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Countdown to Nigeria's Elections: Minimizing the Dangers

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Executive Summary

Elections have always been high-stakes affairs in Nigeria but the buildup to the 2015 elections has been accompanied by unprecedented levels of tension and anxiety. Two closely matched parties—the People's Democratic Party (PDP) of President Goodluck Jonathan and the opposition All Progressives Congress (APC) led by General Muhammadu Buhari—appear confident of securing victory. Inflammatory rhetoric and violence have already marred the campaign period. Both main parties appear to believe that the only way they can be denied victory is through fraudulent means. It is still possible for Nigeria to build upon the democratic progress made in 2011 but in order to do so, all the main stakeholders must perform with diligence, professionalism, integrity, and—above all—respect for the process.

While the task of organizing and managing the elections rests with the Independent National Electoral Commission, INEC alone cannot deliver good elections. It can, however, lay the foundations for success by acting impartially, clearly communicating its plans to the public, ensuring the timely delivery of Permanent Voter Cards (PVCs) to all those who registered to vote, and having contingencies in place in the event that things go wrong.

Beyond the efforts of INEC, other constituencies must also play their part:

- Political parties have a duty to conduct themselves with decorum and rein in inflammatory words and actions by their candidates and supporters. They will need to respect the rules of the electoral game and resist the temptation to cry foul if they lose, unless there are credible grounds for doing so. They can reduce the risk of postelection violence by mutually agreeing on a process to resolve complaints.
- Nigeria's security agencies have a responsibility to perform their duties in a strictly impartial manner, to act with restraint, and to strike a balance between providing safe conditions for voting to take place and appearing to "militarize" the process in a way that may deter or prevent voters from taking part.
- The media has a special responsibility to inform the public about the electoral process, hold the participants to account, and avoid reporting in a way that deliberately inflames sectarian differences or creates conflict.
- Civil society can play its part by acting in a neutral manner, maintaining regular communication with INEC and other election stakeholders, and using its moral authority and on-the-ground presence to speak out against, and preempt, violence.
- The international community cannot and should not stray beyond its role as supporting actors in a Nigerian process. However, it can help strengthen the integrity of the process by speaking out loudly and frequently in support of free, fair, and peaceful elections and reminding the main parties of their responsibilities to keep the peace, setting out consequences to those who fail to abide by the rules.
- Finally, voters should recognize that the integrity of the electoral process stands or falls on their participation. They have a responsibility to familiarize themselves with the

voting procedure, use their vote wisely, and not allow concerns about the imperfections of the process to deter them from voting.

Introduction

Nigerians go to the polls in national elections on February 14 and 28, selecting a new president, national assembly, state governors, and state assembly representatives. These elections are arguably the most important in Nigeria's political development. They come at a critical moment in the country's history, as Nigeria faces on the one hand a devastating and unprecedented security challenge posed by the Islamist group Boko Haram, and on the other a tremendous opportunity for growth, development, and democratic progress. Emotions are running high, and political and sectarian divisions have deepened. The way these elections are conducted and how political party leaders and their constituents conduct themselves when the results are announced will have profound implications for Nigeria's political future, for the African continent, and the global community. Emotions are running high—and the world is watching.

Collectively, Nigerians and their international partners, must work for the best possible outcome—an electoral process that is free, fair, credible, inclusive, and peaceful. At the same time, with only a few days remaining, preparations must be made for a less than perfect outcome. The possibility of violence during the election, the even greater possibility of a violent aftermath, and the pressure to forestall both scenarios, looms over the current discussions and preparations.

The challenges associated with these elections are deeply embedded in the country's political DNA—an elite-based culture of winner-takes-all competition that has more to do with alliances and personalities than policy issues or party platforms. Shifting this political culture and changing the zero-sum mindset of political elites and their followers is perhaps Nigeria's greatest political challenge. It is unlikely to happen before the February 2015 elections, although how these elections are conducted could set the stage for an important and longer-term national dialogue among all Nigerians about how to re-cast and repair the country's social compact.

