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The following is published as supplement to this Gazette:

<table>
<thead>
<tr>
<th>S.I. No.</th>
<th>Short Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>51</td>
<td>Independent National Electoral Commission (Guidelines for Election Observation), 2014</td>
<td>B573-597</td>
</tr>
</tbody>
</table>
CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS ALTERED)  
ELECTORAL ACT, 2010 (AS AMENDED)  
INDEPENDENT NATIONAL ELECTORAL COMMISSION  
(GUIDELINES FOR ELECTION OBSERVATION), 2014

ARRANGEMENT OF PARAGRAPHS

Paragraph:
1. Election Observation.
2. Purpose of Observation.
3. Checklist of an Election Observer.
4. Accreditation of Observers.
5. Application for Accreditation of Observers.
6. Procedure for Application.
7. Content of Application for Accreditation.
8. The Authorised Committee.
9. Accreditation Cards.
10. Rejection of Application for Accreditation.
11. Revocation of Accreditation.
12. Rights of Observers.

PART II—ELECTION ACTIVITIES

17. Observation of Voter Registration.
20. Counting, Collation and Declaration of Results.
22. Interpretation.
23. Citation.
CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS ALTERED)
ELECTORAL ACT, 2010 (AS AMENDED)
INDEPENDENT NATIONAL ELECTORAL COMMISSION
(GUIDELINES FOR ELECTION OBSERVATION), 2014

[13th Day of March, 2014]

In exercise of the powers conferred upon it by Section 153 of the Electoral Act 2010 (as amended) and all other powers enabling it in that behalf, the Independent National Electoral Commission (herein after referred to as "the Commission") issues the following Guidelines—

1.—(1) In order to ensure a free, fair and transparent election, elections conducted by the Commission shall be observed by accredited domestic and foreign observers.

(2) Election observation includes—

(a) observation of the processes and activities organized before, during and after elections;

(b) collation of facts and observations that have been noted;

(c) interpretation of the facts gathered in accordance with relevant laws governing elections; and

(d) detailing the findings collated and the interpretations arising from the reports.

(3) Election observers shall be guided by the Schedule to these Guidelines.

2. The purpose of election observation shall include the following—

(a) provision of information for analyzing an election process;

(b) focusing on the electoral process and discourages malpractices;

(c) provision of information that assist other countries to improve their electoral process;

(d) helping the observed state to identify mistakes and recognize the progress made;

(e) reinforcing the common standards and universal benchmarks on what elections should be;

(f) enhancing transparency and reinforcing the integrity and credibility of the electoral process; and

(g) empowering the citizens groups to observe elections as a means of conferring legitimacy on elected governments.
3. An observer in an election conducted by the Commission, shall be abreast of the—

(a) legal and institutional framework;
(b) electoral and political environment;
(c) arrangements affecting the safety and security of election officials, voters and other participants;
(d) management of electoral logistics;
(e) integrity of the electoral preparations, including voter registration and voter education;
(f) degree of political competitiveness;
(g) inclusiveness of the electoral system, civic education and the extent of participation by citizens;
(h) extent of human right violations and election related violence;
(i) evidence of any violence, intimidation, interference with private exercise of the franchise;
(j) professionalism of security agencies;
(k) extent to which security has affected the participation of the people in the electoral process;
(l) conduct of the Commission, political parties and other relevant agencies;
(m) integrity of the conduct of the poll, including voting, counting, collation, and declaration of result; and
(n) resolution of electoral disputes.

4. The Commission shall be the sole body responsible for accreditation of both the domestic and international observers in Nigeria.

5. The following bodies shall have the right to apply to observe the electoral process—

(a) regional, continental and international organizations;
(b) representatives of foreign missions;
(c) Nigerian organizations; and
(d) any other body deemed to be qualified by the Commission.

6.—(1) The Commission shall call for application and the closing date for the application in the National dailies and on the website of the Commission.

(2) All International Observers shall apply for accreditation at the Commission's head office in Abuja.
(3) Domestic observers shall apply for accreditation at the Commission’s head Office in Abuja or through the Commission’s office, in their States or Federal Capital Territory as the case may be.

(4) Application by observer group shall be in a prescribed form EMOC 01 available at the Commission’s website.

(5) The forms shall be returned to the Elections and Party Monitoring Department at the Commission’s Headquarters.

(6) 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.

(7) All successful observer groups shall be duly informed of their accreditation through the National dailies and on the Commission’s website.

(8) 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).

(9) A full deployment plan with names of members and location of assignment shall be submitted by the observer group.

