



## INEC GUIDELINES FOR ELECTION OBSERVATION



## **FOREWORD**

These guidelines are provided to ensure that election observation duties are carried out in accordance with the law and best practices. For the Independent National Electoral Commission (INEC), the observation of elections by national, regional, continental and international organisations is a very important part of the electoral process. We are committed to producing free, fair and credible elections and we want citizens and the entire world to see us deliver on our promise. Every Nigerian voter is entitled to lawfully express his or her choice through the ballot and to have this choice counted and respected. The Commission is committed to ensuring that every lawful vote counts in our elections. In ensuring that we attain this goal, INEC welcomes the support of all people and partners of goodwill, including election Observers.

These Guidelines reflect the standards of Nigeria's Electoral Act as well as the minimum standards for election observation, which Nigeria subscribes to as a sovereign member of the international community.

The Independent National Electoral Commission (INEC) has made arrangements for proper and efficient accreditation of Observers to facilitate their ease of movement around the country before, during and after, elections. **There exist in the Commission, the Elections and Party Monitoring Department (EPM)** to liaise with and ensure hitch-free accreditation and facilitation for Observers.

Once again, I welcome you as you observe Nigerians vote.

**PROFESSOR ATTAHIRU M. JEGA, OFR**  
**Chairman, INEC.**

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## **SECTION 1**

### **A. What is election Observation?**

Election observation is the process where by elections in a particular country or locality are observed against set standards by an independent and impartial body of Observers with the aim of identifying whether the elections conform to accepted guarantees of democratic participation, identifying flaws and challenges, and also making recommendations on how the process can be improved in the future. Election observation especially by domestic groups further reinforces the rights of citizens and their organisations to participate and ensure greater transparency in the manner their leaders are chosen. In simplified terms, election observation includes four main activities viz:

- 1.Observation of processes and activities organised before, during and after elections
- 2.Collation of facts and observations that have been noted;
- 3.Interpretation of the facts gathered against the back ground of the laws governing elections; and
- 4.Detailing the findings so collated and the interpretations arising from the reports.

Election is a process and not an event. To that extent, election observation should cover all the activities undertaken in connection with the election. A credible election is not just premised on events of the Election Day. It is also based on the legal framework, prevailing political environment, respect for individual rights and internal party structures and collaboration among all the actors in the electoral process.

Several election-related activities typically precede and follow voting. Activities that precede voting include constituency delineation, party primary and candidate selection processes, registration of voters, campaigning, distribution of voting materials and management of logistics, training and deployment of election officials, the briefing of party agents, and election observers ,etc. All these impact on the outcome of elections and are as important as the election proper. After voting, there is usually counting and tallying of votes, collation and declaration of results.

If these activities are conducted diligently with fairness, independence and even-handedness by the electoral umpire, the parties, candidates and Observers are likely to regard the elections as credible, free and fair and the likelihood of legal challenge to the announced results will be severely minimised, if not eliminated entirely. It is sometimes the case that elections are won and lost before Election Day. Many electoral malpractices capable of determining the outcomes of elections are also mostly committed before or after Election Day.

It is for this reason, that election observation should ideally focus on the whole electoral processes. However, such an approach has immense cost implications and most Observers focus on the Election Day seeing it as a reflection of how the entire electoral process has evolved. To that extent, it represents a reasonable point of engagement and this guideline focuses mainly on observing the voting and result collation processes. However, Observers would be well advised to pool resources in order to enable them follow those activities that precede and follow balloting which may affect their overall assessment of the elections.

#### **B. Election Observation and Election Monitoring:**

These two terms have sometimes been used interchangeably. However there are fundamental differences between the two. **An election monitor is an integral part of the election management structure and has a role in the administration of the election.**

**In Nigeria, only the Independent National Election Commission (INEC) and its duly authorised personnel are empowered to monitor elections. An Observer on the other hand, does not have any role in the administration of the election nor does (he/she) have any control or oversight functions.** To further simplify these points:

- An election monitor exercises some level of lawful authority over the conduct of elections as well as over officials involved; an Observer doesn't have such powers.
- In Nigeria, a monitor must be a duly authorised personnel of the Independent National Electoral Commission; while an Observer is independent and reports only to his or her organisation

- A monitor can issue instructions and take decisions on behalf of INEC and to that extent, would ordinarily possess a greater technical knowledge of the election process than an Observer.
- To enable them fulfil their functions effectively, INEC is responsible for training election monitors on election administration. The training of election Observers is the responsibility of the organisations that deploy them.

The roles, powers and functions of monitors are created and regulated and the authority so exercised is clearly spelt out by law.

- Reports of election observers could assist election monitors and the Commission to address flaws in the conduct of elections.

It is important to clarify these differentiations because at times, attempts by Observers to overreach the ambit of their brief have in many cases, resulted in misunderstandings and confusions. It is important to emphasise once again, that under Nigerian law, it is only the INEC that has authority to monitor elections.

### **C. Why Observe Elections?**

Elections are the means through which the people exercise their sovereign right to choose who governs them and what the political and other priorities of their government should be. Democratic elections are thus the opportunity for the people to express their sovereignty through the ballot to confer legitimacy to their government, renew its mandate if necessary or withdraw from it the authority to govern. This is the basis of accountable government.

The task of accomplishing this goal lawfully is a collective duty shared by the government, voters, candidates, and the international community.

Election observation is in part an expression of solidarity with communities going through this process and also a way of ensuring that there is credible evidence on the basis of which it is possible to evaluate, assess and report on the credibility of the elections in terms of whether they meet the minimum thresholds of democratic participation.

