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Democratic Governance for Development Project II, Election Contextual Analysis Project, Nigeria

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**DEMOCRATIC GOVERNANCE FOR DEVELOPMENT (DGD) PROJECT II  
ELECTION CONTEXTUAL ANALYSIS (ECA) PROJECT  
SECOND NATIONAL POLITICAL DEVELOPMENT REPORT:  
PRE-ELECTION CONTEXTUAL REVIEW**

**I. INTRODUCTION**

The DGD Election Contextual Analysis (ECA)<sup>1</sup> project analyses relevant political and institutional issues that may impact the credibility of the elections and acceptance of election results. This report is the last in the series of pre-election reports prepared by the ECA team, following a state political profile report and a national political profile report, with a subsequent update that were submitted in December 2014.

Considering the proximity to the 2015 general elections, this report—rather than providing broad context and analysis—identifies key issues towards the elections including the assessment of potential risk factors based on the current status of these issues and recommendations to mitigate them.

The key issues, as identified by stakeholders, are as follows:

- ◆ **Electoral Administration and Management.** The primary challenges to the conduct of the elections include ability of internally displaced persons (IDPs) to vote; delayed electoral preparations with specific reference to distribution of permanent voters cards (PVCs); and increasing uncertainty about elections.
- ◆ **Political Landscape.** The political environment is foreshadowed by the heightened rhetoric of the electoral campaign, ebbing public confidence in the capacity and impartiality of the legal and electoral institutions, and new anxieties about peaceful transition.
- ◆ **Security Setting.** Instances of campaign violence, perceived impartiality of security forces, and the uptick in ongoing Boko Haram insurgency are of major concern.
- ◆ **Constitutional and Legal Framework.** The seeming inability and question neutrality of the Judiciary to adjudicate post-primary party election petitions and the apparent reluctance of key stakeholders to seek legal remedies as a result of this lacuna.

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<sup>1</sup> For detailed description of the ECA methodology, see previous ECA reports.

- ◆ **Human Rights and Social Actors.** The key concerns are inadequately informed electorate, diminished impact of observer reports due to deferred release, and the perceived media partisanship.

## II. THEMATIC ANALYSIS

### A. Electoral Administration and Management

This section examines some of the electoral challenges that INEC faces that may impact the followed by a set of recommendations. While INEC has made substantial efforts<sup>2</sup> to increase confidence in the integrity of the electoral process, INEC still faces a number of challenges, among which the following are the most significant:

- ◆ IDPs and the security situation in the northeast.
- ◆ Delayed electoral preparations, including production and distribution of PVCs and card readers, caused by logistical and organizational challenges.
- ◆ Insufficient Clarity of Information Provided to the Electorate.

#### 1. IDPs and the Security Situation in the Northeast

The issue of voting rights of IDPs is a difficult legal and organizational challenge to INEC faces two weeks to the polls. Nonetheless, INEC has repeatedly restated its commitment to enable as many IDPs as possible to vote in the elections. This is to ensure an inclusive electoral process under current security constraints in compliance with the national legal framework and international best practices and principles, to which Nigeria is a signatory.

On 20 January 2015, INEC outlined its strategy to enable IDPs affected by Boko Haram insurgency to participate in the 2015 general elections. INEC, upon consultation with security forces, has decided to set-up special designated voting centres for approximately one million IDPs in Adamawa, Borno, and Yobe states. The centres will comprise of clustered polling units arranged by LGAs to maintain electoral constituencies and serve as distribution points for PVCs and PUs where registered IDP voters in possession of PVCs can cast their vote. .

The proposed voting centres are planned for five out of the 21 LGAs in Adamawa 12 out of the 27 LGAs in Borno and two out of the 17 LGAs in Yobe. No elections will be held in areas currently held by the insurgents. The final list of all voting centres in the affected areas is still under INEC consideration and subject to changing security situations in the affected states.

It is important to note that this special polling arrangement does not apply to other categories of IDPs such as those that are outside of the three affected states, or those displaced by communal clashes or floods in other parts of the country. This arrangement may serve as a feasible solution to protecting the voting rights of IDPs, given the time and logistical constraints, as well as the lack of accurate information on the numbers and locations of IDPs.

