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INTRODUCTION

The march to civil rule in Nigeria has commenced. Already, elections into local Government Councils have taken place all over the country on non-party basis.

To document the progress of the transition programme, the Federal Ministry of Information and Culture has decided to publish a series of booklets on the successive quarterly phases of activities mapped out by the Federal Military Government to facilitate the hand-over.

This booklet, the first volume in the series covers the Commencement of the political programme and the unfolding and execution of its initial activities culminating in the Local Council Elections held on 12th December, 1987. Various Federal Decrees relating to the transition programme are also included as appendices.

THE TIME TABLE

The time-table for the political programme is as follows :

3RD QUARTER—1987

- *Establishment of the Directorate of Social Mobilisation
- *Establishment of a National Electoral Commission
- *Establishment of a Constitution Drafting Committee

4TH QUARTER—1987

- *Elections into the local governments on non-party basis

1ST QUARTER—1988

- *Establishment of National Population Commission
- *Establishment of Code of Conduct Bureau
- *Establishment of Code of Conduct Tribunal
- *Establishment of Constituent Assembly
- *Inauguration of National Revenue Mobilisation Commission

2ND QUARTER—1988

- *Termination of Structural Adjustment Programme (SAP)

3RD QUARTER—1988

- *Consolidation of gains of Structural Adjustment Programme (SAP)

4TH QUARTER—1988

- *Consolidation of gains of Structural Adjustment Programme (SAP)

1ST QUARTER—1989

- *Promulgation of a new constitution
- *Release of New fiscal arrangements

2ND QUARTER—1989

- *Lift of ban on party politics

3RD QUARTER—1989

- *Announcement of two recognised and registered Political Parties

4TH QUARTER—1989

- *Election into local government on political party basis

1ST AND 2ND QUARTER—1990

- *Election into state legislatures and state executives

3RD QUARTER—1990

- *Convening of state legislatures

4TH QUARTER—1990

- *Swearing in of state executives

1ST QUARTER—1991

- *Census

2ND QUARTER—1991

- *Census

3RD QUARTER—1991

- *Census

4TH QUARTER—1991

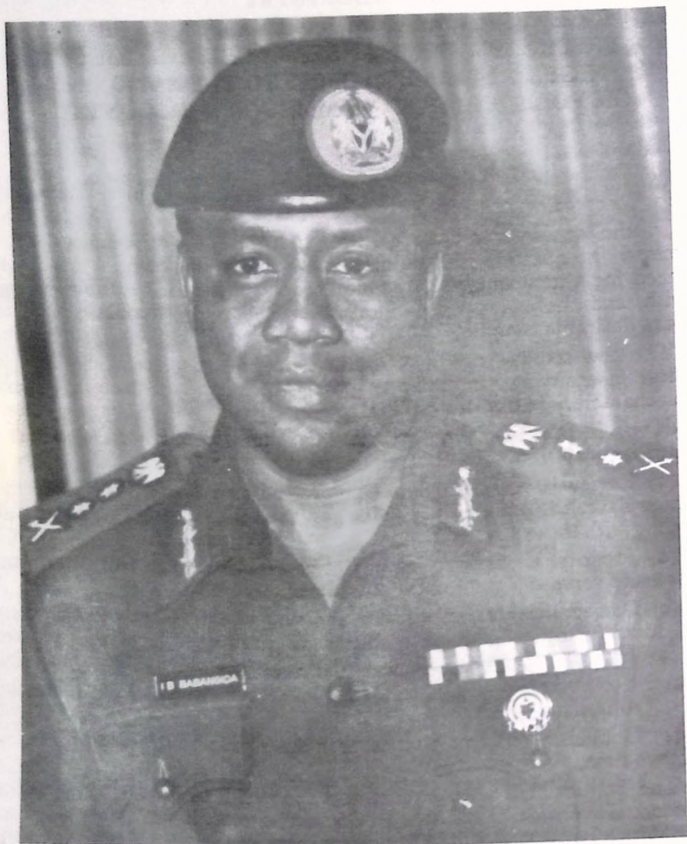
- *Local Government Elections

1ST AND 2ND QUARTERS—1992

- *Elections into Federal Legislatures and convening of National Assembly

3RD AND 4TH QUARTERS—1992

- *Swearing-in of New President and final disengagement by the Armed Forces



GENERAL IBRAHIM BADAMASI BABANGIDA, CFR, fss, mni
*President, Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria.*

**ADDRESS BY
MAJOR-GENERAL IBRAHIM BADAMASI BABANGIDA, cfr,
PRESIDENT, COMMANDER-IN-CHIEF OF THE
NIGERIAN ARMED FORCES TO THE NATION
ON POLITICAL PROGRAMME FOR THE COUNTRY**

Fellow Compatriots,

In the course of my Budget Speech at the end of December 1985, I addressed the question of a political programme for the country. I spoke of the need for a new and viable political order which must be strong enough to withstand the shocks of political crises while being flexible enough to adapt to desirable changes.

The new social order must also deter the re-emergence of the kind of political insensitivity, intolerance, gross indiscipline and mismanagement which characterised our past political activities.

It was in pursuit of that goal that the Political Bureau was inaugurated on 13th January, 1986. Its mandate was to :

(a) Review Nigeria's political history and identify the basic problems which have led to our failure in the past and suggest ways of resolving and coping with these problems.

(b) Identify a basic philosophy of government which will determine goals and serve as a guide to the activities of government.

(c) Correct relevant information and data for the Government as well as identify other political problems that may arise from the debate.

(d) Gather, collate and evaluate the contributions of Nigerians to the search for a viable political future and provide guidelines for the attainment of the consensus objective.

(e) Deliberate on other political problems as may be referred to it from time to time.

The Political Bureau submitted its Report on 27th March, 1987. With despatch, Government established a Committee to produce a Draft Government White Paper ; and that Committee submitted its own Report on 18th May, 1987. I am glad to report to the Nation that since then, the National Council of State and the Armed Forces Ruling Council had deliberated extensively on the Political Bureau Report and the Draft White Paper on it and reached several key conclusions which will be addressed later in this

broadcast. Before doing that however, it is important to remind ourselves about the reasons for military intervention in the governance of our country in December 1983.

In this context it is relevant to recapitulate some of the basic weaknesses of our political system which had given rise to quite a number of Military interventions in the political process.

Those of us who were old enough did witness the practice of politics in the First Republic, from 1st October, 1960 to 15th January, 1966. The lack of adequate and guided political culture had led to the politics of intolerance and indiscipline among politicians. The rules which were designed to govern the 'game of politics' were often ignored or blatantly violated as politicians turned the political arena into a 'battle ground' which only catered for 'the survival of the fittest'. A political failure in one election meant failure for all times. The incumbent political actors closed all re-entry channels. It was no wonder that the period witnessed 'politics with great bitterness'. The crises of political succession which we experienced were linked to this political attitude.

The rights of the individual as well as of groups were eroded with reckless abandon. The Fundamental Human Rights clauses in the 1960 and 1963 Constitutions were hardly enforced. Elections which were designed to make leaders more accountable and give power to people to determine their new leaders, became nightmares for Nigerians. Rigging of elections, and the violation, as well as deliberate and warped interpretation of electoral laws and provisions were rampant. The people had been deliberately disenfranchised.

In addition, public funds were misused and political power with its accompanying privileges were imprudently used. Intense regionalism eroded the effectiveness of the central government, with a climax in the civil war of 1967. There was clear evidence of lack of commitment to the concept of 'One Nigeria' by national political leaders who often became ethnic or local champions. The military intervened in 1966 in order to rectify the above anomalies, among others. But Nigeria's intractable societal and intra-military problems led to further military interventions.

Before inaugurating the second experiment in civil democratic policy, the Military Government in power, had thought that the 1979 Constitutional provisions were adequate to usher in a new era of decent politics of accommodation, tolerance and participation. Fellow Nigerians, we were all witnesses to the appalling performance of our politicians of the Second Republic. These politicians improved on the vices of those in the First Republic thus, implanting more political violence into our already adulterated political culture.

The rules of the conduct of politics were violated more blatantly. Laws of the land were interpreted deliberately to favour one or the other political group, depending on which political party was in government. Political parties hardly abided by our electoral laws, and hardly any one of them rendered correct annual reports to the Federal Electoral Commission. Rigging mechanisms were perfected brilliantly by politicians. Law and order in the land were punctuated by violence engineered and perpetrated by politicians as a result of political intolerance and lack of the sense of fairness in the competitive process. The economy was plundered ruthlessly leading to the current economic measures aimed at turning the economy around. The military again intervened to restore sanity in the political arena.

Candidly, and with the benefit of hindsight, we accept that there are lessons to be learnt from the 1979 exercise in military disengagement. As pointed out by the Political Bureau, perhaps we need to learn a lesson from an abrupt handover of power to civilian politicians. This is why the AFRC accepted the suggestion of the Political Bureau that what we need, and I quote :

.....is not a hand-over programme of the 1979 experience, but a broadly-spaced transition in which democratic government can proceed with political learning, institutional adjustment and a re-orientation of political culture, at sequential levels of politics and governance beginning with local government and ending at the federal level.

From our past experience, our political programme must be gradual, purposeful and effective. It must aim at laying the basic foundation of a new socio-political order. We must create a new set of values—a new set of political attitudes or political culture aimed at ushering in a new social order. For this administration, this is a duty we owe the future generations yet unborn. For us, it is a challenge we shall face with the resolve and fortitude characteristic of our military profession. We are committed to laying such foundations for political stability as will render unnecessary military intervention as a vehicle for alternating or changing governments.

II. TOWARDS A NEW SOCIAL ORDER

Fellow Nigerians, we are at the dawn of a new social order. We must be patient and methodical as we prepare today for the challenge of tomorrow. As I observed in my address to members of the Political Bureau, at the heart of our problems, is the absence of a viable political arrangement. In our search for solutions in the past, we considered beautiful institutional arrangements without the supporting values which would make these institutions

work. We tried to find approximate solutions for immediate and approximate problems without adequate attention to long-term problems which call for long-term, gradual but solid solutions.

One of the cardinal tasks of this administration, therefore, is "to bring about a new political culture which, like a veritable fountain head, would bring forth a stable, strong and dynamic economy".

In our search for solutions to our political problems, three inter-related issues, among others, must be highlighted. These are : (i) our impatience as a people ; (ii) the *crises* of political succession and (iii) the conduct of elections. As a people, we are hard-working and enterprising but we are very impatient with ourselves in the process of experimentation. We must as a people have the will to try out a system. We must not be afraid to make mistakes if only to enable us make necessary corrections, and try again. Often, we forget that the system tried out was created by us. If the system had failed, we as operators were responsible for such failures. We must exercise more *patience* in order to lay any meaningful foundations for the future. We can change the system many times, but if we do not change our attitudes, the system will not stand the test of time. A battered economy does not turn around over-night, nor does it ever happen without some hardships. Values do not change over-night nor do people change old habits as if one were switching off and switching on the light. This impatience affected political institutions in the First and Second Republics. Institutions do not get regularized immediately because you have provided for them in a constitution. All these things take time. This administration calls on all Nigerians to cultivate the value of patience. We need the patience to assess our progress and to learn from our mistakes of the past. We need the patience to correct the present as we prepare for the future.

Secondly, our political history had been ridden with problems of *Political Succession* because political actors did not adhere to the 'rules of the game' of politics. The resultant insecurity made those in power to seek to remain in power in order to avoid their being at the receiving end. Again, in a political culture in which actors adhere to the 'rules of the game' of politics and in which actors have re-entry channels into the political arena, these crises would be very minimal or would become irrelevant. In this regard, this administration intends to arrange for, and supervise, political succession as the batons of power passes from one person to the other. Government believes that every Nigerian must have equal opportunity to ascend to political leadership of this country. In pursuance of this conviction, necessary provisions for this would be made in the New Order.

The third issue—the *Conduct of Elections*—is related to the problem of political succession. The fairness with which elections are conducted goes a long way in providing for accountability of the political leadership as well as the smoothness in political succession. Government intends to arrange for, and supervise elections. This administration hopes that after a few elections and political successions, the democratic values of tolerance, participation and accommodation which had eluded us in the past, would have been sufficiently learnt. A new *Political* culture would have gradually emerged and Nigerians would have correctly begun to see politics as a game and not a battle.

Government will establish immediately a *National Electoral Commission* (NEC) which will be responsible for : the recognition and registration of : Political Parties, conduct of elections, electoral laws and other such functions as will enable us have a free and fair election.

In our search for a new socio-political order, a number of issues which have pestered the polity must be courageously tackled. In this regard, we need the will and patience to remove from our body politic those tumours which will create serious problems for us in the future. Let me mention a few knotty problems which were recommended by the Bureau for effective action before final disengagement of the military from the political arena.

The issue of the *Creation of additional States* has become a recurring problem in this country. During the Second Republic, the demands loomed so large in the political horizon, that politicians thought it wise to exploit the sentiments for electoral purposes. Recently too, communal or ethnic champions have resorted to enlisting political support by exploiting the demands for additional state, thus raising inter-ethnic tension in the country. Government believes that we must learn to live with one another and build a new and strong political community based on fairness and justice. This Administration is committed to making Local Government a third-tier of government, in practice. This will enable basic development to take place at the grassroot level where most Nigerian live. However Government will, at a later stage, announce a comprehensive and firm decision on the creation of additional states, within the transition period, I should emphasize that this will be done in the national interest.

Similarly, the Bureau recommended that a Census exercise be undertaken before civilian rule. Government accepts this recommendation and sees it as a challenge to all Nigerians. We cannot run away from counting ourselves simply because the exercise easily gets politicized. Fellow Nigerians, in a modern world in which data is needed for essential planning for development, we cannot afford to toy with the future of our children. We must

honestly and sincerely conduct a census exercise to enable us face the future effectively. This Administration is determined to conduct a fair census exercise. To this end, Government will establish a *National Population Commission* early next year to handle the exercise. With the belief in your ability to live up to challenges, I am sure we shall succeed in this endeavour.

We have witnessed political squabbles over *Revenue Allocation* in the past. Government accepts the recommendation of the Political Bureau that a permanent and technical *National Revenue Mobilization Commission* be established, to periodically assess the functions of each tier of government and make necessary recommendations for revenue-sharing. Government believes that the politicization of revenue would thus be minimized.

As I had intimated the nation before, the people of this country will participate in the ratification of a new constitution. This year, a *Constitution Draft Committee* will be established to carry out a review of the 1979 Constitution in the light of accepted recommendations of both the Bureau and the Committee on a Draft White Paper. Subsequently, a *Constituent Assembly* shall be inaugurated for the purpose of debating and ratifying the Draft Constitution in the course of 1988.

One of our greatest problems as a nation is that of building a political culture which will regulate our behaviour in politics. There is an urgent need to inculcate new values, politically educate the adult, socialise the young and mobilize the masses for participation in the New Order. Government has therefore accepted the recommendation of the Bureau that there should be established a *Directorate of Social Mobilization*. This Directorate will be set up immediately and shall be based in the office of the President, because of its importance.

The 1979 Constitution contained provisions for the establishment of a *Code of Conduct Bureau* and a *Code of Conduct Tribunal*. As we all know, the laws which were to enable these bodies operate properly were not passed by the then National Assembly. To this end, this administration will establish both bodies early in the transition period with appropriate laws to enable them function as institutions for ensuring accountability and probity in public office.