Election observation is undertaken in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held. It provides opportunity for constructive criticism and engagement of the election process to ensure improved performance

in future elections. It is an expression of interest in protecting and promoting common democratic values by organisations and governments who provide Observers.

It is important to observe elections for many reasons, some of which include:

- The Provision of information for analysing an election process;
- It beams the spotlight on the electoral process and discourages malpractices;
- It is a learning process that provides comparative information to assist other countries in improving their electoral process;
- Helps the observed state to identify mistakes and recognises progress made;
- Reinforces common standards and universal benchmarks on what elections should be;
- Enhances transparency and reinforces the integrity and credibility of the electoral process; and
- Empowers citizens' groups to observe elections as a means of conferring legitimacy on elected governments.

#### **D. Who is an Observer?**

For the purposes of these Guidelines, an Observer is a person sponsored by an organisation and accredited by INEC to observe elections within the guidelines established by INEC. An Observer may be sponsored by a domestic, regional, continental or international organisation. INEC will not accredit as an observer an individual who is not part of, or, affiliated with any organisation.

#### **E. Types of Observers**

There are two main types of Observers; Domestic and International Observers.

Domestic Observers are those sponsored by Civil Society Organisations formed, located, or based in Nigeria and whose activities are regulated by Nigerian law. It is desirable that the deployment of Domestic Observer teams have national coverage. They are also encouraged to collaborate with each other. International Observers are Observers usually deployed by, or, under the authority of governments, intergovernmental agencies, international organisations and other NGOs not domiciled in Nigeria.

## **F. What to Observe**

An Observer has an obligation to know exactly what to observe. Election observation is not about seeking for fault but an objective assessment of the election process. At the minimum, it requires adequate appreciation of the electoral laws, rules, procedures and processes of the electoral system that is to be observed. It is important for a prospective Observer to study the field manuals for election officials and also have an idea of the enabling laws and a baseline understanding of the political system that is being observed. Finally, it is necessary for Observers to participate in briefings by the INEC and use the opportunity to seek clarifications if required/necessary.

Many election observer organisations have a checklist of what to look out for. Some of which include:

- (a)The legal and institutional framework;
- (b)The electoral/political environment;
- (c)Arrangements affecting the safety and security of election officials, voters and other participants;
- (d)Management of electoral logistics;
- (e)The integrity of the electoral preparations, including voter registration and voter education;
- (f)The degree of political competitiveness;
- (g)The inclusiveness of the electoral system, civic education and the extent of participant by citizens;
- (h)The extent of human right violations and election-related violence;
- (i)Evidence of any violence, intimidation, interference with private exercise of the franchise;
- (j)The professionalism of security agencies;
- (k)The extent to which security has affected the participation of the people in the electoral process;
- (l)The conduct of the main institutions and agencies. For instance, do they act in a mature and responsible manner.
- (m)The integrity of the conduct of the poll, including voting, counting, collation, and declaration of result; and

(n)The resolution of electoral disputes.

## **G Criteria for Accreditation:**

Accreditation is the process by which INEC verifies and formally authorises the deployment of an Observer. It is a necessary condition before any organisation or individual can observe elections in Nigeria. INEC is the only body that can accredit election Observers. No other entity is authorised under Nigerian law to accredit election Observers and any person or authority outside INEC that purports to do so, acts unlawfully. Accreditation confers official recognition and gives the observers access to the locations where voting or balloting, counting, collation and announcement of results take place.

**The Commission has a liberal accreditation process for both the domestic and international observation groups. All requests or application for observation shall be in compliance with the requirements set out in the advertisement in the National dailies and on the website of the Commission issued soon after the notice of poll and the time table for elections is released by the Commission (see details in Appendix 1).**

INEC will only receive and process applications from organisations or institutions duly registered.

### **Once accredited, the Observer**

**-Shall be required to wear Observers' Identification tag issued by INEC showing his/her name, picture and affiliate organisation of the observer.**

**-Is permitted to request and obtain information from INEC and its officials on matters related to the election.**

**-Is permitted to 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.**

-May, within practicable limits, request to inspect and verify election materials.

-May visit any polling station under the direction of the supervising officers of the Commission to observe voting and counting.



-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.

- Ask questions on voting and counting procedures from members of electoral commission but does not have the right to countermand a decision of the election officials.
- Should, unless already knowledgeable about these, apprise himself or herself of any relevant information about the community in which he or she will be deployed as an Observer.

At all times, Observers are advised to ensure that they do not take actions capable of endangering themselves or other participants in the electoral process.

INEC shall:

- Ensure that Observers receive adequate information concerning the arrangements for the elections;
- Designate at the Headquarters in Abuja and in all the State offices, an officer or unit with responsibility for liaison with Observers;
- Not be responsible for securing entry clearance for international Observers or ensuring compliance with immigration requirements for international travel into Nigeria.
- Not be responsible for the personal safety and security of Observers. Observers are advised to direct inquires concerning security arrangements to the appropriate security agencies. If in doubt, such inquiries should be directed to the appropriate State Command of the Nigeria Police Force or the office of the Inspector-General of Police in Abuja.

#### **H. Code of Conduct for Observers:**

Election observation is a very sensitive work. Accordingly, Observers must conduct themselves responsibly. INEC expects that organisations have codes of conduct and will make every diligent effort to familiarise Observers sponsored by them with their codes. However, we have synthesized below, a set of ethical principles that will guide the conduct of election Observers drawing from the African Union Principles, ECOWAS Guidelines and Declaration of Principles for

International Observers, endorsed by various inter-governmental and international organisations. These guidelines shall apply to both domestic and international Observers to:

(a) 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.

(b) 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

(c) Abide by these Guidelines and any other terms of reference or instructions given to them by their organisation.

(d) 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.

