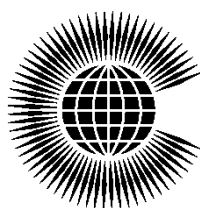


Report of the Commonwealth Observer Group

**NIGERIA NATIONAL ASSEMBLY AND
PRESIDENTIAL ELECTIONS**

9 and 16 April 2011



COMMONWEALTH SECRETARIAT

TABLE OF CONTENTS

Chapter 1	1
INTRODUCTION	1
Terms of Reference	1
Chapter 2	3
POLITICAL BACKGROUND	3
Historical Background.....	3
The 2003 Elections	7
The 2007 Elections	8
Political Background to the 2011 Elections	9
The Presidential Candidates	12
Chapter 3	13
THE ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION	13
Background.....	13
Chapter 4	23
ELECTION CAMPAIGN AND MEDIA.....	23
The Election Campaign	23
Youth Participation	26
Participation of Women.....	27
The Media.....	28
Special Features of Election Coverage.....	29
Recommendations.....	31
Chapter 5	32
VOTING, COUNTING AND RESULTS PROCESSES	32
Recommendations.....	43
CHAPTER 6	44
CONCLUSIONS AND RECOMMENDATIONS	44
Conclusions.....	44
Recommendations.....	45

ANNEX 1: Biographies of COG Members	48
ANNEX II: COG Deployment Plan	53
ANNEX III: Arrival Statement.....	55
ANNEX IV: Public Statement by the Chair on 2 April 2011	57
ANNEX V: Public Statement by the Chair on 3 April 2011	58
ANNEX VI: Public Statement by the Chair on 11 April 2011.....	59
ANNEX VII: Interim Statement by the Chair on 18 April 2011.....	61



**Commonwealth Observer Group
Nigeria National Assembly and Presidential Elections**

21 April 2011

Dear Secretary-General,

The Commonwealth Observer Group has completed its Final Report on its observation of the Nigerian National Assembly and Presidential elections and is pleased to submit it to you.

In approaching our task, we were conscious of the importance of Nigeria to Africa, to the Commonwealth and indeed to the larger international community, and the onerous responsibility therefore placed upon us. We were mindful also of the history of flawed elections in Nigeria and of how much was at stake on this occasion. It was for these reasons that most members of our team decided to adjust our plans and stay on in Nigeria for the postponed National Assembly and Presidential elections.

In the event, notwithstanding the postponement of the 2 April National Assembly elections and persistent logistical and organisational deficiencies, and some serious security incidents during the campaign and on the eve of the elections, the 2011 elections in Nigeria, by and large, met the national, regional and international standards for democratic elections. Indeed, they marked a genuine celebration of democracy in Nigeria, helped to redeem the image of Nigeria as a country that was known only for flawed elections and served to restore the faith of the Nigerian people in democracy. In the process, Africa's most populous nation was able to make a new beginning.

Our report includes a number of recommendations which, we believe, could further improve the electoral process in Nigeria. I hope that these will be positively considered and implemented. Some of them mirror recommendations already made by earlier Commonwealth Observer Groups. I hope the Secretariat will remain engaged with the Independent National Electoral Commission and the Government of Nigeria to take these forward.

We take this opportunity to express our gratitude for the excellent support provided to us by the Commonwealth Secretariat staff team.

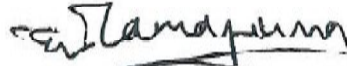
We thank you most sincerely for the opportunity to participate in this important mission and hope that our report can contribute towards the deepening of democracy in Nigeria.

Yours sincerely,


Festus Mogae
Chair



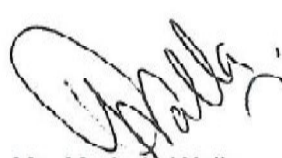
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Chapter 1

INTRODUCTION

At the invitation of the Independent National Electoral Commission (INEC), the Commonwealth Secretary-General, H.E. Kamallesh Sharma, constituted an Observer Group for the April 2011 National Assembly and Presidential Elections. In line with usual practice, the Secretary-General sent an Assessment Mission to Nigeria to assess the prevailing situation as well as the pre-electoral environment, prior to his final decision on whether to constitute a Commonwealth Observer Group. The Assessment Mission was in the country from 4 to 11 February 2011.

The Secretary-General subsequently constituted a Commonwealth Observer Group for the elections. The Observer Group was led by H.E. Festus Mogae, former President of Botswana and it comprised thirteen eminent persons. The Observer Group was supported by a staff team from the Commonwealth Secretariat. A full list of members is at **Annex 1**.

Terms of Reference

The Secretary-General established the following Terms of Reference for the Observer Group:

"The Group is established by the Commonwealth Secretary-General at the request of the Independent National Electoral Commission of Nigeria. It is to observe relevant aspects of the organisation and conduct of the National Assembly and Presidential Elections which are scheduled to take place on 2 and 9 April 2011, in accordance with the laws of Nigeria.

The Group is to consider the various factors impinging on the credibility of the electoral process as a whole. It will determine in its own judgment whether the elections have been conducted according to the standards for democratic elections to which Nigeria has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently and shall conduct itself according to the standards expressed in the International Declaration of Principles to which the Commonwealth is a signatory. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. In its Final Report, the Group is also free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.

The Group is to submit its report to the Commonwealth Secretary-General who will forward it to the Government of Nigeria, the INEC, political parties and civil society organizations and thereafter to all Commonwealth member states."

Activities

The Observer Group was present in Nigeria from 25 March, 2011. During four days of briefings, the Group met with INEC, some Presidential candidates, political party representatives, the Nigeria Human Rights Commission, civil society groups, youth representatives, news media, Commonwealth High Commissioners, and national, regional and international observer missions.

An Arrival Statement was issued on 28 March 2011 (**see Annex 3**).

The Observer Group was deployed from 31 March to 4 April for the National Assembly elections scheduled for 2 April. However the National Assembly elections were aborted soon after mid-day on that day, as some sensitive election materials, including results sheets and ballot papers, had not reached all polling stations. They were initially rescheduled for 4 April but later postponed to Saturday 9 April. The Presidential elections were, in turn, postponed to 16 April. As a consequence of these unforeseen changes to the electoral timetable the stay of the Observer Group in Nigeria was extended. However, the Group was unable to stay for the governorship elections which were rescheduled for 26 April 2011.

In the event, the Observer Group redeployed for the National Assembly elections from 8 to 11 April and thereafter for the Presidential elections from 15 to 17 April. The Group divided itself into teams that covered eight States (Edo, Enugu, Plateau, Oyo, Kaduna, Kano, Lagos, Nasarawa) plus the Federal Capital Territory, Abuja.

While in the field, our teams liaised with police, local election officials, civil society groups and party officials. In addition, teams met and co-ordinated with other observers, national, regional and international, in their respective areas to build a comprehensive picture of the conduct of the process. On the day of the election the teams visited a range of polling stations in their respective areas following the voting and counting processes. They later followed the results tabulation and collation at the local and State levels.

In view of the unexpected postponements, the Chair issued public statements on 2, 3 and 11 April (**Annexes 4, 5 and 6**). On the basis of the Group's findings about the Presidential election, the Chairperson issued an Interim Statement on 18 April 2011 (**Annex 7**). The Group's Report was completed in Abuja prior to departure on 21 April 2011 and transmitted to the Commonwealth Secretary-General.

Chapter 2

POLITICAL BACKGROUND

HISTORICAL BACKGROUND

Nigeria celebrated its fiftieth anniversary of independence on 1 October 2010. Looking back, the country's first 50 years of independence have been tainted by military coups, a civil war and troubled elections, which have dashed the aspirations of its people to consolidate democracy in Nigeria. Yet, the people of Nigeria have demonstrated a growing resolve to establish a durable democracy. This has been reflected in the enthusiastic participation of voters in recent elections. The April 2011 elections presented yet another source of hope for the people of Nigeria that this time a credible process would finally set the country firmly on track to deepen its democracy, enhance its socio-economic development and write a new chapter in its chequered political history.

The Road to Independence

Nigeria was colonised by the British in the latter part of the 19th 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. 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.

Following the Second World War and the pressure for de-colonisation that it engendered, 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 (the Igbo in the East, Yoruba in the West and the Hausa and Fulani in the North).

In 1954, the federation became self-governing, and the first Prime Minister, Alhaji Sir Abubakar Tafawa Balewa, a prominent member of the Northern People's Congress (NPC), was appointed in August 1957. 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 NPC commanded the largest representation. Sir Abubakar Tafawa Balewa of the NPC continued in office as Prime Minister, leading a coalition of political parties from the North and South-East regions (renamed the National Convention of Nigerian Citizens).

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

The First Republic

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

Military Rule and Civil War

National rivalries were soon 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, Sir Tafawa Balewa, along with other leading politicians were killed, as were a number of senior (non-Igbo) military officers. The federal military government that assumed power under General Aguiyi-Ironsi was unable to calm ethnic tensions and its efforts to abolish the federal structure raised new tensions that triggered another coup by largely Northern military officers in July 1966.

General Ironsi was killed in the July 1966 coup, along with the majority of army officers of Igbo origin 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. 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 a federal blockade. Lt-Col 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 military officers. He was replaced by Brigadier (later General) Murtala Mohammed. General Mohammed embarked on a radical and 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.

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 of the National Party of Nigeria secured a majority of the votes and obtained the mandatory 25 per cent of the votes cast in two-thirds of the 19 states. He was sworn in as President on 1 October 1979 following legal challenges over the results. President Shagari was re-elected for a second term in September 1983. However, the elections were marred by allegations of widespread fraud and violence.

Return to Military Rule

On 31 December 1983 President Shagari's government was deposed in a bloodless 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 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.

In August 1985, General Buhari's regime was overthrown in a bloodless coup led by General Ibrahim Badamasi 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. He 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 Chief Moshood Abiola of the Social Democratic Party, had a clear lead over his rival, Alhaji Bashir Tofa of the National Republican Convention. However, on 23 June 1993 the National Defence and Security Council (NDSC) annulled the elections before the full results could be

pronounced by the National Electoral Commission (NEC), which was also 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.

Following growing protests, including strikes, General Babangida was forced to step aside by 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 thereafter scheduled for early 1994. However, on 17 November 1993 Chief Shonekan was removed from office in yet another coup and 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.

In March 1995, former Head of State Chief General Obasanjo and his former deputy, General Shehu Musa Yar'Adua (older brother of the late President Umaru Yar'Adua), and several others, were arrested in connection with an alleged coup plot. Chief Obasanjo was subsequently sentenced to life in prison (later commuted to 25 years imprisonment), while General Yar'Adua and 12 others received the death sentence (later commuted to life imprisonment). General Yar'Adua subsequently died in custody under suspicious circumstances.

Suspension from the Commonwealth

On 10 November 1995, the Armed Forces Ruling Council (AFRC) established by General Abacha executed Ken Saro-Wiwa and eight other Ogoni activists. This followed a trial by a special military tribunal on charges of complicity in the murder of four local chiefs. This was perceived as a kangaroo court. The executions went ahead despite numerous international appeals for clemency, as well as assurances by the Nigerian Government that it would not proceed with them. As a consequence, Commonwealth leaders suspended Nigeria forthwith from the Commonwealth and further decided that the Commonwealth Ministerial Action Group (CMAG), created under the Millbrook Action Programme adopted during their conference, would engage with Nigeria to promote compliance with Commonwealth values and principles.

General Abacha instituted a transition programme to civilian government which was seen as fundamentally flawed; its sole aim was General Abacha's own survival in office. 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 decrees which had severely impinged on human rights. Sadly, Chief Moshood Abiola died on the eve of release from detention on 7 July 1998.

Throughout this period, the Commonwealth remained actively engaged with Nigeria, both through the Commonwealth Secretary-General and CMAG, pursuing a role that was widely appreciated.

The 1999 Elections and Return to Democracy

On 20 July 1998 General Abubakar announced a detailed plan for 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 granted full registration to three parties: the Peoples Democratic Party (PDP), the All Peoples 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 Presidential election of 20 February 1999 was won by Chief Olusegun Obasanjo (PDP) with 62 percent of the vote. Chief Olu Falae, the joint AD and APP candidate, gained 37 per cent. President Obasanjo was sworn in on 29 May 1999. Domestic and international observers, including a Commonwealth Observer Group, witnessed irregularities in the poll but judged that the result broadly reflected the will of the Nigerian people.

Nigeria was fully reinstated in the Commonwealth in May 1999, after a period of suspension of three and a half years.

THE 2003 ELECTIONS

In the first presidential elections organised under a civilian administration on 19 April 2003, President Olusegun Obasanjo was re-elected with 61.9 percent of the vote. His closest challenger, General Muhammadu Buhari of the All Nigeria Peoples Party (ANPP) obtained 31.2% of the vote.

A Commonwealth Observer Group, headed by former Tanzanian Prime Minister and former OAU Secretary-General Dr Salim Ahmed Salim was present for the above elections. The Group concluded 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 2007 ELECTIONS

On 16 May 2006, the Nigerian Senate rejected a key constitutional amendment that would have allowed President Obasanjo to seek a third term in office – an issue that deeply divided the people and leadership of Nigeria. Vice-President Alhaji Atiku Abubakar publicly opposed allowing President Obasanjo to seek a third term in office, and the relationship between the two deteriorated sharply as a result.

With President Obasanjo precluded from contesting the 2007 presidential election, Alhaji Abubakar was primed to emerge as the presidential candidate of the PDP. However his relationship with the President had become increasingly strained and Chief Obasanjo strongly opposed Abubakar's candidacy. Following the submission of a report to the Senate alleging fraudulent activity by Abubakar, the latter was indicted by the Economic and Financial Crimes Commission (EFCC), which had been established by Obasanjo in 2004.

In September 2006, Abubakar was suspended from the PDP. He continually denied the allegations against him and subsequently emerged as the presidential candidate of the newly formed opposition party, Action Congress (AC). Abubakar was disqualified from contesting the election by INEC in March 2007, owing to his indictment for corruption. But following a number of legal challenges, his candidature was reinstated by a Supreme Court ruling on 16 April 2007.

Ahead of the April 2007 elections, the PDP picked Alhaji Umaru Yar'Adua, then Governor of Katsina State, as its candidate to contest the presidential elections scheduled to be held on 21 April 2007. Shortly after winning the nomination, Yar'Adua chose Dr Goodluck Jonathan, Governor of Bayelsa State, as his running mate. Also in the presidential race was General Muhammadu Buhari, the leader of the ANPP.

The 2007 elections were expected to mark a historical milestone for Nigeria; for the first time in the country's history, power would be transferred from one democratically elected civilian leader to another. However, polling was marred by violent incidents and serious electoral malpractices. Domestic and international observers widely criticised the polls as deeply flawed.

