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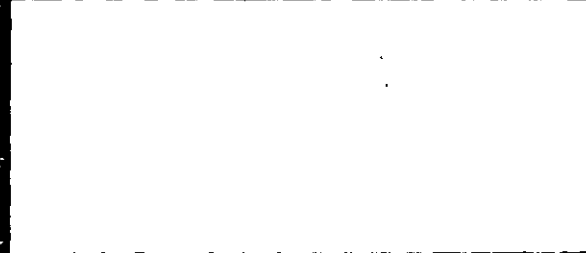
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FEDERAL REPUBLIC OF NIGERIA



GUIDE TO ELECTION PARTICIPANTS

APPENDIX 1

ELECTIONEERING CAMPAIGN LAWS
AND GUIDELINES (AS EXCERPTED
FROM TRANSITION TO CIVIL RULE
POLITICAL PARTIES REGISTRATION
AND ACTIVITIES – DECREE 19

FEDERAL GOVERNMENT OF NIGERIA
LUGO

APPENDIX I

ELECTIONEERING CAMPAIGN LAWS AND GUIDELINES (AS EXCERPTED FROM TRANSITION TO CIVIL RULE POLITICAL PARTIES REGISTRATION AND ACTIVITIES DECREE 1989

SECTION 23 – CONDUCT OF POLITICAL RALLIES, PROCESSIONS, ETC.

(1) For the purposes of the proper and peaceful conduct of political rallies and processions, the Commissioner of Police of each State and of the Federal Capital Territory, Abuja is hereby empowered to direct the conduct of all political rallies and processions.

(2) Pursuant to subsection (1) of this section, any political party or person who wishes to conduct political rallies or processions, shall first submit an application to the Commissioner of Police concerned not less than 72 hours thereto, indicating the date, time, venue and the names and detailed particulars of any person scheduled to speak at such political rally or procession, and if such Commissioner of Police is satisfied that, the political rally or procession is not likely to cause a breach of the peace, he shall direct any superior Police Officer to issue a licence, not less than 24 hours thereto, specifying the name of the licensee, venue, time, date and such conditions on which the political rally or procession is permitted to take place, and if the Commissioner of Police is not so satisfied, he shall convey his refusal in like manner to the applicant within the time herein before stipulated.

(3) The Commissioner of Police may delegate his powers under this section:-

- (a) in relation to the whole State or the Federal Capital Territory, Abuja or part thereof to any superior Police Officer under his command not below the rank of an Assistant Commissioner of Police; and
- (b) in relation to any Local Government Area in the State or any part thereof or Area Councils, including any part thereof in the case of the Federal Capital Territory, Abuja to any superior Police Officer or any Police Officer for the time being acting as the Divisional Police Officer.

SECTION 25 – POWER TO STOP POLITICAL RALLIES AND PROCEEDINGS :

(1) Any police officer of the rank of Inspector or above or its equivalent in the State Security Service may stop any political rally or procession for which no licence has been issued or which violates any conditions of the licence issued under section 23 (2) of this Decree, and may order any such political rally or procession which has been prohibited or which violates any such condition aforesaid to disperse immediately.

SECTION 26 – UNLAWFUL ASSEMBLY

Any political rally or procession which –

- (a) takes place without a licence issued under section 23 (2) of this Decree, or
- (b) violates any condition of any licence granted under section 23 (2) of this Decree; or
- (c) neglects to obey any order given under section 25 of this Decree shall be deemed to be an unlawful assembly, and all persons taking part in such political rally or procession for which no licence has been issued, including all persons convening or directing the political rally or procession shall be guilty of an offence and liable on conviction to a fine of ₦5,000.00 or to imprisonment for one year or to both such fine and imprisonment, and the political party concerned shall be liable on conviction to a fine of ₦20,000.00 in first instance and to a fine of ₦50,000.00 for any subsequent offence.

