



NIGERIA CIVIL SOCIETY SITUATION ROOM

THRESHOLD

FOR THE 2019 NIGERIA
ELECTIONS

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Threshold for the 2019 Nigeria Elections



ACKNOWLEDGEMENT

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ABOUT SITUATION ROOM

The Nigeria Civil Society Situation Room (Situation Room) comprising more than 70 civic groups provides a coordinating platform for civil society engagement on governance issues. It is also a platform for information sharing amongst 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 was set up in 2010, ahead of the 2011 General Elections to harness and coordinate civil society groups' resources in response to persistent democratic challenges and ensure constructive and proactive engagement of the electoral process.

Since after 2011 General Elections, the Situation Room has continued to evolve, contributing to the improvement of electoral and governance process in the country through information sharing and peer collaboration amongst CSOs, periodic dialogue with election stakeholders as well as policy analysis and reform advisories to government institutions. The benefit is that CSOs can work in synergy in support of good governance and credible elections.

The Situation Room works to achieve the following:

- Improve the quality of the electoral process;
- Strengthen the role of civil society to engage and monitor the electoral process;
- Undertake regular analysis and dissemination of information on major developments and events in the preparations and conduct of elections in Nigeria;
- Support coordination and synergy amongst election stakeholders and
- Foster collective action by civil society to promote advocacy for transparency and accountability of public institutions.

Situation Room's Secretariat is hosted by Policy and Legal Advocacy Centre (PLAC), who is the Convener of the Situation Room. Situation Room's is governed by a Steering Committee made up of the following organisations:

- Action Aid Nigeria, Abuja;
- Centre for Citizens with Disabilities (CCD);
- Centre for Democracy and Development (CDD), Abuja;
- Centre for Information Technology And Development (CITAD), Kano;
- CLEEN Foundation, Abuja;
- Community Life Project/Reclaim Naija, Lagos;
- Development Dynamics, Owerri;
- Enough is Enough, Lagos;
- Mac-Jim Foundation, Yenagoa;
- New Initiative for Social Development, Ado-Ekiti;
- Policy and Legal Advocacy Centre (PLAC), Abuja;
- Responsible Citizens and Human Development Initiative (RECHDI), Gombe;
- Proactive Gender Initiative (PGI), Abuja;
- Youth Initiative for Advocacy, Growth & Advancement (YIAGA), Abuja; and
- Young Innovators and Vocational Training Initiative, Kaduna.



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BACKGROUND

On February 16 2019, Nigeria will hold the first of two elections that marks its sixth General Election since the return of the country to civilian rule in May 1999. The first election consists of the Presidential and National Assembly elections, while the second is of the Governorship and State Houses of Assembly elections, including Area Council elections for the Federal Capital Territory and which will hold on March 2 2019.

The electoral process in the country has faced its own challenges since 1999, when elections began to be conducted in the fourth republic, reaching its worst moments during the 2007 scandalous general elections.

Nigeria's elections have sometimes been equated with attainment of democracy. This is incorrect and dangerous as regular conduct of elections does not necessarily translate to democracy but is an indicator of democratic rule and with history showing that indeed elections could be an instrument of authoritarian control and manipulation. Nigeria has seen manifestations of abuse of the electoral process, including variations of vote buying, state security agents instigating violence, ballot box stuffing, ballot box snatching, voter intimidation, disenfranchising voters in opposition areas, manipulating technology to deliver only certain results, collation manipulation, community rigging, failure of technology, using laws to exclude candidates and manipulation of the voters register. It is precisely because of this history – worldwide



and in Nigeria, that civil society works steadily from one election cycle to another to ensure free and fair, credible/legitimate election processes.

