Map of Nigeria

Source: Economic Intelligence Unit
## Table of Contents

Letter of Transmittal .............................................................. vi

Chapter 1.................................................................................. 1
  Introduction ...................................................................... 1

Chapter 2.................................................................................. 3
  Political Background ............................................................ 3
    Historical Background ......................................................... 3
    The 1999 Elections and Return to Democracy ......................... 3
  THE 2003 ELECTIONS ............................................................... 4
  THE 2007 ELECTIONS ............................................................... 4
  THE 2011 ELECTIONS AND DEVELOPMENTS ......................... 5
  BUILD UP TO 2015 ELECTIONS ............................................... 8
  SECURITY SITUATION .............................................................. 10

CHAPTER 3 .............................................................................. 14
  The Electoral Framework and Election Administration ............ 14
    Legal Framework for Elections .............................................. 14
    The President ................................................................ 15
    The National Assembly ...................................................... 15
    Electoral System ............................................................... 15
    Election Administration ...................................................... 16
    Voter Eligibility and Registration ......................................... 16
    Candidate Eligibility and Nomination .................................. 17
    Election petitions and appeals .............................................. 17
    Recommendations ............................................................. 18

Chapter 4 .............................................................................. 19
  The Campaign and the Media ............................................... 19
    Overview of the Campaign .................................................. 19
    Campaign Framework ........................................................ 19
    Campaign Issues ............................................................... 20
    Peace Efforts and Hate Speech ............................................ 20
    Overview of Media Landscape .............................................. 21
    Legal Framework ............................................................... 22
    Media Climate ................................................................ 22
Annex II................................................................................................................. 49
................................................................................................................................. 49
Commonwealth Observer Group................................................................................. 49
  Arrival statement by Commonwealth Observer Group ........................................ 49
Annex III....................................................................................................................... 51
Commonwealth Observer Group............................................................................... 51
  Interim Statement on the Nigeria Presidential and National Assembly Elections 51
Annex IV....................................................................................................................... 55
  Statement on the timetable by Prof Attahiru M Jega ........................................... 55
Annex V......................................................................................................................... 59
  Declaration of Results .............................................................................................. 59
Annex VI......................................................................................................................... 60
  List of the 28 Registered Political Parties ............................................................... 60
Annex VII ..................................................................................................................... 61
  List of Presidential Candidates .............................................................................. 61
Letter of Transmittal

The Commonwealth

Commonwealth Observer Group
Nigeria’s Presidential and National Assembly Elections

2 April 2015

Dear Secretary-General,

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

These elections mark an important step forward for democracy in Africa’s most populous country, and a key member of the Commonwealth. Notwithstanding the organisational and technical deficiencies, the conduct of the Presidential and National Assembly elections was credible, peaceful, transparent and reflected the will of the people of Nigeria.

We are deeply appreciative of the access, support and openness extended to us by key stakeholders, including the outgoing President Goodluck Jonathan, President-elect Muhammadu Buhari, Chairperson of the Independent National Electoral Commission (INEC), Professor Attahiru Jega and officials of INEC, the Police, domestic and other international observers, civil society, the media and Commonwealth High Commissioners.

Our report includes a number of recommendations which, we believe, could further improve the electoral process in Nigeria. We hope they will be positively considered and implemented. We further hope that the Commonwealth Secretariat will remain engaged with the Independent National Electoral Commission and the Government of Nigeria to take these forward.

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

[Signature]

Dr Bakili Muluzi
Chairperson
Chapter 1

Introduction

The Secretary-General constituted a Commonwealth Observer Group at the invitation of the Chairperson of the Independent National Electoral Commission of Nigeria (INEC) to observe the Presidential and National Assembly Elections. These were initially scheduled to be held on 14 February 2015 and were later rescheduled to 28 March 2015. Following the postponement, the Observer Group was redeployed on 21 March 2015. It was led by H.E. Dr. Bakili Muluzi, former President of Malawi and comprised 10 eminent persons. The Observer Group was supported by a six member staff team from the Commonwealth Secretariat. Biographies of members are contained in Annex I.

In line with the Secretariat’s usual practice, the Secretary-General sent a Pre-Election Assessment Mission to Nigeria from 17-21 November 2014. The main purpose of this mission was as follows: to ensure that the Observer Group would be free to pursue its mandate; to confirm that there would be broad support in Nigeria for the presence of Commonwealth Observers; to brief key stakeholders in Nigeria on the way in which such a Group would work; and to assess the pre-electoral landscape. The Assessment Mission obtained assurances that there would indeed be broad welcome for Commonwealth Observers; however, due to the ongoing insurgency in the North-East of Nigeria, it concluded that the conditions did not exist for a full and comprehensive observation. The Nigerian authorities assured the Assessment Mission that security would be augmented to allow for elections to take place.

Terms of Reference

The Terms of Reference for the Observer Group were as follows:

- “The Group is established by the Commonwealth Secretary-General at the invitation of the Chairperson of INEC. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.

- It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which Nigeria has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

- The Group is to act impartially and independently. 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, INEC, political parties taking part in the elections and thereafter to all Commonwealth Governments.”

Activities

The Observer Group initially arrived in Nigeria on 7 February 2015, just prior to the announcement of the rescheduling of the elections which was announced the same day. The Observer Group received briefings over a period of three days from INEC, some Presidential candidates, political party representatives, Commonwealth High Commissioners, the National Human Rights Commission, Civil Society Groups, youth representatives, news media, national, regional and international observer missions. The Observer Group departed Nigeria on 11 February 2015.

The Group was redeployed on 21 March 2015. During two days of briefings the Group received updated briefings from political party representatives, Commonwealth High Commissioners, Civil Society Groups, youth representatives, news media, national, regional and international observer missions.

An Arrival Statement was issued on 23 March 2015 (see Annex II).


In their areas of deployment the teams liaised with police, local election officials, civil society groups and party officials. In addition, teams met and coordinated with other observers, national, regional and international in their respective areas to build a comprehensive picture of the conduct of the process. On the day of the election the teams visited a range of polling units in their respective areas to observe the accreditation, voting and counting processes. On the basis of the Group’s findings about the conduct of the Presidential and National Assembly elections, the Chairperson issued an Interim Statement on 30 March 2015 (see Annex III). The Group’s Report was completed in Abuja prior to departure on 3 April 2015 for transmission to the Commonwealth Secretary-General.
Chapter 2

Political Background

Historical Background

Nigeria marked its centenary in 2014, having begun its existence as a nation-state in 1914 through the amalgamation of the northern and southern protectorates. Before this time, there were various cultural, ethnic, and linguistic groups, such as the Oyo, Benin, Nupe, Jukun, Kanem-Borno, and Hausa-Fulani empires. These groups lived in kingdoms and emirates with sophisticated systems of government. There were also other strong ethnic groups such as the Igbos, Ibibios, Ijaws, and Tivs.

Nigeria became independent on 1 October 1960. Following independence, Nigeria’s democratic dispensation was challenged by persistent military coups. A breakthrough came in 1999 when a new constitution was adopted, and a civilian government was subsequently formed. Since then Nigeria has experienced uninterrupted civilian rule. Notwithstanding the violent rejection of the results of the 2011 elections in the north of the country, the 2011 elections were generally seen as a significant improvement compared to the 2003 and 2007 elections. The following section will focus on developments from 1999, when the country returned to constitutional democracy, to the events leading to 28 March 2015 Presidential and National Assembly elections.

The 1999 Elections and Return to Democracy


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

The Presidential election of 20 February 1999 was won by Chief Olusegun Obasanjo (PDP) with 62 percent of the vote. Chief Olu Falae, the joint AD and APP candidate, gained 37 per cent. President Obasanjo was sworn in on 29 May 1999. Domestic and international observers, including a Commonwealth Observer Group, witnessed irregularities in the poll but judged that the result broadly reflected the will of the Nigerian people.

Commonwealth leaders suspended Nigeria from the Commonwealth for three and a half years following the execution of Ken Saro-Wiwa and eight other Ogoni activists.
by the Armed Forces Ruling Council (AFRC) in 1995. Nigeria was fully reinstated in the Commonwealth in May 1999.

THE 2003 ELECTIONS

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

A Commonwealth Observer Group, headed by former Tanzanian Prime Minister and former OAU Secretary-General Dr Salim Ahmed Salim, was present for the above elections. The Group concluded that “in most of Nigeria, despite significant challenges, a genuine and largely successful effort was made to enable the people to vote freely and that in most of the country conditions were such as to enable the will of the people to be expressed. However, there were parts of Nigeria in which many Nigerians were denied the right to participate in an authentic democratic process”.

THE 2007 ELECTIONS

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

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

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

Ahead of the April 2007 elections, the PDP picked Alhaji Umaru Yar’Adua, then Governor of Katsina State, as its candidate to contest the presidential elections scheduled to be held on 21 April 2007. Shortly after winning the nomination, Alhaji Yar’Adua chose Dr Goodluck Jonathan, Governor of Bayelsa State, as his running mate. Also in the presidential race was General Muhammadu Buhari, the leader of the ANPP.
The 2007 elections were expected to mark a historical milestone for Nigeria; for the first time in the country’s history, power would be transferred from one democratically elected civilian leader to another. However, polling was marred by violent incidents and serious electoral malpractices. Domestic and international observers widely criticised the polls as deeply flawed.

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

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

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

THE 2011 ELECTIONS AND DEVELOPMENTS

The Uwais Committee on Electoral Reforms

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

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

President Yar’Adua presented a modified version of the Uwais Report, containing its recommendations, to the National Assembly in 2009, and in March 2010, Acting President Goodluck Jonathan (see below) forwarded an unedited version of the Report to the National Assembly for approval. The Electoral Act 2010, enacted under President Jonathan’s administration, incorporated some of the recommendations of the Uwais Committee such as provisions for shorter time frames for hearing election petitions, and stricter rules for political party primaries. The National Assembly was, however, criticised for not including key recommendations of the Uwais Committee such as the procedure for appointment of the Chairman of INEC and the creation of an Electoral Offences Commission.

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

The Elevation of Vice President Goodluck Jonathan

President Yar’Adua died in office on 5 May 2010. Dr Goodluck Jonathan succeeded formally to the Presidency and took the oath of office on 6 May 2010. He immediately changed the Cabinet appointed by Yar’Adua and installed his own (although a number of the old Ministers remained). As the first President from the oil-rich Niger Delta, he was quick to reassure the region’s oil industry by resuscitating the amnesty for militants, and tasking relevant federal agencies to accelerate development programmes in the Niger Delta.

The Zoning Issue

As elections loomed ahead, there was much speculation regarding whether President Jonathan would contest the PDP’s presidential race. President Jonathan’s formal declaration of his candidature in September 2010 was significant because of the impact on the PDP’s longstanding “zoning arrangement” whereby political office rotates between the North and the South as a way of managing the politics of a multi-ethnic and multi-religious Nigeria.

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

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

The National Assembly Elections and Presidential Elections were initially scheduled for 2 April and 9 April 2011 respectively. However the National Assembly elections were aborted soon after mid-day on 2 April, as some sensitive election materials, including results sheets and ballot papers, had not reached all polling stations. They were initially rescheduled for 4 April but later postponed to 9 April. The Presidential elections were, in turn, postponed to 16 April.

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

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

The remaining 16 presidential candidates received 1.32% of the total votes cast. Following the National Assembly elections the seat allocation was as follows: PDP 205, ACN 69, CPC 36, ANPP 28, LP 9, APGA 6, ACC 5, other 2.

For the Senate - percentage of vote by party - NA; seats by party - PDP 73, ACN 17, ANPP 7, CPC 6, LP 4, other 2.

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

However following the announcement of the results, about 800 people were reportedly killed during the protests by those who did not accept the results.
BUILD UP TO 2015 ELECTIONS

The emergence of an opposition coalition

The 28 March 2015 elections were predicted to be the closest-run national election since the 1960s. The PDP was perceived to be facing a major challenge nationally for the first time due to the emergence of a united opposition. The All Progressives Congress (APC) was established in 2013. It is composed of three major opposition parties: Congress for Progressive Change (CPC); Action Congress of Nigeria (ACN); All Nigeria People’s Party (ANPP); and a faction of the All Progressives Grand Alliance (APGA), bringing roughly a third of the current state governors and national legislators together in a single opposition party.

Since the establishment of the APC, the PDP has lost a number of its members who have defected to the opposition. A major concern for analysts was whether elements in the PDP and/or their supporters would accept defeat in certain strongholds if unfavourable results of elections were announced. In light of the fatal post-election clashes in 2011, there was also a major concern about whether the APC’s supporters would accept the outcome of the elections if APC lost.

The ‘North South’ divide and President Jonathan’s candidature

The issue of rotating the presidency between the North and South has been a major sticking point between the North and South. Since 1999 when a civilian government was elected in Nigeria, power has rested mostly in the hands of politicians from the south. There was a perceived notion that the northern politicians were frustrated by their inability to ascend to power as per the ‘zoning arrangement/rotation’ of presidency between North and South.

Ahead of the elections, the PDP was rocked by internal frictions which led to some of its members crossing the floor to join the APC. Some of the defections from the PDP to APC included that of the Deputy Governor of Ondo State, Alhaji Ali Olanusi who defected to APC in March 2015. It must however be noted that some of the APC’s members also joined the PDP; for instance, Tele Ikuru, Deputy Governor of Rivers State, joined the PDP as recently as March 2015. The defections of the Deputy Governors of Ondo and Rivers States took place less than a week before the elections.