(e) Report to the leadership of their organisation any conflict of interests or any improper conduct by other Observers who are part of their mission. For this purpose, conflict of interest arises when the observer is unable to maintain impartiality on account of any bias or preference in relation to political parties, candidates or the authorities or any issue connected to the elections.

(f) 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.

(g) Undertake their duties in an unobtrusive manner and will not knowingly or willfully interfere in the electoral process. Nothing in these guidelines removes the right of the Observers to bring irregularities to the attention of

the election officers, but, they must not give instructions or countermand the election officers.

(h) 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.

(i) Not prejudice the election outcome.

(j) 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

(k) Field observers shall refrain from making any personal comments to the media on what they observed during elections before the election observation mission makes their statement.

(l) Not accept any gift or favours that might influence their work.

(m) Observers shall 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.

(n) Not attempt to take part in the actual administration of the election.

(o) 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.

(p) Observers must not take any unnecessary or undue risks.  
Each Observer's personal safety overrides all other considerations.

(q) Observers are responsible for their safety and security.

(r) Observers do not enjoy **immunity** from prosecution or criminal responsibility for electoral offences or any other offences recognized under the laws of the Federal Republic of Nigeria.

(s) Observers must be very careful and exercise utmost sense of discretion in their choice of words in describing the elections.

(t) Any Observer who flouts these guidelines 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

## **I. Responsibilities of Observers**

(a) Organisations applying for accreditation for Observer teams shall bear the costs associated with organising and deploying its observation mission and teams.

(b) It is the duty of International election Observers and their sponsoring organisations to make their travel plans and fulfil the necessary immigration requirements necessary for obtaining entry clearance to visit Nigeria. Local Observers shall also be responsible for transporting their Observers to the respective polling centres where they will be deployed.

(c) INEC shall not play any role in the deployment of Observers except for providing basic information which may be required for such deployment (e.g., a map of polling stations)

(d) It is the duty of the election Observer to arrange adequate logistics support. INEC shall not provide logistical assistance to Observers whether in cash or kind

(e) Under no circumstances should Observers handle election documents in the polling station or physically assist the voting or counting process;

(f) Each Observer on election observation duty shall be bound to:

- Introduce himself or herself to the polling officer, collation or other officer(s) responsible for the centre or duty station when they arrive and ensure that a good working relationship is established with the electoral officers, which will assist the process of observation.
- Comply with the instructions of officials at the polling stations unless such instructions are manifestly unlawful. Any Observer who is dis-satisfied with the official instructions should record the circumstances of such dis-satisfaction in the appropriate observation report.

- Avoid confrontation with election officers, security personnel, and party agents;
- Be prepared to present proof of accreditation to electoral and security personnel who request them. Observers must keep these documents with them at all times. However, because elections can sometimes be unpredictable, Observers are advised to keep the originals of their identity documents separate from accreditation documents and only carry the accreditation documents while in the field;
- Maintain complete impartiality at all times;
- Avoid conduct or communication capable of disrupting the voting and counting process(s);
- Be prepared to make records of conversations and comments, ask questions and, in particular ask for concrete examples when general statements are made;
- Not attempt to take an active role in resolving any disputes or complaints, even if asked to. Their role is to observe and record events at the polling stations. However, Observers may record any complaints made to them on the appropriate observation form, including details of the complaints; including the name, organization(where relevant)and contacts of those involved;
- Be conscious that their conduct is likely to be closely observed and should, therefore, try not to be too enthusiastic or overtly friendly when meeting candidates, their proxies or representatives whether or not there is prior familiarity with such persons;
- Have a deployment plan for the polling units or stations to be covered and.
- Be encouraged to provide insurance cover for observers that are being deployed.

## **K. Report of Observers**

Certain basic principles are expected of the report to be released by Observers (both interim and final report). Some of these include the following:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) The observation report should indicate where possible, the extent to which the elections constitute an improvement or not over the previous ones.

**(f) make available to the Commission a copy of the reports emanating from the election (interim and final). All reports are to be addressed and submitted to the office of the Chairman of the Commission.**

## **J. Responsibilities of INEC**

The Independent National Electoral Commission recognises that it owes some responsibility to the Observers to ensure an effective observation exercise and that election observation can only be achieved if INEC and the Observers work together. To this end, INEC undertakes to:

(a) Provide all the necessary assistance to enable international Observers to sufficiently prepare and fulfil immigration requirements to do their observation work;

(b) Issue invitation letters to international Observer missions which comply with the conditions for accreditation;

(c) Guarantee unimpeded access to Observers to all the stages and processes of the election;

(d) Guarantees reasonable access to all persons concerned with election process who are within the authority of INEC;

(e) Guarantees that the election Observers shall have access to all INEC literature and instructions on the elections

**(f) Provide basic information kits on the election (e.g list of polling stations, collation centres, INEC contact officers, electoral maps etc) to all observer groups.**

## **SECTION II: PRE-ELECTION ACTIVITIES**

**As stated earlier, election is a process and not an event, as such, election observation could cover several pre-election activities that are critical to the process in order to afford the observer group an wholistic understanding of the electoral process. Some of the pre-election activities are:-**

### **A. VOTER REGISTRATION**

Voter registration and continuous voter registration is a key element for screening ineligible individuals out of the voting process and for identifying and registering eligible individuals so that they can have the right to vote. It is therefore of interest to citizens who desire a government based on people's will and for candidates and political parties. Continuous voter registration is constitutionally mandated to ensure that those who have turned 18, or have changed residence are able to register for the purpose of voting and for those who are deceased, to be accordingly removed from the register. Continuous voter registration occurs at the **registration area, or by any other format prescribed by the Commission** and its success depends on election officials doing their jobs properly and the people responding actively to confirm the existence of their names on the register and for new residents and qualified voters to turn up for registration. Domestic observer groups due to their knowledge and

numbers, can provide election officers and the public verifiable information on the accuracy of voter lists and the quality of the voter registration process. Among others, domestic observers can focus on several key issues such as:

(a) Compliance of election officers with national constitutional requirements and international standard in the registration of individuals.