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<sup>2</sup> INEC finalized and published guidelines and regulations for the conduct of the 2015 general elections; INEC has engaged citizens by creating the INEC Contact Centre to report any electoral malpractice and/or concerns; INEC has been recruiting its ad-hoc staff, which is comprised of approximately 750,000 members, mostly recruited from National Youth Service Corps (NYSC); INEC regularly cooperates with the security forces through ICCES at both national and local levels.

The main fulcrum of the proposal is that:

- ◆ It enables a reasonable number of IDPs to vote.
- ◆ Locating the voting centres outside the IDP camps increases accessibility for IDPs living in host communities within the three states.
- ◆ Locating the voting centres outside the IDP camps reduces stakeholders' concerns about the probable partisanship of camp management.

Notwithstanding the general approval, some stakeholders expressed reservations that heavy security presence on Election Day may potentially serve to intimidate and/or disenfranchise voters.

Although the proposal does not include all IDPs, it was designed to minimize any potential legal challenge and the cooperation of all stakeholders will be essential for the success of the exercise.

## **2. Delayed Electoral Preparations**

***Delayed Production and Distribution of PVCs.*** As identified by the majority of stakeholders, including INEC, the distribution of PVCs remains a big challenge. According to INEC, of the 68,833,476 PVCs meant for production, only 54,447,311 were delivered to states, excluding Borno as of 12 January 2015. Furthermore, only 39,158,041 of the produced PVCs so far have been collected by voters. In effect, 15,289,270 PVCs are yet to be collected three weeks to elections. This is apart from the outstanding cards from the CVR exercise, estimated at over 13 million that are yet to be produced.

INEC has expressed confidence that all outstanding cards will be produced and delivered by the end of January. To improve the rate of PVC collection, INEC has decentralized the distribution to the ward level and extended the time of collection to 5:30 pm every day except Sundays. INEC also declared preparedness to decentralize the collection of PVCs down to the polling unit level until the eve of Election Day, if necessary. Notwithstanding these current efforts, many observers are concerned about the feasibility of distributing such a high number of PVCs within the existing time limit.

INEC should endeavour to enhance its communication strategy and always explain reasons for delays and postponements in PVC distribution to the electorates with required assurance that the PVC of all registered voters would be available before Election Day.

***Production and Distribution of Card Readers.*** The timely procurement and deployment of the card readers is another major challenge facing INEC. In preparation for the elections, 182,000 card readers were ordered for the 155,000 PUs, including the Voting Points. This includes a surplus of almost 30,000 to serve as back0-up and replacement for any malfunctioning card readers. INEC's guidelines and regulations for the conduct of 2015 general elections stipulate that a defective card reader must be replaced before the end of the accreditation process<sup>3</sup>. If it cannot be replaced, accreditation and voting shall be postponed to the following day. INEC procedures provides for only card reader accreditation which is intended to prevent potential electoral malpractice. So far, INEC has received 137,000 card readers.

The application of new technology on Election Day requires wide-ranging outreach and communication to explain its purpose, added value, and contingency plans in case of failure to minimize the possibility of the unknown. So far, many stakeholders perceive that INEC has not

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<sup>3</sup> The accreditation process is scheduled to take place between 8:00am and 1:00pm on Election Day.

adequately explained how the card readers will work and this lack of information has the potential to undermine the level of stakeholders' confidence in the process.

### **3. Insufficient Clarity of Information Provided to the Electorate**

INEC also face the challenge of disseminating the rather complex technical information and politically sensitive information surrounding the entire electoral process. Despite INEC's public outreach efforts, there are varying level of public confusion regarding the electoral process, ranging from questions about the declining number of registered voters, non-availability of PVCs for dully registered voters and missing names of persons with PVC on the voters register. While there may be valid explanations for these observed lapses, it seems INEC has not been able to successfully communicate the details of the technical procedures and business rules applied for the production of PVC and final register of voters.<sup>4</sup>

### **4. Recommendations**

- a.** Increased effective and focused communications to the electoral stakeholders and the general public on the current state of electoral preparations, especially with regards to distribution of PVCs and use of card readers.
- b.** Sharing of information on electoral procedures with civil society for purpose of voter education activities.
- c.** Clarification of the limits of INEC's authority within the given legal framework and security environment with respect to IDP voting.
- d.** Completion of all preparations for Election Day in a timely manner in accordance with the electoral calendar.
- e.** Guarantee the sanctity of all election procedures and protection of the integrity of the votes according to international standards and best practices.