Finally, Government believes that the stability of this nation is very much linked to the *Political Education of the Military*. My colleagues in the Armed Forces and I will embark on such political education as will enable us respect our nation's Constitution as sovereign. Our package of political education will heighten the values of professionalism as we restrict ourselves to our traditional roles of the defence of the nation.

Fellow countrymen, the implementation of these items, among many others in the programme, will require your loyalty and support. They will require your commitment to the ideals of a New Social Order, and your determination to achieve such democratic order. Above all, they require your patience and goodwill. In the circumstances and given the major issues which must be tackled before military disengagement, the Armed Forces Ruling Council has decided to accept the minority view of the Cookey Report that 1992 will be the final year of disengagement, all things being equal. However, the political transition programme takes immediate effect. The programme which shall begin at the Local Government level this year, will run through the State Government level and mature at the Federal Government level. For the avoidance of doubt all these processes shall at every stage, be properly *supervised* by the military administration.

Government is aware of the disappointment this date will cause for self-seeking politicians who have been running around the country investing resources and mobilizing the public for leadership roles in a political system they had not yet known. This administration assures all Nigerians that the old brand of politics will not be permitted in our New Political Order. For us in the Armed Forces in general, and the Armed Forces Ruling Council, in particular, the journey towards a new political order has begun, and we shall not allow ourselves to be distracted or dissuaded in our pursuit of our target.

While some ambitious Nigerians may have nightmares over 1992 date we are convinced that the interest of this nation is greater than that of any individual. The foundations we lay today will form the basis of stability on which generations of the future will build a greater, stable and prosperous Nigeria.

The time-table for the political programme is as follows :

3rd Quarter—1987 :

Establishment of the Directorate of Social Mobilization.

Establishment of a National Electoral Commission.

Establishment of a Constitution Drafting Committee.

4th Quarter—1987 :

Elections into the Local Governments on Non-Party Basis.

1st Quarter—1988 :

Establishment of National Population Commission.

Establishment of Code of Conduct Bureau.

Establishment of Code of Conduct Tribunal.

Establishment of Constituent Assembly.

Inauguration of National Revenue Mobilization Commission.

2nd Quarter—1988 :

Termination of Structural Adjustment Programme (SAP).

3rd Quarter—1988 :

Consolidation of gains of Structural Adjustment Programme (SAP).

4th Quarter—1988 :

Consolidation of gains of Structural Adjustment Programme (SAP).

1st Quarter—1989 :

Promulgation of a New Constitution.

Release of New Fiscal Arrangements.

2nd Quarter—1989 :

Lift of ban on Party Politics.

3rd Quarter—1989 :

Announcement of two recognised and registered Political Parties.

4th Quarter—1989 :

Election into Local Governments on Political Party Basis.

1st and 2nd Quarters—1990 :

Election into State Legislatures and State Executives.

3rd Quarter—1990 :

Convening of State Legislatures.

4th Quarter—1990 :

Swearing-in of State Executives.

1st Quarter—1991 :

Census

2nd Quarter—1991 :

Census

3rd Quarter—1991 :

Census

4th Quarter—1991 :

Local Government Elections.

1st and 2nd Quarters—1992

Elections into Federal Legislatures, and convening of National Assembly.

3rd and 4th Quarters—1992

Presidential Election

Swearing-in of New President and final dis-engagement by the Armed Forces.

As you can see from the political programme, it is aimed at establishing a gradual and graduated learning political process while establishing a new Political Culture. Government is aware that during the transition period,

normal government activities must go on. Our duties of governing cannot be abdicated within the period. Our attempts to turn the economy round must continue, especially since the implementation of our programme depends, a great deal, on the finances available to fund them. All these measures require time and commitment of the people.

In our New Political Order, areas of wastes must be pruned to manageable minimum. Politics must not be seen and practised as a gateway for the poor to enrich themselves. Only those committed to the noble ideals of service will be attracted to run for public office.

Thus, The AFRC has approved a *Bicameral Legislature* at the Federal level, comprising :

(i) the Senate and

(ii) the House of Representatives.

The State Assembly and Local Government Councils shall have only single legislatures. All legislators at State and Federal levels shall operate on *part-time* basis. They shall not be *entitled to salaries*. However, they shall have *sitting allowances, hotel accommodation, and transportation allowances*. All the above recommendations together with those contained in the white Paper on the Political Bureau shall be sent to the Constitution Review Committee for necessary incorporation in the new Draft Constitution.

Government shall periodically inform the nation about the modality for implementing each item of the programme, as and when appropriate.

IV. CONCLUSION

Dear Countrymen, we are at the dawn of a new Nigeria. It must be a new Nigeria of our dreams :

- (a) a United, Strong and Self-reliant nation ;
- (b) a Great and Dynamic economy ;
- (c) a Just and Egalitarian society ;
- (d) a Land of bright and Full opportunities for all citizens ; and
- (e) a Free and Democratic society.

These laudable national objectives are also buttressed by 1979 Constitution in the sections which deal with Fundamental Rights; and Fundamental Objectives and Directive Principles of State Policy. What we need is the will and the courage to practically pursue these lofty objectives in order to achieve greater happiness for the masses of our country. Therefore, Govern-

ment does not consider it necessary to attach any ideological label to our new socio-political order. I am convinced that with a collective resolve to achieve this Nigeria of our dreams, we shall succeed.

For the avoidance of doubt, let me make it absolutely clear, that Government's Human Rights policy should not be mistaken for weakness. This administration is committed to the successful implementation of this political programme. Therefore, let me warn that attempts by any individuals or groups to distract us or put obstacles in the path of a planned and effectively supervised return to a democratic civic order, shall be treated as sabotage. For this purpose, Government is immediately promulgating a Decree to provide legal backing to the Political Transition period and the behaviour of citizens within that period. In pursuit of this orderly return to Civil Rule, Government is setting up a standing Special Tribunal to deal with despatch, any violation of the Transition Decree. Government does NOT recognise any sacred cow and would like to remind politicians that the ban on party or partisan politics is still very much in force.

Fellow Nigerians, as we look forward to the future with hopes, our generation must summon the courage to take their destiny into their hands and engineer the basic foundations of political stability today, for the purposes of a better future. To learn new values, we must be patient and willing to unlearn the negative values we have acquired. We must be determined to start a new, bearing in mind, the lessons from our mistakes of the past. It is not enough to lament the past, it is more important and more noble to do something today in order to re-shape the future.

The journey we are embarking upon today calls for loyalty and determination of us all. It calls for personal and group discipline and sense of restraint as well as of patriotism. I believe, we are equal to the challenge.

To my colleagues in the Armed Forces, I call for exemplary behaviour as we chart a new course in the political engineering of our nation. We must collectively work hard to leave behind an enviable legacy for succeeding civilian regimes as we gradually withdraw to our professional roles.

To all Nigerians, I call for support, loyalty, determination and patriotism. WITH GOD'S HELP, WE SHALL SUCCEED IN LAYING SOLID FOUNDATIONS FOR A STABLE, DEMOCRATIC AND PROSPEROUS NIGERIA. THANK YOU. LONG LIVE NIGERIA

**ADDRESS BY MAJOR-GENERAL IBRAHIM BADAMASI
BABANGIDA, CFR, fss, mni, PRESIDENT
COMMANDER-IN-CHIEF OF THE ARMED FORCES
ON THE OCCASION OF THE LAUNCHING OF MASS
MOBILIZATION CAMPAIGN AT NATIONAL STADIUM
SURULERE, LAGOS ON SATURDAY, 25th JULY, 1987**

Members of the Armed Forces Ruling Council,
The Military Governor of Lagos State,
Honourable Ministers,
Honourable Commissioners,
Your Excellencies,
Members of the Diplomatic Corps,
Your Royal Highnesses,
Distinguished Ladies and Gentlemen.

I welcome you to this very important occasion of the launching of the Social Mobilization Campaign which inaugurates the Social Mobilization Programme. As you may recall, the Social Mobilization Programme, is one of the most important elements in our preparation for return to civil rule. As you may also recall the transitional programme combines for the first time, a learning process and a withdrawal process—kicking off this year with non-party elected local governments, partisan party politics in 1989 and elected local as well as state governments under party politics in 1990 ; Proceeding, step by inexorable step, to the final phase when the Military Administration hands over to democratically elected party governments at all levels by 1992.

By itself, this novel approach clearly justifies the launching of some form of social mobilization suitably designed to embrace both the generalised body of our national civil community members of the Armed Forces.

If we were to contemplate the 27 years of our country since independence ; examine the dire circumstances of our society today in all provinces of life ; reflect on the profligacy with which we squandered undreamt of vast oil wealth ; concede that the Structural Adjustment Programme is the much needed antidote against past economic misdeeds and an elixir for future economic health, if, moreover, it is clear that too many unquiet and disquiet forces seem determined to torment and destroy our social peace and harmony, we would surely appreciate the anguished cry of the right-thinking patriotic Nigerian.

We should on reflection recognise that the Social Mobilization Campaign we launch today aims beyond the limited objective of the smooth transfer of power from the Armed Forces to civilian elected administrations. It aims principally at the eradication of all those features of our behaviour in the past which have made our society a byword for disharmony, dishonesty, distrust and dis-service, and a haven for those who prefer to embrace and to promote in their conduct, the least attractive traits in human nature.

It is to raise our individual and collective national consciousness and enable us dream great dreams and attain lofty goals ; to seek and to attain what is noblest in human nature ; to place the highest value and respect the dignity of human life, to re-discover the meaning of duty and to accept responsibility ; to pursue honest endeavours and to take pride in personal advance only through dedication and hard work ; to respect one another and to guard the rights of others as jealously as we guard our own, to believe in rules and to respect and play by the rules and above all to return to those times not so many years ago when everyone accepted that the community and the nation's interests came first and personal interests last.

In short we must aim to galvanise the natural goodness, the creativity and the reasonableness in the Nigerian to help himself and the nation to attain the greatness the past so often promised, but always failed to fulfil. In a real sense therefore, what we are about to launch is a mobilization programme which should lead to the re-awakening and the re-orientation of our people to face with renewed faith and re-invigorated vision the challenge of taking this nation to the greatness she deserves.

Distinguished guests and fellow Nigerians, in approaching the numerous problems created by the immediate circumstances in which we found ourselves, the Armed Forces Ruling Council had to accept as a central principle, the trenchant observation of a great African scholar. Each generation, he said, has a role imposed upon it by history. It either fulfils its duty or betrays it. To fulfil our own mission we had to take a serious look into the situation facing the nation. It was and remains our belief that the path towards the fulfilment of our duty to this society lay in the reinstatement of those very first principles which have been of central concern to the citizens of this nation. Freedom, democracy, equality of all citizens before the law, justice, fairplay and the fundamental human rights of all citizens had to be guaranteed alongside the pursuit of whatever other objectives the nation had accepted as a goal.

These objectives and commitments must guide our every act. Nothing underlines the need for the Programme we are launching today than the

fact that in the light of the colossal and embarrassing failure of the Second Republic, those objectives closely related to the political economy sound hallow. Because of that some others also sound hard of attainment. Yet Nations do not abandon or despair of goals because of circumstances in particular periods of their history ; for the nations are eternal, circumstances are temporary.

In this regard, it is a matter of pride that the Armed Forces Ruling Council has not shirked the responsibility to take those hard decisions on the economy which will lead to the promised land of the Nigerian dream. It is equally a matter of pride and gratitude that the nation as a whole has shown admirable fortitude and great promise in living with the hardships in the interest of a better tomorrow. Some day I hope, future generations will say of the Nigerians of today that for their tomorrow we gave our today. In this regard it is the belief of the Armed Forces Ruling Council that the fortitude shown by our citizens is a signal for the reawakening which we aim to achieve through the Social Mobilization Programme.

We have, at any rate tried to live up to the principle of leadership by example through our commitment to Fundamental Human Rights, Justice and the rule of law as enunciated at the inception of this Administration. As a consequence, thousands of our citizens detained for over twenty months without charge, trial or ascertainable guilt under the law regained their freedom. We have carried out and will continue to carry out reviews of those Decrees which made it possible for citizens to lose their freedom, their lives and their property through the application of modes of adjudication and principles of justice which lie outside the established laws of the land. The nations abhorrence and rejection of those decrees were crystallised in the Armed Forces Ruling Council's inauguration of the National Re-orientation Movement and in the promise to evolve a Social Mobilization Programme for both the civil population and the Armed Forces. The principal aim is to produce a state of mind ; a consciousness in our citizens at all levels of society and in all walks of life, which will inculcate in them the civic virtues of self-regulation, commonly found in all mature and responsible civil societies.

The National Re-orientation Movement established our commitment as a nation :

- (a) to restore and sustain discipline in our national life ;
- (b) to inculcate the spirit of nationalism and patriotism in all Nigerians;
- (c) to restore respect for our culture and encourage its development ;
- (d) to instil in the populace a sense of absolute loyalty to the fatherland ;

- (e) to ensure and uphold leadership by example ;
- (f) to foster respect for constituted authority ;
- (g) to revamp the economy through hard work, and the intensification of agriculture so as to ensure self-sufficiency in food production.

Many will recognise that the pursuit of these goals echoes of efforts by previous Administrations. One recalls the Jaji Declaration and the long discussed, over-delayed and ultimately still-born Ethical Revolution. The widely publicised and embarrassing disclosures in the aftermath of the collapse of the Second Republic, serve to underline further the gap between promise and fulfilment and to underscore the enormity of the task that still needs to be done.

Our own attempt to bridge the gap and give greater meaning and relevance to the lofty ideals contained in the Fundamental Objectives and Directive Principles of State Policy enshrined in the 1979 Constitution ; and to the goals of the Social Re-orientation Movement and the Social Mobilization Programme, has given birth to the Directorate of Food, Roads and Rural Infrastructure and the Directorate of Employment. In the coming years, the impact of these two entirely new creations will grow in importance. Vigorously pursued, they should serve to remove the glaring disparities in the style of life between town and country and in opportunity for gainful employment between individual citizens. The nation's tentative moves towards economic rationalisation through privatisation and commercialisation of publicly owned companies should increase the impetus towards providing wider opportunities for gainful employment through the creation of jobs occasioned by the greater opportunities for private investment in the economy. The effort at rationalisation in the higher education system, properly understood, falls into line as part of the overall objective of removing waste and avoiding the production of a vast pool of unemployable manpower related neither to discernable national needs nor to ascertainable opportunity for the gainful application of intelligence and skill in the economic system.

Distinguished Ladies and Gentlemen ; the fact that previous periods in our history did not take such steps as these, cannot be explained purely in terms of the failure of leadership. In my humble opinion leadership is certainly crucial ; but no degree of excellence in the leadership can lead society to nobler goals unless the followership is suitably attuned. Such a followership must be educated to understand and to appreciate ; be morally and spiritually committed, socially awakened and fully mobilized to conform in its every behaviour to those principles and practices which guarantee the

fulfilment of societal goals. Leadership in elected administrations and the political class as a whole have certainly proved addicted to almost every form of malpractice from ballot-rigging, electoral violence, murder and arson, abuse of office to interference and lawlessness. It is therefore clear by now that the Social Mobilization Programme is the idea whose time has come.

