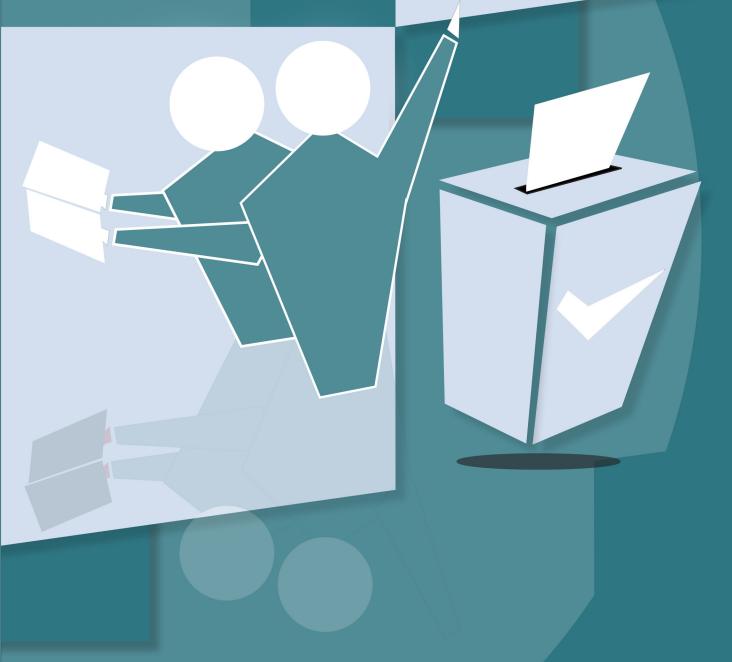
TOOLKIT ON ELECTION OBSERVATION

LEARN. ENGAGE. TAKE ACTION







TOOLKIT ON ELECTION OBSERVATION

ISBN: 978-978-55466-1-3

© 2017 Nigeria Civil Society Situation Room. All rights are reserved.

Unless otherwise indicated, all materials on these pages are copyrighted by the Nigeria Civil Society Situation Room. However, it may be reproduced with appropriate attribution.

ACKNOWLEDGEMENTS

Policy and Legal Advocacy Centre expresses gratitude to the Department for International Development (DFID) for supporting the production of this toolkit and other activities of the Nigeria Civil Society Situation Room.

PLAC is also grateful to Prof. Mohammed Kuna, who was the lead consultant in this study and for his research and writing work.

LIST OF ABBREVIATIONS

APO Assistant Presiding Officer

AU African Union

CD Centre for Citizens Living with Disabilities

CEDAW Convention on the Elimination of All Forms of Discrimination against

Women

CERD Convention on the Elimination of All Forms of Racial Discrimination

CoE Council of Europe

CSO Civil Society Organisations

ECOWAS Economic Community of West African States

EMB Election Management Body
EOM Election Observer Mission

EU European Union

FCT Federal Capital Territory
HRM Human Rights Monitor

ICT Information Communication Technology

ICCPR International Covenant on Civil and Political Rights

IGOs International Governmental Organisations

INGOs International Non-Governmental OrganisationsINEC Independent National Electoral Commission

JDPC Justice Development and Peace Caritas

NAPEN National Association for Peaceful Elections in Nigeria

OAS Organisation of American States

ODIHR Office for Democratic Institutions and Human Rights
OSCE Organisation for Security and Cooperation in Europe

REC Resident Electoral Commission
PLAC Policy and Legal Advocacy Centre

PO Presiding Officer

PVC Permanent Voters Card

UDHR Universal Declaration of Human Rights

UN United Nations

YIAGA Youth Initiative for Advocacy Growth and Advancement

TABLE OF CONTENTS

EXE	CUTIVE SUMMARY	7
INTR	ODUCTION	9
Wha	t Are Elections?	9
Cond	eptualizing Election Observation	10
DEM	OCRATIC RATIONALE FOR ELECTION OBSERVATION	16
SETT	ING UP AND ORGANIZING AN OBSERVER MISSION	20
The E	Election Observation Process	21
	(A) Initial Phase	21
	(B) Set-Up Phase	22
	(C) Observation Phase	23
	(D) Final Phase	24
Cond	litions For Effective, Credible And Professional Observation	24
Cont	acts With The Media	25
A BR	IEF EXPLANATION OF THE ELECTION PROCESS IN NIGERIA	26
	The Right To Vote	26
	Voters' Card	27
	The Official Register Of Voters	27
	Order Of Elections	28
	Polling & Actual Voting	29
	Modalities Of Voting In Elections In Nigeria	30
	Role Of Presiding Officers On Election Day	31
	Counting And Collation Of Votes	32
	Declaration Of A Winner	33
GUIE	DELINES FOR ELECTION OBSERVATION	34
COD	E OF CONDUCT FOR ELECTION OBSERVERS	35
CHA	LLENGES IN ELECTION OBSERVATION	37
(1)	Lack of Adequate Training/Ignorance of the Guidelines for Election	
	Observation	37
(2)	Security Challenges	37
(3)	Lack of Independence	38
(4)	Inadequate Funding	38
(5)	Accreditation	39
(6)	Lack of Instruments for Enforcing Observer Recommendations	39

Methodolog	yy for election observation and incident reporting format	40
(1)	Pre-Election Day Observation	40
(2)	Election Day Observation	43
(3)	Post-Election Day Observation	44
ELEMENTS	FOR THE REPORT FORMAT FOR ELECTION OBSERVATION	46
OBSERVER	REPORT FORMS	47
BENEFITS A	ND LESSONS LEARNT FROM ELECTION OBSERVATION	49
REFERENCE	SS S	53
APPENDICES		
PRINCIPAL	REGIONAL INSTRUMENTS FOR ELECTIONS	55
SAMPLE TR	AINING TOPICS FOR ELECTION OBSERVERS	57
SAMPLE OF	SERVATION QUESTIONNAIRE/CHECKLIST	58
SAMPLE OUTLINE FOR FINAL REPORT		

Executive Summary

Elections are defined as formal decision-making processes through which individuals who present themselves to be selected for public office are chosen based on a national legal electoral framework. Elections have become a yardstick for gauging how democratic a state is. As such, election observation is critical and has emerged as one of the most tangible and significant dimensions of democratic development around the world. Thus, election observation can be defined as a deliberate effort to gather information about an election, electoral and/or political process in order to make informed judgments on the planning, conduct and management of the process. Recently, election observation has expanded to include broader issues such as political, legal and electoral processes, before, during and after elections in order to ascertain the degree to which an election has met national electoral laws and international standards.

Domestic Election Observation has become an integral part of elections in Nigeria and also contributed greatly to the growth of democracy in the country, as observer reports have been known to vet elections and instil citizens' confidence in the administration of elections.

Overthepastsixyears, the Nigeria Civil Society Situation Room has observed and followed the electoral process in Nigeria. In this time, there have been two general elections in 2011 and 2015 consisting of the Presidential and National Assembly Elections as well as the Governorship and State Assembly Elections, and several off cycle governorship elections following both the 2011 and 2015 general election.

Nigerian Civil Society groups working on good governance related issues under the platform of the Situation Room have actively engaged and observed the electoral process in this time including all the elections conducted in Nigeria since 2011. Its interventions have strengthened the Electoral Management Body, the Independent National Electoral Commission.

The toolkit aims to share some of the knowledge the Situation Room has gained from past experiences regarding election observation with other stakeholders; non-partisan Civil Society Organisations (CSOs), citizens and political parties. It also aims to help readers identify the problems and challenges facing elections in Nigeria as well as provide useful information to aid election observation in Nigeria. The toolkit will be used to complement strategies on election observation.

This toolkit sets out the need and importance for election observation and serves as a reference for election observers in Nigeria. It informs the domestic observers, civil society, media, political parties and electoral body of the guidelines for election observation and expected practice. It emphasises the fact that the election process is more than a day's event and encompasses the pre, during and post stages of the election. The toolkit is made of seven (7) chapters and four (4) annexes and provides a simple easy to use guide and introduction to election observation in Nigeria.

It also looks at the methodology for election observation and incident reporting format for the three major stages, which are pre-election observation, election day observation and post-election observation. It further provides the elements for the report format for election observation. This includes the conclusion reached on the voting process, performance lapses and genuine mistakes, frequency, patterns, distribution and effect of irregularities and areas of improvement on the previous election

In closing, it highlights the benefits and lessons from election observation noting the important role of international, regional and national observers in enhancing the transparency and credibility of elections and democratic governance, the strengthening of respect for fundamental freedoms and political rights, as well as enhancing public confidence in the electoral process.



Introduction

What Are Elections?

Elections have been defined as a formal decision-making processes through which individuals who offer themselves for public office are selected or elected based on national legal electoral frameworks and international standards. Seen as one of the most viable succession mechanisms in modern democracy, elections have increasingly become instruments for measuring the 'democratic' status of states in the international system and, to some extent, yardsticks for holding elected public officials to account. They have become, since the 17th Century, integral parts of the political landscapes of modern states. The idea of electing public office holders itself is not new though. From ancient times through to the modern, various societies have attempted to evolve mechanisms for the selection of leaders as part of measures for ensuring political stability.¹

A variety of historical antecedents have been central in shaping the emergence of elections and related mechanisms across the world. These include: prevalent economic and political contexts, the peculiar trajectories responsible for the development of democracy (such as the nature and character of the transition from tradition to modernity), the nature and character of the state, forms of political culture as well as the relative strength of civil or non-state forms of association in relation to state power. All these play a significant, if not a determining role in the development of the variety of electoral mechanisms as well as supporting legal processes across the world. This is clearly demonstrated not only in the variety of democratic forms but also in the way various electoral systems have evolved.²

[&]quot;History is replete with examples of how societies have over the years, evolved mechanisms for selecting rulers for public office. From ancient Greece, Rome, India, the Rashidun Caliphate and throughout the Middle Ages, the selection of rulers through some mechanism seem to have evolved as a distinct mechanism for ensuring smooth political succession."