President’s eligibility to contest the 2015 elections

In March 2014, a lawsuit was filed challenging President Jonathan’s eligibility to run for office in 2015. This suit was premised on the understanding that President Jonathan first took the oath of office in May 2010, following the death of President Yar’Adua, and took a second oath of office and allegiance in May 2011, following his election into office. As such the plaintiffs argued that it would be a breach of the constitutional two-term limits for presidents, if he ran for the 2015 elections. The court however ruled that President Jonathan had the right to contest the elections.
A similar suit was filed in October 2013 and the Abuja High Court also ruled similarly - that the President could stand for the 2015 elections. In its judgement, the Court was of the opinion that the President’s tenure of office started from 29 May 2011 when he was sworn into office as elected president, and not on 6 May 2010 when he assumed office following the death of the former President.

General Buhari’s eligibility to contest the elections

As elections loomed ahead, General Buhari’s eligibility to contest the Presidential election was also challenged. There were claims that he did not meet the requirements to stand as a Presidential Candidate as provided for in the Constitution. The 1999 Constitution as amended stipulates that a Presidential candidate must have at least obtained a school certificate level or its equivalent. However, in response the APC Presidential candidate allegedly mentioned that the Military was in possession of his certificates. In this regard a suit was filed seeking an order from the Federal High Court in Abuja for the police to investigate the alleged acquisition of the school certificate by the APC Presidential Candidate. On 25 March 2015, the Federal High Court in Abuja adjourned the hearing of cases challenging General Buhari’s eligibility to contest the 2015 elections to 22 April 2015.

Campaign Environment¹

The official campaign commenced on 16 November 2014. There were reports of isolated incidents of violence during campaigns. There were also reports of hate speeches and inflammatory statements by politicians and their supporters.

President Goodluck Jonathan and General Muhammadu Buhari as well as other Presidential candidates, signed an undertaking on 14 January 2015 committing themselves to violence-free elections. The candidates adopted the Abuja Accord by acclamation at the 2015 General Election Sensitization Workshop on Non-Violence, which was jointly organized by the Office of the National Security Adviser and Office of the Special Adviser to the President on Inter Party Affairs. The parties agreed to run issue-based campaigns at national, state and local government levels. They pledged to refrain from making public statements, pronouncements and speeches that could incite any form of violence before, during and after the elections.

However, reports of violence mainly between the PDP and APC persisted. For example, it was reported that in January 2015 President Goodluck Jonathan’s campaign buses were torched in Jos by a mob alleged to be linked to the APC. The PDP Ekiti State Governor was also accused of producing an advertisement which allegedly threatened the life of the APC’s Presidential Candidate. This was followed by what was perceived as an act of retaliation by suspected APC supporters in which they allegedly attacked the convoy of President Goodluck Jonathan on 18 January 2015 in Katsina State during his re-election campaign. There were also reports of defacing of posters during campaigns. On 22 January there was another report of an attack on the President’s convoy in Bauchi after he addressed a political rally.

¹ Campaign issues are discussed in detail in Chapter 4.
Following the rescheduling of the elections, the campaigns continued throughout the country. Isolated incidents of violence were reported. The reported incidents were mainly between the APC and the PDP supporters. Despite the commitment to run issue-based campaigns it was reported that both the APC and PDP used their campaign rallies as a platform to attack each other. It was also alleged that politicians continued to make inflammatory statements and indulge in hate speech during their campaigns.

The two main Presidential Candidates, Dr. Goodluck Jonathan and General Muhammadu Buhari renewed the Abuja Peace Accord on 26 March 2015. They renewed their commitment to peaceful elections under the facilitation of the National Peace Committee chaired by General Abdulsalami Abubakar.

SECURITY SITUATION

Nigeria has been rocked by an Islamist insurgency since 2009, when Boko Haram launched its operations. From January 2014, the security situation in Nigeria deteriorated steadily. In July 2014, Human Rights Watch released a report documenting more than 100 attacks, which claimed 2,053 civilian lives, in the first half of that year alone. The state of Borno, in the country’s northeast, bore the brunt of the violence, with 1,446 deaths recorded. Although the North Eastern part of Nigeria has been the worst affected, other parts of the country including the capital, Abuja, have also been attacked on a lesser scale.

The abduction of over 200 school girls from Chibok in April 2014 received widespread local, regional and international condemnation, which led to the convening of an International Summit on the security situation in Nigeria, hosted by French President Francois Hollande in France.

Several leaders declared their support for Nigeria in its efforts to combat terrorism. At the regional level, countries such as Chad, Niger, Cameroon and Benin agreed to wage war against terror and to share intelligence on security matters. At the international level, France, US and Britain declared their support in the fight against terrorism and agreed to provide technical assistance on security issues.

The “#BringBackOurGirls” global campaign, which was launched to secure the release of the school girls, received overwhelming local, regional and international support. However, despite calls for the release of the girls, they are still in captivity. It has been reported that further abductions of women in Chibok and other areas have since taken place.

The Nigeria military was faced with a major set-back when Boko Haram seized the military base in Baga, a town in Borno State. This was the base for the Multinational Joint Task Force, comprising troops from Nigeria, Niger and Chad. On 3 January, 2015 Boko Haram reportedly killed about 2,000 people in Baga\(^2\). The insurgents have also resorted to using children, mostly girls as suicide bombers.

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\(^2\)Although this number has been the subject of much controversy, the National Security Advisor could not give the number that is accepted as accurate during a meeting at Chatham House on 22 January, 2015.
Following the postponement of the elections, Boko Haram continued to carry out attacks which resulted in major loss of life, destruction of property and displacement of people. Boko Haram also publicly declared that it would disrupt elections at all costs and has also sworn allegiance to the Islamic State of Iraq and Syria (ISIS). However during the six weeks period there were reports of progress by the Nigeria military, in cooperation with the security forces of neighbouring countries, in countering Boko Haram. Reports indicated that almost all the Local Government Areas (with the exception of two) that were in the hands of Boko Haram had been recovered prior to the elections.

The conflict situation in Nigeria is multifaceted. Over and above the Islamic insurgency in the north of the country, the other challenges include:

- Communal tensions, particularly in the North Central part of the country (notably Plateau and Benue States), stoked by competition between local farming communities and nomadic herdsmen;
- Ethno-religious violence;
- Activities of non-state security agents such as the growing dominance of ethnic militia/vigilantes who form part of the security apparatus of some of the State Governors);
- Criminal activities (such as burglary, kidnapping and carjacking on the highways, across the country); and

The impact of these issues rendered the electoral landscape volatile over this election period. It also had the direct consequence of limiting the movement and activities of the Observer Group.

**Meeting of the National Council of State**

An urgent meeting of the National Council of State of Nigeria was convened at the State House in Abuja on 5 February, 2015. The National Council of State is chaired by the President and comprises former Heads of State, the Governors, the Speaker of the House of Representatives and the President of the Senate. It was reported that the objective of the meeting was to discuss INEC’s state of preparedness for the February 2015 elections. The Chairperson of INEC, Professor Attahiru Jega reiterated INEC’s readiness to conduct elections as scheduled. However, it emerged that the Chiefs of Security Agencies who were invited to the meeting had indicated that they could not guarantee security for the election if elections were held on 14 February. It was further reported that the National Council of State could not reach consensus on the way forward and requested INEC to consult widely with all the stakeholders and brief the nation accordingly.

**Postponement of the Elections**

The Chairperson of INEC held a Press Conference on 7 February, 2015 and informed the nation that the Presidential and National Assembly elections were postponed to 28 March, 2015, while the Governorship elections would be held on 11 April, 2015. In his statement, Professor Jega indicated that although INEC was ready to conduct elections as scheduled, following wider consultations, it became pertinent for the
Commission to seriously consider the security advisory presented to it by the Security and Intelligence Services. He said the Security Agencies warned INEC that they would not be able to ensure a safe environment for personnel, voters, election observers and election materials if elections were held on the scheduled dates due to the insurgency in the four North East states of Borno, Yobe, Adamawa and Gombe. In this regard, it was reported that the National Security Adviser, all the Armed Services and Intelligence Chiefs had unanimously indicated that ‘Security Services needed at least six weeks within which to conclude a major military operation against the insurgency in the North East; and that during this operation, the military would be concentrating its attention in the theatre of operations such that they might not be able to provide the traditional support they would render to the Police and other agencies during elections.’ A copy of the statement is attached and marked Annex IV.

Main Political Parties

Nigeria is a multi-party state. The Electoral Act 2010 (as amended) gives INEC the power to register political parties. Any political association which complies with the provisions of the Constitution and the Electoral Act 2010 for the purposes of registration is entitled to be registered. Any application for Registration must be duly submitted to INEC not less than six months to a general election.

There were 28 registered political parties in Nigeria\(^3\). The main parties are the PDP and the main opposition party, the APC. Prior to the 2011 elections, the main political parties were: People’s Democratic Party (PDP); Action Congress of Nigeria (ACN); All Nigeria People’s Party (ANPP); All Progressive Grand Alliance (APGA); Congress for Progressive Change (CPC). Nigeria’s political landscape changed significantly when the APC was formed in 2013 merging Nigeria’s three largest opposition groups.

Political parties in Nigeria have a dialogue mechanism called the Inter-Party Advisory Committee (IPAC). Ahead of the elections, the IPAC met regularly. Both the APC and the PDP informed the Pre-Election Assessment team and the Observer Group that they have been attending the IPAC meetings, albeit with differing opinions on its usefulness in engaging and agreeing on critical issues.

INEC has also revised the 2011 Political Parties’ Code of Conduct and produced other guidelines covering the campaigns, the conduct of primaries and registration of political parties.

The Presidential Candidates

There were 28 registered political parties participating in the March 2015 elections, and 14 fielded candidates for the presidential poll\(^4\).

The 2015 elections were perceived to be unique in that for the first time since the return to democracy, the ruling PDP would face potential competition from a united

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\(^3\) See Annex VI for the list of registered political parties.

\(^4\) See Annex VII for the list of Presidential Candidates.
coalition of opposition parties, the APC. The elections were a two-horse race between the two parties. The PDP presidential candidate, Dr Goodluck Jonathan was perceived to enjoy the advantages of incumbency. He also flew the flag of a party that had been in power for 16 years with an extensive and well-embedded grassroots network. On the other hand, General Muhammadu Buhari was perceived to command popularity in the North of the country. He was the former military Head of State from 1984-1985, who had come second in the three previous presidential elections. General Buhari had stood on the platform of the ANPP in the 2003 and 2007 elections, but joined the CPC in 2010 and stood under its flag in 2011 elections. General Buhari joined the APC which is composed of three major opposition parties and a faction of the APGA. He was appointed as the party’s presidential candidate during its primaries in December 2014.

It was against the above cited historical and political background that the 2015 elections took place.
CHAPTER 3

The Electoral Framework and Election Administration

Legal Framework for Elections

Nigeria’s election-related legislation which reflects its international obligations and the key laws governing the conduct of the Presidential and the National Assembly poll are:

- The Constitution of the Federal Republic of Nigeria 1999 (as amended); and
- The Electoral Act 2010 (as amended).

Under the Constitution 1999 (as amended), Nigeria is a Federation consisting of 36 States and the Federal Capital Territory (FCT). The Federal Republic of Nigeria is based on the principles of democracy and social justice and sovereignty belongs to the people of Nigeria from whom government through the Constitution derives all its powers and authority.

Basic freedoms are provided for, including freedom of speech, assembly, association and movement.

Nigeria signed and ratified key international instruments relating to the conduct of elections including the UN Declaration of Human Rights; International Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination Against Women; International Convention on the Elimination of All Forms of Racial Discrimination; African Charter on Human and People’s Rights; ECOWAS Protocol on Democracy and Good Governance. Nigeria is also party to the Commonwealth Charter.

The Independent National Electoral Commission (INEC) too, has guidelines and procedures including a Manual for Election Officials (2015), Code of Conduct for Election Officials (2014), INEC Guidelines for Election Observation, and developed a Code of Conduct for Political Parties (2011) under which the Inter Party Advisory Council (IPAC) was established.

The Electoral Act 2010 Part VIII sets out electoral offences and gives INEC the powers to prosecute offenders for such offences. The Code of Conduct for political parties also lays down the regulations and guidelines for campaigning.

There appears, however, to be a lack of monitoring and sanctioning of violations of provisions of the Electoral Act and non-compliance with the said Code of Conduct. Overall, the regular legal framework provides the basic conditions for genuine competitive elections.
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. The President is elected for a four-year term of office and serves a maximum of two terms.

The National Assembly

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

The electoral constituencies for the House of Representatives per State varies to reflect the variances in population size. The number of Senatorial districts however is fixed at three per State plus one for the FCT of Abuja.

Electoral System

The Federation is regarded as one constituency for the purposes of an election to the office of President.

There were 14 candidates for election to the office of President. Two conditions have to be satisfied for a candidate to be duly elected: the candidate must have the highest number of votes cast at the election and must have at least one-quarter of the votes cast at the election of at least two-thirds of all 36 States in the Federation and the Federal Capital Territory, Abuja.

If a candidate is not duly elected in accordance with the constitutional requirements, then the leading two candidates contest a run-off within seven days of the result of the first election. If in the run-off neither candidate secures the still required one-quarter of the votes cast in two thirds of the States and the FCT, then a second run-off is held. Whichever candidate secures the most votes in the second run-off, wins the election.

INEC proposed an amendment to the Electoral Act to increase the number of days within which a run-off is held from seven to twenty one days, but the amendment had not become law by the time of the elections.

An election to the office of President is held on a date appointed by INEC. The Presidential election which had been set for 14 February 2015, was rescheduled by INEC to 28 March 2015 on the ground that security and safety could not be guaranteed for the elections and for the people of Nigeria.