Accordingly it gives me great pleasure to launch formally the Social Mobilization Programme and with it the establishment of the National Directorate for Social Mobilization. The aim, in a nutshell, is the inculcation in all of citizens the values, the habits and the orientation which will lead, without coercion to the emergence, out of our disarray, of a great, self-reliant civic society in which justice, duty, responsibility, tolerance and commitment to nation shall hold sway.

The focus is every Nigerian and every category and group of Nigerians, the national process of re-education and re-orientation it will usher in, will embrace the Armed Forces as a special category for reasons which are obvious to all. In this regard it is our hope that the boundary of mutual ignorance of each other that exists between the Armed Forces and the citizenry shall find a special place. Equally too it is our aim to inculcate in the soldier a true appreciation of the noble place of professionalism and the professional soldier as a servant of the state.

In the wider society we shall focus on :

- (a) The family in order to rescue it from its battered state;
- (b) Students—to rescue them from the riot culture of violence and give them a more meaningful and positive perspective;
- (c) Youth Organisations as vehicles of national regeneration;
- (d) Women's Organisations as the breeding and dissemination ground for the ideas and processes that will build the future and as agents in the search for a more meaningful role for our women and for the family ;
- (e) Farmers and farmer's co-operatives as vehicles in the march towards national self-sufficiency in food and as instruments in creating better welfare for our rural dwellers.
- (f) Workers and Labour Unions as a vanguard in the battle to create a just egalitarian society and in the evolution of more relevant positive unionism suited to our national purpose ;
- (g) Co-operative Unions as vehicles of national growth and national development and as agents in the march towards a more satisfactory distribution of income and for national awareness ;

(h) The gifted and the handicapped ; the first as recipients of specialised attention to enlist their creativity in the search for the innovations that lead to greatness ; the second to assist them to lead useful lives and to contribute to our growth ;

(i) Village Wards and Clan Councils as vehicles of education for responsible citizenship ;

(j) Policy Makers and Executors to give them and to receive from them the ideas and schemes necessary for the success of our national endeavours ; and above all to get them to appreciate the meaning of duty and service ;

(k) Professional and Voluntary Associations to learn from them and to impart to them the means better to apply their professional skills and resources in the service of our great goals—and to make use of their undoubted strength in the social and moral regeneration of our society ; above all to use them as an instrument in the restoration of respect for the respective ethics of their professions and much more besides ;

(l) The Armed Forces and other Security Agents—to restore to their leadership and ranks commitment of their professional status as loyal instruments in the service of the state.

Distinguished Ladies and Gentlemen, may I reiterate that the commitment of the Social Mobilization Programme is all-embracing and its main aim educative. Within our limited available resources we shall spare nothing to fulfill the mission. That is to :

(a) enlighten, educate and motivate all citizens towards the goals and objectives of the Nigerian State ;

(b) create a responsible and responsive leadership through the dissemination of appropriate political rules ;

(c) create a responsible and conscious public through the dissemination of appropriate political rules ;

(d) encourage a functional dialogue between the government and the people through the establishment and inculcation of political norms ; and

(e) develop and sustain adequate political conventions which will guarantee a positive and stable political culture.

In so doing the transitional as well as abiding goals of our society will receive requisite and maximum chance of success. Our success in implementing the Social Mobilization Programme will determine our future as a free, great and democratic society.

Let us now embrace with the fullest commitment, selfless devotion and a singularity of will, the duty and mission imposed on our generation by our history. Let us, like the Eaglets who are the wonder of Montreal and the world of young football, resolve to give to our nation continuing reason for pride and satisfaction ; and to the world a reason for envy.

Distinguished Ladies and Gentlemen,

Wishing our Eaglets the greatest good fortune later today and seeking even greater good fortune for this nation, I have pleasure to launch and to give you today the Social Mobilization Programme.

Thank you and good luck.

**ADDRESS DELIVERED BY MAJOR-GENERAL IBRAHIM
BADAMASI BABANGIDA, CFR, fss, mni, PRESIDENT,
COMMANDER-IN-CHIEF OF THE ARMED FORCES
ON THE INAUGURATION OF THE CONSTITUTION
REVIEW COMMITTEE (CRC) AT ABUJA ON MONDAY, 7th
SEPTEMBER, 1987**

Members of the Armed Forces
Ruling Council,
Military Governors,
Honourable Ministers,
Distinguished Chairman and Members
of Constitution Review Committee,
Ladies and Gentlemen,

You are no doubt aware by now that on the basis of the Political Bureau's recommendations, the Armed Forces Ruling Council decided on a number of major issues which formed the basis of my address to the Nation on the 1st of July, 1987 and later incorporated in the (*Transition to Civil Rule Political Programme*) Decree No. 19 of 1987. The inauguration of your Committee, the Constitution Review Committee (CRC), is in line with our pledge to return this great country to a democratically elected civilian administration by the year 1992.

2. In congratulating each and everyone of you, I wish to emphasise that the Armed Forces Ruling Council has complete confidence in your intellectual ability, wealth of experience and patriotism, I feel sure that you will discharge your duty faithfully, foresaking all considerations but the future well-being of our society. A society that is free, democratic and just, a society--the watchword of which shall anchor on the rule of law, democratic free choice in all matters within the law, equality before the law and widespread opportunity for personal self-advancement and the general good of our society.

3. To dwell in too great detail on the constitutional and political history of Nigeria on this occasion is unnecessary. This is because more than anybody else, you as fellow, Nigerians, learned and educated, are only too painfully aware of the burden of pain, sorrow and disappointment imposed on successive generations of Nigerians by sudden catastrophic changes and developments, including civil war, which rocked the foundations of our society and threatened its very existence. It may well be that the roots of such events are not constitutional but lie in the minds and hearts of men.

Nevertheless the constitution is the crucible within which the right attitudes and the proper way to behave may be given a chance to evolve. Hence the Armed Forces Ruling Council has always given great emphasis to the responsible exercise of freedom since its inception.

4. You will notice from your briefs that the *Government White Paper on the Report of the Political Bureau* and the 1979 *Constitution* constitute the major inputs which should guide your work of reviewing the 1979 Constitution. However, I wish to emphasise our firm commitment to the Presidential system of Government and Federalism.

5. In the course of this address, other salient factors will be laid before you. Nevertheless it is not the intention of this government to put your deliberations in a strait-jacket and force particular view-points down your throat. That is why we have asked you to consider also any fresh and new ideas that may come to light now. Our main interest is the emergence of a document which will prove acceptable, workable, adaptable, enduring and suited to our particular circumstances, needs and temperament as a people now and in the foreseeable future. Though you will have materials to guide you, nothing precludes you from a fresh consideration of certain major issues which will arise in the course of your deliberations.

6. One such major issue is the very nature and the type of constitution itself. Some contend that governmental process can be made difficult and politics can become bewildering if the constitution is written to contain detailed provisions on each item concerning the affairs of the nation. In this view, the best result is attained when the constitution is reduced to a short but comprehensive statement of the major principles, ideals and aspirations of the society including the division of powers between levels of government and arms of the State. The detailed laws containing legislative enactments based on the interpretation of these statements by the courts in disputes make for a better, more flexible and more enduring document. Our preference has so far been for the detailed written form. After all, it is generally recognised that there is a direct relationship between the level of political consensus in a society and the length of its constitution. For our country, where the level of trust (political consensus) is low, is that why everything (when and where to laugh and when and when to cry) must be reduced into a written form? You must, therefore, try to relate the level of political consensus in our society to the length of our constitution. Nothing should be taken for granted.

7. I should at this stage bring to your attention the two contending views of Nigerian society in common usage depending on the context of usage. One view emphasises that Nigeria is a federation and the other, that

Nigeria is a plural society. Both usages tend to emphasise two types of diversities and two types of units of representation. A federation takes the units as States while the plural society takes the primordial groups as the units. Both forms of representation come into play in our everyday political discourse, yet constitutional engineering through the concept of federal character introduced into the 1979 Constitution has raised many questions that challenge the ingenuity and brilliance of the membership of an important committee like yours. Many Nigerians see themselves as living in a plural society and yet others see themselves as operating in a federation. Are they necessarily in conflict? Are they on parallel lines? Will they ever converge? I am confident that your committee will be able to come to terms with how to plot an acceptable congruence between the two types of diversities through the constitution.

8. You are also called upon to review the national commitment to the *Fundamental Objectives and Directive Principles of State Policy* in such a way that there is a pragmatic and useful balance between the public and the private sectors of the economy. Such balance should be based on the need to give full and maximum chance for the latent ability and genius of individual Nigerians to grow and help others to grow with them in maximising the rapidity of our pace of development and without prejudice to the right and freedom of government to seek and achieve the welfare of all our citizens especially the poor in the urban and rural sectors of our economy.

9. In this regard you will have noted that the Armed Forces Ruling Council felt unable to accept the recommendation of the Political Bureau that Nigeria should be turned into a socialist State. It is our view that fundamental issues arise when a transitional corrective regime like ours exceeds its brief and goes beyond correction and imposes a particular ideological commitment which is so fundamental in nature that should be left to successive government. I must emphasise that the Armed Forces Ruling Council still believes that *isms* are not the problem of Nigeria that can be solved through constitutional fiat or Decree.

10. There is also the view that within the Fundamental Objectives and Directive Principles of State Policy, there is sufficient flexibility for the nation to modify and adjust particular provisions to changes in our society. The Armed Forces Ruling Council is of the view that this flexibility should still be maintained. At any rate, nothing precludes those who feel strongly for one particular ideological position or the other, to seek to pursue these ends in future partisan politics. The Constitution which is now your duty to review is a document for all, regardless of creed, while the partisan political direction of events is a matter of changing trends from era to era. It is your duty, to separate these two positions.

11. You will also have found that some citizens are unhappy with the Armed Forces Ruling Council's decision to accept the recommendation to limit the number of political parties to two (2). Our decision pays the greatest respect to the objective views expressed on the sources of disorder, instability, violence and discord in our political experience as collated by the Political Bureau. It pays even greater respect to the commitment of the nation in all previous experiments to promote the unity, harmony and fusion of all our peoples into one strong and indivisible entity. Moreover, it gives practical expression to the widely accepted need to avoid the noise, the clamour, the confusion and the violence which had been the bane of our partisan political experience. This experience derived from the multiplicity of political parties which were built around parties which were annointed by some ethnic groups. What we had in the 2nd Republic were more or less tribally oriented political parties, the prescriptions in the 1979 Constitution notwithstanding.

12. No political system survives through the multiplication of areas and units of conflict and discord. Moreover those who claim that our decision violates the principles of freedom of association need to think again. The principle itself is not violated so long as a one-party state is not decreed. The freedom to choose is satisfied so long as an alternative avenue exist. Whatever critics of our position might say, principles must be exercised in the context of basic and fundamental factors salient in any given situation. Our decision, therefore, is meant to put to an end to inter-ethnic and inter-personal feuds which dominated the pattern of partisan politics in the past. People must learn to fit into two political parties.

13. I know that some citizens have genuine fear of the effects of religious and regional differences on the formation of the two parties. The fear that north/south or Muslim/Christian dichotomy will intrude into the two parties is not borne out by our political history. The National Electoral Commission is working on how to prevent this, and of course, it is fundamentally the duty of your committee to provide against such a development. There are, in our view sufficient indicators in the 1979 Constitution of how you may seek to do this. You should study provisions concerning the formation of political parties, their constitutions and composition at the executive level and on the provision determining election results.

14. No doubt those who fear religious dichotomy in the two party structure have in mind recent unfortunate incidents involving religious groups. You are no doubt aware that all our constitutions to date forbid the state from adopting any religion as state religion. The Armed Forces Ruling Council has no hesitation in asking you to retain this provision in the new

Constitution. That provision goes hand in hand with the provision on Fundamental Human Rights which you must also entrench. You should, in so doing, pay particular regard to certain ideas which may be of help in clarifying your thinking as to the specific enactments you may consider.

15. What we need is whether there is need to make provisions which will make government at every level to remain neutral, just, fair and even-handed in its treatment of all religious groups. This includes the duty to promote and protect the right and freedom of all religious groups to live and worship in accordance with the principles of their faith. We believe that such an approach not only conforms with the requirement of the Constitution of the State but also satisfies the requirements of the provision on Human Rights. It, however, does not mean that government can or should impose on the citizen procedures which violate his religious conscience. The problem is with those among our citizens who have strong religious tendencies and object to the exercise or pursuit of their rights by members of other religious groups. The laws of the land as they exist leave no doubt in anybody's mind on the penalties for religious intolerance and unlawful conduct. Nevertheless you should leave no stone unturned in examining and suggesting ways by which intolerance in religious and other matters such as tribalism may be curtailed through provisions in our Constitution.

16. This address will not be complete without reference to certain issues which need clarification. We are, as a nation, committed to the principle of separation of power between the executive, the legislature and the judiciary. In this respect the legislature, and the judiciary are supposed to check and balance the powers of the executive.

17. Some have expressed the view that the Executive was so limited by provisions of the 1979 Constitution that the president or the Governors could be said to have so many powers but little effective power.

18. Others maintain that the legislature, on the contrary, was left out of things to warrant the term non-legislating legislature. To others it seemed that either it has little to do or at best it was treated as a residual matter.

19. With respect to the Judiciary some have called for a complete cutting off of any links between that department and the Executive with respect to the control of monies voted for the judiciary but most especially, with regard to the power of making appointments to the Bench.

20. Let me say first of all that what emerges will be a product of your independent assessment of what needs to be done with regard to these issues ; that the idea of separation of power is purely notional since there

can be only one sovereignty and one sovereign will. All arms of government are meant to achieve the same aim : good government, justice and the defence and protection of the rights of all. The legislature, the executive and the judiciary should therefore, see themselves as one, engaged in the governmental process.

21. Similarly you should examine very carefully the provisions of the constitution relating to the freedom of the Press. That the nation is committed to freedom of the Press is undeniably a good and an imperative thing. That no institution should be guaranteed freedom not guaranteed the people is an irreducible principle of all constitutions. The matter is not easily understood but the fact is clear and universal. Again, if you so desire you may examine what provisions you wish to introduce in this regard to separate the freedom of the Press from the freedom of the individual.

22. Perhaps the most delicate and intractable matter you may have to examine is the issue of an adequate and befitting role for the traditional rulers. Undeniably they represent the most authentic institutional expression of our creativity and historic achievements in political organisation. Undoubtedly they remain a revered and most influential group because they embody our traditions and values. The problem that arises is how best to integrate them into the machinery of government without undermining democratic ideals and without destroying the respect and affection they enjoy. To allow this to happen would destroy one of the chief instruments of our stability. On balance the Political Bureau felt that they should be confined to purely ceremonial roles. The issue however continues to prove a stubborn one. You as a Committee may wish to examine the arguments of the Political Bureau as well as some of the reasoning of the Dasuki Panel on Local Government for some views. Indeed the 1979 Constitution created Traditional Councils with purely advisory roles. It may be that you might wish to examine the possibility of giving the Traditional Councils a more formal but still advisory function. However, whatever you decide should insulate them totally from partisan politics and preserve their dignity as fathers of our people.

23. Distinguished ladies and gentlemen, the task before you is a very serious one. On the success of your deliberations depends the peace, good order, stability and future greatness to our country. To achieve these the Constitution must guarantee the rights of all and provide the avenues through which every citizens will attain fulfilment under the law.