In its report, the Commonwealth Observer Group, led by former Tanzanian Prime Minister Justice Joseph Warioba, noted that the elections *"were also a crucial test for the country's young democracy, an opportunity to build on the experiences of the 1999 and 2003 elections. In the event, that opportunity to take a major step forward was missed...our overall impression of these elections is that, in organisational terms, they fell short of the standards Nigeria had achieved in 2003, and certainly well below the standards for democratic elections to which Nigeria has committed itself. We believe that there were impediments in the ability of voters to express their will fully, freely and fairly."*

Provisional results of the presidential elections released by INEC indicated that Alhaji Yar'Adua received 70% of the votes, General Buhari of the ANPP came second with 18.65% and Alhaji Abubakar of the AC secured 7.25%. Provisional results of elections to the National Assembly indicated that the PDP had increased its majority in both the House of Representatives and Senate, winning 258 seats and 78 seats respectively. The ANPP secured 64 seats in the House of Representatives and 22 seats in the Senate. Alhaji Yar'Adua was sworn in as President on 29 May 2007.

Following the elections, Buhari and Abubakar filed petitions to have the results of the presidential election invalidated due to alleged fraud, but the electoral tribunal rejected the petitions. The two former presidential candidates appealed to the Supreme Court. The Nigerian Supreme Court declared Alhaji Umaru Yar'Adua as the legitimate President of Nigeria, upholding a ruling by the Court of Appeal on 8 March 2008. A significant number of gubernatorial elections were, however, successfully challenged in the courts, resulting in around a dozen of them being overturned since the April 2007 elections.

POLITICAL BACKGROUND TO THE 2011 ELECTIONS

The Uwais Committee on Electoral Reforms

In fulfilment of an assurance given at his inauguration to pursue electoral reform, President Yar'Adua established a 22-member Committee on Electoral Reforms in August 2008. It was headed by Justice Muhammed Uwais, former Chief Justice of the Federation. It is notable that Professor Attahiru Jega, who subsequently became the Chairman of INEC, was a member of the Uwais Committee. Some of the key recommendations of the Committee included the following:

- Removal of the Independent National Electoral Commission from the direct control of the Presidency and abolishing of State Electoral Commissions.
- INEC Chairman to be appointed by the National Judicial Commission (NJC) rather than the President (the NJC would forward the name of the selected nominees to the Senate for ratification following a period of public advertisement).
- Determination of election petitions by tribunals should take no more than four months, and appeals a further two months, making a total of six months.
- Establishment of new legislative bodies to deal with electoral offences. Such bodies would include: Electoral Offences Commission (EOC), Constituency Delimitation Commission (CDC), and Political Parties Registration and Regulatory Commission (PPRRC).

Yar'Adua presented a modified version of the Uwais Report, containing its recommendations, to the National Assembly in 2009, and in March 2010, Acting President Goodluck Jonathan (see below) forwarded an unedited version of the Report to the National Assembly for approval. The Electoral Act 2010, enacted under President Jonathan's administration, incorporated some of the

recommendations of the Uwais Committee such as provisions for shorter time frames for hearing election petitions, and stricter rules for political party primaries. The National Assembly was, however, criticised for not including key recommendations of the Uwais Committee such as the procedure for appointment of the Chairman of INEC and the creation of an Electoral Offences Commission.

The Elevation of Vice President Goodluck Jonathan

On 23 November 2009, an ailing President Yar'Adua departed Nigeria for medical treatment in Saudi Arabia. He was not seen in public again, and the vacuum resulting from his absence created a tense political environment in Nigeria, especially as he had not properly transferred presidential authority to Vice President Goodluck Jonathan. On 13 January 2010, a federal court ruled that Vice President Jonathan had the power to carry out state affairs while President Yar'Adua received medical treatment in Saudi Arabia. On 9 February 2010, invoking the doctrine of necessity, the Senate determined that presidential powers be transferred to Vice President Goodluck Jonathan, and that he serve as Acting President, with all the accompanying powers, until President Yar'Adua recovered.

An awkward situation arose for Acting President Jonathan when President Yar'Adua returned to Abuja unexpectedly on 24 February 2010. There was still no clarity about Alhaji Yar'Adua's state of health but there was speculation that he was still on a life support machine. After some confusion regarding the status of Dr Jonathan's role as Acting President, Alhaji Yar'Adua's spokesperson confirmed that Dr Jonathan would still carry out his duties as Acting President until Yar'Adua's recovery.

On 28 April 2010 Acting President Jonathan, who had meanwhile also committed himself to pursuing electoral reform, removed the former Chairman of INEC, Professor Maurice Iwu, from office. Iwu's term was due to expire on 13 June 2010. Acting President Jonathan subsequently appointed new INEC Commissioners although a few of the existing ones were retained. The appointment of Professor Attahiru Jega, then the Vice Chancellor of Bayero University, Kano, as the Chairman of INEC was met with widespread approval both within and outside Nigeria, as Professor Jega was hailed as a man of integrity. As noted earlier, Jega had also been a member of the Uwais Committee.

President Yar'Adua never recovered and died on 5 May 2010 at the Aso Rock presidential villa. Dr Jonathan succeeded formally to the Presidency and took the oath of office on 6 May 2010. He immediately changed the cabinet appointed by Yar'Adua and installed his own (although a number of the old ministers remained). As the first president from the oil-rich Niger Delta, he was quick to reassure the region's oil industry by resuscitating the amnesty for militants, and tasking relevant federal agencies to accelerate development programmes in the Niger Delta.

The Zoning Issue

As elections loomed ahead, there was much speculation regarding whether President Jonathan would contest the PDP's presidential race. President Jonathan's formal declaration of his candidature in September 2010 was significant because of

the impact on the PDP's longstanding "zoning arrangements" whereby political office rotates between the North and the South as a way of managing the politics of a multi-ethnic and multi-religious Nigeria.

Advocates of the zoning arrangement were opposed to Dr Jonathan's candidacy. They argued that as former President Yar'Adua (a northerner) had not completed his term before his demise and could have been expected to serve another four-year term, the presidency should again fall to the North (President Jonathan is from the South). Within this context, a group of influential northern Nigerian politicians from the PDP named former Vice-President, Atiku Abubakar (who had by now returned to the PDP), as their consensus candidate to challenge Dr Goodluck Jonathan, in the presidential primaries. At the primaries held on 13 January 2011, however, President Jonathan won 2,736 of the votes compared to Alhaji Abubakar's 805, although controversy surrounded the procedure and tactics used for the primaries. A third candidate, Sarah Jibril, gained a single vote.

In a gesture seen as placating the North, Dr Jonathan declared that should he be elected President, he would only serve for one term.

Political Party Primaries and Internal Party Democracy

There have been complaints about the conduct of National, State Assembly and governorship primaries across all political parties, and notably, that of the ruling PDP. Concerns have been raised that in choosing their candidates, political parties themselves did not adhere to the tenets of democracy. Some of the major complaints include the following: Imposition of candidates by elite and senior factions of parties; substitution of candidates who won the party primaries with other names in the final list of nominees submitted to INEC; and incidents of violence. For instance, Alhaji Abubakar, who lost to Dr Jonathan in the PDP primaries, petitioned INEC to annul the declaration of Dr Jonathan as the winner on the grounds that the poll was not properly conducted. Alhaji Abubakar alleged that the party leadership and the Presidency carefully planned and executed the manipulation of the presidential primary. INEC advised that he seek redress in the courts.

A serious consequence of the fall-out from some party primaries is that aggrieved candidates have sought redress in the courts. There were allegations too that some politicians were using the courts to further their own political ambitions with the worrisome result that until a very late stage, there was a significant number of court injunctions obstructing INEC from producing final lists of candidates for the National and State Assembly, and gubernatorial elections in the case of certain parties. During its meeting with INEC representatives ahead of the April 2011 elections, the Observer Group was informed that the number of injunctions and court cases had reduced, and that some of them had been disposed of by the courts so that they did not pose a threat to INEC's preparations for the elections.

As it turned out, the court challenges played a part in the omission of some party symbols from ballot papers in a number of contests for the Senate and House of

Representatives, resulting in the postponement of those elections from 2 to 9 April 2011.

The Presidential Candidates

Of the 63 registered political parties participating in the April 2011 elections, 54 fielded candidates for the federal and/or state elections, and 20 for the presidential poll.

The main political parties, listed alphabetically (based on representation in the National Assembly or number of state governors, or visibility during the 2011 campaign season) were as follows:

- Action Congress of Nigeria (ACN)
Presidential Candidate: Mallam Nuhu Ribadu
- All Nigeria People's Party (ANPP)
Presidential Candidate: Mallam Ibrahim Shekarau
- Congress for Progressive Change (CPC)
Presidential Candidate: General Muhammadu Buhari
- Peoples Democratic Party (PDP)
Presidential Candidate: Dr Goodluck Jonathan

Ahead of the elections, the PDP presidential candidate, Dr Goodluck Jonathan, was perceived to be the favourite to win not least because of the advantage of incumbency and the extensive network which PDP enjoyed at the grassroots. His main opponent was considered to be General Muhammadu Buhari of the CPC, the former military Head of State from 1984-1985, who had come second in the two previous presidential elections. General Buhari had stood on the platform of the ANPP in the 2003 and 2007 elections, but joined the CPC in 2010 after falling out with the ANPP.

The two other contenders were the ANPP's candidate, Mallam Ibrahim Shekarau, the Governor of Kano State, and the ACN's Mallam Nuhu Ribadu, the immediate past Executive Chairman of Nigeria's Economic and Financial Crimes Commission (EFCC).

This was the complex historical and political backdrop against which Nigeria went to the polls in April 2011.

Chapter 3

THE ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION

Background

Nigeria is a Federal Republic consisting of 36 States and the Federal Capital Territory (FCT) of Abuja.

The President is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces. He or she is also the Head of Government and appoints Ministers. The President is elected for a four-year mandate and can serve a maximum of two terms in office.

For the Presidential election the country is a single national constituency and a candidate only requires a simple majority to win. However, there is a further requirement that the candidate must secure at least one-quarter of the votes cast in two-thirds of the 36 States. If no such majority is attained then the leading two candidates contest a run-off. If in the run-off neither candidate secures the still required one-quarter of the votes cast in two-thirds of the States then a second run-off is held. For the second run-off whichever candidate secures the most votes is the winner.

Legislative powers of the Federal Republic are vested in the National Assembly, which consists of a Senate and a House of Representatives. The Senate has a total of 109 members elected from single-member constituencies and the House of Representatives has 360 members, also elected from single-member constituencies. Members of both houses of the National Assembly are elected for a four-year mandate.

Electoral constituencies for the House of Representatives are to be roughly equal in terms of population size and must also respect State boundaries. Therefore the number of constituencies per State varies substantially to reflect the variances in population size. However, for the Senate constituencies it is fixed that there shall be three per State plus one for the FCT of Abuja, and therefore the variance is in the population size of the respective constituencies. The electoral system for both Houses of the National Assembly is first-past-the-post.

Each State has an elected Governor, who has executive authority for the State. Legislative powers of a State are vested in its House of Assembly. The powers of a State's House of Assembly are subject to the laws made by the National Assembly.

The key legal instruments for the conduct of the elections are the Constitution (1999, as amended) and the Electoral Act (2010, as amended). In addition, INEC issued a series of guidelines and procedures, including a Manual for Election Officials (2011). INEC and the Political Parties also developed a Code of Conduct for Political Parties (2011) under which the Inter Party Advisory Council (IPAC) was established.

The Electoral Act 2010 provides the general framework for the organization and conduct of elections. It regulates the voters register, qualifications to be registered as a voter, the right to vote. It further stipulates that INEC shall have the responsibility for the overall conduct of elections and shall be entitled to make regulations for the conduct of elections.

The Electoral Act (2010) made some key changes to the electoral framework. The features of the Act include the order in which the elections are held; that only aspiring candidates with the highest number of votes cast at the party primary should be submitted to INEC as candidates for the elections; there is a ceiling on the level of expenditure for the campaign by political parties and their candidates; INEC can de-register political parties if there is a breach of registration requirements or failure to win a seat in the National or State Assembly election; and, polling station results now have to be posted at the place of polling. The Act also makes a provision for continuous voter registration. The Electoral Act 2010 was amended in January 2011 to extend the registration period by one week and to postpone the elections from January to April 2011.

International and Regional Commitments

Nigeria has signed and ratified the core regional and international treaties establishing the standards for the conduct of elections. These include:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- Convention on the Elimination of All Forms of Discrimination Against Women
- International Convention on the Elimination of All Forms of Racial Discrimination
- African Charter on Human and Peoples' Rights
- ECOWAS Protocol on Democracy and Good Governance

Nigeria is also party to important Commonwealth declarations, including the 1971 Singapore Declaration, the 1991 Harare Declaration and the 2009 Affirmation of Commonwealth Values and Principles.

Structure and Functions of the Independent National Electoral Commission

Article 153 of The Constitution provides for the "Establishment of Certain Federal Executive Bodies", including an Independent National Electoral Commission (INEC). INEC's function is to organise, undertake and supervise all elections. Other key responsibilities of INEC are to:

- Register political parties
- Regulate the conduct of parties, including auditing their accounts for income and expenditure
- Maintain on a continuous basis a National Register of Voters
- Establish rules and regulations for the election campaign
- Conduct voter and civic education
- Fix dates for elections
- Delimit constituencies.

The present INEC was inaugurated on 30 June 2010. It is a permanent body composed of a Chairman and 12 Commissioners. The current Chairman is Professor Attahiru Jega and the Commissioners are selected on the basis of two from each of the six geo-political zones.

All Commission members are directly appointed by the President, after consultation with the Council of State and approval of the Senate. Members are to be persons of unquestionable integrity and, in the case of the Chairman not less than 50 years of age and for other Commissioners not less than 40 years of age.

INEC has permanent offices in all 36 States and the FCT. Each State-level and FCT office is managed by a Resident Electoral Commissioner (REC), who is also appointed directly by the President but without need for Senate approval.

According to the administrative structure of the country each State is sub-divided into Local Government Areas (LGAs), totalling 774 in all. For electoral purposes, at the LGA level INEC has an Electoral Officer who is responsible to the REC. Each LGA is then sub-divided into Wards. There are 8,074 Wards in total, staffed by ad hoc INEC personnel. In addition, for each election Returning Officers and staff are appointed for Senate and House of Representative constituencies. For the purpose of the Presidential election the Chairman of INEC is the Returning Officer.

Voter Eligibility and Voter Registration

In order to be eligible as a voter for the elections a person must be:

- A citizen of Nigeria
- At least 18 years of age
- Ordinarily resident in, working in, or originating from the area covered by the registration centre¹
- Registered to vote

Voter registration is continuous and stops not less than 90 days before an election.

¹ If before an election a voter is resident in a different constituency to the one in which they are registered it is possible to apply to an REC for a transfer of registration.

The register used for the 2007 elections was severely criticised and as a consequence INEC undertook a new registration of voters early in 2011. Voter registration was conducted using Direct Data Capture machines at some 120,000 registration centres. Registration started on 15 January 2011 and was initially scheduled to last for 15 days. This period was later extended by a week across the country and again by a further 48 hours in some States.

At the completion of registration on 7 Feb 2011, preliminary figures indicated 67,764,327 registered voters had been captured. Following a period of verification and cleaning of the register, and some final submissions from States, this figure had risen to 73,528,040 by the time INEC published the certified voter register on 2 March 2011. This met the stipulated legal deadline for publication of the final voter register.