(b) Whether those who are eligible are given sufficient opportunity to register to vote without discrimination – gender, ethnicity, religion, physical disability, etc

(c) Whether officials comply with the procedures and rules established by the Commission.

(d) Whether there are incidences of double or multiple registration by one individual.

(e) Whether individuals are given the opportunity or have access to verify their names in the register.

## **B. PARTY PRIMARIES AND CANDIDATES' SELECTION PROCESS**

Observation of party primaries and candidates' selection process is a key aspect in determining the integrity of the electoral process. The constitution assigns the responsibility of monitoring political parties and ensuring that they adhere to their rules and procedures to INEC but the role of observers in promoting the transparency of this process remains very crucial. If political parties respect their own rules and preferences of their members in the choice of candidates for elective positions the legitimacy of government would be further enhanced. In view of their presence on the ground domestic observer groups can track the overall integrity of the process including the role of money in the process. Key issues to focus on include:

(a) Compliance with regulations set by the Electoral Commission in terms of announcement of dates and other requirements for party conventions and congresses.

(b) Compliance with rules and procedures **as enshrined in the Constitution of the Political Parties, the Electoral Act 2010 (as amended) and other extant provisions of the law.**

(c) Transparency in the counting of votes and announcement of results.

(d) Equal treatment and opportunities for all the candidates at the primaries.



(e) Use of money and incentives that confer advantages on some candidates over others.

(f) Adherence of political parties to internal procedures for addressing grievances arising from party primaries.

(g) The resolution of disputes arising from party primaries.

### **SECTION III:**

#### **A. OBSERVATION OF ELECTIONS (ELECTION DAY ACTIVITIES)**

Despite being a process that begins with many pre-election activities, especially the administration of elections and actual voting define the integrity of the electoral process. Some of the issues reflected on election day activities include:-

**(a) Timely arrival of poll officials and lay-out of polling stations.**

**(b) Commencement of accreditation and polling processes.**

**(c) Conduct and Professionalism of poll officials**

**(d) Conduct and Professionalism of security agents;**

**(e) Availability of election materials;**

**(f) Compliance with election guidelines by poll officials;**

**(g) Secrecy of ballot;**

**(h) Degree of political competitiveness;**

**(i) Degree of inclusiveness (processes to ease participation by all eligible voters including physically challenged people).**

#### **B. COUNTING, COLLATION AND DECLARATION OF RESULTS**

The key issues to focus on:-

(a) Transparency of conducting vote count;

(b) Access of observers, agents, and proxies of parties and candidates to counting and collation centres.

(c) Number of votes in relation to number of registered voters.

(d) Presence of unauthorized persons at counting and collation centres

(e) Public announcement of results collated.

(f) Procedures laid down in the regulations for tabulation and transmission of results.

## **SECTION IV: POST-ELECTION ACTIVITIES OR EVENTS**

### **RESOLUTION OF POST-ELECTION DISPUTES**

Resolution of disputes arising from the conduct of elections or the quest for electoral justice to address actual or perceived wrongs suffered by political parties and candidates is critical to the overall integrity of the electoral process. Consequently, observers determined to observe this phase of the electoral process, who cannot intervene in the judicial process could address their minds to the following issues:

(a) Capture details of formal complaints or petitions filed before Election Tribunals.

(b) Whether proceedings are conducted in public, open to all interested parties.

(c) Fair and even treatment by adjudicating authorities or courts to all the parties including complainant, witnesses and interested parties.

(d) Whether the adjudicating authorities appeared to be impartial.

(e) Whether the judicial decisions and rulings are consistent with rulings in similar cases.

## **APPENDIX 1:**

### **PROCEDURES AND CRITERIA FOR ACCREDITATION OF OBSERVERS**

#### **INTRODUCTION**

In order to ensure transparency, credibility and impartiality of all elections held in Nigeria through neutral and independent observation of electoral process, the Independent National Electoral Commission is pleased to issue the following **Procedures and Criteria for Accreditation of Observers**.

In the **Procedures and Criteria for Election Observations**, the following terms and expression, mentioned in this document, shall have the definitions therein, unless the context determines otherwise.

- **INEC:** Independent National Electoral Commission

- **Observation:** The gathering of 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
- **Headquarters:** INEC Headquarters in Abuja.
- **Election Monitoring and Observation Committee (EMOC):**The Committee established by INEC to manage and administer all observation, registration and accreditation processes.
- **Elections and Party Monitoring Department (EPM) is the department in INEC charged with the responsibilities of processing applications from observer groups.**
- **Chairman INEC:** Chief Electoral Officer of Nigeria.
- **Accreditation Card:** An identification card issued by INEC that qualifies the person to whom it is issued to participate in the election process as an accredited observer.
- **The Electoral Process:** All processes related to the implementation of all phases of the electoral cycle, such as voter registration, registration of political parties, candidate nomination, polling, counting of votes and compilation of results.
- **Eligible Bodies:** Bodies that are eligible to apply to INEC to participate in the observation of the Electoral process.
- **The Contact Person:** The person designated by the Eligible Body to receive and submit all documents and correspondence from, or to, INEC and sign all documents needed for the accreditation process.
- **Code of Conduct:** The Code of Conduct for Observers issued by INEC.

