

EXPLANATORY NOTE

This is the Report of the Commonwealth Observer Group which was present for Nigeria's National Assembly and Presidential Elections in April 2003.

This 'Advance Copy' is reproduced here in the form in which it was signed by the Observers in Abuja prior to their departure on 25 April.

The Report was transmitted to the Commonwealth Secretary-General on Monday 28 April. During the following five days he sent it to the President of the Federal Republic of Nigeria, the Chairman of the Independent National Electoral Commission, the leaders of the three political parties represented in the new National Assembly and Commonwealth governments. It was placed on this web-site and released to the media on Tuesday 6 May. Printed copies are available from:

**Democracy Section
Political Affairs Division
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX
UNITED KINGDOM**

Tel: +44 207 747 6407/6533/6398

Fax: +44 207 930 2189

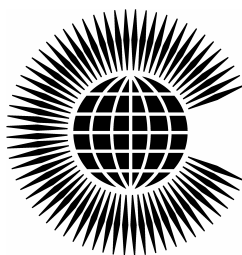
The 'Library Copy' – the text of which will be the same, but which will have photographs and annexes and be professionally printed – will be available as soon as possible.

ADVANCE COPY

**The National Assembly and
Presidential Elections in Nigeria**

12 and 19 April 2003

**REPORT OF THE
COMMONWEALTH OBSERVER
GROUP**



Commonwealth Secretariat

**National Assembly and Presidential Elections – 12 and 19 April 2002
REPORT OF THE COMMONWEALTH OBSERVER GROUP**

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Commonwealth Observer Group

Nigeria National Assembly and Presidential Elections, April 2003

Tel: +234 (0)9 413 1811
Fax: +234 (0)9 413 2418

Nicon Hilton Hotel
Maitama District
PMB 200
Abuja FCT
Nigeria

25 April 2003

Dear Secretary-General,

We have now completed our report to you on Nigeria's National Assembly and Presidential Elections and forward it with this letter. You will see that in most of Nigeria, despite significant challenges, a genuine and largely successful effort was made to enable the people to vote freely and that in most of the country conditions were such as to enable the will of the people to be expressed. However, there were parts of Nigeria in which many Nigerians were denied the right to participate in an authentic democratic process.

The challenge now is for the politicians to demonstrate the same degree of commitment to democracy as was repeatedly displayed by the people of Nigeria this month. We wish all Nigerians well as they set out to defend democracy from the manipulators and to build on the progress made in these elections.

We hope and believe that democracy will flourish in the years to come. It is in the hands of the people of Nigeria to ensure that it does. We trust that the Commonwealth will play its full part in supporting the in their effort.

Salim Ahmed Salim
Chairperson

HE Rt Hon Don McKinnon
Secretary-General
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX
UNITED KINGDOM

Ms Shamima Ali

Mr Hugh Craft

Mr Ron Gould CM

Hon Faima Hajaig MP

Hon Dr Princess Baba Jigida

Hon Sandy Lee

Mr Stuart Mole OBE

Mr Gabriel Mukele

Mr John J. Musukuma

Ms Emmalin Pierre

Mr Norman Sigalla

Mr M A Syed

Ms Jill White MNZM

ACKNOWLEDGEMENTS

We wish to thank the Government of the Federal Republic of Nigeria for the invitation to send Commonwealth Observers for these elections and the Secretary-General, Don McKinnon, for his positive response to that invitation, in deciding to constitute a Commonwealth Observer Group.

We also wish to acknowledge and thank the many people who have helped us during our time in Nigeria. We are grateful to the Chairman, Secretary, members and staff of the Independent National Electoral Commission for their co-operation and assistance. We thank the political parties, non-governmental organisations, Commonwealth Heads of Mission and others who briefed us in Abuja and during our deployment, and the domestic and other international observers with whom we worked closely in the field.

Our work was greatly enhanced by the unfailing support and efforts of the Commonwealth Secretariat staff. They worked tirelessly, diligently and willingly, beyond the normal call of duty. The high quality of their professional advice and guidance, along with their cheerful disposition, was invaluable. We thank them individually and collectively.

Without our drivers we would not have been able to accomplish this mission. We appreciate their assistance. We are especially grateful to the Inspector-General of Police and members of the Federal Mobile Police for the professionalism and dedication of their protection officers and we readily recognise the importance of the contribution they made to our work.

Above all, we want to express our appreciation to the people of Nigeria for their kindness and for the inspiring example that many of them provide. We hope that this report will help them in their efforts to strengthen their democracy.

Chapter One

INTRODUCTION

INVITATION

Following an invitation from the Minister of Foreign Affairs of the Federal Republic of Nigeria, Hon Alhaji Sule Lamido, to constitute a Commonwealth Observer Group for the National Assembly and Presidential Elections, the Commonwealth Secretary-General sent an Assessment Mission to Nigeria in February 2003.

The purpose of the Mission was to determine whether the major political parties and civil society would welcome the presence of Commonwealth Observers. The Mission was also to ensure that Commonwealth Observers would have free access to polling stations and counting centres and generally be free to pursue their mandate.

The Mission reported to the Secretary-General that there was broad support for the presence of Commonwealth Observers and he decided to constitute an Observer Group. The Observer Group would consist of fourteen eminent persons from Commonwealth countries supported by a staff team of eight from the Commonwealth Secretariat. HE Dr Salim Ahmed Salim, former Prime Minister of the United Republic of Tanzania and former Secretary-General of the Organisation of African Unity, accepted the Secretary-General's invitation to lead the Group.

TERMS OF REFERENCE

The Terms of Reference for our Group were as follows:

"The Group is established by the Commonwealth Secretary-General at the request of the Government of the Federal Republic of Nigeria. It is to observe the relevant aspects of the organisation and conduct of the National Assembly and Presidential Elections in accordance with the laws of Nigeria. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the election reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to

the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Nigeria, the Independent National Electoral Commission, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth governments".

ACTIVITIES OF THE GROUP

Two Advance Observers, Mr Gabriel Mukele and Mr Martin Kasirye, (respectively Vice-Chairman of the Electoral Commission of Kenya and a member of the Staff Support Team) began work in Nigeria on 11 March 2003. During the course of their stay in Nigeria members of the Advance Group travelled widely, observing the preparations for the elections, media coverage, the campaign and the pre-election environment.

The main group of Observers arrived in Abuja on Wednesday 3 April 2003. An Arrival Statement was issued later that day at a well-attended press conference, and the Group was briefed by the Independent National Electoral Commission of Nigeria and our Advance Observers. Later we were also briefed by representatives of various political parties, non-governmental organisations, women's groups, the media, religious figures, High Commissioners, other observers, both domestic and international, and the Commissioner of Police.

On 8 April 2003 we deployed across the country in ten two-person teams. On arrival at our base locations our teams visited the police, the Resident Electoral Commissioners, political parties, the media and other observers. Our teams also met with people on the street, to hear their views on the electoral process, familiarised themselves with their areas of deployment and observed the end of the election campaign. The Chairperson undertook visits to some regions, visiting the teams in Kaduna and Lagos in order to get a sense of the pre-election atmosphere and arrangements, and on election days observed in the Federal Capital Territory.

On the two election days we visited as many polling stations as possible: further details are given in Chapter Five. Altogether we visited 275 polling stations, 40 counts and 10 ward collation centres on 12 April. We were assisted in our work by *Observation Notes and Checklists*. On the basis of teams' reports during deployment and on the polling days themselves, the Chairperson issued an Interim Statement on 14 April following the National Assembly Elections. He also wrote to and met the Chairman of INEC to urge him to ensure that the shortcomings of the

National Assembly election process were overcome in time for the Presidential and Governorship Elections.

We were re-deployed on 17 April to observe the Presidential and Governorship Elections on 19 April 2003, returning to Abuja on 21 April. At these elections we visited 267 polling stations, 31 counts, 10 ward collation centres, 12 Local Government collation centres and 6 state collation centres. The Chair issued an Interim Statement on the conduct of the Presidential and Governorship Elections on 22 April 2003. The Group then prepared its Report for the Secretary-General and departed Nigeria on 25 April 2003.

Chapter Two

POLITICAL BACKGROUND

INTRODUCTION

Nigeria is a Federal Republic, comprising 36 states and the Federal Capital Territory (FCT), each with its own capital and state government. Since 1991 the Federal Capital has been Abuja. Nigeria achieved independence from the United Kingdom on 1 October 1960 and became a member of the Commonwealth. With an estimated population of 116.9m (2001 UN estimate) it is the most populous country in Africa. Nigeria is 650 miles from the coast to the farthest point on the northern border and 700 miles across at its widest point. The country is named after its most important river - the Niger. The Republic of Benin is to the west, Niger to the north, and Cameroon to the east, and the Bight of Benin to the south.

There are said to be about 250 ethnic groups, most with their own language, but the following three stand out as the most populous and politically influential: the Hausa/Fulani in the north, the Yoruba in the south-west and the Igbo in the south east. These three groups are thought to comprise two-thirds of the population. Other ethnic groups include the Ijaw, Kanuri, Ibibio and the Tiv. English is the official language. The main religions are Islam, Christianity and indigenous beliefs. The legal system is based on English common law, Islamic Sharia (in some northern states), and traditional law.

The economy is heavily dependent on oil earnings and Nigeria is the leading sub-Saharan crude oil producer (1.84 million barrels per day). Petroleum production accounts for 76.5% of Federal Government revenue and over 98.6% of exports. However, agriculture, livestock, forestry and fisheries are the main employers and together accounted for 40% of GDP in 2001. The country reportedly achieved a growth rate of 3.9% during 2001, with inflation at about 21.8%. Nigeria's total external debt is now estimated at US \$28 billion. Average annual income per head, at US \$375, is one of the lowest in the world and two thirds of the population live on less than a dollar a day.

Nigeria's poor macroeconomic performance reflects fundamental structural problems in the economy. The key factors include corruption, the poor state of infrastructure, especially in the power sector, and the autonomy of state governments which has made implementation of national economic policy difficult.

SUMMARY OF RELEVANT HISTORY

Although parts of the territory now comprising the Federal Republic of Nigeria were colonised by the British as early as the latter part of the nineteenth century, the country in its present form only came into being in 1914 when the then British Administrator, Lord Lugard, amalgamated its Northern and Southern provinces, which previously had been administered separately.

The road to Nigerian independence was largely an evolutionary rather than a revolutionary one. Nationalist pressure forced the British to establish a legislative council with limited African representation in 1922. Local administration, however, remained largely under the control of traditional rulers with minimum supervision from British administrators. This system of 'indirect rule' gave the traditional rulers enormous influence and prestige, which they still enjoy to this day, although their powers have been very much reduced.

Following the Second World War and the pressure for de-colonisation that it engendered both internally and externally, the British introduced a new constitution for Nigeria, in 1947, establishing a federal system of government based on three regions: Eastern, Western and Northern. This arrangement sought to reconcile regional and religious tensions and to accommodate the interests of Nigeria's three main ethnic groups.

In 1958 a Constitutional Conference agreed that Nigeria should become independent in 1960. In preparation for this, elections for an enlarged federal legislature took place in December 1959. Although none of the three major parties achieved an overall majority the Northern People's Congress (NPC) commanded the largest representation. Tafawa Balewa of the NPC continued in office as Federal Prime Minister, leading a coalition of political parties from the north and south-east regions (renamed the National Convention of Nigerian Citizens). Mr Obafemi Awolowo, a Yoruba from South-West Nigeria and leader of the Action Group (AG) party, became Leader of the Opposition in the Federal House.

On 1 October 1960 the Federation of Nigeria achieved independence, initially as a constitutional monarchy. Dr Nnamdi Azikiwe of the National Council for Nigeria and the Cameroons, and an Igbo from south-east Nigeria, became Governor-General, representing the British monarch as Head of State.

THE FIRST REPUBLIC

Nigeria's complex political and constitutional framework started to unravel soon after independence. An open quarrel between Awolowo and the

Prime Minister of the Western Region, Chief Samuel Akintola, led to the Federal Government declaring a state of emergency and taking over the Regional Government. When the state of emergency was lifted six months later, Chief Akintola was re-instated at the head of a new party, the United People's Party (UPP). In September 1962 Mr Awolowo and some of his supporters were arrested and charged with plotting to overthrow the Federal Government. He received a twelve-year jail sentence.

In October 1963 the country adopted a revised Constitution and became a Republic, while remaining a member of the Commonwealth. Dr Azikiwe took office as the first (non-executive) President. The first national election since independence took place in December 1964, and was marred by violence and corruption.