7.—(1) The content of application for accreditation shall include—

(a) name, address and contact details of the eligible body;

(b) name of the head of the eligible body and evidence of similar past experiences;

(c) the type of activity covered by the body and evidence of similar past experiences;

(d) name and contact details of the contact person delegated by the body;

(e) in case of international groups, the date for the arrival of members and the number of members in the team;

(f) the official or Registration documents; and

(g) any other relevant details as may be determined by the Commission.

(2) The following documents shall be annexed to the application form—

(a) a completed Authorization form for the Contact person, identifying him—

(i) as representative of the eligible body,

(ii) to receive and submit all documents and applications required, and

(iii) be responsible for signing all necessary documentations;
(b) a completed pledge of observers for each observer, including name, nationality, date of birth and passport information, signed by the proposed observer confirming the receipt of sufficient training from the observation body and to abide by the Commission’s Code of Conduct for Observers;

(c) two recent passport size photographs for each proposed observer and a copy of the proposed observer’s passport or formal Identity card issued by the observation body, containing at the back of the passport, the observer’s name and the name of the eligible body to which he belongs; and

(d) any other document that may be necessary for effective and efficient accreditation.

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

(2) 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 in a clear manner.

(3) The Commission may approve or reject the recommendations submitted by EMOC.

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

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

9.—(1) The observer cards issued by the Commission shall contain the—

(a) commission’s logo;
(b) name of the observer;
(c) name of the body the observer represents;
(d) recent photo of the observer;
(e) date of expiration of the card;
(f) Commission’s official stamp; and
(g) serial number of the card.

(2) The accreditation cards shall be distributed to individual observers by officers of the Commission at the State or LGA offices of the Commission in the presence of the contact person for each observer group, few days to the polling day.

10. An application for accreditation shall be rejected, where—

(a) it was submitted after the deadline for submission;

(b) the application submitted is incomplete, inaccurate or submitted by an ineligible body; or
(c) the eligible body does not meet the conditions provided for in these Guidelines or any other relevant regulations, procedures or the Code of Conduct, stipulated by the Commission.

11. The Commission may revoke the accreditation of any observer, where—

(a) his name is repeated in any of the accreditation lists of observers;
(b) he violates the provisions of the Regulations, procedures or code of conduct for observers;
(c) he obstructs the electoral process; or
(d) asks the voters of their voting preferences while observing at polling stations.

12. An accredited observer or observer group shall have the right to—

(a) get a copy of the code of conduct and a package of basic information issued by the Commission;
(b) observe all phases of the electoral process with access to all registration or polling and collation centres;
(c) obtain meaningful information from electoral authorities at all levels;
(d) issue public observation reports and statements concerning the progress of the electoral process;
(e) freedom of movement throughout Nigeria;
(f) wear Observers’ Identification tag issued by the Commission showing the name, picture and affiliation of the observer;
(g) gain access to and observe proceedings at any polling station or vote collation centre subject to any reasonable restriction that may be imposed by the Commission; and
(h) within practicable limits, request to inspect and verify election materials.

13.—(1) In line with the African Union principle and the ECOWAS Guidelines and Declaration of Principles for International Observers, endorsed by various inter-governmental and international organizations, domestic and international observers shall—

(a) respect the sovereignty of the Nigerian people to establish their own government and 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 Nigeria and the authority of the bodies charged with the administering the electoral process, by—
(i) following lawful instructions from the Nigeria’s governmental, security and electoral officials, and

(ii) maintaining 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 organization;

(d) attend all Commission’s 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 organization any conflict of interests or any improper conduct by other observers who are part of their mission, where 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 any issue in contention to the election process;

(g) undertake their duties in an unobtrusive manner and not knowingly or wilfully interfere in the electoral process, provided that nothing in these Guidelines shall take off their right to bring irregularities to the attention of the election officers, in compliance with relevant laws;

(h) base their conclusions on their personal observation or clear and convincing facts, not from speculations, hearsay or exclusively from media or internet-based report that the observer has not personally verified;

(i) not prejudice the outcome of the election;

(j) display identification provided by the Commission at all times during election duties and provide other forms of identification required or requested for by any national authority;

(k) 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 may influence their work;

(m) at all times, during the period of observation, including 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;
(a) 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) not take any unnecessary or undue risks;

(q) be responsible for their safety and security;

(r) 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; and

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

(2) Where any observer contravenes the provisions of these guidelines—

(a) the Commission may cancel his accreditation; and

(b) in the case of an act that constitutes an offence under the Nigerian law, he shall be prosecuted.

14.—(1) Organisations applying for accreditation for observer teams shall bear the costs associated with organising and deploying its observation mission and teams.

