

# ELECTION MANDATE PROTECTION TOOLKIT



*Partners for Justice*

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## *Protecting the People's Mandate in Nigeria*

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- We work to promote racial and gender equality and help people and communities feel empowered to change their societies.
- We work through field offices, partnering with local human rights advocates to strengthen their effectiveness in combating abuses in their countries.
- We focus on developing the skills of local activists that are essential to addressing human rights concerns and promoting justice such as: documenting and exposing abuses; conducting community education and mobilization, advocating legal and policy reform in countries and internationally; and using the courts to increase access to justice for disadvantaged persons.
- We help local activists to engage with the international community, including the United Nations, to further their human rights objectives at home in Asia, Africa, Latin America, Europe, and the United States.

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## **1. PROTECTING YOUR MANDATE — CHANGING THE STORY OF ELECTIONS IN 2007**

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The purpose of this chapter is to introduce the Toolkit and the role of mandate protection activists. Doing the activity in this section will help you focus on the main challenges to previous elections and begin to think about ways to change the election story for the better in 2007.

### **1.1 HISTORY OF THE TOOLKIT**

In 2003 and 2005, Global Rights (GR) consulted stakeholders in all six of Nigeria's geo-political zones on voters' experiences before, during, and after the 2003 elections, focusing on how corrupt practices denied voters their electoral mandate.<sup>1</sup> Based on these consultations and a 2005 national conference, Global Rights chose a community in each of the six zones and commissioned in-depth research on the challenges to and possibilities for mandate protection in 2007 and has been supporting the activities of local networks developed as a result.<sup>2</sup>

This Election Mandate Protection Toolkit pulls together the strategies that the research and consultations suggested, so that civil society activists have another tool to use to organise their communities around elections and to restore people's faith that their votes do count. In June 2006, Global Rights held a workshop to get NGO activists' feedback on an early draft, and throughout August 2006, at zonal mandate protection workshops, GR distributed a more advanced draft and again solicited feedback. This printed version incorporates the views and experiences of many NGO leaders and politically active academics throughout Nigeria, as well as representatives of the police, the Independent National Electoral Commission (INEC), and the State Independent Electoral Commission (SIEC) who participated in the zonal workshops. All errors and omissions, however, are those of Global Rights alone.

### **1.2 OBJECTIVES OF THE TOOLKIT**

The specific objectives of the Toolkit are:

1. To summarise the roles of election stakeholders and the steps of the electoral process within the legal framework of the Electoral Act 2006;
2. To outline responses and strategies the electorate can use to protect their votes from fraudulent and corrupt electoral practices; and
3. To offer ideas for interacting with election management bodies, security forces, political parties, election observers, community leaders, and the media to air grievances and seek remedies for electoral fraud.

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Rather than offering definitive “answers”, the Toolkit is primarily meant to stimulate further strategising, so that activists can develop realistic and practical action plans for protecting their electoral mandates in their own communities.

The Toolkit does not deal with aspects of the electoral process that the electorate can no longer influence at this stage, such as the constitutional and legislative framework for elections, nor does it dwell on aspects of mandate protection in which other CSOs already specialize, such as accredited Election Day observation. A separate, companion Resource Guide lists useful documents and materials and contact information for human rights, democracy and governance organizations, INEC, SIECs, the police, courts, political parties, and the major media.

### **1.3 FRAMEWORK AND ORGANIZATION OF THE TOOLKIT**

The Election Mandate Protection Toolkit is divided into four chapters and an appendix. This first chapter introduces the Toolkit, defines what we mean by being a mandate protection activist, and offers an activity to help people begin to prioritise where and when to monitor during the election process. Chapter Two discusses each of the main stakeholders' roles and strategies for holding them accountable. Chapter Three covers each step in the electoral process, from delimitation of constituencies to acceptance of results and election petitions, and, again, offers strategies for protecting the people's mandate. Several sections in Chapters Two and Three begin with a story or example of past election experiences — the story we are working to change in 2007. Chapter Four concludes by summarizing the zone-specific problems and strategies suggested by participants in Global Rights electoral geography research. The appendix lists references.

Throughout the Toolkit, text boxes provide basic guidelines for carrying out some of the suggested tactics, such as writing complaint letters, and there are a number of suggested activities. Completing these will help you develop an action plan of strategic responses for protecting the people's mandate in your own community.

### **1.4 DEMOCRACY, ELECTIONS, AND MANDATE PROTECTION**

#### ***The Story of Past Nigerian Elections — What Needs to Change***

*“The conduct of elections in Nigeria has been beset by varying degrees of problems, ranging from uncertain legal and constitutional terrain through the outright manipulation of the electoral processes to the production of pre-determined results. This has led to a situation where electoral contests are seen as a do or die affair where contestants employ fair and foul means to win. Results declared in*

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*these situations are hardly acceptable to the opposition, and the country moves dangerously towards the precipice of confusion and anarchy after every round of elections.”<sup>3</sup>*

*From “Divining the People's Will” A Report of the 2004 Local Government Elections in Nigeria by the Transition Monitoring Group (TMG).*

Elections — meaning not only Election Day, but the entire electoral process — are milestones in any democratic process. Unfortunately, even after the inauguration of the new democratic regime in 1998–99, elections in Nigeria have been anything but free and fair. Instead, they have been characterised by large-scale organised fraud at all phases that robbed the people of their electoral mandate. The process leading to elections in 2007 is an opportunity to change that story. Nigeria may not reach the standard of “free and fair elections,” but if the majority of voters believe the elections were better, and the elections are more credible, it will be a significant achievement.

Below are the definitions of the fundamental concepts on which this Toolkit is based: democracy; free, fair, and credible elections; and, of course, mandate protection.

### **A. Democracy**

Democracy can be understood as a system of government that meets the following conditions:

1. Meaningful and extensive *competition* among individuals and organised groups (especially political parties) for all effective positions of government power, at regular intervals and excluding the use of force.
2. A highly inclusive level of *political participation* in the selection of leaders and policies, at least through regular and fair elections, in such a way that no major (adult) social group is excluded.
3. A level of *civil and political liberties* – freedom of expression, freedom of press, freedom to form and join organizations – sufficient to ensure the integrity of political competition and participation.<sup>4</sup>

Democracy is thus a political system of governance that, through a number of democratic institutions and procedures, secures its citizens a range of civil and political liberties and regularly allows them to participate and compete in free and fair elections. It is generally expected that candidates and political parties campaign on their views on and solutions to policy issues and that elected officials represent and are accountable to their constituencies.

### **B. Free, Fair, Credible Elections**

Democratic development is about institutionalising and legitimising rules that guarantee political participation and competition; ideally elections promote both participation and competition.

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- Freedom contrasts with coercion. In the context of elections, freedom is generally concerned with voters' opportunities to participate in elections without being restricted from taking part in any way.
- Fairness means impartiality. It involves unbiased application of election laws and regulations, as well as securing equal opportunities for individuals and groups. Free and fair elections can only really exist when the civil and political liberties, such as freedom of expression, access to alternative information, and associational autonomy, are respected.<sup>5</sup>
- Credibility means believability and trustworthiness. Credible elections are elections in which voters believe that their votes count and that the majority of people responsible for the electoral process have operated legitimately and within the legal electoral framework.

### **C. Mandate Protection**

"Election mandate" involves the relationship between the people's votes and the outcomes of an election; people's votes and their participation in the electoral process represent their giving consent to the candidates for whom they vote to govern on their behalf. In Nigeria, candidates who win a majority of votes are considered to have won the people's mandate to govern. The people's right to choose and reject representatives at the ballot box should be sacrosanct, and participating in an election is a fundamental right. However, it is also citizens' responsibility to engage in the electoral process, to stand up against malpractice, and to ensure that the elections in their country are meaningful.

To "protect the people's mandate" refers to the combination of mobilising and organising citizens to insist that election stakeholders operate within the law and monitoring, exposing, and challenging election fraud and abuse at every step in the electoral process. Effective mandate protection is not an individual effort or event; it too is a process, which demands ongoing communication among civil society and election management bodies, police, political parties, and the media to air grievances and seek remedies for electoral fraud. Its end result should be an electoral process that is broadly credible, so that people believe their votes counted and those elected to office truly do have the people's mandate to govern.

Forming mandate protection networks at the state or local government area level to combine the efforts of several organizations and incorporate community volunteers will not only provide activists relative safety in numbers, but will also improve your abilities to monitor as many aspects of the election process and as many polling stations as possible. Reporting your actions and observations at multiple levels will make your network's efforts far more effective than if you observe, but do not report, what you find, or if you report to only one organization or person. INEC, police, and other relevant authorities have the power to act on your reports and to deal with problems

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directly, but it is equally important that you report to local media and NGOs, as well as to Global Rights and other national and international NGOs that are organizing monitoring efforts. National and international organizations can help ensure that your experiences and concerns reach a broad audience, and they can pass on your stories to activists in other parts of the country, as well as to national and international media.

### **ACTIVITY 1: *Where and When to Be Watchful during 2007 Elections***



Given the history of elections in Nigeria, it seems reasonable to presume that some of the past electoral problems will also present themselves in 2007. Mandate protection activists will need to be watchful during all phases of the electoral process. By discussing past Nigerian elections, you will be able to identify the likely challenges to the 2007 elections and prioritise which stakeholders and election processes are most important for you to monitor in your area.

**Objectives:** To identify problems that voters in your community experienced during previous election processes and to determine the most important stakeholders and election processes to monitor during the upcoming 2007 elections.

**Method:** Discuss your experiences during past elections and the problems you, your organisation, and voters where you work are likely to experience during this election period. Try to be as specific as possible; for example, rather than listing “electoral violence” or “vote buying”, try to identify which groups or individuals might engage in electoral violence or vote buying in your community and whom they would target. Each group should write down its main points, mapping out the places, institutions, groups, and individuals that may create problems and noting at which point or points within the electoral process the problems are likely to occur. When you’re done, review your list and mark the points you think will be most important for your group to address in mandate protection.

**Output:** A list (or lists, if you break into small groups) of the specific kinds of electoral fraud that may happen in your area during the 2007 elections with the priority areas for mandate protection clearly identified.

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## **2. HOLDING ELECTIONS STAKEHOLDERS ACCOUNTABLE**

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This chapter discusses the stakeholders who have specific roles and responsibilities in the electoral process and suggests ideas for how voters can engage constructively with them to respond to problems with the process.

### **2.1 INEC AND SIECS**

#### **A. INEC**

The Independent National Electoral Commission (INEC) is the election management body in Nigeria that is responsible for administration and oversight of activities throughout the electoral process and conducting elections for national office.<sup>6</sup> According to Part I of the Third Schedule to the 1999 Constitution of the Federal Republic of Nigeria and the Electoral Act 2006, activities for which INEC is responsible include the following:

- Organizing, undertaking, and supervising all elections to the offices of the president and vice-president, the governor and deputy governor of a state, and to the membership of the Senate, the House of Representatives and the House of Assembly of each state of the federation;
- Delimitation of voting constituencies;
- Preparing, maintaining, and revising the registration of voters;
- Monitoring the organization and operation of all political parties and their campaigns, including their finances;
- Screening of candidates nominated by political parties;
- Conducting voter and civic education;
- Counting, recording, and announcing results;
- Prosecuting violations of the Electoral Act.

Established in accordance with Section 153(f) of the Constitution, the INEC is made up of a chair and 12 national commissioners, whom the President appoints. Though the National Assembly approves the budget for the INEC, the actual disbursements are also subject to decisions taken by the President.

This limited independence from the executive branch and the membership of INEC commissioners and high-level staff in political parties are structural threats to INEC's ability and motivation to administer elections in a non-partisan and fair manner. The professionalism, non-partisanship, and independence of state and local electoral commission staff have also been a concern, as many, especially the short-term, "ad hoc" staff, have had partisan agendas and have been hand-picked allies of political party activists, politicians, and high-ranking members of government. For the first time, however, the law empowers INEC to prosecute violations of the Electoral Act<sup>7</sup>, including violations committed by its own staff, and penalties for some offences are as high as a fine of N 200,000 or two years imprisonment or both.

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Inadequate training of staff has been the other major challenge to INEC's ability to administer the elections fairly and effectively. The manner in which INEC is funded and managed has led it to operate under extremely short time-frames, beginning the bulk of its preparations for elections less than a year before Election Day and leaving little time for training staff. In the past, it has been very common for even well-intentioned INEC staff to commit errors with both voter registration and administration on Election Day. For example, with voter registration, INEC staff often failed to require identification and did not keep adequate control over distribution of voters' cards, which allowed both underage, ineligible people to register and multiple registrations by some individuals. On Election Day, stressed, overwhelmed, and ill-trained INEC staff have failed to set up and open their polling stations on time, allowed or even asked party representatives to assist with vote counting, and denied properly accredited election observers from being present at all phases of the process. With a new Electoral Act governing the 2007 elections, both long-term INEC staff and ad hoc staff will need to learn new rules and procedures, and the challenges to proper election administration are even greater.

### **B. SIECS**

The State Independent Electoral Commissions (SIECs) are responsible for administering elections for local government area (LGA) councils, and they have autonomy over when they hold local elections. However, voters register only once, as part of the national process INEC administers, and INEC is responsible for delimiting voting districts at all levels. SIECs thus are dependent on INEC for completing these first steps to holding elections with up-to-date voter lists and fairly delimited constituencies.