While election manipulation thrives, perpetrators are also anxious to avoid the crisis and uncertainty and political instability that blatant abuse of the electoral process could create. This thus presents an opportunity for the Nigeria Civil Society Situation Room (Situation Room) to take advantage of and push for more legitimacy and process transparency around elections. In order to do this as well as minimize the accusations of partisanship, Situation Room is outlining the minimum, baseline for credible/legitimate elections and use this to drive advocacy, programming and assessment of elections, particularly ahead of the 2019 Nigeria General Elections and going forward. Since 2010, Situation Room has observed elections in Nigeria. While the electoral process may be improved, concerns remain about some aspects of the electoral process including certain parts of election administration by INEC such as the Voters' Register, efficiency of INEC staff, activities around collation of election results, partisanship of security personnel, etc. Situation Room's work sits its involvement in electoral process and has impacted positively on the development of Nigeria's electoral process. Following from its election experience, Situation Room intends to closely observe the 2019 General Elections.

Situation Room is conscious of the fact that in its work to protect democracy and ensure accountability of governance structures and advocating for legitimate elections, it faces various challenges. The first is that Situation Room comprises of a multiplicity of organisations with varying views and preferences, that could risk the challenge of perception of being partisan. It is this possibility of being perceived as partisan that could pose a threat to the integrity of the work that civil society does around elections and deepening democracy. The second is that in working to improve the legitimacy of elections Situation Room is careful not to simultaneously undermine the process to the point where the process lacks credibility. As such, a measure of care is required in balancing the desire for improvement with ensuring that the credibility and legitimacy of the elections are not compromised.

This Threshold document provides an opportunity for Situation Room to focus on its role and responsibility of improving election processes and ensuring an increasingly enabling, level playing field for all Nigerians contesting elections. It also provides a common focus for Situation Room and a tool for advocacy and negotiation with duty bearers and stakeholders involved in elections and democratic governance.

Our collective experience and the history of Nigerian elections, including the most recent off-cycle governorship elections in Ekiti and Osun States, reminds us of what we need to look out for and what issues to expect as we prepare for the 2019 General Elections. Identifying these issues provides us with the opportunity to mitigate the risks they pose to the credibility of the elections and provides us with a common guide with which to engage the Independent National Electoral Commission (INEC) and other stakeholders and to also objectively assess the conduct of the 2019 elections in accordance with a predetermined framework.



2019 CREDIBLE ELECTIONS THRESHOLD

As Nigerians set to go to vote in the 2019 General Elections, the Nigeria Civil Society Situation Room, after a very careful review of the electoral environment and upon deliberation, have agreed that the following pose risks to credible elections in 2019 and that the minimum standards required to neutralise/mitigate those risks are as follows:

1. Non-Partisan Security Agencies

There are three key security agencies involved in elections in Nigeria – the Nigerian Army, the Nigeria Police and the Department of State Services (DSS).

In recent years, concerns have continued to mount about partisanship and politicization in the involvement of the Military, DSS and Police in elections. With recent past experiences and reports fears are deep that the involvement of the military, DSS and police in elections is fraught with the unofficial/unwritten role in elections of aiding the electoral victory of the incumbent governments by disrupting elections at opposition strongholds, delaying the delivery of ballot material to opposition strongholds, ignoring violence and intimidation of voters, and in some cases, being

the instigators of violence and intimidation against voters, opposition members and their agents including arbitrary arrests and detention in the run up to elections and on election day.

The Electoral Act 2010 (as amended in 2015) provides in Section 29 (3) as follows:

“Notwithstanding the provisions of any other law and for purposes of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies.

PROVIDED that the Commission shall only request for the deployment of the Nigerian Armed Forces only for the purpose of securing the distribution and delivery of election materials and protection of election officials.”

The implication of this provision of the Electoral Act is that security agencies and personnel should not deploy for election security or duties unless requested by INEC. It is the responsibility of INEC to indicate the number of relevant security personnel that it needs the security agencies to provide for the elections. Indeed the said section 29(3) is explicit in stating that the Nigerian Army must not deploy for elections except and only for the purpose of securing the distribution and delivery of election materials and protection of election officials as may be requested by INEC. It means therefore that the practice by the Armed Forces of mounting checkpoints and roadblocks during elections may be illegal and needs to be halted. INEC will need to develop a template for the implementation of section 29(3) of the Electoral Act on the deployment of security for the elections.