(2) The international election observers and their sponsor organizations shall make their travel plans and fulfill the necessary immigration requirements necessary for obtaining entry clearance to visit Nigeria.

(3) The local election observers shall be responsible for transporting their observers to and from the respective polling centres where they are deployed.

(4) The Commission shall not play any role in the deployment of observers except for providing basic information required for deployment, including the map of polling stations.

(5) The observers shall arrange for their adequate logistics support.

(6) The observer shall not handle any election document in the polling station or physically assist the voting or counting process.

(7) An observer on election observation duty shall—

(a) wear the accreditation badge in a visible manner;

(b) on arrival, introduce himself to the polling officer, collation officer and any other officer in charge of the centre or duty station;

(c) ensure that a good working relationship that assist the process of observation is established with the electoral officers;

(d) comply with the instructions of officials at the polling stations, unless the instructions are manifestly unlawful, provided that where he is dis-
satisfied with the instruction of any official, he shall record the circumstances of the dis-satisfaction in the appropriate observation report;

\((e)\) avoid confrontation with election officers, security personnel or party agents;

\((f)\) where required, present proof of accreditation to electoral and security personnel;

\((g)\) maintain complete impartiality at all times;

\((h)\) avoid conduct or communication capable of disrupting the voting and counting process;

\((i)\) record conversations and comments, ask questions, including concrete examples when general statements are made;

\((j)\) not attempt to take an active role in resolving any disputes or complaints, provided that they may record any complaints made to them on the appropriate observation form, including details of the complaints, the name, organization and contacts of those involved;

\((k)\) not infringe on the privacy of voters, in relation to marking of the ballot, record of any personal details, including their names the names of the candidates or parties they voted for;

\((l)\) have a deployment plan for the polling units or stations to be covered; and

\((m)\) provide insurance cover for observers that are being deployed.

15. An observer shall be guided by the following basic principles of interim and final report—

\((a)\) conclusion reached on the voting process and results of elections with respect to issues of free and fair, fraud, rigging, flawed, and irregularity shall be done with utmost discretion and responsibility, and substantiated with clear factual evidence;

\((b)\) separation of performance lapses and genuine mistakes from deliberate wrongdoings;

\((c)\) any act suggesting unlawful conduct or clear wrongdoing by electoral officials shall be documented as clearly as possible and forwarded to the Commission’s headquarters for the attention of the Chairman;

\((d)\) the observation report shall be a product of careful assessment of the frequency, pattern, distribution and effect of any occurrences, including carefully examination of irregularities to determine their overall effect on electoral outcome;

\((e)\) unproven allegations or unconfirmed incidents shall not be part of the report, provided that, where it is considered necessary in any report it shall clearly state that the incidents are unconfirmed and indicated efforts made to secure confirmation;
(f) the observation report shall indicate where possible, the extent of improvement over the previous ones or otherwise; and

(g) make, addressed and submit a copy of the interim and final reports emanating from the election to the office of the Chairman of the Commission.

16. To ensure synergy between the Commission and the observers in the conduct of elections, the Commission shall—

(a) provide all the necessary assistance to enable international observers to sufficiently prepare and fulfill immigration requirements, for the purpose of observation, provided that the Commission shall not be responsible for securing entry clearance for international observers or ensuring compliance with immigration requirements for international travel into Nigeria;

(b) issue invitation letters to international observer missions that complies with the conditions for accreditation;

(c) guarantee—

(i) unimpeded access to observers to all the stages and processes of the election,

(ii) reasonable access to all persons concerned with election process who are within the authority of the Commission, and

(iii) that the election observers shall have access to all the Commission's literature and instructions on the elections;

(d) provide basic information kits on the election to all observer groups, including the list of polling stations, collation centres, the Commission's contact officers and electoral maps;

(e) ensure that observers receive adequate information concerning the arrangements for the elections;

(f) designate at the Headquarters in Abuja and all the State offices, an officer or unit with responsibility for liaison with observers; and

(g) not be responsible for the personal safety and security of observers.

PART II—ELECTION ACTIVITIES

17. Domestic observers shall ensure—

(a) the compliance of electoral officers with national constitutional requirements and international standard and rules and procedures issued by the Commission for the registration of individuals;

(b) that eligible persons are given sufficient opportunity to register to vote without discrimination in relation to gender, ethnicity, religion, physical disability, etc.;
(c) that there is no incidence of double or multiple registration by an individual; and

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

18. The observers shall ensure that political parties—

(a) complies with Regulations and Guidelines of the Commission in relation to announcement of dates and other requirements for party conventions and congresses;

(b) complies with rules and procedures enshrined in the Constitution of the political parties, the Electoral Act 2010 (as amended) and other extant provisions of the law;

(c) are transparent in the counting of votes and announcement of results;

(d) treat all the candidates at the primaries equally;

(e) do no use money or any incentives that confer advantage on some candidates over others;

(f) adhere to internal procedures for addressing grievances arising from party primaries; and

(g) resolve the disputes arising from party primaries.