**PROTECTING YOUR MANDATE:** Though INEC faces numerous constraints, and its past history of conducting elections has been flawed, it is important to understand that INEC's credibility depends on the conduct of free and fair elections. Rather than criticising INEC aggressively – even if some of its staff make clear mistakes – try to engage constructively with the Commission staff in your area. Let INEC staff know that you expect them to carry out their responsibilities honestly and effectively. Creating public demand for responsive government is an important part of the mandate protection pressure needed both to force INEC to improve and to force the rest of government to give the Commission the resources and independence it needs.

Use INEC as an information source. INEC and its Electoral Training Institutes are represented in all states. You may be able to get voter education material and other election-related material from the Institutes, and if you have questions regarding the Electoral Act, INEC lawyers should be able to help clarify them for you.

Make advocacy visits. Paying advocacy visits to INEC at the state level and inviting them to participate in all of your events will help you develop both personal and organizational relationships with INEC staff, building mutual trust and confidence and ensuring that lines of communication about each group's concerns and constraints are clear.

Report electoral malpractice to INEC. Although some INEC staff deliberately engage in misconduct, others make mistakes unknowingly, and still others would attempt to correct problems if they had adequate backup and pressure from civil society. These individuals can be allies, and reporting and documenting electoral malpractice, both to INEC representatives in your area and at the national level, will help ensure that your reports get to them. This is especially important now that INEC has prosecutorial power and responsibility for investigating, charging, and pursuing cases of Electoral Act violations.

Report to the media and national and international NGOs. Reporting to the media and to national and international NGOs like Global Rights, in addition to reporting to INEC directly, will make it more likely that other mandate protection networks around the country will be able to learn about and build on your mandate protection strategies and that that average voters will hear about them and develop increased confidence in the possibility of credible elections.

Contact details for INEC offices and major media outlets are listed in the Resource Guide.

## **2.2 SECURITY FORCES**

*In 2003, in Imo state, the police assigned only one police officer to cover four polling stations. He was left alone to contend with thugs shooting and snatching ballot boxes in two of the centres and was helpless to stop them.<sup>8</sup>*

It is the responsibility of the police to protect the election process by keeping the peace on a daily basis, including on Election Day, when they should play a critical role in protecting the integrity of the voting and counting procedures. Although many police officers have done their best during elections to protect polling centres and to deal with thugs and violence around them, lopsided distribution of police personnel and other resources resulted in situations where polling stations in certain areas had too many police, while others had inadequate protection or, in some cases, none at all. This uneven distribution may have contributed to the inability of security agents to prevent the outbreak of violence and killing that took place in some states during past elections. Inadequate transportation, communication devices, and safety gear have also hampered the ability of police to be effective and put them at risk of falling victim to election violence themselves.

At the same time, some police have either ignored or participated actively in election abuses, such as harassment and intimidation of voters and election officials and taking bribes from politicians wishing to stuff ballot boxes. During the pre-election phase, police may also be complicit in election law violations by deliberately failing to protect candidates, journalists, and CSO activists from violence and by failing to investigate election-related crimes when they do happen. Given this history of complicity in electoral fraud and violence, rather than instilling confidence in voters at polling

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stations, heavy police presence may intimidate voters to the point that they either stay away from polls or fail to vote according to their consciences in favour of voting for the candidate they believe the police are supporting.

In a civilian democracy, the police are the only security force that has a specific role in the elections; the armed forces and the intelligence service, for example have no legal role and should not be overtly active in election-related activities. If the President were to call in the army to quell electoral violence, for example, it would be a sign either that violence had gotten completely out of control or that the ruling party was simply looking for an excuse to mobilize the army for its own purposes, which would intimidate voters, candidates, and CSO activists alike.

**PROTECTING YOUR MANDATE:** The police will lose credibility if the elections are marred by violence, and political conflict threatens the safety of police as well as candidates and activists, so the leadership of the police force in each state should have some interest in correcting problems and preventing violence when possible.

Build direct relationships with police. As with INEC, engaging directly and respectfully with the police is one of the best mandate protection strategies you can use. Invite police representatives to all of your events and activities to keep open lines of communication and to build relationships. Having direct relationships will make it easier to know whom you can trust when there are problems.

Report election-related crime at all levels. If you do experience or have knowledge of election-related crime, or if you experience problems with police at any stage during the electoral process, report it to the highest level of police in your area, to your personal contacts within the police force, to the media, and to NGOs operating at a national level, as well as to INEC representatives in your area. Follow-up with a letter and an advocacy visit, and keep following up until you obtain a response, which you should also report to media and national NGOs. If the police respond effectively or if they at least indicate a willingness to take steps to deal with the abuse, publicizing that will build public confidence in them and possibly begin to deter further violence. If they do not respond appropriately, then publicizing that will help pressure them to rethink and take additional steps.

Educate the public about the role of the police. Work within the communities where your organization is active to educate the public about the police's role during the election process and to sensitise them to the police's willingness to intervene, so that more people feel confident reporting electoral abuses.

Encourage the police to open lines of communication with communities. Encourage the police to set up hotlines that people can use to report violence and electoral abuses, and encourage their leadership to hold community briefings periodically to report on the security situation regarding electoral violence and the actions the police are taking.

### **Tips for Writing Effective Letters of Complaint**

1. Be brief. Short, direct letters are the most effective.
2. Be accurate. Make sure that the information you give is correct.
3. Be specific. Deal with just one subject or issue in your letter and state your topic clearly in the first paragraph.
4. Be personal. Letters are effective when they reflect your personal experiences and views in your own words. Form letters do not carry as much weight as one you have written yourself.
5. Gain safety and strength in numbers. Organize as many individuals and organizations as you can to sign your letter. This will make it more difficult to retaliate against you, and it makes it more difficult to dismiss your concerns as "just a few people's issues."
6. Give your name and address. Including your contact information enables officials to respond to your concerns.
7. Be persistent. Write as much as you need to until you receive an acknowledgement and an acceptable response.

## **2.3 ELECTION TRIBUNALS**

Election tribunals, which are formed specifically to handle candidates' and parties' election-related complaints and disputes, are another important part of election administration. Their legal basis is provided by Part 3, Chapter 7, Section 285 of the 1999 Constitution of the Federal Republic of Nigeria, and it creates

- National Assembly Elections Tribunals, which determine if candidates have been validly elected to the National Assembly, if an office holder's term has ended, or if there is a seat vacant in the Senate or House of Representatives and
- Governorship and Legislative Houses Elections Tribunals, which determine if candidates have been validly elected to the office of governor or deputy governor or as a member of the state legislative houses.<sup>9</sup>

Petitions related to the offices of the presidency and vice presidency are not covered in the Constitution, and are handled by the Court of Appeal, also referred to as a tribunal when dealing with election petitions<sup>10</sup>. The Act also provides that Area Council Election Tribunals and Area Council Election Appeal Tribunals shall hear petitions related to the offices of chairs, vice-chairs, and councillors of area councils.<sup>11</sup> Challenges to the decisions of the election tribunals are heard by the various divisions of the Court of Appeals around Nigeria, and they are the final arbiters.

Members of the election tribunals are appointed from among serving judges by the President of the Court of Appeal, who is expected to post members to handle election cases in states other than where they ordinarily perform their judicial duties.<sup>12</sup> The

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Electoral Act 2006 requires that election tribunals be constituted no later than 14 days before the election<sup>13</sup>, and petitioners have 30 days from the date INEC declares the result of the election to file their complaints.<sup>14</sup>

Only candidates who have contested elections or their parties, on behalf of candidates, have standing to file complaints before election tribunals; individual voters and NGOs do not have standing, so they must work with candidates and parties to move cases. Candidates and political parties may file petitions on the following four grounds:

1. That the person whose election is questioned was, at the time of the election, not qualified to contest the election;
2. That the election was invalid by reason of corrupt practices or non-compliance with the Electoral Act 2006;
3. That the person elected was not elected by majority of lawful votes; or
4. That the petitioner was validly nominated, but was unlawfully excluded from the elections.<sup>15</sup>

Ideally, election tribunals should handle cases in an expeditious and impartial manner, however neither the Constitution nor the Electoral Act 2006 provide a time limit within which cases must be decided. Unfortunately, the majority of candidates who filed election petitions after past elections waited months and years for their cases to be resolved, or the tribunals threw out their cases on technical grounds, which has led many people and candidates to believe that tribunals are ineffective at creating substantial justice.

### **PROTECTING YOUR MANDATE:**

Monitor the tribunals' proceedings and encourage media coverage. Advocate that the proceedings should be open to the public and then organize members of your organization to monitor the process for candidates in your state. Knowing that there is public scrutiny may pressure the judges to work more honestly, effectively, and expeditiously. They may be less likely to throw out cases on technicalities, for example. Media coverage will ensure people that people don't need to be physically present to know what's happening, and it will help the public understand the process better.

Report evidence of judicial bias to the National Judiciary Council (NJC) and the president of the Court of Appeal. The National Judiciary Council is the federal body that recommends the appointment and removal of top judicial personnel. Although it is not common, the NJC has recommended that members of election tribunals be removed from office after complaints that they took bribes.<sup>16</sup> As a way of holding the President of the Court of Appeals accountable for the appointment of the tribunal members, you could also report evidence of bias to that office, with copies to media outlets.

## 2.4 POLITICAL PARTIES

*During the 2003 elections, the Transition Monitoring Group interviewed many electoral officials in Orlu, Orsu and Ideator, in Imo State, who confirmed that party operatives paid them to deliver pre-determined results in favour of their candidates.<sup>17</sup>*

*In Gwale Local Government Area of Kano State, Wada Musa, a PDP candidate for the post of Vice-Chairman, used party thugs to harass official observers and told them to vacate the polling stations. Based on observers' reports, he was subsequently arrested by security agents.<sup>18</sup>*

*In another case, cited by Gender and Development Action (GADA), "women who were members of the PDP (Peoples Democratic Party) were called by the party chairman and national women leaders to review their petitions [to their party leadership], but it seemed the party used that strategy to douse the outcry of the marginalization by contestants. Nothing came out of the intervention and up until now, no woman has received feedback on the true status of petition." A member who was interested in running for a seat in the House of Representatives was quoted saying. . . . "I was blackmailed, harassed and intimidated through frequent attacks and threat to my life. This was all it took to abandon PDP for good. The election was a nightmare, election materials were diverted, and thugs with machetes surrounded me and ordered me to leave or I shall be levelled (killed)."<sup>19</sup>*

Political parties are crucial for democratic elections, as they are the organizations that put forth candidates. Ideally, parties should have clear ideologies and issue-based platforms that outline their values and plans for governance if their candidates win election. They should also assist in ensuring free, fair, and credible elections by informing voters of their electoral rights and responsibilities and monitoring the voting process to ensure its appropriate conduct. In Nigeria, however, most political parties have made few efforts either to conduct civic or voter education or to inform the citizens about their party manifestos and intended programmes if elected. In 2003, only a few political parties presented serious political programmes, and, instead, most used their campaigns for personal attacks against their opponents.

Political parties have also played a predominant role in intimidating voters and committing election fraud. For example, parties that were dominant in certain areas simply overwhelmed the voting process by assigning up to five polling agents to a single polling station, creating a climate of fear and intimidation among voters and making it impossible for them to thumb-print their ballots unobserved by party operatives. Many party activists and candidates also resorted to vote buying and other kinds of violations of election law, ensuring their candidates gained office by any means necessary, legal or not.

## **PROTECTING YOUR MANDATE:**

Assess Party Manifestos and Statements. Get to know the history of the political parties and their candidates. Ask them about their programmes and manifestos, and try to find out what they plan to do for Nigeria if elected; confront them with policy issues that are relevant to you. Mandate protection activists should assess political parties or candidates on the basis of their positions on issues that affect their lives and well-being.

- Ask their positions or statements on health, education, housing, potable drinking water, electricity, security of lives and property, fighting corruption, etc.
- Does the party encourage women to run for office? What provisions does it make to allow women to rise to leadership positions?
- Assess whether the campaign promises are realizable or just vote-catching gimmicks.
- Decide if the statements of a party or candidate are inflammatory and meant to divide, rather than unite people.

After these assessments, it should be possible for you to make informed choices in favour of candidates who would engage in good governance in their respective communities if they were to be elected.

Monitor Political Party Primaries. Primaries are the meetings at which parties nominate and choose the candidates who will officially represent the party in the election. In the past, in some cases, candidates officially nominated by their parties have later not been the people to appear on the ballots, and in other cases, candidates nominated and elected have later been displaced by their parties in favour of other candidates who did not win the party nominations or appear on the ballot. This lack of political parties' observance of their own internal rules undermines the entire democratic process. By monitoring party conventions and primaries, you can monitor their adherence to internal party rules, track whom they nominate officially, and report to INEC and the media if the nominated candidates are not those who appear on the official INEC list of candidates who will be on the ballot. According to the Electoral Act 2006, all political parties shall submit to INEC the names of candidates it proposes to sponsor for elections 120 days before Election Day.<sup>20</sup> INEC shall then publish the particulars submitted by candidates and political parties in the constituency where the candidate intends to contest elections, and any person who believes the candidate gave false information can go to court to seek a declaration that the candidate should be disqualified from contesting the elections.<sup>21</sup> Furthermore, parties cannot legally switch candidates after a certain time limit; according to the Electoral Act, any party that wishes to change its candidate list must do so no later than 60 days before the elections and must give cogent and verifiable reasons for doing so.<sup>22</sup>

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If you are a member of a political party, the party primaries are the final opportunity to advocate for inclusion of more women on candidate lists.

Contact details for political parties are listed in the Resource Guide.

