

## Chapter 4

### ELECTION CAMPAIGN AND MEDIA

#### THE ELECTION CAMPAIGN

The election campaign officially commenced on 1 December 2010 as scheduled by INEC, and ended twenty-four hours before each election.

Political parties used broadcast, print, new media technology and social media to reach out to supporters. Other modes of campaigning, including posters, billboards and rallies, were also employed. The ACN, ANPP, CPC and the ruling PDP had the most visible campaigns.

The PDP and its presidential candidate, Dr Goodluck Jonathan especially dominated the campaign landscape in some states including Abuja FCT where their billboards were prominently displayed. We noted, with concern, instances where billboards of political party candidates appeared to have been intentionally defaced.

Political parties campaigned in both urban and rural areas across all 36 states and Abuja FCT, and generally enjoyed freedom of movement, speech and assembly. However some opposition parties highlighted instances where their candidates had faced impediments to their right to freely campaign. For instance, the ACN cited the arrest of its gubernatorial candidate in Akwa Ibom State on 22 March 2011, on charges of treason, arson and murder following a serious clash between ACN and PDP supporters.<sup>4</sup> The CPC also highlighted instances where its presidential candidate had faced obstructions when accessing the venue of his rallies.

#### The Regulatory Framework for Campaigns

The 1999 Constitution and the Electoral Act 2010 outline the framework for the conduct of political parties during campaigns. The 1999 Constitution provides for the right to peaceful assembly and association, and the right to freedom of movement, thereby guaranteeing the necessary conditions for political party campaigns.

Sections 94 to 120 of the Electoral Act 2010 proscribe certain conduct during the campaign. These include the use of private security organisations, threatening to use force or violence or actually using force or violence, and possessing offensive weapons at a political rally. Furthermore, the Commissioners of Police in each State and Abuja FCT are obliged to provide adequate security for processions at political rallies.

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<sup>4</sup> The ACN candidate was granted bail on 8 April 2011, on the eve of the National Assembly elections.

Section 101 of The Electoral Act also proscribes campaigning after the deadline for campaigns. In Kano State, Commonwealth observers witnessed a procession of a political party during the abortive 2 April National Assembly elections. During the 9 April National Assembly elections, the Kano-based Commonwealth observers again witnessed supporters of a party pasting posters of their candidate around a polling unit, in contravention of the above mentioned provision.

In recognition of the multi-ethnic and multi-religious composition of Nigeria's population, Section 95 of the Electoral Act 2010 proscribes the use of abusive language which is likely 'to injure religious, ethnic, tribal or sectional feelings' during campaigns. It also proscribes the use of places of religious worship for campaigns. Likewise, Section 102 prohibits campaigning based on religious, tribal or sectional reasons.

During the period of observation, the Group did not witness any significant transgressions of these important provisions, which serve to entrench respect for diversity and promote sensitivity towards all sections of society. In addition, in Jos, in Plateau State which is prone to ethnic and religious violence, Observers were encouraged to note the peaceful conduct of the electoral process.

Section 100(2) of the Electoral Act states that the state apparatus shall not be employed to the advantage or disadvantage of any political party or candidate at any election.

The Act sets a maximum ceiling of expenditure for each category of candidates. It also gives INEC the power to monitor and regulate political party expenditure. Some alleged that federal and state resources were being used to support the relevant incumbents in their campaigns. The Group had no means of verifying this allegation.

The Group also received complaints that some political parties were not adhering to the legal limits of expenditure in their campaigns. In this respect, concern was expressed about INEC's capacity to monitor and enforce the legal provisions on political party expenditure, which was perceived as important in ensuring a level playing field.

The Group, however, commends the political parties for voluntarily agreeing to and signing a Code of Conduct during the campaign period.<sup>5</sup> We learnt that 48 of the 63 registered political parties signed the Political Parties Code of Conduct 2011 at the signing ceremony on 8 March 2011, with others signing later. Among other provisions aimed at ensuring a conducive environment for campaigning, Code of Conduct 2011 required parties to shun violence, co-ordinate their rallies and

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<sup>5</sup> As noted in the foreword to the 2011 Political Parties Code of Conduct, 'this is not the first time INEC and political parties have created a Code of Conduct. In the past, however, there was inadequate respect for the provisions of the code' and it lacked an effective compliance monitoring mechanism. The 2007 Commonwealth Observer Group Report noted that the 2007 Code of Conduct reportedly did not attract the support of major political parties. The 2011 Code of Conduct is modelled after the 2007 version.

meetings, and refrain from defacing campaign materials of other parties. The Code of Conduct further called on parties to discourage their 'members in government' from using the power of incumbency to the disadvantage of other parties during campaigns.