² Mohammad J. Kuna, 'The Question of Democracy: Direct or Representative?'

As the authoritarian forces overthrown by the democratic movements across the new democracies tried to fight back and reclaim its lost privileges, the electoral process became one of the key theatres of contestations. In an effort to capture, retain or otherwise influence political power and the political process, a whole series of fraudulent electoral processes, from amending electoral legal frameworks to suit tenure elongation to rigging, ballot snatching, personal use of security agencies as well as political violence and assassinations started becoming dominant features of democratic transition. Little wonder then, that a general concern on national and international levels came to coalesce around assessing the extent to which the new democracies are actually transiting. A key element in this concern became establishing the extent to which countries were either moving forward towards democratization or regressing into authoritarianism. Election observation became one of the mechanisms for establishing this. What therefore, is election observation?

Conceptualizing Election Observation

In defining election observation, it is perhaps pertinent to draw attention to the general principles guiding observation. This is of utmost significance especially in view of the variety of approaches – orthodox and a great deal not so orthodox – to election observation as well as the many controversies surrounding elections and the acrimony it has generated in Nigeria. It is because of the critical position election observation occupies in determining the legitimacy of elections and therefore of governments in contemporary global relations, that it is necessary to clearly define and explicate the key elements of observation as a basis for a sounder practice to guide observers.

In its literal meaning, observation is defined as a conscious act of watching, or paying attention to events, processes, behaviours or physical characteristics of events, objects or any phenomena of interest. Observation is important because it helps us describe existing situations by providing a "snapshot" or "written photograph" of a specific event or situation. Such observation, sometimes done

in natural settings, is conscious and deliberate because the observer, from the onset, is required to not only be familiar with the object of observation, but also to observe according to laid down procedures. Both elements are of crucial importance, for observation cannot be done accurately, or impartially, unless we know what to observe and that the observation is guided by certain rules. In the absence of both, observation becomes not only arbitrary, but will also have an unfocused object.

Thus, to be methodologically sound, observation registers information or knowledge of an entity or any object of observation for that matter, by (a) consciously collecting and recording information and (b) on the basis of specified instruments or tools with which that information would be collected.

Election observation can then be defined as a deliberate effort to gather information about an election, electoral and/or political process in order to make informed judgments on the planning, conduct and management of such a process. It seeks to gather information across the electoral cycle that can help evaluate the key activities of stakeholders in the political and electoral process that typically span pre-election, election day and post-election activities. The overall objective is, to arrive at an informed opinion about the extent to which a particular election, *in its entirety*, satisfies specific national electoral legal frameworks and international standards.

Election observation has for a significant part of its history been largely concerned with election day activities. Recently however, election observation, in response to specific political and social contexts, has expanded to include broader issues such as political, legal and electoral processes before, during and after elections in order to ascertain whether, and the degree to which, an observed election has met national electoral laws and "international best practices." Such observation is often, but not always, effected through a comprehensive focus on short, medium and long-term mechanisms in which concrete assessments of the electoral and political processes begin well before and after election day.

In the context of Nigeria, definitions of election observation have been provided by both the Election Management Body, which is the Independent National Electoral Commission and by Civil Society Organizations. The Independent National Electoral Commission defines election observation as an activity of 'gathering information regarding the electoral process, without intervening in the process itself and issuing comments and reports on the conduct of the process and the basis of information collected by persons accredited by INEC for such mission.'3 Emphasizing on a distinction between observation and monitoring, INEC views election observation as a process in which elections are observed against set standards by an independent and impartial body of observers, the goal of which is to identify the degree to which such elections conformed to accepted guarantees of democratic participation. More than this however, INEC expects election observation to identify flaws and challenges in the conduct of an election even while making recommendations on how the process can be improved in the future. Clearly, INEC's conception of election observation largely, though not exclusively envisages election day activities.

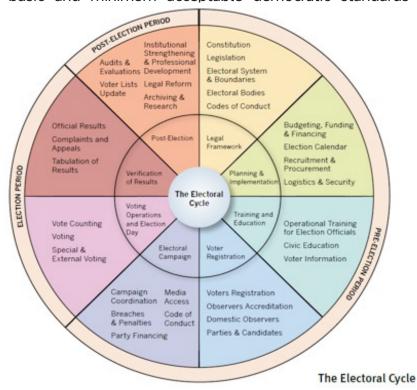
Since elections are processes rather than events, a single observation on election day is almost certainly impossible to provide an observer the necessary information for a determination of whether an election meets national legal frameworks and international standards. Such a conclusion would necessarily emerge from a deliberate effort to observe a reasonable number of pre-election, election day and post-election processes. Similarly, for a comprehensive assessment of the credibility of an election, focus should be directed not only at the activities of an EMB, in this case INEC, critical though this maybe; in addition, focus needs to be directed at the activities of other relevant stakeholders in the electoral and political processes.

The growing inclusiveness of election observation means that additional attention could now be directed at issues such as the extent to which an EMB is or has been responsive to previous observer reports; the detail with which voter registration is planned; the extent

and level of credibility of a country's voter' register; the processes of the delimitation of constituencies; issues of the accessibility of voters to polling units/stations; adequacy of arrangements for ensuring the secrecy of the ballot; concerns about the conduct of political parties especially the organization of party primaries; the prevalence of political violence and the intimidation of opposition; campaigns and campaign finance patterns; political influence in the electoral process (especially the power of incumbency to determine electoral outcomes); access to and utilization of the media including issues of hate speech as well as , the deployment of ICT in the electoral process, to mention just a few.

Typically, therefore, election observation has tended to focus in recent times on four broad areas of the electoral cycle:

- a. Processes, activities and events before, during and after elections;
- Collation of facts and observations about these processes, the raw materials, as it were, of election observation. These include recordings of observations, notebooks, photographs, video and audio records;
- c. Interpretation of the raw materials or information collected against the background of:
 - i. an existing electoral legal framework and
 - ii. basic and minimum acceptable democratic standards as



- enshrined in a country's democratic experience as well as in international protocols and instruments to which it may or may not be a signatory; and
- d. Detailing the findings so collated and the interpretations arising from the 'raw materials' reports.

As hinted earlier, INEC considers election observation as a separate activity from election monitoring, even though the literature really makes no such distinction. It is however agreed by virtually all commentators, that whether an observer or monitor, the power to intervene in the electoral process is absolutely reserved for the EMB and its officials. The INEC Guidelines for Election Observation however clearly differentiates the two terms, explaining that an election monitor is an integral part of the election management structure and has a specified role in the administration of the election in contrast to an election observer who does not have any such role.4 Thus, only INEC and its duly authorized personnel are empowered to monitor elections and they can exercise some level of lawful authority over the conduct of elections as well as over officials involved. Election observers are independent from the Commission and are expected to conduct an impartial assessment of an election and the social and political conditions germane to it. Observers therefore have no powers to intervene directly in the management of an election, although their observations and recommendations are expected to be documented into a formal report and shared with the Commission.

Election observation can be conducted by domestic or by international observers. Domestic election observation refers to the involvement of national groups and bodies (usually Civil Society Organizations) in observing an election. On the other hand, involvement of International Governmental Organisations (IGOs), International Non-Governmental Organisations (INGOs), and Governments in foreign countries in a similar activity is normally referred to international election observation.

⁴ INEC Guidelines for Election Observation

In both cases, the key objective remains gathering information about elections and the electoral process:

- (a) to make a determination about whether, and the degree to which a particular election local or national meets national electoral legal frameworks and international best practices; and
- (b) make observations and recommendations on the conduct and management of the electoral process.

Election observation and the principles on which such observation is based are designed to provide a sound, factual account of an election process that could determine its freeness, fairness, and credibility. Such accounts could play significant roles in conferring legitimacy on electoral processes and outcomes, in addition to helping in resolving/mitigating old, or staving off potential conflicts especially in transitional democracies. Perhaps even more significant, is that such accounts could reinforce checks-and-balances that protect the viability and integrity of an EMB, strengthen voter and stakeholder trust and participation in the electoral process, promote compliance with the electoral-legal framework and the observance of international best practices.

Democratic Rationale for Election Observation



As fashionable as democracy appears to be, it cannot be an effective system if it is not featured by regular, inclusive, transparent and credible elections. This is because the political power in a democratic system is acquired through what is termed as periodic, competitive, free and fair election. In fact, the major distinguishing characteristics between democracy and other forms of government is the conduct of periodic election as a process for transition from one set of political office holders or leaders to another for a specific tenure.

It is through elections that formal allocation of power occurs in all democracies, which gives meaning to power relationships within the political community; serve as a medium of legitimacy; and also provide opportunity for transition from particular sets of representatives and office holders to another set of rulers. Consequently, it is even one of the basic assumptions of contemporary liberal democratic theories that efficient management of elections are a fundamental prerequisite for democratic order (Osabiya, 2014). Thus, democracy and election cannot be divorced from one another.

Therefore, considering the position of election in democratic transition and consolidation, it is very paramount that genuine elections are conducted. A genuine election, according to the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ ODIHR) (2005) is a political competition that takes place in an environment characterised by confidence, transparency, and accountability and that provides voters with an informed choice between real political alternatives.