SECTION 27 – OFFENSIVE WEAPONS, ETC. PROHIBITION AT POLITICAL RALLIES AND PROCESSIONS

(1) Any person who, while present at any political rally or procession has with him any offensive weapon or missile, otherwise than in pursuance of lawful authority, shall be guilty of an offence under this section and liable on conviction to imprisonment for two years without the option of a fine.

(2) For the purposes of this section a person shall not be deemed to be acting in pursuance of lawful authority unless he is acting in his capacity as a police officer or as a member of the Armed Forces of the Federation or as a member of any security intelligence agency or as a member of any organisation recognised by law and authorised to carry arms and ammunitions or as a member of a fire brigade established by law.

(3) In this section, “offensive weapon or missile” includes a cannon, gun, rifle, carbine, machine gun, cap gun, flint-lock gun, revolver, pistol, air gun, air pistol or other firearms (whether whole or in detached-pieces) bow and arrow, spear, cutlass, matchet, knife, dagger, axe, cudgel, horse whip or any piece of wood, metal or other material, or stone capable of being used as an offensive weapon or missile and includes tear gas, corrosives, inflammable substances or any other thing that is capable of being used to inflict or cause injury.

SECTION 28 – POLITICAL CAMPAIGNS, PROHIBITION OF CERTAIN CONDUCTS ETC.

(1) No political campaign shall be made on the basis of sectional, ethnic or religious grounds or considerations.

(2) Abusive, intemperate, slanderous or base languages designed or likely to provoke violent emotions or reactions shall not be employed or used in political campaigns.

(3) Places designated for religious worship or activities shall not be used to promote or propagate or attack the ideals or programmes of any political party or any of its candidates.

(4) Masquerades shall not be employed or used by any political party or person during political campaigns or for any political purposes or occasion.

(5) Political parties shall not recruit, hire or maintain any private security organisation in whatever name or form for the purpose of providing security or protection during electioneering campaigns either for its candidates, offices, its officials or for any other purpose whatsoever.

(6) Any person or political party who contravenes any provision of this section shall be guilty of an offence and liable on conviction –

(a) in the case of an individual to a fine of ₦5,000.00 or to imprisonment for one year or to both such fine and imprisonment; and

(b) in the case of a political party to a fine of ₦20,000.00 in the first instance and ₦50,000.00 fine for any subsequent offence.

SECTION 29 – BANNED AND DISQUALIFIED PERSONS

(1) Notwithstanding anything contained in the Constitution of the Federal Republic of Nigeria 1979, (as amended,) or any other law (including anything contained in the Constitution of the Parties) any person banned or disqualified under the Participation in Politics and Elections (Prohibition) Decree 1987, as amended by the Participation in Politics and Election (Prohibition) (Amendment) Decree 1989, shall not participate nor be registered as a member of any of the two political parties and it shall for that purpose not sponsor, canvass or campaign for or on behalf of himself or others or sponsor, fund or in any other way support or assist any political party or any sponsored candidate for any election during the transition period.

(2) No person banned or disqualified from participation in politics shall preside over or address a political rally or participate in political campaigns in whatever form or manner.

(3) There shall be no reference, introduction or acknowledgement of any person banned or disqualified from participation in politics at any political rally, or campaign, including in handbills, posters, manifestos of a political party or programmes of a candidate.

(4) No photograph or portrait in whatever form of a person banned or disqualified from participation in politics shall be used in handbills, posters, programmes, manifestos of a political party or programmes of a candidate nor shall such a photograph or portrait be displayed during a political rally or campaign.

(5) There shall be no reference in whatever form to the names or activities of any of the defunct political parties under the First and Second Republic or to the names of the associations dissolved pursuant to this Decree, either in the manifesto of a political party or programmes of a candidate or campaign.

(6) In this section any reference made to a person banned or disqualified from participation in politics means and includes all persons listed under Schedules 1 and 2 to the Participation in Politics and Elections (Prohibition) Decree 1987 (as amended).

(7) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine of ₦20,000.00 or to imprisonment for two years or to both such fine and imprisonment, and in the case of a political party, to a fine of ₦50,000.00 in the first instance and to a fine of ₦100,000.00 for any subsequent offence.