24. The task before you is an onerous one particularly in view of the sad experience of the politics of the 2nd Republic. In this regard the Armed Forces Ruling Council has taken due note of the fact that part of the problem

lay in the multiplicity of areas and units of conflict through the numerous political parties. There was also the extension of partisan campaign emotion and practices far into the period of tenure of all governments. This meant that tension, bitterness and violence continued to feature in our lives as everyday events. Your work should produce some provisions which will recognise that winners and losers after each election should conform to the principle that government and service to society are not partisan matters. It is our belief that in the future political order our people should not be thrown into permanent chaos merely on account of the existence of politics and political parties. Your committee must bear in mind, the need to restore the balance between rulership and responsibility on the one hand, and power and accountability on the other.

25. In this regard you may consider that the best avenues to use to provide a check against such phenomena is the Code of Conduct Bureau. As you know little was done to enhance the application of the provisions of the Code of Conduct Tribunal which never took off. It is one of the bodies whose functions your work should examine and streamline.

26. In addition to this body you may need to examine the possibility of the adoption of others such as the Directorate of Food, Roads, and Rural Infrastructure, the Directorate of Employment, Directorate of Social Mobilisation and other Institutions created by this Administration. Should not such bodies achieve constitutional status, if doing so does not detract from the functions of those levels of government to whose sphere of competence these functions may belong ?

27. You must be aware by now, that the Constituent Assembly is scheduled to be established in the 1st Quarter of 1988. Consequently, your Committee will be required to set about its work immediately. You will therefore be required to complete your assignment in February 1988 in time for it to be placed before the Constituent Assembly when constituted.

28. Mr Chairman, you and your Committee were carefully selected to ensure that what emerges from your deliberations will give the nation satisfaction. In this regard, my colleagues and I in the Armed Forces Ruling Council are well aware of the distinguished status of all of you. We are confident that you will succeed. Best wishes and the best of luck.

29. Thank you.

**ADDRESS BY THE CHIEF OF GENERAL STAFF
REAR-ADMIRAL AUGUSTUS A. AIKHOMU, ON
THE OCCASION OF THE INAUGURATION OF
THE DIRECTORATE FOR SOCIAL MOBILIZATION
ON WEDNESDAY, 2nd SEPTEMBER, 1987 AT THE
FEDERAL CAPITAL TERRITORY, ABUJA**

Members of the Armed Forces Ruling Council,
Honourable Ministers,
Chairman and Members of the Directorate
for Social Mobilization,
Ladies and Gentlemen,

Today marks another landmark in the life-span of this Military Administration and, indeed, of the entire nation. We are here to provide another institutional basis for effective implementation of the Political Transition Programme by launching the Directorate for Social Mobilization.

2. This Administration believes firmly that a new culture and new sets of attitudes towards the goals and objectives of the Nigerian State are indispensable ingredients in the evolution of a new social, political and economic order in this country. Social Mobilization is the process of achieving new culture and objectives. It must be seen in terms of involving the people in taking part, actively and freely, in the decisions which affect their general welfare. The goal of social mobilization is the creation of a new cultural and productive environment which will promote pride in productive work, self-reliance, self-discipline and selfless discharge of obligations for the greatness of the Nigerian Nation.

3. In the past three years, we have endeavoured to organise various activities which involve social mobilization. We have had the War Against Indiscipline and the New Orientation Movement. And on the 25th July, 1987, the President, Commander-in-Chief of the Armed Forces, Major-General Ibrahim Babangida, launched the Campaign for Social Mobilization with the central theme as "Mass Mobilization for Social Justice, Self-Reliance and Economic Recovery," otherwise, called *MAMSER*. The State Governments are presently carrying out the launching of *MAMSER* in all the States.

4. The Directorate for Social Mobilization, which is being launched today, will be the co-ordinating organisation for all these activities. The noble objectives and activities of previous organisations and agencies in this regard, will be fully incorporated and integrated into the Directorate for

Social Mobilization. It is, therefore, the apex organisation for mobilizing agencies on NOM, MAMSER, rural development, employment, youth and sports, and so on. Towards this end, related activities in the relevant Ministries and other Government Agencies will be pooled into the Directorate for Social Mobilization. Accordingly, such Ministries and Agencies of Government will be fully represented in the Directorate for Social Mobilization. Similarly, whenever the Directorate is involved in targetted audiences in the promotion of consciousness, the relevant governmental and non-governmental bodies, including the private sector and organisations, would be co-opted in carrying out the activities of the Directorate.

5. The Directorate for Social Mobilization is composed, empowered and structured as a national body at the Federal level, and is directly responsible to the Presidency. At the State level, the Directorate is located in the State Military Governor's Office, and is responsible to the National Directorate. The State Directorate is the co-ordinating organization of social mobilization within the State ; all appropriate State Ministries, Government Agencies and non-governmental bodies shall, either be, represented in the Directorate or be co-opted into it, as appropriate. A uniform structure of organization for all the State Directorates should be worked out by the National Directorate.

6. The Directorate for Social Mobilization is a permanent body. A Decree will soon be promulgated to provide for its legal existence, powers, and other relevant matters.

7. For avoidance of doubt, the Directorate for Social Mobilization is composed as follows :

AT THE NATIONAL (FEDERAL) LEVEL

Dr Jerry Gana	..	..	..	..	..	<i>Chairman/Director</i>
Dr Tunde Adeniran	..	..	..	..	..	<i>Secretary</i>
Ken Saro-Wiwa	..	..	..	..	..	<i>Member</i>
Ralph Okpara	..	..	..	..	..	<i>Member</i>
Mallam Ibrahim Mohammed Makarrh	..	..	..	..	..	<i>Member</i>
Alhaji Adamu Salihu	..	..	..	..	..	<i>Member</i>
Professor Omolara Ogundipe-Leslie	..	..	..	..	..	<i>Member</i>

REPRESENTATIVES OF :

1. Ministry of Information and Culture	..	..	..	..	..	<i>Member/Director</i>
2. Ministry of Social Development, Youth and Sports	..	..	..	..	..	<i>Member</i>

3. Ministry of Employment, Labour and Productivity *Member*
4. Directorate of Food, Roads and Rural Infrastructures *Member*

AT THE STATE LEVEL

1. Dr E. C. Amucheazi *Anambra (State Direct.)*
2. Ambassador Sagir Umar *Bauchi (State Direct.)*
3. Mrs Patricia Uku *Bendel (State Direct.)*
4. Dr Solomon Akiga *Benue (State Direct.)*
5. Dr Ali C. Adamu *Borno (State Direct.)*
6. Okonkon Ndem *Cross River (State Direct.)*
7. Dr Jonathan Zwingina *Gongola (State Direct.)*
8. Dr Chuks Osuji *Imo (State Direct.)*
9. Dr Christopher Abashiya *Kaduna (State Direct.)*
10. Alhaji A. Aminu *Kano (State Direct.)*
11. Chief Michael Asaju *Kwara (State Direct.)*
12. Navy Capt. Wole Buchnor (rtd) *Lagos (State Direct.)*
13. Dr Martins Sanda *Niger (State Direct.)*
14. I. Folorunsho *Ogun (State Direct.)*
15. Dipo Babalola *Ondo (State Direct.)*
16. A. Faleti *Oyo (State Direct.)*
17. Alhaji Ahmadu Zakari Wase *Plateau (State Direct.)*
18. Mrs Gloria Fiofori *Rivers (State Direct.)*
19. Mallam Ibrahim Mohammed Wambain Gusau *Sokoto (State Direct.)*
20. Dr Joseph Shekwo *FCT (Abuja) (State Direct.)*

Functions

The functions of the Directorate are to :

(1) Establish an appropriate framework for the positive mobilization and education of all Nigerians towards economic recovery and development, and a new social and political order.

(2) Awaken the consciousness of all categories of Nigerians to their rights and obligations as citizens of Nigeria.

(3) Inculcate in all Nigerians the value and spirit of civil responsibility, commitment to social justice and economic self-reliance through mobilization and harnessing of their energies and natural resources into productive use.

(4) Sensitize, induct and equip all Nigerians to fight against internal and external domination of our resources by a few individuals and groups.

(5) Re-orientate all Nigerians to shun waste and vanity and to shed all pretences of affluence in our life styles.

(6) Promote pride in the consumption of home produced commodities and in self-reliance.

(7) Prepare the framework for creating the basic institutions and norms of democracy at all levels of our society.

(8) Create consciousness about power and its use, and about the proper role of Government in serving the collective interest of Nigerians.

(9) Ensure that materials which appear in the Mass Media, both electronic and the print, are in consonance with the national objectives of self-reliance, social justice, human rights, democratic norms, economic recovery and economic development.

(10) Propagate the need to eschew all vices in public life including corruption, dishonesty, electoral and census malpractices, ethnic and religious bigotry.

(11) Propagate the virtues of hardwork, honesty, self-reliance, commitment to, and promotion of national integration.

(12) Inculcate in all Nigerians the virtues of patriotism and positive participation in national affairs.

8. Let me add that the Directorate for Social Mobilization is complete free to map out its approaches and strategies for the attainment of the above functions. It shall work in close co-operation with other various relevant arms of government, at the Federal, State and Local levels, including other bodies like the Code of Conduct Bureau and the Code of Conduct Tribunal, when they are established.

9. Thus, the immediate task of the Directorate is to provide an appropriate and credible framework so that Nigerians can understand its role clearly. You should make your presence felt at the National, State and Local levels by working out clear priorities in the discharge of your activities. For example, your immediate activities in the next four months should include proper education of the Nigerian people about the virtues of making a success of the forthcoming Local Government Elections later in the year and making them to avoid all the vices associated with such elections in the past.

10. Ladies and Gentlemen, the assignment of the Directorate for Social Mobilization is, no doubt, heavy and onerous. But it is also a noble and challenging assignment in which every member of the Directorate as well as individuals and groups of Nigerians should be proud to be involved. Indeed,

the success of the Directorate should be judged by the manner in which the values of the Political Transition Programme are absorbed by our people and particularly by the way in which negative attitudes and orientation are replaced by new and positive ones.

11. Finally, I congratulate all of you the Chairman, Secretary and all the Members of the Directorate for Social Mobilization, both at the Federal and State levels. The President, Commander-in-Chief of the Armed Forces, Major-General Ibrahim Babangida, Members of the Armed Forces Ruling Council, the Military Governors of the States and all arms of Government are fully behind your assignment. I wish you success and God's blessing.

12. Thank you.

**ADDRESS TO THE NATION BY THE PRESIDENT
COMMANDER-IN-CHIEF OF THE ARMED FORCES
MAJOR-GENERAL IBRAHIM BADAMASI BABANGIDA
CFR, fss, mni ON THE DISQUALIFICATION OF
CERTAIN PERSONS FROM PARTICIPATING IN
ELECTIONS AND ON THE CREATION OF NEW
STATES ON WEDNESDAY, 23rd SEPTEMBER, 1987**

Fellow Nigerians,

1. On Wednesday the 1st of July, 1987, I addressed you on the Political Programme of this Administration and presented to the Nation, in the course of that address a phased programme for the withdrawal of the Military from government and the orderly handing over to an elected civilian government. One of the earliest and important elements in that programme is the election of councillors to all the Local Governments in Nigeria on non-partisan basis. The newly appointed National Electoral Commission announced recently that it would conduct the election on 12th December, 1987. In order to assist the Commission to carry out its programme on schedule and without difficulties, an Electoral Decree has been promulgated to give legal force and effect to the National Electoral Commission and its activities. In addition to providing this legal framework, it is necessary to give adequate political guidelines to the National Electoral Commission, on the eligibility of candidates for the Local Government and other elections that will be conducted between now and 1992.

2. Both the National Council of State and the Armed Forces Ruling Council have given careful consideration to this matter and have reached firm and fair conclusions on those who would be eligible to stand for elections during the transitional period. Before presenting the guidelines to the Nation however, it is necessary to spell out the philosophy and principles which guided the Armed Forces Ruling Council in this matter.

3. When the Military overthrew the last Civilian Government in December 1983, it did so because that government had ruined the economy of the country, generated national dissension and instability and had engaged in massive rigging of elections with the attendant violence and insecurity of lives and property. That situation was virtually the same as what obtained early in 1966 when the Military entered the political arena for the first time. It would seem therefore, that if the leadership of the political class had learnt

anything after 13 years of military rule, it must have been how to mismanage the economy of the country in a more damaging fashion ; rig elections in a more brazen manner ; and cause widespread disaffection among the general population on an unprecedented scale.

4. These bitter experiences of the past have combined with present indications that the leadership had not changed its ways enough, to persuade the Armed Forces Ruling Council that handing over power to the same political leadership in 1992 would amount to gambling with the future political stability and progress of this Nation. Indeed, the Military had taken over the reins of Government from civilian politicians in December 1983 on account of their failure to foster national unity, conduct free and fair elections, eliminate graft and corruption from public life, and manage national resources in the overall interest of the Nation. The Military Government therefore, cannot be expected to hand over power to the same people in the absence of any evidence, that there has been any change in the competence, integrity, or the national commitment of that leadership.

5. Apart from this general responsibility for past failures, there are certain persons who participated in the governance of this country in the past, who had abused their offices and had been found guilty of specific offences, there are others who were either dismissed or convicted by duly constituted Tribunals, Panels or Courts of law. These people who have violated the code of Conduct for public officers have been recommended by the political Bureau for a ban from party politics for the rest of their lives. The Armed Forces Ruling Council has agreed that such people have forfeited every moral right to vie for, or occupy any position of responsibility or leadership in this country.

6. It is thus clear, that three categories of persons have to be disqualified from participating in elections to any elective office in the country and from holding any position in any political party if a new political leadership is to emerge. The first group which includes those who have been convicted or removed from office for various misdeeds, comprises the following :

(a) all those politicians who held political offices from 1st October, 1960 to 15th January, 1966, and, from 1st October, 1979 to 31st December, 1983 and who were subsequently indicted and found guilty of offences or misdeeds by any Tribunals, Assets Special Investigation Panel, Judicial Commission or Administrative Enquiry ;

(b) all persons who served as Secretaries to Federal and State Governments, Permanent Secretaries, Judges, Chairmen and members of Federal and State Boards of Statutory Corporations, and State-owned Companies

or on the Governing Boards of educational institutions as well as all other public officers who had been found guilty of misdeeds by any panel, Tribunal, Judicial Commission or Administrative Enquiry between 1st October, 1960 to the end of the transitional period ;

(c) all Military and Police personnel who held offices during the period 15th January, 1966 to the end of the transitional period and who were removed from office or dismissed from services, or who were or are hereafter found guilty of corruption or other misdeeds or indicted by various Courts Martial, Tribunals, Assets Investigation Panels and Administrative and Judicial Inquiries at both Federal and State levels ;

(d) all persons in both the public and private sectors who have been or will be dismissed from office or any employment during the period 1st October, 1960 to the end of the transitional period ; and

(e) all those persons who may not have held any public office but who have been indicted by various Panels, Tribunals and Commissions of Enquiry for corrupting public office holders.

All persons in these five categories are hereby banned from taking part in elections to any elective offices or from holding any offices in any political party in Nigeria.