A genuine democratic election process presupposes respect for freedom of expression and free media; freedom of association, assembly, and movement; adherence to the rule of law; the right to establish political parties and compete for public office; non-discrimination and equal rights for all citizens; freedom from intimidation; and a range of other fundamental human rights and freedoms that most states in the world have committed themselves to protect and promote. Ensuring periodic and genuine elections is, therefore, at the center of many international human rights instruments of the United Nations, regional intergovernmental organizations and other bodies as well as national constitutions.

The foremost of these international human rights instruments advocating for genuine elections all over the world (as a universal right) is the Universal Declaration of Human Rights (UDHR), which is accepted by all member states of the United Nations. Article 21(3) of the UDHR clearly states that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." This and other similar rights set out in the UDHR were further reiterated and expanded in the International Covenant on Civil and Political Rights (ICCPR). The ICCPR is a United Nations human rights treaty ratified by and therefore binding upon almost all states in the world (United Nations, 2012). As a treaty, the ICCPR creates legal obligations for states to comply with its provisions. Article 25 of the ICCPR grants every citizen, without discrimination, the right to vote and to compete for public office. Other United Nations human rights instruments that include specific provisions on electoral rights, as well as other human rights that may relate to elections include the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Article 5 of the CERD guarantees everyone, without distinction or discrimination, "political rights, in particular the rights to participate" in elections – to vote and stand for election". The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) also guarantees, in its Article 7, women's right to participate in political life and elections on the same basis as men.

A genuine election is, therefore, a basic human right and a fundamental element of democracy. Ensuring total commitments to the universal principles pointed out above, therefore requires that democratic elections should be fully and carefully monitored by election observers with a view to providing a comprehensive, independent and impartial assessment of an electoral process in line with both international commitments and universal principles for democratic elections.

Election observation has, thus, emerged as one of the most tangible and significant dimensions of democratic development around the globe. According to the United Nations (2012) in more than 90 countries on five continents over the last two decades, millions of citizens have joined non-partisan election observation and monitoring efforts to ensure electoral integrity and promote accountability in government and among political contestants. This has contributed to safeguarding genuine elections, mitigating potentials for conflict, and promoting accountability and democratic development.

Therefore, as election observation enhances transparency and accountability, it can promote public confidence in the electoral process and may serve to promote electoral participation. This in turn can mitigate the potential for election-related conflicts.

According to OSCE/ODIHR, election observation is more than just a technical exercise, as:

- a. It can contribute directly to the promotion of universal human rights through factual reporting identifying problems as well as recommendations on how the problems can be rectified;
- b. It can play an important role in enhancing domestic and international confidence in the electoral process;
- it offers demonstrable support to a democratic process and can assist states in their objective to conduct genuine elections in line with international commitments and;
- d. It prevents violations of human rights associated with the election process through the very presence and visibility of observers, as the correctness of the election process itself is assessed.

Considering the importance of election observation in ensuring genuine elections, numerous election observation missions have taken place over the years coordinated by both international and domestic election observer missions. Some of the prominent international organizations engaged in election observer missions include the, United Nations (UN), European Union (EU); Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE/ ODIHR), Organisation of American States (OAS), Council of Europe (CoE), the Commonwealth, African Union (AU), Economic Community of West African States (ECOWAS), Carter Centre and National Democratic Institute.

Domestic observer groups in many countries usually complement international observation. In Nigeria for instance, some of the domestic organizations involved in election observation include: Nigeria Civil Society Situation Room hosted by Policy and Legal Advocacy Centre, Justice and Equity Organization, Centre for Peace Building and Socio economic Resources Development, Reclaim Naija, African Centre for Leadership, Strategy and Development, Federation of Muslim Women's association in Nigeria, Nigeria Bar Association, Justice Development and Peace/Catholic Caritas (JDPC), Transition Monitoring Group, Policy and Legal Advocacy Centre (PLAC), Youth Initiative for Advocacy Growth and Advancement (YIAGA), CLEEN Foundation, Alliance for Credible Elections in Nigeria, Human Rights Monitor (HRM), Centre for Citizens Living with Disabilities (CCD) Independent Election Monitoring Group, Justice Development and Peace Centre, Centre for Democracy and Development, Rights Monitoring Group, National Association for Peaceful Elections in Nigeria, National Association for Peaceful Elections in Nigeria (NAPEN) and the Centre for Labour and Development Studies (CLDS).

Setting up and Organizing an Observer Mission



For Election Observers, election observation plays an important role in assessing the overall political situation in the countries concerned. In practical terms, this means that elections are systematically observed in such a way that it would comply to both local and international election observation standards. It is therefore important that the Election Observer Mission (EOM) is properly set-up and equipped to handle the onerous task. An EOM is a team of observers deployed by either IGOs, INGOs, Nation observers or CSOs for the sole purpose of monitoring the conduct of an election process in compliance with their respective goals as an organisation, other international standards for democratic elections, as well as with national legislation. The EOM may also decide to conduct a post-electoral mission if the post-electoral context so requires (results disputed, elections marred by irregularities, post-electoral political and/or institutional crisis).

In setting up an EOM, the organisation may populate the team with a combination of Long Term Observers and Short-Term observers depending on their focus and funding. As their names suggest, the difference between Long Term Observers and Short term Observers is the duration of their activity. Short-term observers are active primarily on election day observing procedures and reporting their findings. Whereas, long-term observers are active at the various states of the election process; they provide the mission with "a comprehensive understanding of what is occur- ring throughout the country" spanning from the pre-election period to the immediate post-election period.⁵

OSCE/ODIHR, Election Observation Handbook, (6th ed., OSCE/ODIHR, 2010) p.44"

Personnel integral to an EOM include Head of Mission and a Deputy where necessary, an election analyst, legal analyst, political analyst, media liaison, voting analyst, statistical analyst, co-ordinator for observers, operations officer, finance offer and security expert to name a few.⁶

The Election Observation Process

Electoral Observation Missions are generally present during the three stages of the electoral process: the pre-election stage, the day of the voting, and the post-election stage. The following are the various phases and the activities required for the deployment for an electoral observation process.

(A) INITIAL PHASE

This phase includes tasks such as:

- Application for Accreditation;
- 2. Preparing the proposal and budget for the donors;
- 3. Naming the members of the Core Group;
- 4. Preparing the list of observers; and
- 5. Organizing the preliminary mission.

Once the EOM has decided to observe an election, it sets up a group to undertake a pre-electoral mission, which usually takes place around one month before polling day. The main aims of a pre-electoral mission are to assess the political situation, the election campaign, the organization of the election and the work of the election authorities and to study the electoral legislation, including the availability of appeals.

The pre-electoral mission initiates contact with the various actors who participate in the electoral process, including government

⁶ Ibid pgs. 37-43

officials, electoral authorities, representatives of political parties or movements, representatives of civil society, and members of the diplomatic community.

The results of the pre-electoral mission are summarized in a report that lays the groundwork for the preparation of the deployment plan and logistics plan. The logistics plan is the document that establishes among other things:

- Location of EOM offices:
- 2. Procurement of supplies and materials, as well as transportation and lodging for the observers;
- 3. Management of relations with suppliers; and
- 4. Storage and transport of equipment and materials.

(B) SET-UP PHASE

During this phase, the deployment plan is prepared. This proposal indicates the method of deploying observers to the different geographical areas where the election would hold. The following factors should be considered in preparing the plan:

- Availability of resources;
- 2. Size of area where the election is conducted;
- Geographical characteristics;
- 4. Type of elections;
- 5. Areas that could present potential problems; and
- 6. Other considerations of a socioeconomic or ethnic nature, as well as any other determining factors.

The first activity, which should be organized, is a training session for the observers. The observers receive information about the theoretical and practical aspects of election observation, specifically about the observation work of the EOM that is deploying them. They receive training in the objectives of the EOMs, the principles involved, and the importance of the role of the observer, among other things. In the training session the observers are coached on how to proceed during the observation, the methods and tools used to gather information

(how to fill out the questionnaires), the observation strategy and press strategy, and the conduct that should be followed to receive complaints.

Finally, once the observers have been deployed to their designated areas, they are to be instructed on how to conduct themselves on the day of the elections, how to approach the polling stations and the authorities, and how to conduct the necessary interviews to gather the information required.

(C) OBSERVATION PHASE

Prior to voting day, the EOM observes the transfer of the various election materials (polling booths, ballots, machines, etc.) to the places where they remain under guard until the polling stations are set up.

The observation conducted on the day of the election follows the standard methodology. This phase includes observation of the following:

- 1. Set-up of the polling stations and opening of the polls;
- How the day and the voting proceed;
- 3. Closing of the polls;
- 4. Vote count at the polling stations; and
- 5. Transmission and tabulation of the votes.

The observation of election-day activities is a shared responsibility among all members of the EOM. Among these, however, STOs are the mission's primary resource for observing and assessing election-day procedures at polling stations and at intermediate levels of the election administration.

At each polling station visited the observer team fills in a form, which provides detailed information on the opening, voting or counting process. This information provides the EOM with an overall profile of polling-station activity throughout the area observed, from which it can draw conclusions based on a collective experience.

In addition to filling out forms, observers are asked to provide comments on noteworthy observations or impressions, both on specific comment forms and in oral debriefings. They are asked to prepare separate written reports on particular incidents or observations. Careful commentary from observers can be particularly important in establishing whether specific election-day violations took place and in discerning trends within the country or in particular regions. It is extremely important for observers to be specific and precise, and indicate on their forms and in their reports whether irregularities reported were witnessed by themselves or related to them by others, such as political party representatives, polling-station officials or domestic observers.