## **B. Political Landscape**

With just about two weeks to the general elections, competition for elective positions is intensifying. Within this context, three issues are highlighted for analysis. These are: the heightened pace and tone of the electoral campaign, diminished confidence in the capacity and impartiality of the legal and electoral institutions, and anxieties associated with the possibility of a peaceful transfer of power.

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<sup>4</sup> The total number of registered voters for the 2015 general elections is 68,833,476. The significant drop from 74,638,834 registered voters for the 2011 elections can be explained as follows. Firstly, the post-AFIS exercise revealed 4,280,979 multiple registrations, thus decreasing the total to 70,357,855 registered voters. The average of duplicates/multiple registrations in each state throughout the Federation was 5.7 % ranging from 0.2% duplicates in Borno to 14.1% in Sokoto. Secondly, after applying INEC business rules, an additional 11,437,777 registrations were removed, bringing the number down to 58,920,078 voters. The exercise revealed an average of 14.8% registrations to be removed across the Federation ranging from 3.1% in Anambra and Edo to 37.3% in Zamfara.

During the CVR exercise conducted ahead of the 2015 polls, 11,464,690 new voters were registered. Applying both post-AFIS and business rules on the CVR, the figures further dropped by 580,882 voters (or 5.9%) and 681,485 (or 6.2%) respectively, revealing a total of 9,913,398 new registrants. Added to the cleared register of 2011 (58,920,078), the final number of registered voters is 68,833,476. The multiple registrations revealed by post-AFIS varied greatly from state to state: while Zamfara recorded as little as 1.1% of multiple registrations, Abia had 21.5% duplicates removed.

## 1. Current Campaign Context

The electoral campaign is ongoing, with reported fierce competition across the political parties for elective positions. In previous elections, nomination by the governing PDP almost meant automatic victory in the party's strongholds. However in the run up to the February 2015 elections, there is vigorous contest throughout the country with political parties campaigning with public resources at the federal and state level.<sup>5</sup> As was the case in previous elections, the political parties are using state resources under their control for electioneering purposes.

The adopted "first-past-the-post" Nigerian electoral system seem to encourage campaigns centered more on candidates than on parties with most campaign messages centered on personal attacks and character assassination. This practice, which contributes to the heightening of political tension, is especially noticeable in the presidential campaigns. Other campaign issues focus on security (especially in the northern states), socio-economic conditions and infrastructural development.

In the attempt to encourage violence-free elections by concerned national and international stakeholders, a declaration known as the 'Abuja Accord' was signed by 12 presidential candidates on 14 January 2015.<sup>6</sup> The candidates committed themselves to "run issue-based campaigns" and refrain from making statements with the capacity to incite any forms of violence throughout the elections. The candidates also pledged to speak out against electoral violence. Significantly, the Accord called on all government institutions, including INEC and security agencies to be impartial in the conduct of their activities, especially in the election period.

## 2. Potential Conflict Triggers

The exacerbation of the electoral campaign rhetoric at all levels appears to be heating up the polity. There are various indications of hate speech, inflammatory speech<sup>7</sup> and verbal provocation,<sup>8</sup> that are contributing to a tensed up campaign environment. There are also reports of efforts at intimidating some party supporters in Northern states and instances of violence, typified in attacks of party convoys and offices (detailed in the Security section). These acts of intimidation and violence, which have escalated tensions in some states, have been condemned by some party leaders.

While some observers have noted improvements of the electoral management and dispute resolution system since the 2011 elections, others have expressed a lack of confidence in the capacity and impartiality of state institutions involved in the process. These opposing views have the potential to undermine the credibility of these institutions and encourage extra-legal solutions.

The potential competitive nature of the 2015 presidential electoral contest has raised discussions on the probability of peaceful transfer of power from one political party to another at the federal

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<sup>5</sup> ECA state researcher reports from Abia, Anambra, Jigawa, Katsina, Niger, Oyo, and Taraba.