Against this broader political backdrop and the longer-term challenge of rebuilding the basic national consensus that is at the heart of democratic practice, there is an urgent need to get the technical details of the forthcoming elections right.

For the past year, the CSIS Africa Program has highlighted the importance of Nigeria's elections and brought Nigerian stakeholders together to discuss how best to make them a success through a series of conferences in Washington, London, and Abuja. A final, preelection conference was held in January in Abuja in collaboration with the Savannah Center for Diplomacy, Democracy, and Development. Participants included senior representatives from the two main parties, members of INEC, high-level personnel from Nigeria's security agencies, civil society leaders, and journalists. This report synthesizes some of the main findings from the Abuja conference and its predecessors, identifies some of the risk factors, offers some recommendations to the main constituencies, and considers the role of the United States in supporting the process.

Nigeria's Election Challenges and the Role of Key Actors in Meeting Them

The main challenges Nigeria faces in holding free, credible, and peaceful elections in 2015 fall into three main categories: technical, political, and security. In each area, a set of key constituents has the power through positive words and actions to minimize the disruptive potential of these challenges. INEC is the main actor in the technical arena; the political parties,

candidates and their supporters are responsible for managing the political arena; in the security realm, uniformed services play a lead role, although equally important will be the technical integrity and credibility of the process and the conduct of actors within the political realm. In all these arenas, Nigeria's vibrant civil society, its news media, and voters themselves can exert positive influence, and the international community can support and complement their efforts. This section lays out the main areas of concern in each area and suggests some ways to help mitigate the dangers.

Technical Challenges

INEC has the primary responsibility for ensuring that the election process runs smoothly. In an attempt to reduce the risk of fraudulent voting, efforts have been made since 2008 to clean up the voters' register and issue eligible voters with permanent voter cards based on their submission of biometric data. On January 13, INEC published the voters' register, which showed that 68.8 million people had registered to vote, slightly down from 2011 levels. Some 4 million double registrants, according to INEC, had been removed from the final list. Two big concerns have emerged in the final run-up to the February 14 and 28 polls. First, [only 38 million voters have picked up their PVCs](#), raising doubts over the capacity of INEC to ensure that the remainder are collected on time. The issue has been raised in the National Assembly, where the House of Representatives called upon INEC to relax the rules on PVCs and allow voters to take part using temporary voter cards from previous elections. This idea has been strongly resisted by INEC, which insists that PVCs provide the best check against voter fraud and has assured voters that all PVCs will be ready for collection in time for the election. However, the issue appears to have dented public confidence in INEC and led to a flurry of ill-founded rumors that PVCs are being deliberately withheld in parts of the country in order to shift the political advantage in favor of one party or the other.

A second flashpoint issue concerns Internally Displaced Persons (IDPs), who are not catered for under Nigeria's Electoral Act. Nigeria's [IDPs number approximately 1 million](#) and come predominantly from the three northeastern states worst affected by Boko Haram, which also happen to be APC strongholds. The removal from the franchise of such a large number of potential voters would pose major questions about the integrity of the election in the northeast. INEC has declared its intention to examine ways of allowing IDPs to vote in established camps for the displaced, but some lawyers have voiced doubts about the wisdom of making eleventh hour amendments to the Electoral Act, while others have pointed out that the majority of IDPs do not reside in camps. One suggestion is that these IDPs be allowed to transfer their votes from their home area to their current, temporary, one. What is clear is that important discussions about the voting rights of IDPs should not have been left unresolved less than 30 days before the election.

Finally, in addition to the technical aspects of the election, INEC will face the challenge of building confidence in the independence and impartiality of the institution at both federal and state level, the integrity of the electoral process, and the reliability of the results. Electoral fraud, it should be noted, is threat to both parties. Powerful state governors can wield enormous influence over the conduct of elections in their respective states, and have the potential capacity to deny the presidential candidate of the opposing party the 25 percent of the vote that he must obtain in 24 of the 36 states to be successful. Gubernatorial races will be highly vulnerable to malfeasance. Ensuring the impartiality of state-based electoral officials and

redressing the trust deficit will be as important as getting the technical aspects of the election right.