(D) FINAL PHASE

During this stage, the information obtained during the observation is processed, leading to concrete results and final comments. At the close of the evaluation of the observation, the EOM is expected to issue its report, either interim or final, to INEC. It may also decide to make its report public, either through the traditional press or the new media platforms.

Conditions For Effective, Credible And Professional Observation

An EOM should specifically be able to:

- Decide on a specific type of election-related activity based on the assessment of the needs;
- Determine the number of observers necessary to provide for broad, balanced geographic coverage in order to conduct comprehensive and meaningful observation before, during and after Election Day. These numbers are based on an assessment of needs;
- 3. Receive accreditation for all of its observers through a simple and non-discriminatory procedure;
- 4. Establish its observation mission within a timeframe that permits long-term observation of all phases of the election process;

- 5. Obtain all necessary information regarding the electoral process from authorities at all levels in a timely manner;
- 6. Meet with state and local authorities from the executive, legislative and judiciary branches, with candidates, members of all political parties, representatives of civil society and the media, and with all other individuals and groups of its choice at the central, regional and local levels;
- 7. Have the freedom to travel in all regions of the country before, during and after the election, without any restriction or prior notification;
- 8. Have a secure environment in which to operate for a meaningful election process;
- Have unimpeded access to polling areas, election commissions, and counting and tabulation centres throughout the country; and
- 10. Be able to issue public statements and reports.

Contacts With The Media

Media representatives often approach observers before or on election day for a comment on the election process. The Observer Code of Conduct prohibits observers from making personal comments about their observations to the media. Observers are strictly forbidden from speaking to the media regarding the substance of their observations and findings. According to international best practices, only the head of the EOM or responsible official may make substantive comments to the media.

If, however, an observer is the subject of an unsolicited media enquiry, in an interview it should be made clear that only some general background information about the observer's role can be provided and that he/she is not in a position to discuss any substantive issues or individual findings.

A Brief Explanation of the Election Process in Nigeria



Elections in Nigeria are regulated by the provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended) as well as the Electoral Act 2010 (as amended). Both provide the legal and institutional framework for regulating the conduct of Federal, State and Area Council Elections in Nigeria.

INEC is the body established by the Section 153 of the 1999 Constitution with the power and authority to organize and conduct elections. Thus, the registration of voters and the conduct of elections are subject to the direction and supervision of Independent National Electoral Commission.

The Right To Vote

Under the 1999 Constitution, every citizen of Nigeria, who has attained the age of eighteen (18) years residing in Nigeria at the time of the registration of voters, is entitled to be registered as a voter for an election. A person can only qualify to register as a voter if he/she is:

- A Nigerian citizen;
- 2. Has attained the age of 18 years;
- 3. Lives, works or originates from the Local Government Area; Council or Ward covered by the Registration Centre;
- 4. Present him/herself to be registered; and
- 5. Not subject to legal incapacity to vote under any law, rule or regulation in force in Nigeria.

The Electoral Act forbids a person from registering in more than one Registration Centre or register more than once in the same Registration Centre.

If a person moves from the State where he registered to vote to another State, he may apply to the State Resident Electoral Commissioner (REC) for his/her name to be transferred from the voters list of the constituency/area where he/she originally registered to his/her present constituency/area.

It should be noted that every eligible person must ensure that he/she is registered to vote or that his/her name is included in the Register of Voters in his/her constituency/area where he/she intends to vote thirty (30) days before the date of any election. Failure to do so would result to his/her inability to vote during the election.

Voters' Card

After registration, a voter would be given a Voter's Card, which would be used on the election day. It is the duty of INEC to design, print and issue voters' cards to all registered voters. INEC has been issuing Permanent Voters' Cards (PVCs) to registered voters since 2014.

A person is expected to collect his Permanent Voters' Card (PVC) from the constituency/area where he registered. It should be noted that voters are not allowed to own more than one voters' card. In a situation where a PVC is lost, damaged, torn or defaced, the owner of the voters' card has 30 days to apply for a new one from the State REC. The State REC, if satisfied as to circumstances of the loss or damage, shall issue another voters' card to the person and the new card shall be marked "Duplicate". The State REC shall not issue a duplicate voters' card on the polling day or less than thirty (30) days before the polling date.

A registered voter is prohibited from giving his/her voters' card to another person for the purpose of voting at the polling day or buys, sells, or deals with the voters' card in any manner contrary to the Electoral Act.

The Official Register of Voters

INEC is expected to compile, maintain and update, on a continuous

basis, a National Register of Voters that includes the names of all persons entitled to vote in any Federal. State, Local Government or Area Council elections.

According to Section 17 of the Electoral Act 2010 (as amended), the Register of Voters (or Voters' Register) for every Local Government Area shall be in the custody of the Electoral Officer whom shall be under the supervision of the State REC.

Display of the Register of Voters: INEC shall earmark a period of not less than 5 days but not more than fourteen (14) days for the display of a copy of the Register of Voters for each Local Government, Area Council or Ward for purposes of claims or objections to names omitted or wrongly included.

The registration of voters, updating and revision of the Register of Voters shall stop not less than thirty (30) days before any election. Voters can request for a certified copy of the voters register in his area from the Commission, upon payment of specified fees/charges.

Order Of Elections

The order of elections into the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the Membership of the Senate, the House of Representatives and the House of Assembly of each State in the following order:

- Senate and House of Representatives;
- 2. Presidential election; and
- 3. State Houses of Assembly and Governorship elections.

INEC is expected to publish a Notice of Election in each of State of Federation and the Federal Capital Territory (FCT). Such Notice of Election shall state the following:

- The date of the election; and
- 2. The place at which the nominations papers are to be delivered.

The Notice of Election must be made not less than **ninety (90) days** before the date of the election. Nevertheless, if it is a by-election, the

Notice of Election must be made not less than **fourteen (14) days** before the date of the election.

Date and Time of Elections: INEC must also notify the public of the date and time for elections, persons entitled to vote and location of polling units not later than 14 days before the date of the elections. Voting in any particular election must take place simultaneously at the same day and time throughout the Constituency, Local Government Area(s) or the federation, as the case maybe.

Postponement of Elections: INEC can postpone elections in an area(s) in the event of the following circumstances:

- 1. Where it has reason to believe that a serious breach of peace is likely to occur if elections proceeded on the date fixed;
- 2. Natural disasters or emergencies make the conduct of elections impossible; or
- 3. Where a candidate dies after delivery of nomination paper and before start of polls.

Where the above happens, there shall be no return for election made in the areas, until the holding of polling in the affected areas except INEC decides otherwise. In other words, INEC has discretion to either announce or not announce election results in the area.

Polling & Actual Voting

INEC will establish polling units in each registration area and to assign registered voters to each polling unit. INEC will also be expected to provide ballot boxes, election forms and other election materials. Each polling unit is to be manned by a Presiding Officer.

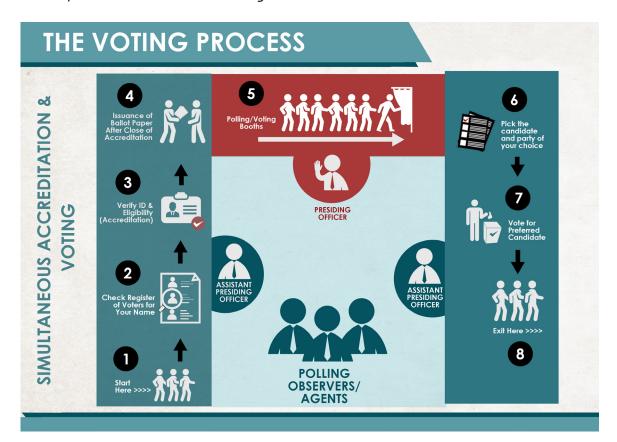
Before start of voting, the empty ballot box must be opened by the Presiding Officer and displayed to persons lawfully present at the polling unit and then closed back and sealed. Afterwards, it should be kept in full view of all present until after voting.

Accreditation and Voting Process: A voter must present himself and his voter's card to the Presiding Officer. The Presiding Officer shall

then confirm that the voter's name is on the voters register, issue a ballot paper to the voter and mark him/her as having voted.

The Presiding Officer should separate voting queues for men and women in areas where the culture does not permit men and women to be on the same queue. With respect to persons with disabilities, INEC is encouraged to make adequate devices or equipment to enable such individuals' caste their votes.

According to the provisions of the Electoral Act, electronic voting is prohibited for the time being.



Modalities of Voting In Elections In Nigeria

Under the Nigerian electoral laws, voting is by open secret ballot and all ballots must be deposited in the ballot box in the open view of the public. A voter must appear in person to vote and he must vote in the polling unit where he has been assigned.

A voter is not allowed to make any mark on a ballot paper that identifies him/her. A voter is only allowed to cast his/her vote by applying their

thumbprint marked with indelible ink on the ballot paper. Doing otherwise will cause the ballot paper to be rejected. Voting for more than one candidate in one election is also not allowed. Voters are also not allowed to vote on destroyed or spoilt ballot paper.

In addition, there is the issue of a "tendered ballot". This situation arises where someone applies for a ballot paper to vote, whereas records indicate that another person has voted in the name given by the claimant. The Electoral Act requires the Presiding Officer to enter the name of the voter and his number in the voters register on a list to be called "tendered vote list" and the tendered vote list shall be produced in any legal proceedings arising out of the election. The aim is to regulate conduct of voters at polling units and prevent disruptive situations.