SECTION 30 – CORRUPT PRACTICE

(1) No candidate shall by himself or by any other person on his behalf during any political campaign, directly or indirectly, offer inducement in any form whatsoever or howsoever to any other person for the purpose of corruptly influencing that person or any other person to support or refrain from supporting any party or any of its candidates.

(2) No person shall by himself or by any other person on his behalf, directly or indirectly, make use of or threaten to make use of any force, violence or restrain or inflict or threaten to inflict by himself or by any other person any temporal or spiritual injury, damage, harm, or loss upon or against any person during any political campaign in order to induce or compel any person to support or refrain from supporting any party or candidate.

(3) No candidate shall by himself or by any person on his behalf, directly or indirectly give, lend, or agree to give or lend or offer, or promise to procure or to endeavour to procure any money or valuable consideration during or in the course of any electioneering campaign to any person in order to induce such person to support or refrain from supporting any political party or candidate.

(4) No person shall accept any form of inducement from any candidate or political party as specified in subsections (1), (2) or (3) of this section.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable on conviction to a fine of ₦20,000.00 or imprisonment for two years or to both such fine and imprisonment and –

(a) in the case of a candidate in any election, in addition to the punishment specified in subsection (5) of this section, he shall be disqualified from contesting that election and any subsequent elections for a period of not less than five years;

- (b) in the case of a political party, it shall be liable on conviction to a fine of ₦100,000.00 for any subsequent offence payable jointly by the party's national chairman, general secretary and treasurer.

SECTION 31 – JURISDICTION

(1) Any offence committed under this Decree shall be triable at the High Court of the State (including the High Court of the Federal Capital Territory, Abuja) concerned or in the Federal High Court within the State concerned.

(2) For the purpose of speedy dispensation, priority shall be accorded to all cases brought under this Decree.

SECTION 32 – PROSECUTION

Any prosecution under this Decree shall be undertaken by the Attorney-General of the State in which the offence is committed or by an officer authorised by him in that behalf.

SECTION 33 – RECORDS OF CONVICTIONS

The Commission shall maintain records of convictions in respect of all persons convicted under this Decree, including the names, photographs and finger prints of all such persons.

SECTION 34 – GUIDELINES ON POLITICAL CAMPAIGNS THROUGH THE ELECTRONIC MEDIA

All parties, candidates, agents and supporters of political parties shall conform with the General Guidelines on Political Campaigns through Radio and Television as set out in Schedule 2 to this Decree.

SCHEDULE 2

GUIDELINES ON POLITICAL CAMPAIGNS THROUGH THE ELECTRONIC MEDIA

MEANING OF POLITICAL PROGRAMMES

1. Political programmes shall be those programmes that have bearing on policy-making in the country, whether at the National, State, or Local Government level and include political programme materials derived largely from persons and organisations engaged in the quest for power for the purpose of policy-making in general public life.

2. OBJECTIVES OF POLITICAL MATERIAL ON RADIO AND TELEVISION

1. It shall be the function of radio and television to assist the members of the public to partake of all ideas, ideals and experiences that –

- (a) help them live in society that is humane and democratic;
 - (b) have the influence to make them live in society in an orderly and disciplined manner.
2. The objective of politics on radio and television shall essentially, therefore, be to sensitize the public on the significant nature of their decision so that they can make the right choice in giving Nigeria the government it desires.
 3. In pursuance of this, radio and television programmes shall endeavour to –
 - (a) foster political awareness amongst the citizens of Nigeria;
 - (b) enlighten the public on the political provisions of the Constitution of the Federal Republic of Nigeria;
 - (c) promote public interest and consciousness in participatory politics;
 - (d) educate citizens on their rights and political duties;
 - (e) encourage the evolution of broad political fronts based on national ideals and choices rather than on ethnic or other prejudices;
 - (f) assist members of the public to –
 - (i) make free political decisions, as much as possible;
 - (ii) give allegiance to the party that would fulfil their pledge towards national unity and aspirations;
 - (iii) cast their votes for the party that would serve the national interest;
 - (g) encourage face-to-face dialogue between political opponents to ensure that there shall be less of rancour and bitterness;
 - (h) maintain dialogue between the government and the governed; and

- (i) provide a forum for competing ideas and ideals to be traded freely and publicly.