### **2.5 ELECTION OBSERVERS**

*During the 2003 elections, two women assigned as Transition Monitoring Group (TMG) observers to a polling centre in a state in the North-West Zone arrived at their assigned centre in the morning, only to have the INEC staff refuse them entry. One of the observers felt intimidated and discouraged and wanted to leave, but the other, a lawyer, insisted that they had a legal right to observe as they were properly accredited, and after some time, the INEC staff relented and let them in. Due to the observers' presence, the INEC staff was very careful and did everything correctly. Later, after the polls closed, when one of the ballot boxes was stolen, the INEC officials and several observers were able to find it and return it, because they had developed a mutual understanding of what to do in the event of problems and how to cooperate.<sup>23</sup>*

Positive reports from domestic and international election observers give the electoral process credibility, and their reports of election law violations hold the government accountable for redressing them. Domestic observers, in particular, can create awareness about election malpractice and bring such issues to the attention of authorities so that these problems can be corrected, even during the election process itself.

Unfortunately, in the past, observers, like police, have been unevenly assigned to polling centres, with some polling centres having several observers and some, especially those in rural or difficult to access areas, having none. In many cases, as in the story above, INEC officials are poorly educated about observers' roles or simply don't want scrutiny and refuse observers their legal rights to observe every part of the voting process, including ballot counting. Poor logistical support and police and community protection can also leave observers vulnerable to violence and intimidation.

#### **PROTECTING YOUR MANDATE:**

Become an accredited election observer. You may want to become an official election observer, which would require that you receive appropriate training and get accredited as an observer by the INEC. Establishing observer groups and networks within your LGA or state will help you uncover systemic problems and can help spread information about effective interventions for common problems. The Transition Monitoring Group (TMG) and the National Democratic Institute (NDI) are two groups that you can contact for more information about how to

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become an accredited election observer. Their contact details are listed in the Resource Guide.

Share information with election observers. You are not competing with election observers, and they have the right to observe parts of the election process that other people do not; sharing information will help you find out about what happens inside the polling stations before and after you've voted, and you may be able to provide observers with background information that will help put their observations into context.

Encourage election observer groups to hold community dialogues prior to Election Day. Many voters and community and religious leaders do not fully that observers are supposed to be unbiased, non-partisan stakeholders in the voting process. By holding community dialogues prior to Election Day and educating the public about elections observers' legal status, roles, and the influence their reports can have, observers can increase communities' trust and the chances that voters will point out irregularities to them. They can also increase the chances that community leaders will organize to protect observers from potential violence and harassment.

### **2.6 COMMUNITY LEADERS**

*At a roundtable held in 2005 on community-based approaches to protecting the people's mandate in the Akamkpa Centre, in Cross River State, a traditional leader deplored "the action of government in foisting candidates on the community and ... denying the community quality leadership and the consequent loss of legitimacy on the part of the leaders so selected".*

*Another community leader, from the central senatorial district, maintained that, in the 2003 election process, "poverty was the strongest factor in the complicity of the people to carry out electoral offences that hurt the interests of their communities, as the downturn in the economy makes the youth ready hands for anybody who is willing to hire them." He believes that "a system of economic empowerment ... will help to redress the propensity of the youth to engage in electoral violence."*

*At the Ikom Centre, a community leader at the meeting argued that "the whole problem of rigging starts at the top; that is, the government and its surrogates — the electoral workers — are the most culpable in this vice." The pragmatic solution, he argued, would be to start purging at the top, before coming to the base, taking a more systematic approach to targeting government and institutional conspiracy as the primary source of the nagging problem of electoral crimes.<sup>24</sup>*

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Community leaders, such as religious leaders, traditional rulers, and high-profile civil society activists, have a strong influence on other members of the community and play a crucial role in any community's major developments. They are therefore also important stakeholders during elections. They can also play a role as gatekeepers to other stakeholders, as they are often the link between top government officials and political leaders on the one side and the electorate on the other.

It is important to be aware, however, that although community leaders can influence the electoral process in a positive manner, they may also have their own agenda that can impact the elections negatively. For instance, a community leader may support one political candidate to the extent that he is willing to use his position to rig the elections in favour of that candidate.

### **PROTECTING YOUR MANDATE:**

Build relationships. If community leaders in your area have been active in speaking up and organizing for democracy and credible elections, make sure to build or maintain your relationship with them. They can assist you with educating and mobilising community members and helping to organize community forums and other meetings. Community leaders may also be able to assist you when you need to contact government officials, security forces, and political parties.

Hold advocacy meetings. If you suspect community leaders are part of the problem, consider holding advocacy meetings with them to let them know that their leadership depends on people's trust and respect, and you hope you can work together to avoid having elections in their communities that have pre-determined results. Without directly accusing them of any malpractice, put them on notice that the election story in 2007 will be different and that people are watching their behaviour very closely, looking to them for leadership in support of credible elections.

## **2.7 MARGINALISED AND VULNERABLE GROUPS**

*In 2003, women of Unwana — Afikpo, Ebonyi State, South East Nigeria came out en masse to vote for a woman candidate of their choice, insisting on waiting for the counting and declaration of results at each polling centre, and escorting the ballot boxes to the collation centre to ensure their candidate was legitimately declared the winner. However, elections fraudsters had other ideas and altered the results at the collation centre. As the women of Unwana — Afikpo gathered to protest the rigging, under the guise of maintaining law and order, the fraudsters called the police to suppress the women. Instead of listening to the women's genuine concerns, the police approached the matter from a purely security perspective; tension rose and the police responded by brutalizing the women protesters.*

*Having stood their ground without support from other community groups or from NGO partners, the women were bitter, but they resolved to turn the setback into an opportunity. A micro-credit scheme created an avenue for them to continue strategizing, and they are now on the march again toward credible elections in 2007. They have initiated consultations with other stakeholders from their immediate community and other neighbouring communities, with a view to building a broad democratic alliance that can help checkmate election fraudsters in 2007. They have approached the police authorities to revisit the 2003 incident and urge them to re-orientate their personnel for policing in a non-violent way that supports people's rights to demonstrate peaceably and to demand their electoral rights. The women have equally opened lines of discussions with the State Governor on the obstacles to the 2007 elections in Ebonyi State and are putting themselves on record that they will protect their mandates in 2007.<sup>25</sup>*

Groups that are marginalised and vulnerable to exploitation during day-to-day life in Nigeria are also generally at a disadvantage in exercising their electoral rights. These groups include women, youth, ethnic minority groups, and physically challenged people. While women's experiences as voters and access to the polls varies within the country, their attempts to join political parties, win positions of leadership, and run for office are uniformly difficult. Women who manage to gather enough funds to run for office without the support of godfathers and party machinery are called names, threatened, and cheated out of their candidacies, as the story in Section 2.4 on political parties attests. Young men, facing disproportionately high levels of unemployment and education costs that are out of reach for most, are extremely vulnerable to being recruited by candidates as thugs to intimidate and assault opponents and voters, steal

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ballot boxes, and otherwise rig the elections. Ethnic minority groups, likely to have been strategically undercounted during the census, are also likely to be disenfranchised by delimitation of electoral wards that dilute their populations, making it more difficult for them to elect candidates of their choice. Physically challenged people are likely not to be able to vote at all, as polling stations are unlikely to be easily accessible to people without full mobility, and if they do make it into the polling stations, they are far more vulnerable to unwanted “assistance” by party operatives pressuring them to vote for the dominant candidate.

**PROTECTING YOUR MANDATE:** Working with these groups will help ensure that you pay attention to important aspects in the electoral process such as access to polling stations for physically challenged people and the importance of gender balance in party primaries. You may not only increase the number of mandate protection activists in your area, you may also discourage them from getting involved in the electoral process in a negative manner. For example, organizing young men to participate in your activities and helping them to understand the use and dump tactics that unscrupulous politicians have used in the past may convince them to reject jobs as thugs during the electoral process.

## **2.8 MEDIA**

The Nigerian Constitution guarantees freedom of the press as a fundamental right. Ideally, the role of the media during the electoral process should be

- To ensure equal access to and coverage of all competing political parties' candidates;
- To present accurate information on parties' programmes and campaigns;
- To provide fair and informative reporting on the election process and the elections law; and
- To educate and enlighten the citizens about their rights and responsibilities in elections.

The existence of independent media has had the effect of challenging the domination of the state-owned media and the governing party's control of it, making attainment of the above ideals more of a reality. However, the large number of political parties and candidates in the various elections have created a legitimate logistical challenge for the media to allocate time “equally among the political parties at similar hours of the day”, so that each of them can explain their programmes and policies to the electorate. Poor financing of private media compared to state media also makes it

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challenging for private media to provide the broad, in-depth coverage of elections they would prefer. In addition, journalists are also vulnerable to the same violence and threats that the electorate and some candidates face, especially when they try to expose election law violations.

Regardless of the situation, however, it is generally recognised that neither the state-owned public media nor the private media are sufficiently accountable to the electorate and that they often resort to biased and sensational reporting. There has been huge imbalance between the coverage received by some political parties and candidates, both in terms of the amount of the coverage and the quality of coverage. While this lopsidedness was most apparent in the federal government-owned media, there were also manifestations of it in some of the private media.

**PROTECTING YOUR MANDATE:** Communicating with journalists and editors, both those working locally and those working for national media, is absolutely critical to your efforts as a mandate protection activist.

Seek publicity for your efforts and findings. The media can publicize your activities and findings, which will increase voters' confidence that people are working to make sure their votes do count this time and may also draw more people to join your efforts. Publicity about your reports of election law violations will also help ensure that they don't get lost or buried by the election officials or police to whom you have reported, and it will increase the chances that people within the responsible stakeholder institution feel pressured enough to address the problems you highlight.

Report at multiple levels and in creative ways. Reporting your observations at multiple levels, both to local media and to national newspapers and radio and television stations, will increase the chances your story gets covered. In addition to simply sending copies of your reports to journalists and communicating directly with them, you can participate in radio call-in shows and write letters to the editor.

Invite journalists to your activities. Having journalists at your activities helps them stay aware of what you're doing and increases the chance that they will become allies in strategising.

### **How to Write a Letter to the Editor**

1. Localise your letter by explaining how the specific issue affected you or people in your community.
2. Keep your letter short and to the point.
3. Stick to a single subject. Deal with one issue per letter.

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4. Your letter should be logically organised. Present the most important message in the first paragraph and then elaborate on your statement and present evidence.
5. Use facts, figures, and expert testimony whenever possible.
6. Don't be shrill or abusive. Editors tend to discard letters containing personal attacks.
7. Proofread your letter carefully for errors in spelling, punctuation, and grammar. Editors are likely to select well-written and grammatically correct letters. Make it easy to publish yours.
8. Include your name, address, phone number, and email, if you have one. Editors like to call to confirm that the letter was actually written by the person whose name appears on the letter.
9. Most important — WRITE! Writing a perfect letter isn't as important as giving your best effort and sending something. Don't be discouraged if your letter is not published; it may encourage the newspaper to investigate further, and they may publish your next letter.

### **ACTIVITY 2: Holding Elections Stakeholders Accountable**



#### **Objectives:**

1. To solidify your knowledge of the various stakeholders' roles in the electoral process and
2. To develop strategies to keep open lines of communication and to hold stakeholders' accountable for preventing and correcting

violations of election law.

**Method:** Concentrate on the stakeholders where you live and the specific issues you might need to take into consideration working with them. If possible, name specific individuals or positions within institutions, such as "Assistant Police Commissioner". Your advocacy targets will always be individuals and not institutions as a whole, since only individuals can change the organizations where they work; organizations do not change on their own!

**Outputs:** A table listing all stakeholders' roles in the election and strategies your group will use to hold them accountable.

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## **3. REMAINING VIGILANT DURING THE ELECTION PROCESS**

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### **3.1 PRE-ELECTION PHASE**

Identifying and checkmating problems during the pre-election phase is absolutely critical to the conduct of free and fair elections. If voter registration, for example, fails to include young people who came of age since the last voter registration, then no matter how cleanly INEC staff conduct Election Day, those potential voters' disenfranchisement will discredit the elections.

#### **A. Delimitation of Constituencies**

INEC is responsible for the delimitation of constituencies, which is the process of deciding how many and which people will vote at each polling station and the geographic boundaries of the districts that each political office holder will represent. It should ensure that each constituency contains approximately the same number of eligible voters by taking into account considerations such as population density, ease of transport and communication within the area, the financial viability of administering the area under consideration, the administrative capacity within the proposed area, and the balance of ethnic, religious, and other identity group interests. It is important to recognise that the delimitation process is a technical exercise that can be used to achieve political goals. It is therefore crucial that the process be guided by transparent, well-publicized criteria.

Although many people did not consider the electoral wards and constituencies used for the conduct of the 1998–99, 2003, and 2004 elections in Nigeria fair or equitable, INEC will not have the time or resources to redraw them for the 2007 elections. Redrawing constituencies for future elections will require both that the census carried out in March 2006 is finalised and accepted and that INEC allows itself adequate time to complete the process. At a minimum, it will be important for civil society to advocate for accurate balancing of constituencies within and among states, so that each state has the appropriate number of districts to represent its projected population.<sup>26</sup>

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#### **PROTECTING YOUR MANDATE:**

Know your constituency. Although you can't change the constituencies in this election process, it is still very important to know the number of eligible voters in your constituency, its geographic boundaries, and the number and location of polling stations within it. At a very basic level, if

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there are only, for example, 2,000 people in your constituency, then it would be impossible to claim 2,500 votes from the same constituency.