Role Of Presiding Officers On Election Day

The Presiding Officer regulates the admission of voters to the polling unit and can exclude persons other than those lawfully entitled to be admitted such as accredited observers, polling agents and Poll Clerks. A Presiding Officer (PO) can order a police officer to arrest a person impersonating a voter or a person who he believes is under the age of voting i.e. 18 years. The Presiding Officer may also remove any person who behaves in an unruly manner. Such persons may only re-enter the polling unit on the day of the election with the approval of the Presiding Officer.

Nevertheless, the powers given to the Presiding officer to exclude disruptive persons or persons charged with the commission of an offence must not be abused to prevent a lawfully entitled voter from voting. In the absence of a Presiding Officer, the Poll Clerk or Assistant Presiding Officer (APO) assumes all his powers.

The Presiding officer must declare the polls closed at the time set for closing. At this time, only persons inside the polling unit who have not voted are allowed to remain in the polling booth until their votes are cast.

Counting And Collation of Votes

After the actual voting process, the key phase of counting the votes cast begins. The vote count takes place at the polling unit level. By section 63 of the Electoral Act 2010 (as amended), "the Presiding Officer, after counting the votes at the polling unit, enter the votes scored by each candidate in a form to be prescribed by the Commission as the case may be." This form shall be signed by the Presiding Officer and counter signed by the candidates or their polling agents. The Presiding Officer is also expected to announce the results at the polling unit and paste a copy for public viewing. A copy of the result sheet is also to be made available to the polling agents and police officer.

Sequel to the vote count and announcement at the polling unit, the votes are then collated at the Ward/Registration level, Local Government level, State Constituency level and Federal Constituency, Senatorial District, Governorship and Presidential respectively and where applicable. Each level is manned with its respective collation officer.

The collation begins at the Ward level for every election and the collation officer is to pull together the results from the polling units and announce the result publicly. The collated result sheet is also to be countersigned by polling agents. At the Local Government level, the collation officer is expected to receive and aggregate the result sheets for the respective elections from the Ward level. A similar procedure of countersigning, distribution and pasting takes place. The results for the following elections- Presidential, Senatorial, House of Representatives, Governorship and State House of Assemblyare then transmitted to the respective collation officers at the State collation centre. In the case of Presidential elections, following the collation at the state level it moves to the national level.

It is worthy of note that the counting and collation phase may take a few days depending on the level of organisation and lack of disruption to the post-voting phase.

Declaration Of A Winner

For each election for an elective post, there is a Returning Officer. The Electoral Act provides the Returning Officer shall announce the result and declare the winner of the election at the Ward Collation Centre for Councillorship elections in the FCT; Area Council Collation Centre for Chairmanship and Vice Chairmanship election in the Federal Capital Territory; State Constituency Collation Centre for State House of Assembly election; Federal Constituency Collation Centre for the House of Representatives; Senatorial District Collation Centre for the Senate; State Collation Centre in the case of election of a Governor of a State and National Collation Centre in the case of election of the President. Notably in the case of Presidential Elections, the Chief Electoral Commissioner is the Returning Officer at the Presidential election. ⁷

Guidelines for Election Observation



Election observation, as critical as it is to the determination and assurance of a genuine election requires that guidelines specifying its ethical and professional conduct be clearly specified. Consequently, several international agencies such as the United Nations, European Union (EU), the Organization of American States (OAS), the Commonwealth, the African Union (AU), the Economic Community of West African States (ECOWAS) as well as other organizations that promote democracy and even Electoral Management Bodies have put in place formal and comprehensive guidelines and protocols for election observation.

In Nigeria, these guidelines were adopted and domesticated by INEC for effective and efficient observation. In this paper, therefore, the discussion on guidelines for election observation is going to be based on INEC provisions. According to INEC (2014) an election observer must be sponsored by an organisation whether international, regional or domestic and must be accredited by INEC to observe elections within the guidelines established by the Commission. The sponsoring agencies take the full responsibility of professional training of their observers. Once an observer is accredited, he/she shall be required to wear observers' identification tag issued by INEC showing his/her name, picture and affiliate organisation.

An accredited observer is permitted to: request and obtain information from INEC and its officials on matters related to the election; gain access to and observe proceedings at any polling station or vote collation centre subject to any reasonable restriction that may be imposed by INEC; request to inspect and verify election materials; visit any polling station under the direction of the supervising officers of the Commission to observe voting and counting.

An accredited observer may also be allowed to meet with members or staff of the electoral commission, candidates or their agents, voters, representatives of civil society or members of the public or community in order to gather information. However, an election observer does not have the right to countermand a decision of the election officials. (INEC, 2014).

Code of Conduct for Election Observers

Election observers are always expected to conduct themselves responsibly. The ethical principles that guide the conduct of both international and domestic election observers set out by INEC is largely drawn from African Union Principles of Election Observation and the ECOWAS Guidelines and Declaration of Principles for International Observers which has been endorsed by various inter-governmental and international organisations. Based on these guidelines, as itemized by INEC (2014), an election observer should:

- Respect the sovereignty of the Nigerian people to establish their own government as well as the fundamental rights guarantees contained in the Nigerian Constitution enabling citizens of Nigeria to vote and be voted for in exercise of this sovereignty.
- Respect the laws of the host country and the authority of the bodies charged with the administering the electoral process.
 Observers must follow lawful instructions from the country's governmental, security and electoral officials. Observers also must maintain respectful attitudes towards electoral officials and other national authorities.
- 3. Attend all INEC briefings to which they are invited, familiarize themselves with the applicable laws, ensure that they transmit information from such briefings and laws to all deployed observers and carefully adhere to the methodologies employed by their observer mission.
- 4. Report to the leadership of their organisation any conflict of interests or any improper conduct by other observers who are part of their mission.
- 5. Maintain strict impartiality in the conduct of their duties and should not at any time, publicly express or exhibit any

- bias or preference in relation to national authorities, parties, candidates or with reference to any issue in contention in the election process.
- 6. Undertake their duties in an unobtrusive manner and will not knowingly or willfully interfere in the electoral process. Though observers can draw the attention of election officers to any irregularity, however, they must not give instructions or countermand the election officers.
- 7. Base their conclusions on their personal observation or clear and convincing facts. Conclusions should not be based on or drawn from speculations, hearsay or exclusively from media or internet-based report that the observer has not personally verified.
- 8. Not prejudge the election outcome.
- 9. Display identification provided by INEC at all times during election duties and must provide other forms of identification if required or requested for by any national authority
- 10. Refrain from making any personal comments to the media on what they observed during elections before the election observation mission makes their statement.
- 11. Not accept any gift or favours that might influence their work.
- 12. At all times, during the period of observation, including during private time away from work, exercise sound judgment and display a high level of personal discretion.
- 13. Not attempt to take part in the actual administration of the election.
- 14. Not attempt to play active role in resolving disputes or complaints to avoid the possibility of compromising the observer group's eventual position on the matter.
- 15. Not take any unnecessary or undue risks. Each observer's personal safety overrides all other considerations.
- 16. Exercise careful and utmost sense of discretion in their choice of words in describing the elections.

INEC takes these guidelines very seriously and therefore the Commission provides that any observer who violates this set of principles may have his or her accreditation cancelled and in the case of an act that constitutes an offence under Nigerian laws, such a person may be prosecuted according to the Nigerian law.



Challenges in Election Observation

Experiential situations in election observation and events unfolding during elections have shown that attempts aimed at observing elections may be faced with a lot of challenges. Some of the challenges are outlined below:

(1) Lack of Adequate Training/Ignorance of the Guidelines for Election Observation:

Election observation should cover the entire electoral process rather than a specific aspect, such as voting and/or counting of the ballots to be effective in ensuring election integrity. Observers should have proper qualifications and training. One of the major challenges is that many of the election observers lack the necessary professional qualification and experience to monitor elections. This lack of adequate training, according to INEC (2014) have led to attempts by some observers to overreach the ambit of their brief, which have, in many cases, resulted in misunderstandings and confusion.

(2) Security Challenges:

Security concerns in many parts of the world have affected the conduct of election processes and occasionally hindered the deployment of observers. The National Democratic Institute for International Affairs (NDI) reported that in countries undergoing transition or in a post-conflict situation, national observers might be subject to intimidation and/or threats. This situation may affect the observers' ability to travel, observe freely and report on the information collected without self-censorship or fear of retribution. For instance, a report on the 1998 national elections in Cambodia indicates that threats, intimidation and violence were daunting challenges to the observers during that election. In fact the observers testified that that intimidation affected their ability to gather information on the process and that threats coloured the reports received from observers (NDI, 1998). Similarly,

recent trends that characterize election process in Nigeria, particularly the recent gubernatorial rerun elections conducted in Akwa Ibom and Bayelsa states and more recently, the State House of Assembly rerun elections in Rivers state have further exposed how security challenges affect the performance of election observance. The security problems that emanated from those elections have forced many of the observers of such elections to run for their safety, as government security forces cannot guarantee their safety. Thus, in this case, the full coverage, where observers are present at polling stations from opening through the completion of the count (both in remote and urban areas) was no longer a feasible methodology.

(3) Lack of Independence:

Some Observers at an election are not entirely independent and this lack of independence may serve as a great limitation to the conduct of accurate election observation and thus, making the objectivity of some observers to be questioned. Some Election observers have ties to the entity that has funded their mission and thus reports may be tailored to the demands of the funding source rather than fulfilling the mission of monitoring the election. For instance, many Non-Governmental Organizations (NGOs) are not entirely independent. While some NGOs are tied to national parliaments or in other ways receive government funding, others have connections to a particular political party, trade union, or religious-affiliated organization. It is important however that a few well established observer groups in Nigeria do exist and the Nigeria Civil Society Situation Room is well renowned for its independence.