Political parties or any person can obtain a certified copy of the Voter Register, for a State or LGA, from INEC for a charge.

Candidate Eligibility and Nomination

To be eligible as a candidate for the presidential elections a person must be a citizen of Nigeria; at least 40 years old; and educated to at least School Certificate level or its equivalent. In addition, candidates have to be proposed by a registered political party and be a member of that party. Independent candidates are not allowed.

To be a candidate for the National Assembly elections a person must be a citizen of Nigeria, at least 35 years of age and educated to at least School Certificate level or its equivalent.

Complaints and Appeals

The Electoral Act provides for election petitions, but they can only be filed by candidates and political parties contesting the election, not by voters or other interested organisations. Such petitions have to be made within 21 days of the declaration of results. Petitions regarding the presidential election are to be made to the Court of Appeal. Petitions concerning the National Assembly elections are to be made to National Election Tribunals, which are 3-member bodies created especially for the elections. These Tribunals can hear and determine petitions regarding whether or not a person has been validly elected.

Judgements on petitions are required to be delivered within 180 days from the date of filing of the petition and any appeal is to be heard within 60 days of the judgement. Members of a Tribunal are appointed by the President of the Court of Appeal. The Chair of a Tribunal is to be a Judge of a High Court and the two other members are drawn from members of the judiciary.

In addition, the Electoral Act includes a list of electoral offences and empowers INEC to prosecute offenders. Further, as electoral offences are crimes they can also be prosecuted by the appropriate authority. Such offences include dereliction of

duty by election officials, disorderly conduct, voting by unregistered persons and multiple voting.

Key Issues

1. Voter Registration

As noted earlier, the voter register used for the 2007 elections was severely criticised as being inaccurate and containing numerous anomalies, such as double entries, fictitious names and under-age voters. In past elections it is widely believed that inflated registers have been used to cover fraudulent results. As a consequence, INEC concluded that there would not be political or public confidence in the election if it was held using the 2007 register and therefore sought a brand new registration of voters. This required an amendment to the electoral timeframe and the National Assembly agreed on a series of amendments to the Electoral Act enabling registration to take place in January and pushing the date of the election back from January to April. It is clear that the registration process was a massive undertaking but one which INEC felt was required in order to increase confidence in the process from the outset. It was also seen as a major test of the credibility and capacity of the new electoral commission.

The amendments to the Electoral Act also included a series of procedural changes to the registration aimed at providing more safeguards and therefore greater integrity. These included prohibiting proxy registration and a more explicit requirement for formal ID to be produced at the point of registration.

Registration commenced on 15 January 2011 and was originally scheduled to last for 15 days. Some 240,000 ad hoc staff was recruited to run registration units, mostly drawn from the National Youth Service Corps. However, the training for them was compressed from the planned four days to just a single day. As in 2007, INEC opted for a biometric system of registration, utilising some 130,000 Direct Data Capture (DDC) machines, which had to be purchased for the task. The process involved capturing not only the pertinent details of name, date of birth, address but also a photo and on this occasion all ten finger prints of each voter. The process was slow at first, experiencing delays due to late delivery of some of the DDCs and the length of time it took to capture all ten finger prints².

According to reports, by the end of the first week INEC had secured most of the required machines and made some adjustments to the system, enabling a more rapid registration. The National Assembly amended the law, providing a further week nationally for the registration³.

At the outset INEC had set a target figure of registering some 70 million persons. By the end of registration on 7 February preliminary figures issued by INEC showed

² INEC based the distribution of machines and registration staff on figures from the 2007 election. However, since that time there had been significant population shifts in some urban areas, such as Lagos and Abuja. As a consequence some registration centres found themselves dealing with several thousand registrants as opposed to the expected several hundred.

³ A further 48 hours on top of the extra week was provided in ten States and in the FCT.

that 67,764,327 persons had been registered. Following this there was a public display of the register between 14 and 19 February. In addition, some States were cleaning the data and finalising the paper work. But it is not clear how comprehensive the data check was across the country and how many of the anomalies had been identified and addressed.

In accordance with the provision to make the certified voter register public 30 days before the day of the election, INEC published the register at the beginning of March with a final total of 73,528,040 voters.

Many commentators had expressed doubts that INEC would be able to undertake and complete the brand new national registration of voters in time for the April polls, particularly following the initial delays at the outset of the process. However, it was a remarkable achievement in the circumstances to complete the exercise and, whatever its deficiencies, overall the register does seem to provide a better basis for the conduct of the elections and a concomitant higher level of political confidence, than did previous lists.

2. The Independent National Electoral Commission

A. Appointment of the Chairman, Commissioners, and Resident Electoral Commissioners

In terms of INEC's independence the legal and administrative framework provides some positive aspects, but there still remains a key concern.

The Constitution provides that INEC "shall not be subject to the direction or control of any other authority or person", which gives INEC the legal authority to be independent. As part of the wider amendments made to the Constitution in January 2011, the provisions relating to INEC were also amended. There is now an explicit prohibition in Article 156 of the Constitution against the Chairman, Commissioners or RECs being a member of a political party. Further, INEC's status has been changed to that of a '1st line charge agency', which INEC officials told the COG helps to increase financial independence by reducing the role of government in determining INEC's budget and financial disbursements.

But the existing mechanism for the appointment of the Chairman and Commissioners and RECs remains a concern, reflecting the same concern raised by the 2007 Commonwealth Observer Group. At present the Constitution provides that the Chairman and Commissioners are appointed by the President of the Republic after consultation with the Council of State and with the approval of the Senate.

Further, the Constitution also enables the Chairman and Commissioners to be dismissed by the President for misconduct or being unable to fulfil their duties, albeit that such a procedure requires the support of two-thirds of the Senate.

Such a role for an incumbent President, particularly when he or she may be a contestant in the process, can raise the spectre of political influence or patronage and may also make the body vulnerable to undue influence.

B. Public Confidence in INEC

In the wake of the 2007 elections the reputation of the previous INEC, and particularly its Chairman, was severely tarnished. For the 2011 elections, therefore, the reconstituted INEC carried a major burden of responsibility.

In the build up to the elections it became very clear that the new Chairman of INEC, Professor Jega, was held in high esteem and that he embodied much of the nation's expectations for credible elections. His handling of the process was inclusive and transparent, notably with regard to dealing with political parties, the media and civil society. This proved of great value when he was dealing with the failed 2 April process for the National Assembly elections and the subsequent rescheduling of the same poll initially to 4 April and thereafter to 9 April and the Presidential to 16 April. He inevitably came in for criticism in the wake of the postponed 2 April polls and confidence in him was affected. However, while people may have generally questioned INEC's organisational capacity, they largely appear to have continued to believe in Professor Jega's honesty and integrity.

3. Revision of Electoral Timelines and Procedures

The present INEC has only been established for a relatively short period, particularly if one considers the scale of the tasks facing it, including the national voter registration of some 70 million persons and the triple national elections. As mentioned earlier, INEC was inaugurated on 30 June 2010, and on 6 September it announced that the National Assembly elections would be held on 15 January 2011, the Presidential elections on 22 January and the Governorship and State Assembly elections on 29 January 2011.

On 20 September 2010 the Chair of INEC proposed to push the elections back to April (which still respected the Constitutional timelines and the requirement for the 29 May 2011 inauguration of the new President) to provide for more time for electoral preparations, including the new national voter registration. The National Assembly took some time to debate this proposal and only approved the proposed amendment on 27 October 2010; the amendment was only signed by the President on 10 January 2011.

The Electoral Act of 2006 was replaced by the Electoral Act 2010 to reflect the various constitutional amendments. The 2010 Act was amended on 24 January 2011 to revise respective timelines for INEC to receive nomination of candidates from political parties, among other things. The lack of clarity caused by the late changes to the law is exemplified by the numerous challenges to candidate nominations and the indecision over what INEC's powers in this regard are. There were numerous legal challenges as some of the names INEC received as purported party nominees were contested by others claiming they were the official party nominees. This partly reflects the acrimonious party primaries but also the poor structuring of the timelines and responsibilities for INEC in this regard.

It is clear therefore that not only was the entire process compressed into a relatively short timeframe, allowing little room for error or delay, but a number of key aspects were also revised and potentially unfamiliar to electoral officials and stakeholders alike. Such a series of factors must have impacted on INEC's state of readiness and effectiveness. Having said this, notwithstanding the time pressures placed on the body, there are also concerns regarding INEC's technical capacity and its internal organisational effectiveness, which are addressed elsewhere in this report.

4. Complaints, Appeals and Electoral Offences

The flawed 2007 elections saw a raft of petitions and the annulment of a number of those elections. By 2009, of the 36 contests for governor, eleven had been annulled, as had 9 of the senatorial races (out of 109). Even so, pending petitions did not prevent successful candidates from taking office and the benefits of incumbency tended to favour defendants, reducing the prospects of justice, and prolonging the process interminably. Petitions contesting the 2007 governorship results in Osun and Ekiti States, for example, were concluded only three and a half years into the two governors' four year terms of office. No other effective redress for the rigging of elections was available; electoral tribunals were overwhelmed by complaints and petitions; and tribunals were not able to prosecute electoral offences, other than by reversing election results.

As regards electoral offences, we understand that few – if any – successful prosecutions have been made in the past. The absence of an effective sanction against those who commit electoral offences remains a major impediment to a credible electoral process. It is unfortunate that the reforms recommended by the Uwais Committee for establishing an Electoral Offences Commission were not accepted. While the new Electoral Act gave a more explicit responsibility to INEC for prosecuting offences and provided time limits for determining petitions, many fear that a culture of impunity remains.

5. Candidate Eligibility

The law does not provide for independent candidates for either the Presidential election or the National Assembly elections. In both cases candidates have to be nominated by and be a member of a registered political party. This restricts participation rights.

In addition, setting a minimum age of 35 years for candidates for the National Assembly limits participation rights.

6. Disenfranchisement of Persons on Election Duty

Persons on election duty on polling day, such as INEC polling staff and security officers, have the right to vote as Nigerian citizens but under existing provisions they are not afforded the opportunity to do so. This results in the disenfranchisement of an estimated 412,000 permanent and *ad hoc* staff of INEC and several hundred thousand more personnel from the various security services

and armed forces deployed across the country during the polls. The law does provide for the transfer of voter registration from one place to another but the existing timeframe for this means that people on election duty, who do not know their place of deployment until just before the election, are not helped by this provision.

Recommendations

It is pleasing that some of the key recommendations from 2007 have been addressed, including improving the voter register and the creation of a more independent mechanism for providing INEC's budget and access to funds. But several concerns remain:

- i. It is important that the appointment mechanism for the Chairman, Commissioners and RECs is inclusive and ensures broad political and public confidence. To reiterate the recommendation from the 2007 COG, there are many different models to achieve this but direct appointment of national Commissioners and RECs by the President should be avoided, unless the shortlist had been provided by a more inclusive, representative body. At the very least, direct appointment by a President who may be a contestant in the poll or otherwise an interested party can raise the spectre of undue political influence over the appointed officials.
- ii. Timelines for the conduct of a poll need to be defined to provide enough time for all stages of the process to be adequately completed so as not to impact negatively on other aspects of the process, notably in confirming candidate nominations in good time for the poll, ballot printing and distribution of materials. Further, all printing of ballots and other sensitive materials should be conducted with safeguards, so as to avoid the damaging delays that affected the 2 April postponed polls.
- iii. Late changes to the Electoral Act need to be avoided. It is undesirable to amend an Act so close to the conduct of the elections, as it creates uncertainty and a lack of clarity and awareness among stakeholders as to the procedures and institutional responsibilities.
- iv. It is important for INEC to regularly clean and verify the Voter Register, maintaining the continuous process envisaged in the Act. The new register is an improvement, but needs to be properly maintained, with continued checks to address anomalies, thereby making sure that Nigeria maintains a credible voter register and it does not become a fractious issue as it has been for past elections. This will also avoid the enormous expense involved in conducting registration again.
- v. There must be an end to the culture of impunity for those committing electoral offences. Prosecution of such offences needs to be effective and timely, ensuring that serious breaches of the Electoral Act are appropriately dealt with. The creation of a dedicated body capable of handling such matters in an independent and professional manner would be helpful.

- vi. Petitions resulting from disputed elections should be determined within six months, if necessary through an appropriate fast-tracking mechanism.
- vii. Participation rights would also be more fully provided for if the minimum age requirements for National and State Assembly candidates were appropriately reduced. This would offer Nigerians between the ages of 18 and 35 the opportunity to seek elective office.
- viii. There needs to be a mechanism by which persons performing election duty on polling day can exercise their right to vote. There are a number of models providing for this, including advance voting or allowing those on duty to vote at the polling station at which they are serving.

Chapter 4

ELECTION CAMPAIGN AND MEDIA

THE ELECTION CAMPAIGN

The election campaign officially commenced on 1 December 2010 as scheduled by INEC, and ended twenty-four hours before each election.

Political parties used broadcast, print, new media technology and social media to reach out to supporters. Other modes of campaigning, including posters, billboards and rallies, were also employed. The ACN, ANPP, CPC and the ruling PDP had the most visible campaigns.

The PDP and its presidential candidate, Dr Goodluck Jonathan especially dominated the campaign landscape in some states including Abuja FCT where their billboards were prominently displayed. We noted, with concern, instances where billboards of political party candidates appeared to have been intentionally defaced.

Political parties campaigned in both urban and rural areas across all 36 states and Abuja FCT, and generally enjoyed freedom of movement, speech and assembly. However some opposition parties highlighted instances where their candidates had faced impediments to their right to freely campaign. For instance, the ACN cited the arrest of its gubernatorial candidate in Akwa Ibom State on 22 March 2011, on charges of treason, arson and murder following a serious clash between ACN and PDP supporters.⁴ The CPC also highlighted instances where its presidential candidate had faced obstructions when accessing the venue of his rallies.

The Regulatory Framework for Campaigns

The 1999 Constitution and the Electoral Act 2010 outline the framework for the conduct of political parties during campaigns. The 1999 Constitution provides for the right to peaceful assembly and association, and the right to freedom of movement, thereby guaranteeing the necessary conditions for political party campaigns.

Sections 94 to 120 of the Electoral Act 2010 proscribe certain conduct during the campaign. These include the use of private security organisations, threatening to use force or violence or actually using force or violence, and possessing offensive weapons at a political rally. Furthermore, the Commissioners of Police in each State and Abuja FCT are obliged to provide adequate security for processions at political rallies.

⁴The ACN candidate was granted bail on 8 April 2011, on the eve of the National Assembly elections.

Section 101 of The Electoral Act also proscribes campaigning after the deadline for campaigns. In Kano State, Commonwealth observers witnessed a procession of a political party during the abortive 2 April National Assembly elections. During the 9 April National Assembly elections, the Kano-based Commonwealth observers again witnessed supporters of a party pasting posters of their candidate around a polling unit, in contravention of the above mentioned provision.