7. The second group is also made up of those who have held high offices but who may not have been found guilty of any offence or misconduct but however are disqualified from standing for election into any elective office or holding any party political office as a means for facilitating the emergence of a new political leadership which Nigeria desperately needs. Included in this category are the holders of the following offices during the periods 1st October, 1960 to 15th January, 1966 and 1st October, 1979 to 30th September, 1983 :

- (a) President
- (b) Prime Minister
- (c) Vice-President
- (d) Regional Premier
- (e) State Governor
- (f) State Administrator
- (g) Deputy State Governor
- (h) Minister, Presidential Adviser/Assistant
- (i) Commissioner
- (j) Parliamentary Secretary
- (k) Presidential Liaison Officer
- (l) National Assembly Liaison Officer

- (m) President of the Senate
- (n) Deputy President of the Senate
- (o) Speaker of the House of Representatives
- (p) Deputy Speaker of the House of Representatives
- (q) Speaker of the Regional/State House of Assembly
- (r) Deputy Speaker of the Regional/State House of Assembly
- (s) Chairmen of Committees or Select Committees of the Senate, House of Representatives and Regional and States Houses of Assembly
- (t) Members of the National Executive Committees of all Political Parties, and
- (u) Members of Regional Working Parties/Committees or State Executive Committees of all Political Parties.

8. The third group comprising all Military and Police personnel who held or are currently holding the underlisted high political offices will not be allowed to contest any election into any elective offices during the period of political transition.

- (a) President/Head of State
- (b) Chief of Staff (Supreme Headquarters)
- (c) Deputy Chief of Staff (Supreme Headquarters)
- (d) Chief of General Staff
- (e) Chairman, Joint Chiefs of Staff
- (f) Chief of Defence Staff
- (g) Deputy Chief of Defence Staff
- (h) Chief of Staff (Army Headquarters)
- (i) Head of Navy
- (j) Head of the Air Force
- (k) Chief of Army Staff
- (l) Chief of Naval Staff
- (m) Chief of Air Staff
- (n) Inspector-General of Police
- (o) Military Governors/Administrators

(p) Members of the Supreme Military Council and the Armed Forces Ruling Council between 31st December, 1983 and end of the transitional period ;

I wish to state categorically that this Administration does not wish or plan to succeed itself. That is the main reason for excluding all retired or serving members of the Armed Forces, who held or are holding the above listed offices, from participating in elections during the transition period.

9. Fellow Nigerians, the decision of the Armed Forces Ruling Council which I have just announced to you, should be seen, not as a punitive measure, but rather, as a necessary step to give Nigeria a fair chance to develop a new political culture and leadership. In reaching this decision, what was uppermost in our minds, were the interests and political survival of our country. This Nation is greater than any of its citizens.

10. For our present and past colleagues in the Armed Forces the necessity for our exclusion during the transition period is partly related to our role as political arbiters in the Nigerian political scene. This role places on our shoulders the inevitable burden of political neutrality. I have no doubt that you understand the moral and political implications of these decisions.

11. What has been done is not discriminatory in any way. Both past civilian and military leaders have been affected just as present leaders have not been spared. This is a sacrifice which we all have to make so that Nigeria "GO SURVIVE".

12. Our faith in the future of this country and her people remains unshakeable. We are therefore convinced that we should not be prisoners to our past. We need to look forward to the future. We have to put the past behind us and create an atmosphere that will encourage the emergence of new leaders whose motive for going into politics is service and patriotism. It is the firm belief of the Armed Forces Ruling Council that it is not too late to make a new start.

13. Newspaper reports are replete with reports of politicians converting every social event into an opportunity to engage in partisan political activity. I wish to warn those concerned to desist from such illegal activities or face the full rigour of the law especially, Decree 19 of 1987. Jumping the gun before the ban on party politics is lifted, is illegal, and will not be tolerated.

ON CREATION OF ADDITIONAL STATES IN THE FEDERATION

14. I wish to remind the nation that during my address ON THE POLITICAL PROGRAMME FOR THE COUNTRY, I mentioned the fact that "the creation of additional states has become a recurring problem in the country". Because of this, I drew attention to the fact that "communal or ethnic champions have resorted to enlisting political support by exploiting

the demands for additional States thus raising inter-ethnic tension in the country. In spite of government's injunction that we must learn to live with one another so that we can build a new and strong political community based on fairness and justice, the demand for new states has continued to flourish. Again, despite the decision of the Government, based on the report of the Political Bureau, to make the local government an effective third-tier of government, the mass media have, in the past few weeks been replete with claims and counter-claims for the creation of States.

15. The Armed Forces Ruling Council did not dismiss the matter lightly, rather it decided to subject the issue to a more detailed study with a view to enabling the government to make a comprehensive and firm decision, in the national interest. Thus, the Armed Forces Ruling Council, even though it considered the Report of the Political Bureau on Creation of Additional States adequate decided nonetheless to set up a five-man Committee to study the issue of creation of more states in greater depth. In carrying out its assignment, the Committee of the Armed Forces Ruling Council examined :

(a) the basis of the creation of Provinces in Nigeria (1895-1961) including a chronological summary 1896-1961.

(b) a study of the Federal Military Government's views on the Report of the Panel on Creation of States, 1976, otherwise known as the Justice Ayo Irikefe Panel on States ;

(c) a study of the Federal Military Government's view on the Report of the Boundary Adjustment Commission, otherwise known as the Justice Mamman Nasir Boundary Adjustment Commission ;

(d) a summarised Report and Comments of the Political Bureau's Report on the Creation of States ; and

(e) a two-part study of the various claims submitted to the Committee. The Committee made a thorough study of the enumerated documents and deliberated exhaustively on the complex matter of State creation within the context of National Interest.

16. Fellow Nigerians, let me reiterate my earlier plea that Nigerians should learn to live with one another and build a new strong political community based on fairness and justice. I must warn that political elites should stop exploiting imagined fears and sentiments for electoral purposes ; rather they should channel their energies into making their local government areas and their communities, centres of development. They should join hands with other elites in pooling their resources and energy together in order to build an expanded political community.

17. This Administration does not accept the issue of neglect as a basis for creating a State. Apart from the fact that this claim is politically motivated, this government believes that the issue of neglect can be better solved through the normal political processes and resource distribution. Indeed, the kind of political process being envisioned by this Administration should be given a chance by all.

18. Furthermore, this Administration also dismisses as untenable, the issue of parity of treatment of various ethnic groups as a criterion for splitting homogeneous States. I wish to emphasise that the mixture of States and population in some meaningful proportion as a criterion for representation or sharing of offices will suffice in giving all Nigerians access to the development opportunities which abound in Nigeria. This Administration is committed to laying a foundation for ensuring this, and the Constitution Review Committee should be given a chance to tackle this issue.

19. Let me, once again, remind you that this Government does not believe that political stability can only be guaranteed if certain states are created. In fact, judging from the heat so far generated in some areas over the issue, the creation of some other States may yield the opposite result. Ultimately, we are guided by the principle that the creation of more states should be done in the national interest. What is becoming apparent today is the increasing cost of running State Governments.

20. Consequently, the necessary machinery will be set up to deal with the following matters :

(a) Trimming all State bureaucracies and channelling the excess personnel into other areas of productive activities, e.g. Local government service, and, self-employment, through government assistance, in lieu of pension benefits, and,

(b) Cutting down the cost of running civilian government by reviewing the issue of uniform salary structure in the Federation

We wish to further emphasise that the development process is predicated upon the Local Government Areas with designated development units. The Governors of the States are to co-ordinate such development units rather than create and service huge Civil Service apparatus.

21. Fellow Nigerians, the Armed Forces Ruling Council in its recent meeting firmly endorsed the creation of two additional states only, namely ; Katsina from the present Kaduna State and Akwa Ibom from the present

Cross River State. Consequently, Government hereby creates Katsina and Akwa Ibom as the 20th and 21st States of the Federation with immediate effect.

22. Katsina State, with Katsina as capital, shall compose of the following Local Government Areas :

- (a) Daura
- (b) Mani
- (c) Dutsin-Ma
- (d) Katsina
- (e) Kankiya
- (f) Malumafashi, and
- (g) Funtua

23. Akwa Ibom State, with Uyo as the capital, shall compose of the following Local Government Areas :

- (a) Ikot-Ekpene
- (b) Abak
- (c) Eket
- (d) Ukanafun
- (e) Ikot-Abasi
- (f) Uyo
- (g) Etinan
- (h) Ikono
- (i) Itu, and
- (j) Oron

The appropriate machinery for the take-off of the two States, will be set in motion immediately.

24. This Administration wishes to emphasise that no further comments or petition either by self-seeking political aspirants or champions of communal or ethnic groups will be tolerated on this matter during the period of transition. For this Administration, the number of States in Nigeria shall remain twenty-one (21)

25. Finally, I wish to solicit the co-operation of all Nigerians especially the mass media practitioners, to desist from carrying inflammatory statements on the two subjects of this address. This Administration does not wish to impose censorship on the media neither does it wish to impose any restriction on the freedom of the press. However, attempts to give publicity to those excluded from elective political office or carry advertisement on the claims of advocates of State creation, will be tantamount to an infringement of the Decree No. 19, 1987.

I wish to assure you that this Administration will neither shirk its responsibility nor its commitment to evolving a new political order. I therefore call for your co-operation and loyalty as we march forward with new hopes and aspirations.

26. Long live the Federal Republic of Nigeria. I thank you.

**ACTIVATING THE NEW LOCAL GOVERNMENT SYSTEM
ADDRESS BY THE PRESIDENT, COMMANDER-IN-CHIEF
OF THE ARMED FORCES, GENERAL IBRAHIM
BABANGIDA TO THE ELECTED CHAIRMEN OF
LOCAL GOVERNMENT COUNCILS ON THE
OCCASION OF THE INAUGURATION OF
ELECTED LOCAL GOVERNMENTS ON
MONDAY, 4th JANUARY, 1988**

1. On behalf of the Federal Military Government, and indeed of the entire people of this great country, I congratulate all of you on your election as the Chairmen of Local Government Councils. You are all welcome on board of the Political Transition Process in our systematic march towards the 3rd Republic.

2. You have won your elections on the basis of your personal integrity and social credibility in the assessment and expectations of the people of your Local Government Areas. You have fought the elections knowing well that you do not belong to any political parties and indeed that the ban on party politics is still effectively in force. While you may, therefore, have made promises or made commitments to the electorate of your Local Government Areas, your personal integrity and continued relevance, and the judicious management of the available resources of your Local Government Councils constitute the only instruments available to you in translating your promises and commitments into concrete values for the people of your Local Government Areas. It is therefore important that right from this moment of your assumption of office, and in tune with the Code of Conduct of Public Officers, you must be realistic in ensuring that your electoral pronouncements are related to the concrete resources of your Local Government Councils.

3. It is also important for you to bear in mind that having fought the elections and won, you have become the major instrument for bridging social relations among various individuals, among various communities, and among various cultural and social groups in your Local Government Areas. Similarly you have become the major instrument for ensuring that the relationships between the Local Governments and the various Communities and their Traditional Rulers, between the Local Governments and the State Governments, and also between the Local Governments and the Federal Government are fashioned and sustained on a viable and enduring basis.

4. You probably know already that the Political Transition Programme of this Administration is premised upon the construction of a solid foundation for democracy at the grass-roots level. As we have come to realise, particularly from the detailed report of the Political Bureau, our experience in democracy during the past three decades had tended to hang rather precariously at the tertiary levels of government. In fact, democracy can only be meaningful in this country if it is firmly rooted at the basic primary levels of our society. This is why this Administration believes very strongly that Local Government Councils must be properly democratised, adequately funded and endowed with constitutional responsibilities and necessary personnel. These elements of Local Governments are fundamental interest to this Administration in the process of ensuring the gradual transition to civil democratic government.

5. You also probably know that the present Local Government system was instituted in 1976 following the reforms of this level of government by the Military Administration of that period. As a third-tier of government, it is important that all resources, both human and material as well as the necessary constitutional and political complements, are brought to bear upon positive developments at the local grass-roots level of our society.

6. It is in the light of the above consideration that your elections as the Chairmen of Local Government Councils constitute a watershed in the contemporary history of this country. Elections into Local Government Councils such as the one recently concluded have not been held in this country for more than a decade. Irrespective, therefore, of the difficulties experienced during these elections, they should be applauded as a major development in the history of local governance in Nigeria. One thing which is abundantly clear from the voter turn-outs in these elections is that our people are deeply committed to a system of democratically elected government in which the electorate determine the people who rule them or represent them in the arenas of government. On our part as an Administration, we shall not let our people down, we are determined to ensure that electoral processes and the actual conduct of elections are free and fair.

7. The constitutional basis of democratically elected Local Government is adequately and clearly spelt out in Section 7 of the 1979 Constitution. Similarly, the functions and responsibilities of these Councils are spelt out in the various Edicts of State Governments and in the 4th Schedule to the 1979 Constitution. What had happened in the recent past had been the non-activation of these noble constitutional provisions for local democratic government. As a major step on the path towards civil democratic government, this Administration is determined to ensure that these provisions are not only activated but sustained. As elected Local Government Chairmen,

you are all therefore at the bar of history. You must see yourselves not only as mere individuals or politicians who have fought and won elections but as elements of a major social force that must bring into fruition the requirements of the 1979 Constitution, and the desires, expectations and determination of our people to be governed democratically and productively.

Guidelines

8. Accordingly, the administration of Local Government Councils under your Chairmanship must be informed by the following Guidelines :

(a) As the third tier of government in this country, Local Governments are directly related to the State Governments. Local Government Chairmen are, accordingly, related directly to the State Governors. The State Governors are required to establish, in due course, the necessary machinery for the development of this relationship through among other measures, a reform of the present Ministries of Local Government Affairs.

(b) Local Government Chairmen, Supervisory Councillors and the other Councillors are required to adhere strictly to the scheme of salaries, allowances, fringe benefits and other administrative facilities which have been approved by the National Council of States. No deviations from the approved scheme will be tolerated ; in fact, any deviations will be punished appropriately.

(c) Local Government Chairmen, Supervisory Councillors and other Councillors must subscribe to the Code of Conduct of Public Officers as set out in the 5th Schedule to the 1979 Constitution.

(d) The principle of Recall as spelt out in the Government Views (White Paper) on the report of the Political Bureau, which in this case, enables the electorate to recall their representatives the Councils shall apply to the monitoring and control of all Councillors by their electorate, including the Chairmen and Supervisory Councillors.

(e) While the Councils (Chairmen, Supervisory Councillors and other Councillors) are required to formulate policies and ensure the proper execution of such policies including approval of all expenditures, the Accounting Officers of the Councils shall be the Secretaries to the Local Governments.

(f) The size of Supervisory or Portfolio Councillors shall not exceed five (5), and these must include the following Portfolios or Departments :

- (i) Finance and Economic Planning;
- (ii) Works;
- (iii) Education;
- (iv) Health and other Social Services.

(g) The Deputy Chairmen of Councils should be assigned to one Portfolio or Department.

(h) The appointment by the Council Chairmen of their Deputies and other Portfolio Councillors should be done in a manner so as to reflect the socio-communal diversities of the people of the Local Government Areas in accordance with section 14 (4) of the 1979 Constitution.

9. Let me, once again, remind you that the welfare of the people of your Local Government Areas should be the primary purpose of your Councils. The policies, decisions, and actions of the Councils should be seen and experienced by the people as fair, equitable and just. You must uphold probity and honesty of purpose. You must create, enhance and sustain the necessary basis and environments for economic productivity, social integration, stability, and revenue generation.