(4) Inadequate Funding:

Unfettered access to polling stations is a necessary condition for effective election observation. This therefore necessitates the need for a large number of observers and the necessary logistics to accomplish such onerous task. The implication of this, therefore, is that adequate funding is required for effective observation. This funding, however, remains a major challenge to many observers, particularly the domestic observers and as such the observations conducted by these observer missions fell below the expected standard.

(5) Accreditation:

Observer accreditation in an election is the process by which the electoral body verifies and formally authorises the deployment of an observer. Accreditation is a necessary condition before any organisation or individual can observe elections⁸ (INEC, 2014). Sometimes, however, this accreditation process is done in a very skewed and impartial manner, with a view to giving undue advantage to a particular political group, usually the incumbent government. Therefore, at times the observers that may appear objective and which may constitute a threat to the incumbent may be denied accreditation even when they met all the necessary conditions. In addition reports indicate that some observers are sometimes politicians in disguise picked by incumbent governments to influence the political process.⁹

(6) Lack of Instruments for Enforcing Observer Recommendations:

The duties of election observers are usually limited to that of observing the election processes and reporting their findings and recommendations for improving the electoral process. Therefore, they lack the necessary instruments for enforcing or implementing their observations. As a result, therefore, politicians in power may choose to ignore, with contempt, the objective findings and recommendations made by observers especially when such recommendations may affect their political prosperity.

INEC 2004

⁹ Chigudu 2015

Methodology for Election Observation and Incident Reporting Format



Methodology of observing elections is an area that has received considerable attention particularly from the various international organizations involved in election monitoring. The prominent among those organizations have developed a systematic, encompassing and a verifiable approach to and methodology of election observation are the European Union (EU), the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Carter Centre.

The methodology for the conduct of election observation developed by these and other organisations are quite similar to one another. The common agreement among organizations is that election observation methodology focuses comprehensively on all aspects and stages of an election process. The entire election process, however, is basically categorized into three major stages:

- (1) Pre-Election Observation;
- (2) Election Day Observation; and
- (3) Post-Election Observation.

(1) Pre-Election Day Observation

Election is a process and not an event and as such, election observation should cover several pre-election activities that are critical to the process in order to afford the observer group a general understanding of the electoral process. Some of the pre-election observation activities cover the monitoring in such areas as:

- 1. **The political context:** Are there any conditions created by the broader environment that make it difficult for candidates/ political parties to operate? Is a broad range of opinions represented by existing candidates/political parties to ensure the voters have a genuine choice?
- 2. **Legal framework:** Does the legal framework provide a sound basis for the conduct of elections in accordance with international standards, including guarantees of fundamental freedoms and political rights? Are all aspects of the electoral process established in law and in adequate detail before the start of the election process? Are there any legal provisions that directly or indirectly discriminate against particular individuals or groups? Does the legal framework for elections enjoy broad confidence among electoral stakeholders? Is the legal framework implemented and complied with in a consistent and impartial manner? Is the law enforced in a consistent and impartial manner by the relevant authorities?
- 3. **Electoral System:** Does the electoral system guarantee equality of suffrage? Is there public confidence that the electoral system provides for the free expression of the will of the electorate? Has the electoral system, or elements of it, been changed for political purposes?
- 4. **Boundary delineation:** Are the procedures for the delineation of electoral boundaries based on transparent and justifiable criteria? Have electoral boundaries been drawn in a discriminatory or distorted manner?
- 5. **Voter registration:** Does the procedural framework provide the opportunity for all eligible citizens to be registered? Are there suitable measures to include newly eligible voters, prevent multiple entries, and remove the names of ineligible or deceased persons? Do the extracts of the voter lists correctly link voters to their polling stations? Is the preliminary voter register available for public inspection?

- 6. **Candidate and political party registration:** Is the right to form or join a political party guaranteed in law? Are all political groups equally able to form political parties, and are all citizens equally able to join the political party of their choice? Is any political movement refused registration as a political party? Does the refusal of registration prevent the party or its candidates from taking part in the election? Is the refusal reasonable? Do political parties practice internal democracy and act in a transparent manner? Does the legal and procedural framework for candidate registration provide for the right to stand for election on equal grounds? Are all candidates, political parties and political groups able to exercise their right to stand? Are registered candidates free from interference or pressure to withdraw? Do any aspects of candidate registration directly or indirectly affect the ability of women candidates or candidates from minority groups to stand? Were any candidates or parties refused the possibility to stand? If so, were the grounds for this reasonable?
- 7. **Election Campaign:** Are the freedoms of expression, assembly, association and movement provided for by law without discrimination? Are there any restrictions on these rights? Are all candidates and political parties able to enjoy the exercise of these rights equally? Are campaign regulations implemented and enforced in a consistent, impartial and effective manner? Are there verifiable instances of violence, intimidation or harassment, or the incitement of such acts? Are such incidents promptly, consistently and effectively addressed? Are lawenforcement agencies acting in an impartial, restrained and professional manner? Have candidates agreed to abide by a code of conduct and, if so, is the code adhered to?
- 8. **The Media:** Does the legal framework guarantee the freedom of the media? If so, is this freedom respected in practice? Are the media able to work freely and operate without prior censorship (including self-censorship), intimidation, obstruction or interference? Do the media operate professionally? Have any media outlets been harassed or closed as a result of

- government action? If so, what were the circumstances and do they appear politically motivated?
- 9. **Human Rights:** Have any candidates or their supporters been detained or arrested? Have any candidates, party activists, political activists, civil society representatives, electoral officials, observers, media representatives or voters been the victims of election related violence? Have any campaign rallies, demonstrations, political gatherings or other activities been prohibited or obstructed by the authorities or security forces? Have government workers, students or others been forced or instructed to participate in campaign activities in support of ruling parties or incumbents?

(2) Election Day Observation

Election, as stated earlier, is one of the most central pillars of democracy and thus, calls for very careful observation. Observation on Election Day involves observers visiting a sample of polling stations, where they fill in an observer form that includes points for assessment. During elections, the choice of the polling sample and the accuracy of the observation are more important than the number of polling stations observed. According to the European Union (EU), (2016), the activities to observe and specific points for assessment on Election Day includes the following:

1. Voting: The Right to Vote, Equal Suffrage and the Free Expression of the Will of the Electorate: Is the right to vote restricted in any way? Do voters have difficulties with access to their designated polling stations? Are there problems with overcrowding, excessive delays or queues? Are voting procedures conducive to an efficient and transparent voting process? Are candidate/party representatives and observers able to observe all aspects of the voting process? Is impartial assistance provided to voters who require such support? Do polling officials conduct voting efficiently, impartially and in accordance with the law? Are appropriate steps taken to guarantee the integrity of the ballot and to prevent fraud? Are appropriate steps taken to prevent intimidation or coercion of

voters and unlawful interference in polling? Is there a peaceful atmosphere on Election Day? Are security forces behaving in an appropriate manner? Is group voting and open voting occurring, and if so, how frequently, and how is it responded to?

- 2. Closing of Polling and Counting of Votes: Are the procedures for the closing of polls and counting of votes established in law, and do they provide transparent safeguards to protect the integrity of the process and accuracy of the results? Are the closing, reconciliation and counting procedures properly followed? Do counting officials act in an impartial manner and in accordance with the law? Is the counting of votes and recording of results honest and accurate? Are party/candidate representatives and citizen and international observers able to observe all aspects of the counting process? Are party/candidate representatives and observers issued with a copy of the results of the election? Are results publicly posted immediately at the polling station or counting centre upon the completion of the count?
- 3. **Tabulation and Publication of Results**: Are the procedures for tabulating and publishing results clearly established in advance of the election? Are results published within stipulated timeframes and using appropriate procedures? Are the results publicly posted at every level of the election administration? Does each level of results aggregation include a breakdown of results by polling station or counting centre, to enable an independent audit to be conducted? Are there any discrepancies between the counted votes and the published results? Where results are found to be invalid, under what circumstances are repeat elections held?

(3) Post-Election Day Observation

Election observation does not terminate with the voting and subsequent declaration, pasting and announcement of results. Observing the immediate post-election day activities is equally very

important. The European Union (2016) also identifies the issues to observe on post-election development.

During the post-election period, observers undertake a range of tasks including: Observing the general post-election day environment, including observation of possible post-election protests or demonstrations; observing whether there any post-election day violence and/or intimidation or fear of this taking place; whether there is the acceptance by election stakeholders of the conduct and results of the election? Meeting with interlocutors and seeking their opinions on election day and the post-election day period and improvements that can be made to the framework and conditions for elections; following any complaints or appeals submitted and the adjudication process; identifying any indications of possible political tensions among electoral stakeholders; reporting and tracking election-related incidents or problems such as violence, intimidation and harassment, including acts of political retribution; and observing whether elected candidates installed in office.

Some international observer groups like the Carter Centre, for instance, may remain engaged in a country through the inauguration of a new president and beyond, particularly in countries where the Centre has had or anticipates a long-term involvement. Post-election activities to strengthen people's confidence in their democratic institutions have now expanded to include projects to protect and promote human rights, build civil society, refine the democratic electoral process, and address economic or development issues (The Carter Centre, 2016). In addition, post-election observation should also investigate to see whether adequate measures are being taken to deal with the challenges witness in the last election. It is therefore recommended that election observation report, particularly by domestic election observers be done immediately after the completion of a particular election cycle.