The constitutionality of INEC’s decision was significant as the election to the office of President must be held on a date not earlier than sixty days and not later than thirty days before the expiration of the term of office of the last holder of that
office. The office of the incumbent President expires on 31 May 2015. INEC’s decision to reschedule the elections was within the Constitutional framework.

The electoral system for both Houses of the National Assembly is first-past-the-post.

**Election Administration**

Article 153 of the Constitution 1999, provides for the establishment of a number of federal executive bodies which include an Independent National Electoral Commission (INEC). The INEC comprises of a Chairman who is the Chief Electoral Commissioner and should not be less than 50 years of age, and 12 National Electoral Commissioners who should not be less than 40 years of age. The Chairman and Commissioners of INEC are appointed by the President and must be people of unquestionable integrity. Resident Electoral Commissioners for each State of the Federation and the FCT are also appointed by the President and shall have the same qualifications as the National Electoral Commissioners.

The Chairman and Commissioners of the INEC can only be removed from office by the President with the support of two-thirds majority of the Senate on the ground of inability to discharge the functions of the office arising from infirmity of mind or body or any other cause, or for misconduct.

The function of INEC is to organize, undertake and supervise all elections. Its other key responsibilities are to:

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

**Voter Eligibility and Registration**

To be eligible to vote in an election a person must be a citizen of Nigeria, at least 18 years of age, ordinarily resident in, working in, or originating from the area covered by the registration centre and registered to vote. Voter registration is continuous and stops not less than 90 days before an election. Every voter who is registered to vote at an election of a member of the National Assembly is also entitled to vote at an election to the office of President.

For this election, the final number of registered voters was 68,833,476 representing about 78% of the total voting age population of about 88.5 million. Because there is no system for updating the register to remove any deceased voters, the actual number of living registrants would be lower.
The introduction of biometric measures to prevent multiple voting was a major step and a significant factor in enhancing the integrity of the 2015 elections. The permanent voter cards (PVC) and the card readers were therefore critical to the process. INEC used the period of postponement of elections from 14 February to 28 March to elevate the distribution of PVCs from 66.58% on 7 February to 82% by 21 March.

**Candidate Eligibility and Nomination**

To qualify for election to the office of the President, a person must be a citizen of Nigeria by birth, must have attained the age of forty years, must be a member of a political party and must be sponsored by that political party. He or she must be educated up to at least School Certificate level or its equivalent.

It is notable that only one woman stood as a Presidential candidate for the 2015 election.

To qualify as a candidate for election to the National Assembly, a person must be a citizen of Nigeria, must have attained the age of 30 years, and must have been educated up to at least the School Certificate level or its equivalent. The candidate should also be a member of a political party and should be sponsored by that party.

In the 2015 elections, a total of 2,537 candidates from 28 political parties contested for the 469 seats in the National Assembly. There were 745 candidates contesting for the 109 seats in the Senate, and 1,772 candidates for the 360 seats in the House of Representatives.

**Election petitions and appeals**

An election petition and an appeal arising therefrom is given an accelerated hearing and has precedent over all other cases or matters before an Election Tribunal or Court. Only a candidate in an election or a political party which participated in the election can file an election petition.

An election petition must be filed within 21 days after the date of the declaration of results of the elections. The judgment of an election tribunal or court must be delivered in writing within 180 days from the date of the filing of the petition and any appeal from a decision of the tribunal or court is to be heard and disposed of within 90 days from the date of the delivery of judgment of the tribunal or court.

An election petition disputing the election of a successful candidate as President must be filed in the Court of Appeal whereas a petition against the election of a candidate to the National Assembly must be filed in a National Assembly Election Tribunal which consists of a Chairman and four other members. Members of the Tribunal are appointed by the President of the Court of Appeal in consultation with the Judge of the State, the Grand Kadi of the Sharia Court of Appeal of the State or the President of the Customary Court of Appeal of the State. The Chair of a Tribunal is to be a judge of the High Court and the other four members are appointed from among Judges of the High Court, Kadis of a Sharia Court of Appeal, Judges of a
Customary Court of Appeal or other members of the judiciary not below the rank of a Chief Magistrate.

In the period leading up to the elections, the Courts dealt with a number of challenges and petitions relating to the electoral process.

Recommendations

- There must be an end to the culture of impunity for those committing electoral offences. The prosecution of such offences needs to be effective and timely, ensuring that serious breaches of the Electoral Act and any non-compliance with relevant Codes of Conduct are dealt with appropriately;

- A mechanism should be put in place to increase women’s participation as candidates in elections;

- The existing timeframe as recommended by INEC for a re-run of the Presidential election, should be increased; and

- The age limit for one to stand for election to the National Assembly should be reduced to recognise the contribution of youth to society, to encourage and broaden their participation.
Overview of the Campaign

The official election campaign, as determined by INEC, commenced on 16 November 2014 and ended at midnight on 26 March 2015, 24 hours prior to Election Day on 28 March. The Commonwealth Observer Group observed that the campaign was highly competitive and the closest fought contest since the return of democracy in 1999. Overall, fundamental freedoms of association, expression, assembly and movement were generally respected. While it was relatively calm nationwide, many states experienced troubling incidents of violence, including mob violence resulting in injuries and deaths. In addition, campaigns were severely restricted in areas of the North East affected by the Boko Haram insurgency.

In previous elections in Nigeria concern had been expressed about the personality-based nature of politicking. At the last election, in 2011, Commonwealth Observers were however encouraged by the fact that major political party leaders and candidates engaged the electorate on key policy issues. The 2015 election, by contrast, has not significantly improved, and may have taken a step backwards in this respect, as evidenced by the high incidence of inflammatory language and hate speech featuring throughout the campaign period.

Campaign Framework

The conduct of political parties is regulated by the 1999 Constitution (as amended) and the Electoral Act 2010 (as amended), which proscribes certain conduct during the campaign. The use of private security organisations, the use or threat of force or violence, and possessing offensive weapons at a political rally are all prohibited. The Act also prohibits political campaigning after the official end of the campaign.

Abusive language which is likely “to injure religious, ethnic, tribal or sectional feelings” during campaigns is barred under the Electoral Act 2010 (as amended). It also proscribes the use of places of religious worship for campaigns and prohibits campaigning based on religious, tribal or sectional reasons. The Act states that the state apparatus shall not be employed to the advantage or disadvantage of any political party or candidate at any election.

INEC has published a Political Party Finance Manual, a Political Party Handbook as well as a Code of Conduct for Political Parties (2014), which was agreed by the parties. The Code of Conduct was agreed voluntarily by political parties and set out the behaviour expected of political candidates during the 2015 elections.
Campaign Issues

In the initial stages of the campaign three issues came to the fore - security, corruption and the economy. The Boko Haram insurgency, which began in 2009, had led to the extremist group occupying a large area of territory in the north-east, to the deaths of thousands of people and the creation of more than one million internally displaced persons.

Corruption, a perennial problem, was yet another major issue, as critics of the government accused it of failing to tackle the problem.

Economically, Nigeria has been one of the world’s fastest growing economies over the past 15 years, and has leap-frogged South Africa as Africa’s biggest economy. However the recent fall in global oil prices by more than 50 percent is beginning to have an effect, and has led to a fall in the value of the national currency.

While the opposition APC chose to capitalise in these issues to call for ‘Change”, the ruling regime’s supporters argued that despite Boko Haram the economy was thriving and continuing to grow. They even touted Nigeria’s success in containing the Ebola virus as yet more evidence of President Jonathan’s transformational leadership.

Regrettably, no efforts were made by INEC or any other national institution to check the influence of money, or to enforce the laws on campaign financing, making it a free-for-all situation. This was naturally exploited by the two main parties, especially the PDP, which being the ruling party enjoys greater access to public resources.

On 7 February 2015, the election was postponed by six weeks. It was observed that this unexpected development had a cooling effect on the campaigns by the parties. In theory, the six-week delay should havebenefitted the ruling party which was better resourced and could point to striking successes against Boko Haram in the North-East in the intervening period.

Peace Efforts and Hate Speech

In the latter part of the campaign period, especially after the postponement of the election, the Group noted a relapse into, or re-emergence of the old phenomenon of personality-based campaigns, along with emotional rhetoric, hate speech and negative campaigning bordering on incitement to violence.

There was also an increasing resort to inducements. The Nigerian media carried numerous photographs of so-called ‘Goodluck Rice’, the bags carrying the Presidential candidate’s pictures and election slogans, stacked in warehouses or being distributed to recipients, including internally displaced persons (IDPs). In the last days of the campaign, there were reports of politicians’ wives distributing gifts - including generators - to women’s groups and poor widows, while urging them to go and vote. In the case of Kaduna State this was announced on state radio.

The Group observed the strenuous efforts that were made to promote an inclusive, transparent and peaceful election by a cross-section of concerned stakeholders.
Nigerians were encouraged and advised to look beyond their sectional interest, promote the national interest and preserve the unity of the country.

In this respect, mention should be made of the Abuja Accord which was signed by eleven out of the fourteen presidential candidates, inter alia to run issue-based campaigns at national, state and local levels; to refrain from violent acts and inflammatory speech before, during and after the elections; and to speak out against such violence.

The Accord reinforces the Inter-party Code of Conduct renewed by the political parties in 2014. Subsequently a newly established National Peace Committee (NPC), which the UNDP supported, engaged all stakeholders - political and non-political - in an effort to ensure that the country conducts the elections in a violence-free manner.

Although this may have contributed immensely to the generally peaceful atmosphere of the campaign, the Group cannot overlook the violent incidents, which occurred across the country since the official launch of the presidential campaign in early January, until its official closure on the 27th March, 24 hours before the election in compliance with existing regulations.

According to the European Union Election Observation Mission, there were reports of 60 election-related violent events, with more than 82 persons killed, although the actual number of incidents and casualties is likely higher. Both PDP and APC were accused of deploying thugs to intimidate opponents and attack party rallies, convoys, members and offices. Armed attacks increased, especially in Rivers, Lagos and Kaduna states.

Of special concern was the tendency of some senior politicians, activists and party spokespersons who resorted to highly emotive rhetoric and hate speech.

Given the extent of the inflammatory campaign comments, it can be inferred that political parties simply ignored INEC's 2013 Code of Conduct for Political Parties, which prohibits such activities. In future, greater effort may be needed to moderate the tone of the campaign by enforcing penalties against offenders.

**Overview of Media Landscape**

Nigeria's constitution guarantees freedom of expression. It starts from the premise that 'every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions'. As a result, the country has very many media outlets.

Radio and television stations are regulated by the National Broadcasting Commission and print media by the Nigerian Press Council. Nigeria has 187 radio stations and 109 TV stations, according to the Nigerian Broadcasting Commission, and more than two hundred daily and weekly publications, according to the Nigerian Press Council.

The National Television Authority, NTA, is owned by the federal government and operates stations in all 36 states and the Federal Capital Territory. It provides a networked news service. The states supply material to the centre, and are obliged
to carry certain national programmes alongside local content, notably the flagship nightly news programme at nine o’clock. The Federal Radio Corporation of Nigeria (FRCN) operates a similar network of radio stations, carrying a mixture of national and local content. FRCN also operates a radio service for international listeners, Voice of Nigeria.

State governments also own and operate television and radio stations. Where the state government is controlled by a different party from the centre these can provide their audience with an alternative political point of view. Otherwise this has to be supplied by Nigeria’s private TV stations. Some of these - notably Channels TV and AIT - aspire to national coverage and run news operations to rival that of the national broadcaster.

There has been a proliferation in the number of private FM radio stations; in Lagos - the country’s media centre - listeners can choose between almost thirty different stations.

Most newspapers are privately owned, but standards vary widely and some appear only erratically. Their limited distribution, together with patchy television coverage and erratic power supplies mean that most people still rely on radio as their main source of information.

Legal Framework

The 2010 Electoral Act (as amended) demands neutrality from the publicly-owned media, saying, “State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.” It requires media outlets to offer equal coverage or airtime to all parties and candidates, with the significant caveat, “subject to the payment of appropriate fees”. Not to do so is an offence, punishable by fines of up to a million naira.

In addition, in October 2014, media organisations signed a Media Code for Election coverage. This covers - among other issues - the protection of journalists, INEC’s role in informing the press, equity in coverage, access to political debates, bias, opinion polls, political advertising and the prevention of hate speech.

The Group believes that the regulatory framework is sufficient to provide parties and candidates with a level playing field without discouraging lively and varied reporting.

Media Climate

INEC took its obligations to inform the press seriously, holding regular briefings and making spokesmen freely available to be interviewed, answer readers’ and listeners’ questions and take part in discussions and phone-in programmes. Media representatives who met the Observer Group spoke of their appreciation for this level of access. The Group commends INEC for its outreach efforts.
On the whole journalists were allowed to go about their work freely. Some incidents of restriction and intimidation were reported; the international media watchdog, Reporters Without Borders, reported that 'Innocent Chidi Nwachukwu, the editor of the weekly Tentacle, has been harassed constantly since September and was arrested on 14 January in connection with story headlined “20 Threats Against Jonathan’s Re-Election Survey.” The [State Security agency DSS] held him illegally for two weeks, in defiance of an Abuja Court ruling ordering his release.' In Bayelsa state a correspondent working for the Reuters news was held and questioned for several hours by the DSS, who also seized his equipment. However, considering the large number of journalists in Nigeria, such incidents have been few. Journalists told the Group they were sometimes subjected to political pressure, but took a robust attitude to resisting it.