Know how many men and women are eligible to vote. The first step in monitoring gender equality in the voting process is to know how many men and how many women are eligible to vote in your constituency. Then, you can see if equal proportions of those eligible men and women actually register and, of those, how many vote. If, for example, 50% of eligible women and 50% of eligible men register, but then only 50% of registered women vote and 90% of registered men vote, then it is likely that, in that constituency, there are no particular barriers to women registering, but there is something keeping them away from the polls that does not affect men the same way.

### **B. Voter Registration**

*In 2003, more than 6 million entries were deleted from the voters' register. The TMG Report on Registration of Voters 2002 provides a snapshot of the different problems with voter registration in communities all over Nigeria.*

*In Khana and Owelga Local Government Councils of Rivers State, no registration took place for two days, due to shortage of registration materials. All the units and wards in Ogoni and Bori land also experienced acute shortages of voter registration materials.<sup>27</sup>*

*Observers from Otukpo, Okpokwu, Vandikya and Oju Local Government Areas of Benue State, the Federal Capital Territory, and Enugu State reported that the few existing centres were located far apart, thus causing enormous strains on the voter registration officials and crowds at each centre.<sup>28</sup>*

*In most of the centres in Kaduna State, there were only two official INEC registration officials, and most resorted to using party agents and TMG observers to assist them in the registration process. Communities like Rigasa, in Igabi Local Government of Kaduna, nominated youths to assist the registration officials.<sup>29</sup>*

*Under-aged registration was rampant in Kebbi State and in the Nassarawa Ward of Birnin Kebbi and Fada Kokani Goriba Ward of Tega Local Government Area.<sup>30</sup>*

*In Anambra State, in Ward 018 of the Nnewi Local Government Area, there were reported cases of INEC officials hoarding and selling voter registration forms. In Onitsha North Ward 4, INEC*

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*officials were reported to have sold cards to politicians. In Amuro, Okigwe in Imo State, some politicians colluded with INEC officials to remove some registration forms from a presiding officer so they could register their preferred voters in another location. Cases of hoarding and selling/buying of voters' cards were also reported in other states, such Kwara State, Edo State, Rivers State, and the Federal Capital Territory.<sup>31</sup>*

*In the Federal Capital Territory, observers reported high levels of violence between party agents and INEC officials. At Barangoni registration centre in Bwari area, violence broke out between the police and commercial motorcyclists, which disrupted voter registration.<sup>32</sup>*

The purpose of voter registration is to accredit those persons who are eligible to vote on Election Day. INEC is responsible for undertaking voter registration and compiling a national voters' roll, and according to the Election Act 2006, it must complete the registration, updating, and revision of the national register of votes no later than 120 days before the elections.<sup>33</sup> It should also publicly display the voters' list for each constituency for a period of five to fourteen days after it's completed, so that it can be confirmed or disputed, and voters can ensure their names are on it.<sup>34</sup> If the transparency and legitimacy of the voter registration process is disputed, and problems are not corrected, it undermines the legitimacy of the subsequent election process; consequently, voter registration is one of the most critical election exercises, both for INEC and the electorate in general.

Conflicts associated with the voter registration process include lack of adequate time to register all eligible and willing voters and insufficient time for voters to inspect the voters' roll and register their objections. The voter registration process has also generally been marred by various forms and degrees of fraud, ranging from one person registering more than once, underage people registering, candidates and parties buying up voters' cards to distribute to their loyalists for illegal voting, and intimidating supporters of minority parties so they don't register.

### **PROTECTING YOUR MANDATE:**

Monitor registration in as many centres as possible. Working in a group will allow you to cover registration at every centre, in every ward.

Collect as much detail as possible. Correct, detailed information will form a solid basis for challenging any irregularities. One practical way for you to monitor the registration process would be to track a few individuals, both eligible and ineligible voters, who apply to register.

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- Check to see if registration staff allow the ineligible voters to register. If possible, note the names of both the staff people and the underage or otherwise ineligible voters who register.
- Do registration officials ask for identification of any kind before they register people?
- Do they record people's correct name and residence?
- Do they take photos for the voter cards?
- Do the INEC staff turn away any of the eligible people you are tracking for any reason? Why?
- Was the waiting time for registration reasonable, or was it so long that people gave up and walked away?
- Were there any people other than official INEC staff carrying out registration? If so, whom?
- Was security adequate or were thugs hanging around intimidating people from registering? Was there a pattern to who was being turned away or threatened?

Count the number of women and men registered each day at each centre. This will allow you to compare your own official count with the final number of people listed on the voters' register to make sure there are no discrepancies. Significant differences would indicate the possibility of fraud. Tracking the numbers of men and women who register will also allow you to document possible gender differences in the men's and women's registration versus their eligibility and eventual voting.

Check the official Register of Voters and report problems to INEC. Make sure that you know when the Register of Voters is due to be published, and file a complaint with INEC if eligible voters' names are missing or if INEC delays publishing the list or fails to publish it at all. According to the Electoral Act 2006, you can address any objections or claims you have about the voters' register to the Resident Electoral Commissioner through the Electoral Officer in your area.<sup>35</sup>

Report at multiple levels. To ensure your complaints don't get lost or deliberately ignored, report them to the local and national media, as well as to NGOs like the Electoral Reform Network (ERN) and Global Rights. Publicizing your complaints will pressure INEC to respond appropriately.

### **Collect Evidence and Base Your Reports on Facts**

*When you experience or witness electoral malpractice and fraud during the electoral process, it is important to report such incidents to the appropriate authority and to the media.*

*It is equally important that you base your complaint or report on detailed facts and that you have evidence ready if possible. Video cameras, tape recorders, and even the cameras on your mobile phones can be useful tools to document incidents. Otherwise, statements made by witnesses to a situation can also serve as evidence of electoral misconduct.*

### **C. Registration of Political Parties**

A healthy multi-party democracy requires the participation of a number of political parties, without arbitrary or undue restrictions on freedom of association or overly narrow rules within which parties are allowed to contest. In Nigeria, most of the political parties that fielded candidates in the April 2003 elections were registered just four months before the polls and therefore had a number of problems participating in the political process on an equal footing as the three "first generation political parties", the People's Democratic Party (PDP), the Alliance for Democracy (AD), and the All Nigeria People's Party (ANPP). The new parties generally lacked party structures on the ground and had little time to sell their parties to the electorate.

For the 2007 election process, election law requires an association wanting to be recognized as a political party eligible to field candidates must submit its application to INEC at least six months before the scheduled election date. INEC then has 30 days to review the application and either approve or deny it.<sup>36</sup> It is also INEC's responsibility to monitor and keep records of activities of the political parties, including their financial transactions.

**PROTECTING YOUR MANDATE:** If INEC denies your party recognition to field candidates for election, according to the Electoral Act 2006, the party can challenge INEC's decision in court.<sup>37</sup>

### **D. Party Primaries and Candidate Nominations**

*The drama of six senators from Anambra State, instead of three, represents one of the many "funny" incidents from Nigeria's 2003 elections. After the elections, INEC announced the names of the PDP candidates Chief Joy Emodi (Anambra North, Chief Ben Obi (Anambra Central), and Hon. C. N. Ukachukwu (Anambra South), as winners of the elections in Anambra. However, soon*

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*afterwards, INEC reversed itself, declaring three other members of the PDP, Senator Ugochukwu Uba, Senator Ikechukwu Abana, and Senator Emma Anosike, as the winners, although their names had not been on the ballot, and they had not actually contested the elections. The trio of initial winners, Chief Emodi, Chief Obi, and Hon. Ukachukwu, took INEC and the PDP to the election tribunal and won back their seats.<sup>38</sup>*

All political parties that participate in elections are required by law to submit their candidate lists to INEC no later than 120 days before Election Day.<sup>39</sup> Within seven days of the receipt of the particulars of a candidate, INEC must then publish the candidate's name in the constituency where he or she is contesting elections, and at least 30 days before the elections, INEC shall publish a list of the full names of all candidates.<sup>40</sup> Parties must give cogent and verifiable reasons for switching candidates and are prohibited from doing so within the final 60 days before the elections.<sup>41</sup>

Unfortunately, those are some of the only elements of political parties' candidate nomination processes that are open to regulation, since the Supreme Court of Nigeria has ruled that party primaries, determination of and adherence to party constitutions and manifestos, and other party activities are internal organisational matters that are not subject to judicial intervention. Without legal regulation, the selection of candidates at the party level is not always democratic, and parties in Nigeria generally lack any mechanisms to encourage diversity and equal representation among their members. For example, party leadership, which is dominated by men, often actively discourages eligible women from running for nomination, especially if the women are popular within the party and pose a real threat to displacing a man from candidacy.

### **PROTECTING YOUR MANDATE:**

File a case if a candidate does not meet legal criteria. Even though the judiciary will not interfere in internal party matters, it is possible to file a case with the high court of a state or the federal high court if one believes that a candidate does not fulfil the constitutional requirements for candidacy.<sup>42</sup>

If you are a party member, work for change. If you are a member of a political party, stand up for your right to choose the candidate of your choice and insist that a party's representation should include women and members of other marginalised groups. Consider working quietly with people you trust within your party or even neutral people outside your party to publicize breaches of party rules and lack of internal democracy and to advocate that the party improve the process. If you witness incidents that you feel seriously hamper the electoral process, report them to INEC, the media, and national groups focused on

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elections. Your evidence may build support for future advocacy to get the National Assembly to pass a law allowing court intervention in party processes.

### **E. Campaign Process**

*Political parties' campaigns in 2003 started late, due to INEC's late release of the dates for elections, and this created an atmosphere of haste and confusion in the entire electoral process. Both campaigns and the media coverage surrounding them focused on candidates' mudslinging against each other, with little focus on substantive issues. Presidential candidates' promises to focus their campaigns on serious issues and avoid reference to "primordial sentiments, ethnicity, and religion"<sup>43</sup> were soon forgotten. Gubernatorial and legislative campaigns were also largely focused on digging up unsavoury stories about opponents and calling for their disqualification, and there were also widespread reports in different states that opposing camps stole, defaced, and vandalised each other's posters and election materials.<sup>44</sup>*

Legally, political parties should use the period from 90 days before the elections to 24 hours prior to Election Day to mount heightened political campaigns. During this campaign period, parties are supposed to explain their programmes so the citizens can make informed choices when they vote. In fact, in Nigeria most parties' campaigns make it quite difficult to tell them apart or to identify the parties or their candidates with any specific ideology or issue-based programme.

Although many political parties have a code of conduct for how to behave and interact during the campaign period, just as many have ignored their codes of conduct and resorted to unlawful practices, such as vote buying, ballot snatching, and even threats and murder of opponents. For example, in 2003, many candidates reported that they faced death threats and physical attacks, and the 2007 election process has already been marred by the assassination and intimidation of several prominent political candidates.

#### **PROTECTING YOUR MANDATE:**

Know the parties' platforms and manifestos. Try not to get bored and frustrated with political campaigns; rather insist that you want to know what the parties plan to do for Nigeria if elected. Compare manifestos before deciding on a party/candidate, or confront the political parties with your own community manifesto and try to get their stand on the issues mentioned therein. (See also Section 2.4 on Political Parties.)

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Report violations of party codes of conduct. Get to know the parties' codes of conduct and report misconduct to INEC and the media. Examples of misconduct include use of abusive language, intimidation of opponents by candidates and their supporters, and vandalism and removal of posters of political opponents.

Insist on media coverage of issues, not mudslinging. Demand interviews and press statements that focus on candidates' policy ideas and discussion of good governance.

Liaise with the police and INEC regularly. The police and INEC have a stake in the legal, non-violent conduct of electoral campaigns and can be allies if you find the election law or others are being violated.

### **F. Use of Public Resources**

Not all political parties and candidates have access to public resources; generally, the governing party and its candidates have an unfair advantage in this area, as the party in government controls public resources like vehicles, state media, civil servants' time, and, of course, the federal and state budgets. Although it is illegal, in Nigeria, there has been a tradition of abuse of office by the ruling party, not the least of which is manipulating the supposedly independent INEC and using intelligence and security agencies to harass, intimidate, and physically terrorize the opposition.

**PROTECTING YOUR MANDATE:** This may be an area that will be very difficult to monitor and challenge as a mandate protection activist. However, if you see incidents of clear abuse of public resources, such as use of government cars and facilities by the governing party for its campaigns, you could report it to INEC, the media, and NGOs like ERN, the TMG, and Global Rights, which are collecting reports of such abuses.

### **G. Political Violence and Intimidation**

*In Nsukka, Enugu State, during the 2003 local government elections, two rival groups were engaged in a constant battle over who controls the politics of the region. On Election Day, the thugs scared people away from the polling centres with gun shots, and rival party groups laid ambushes for each other's candidates and supporters. As a result, one of the candidates, Mr. Oscar Egwuonwu, was critically wounded, and two people lost their lives during the exchange of gun shots. In the confusion, ballot papers were also stolen, despite efforts of voters and security agents.<sup>45</sup>*

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Free, fair, credible, and legitimate elections can only be a reality in a climate that is free from political violence and intimidation; yet, electoral violence is a major problem in Nigeria, and voters, candidates, and the media all have legitimate concerns that opposition to political godfathers and powerful parties may cost them their safety and even their lives. In Nigeria, both the governing party, through police and other security forces, and various political parties and their supporters, through hired thugs, have engaged in violence and intimidation during various stages of the electoral process. Even when security forces are not involved in violence and intimidation, they have often failed to fulfil their responsibilities to maintain public safety and keep the peace by being passive in the face of violence.