Recommendations for INEC:

- Surge capacity to ensure that all voters can pick up their PVCs well ahead of February 14.
- Communicate clearly, loudly, and repeatedly to the public, with information on the status of their PVCs. Publicize more prominently the fact that voters can verify whether their PVC is ready for collection by checking the INEC website or sending a text message with their name state and voter identification number.
- Finalize and rehearse contingency plans in the event of technical problems such as the breakdown of voter card readers or logistical challenges. In 2011, the voting timetable was changed at the last possible moment, without warning. While this was a sensible decision in the circumstances, it created confusion among voters. Given the higher stakes this time round, any similar moves will undermine faith in the process unless they are carefully and transparently managed.
- Publish election results down to the polling station level. Currently, Nigerian citizens can verify the final tally at their respective polling stations (the results are signed and posted outside the station at the conclusion of voting), but ultimately are unable to check that this number is accurately integrated into the final outcome. INEC publishes final results only down to the level of the collation center, short of the granularity that enables citizens (and party agents) to verify the outcome for themselves. Such a solution may cost marginally more in time and INEC resources, but would likely be willingly supported by the international community if INEC proves amenable.

Political Challenges

The 2015 election campaign has been fought in uncompromising fashion, fueling the reputation of Nigerian politics as a [do-or-die affair](#). Inflammatory rhetoric has been used by candidates of the two main parties and both sides have been accused of deploying thugs to intimidate opponents and attack party rallies, members, and offices. The [public commitment](#) made in Abuja by President Jonathan and General Buhari to refrain from incitement to violence, to avoid sectional appeals on religious, regional, or ethnic grounds, and to urge their respective parties to follow their example, was an encouraging act of symbolism. Nigerians will be hoping that this agreement is not forgotten as passions rise during the election, and—most importantly—after the results are announced.

Perhaps the most troubling potential election contingency is the possibility of a disputed presidential result. Both leading parties are adamant that they will win. The opposition APC has said that it will abide by the results if they are fair but has not laid out its criteria for making this judgment call. It has also said that it has lost faith in the process for hearing complaints and adjudicating disputes. The APC leadership deems the 180-day legal limit on the adjudication of electoral disputes—including the collection of evidence, a hearing, and possible appeal—to be a fundamentally unfair process that is vulnerable to stalling tactics by adjudication officials who deliberately run down the clock. In the event that it feels it has been cheated out of victory, the [APC has threatened](#) to form a parallel government.

An urgent discussion is needed by both main parties, aided by civil society, to agree on mechanisms to validate results and boost public confidence; or if circumstances dictate, to

challenge the results and build public pressure for scrutiny, investigation, accountability, and—if warranted—reversal. The power of “the street” can be helpful to political leaders. Postelection violence in Kenya’s disputed 2007 elections resulted in a concerted regional and international diplomatic effort that resulted in a power-sharing agreement between parties. But it also came at a terrible cost; it led to the deaths of up to 1,500 Kenyan citizens, the displacement of hundreds of thousands more, caused a crippling economic slow-down, and delivered a major blow to Kenya’s global reputation. Nigeria’s 2011 elections saw 800 people killed in postelection violence and massive destruction of properties and livelihoods in a number of northern cities. How best to plan and prepare for the possibility of a disputed result in a way that minimizes violence and safeguards the lives of Nigerian citizens?

A number of mechanisms for transparency and validation exist outside state institutions. These can help build confidence in state institutions and electoral outcomes, or alternatively, assist in bringing scrutiny and investigation to areas of irregularity, galvanizing public and international pressure to hold those state institutions responsible to account.

Recommendations to political stakeholders:

- Ensure that the Abuja Declaration Accord on Non-Violence is circulated by the parties to all candidates for office and establish a mechanism for enforcing it.
- Engage in an urgent dialogue, approached in good faith, to agree on the rules of the game and in particular, a mutually acceptable mechanism for adjudicating electoral disputes.
- Commit to making an honest assessment of the election outcome, aided by civil society and both domestic and international observer missions, and, in the event of defeat, resist the impulse to cry foul irrespective of the circumstances.