In recognition of the multi-ethnic and multi-religious composition of Nigeria's population, Section 95 of the Electoral Act 2010 proscribes the use of abusive language which is likely "to injure religious, ethnic, tribal or sectional feelings" during campaigns. It also proscribes the use of places of religious worship for campaigns. Likewise, Section 102 prohibits campaigning based on religious, tribal or sectional reasons.

During the period of observation, the Group did not witness any significant transgressions of these important provisions, which serve to entrench respect for diversity and promote sensitivity towards all sections of society. In addition, in Jos, in Plateau State which is prone to ethnic and religious violence, Observers were encouraged to note the peaceful conduct of the electoral process.

Section 100(2) of the Electoral Act states that the state apparatus shall not be employed to the advantage or disadvantage of any political party or candidate at any election.

The Act sets a maximum ceiling of expenditure for each category of candidates. It also gives INEC the power to monitor and regulate political party expenditure. Some alleged that federal and state resources were being used to support the relevant incumbents in their campaigns. The Group had no means of verifying this allegation.

The Group also received complaints that some political parties were not adhering to the legal limits of expenditure in their campaigns. In this respect, concern was expressed about INEC's capacity to monitor and enforce the legal provisions on political party expenditure, which was perceived as important in ensuring a level playing field.

The Group, however, commends the political parties for voluntarily agreeing to and signing a Code of Conduct during the campaign period.⁵ We learnt that 48 of the 63 registered political parties signed the Political Parties Code of Conduct 2011 at the signing ceremony on 8 March 2011, with others signing later. Among other provisions aimed at ensuring a conducive environment for campaigning, Code of Conduct 2011 required parties to shun violence, coordinate their rallies and meetings, and refrain from defacing campaign materials of other parties. The Code of Conduct further called on parties to discourage their "members in government"

⁵ As noted in the foreword to the 2011 Political Parties Code of Conduct, "this is not the first time INEC and political parties have created a Code of Conduct. In the past, however, there was inadequate respect for the provisions of the code" and it lacked an effective compliance monitoring mechanism. The 2007 Commonwealth Observer Group Report noted that the 2007 Code of Conduct reportedly did not attract the support of major political parties. The 2011 Code of Conduct is modelled after the 2007 version.

from using the power of incumbency to the disadvantage of other parties during campaigns.

The Group was encouraged to find that the inter-party dialogue mechanism (the Inter-Party Advisory Committee (IPAC)), established under the Code of Conduct was in operation and had held several meetings where issues of common interest and concern had been discussed. We learnt that it was the IPAC that persuaded the Chairman of INEC to further postpone the National Assembly Elections from 4 to 9 April, which, in turn, necessitated the postponement of the Presidential and Gubernatorial elections as detailed in Chapter 5.

Campaign Issues

In previous elections in Nigeria, concern has been expressed about the personality-based nature of politicking, particularly during the campaign period. The Group notes that this was highlighted in the 2007 Commonwealth Observer Group Report.⁶

We are encouraged by positive reports, and indeed by own observations, that during this election campaign period, most of the major political party leaders and candidates engaged the electorate on key policy issues. These included: provision of stable electricity supply across the country; addressing corruption and enhancing good governance; generating employment; investing in education; and resolving Nigeria's complex security challenges as they pertain to militancy in the Niger Delta, sectarian violence in Plateau State, terrorism and general criminality.

We hope that this considerable shift in campaign focus and debate from personality to policy-based issues, will become entrenched in subsequent elections.

We highly commend the contribution of the youth of Nigeria to this positive development. Youth civil society groups such as Enough is Enough (EiE), through media outlets challenged political leaders to show transparency and accountability, and to tackle policy issues. A group of youth-led organisations and partners, 'What About Us?', organised a youth-focused presidential debate on 25 March 2011 where the following presidential candidates participated: Mallam Nuhu Ribadu (ACN), Mallam Ibrahim Shekarau (ANPP), General Muhammadu Buhari (CPC) and Bashorun Dele Momodu of the National Conscience Party (NCP).

Campaign-Related Violence

Against the backdrop of the on-going complex conflict in the Niger Delta, Plateau State and random bomb blasts in some other parts of Nigeria prior to and during the campaign period, the media reported serious incidents of campaign related violence ahead of the elections.

Some of the campaign-related electoral violence included the following:

⁶Report of the Commonwealth Observer Group, Nigeria State and Federal Elections, 14 and 21 April 2007, page 53.

In Akwa Ibom State, on 23 March 2011, four persons were reportedly killed and state vehicles damaged when supporters of the PDP and ACN clashed. A presidential campaign office was also burnt.

In Katanga, on 26 March 2011, at the headquarters of the Warji Local Government Area of Bauchi State, a bloody clash between supporters of the PDP and ACN left two people dead and several others injured. It was reported that at least 20 buildings as well as a number of vehicles were also damaged.

In Port Harcourt, Rivers State, on 12 February 2011, during Dr Jonathan's campaign rally, eleven people were reported to have died in a stampede which ensued after a policeman fired in the air to try to disperse crowds at the gates.

Against this worrisome trend, Dr Jonathan's public declaration that no political office or ambition was worth the blood of any Nigerian was welcomed by most people.

Our Group applauds the leadership of political parties, media representatives and civil society organisations, including youth groups, women's groups, and religious leaders, who consistently assured Nigerians that the April 2011 elections were not a "do or die" affair. These peace messages brought a degree of calmness to the electoral environment. It is our hope that this laudable trend will continue and become entrenched at subsequent elections.

YOUTH PARTICIPATION

As noted above, youth civil society groups were instrumental in focussing the campaign on policy issues. Some youth groups also undertook their own voter awareness campaigns. Enough is Enough (EiE), for example, launched a slogan termed R.S.V.P which stood for 'Register, Select, Vote, and Protect [your vote]'. Other youth programmes included "Standup Naija" which consisted of a series of videos in which youth expressed the policy areas that were of concern to them in the 2011 elections.

The Group observed, however, that elective positions in Nigeria, as in some other parts of Africa, are generally the preserve of the older people, in a society where reverence for old age is an intrinsic part of the culture. This culture notwithstanding, we would urge that young people who qualify to serve their country be nurtured and afforded the opportunity to do so without encumbrances.

Within the above context, the Group further notes the legal age limitations to elective offices, as provided by the 1999 Constitution. To qualify for election to the office of the President, a person must have attained the age of 40 years. For the Senate, the age requirement is 35 years, and for the House of Representatives and State House of Assembly it is 30 years.

PARTICIPATION OF WOMEN

The 2007 Commonwealth Observer Group Report⁷ bemoaned the low level of participation of women candidates in elective positions. While there had been a modest and impressive improvement on the situation in 2003, there were only nine female Senators elected in 2007 and 24 female members in the House of Representatives. This combined tally of women legislators (at 33) was only 8.9% of the total of 469 legislators. In State legislators, 54 women (8.6% of the total) were elected in 2007 (as opposed to 29 in 2003).⁸

The Group was disappointed to learn that this situation had not improved much in the April 2011 elections, in spite of the fact that 88 women contested for seats in the Senate, 218 for House of Representatives, 495 women for the 36 State Houses of Assembly, and 5 women for governorship.⁹

There were two female presidential candidates - Ebiti Onoyom Ndok, who successfully obtained the nomination of the United National Party for Development (UNPD) and Sarah Jibril, who unsuccessfully sought the ruling PDP ticket. There were four female vice presidential candidates.

The Group recognises that Nigerian women who run for office still face significant challenges, ranging from male dominated party politics, lack of funds to run an effective campaign, discrimination and resistance within political parties, low levels of education and cultural and religious barriers.

We commend the various training and advocacy projects being undertaken by various public and civil society organisations targeted at enhancing the empowerment of women and participation of women candidates in the electoral process, including young women.

We were told that some political parties exempted women from paying some of the high fees required for nomination as a party candidate. We also noted that the Federal Government, through the Ministry of Women Affairs and Social Development, launched a N100 Million Nigerian Women's Trust Fund as a mechanism to increase the number of women elected into political positions at all levels of governance in Nigeria.

We were informed that the National Gender Policy which provides for 35% affirmative action for women in all appointive positions is yet to be implemented. We urge its prompt implementation to enhance gender participation in Nigeria's political culture.

⁷ Report of the Commonwealth Observer Group , Nigeria State and Federal Elections, 14 and 21 April 2007, page 31.

⁸ The Guardian, Monday 11 April 2011

⁹ For the 2007 elections only one woman was nominated as a Presidential candidate and just one woman was nominated as a Vice-Presidential candidate. Figures compiled by UNIFEM indicated that women represented 6% of the candidates nominated for the National Assembly elections.

We further urge Nigeria to adhere to its regional and international commitments on gender participation in government. This includes the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Commonwealth Plan of Action for Gender Equality (2005-2015), which promotes a minimum 30% target for women's participation and representation in government and decision-making processes.

THE MEDIA

Overview of Media Landscape

Nigeria has a vibrant and diverse media. This diversity is exemplified by the large number of newspapers, radio stations (particularly those on the FM frequency) as well as several television stations. There is also a growing number of Nigerians that use the internet and social networking platforms such as Facebook – although some media analysts caution that this still constitutes a small minority of Nigeria's large population.

According to the National Broadcasting Commission, there are 187 radio stations, 109 television channels and 35 cable TV outlets.

There are broadly two forms of media ownership in Nigeria—the private and the publicly owned media. State or public broadcast media operate on two levels—federal and state. The publicly-owned media includes the hugely extensive networks of the Nigeria Television Authority (NTA), the Federal Radio Corporation of Nigeria (FRCN), Voice of Nigeria (VON) and, and the News Agency of Nigeria (NAN).

The FRCN broadcasts at federal level, and is one of the largest radio companies with its headquarters in Abuja and 37 radio stations across Nigeria, broadcasting in 15 languages. At the state level, each of the 36 State governments owns a radio station, and in some cases a TV station.

The role of television has grown over recent years, due to both increased accessibility and the content being broadcast. Similar to the radio, the TV sector is dominated by the state/government-owned media. NTA, with its nationwide coverage and 70 regional stations, is the country's largest TV network.

Unlike TV and radio, the print media is dominated by the privately owned press. According to the Nigeria Press Council, which regulates the print media, around 100 out of 427 press titles are printed on a daily, weekly or monthly basis.

Legal Provisions on Media Coverage

Article 39 of the Constitution of Nigeria guarantees freedom of expression. However, the Freedom of Information Bill that is intended to strengthen the legal framework in order for every citizen to freely exercise his/her fundamental right to access public records is still pending. The Bill was approved by Senate at the

beginning of March 2011, but had not yet been signed into law by the President by the time of the April polls.

Section 100 of the Electoral Act 2010 requires that the state apparatus, including the media should not be employed to the advantage or disadvantage of any political party or candidate at any election. Under the law, state media is also required to allocate time equally among the political parties or candidates at similar hours of the day.

In addition, public electronic media is required to allocate equal airtime to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees. The Act also provides for penalties against any public media which contravenes the above requirements.

The state regulatory body for broadcast media is the National Broadcasting Commission, established by decree in 1992. NBC is responsible for examining the complaints against broadcasters, as well as for overseeing the implementation of the ethical standards established in the Nigeria Broadcasting Code.

The professional standards prior to the elections were defined by the Nigeria Broadcasting Code, and follow the lines of specific obligations for broadcast media as stipulated in Section 100 of the Electoral Act.

SPECIAL FEATURES OF ELECTION COVERAGE

Programme Focus

Most media channels—newspapers, radio and TV, ran regular programmes focussing on election issues. It was encouraging to note that most of the election coverage focussed on issues, not personalities, unlike in past elections—a point perhaps attributable to the fact that the candidates also focussed their campaigns on issues such as creating employment opportunities, providing basic amenities such as water, electricity, health services, and investing in infrastructure development.

Television Debates

One unique feature of media coverage of the 2011 polls was the conduct of live televised debates for Presidential and Vice Presidential candidates. The initiative which was first taken by NN24 Television, a private station, and later by the Broadcasting Organisations of Nigeria (BON) and the Nigerian Elections Debate Group (NEDG), is clearly to be welcomed in principle.

It was unfortunate that, for whatever reasons, the PDP Presidential candidate, Dr Goodluck Jonathan, was not present during the first debate, and that the three main opposition Presidential candidates—Muhammadu Buhari (CPC), Nuhu Ribadu (ACN), and Mallam Shekarau (ANPP) were absent for the second debate. It is the Group's view that such debates are to be encouraged.

Influence of Media Ownership

Various people the Group met expressed concern that some newspapers, radio stations and television stations were influenced by the nature of ownership. Stakeholders noted that the many private media outlets are owned by politicians who use them to promote their own interests. We note that the influence of ownership on media practice is not peculiar or limited to Nigeria. It is, however, crucial to ensure that during election periods the tenets of professional media ethics, such as objectivity, balance, fairness and integrity, are not flouted.

On the whole, however, the discourse in the media remained very positive and encouraging even when the National Assembly elections were postponed twice. The media consistently disseminated positive messages urging them to remain calm. This was highly commendable. This served as an important reminder to the public of their civic responsibility to participate in the electoral process.

Use of New Media and Social Media

Mobile phones are widely accessible in Nigeria and these were utilised to circulate campaign messages especially by the PDP party who had a ringtone for their presidential candidate.

Social networks of *sms*, *twitter*, *facebook*, *blogs* etc were also used within Nigeria and to connect with those in the diaspora. Media support materials like radio jingles, TV skits, posters, t-shirts and caps were widely employed by various parties in their campaigns.

Press Briefings by INEC

In a welcome development, INEC gave regular, timely press briefings which ensured that the electorate were aware of the various aspects of the electoral process.

Media Performance During Elections

The Group noted that before and during the election, various outlets were put to intense use. There was varied and vast coverage of election related activities, including campaigns and the activities of INEC. The media also reported widely on cases of election-related violence, with editorials condemning such acts and calling for a peaceful environment for conducting the polls.

Many media houses provided in-depth analysis and critique of the different political party manifestos, and interrogated promises and pledges made by politicians. There were several phone-in programmes that encouraged voters to comment on parties and their policies.

Almost all the stakeholders the Group met commended the performance of the media, noting that it played a critical role in providing the voters with the necessary information to parties' position on key development issues.

Opposition parties, however, accused the federal/ state owned media of bias in favour of the respective ruling party at national and state levels, contrary to election regulations. Our Group could not independently verify these claims, and it was unclear if any legal actions were brought against the relevant public media institutions for failure to adhere to this particular electoral regulation.

The Nigerian Broadcasting Commission however reported on its website that over 30 broadcast media houses were sanctioned for failing to adhere to broadcasting code of respecting campaign silence 24 hours prior to Election Day.

Although the private media is not bound in the same way under the Electoral Act, they are expected to also observe the professional principles of fairness, balance, independence and objectivity.