<sup>6</sup> UNDP. "2015 Nigeria General Elections: Presidential Candidates pledge peace, sign Accord". (14 January 2015). Online. <[http://www.ng.undp.org/content/nigeria/en/home/presscenter/articles/2015/01/14/2015-nigeria-general-elections-presidential-candidates-pledge-peace-sign-accord.html?cq\\_ck=1421836239012](http://www.ng.undp.org/content/nigeria/en/home/presscenter/articles/2015/01/14/2015-nigeria-general-elections-presidential-candidates-pledge-peace-sign-accord.html?cq_ck=1421836239012)>

<sup>7</sup> Allegedly, Kaduna's incumbent governor threatened a candidate and his supporters with violent actions; the governor rejects these accusations. See, Mohammed Lere. "Despite Audio Evidence, Yero Denies Threatening to Attack APC, El-Rufai" *Premium Times* (19 Jan 2015). Online. <<http://www.premiumtimesng.com/regional/nwest/175255-despite-audio-evidence-yero-denies-threatening-attack-apc-el-rufai.html>>.

<sup>8</sup> ECA state researcher reports from Abia, Kaduna, Cross River, and Kano.

level for the first time in Nigeria. This unprecedented possibility is creating some anxiety in the ranks of the ruling elites and a rather tense electoral environment.

### **3. Recommendations**

- a.** Implementation of the “Abuja Accord” by all political party levels at all levels, with special attention to statements and speeches by party leaders.
- b.** Respect for electoral rules and procedures
- c.** Adequate and effective training of all polling officials and party agents on electoral processes and procedures.
- d.** Recourse to constitutional and legal remedies for electoral dispute resolution and avoidance of extra-legal solutions.
- e.** Respect and promotion democratic norms and values for the consolidation of democracy.

### **C. Security Setting**

This section provides an overview of the current security preparations towards the elections and examines potential conflict triggers, with recommendations for addressing them. The key security issues as identified by stakeholders are campaign violence, performance of security forces, and Boko Haram activities.

#### **1. Instances of Campaign Violence**

Political party campaigns can be thus far described as generally peaceful although there were reported cases of violence in some states. For instance, in mid-January, APC at least two APC offices in Rivers were bombed and the party supporters were attacked in three LGAs.<sup>9</sup> Also in January, PDP's presidential campaign buses were set ablaze in Plateau<sup>10</sup> and Niger states and the convoy of its presidential candidate, President Jonathan attacked with stones in Katsina and Bauchi. There were various reported skirmishes between PDP and APC supporters in Akwa Ibom, Kaduna, Lagos, and Oyo<sup>11</sup>, among others. In the spirit of the "Abuja Accord", some party leaders condemned these attacks and encouraged their supporters to refrain from violence.

#### **2. Performance of Security Forces**

Even though security is expected to be provided at the campaign events of all the political parties, in some instances, security was hardly present, prompting some political parties and candidates to make arrangements for private security personnel in addition to any security forces present. The absence of security forces at campaign events may increase the risk of conflict between the supporters of opposing parties and candidates and serve to undermine the confidence of stakeholders and the electorate in the neutrality of the security forces.

To demonstrate police commitment to protect the mandate of the voters on Election Day, the Inspector General of Police (IGP) has reportedly assured that 300,000 and 60,000 personnel of the Nigerian Police and Nigeria Security and Civil Defence Corps (NSCDC) respectively would be deployed to secure all polling units. In addition, mobile security teams and rapid reaction forces, sniffer dogs from the US and military personnel are expected to assist in enhancing security, especially on Election Day.<sup>12</sup> Accordingly, INEC and security forces are coordinating Election Day security presence under the Interagency Consultative Committee on Election Security to create an enabling environment for voters. While only unarmed police will be allowed at the polling units,<sup>13</sup> military personnel will mount checkpoints at entry points of major towns in addition to other measures to secure the electoral process.

#### **3. Boko Haram Attacks**

Ongoing Boko Haram insurgent attacks continue to impact the security setting in the three Northeastern states. In early-January, the base of the International Joint Military Task Force (JTF) in Baga, Borno state was attacked,<sup>14</sup> with conflicting reports on the total number of casualties.

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<sup>9</sup> *The Nation*. "Missing Link in Abuja Accord" (17 Jan 2015): p. 8. Printed Edition.

<sup>10</sup> *Vanguard*. (12 Jan 2015): pp. 1 and 5. Printed Edition. One person was reportedly killed in the attack while seven others were hospitalized.

<sup>11</sup> *The Nation*. "Bad Start" (8 Jan 2015): p. 1. Printed Edition and *The Nation* (13 Jan 2015): p. 19.

<sup>12</sup> *Vanguard* (19 Jan 2015): p. 9. Printed Edition.