MILITARY RULE AND CIVIL WAR

National rivalries were also reflected in the armed forces: most of the troops were from the north, but the majority of the officer corps were Igbo from the eastern region. On 15 January 1966 the civilian government was overthrown in a bloody military coup organised by middle-ranking, mostly Igbo, officers of the army. The Prime Minister, along with other leading politicians, were killed as were half a dozen senior (non-Igbo) military officers. The Army Commander, General Aguiyi-Ironsi, also an Igbo, used loyal forces to crush the coup in Lagos and was handed over the reins of government for a temporary period by the surviving members of Sir Abubakar's government. Within a few days the coup leader, Major Chuckwuma Nzeogwu, an Igbo who was based in the north, gave himself up and was taken into custody along with a number of his colleagues.

In a counter-coup by northern army officers in July 1966, General Ironsi was killed along with the majority of Igbo army officers residing outside the Eastern Region. The coup was followed by anti-Igbo riots in the north in which thousands of Igbo civilians were killed. Although General Ironsi's successor, Lt-Col (later General) Yakubu Gowon, managed to restore some degree of discipline to the armed forces, the massacre of thousands of Igbos in the north led to a massive influx of Igbos from all over Nigeria to the Eastern Region in search of safety, from where there were increasingly strong calls for Igbo secession. This led the Region's military governor, Lt-Col Emeka Odumegwu-Ojukwu, to impound all revenue (mostly from oil) due from the region to the Federal Government, ostensibly to help resettle the refugees.

The new military leadership, under General Gowon, tried to reduce tensions by replacing the three regions with twelve states. This move

was rejected by the Igbo, and the Federal Government responded by enforcing a blockade of the Eastern Region and eventually by declaring a state of emergency. On 30 May 1967 Lt Col Ojukwu announced the secession of the Eastern Region and proclaimed its independence as the 'Republic of Biafra'. In the civil war that followed, almost 100,000 soldiers on both sides lost their lives. It is estimated that up to a million civilians may have died from starvation, mainly in the Eastern Region, as a result of the federal blockade.

General Ojukwu went into exile in Ivory Coast in January 1970 and shortly after that Biafran forces surrendered to the Federal Government. General Gowon implemented various reconciliatory and reconstruction measures in the following few years but he alienated many in the military and in the wider population when, in October 1974, he announced the indefinite postponement of an end to military rule.

In July 1975 General Gowon was overthrown in a bloodless coup by senior officers. He was replaced by Brigadier (later) General Murtala Mohammed, erstwhile Federal Commissioner for Communications. General Mohammed embarked on a radical and highly popular purge of the public services, including the dismissal of all twelve military governors. He also announced that the country would return to civilian rule in October 1979 following the adoption of a new Constitution and the holding of elections at local, state, and federal levels.

Despite a substantial national following, General Mohammed was assassinated in February 1976 in an abortive coup. Power was transferred to his deputy, General Olusegun Obasanjo, who pledged to continue with his predecessor's reforms and plans to return the country to civilian rule.

THE SECOND REPUBLIC

A new constitution for Nigeria, drawn up by a Constituent Assembly, was adopted by the governing Supreme Military Council (SMC) in September 1978. It provided for an executive presidency and a separation of powers along the lines of the United States Constitution. It also provided for a careful demarcation of responsibility between the Federal and State Governments.

In the presidential elections that took place in August 1979, Alhaji Shehu Shagari for the National Party of Nigeria obtained the mandatory 25% of the votes cast in 12 rather than 13 states as required by the Constitution. Following legal debate on this point, the Supreme Court upheld the election of Alhaji Shagari, who was sworn in as President on 1 October 1979.

For most of its period in power, the Shagari administration was dogged by allegations of corruption and mismanagement. President Shagari's period in office also coincided with a dramatic drop in crude oil prices on which the Federal Government heavily depended for revenue. Nevertheless, President Shagari was re-elected for a second term in September 1983, taking 12 million votes or 47 % of the total votes cast, ahead of Mr Awolowo and Mr Azikiwe. However, the elections were marred by allegations of widespread fraud and violence and legal battles over the results.

THE RETURN OF MILITARY RULE

On 31 December 1983 President Shagari's government was deposed in a military coup led by General Muhammadu Buhari, who took over as Head of State and Commander-in-Chief of the Armed Forces. General Buhari and his deputy, General Tunde Idiagbon, governed the country with an iron fist between 1984 and 1985. Legislation was enacted (such as Decree 2 of 1984) which allowed for the detention of persons for up to three months without charge and which ousted the jurisdiction of the courts to hear challenges to certain decrees of the Supreme Military Council. Further legislation effectively banned the publication of information unfavourable to the government. There was no announcement of a programme for handing over power to a democratically elected civilian government. General Buhari also banned all political parties. He was unable to deal with Nigeria's serious economic problems.

In August 1985, General Buhari's regime was overthrown in a bloodless coup led by General Ibrahim Badamosi Babangida (popularly known as IBB), the Army Chief-of-Staff. General Babangida established a 28-member Armed Forces Ruling Council (AFRC) made up exclusively of military officers. General Babangida accused the previous regime of economic mismanagement and declared a state of national economic emergency. He repealed the decree on press censorship and released former President Shagari and his Vice-President, Dr Alex Ekwueme, from detention.

General Babangida organised Presidential elections for 12 June 1993 that proved controversial. Provisional results suggested that the Yoruba businessman, Chief Moshood Abiola, had a clear lead over his rival, Alhaji Bashir Tafa. However, on 23 June 1993 the ruling National Defence and Security Council (NDSC), which had replaced the AFRC, annulled the elections before the full results could be pronounced by NEC, which was suspended. All decrees relating to the transition to civilian rule were repealed. Chief Abiola continued to claim, nevertheless, that he had been duly and legitimately elected. Over 100 people were killed in riots

protesting the decision to annul the election. General Babangida provisionally announced that there would be a new presidential election on 27 August, but this was greeted by general disbelief and the SDP announced that it would boycott the election.

Protests broke out, including strikes. General Babangida resigned under pressure from the NDSC, handing power on 27 August 1993 to an Interim National Government headed by Chief Ernest Shonekan, a non-partisan businessman who promised to supervise the organisation of fresh elections that were scheduled for early 1994. However, on 17 November 1993 Chief Shonekan announced his resignation under pressure from senior military officers. General Sani Abacha, the Minister of Defence, took over. The next day General Abacha announced the dissolution of all organs of state and bodies established under the previous transition programme.

In June 1994 Chief Abiola was arrested and charged with treason for attempting to symbolically install himself as President on the first anniversary of the 12 June 1993 elections. Several pro-democracy activists were also arrested in connection with protests in support of Chief Abiola. The government took strong action against its other perceived opponents. In July 1994 it dissolved the elected executive councils of the two main petroleum trade unions - the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association (PENGASSAN) - replacing them with government appointees. The leaders of the two associations were later arrested and detained. In March 1995, former Head of State Chief Obasanjo and his former deputy, General Shehu Musa Yar'Adua, and several others, were arrested in connection with an alleged coup plot. Chief Obasanjo was subsequently sentenced to 25 years imprisonment, while General Yar'Adua and 12 others received the death sentence (later commuted to life imprisonment). General Yar'Adua later died in custody under suspicious circumstances.

The event that sparked Nigeria's suspension from the Commonwealth was the decision by the Provisional Ruling Council to proceed on 10 November 1995 with the execution of Ken Saro-Wiwa and eight other Ogoni activists after a trial by special tribunal on charges of complicity in the murder of four local chiefs. The executions took place when Commonwealth Heads of Government were meeting in Auckland, New Zealand, and despite numerous international appeals for clemency and assurances given by the Nigerian Government to several prominent Commonwealth leaders that it would not proceed with the executions. Commonwealth Heads took the decision to suspend Nigeria from the Commonwealth. They further decided that the Commonwealth Ministerial Action Group, created under the Millbrook Action Programme adopted during their conference, would

engage with Nigeria to achieve compliance with Commonwealth principles.

General Abacha instituted a transition programme to civilian government which was seen as fundamentally flawed; its sole aim was General Abacha's own succession. Only five political parties were approved by his regime, and all five adopted him as their presidential candidate for elections that were to be held in October 1998. However, General Abacha died suddenly on 8 June 1998 and was succeeded by General Abdulsalami Abubakar, formerly Chief of Defence Staff. General Abubakar released those accused of involvement in coup attempts (including Chief Obasanjo) and repealed many military decrees which had severely impinged on human rights. Chief Moshood Abiola died on the eve of release from detention on 7 July 1998.

RECENT ELECTIONS

On 20 July 1998 General Abdulsalami Abubakar announced a detailed plan leading to the restoration of a democratic, civilian government by 29 May 1999. He emphasised democracy, respect for human rights and the early withdrawal of the military from politics. He established the Independent National Electoral Commission (INEC), which announced a timetable for elections beginning with local elections on 5 December 1998 and culminating in Presidential elections on 27 February 1999.

The turnout for the local elections was good and there was no significant violence. Following these INEC gave full registration to three parties: the People's Democratic Party (PDP), the All People's Party (APP) and the Alliance for Democracy (AD). The PDP and APP both had a national support base, but the AD's support was predominantly from the Yoruba in the six south-west states.

The Local, State Assembly, National Assembly, Governorship and Presidential elections were all judged credible by observers. The earlier elections saw the PDP in the lead. The AD and APP then agreed to field a joint candidate for the Presidential elections.

The Presidential election of 20 February 1999 was won by Chief Olusegun Obasanjo (PDP) with 62% of the vote. Chief Olu Falae, the joint AD and APP candidate, gained 37%. Interestingly, Chief Obasanjo obtained little support in his Yoruba home region, but instead received substantial backing in the north of Nigeria. Local and international observers, including a Commonwealth Observer Group, witnessed irregularities in the poll, but judged that the result broadly reflected the views of the Nigerian people. President Obasanjo was sworn in on 29 May 1999 and the National Assembly held its first session on 3 June.

BACKGROUND TO THE 2003 ELECTION ISSUES

Nigeria is very complex mix of people, history, social, economic and political interests. Some analysts stated that the election was partly about the future of Nigeria in its present form. The implication was that the very real political, economic, religious and ethnic strains and tensions that exist in Nigeria were a serious threat to the cohesion of the Nigerian state itself.

While most sectors of Nigerian society strongly supported the consolidation of democratic government, there was a divergence on how this was to be achieved. Some advocated change in leadership through the elections as the means to consolidate democracy in Nigeria, while incumbents and their supporters advocated continuity to achieve the same objective.

The introduction in January 2000 of the Sharia penal code in parts of northern Nigeria increased inter-religious tensions. Nigeria's Constitution states that no religion should be adopted as a State religion, which was interpreted by many to mean that Nigeria is a secular State. Sharia law has existed in Nigeria for many years and the Constitution contains provision for Sharia courts to deal with issues of Islamic family law. However, some northern states, with predominantly Muslim populations, introduced the Sharia penal code. They are Zamfara, Niger, Sokoto, Kebbi, Kano, Yobe, Katsina, Borno, Jigawa, Bauchi and Kaduna.

Under the Constitution individual states have authority in many areas to pass laws which apply in that State. But it is not clear whether the introduction of the Sharia penal code is constitutional. This question was before the courts at the time of the election. The Christian community was concerned about the creation of Sharia courts, although the legislation stated that non-Muslims would not be subject to Sharia law unless they choose to be. The introduction of the Sharia penal code led to violence and resulted in inter-religious clashes in Kaduna and other locations.

However, many incidents which have been reported as inter-religious violence were in reality inter-ethnic disputes. Deep-seated and long-standing inter-ethnic tensions in several areas of Nigeria, such as between Ijaws and Itsekiris, also continued to lead to violence in the run-up to the elections. Many tensions tended to revolve around control of resources and land, employment, and access to political power. Over the years many Nigerians migrated from their areas of origin and settled in other regions. There continued to be competition between those who saw themselves as the true "indigenes" of an area and those considered to be

"settlers". There were also suspicions that some powerful groups that had benefited from military rule were exacerbating ethnic tensions in a bid to subvert democratic rule. Kaduna, Kano and Jos in Northern Nigeria, Lagos, and the Niger Delta have been particular areas of inter-ethnic conflict in recent years.

President Obasanjo has held several retreats looking into the problem of inter-communal violence. He also introduced a draft law into the National Assembly declaring political violence illegal, in preparation for possible violence in the run-up to the elections. The National Assembly, however, declined to enact this bill on the grounds that there are sufficient laws already in force to deal with political violence.

President Obasanjo announced at an early stage of his Presidency his intention to reform and re-professionalise the military. The overall objective was to achieve a military which acts in support of democracy rather than against it and which could fulfill a regional peacekeeping role. Shortly after his inauguration in 1999 the President retired all serving military officers who had held previous political office. This move was welcomed by many in the military, as it improved promotion prospects.