Creating a culture of peace and tolerance and an agreement on what constitutes acceptable and unacceptable election conduct is critical to Nigeria's long-term hopes for democracy and good governance.

### **PROTECTING YOUR MANDATE:**

Protect your safety by acting in organized groups. Protecting your own safety and that of your colleagues during the election period should be a paramount concern, so taking any action against incidents of election violence and intimidation are best done publicly as part of a large group of people. There is safety in numbers!

Use media coverage to minimize the chances of violence. Media coverage of any of your events and actions, particularly on Election Day, will ensure there are witnesses and records of any violence against you and thus, it will also serve as a deterrent to public violence.

Use confidential means of reporting, if necessary. If the police have set up confidential, anonymous hotlines, use them to report incidents, or report incidents to larger, national NGOs to collate and report on your behalf, without publishing your name or your organization's name, if you feel your group is at serious risk.

Organize women to prevent thuggery and unrest. Intimidation and violence is usually perpetrated by men. Women can play a particularly important role in limiting violence during the electoral process by working together to influence their husbands, sons, and fathers either to be constructively involved in the electoral process or, at a minimum, to avoid lingering in potential conflict areas. Women could also decide to establish a peaceful ring around polling stations to protect the voting process from thugs and people seeking to incite unrest and violence, as some men would be reluctant to take violent action against the women of their community. There are many reported cases of women being severely beaten by police, however, so in all cases, public opposition to

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violence and threats should be done with as much media coverage and as many people as possible.

Keep open lines of communication with police. It is also crucial to keep in mind that if you are a part of a large group of mandate protection activists, you may instil insecurity and a sense of intimidation among other electoral stakeholders, due to the sheer numbers of your group. Your presence may even give the police or party thugs an excuse to use violence against you, if they claim your group is disruptive in any way. It is therefore of utmost importance that you inform the police, INEC officials, and even party agents about your non-violent intentions to undermine any potential excuse they might have for preventing you from acting. Make sure you designate one or two spokespeople whom the police can contact to diffuse potentially violent situations, and try to get the name of several police officers that you can contact personally if you have problems.

Organize peace keepers within your group for public actions. Brief all mandate protection activists in your group prior to any public action so that everyone understands exactly what they need to do, what the risks are, and how to handle problems should they occur. Emphasize that all activists should engage in non-violent behaviour only and stay on guard against agents provocateurs at all times. Appoint members of your group to serve as peace keepers to make a ring around hecklers and other trouble makers, isolating them from the rest of your group without touching them or inflaming the situation. Consider having the peace keepers wear white banners identifying them so that media, police, INEC officials, and members of the community can go directly to them with concerns.

Participate in peace building campaigns. In 2003, to address the issue of election violence, an international NGO, Institute for Democracy in South Africa (IDASA), established a communication hub that produced weekly briefings and updates on electoral violence, including tables plotting the incidence of violence and information on rapid response initiatives, as well as reports on specific problem areas. In 2007, it is planning to support a nationwide media and public events campaign to discourage campaign violence. Joining campaigns like *Nigeria dey our hands O! Protect the 2007 Elections: Deepening Africa's Pride* can help counter the prevailing pessimistic view that nothing can be done about Nigeria's electoral violence and begin to shift toward a culture of respect for election law and non-violence.

IDASA's contact information is listed in the Resource Guide.

## H. Political Party Finance

*"Politicians have all the money to build an army of thugs. They have the money to rig the elections, bribe the electoral officers, buy votes from the electorates, etc. Why will the electorate not sell their votes when they are hungry? When they have no shelter over their heads? We will never have free and fair elections if we have corrupt persons as candidates, because they have the money to subvert the process."<sup>46</sup>*

*Chair of the Economic and Financial Crimes Commission (EFCC), as cited in This Day, 12 July 2006.*

Public funding to political parties may be provided by INEC through a grant approved by the National Assembly. Ten percent of the grant should be distributed equally between the registered parties, whereas the last 90 percent is divided among the parties in proportion to the number of seats they hold in the National Assembly.<sup>47</sup> Even though the fairness of distribution of funds can be disputed and the accountability of party expenditures is problematic, it is generally agreed that public funding for political parties is necessary to level the playing field and to strengthen the democratic process.

Beyond public funds, political parties may raise funds from individuals and groups, but the Electoral Act 2006 places limits on the amount candidates can spend for elections to each category of office.<sup>48</sup> The law also requires that political parties submit statements of elections expenses to the Electoral Commission<sup>49</sup>, although, in reality, it has proved difficult if not impossible in the past to get transparent, accurate reports from parties and to determine the source of party funds.

**PROTECTING YOUR MANDATE:** As monitoring of party finances is a complex exercise and mainly the responsibility of INEC, it may be worthwhile to work with forums that are already specialized in this field, such as the Budget Transparency Network and the multiparty Political Finance Monitoring Group (PFMG) inaugurated by IFES, which is listed in the Resource Guide.

## I. Civic and Voter Education

*In the Federal Capital Territory, during the elections in 2003, there was so little voter education about basic voting procedures that many voters ended up painting the ballot papers with indelible ink, thereby invalidating them. In many states, the names of candidates were released less than 24 hours prior to the elections, which meant that voters often did not even know*

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*those running for elections and had had no chance to consider differences among them to make effective choices.<sup>50</sup>*

INEC, political parties, and civil society organisations all have a responsibility to undertake civic and voter education. Unfortunately, very few political parties have carried out voter education programmes, even to tell supporters about their party symbols and the procedures for voting, and though it is part of INEC's responsibilities to sensitise voters on election procedures, it has mainly been civil society organisations that have conducted civic and voter education, albeit with very limited budgets, reach, and duration. Given Nigeria's sheer size and large, diverse population, rural voters, especially in remote areas, as well as women, youth, linguistic minorities, people who can't read, and physically challenged people have particularly suffered from inadequate access to voter education programs and subsequent disenfranchisement.

**PROTECTING YOUR MANDATE:** As a mandate protection activist, you can play a crucial role in ensuring that fellow community members understand the electoral process and can protect their mandate in the upcoming elections. Civic education and awareness raising programmes should emphasise democratic values — such as tolerance, peace, accountability, participation, and equality — and discourage the manipulation of religion and ethnicity as tools of political mobilisation and excuses for violent behaviour. They should also emphasise the need for parties to share their manifestos and party programmes, so that citizens can judge whether or not the parties' positions address their needs. Voter education should cover the key areas of the election law, especially procedures for voter registration and voting on Election Day. Distribution of posters, leaflets, t-shirts, and fact sheets, as well as radio and television jingles and talk shows, dramas, workshops, and other election-related events can all be effective means of reaching voters.

The IDASA Resource Directory of Nigeria's Civil Society Groups, listed in the Resource Guide, provides an excellent list of groups doing civic and voter education at the state, zonal, and national level.

### **3.2 ELECTION PHASE**

The election phase entails voting and counting of the ballots cast. Voting and counting have always been problematic aspects of the electoral process in Nigeria, for several reasons. For instance, there have often been logistical problems, such as late opening of polling stations, late arrival or lack of election material, and in some cases polling stations that were located in inaccessible areas. Harassment, intimidation, and violence at polling stations have seriously restricted voters' abilities to vote freely for the candidates of their choice and, in many cases, have caused people to stay

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away from the polls completely for fear of their security. Outright fraud, such as multiple voting and underage voting have been common, and the counting process has also generally been marred by serious abuses, such as destruction of valid ballots and stuffing of ballot boxes with fraudulently thumb-printed ballots.

### **A. Polling Stations**

The location of polling stations plays an important role in ensuring easy access to the voting process. The selection of polling stations is generally based on a number of factors such as the number of voters per station, the proximity of the station to voters, and adequacy of lighting, communications, and transport. Polling stations in urban constituencies tend to be more easily accessible and better serviced than those in rural areas. However, in some high-density areas, it has been difficult to locate polling stations, and even electoral officials have spent several hours trying to find the polling station they were supposed to staff.

According to the Electoral Act 2006, INEC is responsible for publishing the location of polling stations not later than 14 days before Election Day<sup>51</sup>, so that voters have the chance to figure out where they need to go and so that they can request changes if a polling station location is unreasonable.

#### **PROTECTING YOUR MANDATE:**

Ensure that INEC does publish the location of polling stations. If the INEC in your area does not post listings of polling locations at least two weeks before Election day, report that to INEC and the media at both state and national levels, and insist that INEC rectify the problem immediately.

Check the locations of all polling stations for appropriateness. Report to INEC if you find that a polling station is situated inappropriately and explain why; then work with INEC to identify an alternative location. Each polling station should be generally accessible, including to physically challenged people, and there should be adequate provisions for light and enough space for secrecy of voting and election observers and party agents.

### **B. Ballot Papers, Ballot Boxes, and Election Materials**

*According to TMG Report on the Local Government Council Elections of 27 March 2002, there was no voter register at Sabon Gari Primary School in Keffi, in Nassarawa LGA, so any voter with a voter card was allowed to vote. In some polling units in Benue State, only one ballot box was provided, and when this was filled up, polling officials improvised by using baskets. In*

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*other cases, like at Agbonchia polling station, Eleme Local Government of Rivers State, polling officials hoarded election materials, presumably to be used after the official voting to stuff ballot boxes in favour of their preferred candidates. At Kurgwi polling station in Qua'anpan Local Government of Plateau State, a voting official paved the way for voters to vote more than once by failing to stamp voters' cards to indicate that they had voted or putting indelible ink on their thumbs as required.<sup>52</sup>*

*At Ezianya Autonomous community in Ngor Okpala Local Government Area of Imo State, the INEC supervisor carted away the materials for the elections and took them to somebody's house, with the result that elections did not take place in this community.<sup>53</sup>*

By law, INEC oversees the production, provision, and security of voting materials, including ballots clearly listing each candidate and their party, ballot boxes allowing for ballot security, and voters' registers to check the legitimacy of each person who arrives to vote. Generally, INEC has provided election materials in time and in adequate quantities. However, past elections involved many examples of INEC staff arriving late with materials or running out of materials before the close of polls on Election Day. In several cases, crucial material and equipment such as polling booths and lighting for the counting process were missing altogether.

**PROTECTING YOUR MANDATE:** If you see that any critical election materials are missing or inadequate at the polling stations you are monitoring, work together with election observers, who are allowed to stay inside the polling stations, to report it both to the INEC staff at the polling station and to the INEC office at the state level, as well as to the media. The earlier that problems with the ballots or the set up inside the polling station gets reported, the more possibility there is for rectifying them.

### **C. Voting**

*During the 2003 elections, in Ayebgaju, in Oye Local Government, a single election official was responsible for conducting the whole exercise on his own. This shortage of staff led to undue delay and long queues. Moreover, in order to facilitate the processes involved and to save time, party agents and willing electorate whose political leanings were unknown were seen helping the polling clerk to accredit voters and stamp ballot papers, and, in some cases, directing the voters on the choice of candidates.<sup>54</sup>*

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At the opening of the polls, the INEC presiding officer should open the ballot box to show observers and party agents present that the box is empty and then reseal it against tampering before any voting begins. INEC staff must check the voter's card of each potential voter and make sure the person is listed on the Register of Voters before issuing the person a ballot. Voting is by "open secret ballot," meaning that voters should have privacy to mark their ballots in secret, but must place the folded ballot in the ballot box in full view of the public and observers. No voter is allowed to vote more than once, and if the number of votes cast in an election at any polling place exceed the number of voters registered, INEC should declare the election at that polling place invalid and conduct another election.<sup>55</sup> As a check against multiple voting, the INEC staff should apply indelible ink to the appropriate finger of the voter's left hand, so that the voter is clearly identified as having voted, and all voters should leave the polling station immediately after casting their votes.

INEC staff have responsibility for ensuring that the polling stations are properly equipped, open and close at the specified time, and that there is no political campaigning in the voting areas. Although polling stations have generally opened on time, late commencement has not been uncommon, often as a result of the late arrival of polling officials or electoral materials. In other cases, the INEC staff have waited to open polling stations until after results at other stations were enough to guarantee the victory of one of their preferred candidates. Lack of adequate election staff at some polling stations has made it easier for party thugs and operatives to commit fraud, campaign illegally, intimidate voters, and, in some cases, all but take over polling stations, which has been one of the major factors undermining the credibility of elections in Nigeria. Inadequate training of election staff or their complicity with fraudsters has led to innumerable cases of multiple voting, underage voting, and stuffing of ballot boxes with fraudulently marked ballots. Equally serious, there have been situations in the past of areas where the voting did not take place at all.

While INEC staff have the power and responsibility to conduct the voting process inside the polling stations, on Election Day, the police have the main responsibility for maintaining order and safety of voters, observers, the media, candidates, and INEC staff. Although an atmosphere of peace and order, where people have no fear of intimidation and conflict, is fundamental to the conduct of free and fair elections, in Nigeria, lack of security is a serious concern at all polling stations. Whether it has been due to intimidation from party agents, police, and/or election officials or to the unwillingness of the police to intervene even in glaring cases of electoral misconduct, it is a fact that many voters have felt forced to vote for candidates who were not their choice or have decided not to vote at all, for fear of their security.

**PROTECTING YOUR MANDATE:**

Monitor conditions and conduct both inside and outside the polls. Even if you are not an accredited election observer who has the right to stay inside the polls after voting, you can note any irregularities with your own voting process, such as failure to check your name on the Register of Voters, failure to mark you with indelible ink, or lack of secrecy of voting for any reason. Outside the polling station, there should not be any campaigning or people controlling who goes into the polls.