<sup>13</sup> *The Nation*. "INEC to Bar Soldiers from Polling Units" (17 Jan 2015). Online.  
<<http://thenationonlineng.net/new/inec-bar-soldiers-polling-units-2/>>.

<sup>14</sup> *The Nation*. "Boko Haram Seizes Military Base in Borno Town" (5 Jan 2015). Printed Edition. pp. 1 and 4.

While the military put the number of dead at 150, other sources put it as high as 2,000.<sup>15</sup> In late-January, there were two serious attacks on Maiduguri and Monguno,<sup>16</sup> demonstrating the continuing insecurity in Borno.

As a consequence of the persistent attacks, there are divergent perspectives on the need to hold elections in the Northeast by critical stakeholders. According to the Governor of Adamawa, the elections should be postponed till April 2015, as the security situation in the state remains unstable and holding elections in February would put voters at the risk of Boko Haram attack.<sup>17</sup> However, his counterpart in Borno reportedly declared that holding elections in the states of Adamawa, Borno, and Yobe is not a privilege but the constitutional right of the people.<sup>18</sup> The National Security Adviser to the President furthered the debate when he recently suggested that the elections should be rescheduled within the legal timeline.<sup>19</sup> These varying views indicate the significant challenges that the Boko Haram insurgency poses to holding the February general elections in the affected states.

#### **4. Recommendations**

- a.** Support to the ongoing training and orientation on electoral processes to all police and other security personnel to be deployed on Election Day.
- b.** Encourage security forces to adhere to the “Abuja Accord”, by maintaining professionalism and impartiality in the enforcement of relevant legal provisions on electoral offences.

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<sup>15</sup> *Vanguard* “Terrorism – Defence HQ puts Death-toll from Baga Attack at 150” (Jan 2015): p. 14. Printed Edition. Reference also to CNN and BBC news reports of the incident in early January 2015.

<sup>16</sup> *The New York Times*. “In Bold Push Forward, Islamist Militants Attack a Major Nigerian City” (25 Jan 2015). Online. <[http://www.nytimes.com/2015/01/26/world/africa/boko-haram-attacks-major-nigerian-city-in-a-sustained-assault.html?\\_r=0](http://www.nytimes.com/2015/01/26/world/africa/boko-haram-attacks-major-nigerian-city-in-a-sustained-assault.html?_r=0)>.

<sup>17</sup> *Vanguard* (21 Jan 2015): p. 52. Printed Edition.

<sup>18</sup> *The Nation*, (21 Jan 2015): p. 58. Printed Edition.

<sup>19</sup> BBC. ‘Focus on Africa’ programme and Channels Television News, 10pm, Thursday (22 Jan 2015).



## D. Constitutional and Legal Framework

Stakeholders' perceptions on the credibility of the electoral process may be affected by the capacity of the Judiciary to process electoral petitions efficiently and impartially. This section examines the possible impact on electoral preparations of delayed pre-election decisions of competent Courts and how previous experiences regarding the conduct of Election Tribunals may discourage reliance on post-election constitutional dispute resolution. While delayed Court decisions and the conduct of Election Tribunals are less likely to trigger significant conflict, the low stakeholder confidence in the ability of the Judiciary to resolve electoral disputes with impartiality may encourage alternative resolution actions that could include electoral violence.

### 1. Delayed Pre-Election Decisions by Competent Courts

**Potential Impact on Electoral Preparations.** Delays in pre-election Court decisions from either normal due process or other factors hold the potential to affect electoral preparations. Any late decisions regarding the legitimate nomination of candidates to represent a political party can impact the production of ballot papers by INEC. Court decisions after the elections may jeopardize the outcome and force fresh elections. As the INEC deadline for publishing the name of federal and state candidates passed on 13 and 27 January 2015, respectively,<sup>20</sup> when the judiciary was on industrial action, many of the cases arising from the party nomination processes would have to be resolved after the elections.

**Pending Pre-election Court Cases.** The Courts across the country were paralyzed from 2-25 January 2015 by a strike of the Judiciary Staff Union of Nigeria (JUSUN) over financial independence from executive allocation of judicial budgets.<sup>21</sup> Even though Court judges were instructed to dispose of election-related cases in December 2014,<sup>22</sup> the strike severely impacted the ability of the Courts to address pre-election matters.