The 1999 Constitution was drawn up by the Abubakar administration. It was based heavily on the 1979 Constitution. President Obasanjo established a commission to review the Constitution and propose improvements. It took evidence from around the country and presented its results at a series of public meetings. The National Assembly also carried out a similar exercise. Any proposal to amend the Constitution must first be approved by two-thirds of the National Assembly. Constitutional amendments would then be put before all the 36 State Houses of Assembly, two thirds of which have to pass them (but by a simple majority).

An anti-corruption commission was set up soon after President Obasanjo came to office in 1999. However, the Commission has not been a great success. All parties included an anti-corruption agenda in their campaigns.

President Obasanjo also established a commission to investigate human rights violations during previous administrations; its mandate was extended to cover every administration since the first coup in 1966. The human rights records of some candidates were transformed into important electoral issues during the campaign.

The Electoral Act 2002 allowed for the registration of new political parties provided they met certain criteria. However, Chief Gani Fawehinmi, a prominent lawyer and presidential candidate, along with others, was able to persuade the Supreme Court that INEC's criteria for registering political parties violated the Constitution, and this opened the way for the registration of twenty four more parties.

The 2003 elections in a sense were widely regarded as an important test for the consolidation of democracy, the first time in twenty years that Nigeria was witnessing a transition from one civilian administration to another. In addition, the three leading Presidential candidates - Olusegun Obasanjo, Muhammadu Buhari and Emeka Odumegwu-Ojukwu - were all retired Generals.

There appeared to have been a significant re-alignment in support for President Obasanjo, who appeared to be gaining greater support in the South-West of Nigeria, for example, while his support in the North (where in the 1999 election he obtained significant support) appeared to be on the decline. President Obasanjo's key support base appeared to be shifting back to the south-west and some sections of the north which supported his political mentor, the late Shehu Musa Yar' Adua, and which support his present Vice-President, Mr Atiku Abubakar. The other key party in the south-west region, the Alliance for Democracy, decided to form an informal alliance with President Obasanjo's PDP party and supported him in the presidential race.

The issue of oil and how revenues are shared was a major issue for the nation. At the heart of this debate was the fact that oil, the critical element of the Nigerian economy, is produced exclusively in the South, especially Akwa Ibom, Delta and Bayelsa and Rivers States. Many in these states felt that they were not receiving adequate benefits commensurate with revenues accrued from oil extracted from their states.

Corruption remained a major issue in the election. Many Nigerians openly voiced concern that some extremely wealthy individuals were interested in obtaining or remaining in power at all costs and would attempt to buy the elections, taking advantage of mass unemployment in Nigeria and the low pay of INEC officials, potentially jeopardising the integrity of the election. In addition, there were concerns that logistic and bureaucratic shortcomings would affect the ability of INEC to successfully organise the elections.

There were complaints from the Igbo ethnic group and other smaller groups that they are virtually locked out of the presidency by the Yorubas and the Hausas. The Igbo felt that they had not been fully accepted and re-integrated into Nigeria following their secession bid in 1967-70. The

Igbo and the smaller ethnic groups advocated for a rotating presidency to ensure that every region has a chance to lead Nigeria.

Nigeria experienced rising levels of political violence that claimed many lives of ordinary people and politicians. Political violence, combined with ethnic conflicts, chieftaincy disputes, boundary disputes, communal clashes, unrest in oil producing areas, religious intolerance, student and labour unrest, economic sabotage, mass unemployment, vast income differentials, and violent crime constituted real internal security threats to parts of Nigeria and to the elections.

POLITICAL PARTIES

Thirty registered political parties participated in the 2003 National Assembly elections (see page 20). Twenty fielded Presidential candidates. Three of these parties were registered prior to the 1999 elections. Three more were registered in June 2002. Twenty-four others registered between November 2002 and January 2003. Independent candidates are not provided for in the law.

The leading party in Nigeria was the Peoples Democratic Party, (PDP) led by President Olusegun Obasanjo. The PDP controlled the executive and legislative branches of the government. The PDP successfully gained nation-wide support base and benefited from its incumbency at both the Presidential level and in a majority of Governorships. It widened its appeal in south-west Nigeria.

The All Nigeria Peoples Party (ANPP) was the second largest political party, and was previously known as the All Peoples Party (APP). It fielded former military Head of State General Muhammadu Buhari as its presidential candidate. Its strongholds were generally in the North of Nigeria.

The third largest party was the Alliance for Democracy (AD), chaired by Alhaji Ahmed Adamu Abdulkadir. The AD's stronghold was among the Yoruba in the South-West of Nigeria. The AD supported President Obasanjo's bid for re-election, but keenly contested other positions within and outside its traditional heartland.

Of the smaller parties, the following were significant: the All Progressives Grand Alliance, a new party with the South-East as its stronghold, fielded General Emeka Ojukwu, the leader of the breakaway Biafra during Nigeria's civil war, as its presidential candidate. It appeared to be making little impact outside the South-East.

The United Nigeria Peoples Party (UNPP) was originally called the United Nigeria Democratic Party (UNDP), but changed its name after protests from the United Nations Development Programme. The party fielded Senator Jim Nwodobo, previously with the PDP, as its presidential candidate.

The National Democratic Party (NDP) branded itself as the party of youth and generational change, women's empowerment and poverty eradication and fielded Senator Ike Nwachukwu, a former General and Foreign Minister of Nigeria.

Chapter Three

THE ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTIONS

These elections were held in terms of:

- the Constitution of the Federal Republic of Nigeria (Promulgation) Decree 1999; and
- the Electoral Act 2002, as amended.

The Independent National Electoral Commission (INEC) issued guidelines for these elections based on their provisions.

THE CONSTITUTION

National Assembly

The Constitution provides for a National Assembly consisting of an Upper House (Senate) and a Lower House (House of Representatives). There are 109 Senatorial districts, each electing three Senators and one from the Federal Capital Territory, Abuja. A citizen of Nigeria who has attained the age of 35 years is eligible for election to the Senate for a period of four years provided he/she is a member of a political party, has been sponsored by that party and has been educated up to at least School Certificate level or its equivalent. The President and Deputy President of the Senate are elected by members of that House. A Speaker and Deputy Speaker of the House of Representatives are elected by members of that House.

The House of Representatives consists of 360 members, representing constituencies that are as nearly equal in population as possible. Qualifications for membership of the House of Representatives requires citizenship of Nigeria, the attainment of the age of 35 years, education up to at least School Certificate level or its equivalent and membership of a political party who is the sponsor.

The National Assembly makes laws by adopting Bills both in the House of Representatives and the Senate. They then receive the assent of the President. However, where the President withholds his assent a Bill can become law if it is adopted by a two-thirds majority in each House.

The President

The Constitution provides for an executive President, elected for a four-year term of office. No incumbent is allowed to serve more than two

terms. The President is Head of State, the Chief Executive of the Federation and Commander in Chief of the Armed Forces. A person is qualified for election to the office of President if she/he is a citizen of Nigeria by birth; has attained the age of forty years; is a member of a political party and is sponsored by that political party; and has been educated up to at least School Certificate level or its equivalent.

For the purpose of the election to the office of President, the whole country is regarded as one constituency and all registered voters are entitled to vote at the election. Election to the office of President must be held "on a date not earlier than 60 days and not later than 30 days before the expiration of the term of office of the last holder of that office". Where there are two or more Presidential candidates the successful candidate is elected if she/he has the majority of votes cast as well as not less than one-quarter of the votes cast in each of at least two-thirds of all States (24 of 36) and the Federal Capital Territory. The Constitution provides for a second and, if necessary, a third round of polling to determine the winner in a Presidential election.

The President appoints Ministers of the Federal Government but their nomination must be confirmed by the Senate. At least one Minister must be appointed from each State; she/he must be indigenous to that State. If a member of the National Assembly is appointed as a Minister of the Federal Government she/he must resign her/his membership of the National Assembly.

Governors

Each State has a Governor who is the Chief Executive of that State. Qualification for election as Governor is covered under the Constitution. Election to the office of Governor of a State is held on a date not earlier than 60 days and not later than 30 days before the expiration of the term of office of the last holder of that office. Where there are two or more candidates the successful candidate is elected if she/he has the highest number of votes cast and not less than one-quarter of all the votes cast in each of at least two-thirds of all the local government areas in the State. All the Governors of the States of the Federation are members of the Council of State that advises the President in the exercise of his powers in the administration of the 14 executive bodies, including INEC.

THE ELECTORAL ACT

The Electoral Act 2002 regulates the conduct of elections in Nigeria and vests responsibility for the organisation and conduct of Federal elections in the Independent National Commission (INEC). The Electoral Act 2002 replaced the Electoral Act 2001.

INEC's interpretation of the Electoral Act 2002 was challenged in the courts prior to these elections on a number of grounds. One case sought to secure the postponement of the election, on the grounds that the way in which voter registration had been arranged infringed the provisions of the Act and the Guidelines: this case was dismissed. Another challenged INEC's plans to hold the National Assembly Elections on one day and the Presidential and Governorship Elections on another. There was no ruling on this case prior to the elections, which therefore went ahead as planned by INEC. A third challenge, which was upheld, rejected INEC's contention that only six political parties could contest the April elections; as a result 30 were eventually registered.

The Electoral Act 2002 has still not been signed into law by the President. However, the two Houses of the National Assembly have voted by the necessary two-thirds majority to overrule the President's objections.

THE INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)

Legal Background

INEC is the election management body for Federal elections in Nigeria. In common with other Federal executive bodies it is established in terms of Section 153(1) of the Constitution of the Federal Republic of Nigeria. It consists of a Chairman and twelve Commissioners (representing geo-political zones) who are appointed by the President, subject to confirmation by the Senate. There is a Secretary to the Commission.

Each State and the Federal Capital Territory has a Resident Electoral Commissioner. These Commissioners carry out policy made by INEC. The Commission is administered at the State Offices by Administrative Secretaries and by Electoral Officers at Local Government Offices of the Commission. These Administrative Secretaries are usually deployed to states other than those of their origin.

Section 157 of the Constitution states that the Chairman or any other member of the Commission can be removed from office by the President acting on a resolution supported by a two-thirds majority of the Senate that she/he be so removed for inability to discharge the functions of office (whether arising out of infirmity of mind or body or any other cause) or for misconduct. However, this is subject to the Third Schedule Para 6(a)(iv) which empowers the Council of State, chaired by the President and comprising the Vice-President, former Presidents and Heads of Government, former Chief Justices and others, to advise the President in respect of INEC "including the appointment of members of that Commission".

The independence of the Commission in the exercise of its functions is not guaranteed by Section 158 of the Constitution, which limits its authority to the appointment and discipline of staff. INEC's budget is approved by the National Assembly, but the timing and manner of its disbursement depends on the Government. Political parties, civil society bodies and others pointed out that this compromises the independence of the Commission. There was widespread recognition that the late release of funds to INEC seriously hindered its ability to deliver the elections efficiently.

Several bodies told us of their deep concern that INEC was not truly independent of the Government. Representations were made to the Group as a whole and to observers in the field. We noticed that the Constitution does not guarantee INEC's independence and have made recommendations in this regard.

Functions of INEC

The functions of the Commission are to organise, conduct and supervise all elections into all elective offices; to register political parties; to determine the eligibility of the political parties to sponsor candidates for any of the elections; to monitor the organisation and conduct of the political parties, including their finances; to arrange and conduct the registration of eligible voters and compile an authentic Voter's Register; and to determine the number of registration centres for each ward of the Federation.

The Commission also arranges for the annual examination and auditing of the funds and accounts of the political parties, publishes a report on such examination and audit for public information, monitors political parties' campaigns and provides rules and regulations to govern their activities.

NOMINATIONS

Within three months of the election date the Electoral Commission must announce where nominations are to be held. Under the provision of Guidelines issued by INEC, political parties are required to submit in the prescribed form the list of candidates the party proposes to sponsor at the elections 60 days before the date of the General Election. The list must be accompanied by personal details of each candidate and an affidavit sworn to by each candidate at the High Court of a State or the Federal Capital Territory. Political parties may not sponsor more than one candidate in a constituency for the same election but may change their candidates not later than 30 days prior to polling day. The Guidelines allow the Commission to extend the time for nomination and fix a new date for the election if there is no candidate validly nominated. The

Commission is required to publish names of candidates in their constituencies within seven days of receiving them.

There was concern that at the beginning of March 2003 parties were still being permitted by INEC to substitute candidates and amend their lists. Organisations including the Transition Monitoring Group noted that the conventions of some political parties for the selection of their candidates were characterised by manipulation, intimidation and other “undemocratic practices.” Other groups reported infighting between candidates and noted that the process was one of ‘selection’ rather than ‘election’ and took place outside clear democratic rules.