Foreign reporters intending to come to Nigeria to cover the elections found it very difficult to obtain press accreditation, without which they were not able to get visas. If the elections had been held on the original dates in February, correspondents for a number of major international news organisations would have been excluded. Most cases were resolved and there was a healthy international press pack covering Election Day, however we believe freer access for foreign media would only add to the transparency of the process. We would encourage the relevant authorities to be less restrictive with journalist visas.

**Campaign coverage**

The campaigns were extensively and intensively covered by both print and broadcast media, sometimes to the virtual exclusion of other news. In particular it was striking that the issue which dominated foreign reporting of Nigeria - the insurgency in the north east and abductions by Boko Haram - received far less coverage domestically, at least until the recent reported military successes by the Nigerian army.

The coverage was very varied - campaign reports, profiles of politicians, round-table discussions and phone-in programmes in the broadcast media and long editorials in the newspapers. There were also big, set-piece presidential and vice-presidential debates, organised by a consortium of broadcasters.

The amount of press attention devoted to the campaign certainly helped to generate and sustain public interest in the electoral process. On Election Day itself the major radio and television channels made good use of their networks to bring in reports from round the country. They later cleared their schedules to allow full live coverage of the declaration of results, attracting an audience late into the night. Newspapers were impressively fast and efficient in producing special editions with the presidential results and statements from the candidates.

However, the Group noted with concern that the Code of Conduct’s provisions on equitable coverage were not observed and that most public broadcast media flagrantly ignored the Electoral Act and were not sanctioned.

In particular, the National Television Authority was partisan in its coverage. Its main evening news bulletin, which is carried by all stations in the network, regularly began with six or seven consecutive news items about the ruling party's presidential campaign, with just one or two items of non-election news. Other parties'
campaigns got very little coverage, and the APC presidential candidate was hardly mentioned.

Campaign advertising carried during news programmes was equally one-sided. The Electoral Act demands the provision of equal coverage 'subject to the payment of appropriate fees', so richer parties do inevitably have an advantage. An advertising segment three days before the presidential vote contained six advertisements for President Jonathan and only one for General Buhari.

Of the two other major private stations, AIT also heavily supported President Jonathan's re-election. Channels TV attempted to maintain a balance. One of their journalists told a member of the Observer Group, “We know some of the parties don't have money, so we give them some extra time, just to be fair.” She also conceded that the six-week delay had been a bonus for media houses, bringing in large sums of advertising revenue.

Publicly-owned radio stations also showed bias, but one of FRCN's zonal directors told members of the Observer Group that he felt his television colleagues were under greater pressure, because the elite, including politicians, watch TV rather than listen to the radio. However he described being under pressure from politicians when he refused to carry unacceptable campaign material. “We stand our ground, but it doesn't go down well; we are dealing with people who only understand having their own way”.

Newspapers, being mostly privately owned, had a greater degree of freedom to publish politically partial news and commentaries. Most have a clear political line, well known to their readers. The Group noted, however, that the same newspaper will often carry political advertising from all parties, even those opposed to its editorial line.

Live television debates were organised by a consortium of media houses for both presidential and vice-presidential candidates. Participants were asked to speak in turn, addressing particular issues - they did not debate with each other. General Buhari declined to appear at these debates. However they did provide a welcome platform for candidates from smaller parties who appeared alongside President Jonathan and were able to present themselves to a wider public.

INEC warned media in the strongest terms only to publish official, declared results, and this prohibition was generally well observed. For the presidential election 'official, declared results' meant the results sheets posted outside individual polling units, or else the final declaration by the National Returning Officer - nothing in between. Journalists could have done their own mathematics and deduced trends, but they held back. The Observer Group commends the Nigerian media for their restraint during a tense time.

**Hate Speech in the Media**

The Group is pleased to note that hate speech appearing in the media directed against particular population groups has not been a significant feature of this campaign. However some media houses have aired virulent personal attacks on leading opposition candidates. The most high profile case has been two
documentaries broadcast by the television station AIT, ‘The real Buhari’, which appeared in January and ‘The Lion of Bourdillon’ (about the former Lagos Governor, Bola Tinubu) which was aired in March. Mr Tinubu has a history of vigorously defending his reputation and is suing AIT for defamation. He received an interim injunction restraining the station from continuing to broadcast the programme, but the case will not be heard until April and the documentary is still freely available on the internet.

The Group believes that broadcasting this kind of material during an election period is a violation of the Code of Conduct and should be sanctioned.

Advertising

The Media Code of Conduct states that ‘Any media organisation shall clearly identify political advertisements and advertorials and refrain from presenting them as independent news or the opinion of the organisation’, but the Group saw that this provision was not well observed.

In particular, this election has seen the emergence of ‘wraps’, advertisements which go round the newspaper, outside the normal front page. They are presented in the style of a front page, with the publication’s normal title at the top. So even if the word ‘advertisement’ does appear somewhere, the first impression is still that the reader is looking at the newspaper’s own front page headline and lead story. In some cases these wraps were not identified as advertising. The Group considers that this amounts to paid-for advertising masquerading as news. It contravenes the Code of Conduct and should be sanctioned.

More conventional political advertisements were often lively and inventive, some in the style of music videos or featuring wittily drawn cartoon characters. However there was a significant proportion of negative campaign adverts, making abusive personal attacks on other candidates. The Code of Conduct stipulates that media should ‘refrain from publishing or airing abusive editorial comments or opinions that denigrate individuals or groups.’ It does not specifically address advertising content.

Mobile and Social Media

The use of new technology, particularly mobile technology, has spiked over recent years. Eighty-seven percent of Nigerians have a mobile phone, according to a 2014 Gallup poll, and, by 2014, 67 million Nigerians were using smart phones to access the web.

Many commentators have cited the influence of social media on the election campaign, which has grown in uptake since in 2011 and is increasingly influential in Nigerian society, especially among young people and those in urban areas. Young people especially are better connected and eager to be heard.

Social media has exerted both a positive and a negative impact on the 2015 campaign. It has been a source of instantaneous communication, and may have helped with voter education, but has sometimes been a source of misinformation. Facebook and Twitter in particular are platforms which provide relative freedom to spread rumours and hate speech, but which are hard to monitor and regulate.
Following election day, INEC warned social media users against prematurely declaring winners from scores collated by the contestants themselves.

**Media Access for Elections**

In order to cover Election Day activities at polling units, journalists needed to apply for accreditation from INEC. Under INEC Media Accreditation Guidelines, journalists were expected to adhere to “strict professional ethics as well as high level of dispassion and objectivity”.

While INEC reserved the right to revoke the accreditation of “any journalist who defies a Presiding Officer or violates the professional codes of journalist practice”, the Group was not aware of any journalists that were refused access on election day on these grounds.

It was noted that the International Press Centre (IPC) condemned various incidents of attacks on journalists, which it said occurred on election day and the day after, when voting was extended at some polling units. IPC said its monitoring of the elections revealed that violations of journalists’ rights and press freedom had occurred, adding that incidents were perpetrated by “security operatives and political thugs”. There were also complaints that journalists were excluded from the collation centre in Lagos.

**Recommendations**

- Given the nature of the campaign in the 2015 election, efforts should be made to have issue-based, as opposed to personality-based campaigns in future elections;

- Greater efforts should be made to moderate the tone of the campaign, by enforcing penalties against those engaging in hate speech, and inflammatory and vitriolic language, in compliance with the Electoral Act 2012 (as amended) and INEC’s 2013 Code of Conduct for Political Parties;

- To create a more level playing field, INEC should enforce its regulations on campaign financing;

- In future elections, parties should be encouraged to commit themselves to another agreement in the same spirit as the January 2015 Abuja Accord;

- Publicly-owned media should be monitored to be sure they comply with the provisions of the Electoral Act on equal coverage for airtime to all parties;

- Consideration should be given to limiting campaign advertising, to help reduce the advantage enjoyed by the richer parties. In this regard, advertising paid for by political support groups should be taken into consideration, as well as advertising paid for by the candidates themselves and their parties; and
• Journalists should be free to go about their work within the limits of the law, free from harassment by the security agencies.
Chapter 5

Broadening Participation

Voter Education and Participation

Voter education is a critical component of any electoral process, more so when new voting systems and procedures have been introduced, as was done by INEC in the 2015 elections.

The Group commends the efforts made by INEC, the political parties, the media, and many Nigerian civil society groups that engaged in creative initiatives to educate voters about the electoral process. We regret that, despite these valiant efforts, the high number of registered voters who failed to vote and the high incidence of rejected votes signify a crying need for more and better voter education to ensure greater participation by the electorate in future elections.

Voter education is a multi-faceted process and should be undertaken by political parties as well as other stakeholders on a continuous and sustained basis, both before and in-between major elections.

On election day, we noted that there was no mechanism by which registered voters who perform election duty, essential services, or other employment or duty on polling day, could vote. This would have resulted in a high number of voters being disenfranchised.

The travel restrictions put in place on election day also created challenges for voters living far away from their polling units.

Youth Participation

Young people aged between 18 and 35 years old make up a high percentage of Nigeria’s total population. Young people are a valuable resource for Nigeria, a resource that could lead the country into positive national development, advance its people and place Nigeria in good stead with the rest of the world. Legal frameworks that provide for age requirements on admission to elective offices restrict the participation of young men and women.

To qualify and contest for an Area Council or as a member of the House of Assembly, a candidate must be at least 30 years of age. Age requirements for National Assembly and Office of the Governor of State are higher, at 35 years of age. To occupy the Office of President, a candidate must be 40 years of age or more. Despite these restrictions, the Group was encouraged to see that most political parties contained youth wings.

The civil society sector remains a vibrant and integral part of young people’s political participation and electoral education. The Nigerian Youth Agenda on Political
Participation engaged youth leaders of political parties and civil society organisations for young people with the support of the Democratic Governance of Development project of the UNDP. Their aim - to improve the quality of youth participation in electoral politics - is an example of collaboration, advocacy and positive youth development. We also commend the work of the West African NGO Network in developing a mobile phone application to increase youth participation.

However, the Group notes with grave concern the large numbers of deaths of young people in past elections. The Group received reports about vulnerable young people being used as political pawns in carrying out election-related violence. The work of the Commonwealth Youth Council’s ‘Youth Campaign against Election Violence’ in states and local government areas and across different religious, political and community spheres to promote peace and raise awareness is positive.

The Group would like to reiterate to political parties and their members the need to focus efforts on ensuring peace and stability and refrain from inciting hatred amongst the young people of Nigeria. The Transition Monitoring Group, for example, found evidence of the prevalence of hate speech that referred to age, gender, religion, origins and disability. The effort of the Youth Initiative for Advocacy, Growth and Advancement in pressuring political parties to focus on issue-based campaigning is to be commended.

High youth unemployment rates in Nigeria have had a detrimental effect on youth political participation. The movement of youth across the country in search of employment has increased. Youth who have found employment or are looking for employment away from where they initially registered have not been able to vote. We also heard reports that many students had registered where they study however school holidays meant that many had moved back to their hometown. The Group believes flexibility should be given to students of voting age.

The Group commends the professional conduct and leadership exhibited by the young men and women of the National Youth Services Corps (NYSC) as ad-hoc INEC staff during elections. NYSC members and tertiary students were pivotal in ensuring that electoral process and procedures were maintained, at times working under challenging conditions. We note with concern, however, that these young men and women were unable to vote.

Women’s Participation

Democracy, development and advancement of any country requires the equal participation of both men and women.

Nigeria ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). Nigeria has also ratified the African Charter on Human and People’s Rights in Africa.

The African Charter on Human and Peoples’ Rights on the Rights of Women in Africa in Article 9 of the Right to Participation in the Political and Decision Making Process states “Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their
countries through affirmative action, enabling national legislation and other measures to ensure that:

a) Women participate without any discrimination in all elections;
b) Women are represented equally at all levels with men in all electoral processes;  
c) Women are equal partners with men at all levels of development and implementation of State policies and development programmes.”

The Group was alerted to the challenges Nigerian women face in accessing funds to stand for elections. Only women with strong political affiliations were able to occupy this space. Nomination and election of party candidates for Presidential, Senate and House of Assembly elections are handled differently between the two parties. For example, according to PDP’s constitution, the National Executive Committee is the deciding authority for members aspiring for nomination. The PDP constitution ensures that a women’s representative sits on all its executive and working committees from local government to national level, and that some of the elected delegates on these committees are women. For instance the PDP National Executive must include that National Women’s Leader and their deputy, and also “six ex-officio members, at least two of whom shall be women, are elected from each of the six geo-political zones.”

APC’s constitution stipulates that democratically conducted elections must be held where the successful nomination scores a simple majority of valid votes cast. APC’s National Working Committee, with the approval of the National Executive Committee, developed Rules, Regulations and Guidelines taking into consideration gender balance. There is no specific requirement of numbers or nominations of woman candidates. However, the APC have tried to encourage the participation of women by waiving any fees associated with nomination.

The Group noted with great concern the paucity of women in the running for Presidency, Senate and the House of Representatives. Only one woman stood for Presidential elections out of a total of 14 candidates, and four women for Vice Presidential elections. According to European Union Election Observation Mission figures, for the Senate elections, 16.1% of the candidates were female, and for the House of Representatives 15.3%. We view the low percentage to be extremely unhealthy and consider that it reflects poorly on women’s and Nigeria’s development and progress.