Reports indicate that very few Court decisions were issued on cases filed following the political party primary period that ended in mid-December 2014. There is evidence to suggest that approximately 250 pending cases remain undecided across the country in the run-up to the February 2015 elections. For example, there are cases nationwide of questionable qualification of candidates, allegations of improper implementation of internal party procedures, accusations of imposed candidates by the party leadership, charges of name swapping, claims of multiple candidates from parallel party primaries and other possible violations and irregularities that could impact the candidacies for gubernatorial and national and state legislative races.<sup>23</sup>

Regardless of any legal remedy delays, as far as a Justice of the Court of Appeals, as well as a lawyer and Senior Advocate of Nigeria are concerned, the rule of law supersedes all other activities or authorities. Expedient decisions are generally preferred, as the conduct of fair hearings and issuance of proper decisions can reflect capacity and support confidence. Nevertheless, Court

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<sup>20</sup> *Independent National Electoral Commission (INEC)*. "Time Table and Schedule of Activities for General Elections 2015" (24 Jan 2014).

<sup>21</sup> *The Nigerian Observer*. "Judiciary Workers' Strike: FG/States/JUSUN Meeting Deadlocked" (21 Jan 2015). Online. <<http://www.nigerianobservernews.com/2015/01/21/judiciary-workers-strike-fgstatesjusun-meeting-deadlocked/>>.

<sup>22</sup> *Leadership*. "Judges Told To Dispose Of Primary Election Cases Before 2015 Elections" (18 Dec 2014). Online. <<http://leadership.ng/news/law/396173/judges-told-dispose-primary-election-cases-2015-elections>>.

<sup>23</sup> ECA state researchers reported more than a dozen pending Court cases in Katsina, Osun, Oyo, Taraba, Abia, Anambra, Enugu, Nasarawa, and Rivers, as of 19 January 2015.

orders are binding and overrule election results and must be implemented by the respective authorities.

The potential for delayed decisions from internal or external factors carries less risk of triggering overt electoral violence. Decisions involving candidate nominations, however, may hold the possibility of raising tensions between contestants and their respective supporters, especially if nominated candidates or even winners are required to forfeit their positions to the challenging aspirant. Regardless of when decisions are rendered, Court authority supersedes all other authorities, which may also contribute to less conflict as Court orders of highest jurisdiction are final.

## **2. Court of Appeals Conduct of Election Tribunals**

***Preparations for Conducting Election Tribunals.*** The Court of Appeals is currently preparing to establish the Election Tribunals 14 days prior to the federal elections as required by Section 133(3) (a) of the Electoral Act 2010 (as amended). Reliable sources indicate that two Tribunals consisting of a three-judge panel (two per state on the basis of one each for the federal and state elections, as required by law) have been identified after a rigorous internal performance assessment. The names are reportedly being withheld until the last minute to limit the potential for external attempts to influence the process. Procedural training on rules of procedure and electoral processes for the Tribunal judges and staff is planned for the week of 26 January 2015 with support from the International Foundation for Electoral Services (IFES), National Judicial Institute (NJI) and INEC.

With the end of JUSUN strike, the previous potential for delaying the Election Tribunals is no longer relevant. The actual conduct of the Tribunals has a higher potential to impact stakeholder confidence in the Judiciary and any challenged election results, depending on the perception of judicial behaviour when interpreting and enforcing the legal framework. Demonstrating professional and impartial due process and rendering decisions that appear in line with the constitutional and electoral laws are more likely to reassure stakeholders of the credibility of election results and capacity of the judicial institution.

***Potential Conflict Triggers.*** The actual conduct of the Tribunals is unlikely to trigger conflict as any tensions may diminish over the maximum period of approximately eight months provided by the constitutional timeline for resolving post-election petitions.<sup>24</sup> The conduct has more potential to influence stakeholder confidence—positive or negative—based on justifiable interpretation and enforcement of the legal framework.

Presently, the highest potential for post-election violence derives from stakeholder perception on the probable incapacity of the Judiciary to conduct impartial Tribunals. Representatives of APC and PDP have both expressed their concern about the impartiality of the Judiciary based on previous experience with the Court of Appeals and Election Tribunals. Following the signing of the “Abuja Accord” on 14 January 2015, APC presidential candidate Muhammadu Buhari stressed the importance of the judiciary in credible elections, noting his dissatisfaction with the conduct of the Tribunals in the last three elections. PDP has also expressed concerns about the impartiality of Tribunal judges in response to a decision to re-run an election for a State Assembly Seat in Edo state in March 2014.