The Constitution sets out qualifications for election to the National Assembly and also provides grounds or disqualification of a candidate.

POLITICAL PARTIES

Thirty registered parties contested the 2003 elections, whereas only three had contested those held in 1999 - the PDP, AD and APP (now ANPP). The thirty parties that contested the 2003 elections were:

- Alliance for Democracy (AD)
- All Nigeria People’s Party (ANPP)
- All Progressives Grand Alliance (APGA)
- All Peoples Liberation Party (APLP)
- African Renaissance Party (ARP)
- Better Nigeria Progressive Party (BNPP)
- Community Party of Nigeria (CPN)
- The Democratic Alternative (DA)
- The Green Party of Nigeria (GPN)
- Justice Party (JP)
- Liberal Democratic Party of Nigeria (LDPN)
- Movement for Democracy and Justice (MDJ)
- Masses Movement of Nigeria (MMN)
- National Action Council (NAC)
- Nigeria Advance Party (NAP)
- National Conscience Party (NCP)
- New Democrats (ND)
- National Democratic Party (NDP)
- National Mass Movement of Nigeria (NMMN)
- New Nigeria People’s Party (NNPP)
- Nigerian People Congress (NPC)
- National Reformation Party (NRP)
- Progressive Action Congress (PAC)
- Peoples Democratic Party (PDP)

- Peoples Mandate Party (PMP)
- Peoples Redemption Party (PRP)
- Party for Social Democracy (PSD)
- Peoples Salvation Party (PSP)
- United Democratic Party (UDP)
- United Nigeria Peoples Party (UNPP)

VOTER REGISTRATION

The Electoral Act 2002 stipulates that to qualify for registration as a voter a person must:

- be a citizen of Nigeria
- have attained the age of 18 years;
- be ordinarily resident or work in, originate from or be an "indigene" of the Local Government Area or Ward covered by the Registration Centre;
- present her or himself to the Registration Officer of the Commission for registration as a voter within the stipulated period;
- not be subject to any "legal incapacity" to vote under any laws, rules or regulations in force in Nigeria.

The Independent National Electoral Commission (INEC) developed a computerised database as a basis for a continuous registration system, to replace the previous enumeration system. This new system required that voter information be entered using 'optical mark reader' forms. In addition, an automated fingerprint identification system (AFIS) was used to detect multiple registration.

The original intent was to commence the entry of voters' registration information on the new forms in May 2002. However due to lack of funds and equipment shortages, INEC was unable to start registration until late September 2002. At this time, it conducted the registration at 120,000 centres throughout Nigeria and all applicants were given a Temporary Voter's Card when they registered.

The Electoral Act of 2002 requires that a copy of the voter's register be displayed for public scrutiny in each ward for a minimum of five days and at least 30 days before polling day, for the purpose of claims and objections. Due to problems with optical forms and computers the lists from the September registration were not posted until late December 2002. Nor were they posted at the ward level as required.

Due to complaints that many electors were unable to register in September because of shortage of materials and other factors, a second

registration phase was held from 21–23 January 2003.¹ No copy of this register was posted for claims and objections as required by law. Several political parties challenged INEC in court on this matter, placing in jeopardy the holding of elections scheduled for 12 April 2003. Prior to the elections the Court rejected the legal challenge.

At the end of registration the total number of people who had applied for registration stood at over 67 million, with an average of 500 to 1000 voters at each centre.

Concerns about the voter registration process were raised by political parties and international observers. From the 67.7 million applications for registration received, 6.9 million were disallowed. The final voter's list was not made available in sufficient time for proper review, claims and objections.

VOTER'S CARDS

Originally, as part of the overall planning of the continuous registration system, INEC intended to issue a Voter's Card featuring the photograph of the elector as an integral part of the process. However, by late November 2002, although half of the required cameras had been purchased, the lack of sufficient time combined with insufficient funds resulted in a decision to issue the new Voter's Cards without photographs.

INEC decided that those who had registered to vote should exchange their Temporary Voter's Card (obtained at the time of registration) for the new Cards, and that this exchange should take place between 8 and 10 April. However, in many places the exchange did not start on time and provision was then made for continuation on 11 April and on the first election day. Throughout, distribution of cards was haphazard and in some cases non-existent. Our teams visited many distribution centres and came across various problems. In one place, the names and numbers on the cards did not tally. In another the ink had not dried and had therefore rubbed off. Elsewhere the Cards bore numbers but no names. There were instances of Voter's Cards indicating that electors were over 100 years old. At one centre there were duplicate sheets of identical Voter's Cards. One team came across 20 sheets of 120 blank Voter's Cards. But the main problem was that even as late as the day before the National Assembly Election many cards had not been given out or collected. It appeared to members of the Observer Group that it would be impossible to distribute all the cards in time before the first election day on 12 April.

¹ The Commonwealth Secretary-General sent a two-person team to be present during the 'make-up' registration. It comprised a South African electoral official and a member of staff from the Commonwealth Secretariat.

Some of the cards were produced at the last minute and contained numerous errors which could not be rectified. INEC however made provision to allow people to vote with their Temporary Voter's Cards

VOTER EDUCATION

Initially, both INEC and the National Orientation Agency (NOA) were involved in voter education and public awareness campaigns. Concerns were raised by several observers that neither institution had adequate resources to carry out this important exercise effectively.

In practice, the bulk of the voter education programmes fell under the responsibility of the National Orientation Agency (NOA), which organised voter education campaigns on television and radio. It also ran poster and pamphlet campaigns in English and in local languages outlining voting procedures and encouraging people to vote. However, concern was expressed over the impartiality of the NOA, which is a government agency.

INEC also produced several publications, such as 'Frequently Asked Questions', a sample ballot paper and election guidelines. Several of the political parties also conducted their own national voter education campaigns. We hope that it will be possible for them to do more of this in the future.

Despite INEC and NOA's valuable work in voter education, there was wide recognition that both organisations could have done more to educate the electorate prior to this election.

The Group acknowledged the positive role of NGOs in supplementing the work of INEC and the NOA. Their campaigns against the use of violence and for peaceful elections were particularly successful. We also noted the effectiveness of their publicity advising electors on the prescribed method of marking the ballot papers.

TRAINING OF ELECTION OFFICIALS

INEC's Personnel Department and several educational organisations carried out training for those who would be involved in the elections. INEC produced a *Manual for Election Officials*, which provided clear guidelines on the voting process for all the Presiding Officers. Prior to the 19 April Presidential and Gubernatorial Elections, INEC organised refresher courses for all Presiding Officers and their Polling Assistants.

The Group commended and acknowledged the assistance provided by several inter-governmental organisations, governments and international organisations. The United Nations managed a major programme of technical assistance and other support through its Electoral Assistance Project. Several Governments and the European Commission provided assistance, either directly or through their missions in Nigeria. Three major international non-governmental organisations - the International Foundation for Electoral Systems (IFES), the International Republican Institute (IRI) and the National Democratic Institute (NDI) – provided technical assistance.

ELECTION TRIBUNALS

The Constitution provides for the establishment of one or more election tribunals, known as National Assembly Election Tribunals and Governorship and Legislative Houses Election Tribunals. Their purpose is to hear and rule on petitions arising from the elections. These Tribunals consist of a chairperson (a Judge of the High Court) and four other members, to be appointed from members of the judiciary of the rank of Chief Magistrate or higher. Appointments are made by the President of the Court of Appeal in consultation with the Chief Judge of the State, the Head of the Sharia or customary law court. An election petition must be presented within 30 days from the date the result of the election is declared and may be presented by a candidate and/or a political party that participated at the election. In the case of the Presidential election petitions are submitted to the Court of Appeal. Under the provision of the Electoral Act petitions and appeals are given accelerated hearing and have precedence over all other cases before the Tribunal or Court. INEC made clear that, in its view, once the results of an election are announced by the Returning Officer the Commission cannot overturn them and that disputes can only be resolved by means of election petitions filed before the Election Tribunal.

Chapter Four

THE CAMPAIGN AND THE MEDIA

THE CAMPAIGN

There was greater interest among voters in the Presidential and Governorship Elections than in the National Assembly contests and – as in 1999 – campaigning in the 2003 elections tended to focus mainly on the presidential candidates. Thus the campaign could be said to have got under way on 6 January 2003, when Chief Olusegun Obasanjo secured the presidential nomination of the Peoples Democratic Party (PDP). This was followed on 9 January by the nomination of a presidential candidate for the All Nigeria Peoples Party (ANPP): Major-General Muhammadu Buhari.

In both campaigns debate on policy issues was virtually non-existent. Some voters apparently allied themselves with particular parties because of group affiliation for ethnic or other reasons. Others were drawn by the campaign focus on the personalities of the leaders, or supported particular candidates by virtue of their party allegiance. But there was relatively little concern with party programmes or manifestos and few clear ideological or policy distinctions between contending candidates or their parties.

Campaigning methods used by the main candidates at both state and federal level included rallies, door-to-door visits, loudspeaker vans, billboards and flyposters, rallies and motorcades, and paid advertising in the print and broadcast media. It was evident that the visibility of the candidate bore a close relationship to the financial resources at his (or in a very few cases, her) disposal. The better-resourced Governorship and Presidential candidates made liberal use of billboards and flyposters to increase their visibility. These methods were especially appropriate for campaigns focusing on the presidential candidates and appealed to illiterate voters.

Incumbency was seen as an important asset – particularly in the contests for the Presidency, and the Governorships in the various states. It was alleged that the ruling parties at national and state levels unfairly exploited the advantages of incumbency, using patronage, privileged media access and the often blurred distinctions between the Executive and the ruling political party to their own advantage.

It is clear that in Nigeria, as in many other countries, there is a strong 'money culture' which affects the political landscape at all levels. No limits are prescribed by law on campaign expenditures at the national

level and there appears to be no regulation of party income. Media visibility appears relatively easy to purchase. The acquisition of community-based newspapers and broadcasting stations by local politicians is increasing, enabling them to further their electoral campaigns through the use of these media.

Public rallies tended to be festive occasions. However, the atmosphere could quickly become tense and intimidating. Our Observers were present at more than one such rally where the mood became confrontational, with the candidate present in a heavily policed motorcade and a strong presence of youths armed with clubs, machetes and sometimes guns.

The Independent National Electoral Commission (INEC) prepared a Code of Conduct regarding candidates' and parties behaviour during the campaign period. This voluntary code included provisions for political parties to "uphold the rights and freedoms of the Nigerian people, as guaranteed by law" and to "abide by all the laws, rules and regulations of Nigeria relating to elections and the maintenance of public order". It also included prohibitions on the use of "inflammatory language, provocative actions, images or manifestation that incite violence, hatred, contempt or intimidation against another party or candidate or any person or group of persons on grounds of ethnicity or gender or for any other reason." However, it was not clear how many parties had actually signed up to the code, nor what procedures were put in place to implement it.

Violence and intimidation, while not widespread, did occur in the pre-election period in certain areas. For instance, our Observers in Rivers State encountered incidences of sporadic violence clearly intended to intimidate citizens and deter them from casting their vote.

According to the Nigeria country office of Idasa (the Institute for Democracy in South Africa) violent incidents in the run-up to the elections included the murder of a local ANPP Secretary in Ebonyi State, an assassination attempt on a PDP senatorial candidate in Ogun State, and the killing of an Alliance for Democracy (AD) chieftain in Lagos State. Idasa documented several incidents involving violent clashes between rival party groups, particularly in the South-South and South-East regions of the country.

A particularly dramatic incident was the murder on 5 March of Dr Marshall Harry, former Chairman of the People's Democratic Party in Rivers State, who had recently left the PDP to join the ANPP. The motive for his killing, initially reported by the Nigerian media as a political assassination, was later attributed to robbery. Whatever the circumstances, his death significantly affected the tone of the campaign.

THE MEDIA

The Media in Nigeria

The media in Nigeria is going through a period of transition. It is moving away from the position of having been heavily regulated by successive military governments over the past 20 years. It now enjoys a degree of freedom perhaps unequalled in the country's history since attaining independence in 1960, and certainly since the Second Republic (1979-83). Following a loosening of controls and the lifting of media restrictions in 1998 and the election of a civilian government in 1999, Nigeria has increasingly been characterised by a broad-ranging and vibrant media, both print and electronic.

Radio was arguably the most effective medium during the campaign, as it has the widest reach and is the most accessible to the broad mass of the people. The government-owned Federal Radio Corporation of Nigeria (FRCN) incorporates Radio Nigeria, Voice of Nigeria and a local radio station in the Federal Capital Territory. There is also a state-owned radio station in each of Nigeria's 36 states and several privately owned radio stations.