## **The Right to Observe the Electoral Process-Who can apply?**

The right to observe the electoral process is safe guarded by law. This right maybe exercised through registration and accreditation for observation granted by INEC.

INEC will register eligible bodies as Observation Groups. Only observers who are part of an observation group registered by INEC will be accredited and permitted to observe the electoral process.

Accredited international observers shall adhere to the code of conduct for observers and shall enjoy the rights provided therein.

The following bodies shall have the right to apply to observe the electoral process;

(f)Regional, Continental and International Organizations

(g)Representatives of foreign missions

(h)Nigerian organizations

(i)Any other body deemed to be qualified by INEC

### **(j)Procedural Rules:**

#### **A. When to apply?**

1. All international observers are to apply for accreditation at the INEC Head office in Abuja soon after notice of election is released by the Commission. **The calls for applications are made in National dailies and on the website of the Commission. The publication will also state the closing date for receipt of applications.**

2. Domestic observers can apply for accreditation at the INEC Head Office in Abuja or through the offices of INEC in their various States, or Federal Capital Territory as the case may be.

#### **B. How to apply?**

- Application by observer group shall be in a prescribed form (EMOC 01) which is available at INEC website([www.inecnigeria.org](http://www.inecnigeria.org)). The forms shall be returned to the Elections and Party Monitoring Department of INEC Headquarters.
- Eligible bodies applying for observation shall be responsible for making sure that application forms and relevant attachments are completed and sent to the correct address.

- All successful observer groups are, duly informed of their accreditation through the National dailies and on the Commissions' website.
- The Observation Group may then submit names of proposed observers for accreditation by INEC on EMOC 02 to be collected at the Elections and Party Monitoring Department (EPM).
- A full deployment plan with names of members/location of assignment shall also be submitted.

**The Application for Registration for Observation Teams shall contain the following information;**

1. Name, address and contact details of the eligible body.
2. Name of the head of the eligible body and evidence of similar past experiences.
3. The type of activity covered by the body and evidence of similar past experiences.
4. Name and contact details of the contact person delegated by the body.
5. In case of international groups, the date for the arrival of the members as well as the number of members in the team.
6. Official/Registration documents etc.

**The following documents shall be annexed to the application form;**

1. A completed Authorization form for the Contact person, identifying him or her as representative of the eligible body, to receive and submit all documents and applications required and signing all necessary documentation.
2. A completed Pledge of Observers for each observer, including name, nationality, date of birth and passport information. Each pledge will be signed by the proposed observer to confirm the receipt of sufficient training from the observation body and to pledge to abide by the INEC Code of Conduct for Observers.
3. Two recent passport size photographs for each proposed observer and a copy of the proposed observer's passport or formal ID card issued by the observation body.

The back of each photo should contain the observer's name and the name of the eligible body to which he/she belongs.

4. Any other document that may help the group towards accreditation.

### **The Authorised Committee**

(a) EMOC is the Authorised Committee established to manage and administer applications for electoral observation.

(b) EMOC shall examine all applications for observation and submit its recommendations to INEC regarding the approval of registration of eligible bodies as Observation Groups and the accreditation of their members or rejection of the applications stating the reason(s) in a clear manner.

(c) INEC shall approve or reject the recommendations submitted by EMOC.

(d) EMOC shall notify the representative of the body of the decision.

(e) Pursuant to INEC's approval, EMOC shall issue the necessary accreditation cards and shall maintain a data base of all accredited observers.

### **Accreditation Cards**

INEC observer cards shall have the following details;

1. INEC Logo
2. The name of the observer
3. The name of the body he/she represents
4. A recent photo of the observer
5. Date of Expiration
6. INEC official stamp
7. Serial number of the card

**The accreditation cards shall be distributed to individual observers by officers of the Commission at the State/LGA offices of the Commission few days to the polling day and in the presence of the contact person for each observer group.**

### **Why Reject an Application?**

Application shall be rejected if submitted after the deadline for submission or when applications submitted are incomplete, inaccurate or submitted by an ineligible body. Applications shall also be rejected when the eligible body does not meet the conditions provided for in relevant INEC regulations, procedures or the Code of Conduct.

The accreditation of an observer shall be revoked in the event that his/her name is repeated in any of the accreditation lists of observers. Also an observer shall not be accredited in the event that he/she does not fulfill the conditions provided in this document or in the Code of Conduct he/she is less than 18 years old.

### **Revocation of Registration /Accreditation**

INEC may revoke the accreditation of any observer in the event he/she:

- (i)Violates the provisions of the regulations, procedures or code of conduct for observers
- (ii)Obstructs the electoral process
- (iii)Asks voters about their voting preferences while observing at polling stations.

### **Rights of Observers**

- (a)Each observation group is entitled to get a copy of the code of conduct and a package of basic information issued by INEC.
- (b)Accredited observers have the right to observe all phases of the electoral process with access to all registration/polling and collation centres.
- (c)Accredited observers have the right to obtain information from electoral authorities at all levels.
- (d)Accredited observers have the right to issue public observation reports and statements concerning the progress of the electoral process.
- (e)Accredited observers enjoy freedom of movement throughout Nigeria.

## **Duties of Observers**

(a) Wear the accreditation badge in a visible manner.

(b) Behave neutrally at all times and refrain from engaging in partisan activities or activities beneficial to any of the political parties or candidates.

(c) Do not display, wear, or carry any logos, colours, symbols identical or similar to those of any political party or candidate.

(d) Refrain from exerting influence on voters.

(e) Undertake duties without interfering in or disrupting the election process.

(f) Refrain from making personal or premature comments about electoral observation to the media or other interested bodies.

(g) Abide by the instructions of INEC officials at the registration/polling and collation centres.

