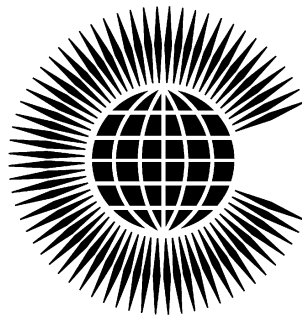


Report of the Commonwealth Observer Group

**NIGERIA
STATE AND FEDERAL
ELECTIONS**

14 and 21 April 2007



Commonwealth Secretariat

**NIGERIA STATE AND FEDERAL ELECTIONS
14 AND 21 APRIL 2007**

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LETTER OF TRANSMITTAL



Commonwealth Observer Group

Nigeria General Elections
April 2007

28 April 2007

Dear Secretary-General,

Following your invitation to observe the elections in Nigeria, we have now completed our report and are pleased to forward it with this letter.

These have been deeply troubled elections. In organizational terms, as our report points out, they have fallen below the standards Nigeria achieved in 2003, and certainly well below the standards of democratic elections to which it has committed itself. In broader political terms, they have revealed a potentially serious disillusionment with democracy, a sentiment fed by the particular features in Nigeria's political culture, to which we have alluded in our report. This is particularly dangerous in a country where unconstitutional governance has been so prominent for a major part of the country's post-independence history. Nigeria must move quickly to restore the faith of its people in the democratic ethic. The international community must support the Nigerian people towards that end.

In both our Departure Statement and in our Conclusions and Recommendations we have urged Nigeria's political leaders, in the wake of these controversial and acrimonious elections, to eschew violence, seek reconciliation and use peaceful and legal means to settle electoral disputes and resolve political differences. We hope our appeal will be heard.

The Commonwealth – as a trusted partner – has a particular obligation to support the reinforcement of democratic institutions in Nigeria. We noted that the recommendations made by the Commonwealth Observer Group in 2003 were similar to our own, but that very few of these were implemented by the Nigerian authorities. We hope that you and your colleagues in the Commonwealth Secretariat will be able to facilitate the implementation of our own recommendations.

We would like to take this opportunity to record our sincere appreciation for the support provided to us by the team from the Commonwealth Secretariat, led by Mr Amitav Banerji. Their devotion to duty has been commendable and our task would have been difficult to accomplish without their valuable assistance.

We thank you for the opportunity to participate in this important exercise on behalf of the Commonwealth.

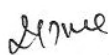

Justice Joseph S Warioba
Chairperson



Mr Joseph N Biribonwa



Mr Omar A Jallow



Dr Noor Mohammad



Miss Kaye W Oliver, CMG, OBE



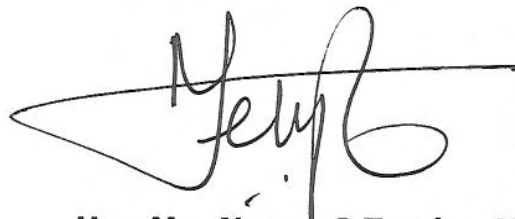
Mr Robert Patterson



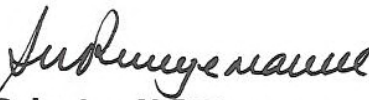
Miss Kareem Payne



Ms Sheila Roseau, MBA



Hon Mrs Nancy G Tembo, MP



Mr Salvator N B Rweyemamu

Chapter One

INTRODUCTION

Following an invitation from the Independent National Electoral Commission of Nigeria to constitute a Commonwealth Observer Group for the elections in Nigeria, the Commonwealth Secretary-General, Rt Hon Don McKinnon, sent an Assessment Mission to Nigeria in March 2007. This comprised of three officials from the Political Affairs Division: Mr. Mark Stevens (team leader), Mr. Martin Kasirye and Ms Zippy Ojago.

The purpose of the mission was to determine with the major stakeholders in the Nigerian political environment whether there was broad support for the Commonwealth to observe the general elections. The mission was also mandated to ensure that Commonwealth observers would have full access to polling and counting centres. The mission briefed all its interlocutors on the *modus operandi* of an observer group. It was able to gather valuable information on the political scene in Nigeria and factors impinging on the electoral process. It was also able to explore logistical arrangements, in the event of Commonwealth observation of the elections.

Following its consultations, the mission concluded that there was broad support for the presence of the Commonwealth observers and that an Observer Group would have the access necessary to fulfill its mandate.

The mission reported its findings to the Secretary-General. The latter accepted the advice of the assessment mission and an observer group was accordingly constituted, which included ten Commonwealth eminent persons supported by seven Commonwealth Secretariat staff members. The group was led by Justice Joseph Warioba, former Prime Minister of the United Republic of Tanzania. A full list of the group, with biographical details, is at Annex I.

TERMS OF REFERENCE

The following were the terms of reference of the Group:

"The Group is established by the Commonwealth Secretary-General at the request of the Independent National Election Commission of Nigeria. It is to observe relevant aspects of the organisation and conduct of the General Elections, in accordance with the laws of

Nigeria. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

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

ACTIVITIES OF THE GROUP

An Advance Group of six observers and four members of staff of the Commonwealth Secretariat arrived in Nigeria and began work on 8 April. The purpose of the advance group was to assess the electoral environment prior to the arrival of the main group and to observe the State Governorship and House of Assembly Elections held on 14 April 2007. They were briefed and deployed across the country in four two-person teams on 12 April 2007. They returned to the capital on 15 April to join the main group of observers who had meanwhile arrived in Abuja on 13 April 2007.

A copy of the Arrival Statement issued by the Chairperson of the Group on 13 April is at Annex V.

Over a period of three days, the full Group met and was briefed by the Advance Observers, INEC officials, political parties, civil society groups including domestic observers, Commonwealth High Commissioners and the police. It also exchanged views with some other international observer delegations: Economic Community of West African States (ECOWAS), European Union (EU), the National Democratic Institute (NDI) and the International Republican Institute (IRI). A full schedule of engagements is attached at Annex II.

The Commonwealth Observer Group was deployed on 18 April in seven two-person teams. In addition, a one-person team was stationed in Ibadan. Collectively, these teams were tasked to cover the following states: Edo, Enugu, Kaduna, Lagos, Oyo, Plateau and the Federal Capital Territory (FCT). The FCT teams also observed polling in parts of Nassarawa and Niger States and the team based in Jos covered a part of Bauchi State. The Group thus had a presence in all the six geo-political zones in Nigeria. A copy of the deployment schedule is attached at Annex III.

On arrival at their places of deployment, the teams familiarised themselves with their assigned areas. They visited the police and the Regional Electoral Commissioner and met the political stakeholders at the local level. They observed the final stages of the campaign and also met with members of the public.

The Chairperson met the two leading Opposition contenders for the Presidency. No meeting with the Candidate of the ruling party proved possible as he had left for his home state of Katsina. In addition, the Chairman undertook a visit to Minna in Niger state in order to meet two former Nigerian Presidents, General Ibrahim Babangida and General Abdulsalami Abubakar, as well as to get a sense of the pre-election atmosphere and arrangements. On election day he observed in the FCT, Niger and Nassarawa.

On the basis of the group's observations in the field, the Chairperson issued an Interim Statement, on behalf of the Group on 22 April. A copy of the statement is attached at VI.

The Group issued a Departure Statement on 27 April, which is at VII.

The Group finalised its Report to the Secretary-General prior to their departure from Nigeria on 28 April 2007.

Chapter Two

POLITICAL BACKGROUND

HISTORICAL OVERVIEW

Nigeria has had a tumultuous political history since independence in 1960, experiencing a succession of military coups. It was suspended from the Commonwealth from 1995 to 1999 for serious and persistent violations of the Commonwealth's core political values, returning to the fold when democracy was restored in 1999. Although an elected government has remained in office ever since and improvements in governance have been registered, Nigeria is still a fledgling democracy, without deep roots. The 2007 elections were therefore to mark a watershed, when one elected President would hand over to another for the first time in the country's history.

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

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

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

In 1958 a Constitutional Conference agreed that Nigeria should become independent in 1960. In preparation for this, elections for an

enlarged federal legislature took place in December 1959. Although none of the three major parties achieved an overall majority the Northern People's Congress (NPC) commanded the largest representation. 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). Chief Obafemi Awolowo, a Yoruba from South-West Nigeria and leader of the Action Group (AG) party, became Leader of the Opposition in the Federal House.

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

The First Republic

Nigeria's complex political and constitutional framework started to unravel soon after independence. An open quarrel between Chief Awolowo and the Premier of the Western Region, Chief Samuel Akintola, led to the Federal Government declaring a state of emergency and taking over the Western Region Government. When the state of emergency was lifted six months later, Chief Akintola was reinstated at the head of a new party, the United People's Party (UPP). In September 1962 Chief Awolowo and some of his supporters were arrested and charged with plotting to overthrow the Federal Government. He received a 12-year jail sentence.

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

Military Rule and Civil War

National rivalries were also reflected in the armed forces: most of the troops were from the north, but the majority of the officer corps were Igbo from the eastern region. On 15 January 1966 the civilian government was overthrown in a bloody military coup organised by middle-ranking, mostly Igbo, officers of the army. The Prime Minister, along with other leading politicians, were killed as were half a dozen senior (non-Igbo) military officers. The Army Commander, General Aguiyi-Ironsi, also an Igbo, used loyal forces to crush the coup in Lagos and was handed over the reins of government for a temporary

period by the surviving members of Sir Abubakar's government. Within a few days the coup leader, Major Chuckwuma Nzeogwu, an Igbo who was based in the north, gave himself up and was taken into custody along with a number of his colleagues.

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

The new military leadership, under General Gowon, tried to reduce tensions by replacing the three regions with twelve states. This move was rejected by the Igbo, and the Federal Government responded by enforcing a blockade of the Eastern Region and eventually by declaring a state of emergency. On 30 May 1967 Lt-Col Ojukwu announced the secession of the Eastern Region and proclaimed its independence as the 'Republic of Biafra'. In the civil war that followed, almost 100,000 soldiers on both sides lost their lives. It is estimated that up to a million civilians may have died from starvation, mainly in the Eastern Region, as a result of the federal blockade.

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

In July 1975 General Gowon was overthrown in a bloodless coup by senior officers. He was replaced by Brigadier (later General) Murtala Mohammed, erstwhile Federal Commissioner for Communications. General Mohammed embarked on a radical and highly popular purge of the public services, including the dismissal of all twelve military governors. He also announced that the country would return to civilian

rule in October 1979 following the adoption of a new Constitution and the holding of elections at local, state, and federal levels.

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

The Second Republic

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

In the presidential elections that took place in August 1979, Alhaji Shehu Shagari for the National Party of Nigeria obtained the mandatory 25 per cent of the votes cast in 12 rather than 13 states as required by the Constitution. Following legal debate on this point, the Supreme Court upheld the election of Alhaji Shagari, who was sworn in as President on 1 October 1979. His main rival, Chief Obafemi Awolowo challenged the results. The Election Tribunal and Supreme Court rejected his challenge, though there were suspicions that the latter's decision may have been motivated by political expediency.

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

The Return of Military Rule

On 31 December 1983 President Shagari's government was deposed in a military coup led by General Muhammadu Buhari, who took over as Head of State and Commander-in-Chief of the Armed Forces. General Buhari and his deputy, General Tunde Idiagbon, governed the country with an iron fist between 1984 and 1985. Legislation was enacted

(such as Decree 2 of 1984) which allowed for the detention of persons for up to three months without charge and which removed the jurisdiction of the courts to hear challenges to certain decrees of the Supreme Military Council. Further legislation effectively banned the publication of information unfavourable to the government. There was no announcement of a programme for handing over power to a democratically elected civilian government. General Buhari also banned all political parties. He was unable, however, to deal with Nigeria's serious economic problems.

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

General Babangida organised Presidential elections for 12 June 1993 that proved controversial. Provisional results suggested that the Yoruba businessman, Chief Moshood Abiola, had a clear lead over his rival, Alhaji Bashir Tofa. However, on 23 June 1993 the ruling National Defence and Security Council (NDSC), which had replaced the AFRC, annulled the elections before the full results could be announced by the National Electoral Commission (NEC), which was itself 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 announced that there would be a new presidential election on 27 August, but this was greeted by general disbelief and the Social Democratic Party (SDP) announced that it would boycott the election.

Protests broke out, including strikes. General Babangida "stepped aside" under pressure from the NDSC, handing power on 27 August 1993 to an Interim National Government headed by Chief Ernest Shonekan, a non-partisan businessman who promised to supervise the organisation of fresh elections that were scheduled for early 1994. However, on 17 November 1993 Chief Shonekan was removed from office 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.

The government took strong action against its other perceived opponents. In July 1994 it dissolved the elected executive councils of the two main petroleum trade unions – the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association (PENGASSAN) – replacing them with government appointees. The leaders of the two associations were later arrested and detained. In March 1995, former Head of State Chief Obasanjo and his former deputy, General Shehu Musa Yar'Adua, and several others, were arrested in connection with an alleged coup plot. Chief Obasanjo was subsequently sentenced to 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 later died in custody in suspicious circumstances.