We believe women should be encouraged to aspire for political leadership and governance positions. The Group recognises the work of the civil society sector in encouraging women to participate in political affairs. We commend the efforts of the Women in Politics Forum whose aim is to increase women’s chances to run successful political campaigns for office. The Group was also impressed by the work of the Nigerian Women’s Trust Fund in carrying out multimedia campaigns focusing on the benefits of increased women’s political participation. The work of Gender and Development Action (GADA) who mobilise women’s groups and implement actions around women’s social, economic and cultural rights is to be commended. Praise should also go to the Women’s Situation Room, implemented by the Women’s Platform for Peaceful Elections in Nigeria, which was set up to promote stability during the pre-electoral, electoral and post-electoral phases.
Security and gender-based violence, however, remain a concern for women in Nigeria, particularly in the North-Eastern States. Ongoing terrorist attacks by Boko Haram have pushed many people, estimated to be well over 1 million, into camps. Reports from other civil society organisations indicate a large percentage of internally displaced people (IDP) are women and children. While initially, the Group was concerned as to whether or not IDPs would have the opportunity to vote, we were pleased to hear that INEC had made special arrangements to set up polling units close to IDP camps to facilitate their voting.

People with Disability

According to the Centre for Citizens with Disabilities, a non-governmental organisation, there are an estimated 19 million Nigerians with a form of physical disability. There still remains a significant lack of data on other forms of disability. The Group was made aware that people with disability are often stigmatized, excluded and isolated. Nigeria ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) on 24th September 2010. In Article 4(1), the Convention obligates Nigeria “to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.”

Nigeria’s 2010 Electoral Act, Section 14 states: “In the performance of his or her duties under this Act, a registration officer and an update officer shall require any voter or applicant to complete an application form for the purpose of registration. However, in the case of an illiterate or disabled person such application form may be completed by the registration officer on the applicant’s request.” Section 56 states a voter who is blind or is otherwise unable to distinguish symbols or who suffers from any other physical disability may be accompanied into the polling unit by a person chosen by him and that person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his mark in accordance with the procedure prescribed by the Commission. The Commission may take reasonable steps to ensure that voters with disabilities are assisted at the polling place by the provision of suitable means of communication, such as Braille, large embossed print or electronic devices or sign language interpretation, or off-site voting in appropriate cases.

While polling officials were generally aware of the process for allowing people with disability to vote, the Group was concerned that the location and lay out of polling units were not conducive for people with disability. On observation, we heard from many polling officials that they had yet to receive a voter with disability. This absence of disabled voters was a clear reflection on the efforts to engage people with disability in political participation.

It should also be noted that restrictions on vehicle movement on election day disenfranchised people with a physical disability by preventing them from reaching their polling units.
Recommendations:

- A mechanism should be established to enable registered voters who perform election duty and essential services, and other employees on duty, to vote;

- More and better voter and civic education should be undertaken to ensure greater participation;

- Political parties should continue to develop their youth leaders and provide mentorship that exemplifies good governance, integrity and honesty;

- Age restrictions for electoral positions should be lowered to allow broader youth participation;

- INEC should consider greater flexibility in allowing student and youth voters the ability to vote in areas of residence at the time of elections;

- INEC should allow NYSC members and tertiary students to vote while on official duties on election day;

- There should be greater focus on internal democracy, gender and democratic governance within political parties;

- A review and reform of party primaries policy and practices should be undertaken to support a more level playing field;

- Greater effort should be undertaken at National and State levels in implementing initiatives that financially support women to stand for election;

- Concerted efforts should be undertaken by INEC, political parties and civil society to create an enabling environment for the participation, education and advocacy of people with disability in the pre-election phase and during election to facilitate their ability to vote and to run for office; and

- INEC and security agencies should review the transportation restrictions on election day to allow people with disability the right to travel to and from their polling unit.
Chapter 6

Voting, Counting and Results Process

The Presidential and National Assembly elections were conducted under the voting system the INEC describes as a “re-modified open-secret ballot system”, with procedures specified in the INEC’s Guidelines, other regulations and the Manual for Election Officials. In this system, voters thumb/fingerprint on the ballot for candidates of their choice in secret and cast their votes in the open. Nigeria operates a political-party based electoral system as candidates run for elective offices on the platform of political parties.

There were 119,973 Polling Stations established across the country’s 36 States and in the Federal Capital Territory (FCT), based on a maximum of 750 registered voters in a unit. These reflected the registration units utilised for the earlier voter registration exercise. Voting took place at polling units/voting points which were situated within designated polling stations (comprising two or more polling units/voting points).

Presiding Officers were in charge of all activities at polling units on Election Day including accreditation, voting, sorting, counting of votes as well as the announcement of election results at the polling station. Polling teams comprised a minimum of four officials as follows:

- Presiding Officer;
- Assistant Presiding Officer (APO) I (Verification and Statistics/Overseer);
- Assistant Presiding Officer (APO) II (Register-Check/Ballot Paper Issuance and Inking);
- Assistant Presiding Officer (APO) III (Queue Controller); and
- For a voting point within a polling unit, there were four officials, APO I, APO II, and APO III working under the supervision of APO (VP).

In addition, special election duty security officers were deployed to each polling station. Accredited Party Agents, media and observers could also be present.

The Process for Accreditation, Voting, Counting and Results Tabulation

Under the re-modified open-secret ballot system, the voting process was organised in two separate periods: in the morning voters are accredited, and at a designated time following the accreditation, voting takes place and afterwards the counting of votes is undertaken at the polling station. It is a fairly uncommon procedure; however it has been in use in Nigeria since 2011. INEC stressed that this system was a response to malpractices of the past, in particular the phenomenon of multiple voting.

Accreditation was to take place between 08.00 and 13.00. Voting was to be conducted from 13.30 and would end when all the accredited voters who had queued at 13.30, had voted.
The accreditation process comprised verification of voters using a card reader; checking the register of voters; and inking of the cuticle of a specified finger. The key prescribed procedures for accreditation and voting were as follows:

**Accreditation procedure:**

- Allow voters into the polling unit in an orderly queue;
- Where culture disallows men and women mingling on a queue, create separate queues for men and women;
- Declare the polling unit open for accreditation;
- Explain the accreditation procedure;
- Introduce polling agents and poll officials present, including the Asst. Presiding Officer (APO) I who will:
  
  i. Request the voter to present his/her PVC;
  ii. Read the PVC using the Card Reader; and
  iii. Request the voter to place appropriate finger on the Card Reader for authentication.

- On being authenticated, the voter will present himself/herself to APO II who will request for his/her PVC;
- Check the Register of Voters for the records of the voter;
- Tick as appropriate on the Register and apply indelible ink on the thumb of voter’s left hand; and
- Issue the voter an accreditation tag.

**Voting Procedure**

The Presiding Officer, after setting out the polling unit in the manner prescribed shall:

- Invite voters to form a single queue;
- Where culture disallows men and women mingling on a queue, create separate queues for men and women;
- Request a security agent to stand behind the last person on queue; and
- Show the empty ballot boxes to all present, lock up the ballot boxes with seals provided, and declare the poll open.

Upon a voter’s presentation of his/her PVC, one of the poll officials will:

- Issue him/her stamped-and-signed ballot papers, folding the ballot papers vertically with the printed side inwards;
- Apply indelible ink on the appropriate finger of the voter and request him/her to go to the voting cubicle and thumbprint (Only one voter is allowed at a time in the voting cubicle);
- The Presiding Officer shall allow a voter who is blind or is otherwise unable to distinguish symbols or who suffers from any other physical disability to be
accompanied into a polling unit/voting point and be assisted to vote by a person chosen by him/her, other than a polling agent;

- Visually impaired registered voters may where available, use assistive tactile facilities;
- The voter will thumbprint a ballot paper in the space provided beside the party logo of his/her choice, and deposit the thumb printed ballot paper into the appropriate ballot box placed in open view; and
- After casting his/her ballot, the voter is free to remain within the polling precincts to witness the sorting and counting of votes, and the announcement of results provided he/she is orderly, or to exit the polling unit quietly.

The Count and Results Process

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

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

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

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

Results for the National Assembly elections are announced by the respective Returning Officer for each Senatorial and House of Representatives constituency. For the Presidential Election, INEC at the national level collates the result and the Chairman, as Returning Officer, announces the final result.

Election Day Offences

There are several election day offences, including the following:

- Campaigning for votes, or persuading a voter not to vote for a candidate;
- Shouting slogans concerning the election, or in support of any party;
- Being in possession of an offensive weapon or wear any apparel calculated to intimidate voters;
- Use a vehicle bearing the colour or symbol of a political party or candidate;
- Loitering without lawful excuse after voting or after being refused to vote;
• Snatching or destroying any election materials; and
• Blaring sirens.

**Presidential Election Results**

The official Presidential Elections Results are at Annex V.

**Assessment of Accreditation Voting and Counting**

The Group is aware that the size of the team on the ground is a limiting factor in its ability to comprehensively report on events in states where it had no representation. Its findings nevertheless are representative of the general trend observed throughout the country.

**Accreditation**

Polling units were scheduled to open between the hours of 08:00 and 13:00 to facilitate the accreditation of voters. For this to take place a number of things needed to be in place prior to 08:00. These included:

- INEC staff;
- Security personnel;
- Materials and equipment;
- Setup of accreditation and polling units/points; and
- Voters.

The Group found that the actual opening of the polling units were not consistent as several polling units did not meet the 08:00 deadline. While the accreditation process started on time in some locations it got under way as late as 15:00 in others. The reasons for the late commencement of the process included:

- Malfunctioning card readers; and
- Improperly calibrated card readers (new election date not entered)

The Group noted that adequate security personnel were present at all locations but not all party agents were present at the start. The military was not present within the precincts of the polling units visited by the Commonwealth observers.

Voters started queuing early and were visible at all locations observed, prior to the scheduled 08:00 start. The frustration of voters became evident in the areas where the process failed to start on time.

The voters present at the start formed orderly queues. Polling officials present were busy for the most part making last minute preparations for the opening of the polling units. Once the final arrangements were in place the presiding officers announced the opening of the polling units for accreditation purposes. Processing was generally slow in most cases at the start of the accreditation
process as operators of the card readers seemed unfamiliar with the machine and could clearly have benefitted from more training.

The ad hoc staff in areas where problems were being experienced with the card readers contacted INEC officials for assistance, which was generally slow in coming. Replacement card readers were not readily available despite assurances from INEC that they would have been. In most cases the card readers were eventually replaced or fixed but by which time some voters had left out of frustration. Where the voters decided to stay, the level of organisation deteriorated as they gathered around the officials to see what was taking place instead of standing in queues. The chaotic start to the accreditation process in several cases spilled over into the voting process as there was no time between the ending of one and the commencement of the other.

Where the card readers were operational, in almost all cases they were able to read the PVC. Successful verification by fingerprints in almost every case required several attempts using several fingers. Despite this a significant number of voters whose cards were read by the card readers, were not verified by fingerprints and so had to be recorded on the incident forms, which in some cases were not available at the start of the exercise.

Card readers failed in a significant number of polling units. In response, INEC issued a Statement during the course of polling day, 28 March, stating “the Commission has, therefore, decided as part of the Guidelines for the Conduct of the 2015 general elections that in Polling Units where card readers have so 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’s Card (PVC) is the legitimate holder of the card”.

The appropriate finger of each voter, once accredited was inked in keeping with the statutory requirements. In some cases the voters were given small pieces of paper with their voters number written on it to facilitate easy identification on their return to vote. In several instances this was not being done. It was explained by election officials that despite INEC’s stipulation that accredited voters be given an accreditation tag following accreditation, no official tags were provided.

A significant number of polling units, particularly those which opened late, were unable to complete the accreditation process ahead of the 13:00 deadline. These stayed open long after the deadline in reported cases as late as 16:00 before polling was able to start. Irrespective of the time the accreditation period closed there was little evidence of a security personnel being placed at the end of the line as in most cases there were no orderly queues as the impatient voters had by then crowded around the polling officials.

In some of the locations where queues were properly formed, the elderly, physically handicapped, nursing and pregnant women were allowed to proceed to the front of the line.
Most accredited voters did not remain at the voting location but opted to return later in the afternoon to cast their votes.

Voting

Voting in most polling units was unable to commence at the prescribed time of 13:30. Instead the commencement of polling was determined by the time accreditation closed. The late start to the accreditation meant the process went beyond the 13:00 cut off deadline.

Where the accreditation was completed in a timely manner, the presiding officer was able to attempt to rearrange the poling unit to facilitate voting. In addition the voters were inclined to queue in an orderly manner. Where voting started late the voters became agitated.

Generally speaking, however, the polling points were not set out in the stipulated manner. The inadequacy of the polling units resulted in some areas voting booths being placed too close to agents or voters waiting to cast their ballots, thus compromising the secrecy of the vote.

The instructions provided to accredited voters was not consistent as some were told to return by 13:00 in order to vote while others were given later times like 16:00.

While some voters chose to remain at the polling units after accreditation, those who went did not all return by 13:30 as stipulated by INEC. This meant no security personnel were placed at the end of the queues which allowed voters to walk in throughout the afternoon. All accredited voters who returned were allowed to vote as long as the poll had not been closed.

In all polling locations the ballot boxes were shown to be empty, and then positioned in full view of those present. Most voters did not fold the ballots properly and in some cases not at all, which meant their vote was visible to those in close proximity.

The fingers of the voters were checked for ink to verify accreditation on the presentation of their PVC’s. Ink was applied to the appropriate finger and the voter issued with the respective ballots duly signed and stamped by the presiding officer.

Several voters who were clearly not disabled were unsure of what to do once behind the voting booth. They were assisted by various persons including polling officials, party agents and security officers, in violation of regulations. It is felt that increased voter education is one way of addressing this issue. Not many voters had a difficulty in determining which ballot was to go into the colour coded ballot box. Those who were unsure were guided by polling officials.