The government-owned National Television Authority (NTA) transmits to all parts of the country. The largest of the private television stations, Africa Independent Television, also incorporates Raypower, a popular radio station broadcasting to all parts of the country and including news programming from the BBC's Network Africa/Focus on Africa. There are 36 television stations owned by state governments as well as various privately-owned television stations.

There are some 80 national and local newspapers, the majority of which are privately-owned. Two national dailies are owned by the federal government, and the state governments also own newspapers.

The Media and Political Campaigning

The legislative framework governing media reporting on political campaigning in Nigeria provides unambiguously for press freedom and impartiality. In practice, we found that the media were in general broadly free to report on election issues in whatever way they chose, but also that reportage tended to be slanted in favour of the political interests of the owners and policymakers of media organisations.

The Constitution of the Federal Republic of Nigeria states (Chapter 2, Article 22) that "the press, radio, television and other agencies of the mass media should at all times be free to uphold the fundamentals objectives (of social justice and democracy) and the responsibility and accountability of the Government to the people." It further states that "every person shall be entitled to freedom of expression," and that "every

person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions."

The 2002 Electoral Act (Part II, para. 29[2]) states that "State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election. Media time shall be allocated equally among the political parties at similar hours of the day." In addition (Part III, para. 94[1]), "a government-owned print or electronic medium shall give equal access on daily basis to all registered political parties and/or candidates of such political parties."

Prior to the elections the government-owned broadcasters (NTA and FRCN) were accused by some opposition political parties of bias in favour of the ruling party and its candidates. However, the activities and positions of opposition parties did receive some coverage, as did analysis and criticism of election-related issues such as the progress and performance of INEC.

We saw one television programme broadcast before the April 12 elections in which the Vice-President was juxtaposed with representatives of opposition parties in separately recorded interviews. Television programming also featured panel discussions, although these were mainly confined to historical analysis rather than face-to-face debate between rival candidates on policy issues.

With regard to paid advertising, the 2002 Electoral Act (Part II, para. 29[4-5]) states "at any public electronic media, equal airtime shall be allotted to all political parties during prime times at similar hours each day, subject to appropriate payment of fees." It was noted that there was a prevalence of ruling party content in paid advertisements on both government-owned and private television and radio channels. On the other hand, the private print media was accessed by all parties and candidates.

The provisions for equal access in the Electoral Act apply equally to the print media. Although various strands of political opinion appeared to have access to these media, it was also acknowledged that most newspapers maintained a political bias of one sort or another. For example, it was usually readily apparent which side was supported by each of the leading daily newspapers. Regarding paid campaign advertisements there was again a marked tendency to favour incumbent candidates.

There is general recognition that the legal framework governing the media is outdated and requires revision, especially since this was not done under the military governments. We were informed by the INEC Chairman that INEC did not in law exercise any control over the election-related output

of the media. However, the National Broadcasting Commission (NBC) had produced a code of conduct incorporating guidelines on election-related broadcasting.

There is also some evidence of efforts at self-regulation. For example, FRCN has published guidelines outlining the legal framework governing political programming, and presenting Radio Nigeria's policy on such issues as allocating equal airtime to all political parties. However, representatives of political parties and civil society organisations who briefed our group deplored the apparently biased coverage by the government-owned media in favour of the ruling party.

The Electoral Act (Part III, para. 93) prohibits candidates' advertising in print or broadcast media within 24 hours immediately prior to polling day. Our Observers were able to observe the last week of the campaign and to confirm that in most places they observed such campaigning did actually end 24 hours prior to the opening of the polls, as prescribed.

The National Assembly Elections

In the run-up to the National Assembly Elections INEC hosted a series of briefings for media executives, at which they appealed to the media to co-operate with them in providing information about the electoral process. This was moderately successful: some public service announcements were observed on radio and television, and newspapers carried features on the progress of INEC's preparation for the elections and the broadcast media featured sometimes quite critical discussion of this. There were also public service announcements urging Nigerians to exercise their right to vote, to refrain from acts of violence and to ensure that voting proceeded smoothly.

Thanks in part to these efforts, voters did appear to be somewhat informed about how, when and where to vote. But more could have been done by and through the media earlier in the campaign to provide voter education and sensitisation, for example on the secrecy of the ballot.

A significant innovation for this year's elections was the creation of a Media Results Centre, adjacent to the Federal INEC office in Abuja, where results were posted on an internet site as they came in and press conferences were given by INEC officials. Funded by some Commonwealth governments and others, the Media Results Centre provided a meeting place for journalists and a venue for the official announcement of results by the INEC Chairman. Access to the Media Results Centre was apparently freely afforded to media organisations representing a wide range of political opinion including both government-owned and private broadcasters.

Attention was drawn to the apparently common practice among local radio stations of announcing results of elections before they were declared by Returning Officers and presenting partial results under the guise of announcing 'winners'. During the campaign the NBC, at the behest of INEC, broadcast radio announcements exhorting the owners of broadcasting stations to act responsibly and refrain from broadcasting results before they were announced by Returning Officers.

The Presidential and State Governorship Elections

In the period between the elections of 12 and 19 April media reporting tended to be dominated by analysis of results and the remarks of the successful and unsuccessful candidates. The pro-ruling party newspapers' reporting on the rejection of the National Assembly Election result by the opposition parties was muted in comparison with that covering analysis of results and the celebrations of the victors. In pro-opposition newspapers reports were balanced between the two sides. Although the media allowed space for a diversity of political views and positions, overall the coverage tended to favour the ruling party.

Following the April 19 poll the Media Results Centre in Abuja served as the venue for an internet posting of results as they came in and the announcement by the INEC Chairman of confirmed results. But just as the Media Results Centre was preparing to receive the INEC Chairman for the announcement of the final result of the presidential election, the stage was occupied by opposition politicians who stated that they had refused to sign the official results sheet and had rejected the results of the ballot. The announcement of the final result thus took place, in the first instance, in the Conference Room of the Federal INEC building next door. The announcement was later repeated in the Media Results Centre itself.

Chapter Five

THE POLL, COUNT AND RESULTS PROCESS

There were four elections:

- **National Assembly Elections:** elections to the House of Representatives and the Senate, which were held simultaneously on 12 April 2003; and
- **Presidential and Governorship Elections:** held simultaneously on 19 April 2003.

At each election there were 120,000 polling stations, sited where voter registration had been conducted the previous September and where INEC planned to issue Voter's Cards.

Our teams travelled from Abuja to their base locations several days before each election day, in time to meet the election officials, political parties, non-governmental organisations and domestic and international observers, to see the distribution of Voter's Cards and election materials and to observe the final preparations for the poll. They also drove around the area – with Commonwealth Observer Group flags and stickers making them as visible as possible - to meet local people and ensure that they knew the Observers were present.

The Observers saw the voting process on each polling day (including both rural and urban areas) and the counting process, and then followed the results to the ward, local government and State INEC collation centres. In Abuja the Chair's team, which observed in the Federal Capital Territory, kept in touch with the teams in the field throughout the day and followed the national results at INEC's centre in the capital.

THE POLL

On both election days the teams saw the opening of polling stations (scheduled for 8.00 am). They then visited as many polling stations as possible, staying for a relatively short period at each, sometimes revisiting stations that were of special concern. They concluded by witnessing the closure of the polls. At each station the Observers spoke to the Presiding Officer, party agents, police officers, domestic observers and voters.

At most polling stations visited there was a separate location for the distribution of Voter's Cards which had not been picked up prior to polling day. We had been told that INEC had attempted to ensure that polling stations usually had an average of 500 voters, so that they were relatively close to the people and voters did not have far to walk. (We noted that only designated cars were allowed on the road on election day). However, we came across centres with 1,000 voters or more. Most stations had three polling staff plus one or more security officers. Those with more than 500 voters had up to six staff. Domestic and international observers and agents from the political parties were entitled to be present at all polling stations throughout the process. We noticed that while domestic observers were very often present in towns there were few in rural areas. However, agents from two or more political parties were present at most of the polling stations visited. Polling stations were almost always located outside – often at the front of school and other buildings, but sometimes in the road or under a tree, and occasionally in private homes. Very few stations were inside a building, although in some places rooms were used for the marking of the ballot paper. The layout usually conformed to the guidance provided by INEC to Presiding Officers in advance. Facilities and furniture were usually rudimentary.

The prescribed procedure for the two election days was similar. At the opening the Presiding Officer would show the empty ballot box to those at the station – voters, observers, party agents and staff - to demonstrate that it was empty. The box would then be locked and placed in a prominent place, in full view of all present. When voting began a polling assistant would check the elector's Voter's Card to ensure that it had not already been stamped on the reverse (which would show that the elector had voted before). Then a mark would be placed next to her/his name on the register and the Card would be stamped and signed on the reverse, with the date and an indication of which election was being held. As a further security device, to prevent multiple voting, indelible ink would be applied (to the cuticle of the thumbnail on the left hand for the National Assembly Elections and to the cuticle of the index finger on the left hand for the Presidential and Governorship Elections). The two ballot papers, having been stamped, signed on the back and folded, would then be issued to the voter by the Presiding Officer². According to the *Manual for Election Officials* issued by INEC, the voter was then supposed to go to the 'polling booth' to mark the papers and deposit them in the ballot box. In practice we found variations from these prescribed arrangements.

² For both election days the ballot papers would consist of the names and symbols of all thirty registered parties. This meant that they would be very long. There was concern beforehand that there would be insufficient space for the required thumb-prints and that this would result in many invalid ballots. However, a few days before the National Assembly Elections INEC made clear that the print of any finger would be acceptable.

The organisation of voters into lines was inconsistent, ranging from well-managed to haphazard. On both polling days some polling stations had separate lines for women and men. In others male members of the family voted first, then the females, and then males who had not voted earlier. We came across few 'assisted voters' and there was no evidence of special procedures for the disabled.

THE COUNT

Polling stations were due to close either at 3.00pm or whenever those in the queue at that time had voted. After the last vote had been cast the number of electors who voted and the number of ballots used were to be determined by checking the voters list and the ballot books. Subsequently, tendered and rejected ballots would be put to one side and the remaining ballots sorted by election, since typically only one ballot box was used. (Because this was not adequate two boxes were provided on 19 April in some stations). In practice these instructions were not followed, with ballot counting starting the process and checking the lists and ballot books only at its completion. The ballot papers would then be sorted according to the votes cast for each party³ and counted, the results would be recorded on special forms and the signatures of the Presiding Officer and the party agents would be added. The figures would then be announced and copies of the form would be given to the agents and the police. The station staff were then to pack up their papers and materials, lock and seal the ballot boxes (to prevent the addition of further ballot papers) and take these and the results sheets to the Ward Collation centre. In practice, most boxes were not sealed with the numbered seals provided by INEC; many were locked, but without seals either on the lid or, at the conclusion of voting, on the slots. Access to the boxes was therefore still possible through the slots or by use of the INEC official's key.

COLLATION OF RESULTS

At the Ward Collation Centre the figures from each polling station count would be entered onto a special form by the Ward Collation Officer. Once she/he had received these for all the stations in the Ward the totals would be agreed and announced and the results sheet signed by party agents present, who would then be given copies, as at the count. This results sheet would then be taken to the Collation Officer for the Local Government Area, where similar procedures were to be followed. Finally, the Local Government Area figures would be taken to the State centre for the third level of collation. Figures would be released at every level, but

³ On 12 April ballot papers for the House of Representatives election would be counted first, followed by those for the Senate. On 19 April ballot papers for the Presidential Election would be counted first.

formal results announcements would only be made by the appropriate Returning Officers - at constituency level (for the House of Representatives) and at the State level (for the Senate election and that of the Governor). For the Presidential Election there was a fourth collation level, at INEC Headquarters in Abuja.

On both election days the Observers were by and large struck by the voters' seriousness about the process, their enthusiasm and their determination to exercise their right to vote. We were particularly impressed by the commitment of many of the polling and collation staff, who acted with integrity and a sense of service, even in face of threats of violence. Finally, we took note of the presence of party agents and the constructive role of civil society 'domestic observers'. In our view the role of the domestic observers was especially important, not least because there were 50,000 this time (compared with 10,000 at the 1999 elections). They made a particularly important contribution to the transparency of the process.

Our teams worked closely with other observers, both international and domestic, to maximise the impact of the overall observation effort. To avoid duplication, where possible we co-ordinated arrangements with the other international observers – from the European Union, the National Democratic Institute, the International Republican Institute and the African Union – and representatives of Embassies and High Commissions. Wherever we went we gathered reports from the domestic observers of the Transition Monitoring Group, the Nigeria Labour Congress, the Catholic Justice Development and Peace Commission, the Federation of Muslim Women's Associations of Nigeria (FOMWAN), the Muslim League for Accountability (MULAC) and others. Our teams found that the people appreciated the presence of the international Observers and that INEC officials, the police – and, indeed, almost everyone else - co-operated willingly with us.