10. The Local Governments constitute the political laboratory of the present Political Transition Programme. The performance of the Councils, your social conduct and the conduct of all the Councillors will therefore be keenly and closely watched, not only by the immediate electorate of your Local Governments and the State and Federal Military Governments, but also by the entire nation and, indeed, by World Observers of Nigerian democracy.

11. I wish you Good Luck and God's Blessing.

**TRANSITION TO CIVIL RULE (POLITICAL
PROGRAMME) DECREE 1987**



Decree No. 19

[28th July, 1987]

Commencement

WHEREAS the Federal Military Government on 13th January, 1986 constituted a Political Bureau to organise discussions, deliberate and make recommendations on the future political programme for Transition to Civil Rule and the future political organisation of Nigeria ;

AND WHEREAS the Political Bureau has submitted to the Federal Military Government the Report of its deliberations and recommendations ;

AND WHEREAS the Armed Forces Ruling Council has considered the Report and deliberated upon the recommendations of the Political Bureau ;

AND WHEREAS for the purposes of a smooth Transition to Civil Rule it is necessary to issue a programme for the Transition to Civil Rule :

NOW THEREFORE, THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :

PART I—POLITICAL PROGRAMME, OFFENCES, ETC.

1. The programme set out in Schedule 1 to this Decree shall be implemented in the year 1987.

2. The programme set out in Schedule 2 to this Decree shall be implemented in the year 1988.

Political
Programme
for 1987,
Political
Programme
for 1988.

political
Programme
for 1989.

Political
Programme
for 1990.

Political
Programme
for 1991.

Political
Programme
for 1992.

Implimen-
tation of
Political
Programme.

Offences
and penalty.

3. The programme set out in Schedule 3 to this Decree shall be implemented in the year 1989.

4. The programme set out in Schedule 4 to this Decree shall be implemented in the year 1990.

5. The programme set out in Schedule 5 to this Decree shall be implemented in the year 1991.

6. The programme set out in Schedule 6 to this Decree shall be implemented in the year 1992.

7.—(1) The Federal Military Government shall take measures to ensure the implementation of the political programme as set out in the Schedules to this Decree.

(2) The power of the Federal Military Government under subsection (1) of this section may be exercised, where necessary by means of an Order issued by the President, Commander-in-Chief of the Armed Forces and published in the *Gazette*.

(3) It shall be the duty and responsibility of all organs of government, and of all authorities and persons to conform to, observe and ensure the observance of the political, programme as set out in Schedules 1 to 6 to this Decree.

8.—(1) Any person who organises, plans, encourages aids, co-operates or conspires with any other person to undermine, prevent or in anyway do anything to forstall or prejudice the realisation of the political programme as set out in the Schedules to this Decree shall be guilty of an offence punishable under the provisions of subsection (4) of this section.

(2) Any person who forms, manages, takes part in or encourages the formation or management of any association, body or group having a political objective prior to the lifting of the ban on political activities except in accordance with the provisions of this Decree shall be guilty of an offence punishable under the provisions of subsection (4) of this section.

(3) Any person who does or attempts to do any act to counsel, persuade, encourage, organise, mobilize, pressurize or threaten another person to join with him or with any other

person or persons to misrepresent, accuse or distort the details, implications or purports of any item of the political programme as contained in Schedules 1 to 6 to this Decree shall be guilty of an offence punishable under the provisions of subsection (4) of this section.

(4) Any person found guilty of an offence under this section shall be liable upon conviction to a term of imprisonment not exceeding five years without an option of fine.

PART II—CONSTITUTION AND POWERS OF TRIBUNAL

9.—(1) The President, Commander-in-Chief of the Armed Forces is hereby empowered to constitute special tribunal (hereafter in this Decree referred to as the "tribunal") to try all offences under this Decree.

Special
Tribunal.

(2) A tribunal constituted under subsection (1) of this section shall consist of—

(a) a Chairman who shall be a serving or retired judicial officer of any of the superior courts of record in Nigeria ; and

(b) four other members one of whom shall be serving member of the Armed Forces :

Provided that no person who has taken part in the search for, pursuit or apprehension of any person to be tried under this Decree or who has taken part in the investigation of any person to be tried shall sit as a member of the tribunal constituted for the trial of that person in respect of any offence referred to in this Decree.

10.—(1) A tribunal shall have jurisdiction to try any person charged with any of the offences specified in this Decree and shall have power to award the penalty specified in section 8 (4) of this Decree.

Jurisdiction
and powers
of Tribunal,
etc.

(2) For the purpose of subsection (1) of this section, where in respect of any act which is an offence under this Decree a tribunal is satisfied that any person, not being a person charged with an offence under this Decree—

(a) acted in concert or conspired with any person ; or

(b) knowingly took part to any extent whatsoever in the commission of the act constituting an offence referred to in this Decree,

Rules of
procedure
and institu-
tion of pro-
ceedings.

the tribunal shall have power to treat the person in like manner as a person charged with an offence under this Decree and shall proceed against him accordingly notwithstanding anything to the contrary in any other enactment.

11.—(1) The rules of procedure to be adopted in prosecutions for the offences in this Decree before a tribunal and the forms to be used in such prosecutions shall be as set out in Schedule 7 to this Decree.

(2) Prosecutions for offences referred to in this Decree shall be instituted in the name of the Federal Republic of Nigeria by the Attorney-General of the Federation or such officer in the Federal Ministry of Justice as he may authorise so to do and, in addition thereto, he may—

(a) after consultation with the Attorney-General of any State in the Federation, authorise any officer of the Ministry of Justice concerned to undertake any such prosecutions directly or assist therein ; or

(b) if a tribunal so requests, or if contingencies so dictate, authorise any other legal practitioner in Nigeria to undertake any such prosecution or assist therein :

Provided that the question whether any authority has been given in pursuance of this subsection shall not be inquired into by any person.

(3) Any person accused of any offence referred to in this Decree shall be entitled to defend himself in person or by a person of his own choice who is a legal practitioner resident in Nigeria.

Power to
issue search
warrants.

12. Notwithstanding the provisions of any other enactment conferring power to search, if the Chairman of the tribunal is satisfied that there is a reasonable ground to suspect that there may be found in any building or other place whatsoever, any dangerous weapon including arms, ammunition or weapon of any description or any books, records, statements or information in any other form whatsoever, which, in his opinion, are or may be material to the charge or any trial under this Decree, he may issue a warrant under his hand authorising any police officer or any member of the Armed Forces or security agencies to enter, if necessary by force,

the said building or other place and every part thereof, and to search for, seize and remove any such thing as aforesaid, found therein.

13.—(1) Where a person is charged with an offence under this Decree but the evidence establishes an attempt to commit the offence he may be convicted of having attempted to commit that offence, although the attempt is not separately charged, and punished as provided under this Decree. Attempt.

(2) When a person is charged with an attempt to commit an offence under this Decree but the evidence establishes the commission of the full offence the offender shall not be entitled to acquittal but he may be convicted of the offence and punished as provided under this Decree.

PART III—APPEALS AND CONFIRMATION

Appeals and Confirmation

14. A person convicted under this Decree shall have the right of appeal to the Special Appeal Tribunal established under the Recovery of Public Property (Special Military Tribunals) Decree 1984, as amended.

Right of
appeal to
the Appeal
Tribunal.
1984 No. 3.

15.—(1) Where a tribunal finds the accused guilty of any offence under this Decree or the Special Appeal Tribunal upholds the sentence, as the case may be, the record of the proceedings of the tribunal or the Special Appeal Tribunal shall within 21 days be transmitted to the confirming authority for confirmation of the sentence imposed by the tribunal.

Confirma-
tion, etc.

(2) Any sentence imposed by the tribunal or by the Special Appeal Tribunal shall not take effect until the conviction or sentence is confirmed by the confirming authority and pending such confirmation the convicted offender shall be kept in such place of safe custody as the tribunal may determine.

(3) The confirming authority may confirm or vary the sentence of the tribunal or the Special Appeal Tribunal, as the case may be.

(4) For the purposes of this Decree the confirming authority shall be the Armed Forces Ruling Council.

PART IV—SUPPLEMENTARY PROVISIONS

Exclusion
of proceed-
ings.

16.—(1) The validity of any decision, sentence, judgment, confirmation, direction, notice or order given or made, as the case may be, or any other thing whatsoever done under this Decree shall not be inquired into in any court of law.

1964 No. 1.

(2) It is hereby declared for the avoidance of doubt that section 24 of the Interpretation Act 1964 shall apply in respect of offences referred to in this Decree.

Interpreta-
tion.

17. In this Decree, unless the context otherwise requires —
“superior court of record in Nigeria” has the meaning assigned thereto in the Constitution of the Federal Republic of Nigeria 1979 ;

“tribunal” means any special tribunal constituted as provided in this Decree.

Citation.

18. This Decree may be cited as the Transition to Civil Rule (Political Programme) Decree 1987.

SCHEDULES

SCHEDULE 1

Section 1

PROGRAMME FOR 1987

3rd Quarter—1987

Establishment of the Directorate of Social Mobilization
Establishment of a National Electoral Commission
Establishment of a Constitution Drafting Committee

4th Quarter—1987

Elections into the Local Governments on Non-Party Basis.

SCHEDULE 2

Section 2

PROGRAMME FOR 1988

1st Quarter—1988

Establishment of National Population Commission.
Establishment of Code of Conduct Bureau.
Establishment of Code of Conduct Tribunal.
Establishment of Constituent Assembly.
Inauguration of National Revenue Mobilization Commission.

2nd Quarter—1988

Termination of Structural Adjustment Programme (SAP).

3rd Quarter—1988

Consolidation of gains of Structural Adjustment Programme (SAP).

4th Quarter—1988

Consolidation of gains of Structural Adjustment Programme (SAP).

SCHEDULE 3

Section 3

PROGRAMME FOR 1989

1st Quarter—1989

Promulgation of a New Constitution.
Release of New Fiscal Arrangements.

2nd Quarter—1989

Lift of ban on Party Politics.

3rd Quarter—1989

Announcement of two recognised and registered Political Parties.

4th Quarter—1989

Election into Local Governments on Political Party Basis.

Section 4

SCHEDULE 4

PROGRAMME FOR 1990

1st and 2nd Quarters—1990

Election into State Legislatures and State Executives.

3rd Quarter—1990

Convening of State Legislatures.

4th Quarter—1990

Swearing-in of State Executives.

Section 5

SCHEDULE 5

PROGRAMME FOR 1991

1st Quarter—1991

Census.

2nd Quarter—1991

Census.

3rd Quarter—1991

Census.

4th Quarter—1991

Local Government Elections.

Section 6

SCHEDULE 6

PROGRAMME FOR 1992

1st and 2nd Quarters—1992

Elections into Federal Legislatures and conveying of
National Assembly.

3rd and 4th Quarters—1992

Presidential Election.

Swearing-in of New President and final disengagement
by the Armed Forces.

SCHEDULE 7

Section 11 (1)

TRANSITION TO CIVIL RULE (POLITICAL PROGRAMME)
DECREE 1987

Commencement and Conduct of Trial

1. The trial of offences under this Decree shall commence by way of an application, supported by a summary of evidence or affidavit made to the tribunal by the prosecutor.

Institution
of proceed-
ings.

2. Where after the perusal of the application and the summary of evidence, affidavit or any further evidence in such form as the tribunal may consider necessary, the tribunal is satisfied that any person appears to have committed an offence referred to in this Decree, it shall cause that person to be brought before the tribunal on such date and at such time as it may direct.

Order on an
accused to
appear.

3.—(1) When the tribunal is ready to commence the trial the accused shall be brought before it and the tribunal shall read or cause to be read to him the substance of the complaint against him and he shall be asked whether he is guilty of the offence or offences charged.

Commence-
ment of
trial.

(2) If the accused pleads guilty, the plea shall be recorded and he may in the discretion of the tribunal be convicted of the offence.

4. If the accused pleads not guilty or makes no plea or refuses to plead or if the tribunal enters a plea of not guilty on behalf of the accused the tribunal shall proceed to try the case.

Plea of not
guilty or no
plea.

5.—(1) After a plea of not guilty has been taken or no plea has been made, the prosecutor may open the case against the accused, stating shortly by what evidence he intends to prove the guilt of the accused.

Presenta-
tion of case
for prosecu-
tion.

(2) The prosecutor shall then examine the witnesses for the prosecution who may be cross-examined by the accused or his counsel and may thereafter be re-examined by the prosecutor.

Procedure
after pre-
sentation of
evidence by
the prose-
cutor.

6.—(1) After the conclusion of the presentation of evidence by the prosecutor, the tribunal shall ask the accused—

(a) whether he wishes to give evidence on his own behalf ;
and

(b) whether he intends to call witnesses other than witnesses to character.

(2) If the accused says that he does not intend to call any witnesses other than witnesses to character, the prosecutor may sum up his case against the accused and the tribunal shall then call upon the accused to enter upon the defence.

(3) Notwithstanding the provisions of paragraph (2) of this rule, the tribunal may, after hearing the evidence for the prosecution, if it considers that the evidence against the accused or any of several accused is not sufficient to justify the continuation of the trial, record a finding of not guilty in respect of such accused without calling upon him or them to enter the defence and such accused shall thereupon be discharged and acquitted and the tribunal shall then call upon the remaining accused, if any, to enter upon the defence.

(4) If the accused or any one of several accused says that he intends to call any witness, other than a witness to character, the tribunal shall call upon the accused to enter upon the defence.

(5) Notwithstanding the provisions of paragraph (4) of this rule, the tribunal may, before calling upon the accused to enter upon the defence, call upon the prosecutor to sum up his case against any one or more of the accused against whom it considers that the evidence is not sufficient to justify the continuation of the trial and, after hearing the summing up, if any, may in its discretion record a finding of not guilty in respect of any such accused or call upon any of them to enter upon his or their defence.

Defence.

7. When the tribunal calls upon the accused to enter upon the defence the accused or his counsel may open his case stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution, and the accused may then give evidence

on his own behalf, examine his witnesses, if any, and, after their cross-examination and re-examination, if any, the accused or his counsel may sum up his case.

8.—(1) If the accused or any of the accused calls any witness, other than a witness to character, or any document, other than a document relating to character, is put in evidence for the defence, the prosecutor shall be entitled to reply.

Right of prosecutor to reply.

(2) If the accused has called only evidence as to character, the prosecutor may at the close of the case for the defence adduce evidence of previous convictions of the accused.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this rule, the prosecution may, with the leave of the tribunal, be heard in reply on a point of law or on any new matter or evidence, other than evidence as to character introduced by the accused.

9. When the case for the defence and the reply of the prosecution, if any, are concluded and the tribunal does not desire to put any further question to the accused, the tribunal shall retire or adjourn to consider its findings.

Consideration of findings.

10. After the tribunal has made its findings the Chairman shall announce such findings, and, where the accused is found guilty, it shall impose the appropriate penalty prescribed in this Decree and issue appropriate order accordingly.

Announcement of findings.

11. The tribunal may, in addition to its sentence, make appropriate recommendation as to mercy but in any such case shall give reasons for such recommendation.

Recommendation as to mercy.