RECOMMENDATIONS

The Election Campaign

- The Code of Conduct for Political Parties is a valuable feature of the campaign that needs to be consolidated and implemented in both letter and spirit.
- The Inter-Party Advisory Committee established under the Code of Conduct should become a standing mechanism for resolving differences and promoting consensus among political stakeholders.
- Political leaders carry a heavy responsibility and we urge them to ensure that their supporters reject violence as an instrument of politics.
- INEC's capacity to monitor and enforce the legal provisions on campaign financing and political party expenditure should be enhanced, so as to ensure full compliance with the regulations.
- The provision forbidding the display of campaign material at polling stations should be fully implemented.
- We urge the prompt implementation of the National Gender Policy to enhance gender participation in Nigeria's political system.
- We encourage political parties to mainstream gender policies so as to realise the goal of at least 30% of women's participation in decision making processes

The Media

- The National Broadcasting Commission should ensure that the state media accords equitable coverage to all stakeholders, particularly during the campaign period.
- The private media must also transcend narrow partisan considerations and report objectively and in the larger interest of the nation.
- Public debates on television and radio among presidential and other candidates are a welcome development and should be encouraged for future elections.

Chapter 5

VOTING, COUNTING AND RESULTS PROCESSES

The National Assembly and Presidential Elections were originally scheduled for 2 and 9 April respectively. Following a series of organisational problems the 2 April National Assembly elections were postponed and rescheduled for 9 April, with the Presidential elections rescheduled for 16 April. This is discussed in detail below.

There were 119,973 Polling Stations established across the country's 36 States and also in the Federal Capital Territory (FCT). These reflected the registration units utilised for the earlier voter registration exercise.

However during this exercise it had become clear that the number of persons at some units exceeded INEC's expectation, with some dealing with several thousands. As a consequence, INEC decided to create a number of polling units, whereby some polling stations were sub-divided to try to limit the number of persons at any one polling unit to approximately 300 registered voters. INEC estimated that the total number of polling units used for the 9 and 16 April elections was to be approximately 245,000.

Each polling station was staffed by a Presiding Officer and Polling Clerks. In addition, special election duty security officers were deployed to each polling station. Accredited Party Agents, media and observers could also be present.

The Process for Accreditation, Voting, Counting and Results Tabulation

INEC introduced a *modified open ballot system* for the election. Such a system had previously been used for the 1993 elections (which Nigerians characterise as the most credible in their history) and also for a by-election in 2010. Under this system the process is organised in separate periods: in the morning voters are accredited, and at a designated time following the accreditation, voting takes place and afterwards the counting of votes is undertaken at the polling station. It is a fairly uncommon procedure. INEC stressed that in the Nigerian context this system has a number of advantages which minimise the chance of impersonation and fraud.

Accreditation was to take place between 08.00 and 12.00. Voting was to be conducted from 12.30 and would end when all the accredited voters who had queued at 12.30, had voted. The key prescribed procedures for accreditation and voting were as follows:

- The voter presents a Voter Card (Only a Voter Card is acceptable for accreditation and voting)
- The Poll Clerk verifies the photo against the register and checks the name and Voter Identification Number
- The register is ticked to left of the name to indicate that the voter is accredited

- Indelible ink is applied to the nail of the appropriate finger of the left hand
- At 12.00 the queue for accreditation is closed and the process is complete when the last person in the queue is accredited
- At 12.30, the assembled accredited voters form a queue and a Poll Assistant or Security officer stands at the end of the queue and no person arriving after this time is allowed to vote
- The ballot box is opened and shown to be empty to all, then it is sealed
- The Voter presents her/his Voter Card
- The finger is checked for ink to prove accreditation
- The voter register is ticked in the box to the right of the voter's name
- Indelible ink is applied on the nail of the right thumb
- The Presiding Officer issues ballot paper(s)
- The voter votes in the voting cubicle in secret and folds the ballot paper(s) after marking the paper(s)
- The voter leaves the cubicle and places the ballot(s) in the box(es) and departs

Some other key aspects of the process include:

- Each ballot paper must be signed and stamped on the reverse by the official issuing the ballot(s) in the presence of the voter – not in advance. This validates the ballot(s).
- Blind and physically challenged persons may be assisted to vote by a person of their choice
- Voting is by an inked thumb print

Following the close of voting ballots are counted at the polling station and the result is also announced at the polling station.

Poll officials are to undertake the requisite ballot account, for instance verifying the number of ballots used and issued against the number of persons indicated as having voted. Following this, ballots are sorted into piles according to votes per candidate, with rejected ballots separated. Votes are then to be counted out loud one by one for each candidate.

At the completion of the count, the result is announced to those present and is to be posted in a conspicuous place. The materials and paper work are then to be packed up and delivered to the respective Ward Collation Centre. Results sheets can be signed by Party Agents, though non-signature does not invalidate the result, and Agents can also receive a copy of the result.

Collation, verification, announcement and posting takes place at each ascending administrative level. For the National Assembly elections these are: Ward/Registration Centre; Local Government Area; Federal (House of Reps) Constituency Collation Centre; Senatorial District Collation Centre. For the Presidential Election the result is transmitted from the LGA level to the REC at the State level and thereafter to INEC at the national level.

Results for the National Assembly elections are announced by the respective Returning Officer for each Senatorial and House of Representatives constituency.

For the Presidential Election, INEC at the national level collates the result and the Chairman, as Returning Officer, announces the final result.

Assessments

A. Aborted National Assembly Election of 2 April 2011 and the Rescheduling of Polls

On the morning of 2 April it was apparent to our teams deployed in different parts of the country that there was a serious problem with the election, as materials and INEC staff were absent from the vast majority of polling stations at 8am, the time scheduled for opening. Voters had turned out to vote in fairly large numbers and waited patiently for INEC staff to arrive.

In some areas INEC staff only started to arrive by mid to late morning to commence the accreditation process. In some areas, voting commenced after the accreditation process, while in others the process never reached this stage.

There was a high degree of confusion across the country as rumours started to circulate regarding a possible postponement.

At approximately mid-day the Chairman of INEC announced that the elections were postponed. He attributed this to the absence of results sheets and ballot papers for some constituencies, indicating that this was due to the failure of a particular supplier to deliver the materials to the country on time. Professor Jega indicated in a later meeting with the COG Chair that the materials had initially been due to arrive in Nigeria on Thursday 31 March at 5pm. However, he claimed that the supplier then said the materials would only be arriving on Friday 1 April at 5pm. This was then rescheduled for 9pm on the same day and thereafter other prospective arrival times were indicated and eventually the supplies arrived in Nigeria at 9am on polling day, by which time it became clear to INEC that it would not be possible to continue with the process.

However, in some areas voting had already commenced by this time, despite the fact that it was not supposed to start until 12.30pm. In other areas the message regarding the postponement was not received and voting continued up to 3pm.

This situation raised serious concerns not only about INEC's organisational capacity but also its poor communication system. Further, the failures on 2 April were not solely attributable to the non-arrival of the results sheets and ballot papers, but also to what appeared to be a lack of preparedness on the part of INEC to ensure all was in place to commence polling on time.

Following the postponement, INEC called back all of the materials and secured them at the State level. Initially Professor Jega announced that the polls were rescheduled for Monday 4 April. However, following complaints by political parties – through the Inter-Party Advisory Committee – that this was not feasible due to their inability to re-organise their personnel and finances over such a short period (which was also a Sunday), the National Assembly elections were rescheduled once more,

this time to Saturday 9 April. The Presidential elections were likewise postponed to Saturday 16 April, and the Gubernatorial elections to Tuesday 26 April, after Easter.

In the wake of the postponement, INEC conducted an audit of the materials and also met with RECs. Following this, INEC announced that some National Assembly elections could not be held on 9 April, largely due to insufficient ballots or due to missing party logos (which had also become apparent). This affected 15 of the 109 Senatorial Constituencies and 48 of the 360 House of Representative constituencies¹⁰. These elections were rescheduled to be held on Tuesday 26 April at the same time as the also rescheduled Governorship and State Assembly elections.

INEC's failure to hold the elections as scheduled, and the re-setting of the revised date, was a serious setback. Public confidence in INEC, and in its Chairman, was undermined as a consequence. However, the disappointment felt by many at INEC's failure was countered by the openness of the Chairman in explaining the problem and his willingness to accept responsibility. His obvious determination to ensure that the elections were held in a credible manner, the support of political parties for the choice of 9 and 16 April as the revised dates and the generally sympathetic reporting by the media, were also decisive factors.

It was in the aforementioned circumstances that the Chairman of the COG issued an initial statement on 2 April, and another on 3 April following each of the postponements (**See Annexes 3 and 4**). He also sought – and obtained – a meeting with Professor Jega on 4 April.

B. General Assessment – National Assembly Elections 9 April 2011

Overall, Commonwealth teams reported quite positively on the process for the National Assembly elections, particularly in light of the problems faced during the aborted 2 April polls and in comparison with the 2007 elections. However, reports also indicate a number of concerns, notably with regard to various inconsistent practices and technical and organisational shortcomings.

In the areas covered, teams reported a largely peaceful voting process, with few security-related problems reported at polling stations. However a number of serious incidents took place elsewhere. There was a bomb attack on an INEC office in Suleja (Niger State) on the eve of the election killing some 20 persons and injuring others, many of whom were National Youth Service Corps (NYSC) members serving as electoral staff. On Election Day there was a bomb attack at a polling station in Maiduguri (Borno State), which left three people dead. There was a

¹⁰Based on a document published by INEC, the affected States (with number and type of postponed Constituencies indicated) were: Abia (1 Federal); Akwa Ibom (1 Federal); Anambra (3 Federal); Bayelsa (1 Senatorial); Benue (1 Senatorial, 2 Federal); Cross River (2 Senatorial, 1 Federal); Delta (3 Federal); Ebonyi (1 Senatorial, 1 Federal); Edo (1 Federal); Ekiti (3 Senatorial, 4 Federal); Gombe (1 Senatorial, 3 Federal); Imo (1 Federal); Jigawa (1 Federal); Kaduna (1 Senatorial, 5 Federal); Kano (3 Federal); Kwara (1 Federal); Lagos (3 Federal); Nasawara (1 Federal); Niger (1 Senatorial, 2 Federal); Ogun (5 Federal); Oyo (1 Federal); Plateau (3 Senatorial, 2 Federal); Rivers (1 Federal); Sokoto (1 Senatorial); Zamfara (2 Federal)

further incident when police intercepted a large cache of explosives in Kaduna State.

Security forces, drawn from uniformed services, were deployed on a large scale. It appears, despite the above incidents, that this was effective in providing for a more secure environment than previously. INEC had created the Inter-Agency Consultative Committee on Election Security for the elections and this was a positive innovation. For instance, in Ibadan, which has been a hot spot for previous polls, it was reported to Observers that the coordination of security forces was particularly effective.

Polling staff worked hard and diligently, often in quite difficult circumstances throughout a long and hot day. Staff, drawn largely from the NYSC, comprised of a good mix of males and females. There was also a large presence of Party Agents as well as domestic and international observers.

Voter turnout on 9 April was low in comparison to 2 April. This is perhaps explained largely by cynicism and frustration after the experience of the previous weekend, but also partly by the bomb blast in Suleja, which may have caused a sense of insecurity among some voters.

Opening and Accreditation

On the day of the election many polling stations opened late. While this was not the case in all areas it was characteristic of a large number. This was due to the late distribution of materials and personnel within States or to the sometimes chaotic organisation of the distribution. In addition, it was observed that in some polling stations there were shortages of ink pads for voting; in one area there was a shortfall of ballots for the House of Representative elections; and some polling places lacked a voting cubicle.

In many instances the set up of the polling station was not conducive to a well managed process. For instance, many places lacked suitable tables at which people could vote or for the placement of ballot boxes. At others, the layout of the polling station meant that queues of waiting voters mingled with people casting their votes or were alongside ballot boxes, which could both compromise the secrecy of the vote and threaten security of the ballot box. It was felt in quite a few instances that the crowds were not well managed, contributing to the problem.

The task of poll officials was not helped by the sometimes cramped locations for polling units. The creation of "baby polling units" at polling stations with larger numbers of voters did not always help, as the tables for the "baby polling units" were often right next to each other so the crowds were still mingling together, or in some cases the units were just not created as expected.

Once accreditation was underway it proceeded reasonably smoothly, though in many areas the relatively modest voter turnout aided the task of poll officials, many of whom appeared to lack full familiarity with the required procedures. It was observed that in many instances accredited voters were issued with a scrap of

paper on which was written a serial number and page number indicating their place on the voter register. This was done to speed up identifying them when they returned to vote.

According to INEC procedures one of the main features of the accreditation process was to require voters to be present at the commencement of voting at 12.30pm and to form a single queue¹¹. A security officer or poll official was then to stand at the end of the line and no person arriving late was to be allowed to join the queue. The aim was to limit the possibility for people to move from one polling station to another and thereby limit multiple voting, which had been a feature of previous elections.

However, in the vast majority of observed locations this was not done. Rather, voters could come along at any time to vote so long as they had been accredited. To further highlight the lack of clarity on this issue among poll staff, at some polling stations observed officials were not clear if persons accredited on 2 April needed to be accredited again, while at others they were not clear when accreditation was to be completed. At some polling stations people were seen voting immediately after having been accredited.

This is indicative of a general lack of consistency in the process, both in terms of differences between practices at individual polling stations and variances between the published procedures and actual practices of many poll officials. This highlights a lack of full familiarity with the formal procedures. But it is fair to say that the shortcomings observed were more of a technical nature and a response by poll officials to the challenge before them, rather than malicious or calculated to subvert the process.

From the outset there had been widespread misgivings regarding the potential impact of the accreditation process on participation levels, particularly among women and persons with a physical disability. In the event, it was noted in several areas that the number of persons voting was some 10% fewer than the number accredited.

Voting Process

The voting process was reasonably well conducted. However, again there were concerns, some of which were of a more serious nature.

At some places where there were larger crowds security and INEC officials struggled to control the crowd or get things well organised.

Party Agents were well represented in polling stations, adding to the transparency of the process. However, in some instances there were so many Agents, often from the same party, as to cause an obstruction. It was also observed in Jos that Party Agents were assisting some people to vote.

¹¹ INEC Manual for Election Officials 2011, Page 23.

Just as with the accreditation process, the voting process was also characterised by a number of inconsistent practices, which deviated from prescribed procedures. For instance:

- People queuing up were sometimes processed in alphabetic order, which meant that some of those at the front were by-passed, causing tension.
- At some polling stations priority was given to the elderly or the infirm or pregnant women, but at many no such consideration was given, despite the long hours many had to wait in the sun.
- At some polling stations they had a series of officials signing, stamping and issuing ballots to voters, while at others this was centralised through just the Presiding officer, causing delays and tension.
- At some polling stations people with voter cards but not on the voter register were allowed to vote, while at others they were not and at some others they could vote but only by tendered ballot. However, the INEC manual is clear in this regard: "If the person's name is not on the register of voters, he/she cannot vote and shall be sent away"¹².
- Officials were not always inking the correct finger.
- In many cases polling officials were not aware of when voting was to end. For instance, some correctly ended voting when all those in the queue had voted. However, because many did not manage the queue in the prescribed manner they lacked clarity on when to close voting. Some officials set a time for completion. For instance, at one polling station they said they would close at 3pm, while at a neighbouring station they said it was correct to close at 4pm.