3. POWER OF RADIO AND TELEVISION:

- (i) Political programmes on radio and television shall rest on the recognised power of radio and television to influence people to make political choice of allegiance and more importantly, in the manner in which they vote, and in order, therefore, that Nigerian radio and television may not be open to charges of wittingly, or otherwise utilising this power in support of one side against another and to ensure that the rules and guidelines set out in this Schedule and in particular in this paragraph shall be observed.

(ii). Radio and television shall observe that:—

- (a) balance in political programmes shall lie in the equal presentation of alternative or opposing points of views or interests;
- (b) balance can be achieved within a programme or within a series of programmes;
- (c) balance within a programme is to be preferred since it is unlikely that in a series of programmes, the same people exposed to one point of view shall have had the chance of being exposed to the other point of view;
- (d) balance within a series of programmes to become obtainable it is necessary that the series shall be well planned and shall be subject to revision in order to meet protests whenever such protests arise;
- (e) balance can be fair when the contexts are similar, the representative or exponents are equally matched.

(iii) In order to promote integration as well as the evolution in Nigeria of a democratic process based on national rather than narrower loyalties, the following guidelines shall be observed by radio and television in sharing time and opportunity among political parties:--

- (a) time shall, whenever practicable, be allotted equally in quantity between the two parties registered in the relevant State, or in the country, as the case may be;
- (b) the time allocated to the different parties shall have, as much as possible, the same premium; for this purpose, the commercial grading of time shall be a guide;

- (c) a log shall be kept by each station's News Division at a level not below Controller, showing the allocation of time to each party, with dates, title of programme and other information as may be required by the Commission to ensure fairness.

- (iv). The subject of a political broadcast shall preferably, be similar as between one party and another, except where the subject has been chosen by the respective party.

- (v). Persons nominated to put across the various parties' view points shall, generally, be of comparable status in their parties: in this wise, party representatives shall be persons named by the parties concerned.

- (vi). Where, however, a party cleverly tries to veto a broadcast series by refusing to name its representative in the expectation that stations would, thereby, be unable to undertake the broadcasts, a radio or television station shall ensure that no party achieves any such veto.

- (vii). Where a right of reply is upheld, the aggrieved party shall be given an equal time and opportunity to reply in the same format of the programme that led to the complaint.

- (viii). Where the first right of reply leads to another upheld complaint, a debate or discussion programme shall be arranged.

4. PROCEDURE AND TIME-TABLE FOR BROADCAST:

- (i). The general guide shall apply to practically all party political broadcasts, particularly those undertaken in collaboration with parties.

- (ii). A meeting shall be held with all the approved parties to share out available time among them and fashion out an agreeable time-table, with dates, for broadcasts.

- (iii). The rules governing the broadcasts, including such details as dresses that are preferred and other measures to ensure decency and decorum, shall be explained to the parties.

- (iv). All agreements shall be made known to Programmes or News Managers as appropriate, and to the General Manager or Director, as the case may be.

- (v). Party Political Broadcasts shall not exceed one hour per week per station, at pre-election times, or thirty minutes per week at other times.

- (vi). One party representative shall speak in a straight talk to viewers on a subject or range of policies, he may make an appeal, but there shall be no interviewers moderators or questions.

- (vii). The duration of a party talk shall be about 10 minutes, and preferably not more than 15 minutes.

5. NEWS BROADCAST:

- (i). Stations shall use great judgment to ensure that the party political information included in news broadcasts is truly newsworthy, that is:—

new, fresh, interesting, and relevant, like other material competing to be broadcast in the news.