Use the checklists and reporting forms that organizations like the TMG and Global Rights will distribute.

Record and report problems and try to get them rectified. If you become aware of any misconduct during the voting process, such as for example intimidation of voters, eligible voters being denied the right to vote, or underage voters being allowed to vote, record the facts in detail and report it immediately to INEC, the police, and the media. In addition to trying to work with the INEC staff at the polling centre itself to rectify the problem, try to contact INEC staff at the state level. Keep a copy of the Electoral Act 2006 with you so that you can point out the specific area of the law the INEC staff need to follow, as often they are unaware of all the rules.

Keep your own count of the number of men and women voters entering the polling station. While keeping a count of people entering the polling station is not an exact count of people who actually voted, since election officials may disqualify some voters, you can use it as a rough estimate. When the results are announced at your polling station, there should not be more total votes announced than your informal count of voters. By keeping track of how many women and how many men enter to vote, you can compare the numbers to the number of men and women who registered to analyze whether or not men and women were able to vote in equal proportions or if there is some kind of gender inequality. Were women, for example, too intimidated to go to the polls? Were men kept away by thugs?

Keep records for challenging results, if need be. Don't be discouraged if you don't accomplish any action or improvement on voting day itself. By documenting and reporting electoral malpractice and violations, the actions you took, and the results you achieved, you help create the basis for candidates to challenge election results from polling stations in your community if the Election Day problems are so serious that they alter or make it impossible to know the legitimate election results.

## **D. Secrecy of the Ballot**

*In Enugu, Nasarawa, and Kogi States lack of confidentiality was a particular problem, mainly because the polling stations had inadequate physical arrangements for voters to vote unobserved and to maintain the secrecy of their ballots until the vote counting process. Party agents exploited the illiteracy of some voters and, under the pretence of assisting them to cast their votes, which is not legal in any case, coerced them to vote for particular candidates. Similarly, in Kaduna State, in polling stations such as Ungwan, Rimi, Tudun, and Wada, there were reports of voters being forced to vote under observation of the police and party officials, whom voters feared might retaliate if they didn't vote for their candidates.<sup>56</sup>*

Secrecy of the ballot is one of the great pillars on which credible and legitimate elections rest. To avoid suspicion, mistrust, political violence, and intimidation, voters, electoral officials, party agents, and observers all need to be assured that their votes will be secret. A number of things can compromise voters' right to secrecy of the ballot:

- Lack of polling booths, forcing voters to mark their ballots on tables in the open;
- Polling agents using voters' illiteracy, age, or physical condition as an excuse for accompanying them to voting booths and "assisting" them to choose for which candidates to vote;
- Party agents illegally watching voting or opening voters' ballots immediately after they've voted;
- Sheer numbers of party agents and thugs intimidating voters to the point that they vote in certain ways simply out of fear that their votes won't be secret.

The Electoral Act 2006 provides a number of safeguards against these conditions. First, it requires all elections officers to assist in maintaining secrecy of voting at all times and prohibits anyone within the polling station from interfering with voters casting their votes. Further, it prohibits anyone in the polling station from communicating the names of people on the voter register who have or have not voted and from communicating any information about for whom a voter has voted.<sup>57</sup> Finally, it establishes voters' legal right to refuse to say for whom they have voted.<sup>58</sup>

### **PROTECTING YOUR MANDATE:**

Educate voters about their rights to secrecy of the ballot. Educating voters about their rights will help them feel more confident casting their ballots for candidates of their choice, regardless of any pressure they

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endured prior to voting from candidate and party supporters and regardless of any incentives they might have accepted.

Do not accept any accompaniment to the polling booth, and refuse to vote if any people are close enough that they might be able to see how you vote.

Report misconduct and intimidation and call it to the INEC staff's attention immediately. With your copy of the Electoral Act in hand, report problems to the INEC staff at the polling centre and insist that they rectify the problems within their control, such as the location of polling booths and positioning of party agents and observers. Check with voters exiting the polling station about their experiences to see how long it takes to fix the problem and if it stays fixed. Let the media and observers know what you've seen and the actions you've taken, and record them carefully on your monitoring form.

### **E. Vote Counting**

*Stories about ballot stuffing and fraud at the point of vote counting are all too common in Nigeria.*

*At Emekuku, in Imo State, some party thugs, in collaboration with an INEC official, brought in ballot papers already thumb-printed and mixed them up with genuine ballots during the counting process.<sup>59</sup>*

*In polling stations 57, 23, and 21, Abduloma Ward in Port Harcourt Local Government Area of River State, police personnel posted to the stations reportedly helped INEC and PDP officials to stuff ballot boxes with fraudulent ballots.<sup>60</sup>*

*In polling centres in Ogbete, Enugu, TMG observers reported that INEC officials gave ballot papers to party agents and allowed them to thumb-print them and stuff them into ballot boxes, in clear view of the police, who did nothing.<sup>61</sup>*

*At Zango Ward in Fagge Local Government Area of Kano State, votes could not be counted, as the presiding election officer reportedly disappeared with the ballot boxes.<sup>62</sup>*

*In Ozouba in Obio/Akpor LGA of River State, SIEC officials were seen thumb-printing and stuffing ballot papers and were actually recorded on AIT camera.<sup>63</sup>*

The counting process has always been characterized by monumental fraud in Nigerian elections, and is one of the principle points at which the people's mandate is literally stolen. Theft of ballot boxes and stuffing ballot boxes

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with fraudulent ballots are both common ways of distorting and abusing the vote counting process. In many cases, the number of votes announced for all candidates at a single polling station has exceeded the total number of people who actually cast ballots.

Vote counting is normally done manually, at the polling station, and besides the election officials themselves, only registered political party agents, candidates, accredited election observers, and the police should be allowed to stay inside the polling station to observe the counting. Only ballots marked and placed in ballot boxes by legitimately registered voters should be counted and included in the official results from the polling station. Following the counting, while still at the polling station, the presiding INEC officer should enter the votes scored by each candidate on a prescribed form, which should be signed by the presiding officer and whatever party agents are present. If any one of the party agents feel there was a miscount, she or he can demand a single recount of the votes prior to signing the vote count form. The presiding officer should then give a signed copy of the forms to the head police officer and party agents before announcing the results publicly at the polling station. Following vote counting at polling stations, the INEC staff have the responsibility for delivering the election materials “under security” to vote collation centres to be tabulated as part of the official results for the district and then the state.<sup>64</sup>

### **PROTECTING YOUR MANDATE:**

Be an accredited observer or work with observers. If you are not an accredited observer yourself, and you do not know someone who is, introduce yourself to the observers who are present, so that you can get information about the counting process directly from a neutral party.

Be ready with battery or gas powered lights in case there is no electricity for counting. Do not allow lack of electricity to be an excuse for divergence for the procedure of counting in view of observers and party agents or a cover for vote tampering. If lights go off, immediately volunteer your torches or lanterns for the use of election officials.

Check the total number of votes announced against the number of voters you counted entering the polling station and against the number of registered votes in the constituency. Wait outside the polling station for the elections to be concluded and results declared. Report and challenge results that indicate far more or far fewer total votes than voters or that indicate a greater number of votes than people on the Register of Voters.

Make sure your phones are charged and that you have credit. As soon as results are announced, you will want to report them to any groups

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doing a parallel vote tabulation, just as you will want to report problems immediately to media, other NGOs, and higher level INEC staff.

Record the polling centre results to compare them to results announced later at the collation centre. If the figures do not correspond, make sure to report it.

Be ready to follow the ballot boxes to the collation centre. Arrange transport in advance so that you can follow the INEC officials and police who have custody of the ballot boxes to the collation centre. This will help deter outright stealing of ballot boxes and make some kinds of ballot stuffing more difficult. Try to look inside the vehicle that will transport the officials and ballots to ascertain that there are no extra ballots or other election materials in the vehicle before it leaves, and try to make sure the INEC staff themselves do not leave with extra materials.

Work with the transport workers to organize against fraud in the vehicles they drive to collation centres. Many drivers have witnessed or even aided fraud between the polling centres and the ballot boxes' arrival at the collation centres. Working in advance to organize them may encourage them to refuse bribes and complicity in the process.

### **ACTIVITY 3: Election Day Strategies**



**Objective:** Explore how best to interact with electoral officials, party agents, police, and other community members on Election Day.

**Method:** Develop a role play of a likely scene on Election Day. Each participant should play a part either as voter, electoral official, party agent, or member of the security forces. For example, imagine you are at a polling station to vote and you see several voters being intimidated by certain party agents, while the police and the electoral officials remain passive and do nothing, although they can see what's happening. How would you react as a mandate protection activist?

After you have played out a scenario, discuss what the people playing CSO activists could do better. What kind of follow-up would the people in the role play need to do after Election Day to make sure violations are exposed and dealt with?

**Outputs:** A written summary of the main characters and events in the role play and a list of the groups' strategies and

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methods for interacting with relevant stakeholders on Election Day.

### **3.3 POST-ELECTION PHASE**

#### **A. Announcement of Overall Results**

INEC is responsible for officially announcing the election results after votes have been counted at each polling station and then brought to collation centres for tabulation and verification. Although the Electoral Act does not specify detailed procedures for this step, it does require that INEC publish in the *Gazette* "step by step recording of the poll in the electoral forms ... beginning from the polling station or unit to the last collation centre for the ward or constituency where the result of the elections shall be declared."<sup>65</sup> It also requires that a Certificate of Return be issued within seven days to every winning candidate.<sup>66</sup>

Significant delays in announcing results, due to slow tabulation, poor infrastructure, and lack of coordination, have led to suspicion and a reduction in the degree of acceptance of the results, both of which undermine the integrity of elections. In the past, there have also been widespread allegations and evidence of falsification of results in many parts of the country. For example, in some places, announced numbers of votes for candidates to the Senate diverged widely from the numbers of votes for candidates to the House of Representatives, despite the fact that voters received ballots for both offices at the same time, and there were no records of returned or unused ballots.

#### **PROTECTING YOUR MANDATE:**

Compare the overall results announced at the collation centre to the total from all the polling stations in the area. If the numbers are divergent, you have clear evidence of vote tampering. In addition, the final results should correspond with any exit polls done of how people say they voted at polling stations.

Gather and organize your evidence and reports from each step of the process. Often, election rigging happens at many steps along the way, from voters being intimidated away from the polls, to rampant underage voting, to outright ballot box stuffing, to altering results at the collation centre. If you want to challenge any results, you will need to have clear evidence demonstrating why the results are not legitimate.

Work with the media to publicize your findings. Providing your evidence to journalists can assist them in their reporting and increase the chances that their media outlets cover the story well. Your report, along with a

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formal letter of complaint to INEC, combined with media attention, may pressure INEC to organize a recount or even a new election.

### **B. Acceptance of Results and Election Petitions**

*Elections in Anambra State were dramatic and controversial. Candidates challenged the election results for all three senatorial seats, eleven House of Representative positions, 30 state House of Assembly offices, and the gubernatorial seat, with 127 petitions in all. An investigation by the Vanguard newspaper found that about 40 involved members of the People's Democratic Party (PDP) were suing to determine which candidates were the legal candidates of the party, and the tribunal ultimately reversed the final election returns in favour of the candidates who had initially been declared winners but had their majority wins reversed by INEC in favour of other "candidates" within their parties.<sup>67</sup>*

*In other states, however, tribunals were not so effective or diligent and threw out the vast majority of cases on technical grounds. In Kogi State, for example, all nine of the petitions were struck out, as were all five of the of the petitions in Ekiti, nine of the eleven petitions in Niger and 23 of the 25 petitions in Abia<sup>68</sup>.*

Given the past problems in all phases of the election process, it is not surprising that, in many cases, party agents, observers, media, and the electorate have been unwilling to accept the election results. You should also be aware that there have been incidents in the past where candidates who seemed to have won election to office legitimately have later traded away their victories to other people within their parties. In 2003, according to the Legal Defence Centre, from among the roughly 1,600 political offices contested, there were over 900 petitions filed in election tribunals to challenge the results.<sup>69</sup>

As noted in Section 2.3, the Electoral Act 2006 requires that election tribunals be constituted not later than 14 days before the election<sup>70</sup>, and it gives petitioners 30 days from the date INEC declares the result of the election to file their complaints.<sup>71</sup> Only candidates or their parties may file complaints; neither individuals nor groups of voters have legal standing to challenge election results directly once the winners have been certified by INEC.

Past election petition hearings have involved delays and extremely long deliberations, so that by the time some of the tribunals reached decisions, the initial winning candidate had already served several years in office. In

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other cases, tribunals have used small technicalities to throw out petitions that otherwise merited a hearing.

### **PROTECTING YOUR MANDATE:**

Consider organizing peaceful protests if election results are outrageous. If election results clearly do not reflect the people's mandate, one way to respond would be to organise peaceful mass rallies. It is also important to note, however, that if the electoral process is reasonably transparent and credible, stakeholders should accept the results, even if their own preferred candidate or party does not win.

Support candidates to file election petitions. Your careful documentation of election law violations can help strengthen candidates' cases by providing the evidence they need to prove their claims. Filing election petitions is important in bringing violations of election law to public scrutiny, even if the tribunals do not eventually overturn election results in many cases.

