



## **NIGERIA'S 2007 ELECTIONS AND MEDIA COVERAGE JANUARY 2007**

### **Election Campaign Context**

In April 2007, Nigerians go the polls for the third consecutive time to elect a President and national representatives. The 2007 elections are being watched with keen interest as a bellwether of established civilian rule in Nigeria and stability in West Africa. The Independent National Elections Commission (INEC) set April 14 as the date for state and local elections while Presidential and National Assembly polls are to be held on April 21. In the past, election campaigning has focused more on personality than policy. Further, it was not uncommon for winners and losers to trade barbs about fraud and irregularities. This year, public interest groups have indicated a desire for a more credible poll hinged on preparation by the Independent National Election Commission and the Media.

Following a review of the 2003 presidential and national polls, in which candidates from the All Nigeria People's Party (ANPP) complained vigorously and challenged the outcome in court and in the media accusing the winning incumbent party, the People's Democratic Party (PDP), of widespread vote rigging, reforms were recommended, principally around enhancing the capacity of INEC to conduct credible, free and fair elections, and the media broadening public debate. INEC did embark on reforms that are ongoing, but there are questions as to whether they have been far-reaching enough to significantly improve on the conduct of Election 2007.

Going by recent reports, some opposition candidates are already crying foul. There are complaints that preparations for Election 2007 have shown more than a few fault lines – a tight election time-table that has limited voter registration at Centres that have been overwhelmed and immersed in controversy about registration machines allegedly gone missing or undelivered. Subsequently the registration deadlines became a moving target from December 14 to January 31 and the last extension forced by public demand to INEC reset for February 2<sup>nd</sup>.<sup>1</sup> But even with these extensions, reports indicate that many eligible voters still may not be registered. Further, voter education has been minimal and largely urban focused. Whatever the hitches to the election schedules, the preparations are on-going, but it is the electoral environment that has raised the utmost consternation. A public feud between the outgoing President Olusegun Obasanjo and his Vice President Atiku Abubakar turned opposition politician, have stoked political tensions.

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<sup>1</sup> INEC Website: INEC News

There has been increased violence directed at individual politicians as well as media personnel in addition to unrests and serial kidnappings of foreign nationals in the oil-rich Niger-Delta region where communities are campaigning for the right to development. In the lead up to the elections, human rights defenders and various non-governmental organizations including the Media Rights Agenda have publicly complained about State Security Service, a domestic intelligence agency, making incursions into news organizations. Independent broadcast media such as the African Independent Television and Raypower-FM stations have been harassed by authorities with programs stopped in mid-air, tapes seized and reporters arrested. Just before the Christmas, the Chairman of the Editorial Board of daily This Day Newspaper, Godwin Agbroko was found dead behind the wheels of his vehicle. Days later, the office of ThisDay was gutted by fire. Then in January in the Nigerian capital, Abuja, two newspapers the *Leadership*, a daily, and *The Abuja Inquirer*, a weekly were raided and their offices briefly shut down. "It seems the election campaign will be a trying time for Nigeria's journalists, who are repeatedly the targets of SSS savagery," the press freedom organization said. "President Olusegun Obasanjo's declarations of good intentions towards the press are clearly just for effect if domestic intelligence services can carry out raids on newspapers that make the mistake of displeasing the government." Reporters Without Borders lists Nigeria's State Security Services as of the world's worst press freedom predators.

The tense political campaign environment has prompted critical comments from US and UK governments have expressed concern about the violence and its implication for the election. In the US, Army Lieutenant General Michael D. Maples, director of the Defense Intelligence Agency, testifying before the U.S. Congress, said the potential for violence in Nigeria remains high "as candidates from the predominantly Muslim north and Christian south compete for office."<sup>2</sup> Britain expressed concerns over press freedom in Nigeria citing the killing of a well known Lagos journalist and detention of several others in Abuja over "political stories." According to media NGO (non-governmental organizations) Reporter without Borders and the Media Rights Agenda (MRA), attacks in against the news media were escalating quite early-on in the election season.

Amnesty International, human rights defenders, and twenty-eight Civil Society Organizations (CSOs), decried a spate of extra-judicial killings, electoral violence and abuse of human rights in the country, ahead the 2007 general elections. Amnesty called for an end to continuing political violence and human rights abuses during and after elections, including acts of political violence, killings threats, intimidation, arbitrary arrest and detention of human rights defenders, civil society activists, and journalists. In a joint statement, the CSOs launched a "campaign for violence free elections calling for an end to increased political violence and human rights abuses in the country."

### **News Media and the Electoral Process**

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<sup>2</sup> Associated Press, Worldstream, January 31, 2007

Sections 102-105 of the Electoral Law of 2006 make rules for media coverage of the 2007 elections process. The rules are rather broad and open to any interpretation which can serve to restrict freedom of expression.

### **Recommendations for the Federal Government, the Independent National Election Commission (NEC) and the National Broadcasting Commission (NBC)**

- Provide specific guidelines on media role and responsibilities in covering the 2007 elections
- Publish and publicize elections guidelines widely to media organizations
- Ensure a safe and non-violent election coverage environment for news media personnel and political activists
- Deter security services from politically motivated incursions into news organizations' premises
- Encourage an environment of open dialogue about election and political parties' manifestoes
- Investigate every crime against news organization personnel and property

### **Text of the 2006 Election Law on Media Coverage:**

102. (1) A government owned print or electronic medium shall give equal access on daily basis to all registered political parties or candidates of such political parties.