(h) Do not infringe on the privacy of registrants and voters, (do not observe any voter marking the ballot, and do not record any personal details relating to registrants or voters, such as their names or the names of the candidates or parties they voted for).

## **Facilitation of Observation**

- All INEC staff members, each one within his/her respective limits of responsibilities, shall facilitate the mission of the international observers and enable them to exercise their powers as provided for in the regulations.
- The Observation Group will provide all logistics support to the deployment of its accredited observers to observe the electoral process.



## **APPENDIX 11:**

### **POLITICAL AND ELECTORAL SYSTEM IN NIGERIA**

Nigeria is a Federation comprising 36 States and a Federal Capital Territory (FCT), Abuja. In all there are 774 Local Government Areas. INEC conducts elections for executive and legislative positions in Federal and State Governments. In addition, INEC is responsible for conducting elections into the Area Councils in the Federal Capital Territory, Abuja.

Elections into Local Government Areas in the 36 States of Nigeria are conducted by the State Independent Electoral Commissions, which are outside of INEC's authority.

#### **1.1 EXECUTIVE OFFICES**

For each election, the country is divided into constituencies with respect to positions in the executive arm of government. The entire country is however, treated as one constituency for the Presidential elections. The Chairman of INEC is statutorily designated as the Chief Electoral Officer in the Presidential Elections. Each of the 36 States constitutes a constituency for the purpose of elections into the offices of the Governors at the State level. Each Area Council in the FCT is also treated as a constituency for the purpose of electing an Area Council Chairman.

Nigeria's 1999 Constitution (as amended), prescribes the conditions that candidates must fulfil in order to be declared winners in an election into an executive office. These conditions are as follows:

##### **1.1(a) PRESIDENT**

A person is duly elected as president, where, if there are more than one candidates, he/she scores a majority of votes as well as at least one-quarter of the votes cast in each of two-thirds of the States of the Federation. Where, however, there is only one candidate, he must obtain a majority of YES votes over NO votes as well as not less than one-quarter of the votes cast at the election in each of at least two-thirds of all States in the country and the Federal Capital Territory.

### **1.1(b) RUN-OFF (1<sup>st</sup>and2<sup>nd</sup>)**

In default of a candidate being elected as stated in paragraph(a) above, a second election run-off shall be held within seven days as follows:-

- (i) Election between the candidate that scores the highest number of votes and another with highest majority of votes in the highest number of States. Where there is more than one candidate with the highest number of states, the candidate with the highest total votes among them shall be second candidate.
- (ii) A failure of either of the candidates to meet the majority of votes and score of over a quarter of votes cast in each of at least two-thirds of all the States and the FCT, winner of two-thirds and last run-off elections shall be the candidate who scores the majority of votes cast in the election.

### **1.1(c) GOVERNOR**

A person is elected Governor, where, if there are two or more candidates, he secures a majority of votes in addition to one-quarter of the votes cast in each of at least two-thirds of all the Local Government Areas of the State. However, in the case of single candidates, to be elected Governor, the candidate must score a majority of YES votes over NO votes cast in a minimum of two-thirds of all the Local Government Areas in the state.

### **1.1(d) RUN-OFF(S) (1<sup>st</sup>and 2<sup>nd</sup>)**

The failure of a single candidate to be elected, results in fresh nominations. In the case of more than one candidate, there shall be a run-off election between the candidates who secured the highest number of votes cast and the candidate who secured the majority of votes in the highest number of Local Government Areas. Where those with the highest number of Local Government Areas are more than one, the candidate with the next highest total votes cast at the election shall be the second candidate. Two other run-offs are organized where there is no clear winner in the first run-off. The candidate with a majority of the votes cast at the third run-offs is elected the Governor of the State.

## **1.2 LEGISLATIVE OFFICES**

INEC also organizes elections into legislative positions at the Federal and State levels as well as for councillorships of the Area Councils in the FCT. The Federal legislature is bi-cameral, comprising a Senate and a House of Representatives.

- The Senate has 109 members. Each State of the Federation comprises three Senatorial Zones,(however, the FCT had the one zone) each zone being recognised as a separate constituency for purposes of electing one Senator.
- The House of Representatives comprises 360 members elected from 360 Federal Constituencies. Each State and the FCT are divided for this purpose into different Federal Constituencies. Each Federal Constituency elects or returns one member to the House of Representatives.
- Each State has a House of Assembly as its legislative arm of Government. Members of the House of Assembly are elected from State Constituencies, which are different and much smaller than Federal Constituencies.
- In the FCT, for the purpose of fulfilling the legislative functions of Local Government in the Area Councils, Councillors are elected for each of the Wards. A Ward is a constituency for the purpose of electing a Councillor in the Area Council elections in the FCT.

The legislative candidates become winners the moment they score a simple majority over their opponents. This is commonly referred to as the First Past The Post (FPTP) electoral systems. The Executive positions are, however, determined by specific majorities as follows:

### **1.2(a) NATIONAL ASSEMBLY**

The National Assembly shall comprise:

- (i) 109 Senators, i.e. three Senators per State while FCT has only one Senator:

- (ii) 360 Members of the House of Representatives, representing 360 constituencies delimited according to population “as nearly equal as possible”.

## **1.2(b) STATE HOUSES OF ASSEMBLY**

There are 990 members of the 36 State House of Assembly. Each member represents a State Constituency.

## **1.3 CHAIRMAN AND COUNCILLORS IN THE SIX AREA COUNCILS OF FCT, ABUJA**

The Federal Capital Territory, Abuja is made up of six (6) Area Councils headed by elected Chairmen and Councillors.

The administration of elections to the offices of the Chairmen / Councillors is regulated by the Electoral Act 2010 (as amended).