Members of the Observer Group looked for evidence of significant impediments to the participation of women, but found none except in those few areas of widespread voter intimidation. In most places we saw women voters turn out to vote in large numbers. We also noted the significant number of female officials at polling stations, which they conducted very efficiently. Our teams also observed the presence of a large number of female domestic observers, especially from the Federation of Muslim Women's Associations of Nigeria (FOMWAN), and noted the important role that women played throughout civil society.

According to INEC figures⁴ the turnout for the National Assembly Election was around 47% (48.48% for the Senate and 46.20% for the House of

⁴ as shown on the INEC web-site on 25 April 2003

Representatives) and 60.08% for the Presidential and Governorship Election, which compares with 43.84% and 52.13% respectively in 1999.

THE NATIONAL ASSEMBLY ELECTIONS – 12 APRIL 2003

The Poll

There had been fears that the inadequacies of the registration process and the short period allocated for the disbursement of Voter's Cards would lead to disturbances at polling stations, given that 6.9 million people had been removed from the register, now numbering 60.8 million voters. Some people were turned away, for this and other reasons. Yet despite this, in much of Nigeria voters conducted themselves in a peaceful and orderly manner, with little evidence of intimidation. Indeed, in some places there was a festive atmosphere.

Nevertheless, there were important exceptions. In some areas fear and disillusionment was expressed to us and seemed to be reflected in the low turnout noted by our observers in certain areas. In Kano, prior to polling day, our Observers had seen men wielding knives, daggers and iron bars at two rallies and two motorcades. In one part of Enugu on polling day itself our Observers were present when a candidate was attacked near a count by a gang of several hundred men armed with handguns and automatic weapons, and shots were fired. The INEC office was later fire-bombed. Elsewhere in Enugu there were outbreaks of violence in several centres. There were several deaths, including that of a police officer. In Rivers State there was widespread fear, a strong sense of intimidation and a number of violent incidents, again including shooting, with much of the electoral process badly disrupted. It later emerged that because of violence or other reasons no polling took place in certain areas of Bayelsa, Akwa Ibom, Enugu, Delta and Rivers State. INEC revealed that its offices in various parts of the country had been attacked.

There were also logistical problems in many places. Essential materials - and sometimes staff - were missing at opening time, and in some stations supplies of ballot papers were delayed or were insufficient. The opening of tens of thousands of polling stations was delayed - in one case we observed to as late as 5.00pm. Many opened between 11.00am and 2.30pm. We noted that while in some places stations stayed open later to compensate for the late opening this was not always the case. In some places polling stations were only open for two or three hours.

The second major shortcoming on polling day was that in many cases the ballot was not secret. Custom-built screens were not used: we were told that, in contrast to the 1999 elections, INEC had decided not to purchase them. In some places a room was used so that the voter could mark her/his ballot in privacy, in others there were improvised arrangements - such as a table with an umbrella over it, or an area screened by rice bags.

However, in most places such improvisation was not attempted. In most places where our observers were present the marking of the ballot papers took place in the open, on a table or chair or even at the ballot box. Secrecy of the ballot was sometimes possible because of the distance at which the marking was done or the positioning of the voter. But in many places the voter had to apply her/his thumbprint in full view of others. It was clear to us that polling station staff – and indeed party agents and security officials – had had little training in the need for secrecy of the ballot and that they showed little consideration of its importance.

Most complaints from the voters were occasioned by the very slow movement of the often long queues at the polling stations – a problem usually related to the late opening of the stations. Great patience was required from and generally demonstrated by the voters. We found that most regarded the process as transparent and open. Most voters had a Voter's Card; the few who did not were allowed to vote using the Temporary Card with which they were issued at registration.

The computerised voters' register was generally used, in line with INEC's instructions. We noticed that it was not serially numbered and it was not always in alphabetical order. Sometimes the handwritten version was used. There were cases of people being turned away because they were not on the list: but most of those presenting themselves at polling stations were on the register and could vote. However, we noted that the ballot boxes, though usually locked, were not sealed, that in some places the officials were unable to see the boxes, and that when ballot papers had not been properly folded the markings could be seen through the sides of the transparent glass boxes.

There were some major irregularities. There were isolated cases of ballot boxes being stolen in Lagos. Our own Observers saw under-age voting in several States. INEC later revealed attempts at the bribery of their officials "to enable some politicians to pervert the wishes of the people". There was large-scale abuse of the process in Rivers State, including electoral fraud and the seizure of ballot boxes.

We came across no cases of multiple-voting or personation and for the most part the polling procedures were followed and the polling station staff were diligent and helpful. However, there was evidence of inadequacies in the officials' training, and a number clearly required support. Very often officials, even Presiding Officers, appeared not to use the *Manual for Election Officials*. We also noted that a few officials were conspicuously partisan.

Although police officers sometimes intervened in the process, and at one station soldiers interfered in an unhelpful manner, security at the polling stations was generally good. As well as the police, prison officers,

immigration officials and members of the civil defence and local volunteer police forces were involved. Most of the stations we visited had at least one security officer.

There was confusion in some places as to how many party agents were allowed at each polling station: many agents believed there should be two, whereas some Presiding Officials were insistent that only one would be allowed, as provided under the law. Otherwise they had few complaints. Their quality varied. They were in some cases helpful to polling station staff. But some were not conversant with their responsibilities, and some were even seen to harass voters.

Given the basic nature of the accommodation the layout of the polling stations themselves was generally functional, although the available space was sometimes small and there was overcrowding. In a few instances we discovered party materials at the polling station itself.

Prior to deployment we had been briefed by INEC about the 'Tendered Ballot' procedure. Under this, persons who were not on the voters' register would still be given a ballot paper and be allowed to mark it, but the paper would not be counted. We were told that this procedure had been devised to deal with the possibly large numbers of electors who might otherwise be angry at having been denied a ballot paper. It would only succeed in defusing tension, however, if those issued with such ballot papers were not aware that their 'tendered ballot' would not be counted. In the event, relatively few 'tendered ballots' were issued.

The Count

Generally the counting of votes was transparent, taking place in full public view and in the presence of party agents and observers. However, it was not always efficient. Sometimes it was disorganised and in many places there was evidence of inadequate training of officials in the correct counting procedures. In only very few cases did they refer to their manuals and follow the instructions regarding the correct counting procedure and the determination of valid and invalid ballots. While officials appeared to be reasonably comfortable with and well-trained in the polling procedures they were less competent in the counting procedures and, in particular, the completion of the results form and the collection and packaging of their materials at the end of the process. We were struck by six problems:

- an overly strict interpretation of the rules and inconsistency concerning invalid ballots (in one ward there were no less than 4,000): we believe that additional training is needed in exactly what constitutes an invalid ballot, as defined in INEC's manual;

- inadequate facilities: lack of furniture, inadequate shelter from the rain, no voting screens, and poor lighting – some counts continued after darkness fell and lighting became an issue: at many candles were the only source of light;
- difficulties with the reconciliation process: we found that many officials were not sure of the procedures and were confused by the forms and envelopes they were required to use. We believe that in future INEC might usefully consider undertaking reconciliation at the ward collation centre, under the control of the supervisor.
- the failure to seal the boxes at the end of the count: the seals were too big for the holes in the boxes, so officials did not use them; also, party agents were not aware of the purpose of the seals, nor of recording the seal numbers for tracking purposes;
- inadequate materials: at many counts staff did not have calculators and had to rely on assistance from agents and others. We also noticed that there were too many carbons in the Statement of Results book, resulting in some copies being unreadable.
- the general adequacy of the officials: some were excellent, others were confused and some were clearly inexperienced; at several counts we noticed that domestic observers helped the officials and, in effect, took over.

Party agents were present at all counts, signed the result forms and were presented with the Statement of Result. However, we noticed that few remained for the final stages of the process once they had received the figures.

Following the completion of the count ballot boxes were generally locked but not sealed. For their journey to the ward collation centre and beyond they were out of public view and, contrary to procedure, were sometimes not accompanied by the Presiding Officer and party agents. This concerned our teams.

Collation of Results

In most cases agents from several political parties were present and the figures which we followed through from the polling station counts corresponded with those recorded at the ward collation centres. However, the results collation process at the ward level was often poorly organised.

Officials arriving at the ward collation centres often found a considerable security presence, but little efficient management of the process. Many of the ward collation centres were outdoors, even though suitable buildings

were close by. The absence of proper lighting was particularly serious given the nature of the task: at most collation centres there was no power. Even in the centre of the capital itself officials had to rely on car headlights, candles or torches, sometimes provided by the Observers.

The Local Government Area Collation Centres were indoors and party agents were again present. In some places collation was still taking place more than 24 hours after the polls had closed and there was a sense of fatigue and lapses of concentration. There was a heavy security presence but the centres were not always orderly.

As time went on concern grew at the late arrival of election returns from a number of states and there were allegations that the results were being manipulated. In some states – notably in the South-South and the South- East - very low voter turnout had been observed during the day, but the official figures reported a 90-95% turnout.

At a press conference on 16 April a coalition of opposition political parties publicly rejected certain of the National Assembly election results and demanded that the elections be repeated in those states where they felt the polls were ‘substantially flawed’. INEC subsequently declined to quash those results, arguing that once the Returning Officer had made a declaration it had no power to set them aside. It made clear that in its view the appropriate way to handle challenges was by means of action through the Election Tribunals or the courts.

THE PRESIDENTIAL AND GOVERNORSHIP ELECTIONS - 19 APRIL 2003

Following the National Assembly Elections the Chairperson of the Commonwealth Observer Group urged INEC to “take the necessary measures” to ensure that the shortcomings of the National Assembly election process were overcome in time for the Presidential and Governorship Elections. In his Interim Statement he urged that INEC should:

- improve its planning, so that all stations would receive their essential materials in good time and open promptly;
- improve polling station organisation so that queues moved faster;
- ensure the secrecy of the ballot; and
- improve the organisation, accommodation and lighting facilities for the results collation process.

He followed this up by writing to and meeting the Chairman of INEC to press these points in person. He also raised specific concerns about Enugu and Rivers States. Other groups of international observers made similar points, both in their interim statements and privately.

The Secretary of INEC, Dr Hakeem Baba-Ahmed, issued a memorandum to each Resident Electoral Commissioner (REC) on 15 April, re-stating "guidelines and clarifications with regard to the remaining elections". RECs received fresh advice about election day staffing, the distribution of materials, the use of the register, Voter's Card and ballot boxes, action to prevent under-age voting, security, the announcement of results, logistics and other matters. The Chairman of INEC, Dr Abel Guobadia, followed this with a public address on 17 April, in which he listed the measures which INEC was taking to make improvements for the Presidential and Governorship Elections on 19 April and announced that arrangements were being made for the collection of Voter's Cards on the election day itself.

The Poll

On Election Day our Observer teams (many of which revisited the stations they went to a week before) reported that generally there had been some improvement. Dr Guobadia had stated that INEC would "improve on our logistical means and other mechanism of distribution so that . . . materials will arrive at the polling stations on time". Meanwhile, Dr Hakeem Baba-Ahmed had authorised the use of additional funds to help ensure this and had urged RECs to begin distribution of materials on the Thursday before the election, to ensure the "full release" of all materials to each polling station and to "deploy adequate numbers of personnel to man each polling station". Our teams noted that some stations still opened somewhat late. In some places we were told that this was due to a downpour of rain that morning which affected some parts of the country. However, compared with a week before many more opened on or near to time, so much so that in some places voting was almost over by lunchtime. Other than isolated shortages of the ballot papers themselves, we came across few instances of shortages of materials and, while there were still long queues at some stations, in others the number of officials had been increased so that there was less delay and voting seemed to us to have been faster.

Although in several centres secrecy was still not guaranteed, overall arrangements to ensure secrecy of the ballot were also improved. The Chairman of INEC had reminded his officials that the "sanctity of secrecy of voting should be guaranteed" and the Secretary had urged them to "ensure utmost secrecy of voting at polling stations", advising that this could be achieved by, for instance, placing the table earmarked for voting at a "safe distance away from the main activity centre of the polling

stations". We found that at places where the ballot had been secret before it was secret again this time and that at many where secrecy had not been assured improvised arrangements had been devised so that there was privacy. Generally many officials appeared to have a better understanding of the importance of secrecy at this stage of the process. Typically, at one station visited by the Chairperson the voting table had been moved well away from the officials, party agents, security officials and voters and a cardboard screen had been erected to shield the marking process from public view. At another station umbrellas had been positioned so that the low table on which voting took place was shielded from inquisitive eyes. The marking of the ballot paper still took place in the open and security officials often took too close an interest, but arrangements had improved and generally there was secrecy of the ballot. However, we noted that even where a separate room was used for marking the ballot paper there were still sometimes opportunities for influence where people other than the voter were allowed to enter the room.