Security Challenges

The challenges of staging a credible, successful election in a large, diverse country of more than 170 million people are compounded by the fragile security situation in parts of Nigeria. Special contingencies will be required to organize polling in Borno, Yobe, and Adamawa states, where Boko Haram occupies scores of Local Government Areas and has vowed to violently disrupt the elections. The oil-producing Niger Delta region remains restless despite the ongoing (but soon to expire) amnesty program that helped quell the worst of the insurgency. In addition, the electoral process itself and the way that political campaigns are fought has the potential to cause violence to erupt in virtually any part of the country. Unemployed and underemployed youths are exploited by unscrupulous political godfathers to intimidate opponents and the whole unstable mixture is aggravated by the easy availability of arms.

Nigeria’s various security agencies face the unenviable task of containing and responding to these threats. As they do so, it is incumbent upon them to act with professionalism, restraint, and—most importantly—impartiality. A persistent complaint by the APC in the run-up to the elections is that security forces are showing favoritism toward the PDP. They point to restrictions on their ability to campaign during previous gubernatorial elections, an unwillingness to prevent or properly investigate attacks on their supporters, police obstruction of APC representatives at the National Assembly, and unfounded accusations made by a spokeswoman of the Department of State Security [accusing them of hacking](#) into the INEC database. Whether real or perceived, accusations of partial behavior by the security services undermines public faith in the electoral process.

A second area of concern is that the security services strike a balance between providing sufficient security for voters and scaring them away from the polls by over-militarizing their approach. Concerns have been raised, again by the APC, that the security services were too overbearing in their policing of gubernatorial elections in Ekiti and Osun states last year and that some security personnel did not display their service branch and covered their faces with hoods, allowing them to act with impunity.

Recommendations for the security services:

- Act impartially and do not confuse service to the state with service to the government of the day.
- Act with restraint, professionalism, and transparency.
- Abide by standard operational guidelines such as newly produced police handbooks on human rights and election security; hold accountable officers who contravene them.

Supporting Actors

The Media

Nigeria’s outspoken news media has a potentially critical role to play in helping mitigate the potential for violence and sectarianism in the run up and aftermath of the election. Media is rarely if ever politically impartial, but at this moment in particular there is a strong need for fair, accurate, and conflict-sensitive reporting. While the primary responsibility for inflammatory words and actions lies with the politicians and their supporters who deploy them, the media—along with citizens and civil society—needs to call out and challenge incitement and avoid stoking up tensions in its reporting.

Recommendations for media:

- Consider collective action to allay sectarian division and mitigate the possibility of violence. One possibility would be a media accord to mirror the Abuja Accord in which the leading candidates pledge to refrain from inflammatory language and discourage constituents to do the same.
- Consider issuing a coordinated pre-Election Day editorial message, exhorting nonviolence.

Civil Society

Civil society groups will perform a multitude of important roles before, during, and after the elections. Their diverse responsibilities include voter education, reaching out to marginalized voters, and monitoring hate speech by candidates. During the election itself, observer missions—both domestic and international—can provide some independent assessment of the integrity of the process. With access in northern states a particular challenge in the 2015 elections, domestic Nigerian observer groups will play a critical role. The Transition Monitoring Group (TMG) will deploy a network of observers across the 36 states and the Federal Capital Territory, and provide real-time reports on the electoral process as well as a parallel vote count, QuickCount, that can be compared to official INEC results once they are announced. Similarly the “Situation Room,” a coalition of civil society groups will use its network to collect up-to-the-minute reports on the conduct of elections, serve as an early warning system, and highlight potential trouble spots. To most effectively validate or challenge the integrity of the process, these various mechanisms will need to work in a coordinated way to ensure wide national

coverage, and to provide some meta-analysis of eventual findings that can inform the collective judgment of Nigerian voters, political parties, and the international community.