12.—(1) The Chairman or any other member of the tribunal authorised by the Chairman in that behalf shall in every case take notes in writing of the oral evidence, or so much thereof as he considers material, in a book to be kept for that purpose and such book shall be signed by the Chairman and not less than two other members of the tribunal including the person who took down the notes at the conclusion of each day's proceeding.

Notes of evidence to be taken.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the Chairman shall, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

Supplemental

Issue of
summons
for witness.

13. If the tribunal is satisfied that any person is likely to give material evidence for the prosecution or for the defence, the tribunal may issue a summons to such person requiring him to attend, at a time and place to be mentioned therein, before the tribunal to give evidence in respect of the case and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

Warrant of
witness
after
summons.

14. If the person to whom any such summons is directed does not attend before the tribunal at the time and place mentioned therein, and there does not appear to the tribunal on inquiry to be any reasonable excuse for such non attendance then after proof to the satisfaction of the tribunal that the summons was duly served or that the person to whom the summons is directed wilfully avoided service, the tribunal, on being satisfied that such person is likely to give material evidence, may issue a warrant to apprehend him and to bring him, at the time and place to be mentioned in the warrant, before the tribunal in order to testify as aforesaid.

Local
inspections.

15. It shall be the duty of the tribunal to make or cause to be made such local inspection as the circumstances of the case may be.

Forms.

16. Subject to the express provisions, if any, of these rules the forms contained in the Annex to these rules may, in accordance with any instructions contained in the said forms, and with such variation as the circumstances of the particular case may require be used in the case to which they apply, and when so used, shall be good and sufficient in law.

17. Where these rules contain no provision in respect of any matter relating to or connected with the trial of offences under this Decree the provisions of the Criminal Procedure Code or, depending on the venue, the Criminal Procedure Act shall, with such modifications as the circumstances may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally.

Application
of Criminal
Procedure
Code or Act.

18. In these Rules, "the prosecutor" means the Attorney-General of the Federation or any other person authorised by him pursuant to section 11 of this Decree to conduct the prosecution of an offence before the tribunal or to assist therein.

Meaning of
prosecutor.

ANNEX

(Rule 16)

FORM

FORMS 1

Transition to Civil Rule (Political Programme) Decree 1987

APPLICATION TO COMMENCE TRIAL

To : The Chairman,

Tribunal for the trial of offences under the Transition to Civil Rule (Political Programme) Decree 1987.

Pursuant to section 11 of the Transition to Civil Rule (Political Programme) Decree 1987, I hereby apply for the commencement of a trial for the offence of _____

_____ under section _____ of the said Decree against the undermentioned persons :

(i)

(ii)

2. In support of this application I attach hereto.....
copies of the summary of evidence or affidavit for the
consideration of the tribunal.

3. If this application is granted, I shall be relying
on the facts disclosed in the summary of evidence and any
further evidence the tribunal may consider necessary at
the trial. I attach hereto four copies of the charge against
the accused. A list of the deponents and their addresses
is also attached for the purpose of issuing witness summons
on them.

.....
Prosecutor

FORM 2

Transition to Civil Rule (Political Programme) Decree 1987
SUMMONS TO ACCUSED

In the Tribunal for the trial of offences under the Transition to Civil
Rule (Political Programme) Decree 1987

To, A.B. of

Complaint has been made this day by

for that on the day of

at in the

aforesaid did*

You are therefore summoned to appear before the tribunal mentioned above sitting at.....

on..... to answer the said complaint.....

DATED the.....day of.....19....

.....
Chairman of the Tribunal

FORM 3

Transition to Civil Rule (Political Programme) Decree 1987

WARRANT FOR APPREHENSION OF ACCUSED

In the Tribunal for the trial of offences under the Transition to Civil Rule (Political Programme) Decree 1987.

Between

The Federal Republic of Nigeria

and

.....
Accused.

To..... Police Officer. Complaint has been made on..... of..... by..... that hereinafter called the accused, on the..... day of..... did*

.....
*State concisely the substance of the offence.

You are hereby commanded to bring the accused before the tribunal
mention above sitting at _____ on _____ to answer the
said complaint and be dealt with according to law.

DATED the _____ day of _____ 19 _____

Chairman of the Tribunal

^{*}State concisely the substance of the Offences.

FORM 4

Transition to Civil Rule (Political Programme) Decree 1987

SUMMONS TO WITNESS

In the Tribunal for the trial of offences under the Transition to Civil Rule (Political Programme) Decree 1987.

Between

The Federal Republic of Nigeria

and

Accused.

To (i)

(ii)

has been

charged by (iii)

at

in

that he did (iv)

and it appearing to me on the application of (v)
that you are likely to give material evidence therein on behalf of the prosecutor (or accused).

You are therefore summoned to appear before the tribunal named above sitting at..... on the day of..... 19..... at the hour of..... in the noon, to testify what you know concerning the said matter.

DATED the..... day of..... 19.....

Chairman of the Tribunal

-
- (i) *Insert name of witness.*
 - (ii) *Insert name of accused.*
 - (iii) *Insert the name of prosecutor or, if applicable, the accused.*
 - (iv) *State concisely the substance of the offence.*

FORM 5

Transition to Civil Rule (Political Programme) Decree 1987

SUMMONS TO WITNESS

WARRANT FOR APPREHENSION OF WITNESS IN THE FIRST INSTANCE

In the Tribunal for the trial of offences under the Transition to Civil Rule (Political Programme) Decree 1987.

To

A.B. has been charged by

for that he on the day of at

in the State aforesaid did*

And it appearing to me by the oath of

that is likely to give material evidence concerning the said matter, and that it is probable he will not attend to give evidence unless compelled to do so.

You are therefore hereby commanded to bring him before the tribunal named above sitting at forthwith to testify what he knows concerning the said matter.

DATED the day of 19

Chairman of the Tribunal

*State concisely the substance of the offence.

FORM 6

Transition to Civil Rule (Political Programme) Decree 1987

WARRANT FOR APPREHENSION OF A WITNESS

In the Tribunal for the trial of offences under the Transition to Civil Rule (Political Programme) Decree 1987.

Between

The Federal Republic of Nigeria

and

Accused

To

Police Constable or to each and

all the Constables of

before the tribunal named above sitting at

(1) _____ was duly summoned to appear

on _____ at the hour of _____

in the _____ noon, to testify what he knows

concerning a certain complaint against _____

And he has neither appeared thereto, nor offered any just excuse for his neglect.

And it has been proved on oath that the summons has been duly served on him (and that a reasonable sum has been paid (or tendered) to him for his costs and expenses in that behalf).

You are therefore hereby commanded to bring him before the tribunal named above sitting at forthwith to testify what he knows concerning the said matter.

DATED the day of 19

.....
Chairman of the Tribunal

.....
(i) Insert name of witness.

FORM 7

WARRANT FOR COMMITMENT OF WITNESS

In the Tribunal for the trial of offences under the Transition to Civil Rule (Political Programme) Decree 1987.

Between

The Federal Republic of Nigeria

and

..... Accused

To and to the
Superintendent of Prison

(i) having appeared
or been brought before the tribunal named above sitting at

..... on the day of 19

to testify what he knows concerning a certain matter against

(ii) refused to take an oath
(or having taken an oath) refused to answer any (or a certain) question put
to him concerning the matter and did not offer any just excuse for his refusal.

You the said Police Officer are hereby commanded to convey the said

..... safely to the prison
and deliver him to the Superintendent thereof, together with this Warrant
and you, the Superintendent of the said prison, to receive him into your

custody and keep him for the period of.....unless,
he in the meantime consents to be examined and to answer concerning the
matter.

DATED the day of 19.....

.....
Chairman of the Tribunal

-
- (i) *Insert name of witness.*
(ii) *Insert name of accused.*

FORM 8

Transition to Civil Rule (Political Programme) Decree 1987

COMMITMENT ON REMAND

In the Tribunal for the trial of offences under the Transition to Civil Rule (Political Programme) Decree 1987.

Between

The Federal Republic of Nigeria
and

Accused
To and Officer-in-Charge of
Police Station and to the
Superintendent of Prisons.

(i) hereinafter called the
accused being brought before the tribunal named above, sitting at

charged with having

(ii)

The hearing of the case being adjourned :

You the said Police Officer are hereby commanded to convey the accused
to police custody at or to the said
prison and thereto deliver him to the Officer in Charge* Superintendent
hereof, together with this Warrant, and you, the Officer-in-Charge* the
Superintendent of the said prison to receive him into your custody, and keep
him until the day of 19 and on that day
to convey him before the said tribunal at the hour of

in the _____ noon to be further dealt
with according to law.

DATED the _____ day of _____ 19 _____

Chairman of the Tribunal

(i) *Insert name of accused.*

(ii) *State the Offence or offences.*

**Delete whichever does not apply.*

FORM 9

Transition to Civil Rule (Political Programme) Decree 1987

In the Tribunal for the trial of offences under the Transition to Civil Rule (Political Programme) Decree 1987.

WARRANT OF CONVICTION

Between

The Federal Republic of Nigeria
and

Accused

(i)..... having appeared before the tribunal named
above sitting at..... is this day convicted for
that he, on the..... day of..... 19.....
at..... within the..... did

(ii)..... And it is adjudged
that the accused, for his said offences, be sentenced to (iii)
and the accused shall until the conviction and or sentence be confirmed or
disallowed by the Armed Forces Ruling Council kept in custody at

DATED the day 19.....

.....
Chairman of the Tribunal

-
- (i) *Insert name of accused.*
 - (ii) *State concisely the substance of offence.*
 - (iii) *State sentence imposed on accused.*

MADE at Lagos this 28th day of July, 1987.

MAJOR-GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree provides for the transition to civil rule and eventual disengagement of the Armed Forces. It also makes provisions for the President, Commander-in-Chief of the Armed Forces to constitute a special tribunal to try offences under the Decree.

NATIONAL ELECTORAL COMMISSION
DECREE 1987



Decree No. 23

[30th September, 1987]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows—

1.—(1) There shall be established for Nigeria a body to be known as the National Electoral Commission (hereinafter in this Decree referred to as "the Commission").

(2) The Commission shall consist of a Chief National Electoral Commissioner who shall be the Chairman and eight other members including a woman, to be known as National Electoral Commissioners.

2.—(1) The Chairman and other members of the Commission shall be appointed by the National Council of State on the nomination of the President, Commander-in-Chief of the Armed Forces and shall be persons of proven integrity who shall not have been actively involved in partisan politics.

(2) The Chairman who shall be the Chief Executive and the accounting officer of the Commission shall not be less than fifty years of age and the other members shall not be less than forty years of age but no person above the age of seventy years shall be eligible to serve on the Commission.

(3) A member of the Commission shall hold office for five years in the first instance and shall be eligible for re-appointment for another period of five years and no more.

(4) A member may at any time be removed from office by the National Council of State for inability to discharge the functions of his office (whether arising from infirmity of mind

Establishment composition of National Electoral Commission.

Appointment and tenure of office of members of the Commission.

or body or any other cause) or for misbehaviour but shall not be removed from office except in accordance with the provision of this subsection.

(5) A member may resign his membership by notice in writing addressed to the President, Commander-in-Chief of the Armed Forces and that member shall on the date of the receipt of the notice by the President, Commander-in-Chief of the Armed Forces, cease to be a member.

(6) There shall be paid to every member of the Commission such salaries and allowances as the Federal Military Government may from time to time direct.

(7) There shall also be paid to every member upon the completion of his period of service, a gratuity calculated in such manner as the Federal Military Government may direct.

(8) The amounts payable under this section shall be charged upon and paid out of the Consolidated Revenue Fund of the Federation.

(9) A member shall not while holding office hold any other office of emolument whether in the public service or elsewhere.

Functions
of the Com-
mission.

3.—(1) The functions of the Commission shall be—

(a) to organise, conduct and supervise all elections and matters pertaining to elections into all the elective offices provided for in this Decree or in the Constitution of the Federal Republic of Nigeria or any other law ;

(b) to provide clear guidelines, rules and regulations for the emergence, recognition and registration of two political parties ;

(c) to register two political parties and determine their eligibility to sponsor candidates for any of the elections referred to in paragraph (a) of this subsection ;

(d) to monitor the organisation and conduct of the political parties ;

(e) to monitor the financing of the political parties ;

(f) to monitor political campaigns and provide for rules and regulations which shall govern the political parties ;

(g) to recommend to the Federal Military Government the amount of public funds required for the organisation and conduct of the affairs of the two political parties ;

(h) to arrange for the annual examination and auditing of the funds and accounts of the political parties ;

(i) to provide rules which shall govern the qualification to vote and be voted for at elections ;

(j) to carry out such other functions as may be conferred on it by law.

(2) The functions of the Commission under paragraph (a) of subsection (1) of this section shall include—

(a) the division of the area of the Federation or as the case may be, the area of a State, into such number of constituencies as may be prescribed by law for the purpose of elections to be conducted by the Commission ; and

(b) the registration of voters, the preparation and maintenance of register of voters for the purpose of any such election.

4.—(1) There shall be established in each State of the Federation a State Electoral Commission which shall perform the following functions, that is—

(a) to organise, undertake and supervise all elections to local government councils within the State ;

(b) to tender such advice as it may consider necessary to the National Electoral Commission on the compilation of the register of voters in so far as that register is applicable to local government elections in that State ;

(c) to perform such other duties as the National Electoral Commission may, from time to time delegate to it.

(2) The Chairman and members of the State Electoral Commission shall be appointed by the National Council of State on the recommendation of the Commission.

(3) The Chairman and any member of the State Electoral Commission may be removed by the National Council of State on the recommendation of the Commission.

Directives
by the
Armed
Forces
Ruling
Council.

5.—(1) The Armed Forces Ruling Council may give to the Commission such directives as appear to it to be just and proper for the effective discharge of the functions of the Commission under this Decree.

(2) It shall be the duty of the Commission to comply with any directions given pursuant to subsection (1) of this section.

Members
of the Com-
mission
disqualified
from
holding
elective
office.

6. Notwithstanding anything to the contrary in any law, a person who holds or has held office as a member of the Commission under this Decree shall not be qualified for any elective office or for election as a member of any legislative body.

Proceed-
ings, etc.,
of the Com-
mission.

7.—(1) The Commission shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint.

(2) The Chairman shall preside at all meetings of the Commission but if he is absent from any meeting of the Commission the members present shall elect one of their member to preside at that meeting.

(3) During the Chairman's absence on leave or if the Chairman is otherwise not available or is unable to perform his functions, the President, Commander-in-Chief of the Armed Forces may appoint any member of the Commission to act as chairman for any specified period.

(4) The quorum for meetings of the Commission shall be five.

(5) Questions put before the Commission at a meeting shall be decided by consensus and where this is not possible by a majority of the votes of the members present and voting.

(6) The Chairman shall in the case of an equality of votes have a casting vote in addition to his deliberative vote.

(7) Subject to this section, the Commission shall have power to regulate its proceedings and may make standing orders with respect to the holding of meetings, the notice to be given, the procedure thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

(8) The validity of any proceedings of the Commission shall not be affected by any vacancy in its membership or by any defect in the appointment of a member.

8.—(1) The Commission may appoint one or more committees to carry out on behalf of the Commission any of the Commission's functions under this Decree.

Committees
of the
Commis-
sion.

(2) A committee appointed by the Commission under this section shall consist of such number of persons as may be determined by the Commission but shall not include persons who are not members of the Commission.