The Group was encouraged to find that the inter-party dialogue mechanism (the Inter-Party Advisory Committee (IPAC)), established under the Code of Conduct was in operation and had held several meetings where issues of common interest and concern had been discussed. We learnt that it was the IPAC that persuaded the Chairman of INEC to further postpone the National Assembly Elections from 4 to 9 April, which, in turn, necessitated the postponement of the Presidential and Gubernatorial elections as detailed in Chapter 5.

## **Campaign Issues**

In previous elections in Nigeria, concern has been expressed about the personality-based nature of politicking, particularly during the campaign period. The Group notes that this was highlighted in the 2007 Commonwealth Observer Group Report.<sup>6</sup>

We are encouraged by positive reports, and indeed by own observations, that during this election campaign period, most of the major political party leaders and candidates engaged the electorate on key policy issues. These included: provision of stable electricity supply across the country; addressing corruption and enhancing good governance; generating employment; investing in education; and resolving Nigeria's complex security challenges as they pertain to militancy in the Niger Delta, sectarian violence in Plateau State, terrorism and general criminality.

We hope that this considerable shift in campaign focus and debate from personality to policy-based issues, will become entrenched in subsequent elections.

We highly commend the contribution of the youth of Nigeria to this positive development. Youth civil society groups such as Enough is Enough (EiE), through media outlets challenged political leaders to show transparency and accountability, and to tackle policy issues. A group of youth-led organisations and partners, 'What About Us?', organised a youth-focused presidential debate on 25 March 2011 where the following presidential candidates participated: Mallam Nuhu Ribadu (ACN), Mallam Ibrahim Shekarau (ANPP), General Muhammadu Buhari (CPC) and Bashorun Dele Momodu of the National Conscience Party (NCP).

## **Campaign-related Violence**

Against the backdrop of the on-going complex conflict in the Niger Delta, Plateau State and random bomb blasts in some other parts of Nigeria prior to and during the campaign period, the media reported serious incidents of campaign related violence ahead of the elections.

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<sup>6</sup> Report of the Commonwealth Observer Group, Nigeria State and Federal Elections, 14 and 21 April 2007, page 53.

Some of the campaign-related electoral violence included the following:

In Akwa Ibom State, on 23 March 2011, four persons were reportedly killed and state vehicles damaged when supporters of the PDP and ACN clashed. A presidential campaign office was also burnt.

In Katanga, on 26 March 2011, at the headquarters of the Warji Local Government Area of Bauchi State, a bloody clash between supporters of the PDP and ACN left two people dead and several others injured. It was reported that at least 20 buildings as well as a number of vehicles were also damaged.

In Port Harcourt, Rivers State, on 12 February 2011, during Dr Jonathan's campaign rally, eleven people were reported to have died in a stampede which ensued after a policeman fired in the air to try to disperse crowds at the gates.

Against this worrisome trend, Dr Jonathan's public declaration that no political office or ambition was worth the blood of any Nigerian was welcomed by most people.

Our Group applauds the leadership of political parties, media representatives and civil society organisations, including youth groups, women's groups, and religious leaders, who consistently assured Nigerians that the April 2011 elections were not a 'do or die' affair. These peace messages brought a degree of calmness to the electoral environment. It is our hope that this laudable trend will continue and become entrenched at subsequent elections.

## **YOUTH PARTICIPATION**

As noted above, youth civil society groups were instrumental in focusing the campaign on policy issues. Some youth groups also undertook their own voter awareness campaigns. Enough is Enough (EiE), for example, launched a slogan termed R.S.V.P which stood for 'Register, Select, Vote, and Protect [your vote]'. Other youth programmes included 'Standup Naija' which consisted of a series of videos in which youth expressed the policy areas that were of concern to them in the 2011 elections.

The Group observed, however, that elective positions in Nigeria, as in some other parts of Africa, are generally the preserve of the older people, in a society where reverence for old age is an intrinsic part of the culture. This culture notwithstanding, we would urge that young people who qualify to serve their country be nurtured and afforded the opportunity to do so without encumbrances.

Within the above context, the Group further notes the legal age limitations to elective offices, as provided by the 1999 Constitution. To qualify for election to the office of the President, a person must have attained the age of 40 years. For the Senate, the age requirement is 35 years, and for the House of Representatives and State House of Assembly it is 30 years.

## **PARTICIPATION OF WOMEN**

The 2007 Commonwealth Observer Group Report<sup>7</sup> bemoaned the low level of participation of women candidates in elective positions. While there had been a modest and impressive improvement on the situation in 2003, there were only nine female Senators elected in 2007 and 24 female members in the House of Representatives. This combined tally of women legislators (at 33) was only 8.9 per cent of the total of 469 legislators. In State legislators, 54 women (8.6% of the total) were elected in 2007 (as opposed to 29 in 2003).<sup>8</sup>

The Group was disappointed to learn that this situation had not improved much in the April 2011 elections, in spite of the fact that 88 women contested for seats in the Senate, 218 for House of Representatives, 495 women for the 36 State Houses of Assembly, and 5 women for governorship.<sup>9</sup>

There were two female presidential candidates – Ebiti Onoyom Ndok, who successfully obtained the nomination of the United National Party for Development (UNPD) and Sarah Jibril, who unsuccessfully sought the ruling PDP ticket. There were four female vice presidential candidates.