A number of voters exercised the right to remain at the polling location to witness the count, and were generally quite orderly in their behaviour.
Counting

The stipulated close of poll procedures were adequately adhered to in the polling units in which the counting was observed. The ballots for each election were alternately sorted and counted in full view of party agents, observers and electors present. There were several ballots which were rejected due to ink smudges which was a result of the improper folding and handling of the ballots by voters. The importance of avoiding smudges should have been explained to voters by polling officials since this increased the possibility of the ballot being rejected. The voter education process is another avenue through which this issue can be addressed. There was inconsistency in determining rejected ballots due to smudges resulting from handling as these ballots were being rejected in some instances and accepted in others.

Election Day Offences

The polling officials, party agents and voters remained compliant with the electoral laws during the accreditation, voting and counting process. There were no visible signs of campaigning or voter intimidation by the Group. There were also no signs of individuals wearing or displaying party colours and paraphernalia. Despite reports in the media the Group did not witness any snatching of ballot boxes, underage voting or shortage of ballot papers in the polling stations we visited.

Recommendations:

- Voter education should be intensified as voters were generally unaware of accreditation and voting procedures;
- More training is needed for polling officials in use of equipment, and to avoid inconsistency in application of procedures;
- Improved logistical planning and execution is desirable, to avoid late opening of polling units and delivery of election materials;
- INEC should plan to have reserve card readers at polling stations;
- A review of the location of polling units to avoid disorderly layout which compromises the secrecy of the ballot should be carried out. This would also facilitate a smoother process and greater separation of officials from the agents and the public especially at the count, where the safety of polling officials can be compromised;
- Placing of polling units inside buildings which protect workers and voters from the elements and facilitate access by the elderly and disabled would be helpful;
- INEC should review the present two-step process which requires voters to be in the polling area for the whole day or to make two trips to and from the polling
location. The intended benefits were not realised because different polling units conducted voting at different times; and

- Proper accreditation and enforcement of the roles carried out by those authorised to access the polling units is necessary.
CHAPTER 7

Conclusions and Recommendations

Conclusions

The 28 March 2015 Presidential and National Assembly elections marked an important step forward for democracy in Africa’s most populous country and a key member of the Commonwealth. Notwithstanding the organisational and technical deficiencies, the conduct of the Presidential and National Assembly Elections were credible, peaceful, transparent and reflected the will of the people.

We welcomed the magnanimous gesture of outgoing President, Mr Goodluck Jonathan, who called President-elect Mr Muhammadu Buhari to congratulate him even before the official announcement of the Presidential election result. We were impressed by the mature and statesmanlike public statements by both the contestants after the declaration.

We commend the efforts of the Independent National Electoral Commission, under the able leadership of Professor Attahiru Jega, in conducting credible elections under very challenging circumstances. We were impressed by the contribution made by the National Youth Service Corps and tertiary students, whose members worked as ad hoc INEC staff for the elections. These young men and women showed dedication, creativity and courage in helping to deliver a transparent electoral process, often in difficult conditions. They are a source of pride and hope for Nigeria.

The Group has included a number of recommendations which, we believe, can further improve the electoral process in Nigeria. We note that some of them mirror recommendations already made by earlier Commonwealth Observer Groups, which are yet to be implemented. We hope these will be positively considered and implemented.

Full credit for the peaceful conduct of the elections must go, most of all, to the people of Nigeria. They, on the whole, demonstrated commendable commitment, patience and maturity. We salute them and appeal to them to maintain the same commitment to peace in the post-election period.

Recommendations

The Electoral Framework and Election Administration

- There must be an end to the culture of impunity for those committing electoral offences. The prosecution of such offences needs to be effective and timely, ensuring that serious breaches of the Electoral Act and any non-compliance with relevant Codes of Conduct are dealt with appropriately;
• A mechanism should be put in place to increase women’s participation as candidates in elections;

• The existing timeframe as recommended by INEC for a re-run of the Presidential election, should be increased; and

• The age limit for one to stand for election to the National Assembly should be reduced to recognise the contribution of youth to society, to encourage and broaden their participation.

The Campaign and the Media

• Given the nature of the campaign in the 2015 election, efforts should be made to have issue-based, as opposed to personality-based campaigns in future elections;

• Greater efforts should be made to moderate the tone of the campaign, by enforcing penalties against those engaging in hate speech, and inflammatory and vitriolic language, in compliance with the Electoral Act 2012 (as amended) and INEC’s 2013 Code of Conduct for Political Parties;

• To create a more level playing field, INEC should enforce its regulations on campaign financing;

• In future elections, parties should be encouraged to commit themselves to another agreement in the same spirit as the January 2015 Abuja Accord;

• Publicly-owned media should be monitored to be sure they comply with the provisions of the Electoral Act on equal coverage for airtime to all parties;

• Consideration should be given to limiting campaign advertising, to help reduce the advantage enjoyed by the richer parties. In this regard, advertising paid for by political support groups should be taken into consideration, as well as advertising paid for by the candidates themselves and their parties; and

• Journalists should be free to go about their work within the limits of the law, free from harassment by the security agencies.
**Broadening Participation**

- A mechanism should be established to enable registered voters who perform election duty and essential services, and other employees on duty, to vote;

- More and better voter and civic education should be undertaken to ensure greater participation;

- Political parties should continue to develop their youth leaders and provide mentorship that exemplifies good governance, integrity and honesty;

- Age restrictions for electoral positions should be lowered to allow broader youth participation;

- INEC should consider greater flexibility in allowing student and youth voters the ability to vote in areas of residence at the time of elections;

- INEC should allow NYSC members and tertiary students to vote while on official duties on election day;

- There should be greater focus on internal democracy, gender and democratic governance within political parties;

- A review and reform of party primaries policy and practices should be undertaken to support a more level playing field;

- Greater effort should be undertaken at National and State levels in implementing initiatives that financially support women to stand for election;

- Concerted efforts should be undertaken by INEC, political parties and civil society to create an enabling environment for the participation, education and advocacy of people with disability in the pre-election phase and during election to facilitate their ability to vote and to run for office; and

- INEC and security agencies should review the transportation restrictions on election day to allow people with disability the right to travel to and from their polling unit.

**Voting, Counting and Results Process**

- Voter education should be intensified as voters were generally unaware of accreditation and voting procedures;

- More training is needed for polling officials in use of equipment, and to avoid inconsistency in application of procedures;

- Improved logistical planning and execution is desirable, to avoid late opening of polling units and delivery of election materials;
• INEC should plan to have reserve card readers at polling stations;

• A review of the location of polling units to avoid disorderly layout which compromises the secrecy of the ballot should be carried out. This would also facilitate a smoother process and greater separation of officials from the agents and the public especially at the count, where the safety of polling officials can be compromised;

• Placing of polling units inside buildings which protect workers and voters from the elements and facilitate access by the elderly and disabled would be helpful;

• INEC should review the present two-step process which requires voters to be in the polling area for the whole day or to make two trips to and from the polling location. The intended benefits were not realised because different polling units conducted voting at different times; and

• Proper accreditation and enforcement of the roles carried out by those authorised to access the polling units is necessary.
Annex I

Biographies

HE Dr Bakili Muluzi (Malawi) - Chair
Dr Bakili Mulizi graduated from Thisted College of Technical Education, Denmark, and Huddersfield College of Education in the United Kingdom. He became Principal of Nasawa Technical Training College. He was elected to Parliament in 1973 and served in several Cabinet Ministerial portfolios including Youth and Sports, Education, Transport and Communications, Minister in the President’s Office and Secretary General of the Malawi Congress Party. Whilst serving as a Member of Parliament he also served as Secretary of the Commonwealth Parliamentary Association (CPA) Malawi branch. Dr Muluzi was the first democratically elected President of the Republic of Malawi and served between 1994 to 2004. Dr Muluzi served as Chairperson of the Southern African Development Community (SADC). He also served as Chairperson of the Common Market for Eastern and Southern Africa. Whilst serving in these positions he got involved in peacekeeping missions in Democratic Republic of Congo, Angola, Burundi, Zimbabwe, Sudan, and Uganda. Dr Muluzi chaired the Commonwealth Observer Group to the Lesotho elections in 2011 and to the Swaziland elections in 2013.

Ms Ellen Seckold, Australia
Ellen (Ellie) is an emerging global leader dedicated to developing youth leadership, empowerment and innovation. Ellie is the former Co-Chair of the 2013 Commonwealth Youth Forum (CYF) in Sri Lanka. She was Australia’s Youth Representative to the Commonwealth for four years. Over this time, Ellie has advocated for youth across the Pacific, Asia, Caribbean and Africa regions and has been pivotal in the development of regional and international youth policies. She has worked at a grassroots level across Australia and the Pacific on strategies to unleash the leadership potential of students, women and communities and tailored programs to address the challenges of young people most-at-risk.

Martha Judith Sayed, Botswana
Mrs Martha Judith Sayed is a Commissioner with the Independent Electoral Commission of Botswana. She was appointed Commissioner in September, 2014. She has served the Botswana Electoral Commission as Deputy Secretary to the Commission (Deputy Chief Executive) for a period of 12 years. Prior to working with the Commission, she had served in various positions within the Public Service. During her career with the Electoral Commission, she participated in a number of electoral-related workshops and seminars in Botswana, Burundi, Canada, Mauritius and Sweden.

She has observed elections in Sri Lanka and Sierra Leone under the Commonwealth, in Zimbabwe, Gambia, Mozambique, Ethiopia and Malawi under the African Union, in Namibia, Lesotho and Seychelles under the Electoral Commission Forum of SADC.
Ambassador Nana Effah-Apenteng, Ghana

Ambassador Nana Effah-Apenteng was trained as a political scientist at the University of Ghana, Legon, from 1965 to 1970. He served in his country's diplomatic service from 1970 to 2007 in many capacities, both at home and abroad, in New York, Moscow Rome and Washington DC.

He was the Ambassador and Permanent Representative of Ghana to the United Nations, New York, from 2000 to 2007. During this period he served as Chairman of the Fifth (Administrative and Budgetary) Committee of the 56th Session of the United Nations General Assembly and represented Ghana on the Security Council, including serving as President of that organ in August 2006.

From 2007 to 2008 he served as Special Advisor on African Affairs in the Office of the Ghanaian President, J A Kufuor.

From 2008 to 2013, he served as Chief of Staff of the Panel of Eminent African Personalities, established by the African Union to mediate the 2007/2008 post-election crisis in Kenya. It comprised Kofi Annan (Chair), the former UN Secretary-General, former President Benjamin Mkapa of Tanzania and Ms Graca Machel (Mandela).

He was enstooled as a chief in 1976 and is currently the Paramount Chief of Bompata, in Ashanti, Ghana.

Mr Orrette Fisher, Jamaica

Orrette Fisher has served the Electoral Commission of Jamaica for almost 20 years, six of which he has spent as Director of Elections.

Mr Fisher joined the ECJ in 1995 as Assistant Director of Administration, with overall responsibility for the strategic direction and management of the organization's support service departments. Shortly after his appointment, he acted as Director of Elections for 11 months.

Mr Fisher’s electoral experience spans several national elections and he has been a member of or headed numerous election observer missions.

He is the holder of a Bachelor of Science Degree in Management Studies which he received with honours and a Master’s Degree in Public Sector Management both from the University of the West Indies. In addition, he has certification in a number of professional courses.

Mr Fisher is an avid cricketer who has represented Melbourne Cricket Club in competitions at all levels. He is also a past executive member of the club. Mr Fisher is married with children.

Professor Peter Anyang’ Nyong’o, Kenya

Professor Peter Anyang’ Nyong’o is currently Senator for Kisumu County. He was Minister for Planning and National Development (2003-05) and Minister for Medical Services (2008-2013). He was first elected to Parliament in 1992. He graduated from Makerere University, Kampala, Uganda in 1971 with a BA (First Class Honours) in Political Science and Philosophy before proceeding to the University of Chicago
where he received his MA (1974) and PhD (1977) in Political Science. He taught at the University of Nairobi (1977-81), El Colegio de Mexico (1971-84) and Addis Ababa University (1984-86), then joined the African Academy of Sciences as Head of Programs from 1987 to 1992.

He has published several books and articles on democracy, democratisation, the state and the political economy of development in Africa. Among the publications are "Popular Struggles for Democracy in Africa"; "The Study of African Politics: A Critical Appreciation of A Heritage"; "A Leap Into the Future". In 1995 he was awarded the German-African Award for his contribution to democracy and democratisation in Africa.

**Mr Charles Munyaneza, Rwanda**
Charles Munyaneza is the Executive Secretary of the National Electoral Commission of Rwanda. He has participated in a number of other election observation missions, including in Algeria, Burundi, Ethiopia, Ghana, Kenya, Senegal, South Africa, and Tanzania. He holds a BA (Political Science) from Makerere University, Kampala, Uganda, and an MBA from Maastricht University, The Netherlands. He has undertaken several international training programmes related to decentralisation, corporate governance and election management including courses at the University of Pretoria South Africa, South Korea, East and Southern African Management Institute (ESAMI) Arusha, Tanzania and Harvard University (USA).

**Ms Papama Nomboniso Gasa, South Africa**
Nomboniso Gasa is best known for her skill in weaving academic work, policy analysis and activism in her research, writing and public commentary. Her work continuously interrogates the meanings of democracy and freedom, constitutionalism and its relationship between African customary law, Muslim personal Law, power, political issues, gender, masculinities, femininities, land, environmental questions and issues of social and political location in South Africa. She has published in scholarly, commercial and other media.