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

General Abacha instituted a transition programme to civilian government which was seen as fundamentally flawed; its sole aim was to achieve his own legitimisation. Only five political parties were

approved by his regime, and all five adopted him as their presidential candidate for elections that were to be held in October 1998.

However, General Abacha died suddenly on 8 June 1998 and was succeeded by General Abdulsalami Abubakar, formerly Chief of Defence Staff. General Abubakar released those accused of involvement in coup attempts (including Chief Obasanjo) and repealed many military decrees which had severely impinged on human rights. Sadly, Chief Moshood Abiola died on the eve of release from detention on 7 July 1998.

Return to Civilian Rule

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

The turnout for the local elections was good and there was no significant violence. Following these INEC gave full registration to three parties: the 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 Local, State Assembly, National Assembly, Governorship and Presidential elections were all judged credible by observers. The earlier elections saw the PDP in the lead. The AD and APP then agreed to field a joint candidate for the Presidential elections.

The Presidential election of 20 February 1999 was won by Chief Olusegun Obasanjo (PDP) with 62 per cent of the vote. Chief Oluyemi Falae, the joint AD and APP candidate, gained 37 per cent. Interestingly, Chief Obasanjo obtained little support in his Yoruba home region, but received substantial backing in the north of Nigeria.

Local and international observers, including a Commonwealth Observer Group, witnessed irregularities in the poll, but judged that the result broadly reflected the views of the Nigerian people. Chief Falae's protest petition was rejected by the Courts. President Obasanjo was

sworn in on 29 May 1999 and the National Assembly held its first session on 3 June.

THE 2003 ELECTIONS

President Olusegun Obasanjo, who ran again as a PDP candidate, was re-elected on 19 April 2003 with 61.9 % of the vote. His closest challenger, Gen Muhammadu Buhari of the All Nigeria Peoples Party obtained 31.2% of the vote. Chuwuemeka Odumegwu Ojukwu of the All Progressives Grand Alliance (APGA) obtained 3.3% while the remaining candidates collectively garnered 3.6% of the vote.

In the National Assembly elections held on 12 April 2003, the ruling PDP party won 76 senatorial seats, while ANPP gained 27, and the Alliance for Democracy (AD) gained 4 seats. The ruling PDP obtained 223 seats in the House of Representatives, the ANPP 96, the AD 34, while other parties shared the remaining 6 seats. One seat remained vacant. The ANPP and APGA, together with two smaller parties -- the Movement for Democracy and Justice (MDJ) and the Justice Party (JP), unsuccessfully challenged the result in the courts.

A Commonwealth Observer Group was also 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 Nigerian were denied the right to participate in an authentic democratic process".

POLITICAL BACKGROUND TO 2007 ELECTIONS

The 2007 Elections were of particular significance in that they offered Nigeria the first opportunity to achieve a genuine constitutional succession from one civilian administration to another since independence.

President Obasanjo's second term of office has proved to be more controversial than the first. Some notable achievements were recorded, including significant economic reforms and reduction of external debt. During this period, Nigeria played an enhanced role in regional conflict mediation and resolution and in peace-keeping activities. It hosted the 2003 Commonwealth Heads of Government Meeting and President Obasanjo served as Commonwealth

Chairperson-in-Office from 2003 to 2005. He also served as AU Chairperson in 2004-05. He has therefore enjoyed a prominent profile both in Africa and globally.

On the domestic front, however, significant challenges were experienced in three broad areas. The first has been the security situation. The second is the so-called 'third term' debate. The final issue that has dominated political debate has been President Obasanjo's political feud with Vice President Alhaji Atiku Abubakar.

Security Challenges

Nigeria faced serious and significant security challenges. These came in several forms. There was inter-ethnic violence, such as the August 2003 clashes between Ijaw and Itsekiri people in the Niger Delta town of Warri which resulted in the deaths of about 100 people, with 1,000 injuries. There were also serious inter-religious clashes. In May 2004, a state of emergency was declared in the central Plateau State after more than 200 Muslims were killed in Yelwa in attacks by Christian militia and revenge attacks were launched by Muslim youths in Kano. In February 2006, more than 100 people were killed when religious violence flared up in mainly-Muslim towns in the north and in the southern city of Onitsha. Serious violence involving criminal gangs was also reported. In August-September 2004, for example, deadly clashes between gangs in the oil city of Port Harcourt prompted a strong crackdown by troops. Amnesty International, cited a death toll of 500, while the authorities said only about 20 died.

Nigeria also experienced a significant increase in political violence. This sometimes took the form of the kidnapping and/or assassination of political figures. In mid-December 2006, for example, a prominent PDP politician, Ibrahim Bakare, was assassinated by unknown gunmen barely five months after the murder of a PDP Governorship aspirant for Lagos, Funsho Williams. Violence was also recorded in the form of violent disruption of political meetings and campaign rallies of political rivals. It should be noted that much of this violence was a manifestation of intra-party rivalry. There was also a marked increase in the activities of political thugs.

The most serious security challenge, however, has been the intensification of the insurgency in the Niger Delta, an area viewed as increasingly lawless and unsafe, particularly for foreign nationals and Nigerians associated with the oil industry, government officials and security forces. The insurgency is being perpetrated by militants and bandits seeking a greater share of Nigeria's oil wealth, on the basis

that the country's petroleum resources are heavily concentrated in the Delta.

This low-intensity conflict shows no sign of abating. More than 70 oil workers from a number of countries have been abducted since January 2006, when the level of militant attacks against the oil industry increased significantly. Not only has the number of abductions risen in recent months but the number of casualties resulting from these attacks has also risen. Criminality and profit from ransoms are increasingly the main motive for abductions in the Niger Delta.

Many of the assaults on oil industry personnel over the past year have been claimed by the Movement for the Emancipation of the Niger Delta (MEND), an obscure group that first surfaced in late 2005. This group claims to be fighting for local control of mineral resources and political autonomy for ethnic Ijaws. This group also is demanding the release from federal custody of a separatist militia leader, Mujahid Dokubo-Asari, who is facing treason charges, and of the former Bayelsa State Governor, Diepreye Alamieyeseigha, who was impeached for money-laundering and is facing corruption charges after jumping bail in the United Kingdom.

'Third Term' Debate

Early in 2005, supporters of President Obasanjo began a campaign to increase the number of presidential terms permitted by the Constitution. Nigerians were told that this move was essential to sustain and complete the reforms initiated by the President. While President Obasanjo never himself publicly stated that he wanted a third term, many Nigerians believed that he wanted to retain political power. While a wide range of constitutional reforms were put forward by the President's supporters, the issue of a third term was seen as the central and decisive issue.

This particular proposal was met with stiff and determined resistance by the key stakeholders, including the general public, civil society, the media, opposition parties and even sections of the ruling PDP party itself. On 16 May 2006, the Senate, by voice vote, rejected the proposed constitutional amendment to make a third term possible.

The Feud between President and Vice President

Perhaps the most dominant important issue as Nigeria prepared for the 2007 elections was the political feud between the President and his Vice President, Alhaji Atiku Abubakar. Alhaji Atiku had played a key role in the formation of the ruling PDP, and made no bones about his

interest in succeeding President Obasanjo. Their relationship deteriorated sharply as the 'third-term' debate got underway. Vice-President Atiku publicly opposed the 'third term' agenda. As a consequence, the Vice-President's influence within both the ruling party and the government was deliberately undermined and gradually diminished.

The Economic and Financial Crimes Commission (EFCC) produced a Report "indicting" the Vice President for abuse of office and public funds, specifically the Petroleum Technology Development Fund (PTDF). Later, an Administrative Panel Report accused him of abuse of office in the management of the afore-mentioned Fund. The President forwarded these reports to the National Assembly and sought Alhaji Atiku's impeachment. These developments precipitated unprecedented and public accusations and counter-accusations of corruption between the President and the Vice President. Vice President Atiku was suspended from the ruling party in controversial circumstances.

There was a widely held view that the EFCC was doing a commendable job in fighting corruption. Equally, however, its critics believed that the EFCC had been selective in its investigations, and its operations subject to political manipulation. Later, our Report will explain the impact of the role played by the EFCC in the nominations process of candidates for various elective political offices.

On 22 December 2006 the PDP formally expelled Alhaji Atiku for joining the opposition and called on President Obasanjo to replace him as Vice-President, citing a constitutional provision that requires the Vice-President to belong to the same party as the President. The following day President Obasanjo announced that he had sacked Alhaji Atiku and declared the Office of Vice-President vacant. The Presidency argued that Alhaji Atiku had forfeited his position in government by defecting to a rival party.

In response, Alhaji Atiku rejected his dismissal, arguing that President Obasanjo lacked the constitutional power to remove him or withdraw his rights and privileges as Vice-President. The Court of Appeal rejected President Obasanjo's attempted sacking of the Vice-President as unconstitutional. On 23 April 2007, the Supreme Court ruled on this matter, saying that the President had no power to strip Alhaji Atiku of his position as Vice President.

THE POLITICAL SPECTRUM IN NIGERIA

There are 50 registered political parties at present. 25 political parties fielded Presidential candidates in the 2007 election. In comparison, 30 political parties participated in the 2003 National Assembly elections, while 20 fielded Presidential candidates.

The leading party in Nigeria, based on the votes cast in the 2003 elections, was the People's Democratic Party (PDP), led by President Obasanjo. The PDP controlled both the executive and legislative branches of the government. The ruling party also held power in the majority of States in the form of PDP Governors. Overall, therefore, the advantages of incumbency, at both the Presidential and Gubernatorial levels, were considerable.

The All Nigeria People's Party (ANPP) is the second major party. It fielded former military Head of State General Muhammadu Buhari as its presidential candidate. Its strongholds were generally in the North of Nigeria.

The third major party is the Action Congress (AC) headed by the Vice-President, Alhaji Atiku Abubakar. The AC brought together a coalition of smaller political parties and interest groups, and had not contested previous elections.

Shortly after their respective primaries, the ANPP and the AC announced the formation of an electoral alliance known as the 'Granite Alliance'. This alliance was viewed as a boost to the opposition's chances of defeating the ruling PDP. However, neither Gen Buhari nor Alhaji Atiku showed any inclination to step aside in favour of the other, and the Granite Alliance did not play its expected role.

A full list of political parties as listed in the "Political Parties, their Logos and Acronyms" published by the Independent National Electoral Commission is provided at IV.

Chapter Three

ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTION

THE LEGAL FRAMEWORK

Nigeria is a republic and has a federal system of government, with 36 States and the Federal Capital Territory (FCT). It is governed by the 1999 Constitution.

The legal framework for the elections comprises the Constitution (1999), the Electoral Act (2006) and the Electoral Act's Amendment Bill (2007). In addition INEC issued a series of guidelines and procedures, such as the Manual for Election Officials (2007).

FEDERAL AND STATE BODIES

The President

The President is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces of the Federation.

A person is qualified for election to the office of President if "he" (sic):

- Is a citizen of Nigeria by birth
- Has attained the age of forty years
- Is a member of a political party and is sponsored by that political party
- Has been educated up to at least School Certificate level or its equivalent

The electoral system for the Presidential elections is a modified majority system with a provision for run-off rounds. To win in the first round the leading candidate must secure at least $\frac{1}{4}$ of the votes cast in $\frac{2}{3}$ of the States. If no such majority is secured, the two leading candidates have a run-off election. If in the second round no candidate meets the same requirement for a majority, a second run-off round is held requiring just a simple majority.

Candidates must be nominated by a registered political party. Independent candidates are not allowed.

According to Article 137 of the Constitution, a person shall not be qualified for election to the office of President, if, among other things:

“He has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or by a Tribunal set up under the Tribunals of Inquiry Act, a Tribunals of Inquiry Law or any other law by the Federal or State Government which indictment has been accepted by the Federal or State Government ...”

Article 137 was a key focus during this election with regard to the candidacy of one of the leading candidates. This is discussed below.

The National Assembly

The legislative powers of the Federal Republic of Nigeria are vested in the National Assembly for the Federation, which consists of a Senate and a House of Representatives.

The National Assembly has the authority to make laws for the peace, order and good government of the Federation.

Candidates for the National Assembly should meet the same requirement as for President, except that the minimum age limit is just 35 years of age. Elections to both are on the basis of a straight First-Past-The-Post (FPTP) system.

The Senate has 109 members. There are three Senators elected from each State (plus one from the Federal Capital Territory - Abuja) and for this purpose each State is divided into three Senatorial districts.

The House of Representatives has 360 members. The Federal territory is divided into 360 Federal Electoral Constituencies, which are set within State boundaries.

Governors and State Assemblies

The Governor is the Executive Authority of a State. The legislative powers of a State of the Federation are vested in the House of Assembly of a State. The executive and legislative powers of a State are subject to the Constitution and any law made by the Federal National Assembly.

Candidates for each State Assembly and Governor must meet the same requirements as for President except that the minimum age limit is just 35 years.

The electoral system for the Governorship elections is a modified majority system with a provision for run-off rounds. To win in the first round the leading candidate must secure at least $\frac{1}{4}$ of the votes cast in $\frac{2}{3}$ of the respective Local Government Areas (LGAs). If no such majority is secured the two leading candidates have a run-off election. If in the second round no candidate secures the still valid requirement for a majority, a second run-off round is held requiring just a simple majority.