As mentioned, some teams also reported concerns of a more serious nature:

- It is clear that some names were missing from the voter register, thus disenfranchising affected persons (except where, as mentioned, they were erroneously allowed to vote by virtue of having a voter card). The number of observed cases varied, for instance in Lagos and Enugu more instances were noted. The reasons for the problem also varied. In some cases names were simply missing, while in others actual pages of the register were missing.
- Several cases of underage voting were observed, despite the INEC Chair explicitly warning against this in his press conference before the election. In the observed cases the suspected underage persons had Voter Cards. In some cases they were turned away, but in others they were allowed to vote due to the fact they had a Voter Card.
- The secrecy of the vote was compromised in many cases and in a variety of ways. For instance, as mentioned, the layout of the polling station often meant that persons queuing were virtually next to the persons voting. Further, many voters did not fold their ballot papers so when they placed them in the transparent ballot box it was easy to see for which party they had cast their vote.

¹² INEC Manual for Election Officials 2011, Page 22.

Counting and Tabulation

The counting process was conducted in a transparent manner, with Party Agents afforded a clear view of the process and also able to receive an official copy of the result. Overall, Observers did not raise any questions regarding the integrity of the count and result at observed locations. But there were some technical and organisational shortcomings identified.

- In some areas it was already dark by the time the count was completed, which made the task of poll officials all the harder. In many instances there was no provision of lighting, and some of the paperwork for the results was done under light provided from the torch function of mobile phones.
- The determination of invalid ballots was sometimes overly rigorous and a general concern. For instance, even in cases where the intent of the voter was clear a ballot would be rejected just because a small part of the finger print was outside of the box. Also, it was noted that in quite a few instances the inked finger print had smudged another part of the ballot when it was folded, thus creating a second mark and being deemed invalid in some cases. In many polling stations Party Agents were effectively being used to help in determining the validity or otherwise of questionable ballots. The number of invalid ballots in some areas was quite high. Indeed, in one LGA in Kano State it was noted that out of some 37,382 cast votes 6,224 (16%) were rejected, which is extremely high.
- In some instances the result at the polling station was not posted publicly. According to the regulations this is supposed to be done at a convenient location, but some officials did not consider it necessary, while others did not find a convenient place to post the results.

The Collation of the results at Ward, LGA and State levels was generally transparent and inclusive, with Party Agents able to scrutinise the process and receive a copy of the result. In one case an Agent refused to sign a Collation Sheet at the Ward.

The main comment by Observers on this aspect was that, again, the lack of adequate lighting around the Collation Centres impacted on poll officials trying to complete paper work and on the storage of ballots and materials, which was often done in complete darkness. On the other hand, despite the difficult circumstances, Collation Officers completed their tasks efficiently and with considerable dedication.

C. General Assessment – Presidential Election 16 April 2011

The Presidential Election took place on 16 April 2011. Generally, more voters turned out for this election than for the National Assembly elections the week before. Voters demonstrated a high degree of enthusiasm and determination to vote, and in many cases endured long queues. The conduct of the election suggested that, by

and large, INEC had taken on board the lessons learnt from the conduct of the National Assembly Elections the previous week.

Overall there was confidence in election officials and the electoral process. Women played a prominent part in the electoral machinery, including as presiding officers. Women also voted in large numbers, sometimes queuing separately.

No electoral campaigns were visible in the 24 hours before polling. However, campaign materials were still seen in some polling units on Election Day.

As at the National Assembly elections, the layout and organization of polling units varied greatly. In some rare instances, the severe lack of organization and absence of systems gave rise to crowds becoming impatient and agitated.

Security

Security for the election was provided by uniformed services and was effectively coordinated under the aegis of the Inter-Agency Consultative Committee on Election Security. This enabled the vast majority of people to vote in confidence and safety.

In the main, security personnel while visible were not intrusive and acted under the authority of the relevant presiding officer. Generally the security services acted with great dedication and impartiality, but occasionally interventions were a little heavy handed, as observed in Lagos and Kano.

Opening and Accreditation

In many areas, polling units opened on time. Some even opened earlier as large crowds had already gathered. This was evident in many places including in Abuja. Nevertheless, there were polling units which opened late. In such locations, as in parts of Lagos, polling staff did not arrive on time. Several polling units in Edo and Plateau states also complained of receiving late or insufficient sensitive materials such as ballot papers and result sheets.

Of particular concern were the few instances in Jos North, Mangu and Kanam in Plateau State where accreditation did not start until the afternoon owing to severe logistical and organizational problems. That said, most polling units were well organised. Nevertheless, inconsistencies were sometimes observed in the procedures for accreditation and voting. For example:

- In some polling units in Kaduna and Kano states voter cards were collected from groups of voters and checked against the register collectively. In most other locations, voters followed normal procedures and were accredited individually;
- In some places, particularly those that started late, accreditation and voting were conducted simultaneously;
- Occasionally, the presiding officer concluded accreditation early and began the voting process before the prescribed time; and/or

- Inking of hands and fingers were sometimes incorrect and indelible ink was not always used.

Generally the voter register seemed accurate. However, in some polling units voter names were missing. In a particular polling unit in Panshekara, Kano State, almost 40 % of the names were missing. Fortunately those concerned had in their possession duplicate voters' cards which enabled them to vote. In Enugu however, voters with voter cards who didn't find their names in the voters' registers were not accredited. In other similar cases, those not on the register was nonetheless allowed to vote and their names were listed manually.

In a polling unit in Jos North, in Plateau State, some voters learnt that their names were not in the location where they had registered but at the University of Jos. This caused confusion and resulted in a security incident at the University because students were hostile to local people voting on the premises.

The voter card was checked against the register to accredit voters. While in most instances voters had laminated voter cards, in some instances this was not the case.

In several rural areas, such as in Agowantanimu, in Kaduna State and Riyom in Plateau State, many under-age voters were observed. Since these children were in possession of voting cards, presiding officers accredited them and allowed them to vote. In these instances, the entire community seemed complicit in allowing this practice to occur.

Process Voting

Polling officials seemed to be generally familiar with their tasks. However there were variations observed in the procedures applied.

- At some polling stations, in Lagos and Kano, presiding officers pre-stamped and signed ballot papers; and/or
- Some presiding officers closed the accreditation queue correctly having advised voters to depart after accreditation and return at the prescribed time of 12.30pm for voting; others allowed accredited voters to cast their ballot at any point in the afternoon while the polling unit was open.

Sometimes the secrecy of the ballot was not well assured, with voters' marked ballot paper visible for all to see through the transparent ballot boxes. This compromised the secrecy of the vote.

In several instances, voting booths were not received or not constructed due to a lack of space. In addition, party agents and security officials and voter queues were sometimes too close to the ballot boxes and to electors as they voted.

Voters were by and large knowledgeable about the voting process. Party agents were sometimes used in assisted voting including in marking ballot papers. Some voters were inked after voting rather than before as prescribed by the voters' manual.

Domestic and international observers were present in many locations and properly identified as were party agents. However, the Group heard with concern of domestic observers being harassed and/or detained in several states.

Counting and Tabulation

The counting of votes at polling units was largely transparent and well conducted. Large crowds gathered for the process and joined in the public recording of votes won by each party. Generally, the atmosphere was good natured and party agents were present and seen to be performing their allotted role. Party agents signed and received a copy of the results which were also posted at the polling station for all to see. It is not clear if presiding officers transmitted their results by phone to INEC.

The determination of rejected ballots showed inconsistencies. In the main, presiding officers applied reasonable and fair procedures with very few void ballots. In some cases however, there was an over-zealous approach to reject ballots. This included ballots where there had been double finger printing but on the same party symbol and corresponding box or where the ink had spread slightly beyond the allotted space for the finger print. In other cases, ballots were rejected because slight smudging had occurred even though there was a clear thumb print for one party. In some polling units in Lagos, rejected ballots were more than 10% of votes cast.

Presiding officers then delivered the results (and the ballots) to the ward collation centres. The process at the collation centres was transparent but conditions were not always ideal. Artificial light was sometimes insufficient and INEC officials had to perform their tasks under considerable pressure. While the ward collation proved to be relatively speedy, collation at the local authority level proved much more laborious.

Result of the Presidential Election

The result of the Presidential Election as announced by the INEC Chair and in order of number of votes received by the four leading presidential candidates are as follows:

• Dr Goodluck Jonathan (PDP)	22,495,187	58.9%
• General Muhammadu Buhari (CPC)	12,214,853	31.98%
• Mallam Nuhu Ribadu (ACN)	2,079,151	5.41%
• Mallam Ibrahim Shekarau (ANPP)	917,012	2.4%

The remaining 16 presidential candidates received 1.32% of the total votes cast.

Recommendations

- i. Overall, INEC needs to improve on its organisational capacity. INEC must ensure that materials for the election are printed and delivered in good time to enable the timely delivery across the country. Further, INEC must ensure that the delivery of sensitive materials to and within States, and the deployment of staff on polling day, is done to provide for the timely opening of polling stations.
- ii. It would be worth reviewing the advantages and disadvantages of the Modified Open Ballot system. A drawback of a two-stage accreditation and voting process is its complexity and its impact on turnout. Aspects of the current system are time consuming and create confusion among the voters.
- iii. INEC needs a more effective communication system, so that central and state level officials can communicate with lower level staff, and polling staff can seek clarification or advice as required.
- iv. There remain shortcomings with the voter registration, based on the number of people with voter cards but missing from the voter register. This needs to be urgently addressed.
- v. There needs to be stricter safeguards against underage voting. There needs to be stricter measures during the voter registration to prevent their registration in the first place. But in polling places there could also be more effective measures to address the problem.
- vi. INEC needs to clarify as to who has ultimate authority in the polling unit, with regard to the Presiding Officer and security officers.
- vii. INEC needs to assess the current locations utilised for voting in order to make sure that the space identified is suitable and adequate. There also needs to be better planning to ensure that adequate and suitable furniture is provided and that some form of lighting is available.
- viii. Secrecy of the vote needs to be better protected. This could be achieved by making sure polling units are laid out in an appropriate manner.
- ix. There needs to be a stricter enforcement of the limit on the number of Party Agents from any one party in polling unit and Collation Centres.
- x. Training provided to polling officials must be improved to ensure greater consistency in the application of procedures and increased awareness among staff of the correct modalities for each stage of the process.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The 2011 elections marked a genuine celebration of democracy in Africa's most populous country and a key member of the Commonwealth. As a consequence, previously held notions that Nigeria can only hold flawed elections are now being discarded and the country can now shake off that stigma and redeem its image. Notwithstanding the organisational deficiencies that resulted in the 2 April National Assembly elections being aborted after they had started, and in spite of persistent procedural inconsistencies and technical shortcomings, the elections for the National Assembly and the Presidency were both credible and creditable and reflected the will of the Nigerian people.

The success of the electoral process must be attributed in large measure to the respect and confidence enjoyed by INEC, and in particular by its Chairman, Professor Attahiru Jega. In him, the nation was able to look up to a person of deep integrity, transparency and commitment, who was determined to make every Nigerian's vote count. His willingness to accept full responsibility for the postponed elections of 2 April, and his readiness to defer the National Assembly elections a second time in response to requests by the stakeholders, helped Nigerians keep faith in INEC and INEC eventually did not let them down.

The Group took note of the positive contribution made by the National Youth Service Corps, whose members worked as ad hoc INEC staff for the elections. These young Nigerians, a large number of whom were women, showed dedication and courage in helping to deliver a transparent electoral process, often in difficult conditions. They are a source of pride and hope for Nigeria.

The Group also recognized the role played by the Nigerian security forces, drawn from various services, whose strenuous and coordinated efforts ensured that the elections were largely held in an atmosphere of peace and order.

On the whole the credit for the success of the electoral process must go, most of all, to the people of Nigeria themselves. Right from when the Group arrived in Nigeria, it was struck by the popular mood of determination to realise genuine democracy. It noted the deep-seated public frustration at the history of deficient elections and the desire to make a new beginning. It was instructive to note that across the length and breadth of the country, the people of Nigeria demonstrated exemplary dignity, responsibility and forbearance, and in many cases waiting the entire day peacefully and patiently under the hot sun to exercise their franchise.

RECOMMENDATIONS

In previous chapters we have set out our recommendations under the relevant headings. Here we have sought to bring them together for ease of reference. We hope that these recommendations will receive the consideration they merit and that they will be implemented.

The Electoral Framework and Election Administration

- It is important that the appointment mechanism for the Chairman, Commissioners and RECs is inclusive and ensures broad political and public confidence. To reiterate the recommendation from the 2007 COG, there are many different models to achieve this but direct appointment of national Commissioners and RECs by the President should be avoided, unless the shortlist had been provided by a more inclusive, representative body. At the very least, direct appointment by a President who may be a contestant in the poll or otherwise an interested party can raise the spectre of undue political influence over the appointed officials.
- Timelines for the conduct of a poll need to be defined to provide enough time for all stages of the process to be adequately completed so as not to impact negatively on other aspects of the process, notably in confirming candidate nominations in good time for the poll, ballot printing and distribution of materials. Further, all printing of ballots and other sensitive materials should be conducted with safeguards, so as to avoid the damaging delays that affected the 2 April postponed polls.
- Comprehensive voter education and voter awareness programmes need to be undertaken, with special focus given to women, youth, marginalised groups. INEC also needs to remain engaged with other stakeholders, especially civil society groups and professional organizations to help conduct voter education and awareness programmes.
- Late changes to the Electoral Act need to be avoided. It is undesirable to amend an Act so close to the conduct of the elections, as it creates uncertainty and a lack of clarity and awareness among stakeholders as to the procedures and institutional responsibilities.
- There remain shortcomings with the voter registration, based on the number of people with voter cards but missing from the voter register. This needs to be urgently addressed.
- It is important for INEC to regularly clean and verify the Voter Register, implementing the continuous process envisaged in the Act. The new register is an improvement, but needs to be properly maintained, with continued checks to address anomalies, thereby making sure that Nigeria maintains a credible voter register and it does not become a fractious issue as it has been for past elections. This will also avoid the enormous expense involved in conducting registration again.

- There must be an end to the culture of impunity for those committing electoral offences. Prosecution of such offences needs to be effective and timely, ensuring that serious breaches of the Electoral Act are appropriately dealt with. The creation of a dedicated body capable of handling such matters in an independent and professional manner would be helpful.
- Petitions resulting from disputed elections should be determined within six months, if necessary through an appropriate fast-tracking mechanism.
- Participation rights would also be more fully provided for if the minimum age requirements for National and State Assembly candidates were appropriately reduced. This would offer Nigerians between the ages of 18 and 35 the opportunity to seek elected office.
- There needs to be a mechanism by which persons performing election duty on polling day can exercise their right to vote. There are a number of models providing for this, including advance voting or allowing those on duty to vote at the polling station at which they are serving.