Elements For The Report Format For Election Observation

After the entire election process, the whole delegation meets to discuss its observations and issue a statement of findings as a group before the final report of the entire observation. There exist certain basic principles that are expected of the report to be released by election observers (both interim and final report). Some of these include the following:

- Conclusion reached on the voting process and results of elections with respect to issues of 'free and fair', 'fraud', 'rigging', 'flawed', and 'irregular(ity)'should be done with utmost discretion and responsibility, and, more importantly, must be substantiated with clear factual evidence;
- 2. Performance lapses and genuine mistakes should be separated from deliberate wrongdoings. Any acts suggesting unlawful conduct or clear wrong doings by electoral officials should be documented as clearly as possible and forwarded to the INEC headquarters for the attention of the Chairman:
- The observation report should be a product of careful assessment of the frequency, pattern, distribution and effect of any occurrences. In particular, irregularities must be carefully examined to determine their probable overall effect on electoral outcome;
- 4. Care should be taken not to include in the report, unproven allegations or unconfirmed incidents. If, however, it is considered necessary in any report to include unconfirmed incidents, the report should clearly state that such incidents are unconfirmed as well as indicated efforts made to secure confirmation;
- 5. The observation report should indicate where possible, the extent to which the elections constitute an improvement or not over the previous ones; and
- 6. A copy of the Report (Preliminary and Final) should be made

available to the Electoral Commission and other stakeholders (preliminary and final). All reports are to be addressed and submitted to the office of the Chairman of the Electoral Commission.

Observer Report Forms

On the Election Day, observers are dispatched with systematic survey report forms or an electronic device containing a checklist of questions on key aspects of the election process. The forms ensure that observer teams from across the country use consistent criteria for observing and reporting.

The information from these forms enables the core team to produce an analysis, from which it can draw conclusions on the conduct of the election. The observers are also provided with a comprehensive briefing and guidelines on how to use the forms. Each observer team completes one form per team for each visit to a polling station. Separate 'Comments' sections allow observers to make written comments on their observations, or to record any significant event or irregularity that they observed or have had reported to them. Although the structure and types of the election observation forms may slightly vary from one election observation agency to the other, the forms are similar in terms of content.

Once observers complete forms and transmit them to the observer group's headquarters at regular intervals during the day. Most often, the observer forms are categorized into the following parts:

- Opening: which includes a checklist of questions on the procedures for opening a polling station;
- 2. **Voting:** includes a checklist of questions on the environment around a polling station, the voting procedures, the atmosphere inside a polling station, and an overall assessment of voting and the work of polling station staff;
- Closing and Counting: includes a checklist of questions on the closing procedures, a checklist of questions on the procedures for counting votes and posting results, and an overall assessment of closing and counting;

- 4. Closing (if there is a separate counting centre): includes a checklist of questions on the closing procedures and an overall assessment of closing;
- 5. **Counting (in a collating centre):** includes a checklist of questions on the procedures for counting votes and publishing results at a counting centre, and an overall assessment of counting at a counting centre; and
- 6. **Tabulation:** includes questions on the transfer of polling materials and the procedures for aggregating results.



Benefits And Lessons Learnt From Election Observation

The expansion of election observation activities is directly related to the corresponding global trend towards democratization and thus observing elections by both international and domestic observers has become an integral part of the democratic and electoral processes in most parts of the world. The OSCE/ODIHR (2005) argued that although the focus of most election observation has been on new democracies and countries in transition, advanced democracies might also benefit from targeted observation or assessment by independent observers. Experiences and trends in election observation by the various election observer missions have revealed a great deal lessons and benefits derived from it. Some of these lessons and benefits are outlined below:

- 1. International, regional and national observers have come to play important roles in enhancing the transparency and credibility of elections and democratic governance. By providing accurate and impartial reporting on the quality of elections to the public, media, and international community, including the degree to which the conduct of elections meets international standards, election observation may help in a providing deterrence to fraud and thus promoting an avenue for the acceptance of election results (European Union, 2016). By this, election observation missions play a significant role in reducing the incidence of violence before, during and after elections.
- 2. Election observation serves to strengthen respect for fundamental freedoms and political rights and also enhances public confidence in the electoral and democratic processes. The presences of observer missions have also compelled many

electoral commissions to hold credible elections. Adebisi and Loremikan argued that once the electoral administrators know that the eagle and critical eyes of election watchers are on them, they are constantly mindful of the need to be impartial, and transparent in election administration. By this way, election observation serves to build and reinforce democratic practices.¹⁰

- 3. Election observation, according to Chigudu, (2015), is perceived as being able to objectively and independently assess and report on the integrity or otherwise of the diverse elements of an electoral process which may form the basis for validating or challenging the legitimacy of the government elected.
- 4. The findings of election observation missions provide a factual common point of reference for all persons interested in the elections, including the political competitors. This can be particularly valuable in the context of disputed elections, where impartial and accurate findings can help to mitigate the potential for conflicts.¹¹
- 5. Also, the international observation of elections in many countries especially those in democratic transition has contributed to developing specific assessment criteria, reflected various types of text such as codes of good practice, guidelines, expert analyses, observation handbooks, or policy statements.¹²
- 6. Election observation also offers for all countries an opportunity to learn from and share experiences in the conduct and management of the electoral process. According to the International Institute for Democracy and Electoral Assistance (International IDEA) (1999), election observation has become a learning opportunity for national electoral bodies and election participants.

¹⁰ Adebisi and Loremikan, 2013

¹¹ EU, 2016

¹² EU, 2016

- 7. Adebisi and Loremikan (2013) observed that the presence of election observers has created ambience of confidence in a section of the electorate who would have shunned voting for the doubt and fear that their votes may not count. In other words the presence of election monitors has enhanced wider political participation and thereby further strengthen democracy.
- 8. Drawing from the Nigeria's experience, Adebisi and Loremikan (2013) stressed that the findings and reports of the election observers, have provided the Nigerian State with the direction to focus in matters of electoral reform. The scholars argued that the attempt by the Yar'Adua administration to carry out electoral reform was partly informed by the shortcomings that were observed and reported by the various election observers that participated in the 2007 general elections.
- 9. The findings and reports of the election observers have also become a source of data and evidence for the contestants who felt that they were rigged out, to seek redress in the law court or before Election Petition Tribunal. The combination of the data and evidence from election monitoring group reports and the contestant's filed evidence have assisted some of them to regain their victory (Adebisi and Loremikan, 2013).

In spite of these benefits emanating from election observations, however, the practice of elections observations have in many instances, been met with various criticisms. These criticisms essentially border on lack of professionalism and unethical practices displayed by some of the election observers. Research findings by Adebisi and Loremikan (2013) on election monitoring in Nigeria have indicated that some election monitors have engaged in the act of bribery and corruption, a development that has influenced some of them to come up with biased or subjective findings and conclusions. It is indeed the emergence of this development, according to the researchers, that has thrown up the feeling that election observation might be a threat to democratic consolidation. Furthermore, according to Gray and Laanela (2002) as reported by Chigudu (2015), occasionally observer

missions run the risk of contradicting each other as they differ on interpretations of the notion of 'free and fair' election. In addition, the inability of most election monitors to adequately cover the entire gamut of the national constituencies while monitoring elections has cast doubt about the adequacy of their findings, and conclusions. In some cases, election monitoring is largely done in the cities while the remote villages where rigging and foul play can be perpetrated are largely left unwatched. Such report when made public can dampen the confidence and morale of the electorate who know the depth of election manipulation. This may lead to political apathy, which does not help the cause of democratic consolidation (Adebisi and Loremikan: 2013).

REFERENCES

Adebisi, A & Loremikan, S. (2013) Election Observation in Nigeria: Prop or Threat to Democratic Consolidation? *Canadian Social Science Vol. 9, No. 6,* (Pp. 140-146)

African Union (2013). *African Union Election Observation Manual*. Addis Ababa, Ethiopia: African Union Commission

Alahira, N. D., Manu, A. & Musa, M. (2014) Elections, Electoral Process and the Challenges of Democratization in Nigeria's Fourth Republic. *Research on Humanities and Social Sciences Vol.4*, *No.17* (Pp 93-102).

Brahm, E. (2014) Election Monitoring. Retrieved from: http://www.beyondintractability.org/essay/election-monitoring (07/04/2016)

Chigudu, D. (2015). Foreign Election Observers in Africa: Towards an Obligations-Based Approach. *Mediterranean Journal of Social Sciences Vol. 6 No. 1* (Pp 276-278)

European Union (2016) Handbook for European Union Election Observation (Third Edition). Luxembourg: Publication Office of the European Union

INEC (2014) INEC Guidelines for Election Observation. Retrieved from: http://www.inecnigeria.org/wp-content/uploads/2014/05/INECGUIDELINES-FOR-ELECTION-OBSERVATION2.pdf (07/04/2016)

International Institute for Democracy and Electoral Assistance (International IDEA) (1999) The Future of International Electoral Observation: Lessons Learned and Recommendations. Sweden: International IDEA.

National Democratic Institute for International Affairs (NDI) (1998). Asian Monitoring Network Conference. Washington, DC: NDI

Osabiya, B. J. (2014) Nigeria and Democratic Elections. *Journal of Good Governance and Sustainable Development in Africa (JGGSDA), Vol. 2, No 3,* (Pp 53-4)

OSCE/ODIHR (2005) *Election Observation Handbook*. Norway: Norwegian Centre for Human Rights

The Carter Center (2016) The Carter Center: Waging Peace through Elections. Retrieved from: http://www.cartercenter.org/peace/democracy/observed.html#table (06/04/2016)

United Nations (2012). Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Non-Partisan Citizen Election Observers and Monitors. New York: The United Nations.