Each State's House of Assembly consists of a number of members from three to four times the number of seats the State has in the Federal House of Representatives. Current levels are between 24-40 members in each State. Each State is divided into a number of Constituencies equal to the number of members in the State Assembly. Elections are on the basis of a straight FPTP system.

There is no Governor and no State Assembly for the FCT.

There is a system of Local Government Councils in each State plus the FCT.

The Judiciary

The judicial structure involves a number of tiers, with the Supreme Court as the apex body, as follows:

- The Supreme Court
- The Court of Appeal
- The Federal High Court
- The High Court of the FCT
- The High Court of a State
- The Customary Court of Appeal of the FCT
- The Customary Court of Appeal of a State

One or more Election Tribunal is established in each State to hear and determine petitions which might have an effect on the validity of the results.

ELECTION ADMINISTRATION

In 1998 the administration of General Abdulsalami Abubakar dissolved the National Electoral Commission of Nigeria, which had been running elections in the country since 1987, and set up the Independent National Election Commission (INEC). Under the current Constitution

(1999), INEC has overall responsibility for the management and delivery of the election.

More specifically, according to the Constitution, INEC's function is to "organize, undertake and supervise all elections to the offices of the President and Vice President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation".

In addition INEC is charged to:

- Register Political Parties
- Conduct Voter Registration
- Maintain on a Continuous Basis a National Register of Voters
- Establish Rules and Regulations for the Election Campaign
- Conduct Voter and Civic Education
- Promote Knowledge of Sound Democratic Election Processes
- Conduct Referenda
- Fix Dates for National and State Elections
- Delimit Constituencies

INEC comprises a Chairman (currently Professor Maurice Iwu, who was appointed in May 2005 for a five year-term) and 12 National Electoral Commissioners, two from each of the six geo-political zones. The Chairman and members of INEC are nominated by the President in consultation with the Council of State and confirmed by the Senate.

In terms of the national operations of INEC it has nine departments and four directorates, covering responsibilities such as Finance & Accounts; Human Resources; Information and Communications Technology; Logistics & Transport; States Co-ordination and Voters Registry.

INEC has a Resident Electoral Commissioner (REC), with staff, in each of the 36 States as well as in the Federal Capital Territory (FCT - Abuja). Each State and the FCT is then sub-divided into a series of Local Government Areas (LGA) and there are 774 of these in total. Each LGA has a responsible Electoral Officer (EO) and staff.

For voting purposes each LGA comprises a series of Wards and each Ward is made up of a number of Polling Stations. There are approximately 120,000 Polling Stations in Nigeria, and each has a responsible Presiding Officer and staff.

POLITICAL PARTIES

Only political parties are allowed to contest elections and all candidates must be a member of, and sponsored by a registered party. Persons are therefore not permitted to contest as independent candidates.

According to the Constitution, to be registered a political party must ensure:

- The names and addresses of its national officers are registered with INEC
- Membership is open to every citizen of Nigeria
- A copy of its constitution is registered with INEC
- Its name, symbol or logo does not contain any ethnic or religious connotation or give the appearance that the activities of the party are confined to a part only of the geographic area of Nigeria
- The headquarters of the party is situated in the FCT

The Constitution and rules of a party shall:

- Provide for the periodic election – not exceeding four years - on a democratic basis of the principal officers
- Ensure that the members of the executive committee of the party reflect the Federal character of Nigeria – i.e. not being less than two-thirds of all the States of the Federation and the FCT.
- The programme of each part must conform with the Constitution.

Campaign Finance

With regards to funding and spending by political parties the Constitution states that:

- Every party shall submit to INEC a detailed annual statement and analysis of its sources of funds and assets together with a similar statement of its expenditure;
- No party shall hold or possess funds or other assets outside of Nigeria or be entitled to retain any funds or assets sent to it from outside Nigeria;
- Places limits on permitted campaign expenditure for various elections
- INEC shall each year report to the National Assembly a report on the accounts of every political party.

While political parties are now obliged to file returns on campaign expenditure to INEC within prescribed limits, it is not clear how INEC can ascertain actual campaign expenditure. It was apparent in the 2007 election campaign that some parties had more resources at their disposal than others.

Article 91 of the Electoral Act (2006) provides that the National Assembly may make an annual grant to INEC for distribution to the registered parties. Ten per cent of the grant shall be shared equally among all registered parties and the remaining 90% is to be shared among the registered political parties in proportion to the number of seats won by each party in the National Assembly. In the FPTP system, this provision may disadvantage political parties whose candidates do not win.

KEY ISSUES CONCERNING THE FRAMEWORK AND PREPARATIONS OF THE ELECTIONS

Voter Registration

The Electoral Act of 2006 states that every citizen who is residing in Nigeria and is of 18 years of age or more has the right to register to vote. Under Article 10 of the Act, INEC is charged to “compile, maintain and update on a continuous basis, a National Register of Voters”. Such registration should stop not later than 120 days before any election. Each registered person shall be issued with a Voter’s Card.

Within sixty days after each year INEC is required to make available to every political party the name and address of each person registered during that year. Further, INEC is to print a voter register for each State and any person or political party may obtain from INEC, on payment of a charge, a certified copy for the State.

INEC must allow for a period of public review of the lists of not less than 5 days and not exceeding 14 days. During this period the register shall be displayed for public scrutiny and any objection or complaint in relation to names on the list or omitted from it can be raised. Not later than 60 days prior to the day of the election the Supplementary List shall be integrated with the voters register and published.

Process for Voter Registration for 2007 Elections

In accordance with its mandate INEC undertook a revision of the National Register of Voters. The original timeframe for the registration

exercise was 8 October to 14 December 2006. INEC embarked upon a very ambitious plan for digitized registration, with a Voter ID Card containing scanned finger prints and photos so as to ensure voter identity and thereby prevent multiple voting on election day. Unfortunately, the process was bedeviled by delay and technical problems, with the budget provided by the National Assembly delayed in its transmission to INEC, an insufficient number of registration centres established and companies failing to fulfill the technical specifications and deadlines for the provision of data capturing machines.

As a consequence INEC had to extend registration due to the fact that by 10 December they had registered only 10 million of the estimated 70 million eligible persons. In the end INEC undertook a "lesser" exercise, using 30,000 off-the-shelf laptops and producing temporary black & white paper ID cards reliant on only a photo, rather than the laminated ones which were to also have had a finger print.

The situation was compounded by what many categorise as a token and patchy 5-day public verification exercise. Indeed there are claims that in many areas no public verification exercise was actually undertaken at this time.

INEC announced that the final completed register contained some 61.5 million persons. But concerns persist as to the accuracy of the register and imbalances across areas. For instance, questions have been raised by the massive increase in registered voters on the list in a relatively short space of time in light of the initial slow registration rate. For example, in the initial period of just over two months some 10 million persons were registered, yet in the additional period of just under two months some 51.5 million more persons were registered. Given the technical, logistical and resource problems which plagued the process, such a rapid leap in the numbers of registered persons has raised suspicions among some.

In terms of the overall balance in the registration it is noted that some quite marked regional variances are evident. The figure of 61.5 million is equal to some 44% of the total 2006 census population. But in Gombe in the North-East the voter registration rate is some 60% of the census population whilst in Ekiti in the South-West the rate is just 32%. This is a significant variation which must have an impact on the provision of the franchise in the area as well as the principle of equal suffrage, particularly as this is replicated generally across the

respective regions as in the South-West the registration rate is just 34% of the entire population whilst in the North-East it is 55%.

There were also many allegations of the presence of under-age persons on the voter register. A copy of the register acquired by the COG shows the presence of persons who, from their photos, are clearly and in some cases substantially less than 18 years of age. Observations on election day corroborated this in some areas, notably in the North, as underage persons were seen voting.

Candidate Nomination

The process for candidate nomination was a major contentious aspect of these elections. The most high profile case involved the Vice-President (VP) Atiku Abubakar. However many prospective candidates, notably for the Gubernatorial races, were also affected by the legal arguments and challenges on this matter.

The political background to a number of these cases is covered in other sections. However in terms of the legal and administrative aspects one of the key players was the Economic and Financial Crimes Commission (EFCC). The EFCC was established in 2003, partially in response to Nigeria being named as one of the 23 countries not co-operating in the international community's efforts to fight money laundering. In the conduct of its work the body, under the leadership of Mr. Nuhu Ribadu, had prosecuted and convicted a number of high profile individuals, including a former Inspector General of Police and several bank chiefs. In 2006 it was reported that EFCC corruption cases were on-going against 31 out of 36 State Governors.

However in early February 2007 the EFCC stepped into the heart of the elections by issuing a list of 135 persons who had been nominated as candidates who it said were "indicted", including the Vice-President Atiku Abubakar. Prospective candidates from many parties were on the list including 52 from the PDP; ANPP 35; AC 28; PPA 10; DPP 4 and AD 1. The EFCC stated that the list was "advisory" and meant to guide parties away from fielding "corrupt" candidates.

On 7 February the Government constituted an Administrative Panel of enquiry to investigate the VP over alleged corruption in his handling of the Petroleum Trust Development Fund. This Administrative Panel indicted the VP. On 13 February the EFCC confirmed a list of 37 persons barred from nomination, including the VP. This EFCC report was allegedly issued directly to the President.

Article 137(i) of Constitution states that a person indicted by an Administrative Panel does not qualify for nomination. However some of the key issues that have been raised in this regard are, whether:

- the legal proceedings had a political impetus;
- the “Administrative Panel” of Inquiry which issued the indictments against Atiku Abubakar and others had proper legal status;
- INEC had the power to “screen and verify” proposed candidates or whether this rested with the courts¹.

The fall-out from these issues was far reaching, as up to the last moment before the day of the State-level elections it was unclear in some cases which candidates would be on the ballot and which would not. Indeed, the Supreme Court decision of 16 April against INEC meant that some Gubernatorial candidates left off the ballot for the State elections two days earlier should in fact have been on the ballot, such as in Anambra and Delta States.

There are many conflicting opinions on these matters, but in the final analysis a number of things are clear:

- The procedures against the VP only started after he had fallen out with the President and moved to the opposition;
- INEC took a position of resisting and challenging court decisions until the final one by the Supreme Court on Monday 16 April which ruled against INEC, putting the VP and others on the ballot. If INEC had acted as a body which implemented court decisions as opposed to challenging them then the serious organisational problems resulting from the addition of the VP’s name on the ballot at the last moment would have been avoided.

Independence of INEC

The “I” of INEC is for “Independent”. However, questions have been raised as to how independent it truly is.

¹ The previous Electoral Act (2002) had included an article, No. 21, stating “the decision of the Commission as to the qualification or disqualification of a candidate for an election may be challenged by a candidate”. This subsection was not included in the 2006 Act. Human Rights Watch in its report on Nigeria of April 2007, quotes an anonymous INEC official as saying that the INEC Commissioner for Legal Affairs had argued against INEC disqualifying any of the “indicted” candidates unless told to do so by a court of law. Shortly afterwards he was arrested by the EFCC on charges of corruption. The official stated that this had been “a warning to the rest of us”.

The fact that the Chairman and national Commissioners are appointed by the President, albeit following confirmation by the Senate, and that RECs are appointed directly by the President with no requirement for confirmation, does raise questions regarding how independent they can be. At the very least there can be a problem of perception in this regard.

In financial terms the dedicated Fund foreseen for INEC in the Electoral Act will not be created until the 2011 elections. Hence for these elections INEC's budget of some 55-60 billion Naira was administered by State offices. This lack of financial independence was particularly highlighted in October 2006, during the voter registration process, when INEC cheques were not cleared for payment.

Preparedness of INEC

To conduct an election INEC has to recruit some 500,000 ad hoc staff. Even under the best of conditions this would have been a massive and difficult task. In this instance INEC was very late in starting the recruitment process. When the Commonwealth Secretariat Assessment Mission came to Nigeria at the beginning of March this recruitment process was yet to start, as had the formulation of polling procedures necessary for the training.

It was reported that the recruitment was made more difficult due to a reticence among potential staff to work on what is known to be a highly stressful and even dangerous position. It is also reported that in many areas the training was not conducted fully or at all. The performance of polling station staff on election days, failing to follow procedures properly, would seem to corroborate this.

Further INEC's re-training carried out between the two elections was in a sense an admission of the inadequacy of any earlier training and this proved to be too little too late.

Transparency

There was a general lack of transparency in the work of INEC. The non-transparency in the results process is covered in Section 6, but several of our observers encountered a lack of openness regarding information and basic electoral arrangements, such as by providing detailed figures for voter registration at all levels, publishing INEC decisions and instructions and improving on outreach and inclusiveness vis-à-vis political parties and civil society. INEC held

some Forums with political parties but these were not so frequent and did not involve other key actors such as the Police, which meant that a key opportunity for co-ordination and problem-solving was missed.

INEC argues that it had to keep the details of the ballot secret in order to prevent copies of the ballot being illegally copied. But as the colour could still be kept secret it seems that such security would still be assured even if a black and white version was shown to prospective voters to illustrate for them what it would look like and how to vote. This would have greatly enriched the voter education campaigns and avoided problems on election day.

Other observer groups also reported a lack of openness at the REC level, with officials refusing to give what is usually regarded as basic electoral information, such as a breakdown of voter figures by polling station.

IT and the Electoral Process

For these elections there was a manual form of voting, but INEC made various plans for the use of IT in the conduct of voter registration and the transmission and tabulation of results. At one stage it was proposed to use electronic voting, but there was a legal challenge to this as it was claimed that the Constitution does not provide for it.

Further the use of IT for the voter registration and results transmission proved to be problematic as in neither case did the eventual practice live up to the plan. Since the elections, the issue of e-voting has been raised once more as a potential system for future elections. It would be risky, in our view, to make such a transition at a time when public and political confidence in INEC stands seriously eroded.

Complaints and Appeals

According to Article 144 of the Electoral Act election petitions can only be filed by candidates and parties participating in the election. Thus ordinary citizens or even civil society groups are not in a position to lodge a formal election petition with an Election Tribunal on the conduct of the voting and counting.

Boundary Delimitation

Boundaries for Senatorial and House of Representative constituencies should correspond to State boundaries and should “be such that the

number of inhabitants thereof is as nearly equal to the population size as is reasonably practicable.”

INEC is supposed to review these constituencies at intervals of not less than ten years and can alter boundaries in light of such a review. Population indicators are to be drawn from the most recent census.

Based on current census and current voter registration data there are quite widely varying representation rates which are outside of the Constitutional requirement for the constituencies to be as nearly equal in size as possible. For example, in Bayelsa one member in the House of Representatives represents 284,000 persons, in Zamfara one member represents 466,000 persons and in FCT the figure is 703,000.

Voter Education

Articles 2 and 162 of the Electoral Act empower INEC to conduct voter and civic education. This is a vital component of any electoral process, as people’s active and proper participation is dependent upon it. In this instance however, the national voter education campaign by INEC commenced just seven days prior to the 14 April elections which, given the size of Nigeria, is extremely late.

There were also many such campaigns undertaken by civil society groups with the support of the Joint Donor Basket Fund.

Chapter Four

THE ELECTION CAMPAIGN

Election campaigns in Nigeria are conducted primarily under the provisions of Part V of the Electoral Act (2006) (hereinafter referred to as the Act). The Act further empowers the Independent National Electoral Commission to determine further appropriate rules and regulations to govern electoral campaigns.

The Act specifies that the period of campaigning in public by every political party shall commence 90 days before polling day and end 24 hours prior to that day. The Act states that the police shall provide adequate security for processions at political rallies. It prohibits the following:

- Campaigning based on religious, tribal or sectional bias for the purpose of promoting or opposing a particular political party or candidate;
- Use of abusive, intemperate, slanderous or base language, innuendo or insinuations likely to provoke violent emotions or reactions;
- Carrying of offensive weapons, and the employment, or creation of private security groups to provide security during campaigns rallies, processions and elections;
- Campaigning in places designated for religious worship, police stations and public offices.

Before the 2003 elections, the Independent National Electoral Commission in conjunction with other stakeholders, prepared a voluntary Code of Conduct regarding candidates' and parties' behaviour during the campaign period that was signed by most political parties then existing. A new Code of Conduct was prepared for the 2007 elections, but reportedly did not attract the support of major political parties. Some stakeholders held the view that the Electoral Act (2006) sufficiently covered the same ground as the new Code of Conduct, and was legally enforceable, unlike the Code.

In comparison to previous elections, freedom of movement and assembly was generally provided for, though in the wake of the Gubernatorial and State Houses of Assembly elections on 14 April, some areas experienced tension and disturbances which resulted in security clampdowns and curfews, such as Kano and Edo States. In

the days before the Presidential and National Assembly elections, a directive was apparently issued by the Inspector General of Police suspending outdoor campaign rallies on security grounds.

It is clear from the conduct of the campaign outlined above that there are several problems with regard to the lack of adherence to the provisions of the campaign provisions of the Electoral Act.

KEY ISSUES CONCERNING THE CONDUCT OF THE 2007 CAMPAIGN

The campaign for the 2007 elections was spirited and hard fought. The two-term constitutional limit placed on the President and Governors and the rift between the President and the Vice-President enlivened the campaign further as, whatever the outcome, a new President and a majority of new Governors were due to be elected. In addition, a large number of sitting National Assembly members were not candidates for re-election, thereby opening up the field to newer hopefuls.

As noted earlier, there are at present 50 registered political parties in Nigeria, but apart from four or five major parties the rest remain relatively weak institutions and, as evidenced by results from the Presidential elections, lack widespread support. Public and media interest therefore focused largely on the statements and activities of the major parties and their leaders.

The campaigning methods employed by the main candidates and political parties included rallies, door-to-door visits, loudspeaker vans, billboards and fly-posters, motorcades, and paid advertising in the print and broadcast media. The relative visibility of candidates and political parties was directly proportional to the financial resources at their disposal, and the larger parties were clearly dominant in this regard.

In our interaction with various stakeholders, we were struck by the widely held view that there was virtually no debate on policy issues during the 2007 campaign. It appeared to us that focus of the campaign revolved around personality of the candidates, and the demonstration of mass party support and allegiance. Stakeholders confirmed relatively little interest in individual party programmes or manifestos. Furthermore, the fifty registered political parties were difficult to distinguish in terms of ideology and policy, and many

politicians had no qualms about engaging in “political nomadism” in order to pursue political ambitions.

Campaign Violence

Two of the key negative characteristics of the campaign were violent clashes between party supporters and the fuelling of violence by the heightened political tensions both within and between political parties.

The fall-out from party primaries resulted in tension between supporters of selected candidates and those within the party opposing them. For instance it was reported that even President Obasanjo was pelted with stones in Taraba following the substitution of the Taraba State governorship candidate. These tensions were replicated elsewhere as the PDP party primaries were extremely contentious. Seven people were killed in Rivers State following discontent over the choice of the governorship candidate.

Tensions were also heightened in cases where people switched to other parties following their unsuccessful attempt to be elected/selected during the party’s primaries or because they had been “enticed” across. There were also assassinations or attempted assassinations of candidates. Dr Ayo Daramola, a PDP gubernatorial candidate in Ekiti State was assassinated in August 2006. In apparent revenge, an irate mob attacked and torched the home of Ropo Adesanya, the PDP State Chairman, as well as the homes and properties of other PDP notables, apparently suspecting a conspiracy to foil the late Daramola’s candidacy.

The tone of the election campaign was also set somewhat by the country’s leaders. President Obasanjo was often quoted as having characterised the election as a “do or die affair” for the PDP or that the only possible electoral result was “PDP or nothing”. Such statements gave the unfortunate impression that elections had to be won at any cost. Such statements were also bound to fuel tension at the grassroots level. One example also involving the President occurred in Ondo State in early February, when at a campaign rally the President was reported to have openly accused the Governorship candidate of the Labour Party of corruption and embezzlement. This may have contributed to a clash in the area between supporters of PDP and the Labour Party.

There were numerous other incidents of inter-party violence. In one incident in Nassarawa State for example, just before the State

Elections, it was reported that up to 50 persons were killed in a single clash between the ANPP and PDP supporters. The final number of dead remains unclear, but the police reportedly “recovered 23 bodies”. The ANPP claimed to have been ambushed on their way from a rally by a gang armed with guns, machetes and cudgels.

Media reports consistently indicated that the most violent geo-political zones during the campaign were the South-South (the Niger Delta) and the South-West. Concern was expressed about the issue of proliferation of arms in the country. Local monitoring groups put the number of election-related deaths at more than 200.

Stakeholders we met highlighted the link between political parties and “mal-adjusted” youths, or gangs. They indicated that some parties “buy” unemployed youths, and that such youths can easily be enticed to promote and perpetuate violence. On 13 April 2007 *Vanguard* reported that five persons were killed in Lagos following a clash between PDP and AC supporters. A representative of Lagos State police described it as “a fight between area boys”, which is the term for local gangs. Other pre-election reports stated that some politicians in different parts of the country had mobilized armed gangs.

Participation of Women Candidates

Only one woman was nominated as a Presidential candidate and just one woman was nominated as a Vice-Presidential candidate. Figures compiled by UNIFEM indicate that women represented 6% of the candidates nominated for the National Assembly elections. This figure falls well below the 30% identified in the Millennium Development Goals as an indicator of progress towards gender equality.

It was claimed that women experienced specific problems throughout the nomination and campaigning process which impacted negatively on their participation. It was reported that in some instances women were substituted in favour of men during the party primaries despite having won the nomination.

The campaign environment was also seen as detrimental to women’s participation, as despite the positive initiative not to charge women the nomination fee applicable to other candidates, the general commercialisation of the political environment puts women at a disadvantage. The rather hostile and sometimes violent campaign environment also has the effect of deterring women from participating in politics.

The Abuse of Incumbency

Incumbency (both individual and party incumbency) was seen as an important electoral resource. In Nigeria, there is a strong “money culture” which influences the political landscape at all levels. There were allegations that the ruling parties at national and state level unfairly exploited the advantages of incumbency, utilising, for example, patronage, privileged media access, grant of salary increases for civil servants and announcing or commissioning development projects close to election day for electoral advantage. Oyo State, for example, announced salary increases for civil servants a few days before the Presidential election.

Many stakeholders felt that the incumbency factor played a key role particularly in the ruling PDP nominations, where the influence and will of the President was said to have been often the deciding factor.

Chapter Five

MEDIA

Nigeria has a vibrant and dynamic media. The Federal and State governments control an extensive state-owned radio and TV network, comprising over 80 percent of more than 200 radio stations and approximately 100 television stations currently operating in the country. These are operated through the Federal Radio Corporation of Nigeria (FRCN) and National Television Authority (NTA). Additionally, the Federal Government owns and operates the Voice of Nigeria (VON), an external broadcasting service.

There are some privately owned radio and TV stations, with Africa Independent Television (AIT) and Ray Power FM, both providing national coverage.

The print media, on the other hand, have traditionally been privately owned and controlled. There are roughly 100 national or local newspapers and magazines published in Nigeria.

ISSUES CONCERNING PRESS FREEDOM

The media in Nigeria have had to cope with problems of authoritarian rule through successive military regimes in the past. These have included censorship, arbitrary arrests and detentions, raids on media offices, and the like. However, dictatorial regimes have never managed to stifle the voice of the media.

The advent of civilian rule in 1999 also signalled the lifting of restrictions on the media and the mushrooming of various media outlets.

Press freedom is guaranteed under the Constitution. However, there have been continuing reports of repeated violations of press freedom and arbitrary arrests of journalists, especially those working with the private media.

Financial constraints have affected the space for press freedom. The media is also not immune to corruption, bribery and manipulation. Our Observers were told that some journalists were paid to write favourable articles about certain candidates and political parties. In some cases, stories were spun to reflect the ulterior interests of their

financiers. This was in contravention of the Media Advisory for Coverage of the 2007 Elections, adopted by print media practitioners themselves. This practice was however not widespread.

MEDIA ENVIRONMENT FOR THE ELECTIONS

On the whole, the media has been an important vehicle for reporting elections and related issues.

There were reported increases in violence directed at media personnel in the months leading to elections. Article 19, a freedom of expression advocacy organization, reported that independent broadcast media such as AIT and its affiliate radio station, Ray Power FM, have been constant targets of harassment by authorities, with programmes stopped in mid-air, tapes seized and reporters arrested.

Indeed, one such incident was reported to have taken place on 16 April, two days after the State elections and five days before the Presidential elections. It was reported that security agents raided AIT and stopped broadcast of a programme on the legacy of President Obasanjo, which was perceived to be critical of the incumbent government.

MEDIA GUIDELINES FOR ELECTION COVERAGE

Section 102-105 of the Electoral Law of 2006 makes rules for media coverage of the 2007 election process. The main objective of the relevant sections of this law is to promote equal access to media coverage to all political parties. The law also states that “state apparatus, including media, shall not be employed to the advantage of any political party or candidate.”

The broadcast media in Nigeria has a Code of Conduct set by the National Broadcasting Commission (NBC) that serves as a benchmark and guide to news media editorial policy at all times, including election season.

This Code was developed in consultation with media houses. However in January 2007, amendments were made unilaterally by NBC to the Code without the involvement of the media.

Some journalists interpreted the amendments as “warnings” rather than “guidelines.” An example of this was an instruction to media

houses not to announce or publish any results of the elections before INEC's official announcement.

It was difficult to establish how the NBC enforced some of its warnings, including the following: "No station shall be involved in the production of jingles; no voices of members of staff of any station shall be in political jingles and all jingles should conform to the standards of truth, decency, good taste and morality." Clearly, some of the jingles aired were quite defamatory.

As reported by NBC, 14 broadcast media were fined for campaign blackout violations during the April 14 campaign silence period.

Broadcast media were also expected to remain neutral throughout the election campaign period, but from our observation, this was not adhered to.

GENDER SPECIFIC MEDIA COVERAGE OF THE ELECTION

Working with some women's groups and other gender stakeholders, the media was said to have engaged in affirmative action efforts aimed at supporting and encouraging female candidates at various levels, by providing preferential access including special advertising rates.

There were paid advertisements in newspapers in the weeks leading to the elections, some of which were sponsored by UNIFEM, promoting gender issues and women's participation in the elections.

ANALYSIS OF MEDIA COVERAGE OF THE ELECTIONS

Our observers followed a sample of media coverage during elections by listening to radio and watching television broadcasts as well as monitoring the conduct of leading newspapers. It was found that generally the media devoted substantial airtime and space to election related issues.

The media aired debates and interviews with presidential candidates, and some local media organizations were able to devote significant amount of space and time to gubernatorial races, giving candidates access and an opportunity to present their views, and allowing voters to access vital information for them to make informed choices.

The news content in newspapers was wide-ranging, representing different shades of political opinion. The commentary and opinions pages of the newspapers provided an in-depth analysis of the candidates and their platforms and were generally informative.

However, contrary to the electoral laws, it was observed that the state owned broadcast media (radio and television) devoted a disproportionate amount of news coverage to the ruling PDP.

There was a campaign by INEC to engage the media to pass on civic public information about voting procedures, the electoral process and other relevant information, especially during the last week of the campaign period. However, observers felt that the effort at voter education was insufficient.

INEC should be commended for setting up a Media Centre, where election officials conducted regular briefings especially during the last week to the polls. The regular briefings provided journalists with a one-stop shop for accessing information. On this note, it is also commendable that NTA and private TV channels were able to run live broadcasts of press briefings by INEC officials.

Conclusions

The media was just one of the actors expected to create conditions for a free expression of the will of Nigerian people in this electoral process. On its own, the media had little power to do much in a process where there were some major challenges involving other stakeholders.

However, on the whole, and given the environment under which they operated, it can be said that the media in Nigeria played their role of informing, educating and providing insight about the elections.

Nevertheless, it should be noted that significant state ownership of the broadcast media negatively impacted on and influenced the coverage in favour of incumbents' parties.

Chapter Six

VOTING, COUNTING, TABULATION, AND ANNOUNCEMENT OF RESULTS

OBSERVATION BY THE COMMONWEALTH OBSERVER GROUP

There were two sets of elections:

- State Governorship and House of Assembly Elections were held simultaneously on 14 April 2007
- Presidential, Senatorial and House of Representative Elections were held on 21 April 2007

On each of the above election dates there were approximately 120,000 polling stations.

For the 14 April elections our advance teams travelled from Abuja to their base locations in Kaduna, Niger, Lagos and Kano states where they held meetings with the principal stakeholders and observed the elections.

For the 21 April elections teams deployed to Lagos, Kaduna, Oyo, Edo, Enugu and Plateau states. The team in Plateau also covered parts of Bauchi state. Two teams remained in Abuja headed by the Chair of the group and covered FCT, Niger and Nassarawa.

The Observer teams observed the voting process on each of the two election days including in both urban and rural areas. They also observed the counting, tabulation and transmission of results. The Chairman's team observing in FCT, maintained contact with the teams in the field and followed national results at INEC in the capital.

LAWS AND PROCEDURES ON VOTING, COUNTING AND TABULATION

The Electoral Act 2006 (as amended in 2007) deals with key procedural issues for election day including the hours of polling, the display of ballot boxes, issue of ballot papers, conduct of poll by "open secret ballot" and the counting of votes. Other procedures for voting, counting and tabulation of results are encapsulated in the Manual for Election Officials.

The current provisions of the Electoral Act and the Manual for Election Officials are as follows:

Organisation of Polling Stations

The basic procedures for organising the voting process are as follows:

- that the poll is from 08.00 till 15.00;
- all campaign materials should be removed from the Polling Stations;
- polling stations should be organised so as to ensure voter secrecy;
- prior to the opening of polls all essential materials must be present including voters register, ballots, ballot boxes, seals stamp and ink;
- Party Agents and Observers can be present;
- the voting procedure must be announced to all those present;
- the empty ballot boxes should be displayed prior to locking and sealing.

Polling Station Procedures

There should be one Presiding Officer (PO), one Poll Clerk (PC) and a Poll Assistant (PA) at every polling station. The voter presents the voter card to the Poll Clerk who verifies the identity of the voter and checks for indelible ink. The Poll Clerk must check for the voter's name on the register and tick the name in an election specific colour (red for federal level, blue for state level). The Poll Clerk marks the back of voter card with an X and then the voter is marked with ink (left thumb for state-level and right thumb for federal level). If the voter card is laminated then the Poll Clerk should punch a hole in it. The Presiding Officer issues ballot papers (different colours for each election type) which must be both stamped and signed on the back by the Presiding Officer. The voter then proceeds to a voting "booth" to thumbprint the ballot and places the ballot in the ballot box.

Other Procedural Issues

Persons requiring assistance can be helped by a person chosen by him/her. If a ballot is accidentally spoiled a replacement shall be issued. If a person arrives at the polling station and a person has already voted in their name then there is a provision for tendered ballots to be issued whereby the validity of the voter is verified later. If a person is still waiting in line at the polling station at closing time then he/she shall be allowed to vote.

The Count

The count takes place in the polling station after the close of polls. Ballots are rejected based on the following: -

- Choice of vote not clear
- Ballot not stamped and signed by the Presiding Officer
- Ballot is without a thumbprint
- Ballot is marked so as to identify a voter
- Ballot is marked in favour of a party/candidate not contesting the election
- All rejected ballots must be shown to agents and observers

Votes are counted at the Polling Station. Results are not “posted” but Party Agents can receive copies of results sheets. Polling stations deliver results to Ward Collation Centres. Once results have been delivered from all Polling Stations, these are collated and announced at Ward level. Again party agents can receive signed copies.

Results sheets are then delivered to the Collation Officer for the LGA (There were 774 across the country), where they are again collated. These collations are then delivered to the State level (REC). Again a collation and announcement is done. Results are released at each level, but official results are only announced by the responsible Returning Officer – Constituency level for House of Representatives, at State level for Senate and Governor. For the Presidential election the Chair of INEC is the Returning Officer.

OVERVIEW OF THE CONDUCT OF THE 14 APRIL STATE ELECTIONS

The Advance Group observed the State Level Elections on 14 April in four states, Niger, Kaduna, Kano and Lagos. The teams had concerns over serious logistical shortcomings and administration of elections on polling day. Significant numbers of polling stations opened extremely late. In many cases the secrecy of the vote was not assured. A number of violent incidents were reported including ballot stuffing and snatching. There were also incidences of under-age voting. On the eve of the election there was some reshuffling of key election personnel.

These concerns were drawn to the attention of the Chair of INEC who assured the team that all efforts would be made to rectify the shortcomings. He informed the Group that the operational challenges of Nigeria necessitated the priority to focus on the “integrity of the ballot as opposed to the elegance of the voting process.” Despite these

reassurances there remained serious deficiencies identified on the 21 April.

KEY ISSUES CONCERNING THE CONDUCT OF THE 21 APRIL FEDERAL ELECTIONS

The team highlighted the following issues in relation to the 21 April Federal-Level Elections.

Late Opening of Polling Stations and Distribution of Materials

The polling time was changed on the day prior to polls (20 April 2007) by the Chairman of INEC who announced on television and radio that voting would take place from 10.00 until 17.00 to ensure timely distribution of materials. He also announced that the results at polling stations would be posted. The COG noted that despite this many polling stations opened late, indeed many did not open until after 15.00. These delays caused tension and frustration among voters as there was no clear explanation and information flow from the upper structures of INEC was poor. In some areas the tension led to interventions by the security forces to ensure order. In addition to causing tension, the late opening of the polls is likely to have affected voter turnout, particularly in relation to the participation of women.

Presidential Ballot Papers

The late opening of the polls was aggravated by the delayed supply of the Presidential Ballot Papers. This was as a result of the Supreme Court ruling of 16 April on Vice President Atiku Abubakar, which allowed his candidature and name on the ballot paper. It therefore became necessary for new presidential ballot papers to be printed in order to include him on the ballot. The ruling was originally scheduled for Thursday 12 April but was subsequently delayed due to the abrupt and unexpected announcement by President Obasanjo of two public holidays on Thursday 12 April and Friday 13 April 2007.

Ballot papers had to be printed at very short notice in South Africa and had to be expeditiously transported around the country using various methods including planes and helicopters.

As a result the quality of the ballot papers was compromised. The Presidential ballot papers lacked key security features, were not serialised and were not bound. Evidence of the lack of security details on the ballot papers was highlighted when one of the observer teams

were shown a bunch of pre thumb printed ballot papers for the ruling party that had been seized by the Police in Kaduna. It was not possible to verify whether these were genuine ballot papers or not.

Layout of Polling Stations

Many polling stations or areas observed by the teams were cramped and were not organised in a way to ensure an easy flow of the process. The physical layout did not meet the standards set out in the manual. In the majority of cases there were inadequate tables and chairs. In many cases there were no polling booths. In most polling stations the transparent ballot box(es) were inappropriately placed near polling or security officials and no provision was made for voting or counting taking place after dark or for rain. Many of the polling stations visited had no defined demarcation.

INEC Personnel

As already stated the Manual for Election Officials clearly stipulates that three INEC officials should staff the polling station. Most polling stations that the team observed there were only staffed by two INEC officials but in addition there were almost always Police Personnel present. INEC staff seemed ill prepared in terms of the operational knowledge of the polling station.

It was reported to the COG that many of the INEC staff had just been moved to their respective area and indeed some officials could not even locate their own polling station. The reshuffling took place at all levels including REC's; some officials were even reshuffled between the 14 and 21 April. The INEC Chair informed the group that this was to remove perceptions of bias or the possibility of bribery.

After the state level elections, the Chair of the COG was assured by the INEC Chair that the issues highlighted by the group would be addressed and further training was to be carried out. However this did not seem to have taken place in a number of cases. Some teams noted that the Manual for Election Officials was not present at many polling stations. The officials were also hampered by lack of information and tensions created by the late arrival of material from upper echelons of INEC. The group observed that many polling officials were forced to improvise in order to fulfil their assignment.

Women were present as polling officials in the polling stations, though it was observed that women were Presiding Officers in only the

minority of cases. Further, women were noticeably absent from positions as more senior electoral officers, with just one female National Commissioner and just one female Regional Election Commissioner.

Electoral Materials

There was a marked inconsistency over the quality of the voters register with some teams observing registers without photos, some bearing thumb prints, and sometimes the absence of any register at all, leaving polling staff to improvise by listing the names of voters in note books. In addition, the order of the names on the voters register was not always presented in a logical manner.

Many constituencies had missing Senatorial and House of Representatives ballot papers. The omission of logos and photos on these ballot papers led to the postponement of elections in some constituencies, in Kaduna, Lagos, Oyo, Ogun, Akwa-Ibon, Plateau, Delta and Rivers States.

The regulations clearly state that there must be a ballot box for each type of election. This regulation was not applied consistently with many teams witnessing only one ballot box per polling station. Some PO's opted to use only one ballot box at a time for convenience or to obviate the risk of ballot snatching. In addition none of the COG teams saw a ballot box being sealed. Instead the ballot boxes were only closed by zips.

It became clear during counting that even where two ballot boxes were used, some votes for the Presidential Elections were cast in the box for the National Assembly election, and vice versa.

A lack of ink pads resulted in each pad being used for both stamping the ballot paper by the PO and thumb printing the ballot paper by the voter. In some polling stations officials were not stamping and signing the reverse of ballot papers.

In many polling stations visited the group observed less ballot papers delivered than the number of voters on the respective registers.

Security

There was a heavy military and police presence at all INEC offices at state level and at the federal headquarters in Abuja. At each polling

station there was a visible police presence. Despite this level of security, a number of cases of ballot box stuffing and snatching were reported. The team in Edo observed multiple voting and ballot stuffing with no response from the police, party agents, polling staff, or the public.

In some areas the high visibility of the military may have intimidated voters. Additionally, there were groups of young “thugs” allegedly in the pay of political parties roaming around unchecked on polling day in some places.

Secrecy of Voting

The group observed that the secrecy of voting at polling stations was highly compromised and certainly not guaranteed. Voting took place in the open and often in front of polling officials or the police personnel. It must be noted that this fundamental democratic right did not appear to disconcert the voters or the local stakeholders. This was emphasised by the fact that candidates and other opinion leaders were happy to be filmed by TV crews marking ballot papers in the open. So were some ordinary voters.

Women’s Participation

Observers felt that the number of women registered to vote, particularly in the north of the country, appeared to be comparatively low and the number of women turning out on election day was also very low. In other parts of the country this was not so much the case, though the late changing of polling hours was felt to have impacted negatively on the number of women voting.

Party Agents

There were party agents present at most polling stations for the main political parties. In numerous cases they had no identification nor did they raise objection to any aspect of the malpractices at polling stations. In some stations they assumed the roles of INEC officials due to shortage of polling officials.

Domestic Observers

It is estimated that some 50,000 domestic observers were present for the 14 and 21 April elections, representing a wide variety of civil society groups. Eight of the largest groups, representing a wide cross

section of society, including faith-based groupings, worked together to issue a common critical report on the process. During the pre-election period some of the larger groups reported that they were harassed by the State Security Service and faced a difficult task in securing their accreditation from INEC. For the elections many groups did finally manage to secure their accreditation but not all.

Transparency of Vote Count and Tabulation of Results

Result forms were missing at various levels of the tabulation process and Presiding Officers and Returning Officers had to improvise, resulting in varying methods of transmitting the results upwards. This lack of adherence to the electoral laws and inconsistency led to a diminution of confidence in the process. Some teams witnessed results not being counted or declared at the polling stations, which compounded fact that results were not being posted at polling station level in most instances, seriously undermining the transparency of the process.

There were also cases where counting was not done at polling stations for reasons which were not clear. Some ballot boxes were taken directly to the wards and others to the LGA where counting was done by officials from the polling station. This bypassing of the collation steps meant that it was not clear at what stage the data was integrated into the final results.

The failure to provide a breakdown of election results to polling station level, particularly in an environment where there is so little confidence, represented a major lack of transparency. Whilst Party Agents were able to get a copy of the polling station results, there was no way to corroborate if these results in fact made up any part of the overall result for the Ward, LGA or State as there was no publication of the results at any level by polling station at the time of the Observer Group's Departure from Nigeria. Thus the transparency and confidence-building provided by the provision of a copy of the results sheet is undermined.

At the time of writing the report there had also not been any breakdown of the results for the State elections of 14 April. And, as for the Presidential elections, nowhere is it shown explicitly if the winning candidate did indeed secure the required 25% of the vote across 2/3 of the States in the case of the President, and respective LGAs in the case of Governors.

There is also some controversy over the tabulation of the final presidential result, with opposition representatives claiming it was completed with undue haste. It was also alleged that at that time INEC had become aware of a potential court injunction by an opposition candidate which would have prevented them from announcing the result. The results as released by INEC are handwritten, global, showing the final vote totals only, with no official breakdown by State, LGA, Ward or Polling Station. Possibly this level of detail will follow. However if INEC was concerned with being seen to be above question and providing utmost confidence for all stakeholders such information should and could be made immediately available.

Chapter Seven

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The 2007 Nigerian elections were seen as a political landmark for the country, representing the first ever occasion when power would be handed over by one elected civilian administration to another. They 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.

These polls were more competitive than previous elections, due to the number of incumbents reaching their term limits, with 25 presidential candidates and thousands of others contesting across the country for seats in the National Assembly. Contestants generally enjoyed freedom of assembly, freedom of movement and as well as freedom of expression. Also, it was to the credit of the various political forces that their grievances were pursued through the courts and that ultimately they all decided to participate in the electoral process despite their reservations and stated concerns.

The general level of women's participation was fairly low. Despite some advocacy campaigns there were relatively few women candidates, and even though women were present as staff in polling stations and in the security forces, they were noticeably less well represented in more senior positions. For instance, there is only one female national Commissioner in INEC. Also, levels of women's registration as voters, as well as the turnout of women voters on the election days, was especially low in the northern parts of the country.

The patience shown by the Nigerian people across the country on 14 and 21 April was admirable, and it is commendable that in the face of all impediments to the exercise of their right to vote they remained resolute in their determination to do so. However the turnout generally seemed to be noticeably lower for the Federal than for the State elections, possibly as a reaction to the problems encountered during the latter and a consequent sense of disenchantment. The decision to delay the hours of polling could also explain this phenomenon.

In the wake of the poorly organised and seriously deficient State polls, after which INEC themselves announced that elections in a number of constituencies in at least six states would be re-run, the assurance was provided to us that a concerted effort would be made to improve matters by re-training election officials, increasing transparency of the tabulation of results, and ensuring a more cohesive implementation of the process with increased security. But notwithstanding these promises, the organisation of the Federal elections still left much to be desired.

The Presidential elections became the subject of some uncertainty because of the need to re-print the ballot outside the country just days before the election and fly them in on the eve of the poll. This was because of the decision by the Supreme Court on 16 April, which itself was probably delayed due to the sudden declaration of public holidays on 12 and 13 April. The printing, delivery and distribution of the ballot at this stage was a monumental effort by election and security officials, which deserves to be commended, but it led to serious delays in polling in many areas of the country. The question could also legitimately be asked whether INEC made adequate effort to have a genuinely viable contingency plan in place as they had claimed. In addition, the ballot did not include a serial number, which made it less secure.

We have commented elsewhere in this report on the late, and in some cases extremely late, opening of polls in most parts of the country on 21 April. This was mainly due to the late distribution of polling materials. The lack of ballot papers for the National Assembly elections in several places around the country also caused confusion and tension and required re-scheduling of these polls. The reason for this, viz. wrongly printed ballots, was not made known to Presiding Officers, who had agitated voters and party agents to handle with no explanation to provide them.

The widespread lack of secrecy in the voting was, yet again, a prevalent feature of the process.

With regard to many of the other problems identified on 14 and 21 April, given the time and resources at the disposal of the responsible electoral management body, INEC should have been able to ensure that a uniform and more cohesive voters register was developed, that polling officials were recruited and better trained in good time, that people all across the country were able to fully and freely exercise

their franchise without such obstacles and that the ballots for the National Assembly election were correctly printed and distributed.

These organisational deficiencies generated discontent, confusion, tension and even violence. As a consequence, public confidence in the electoral process suffered. The lack of transparency in the results process further eroded trust and fuelled speculation and rumour as corroboration of results proved difficult, particularly as results were invariably not posted at polling stations for the Presidential elections as INEC had promised they would be. For the State elections a breakdown of the results was still not available for scrutiny at the time we departed Nigeria, two whole weeks after those polls. Likewise, for the Presidential elections, no public figures were available on the number of those who voted. We have noted earlier the allegation that the declaration of results was rushed to avoid an impending legal injunction. It is no surprise that such a lack of transparency should give rise to unhealthy speculation and rumour, erode trust and deepen suspicion.

It has been reported that some 200 persons lost their lives in election-related violence in Nigeria. Political parties are also culpable for the increase of tension, as their supporters were often involved. The number of reported violent incidents in the run-up to the polls and on the election days did not do Nigeria proud. At the same time, the improvement in security arrangements for the Federal elections deserves to be acknowledged.

At the best of times, organising elections in Nigeria is a major challenge, given the scale of the country and its electorate, the nature of the terrain and the often tense political atmosphere. On this occasion, regrettably, the fraught political atmosphere was further vitiated by the falling out between the President and Vice-President, which permeated many aspects of the process and resulted in the perceived use of incumbency and the resources of State in a partisan manner. This was particularly detrimental to the conduct of the party primaries and to the image of the independence of crucial federal institutions such as INEC and the EFCC.

While INEC must certainly be accountable for the organisational failings we witnessed in the conduct of the elections, Nigeria's prevailing political culture must also be held responsible for the climate of mistrust, suspicion and lack of transparency that one encounters in many aspects. The Chairman of INEC told us that the eve-of-poll reshuffle of election officials, and the deliberate supply of election

materials at the eleventh hour, for example, were to preserve the integrity of the electoral process. The snatching of ballot boxes from under the noses of security personnel is another example of how gangs operate with impunity and an environment where money and muscle seem to be part of the political landscape.

On the other hand, the judiciary is seen as having played a more positive role during these elections, not because of their verdict in any one case but because of their independence of action. The rule of law is crucial in any democracy and the judiciary plays a vital role in upholding the integrity of the process in a society. However, timelines for hearing and deciding on cases need to be rationalised so as to be consistent with timelines for the conduct of the electoral process. This will help to avoid the major disruption caused by cases being ultimately decided up to and even - in the case of the State elections, after the day of the election.

The registration of voters in Nigeria remains a problem to be resolved. A concerted effort was made to produce a more coherent and reliable voters register. However, due to delays in the process, changes to plans, an inadequate public verification exercise and the continuing presence of under-age persons on lists in some areas it is clear that work remains to be done in this regard to ensure a fully credible resource. But there is provision for continuous updating and this voters list can be viewed as a starting point for a more reliable list for future elections.

For the reasons we have spelt out in this report, 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.

These elections in Nigeria have caused considerable public frustration and exacerbated political acrimony. The public assessments of domestic observers and several international observation missions, characterising the elections as flawed and lacking in credibility, are being widely cited in this context. It is our hope that once the passions cool, Nigeria's political leaders will resolve their electoral disputes peacefully and through legal means. We have urged that due process and the rule of law should be respected. Violence cannot be the answer. Reconciliation, not recrimination, is the need of the hour.

We would like to salute once again, at the end, the people of Nigeria. They invested complete faith in the democratic process and stood in orderly fashion for hours to exercise their franchise, patiently tolerating the impediments placed in their way. They have a right to expect more from the institutions that serve them and from their elected representatives. They must not lose faith in democracy, for that would be a serious setback for their country. It is something Nigeria – indeed Africa, the Commonwealth and the entire international community – can ill afford.

The Commonwealth has an important stake in the stability and progress of Nigeria, and in the consolidation of its fledgling democracy. It will continue to be a friend and to stand by Nigeria as it learns from the experience of the troubled elections of 2007, rectify the shortcomings, and consolidate the democratic ethic.

RECOMMENDATIONS

A number of recommendations flow from the observations we have made in the various chapters of this Report. These are set out below.

However, it is pertinent for us to point out that our predecessor Commonwealth Observer Group in 2003 also made a number of recommendations which are still as relevant today as they were four years ago. Little or no action has been taken to implement them.

While the recommendations listed in this section focus on a number of specific areas of election management, drawing on the collective experience we possess in our Group, we hope our constructive suggestions will be taken on board. Judging from the fact that Nigeria has not properly implemented its own Electoral Act and Manual for Election Officers, both of which meet accepted standards, there is definitely a deficit of implementation. Whether this is due to a lack of political or executive will, or administrative and managerial capacity, is for Nigeria to determine and redress. Without that will and that capacity, our recommendations too might gather dust and our own effort to assist Nigeria would have been in vain.

We have the following recommendations to make:

Electoral Framework and Preparations for the Election

- Work on the Voter Register needs to continue, to update the current level of registration, ensuring that all those persons

properly qualified and wanting to be registered have the chance to do so, thus achieving universal suffrage in Nigeria. In preparing the updated register it is imperative that a proper check is made to prevent multiple registration and under-age persons from registering. Further, a full and comprehensive public verification exercise should be undertaken to ensure the register is “cleaned”. This will also help rid the existing register of under-age persons and duplicates. Such a process for the updating and production of the new register must be fully transparent, ensuring public and political confidence at all stages. Political parties must be provided copies in a timely manner in accordance with the law and full breakdown figures must be published to ensure full transparency and accountability.

- The use of IT in an election can of course greatly facilitate the process, notably with regard to the tabulation and publication of results at all levels. However, in terms of the future use with regard to voter registration and even possible e-voting – which has been raised in the past – very careful consideration needs to be given as to the relevance and feasibility of any plan. The key principles guiding any decision on this are transparency, accountability, confidence, feasibility and cost effectiveness. In this regard any plans for e-voting in Nigeria should take account of the fact that there is currently very little confidence or trust in the process and that the adoption of such a plan at this time would likely exacerbate problems rather than solve them.
- The nominations process needs to be clarified and rationalised, ensuring that the procedures for nomination, complaints and appeals can be properly dealt with according to the timelines for the election, ensuring the timely identification of contestants and printing of ballots. The law needs to be clarified to properly, fairly and definitively identify the qualifications for candidates and the respective responsibilities with regard to verifying and confirming eligibility. In this regard INEC would be better served by not being seen as the adjudicator in such cases, but rather as the recipient of legal decisions by a qualified court.
- Consideration needs to be given to ensuring an increase in the level of women’s participation as candidates and electoral officials.
- The independence of INEC needs to be strengthened and be above question. In this regard the INEC Fund should be

established – as indicated – after these elections for the 2011 elections. The appointment of Commissioners needs to be the result of an inclusive process, ensuring political confidence in the final appointees. There are many models to achieve this but direct appointment of national Commissioners and RECs by the President should be avoided. For INEC Commissioners, a Selection Committee drawn from across the political spectrum in the National Assembly could draw up a short list which enjoys the confidence of all. The President could then appoint from such a list. In the case of RECs it would be quite regular for them, as INEC Staff, to be appointed by and answerable to the national Commission.

- For future elections it is imperative that election officials are recruited and trained in good time, to ensure a more professional handling of the process.
- INEC should also be more transparent in its day-to-day work, in terms of access to information by stakeholders and observers, as well as engaging with political parties as partners in the process. A joint forum involving political parties, security agencies and relevant civil society groups would be of benefit for INEC to establish, as a mechanism for outreach. Further all Laws, Regulations, Orders, Public Documents and Instructions should be on the INEC website or published in other relevant ways. Transparency and confidence are especially vital for this part of the process.
- INEC needs to undertake the review of constituency delimitation to ensure that equal suffrage is provided for.
- Voter education campaigns are an integral part of the electoral process. INEC must ensure that a full and comprehensive programme is conducted before each election in good time to ensure the electorate is adequately informed and encouraged.
- Consideration could be given to reviewing the current provisions of the Constitution which prohibit independent candidates from contesting the elections.
- Consideration could also be given to the grant for political parties being shared by the parties in proportion to the total number of votes polled rather than their number of seats. This would help to promote and strengthen parties.

- INEC must ensure that the provisions to check political party financing and expenditure are fully enforced and that the findings are published in an open and transparent manner to ensure accountability.

The Election Campaign

- There should be reform of political parties, with more rigorous insistence on intra-party democracy.
- Encouragement should be given to policy-based, rather than personality-based politics.
- Measures should be instituted to neutralize the incumbency factor, including explicit regulations on prohibition of use of state resources for campaigning.
- A Code of Conduct which facilitates fair-play should be agreed and adhered to by all stakeholders. There should be specific provisions in the code to check the advantages of incumbency and INEC should implement the relevant provisions on campaign expenditure to ensure transparency and accountability.

Media

- The National Broadcasting Commission (NBC) should be strengthened to enable it to conduct itself more independently and professionally
- The National Broadcasting Commission should ensure that the state media provide a more level playing field in their news coverage of all political parties.
- An environment should be put in place to ensure greater access to relevant election related information.
- There should be consideration of a process to transform all state-owned and run electronic media into a public service broadcaster.
- The government and other stakeholders should demonstrate genuine commitment to promote press freedom.

Voting, Counting and Tabulation and Announcement of Results

- INEC should ensure a clear information flow from Headquarters to every level.
- The Manual for Election Officials should be available at each polling station and be closely followed.
- The distribution plans for the delivery of materials should be revisited to ensure a sufficient supply of polling materials and the timely opening of polls.
- The hours of polling should be strictly adhered to.
- Contingency plans should be made for artificial lighting to count the ballots, for instances where it is necessary to do so in the dark.
- INEC should ensure ballot papers have watertight security features and should institute a transparent tracking system.
- Polling stations should be properly laid out and equipped to ensure an easy flow of the voting process.
- Ballot boxes should be placed away from officials and party agents but in full view of the Presiding Officer.
- The stipulated number of INEC staff should be present at each polling station.
- Polling staff should have an operational knowledge of their area of responsibility and should receive adequate training in all polling procedures.
- The security of ballot boxes needs to be improved including the provision of seals and locks.
- INEC should ensure that security personnel assigned to polling stations do not interfere with the process.
- Polling Booths should be provided – and used - to ensure the secrecy of the ballot.

- Party Agents should have clear official identification and should receive training regarding their roles and responsibilities.
- Transparency in the results process in particular but also in the general work of INEC must be improved. Results broken down by polling station should be provided at each superior level. Final published results must be more comprehensive in terms of providing full information on number of voters, votes cast, invalid votes, votes attained etc.

ANNEX I

Biographies of the Observer Group

Composition of the Group

Justice Joseph S Warioba (Tanzania) - Chair

Justice Warioba served as Prime Minister and first Vice-President of the United Republic of Tanzania from 1985 to 1990. From 1976 to 1985 he was Attorney-General and Minister of Justice. Justice Warioba was Chairman of the United Nations Preparatory Commission on the International Seabed Authority from 1983 to 1986, Judge of the International Law of the Sea Tribunal from 1996 to 1999. Between 2001 to 2002 he was Chairman of the United Nations Secretary-General's Advisory Panel on the World Summit on Sustainable Development. He also served at the East African Court of Justice in Arusha from 2001 to 2006.

Justice Warioba has led election observer missions before in Zambia, Nigeria, Ethiopia and Malawi, where he was Chair of the Commonwealth Observer Group in 2004.

Mr Joseph Biribonwa (Uganda)

Mr Biribonwa is a Commissioner of the Uganda Electoral Commission since 2002. Prior to that he worked in management of various government enterprises including Deputy Managing Director of the Uganda Electricity Board. He retired as Speaker of Bunyoro Kingdom in Uganda. He has also served on several institutional Boards including Makerere University Council, Uganda Aids Commission. He is a Board Member of Crane Bank Ltd and Chairman of Board of Directors of Munyonyo Commonwealth Resort Ltd.

Mr Biribonwa has earlier observed elections in Rwanda, Namibia, Tanzania, Zimbabwe and Zambia.

Mr Omar A Jallow (The Gambia)

Mr Jallow served as a Member of Parliament between 1977 and 1994. During this period, he served as Deputy Minister of Foreign Affairs, Minister of Water Resources and Environment, and Minister of Agriculture. He has been engaged as a consultant with the Food and Agriculture Organisation (FAO) of the United Nations in Ghana. He also worked with the UN Transitional Administration in East Timor from 1999 to 2001.

Mr Jallow became the Acting Secretary-General of the People's Progressive Party (PPP) in 2001. He is a member of the National Executive Committee of the National Alliance for Democracy and

Development, an alliance of three opposition political parties. He has observed elections earlier in Zimbabwe and Seychelles.

Dr Noor Mohammad (India)

Dr Noor Mohammad is a civil servant with extensive experience in electoral administration and management. His experience spans over 30 years which include several governance and election related assignments in India and overseas. He has worked under the auspices of several national and international organizations.

In his most recent capacity as the Chief Electoral Advisor to the Independent Election Commission of Afghanistan, he led capacity building efforts in the field of legal reform, voter registry and other electoral preparedness to ensure free and fair elections in the strife torn nation. In 2005, he was deputed as an International Election Commissioner of the United Nations Assistance Mission in Afghanistan and was responsible for the planning, conduct and supervision of the first democratic elections to the Afghanistan National Assembly and Provincial councils.

Dr Mohammad Mohammad worked with the Election Commission of India initially as the Chief Electoral Officer in the province of Uttar Pradesh and later as Deputy Election Commissioner of India since 1994.

Miss Kaye Oliver, CMG, OBE (United Kingdom)

Miss Kaye Oliver was a member of the Diplomatic Service until 2002. She spent sixteen years in Africa, including as Ambassador to Rwanda and Burundi and as High Commissioner to Lesotho.

Since 2002 she has worked as an independent consultant and has evaluated a number of peace-building programmes in Africa on behalf of the Department for International Development (DFID). She is a Director of Electoral Reform International Services (ERIS). She has observed elections earlier, including for the Commonwealth, in Kenya, Rwanda, Burundi and Zambia.

Miss Oliver is a member of the All Party Parliamentary Group on the Great Lakes Region and Genocide Prevention (APPG).

Mr Robert Patterson (Canada)

Mr Patterson is a former Chief Electoral Officer of British Columbia. For over twenty years he was involved with administering the democratic process in British Columbia having held senior management positions since 1978. He was also responsible for

administering election finance and recall and public initiative legislation and served as a member of the Province's Electoral Boundaries Commission.

He has served as a member of several international electoral assessment and observation missions in Malawi, Ethiopia, Yemen, Gambia, South Africa, Nigeria, Jamaica, Guyana, Papua New Guinea, Ukraine and the Republic of Georgia

Mr Patterson has also been an advisor to the Electoral Commissions in Papua New Guinea, Liberia, Zambia and the Palestinian Territory. In Canada, he was a member of the national committee to develop strategies for educating students and other first-time voters on the electoral process. He has served on the Steering Committee of the International Council on Governmental Ethics Laws and co-chair, with the Chief Electoral Officer of Canada, of the Advisory Committee on the National Register of Electors.

Miss Kareem Payne (Antigua and Barbuda)

Miss Kareem Payne is a youth activist and volunteers with the Ministry of Youth in Antigua and Barbuda. She currently serves as the Regional Youth Caucus Representative for Antigua and Barbuda, reporting to the Commonwealth Youth Programme, Caribbean Centre, in Georgetown, Guyana.

Miss Payne served as the Deputy Chairperson of the national task force appointed to formulate the National Youth Policy that has now been presented to the Parliament of Antigua and Barbuda.

Presently she serves as an executive member of the core group responsible for establishing the National Youth Council in Antigua and Barbuda. She is committed to volunteering and ongoing work with numerous service groups that are community based and nationally recognised.

Ms Sheila Roseau (Antigua and Barbuda)

Sheila Roseau is the Executive Director of the Directorate of Gender Affairs since 1995. This is a department of government responsible for promoting gender equality in Antigua and Barbuda. In this capacity, she works closely with regional and international bodies such as CARICOM, United Nations agencies, the Commonwealth Secretariat and the Organisation of American States.

She is the Coordinator of a Regional Network of Women in Politics. She is involved in a number of national, Regional and international programmes on women's political participation. She is the President

of the Antigua Chapter of ASPIRE, a regional organisation committed to promoting sexual and reproductive health and equity.

Ms Roseau is a part time Lecturer at the Antigua State College. She has observed elections in two other countries, Fiji Islands and Guyana, in the former as part of the Commonwealth Group.

Mr Salvator N B Rweyemamu (Tanzania)

Mr Salvator Rweyemamu is a veteran campaigner for media freedom and freedom of expression in Africa. He is the immediate past Chairman of the Media Institute of Southern Africa (MISA), which he served with distinction for a number of years both as a regional board member and chairperson of the Tanzania Chapter, before taking over the regional Chairmanship. He still remains on its Executive Committee and its Governing Council.

Mr Rweyemamu was a founding Managing Editor and Director of Tanzania's independent media house, Habari Corporation Limited (HLC). He served on the Committee that supervised the monitoring of the media in the 1995 and 2000 Tanzania elections. He headed the Media Monitoring Project at the 2005 election in Tanzania.

He is currently Senior Partner and Lead Consultant in G&S Media Consultancy in Tanzania and an active leader and board member in other media related business.

Hon Mrs Nancy Tembo, MP (Malawi)

Hon Nancy Tembo has been a Member of Parliament since May 2004. She is a member of the Public Accounts Committee and the Parliamentary Committee on Health. She is Chairperson of the African Parliamentarians Network Against Corruption (APNAC) – Malawi Chapter. She is an active member of the Women's Caucus of Parliament and an active participant in the fight for gender equality in Malawi.

Hon Tembo has previously worked as Manager for Olivetti Malawi and also worked for the Reserve Bank of Malawi. She also managed a number of family enterprises prior to becoming a Member of Parliament.

ANNEX II

Schedule of Engagements

SCHEDULE OF ENGAGEMENTS OF THE COMMONWEALTH OBSERVER GROUP TO THE APRIL 2007 NIGERIAN ELECTIONS

This programme relates to the activities of the full Commonwealth Observer Group. An Advance Group of observers was present in Nigeria from 8 April to observe the State Governorship and House of Assembly Elections held on 14 April. The programme also does not reflect the interim programme of briefings and activities of the observers in their areas of deployment.

Engagements in Abuja

Sunday 15th April

Team meeting and briefing by Commonwealth Secretariat
Briefing by IDASA
Briefing by Nigerian Union of Journalists

Monday 16th April

Briefing by EU Chief Observer
Briefing by Transition Monitoring Group
Briefing by NDI
Briefing by the Independent National Electoral Commission (INEC)
Reception hosted by Chairperson, Justice Warioba

Tuesday 17th April

Briefing by UNIFEM
Briefing by AC
Briefing by ANPP
Briefing by PDP
Briefing by Deputy Inspector General of Police
Meeting with Commonwealth High Commissioners

Wednesday 18th April

Observers deployed to states. Chairman's engagements in Abuja listed below:

General Muhammadu Buhari, Presidential Candidate, ANPP
Alhaji Atiku Abubakar, Presidential Candidate, AC
Sir Dawda Kairaba Jawara, Leader of ECOWAS Observer Group

Thursday 19th April

Observers on deployment.

Chairman's visit to Minna, Niger State, for separate meetings with former Presidents:

- General Ibrahim Badamosi Babangida
- General Abdulsalami Abubakar

Call on Chairman INEC, Professor Maurice Iwu, in Abuja

Meeting of Heads of Observer Groups hosted by Dr Madeleine Albright,
Chair of NDI Observer Group

Friday 20th April

Observers on deployment

H.E. Mr David Angell, Canadian High Commissioner

Observer delegation from Spanish Parliament,
accompanied by Ambassador of Spain

Dr Brigalia Bam, Chairperson
South Africa's Independent Electoral Commission

Working Reception hosted by the Canadian High Commissioner on behalf of
NDI for leaders of international observer groups and selected Ambassadors /
High Commissioners

Saturday 21st April

ELECTION DAY

Observers on deployment

Sunday 22nd April

Observers on deployment

Sir Dawda Kairaba Jawara
Leader of ECOWAS Observer Group

Working lunch hosted by Mr Max Van den Berg,
Head of European Commission Observation Mission,
for all representatives of international and domestic observer groups

Chairman's Press Conference and release of COG Interim Statement

ANNEX III

Deployment Plan

Commonwealth Observer Group – Nigeria 2007

Deployment Plan for 14 and 21 April Elections

State Elections 14 April 2007

Team	State	Observers
1	Niger	Salva Rweyemamu Julius Mucunguzi
2	Kaduna	Joseph Biribonwa Kareem Payne
3	Kano	Sheila Roseau Martin Kasirye
4	Lagos	Bob Patterson Nancy Tembo

Federal Elections 21 April

Team	State / Location	Observers
1	FCT-Abuja / Niger / Nasarawa	Justice Warioba Amitav Banerji Julius Mucunguzi
2	FCT-Abuja / Nasarawa	Zippy Ojago Mark Stevens Anuja de Silva
3	Edo	Kareem Payne Salva Rweyemamu
4	Enugu	Omar Jallow Kaye Oliver
5	Oyo	Martin Kasirye
6	Kaduna	Joseph Biribonwa Julie Broadbent
7	Plateau / Bauchi	Noor Mohammed Sheila Roseau
8	Lagos	Bob Patterson Nancy Tembo

ANNEX IV

List of Registered Political Parties

List of Registered Political Parties

Accord	A
Action Alliance	AA
Action Congress	AC
Advanced Congress of Democrats	ACD
Allied Congress Party of Nigeria	ACPN
Alliance for Democracy	AD
African Democratic Congress	ADC
African Liberation Party	ALP
All Nigeria People's Party	ANPP
All Progressives Grand Alliance	APGA
Action Party of Nigeria	APN
African Political System	APS
African Renaissance Party	ARP
Better Nigeria Progressive Party	BNPP
Congress for Democratic Change	CDC
Community Party of Nigeria	CPN
Citizens Popular Party	CPP
Democratic Alternative	DA
Democratic People's Alliance	DPA
Democratic People's Party	DPP
Fresh Democratic Party	FRESH
Hope Democratic Party	HDP
Justice Party	JP
Liberal Democratic Party of Nigeria	LDPN
Labour Party	LP
Movement for Democracy and Justice	MDJ
Masses Movement of Nigeria	MMN
Movement for the Restoration and Defence of Democracy	MRDD
National Action Council	NAC
National Advanced Party	NAP
National Conscience Party	NCP
New Democrats	ND
National Democratic Party	NDP
Nigeria Elements Progressive Party	NEPP
National Majority Democratic Party	NMDP
New Nigeria Peoples Party	NNPP
Nigeria Peoples Congress	NPC
National Reformation Party	NRP
National Solidarity Democratic Party	NSDP
National Unity Party	NUP
Progressive Action Congress	PAC
People's Democratic Party	PDP
People's Mandate Party	PMP
Progressive Peoples Alliance	PPA
Progressive Peoples Party	PPP
People's Redemption Party	PRP
People's Salvation Party	PSP
Republican Party of Nigeria	RPN
United Democratic Party	UDP
United Nigeria People's Party	UNPP

ANNEX V

Arrival Statement of 13 April 2007



Commonwealth Observer Group

Nigeria General Elections
April 2007

NEWS RELEASE

ARRIVAL STATEMENT BY JUSTICE JOSEPH WARIOBA CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP

The Commonwealth Secretary-General, the Rt. Hon Don McKinnon, has constituted an Observer Group for the 2007 Nigerian elections following an invitation from the Independent National Election Commission of Nigeria (INEC) and based on the recommendation of an earlier Commonwealth Secretariat Assessment Mission, which concluded that there exists broad support for the presence of a Commonwealth Observer Group for these crucial elections.

It is my honour and privilege to have been asked to lead this Commonwealth Observer Group and to be here in Nigeria at this vitally important time for the country. These elections are crucial for Nigeria, representing the first ever occasion when power will be handed over by one elected civilian administration to another.

These elections are also an opportunity to build on the experiences of the 1999 and 2003 elections – both of which were observed by the Commonwealth – and to take another step in strengthening the country's democracy. It is vital that the elections are peaceful and credible.

The task of the Commonwealth Observer Group is to observe and report on relevant aspects of the organisation and conduct of the elections. The group will consider all the factors impinging on the credibility of the electoral process as a whole, and determine whether or not the conditions exist for the free of expression of the will of the people, and in general terms to what extent the results reflect the will of the Nigerian people.

In conducting our duties and undertaking our assessment we will be neutral, impartial, objective and independent. If we offer any criticisms they will be constructive, with the intent to help strengthen the democratic process in the country for the future.

Transcorp Hilton Abuja, 1 Aguiyi Ironsi Street, Maitama, P.M.B. 200, Abuja, F.C.T., Nigeria
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Commonwealth Observers are invited in their individual capacities as eminent Commonwealth citizens. The assessment by the Group will be its own and not that of respective member governments or of the Commonwealth Secretariat.

Before we deploy, we will meet with INEC, representatives of political parties, civil society, Commonwealth diplomats and media, as well as representatives of other international observer groups in order to listen to the broadest possible range of perspectives and concerns.

A smaller Advance Group has been present in Nigeria for a few days and will be deployed for the state-level elections on 14 April, but the main Group will deploy on 18 April, for the Presidential and National Assembly elections scheduled for 21 April. We will observe the climax of the campaign and thereafter the voting, counting and results processes. Following this, the group will reconvene in Abuja to compile our final and comprehensive report prior to departure.

This Final Report will contain our main findings and conclusions as well as our recommendations for strengthening of the process. It will be submitted to the Commonwealth Secretary-General, who in turn will forward it to the Government of Nigeria, INEC, political parties and then to all Commonwealth Governments. The report will thereafter be made available more widely as well as being placed on the website of the Commonwealth Secretariat.

Nigeria, 13 April 2007

ANNEX VI

Interim Statement of 22 April 2007



Commonwealth Observer Group

Nigeria General Elections
April 2007

News Release

Interim Statement on Nigeria's Elections of April 2007

Issued by the Chair of the Commonwealth Observer Group, Justice Joseph Warioba

The Commonwealth is privileged to have observed the 2007 elections in Nigeria. These are seen as a political landmark for this country, representing the first ever occasion when power will be handed over by one elected civilian administration to another. They were also a crucial test for the country's young democracy, an opportunity to build on the experiences of the 1999 and 2003 elections.

These polls were more competitive than previous elections, with 25 parties contesting the presidential election and thousands of candidates competing across the country for seats in the National Assembly. Contestants generally enjoyed freedom of assembly, freedom of movement and freedom of expression. Also, it was to the credit of the various political forces that their grievances were pursued through the courts and that ultimately they all decided to participate in the electoral process despite reservations and stated concerns.

The patience shown by the Nigerian people across the country both on 14 and 21 April was admirable, and it is commendable that in the face of any impediments in exercising their right to vote they remained resolute in their determination to do so. Voting was peaceful and orderly in most places. However the turnout in many areas seems to have been noticeably lower for the Federal than for the State elections.

We had noted a number of deficiencies which affected the State elections on 14 April and had brought these to the notice of INEC. They included late opening of polling stations in many areas as a result of late distribution of poll materials, variations on the type of voters register used for the polling, inadequate secrecy of the vote, cases of under-age voting, and isolated security incidents, including some serious ones such as snatching of ballot boxes. INEC had taken note of these deficiencies, which other observers and indeed the Nigerian media had also reported. We noted that INEC themselves announced that elections in at least six states would be re-run. The assurance was given that a concerted effort would be made to improve matters by re-training election officials, increasing transparency of the tabulation of results and ensuring a more cohesive implementation of the process with increased security.

Improvements were indeed visible in parts of the country for the national elections on 21 April. Our observers noted a relatively greater sense of organisation in some places and an improved security presence across the country. Polling officials had a better sense of their own role and how to conduct the process.

However, there were significant shortcomings yet again.

The late opening of polls in most parts of the country on 21 April was widely reported. In some areas, such as Kaduna, Enugu, Plateau, Taraba, Adamawa and Bauchi, polls did not open until between 1 and 3 p.m., or even later. In certain other locations, notably in Lagos, some polling stations were closed much earlier than the scheduled closing time. The variation in polling hours also adversely affected the voter turnout.

The delays in the start of polling was mainly due to the late distribution of polling materials. The printing and delivery of new ballots for the presidential election in the space of a few days required a monumental effort on the part of INEC and others, but their arrival in the country on the eve of polling clearly affected their timely distribution. The lack of serial numbers on the presidential ballots also made them less secure.

I must here pay tribute to the brave crew members who died in the crash, in Imo State, of the Navy helicopter carrying election materials. I salute also the brave security personnel who have lost their lives in the line of duty in recent days. To all of their bereaved families I extend my sincere condolences.

The lack of ballot papers for Senate elections in Kaduna and Niger also caused confusion and tension, and the reported lack of proper ballots for various National Assembly elections in areas such as Lagos, Oyo, Ogun, Akwa-Ibom, Plateau, Delta and Rivers will also require the re-scheduling of these polls.

The lack of secrecy in the voting was again a prevalent feature of the process, though some improvements were made after the State polls.

Our team in Edo state was witness to a case of ballot box stuffing. The Kaduna team was shown a wad of pre-marked ballots which the Police had seized.

In parts of Lagos, as well as Enugu, polling officials had no results sheets and counting was done at collation centres. We also had reports from Edo that counting was not done at some polling centres, but at the collation centre. No Presiding Officers appear to have been given instructions to post the official results at the premises for public display.

The deferred polling hours posed a challenge to polling officials in so far as the count was concerned. Darkness fell while counting was still in progress and no provision had been made to provide artificial lighting for such a contingency, leaving the officials to improvise as best they could.

At this crucial stage in the process, when votes are still being tabulated and results finalised, it is imperative that INEC ensure the utmost transparency to provide the Nigerian people and political parties confidence in the process, and full accountability where irregularities are evident.

The last stages of the process go on and final conclusions can only be drawn once these are complete. It is important that the remarkable patience and forbearance shown throughout this electoral process by the Nigerian people continues and that the country's leaders and representatives are driven by the same spirit of patience, tolerance, reconciliation and respect for the rule of law in the aftermath of these vexed elections.

Abuja: Sunday 22 April 2007

ANNEX VII

Departure Statement of 27 April 2007



Commonwealth Observer Group

Nigeria General Elections
April 2007

News Release

Departure Statement by the Commonwealth Observer Group

In our Interim Statement of 22 April 2007, we underscored the importance of the April 2007 elections in Nigeria as a crucial test for this country's young democracy, and as an opportunity to build upon the experiences of the 1999 and 2003 elections. In that respect, we believe this has been a missed opportunity.

The Interim Statement catalogued a number of serious deficiencies in the organisation of these elections. It is unfortunate that the lessons learned from the State elections of 14 April did not result in better management of the Federal elections of 21 April. We were disappointed that some of the assurances provided to us by INEC were not fulfilled, in particular that with regard to enhancing the transparency of tabulation of the election results. The improvements our observers noted were marginal. In comparison, the shortcomings were far more significant. Yet again, polling stations opened very late in many parts of the country due to late supply of election materials. Yet again, basic polling procedures were compromised, including the secrecy of the ballot. And yet again, the collation of results at various levels was done without adequate transparency.

Our Group was particularly struck by the low turnout of voters it witnessed on 21 April. Part of the explanation lies in the delayed opening -- and in some cases early closing -- of the polls. It is equally likely, however, that voters were reacting to the problems they had encountered at the State elections the week before. If indeed the Nigerian people were demonstrating disenchantment with the democratic process, this must be a matter of concern to us all. Losing faith in democracy would be a serious setback for Nigeria. It is something this nation -- indeed Africa, the Commonwealth and the entire international community -- can ill afford.

INEC needs seriously to review its performance in the conduct of the polls. It could start with implementing faithfully the provisions already set out in the Electoral Act and the Manual for Election Officials. It also needs to develop a more inclusive approach towards all stakeholders, in particular the political parties. Most of all, INEC's independence of funding and operation needs to be strengthened, so that it can more effectively carry out its proper constitutional role.

Responsibility for what we witnessed at the polls, and for the shortcomings in the political culture of Nigeria, must be shared also by the administration, political leaders and parties, and the security agencies. We have more to say about these issues in our final report, which we have now concluded and will submit to the Commonwealth Secretary-General.

We must once again commend the Nigerian people, who showed such remarkable patience and discipline through the entire process. However, we believe they have a right to expect and demand more from the institutions that serve them and from their elected representatives.

We must pay tribute also to the Nigerian judiciary. The rule of law and the independence of the judiciary are crucial to any democracy. However, timelines for hearing and deciding on cases needs to be rationalised, so as to be consistent with timelines for the conduct of the electoral process. This will help to avoid the major disruption caused by cases being decided up to, and even -- in the case of the State elections -- after, the day of the election.

Overall, in organizational terms these elections fell short of the standards Nigeria had achieved in 2003, and certainly well below those to which Nigeria is committed. We have concluded that there were impediments in the ability of voters to express their will fully, freely and fairly.

It will take some time for the dust to settle on these elections. The bitterness and rancour in its wake are clearly visible. We urge Nigeria's political leaders to resolve their electoral disputes and political differences peacefully and through legal means. Due process and the rule of law must prevail. Violence cannot be the answer. Reconciliation, not recrimination, is the need of the hour.

The Commonwealth has an important stake in the stability and progress of Nigeria, and in the consolidation of its fledgling democracy. It will continue to be a friend and to stand by Nigeria as it seeks to learn from the experience of the troubled elections of 2007, rectify the shortcomings, and consolidate the democratic ethic. We wish the people of Nigeria well. They must not lose faith in democracy.

Abuja, 27 April 2007

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.