- (ii). Party political material may take any form, from a political speaking, party press conference, party statement, to election campaigns; and

as much as possible only issues arising from such materials shall be carried in brief and shall be free of commentary.

- (iii). Stations shall exercise care to ensure that party politicians do not get gratuitous or deliberately partial exposure on Nigerian radio and television: towards this end, stations shall endeavour to discourage politicians wishing to attract radio and television coverage by continually issuing press statements or undertaking such publicity activities as normally deserve radio and television coverage, such as donating to charity, appearing at sports meetings and public gatherings that may attract coverage.

- (iv). Stations shall be aware that politics is a ready material for news broadcasts, and shall avoid making inflammatory and divisive matter in its provocative form.

- (v). The inclusion of party political material and personality in the news shall be decided at a level not below that of a Manager.

6. POLITICAL DISCUSSION:

- (i). A political discussion shall consist of a moderator and one representative each of the political parties discussing a subject or related subjects.

- (ii). Each party spokesman shall be asked to indicate in one or two minutes what, in the opinion of his party, is the issue on the subject, and what position or stand his party holds on the subject, and during the discussion, time should be allowed to the discussants equitably.

- (iii). A variant of the simple panel discussion is one in which an audience may be present in the studio to ask questions or contribute to the discussion; and such audience may represent a specific age group or groups, or other selected relevant interests but not ethnic or religious groups.

- iv. In order to provide a certain balance within the audience:—

(a) each of the political parties may be invited to bring not more than 6 party supporters;

(b) the party supporters shall be seated separately to enable the moderator to use them judiciously.

- v. The moderator shall not attempt to summarise or make conclusions at the end of the programme, or even in the course of it.

7. SALE OF AIRTIME:

Stations are free to sell airtime for the purpose of political campaigns, subject to the following rules and guidelines:—

(a) all messages shall be in form of spot announcements or jingles not exceeding 60 seconds;

(b) no station shall be involved in the production of such announcements or jingles;

(c) no voices of members of staff shall be used in political jingles;

(d) all jingles shall conform to the standards of decency, taste, morality and truth.

8. ORDINARY PROGRAMME:

i. Politics may be mentioned in different ordinary programmes, such as in passing motions or in public enlightenment and public affairs programmes, or in programmes for special audiences.

ii. Political material in ordinary programmes shall best be confined to being educative and only when explaining rights and duties, or laws.

iii. Stations shall only be concerned with party politics during special political programmes.

iv. Stations shall take care to prevent identified politicians and party men and women from appearing as panelists, chairmen, moderators, presenters, in any ordinary programme and shall ensure at the same time that staff who moderate, compare or present any programme shall, on no account, be identified with any political party.

9. RESPONSIBILITIES OF PARTIES:

i. The parties shall ensure that they name their representatives and that these representatives attend briefing and recording sessions as agreed with radio and television stations.

- ii. A political party shall not seek to veto a broadcast or series of broadcasts by failure of its representatives to attend and take up their places as agreed with the stations.
- iii. Where a political party fails to take its offer of broadcast time, stations shall inform members of the public.
- iv. Parties and their representatives shall refrain from making libellous, seditious or profane utterances whenever they are appearing and discussing on the air.
- v. It shall be the duty of broadcasting stations to ensure that libellous, seditious or profane utterances are not permitted on the air.
- vi. Appeals and protests may only be entertained within 28 days of first broadcast.

10. ALL PARTY POLITICAL BROADCAST:

- i. All party political broadcasts shall be pre-recorded.
- ii. A re-recording shall only be ordered on the grounds of technical quality, in which case the decision may only be taken by an officer at a grade not below that of a Manager who shall inform his chief executive of such decision
- iii. A re-broadcast of an existing recording may be permissible in place of a fresh recording but the decision shall be with the consent of the party concerned: provided such a tape has not previously resulted in a right of reply.
- iv. Where a station is satisfied that a broadcast has been marred by technical problems during play-back, or by a widespread power cut in the community, a repeat broadcast may be permissible, with the approval of the chief executive.
- v. All tapes containing political broadcasts shall not be wiped out for at least 45 days after the first broadcast.