In the 1990s, Ms Gasa was a leading figure in the ANC’s Commission for the Emancipation of Women. She was also part of the ANC Gender and Policy Technical Advisory Team on Gender and Customary Law in the political and constitutional negotiations, leading to the current democratic constitution. She has held public positions in South African institutions, including that of Chair of the Commission for Gender Equality.

Ms Gasa worked in Nigeria for 4 1/2 years, where she represented the International Institute for Democracy and Electoral Assistance. Following the intense consultative process and nationwide research (undertaken with 34 Nigerians and 8 regional and international scholars), a substantive report entitled “Democracy in Nigeria: Continuing Dialogue(s) for Nation Building was published and presented to President Obasanjo, the National Assembly and other stakeholders.

**Hon. Dr. Miria R.K. Matembe, Uganda**
Hon. Dr. Miria Matembe is a lawyer having trained at Makerere University Kampala and the University of Warwick in the UK. Dr. Matembe holds an Honorary Doctorate of Law from Victoria University in Canada.
Dr. Matembe has served her country in various capacities including as a Cabinet Minister and Member of Parliament between 1989 and 2006. Dr. Matembe also served as a member of Parliament for the Pan-African Parliament of the African Union from 2003-2006. Dr. Matembe was a member of the Uganda Constitutional Commission which prepared the draft Constitution and a member of the Constituent Assembly which debated and promulgated the Constitution.

As an ardent advocate for gender equality and women’s empowerment, Dr. Matembe has co-founded a number of both regional and national women’s Non-Governmental Organisations including Women, Law and Development in Africa (WILDAF), African Women’s Network (FEMINET), Action for Development (ACFODE), Centre for Women in Governance (CEWIGO).

Dr. Matembe is also an author of two books: “Miria Matembe- Gender, Politics and Constitutional making in Uganda” and “Woman in the eyes of God- Reclaiming a lost identity”.

Ms Elizabeth Blunt, United Kingdom

Elizabeth Blunt is a London-based writer and broadcaster, with a particular interest in Africa and issues affecting the developing world.

She spent many years working with the BBC, mostly in World Service radio, and when she was appointed West Africa correspondent in 1986 she was one of the first women to hold a staff foreign correspondent post in the Corporation. She was awarded an MBE for her coverage of the early stages of the civil war in Liberia. As well as West Africa, she also worked for the BBC in India and, mostly recently, in Ethiopia.

Elizabeth is now the London correspondent for IRIN News, an online news service specialising in humanitarian and development issues. She has also served as an election observer for the European Union in Togo, Sudan, Nigeria, the DR Congo and Malawi.

She first visited Nigeria in 1979, to cover the elections which returned the country from military to civilian rule. She went on to report the 1983, 1990 and 1999 elections for the BBC. In 2011 she was an EU observer in Edo and Niger states.

Commonwealth Secretariat Staff Support Team

The Observer Group was assisted by a Support Team of six members of staff from the Commonwealth Secretariat:

Ms Katalaina Sapolu Director, Rule of Law Division, Staff Team Leader
Mr Martin Kasirye Adviser and Head, Electoral Support, Political Division
Ms Lindiwe Maleleka Political Officer, Political Division
Mr Will Henley Communications Officer, Communications Division
Ms Zippy Ojago Executive Officer, Electoral Support, Political Division
John Burran Operations Officer, Political Division
Commonwealth Observer Group

Nigeria elections 2015:

Arrival statement by Commonwealth Observer Group

Commonwealth election observers deployed to Nigeria on 21 March 2015 to observe the Presidential and National Assembly Elections scheduled for 28 March.

Dr Bakili Muluzi, former President of Malawi, leads the Commonwealth Observer Group as Chairperson. Addressing journalists at a press conference in Abuja on 23 March, Dr Muluzi issued the following statement:

“It is my honour and privilege to serve as Chairperson of the Commonwealth Observer Group to Nigeria’s 2015 Presidential and National Assembly Elections. The group was constituted by Commonwealth Secretary-General Mr Kamalesh Sharma following an invitation from the Chairperson of the Independent National Electoral Commission (INEC).

Our ten-member group is drawn from across the Commonwealth, a community of 53 member nations. Our team includes current and former politicians and members of parliament, serving members of national electoral commissions, as well as representatives of civil society, young people and the media. The group is supported by a staff team of six persons from the Commonwealth Secretariat, led by Ms Katalaina Sapolu.

Nigeria is Africa’s largest democracy and the Commonwealth has a long history of observing the country’s elections, including, most recently, the Presidential and National Assembly Elections in 2011.

Our Commonwealth Observer Group arrived on 21 March. Our mandate is to observe and assess the pre-election period, activities on polling day and the post-election period. Throughout, we will consider all factors relating to the credibility of the electoral process.

We will assess whether the elections are conducted according to the standards for democratic elections to which Nigeria has committed itself, including the constitutional framework and national legislation as well as Commonwealth and other international commitments. As we undertake this assessment and conduct our duties, we will be objective, independent and impartial.
Earlier this morning, my fellow observers and I met with the Chairperson of INEC, Professor Attahiru Jega, to learn more about preparations for polling day. Over the coming days, we will meet with other relevant stakeholders, including representatives of political parties, independent institutions, civil society and international partners including Commonwealth High Commissioners.

Once our stakeholder meetings have concluded, we will deploy across the country, witness the conclusion of the campaign and observe voting, counting and results process. Among other aspects, we will consider whether the conditions exist for credible elections; whether voters are free to express their will; and the transparency of the entire process.

The Commonwealth Observer Group has no executive role; our function is not to supervise but to observe the process as a whole and to form a judgment accordingly. We are here in our individual capacities as eminent and experienced Commonwealth citizens. As such, our assessment will be our own and not that of any Commonwealth member government or organisation.

We will issue an Interim Statement shortly after the elections and a Report will be submitted thereafter to the Commonwealth Secretary-General. The report will be sent to the Government of Nigeria, the Independent National Electoral Commission and leaders of political parties, and then to all Commonwealth governments, before being released publicly.

When we make our observations known, our intent is to offer constructive support to help strengthen and consolidate the democratic process in Nigeria. In so doing, the Commonwealth Observer Group will make recommendations to the authorities concerned on institutional, procedural and other matters as would assist the holding of such elections in the future.

On behalf of my fellow observers, I wish Nigeria well as it looks forward to the going to the polls. The Nigerian people expect all stakeholders involved to play their part in ensuring that the 2015 National Presidential and National Assembly Elections are peaceful, transparent and credible.”
Interim Statement on the Nigeria Presidential and National Assembly Elections - 28 March 2015
Abuja, Nigeria - 30 March 2015

Statement by: Dr Bakili Muluzi, Chairperson of the Commonwealth Observer Group to the Presidential and National Assembly Elections in Nigeria.

The Commonwealth was invited by the Chairperson of the Independent National Electoral Commission (INEC) of Nigeria to observe the 2015 elections. Following an assessment mission from the Commonwealth Secretariat, the Commonwealth Secretary-General accepted the invitation and constituted an Observer Group of ten persons, supported by a team from the Secretariat. I am privileged to lead this distinguished Group, which was deployed in Nigeria initially from 7 - 13 February and again since 21 March 2015, following the re-scheduling of the elections announced on 7 February 2015.

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

On election day, Commonwealth teams were based in Abuja, Benin City, Enugu, Ibadan, Kaduna and Lagos. Our teams met with Resident Electoral Commissioners and other INEC officials, police, domestic and international observers and other stakeholders at the State and local levels, in order to assess the situation in their respective areas. On polling day on 28 March, and thereafter, they observed the accreditation, voting and counting of ballots.

This is an interim statement, meant to provide an initial assessment of the electoral process as we observed it. We will shortly submit a final report to the Commonwealth Secretary-General, setting out our findings on the entire process and our recommendations in greater detail.

Electoral Framework and Management of the Process
We believe that Nigeria’s 2010 Electoral Act (as amended), as well as the 1999 Constitution (as amended) provide the necessary conditions for INEC to function as
an independent and impartial election management body. We understand that INEC proposed further amendments to enhance the efficacy of the electoral process.

Notwithstanding some challenges, the introduction of biometric Permanent Voter Cards is, in our view, a major factor in enhancing the integrity of the electoral process by ensuring that only eligible voters could cast ballots on polling day.

We however note with concern the low percentage of women candidates in the elections. We urge political parties to review the selection process to significantly increase the number of women in positions of leadership and decision making.

It would also broaden participation if the minimum age requirements for National and State Assembly candidates were appropriately reduced.

We further note with concern that persons performing election duty and essential services on polling day are unable to vote and are thus disenfranchised.

The Campaign and the Media

The campaign by political parties was highly competitive and the closest fought contest since the return of democracy in 1999. While it was relatively calm nationwide, a number of states experienced troubling incidents of violence, including mob violence resulting in injuries and deaths.

We were concerned with the tendency of some senior politicians, activists and party spokespersons who resorted to highly emotive rhetoric which could be regarded as incitement to violence.

The Boko Haram insurgency severely affected the ability of candidates and political parties to freely assemble and campaign in affected areas.

The Presidential candidates are to be commended for signing a peace agreement, known as the ‘Abuja Accord’, on 14 January 2015, which was intended to deter their agents and supporters from resorting to violent means. This was reaffirmed by President Goodluck Jonathan and Muhammadu Buhari on 26 March 2015 under the auspices of the National Peace Committee. We commend the efforts of civil society groups, coalitions of young people and other stakeholders in pressuring competing factions to refrain from violence.

Nigeria has a vibrant press, with a plethora of private radio stations and newspapers providing an alternative to state media. The press gave the elections substantial coverage with most newspapers, magazines, television and radio stations devoting many broadcast hours and column inches to the party campaigns. However, some reports were biased and personality-driven.

Publically-owned media outlets, especially broadcast media, were clearly partisan. It was noted with concern that the flagship nightly television news on the Nigerian Television Authority (NTA) channel was completely dominated by reports of the incumbent party’s campaign rallies.

There appeared to be significant differences in the levels of spending between the main parties on advertising. Many advertisements were highly provocative, and
made accusations about opposing candidates and INEC which were potentially defamatory.

It is of concern that print and broadcast media were all too willing to publish and broadcast these lucrative adverts without censure by the regulatory authorities. Many newspapers published ‘wrap advertisements’ which looked like normal front pages, but were in fact paid-for advertising masquerading as news. Given the extent of the inflammatory campaign comments, editorial articles and advertisements appearing in the media, it can be inferred that political parties simply ignored INEC’s 2013 Code of Conduct for Political Parties, which prohibits such activities. In future, greater effort may be needed to moderate the tone of the campaign by enforcing penalties against offenders.

**Accreditation, Voting and Counting of Ballots**

From reports, a substantial percentage of polling stations experienced delays in the arrival of polling staff and election materials, resulting in late commencement of the accreditation and voting process. Despite these delays, the vast majority of voters were able to exercise their franchise.

The special process of accreditation of voters devised by INEC, including the use of biometric card readers and fingerprint identification of voters, was a response to the malpractices of the past, in particular the phenomenon of multiple voting. Substantial numbers of voters were however unable to be biometrically identified, but INEC exercised flexibility and pragmatism and authorised manual accreditation of voters in cases where biometric identification was unsuccessful.

The majority of the polling units we visited were inadequately located and laid out. In most cases, there was no protection from the elements. Some polling units were ill-equipped in terms of basic furniture and lighting.

In our observations, polling staff were, on the whole, sufficiently trained and carried out procedures in a transparent manner. Where there was uncertainty among polling staff, we observed that they sought consensus to arrive at decisions. Overall, however, training provided to polling officials needs to be enhanced to ensure greater consistency in the application of procedures, and make staff more aware of the correct modalities for each stage of the process.

The Group was impressed by the commitment and determination shown by the voters who turned out.

The Commonwealth Observer Group would like to commend the staff of the INEC and polling officials, the security services, domestic and other international observers for the dedication and commitment they displayed during these elections. We commend the contribution made by the National Youth Service Corps, and tertiary students, whose members worked as ad hoc INEC staff for the elections. These young men and women showed dedication, creativity and courage in helping to deliver a transparent electoral process, often in difficult conditions. They are a source of pride and hope for Nigeria.
We noted that agents of the main political parties were present at most polling stations. Recognising the current Nigerian political context, the Group is of the view that this helped to foster an environment of trust and transparency.

We commend the efforts of the Independent National Electoral Commission in conducting an election under very challenging circumstances.

**Overall Impressions**

The 28 March 2015 elections mark an important step forward for democracy in Africa’s most populous country and a key member of the Commonwealth. Notwithstanding the organisational and technical deficiencies, the conduct of the Presidential and National Assembly Elections were generally peaceful and transparent.

There is certainly room for improvement and this will be reflected in the recommendations which the Group will make in its Final Report.

Full credit for the peaceful conduct of the elections must go, most of all, to the people of Nigeria. They, on the whole, demonstrated patience and maturity. We salute them and appeal to them to maintain the same commitment to peace in the post-election period.

Abuja, 30 March 2015

**Media Contact:**
Will Henley
Communications Officer
Commonwealth Observer Group
Tel: +234 9037548040
Email: w.henley@commonwealth.int

**Notes for Editors:**
The Commonwealth Observer Group was constituted at the invitation of the Chairperson of the Independent National Electoral Commission of Nigeria. The Group comprises 10 eminent persons drawn from across the different regions of the Commonwealth, a voluntary association of 53 independent member countries. The Group includes electoral experts, current and former politicians and diplomats, civil society and media experts.
Annex IV

Statement on the timetable by Prof Attahiru M Jega

STATEMENT ON THE TIMETABLE FOR 2015 GENERAL ELECTIONS BY THE CHAIRMAN, INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC), PROFESSOR ATTAHIRU M. JEGA, AT A PRESS CONFERENCE ON FEBRUARY 07th, 2015

Ladies and Gentlemen,

Introduction

We invited you here today to make known the position of the Independent National Electoral Commission (INEC) on the timetable for the 2015 general elections. Let me state from the outset that the Commission's position was reached after carefully weighing the suggestions from briefings held with different stakeholders in the electoral process.