Furthermore, The safety and security of polling unit agents, INEC ad-hoc staff, party agents and voters will be the primary responsibility of the security agencies.

Regarding the role of security agencies, Situation Room has outlined the following **minimum** expectations and demands from the federal and state governments, INEC and the heads of the security agencies:

- Public commitments by the President, IGP, Service Chiefs about the neutrality of the army and police, reaffirming and restricting their roles to logistics, law and order and protection of the ballot.

- There will be zero incidents of the DSS, Police and or Army restricting the federal and/or state campaigns of any candidates in the lead up to the elections.
- There will be zero incident of lack of security escort for sensitive materials.
- There will be zero incidents of the DSS, Police or Army being reported as (i) instigating violence or intimidating voters/candidates/agents and (ii) refusing to protect voters/candidates/agents from violence and/or intimidation from hired thugs/members of the community.
- Security provisioning for the Army, Civil Defense and Nigerian Police must be disbursed efficiently and timeously (according to budget) to ensure that the security agents are not under resourced and more susceptible to inducement.
- The Code of Conduct for security agents on Election Day will be reviewed with civil society organisations, published widely and strictly enforced.
- Personal police details to candidates and/or party officials will be held to the same expectations of security agents involved in elections and will be bound by the Code of Conduct.
- Security agencies such as the Office of the National Security Adviser and DSS, with no formal responsibilities during elections, must, where national security dictates, provide clarity to INEC, CSOs on the scope and reach of their operations as it relates to elections
- All security deployment for the election has to be under the operational directive of the INEC.

2. Voter Register Integrity

Elections which have held in parts of the country after the 2015 elections revealed the presence of under-aged voters on the voters' register, a register used in the 2015 elections. There have also been incidences of the padding of the Voters' Register with fictitious names. It thus behoves INEC to ensure that the voter register comprises of persons who fulfil the requirements as set out in section 12 of the Electoral Act 2010 (as amended in 2015).

Situation Room hereby outlines the following **minimum** expectations and demands from INEC regarding the voter register:

- Thorough audit of the voter register to remove multiple registrations, under-aged and dead voters in collaboration with the National Population Commission to ensure alignment between election data and demographic data.
- Strict adherence to Electoral Act guidelines and timelines for posting the voter register in order to give voters time to verify.
- Audit of the PVC collection process and rates across the country to ensure the credibility of the election results are not marred by 100% collection rates in any state.
- Auditable information on un-collected PVCs in each state of the federation and protocol for storage and protection of these cards.

3. Card Reader Failure During Elections

INEC has established that incident forms will no longer be used during elections and that in the event that a card reader does not read a fingerprint/card, the thumbprint of the individual will be captured against the person's name in a physical register and their phone contact taken. This will be upon agreement by stakeholders at the polling unit including the INEC Presiding Officer and political party polling agents.

Situation Room has the following **minimum** expectations and demands from INEC regarding Card Reader failure and the use of the voter register:

- INEC will widely disseminate this change in procedure to voters before Election Day and ensure that INEC staff, agents and election observers are aware of the procedure.
- INEC commits that a 5% card reader incidence failure at any polling unit will trigger a special audit of the results at that PU.

4. Transparent Results Collation

Reports following elections in Nigeria have shown that the collation process is a hotspot for rigging of elections. Therefore, Situation Room has the following **minimum** expectations and demands from INEC regarding the collation of results:

- INEC will publish the collation process and ensure that accredited observers and party agents have unfettered access to collations from the Ward up to the national collation centre level.
- INEC should commit to publishing the PU results from the elections no less than 15 days after the election.
- Election results are disaggregated showing numbers from each ward to ensure easy comparison by observers.
- Security agents do not play any active role in the collation process except to provide security to property and electoral officials.
- INEC will publicly announce and publish the rules and guidelines applicable for the determination of re-runs in any polling unit during the general elections.