APPENDICES

TABLE OF PRINCIPAL REGIONAL INSTRUMENTS FOR ELECTIONS

Regional Body	Treaties	Political Declarations, Commitments and other Initiatives
African Union (AU)	African Charter on Human and Peoples' Rights (1981) African Charter on Democracy, Elections and	African Union Declaration on Principles Governing Democratic Elections (2007)
	Governance (2007)	
Economic Community of West African States (ECOWAS)		Declaration of Political Principles of ECOWAS (1991)
Southern African Development Community (SADC)		SADC Principles and Guidelines on Democratic Elections (2004)
Organisation of American States (OAS)	American Convention on Human Rights (1969)	American Declaration of the Rights and Duties of Man (1948)
League of Arab States (LAS)	Arab Charter on Human Rights (2004)	
The Commonwealth		Harare Commonwealth Declaration (1991)
Organization for Security and Cooperation in Europe (OSCE)		Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990)

Council of Europe (CoE)	European Convention for the	European Commission
	Protection of Human Rights	for Democracy through
	and Fundamental Freedoms	Law (Venice Commission)
	(1950)	Code of Good Practice on
		Electoral Matters (2002)

Source: Culled from European Union (2016:31)

SAMPLE SITUATION ROOM TRAINING TOPICS FOR ELECTION OBSERVERS

TOPICS

Understanding the Legal Framework for the Conduct of Elections in Nigeria

Rights, Responsibilities and Code of Conduct for Election Observers & INEC's Expectations from Observers

Expected Activities on Election Day

Civil Society Organizations and Election Observation: Role & Challenges

Increasing Citizens Vigilance and Active Participation in Elections

Key Tips for Completing Observation Forms

Incident Reporting and Escalation of Issues

Simulation Exercise and Role Play

SAMPLE OBSERVATION QUESTIONNAIRE/CHECKLIST

STATE		LGA						
WARD		POLLING UNIT						
Arriva	l/Materials							
Obser	vation on Arrival of Poll Officia	als aı	nd Mat	erials				
1.	Polling Unit is within a neutral environment		Yes				No	
2.	INEC Officials arrived between 7.00am and 8.00am		Yes				No	
3.	Election materials arrived polling units between 7.00am and 8.00am		Yes				No	
4.	Election materials were properly packaged and intact		Yes				No	
5.	Election materials were equal or above the number of registered voters		Equal		☐ Ab	ove		Below
6.	INEC Officials were present before opening of Polls		Yes				No	
7.	Political Party Agents were present at the Polling Unit		Yes				No	
1. 2. 3. 4.	ver to (7) is Yes, please list the p	oartie — — —	es prese	ent:				
	o of Polling Unit							
8.	Campaign materials were removed from the Polling Unit		Yes				No	

9.	Polling Unit was divided into sub-units		Yes			No	
10.	Number of Voting Points within the Polling Unit		1		2		3+
11.	Ballot Boxes were located in full view of the public		Yes			No	
12.	Polling Booth was enclosed		Yes			No	
13.	How many INEC Officials were present at the Polling Unit		1		2		3+
14.	Security Personnel were present at the Polling Unit		Yes			No	
15.	Polling Unit is easy to locate and accessible to all voters		Yes			No	
16.	INEC Officials explained the voting process to the voters/ electorate		Yes			No	
Accre	editation and Voting						
Accre	Accreditation of Voters started by 8.00am		Yes			No	
17.	Accreditation of Voters	□ e time it		ted:		No	
17.	Accreditation of Voters started by 8.00am			ted:		No No	
17. If answ 18.	Accreditation of Voters started by 8.00am ver to (17) is No, please state the Were there cases of Omission of any Voter's name on the		t star Yes				
17. If answ 18.	Accreditation of Voters started by 8.00am ver to (17) is No, please state the Were there cases of Omission of any Voter's name on the Register		t star Yes				
17. If answ 18. If answ	Accreditation of Voters started by 8.00am Ver to (17) is No, please state the Were there cases of Omission of any Voter's name on the Register Ver to (18) is Yes, please state the Was any person accredited to vote who did not present a Permanent Voter's Card	ne numk	t star Yes Der of Yes	f cases		No	

If ansv	If answer to (20) is Yes, please state the number of cases:							
21.	Were eligible voters with valid PVCs refused accreditation because their names were not on the Voters' Register		Yes		No			
If ansv	ver to (21) is Yes, please state th	e numl	per of cases:					
22.	How many reports of failed fing Unit:	gerprin	ts' authentication	occurre	ed at the Polling			
23.	Were incident forms filled for Voters with valid PVCs whose fingerprints failed authentication		Yes		No			
24.	Were there any challenges with the Smart Card Reader (SCR)		Yes		No			
If ansv	ver to (24) is Yes, please state th	ne chall	lenge(s):					
<i>25.</i>	Did INEC Officials mark/tick next to the name of every accredited voter on the Voters' Registers		Yes		No			
26.	Did INEC Officials mark the cuticle of the voter's left hand with ink after the accreditation was concluded		Yes		No			
27.	Were Voters with Finger Disability accredited in accordance with the INEC Guidelines		Yes		No			
28.	Did the INEC Officials display to the voters that the ballot box(es) was empty before the voting commenced		Yes		No			
29.	Were Ballot Papers stamped and signed before issued to accredited voters		Yes		No			

30.	Was any person allowed to vote who did not present a Permanent Voter's Card (PVC)		Yes		No
If ansv	ver to (30) is Yes, please state th	ne num	ber of cases:		
31.	Were Polling Booths located in a way to enable voters mark their ballot papers in secret		Yes		No
32.	Did Voters cast votes illegally outside the polling booth		Yes		No
33.	Did you witness any case of group voting		Yes		No
If answ	ver to (33) is Yes, please give m	ore par	ticulars of the inci	dence f	nere:
34.	Did any person other than the Presiding Officer assist more than 3 voters		Yes		No
35.	Was there any tension within or around the Polling Unit		Yes		No
If answer to (35) is Yes, please give more particulars of the incidence here:					
36.	Did you observe unauthorized persons in the Polling Unit/Voting Points		Yes		No

If answer to (36) is Yes, please give more particulars of the incidence here: Counting and Announcement of Results							
37.	Were ballot papers sorted according to the political parties picked by the voters		Yes		No		
38.	Did the Presiding Officer announce publicly the results of each of the parties/ candidates		Yes		No		
39.	Did you observe the political party agent(s) append their signatures on the result sheets		Yes		No		
40.	Did the Presiding Officer paste the result sheet at the Polling Unit for the public to see		Yes		No		
41.	Did the pasted result sheets correspond/match with the results declared by the Presiding Officer		Yes		No		
42.	Did the Presiding officer deliver a copy of the result sheet to the Police officer present at the Polling Unit		Yes		No		

Gene	ral Comments
43.	General Complaint/Complaints at the Polling Unit
44.	Personal Evaluation of INEC Officials, Party Agents, Voters and Security Officials
	n that information recorded on this form is accurate and based on my personal rations.
Observ	ver's Name:
Signatı	ure:
Date:	

SAMPLE OUTLINE FOR FINAL REPORT

XXXX ELECTORAL OBSERVATION MISSION

Person responsible for preparing the final report: [NAME]

I. EXECUTIVE SUMMARY

- A. General characteristics of the EOM
- B. Results obtained by the EOM: results versus proposed objectives and goals
- C. Summary of results of electoral process General coordinator and specialists responsible

CHAPTER I: INTRODUCTION

1.1 General information, background, number of observers

CHAPTER II: POLITICAL SYSTEM AND ELECTORAL ORGANIZATION

- 2.1 Political system/political environment
- 2.2 Election law, electoral authorities
- 2.3 Political financing

CHAPTER III: THE MISSION: ACTIVITIES AND ELECTORAL OBSERVATION

- 3.1 Pre-election stage: political nature
- 3.2 Pre-election stage: Procedures for support and electoral technology
- 3.3 Pre-election stage: Media coverage
- 3.4 Pre-election stage: Organization, logistics, and management of process
- 3.5 Pre-election stage: Election campaign, including campaign closings, debates, etc.
- 3.6 Election day: Coverage and observation activities
- 3.7 Election day: Electoral Organization
- 3.8 Election day: Process of voting
- 3.9 Election day: Process of counting and tabulating votes at national and regional level
- 3.10 Election day: Transmission and publication of results
- 3.11 Election day: Political environment
- 3.12 Election day: News media Media
- 3.13 Post-election stage: Final vote tabulation
- 3.14 Post-election stage: Declaration of results
- 3.15 Post-election stage: Reactions of actors in process

- 3.16 Post-election stage: Resolution of conflicts
- 3.17 Post-election stage: Political environment following the elections

CHAPTER IV: CONCLUSIONS AND RECOMMENDATIONS

4.1 General conclusions

APPENDICES

The Nigeria Civil Society Situation Room provides a co-ordinating platform for civil society engagement on governance issues. It is also a platform for information sharing among civil society groups working on elections and topical national issues. It intervenes in the electoral process by promoting collaboration, proactive advocacy and rapid response to crisis in the electoral process. The Situation Room provides a forum of advance planning, scenario building, evidence based analysis, constructive engagement with various stakeholders in the electoral process and observation of elections. PLAC hosts the secretariat of the Situation Room and is a member of its steering committee.

Situation Room Secretariat:

c/o Policy and Legal Advocacy Centre (PLAC) Plot 1059 Adamu Aliero Crescent, off Edwin Clark Crescent, Guzape District, Abuja, Nigeria.

Telephone: 09095050505, 09032999919

Web: www.situationroom.placng.org

Facebook: facebook.com/situationroomnigeria

Twitter: @situationroomng

