EISA EOM observed that 50% of polling personnel encountered on election day were women. However, fewer female party agents were encountered at the visited polling units.

In its assessment of voter awareness of the stipulated voting procedures, the EISA EOM is of the view that voters were not fully familiar with the required procedures and officials did not provide the required assistance or guidance.

The EISA EOM appreciates the efforts of the polling officials to deliver their duties with the limited facilities available and within challenging working conditions. The EISA EOM observed that members of the NYSC recruited as ad hoc staff and police officials on election duty were not provided meals in the course of the day, yet they worked tirelessly into late hours of the day. In some cases, the young officials worked until the morning of 24 February. The EISA EOM also noted that the officials were not provided adequate security whilst transporting sensitive election materials.

The EISA EOM is of the view that the staff did not demonstrate that they had been adequately trained, as they were not very familiar with the stipulated procedures. In some cases, election officials were not able to control the voters as they took instructions from the crowd of voters. During the counting, some polling staff were not fully aware of the closing procedures prompting agitation from party agents and voters.

The EISA EOM observed that there was poor crowd control in most of the voting points visited. The perimeters of the voting points were not appropriately demarcated in most of the voting points visited, thus making it impossible to control the crowd.

The secrecy of the ballot was compromised in most of the units visited due to the inadequate layout of the units and poor crowd control.

11. Incidents

The EISA EOM noted that there were incidents of violence and intimidation that led to loss of lives and property and injuries. The EISA EOM commiserates with the families of persons involved in incidents of violence during the elections. The EISA EOM further notes that there were more incidents reported in the 2019 elections in comparison to the 2015 elections.

In the lead up to the elections, there were incidents of arson at INEC facilities. On election day, the EISA EOM noted media reports of incidents of violence and intimidation in Lagos, Kwara, Rivers, Osun and Oyo States amongst others. These incidents involved armed men snatching elections materials and shooting randomly within polling stations. There was also a report of a bomb blast in Maiduguri before the opening of the polls.

The EISA EOM is very concerned that after 6 consecutive elections, electoral violence remains a feature of Nigeria's electoral landscape.

12. Recommendations

The EISA EOM offers the following short-term recommendations that stakeholders need to take into consideration in preparation for the forthcoming gubernatorial and state house of assembly elections:

To the security agents

- i. Investigate the incidences of the fire outbreaks at INEC facilities and account to the public on the cause of the fire
- ii. Provide maximum security to INEC facilities across the country from registration areas to the INEC headquarters.
- iii. Provide maximum security for elections materials in transit
- iv. Train security officers on their role in crowd control and make them aware of the place within the setup of the polling unit and avoid being intrusive.
- v. Investigate incidents of violence reported on election day and bring perpetrators to book

To INEC:

- i. Provide for the welfare of polling official and ad hoc staff before and during the election day.
- ii. Conduct refresher training of all the elections staff to ensure that the staff can conduct the exercise in accordance with the required regulations with confidence.
- iii. Provide demarcation tape for polling officials to clearly mark out the perimeter of voting points for crowd control
- iv. Make adequate arrangements to mark and setup the voting points in good time before the opening of the polls.
- v. Provide copies of training manuals to all polling units for easy reference
- vi. Introduce a process of sorting ballots before counting in a systematic way
- vii. Train queue controllers in all polling units to contribute to orderliness of the process

13. Concluding remarks:

Cognisant of the fact the process is yet to be concluded, with the results collation for the presidential and national assembly elections still ongoing, the EISA EOM refrains from making a conclusion at this point. The EISA EOM commends Nigerians for their commitment and resilience and encourages them to remain peaceful throughout the final stages of the process.

Issued in Abuja, 25 February 2019

By His Excellency, Rupiah Banda, former President of the Republic of Zambia and Leader of the EISA Election Observer Mission.