5. Efficient and Accountable Election Administration (or Public Accountability in Election Administration)

Situation Room has the following **minimum** expectations from INEC on the general administration of the election:

- The design of the ballot paper will exclude parties without candidates
- INEC will take measures to exclude or minimise the influence of state governors in the ad-hoc staffing required for the elections and ensure that ad-hoc staff get adequate provisions before the elections to protect them from inducement.
- INEC will share and publish and plans for the voting of IDPs around the country publicly as well as security agencies to ensure access, security and legitimacy of the process.
- INEC will undertake a nationwide campaign about vote-buying, under-aged voting and security agencies brief about their role in the polling unit will include the handling of this criminal offense in a way that prevents under-aged voting and protects the polling unit staff from intimidation and violence.
- INEC will take steps to promote inclusivity in the elections and ensure eligible voters are not disenfranchised by virtue of disability.

6. Political Parties

Political Parties are a major stakeholder in the electoral process and will be participating in several of the elections.

Situation Room hereby outlines the following expectations from political parties participating in the different levels of the 2019 General Elections.

- Respect the laws and rules of elections as stipulated in the Constitution and Electoral Act.
- Carry out their campaigns devoid of hate, mudslinging and violence.
- Take part in Election Day activities without perpetrating electoral fraud, malpractice, rigging or vote buying.
- Train and deploy polling agents to represent their political parties at every stage of the elections.
- Commit to respecting the outcome of elections.

7. No Restrictions on Opposition Campaigns

Situation Room has the following **minimum** expectations and demands from incumbent state governments and the Federal government and its agents:

- Campaigns and the movement of candidates and party officials will not be unfairly restricted with denials to use public facilities such as airports; last minute curfews and any similar attempt to disadvantage candidates.
- State institutions will not be used nor be involved in the intimidation and/or harassment of candidates such as the arbitrary withdrawal of security personnel for elected officials.
- Candidates and officials of opposition parties will be charged on spurious and/or suspiciously timed criminal and/or civil charges in the weeks leading to the elections

8. Violence Mitigation and Electoral Accountability

Violence has been a feature of Nigerian elections (pre, during and post) for decades and Nigeria has been caught in a cycle of state and private sponsored violence for years. Although ethnicity and religion should not play a key role as it did with the 2015 elections there is still a sense that the 2019 elections will be violent due to the high stakes placed on winning elections in Nigeria.

Knowing the expected triggers for violence including hate speech, incitement, perception of bias by INEC and other stakeholders involved in managing elections, the **minimum** Situation Room expects from INEC, the security agents (including the Office of the National Security Adviser, and the Department of State Services), incumbent executives across the country and political party officials is as follows:

- A mapping out of the hot spots for elections with risk mitigating plans involving communities, traditional and religious influencers, CSOs and the international community.
- INEC, the National Broadcasting Committee (NBC) and state and federal prosecutors will have zero tolerance for hate speech, inflammatory comments and other conducts capable of triggering violence. INEC will publicly warn parties with offending candidates and maintain a point list to sanction erring parties; the NBC will withdraw ads and sanction television and radio broadcasters and prosecutors will file charges as applicable under the penal, criminal codes and other applicable laws.
- The Media as a whole should avoid inflaming emotions over controversial issues, promote fact-checking before stories are released and the utilisation of impartial and dispassionate reporting, take steps to educate the public against political violence and on voting procedure as provided by INEC.
- Strict enforcement of electoral offences and penal laws as it relates to elections by relevant key enforcement agencies.



CONCLUSION

In outlining the threshold for achieving a credible 2019 election, Situation Room has taken into account Nigeria's circumstances, international election standards as well as its experiences from observation of elections in recent years. Situation Room will hold stakeholders accountable for delivery on these expectations and will be making its call on the credibility or not of the 2019 General Elections on the basis of the thresholds outlined. The people of Nigeria deserve free, fair and credible elections and all stakeholders must prepare to deliver on this.

About

PLAC hosts the secretariat of the Nigeria Civil Society Situation Room and is a member of its steering committee. The Situation Room provides a co-ordinating platform for civil society engagement on governance issues. It is also a platform form 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.

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