The Group recognises that Nigerian women who run for office still face significant challenges, ranging from male dominated party politics, lack of funds to run an effective campaign, discrimination and resistance within political parties, low levels of education and cultural and religious barriers.

We commend the various training and advocacy projects being undertaken by various public and civil society organisations targeted at enhancing the empowerment of women and participation of women candidates in the electoral process, including young women.

We were told that some political parties exempted women from paying some of the high fees required for nomination as a party candidate. We also noted that the Federal Government, through the Ministry of Women Affairs and Social Development, launched a N100 Million Nigerian Women's Trust Fund as a mechanism to increase the number of women elected into political positions at all levels of governance in Nigeria.

We were informed that the National Gender Policy which provides for 35 per cent affirmative action for women in all appointive positions is yet to be implemented. We urge its prompt implementation to enhance gender participation in Nigeria's political culture.

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<sup>7</sup> Report of the Commonwealth Observer Group, Nigeria State and Federal Elections, 14 and 21 April 2007, page 31.

<sup>8</sup> *The Guardian*, Monday 11 April 2011.

<sup>9</sup> For the 2007 elections only one woman was nominated as a Presidential candidate and just one woman was nominated as a Vice-Presidential candidate. Figures compiled by UNIFEM indicated that women represented 6 per cent of the candidates nominated for the National Assembly elections.

We further urge Nigeria to adhere to its regional and international commitments on gender participation in government. This includes the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Commonwealth Plan of Action for Gender Equality (2005–2015), which promotes a minimum 30 per cent target for women’s participation and representation in government and decision-making processes.

## **THE MEDIA**

### **Overview of Media Landscape**

Nigeria has a vibrant and diverse media. This diversity is exemplified by the large number of newspapers, radio stations (particularly those on the FM frequency) as well as several television stations. There is also a growing number of Nigerians that use the internet and social networking platforms such as Facebook – although some media analysts caution that this still constitutes a small minority of Nigeria’s large population.

According to the National Broadcasting Commission, there are 187 radio stations, 109 television channels and 35 cable TV outlets.

There are broadly two forms of media ownership in Nigeria – the private and the publicly-owned media. State or public broadcast media operate on two levels – federal and state. The publicly-owned media includes the hugely extensive networks of the Nigeria Television Authority (NTA), the Federal Radio Corporation of Nigeria (FRCN), Voice of Nigeria (VON) and, and the News Agency of Nigeria (NAN).

The FRCN broadcasts at federal level, and is one of the largest radio companies with its headquarters in Abuja and 37 radio stations across Nigeria, broadcasting in 15 languages. At the state level, each of the 36 State governments owns a radio station, and in some cases a TV station.

The role of television has grown over recent years, due to both increased accessibility and the content being broadcast. Similar to the radio, the TV sector is dominated by the state/government-owned media. NTA, with its nationwide coverage and 70 regional stations, is the country’s largest TV network.

Unlike TV and radio, the print media is dominated by the privately-owned press. According to the Nigeria Press Council, which regulates the print media, around 100 out of 427 press titles are printed on a daily, weekly or monthly basis.

### **Legal Provisions on Media Coverage**

Article 39 of the Constitution of Nigeria guarantees freedom of expression. However, the Freedom of Information Bill that is intended to strengthen the legal framework in order for every citizen to freely exercise his/her fundamental right to access public records is still pending. The Bill was approved by Senate at the

beginning of March 2011, but had not yet been signed into law by the President by the time of the April polls.

Section 100 of the Electoral Act 2010 requires that the state apparatus, including the media should not be employed to the advantage or disadvantage of any political party or candidate at any election. Under the law, state media is also required to allocate time equally among the political parties or candidates at similar hours of the day.

In addition, public electronic media is required to allocate equal airtime to all political parties or candidates during prime times at similar hours each day, subject to the payment of appropriate fees. The Act also provides for penalties against any public media which contravenes the above requirements.

The state regulatory body for broadcast media is the National Broadcasting Commission, established by decree in 1992. NBC is responsible for examining the complaints against broadcasters, as well as for overseeing the implementation of the ethical standards established in the Nigeria Broadcasting Code.

The professional standards prior to the elections were defined by the Nigeria Broadcasting Code, and follow the lines of specific obligations for broadcast media as stipulated in Section 100 of the Electoral Act.