Everywhere we went on voting day polling arrangements seemed to be at least as good as a week before, with several noticeable improvements. The major exceptions were that several of our teams found that the printing on the Voter's Cards had by this time rubbed off, erasing both the name and the number of the voter, that there seemed to be considerable under-age voting in some States and that INEC still seemed to have transport problems.

The Count

Counting and collation processes also seemed to us to be better, except in Rivers State (where our Observers continued to find serious irregularities in counting and collation) and in Enugu (where no party agents were in attendance where our team was present for the Collation). In Rivers State in particular our Observers reported that the official results bore little relation to the evidence gathered by our Observers on the ground.

The Collation of Results

At the ward collation process the lighting and organisation was improved and there seemed to be more calculators. Generally agents were present and had few complaints, but again they tended to leave as soon as the results were ready, indicating that they had less interest in the integrity of the process as a whole than with getting the results back to their party supervisors.

The election again took place in conditions of peace in most of the country. Security was well provided for and, as a precaution, armed soldiers were moved into various centres and in places accompanied the

delivery of materials. However, there were isolated incidents of violence in some places and isolated cases of serious irregularities. In Lagos a group of youths was found with ballot papers. Our Kaduna team saw a ballot box destroyed in a clash between two sets of party supporters. There was significant under-age voting in Kaduna, Kano, Enugu and Sokoto. In Sokoto some party agents behaved aggressively, thugs stormed a polling station and forced its closure at 3.00pm, while people were in the queue waiting to vote. In Enugu our team pointed out to INEC officials that the figures in a results process were distorted.

However, in Rivers State our Observers saw not isolated incidents but widespread and serious irregularities and vote rigging. Results sheets were often made available late, or not at all, and this was a major concern to opposition parties, since it made the proper recording of local counts impossible. In one instance, an INEC polling clerk reported that the results of the count at his polling station (narrowly won by one party) could not be entered because the top sheet of the results form had been removed prior to issue to the Presiding Officer. Some polling stations had no register and officials allowed voting by Voter's Card or, as one explained, because he personally recognised all registered voters for the polling station (all of whom, he claimed, had voted).

In a series of incidents, the team saw pre-marked ballot papers in the hands of INEC officials, attempted ballot stuffing and the seizure of ballot boxes in their presence by a large gang of rowdy youths. In most parts of the State visited by the team there was again evidence of considerable intimidation and electoral malpractice. Counts were sometimes undertaken at ward collation centres, rather than at the polling stations. On both election days extra ballot boxes were introduced at the ward collation centre which the team observed and these were then counted in a chaotic and irregular fashion, largely with no party agents present. In one instance the Observers personally witnessed the counting of more votes for one political party than appeared in the official results for the area later announced by INEC. While the State collation process appeared orderly, there was an alarming lack of integrity in the collation process at earlier stages.

Our team in Rivers State also reported that it was followed, that sometimes the atmosphere was intimidating and that they believed that certain officials in INEC had been compromised. Although there were other pockets of violence and malpractice elsewhere, conditions in Rivers State seemed to be in a different league from those observed by our teams in other parts of the country. In most of the country there was a genuine effort to enable the will of the people to be expressed. However, in Rivers, and a few other places, there was serious violence, intimidation and vote-rigging. In the latter many Nigerians were denied the right to participate in an authentic democratic process.

Chapter Six

CONCLUSIONS AND RECOMMENDATIONS

The Commonwealth Observer Group was conscious of the historic nature of these elections for Nigeria. Taken together, the National Assembly, Governorship and Presidential elections were the first time in twenty years that a civilian administration had organised a federal election. This accomplishment was a further important step in the consolidation of democracy in the nation.

The broad enthusiasm and dedication with which the Nigerian people turned out to vote, and the generally peaceful and orderly conduct of the polls, demonstrated the desire of Nigerians to entrench the democratic process in their nation after many decades of military domination and political instability. Commonwealth Observers felt privileged to be invited to observe this process.

We believe we have carried out faithfully the mandate entrusted to us by the Commonwealth Secretary-General to observe relevant aspects of the conduct of the National Assembly, Governorship and Presidential elections, in accordance with the laws of Nigeria and to act impartially and independently in forming a judgment of the credibility of the electoral process as a whole.

Observers noted major shortcomings in the conduct of the National Assembly elections on 12 April. They drew these to the attention of INEC. These included:

- the need for improved logistics so that all polling stations received their essential materials in time, avoiding the long delays in opening noted on 12 April;
- improvement to polling station organisation to speed up the voting process and avoid delays and long queues;
- the need to take steps to ensure secrecy of the ballot by providing sufficient privacy so a voter's marking of the ballot paper, which normally took place in the open, could not be seen by other people;
- improving the organisation, accommodation and lighting facilities for the results collation process.

Observers were pleased to note the responsive and active manner in which, in many respects, INEC improved its arrangements between the National Assembly and Presidential and Governorship elections. There were still some shortcomings, however. For instance we saw some continuing logistical problems, underage voting and seals were used in only a few places. But by in large the logistical issues of the week before had been addressed.

In most states where we observed, both election processes were credible, with most electors able to vote freely. Accordingly, despite some flaws, the Observer Group was able to conclude that in most of the country conditions were such as to enable the will of the people to be expressed, and the results of the elections reflected the wishes of the people.

But in certain places there was, regrettably, a different story. From our observations in parts of Enugu and in Rivers State proper electoral processes appear to have broken down and there was intimidation. In Rivers State, in particular, our Observers reported widespread and serious irregularities and vote rigging. The official results which emerged from Rivers State bore little relation to the evidence gathered by our Observers on the ground. These are serious concerns which cast a shadow over the wider achievement.

So far as these elections are concerned, our main conclusions are as follows:

- the people of Nigeria demonstrated their commitment to the democratic process, displaying an impressive determination to exercise their right to vote;
- despite some incidents of violence and intimidation, the elections throughout the country were generally conducted in conditions of order and security, making these the most peaceful elections in Nigeria's history;
- there were particular problems in Enugu and Rivers State which effectively denied some Nigerians the opportunity to participate in the democratic process;
- observers were impressed by the diligence of INEC officers as a whole, and the presiding officers in particular, often in challenging circumstances with very limited resources;
- the freedom of the media to report and political parties to campaign in the lead up to the elections was assured.

RECOMMENDATIONS

Despite the achievement which these elections marked for Nigeria, much still remains to be done to strengthen the electoral process and culture of democracy in the country. INEC itself should be strengthened further, and be provided in good time with the additional financial support it needs. Its authority needs to be enhanced and its independence assured.

But some of the problems faced cannot be solved by INEC alone. It is also a question of determination and commitment to an open and transparent democratic process by Nigerian politicians, as well as the people. The Government and the political parties must bring to account those who were responsible for any malpractice and combat effectively the culture that sustains them. They must also ensure that the concerns of those whose rights may have been denied by such malpractice are addressed, both through the court processes and the running of fresh elections in those places where this is found to be warranted. It is also essential that procedures to guard against future electoral fraud are implemented.

Observers considered that the Government should undertake a thorough enquiry into those areas where elections did not take place. In addition, the Observer Group is recommending that:

- secrecy of voting needs to be provided for more effectively at each of the polling stations;
- the voters' register as a whole needs to be revised and updated in line with international best practice as soon as possible;
- Voter's Cards used at the 2003 elections need to be replaced by a more durable document of better quality well in advance of the next electoral cycle;
- the distribution of Voter's Cards needs to be done in a more efficient manner which would gain the confidence of voters and political parties;
- the number of collation levels be reduced. The five step counting process which included up to four levels of collation is unique to Nigeria and provides five levels of opportunity for manipulation of the results of the vote;
- the recruitment and training of polling officials and INEC ad hoc officers in their duties, powers and responsibilities be enhanced, with greater safeguards to ensure the impartiality of all election officials;
- there be more extensive voter education programmes;

- training programmes should also be provided for party agents and security personnel relating to their duties, powers and responsibilities;
- procedures should be developed to assist voters with disabilities to exercise their franchise independently;
- numbered seals should be on all ballot boxes and incorporated as an integral part of the voting and counting process;
- there be established an enhanced mechanism to ensure an audit trail for election materials at all stages of the process;
- an attempt should be made to utilise appropriate public facilities for voting;
- the use of the tendered ballot procedure in Nigerian elections be reviewed;
- a mechanism be devised to ensure that those who are involved in the election process are not disenfranchised;
- the numbers, training and organisation of domestic observers be enhanced.

Annexes

COMPOSITION OF THE COMMONWEALTH OBSERVER GROUP

Dr Salim Ahmed Salim (United Republic of Tanzania – Chair)

Dr Salim Ahmed Salim concluded his term of office as Secretary-General of the Organisation of African Unity in September 2001, after a period of three terms totalling 12 years. He is currently the Chairman of the Board of Trustees of the Mwalimu Nyerere Foundation and the Chancellor of the Hubert Kairuki Memorial University. He also serves as a member of a number of Boards and Commissions, as well as Chairperson or member of a number of Advisory Boards. Dr Salim served his country in various capacities for 27 years: he was Prime Minister from April 1984 to October 1985; Deputy Prime Minister and Minister of Defence and National Service (October 1985 to September 1989); and Minister of Foreign Affairs (October 1980 to April 1984). Dr Salim also served for many years in the Tanzanian diplomatic service. During his tenure at the United Nations Dr Salim served on various Committees and was President of the 34th Session of the UN General Assembly in 1979. He has been awarded numerous decorations and highest national honours from different African countries.

Ms Shamima Ali (Fiji Islands)

Ms Shamima Ali is a women's human rights advocate from Fiji Islands. Most of her work is in Fiji Islands and the Pacific region.

Mr Hugh Craft (Australia)

Mr Hugh Craft is a former Australian diplomat, member of the Australian Senior Executive Service and senior international civil servant. He joined the Australian Department of Foreign Affairs and Trade in 1971. His postings were to Athens (1971 to 1974) - accredited to Greece and Cyprus; Deputy High Commissioner, Suva (1976 to 1978) – accredited to Fiji Islands, Samoa, Tonga, Tuvalu and regional organisations; and London (1979 to 1988) – on secondment to the Commonwealth Secretariat as Assistant Director then Director of the International Affairs Division. Mr Craft was Head of the Brisbane/Coolumbia Commonwealth Heads of Government Meeting (CHOGM) 2001/02 Task Force in the Department of the Prime Minister and Cabinet, Canberra, 1999 to 2002.

Mr Ron Gould CM (Canada)

Mr Ron Gould CM retired from Elections Canada in 2001 after 20 years as Assistant Chief Electoral Officer. Mr Gould has worked extensively in Latin America, Africa, Europe and Asia and is considered one of the leading world experts on the organisation of elections. He has participated in over 80 electoral missions in over 50 countries. He was a member of the Commonwealth Observer Group in Zimbabwe in 2002 and is now carrying on his international electoral work as a private consultant. Mr Gould was awarded the Order of Canada in 1997.

Hon Fatima Hajaig MP (South Africa)

Hon Fatima Hajaig was elected to the South African Parliament after the first democratic elections in 1994. After 20 years in exile she returned to South Africa where she worked with various non-governmental organisations. Ms Hajaig serves on the Executive of the African National Congress Women's League in Gauteng Province. In the National Assembly she serves on the Portfolio Committees on Foreign Affairs, Constitutional Review and on the Working Group of the African Union.

Hon Dr Princess Baba Jigida (Sierra Leone)

Dr Jigida is a Member of Parliament representing Waterloo Rural District. She serves on several parliamentary committees and is Chairperson of the Parliamentary Committee on Information and Broadcasting. Dr Jigida worked in the Liberian Broadcasting Corporation as a radio and television broadcaster, producer and director. She has also worked with the Sierra Leone Broadcasting Service, radio and television, the British Broadcasting Corporation and French radio in Paris. Dr Jigida is the first woman in her country to receive authorisation to own a radio station – 101.6 FM. She has previously taught at universities in the United States. She holds a Doctorate (D.Lit) in African Literature and has published several plays and poems.

Hon Sandy Lee (Canada)

Ms Sandy Lee was elected to the 14th Legislative Assembly of the Northwest Territories as Member for Range Lake on 6 December 1999. A lawyer by profession, Ms Lee also worked for the Government of the Northwest Territories in various capacities. She serves as a Co-Chair of the Special Committee on Self-Government Implementation and the Sunset Clause and Deputy Chair of the Governance and Economic Development Committee.