The conduct of elections in a country like Nigeria is invariably a collective venture that involves not just the Election Management Body (EMB), but also a diverse range of stakeholders, notably security agencies, political parties and their candidates, voters, as well as interest groups, such as the civil society organizations and the media. To guarantee successful conduct of elections, there are things that are wholly the responsibility of the EMB. But there are other things critical for the success of elections, which fall outside the control of the EMB.

In other words, while INEC must work hard to perfect its systems and processes for conducting elections, and take responsibility for any imperfections thereof, whatever the Commission does may not by itself be sufficient to guarantee the success of elections. There are a number of issues in the preparation and conduct of an election, the most critical of which is security, which is not under the control of INEC.

Current State of INEC’s Preparedness

On Thursday, February 5, 2015, I was invited to brief the National Council of State, which is the highest advisory to the President comprising past and present leaders in Nigeria, on the level of preparedness of INEC to conduct the 2015 general elections. I made a presentation to the Council titled 'Preparations for the 2015 General Elections: Progress Report,' in which I gave a detailed account of what the Commission has been doing in readiness for the national elections (National Assembly and Presidential) scheduled for February 14th, and the state elections (Governorship and State Assembly) scheduled for February 28th, 2015.

The summary of my presentation to the National Council of State meeting is that, for matters under its control, INEC is substantially ready for the general elections as scheduled, despite discernible challenges being encountered with some of its processes like the collection of Permanent Voter Cards (PVCs) by registered members of the public.
In addition, INEC has been doing everything it can to facilitate the collection of the PVCs by registered members of the public. As at 5th February 2015, the total number of PVCs collected was 45,829,808, representing 66.58% of the total number of registered voters.

In the delivery and deployment of electoral materials, INEC is also at a comfort level in its readiness for the general elections as scheduled (see the presentation to the Council of State). The Commission’s preparations are not yet perfect or fully accomplished. But our level of preparedness, despite a few challenges, is sufficient to conduct free, fair and credible elections as scheduled on February 14th and February 28th. Compared with 2011 when, within a short time, we conducted general elections that were universally adjudged free, fair and credible and the best in Nigeria’s recent electoral history, our processes are today better refined, more robust and therefore capable of delivering even better elections.

Other Variables

But as I mentioned earlier, there are some other variables equally crucial for successful conduct of the 2015 general elections that are outside the control of INEC. One important variable is security for the elections.

While the Commission has a very good working relationship with all security agencies, especially on the platform of the Inter-agency Consultative Committee on Election Security (ICCES) since its inception in 2010, it has become pertinent for it to seriously consider the security advisory presented to it by the Security and Intelligence Services. I would like to reiterate here that INEC is an EMB and not a security agency. It relies on the security services to provide a safe environment for personnel, voters, election observers and election materials to conduct elections wherever it deploys. Where the security services strongly advise otherwise, it would be unconscionable of the Commission to deploy personnel and call voters out in such a situation.

Last Wednesday, which was a day before the Council of State meeting, the office of the National Security Adviser (NSA) wrote a letter to the Commission, drawing attention to recent developments in four Northeast states of Borno, Yobe, Adamawa and Gombe currently experiencing the challenge of insurgency. The letter stated that security could not be guaranteed during the proposed period in February for the general elections.

This advisory was reinforced at the Council of State meeting on Thursday where the NSA and all the Armed Services and Intelligence Chiefs unanimously reiterated that the safety and security of our operations cannot be guaranteed, and that the Security Services needed at least six weeks within which to conclude a major military operation against the insurgency in the Northeast; and that during this operation, the military will be concentrating its attention in the theatre of operations such that they may not be able to provide the traditional support they render to the Police and other agencies during elections.

INEC’s Decision

We have done wide ranging consultation to enable us have as much input as is necessary before taking an informed decision. In the series of consultations that we
held with stakeholders, the questions consistently posed to them for consideration are:
(i) In view of the latest development, should INEC proceed with the conduct of the general elections as scheduled in spite of this strong advice; and if so, what alternative security arrangements are available to be put in place?
(ii) Or, should INEC take the advice and adjust the schedules of the general elections within the framework of Constitutional provisions?

The Commission held a meeting after the consultations, and decided to take the advice of the Security Chiefs and adjust the dates of the elections. We have done this relying on Section 26(1) of the Electoral 2010 (As Amended), which states thus: “Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas concerned, appoint another date for the holding of the postponed election, provided that such reason for the postponement is cogent and verifiable”.

INEC not being a security agency that could by itself guarantee protection for personnel and materials, as well as voters during elections, the Commission cannot lightly wave off the advice by the nation’s Security Chiefs. The Commission is specifically concerned about the security of our ad hoc staff who constitute at least 600,000 young men and women, together with our regular staff, voters, election observers as well as election materials painstakingly acquired over the last one and half years. This concern is limited not just to the areas in the North-eastern part of Nigeria experiencing insurgency; the risk of deploying young men and women and calling people to exercise their democratic rights in a situation where their security cannot be guaranteed is a most onerous responsibility. Under such circumstances, few EMBs across the world, if any, would contemplate proceeding with the elections as scheduled. No matter the extent of INEC’s preparedness, therefore, if the security of personnel, voters, election observers and election materials cannot be guaranteed, the life of innocent young men and women as well the prospects of free, fair, credible and peaceful elections would be greatly jeopardised.

Consequently, the Commission has decided to reschedule the 2015 general elections thus: the national elections (i.e. Presidential and National Assembly) are now to hold on March 28th, 2015; while the state elections (Governorship and State Assembly) are to hold on April 11th, 2015. It should be noted that this rescheduling falls within the constitutional framework for the conduct of the elections, notably, Sections 76(2), 116(2), 132(2) and 178(2). See also Section 25 of the Electoral Act 2010 (As Amended).

For the avoidance of doubt, we will under no circumstances approve an arrangement that is not in line with the provisions of our laws. Our hope is that with this rescheduling, the security services will do their best to ensure that the security environment needed for safe and peaceful conduct of the 2015 elections is rapidly put in place.

We in INEC reassure all Nigerians and indeed the international community of our commitment to do everything within the law and to conduct free, fair, credible and
peaceful elections. We call on the security agencies to honour their commitment to restore sufficient normalcy for elections to take place within the period of extension. We also call on Nigerians, political parties, candidates and all other stakeholders to accept this decision in good faith and ensure the maintenance of peace.

As for us in INEC we’ll endeavour to use the period of the extension to keep on perfecting our systems and processes for conducting the best elections in Nigeria’s history. In particular, we believe that we would resolve all outstanding issues related to non-collection of PVCs, which agitate the minds of many Nigerians.

Finally, we wish to call on all Nigerians to accept our decision, which is taken in good faith and the best interest of deepening democracy in our country.

Thank you.

Professor Attahiru M. Jega, OFR
Chairman, INEC
# Annex V

## Declaration of Results

![INDEPENDENT NATIONAL ELECTORAL COMMISSION
2015 PRESIDENTIAL ELECTION
MARCH 28, 2015
DECLARATION OF RESULTS](image)

<table>
<thead>
<tr>
<th>S/N</th>
<th>CONTESTANT</th>
<th>GENDER</th>
<th>PARTY</th>
<th>VOTES RECEIVED</th>
<th>REMARK</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>JCI SEN. TUNDE ANIFOWOSE-KELANI</td>
<td>MALE</td>
<td>AA</td>
<td>22,125</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>ALH. GANIYU O. GALADIMA</td>
<td>MALE</td>
<td>ACPN</td>
<td>40,311</td>
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</tr>
<tr>
<td>3</td>
<td>RAFIU SALAU</td>
<td>MALE</td>
<td>AD</td>
<td>30,673</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>DR. MANI IBRAHIM AHMAD</td>
<td>MALE</td>
<td>ADC</td>
<td>29,666</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>AYENI MUSA ADEBAYO</td>
<td>MALE</td>
<td>APA</td>
<td>53,537</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>MUHAMMADU BUHARI</td>
<td>MALE</td>
<td>APC</td>
<td>15,424,921</td>
<td>ELECTED</td>
</tr>
<tr>
<td>7</td>
<td>CHIEF SAM EKE</td>
<td>MALE</td>
<td>CPP</td>
<td>36,300</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>HIGH CHIEF AMBROSE N. A. OWURU</td>
<td>MALE</td>
<td>HOPE</td>
<td>7,435</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>COMFORT OLUREMI SONAIYA</td>
<td>FEMALE</td>
<td>KOWA</td>
<td>13,076</td>
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</tr>
<tr>
<td>10</td>
<td>CHIEF MARTIN ONOVO</td>
<td>MALE</td>
<td>NCP</td>
<td>24,455</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>GOODLUCK EBELE JONATHAN</td>
<td>MALE</td>
<td>PDP</td>
<td>12,853,162</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>ALLAGOA KELVIN CHINEDU</td>
<td>MALE</td>
<td>PPN</td>
<td>24,475</td>
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<td>13</td>
<td>GODSON MGBODILE O. OKOYE</td>
<td>MALE</td>
<td>UDP</td>
<td>9,208</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>CHIEF (DR.) CHEKWAS OKORIE</td>
<td>MALE</td>
<td>UPP</td>
<td>18,220</td>
<td></td>
</tr>
</tbody>
</table>

- **1st Maximum Votes**: 15,424,921
- **2nd Maximum Votes**: 12,853,162
- **Margin of Lead**: 2,571,759

- **TOTAL NUMBER OF REGISTERED VOTERS**: 67,422,005
- **TOTAL NUMBER OF ACCREDITED VOTERS**: 31,746,490
- **TOTAL NUMBER OF VALID VOTES**: 28,587,564
- **TOTAL NUMBER OF REJECTED VOTES**: 844,519
- **TOTAL NUMBER OF VOTES CAST**: 29,432,083

**PERCENTAGE TURN OUT**: 47.09%
Annex VI

List of the 28 Registered Political Parties

<table>
<thead>
<tr>
<th>PARTY NAME</th>
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</thead>
<tbody>
<tr>
<td>1. Accord (A)</td>
</tr>
<tr>
<td>2. Action Alliance (AA)</td>
</tr>
<tr>
<td>3. Advanced Congress of Democrats (ACD)</td>
</tr>
<tr>
<td>4. Allied Congress Party of Nigeria (ACPN)</td>
</tr>
<tr>
<td>5. Alliance for Democracy (AD)</td>
</tr>
<tr>
<td>6. African Democratic Congress (ADC)</td>
</tr>
<tr>
<td>7. African Peoples Alliance (APA)</td>
</tr>
<tr>
<td>8. All Progressives Congress (APC)</td>
</tr>
<tr>
<td>9. All Progressives Grand Alliance (APGA)</td>
</tr>
<tr>
<td>10. Citizens Popular Party (CPP)</td>
</tr>
<tr>
<td>11. Democratic People’s Party (DPP)</td>
</tr>
<tr>
<td>12. Fresh Democratic Party (Fresh)</td>
</tr>
<tr>
<td>13. Hope Democratic Party (HDP)</td>
</tr>
<tr>
<td>14. Independent Democrats (ID)</td>
</tr>
<tr>
<td>15. Kowa Party (KP)</td>
</tr>
<tr>
<td>16. Labour Party (LP)</td>
</tr>
<tr>
<td>17. Mega Progressive Peoples Party (MPPP)</td>
</tr>
<tr>
<td>18. National Conscience Party (NCP)</td>
</tr>
<tr>
<td>20. People for Democratic Change (PDC)</td>
</tr>
<tr>
<td>21. Peoples Democratic Movement (PDM)</td>
</tr>
<tr>
<td>22. Peoples Democratic Party (PDP)</td>
</tr>
<tr>
<td>23. Progressive Peoples Alliance (PPA)</td>
</tr>
<tr>
<td>24. Peoples Party of Nigeria (PPN)</td>
</tr>
<tr>
<td>25. Social Democratic Party (SDP)</td>
</tr>
<tr>
<td>26. United Democratic Party (UDP)</td>
</tr>
<tr>
<td>27. Unity Party of Nigeria (UPN)</td>
</tr>
<tr>
<td>28. United Progressive Party (UPP)</td>
</tr>
</tbody>
</table>
Annex VII

List of Presidential Candidates

1. JCI SEN. TUNDE ANIFOWOSE-KELANI PRESIDENT AA
2. RAFIU SALAU PRESIDENT AD
3. ALH. GANIYU O. GALADIMA PRESIDENT ACPN
4. DR. MANI IBRAHIM AHMAD PRESIDENT ADC
5. AYENI MUSA ADEBAYO PRESIDENT APA
6. MUHAMMADU BUHARI PRESIDENT APC
7. CHIEF SAM EKE PRESIDENT CPP
8. HIGH CHIEF AMBROSE N. ALBERT OWURU PRESIDENT HOPE
9. COMFORT OLUREMI SONAIYA PRESIDENT KOWA
10. CHIEF MARTIN ONOVO PRESIDENT NCP
11. GOODLUCK EBELE JONATHAN PRESIDENT PDP
12. ALLAGOA KELVIN CHINEDU PRESIDENT PPN
13. GODSON MGBODILE OHAENYEM OKOYE PRESIDENT UDP
14. CHIEF (DR.) CHEKWAS OKORIE PRESIDENT UPP
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 with the Code of Conduct.