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<sup>24</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), in Section 285(5)-(7).

Lack of stakeholder confidence in the Judiciary—despite internal efforts to address corruption allegations<sup>25</sup>—may influence aggrieved parties or candidates to seek alternative means for expressing frustration or dissatisfaction over INEC conduct or election results or both. If electoral dispute resolution through the constitutional framework is not trusted, then the potential for post-election violence increases as aggrieved contestants and participants may take their issues to the streets rather than the Judiciary. The use of violence as a possible leverage for forcing or influencing political outcomes erodes governing institutions and may encourage other stakeholders to consider violence rather than respect the legal framework. For the rule of law to prevail, those who operate within its structures must not only respect the provisions, but safeguard and support implementation and enforcement.

### **3. Recommendations**

- a. Respect the constitutional and legal framework for resolving electoral disputes to protect the rule of law and preserve democratic institutions.
- b. Strengthen and publicize Judiciary planning and preparations for fulfilling its constitutional mandate with professionalism and commitment to impartiality.

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<sup>25</sup> According to legal observers and stakeholders, efforts were taken by the Court of Appeals to conduct a post-2011 elections internal evaluation, professionalize judges with trainings and seminars, hold accountable those who may have been previously compromised, and select Election Tribunal judges based on internal profile assessments.

## **E. Human Rights and Social Actors**

Human rights relating to the potential disenfranchisement of IDPs and the prevalence of electoral violence and intimidation are covered in the Electoral and Political sections above, respectively. They remain a widely-expressed concern by a broad array of stakeholders in the pre-election period. Key electoral issues related to social actors include civic and voter education (CVE), election observation and the role of media.

### **1. Civic and Voter Education**

Various stakeholders conduct CVE, including government agencies, CSOs, and religious and traditional leaders.

INEC and the National Orientation Agency (NOA) are at the forefront of CVE by government entities. INEC has produced a number of media resources and materials for broadcasting and sensitization which are made freely available to CSOs to adapt and use in their own CVE efforts. NOA is conducting community-based activities in nearly all the 774 LGAs across the country. CSOs have already commenced with CVE activities and the breadth and frequency of their efforts will be scaled upwards in the weeks prior to the election. Traditional and religious leaders are also promoting electoral participation among their followers.

The primary topics covered by these CVE activities include the importance of collecting PVCs, non-violence, voter participation, and Election Day procedures. These messages are being delivered across the country via the media (TV, radio, social media) and through community-based activities.

### **2. Election Observation**

Election observation helps deter electoral malpractice and increases voter confidence in the process and results. Observation is currently being carried out by international observers and by domestic organizations. The electoral observers use a mix of long-term and short-term observers and will employ traditional, crowd-sourced, and statistical sampling observation techniques. The international observers include, among others, the European Union (EU), Economic Community of West African States (ECOWAS), the African Union (AU), and embassy delegations. The National Democratic Institute (NDI) and International Republican Institute (IRI) have also deployed a joint-election observation mission. According to INEC, over 80 local organizations have been accredited as domestic observers.

### **3. Media**

Two media-related issues particularly relevant to the electoral process are the need for political neutrality among public media outlets and the need for all media organisations to avoid messages capable of inciting or inflaming political, ethnic, or religious conflict.

As noted in prior ECA reports, many stakeholders perceive the media to be biased in favour of particular political parties or candidates. This perception is especially true with respect to public media. Although State media should remain neutral in its coverage and should provide equal access for campaign messages, reports indicate that some public media are presently favouring the governing party in their respective jurisdictions.

There have been few, if any, reports of media broadcasts inciting electoral conflict or violence. There have been some reports of incitements on the ground, but the media generally have only reported such instances and have not contributed to those disturbing trends. The “Abuja Accord”

— and the commitment of the signatory parties to avoid electoral violence—have been widely discussed in the media, which hopefully will help reduce the potential for electoral conflict.

#### **4. Recommendations**

- a.** CSOs should ensure timely implementation of CVE and coordinate their activities with INEC and NOA to ensure consistent, accurate information and avoidance of geographic duplication of efforts.
- b.** Observers should ensure their messages are timely distributed with the widest possible reach. The vital role that election observation can play of inspiring confidence in the electoral process and reducing post-election conflict is substantially undermined if the electorate remains unaware of the observer assessments of the credibility of the electoral process and the integrity of the announced results.