### **Georgia**

*Georgia held presidential and parliamentary elections on November 2, 2003, which were denounced by local and international observers as being grossly rigged. Although the election commission initially declared the incumbent president, Shevardnadze, as the winner, Mikheil Saakashvilli, another presidential candidate, claimed that he had won the elections, a claim that independent exit polls supported. Saakashvilli urged Georgians to demonstrate against Shevardnadze's government and to engage in non-violent civil disobedience against the authorities as a protest of the elections. In mid-November, massive anti-governmental demonstrations started in the central streets of Tbilisi, the capital city, and soon involved almost all major cities and towns of Georgia. The protest reached its peak on November 22, the day of an opening session of a new parliament, which was considered illegitimate. The same day, opposition supporters with roses in their hands (the protests have later been named Rose Revolution) seized the parliament building interrupting a speech of President Shevardnadze and forcing him to escape with his bodyguards. He later met with opposition leaders and thereafter announced his resignation. In the aftermath, the Supreme Court of Georgia annulled the results of the elections, and fresh elections were held in January 2004.*

*[http://en.wikipedia.org/wiki/Rose\\_Revolution](http://en.wikipedia.org/wiki/Rose_Revolution)*

### **Ukraine**

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Ukraine's "Orange Revolution" of 2004-2005 was a series of protests and political events that took place throughout the country in response to allegations of massive corruption, voter intimidation, and direct electoral fraud during the 2004 Ukrainian presidential elections. The protests were prompted by reports from numerous domestic and foreign observers, as well as by the widespread public perception that the results of the run-off vote between leading presidential candidates, Mr Yushchenko and Mr Yanukovich, were rigged in favour of the latter. While millions of Ukrainians demonstrated daily in Kiev, the capital city, their actions were punctuated by a series of nationwide protests, sit-ins, and general strikes organised by the opposition. Due in large part to the opposition movement's efforts, the results of the original run-off were annulled, and Ukraine's Supreme Court ordered a second run-off election. Under intense scrutiny, the second run-off was agreed by domestic and international observers to be virtually problem-free.

[http://en.wikipedia.org/wiki/Orange\\_Revolution](http://en.wikipedia.org/wiki/Orange_Revolution)

### ACTIVITY 4: Challenging Election Results



**Objectives:** To practice how to address the Electoral Commission or other authorities formally and to develop plans for post-election community mobilization.

**Method:** Work in small groups either to develop sample letters to electoral authorities on a situation you might experience during the electoral process, or develop a role play of how your group could take action by, for instance, planning a peaceful protest. How will your group deal with security concerns and keep everyone safe? How will you involve the media? Remember that reporting to multiple stakeholders helps to ensure that your concern gets attention.

Imagine that there are serious flaws in the collation of the final results. At your polling station, the declared results were Candidate A receiving 17,930 votes, Candidate B receiving 23,568 votes, and Candidate C receiving 569 votes. However, when INEC declared the final overall results from the collation centre, you find that the results from your polling station have changed. Candidate A is now the winner, with official results being Candidate A receiving 23,941 votes, Candidate B receiving only 22,671, and Candidate C receiving 3,291.

**Outputs:** Draft sample letters to INEC regarding election complaints or a written plan for post-election mobilization if there are massive problems with announced election results.

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### **Peaceful Protests — What to Keep in Mind**

*Whether you are planning a simple demonstration at one place or a mass march and rally, you should start by asking what sort of action will best achieve the results you are seeking, and you should weigh carefully whether a protest action will, in fact, be the way to achieve your goal or if such an action could escalate into violence or antagonize stakeholders.*

*If you do decide to move forward with your protest action, plan for what you will do at every step and how you will handle it if things go wrong, and make sure you thoroughly discuss plans with demonstrators, so that everyone will act in a disciplined, coordinated, non-violent manner.*

*Appoint several official spokespeople and alert the media, the police, and community leaders who they are, so that unauthorised people and agents provocateurs cannot easily speak for you and distort your message. Make sure they are easily identified by special banners or other signs.*

*Appoint still others in your group to act as peace keepers, who can identify, surround, and isolate agents provocateurs and any spontaneous trouble makers from the rest of the demonstrators, to avoid possible clashes, verbal or physical, that will detract from the purpose of your event. Make sure that everyone in your group knows who they are and agrees to respect them and that they can be easily identified by special banners or other signs.*

*Develop brief written statements about why you are demonstrating and what you hope to receive. Make sure all demonstrators have seen it and understand it, and try to have at least enough to give to media, community leaders, police, and other key stakeholders. If possible, give out copies to bystanders at the protest site.*

*Police — Consider notifying the police in advance of a protest and assuring them that you would like their cooperation to keep the action non-violent and orderly. Identify and introduce your spokespeople and your peacekeepers. Make sure you get the names and mobile telephone numbers of key leaders among the police whom you can call should problems occur. In practice, the police will probably appreciate knowing the route you intend to take, if you are marching, and for how long you intend to demonstrate, if you will stay in one place.*

*Independent Observers and Media — If any independent international observers remain in the area, consider notifying them of your event and asking them to monitor numbers of demonstrators and movements of both police and demonstrators, so that if there are disputes later about the event, they can provide alternative reports. Publicly ask the media to monitor your event as well. The more publicity there is, the more difficult it will be to undermine your event by misrepresenting it.*

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## **4. PROTECTING THE PEOPLE'S MANDATE IN YOUR ZONE**

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Various analyses of past elections in Nigeria suggest that, while many of the problems with elections are common in all parts of the country, there are some regional differences in the ways fraud and conflict are manifest. This section summarizes the abuses that people in zonal consultations and focus group discussions felt particularly affected them and the strategies they identified to challenge them.<sup>72</sup>

### **4.1 NORTH-CENTRAL GEO-POLITICAL ZONE**

The North-Central Zone is made up of the Federal Capital Territory (FCT), Abuja, and the following states: Benue, Kogi, Kwara, Nasarawa, Niger, and Plateau. The population includes over 200 ethnic minorities who perceive themselves as being in competition for scarce public goods and resources, and, with the exception of Niger State and the FCT, all the states have had a high level of ethno-religious conflict, with ethnic and religious identities being central to political mobilization. Combined with high levels of poverty and the abysmal failure of the government at various levels to implement basic development programs, this has created a sense of despondency and resignation among much of the electorate.

During past election periods, politicians in the zone who have been determined to maintain their hegemony over the political process have often manipulated the electoral process both through direct rigging and fraud and by manipulating ethno-religious loyalties and tension. One particular feature of elections in Plateau State has been the use of "Strategic Vote Reserves", which involve keeping voters in less-informed, active areas away from the polls and then manufacturing the number of fraudulent votes needed at each polling centre to ensure that the dominant candidates win. Other issues in the region are monetisation of politics, "godfatherism", in which rich and powerful individuals sponsor their preferred candidate to win elections, traditional rulers acting as power brokers for parties, and particularly weak opposition political parties and mass defection to the ruling People's Democratic Party (PDP).

During Global Rights' consultations and focus group discussions, participants suggested the following strategies:

- Coalition building among civil society organisations, including faith-based and grassroots organisations, to unite the electorate around issues of governance, rather than ethnic and religious affiliations;
- Organizing internal opposition to party leadership within the PDP to improve the party's performance and conduct during elections;
- Researching the history of candidates before elections;

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- Sensitisation and mobilisation on the electoral law process, especially among women and youth; and
- Organising mass rallies against cases of electoral fraud.

### **4.2 NORTH-EAST GEO-POLITICAL ZONE**

The North-East Zone comprises the following states: Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe. This zone is a geographical body, rather than a political or cultural body, and lacks a unified identity; there are nearly 300 tribal groups and multiple religions in the zone. The region is one of the most disadvantaged parts of the country, with low life expectancy and high levels of disease, poverty, unemployment, illiteracy, conflict, and insecurity. The zone also suffers from frequent communal clashes, weak infrastructure, government neglect, and corruption.

Despite the low levels of education and literacy in this region, however, political consciousness is fairly high, though it is evident that many citizens have lost confidence in the electoral process, and the number of active civil society organizations is low compared to other regions. The zone's extremely large land mass, with many areas isolated and inaccessible during the rainy season, when elections are usually held, makes election rigging easier to pull off and makes it harder for voters to organize.

During consultations held in Bauchi in 2005, the following strategies for protecting the people's mandate were suggested:

- Engage youth, many of whom would otherwise be armed as thugs for the purpose of perpetrating electoral fraud and violence, to serve as mandate protection activists;
- Combat apathy and loss of confidence in the electoral process through civic and voter education; and
- Mobilise people in the zone to take ownership of the elections and protect their mandates.

### **4.3 NORTH-WEST GEO-POLITICAL ZONE**

The North-West Zone consists of the following states: Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto, and Zamfara. Even though the population in this region consists of many ethnic and indigenous language groups, the seven states in this zone have large Muslim populations, and the Hausa language and culture predominate. The zone has some urban and cosmopolitan centres, but most of the population lives in rural areas. Poverty, malnutrition of children, and marginalisation of women with regard to social services, health, and education are issues of special concern.

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Like the North-East, this zone is also vast in geographical terms, and long distances between collation centres and polling stations in remote areas make management of logistics during the electoral process difficult and particularly vulnerable to tampering.

Citizens of the zone have a long history of resistance to and struggle against injustice and oppression, and this zone has consistently opposed the PDP-dominated central government, as there is a perceived sense of loss after the shift from the north to the south in national leaders' power base. Religion is a major factor in the zone, and traditional rulers and religious leaders have power and command people's respect, such that they can be key players in endorsing candidates and turning out voters. For example, in Kano in the 2003 elections, coalitions of groups worked together to monitor the counting and collation of votes, with a veiled threat that all hell could break loose should manipulation of the process result in the defeat of the popular candidate. Participants in Global Rights' consultations emphasized that the common concern of protecting the people's mandate, if articulated clearly and supported by leaders, can unite a broad coalition of otherwise diverse groups with different interests.

### **4.4 SOUTH-EAST GEO-POLITICAL ZONE**

Abia, Anambra, Ebonyi, Enugu, and Imo are the states in the South-East Zone. This region forms the heartland of the Igbo ethnic group and the majority of the population belongs to the Christian religion. There is a strong feeling among the Igbo that the national government marginalises and neglects their region as a punishment for attempted secession in the late 1960s.

Previous elections in this zone have been marred by high levels of political violence, as well as electoral fraud before, during, and after elections. The zone is also characterised by pervasive monetisation of politics, powerful political godfathers who have controlled the elections and politicians, and an incoherent and opportunistic leadership that has little commitment to the aspirations of the people in the zone. This combination is likely to heighten the political temperature in the South-East during the 2007 election process.

Despite these challenges, participants of Global Rights' consultations did express some optimism that a network of professional associations, such as *okada* drivers' and market women's associations, could be mobilised to promote and defend free and fair elections, as associational life provides a great impetus to community development in the zone. They also suggested that religious organisations could be organized to protect the people's mandate, as they are very influential in the region.

#### **4.5 SOUTH-SOUTH GEO-POLITICAL ZONE**

The South-South Zone, also known as the Niger Delta, comprises the following states: Akwa Ibom, Bayelsa, Cross River, Delta, Edo, and Rivers. The Delta region is blessed with large deposits of crude petroleum, which plays a significant role in the Nigerian economy. Due to issues such as the mode of oil revenue sharing between the different regions of the country, the ecological damage arising from the “unholy” alliance between the Nigerian government and transnational oil companies, disputes over land ownership, and numerous inter-ethnic and inter-community violent conflicts, this region is indeed a troubled zone. As a consequence, the Niger Delta has become highly militarised, not only because of the large presence of army and police, but also due to the proliferation of ethnic militias and youth gangs.

Given the high stakes of political elites in this zone, many people believe that the results of the 2007 elections for the South-South have already been decided, and they have little confidence in INEC or security agents. This perception of an already stolen mandate leads to political apathy. Given the level of violence in the zone already and the strong roles violence and political patronage have played in past elections, there is an equally strong sense of uncertainty in the run-up to the 2007 elections. It will be a challenge to prevent mass disenfranchisement of people who may be too intimidated by the possibility of violence to vote. Another challenge will be voter education and organizing mandate protection in the difficult-to-access riverine areas.

The following possible solutions to these challenges were discussed during the consultations and focal group discussions:

- Civic and political education to help citizens connect electoral outcomes to good governance and improved welfare of the people;
- Encouraging mass political participation as a strategy for protecting people's mandate; and
- Developing meaningful community sanctions against local politicians who are known to have participated in election fraud.

#### **4.6 SOUTH-WEST GEO-POLITICAL ZONE**

The states in the South-West Zone are Ekiti, Lagos, Ogun, Ondo, Osun, and Oyo. This zone is characterized by a high degree of urbanisation, high literacy, a deep culture of civic engagement, a strong media, and a culture of religious tolerance. The region is also noted for imposing sanctions on politicians adjudged to have broken rank with tradition or to have acted in a politically embarrassing manner in relation to what is perceived as the collective interest of the Yoruba, who are the dominant ethnic group in the region.

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There are also a number of negative factors that are important to note in relation to the conduct of elections. As elsewhere in Nigeria, high levels of poverty make it easier to bribe people with rice, sugar, or other incentives for their votes, and “godfatherism” is also a strong phenomenon. Election-related violence and political killings have been especially common in the South-West and are a threat to the entire electoral system, although this culture of violence has also played a positive role in keeping down electoral fraud in some cases, because potential fraudsters feared retribution. Finally, many people strongly suspect most INEC officials of being either members of PDP or strong PDP sympathisers who have no intention but to rig elections in favour of the PDP.