The Election Campaign

- The Code of Conduct for Political Parties is a valuable feature of the campaign that needs to be consolidated and implemented in both letter and spirit.
- The Inter-Party Advisory Committee established under the Code of Conduct should become a standing mechanism for resolving differences and promoting consensus among political stakeholders.
- Political leaders carry a heavy responsibility and we urge them to ensure that their supporters reject violence as an instrument of politics.
- INEC's capacity to monitor and enforce the legal provisions on campaign financing and political party expenditure should be enhanced, so as to ensure full compliance with the regulations.
- The provision forbidding the display of campaign material at polling stations should be fully implemented.
- We urge the prompt implementation of the National Gender Policy to enhance gender participation in Nigeria's political system.
- We encourage political parties to mainstream gender policies so as to realise the goal of at least 30% of women's participation in decision making processes

The Media

- The National Broadcasting Commission should ensure that the state media accords equitable coverage to all stakeholders, particularly during the campaign period.
- The private media must also transcend narrow partisan considerations and report objectively and in the larger interest of the nation.
- Public debates on television and radio among presidential and other candidates are a welcome development and should be encouraged for future elections.

Voting, Counting and Results Process

- Overall, INEC needs to improve on its organisational capacity. INEC must ensure that materials for the election are printed and delivered in good time to enable the timely delivery across the country. Further, INEC must ensure that the delivery of sensitive materials to and within States, and the deployment of staff on polling day, is done to provide for the timely opening of polling stations.
- It would be worth reviewing the advantages and disadvantages of the Modified Open Ballot system. A drawback of a two-stage accreditation and voting process is its complexity and its impact on turnout. Aspects of the current system are time consuming and create confusion among the voters.
- INEC needs a more effective communication system, so that central and state level officials can communicate with lower level staff, and polling staff can seek clarification or advice as required.
- There needs to be stricter safeguards against underage voting. There needs to be stricter measures during the voter registration to prevent their registration in the first place. But in polling places there could also be more effective measures to address the problem.
- INEC needs to clarify as to who has ultimate authority in the polling unit, with regard to the Presiding Officer and security officers.
- INEC needs to assess the current locations utilised for voting in order to make sure that the space identified is suitable and adequate. There also needs to be better planning to ensure that adequate and suitable furniture is provided and that some form of lighting is available.
- Secrecy of the vote needs to be better protected. This could be achieved by making sure polling units are laid out in an appropriate manner.
- There needs to be a stricter enforcement on the number of Party Agents from any one party in polling unit and Collation Centres.
- Training provided to polling officials must be improved to ensure greater consistency in the application of procedures and increased awareness among staff of the correct modalities for each stage of the process.

ANNEX 1: Biographies of COG Members

His Excellency Mr Festus Gontebanye Mogae (Chair) Botswana

President Mogae trained as an Economist at the Universities of Oxford and Sussex in the United Kingdom. He served his country in a number of capacities including as Permanent Secretary, Ministry of Finance and Development Planning from 1975 to 1976. He became Alternate Governor for Botswana at the International Monetary Fund, African Development Bank, and the International Bank for Reconstruction and Development from 1971 to 1976.

He was Governor of the Bank of Botswana from 1980 to 1981. From 1982 to 1989 he was Permanent Secretary to the President, Secretary to the Cabinet and Supervisor of Elections. He was appointed Minister of Finance and Development Planning in 1989 and became Vice President in 1992, until 31 March 1998 when he became the Third President of the Republic of Botswana.

President Mogae has served on the boards of various parastatals as well as corporate organisations. He has been involved in a number of community oriented initiatives and is Chairman of the National AIDS Council (launched 30 March 2000). Among a significant number of national and international honours and awards, President Mogae won the *Mo Ibrahim Prize for African leadership* for ensuring "stability and prosperity" in 2008.

Dr Zahurul Alam (Bangladesh)

Dr Alam is a governance expert with more than 27 years of professional experience. He is Founder and President of the Governance and Rights Centre (GRC) that aims at promoting good governance and protecting human rights. Zahurul Alam has worked with various international agencies, including UNDP, ILO, ADB and CIDA.

During 1999-2001, Dr Alam was Head of the Governance Portfolio of UNDP. From 2006-2009, he worked as the Director of the Election Working Group (EWG), a coalition of more than 30 civil society organizations that share a common commitment to free and fair elections, good governance, and the achievement of higher standards of democratic representation and accountability in Bangladesh. Zahurul Alam has previously been involved in election observation missions in The Philippines, Australia and Sri Lanka among others. He is the co-author of the recently published UNDP publication "Elections in Bangladesh 2006-2009: Transforming Failure into Success."

Dr Mrs Elizabeth Tamajong (Cameroon)

Dr Tamajong is a specialist in Educational Policy and Administration. Professionally, she is a Senior Research Fellow in the Ministry of Scientific Research and Innovation. She is also the Chief of Centre of the National Centre for Educational and Social Studies in the same ministry. Her field of interests include but not limited to Climate Change, Human Rights Education, Inclusive Education,

Political Empowerment of Youths and Women and leadership capacity building. She is also the author of a number of scientific articles and books.

Dr Tamajong has been member of the main opposition political party in Cameroon, the Social Democratic Front (SDF) since its creation in 1990. She is presently the Secretary-General of the party. Dr Tamajong has been involved in domestic election observation in Cameroon, and has also organised training seminars on elections fraud for women and youth groups in Cameroon.

Ms Thandeka Percival (Guyana)

Ms Percival taught English Language and Literature for five years (2005-2010) at Queen's College (Guyana). She is a student of International Relations and Developmental Studies, a member of The Commonwealth Secretariat's Youth Subcommittee on Human Rights and Democracy as well as various other national youth organizations centered around the celebration and promotion of the contribution of youth to National and Global Development.

Ms Marjorie Walla (Kenya)

Ms Walla is a consultant with a specialisation in voter education. She has worked with both locally based and international civil society organisations in areas such as elections administration and management, elections observation missions, institutionalisation of civic and voter education initiatives, and capacity development of electoral management bodies.

Ms Limakatso Mokhothu (Lesotho)

Ms Mokhothu has been the Chairperson of the Independent Electoral Commission (IEC) of Lesotho since 2008. She has been a Commissioner of the IEC since 2003.

Ms Mokhothu has observed elections in the DRC, Malawi, Botswana, Mauritius, Namibia, Seychelles, Sudan and Sweden. Before working in IEC, she worked for the Irish Consulate in Lesotho as an advisor on governance, gender and human rights issues. She has had a long career in the NGO movement working for different NGOs as an Information and Communication Officer, a facilitator in development activities, peace, human rights including gender and voter education.

Mr Mukhtar Ahmad Ali (Pakistan)

Mr Ali is Executive Director of Centre for Peace and Development Initiatives (CPDI), which is a civil society organization based in Islamabad, Pakistan. He is also the founding member as well as an Executive Council member of Free and Fair Election Network (FAFEN), a large domestic election observer network in Pakistan. He has over 15 years of work experience in the development sector. His areas of interest and expertise include elections, right to information, transparency, legislative governance, police reforms and democratic development. He has an M. Phil degree in Development Studies (with distinction) from the Institute of Development Studies (IDS), University of Sussex, UK.

Andrew S Trawen, CMG, MBE (Papua New Guinea)

Andrew Trawen is Papua New Guinea's Electoral Commissioner; he is currently serving his second term of six years in this post. He was first appointed Electoral Commissioner in January 2004 for a six-year term, and subsequently re-appointed in January 2010 for his second term to expire in 2016. He has served the Papua New Guinea Electoral Commission for over 38 years.

He has attended three Commonwealth Chief Election Officers Conferences in Cambridge, United Kingdom, New Delhi, India and Accra, Ghana. He also participated as member of the Pacific Islands, Australia, New Zealand Electoral Administrators Network (PIANZEA) meetings in Korolevu, Fiji, Brisbane, Australia, Honiara, Solomon Islands and Nukualofa, Tonga. He participated as member of the Association of Asian Election Authorities (AAEA) meetings in Manila, Philippines and Tapei, Taiwan. He has previously observed elections in Cambodia, Guyana and the Marshall Islands.

Ms Rene Mercedes Baptiste CMG (St Vincent and the Grenadines)

Miss Baptiste is a former elected member of Parliament of St. Vincent and the Grenadines who has served 2 successful terms as a senior cabinet member and minister of government from 2001-2005 and 2005-2010, having responsibility for Electoral matters in the last term in which she initiated a number of changes and oversaw the first-ever Constitutional Referendum in the OECS (Organisation of Eastern Caribbean States).

Prior to 2001, she had an expansive legal career of 25 years dominated by pioneering the establishment of the international financial services industry in the country, and her private law practice in corporate and business law, as well elections and constitutional matters. She gave extensive service in leadership positions in several NGO's including the Co-operative Movement, and was at the forefront of the broadcast media and culture.

During her parliamentary career, she served on the Public Accounts Committee, the Parliamentary Rules Committee, and several other Parliamentary Committees including those relating to Constitutional and Legislative matters. Following her retirement from competitive politics, she returned to private practice in 2011 and has since facilitated consultations on behalf of international organizations on issues relating to Politics, Democracy and Governance.

Dr Mrs Nemata Majeks-Walker (Sierra Leone)

Dr Majeks-walker is the founder of the *50/50 Group* of Sierra Leone, a non-partisan campaign for equal representation for women in politics and public life in Sierra Leone through training and advocacy. This Group is the first African group to win the coveted Madeleine Albright Award.

She was recently Senior Gender and Elections Adviser for UNIFEM (now integrated into UN Women) in Tanzania after holding the same post in Juba, The Sudan. She is a consultant and facilitator/trainer who has worked in gender, leadership, advocacy and politics since 1999. She has worked in Sierra Leone, the UK, the USA, Pakistan, Kenya, Nigeria, Ghana, the Gambia and Liberia with women politicians, civil society activists, youth groups and media representatives. She is an experienced campaigner and lobbyist on women's issues, and has a keen interest in mainstreaming gender in elections. She trained women candidates in the October 2005 General Election in Liberia, which produced the first female president in West Africa.

Nemata has previously served with Commonwealth Election Observation Groups in Pakistan and Belize. She was awarded the Grand Order of the Rokel of Sierra Leone in the 2007 New Year's Honours. She fundraised for and is currently coordinating the construction of the *50/50 Group's* first Gender and Women's Leadership Training Institute in Sierra Leone.

Mr Hanif Vally (South Africa)

Mr Hanif Vally is the Deputy Director, Foundation for Human Right in South Africa. Previously, he was the Head of Human Rights Unit at the Commonwealth Secretariat in London. He was also a National Legal Officer, South African Truth and Reconciliation Commission, and was also Human Rights lawyer and activist for many years.

Professor Goretti Linda Nassanga (Uganda)

Professor Nassanga was the first Head of the Mass Communication Department at Makerere University, Kampala Uganda, and is now the Coordinator for the Masters programme at the Department. She is the Chairperson for the Uganda Media Council. She has undertaken research and published in local and international journals. Her academic and research interests revolve around development communication, including media and the democratization process.

Stuart Mole CVO OBE (United Kingdom)

Stuart Mole is a Senior Research Fellow at London University's Institute of Commonwealth Studies. He is also Chairman of the Editorial Board of *The Round Table: the Commonwealth Journal of International Affairs*. He was previously Director-General of the Royal Commonwealth Society and, for sixteen years, held senior positions in the Commonwealth Secretariat. There, he worked in the private offices of three Commonwealth Secretaries-General, latterly as Director. Stuart Mole has extensive electoral experience and has served with Commonwealth election observer groups in South Africa, The Gambia, Antigua & Barbuda, and Nigeria (2003).

Commonwealth Secretariat Staff Team

Mr Amitav Banerji, Director, Political Affairs Division – Team Leader

Ambassador Ayodele Oke, Head, Africa Section – Team Leader

Mr Mark Stevens, Adviser and Head Democracy Section

Mr Jarvis Matiya, Head of Justice Section, Legal and Constitutional Affairs Division

Ms Nita Yawanarajah, Head of Good Offices Section

Mrs Yvonne Apea, Political Officer, African Section

Mr Julius Mucunguzi, Communications Officer

Ms Anjani Singh, Finance Officer (Revenues & Travel)

Mrs Madonna Lynch, Administrative Assistant, Africa Section

Mr Jeffrey Oldenhuis, Travel Assistant

ANNEX II: COG Deployment Plan

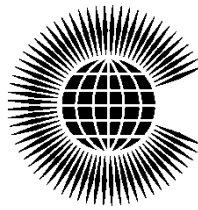
National Assembly Elections 9 April 2011

Team	State	Observers
1	FCT-Abuja / Nasarawa	Chair – H.E. Festus Mogae (Botswana) Amitav Banerji / Julius Mucunguzi
2	FCT-Abuja	Mark Stevens / Madonna Lynch / Anjani Singh
3	Edo (Benin)	Mukhtar Ali (Pakistan) Goretti Nassanga (Uganda)
4	Enugu	Nemata Majeks-Walker (Sierra Leone) Elizabeth Tamajong (Cameroon)
5	Oyo (Ibadan)	Rene Baptiste (St Vincent & Grenadines) Yvonne Apea
6	Kaduna	Andrew Trawen (Papua New Guinea) Thandeka Percival (Guyana)
7	Kano	Zahurul Alam (Bangladesh) Marjorie Walla (Kenya)
8	Lagos	Stuart Mole (UK) Limakatso Mokhothu (Lesotho)
9	Jos	Hanif Vally (South Africa) Nita Yawanarajah

Presidential Elections 16 April 2011

Team	State	Observers
1	FCT-Abuja / Nasawara	Chair – H.E. Festus Mogae (Botswana) Amitav Banerji / Julius Mucunguzi
2	FCT-Abuja	Ayo Oke / Madonna Lynch / Anjani Singh
3	Edo (Benin)	Goretti Nassanga (Uganda) Thandeka Percival (Guyana)
4	Enugu	Nemata Majeks-Walker (Sierra Leone) Elizabeth Tamajong (Cameroon)
5	Oyo (Ibadan)	Rene Baptiste (St Vincent & Grenadines) Yvonne Apea
6	Kaduna	Jarvis Matiya
7	Kano	Zahurul Alam (Bangladesh) Marjorie Walla (Kenya)
8	Lagos	Stuart Mole (UK) Limakatso Mokhothu (Lesotho)
9	Jos	Hanif Vally (South Africa) Nita Yawanarajah

ANNEX III: Arrival Statement



Commonwealth Observer Group Nigeria National Assembly and Presidential Elections 2011

NEWS RELEASE

Arrival Statement by H.E. Festus Mogae Chairperson of the Commonwealth Observer Group

Following an invitation from the Independent National Election Commission (INEC), the Commonwealth Secretary-General, Kamallesh Sharma, has constituted an Observer Group for the 2011 Nigeria National Assembly and Presidential Elections in Nigeria. It is my honour and privilege to lead this Commonwealth Observer Group and be here in Nigeria for these important elections. The Commonwealth has supported Nigeria through many of its previous elections and we are pleased to do so again as the country continues to consolidate its multi-party democracy.

The team of Observers comes from across the Commonwealth, and includes current or former politicians, electoral experts and representatives of civil society, academia, youth and the media. We are supported by a team from the Commonwealth Secretariat.

Democracy and good governance are core Commonwealth principles, which our Observer Group is constituted to promote and uphold. These elections are crucially important for the people of Nigeria, as they elect their representatives; it is imperative that the electoral process is transparent, fair, violence-free and credible.