11. COMPLAINTS AND APPEALS:

All stations shall set up a Complaints Committee to examine all complaints and appeals from political parties and the general public (on political broadcasts) and make appropriate decisions, including the granting of Right of Reply.

- ii. The Committee shall comprise the following or their representatives at the State or Station level:—
 - (a) the General Manager or Chief Executive as Chairman;

- (b) the Resident Electoral Commissioner;
- (c) the State Director of Mass Mobilisation for Social and Economic Recovery;
- (d) the Manager Programmes;
- (e) the Manager Administration, who shall also be Secretary to the Committee

- iii. At the National or Network level, the Committee shall comprise (at the least) the following or their representatives:—

- (a) the Director-General as Chairman;
- (b) a National Electoral Commissioner;
- (c) The National Director of Mass Mobilisation for Social and Economic Recovery;
- (d) the Director of News;
- (e) the Director of Programmes;
- (f) Secretary to the Authority or Corporation, who shall also be Secretary to the Committee.

- iv. In the case of Federal Radio Corporation of Nigeria Stations and Nigerian Television Authority Production Centres, copy of proceedings of the Committees shall be transmitted to the relevant Director-General within 24 hours after a decision has been taken on whether or not to grant the Right of Reply.

- v. Where a Right of Reply has not been granted by the Station or Production Centre, the Complaints Committee shall review the complaint within 48 hours of receipt.

- vi. In all cases the General Manager or Chief Executive shall transmit the proceedings of the Station or Production Centre to the relevant Director-General.

- vii. The following shall among others constitute grounds for up-holding the Right of Reply:—

- (a) a charge against integrity, etc.;
- (b) breach of the balance and fairness rules in paragraph 3(ii) of this Schedule.

- viii. The composition of a Complaints Committee shall not be sufficient ground for invalidating its decision.

12. GUIDE TO PROGRAMME:

The following guidelines shall be observed in the conduct of political programme on Nigerian radio and television:—

- (a) the purpose of a Press Conference is to enable a party or politician put forward a point of view and subject it to the examination of representatives of the Press or Public;
- (b) the panel shall not exceed three in number;
- (c) the Chairman shall be a staff of the Station concerned and shall have adequate seniority, maturity, and judgement. Station shall ensure, whenever possible, that the same panel and Chairman participate in all similar Press Conferences;
- (d) a Press Conference shall have a specific subject; even if broad, chosen as theme by the party concerned. Questions shall not be submitted before hand, and the Chairman shall not allow questions that stray too far from the theme;
- (e) duration shall not exceed one hour nominally. At least seven days notice shall be given before a recording, unless the party concerned is willing to accept a shorter notice.

13. DEBATES:

- i. A debate shall bring representatives of opposing points of view or political parties to argue on controversial subjects.
- ii. The preferred form shall comprise one representative each of the points of view or parties equally matched.
- iii. A staff of the Station of acceptable seniority shall be the host, or witness and shall avoid interfering with the debates, unless he has need to return debaters to the subject, or clear points of a libellous nature or restore decorum.
- iv. No summarisation shall be permitted. Debaters shall be nominated by the parties concerned.
- v. The subject chosen shall be agreed by the political parties.
- vi. The maximum duration shall be one hour and the parties concerned shall have at least seven days prior notice.

- vii. The name of one debater shall be known to the other debater or party at least 7 days before the recording.
- viii. Before there is the need to substitute another person for a nominated participant, the other opponent and sponsoring party shall be notified and invited to make a corresponding change, if it wishes.
- ix. Where debaters have not been chosen by political parties, the appropriate Manager shall ensure that the debaters are matched in intellect, and possibly also in temperament.
- x. Political talks shall only be permissible during electioneering campaigns.
- xi. A political talk shall elaborate on a party's policy on a matter or matters contained in the party's manifesto.

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