(2) A denial of such access and equal time constitute an offence punishable in the first instance with a maximum fine of N500,000 and the withdrawal of the license of the offending electronic media house by the National Broadcasting Commission for a period of 12 months on any subsequent violation.

(3) A person other than a Political Party or a candidate who procures any material for publication for the purposes of promoting or opposing a particular political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills or any print or electronic medium whatsoever called during 24 hours immediately preceding or on polling day is guilty of an offence and liable on conviction to a maximum fine of N50,000 or imprisonment for six (6) months or to both.

103. (1) A candidate and his party shall campaign for the elections in accordance with such rules and regulations as may be determined by the Commission.

(2) State apparatus including the media shall not be employed to the advantage or disadvantage of any political party or candidate at any election.

(3) Media time shall be allocated equally among the political parties at similar hours of the day.

(4) At any public electronic media, equal airtime shall be allotted to all political parties during prime times at similar hours each day, subject to the payment of appropriate fees.

(5) At any public print media, equal coverage and conspicuity shall be allotted to all political parties.

(6) Any public media that contravenes subsections 3 and 4 of this section shall be guilty of offence and on conviction be liable to a maximum fine of N500,000 in the first instance and to a maximum fine of N1,000,000 for subsequent conviction.

104. (1) A person, print or electronic medium who broadcasts, publishes, advertises or circulates any material for the purpose of promoting or opposing a particular political party or the election of a particular candidate over the radio, television, newspaper, magazine, handbills, or any print or electronic media whatsoever called during twenty four hours immediately preceding or on polling day is guilty of an offence under this Act.

(2) Where an offence under subsection (1) of this section is committed by a body corporate, every principal officer of that body is equally guilty of an offence under this Act.

(3) Where any person is convicted of an offence under this section he shall be liable:

(a) in the case of a body corporate to a maximum fine of N500,000 and

(b) in the case of an individual to a maximum fine of N100,000 or to imprisonment for 12 months.

105. Any candidate, person or association who engages in campaigning or broadcasting based on religious, tribal, or sectional bias for the purpose of promoting or opposing a particular political party or the election of a particular candidate, is guilty of an offence under this Act and on conviction shall be liable to a maximum fine of N100,000 or imprisonment for twelve months or to both.

### **Media Guidelines for Election Coverage**

The Nigerian Press does have a code of conduct that would be expected to guide news media editorial policy at all times including election season. Decision about code of conduct should be made in conjunction with the press. However, in a press conference held in early January 2007, the National Broadcasting Commission (NBC) the Director General (DG) added directives that the media have interpreted as “warnings” rather than guidelines to facilitate public understanding of issues at stake in the 2007 elections. But it is unclear how NBC proposes to enforce the listed warnings that include the following:

“No station shall be involved in the production of such jingles; no voice of members of staff of any station shall be used in political jingles and all jingles should conform to the standards of truth, decency, good taste and morality

The broadcast media must remain neutral throughout the election period and not allow proprietorial interests whether private, state or federal to be used to the detriment of other candidates

A government owned electronic medium either state or federal and privately owned medium shall give equal access on daily basis to all registered political parties or candidates of such political parties that are contesting elections. A denial of equitable access constitutes an offence punishable in the first instance with a fine of N500,000 and a withdrawal of license for a period of 12 months or any subsequent violation.”

The Director General's directive that "no voice of members of staff of any station shall be used ..." will likely deprive smaller private stations of much needed revenue. To save costs, many of these stations often produce jingles in-house using freelancers and/or staff of their "marketing departments," but without endorsing the messages of any jingles. It is highly uncommon for reporters or news programme producers to be involved in jingles and advertising production. The NBC directive may affect the ability of smaller stations to impart election message to their listeners, depriving those communities of potentially useful information albeit delivered by a jingle. Smaller stations tend to serve remote and hard to reach areas. And rather than discourage bias, nothing in the DG's edict prevents government affiliated stations from using incumbent candidates in their news programs.

It is equally a tall order to require news organizations to provide equal time for parties and candidates to make their cases in the media. There are 37 political parties registered for the 2007 elections. The demand for equal time may be better applied to public broadcasters; independent news organizations will have a struggle to specify the amount of time allocated to each political party or candidate. More than likely women's groups and voices get the short shrift.

### **The Electoral Environment and the Challenge for Media Coverage**

As the election draw closer, the media, and broadcast media especially, will be a focal point as political reporting and programming escalate. The public would be eager for useful information on which to base decision-making about who gets their vote. Journalists are being charged with a duty to provide equal access to political parties. While journalists and their news organizations may be eager to oblige, time constraints and the political environment acts to limit what actually gets covered, meaning that mostly those party politicians with the resources, sophisticated organization and media savvy will get attention. It will be challenging for the public to receive accurate information as political parties publish their own news organs to spread information about the party-line on issues. Already, rising pre-election violence is claiming much of the media attention. It is incumbent on the Federal government, The Independent National Electoral Commission and the National Broadcasting Commission to aim for a real national dialogue about election issues and to ensure participation of all Nigerians across ethnic, religious, political and geographical spectrums. Respect for the news media is paramount.

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