Stuart Mole OBE (United Kingdom)

Mr Stuart Mole was appointed Director-General of the Royal Commonwealth Society in May 2000. He is also Director and Editorial Board Member of "The Roundtable" (a Commonwealth Journal of International Relations). Mr Mole has previously served in the British Parliament as Head of the office of the former Liberal Leader, David Steel. He has held senior positions in the offices of Commonwealth Secretaries-General Sir Shridath Ramphal and Chief Emeka Anyaoku, of whose office he was the Director for ten years. He was also involved in the transition to the current Commonwealth Secretary-General, Rt Hon Don McKinnon. Mr Mole has extensive electoral experience, including as a candidate, elected representative and party official and as a member of Commonwealth election observer groups in South Africa, The Gambia and Antigua and Barbuda.

Mr Gabriel Kwoba Mukele (Kenya)

Mr Gabriel Mukele has been an Election Commissioner since 1992 and is the Vice-Chairman of the Electoral Commission of Kenya, having been elected in 1997. A trained lawyer, Mr Mukele was admitted as an Advocate of the High Court of Kenya in 1969. He has been a legal practitioner and a West Kenya Law Society Chairman for many years, and a part time judge in the High Court of Kenya. He has extensive experience in electoral law and practice and he has participated in several election observer missions.

Mr John Justin Musukuma (Zambia)

Mr John Musukuma has had a long career in radio and television broadcasting and in journalism. He has been Secretary-General of the South African Broadcasting Association (SABA) since 1998. He currently sits on several national and international Boards and has previously been a member of the Commonwealth Press Union and Associate Member of the Commonwealth Broadcasting Association among others.

Ms Emmalin Pierre (Grenada)

Ms Emmalin Pierre is the Deputy Chairperson of the Caribbean Youth Forum – Commonwealth Youth Programme. She is a former President of the National Youth Council and is actively involved in the youth movement and youth work at national level. Currently she is employed with the

Ministry of Youth, Sports and Community Development as the Acting Assistant Coordinator of Youth Affairs.

Mr Norman Sigalla (United Republic of Tanzania)

Mr Norman Sigalla is currently a Zonal Elections Officer at the National Electoral Commission in Tanzania. He has extensive experience on youth matters and has worked with international and regional organisations such as the UN Committee (Portugal 1998); the SADC Committee on Youth Policy (2000-2002); and the Commonwealth Africa Region (1999-2002) in this area. He recently served as the Director-General of the Tanzania Research, Education and Environmental Care Association; Board Member of the Tanzania Association of Non-Governmental Organisation; Country Representative to the Commonwealth Youth Programme. Mr Sigalla has vast experience in international facilitation and research and is a specialist in elections management.

Mr M A Syed (Bangladesh)

Mr M A Syed has been Chief Election Commissioner of Bangladesh since May 2000. Mr Syed has been involved in election-related work throughout his career as a civil servant. He has participated in several conferences and workshops on election issues, including the Cambridge Conference on Electoral Democracy, July 2002.

Ms Jacqueline Jill White MNZM (New Zealand)

Ms Jill White was a Member of Parliament between 1993 and 1998, a local government councillor for 11 years and Mayor of Palmerston North from 1998 to 2001. She served as Chair of the Environmental Risk Management Authority for two years and following this has been a member of the Bioethics Council since December 2002. Ms White was previously a nurse and a science teacher. She became a Member of the New Zealand Order of Merit (MNZM) in 2000. Ms White has Bachelors degrees in Science and Arts and is currently working towards a Masters Degree in History.

COMMONWEALTH OBSERVER GROUP

Nigeria National Assembly and Presidential Elections

12 & 19 April 2003

Enugu Room, Hilton Hotel, Abuja Tel: 09-4131811 Fax: 09-4132418
Media Adviser: Daniel Woolford 0803-706-9939

14 April 2003

Interim Statement on the National Assembly Elections

The following statement was issued this morning by the Chairperson of the Commonwealth Observer Group, Dr Salim Ahmed Salim:

It is too early to give an overall judgement on the entire electoral process, not least because the National Assembly electoral process is not completed and the Presidential and Governorship Elections are still to take place. That judgement will be provided in our final report. However, it is possible for me to make some remarks today in the form of this 'Interim Statement', based on the observations of the members of the Commonwealth Group.

Commonwealth Observers have been here now since early March. It is to the credit of Nigeria that they have not only invited international observers but that they have allowed them freedom of access to observe the whole process. A major part of that process has been completed with the holding on Saturday of the National Assembly Elections. In the last week I have myself been in three States. I have met with INEC officials, political parties, domestic observers and other stakeholders. I have seen the issuing of Voter Cards and talked to the voters. Members of the Commonwealth Observer Group deployed to different parts of Nigeria on 8 April: teams were based in Lagos, Ibadan, Port Harcourt, Enugu, Abuja, Jos, Kaduna, Kano and Sokoto. They have been sending me daily reports on the preparations for the elections and the electoral environment as a whole. On Saturday I visited polling centres in the Federal Capital Territory. Throughout the day I continued to receive periodic reports from our teams on their election day observations. So, although information is still coming in, I feel I am in a position to make preliminary observations.

First, I want to pay tribute to the people of Nigeria. Across the country they treated the National Assembly Elections with great seriousness and they displayed an impressive enthusiasm and determination to exercise their right to vote. In much of Nigeria Saturday's voting was generally peaceful. There were violent incidents in certain places, but the most pessimistic predictions were confounded.

Secondly, many individuals and organisations worked very hard to make the National Assembly Elections a success and many polling and counting stations worked very well. People at all levels in INEC, the political parties, the Nigerian observer groups, the police and the media, and most of all the polling station staff, deserve to be praised. In particular I want to commend the Presiding Officers for their professionalism and diligence, the political parties for their generally responsible conduct, and civil society which – with five times as many observers this time as in 1999 – has made a particularly important contribution to the transparency of the process.

So far as the pre-election period was concerned, the media was able to report freely and the political parties were able to campaign openly. But the voter registration process could have been better managed: voters have reason to be concerned about the way in which the register was compiled. And the level of political violence prior to polling day was disturbing.

While commending the work of the security services we urge them to intensify their efforts to ensure a peaceful election throughout the country on 19 April. At the same time all actors in the process must also play their full part in ensuring that the Presidential and Governorship Elections take place in conditions of peace everywhere.

So far as the election process itself was concerned:

- there were logistical problems in many places, essential materials were missing and the opening of thousands of polling stations was delayed, with some opening very late;
- the voting process was often very slow and queues at polling stations were therefore long: the voters showed great patience but delays should have been avoided;
- in most of the places where our observers were present the marking of the ballot papers took place in the open, on a table or chair or even at the ballot box: while privacy and secrecy were sometimes assured because of the distance at which the marking was done or the positioning of the voter, formal screens were not used and usually improvisation was not attempted;
- the results collation process suffered from poor organisation, inadequate accommodation and deficient lighting.

Now that preparations are being made for the Presidential and Governorship Elections it is time to consider how the shortcomings of the National Assembly elections can be overcome. It is our earnest hope that INEC will take the necessary measures to achieve that, including:

- tightening up its planning, so that all stations receive their essential materials in good time and open promptly;
- improving polling station organisation so that queues move faster;
- ensuring secrecy of the ballot; and
- improving the organisation, accommodation and lighting facilities for the results collation process.

Thanks to the commitment and determination of the voters and the efforts of NEC, civil society and many others, Nigeria is on its way to achieving a landmark – the transfer of power from one civilian administration to another, and the consolidation of the democratisation process. We hope that in the coming days INEC will be able to ensure improvement in the key areas we have highlighted, so that the manner of this transition will be a source of pride and satisfaction and Nigeria will go forward with confidence.

ENDS



Commonwealth Observer Group

Nigeria National Assembly and Presidential Elections, April 2003

News Release

22 April 2003

Interim Statement on Nigeria's Presidential and Governorship Elections - 19 April 2003

The following statement was issued this morning by the Chairperson of the Commonwealth Observer Group, Dr Salim Ahmed Salim:

These Presidential and Governorship Elections were historic. Taken together with the National Assembly elections of last week they were the first elections for twenty years to have been organised under a civilian government. They represent a landmark transfer of power from one civilian administration to another.

That in itself is an important step forward for and a consolidation of democracy in this country. But it is by no means the only positive element from Saturday's voting. I must praise the people of Nigeria for the way in which they demonstrated their commitment to the democratic process, even in those areas where problems were apparent. I commend the many individuals and organisations which worked hard and with great dedication for good elections on Saturday. As Observers we were free to go anywhere in the country and generally we were given full access. Commonwealth teams were deployed across Nigeria, based in Abuja, Enugu, Ibadan, Jos, Kaduna, Kano, Lagos, Port Harcourt and Sokoto.

I want to place on record my belief that taken as a whole INEC has emerged from this election as a stronger organisation. We hope that it will now be further strengthened and provided in good time with the additional financial support it needs, and that where there are problem areas these will be addressed speedily. INEC has earned respect for the responsive and active manner in which, in many respects, it improved its arrangements between the National Assembly and the Presidential and Governorship Elections. Following the National Assembly Elections the Commonwealth Observer Group and others urged INEC to ensure that the shortcomings of the National Assembly election process were overcome in time for the Presidential and Governorship Elections. In particular we highlighted the need for all polling stations to receive their essential

materials in good time and to open promptly, to improve polling station organisation so that queues moved faster, to ensure the secrecy of the ballot and to improve the organisation, accommodation and lighting facilities for the results collation process.

In the event there were still some shortcomings on 19 April. For instance, we saw some continuing logistical problems, underage voting and that seals were used in only a few places. However, I am pleased to say that our teams (many of which revisited the stations they went to a week before) reported that, compared with the 12 April National Assembly Elections, many more polling stations opened on or near to time. We came across only a few instances of shortages of materials and voting seemed to us to have been faster. Arrangements to ensure secrecy of the ballot were also improved – in many places where secrecy had not been assured on 12 April this time there was privacy, usually through creative improvisation. The counting and collation processes also seemed to us to be generally better, with improvements in lighting and organisation at several centres.

In most states where we observed, the election was credible. In many places where our Observers were present, the Presidential and Governorship Elections went well, and were peaceful and orderly. However, while one important part of the story of this election is that of a people's commitment to democracy, improvements by INEC, and a reasonable and peaceful election day, there is another. In parts of Enugu and in Rivers State proper electoral processes appear to have broken down and there was intimidation. In Rivers State, in particular, our Observers reported widespread and serious irregularities and vote-rigging. The official results which emerged from Rivers State bore little relation to the evidence gathered by our Observers on the ground.

When the Secretary-General constituted this Commonwealth Observer Group he asked us to make two judgements: whether the conditions were such as to enable the will of the people to be expressed and whether the results reflected the wishes of the people. The results process is not yet complete so we do not want to comment on that at this stage. However, from the reports of our teams we know that in most of Nigeria a genuine and largely successful effort was made to enable the people to vote freely. In most of the country conditions were such as to enable the will of the people to be expressed.

But in certain states the election did not go well. And the problem, while reflected in the events of election day, is not solely electoral in character and cannot be solved by INEC alone. It is also a question of determination and commitment to an open and transparent democratic process by Nigerian politicians, as well as the people. Everyone has their part to play in defending democracy from the manipulators. We therefore

believe that the people of Nigeria should make full use of the legal mechanisms provided for under the Constitution and laws of this country, in order to ensure that their concerns are properly dealt with. However, it is the Government and the political parties which have the major responsibility in the effort that is now required to regain the democratic process for the people in those parts of Nigeria where it has apparently been denied. The Government and the political parties must bring to account those who were responsible for the malpractice and combat effectively the culture that sustains them. I know that Nigeria has the character and the collective skill and wisdom to rise to the challenge. I wish it well in the effort and I urge all friends of this country to help in whatever way they can.

The Commonwealth Observers will now meet to prepare their detailed Report for the Secretary-General, which they will finalise before they leave Nigeria. It will then be transmitted by the Secretary-General to the Head of Government, the Chairman of INEC and the leaders of the political parties, and subsequently to all other Commonwealth Governments. The Report will be made public and will appear on the Commonwealth web-site (www.thecommonwealth.org) about a week after the Observers' departure.

Note to Editors

Commonwealth Observers were present in Nigeria in January for the 'make-up' registration period. In February the Secretary-General sent an Assessment Mission. Commonwealth 'Advance Observers' began work on 10 March. The full Observer Group arrived on 3 April and deployed to different parts of Nigeria on 8 April. The members of the Group are scheduled to leave Nigeria on Friday 25 April, after finalising their report.

ENDS