19. The election observers shall, on the election day, observe the—

(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; and

(i) degree of inclusiveness and ease of participation by all eligible voters, including physically challenged people.

20. The election observers shall examine the—

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

21. The election observers may—

(a) capture details of formal complaints or petitions filed before Election Tribunals or Court;

(b) observe whether proceedings are conducted in public and open to all interested parties;

(c) observe whether fairness and even treatment by adjudicating authorities or courts to all the parties, including complainant, witnesses and interested parties; and

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

22. In these Guidelines—

"accreditation card" means an identification card issued by the Commission that qualifies the person to whom it is issued to participate in the election process as an accredited observer.

"Chairman" means the Chief Executive Officer of the Commission, who is also the Chief Electoral Officer of Nigeria;

"Code of Conduct" means the Code of Conduct for Observers issued by the Commission;

"Contact Person" means 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;

"Election Monitoring and Observation Committee (EMOC)" means the Committee established by the Commission to manage and administer all observation, registration and accreditation processes;

"Elections and Party Monitoring Department (EPM)" means the department in the Commission charged with the responsibilities of processing applications from observer groups;

"Electoral Process" means 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" means bodies that are eligible to apply to the Commission to participate in the observation of the electoral process;

"INEC" means the Independent National Electoral Commission;

"Headquarters" means the Commission Headquarters in Abuja;

"Observer" means a person sponsored by an organization and accredited by the Commission to observe elections within the Guidelines issued by the Commission; and
“Observation” means 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 the Commission for such mission.

23. These Guidelines may be cited as the Independent National Electoral Commission (Guidelines for Election Observation), 2014.
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. 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 fulfill in order to be declared winners in an election into an executive office. These conditions are as follows—

(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.

(b) Run-off (1st and 2nd): 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.

(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.

(d) **Run-off(s) (1st and 2nd)** : 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.

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.

(a) 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.

(b) 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.

(c) 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.
(d) 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—

(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”.

(b) State Houses of Assembly: There are 990 members of the 36 State House of Assembly. Each member represents a State Constituency.

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).

4. 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.
ECOWAS Principles of Democratic Elections

(1) The EMB should be independent and neutral and should have the confidence of all the political actors.

(2) 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.

(3) Elections must be organized on the dates or at the periods fixed by the electoral law.

(4) Women have equal rights with men to vote and be voted for, and to hold public office at all levels of governance.

(5) A reliable voters list must be produced, drawing upon a reliable registry of births and deaths.

(6) The voters list should be prepared in a transparent and verifiable manner, with the collaboration of the political parties.

(7) The electorate should have access to the list of voters, whenever the need arises.

(8) The preparation and conduct of elections and the announcement of results should be done in a transparent manner.

(9) Adequate arrangements should be made to hear and dispose of petitions relating to the conduct of elections and the announcement of results.

(10) Election-related civil society organizations should be involved in educating the public on the need for peaceful elections.

(11) A candidate or party that loses an election should concede defeat in accordance with the electoral law.

(12) All holders of power at all levels should refrain from acts of intimidation or harassment against defeated candidates or their supporters.
African Union Declaration on the Principles Governing Democratic Elections in Africa—AHG/DECL.1 (XXXVIII) I.

I. Preamble

We, the Heads of State and Government of the Organization of African Unity, meeting in Durban, South Africa, at the 38th 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 undertook 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

(1) Democratic elections are the basis of the authority of any representative government.

(2) 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.

(3) The holding of democratic elections is an important dimension in conflict prevention, management and resolution.

(4) Democratic elections should be conducted.

(5) Freely and fairly.

(6) Under democratic constitutions and in compliance with supportive legal instruments.

(7) Under a system of separation of powers that ensures in particular, the independence of the judiciary.
(8) At regular intervals, as provided for in National Constitutions.
(9) 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/or 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.

ISSUED at Abuja this 13th day of March, 2014.

Prof Attahiru M. Jega, OFR
Chairman
Independent National Electoral Commission
EXPLANATORY MEMORANDUM

(This Memorandum does not form part of these Guidelines, but intends to explain its purposes)

These Guidelines is to ensures the conduct of a free, fair and credible election, provide an impartial and accurate assessment of the nature of election processes, provide opportunity for constructive criticism of the election process and compliance with relevant laws by the observers.