Our task is to observe and report on relevant aspects of the organisation and conduct of the elections and also on the environment in which the elections are held. The Group will consider all the factors impinging on the credibility of the electoral process as a whole, and assess whether the elections have been conducted according to the standards for democratic elections to which Nigeria has committed itself, with reference to its own election-related legislation as well as relevant regional, Commonwealth and other international commitments.

2/....

We will consider, among other things, whether or not: conditions exist for free and competitive elections; the electoral commission is independent and effective; the voter register provides for universal suffrage; state institutions and public media are impartial; there is a level playing field in the campaign and that the campaign is free of violence; voters are free to express their will; and, the results process is transparent.

In conducting our duties and undertaking our assessment, we will be impartial, objective and independent. Commonwealth Observers are present here in their individual capacities as eminent and experienced Commonwealth citizens and the intent of the Group is to help further strengthen the democratic process in the country.

In the pre-election period we will meet a wide range of stakeholders, including INEC, representatives of political parties, civil society, the police and media, as well as High Commissions. Indeed our meetings have already commenced. We will also meet with representatives of other international and national observer groups, with which we will coordinate closely.

Prior to election day, Commonwealth teams will deploy to a variety of locations around the country to observe the voting, counting and results processes. Our teams will re-deploy after the National Assembly Elections to observe the Presidential Election. We hope to issue an Interim Statement after the Presidential election and a Final Report at a later stage.

In the wake of the flawed 2007 elections it is vital that Nigeria writes a new electoral chapter, restoring public confidence in the country's democratic institutions and processes. All stakeholders must play their due role in that quest.

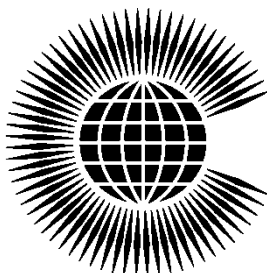
We hope that INEC can set the example by displaying integrity, impartiality and technical competence. We look to the political parties to respect the rules of the game, to focus on the issues and to reject violence. The media and civil society need to be diligent custodians of democracy. And finally, we look to the people of Nigeria to show the way by participating in large numbers in the democratic process and choosing freely and fairly those who will govern them.

Abuja, Monday 28 March 2011

Note to Editors

For media enquiries, please contact Mr. Julius Mucunguzi at +234 (0)706 359 7240 or j.mucunguzi@commonwealth.int

ANNEX IV: Public Statement by the Chair on 2 April 2011



THE COMMONWEALTH OBSERVER GROUP NIGERIA ELECTIONS

Statement by Chair of Commonwealth Observer Group, Festus Mogae, on postponement of National Assembly elections in Nigeria

"We are naturally very disappointed at the fact that INEC has not been able to hold the National Assembly elections as scheduled.

We fully understand and sympathise with the frustration felt by the Nigerian people as a result. We have noted the explanation provided by the Chairman of INEC, Professor Jega, for the inability of INEC to proceed with the election today and the postponement of the National Assembly election to Monday, 4 April.

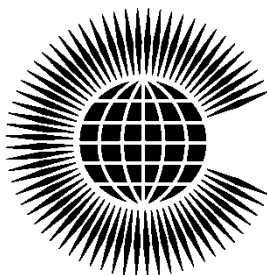
We hope that INEC will have learnt the necessary lessons from this experience and ensure that there are no further impediments that frustrate the ability of the Nigerian people to exercise their franchise.

We also call for calm and restraint on the part of all stakeholders, so that the elections can still take place in an atmosphere of peace and order."

Abuja 2 April 2011.

For media enquiries, please contact Julius Mucunguzi on +234 706 35 97240 or email: j.mucunguzi@commonwealth.int

ANNEX V: Public Statement by the Chair on 3 April 2011



THE COMMONWEALTH OBSERVER GROUP NIGERIA ELECTIONS

Statement by Chair of Commonwealth Observer Group, Festus Mogae, on further postponement of elections in Nigeria

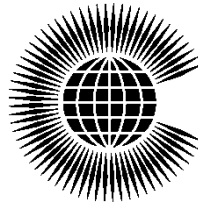
We have noted the further postponement by the Independent National Electoral Commission (INEC) of the National Assembly elections, and that the Presidential elections have also now been postponed. We note that the announcement follows consultation with the principal stakeholders. We recognise fully that it is the prerogative of Nigeria's electoral authorities to make changes to the electoral timetable. We believe, nevertheless, that such repeated and last minute changes are regrettable and do not reflect positively on the state of preparedness of INEC.

What is important, however, is that the elections take place as now rescheduled, that they are free, fair and credible, that peace and tranquillity are maintained, that all stakeholders conduct themselves responsibly and that the people of Nigeria retain faith in the democratic process.

Abuja 3 April 2011.

For media enquiries, please contact Julius Mucunguzi on +234 706 3597240 or email: j.mucunguzi@commonwealth.int

ANNEX VI: Public Statement by the Chair on 11 April 2011



COMMONWEALTH OBSERVER GROUP TO THE NIGERIA ELECTIONS

STATEMENT BY H. E. FESTUS MOGAE, CHAIRMAN OF COMMONWEALTH OBSERVER GROUP ON THE NATIONAL ASSEMBLY ELECTIONS IN NIGERIA

Our Group observed the National Assembly elections held on 9 April 2011. We were pleased that, following the problems experienced on 2 April and the postponement of the elections on two successive occasions, the National Assembly elections did take place in the vast majority of constituencies in Nigeria.

In our experience the National Assembly elections generally took place in a peaceful and orderly manner. The required staff and stakeholders were present and the various stages of the electoral process on polling day -- including accreditation, voting, counting, tabulation and declaration of results -- broadly proceeded smoothly and transparently. The Independent National Electoral Commission (INEC) deserves commendation for this. Appreciation should also go to the young recruits from the National Youth Service Corps (NYSC) in this regard.

Those who turned out to vote last Saturday behaved with decorum and dignity. We commend their enthusiasm, patience and commitment, which clearly reflected a genuine desire for a credible electoral process. We were concerned, however, to see the relatively low turnout in many places and hope that this will be reversed for the upcoming elections.

The bomb blasts in Niger and Borno States, and other isolated incidents of violence, marred the otherwise peaceful atmosphere that prevailed. We condemn the cowardly attacks that claimed the lives of so many innocent people, including INEC staff, and injured others. Such violence has no place in a democratic society.

We appreciated the important contribution made by the security agencies in maintaining peace and order on election day.

We noted several logistical deficiencies and procedural inconsistencies across the country. We do not believe that these called into question the overall credibility of the process. I will be drawing these to the attention of the Chairman of INEC. We

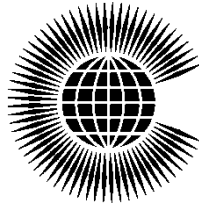
feel that there is scope and time for certain measures to be taken to improve the conduct of the elections at the next round, especially if the turnout is larger – which we fully hope and expect to be the case.

We believe that an important step forward has been taken in Nigeria with the successful conduct of the National Assembly elections. We hope that the necessary lessons will be learned from the exercise and that the remaining elements of the electoral timetable will be even better organised. We urge Nigerians to continue to behave with a sense of responsibility, maintain public order and turn out in larger numbers to demonstrate their faith in democracy.

Abuja
11 April 2011

Note to Editors: For media enquiries contact Julius Mucunguzi at j.mucunguzi@commonwealth.int or +234 (0) 706 3597240

ANNEX VII: Interim Statement by the Chair on 18 April 2011



Commonwealth Observer Group Nigeria National Assembly and Presidential Elections 2011

INTERIM STATEMENT

by

**H E Festus Mogae,
Chairman, Commonwealth Observer Group**

The Commonwealth was invited by the Independent National Electoral Commission (INEC) of Nigeria to observe the 2011 elections. Following an assessment mission from the Commonwealth Secretariat, the Commonwealth Secretary-General accepted the invitation and constituted an Observer Group of thirteen persons, supported by a team from the Secretariat. I was privileged to lead this distinguished Group, which has been in Nigeria since 26 March 2011; we extended our stay after the National Assembly and Presidential elections were both postponed by a week.

At the start of our mission and subsequently, we met with the Chairman and senior officials of INEC, some presidential candidates, other representatives of political parties, civil society, the media, Commonwealth High Commissioners, as well as other international and domestic observers. Through these consultations, we have made an effort to develop a proper understanding of the political scene in Nigeria and the issues that preoccupy the stakeholders.

Commonwealth teams were based in eight locations around the country, both for the National Assembly elections on 9 April and the Presidential elections on 16 April (after having also been deployed for the postponed National Assembly elections on 2 April). Our teams met with Resident Electoral Commissioners and other INEC officials, domestic and international observers and other stakeholders at the State and local levels, in order to assess the situation in their respective areas of coverage. On the two election days and thereafter, they observed the accreditation, voting, counting and collation of results.

Everywhere we went, we were warmly welcomed by Nigerians from all walks of life.

This is an interim statement, meant to provide an initial summary assessment of the electoral process as we observed it. We will shortly submit a Final Report to

the Commonwealth Secretary- General, setting out our findings on the entire process and our recommendations in greater detail.

Electoral Framework and Management of the Process

We believe that Nigeria's 2010 Electoral Act, as well as the 1999 Constitution (as amended) provided the necessary conditions for INEC to function as an independent and impartial election management body. INEC was also provided with sufficient resources for a protracted and expensive electoral process.

Timelines for the conduct of a poll must provide enough time for all stages to be adequately completed so as not to impact negatively on other aspects of the process, notably in confirming candidate nominations in good time for the poll, ballot printing and distribution of materials. Further, all printing of ballots and other sensitive materials should be conducted with safeguards, so as to avoid the unfortunate delays that affected the 2 April postponed polls.

It is desirable for late changes to the Electoral Act to be avoided. Amending an Act so close to the conduct of the elections creates uncertainty and a lack of clarity and awareness among stakeholders as to the procedures and institutional responsibilities.

The creation of a new biometric Voter Register within a short space of time was a major achievement and a significant factor in the credibility of the 2011 elections. However, the time available for registration was too short. The register needs to be rectified to include all eligible voters and thereafter to be properly maintained, with continuous checks to address anomalies. We welcome INEC's intention to do so.

We believe that removing the current prohibition on independent candidates would increase participation rights and might also help to alleviate some of the tensions which currently bedevil political party primaries.

We were deeply disappointed to see the low percentage of women candidates in the elections. We strongly urge political parties to mainstream gender policies and significantly increase the number of women in positions of leadership and decision-making, as well as to ensure a level playing field for female aspirants to political office.

Participation rights would also be more fully provided for if the minimum age requirements for National and State Assembly candidates were appropriately reduced.

There needs to be an arrangement for persons performing election duty on polling day to be able to exercise their right to vote; we believe that over a million people may have been disenfranchised for want of such a mechanism.

The Campaign

We were encouraged by the vigorous campaigns undertaken by political parties and candidates and even more so by the fact that they focused on manifestos and policies, rather than on personalities, particularly at the level of the presidential elections.

We welcome the generally peaceful nature of the campaign and the electoral process. At the same time, we were saddened by the instances of violence that took place during the campaign as well as subsequently. We have already condemned the cowardly attacks on innocent persons in Suleja and Maiduguri that claimed several lives and maimed many others. Such violence has no place in a democracy.

The Code of Conduct for Political Parties is a valuable feature that needs to be consolidated and implemented in letter and spirit. The Inter-Party Advisory Committee should become a standing mechanism for resolving differences and promoting consensus among political stakeholders.

Voting, Counting and Results

The experience of 2 April should not have happened. While INEC managed to hold a reasonable election on 9 April and improved its performance further on 16 April, it clearly needs to improve on its organisational capacity.

The special process of accreditation of voters devised by INEC was a response to the malpractices of the past, in particular the phenomenon of multiple voting. However, in the event some aspects of the procedures were abandoned because they were impractical.

There remain shortcomings with the voter registration, based on the number of people with voter cards but missing from the voter register. This needs to be urgently addressed.

There needs to be stricter safeguards against underage voting, a phenomenon witnessed in parts of the country.

Some of the polling units we visited were poorly located and badly laid out, creating unnecessary problems for INEC staff and security personnel. There was no protection from the elements in most cases. Some polling units were also ill-equipped in terms of basic furniture and lighting.

The secrecy of the ballot needs better protection. Many did not seem to mind voting under the gaze of others – and some did not bother to fold their ballots for fear of spoiling them. However, their right to a secret ballot is sacrosanct and cannot be taken for granted.

We commend the inclusiveness and transparency of the counting and collation process wherever our teams were present.

Overall, training provided to polling officials must be improved to ensure greater consistency in the application of procedures and increased awareness among staff of the correct modalities for each stage of the process.

The Media

We were impressed by Nigeria's vigorous media and by the coverage it provided to the electoral process. We noted the predominant exposure given in the media to the ruling party and its presidential candidate, which is to some extent a reflection of the resources at the party's command.

The National Broadcasting Commission should ensure that the state media accords equitable coverage to all stakeholders, particularly during the campaign period.

Some of the private media must also transcend narrow partisan considerations and report more objectively and in the larger interest of the nation.

Overall Impressions

The April 2011 elections marked a genuine celebration of democracy in Africa's most populous country and a key member of the Commonwealth. Previously held notions that Nigeria can only hold flawed elections are now being discarded and this country can now shake off that stigma and redeem its image. Notwithstanding the organisational deficiencies that resulted in the 2 April National Assembly elections being aborted after they had started, and in spite of persistent procedural inconsistencies and technical shortcomings, the elections for the National Assembly and the Presidency were both credible and creditable and reflected the will of the Nigerian people.

The success of the electoral process must be attributed in large measure to the respect and confidence enjoyed by INEC, and in particular by its Chairman, Professor Attahiru Jega. In him, the nation was able to look up to a person of deep integrity, transparency and commitment, who was determined to make every Nigerian's vote count. His willingness to accept full responsibility for the fiasco of 2 April, and his readiness to postpone the National Assembly elections a second time in response to requests by the stakeholders, helped Nigerians keep faith in INEC, which eventually did not let them down.

We commend the contribution made by the National Youth Service Corps, whose members worked as ad hoc INEC staff for the elections. These young Nigerians, a large number of whom were women, showed dedication and courage in helping to deliver a transparent electoral process, often in difficult conditions. They are a source of pride and hope for Nigeria.

Our appreciation goes also to the Nigerian security forces, drawn from various services, whose strenuous and coordinated efforts ensured that the elections were largely held in an atmosphere of peace and order.

But credit for the success of the electoral process must go, most of all, to the people of Nigeria themselves. Right from when we arrived in this country we

were struck by the popular mood of determination to realise genuine democracy. We noted the deep-seated public frustration at the history of deficient elections and the desire to make a new beginning. Across the length and breadth of the country, the people of Nigeria demonstrated exemplary dignity, responsibility and forbearance, waiting the entire day peacefully and patiently under the hot sun, or in heavy rain, to exercise their franchise. We salute them and wish them well as the custodians of their hard-earned democracy.

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Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct