

NIGERIA



CASE STUDY: NIGERIA

BY: IDAYAT HASSAN AND SHAMSUDEEN YUSUF

ACRONYMS AND ABBREVIATIONS

APCON	Advertising Practice and Sales Promotion
ACDEG	African Charter on Democracy, Elections and Governance
AU	African Union
APC	All Progressives Congress
AD	Alliance for Democracy
BPP	Bureau of Public Procurement
CBN	Central Bank of Nigeria
CDD	Centre for Democracy and Development
CSJ	Centre for Social Justice
CSOs	Civil Society Organizations
CLEEN	Centre for Law Enforcement Education
CAMA	Companies and Allied Matters Act
CVR	Continuous Voter Registration
CPC	Congress for Progressive Change
CAN	Christian Association of Nigeria
DDC	Direct Data Capture
ECOWAS	Economic Community for West African States
EMB	Electoral Management Body
EU	European Union
INEC	Independent National Electoral Commission
IDPs	Internally Displaced Persons
LGAs	Local Government Areas
NBC	National Broadcasting Commission
NCDC	National Constituency Delimitation Committee
NCSSR	Nigeria Civil Society Situation Room
NGOs	Non-Governmental Organizations
NPFL	Northern Peoples Leaders Forum
PER	Partners for Electoral Reform
PDP	Peoples Democratic Party
PVC	Permanent Voters Card
PLAC	Policy and Legislative Advocacy Centre
RECs	Resident Electoral Commissioners
SNPA	Southern Nigeria People's Assembly
TCREDC	Technical Committee on the Review of Electoral Districts and Constituencies
TAN	Transformation Ambassadors of Nigeria
TMG	Transition Monitoring Group
YACORE	Youth Advocacy for Constitutional and Electoral Reform
YIAGA	Youth Initiative for Advocacy, Growth and Advancement

I. BACKGROUND AND POLITICAL CONTEXT

Throughout the long years of colonial and military rule in Nigeria, democratic aspiration has been a powerful driver of political change (IEAT, 2010, pg 4). During the colonial period, the struggle for participation in the electoral process between the British colonial authorities and indigenous political elites culminated in the introduction of the elective principle in 1922. Although very restrictive,¹ the elective principle not only hastened the formation of political parties in particular but also electrified, as it were, the political process in the country (Nnadozie, 2007, pg 47). On the one hand, in the early stages of the post-colonial period, there was agitation against the prolonged stay of military in power, which consequently gave birth to the second, third and fourth republics. On the other hand, successive military governments that had the intent of preparing the country for takeover by a civilian government enjoyed significant public support. But in cases where the military government reneged on its promise of a transition to civilian rule, the government lost the legitimacy it had gained through displays of public outrage.²

Election and electoral processes in Nigeria's fourth republic mirrored the historical context in which elections were conducted in the country. Since the conducting of elections in 1947 brought into being the Central Legislative Chamber, ethnicity and the regionalization of issues by the dominant political class, particularly the leaders of the three major ethnic groups³ (Ibid, pg 49), dominated the political space. In the same vein, ethnic sentiments and mudslinging took the centre-stage of political campaigns in elections conducted in 1954 and 1959. The 1964 general elections saw a full display of all centrifugal forces which had reared their heads in the forties and fifties. According to Kirk-Greene (1971), the elections were "the most perilous display of brinkmanship" (Ibid, pg 51). It is also interesting to note that political parties that contested in the 1965, 1979 and 1983 elections had ethnic affiliations and were thus established to protect the political interests of their ethnic groups. However, this practice was addressed to some extent in the aborted third republic with the adoption of a two-party system⁴ in the lead-up to the 1993 elections.

¹Between 1922 and 1951, Nigeria operated a limited franchise. Elections were limited to only the two coastal cities of Lagos and Calabar. Moreover, participation was predicated on one's ability to earn a total annual income of not less than one hundred British pounds during the calendar year preceding the date of the election.

²After the annulment of the 12 June 1993 presidential election, won by Bashorun Moshood Kashimawo Olawale Abiola (aka, MKO) of the Social Democratic Party (SDP), Nigerians took to the streets to protest against the then military administration headed by General Ibrahim Babangida.

³Nigeria has over 250 ethnic groups, but the Yoruba, Hausa and Igbo are major ethnic groups in the country. These groups make up about 70% of the population of Nigeria.

⁴The two political parties that contested the 1993 elections were the Social Democratic Party (SDP) and the National Republican Convention (NRC). These parties were established in 1989 by the then Military Head of State, General Ibrahim Babangida.

At the heart of the political transition, which produced the fourth republic, was the need to liberate the country from the long years of military rule irrespective of noticeable electoral flaws and irregularities in the process that birthed the republic (Omotola, 2010; Ojo, 2014). The misery of ethnic resentment that is typical of the electioneering process in Nigeria was avoided given that the two presidential candidates of political parties that contested were from the Yoruba ethnic group, in the south-west region.⁵ Hence, electoral matters that arose from accusations and counter-accusations of rigging, which characterized the 1999 general elections, were amicably resolved by election tribunals. The 2003 and 2007 general elections followed the same pattern.

The political atmosphere was relatively stable until 2011, when the playing of the regional card again re-emerged in the country's political processes. The death of President Umaru Yar'Adua led his vice-president, Goodluck Ebele Jonathan, to assume the presidency.⁶ Jonathan completed the tenure and aspired to re-contest in the 2011 general elections. When this aspiration became known, the umbrella grouping the Northern Peoples Leaders Forum (NPFL) contended that the north had yet to finish its eight-year tenure and so pushed for the retention of zoning and the power-sharing arrangement with the Peoples Democratic Party (PDP). This agitation for zoning and power-sharing was in line with the party's constitution, which states that:

"In pursuance of the principle of equity, justice and fairness, the party shall adhere to the policy of rotation and zoning of party and public elective offices, and it shall be enforced by the appropriate executive committee at all levels" (PDP Constitution, 1999)

Amidst the disagreement, the PDP recognized Goodluck Jonathan as its candidate and contested the 2011 presidential elections. The minority sentiments were of course capitalized on with a campaign run on how he went to school without shoes etc.

The 2015 general elections was shrouded in controversy over a power-sharing arrangement between groups bifurcated along ethnic, religious and regional lines. This took diverse dimensions at different levels of government. At national level, division was along regional lines (North/South divide), while inclusive electoral system was undermined by ethnic and religious dichotomy at state level. For the presidential election, the Northern Elders Forum (NEF), a pressure group, in October 2013, declared that "the North magnanimously conceded power to the South in 1999" and that

⁵ Three political parties existed at the time, but Olusegun Obasanjo and Olu Falae from the south-west region of the country contested the 1999 presidential election. While Olusegun Obasanjo contested under the umbrella of the Peoples Democratic Party (PDP), Olu Falae was a candidate of two political parties (the Alliance for Democracy – AD, and All Peoples Party – APP) that formed an alliance solely for the presidential election.

⁶ This is in accordance with Section 146(1) of the 1999 Nigerian constitution (as amended). The section stipulates that "the Vice-President shall hold the office of President if the office of President becomes vacant by reason of death or resignation, impeachment, permanent incapacity or the removal of the President from office for any other reason in accordance with section 143 of this Constitution."

“there is no going back on the presidency returning to the North in 2015” (International Crisis Group, 2014, pg 3). Moreover, the merger⁷ of major opposition parties to form the All Progressives Congress (APC) as well as the defection of five PDP governors to the APC raised the stakes higher (Idayat, 2015, pg 2). Intemperate hate speech, the partisanship of security agencies, the increased role of religion, and the perceived politicization in the creation of polling units were among the factors that worsened the already rancorous political atmosphere.

2. KEY ELECTORAL TRENDS

Since the return to democracy in May 1999, elections have been important events in Nigeria. In contrast to the political experience of the Nigerian state in the first and second republics (1960-6 and 1979-83 respectively) and the aborted third republic (1993), five consecutive elections have been successfully conducted since the fourth republic was born. These elections have aided the transfer of power from one civilian government to another, and, comparatively, deepened the space for effective participation of citizens in the democratic process. However, challenges abound. These challenges, which include massive rigging, electoral violence, the power of incumbency, voter apathy etc., have not advanced the conducting of regular elections in Nigeria to achieve the much-desired development prospects as well as move the country upward on the global democracy index⁸ ladder.

One of the key electoral trends in Nigeria is the manner in which political actors, government agencies and citizens engage in election-rigging. Many observers of the 1999 elections attested to widespread electoral fraud. The US-based Carter Center, for example, reached the conclusion that: “it is not possible for us to make an accurate judgement about the outcome of the presidential elections” (NDI, 1999, pg. 2). While the 2003 general elections share a resemblance to the 1999 elections, the April 2007 general elections were the worst in the history of elections in the country. Elected officials, alongside the very government agencies charged with ensuring the credibility of polls, reduced the elections to a fraud-riddled farce (Awopeju, 2011, pg 9). According to the European Union (EU), the elections are “far short of basic regulation and international standards for democratic elections” (Guardian, 2007). However, there were substantial improvements in the 2011 and 2015 elections, although these were marred by the interference of party agents, underage voting etc., especially during the state-level elections.

⁷ The APC was formed in February 2013 by the three biggest opposition parties in Nigeria, including the Action Congress of Nigeria (ACN), the Congress for Progressive Change (CPC), and the All Nigeria Peoples Party (ANPP). A faction of the All Progressive Grand Alliance (APGA) also joined this alliance.

⁸ This is an annual ranking of all democracies (country-based democracies) in the world by focusing on the Quality of Democracy in an international perspective.

Since the mid-seventies, politicians have urged their followers to vote along religious lines—Muslims are told to vote for Muslims while Christians are told to vote for Christians (Kalu, 2011). In the 2011 presidential election, the Congress for Progressive Change's (CPC) candidate, Muhammad Buhari, emerged victorious in twelve (mainly Muslim) northern states, while Goodluck Jonathan of the PDP emerged victorious in the southern and north central states, which have large Christian populations. The 2015 presidential election marked a departure from this longstanding prejudicial trend as Muhammadu Buhari, a presidential candidate of the opposition party, APC, won majority votes in the north central and the south-west geo-political zones.

Election violence is a commonplace phenomenon in Nigeria's electoral history. The use of political thugs by politicians to win elections is as old as the conducting of elections in the country. Ethno-religious fault-lines have further exacerbated electoral violence in Nigeria's body politic. The 2011 elections recorded one of the worst cases of election violence in the country. According to Human Right Watch (2012), 800 people were killed in deadly election-related violence in northern Nigeria. The political tensions that characterized the 2015 general elections, together with simmering communal and ethno-religious violence as well as the potential of Boko Haram to foment instability, raised serious concerns about the elections. In most of the north-eastern states of the country, Boko Haram's avoidable bloodletting attacks have led to the death and displacement of thousands of innocent Nigerians, and loss of properties worth millions of naira. This impacted on the electoral process on two grounds. Firstly, the increased tempo of Boko Haram attacks questioned the credibility of state to create an enabling environment for the conducting of elections in the conflict-ridden states. Secondly, the ability of internally displaced Nigerians to vote in the elections was compromised by the fact that they had moved away from where they registered, lost their Permanent Voters Card (PVC), and/or could not participate in the Continuous Voter Registration (CVR) exercise. It is however interesting to note that there has been relatively less violence in transitional elections, such as the 1979 and 1999 elections. This is partly because the departing political authority usually plays a role as a strong empire, relatively independent of the political forces contending to capture power (Orji and Uzodi, 2012, pg 17).

The number of registered voters increased from 57,938,945 in 1999 to 73,528,040 in 2011, and then dropped to 70,383,427 in 2014 (Nigeria Current, 2015). While the rise in the country's population and increased citizen awareness of the electoral process may be the factors underlying the increase, the development has had little or no positive effect on voter turnout. During the presidential elections held between 1999 and 2011, voter turnout increased by only 1.4%, which is insignificant compared to

the increase in the number of registered voters recorded for the same period (CDD, 2014, pg 2). This, among other factors, creates loopholes for politicians to creatively redistribute unused votes to their advantage. Similarly, the proportion of votes counted as invalid increased substantially over the years without a proportional increase in the number of registered voters recorded between 1999 and 2011. Unlike the 1999 election, which had 431,611 invalid votes, the 2011 election recorded 1,259,506 invalid votes, which is roughly a 300% increase (Ibid, pg. 2).

Another issue that is detrimental to the credibility of the elections is the use of money and the power of incumbency. Politicians have used money to influence voters' electoral behavior, thereby influencing the outcome of elections. Voters are talked into selling their voter's cards or given money and food items to vote for a specific candidate. For instance, in the lead-up to the 2013 Anambra State Gubernatorial Election, reports abound in which people sold their voter's cards for a meager five thousand Naira (N5000.00) (Aziken and Ujumadu, 2013). Similarly, rice and other food items were used in the 2015 elections, especially the state-level elections, and this culminated in the coining of the phrase 'stomach infrastructure'⁹. The use of state security agencies by the ruling party to oppress and harass opposition parties and concerned citizens are common characteristics of previous elections in Nigeria.

3. OVERVIEW OF INSTITUTIONAL FRAMEWORK AND KEY PROCESSES

3.1. *The constitution, electoral legislation and guidelines*

The legal frameworks for conducting elections in Nigeria include the 1999 constitution (as amended), Electoral Act 2010 (as amended) and guidelines issued by the Independent National Electoral Commission (INEC). The Civil Procedure Code, the Nigerian Code of Advertising Practice and Sales Promotion (APCON), Guidelines and Regulations for Political Parties, Political Parties' Code of Conduct, the Nigeria Broadcasting Code and the Police Act and Guidelines for the Conduct of Police Officers on Electoral Duty are some of other legal instruments guiding the conducting of elections in Nigeria.¹⁰ Over the years, the legal frameworks have been amended.¹¹ This was done to address the shortcomings of the frameworks that have been detrimental to the conducting of credible, free and fair elections. Thus, the amendments of the constitution and the Electoral Act 2006 provided a strong legal basis for conducting

⁹This is a political philosophy held by certain group of politicians who believe that government should not invest heavily in infrastructure when people's stomachs are empty. In this case, politicians distribute food items among poor Nigerians to get their votes during elections.

¹⁰See Idayat Hassan (2015).

¹¹For example, section 156 of the 1999 constitution was amended to separate membership of INEC from membership of political party following a change in its provision that members of INEC "shall not be a member of a political party".

elections by ensuring that the standard of the country's electoral process is improved and democracy strengthened. Moreover, at the regional and sub-regional levels, there are instruments that emphasize the importance of regular elections in Nigeria. These include the African Charter on Democracy, Elections and Governance (ACDEG) and the ECOWAS Supplementary Protocol on Democracy and Good Governance. Each of these instruments has specific provisions that unequivocally guarantee the freedom and right to vote, specify limits to the tenure of office of elected officials, stipulate time-frames for the conducting of elections, the establishment of an electoral umpire, etc.

The importance of citizens in democracy, social justice and the formation of government is emphasized in section 14 of the 1999 constitution (as amended). Sub-section 1 of it provides that "Nigeria shall be a state based on the principles of democracy and social justice". In sub-section 2(a), it emphasizes that political power reposes "in the people of Nigeria from whom government through which [the] Constitution derives all its powers and authorities". To ensure the effective participation of citizens in the electoral process, section 40 of the constitution gives every person the rights to "assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests".

INEC was established by the provision of section 153(1f) of the 1999 constitution, as amended, and its power as electoral umpire is detailed in the 2010 Electoral Act and the constitution. In the latter, sections 76(1) and 116(1) give INEC the power to fix dates for elections to the offices of the members of National Assembly and State Houses of Assembly. Given that the period of office of the president and the governor is specified in sections 132(2) and 180(2) of the constitution as four years and not more than two terms in sections 137(1b) and 182(1b) respectively, elections to these offices are conducted every four years by INEC.

3.2. Electoral system

Under the 1999 constitution, elections are conducted to fill executive and legislative positions in all of the 36 states and 774 local government areas of the federation.¹² The first-past-the-post electoral system is used in Nigeria for all elected offices. However, in the event that no one emerges the winner in presidential or governorship elections, a two-round system is used. To emerge the winner of an election, a candidate contesting for a presidential election must obtain an absolute majority vote, and at least not less than one-quarter of all votes cast in the election in each of at least two-thirds of

¹² Executive power of a state is vested in state governors who are elected for a period of four years, while, at the local government level, chairmen are elected but tenure of office is often at the discretion of the governors. In the Federal Capital Territory (FCT), the president performs the role played by governors at state level, while legislators representing the various federal constituencies in the National Assembly are elected every four years.

all the states in the federation and the Federal Capital Territory.¹³ Similarly, a candidate contesting a governorship election must obtain an absolute majority vote, and at least not less than one-quarter of all votes cast in the election in each of at least two-thirds of local government areas in the states.¹⁴ Should this threshold not be reached, a run-off is held within seven days upon the announcement of the election results by INEC.

There are constitutional provisions for a recall process to remove members of Senate or the House of Representatives, and members of the House of Assembly from office.¹⁵ Also, the president or vice president, and governor or deputy governor can be removed from office through impeachment.¹⁶ The Electoral Act mandated INEC to monitor political parties' primaries and ensure that they conduct their activities in a manner that promotes intra-party democracy. The act provides in section 85(2) that:

The Commission may, with or without prior notice to the political party, attend and observe any convention, congress, conference or meeting which is convened by a political party for the purpose of

- (a) Electing members of its executive committees or other governing bodies;
- (b) Nominating candidates for an election at any level; and
- (c) Approving a merger with any other registered political party.

It should however be noted that there are notable contradictions within the act itself. Some statutes, in particular, reduce the effectiveness and purpose of other statutes within the same act. Section 87 of the Electoral Act, which deals with intra-party democracy, loses its meaning when compared with sections 31-38, 78-102 of the Electoral Act. More specifically, section 87(4)(c)(ii) clearly states that the aspirant with the highest number of votes shall be declared the winner of the party's primaries at the end of the voting, and that the aspirant's name shall be forwarded to INEC as the party's candidate. Parallel to that, section 31(1) explicitly states that the Commission shall not reject or disqualify candidates even where the party decides to submit the names of persons who lost primaries or did not contest party primary elections in the first place.

Section 31(1):

Every political party shall, not later than 60 days before the date appointed for a general election under the provisions of this Bill, submit to the Commission in the prescribed forms, the list of candidates the party proposes to sponsor at the elections,

¹³ See section 134(2) of the 1999 constitution (as amended).

¹⁴ See section 179(2) of the 1999 constitution (as amended).

¹⁵ Sections 69 and 110 provide details of conditions under which members of the legislative chambers can be removed through a recall process.

¹⁶ Sections 143 and 188 of the 1999 Nigerian constitution provide details of conditions under which members of the legislative chambers can be removed through an impeachment process.

provided that the Commission shall not reject or disqualify candidates for any reason whatsoever.

These two provisions are clearly incompatible and work directly against each other. By including the phrase ‘any reason whatsoever’, the law stripped INEC of the ability to enforce compliance with the requirements of internal party democracy.

3.3. Party and campaign finance

Like elsewhere in the world, a huge amount of money is required by political parties and their candidates to finance their operations and activities during elections. For this reason, political parties’ finances constitute an important component of Nigeria’s electoral process. The 1999 constitution, the Electoral Act adopted in 2010, and the Companies and Allied Matters Act (CAMA) provide clear guidance on campaign finance in the country. None of these legal frameworks provide for the public funding of political parties; in fact, they place a ban on donations from any firm in the country as well as from individuals and corporate bodies abroad.

To ensure the effective management of campaign finances, the Electoral Act places limitations on the amount of money candidates and their parties can receive in the form of contributions from individuals or group of persons during campaigns. Sections 88-93 of the Electoral Act make provision for the regulation of campaign finance. Section 91 (2)(3) of the Act places a ceiling on campaign spending for presidential and governorship candidates to the tune of N1,000,000,000 and N200,000,000 respectively. In addition, section 91(9) of the Act stipulates that “no individual or other entity can donate more than one million naira to any candidate”. Section 38(2) of CAMA also expressly forbids companies from directly or indirectly making “donations or gifts of any of its property or funds to any political parties or political association or for any political purpose”.

ELECTORAL ACT, 2010 AS AMENDED	
Section	Provision
91 (2)	The maximum election expenses to be incurred by a candidate at a Presidential election shall be one billion naira (N1,000,000,000).
91 (3)	The maximum election expenses to be incurred by a candidate at a Governorship election shall be two hundred million naira (N200,000,000).
91(9)	No individual or other entity shall donate more than one million naira (N1,000,000) to any candidate.

Section 221 of the constitution also unequivocally provides that “no association, other than political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election”. Part I of the third schedule of the 1999 constitution (as amended) empowers INEC to monitor the organization and operation of political parties, conduct an annual examination and audit of their funds, and publish a report to inform the public. Political parties are also required to make their finances open to INEC for scrutiny and can be scrutinized, if necessary, by the National Assembly.

However, it was obvious from the experience of previous and the 2015 general elections that laws guiding campaign finances are not respected by political parties and their candidates. For example, the re-election bid of the former president Goodluck Jonathan realized over N21 billion, with individuals such as Tunde Ayeni of Skype Bank reportedly donating N2 billion on behalf of himself and his unnamed friends with companies (Punch, 2014). This contravenes section 38(2) of CAMA and other extant legal provisions in the country.

In a report released by the Centre for Social Justice (CSJ) on campaign finance, it was revealed that the two leading political parties violated electoral laws and regulations by using public funds for campaign. In the report, a total of N4.973 billion was reported to have been spent in February 2015 by the two parties, with approximately N3.549 billion spent by the PDP (CSJ, 2015). It was also noted that the campaign team of the former president, Goodluck Ebele Jonathan, spearheaded by the Transformation Ambassadors of Nigeria (TAN), was involved in a bribe scandal. The team allegedly gave N7billion and N5billion to the Christian Association of Nigeria (CAN) and Ohaneze Ndi Igbo respectively for their open support for the former president’s re-election bid.

There is also an issue of weak capacity of INEC in carrying out its monitoring and enforcement roles. The institution has not been able to control the use of money in politics, as political parties and donors have found innovative ways of bypassing these laws. This creates the opportunity for a few privileged individuals to use resources at their disposal to influence the electoral system.

3.4. Electoral management

The structure of electoral management is a crucial component of the democratic project in any state (Omeiza, 2012, pg. 170). In principle, Nigeria operates an independent Election Management Body model as signified by the designation of the body as “Independent National Electoral Commission (INEC)”. INEC was established by section 153 of the 1999 Constitution of the Federal Republic of Nigeria and its power is clearly

spelt out in part one (1) of the third schedule of the constitution. In sub-section 15 of the third schedule, INEC has the power to:

- a. 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.
- b. Register political parties in accordance with the provisions of the constitution and acts of the National Assembly.
- c. Monitor the organization and operation of the political parties, including their finances.
- d. Arrange for the annual examination and auditing of the funds and account of political parties and publish a report on such examination and audit for public information.
- e. Arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election under the constitution.
- f. Monitor political campaigns and provide rules and regulations which shall govern the political parties.
- g. Ensure that all electoral commissioners, electoral and returning officers take the oath of office prescribed by law.
- h. Delegate any of its powers to any resident electoral commissioners.
- i. Carry out such other functions as may be conferred upon it by an act of the National Assembly (1999 Constitution of Nigeria).

In addendum to the powers bestowed on the Commission in the 1999 constitution, the INEC Establishment Act of 1998 mandates the commission to:

- a. Conduct voter and civic education;
- b. Promote knowledge of sound democratic electoral processes; and \
- c. Conduct any referendum required to be conducted pursuant to the provision of the 1999 constitution or any other law or act of the National Assembly.

Section 8 of the Electoral Act contains explicit stipulations for the appointment and dismissal of members of INEC. The structure of the body is derived from section 14 of the 1999 constitution, which states that INEC shall comprise a chairman, twelve other members known as national electoral commissioners, and a resident electoral commissioner for each state of the federation and the Federal Capital Territory. Section 154 (1) of the 1999 constitution empowers the president to appoint the chairman and commissioners of INEC subject to Senate confirmation. Section 156 (1) of the 1999

constitution of Nigeria states that no person shall be qualified to be a member of INEC if he is not qualified or if he is disqualified for election as a member of the House of Representatives. By implication, this means that one can be appointed as chairman or commissioner of INEC only if one is a citizen of Nigeria, has attained the age of 30 years, is educated up to at least the secondary certificate level or its equivalent, is a member of a political party and is sponsored by that party.

In carrying out the task, the Electoral Institute, an organ of the Commission, is charged with the responsibility of facilitating capacity building and professionalism in the Commission through training and manpower development of the Commission's staff, engaging in vigorous voter education activities, and carrying out electoral research and documentation. The institute has, to a large extent, delivered on these mandates effectively, which has strengthened the reform process initiated by the Commission to promote the conducting of free, fair and credible elections in 2015. The principles surrounding the required competencies for INEC membership as stated in section 14 (3)¹⁷ of the 1999 constitution do not necessarily reflect gender concerns. Considerations of ethnicity and repute are the factors given weight. However, under the democratic administration of President Muhammadu Buhari, a woman, Hajia Amina Bala Zakari, was appointed as an acting chair the Commission.

3.5. Electoral dispute resolution

Election petition tribunals are charged with the responsibility of handling judicial petitions arising from the conducting of polls in Nigeria with a view to determining the authenticity or otherwise of such polls. The Court of Appeal is responsible for handling and disposing of such petitions within six months from the date of filing of the petitions arising from the conducting of the presidential poll,¹⁸ a process that terminates at the Supreme Court¹⁹. The National and State Assemblies' Election Petition Tribunal (high court) hears and determines petitions arising from the conducting of National and State Assembly polls,²⁰ and the final jurisdiction rests with the Court of Appeal.²¹ The governorship election petition tribunal hears any matters to do with petitions arising from the conducting of governorship polls.²² While the appellate jurisdiction is con-

¹⁷The sub-section provides that the composition of the government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies. Section 239(1) of the 1999 constitution (as amended).

¹⁸ Section 233 (2) (i).

¹⁹ Section 285 (1)(a)(b).

²⁰ Section 246 (1) (b) and (3).

²¹ Section 285 (2).

²² Section 246 (1) (c).

ferred on the Court of Appeal,²³ the final jurisdiction over governorship poll petitions is conferred on the Supreme Court of Nigeria.²⁴

Tribunals in the governorship and the federal/state legislature are composed of three members, with the quorum for each of them being the chair and any other member. At the appeal court, the tribunal for presidential elections is composed of at least three justices,²⁵ and five at the Supreme Court.²⁶ The stipulated period for the filing of electoral disputes after declaration of results is 21 days.²⁷ And the election tribunal shall deliver its judgment in writing within 180 days from the date of the filing of the petition. Aggrieved persons are given equal opportunity to appeal. The constitution provides that appeals arising from a decision of an election tribunal or court shall be heard and disposed of within 60 days from the date of the tribunal's delivery of judgment.²⁸

The shortening of time in hearing electoral disputes is a step in the right direction, but the filing process of 21 days is being abused by crafty petition lawyers who wait till the last few days to file their petitions. This thus affords respondents little or no time to respond to the petition. In the previous election, election tribunal cases were thrown out on the basis of technicalities like this without affording parties the opportunity to call evidence to prove their case. Moreover, the unspecified amount of time granted to the Supreme Court to deliver judgments remains a challenge. Without clarity, "illegitimate" candidates could hold office as long as the court has yet to nullify their victories.

While a judicial approach has often been used to settle electoral disputes in general elections, inter-party crises over allegations of malpractice and fraud during primaries are mostly settled non-judicially. In the lead-up to the 2015 general elections, political parties in Nigeria, especially the two leading parties, were engulfed in disputes over the credibility of the primary elections conducted. For example, an electoral crisis brewed amongst gubernatorial aspirants of the APC in Lagos State over whether electors for the primary election should come from 20 local government areas (LGAs) recognized by the 1999 constitution or 57 LGAs created via the enactment of the State House of Assembly. Other controversial issues that arose include demands for the conducting of direct primaries and their postponement. The aggrieved parties filed a suit in a court of law to nullify the election, but the crisis was resolved out of court through mediation. A similar approach was used to resolve a crisis that rocked the PDP presidential primaries.

²³ Section 246 (1) (c).

²⁴ Section 233(2) (iv).

²⁵ Section 239 (2) 1999 constitution (as amended).

²⁶ Section 234 1999 constitution (as amended).

²⁷ Section 285 (5) 1999 constitution (as amended).

²⁸ Section 285 (7) 1999 constitution (as amended).

3.6. Voter registration

Section 10 (1) of the 2010 Electoral Act provides for a continuous voter registration (CVR) system. The EMB has the legal mandate to carry out periodic registration of voters in the time immediately preceding the general elections so as to prepare a register of voters. The 1999 constitution requires that only citizens who have registered as voters with their names included in the register of voters are entitled to vote in an election or referendum.

In the run-up to the 2015 elections, INEC improved on its biometric voter registration by using direct data capture (DDC) machines to check on multiple registrations, which has always been the bane of elections in Nigeria. For this reason, a card reader was introduced in each of the 119,973 registration centres in the country with the aim of checking the personal data on every potential voter's PVC. As a result, 73.5 million eligible voters were officially registered, while about 4 million cases of double registrations were detected (Onapajo, 2015 pg. 12). Nonetheless, different stakeholders raised concerns about the amount of money that was being spent in an attempt to carry out a sweeping reform of the voter system. The Federal Executive Council approved N2.1 billion for INEC to produce 33.5 million PVCs to be issued to registered voters.²⁹ These PVCs contain the biometric data of registered voters and were intended to prevent manipulation of the system and double voting. This heavy spending was justified, as INEC was reportedly able to detect and delete 4 million multiple registrations.

The legal framework does not provide for the registration or voting of Nigerians in the diaspora, despite various calls over the years. INEC has said that an amendment to the 2010 Electoral Act will make it feasible to include Nigerians in the diaspora in registration and voting processes, and that it had proposed the necessary amendment.³⁰ However, a senate committee ruled out voting for Nigerians in the diaspora in 2015.³¹ During the celebration of the 2015 Diaspora Day in Abuja, President Muhammadu Buhari also reiterated the fact that the Nigerian diaspora may not enjoy the right to vote until the Electoral Act has been amended and confidence in the electoral system is built.

Security forces registered and voted during the elections. They do not undergo any special type of registration process. While a judgment passed by Justice Mohammed Suleiman of the Federal High Court, Benin, in December 2014 allows prison inmates

²⁹ See <http://www.inecnigeria.org/?inecnews=rejoinder-the-economics-and-logics-of-inecs-programmes>

³⁰ See <http://www.punchng.com/politics/2015-elections-an-x-ray-of-inec/>

³¹ See <http://diasporacommittee.com/index.php/media-center/news-and-events/102-senate-rules-out-voting-for-nigerians-in-diaspora-in-2015-elections>

the right to register to vote in elections, logistical issues have prevented this from being implemented. During the registration for the 2015 elections, no prison was designated a polling unit (Premium Times, 2015).

Taking inmates out of prisons to register is a high-risk operation fraught with security issues. In future INEC has promised to work with the prison authorities to establish a special registration centre (Ibid, 2015). The 2010 Electoral Act as amended guarantees the right of displaced peoples to register, vote and be voted for in the protection of human rights.³² The increase in the first half of 2015 of the number of internally displaced people (IDPs) in Nigeria is due to the ongoing Boko Haram insurgency in the north-east as well as the return of refugees who have not been able to settle back in their places of origin and are therefore considered IDPs. Many IDPs lost their permanent voter cards (PVCs) in flight or were not able to register, as they are required to do so in their ward of residency. IDPs were reportedly re-registered afresh in the camps where they were taking refuge (Daily Independent, 2015).

3.7. Boundary delimitation

The delimitation of constituencies involves adjusting or demarcating the boundaries of electoral constituencies so as to create a fair balance in the voting population. Section 73 of the 1999 constitution empowers INEC to review the boundaries of senatorial districts and federal constituencies at least every ten years. It is worth noting that boundaries delimitation was last conducted in Nigeria in 1996, when the country was under military regime. Thus the country was due for boundary delimitation in 2006. Given that the country's population has increased from 111.4 million in 1996 to about 170 million in 2015 (an almost 66% increase) and that the migration of citizens across the country is increasing, it became necessary to carry out new constituency delimitation exercise before the 2015 general elections. In Nigeria, while population is a crucial element in the delimitation of constituencies, the exercise is primarily undertaken to promote the equality of registration and polling units, equality in the number of local governments within a constituency, and common affinities, among other factors.

INEC set up a Technical Committee on the Review of Electoral Districts and Constituencies (TCREDC) in November 2011 under the chairmanship of Professor Okechukwu Ibeanu (INEC, 2014, pg 34). The TCREDC was charged with, among other things, identifying a legal framework that could guide the delimitation of boundaries, reviewing past efforts at delimitation of electoral districts/constituencies, identifying lessons that can be learnt from past delimitation efforts, and submitting findings and

³² Section 77 (2) of the Electoral Act says: "Every citizen of Nigeria, who has attained the age of 18 years at the time of the registration of voters for the purposes of election to a legislative house, shall be entitled to be registered as a voter for that election." <http://www.ngrguardiannews.com/2015/01/inec-clears-one-million-internally-displaced-persons-for-election/>

recommendations to the chairman of the Commission (Ibid, pg 34). In May 2012, the committee submitted its report, which formed the basis for formulation of a work plan as well as the establishment of National Constituency Delimitation Committee (NCDC) in 2014. The NCDC was charged with reviewing the existing constituencies in the country (Nwankwo, 2014, pg 1).

In September 2014, INEC shelved its plan to delimit new constituencies because the consultation embarked upon by the Commission in 2012 did not yield any meaningful outcome. The Commission could not secure consensus among the stakeholders consulted. A new scheme to create additional 30,000 polling units across the country ahead of the 2015 general elections was initiated to bring the total number of polling units in the country to 150,000 (Premium Times, 2014). The decision of the Commission was severely criticized as favouring the north over the south.³³ For example, the pan-Yoruba socio-political group, Afenifere, rejected the creation of the additional polling units, alleging that the electoral umpire was biased in the allocation of the polling units to geo-political zones in the country (Vanguard Newspaper, 2015). The Southern Nigeria People's Assembly (SNPA) also rejected the allocation. The controversies surrounding this compelled INEC to suspend the creation of new polling units.

3.8. Procurement and election administration

In the INEC Activity Report, the Electoral Management Body (EBM) notes that being transparent, sharing information and building trust and confidence with stakeholders is an objective in its Strategic Plan that it seeks to deepen. In accordance with this, its planning process for elections involves 'sustained engagement with key stakeholders.' In the procurement of election materials, INEC is expected to comply with due process requirements through the Bureau of Public Procurement (BPP). INEC procures goods and services through competitive solicitations in accordance with the due process policy of the Federal Government of Nigeria. However, some civil society stakeholders cited a potential overpayment for the production of ballot papers in the recent election in questioning the transparency of the overall procurement process. Its subsequent call to INEC to publish its contract award breakdowns indicates that it had not done so (Channels TV, 2015). Also, there were concerns raised in the media over the suitability of the Public Procurement Act itself for promoting transparency, in which it is stated that giving INEC the power to award its own contracts is counterintuitive to any aims of eliminating compromise (Tony, 2014, pg 1). Despite the procurement process being criticized, there was no attack on the legality or suitability of the technological innovation INEC has integrated into the process.

³³In the proposed creation of additional polling units, the north had over 21,850 polling centres compared to the South with less than 8000 polling units (Thisday Newspaper, 2015).

INEC held quarterly meetings with stakeholders to agree on plans for carrying out the Continuous Voter Registration (CVR) exercise. Electronic registration was a key component of this. INEC embarked on plans to recruit no fewer than 750,000 adhoc staff to conduct the election. Due to the large number of adhoc staff required, INEC looked beyond traditional current NYSC corps to past corps members with good records and students in their third year at a tertiary institution. Training was structured such that officials trained 'master trainers' who could then pass down the training. Even towards the former date pegged for general elections of 14 February independent monitoring report indicated that for nearly all states, preparation of adhoc staff was either underway or completed. However, in Cross River, for example, it was reported that members of INEC connived with politicians to doctor recruitment lists (The Sun, 2014).

While gender representation has improved generally since 1999, there is still much to be done. In pursuit of gender balance in recruitment, the Commission upgraded its gender desk into a full-fledged gender unit, complete with the appropriate level of staffing. The unit was tasked with the responsibility of driving INEC's gender mainstreaming initiatives (IFES, 2013). It also launched a framework for implementation of at least 35% affirmative action on women's political advancement and representation. Accordingly, the then chairman of INEC, Prof. Attahiru Jega, noted that for the first time in its history, the Commission had appointed a female secretary. The appointment of Mrs Amina Bala Zakari as acting chair of INEC, though shrouded in controversy, was justified by President Buhari as being based on merit and in pursuance of gender equality. There are very few reports in the national literature on gender representation in the Nigerian electoral management body.

While the same framework for the distribution of sensitive materials as in the 2011 election was used, some improvements were made. Political party agents were permitted to accompany sensitive materials from the Central Bank of Nigeria (CBN) vault to the state office, and from the state offices to the local governments. INEC also established Registration Area Centres equipped to house staff and security agencies the night before the elections in order to facilitate early deployment to various polling units. The police were also reportedly fully prepared for the polls well ahead of time (Thisday, 2015).

3.9. Civic voter and voter civic education

The importance of civic and voter education to the conducting of free, fair and credible election, citizen participation and democracy strengthening cannot be overemphasized. The quality of participation of citizens is undoubtedly predicated on how much knowledge they have on the organization of election activities. By virtue of section 2

(1) of the Electoral Act of 2010 (as amended), INEC is responsible and has the power to conduct voter and civic education activities (CDD, 2014, pg 7). In the lead-up to the 2015 general elections, INEC outlined a series of activities in its Strategic Plan to address voter and civic education on a more sustained, long-term and collaborative basis (INEC, 2014, pg 27). Accordingly, the Commission instituted a pilot Integrated Voter Education Programme in both secondary schools and tertiary institutions across the country to enlighten students about the electoral process and encourage them to organize voter education activities within their schools or campuses.

As part of the Commission's effort to address low level of awareness of citizens on electoral matters, INEC inaugurated a 15-member National Inter-agency Advisory Committee on Voter Education and Publicity (NICVEP) in 2014. Its membership is made up of the Independent National Electoral Commission (INEC); National Orientation Agency; Federal Ministry of Information; Federal Ministry of Women Affairs and Social Development; Federal Ministry of Communication; Federal Ministry of Education; National Broadcasting Commission; Nigerian Communication Commission; Nigerian Television Authority; Federal Radio Corporation of Nigeria; News Agency of Nigeria; Nigerian Guild of Editors; Nigerian Labour Congress; Nigerian Union of Journalists; and Federal Ministry of Youth Development. The committee's terms of reference include a review of the existing framework and advising the Commission on areas of improvement; offering advice on effective strategies for public enlightenment and voter education; developing a medium- to long-term framework for civic and voter education; identifying various organizations and agencies capable of undertaking voter education activities and recommending appropriate support for them; among other things (INEC, 2014b, pg 1).

Recognizing the media as key to the dissemination of information about the Commission's programmes, INEC, in collaboration with News Agency of Nigeria (NAN), organized a three-day workshop for Public Affairs Officers of INEC in January 2013. The Commission was also at the forefront of the campaign for the complementary role of political parties and other relevant stakeholders in voter education programmes. Political parties were tasked to carry out an effective political mobilization campaign and good enlightenment programmes that will enhance their chances at the polls.

There was also partnership with civil society organizations (CSOs), especially non-governmental organizations (NGOs). With support from donor agencies, CSOs' programming focused on educating Nigerians on the procedures and guidelines for elections; their rights with regard to the current electoral laws; strategies for protecting their mandate; and reduction of electoral violence on election day. Organizations such as the Centre for Democracy and Development (CDD), Youth Initiative for Advocacy,

Growth and Advancement (YIAGA), Youth Advocacy for Constitutional and Electoral Reform (YACORE), Partners for Electoral Reform (PER), Policy and Legislative Advocacy Centre (PLAC), etc. partnered with the Commission. CDD implemented voter education projects in partnership with the Commission targeted at different stakeholders in Kano, Kaduna, Ekiti and Osun states to address the problem of electoral violence ahead of the 2015 general elections.

3.10. Candidate nomination

As stipulated in the INEC's Regulation for the Conduct of Political Parties Primaries, under *party rules and condition for nomination*, "...all eligible members of the party must be given equal opportunity to participate in the primaries of the party for the purpose of selecting candidates for elective positions". And that "political party conducting primaries must ensure that aspirants for elective office who are approved to participate in its primaries are eligible to contest in elections as stipulated under the 1999 constitution (as amended) (INEC, 2013, pg 4). In this case, political parties are mandated by INEC's rules and regulations relating to candidate nomination to give equal opportunities to party members but the eligibility of candidates must align to the provisions of Sections 65³⁴, 106³⁵, 131³⁶ and 177³⁷ of the 1999 constitution (as amended), which define qualification for election into elective positions.

Despite INEC's regulatory framework, which enjoins equality in the nomination process,³⁸ political parties' constitutions specifically provided for conditions or criteria for members' eligibility. For example, the constitution of the PDP (2012 amendment) stipulates that "there shall be a minimum of two year membership span for a member to be eligible to stand for election into any public office, unless the appropriate executive committee gives a waiver or rules to the contrary".³⁹ By implication, unless given a waiver, a member whose membership is less than two years in duration cannot

³⁴ The section stipulates that anybody contesting for Senate and the House of Representatives must be a citizen of Nigeria and must have attained the age of 35 and 30 years respectively. Also, a person shall be qualified for election into these elected offices if he/she has been educated up to at least School Certificate level or its equivalent, and is a member of a political party and is sponsored by that party.

³⁵ The section provides that a person shall be qualified for election as a member of a House of Assembly if he/she is a citizen of Nigeria; has attained the age of 30 years; has been educated up to at least the School Certificate level or its equivalent; and is a member of a political party and is sponsored by that party.

³⁶ The section stipulates that a person shall be qualified for election to the office of the president if he/she is a citizen of Nigeria by birth; has attained the age of forty years; is a member of a political party and is sponsored by that political party; and has been educated up to at least School Certificate level or its equivalent.

³⁷ The section provides that a person shall be qualified for election to the office of governor of a state if he/she is a citizen of Nigeria by birth; has attained the age of 35 years; is a member of a political party and is sponsored by that political party; and has been educated up to at least School Certificate level or its equivalent.

³⁸ Section 2(2) of the Political Parties' Code of Conduct stipulates that "every political party shall provide equal opportunity to qualified persons to participate in electoral activities.

³⁹ See Section 50(9).

participate in the nomination process. The constitution also provides for mechanisms to resolve any grievance that may arise in the process of nomination. Section 50 (11) stipulates that “any aggrieved party shall have recourse to appeal to the National Executive Committee, through the National Working Committee of the Party”. However, for elective positions at local government level, controversy arising from nomination is directed at the State Working Committee as stipulated in section 50(10)(a) of the constitution.⁴⁰

The high cost of expression of interest and nomination forms imposed by political parties,⁴¹ especially the two major parties (PDP and APC), on members to contest the various political offices in the country is also another challenge. According to Umar Jubril, member of the APC from Kogi State, “although parties used the sale as means of raising funds... the costs of the forms would make qualified politicians to shelve their ambitions”. In the same vein, Aminu Jonathan, a PDP chieftain from Plateau State, noted that the “high cost of campaigns made the practice of democracy an exclusive right of elites” (Premium Times, 2014b). This was however blamed on the inability of INEC to control and regulate funding of the election by registered political parties in the country. Mr Rafiu Salau, the Alliance for Democracy (AD) National Secretary, put the trend in another perspective. According to him, “the high cost of nomination forms will turn politics into business. The party [AD] believes that to ask for high fees for nomination forms is a creation of foundation of corruption” (Premium Times, 2014c).

3.11. Electoral campaigns

For the 2015 general elections, political parties started campaigning in mid-November 2014. The Political Parties’ Code of Conduct, 2013, which was voluntarily agreed to by the existing political parties, spells out a system of rules that govern the conduct of the campaign. Section 3(7) of the Code of Conduct stipulates that “no political Party or candidate shall during campaign resort to the use of inflammatory language, provocative actions, images or manifestation that incite violence, hatred, contempt or intimidation against another party or candidate or any person or group of persons on grounds of ethnicity or gender or for any other reason” (INEC, 2013, pg 5). Sub-section 13 further stresses the need for “all political parties to have equal access to public owned print and electronic media, as guaranteed by law”.

⁴⁰ The section provides that “members aspiring for nomination for election to the post of Councilors, Local Government Council Chairman or membership, the deciding authority shall be the State Executive Committee”.

⁴¹ The Peoples Democratic Party’s presidential forms cost N22 million; senatorial seat, House of Representatives and state assemblies forms cost N4.5 million, N2.5 million and N1.2 million respectively. With the All Progressives Congress, aspirants to the office of the president are expected to pay N27.5 million; state chairman, N100,000 and aspirants for state executive committee, N30,000. Local government executive committee membership, for example in Cross River, attracts N10,000; ward chairmanship, 10,000 and ward executive membership, N2,000 (Premium Times, 2014b).

Hardly had the campaign started than politicians, particularly those of the two leading parties, adopted negative campaign tactics by attacking the personalities of party candidates and prominent members of rival parties. Rather than focusing on issues of national significance, the attempt to ruin the reputation of rival candidates gathered momentum as election day drew closer. In a documentary titled “The Real Buhari”, Buhari was presented as a man who is mean and wicked for being the first military leader to sentence a woman to death by firing squad. On the other hand, the APC accused Jonathan of incompetency and complacency, having allowed Boko Haram insurgency to fester, causing the deaths of over 15,000 Nigerians and displacing over three million others in the past six years (Enietan-Mathews, 2015).

The spate of violent pre-election attacks across the country was alarming. Not long after the Peace Accord was signed by presidential candidates of political parties than people claiming to support the APC pelted the motorcade of President Goodluck Jonathan with stones and sachets of water in Bauchi State (Thisday Newspaper, 2015). In a report released by the National Human Rights Commission in February 2015, it was reported that, between mid-November 2014 and February 2015, 61 incidences of election violence occurred in 22 states across the six geo-political zones, leading to the death of 58 people (NHRC, 2015, pg 19).

3.12. Stakeholders

In the lead-up to the 2015 general elections, media played a significant role in the dissemination of information on electoral matters to citizens. They partnered with INEC in organizing training for the Commission’s staff. While the media positively impacted on the credibility and fairness of the elections, the operations of some media organizations was reported to have contravened the provisions of the Nigerian Media Code of Election Coverage. The National Broadcasting Commission (NBC), a regulatory agency, slammed 18 media organizations for breaching rules on the broadcast of sponsored electoral campaign materials which must conform to the standards of truth, decency and good taste and requiring the sponsor to be clearly identified (Oweh, 2015).

Gender does not occupy a central position in either the Electoral Act or the constitution. Apart from the provisions of section 51 of the Electoral Act, which designate separate queues for men and women, where culture does not permit the intermingling of the sexes, there is no provision targeting women’s participation in elections. However, in the 2015 elections, INEC introduced a priority voting system with preferential treatment for pregnant women, the aged and nursing mothers, persons with disability and albinos.

Religious and traditional communities, to a large extent, played neutral role in the general elections. With few exceptions of religious leaders who criticized the then PDP-led administration for its lack of political will to meaningfully transform the country, religious community supported to the electoral process. But, same cannot be said about the security agencies, especially in the pre-election phase. During the pre-election period, for example, Department of State Security (DSS) and the Nigerian Army were caught in the midst of politicking amongst the two leading political parties. DSS raided APC Data Centre in Lagos on the allegation that the party is planning to hack into INEC Database to clone Permanent Voter's Cards (Thisday, 2015b). Likewise, the release of academic details of President Muhammadu Buhari by the military after the presidential election signifies level of partisanship of the institution. On election day, CDD also noted, in her preliminary report on the Governorship and State House of Assembly elections, the complicity of security agents in cases of electoral fraud and violence in several states, particularly Rivers state, where active connivance of security agents were recorded in the commission of electoral violence. Private Security firms play no special role in election activities in Nigeria.

The role played by 88 INEC accredited election observer groups (including 16 international bodies and 72 domestic observers) in providing independent perspective on the conduct of the election was undoubtedly supportive. Their activities were carried out without restriction, except a case of attacks on an observer, which was reported in Enugu during the state-level elections. According to media report, some persons suspected to be All Progressives Congress, APC, thugs attacked a member of a human right group, Legal Aid and Development Initiative (LASEDI), Mr. Franklin Amedu at Ndiagu Umuogbu village, Itchi in Igboeze South Local Government Area.

3.13. Election day and results management process

The INEC guidelines provides for the accreditation exercise to be conducted between 8:00 am to 1:00 pm. In this regard, election officials and necessary logistics are expected to have deployed before the commencement of the exercise (CDD, 2015, pg 1). However, there was generally a delay in the take-off of the accreditation exercise due to the late arrival of INEC officials and materials at the polling units. According to preliminary statement issued by the Transition Monitoring Group (TMG) on the March 28 elections, only 43% of election officials arrived on time in 90% of the polling stations it observed (TMG, 2015, pg 2). This resulted in the extension of the accreditation process and causing overlap of procedures in nearly all the states. However, there was a remarkable improvement in terms of timely arrival of election officials and materials during the April 11, 2015 elections⁴².

⁴² TMG reported that 90% of the polling units monitored opened on time and that accreditation proceeded smoothly with the card readers functioning with minimal hitches.

The late commencement of the March 20 2015 elections was compounded by the difficulties experienced in the use of card readers for voter accreditation. At several polling booths, card readers were reported not to be functional. In some cases, it took more than the expected time to verify potential voters. In Lagos, Katsina, Awka, the capital of Anambra State, many card readers are reported not to be functioning (CDD, 2015, pg 2). This failure undermined the full benefit anticipated by the use of biometrics technology and imposed unnecessary hardship on Nigerians (Nigeria Civil Society Situation Room, 2015, pg 2). In response to this challenge, INEC directed election officers to manually accredit voters using the voter register⁴³.

Besides problems posed by delay in the commencement of election day activities and malfunctioning of card readers in some polling units in the March 28 elections, there were challenges of shortage of materials, campaign materials near polling units, attempt to bribe voters, undue assistance of election officials by party agents, lack of uniformity in the execution of the various stages of the election as outlined in INEC guideline, absence of voting cubicles in some states, amongst others. It is important to note that these incidents were not nationally widespread thus did not undermine the credibility of the March 28, 2015 elections. However, this was improved upon during the April 11 2015 elections. Remarkably, across the country, persons with disability, the aged, pregnant women and nursing mothers were given special attention during the March 28 and April 11 elections.

During the 11 April 2015 gubernatorial elections, the polling environment was reasonably secure, with minimal disruption. Members of the police force and other security agencies established a noticeable presence within the polling environment, with most operating unarmed (CDD, 2015b, pg 1). Assessing the orderliness of the voting process, the CLEEN Foundation reported that in most polling units (82%), observers reported that the voting process was orderly. The process was somewhat orderly in 15% of the polling units and not orderly at all in 3% of all the polling units (CLEEN, 2015, pg 2).

It was further noted that in 96% of the polling units monitored, security personnel followed the instructions of the presiding officer. And, at least 91%, observers reported that there were no threats to security. Similarly, TMG reported that in at least 96% of polling units observed, there were no incidents of harassment of poll officials, party agents, or observers during voting. However, it was reported that security personnel used force in 5% of the polling units in which observation took place. During the 11

⁴³ Although, the guidelines for the conduct of the 2015 general elections provide that where card readers fail to work and cannot be replaced, elections in such polling units will be postponed to the following day. However, following challenges encountered in some polling units on election day, INEC amended the guideline that in polling units where card readers have failed to work, the presiding officer shall manually accredit voters by marking the register of voters, upon being satisfied that the person presenting a permanent voter card (PVC) is a legitimate holder of the card.

April 2015 elections, however, use of force by security officials was observed in 11% of the units (CLEEN, 2015b, pg 4).

In spite of the satisfactory conduct of security personnel, there were reported cases of ballot snatching, illegal possession of ballot papers and result sheets across the country, including snatching of result sheets and attack on voters, cases of murder in several states,⁴⁴ arson in a few states, violent attacks and intimidation by thugs in many states across the country, the killing and assault of security agents by thugs, and isolated incidences of security officers killing thugs (CLEEN, 2015b, pg 5) during the 2015 general elections.

The counting and collation process was open, as it allowed for the participation of party agents and observers. For example, during the 28 March elections, on average, there were four party agents present during the counting process at polling units. In at least 93% of polling units the poll officials accounted for all presidential ballot papers. In at least 95% of polling units an APC party agent signed the results form (INEC form EC.8A) and at 91% of polling units a PDP party agent signed the results form. Also, it was reported that in at least 93% of polling units all party agents present were given a copy of the results form, while at 91% of polling units the official results were posted for the public to see (TMG, 2015, pg 5).

After the successful conduct of the elections, winners and losers emerged. At the national level, President Goodluck Jonathan, who was defeated by the APC presidential candidate Muhammadu Buhari, conceded defeat, thereby ruling out the possibility of litigation. However, candidates in the various elections ranging from governorship, national and state assemblies across the six geopolitical zones headed for the tribunals to challenge their defeats (Mac-Leva and Ibrahim, 2015). It was reported that no fewer than 297 petitions arising from the conduct of the elections were filed before the various election tribunals across the country (Ibid, 2015, pg 1). This underscores the non-acceptance of the election results by some politicians.

⁴⁴ Reports of the European Union Election Observation Mission (EU EOM) on the 28 March and 11 April 2015 elections show that at least 19 and 30 deaths were recorded in the two elections.

3.14. Application of African Election Assessment Tools Instruments

	AU	ECOWAS
Election Campaigns	The electoral campaign process was relatively peaceful and characterized by freedom of speech and assembly, despite isolated incidents of violence reported by the African Union (AU) observers in Jos (Plateau State) and Port Harcourt (Rivers State).	
Stakeholders	<p>Out of the 14 candidates for the 2015 presidential elections, there was only one female presidential candidate, and four female running-mates.</p> <p>There were initiatives taken by women in Nigeria to enhance their participation in the electoral process including the Women's Situation Room, which has been assessing the electoral process from a gender perspective.</p> <p>There was a formal role accorded to the youth in the electoral process through the involvement of the National Youth Service corps in the polling operations.</p> <p>Youth organizations were actively involved in observing the electoral process with a youth-focused perspective as well as partnering with INEC in voter education initiatives.</p>	There was laudable participation of women and young people

	<p>Civil Society Organizations were actively in citizen observation, thereby contributing to the transparency of the electoral process.</p> <p>Only 18% of party agents of polling units visited were women, thus manifesting limited consideration for their representation.</p>	
<p>Election day and results management</p>	<p>The polling process was generally peaceful during the accreditation as well as voting and counting processes, despite isolated incidents of violence reported in Bayelsa and Enugu.</p> <p>The polling personnel in most polling units observed managed the polling operations in a professional manner, amidst operational challenges such as the failure of the Smart Card Readers.</p> <p>The accreditation, voting and counting processes were generally transparent and took place in the presence of international and citizen observers as well as political party agents.</p>	<p>Electoral materials and INEC officials arrived late in many polling stations across the country, leading to a delay in accreditation and voting processes.</p> <p>The card reader malfunctioned in some polling stations, especially in the fingerprint identification of voters, so the manual accreditation of voters was resorted to, and there was a delay in the voting process.</p> <p>There was a commitment made by political parties to a peaceful electoral process, respecting the outcome of the elections and resorting to legal processes in redressing contentious outcomes.</p> <p>There were efforts by the security agencies to ensure that the elections were conducted in a secure and peaceful environment.</p>

<p>Recommendations</p>	<p>Consider reviewing the election day procedures to make them less tedious in future;</p> <p>Provide ample time for testing of technology to adequately prepare for unforeseeable technical challenges during polling;</p> <p>Consider reviewing the voter registration methodology in order to enhance the issuance of PVCs;</p> <p>Undertake measures to reinforce training of polling personnel;</p> <p>Explore measures to enhance equitable access to the public media during campaigning;</p> <p>Improve on the overall planning and implementation of electoral operations.</p>	
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3.15. Post-election reform

The 2015 general election in Nigeria are generally viewed as a consolidation on the successes of the 2011 general election. Despite its success, domestic and international observers proposed a good number of recommendations to improve on the legal framework and administration of elections. For example, the Nigeria Civil Society Situation Room (NCSSR) report on the election reveals the need to amend the constitution to allow for replacement of resident electoral commissioners (RECs) with state directors of elections, and the establishment of constituency delimitation, political party registration and regulation and for the prosecution of electoral offences (NCSSR, 2015 pg. 49). This aligns with the African Union's (AU) call on the Nigerian government to accord attention to the pending legal reforms in order to improve the legal framework governing elections in Nigeria (AU, 2015). The NCSSR further recommends that:

- a. INEC should immediately commence arrangements to reorganize constituencies and polling units in Nigeria, as this is long overdue. The process of reorganization should be made as systematic and as transparent as possible and must be completed well before the 2019 elections;
- b. INEC should ensure much greater compliance with election procedures at all levels and introduce measures to reduce inconsistencies in their implementation;
- c. INEC could address its operational challenges by improving the capacity of its staff through robust learning programmes and timely training;
- d. Improve the voters' register by devising a transparent and systematic system of eliminating dead and redundant registrants from the register;
- e. The voters' register should be made readily available to political parties, election stakeholders, and the general public; and
- f. Clear directives regarding the opening and closing times for voting should be issued by INEC in order to make the election process more predictable for voters(SR, 2015).

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