## **2 THE VOTING METHOD**

In every election, every voter is entitled to have their vote counted and every vote must count. INEC continuously strives for ways and means to make the voting method increasingly effective. The Commission has, therefore, adopted the open-secret ballot system as prescribed by the Electoral Act 2010 (as amended).

Nigeria currently has 120,000 polling stations. Each Polling Station is headed by one Presiding Officer and assisted by two Assistant Presiding Officers. This is in addition to the security agencies and political party agents who must be in every polling station. Supervisory Presiding Officers are engaged to supervise a number of polling units within each registration area. At the close of voting, the Presiding Officer counts the votes in the presence of party agents and the results made public in each polling station. Thereafter, the results are transmitted to the collation centres for collation before formal declaration.

## **APPENDIX III**

### **ECOWAS PRINCIPLES OF DEMOCRATIC ELECTIONS**

- The EMB should be independent and neutral and should have the confidence of all the political actors.
- No substantial modification should be made to the electoral laws during the last six (6) months before the holding of an election, except with the consent of a majority of the political actors.
- Elections must be organized on the dates or at the periods fixed by the electoral law.
- Women have equal rights with men to vote and be voted for, and to hold public office at all levels of governance.
- A reliable voters list must be produced, drawing upon a reliable registry of births and deaths.
- The voters list should be prepared in a transparent and verifiable manner, with the collaboration of the political parties
- The electorate should have access to the list of voters, whenever the need arises.
- The preparation and conduct of elections and the announcement of results should be done in a transparent manner.
- Adequate arrangements should be made to hear and dispose of petitions relating to the conduct of elections and the announcement of results.
- Election-related civil society organizations should be involved in educating the public on the need for peaceful elections.
- A candidate or party that loses an election should concede defeat in accordance with the electoral law

- All holders of power at all levels should refrain from acts of intimidation or harassment against defeated candidates or their supporters.

#### **APPENDIX IV**

### **AFRICAN UNION DECLARATION ON THE PRINCIPLES GOVERNING DEMOCRATIC ELECTIONS IN AFRICA -AHG/Decl.1(XXXVIII)**

#### **I. PREAMBLE**

We, the Heads of State and Government of the Organization of African Unity, meeting in Durban, South Africa, at the 38<sup>th</sup> Ordinary Session of the Assembly of the OAU, have considered the Report of the Secretary General on strengthening the role of the OAU in election observation and monitoring and the advancement of the democratization process.

Considering the principles and objectives of the African Union enshrined in the Constitutive Act of the African Union, particularly in its Articles 3 and 4;

Reaffirming the Algiers Decision of July 1999 and the Lomé Declaration of July 2000 on the Framework for an OAU response to unconstitutional changes of Government, which laid down a set of common values and principles for democratic governance;

Considering the CSSDCA Solemn Declaration adopted by the Assembly of Heads of State and Government of the OAU in Lomé, Togo, in July 2000, which underpins the OAU's agenda of promoting democracy and democratic institutions in Africa;

Considering the New African Initiative (NAI) now referred to as the New Partnership for the African's Development (NEPAD) adopted by the Assembly of the Heads of State and Government in Lusaka, Zambia, in July 2001, by which, through the Democracy and Political Governance Initiative, African Leaders under took to promote and protect democracy and human rights in their respective countries and regions, by developing clear standards of accountability and participatory governance at the national and sub-regional levels;

Reaffirming the importance of the Universal Declaration of Human Rights adopted in December 1948, as well as the International Covenant on Civil and Political Rights

adopted in December 1966, which recognized the will of the people expressed through free and fair elections as the basis of the authority of government;

Reaffirming also the significance of the African Charter on Human and Peoples' Rights adopted in Nairobi, Kenya, in June 1981, which recognized the right of every citizen to participate freely in the government of his or her country whether directly or through democratically elected representatives;

Recalling the Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-economic Situation in Africa and the Fundamental Changes Taking Place in the World, adopted in Addis Ababa, Ethiopia, in July 1990 wherein OAU Member States undertook to continue with the democratization of African societies and the consolidation of the democratic institutions;

Recalling further the African Charter for Popular Participation in Development adopted in Addis Ababa, Ethiopia, in July 1990, which emphasized the need to involve the people of Africa in the spheres of economic and political governance;

Referring to the Cairo Agenda for Action adopted in Cairo, Egypt, in 1995, which stressed the imperative of ensuring good governance through popular participation based on the respect for human rights and dignity, free and fair elections, as well as on the respect of the principles of freedom of the press, speech, association and conscience;

Cognizant of the fact that each Member State has the sovereign right to choose its political system in accordance with the will of its people and in conformity with the Constitutive Act of the African Union and the universally accepted principles of democracy;

Considering the ever-growing role already played by the OAU in the observation/monitoring of elections and the need to strengthen the Organization's efforts in advancing democracy in Africa;

Agree and endorse the following Principles Governing Democratic Elections in Africa:

## **II. PRINCIPLES OF DEMOCRATIC ELECTIONS**

- Democratic elections are the basis of the authority of any representative Government;
- Regular elections constitute a key element of the democratization process and therefore, are essential ingredients for good governance, the rule of law, the maintenance and promotion of peace, security, stability and development;
- The holding of democratic elections is an important dimension in conflict prevention, management and resolution;
- Democratic elections should be conducted:
  - Freely and fairly;
  - Under democratic constitutions and in compliance with supportive legal instruments;
  - Under a system of separation of powers that ensures in particular, the independence of the judiciary;
  - At regular intervals, as provided for in National Constitutions;
  - By impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics;

## **III. RESPONSIBILITIES OF THE MEMBER STATES**

We commit our Governments to:

(a) Take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of our respective countries;

(b) Establish where none exists, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters, compilation of voters' registers, etc would be addressed;

(c) Establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;



(d)Safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression ,and campaigning as well as access to the media on the part of all Stakeholders, during electoral processes;

(e)Promote civic and voters' education on the democratic principles and values in close cooperation with the civil society groups and other relevant Stakeholders;

(f)Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security;

(g)Ensure the availability of adequate logistics and resources for carrying out democratic elections, as well as ensure that adequate provision of funding for all registered political parties to enable them organize their work, including participation in electoral process;

(h)Ensure that adequate security is provided to all parties participating in elections;

(i)Ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/other observers/monitors;

(j)Encourage the participation of African women in all aspects of the electoral process in accordance with the national laws.