Recommendations for civil society:

- Coordinate activities within civil society to ensure maximum impact.
- Liaise continuously with INEC and other external partners to ensure that problems can be anticipated and responded to through collective efforts.
- Monitor and speak out against hate speech and incitement by political candidates.
- Intensify voter education efforts, supporting and complementing the efforts of INEC, concentrating attention on groups that are historically underrepresented at elections, including young people, women, the physically challenged, and IDPs.
- Use election programs and activities as a springboard for postelection engagement on good governance that holds winning candidates accountable for promises made during their campaigns.

The International Community

Nigeria's election will be decided within Nigeria, and whether the process is free, fair and credible, and whether it is met with acquiescence or violence will depend entirely on Nigerian citizens and their political leaders and institutions. Nonetheless, the international community, including the U.S. government, can support the integrity of the process and help mitigate the possibility of postelection violence, by making clear to both parties that there will be real consequences for individuals or groups who seek to subvert the integrity of the electoral process or seek to incite or inflame violence. It must emphasize that it will follow through with these consequences even in the absence of postelection violence. The signal must be clear that political violence, the killing of civilians, and the destruction of property are not the only—and certainly not the best—way to garner international attention and support for accountability if indeed the elections are fundamentally flawed.

Recommendations for the international community:

- Work closely together, synchronizing messages in order to amplify their effect.
- Emphasize to federal and state leaders of both parties what is at stake in ensuring that the process be free from political interference, and that there will be consequences for individuals subverting the process.
- Remind each of the main presidential candidates of their primary responsibility to prevent violence among their supporters.
- Warn against efforts by the security agencies to influence the outcome of the election and closely monitor the final run-up to the vote and the election phase itself for any evidence of partial conduct.
- Anticipate the eventuality of a contested election outcome and carefully consider how to evaluate claims of rigging and respond if the election outcome is contested.

Voters

Finally, a word on the central actors in the forthcoming elections: voters themselves, who may be forgiven for approaching the polls with trepidation given the litany of concerns raised about

the process and the high levels of inflammatory rhetoric and warnings about violence that have accompanied the run-up to the vote. It is important that they do not lose faith in the process. The best protection against rigging in the elections is high voter turnout. The 2015 elections are not a one off event but part of a longer journey of democratic development. While they may be far from perfect, voter participation can help prevent them from being a major reversal.

Recommendations for voters

- Participate, understanding that no election can be perfect.
- Be responsible for learning how the process works, what to do on Election Day, and how to guard their vote.
- Resist any efforts to exchange their vote for financial or other inducements.

Conclusion: Looking beyond the 2015 Elections

With only a few days remaining before Nigerians go to the polls, the list of options for strengthening the electoral process is fairly limited. After the dust settles on the 2015 election cycle, a number of reforms, many of them suggested in previous reviews of Nigerian elections, merit serious consideration (former Chief Justice of Nigeria, Justice Mohammed Uwais, laid out many sensible recommendations in a [report](#) commissioned in the wake of the discredited 2007 elections). The onus will be on the incoming National Assembly to stand above party loyalty and personal interest and adopt measures in the national interest that will help take the heat out of future elections and lower the risks that violence will interfere with citizens' right to vote.

Top of the agenda will be removing the culture of impunity that means that to date, only [200 people have been successfully prosecuted](#) for offences related to the 2011 election. The setting up of an Electoral Offences Commission with prosecutorial powers would go a long way toward challenging the mindset that cheating at elections carries no consequences. Political parties have a responsibility to toughen up their internal vetting process for candidates to avoid the situation where, as [President Jonathan has admitted](#), "all kinds of characters" can stand for office.

Measures should also be considered that challenge the zero sum nature of politics. Some of them were outlined by President Jonathan in a speech at the signing of the preelection nonviolence accord in Abuja. They include a move toward proportional representation in state elections and a constitutional amendment that would compel the winners of an election, at federal and state level, to provide cabinet positions to those who performed well, but lost out. These proposals deserve support but an enormous effort will be required to overcome vested interests and turn them into law. A concerted push in support of this endeavor by civil society would be a good way of linking its election and postelection advocacy efforts.

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