Participants in Global Rights' consultations and focal group discussions felt that the zone's vibrant civil society and relatively highly educated population are a strong foundation for organizing mandate protection. They also discussed ways that the factors contributing to the zone's violent history of rejecting electoral fraud in the first and second republics could be transformed into elements of peaceful and democratic strategy for protecting the people's mandate. Finally, they stressed the importance of building alliances between NGOs and urban professional guilds.

### **ACTIVITY 5: Developing an Action Plan**



Now that you have been through all steps of the electoral process and have discussed the role of the different relevant stakeholders, you can pull together all the strategies you have developed into a mandate protection action plan.

**Objective:** To develop a step-by-step plan for how your organisation will work with others to protect the people's mandate during the 2007 election process.

**Method:** Consider the mandate protection strategies suggested throughout the Toolkit and the ideas that came up while you did the other activities. Your action plan should include the following elements:

1. Focus of your mandate protection work. Will you focus on INEC and voter registration and Election Day? Will you focus on peace building and working with the police and community groups to reduce electoral violence? It is unlikely that your group, even as part of a coalition, will have the resources to monitor every stakeholder and every step of the electoral process. You will need to prioritise.
2. Geographic area you will cover. Will you cover one LGA? Will you cover three wards and polling stations on Election Day? Work out geographic coverage so that all areas in your state

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get covered by at least one NGO during voter registration and on Election Day.

3. Time frame of your activities and a calendar. If you plan to carry through your mandate protection work through the election petition process, plan for it. If you plan to monitor voter registration, you will begin organizing earlier than if you plan to focus only on Election Day. Note when you will carry out each advocacy visit and when you plan to hold each coalition meeting.
4. Strategies and tactics. A combination of strategies will likely be most effective, but in all cases, the more detailed you are in planning, the more successful you will be. Instead of writing down, "Communication with INEC at a state level", be more specific. How often will you communicate with them? At what points? By letter, phone, or personal advocacy visit?
5. Personnel. Which people in your group will do what? Do you need to recruit volunteers?
6. Resources and budget. Do you need a vehicle to do your work, and, if so, will you use a taxi, an organizational car, or an *okada*? How much will each activity you've planned cost? How will you obtain resources and money you are missing?
7. Risk analysis and management. How will you minimize the chances of being targeted for violence? What will you do if someone in your group is threatened? What is your plan if INEC does not respond to complaints you raise? Thinking through the things that can go wrong and preparing far in advance for them will help minimize the negative impact of the obstacles you face.
8. Monitoring/Evaluation. How will you know if your actions are successful? How will you know if there are things you can do better? When will you plan to reflect on the process, or the "how", of what you are doing?
9. Working with other organisations. Find out which other organisations in your community are active in promoting free and fair elections and working to protect the people's mandate. Organise a meeting and discuss ways to network and cooperate to ensure the broadest coverage of polling stations at voter registration and on Election Day and the most effective advocacy with INEC, police, and other stakeholders. Alliances and coalitions will work better if there are identified structures of communication and agreed division of roles and responsibilities.

**Outcomes:** A written mandate protection action plan for your organization.

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**REMEMBER:**

*"IF YOU THINK YOU ARE TOO SMALL TO HAVE AN IMPACT, TRY  
GOING TO SLEEP IN A ROOM WITH A MOSQUITO."*

Anita Roddick, founder of The Body Shop

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## 5. Endnotes

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- <sup>1</sup> Global Rights has in this regard published two booklets: *Nigeria's Electoral Geography & the Path to Free and Fair Elections*, June 2005, and *Nigeria Elections 2007 — Defending the People's Mandate*, September 2005.
- <sup>2</sup> The communities and foci of the research were as follows: 1) Use of community sanctions in protecting the people's mandate in Cross River State; 2) Strategies for coalition building in protecting the people's mandate in Plateau State; 3) Enhancing efficacy in election monitoring in Oyo State; 4) The role of the church and daughters of the soil in protecting the people's mandate in Imo State; 5) The issue of endemic poverty as an obstacle to protecting the people's mandate in Bauchi State; and 6) The role played by social, political, economic, and religious forces in defending the people's mandate in Kano State.
- <sup>3</sup> Transition Monitoring Group, *Divining the People's Will: A Report of the 2004 Local Government Elections in Nigeria*, June 2004, Lagos, page 21.
- <sup>4</sup> Larry Diamond et al. (eds.) (1988), *Democracy in Developing Countries*, Vol.2, *Africa*, page xvi, Boulder, Colo: Lynne Rienner.
- <sup>5</sup> Elklit, Jørgen, and Palle Svensson (1997), "What Makes Elections Free and Fair?" *Journal of Democracy*, Vol.8, No.3, pages 35-36.
- <sup>6</sup> INEC's website, [www.inecnigeria.org](http://www.inecnigeria.org), is a useful source of further information about INEC.
- <sup>7</sup> Nigeria Electoral Act 2006, Part X, Section 158(2).
- <sup>8</sup> DFID Programme Memorandum, Annex 2: "2003 Elections — Learning from Experience" note 53, page 21.
- <sup>9</sup> Legal Defence Centre, *Nigeria: Tribunals and the 2003 Elections*, April 2004, Lagos, page 34.
- <sup>10</sup> Nigeria Electoral Act 2006, Part IX, Section 140(2).
- <sup>11</sup> Nigeria Electoral Act 2006, Part IX, Section 142.
- <sup>12</sup> Legal Defence Centre, *Nigeria: Tribunals and the 2003 Elections*, April 2004, Lagos, page 39.
- <sup>13</sup> Nigeria Electoral Act 2006, Part IX, Section 140(3).
- <sup>14</sup> Nigeria Electoral Act 2006, Part IX, Section 141.
- <sup>15</sup> Nigeria Electoral Act 2006, Part IX, Section 145.
- <sup>16</sup> Legal Defence Centre, *Nigeria: Tribunals and the 2003 Elections*, April 2004, Lagos, page 69.
- <sup>17</sup> Transition Monitoring Group, "Preliminary Report Issued on the Local Government Council Elections Held on Saturday, March 27, 2003," page 7.
- <sup>18</sup> Transition Monitoring Group, "Preliminary Report Issued on the Local Government Council Elections Held on Saturday, March 27, 2003," page 11.

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- <sup>19</sup> Gender and Development Action (GADA), *Nigerian Women & Political Entrism: Power, Intrigues and Obstacles around the 2003 Elections*, December 2003, page 51.
- <sup>20</sup> Nigeria Electoral Act 2006, Part IV, Section 32(1).
- <sup>21</sup> Nigeria Electoral Act 2006, Part IV, Section 32(4).
- <sup>22</sup> Nigeria Electoral Act 2006, Part IV, Section 34(1-2).
- <sup>23</sup> Story told by one of the participants at the Global Rights Zonal Mandate Protection Workshop in Kaduna, 7-8 August 2006.
- <sup>24</sup> Global Rights, *The Report on the Focus Group Discussions and Roundtables on the Feasibility of a Community Based Approach (using community sanctions) to Protect the People's Mandate, Held in the South-South Zone, with Focus on Cross River State, from November-December 2005*, unpublished.
- <sup>25</sup> Story as told to Global Rights by Maa Odi of Rural Women's Empowerment Network in Lagos on 27 July 2006.
- <sup>26</sup> Transition Monitoring Group, *Constituency Delimitation and the Future of Electoral Democracy in Nigeria*, 2005.
- <sup>27</sup> Transition Monitoring Group, *Registration of Voters 2002*, December 2002, Abuja, page 28.
- <sup>28</sup> Transition Monitoring Group, *Registration of Voters 2002*, December 2002, Abuja, page 35.
- <sup>29</sup> Transition Monitoring Group, *Registration of Voters 2002*, December 2002, Abuja, page 34.
- <sup>30</sup> Transition Monitoring Group, *Registration of Voters 2002*, December 2002, Abuja, pages 35-36.
- <sup>31</sup> Transition Monitoring Group, *Registration of Voters 2002*, December 2002, Abuja, pages 39-42.
- <sup>32</sup> Transition Monitoring Group, *Registration of Voters 2002*, December 2002, Abuja, page 45.
- <sup>33</sup> Nigeria Electoral Act 2006, Part III, Sections 10(5) and 11(1).
- <sup>34</sup> Nigeria Electoral Act 2006, Part III, Section 20(1).
- <sup>35</sup> Nigeria Electoral Act 2006, Part III, Section 22(2).
- <sup>36</sup> Nigeria Electoral Act, Part V, Section 78.
- <sup>37</sup> Nigeria Electoral Act, Part V, Section 79.
- <sup>38</sup> Mobolaji Aluko, "Anambra's multiple Legislators," 12 June 2003, [www.dawodu.com](http://www.dawodu.com), accessed on 26 July 2006.
- <sup>39</sup> Nigeria Electoral Act 2006, Part IV, Section 32(1).
- <sup>40</sup> Nigeria Electoral Act 2006, Part IV, Sections 32(3) and 35.
- <sup>41</sup> Nigeria Electoral Act 2006, Part IV, Section 34(1-2).

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- <sup>42</sup> Nigeria Electoral Act 2006, Part IV, Section 32(4).
- <sup>43</sup> President Obasanjo, speaking at a “world press conference” to launch his reelection campaign on 13 February 2003, as cited in *Do the Votes Count?*, by Transition Monitoring Group, July 2003, page 79, citing *The Guardian*, Vol 19, No 8,885, 20 March 2003, page 8.
- <sup>44</sup> Transition Monitoring Group, *Do the Votes Count?*, July 2003, pages 78-81.
- <sup>45</sup> As told by Igwebike Nebife, Community Rights Initiative (CRI), at the Global Rights South-South Mandate Protection Workshop, 16 August 2006, in Port Harcourt, Rivers State.
- <sup>46</sup> Statement made by Nuhu Ribadu, Chair of the Economic and Financial Crimes Commission (EFCC) during the Nigerian Labour Congress Election Forum on 11 July 2006, as cited in *This Day*, 12 July 2006.
- <sup>47</sup> Nigeria Electoral Act 2006, Part V, Section 91.
- <sup>48</sup> Nigeria Electoral Act 2006, Part V, Sections 92-93.
- <sup>49</sup> Nigeria Electoral Act 2006, Part V, Sections 89, 95-95.
- <sup>50</sup> Transition Monitoring Group, “Preliminary Report Issued on the Local Government Council Elections Held on Saturday, March 27, 2003,” page 2.
- <sup>51</sup> Nigeria Electoral Act 2006, Part IV, Section 47.
- <sup>52</sup> Transition Monitoring Group, *Divining the People's Will: A Report of the 2004 Local Government Elections in Nigeria*, June 2004, Lagos, pages 45-46.
- <sup>53</sup> Transition Monitoring Group, “Preliminary Report on the Gubernatorial and Presidential Elections, Held on Saturday, April 19, 2003,” page 6.
- <sup>54</sup> DFID Programme Memorandum, Annex 2: “2003 Elections — Learning from Experience.”
- <sup>55</sup> Nigeria Electoral Act 2006, Part IV, Sections 49-54.
- <sup>56</sup> Transition Monitoring Group, *Do the Votes Count? A Final Report of the 2003 General Elections in Nigeria*, July 2003, pages 198-199.
- <sup>57</sup> Nigeria Electoral Act 2006, Part VII, Section 132.
- <sup>58</sup> Nigeria Electoral Act 2006, Part X, Section 156.
- <sup>59</sup> Transition Monitoring Group, “Preliminary Report on the Gubernatorial and Presidential Elections, Held on Saturday, April 19, 2003,” page 6.
- <sup>60</sup> Transition Monitoring Group, “Preliminary Report on the Gubernatorial and Presidential Elections, Held on Saturday, April 19, 2003,” page 7.
- <sup>61</sup> Transition Monitoring Group, “Preliminary Report on the Gubernatorial and Presidential Elections, Held on Saturday, April 19, 2003,” page 7.
- <sup>62</sup> Transition Monitoring Group, “Preliminary Report Issued on the Local Government Council Elections Held on Saturday, March 27, 2003,” page 6.

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- <sup>63</sup> Transition Monitoring Group, "Preliminary Report Issued on the Local Government Council Elections Held on Saturday, March 27, 2003," page 7.
- <sup>64</sup> Nigeria Electoral Act 2006, Part IV, Sections 64-66.
- <sup>65</sup> Nigeria Electoral Act 2006, Part IV, Section 74.
- <sup>66</sup> Nigeria Electoral Act 2006, Part IV, Section 76.
- <sup>67</sup> "More Election Tribunals for Anambra," *Vanguard*, 23 June 2003, page 8, as cited by Legal Defence Centre, *Nigeria: Tribunals and the 2003 Elections*, April 2004, Lagos, pages 45-46 and *Nigeria: Tribunals and the 2003 Elections*, page 49.
- <sup>68</sup> Legal Defence Centre, *Nigeria: Tribunals and the 2003 Elections*, April 2004, Lagos, pages 46-47.
- <sup>69</sup> Legal Defence Centre, *Nigeria: Tribunals and the 2003 Elections*, April 2004, Lagos, page 44.
- <sup>70</sup> Nigeria Electoral Act 2006, Part IX, Section 140(3).
- <sup>71</sup> Nigeria Electoral Act 2006, Part IX, Section 141.
- <sup>72</sup> Main references in this section are: *Nigeria's Electoral Geography & the Path to Free and Fair Elections*, June 2005 and *Nigeria Elections 2007—Defending the People's Mandate*, September 2005, as well as unpublished reports from Global Rights' zonal focal group discussions.