#### **IV. ELECTIONS: RIGHTS AND OBLIGATIONS**

(1)We reaffirm the following rights and obligations under which democratic elections are conducted:

(2)Every citizen shall have the right to participate freely in the government of his or her country, either directly or through freely elected representatives in accordance with the provisions of the law.

(3)Every citizen has the right to fully participate in the electoral processes of the country, including the right to vote or be voted for, according to the laws of the country and as guaranteed by the Constitution, without any kind of discrimination.

(4)Every citizen shall have the right to free association and assembly in accordance with the law.

(5)Every citizen shall have the freedom to establish or to be a member of a political party or Organization in accordance with the law.

(6)Individuals or political parties shall have the right to freedom of movement, to campaign and to express political opinions with full access to the media and information within the limits of the laws of the land.

(7)Individual or political parties shall have the right to appeal and to obtain timely hearing against all proven electoral malpractices to the competent judicial authorities in accordance with the electoral laws of the country.

(8)Candidates or political parties shall have the right to be represented at polling and counting stations by duly designated agents or representatives.

(9)No individual or political party shall engage in any act that may lead to violence or deprive others of their constitutional rights and freedoms. Hence all Stakeholders should refrain from, among others, using abusive language and/or incitement to hate or defamatory allegations and provocative language. These acts should be sanctioned by designated electoral authorities.

(10)All Stakeholders in electoral contests shall publicly renounce the practice of granting favours, to the voting public for the purpose of influencing the outcome of elections.

(11) In covering the electoral process, the media should maintain impartiality and refrain from broadcasting and publishing abusive language, incitement to hate, and other forms of provocative language that may lead to violence.

(12)Every candidate and political party shall respect the impartiality of the public media by undertaking to refrain from any act which might constrain or limit their electoral adversaries from using the facilities and resources of the public media to air their campaign messages.

(13) Every individual and political party participating in elections shall recognize the authority of the Electoral Commission or any statutory body empowered to oversee the electoral process and accordingly render full cooperation to such a Commission/Body in order to facilitate their duties.

(14) Every citizen and political party shall accept the results of elections proclaimed to have been free and fair by the competent national bodies as provided for in the Constitution and the electoral laws and accordingly respect the final decision of the competent Electoral Authorities or, challenge the result appropriately according to the law.

#### **V. ELECTION OBSERVATION AND MONITORING BY THE OAU**

We request the OAU to be fully engaged in the strengthening of the democratization process, particularly by observing and monitoring elections in our Member States, according to the following guidelines:

(1)The observation and monitoring of elections shall be undertaken subject to a memorandum of understanding between the OAU General Secretariat and the host country in accordance with the principles enshrined in this declaration and the laws of the host country.

(2)In performing their obligations, the election observers or monitors shall be guided by detailed guidelines to be prepared by the General Secretariat drawing inspiration from the essential thrust of this declaration, the specific mandates and terms of reference determined by the particular case in question as well as the wider legal framework of the country staging elections.

(3)Member States should ensure that invitations to the OAU to participate in election observation or monitoring are sent at least two months before the date of the election.

(4)Member States should refrain from imposing any fees and/or charges on OAU observers i.e. registration/accreditation fees etc. and facilitate easy access of observers/monitors to locations of electoral events/activities and unhindered in the performance of their tasks.

(5)The General Secretariat shall have the right to decline invitations to monitor elections which in its considered opinion, do not measure up to the normative standards enunciated in this Declaration.

## **VI.ROLE AND MANDATE OF THE GENERAL SECRETARIAT**

Further request the OAU Secretary General to take all necessary measures to ensure the implementation of this Declaration by undertaking, in particular, the following activities:

- (a)Strengthen its role in the observation and monitoring of elections within the legal framework of the host country, in accordance with the memorandum of understanding reached with that country;
- (b)Mobilize extra-budgetary funds to augment the General Secretariat resource base so as to facilitate the implementation of this Declaration;
- (c)Undertake a feasibility study on the establishment of a Democratization and Electoral Assistance Fund, to facilitate a successful implementation of this Declaration.
- (d)Undertake a feasibility study on the establishment within the OAU General Secretariat of a Democratization and Election Monitoring Unit that will also discharge issues on good governance;
- (e)Compile and maintain a roster of African Experts in the field of election observation and monitoring and democratization in general in order to deploy competent and professional observers and to avail itself of their services whenever necessary. Member States on their part are requested to assist by making the names of their experts available to the General Secretariat;
- (f)Work out better standards of procedures, preparations and treatment for personnel selected to serve on OAU observer missions.
- (g)Promote cooperation and work in partnership with African Organizations and International Organizations, as well as national institutions, non-governmental Organizations and civil society groups involved in the election monitoring and observation work.

(h) Publish and make the General Secretariat Reports on the observation/monitoring of elections and other related activities open to all Member States and the public at large, as a means of consolidating electoral and democratic processes on the continent.

-END-