## **SPECIAL FEATURES OF ELECTION COVERAGE**

### **Programme Focus**

Most media channels – newspapers, radio and TV, ran regular programmes focusing on election issues. It was encouraging to note that most of the election coverage focused on issues, not personalities, unlike in past elections – a point perhaps attributable to the fact that the candidates also focused their campaigns on issues such as creating employment opportunities, providing basic amenities such as water, electricity, health services, and investing in infrastructure development.

### **Television Debates**

One unique feature of media coverage of the 2011 polls was the conduct of live televised debates for Presidential and Vice Presidential candidates. The initiative which was first taken by NN24 Television, a private station, and later by the Broadcasting Organisations of Nigeria (BON) and the Nigerian Elections Debate Group (NEDG), is clearly to be welcomed in principle.

It was unfortunate that, for whatever reasons, the PDP Presidential candidate, Dr Goodluck Jonathan, was not present during the first debate, and that the three main opposition Presidential candidates –Muhammadu Buhari (CPC), Nuhu Ribadu (ACN), and Mallam Shekarau (ANPP) were absent for the second debate. It is the Group's view that such debates are to be encouraged.

### **Influence of Media Ownership**

Various people the Group met expressed concern that some newspapers, radio stations and television stations were influenced by the nature of ownership. Stakeholders noted that the many private media outlets are owned by politicians who use them to promote their own interests. We note that the influence of ownership on media practice is not peculiar or limited to Nigeria. It is, however, crucial to ensure that during election periods the tenets of professional media ethics, such as objectivity, balance, fairness and integrity, are not flouted.

On the whole, however, the discourse in the media remained very positive and encouraging even when the National Assembly elections were postponed twice. The media consistently disseminated positive messages urging them to remain calm. This was highly commendable. This served as an important reminder to the public of their civic responsibility to participate in the electoral process.

### **Use of New Media and Social Media**

Mobile phones are widely accessible in Nigeria and these were utilised to circulate campaign messages especially by the PDP party who had a ringtone for their presidential candidate.

Social networks of *sms, twitter, facebook, blogs* etc were also used within Nigeria and to connect with those in the diaspora. Media support materials like radio jingles, TV skits, posters, t-shirts and caps were widely employed by various parties in their campaigns.

### **Press Briefings by INEC**

In a welcome development, INEC gave regular, timely press briefings which ensured that the electorate were aware of the various aspects of the electoral process.

### **Media Performance during Elections**

The Group noted that before and during the election, various outlets were put to intense use. There was varied and vast coverage of election related activities, including campaigns and the activities of INEC. The media also reported widely on cases of election-related violence, with editorials condemning such acts and calling for a peaceful environment for conducting the polls.

Many media houses provided in-depth analysis and critique of the different political party manifestos, and interrogated promises and pledges made by politicians. There were several phone-in programmes that encouraged voters to comment on parties and their policies.

Almost all the stakeholders the Group met commended the performance of the media, noting that it played a critical role in providing the voters with the necessary information to parties' position on key development issues.



Opposition parties, however, accused the federal/ state owned media of bias in favour of the respective ruling party at national and state levels, contrary to election regulations. Our Group could not independently verify these claims, and it was unclear if any legal actions were brought against the relevant public media institutions for failure to adhere to this particular electoral regulation.

The Nigerian Broadcasting Commission however reported on its website that over 30 broadcast media houses were sanctioned for failing to adhere to broadcasting code of respecting campaign silence 24 hours prior to election day.

Although the private media is not bound in the same way under the Electoral Act, they are expected to also observe the professional principles of fairness, balance, independence and objectivity.

## **RECOMMENDATIONS**

### **The Election Campaign**

- The Code of Conduct for Political Parties is a valuable feature of the campaign that needs to be consolidated and implemented in both letter and spirit.
- The Inter-Party Advisory Committee established under the Code of Conduct should become a standing mechanism for resolving differences and promoting consensus among political stakeholders.
- Political leaders carry a heavy responsibility and we urge them to ensure that their supporters reject violence as an instrument of politics.
- INEC's capacity to monitor and enforce the legal provisions on campaign financing and political party expenditure should be enhanced, so as to ensure full compliance with the regulations.
- The provision forbidding the display of campaign material at polling stations should be fully implemented.
- We urge the prompt implementation of the National Gender Policy to enhance gender participation in Nigeria's political system.
- We encourage political parties to mainstream gender policies so as to realise the goal of at least 30 per cent of women's participation in decision making processes.

### **The Media**

- The National Broadcasting Commission should ensure that the state media accords equitable coverage to all stakeholders, particularly during the campaign period.
- The private media must also transcend narrow partisan considerations and report objectively and in the larger interest of the nation.
- Public debates on television and radio among presidential and other candidates are a welcome development and should be encouraged for future elections.