9.—(1) There shall be a Secretary to the Commission who shall have such qualifications and experience as are appropriate for a person required to perform the functions of his office under this Decree and shall be appointed by the National Council of State.

The Secre-
tary and
other em-
ployees of
the Com-
mission.

(2) Subject to the general direction of the Commission, the Secretary—

(a) shall be responsible for keeping proper records of the proceedings of the Commission ; and

(b) shall be the head of the Commission's secretariat and be responsible for the administration thereof and the direction and control of all other employees of the Commission with the approval of the Commission.

(3) The Commission shall have power to appoint either directly or on secondment from any public service in the Federation such number of employees as may, in the opinion of the Commission, be required to assist the Commission in the discharge of any of its functions under this Decree ; and shall have power to pay to persons so employed such remuneration (including allowances) as the Commission may, after consultation with the Head of the Civil Service of the Federation, determine.

Interpre-
tation.

10. In this Decree, unless the context otherwise requires—

“Chairman” means the Chairman of the National Electoral Commission ;

“Commission” means the National Electoral Commission established by section 1 of this Decree ;

“Constitution” means the Constitution of the Federal Republic of Nigeria 1979 ;

“functions” includes powers and duties ;

“member” means a member of the Commission and includes the Chairman ;

“Secretary” means the Secretary to the Commission appointed pursuant to section 9 of this Decree.

Citation
and repeal.

11.—(1) This Decree may be cited as the National Electoral Commission Decree 1987.

1977 No. 41

(2) The Federal Electoral Commission Act 1977 is hereby repealed.

MADE at Lagos this 30th day of September, 1987.

MAJOR-GENERAL I. B. BABANGIDA
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree provides for the establishment, composition and functions of a National Electoral Commission. It repeals Federal Electoral Commission Act 1977.

STATES (CREATION AND TRANSITIONAL PROVISIONS) DECREE 1987



Decree No. 24

[See Section 10 (2)]

Commence-
ment.

WHEREAS it is politically expedient in the interest of peace and harmony among the people of Nigeria that provision should be made for the creation of two additional States to the number of States mentioned in section 3 of the Constitution of the Federal Republic of Nigeria 1979 :

THE FEDERAL MILITARY GOVERNMENT therefore hereby decrees as follows :

1.—(1) There shall, as from the commencement of this Decree, be created out of Kaduna State, a new State to be known as Katsina State.

Creation of
Katsina
State.

(2) The State created by subsection (1) of this section shall comprise the areas specified in Schedule 1 to this Decree.

2. (1) There shall, as from the commencement of this Decree, be created out of Cross River State, a new State to be known as Akwa-Ibom State.

Creation of
Akwa-Ibom
State.

(2) The State created by subsection (1) of this section shall comprise the areas specified in Schedule 2 to this Decree.

Amend-
ment of the
Constitu-
tion.

3. Accordingly—

(a) section 3 of the Constitution of the Federal Republic of Nigeria 1979 is hereby amended—

(i) by substituting for the figure "19" appearing in subsection (1) thereof, the figure "21" ;

(ii) by inserting in the same subsection the names—
Akwa-Ibom and Katsina in alphabetic sequence respectively.

(b) in the First Schedule to the Constitution of the Federal Republic of Nigeria, the names of the Local Government Council Areas specified in Schedules 1 and 2 to this Decree shall be deleted from Cross-River and Kaduna States respectively and shall be inserted in separate columns in alphabetic sequence in the First Schedule to the said Constitution under the States created by this Decree.

4. There shall be for each State created by this Decree a Military Governor and, subject to the subsection (2) of this section, the Military Governors shall be appointed by the Armed Forces Ruling Council.

Appoint-
ment of
Military
Governor
for each
State.

5. All existing laws in the State out of which a State under this Decree is created shall continue to have effect in the States hereby created subject to such modifications, as may be necessary to bring it into line with this Decree.

Existing
laws.

6.—(1) Subject to section 3 of this Decree and without prejudice to the provisions of this Decree relating to existing law, every Local Government Council, court and other public body which immediately before the commencement of this Decree exercised functions within a State as herein constituted shall continue to exercise those functions in the State.

Con-
tinuance
of certain
powers, etc.

(2) Any person who immediately before the commencement of this Decree held office as a member of the civil service of a State affected by this Decree and exercised functions of his office at or from a place in the area of a state created by this Decree shall, on and after the commencement of this Decree, unless at any time he is removed from or resigns his office in the manner provided by law, continue to hold and exercise the functions of his office in the State under this Decree.

(3) A body corporate or person who continues to exercise any office or function by virtue of this Decree shall exercise that office or function in accordance with the directions of the Military Governor.

7. The proceedings pending before any court of a State immediately before the commencement of this Decree may, after such commencement, be continued before that court and shall not be affected by the provisions of this Decree.

Proceedings
of courts.

8.—(1) Subject to subsection (2) of this section, any immovable property and any chattel which, immediately before the commencement of this Decree was situated in the area comprised in a State under this Decree and was held by a body corporate directly established by a Law of the Legislature or Edict of the Military Governor of the State or an instrument having effect as such a Law or Edict shall, by virtue of this section and without further assurance than this section vest in the Military Governor of the State concerned and be held by him for the purposes of the government of the State and no compensation shall be payable in respect of any transfer effected by this section.

Transfer of
public pro-
perty.

(2) Nothing in this section shall apply to any such property held on behalf of the Federation for the purposes of the Government of the Federation or to immovable property and chattels in the ownership of statutory corporations or, as the case may be of public companies, owned or controlled by the Government of the Federation.

9.—(1) There shall on the commencement of this Decree be an administration fund for each State created by this Decree from which shall be defrayed all expenses incurred by the Military Governor of the State in the performance of his functions.

Financial
provisions,
etc.

(2) There shall be paid or credited to the fund —

(a) such sums of money provided by the Armed Forces Ruling Council as that Council may from time to time determine ; and

(b) all other moneys held by the Military Governor for the purposes of the Government of the relevant State.

(3) Every such fund shall be managed in accordance with regulations made by the Military Governor of the State concerned ; and without prejudice to the generality of the power conferred, the regulations shall in particular include provision —

(a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments to and from the fund ;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in pursuance of the regulations ;

(c) for ensuring that the accounts are audited periodically by the Auditor-General of the Federation ; and

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the Military Governor of the State concerned as soon as may be at the end of the period to which the accounts relate.

(4) Regulations may also provide—

(a) for the form in which a record of assets (other than assets of the fund) is to be kept ;

(b) for the inspection by the Auditor-General of the Federation or otherwise, of any such record and of assets required to be mentioned in the record ;

(c) for the furnishing to the Military Governor of the State concerned of information with respect to the record and any such assets as are mentioned in paragraph (b) of this subsection, or reports on inspections made in pursuance of that paragraph.

10. — (1) This Decree may be cited as the States (Creation and Transitional Provisions) Decree 1987.

Citation
and com-
mencement.

(2) The Decree shall be deemed to have come into force on 23rd September, 1987.

SCHEDULES

SCHEDULE 1

Section 1 (1)

<i>Name of State</i>	<i>Local Government Council Areas</i>	<i>Capital</i>
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Katsina	Daura, Mafi, Dutsin-Ma, Katsina, Kankiya, Malunfashi and Funtua.	Katsina
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SCHEDULE 2

Section 2 (2)

Akwa-Ibom	Ikot-Ekpene, Abak, Eket, Ukanafun, Ikot-Abasi, Uyo, Efon, Ikom, Itu and Oron.	Uyo
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MADE at Lagos this 30th day of September, 1987.

MAJOR-GENERAL I. B. BABANGIDA
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*



S.I. 19 of 1987

**TRANSITION TO CIVIL RULE
(POLITICAL PROGRAMME) DECREE 1987**

**Transition to Civil Rule (Guidelines for Local
Government Elections) Order 1987**

Commencement : 30th September, 1987

In exercise of the powers conferred upon me by section 7 of the Transition to Civil Rule (Political Programme) Decree 1987 and of all other powers enabling me in that behalf, I, Major-General Ibrahim Badamasi Babangida, President, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria, hereby make the following Order :

1. The guidelines specified in the Schedule to this Order shall be used by the National Electoral Commission in the conduct of the Local Government Elections to be held throughout Nigeria on 12th December, 1987.

Guidelines
for Local
Govern-
ment
Elections.

2. This Order may be cited as the Transition to Civil Rule (Guidelines for Local Government Elections) Order 1987.

Citation.

SCHEDULE *Section 1*
**GUIDELINES FOR LOCAL GOVERNMENT
ELECTIONS**

1.—(1) The registration of voters for elections to Local Government Councils shall be carried out at registration centres as may be designated by the State Electoral Commissioner.

Registration
of
voters.

(2) The registration centres shall be clearly identified in the interest of the electors.

2. Every registered voter shall be given a registration card containing the following information, that is—

Registration
card.

- (a) the name of the State ;
- (b) the name of the Local Government Council ;
- (c) the registration area and centre ;
- (d) the registration unit ; and
- (e) the voter's number.

B 2

Register for wards and polling stations.

Preliminary register.

3. A register of voters shall be prepared for each Local Government Council indicating sub-registers for wards and polling stations.

4. —(1) Preliminary register of voters shall be displayed in each registration centre and such other places within a ward or wards as the State Electoral Commissioner may think fit.

(2) The preliminary register shall be displayed to afford opportunity for its inspection by members of the public to point out any errors in the preliminary register.

Correction of register.

5. —(1) The preliminary register shall be corrected or amended, as the case may be, in order to remove any mistake in the register.

Public buildings to be used as registration centres and polling stations.

(2) The preliminary register may be corrected by the Commission where it is in the interest of the public to do so.

6. Public building including schools as may be designated by the State Electoral Commissioner shall be used as registration centres and polling stations.

7. A person shall only be eligible to vote at any local government elections if —

Qualifications of a voter.

(a) he has attained the minimum age of eighteen years ;

(b) he has been and is resident in the local government area for not less than twelve months prior to the date of elections ;

Provided that any indigent resident normally outside his Local Government Council area shall be required to vote in the Local Government Council Area of his residence ; he shall not be eligible to vote in his indigenuous Local Government Council Area ;

(c) he is registered as a voter in the Local Government Council area and has obtained a registration card to be presented at the polling station on the day of elections.

Qualification of a candidate.

8. —(1) A person shall not be qualified as a candidate to contest any local government election unless—

(a) he has attained the age of 25 years prior to the day of the elections ;

(b) being a public officer including the current Chairman, secretaries, councillors of Local Government Council he has resigned his appointment not later than 12th October, 1987 ;

(c) he is resident in the Local Government Council area in which he is contesting an election for at least twelve months prior to the elections ;

(d) he is not a person banned or prohibited from participation in Politics in accordance with the participation in politics and Elections (Prohibition) Decree 1987 ;

(e) he produces evidence of tax payments for a period of three years immediately preceding the year of elections ;

(f) he has been nominated by ten registered voters in the area ;

(g) in the case of a candidate contesting as a councillor, he has made a deposit of N50,00 ;

(h) in the case of a candidate contesting as a Chairman or Vice-Chairman of the Local Government Council, he has made a deposit of N200.

(2) Where a person seeking to contest as a candidate is involved in a case that may lead to his being banned from participation in politics and the case is pending before a court or tribunal, he may stand as a candidate in the election pending the determination of the case but as soon as he is found guilty by the court or tribunal, as the case may be, he shall withdraw from the election and if already elected, he shall cease to be a member or chairman as the case may be.

9. (1) Candidates shall contact persons personally in places in the Local Government Area as may be designated by the Commission.

Campaigns
for elec-
tions.

(2) Campaigns and addresses to be made by any candidate to members of the public shall be designed to outline what the candidate plans to do for the local government concerned.

(3) It shall be an offence punishable under this Order for any candidate to base his campaign or address on sectional, ethnic or religious differences.

(4) Any candidate who contravenes the provisions of subsection (3) of this section commits an offence under this Order and shall not only be prosecuted in the appropriate court but shall be disqualified as a candidate for the election.

(5) Any candidate who offers bribes to the electors directly or indirectly either by paying money to them or providing unsolicited services or treating them to parties commits an offence under this Order and shall be punished as provided under subsection (6) of this section.

(6) Any candidate who contravenes the provisions of subsections (3) and (5) of this section shall be tried in magistrate court and if found guilty shall be liable to a term of imprisonment not exceeding three years or to N5,000 fine.

(7) In addition to the penalty under subsection (6) of this section, any candidate who commits an offence under this Order shall be disqualified from the elections.

Voting and
counting.

10.—(1) Voting shall be carried out in one and the same day throughout the Federation.

(2) Voting shall be by secret ballot.

(3) A candidate shall provide photographs of himself for use at the polling stations in order to identify him.

(4) The photographs required pursuant to subsection (3) of this section shall be 45cm x 30cm in size.

(5) The votes shall be counted in the presence of the candidates or their representatives and the results shall be announced at the polling stations.

(6) The result of the elections shall be entered in a statement of result form to be issued at the polling stations by the presiding officers.

(7) The results from all polling stations shall be announced by the accredited electoral officers at the collating centres.

MADE at Lagos this 30th day of September, 1987.

MAJOR-GENERAL I. B. BABANGIDA
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

**PARTICIPATION IN POLITICS AND ELECTIONS
(PROHIBITION) DECREE 1987**



Decree No. 25

[See Section 9]

WHEREAS one of the declared fundamental purposes of the Constitution of the Federal Republic of Nigeria 1979 is the promotion of good government and the welfare of all persons in Nigeria,

Commence-
ment.

AND WHEREAS political history of Nigeria to date is replete with individual acts and party political activities detrimental to the evolution of such good government and assurance of the welfare of the people of Nigeria.

AND WHEREAS successive military interventions in the political process of Nigeria have been for the purpose of saving the nation from anarchy and disintegration ;

AND WHEREAS the Military Administration believes that its own intervention as well as previous military interventions are temporary and corrective ;

AND WHEREAS in order to avoid a repetition of the political misdeeds of previous civilian administration, it is now necessary to make extraordinary but necessary provisions for the purposes of laying a sound and proper foundation for the future democratic order, good government and welfare of all Nigerians and ensure as far as possible smooth and effective future civilian governance for Nigeria ;

AND WHEREAS certain persons have held public offices in the past have been found guilty of diverse offences like corruption, embezzlement of public funds, fraud, unjust enrichment, contribution to the economic adversity of the nation and some persons have while not holding such public offices exercised corrupt influence on public office holders ;

AND WHEREAS there are other categories of Nigerians who have held or are presently holding public offices but have not committed nor been found guilty of any crime or misconduct but whose political rights and activities during the transition period are necessary to be curtailed for the purpose of assuring clean break with the past and to establish a strong and stable foundation for the future ;

AND WHEREAS it is necessary accordingly to ban or disqualify these categories of persons from holding public office in Nigeria for the time being :

NOW THEREFORE, THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :

Ban and
disqualifi-
cation of
certain
persons
and office
holders.

1.—(1) Notwithstanding the provisions of any other enactment regarding the disqualification of persons from contesting, holding or being appointed to any elective office or post, either in the government or in a political party, the persons and office holders specified in Schedule 1 to this Decree are hereby banned for life from holding any elective office or post, public office, political party office, whether elective or otherwise either in the government or in any political party.

(2) The persons and office holders specified in Schedule 2 to this Decree are hereby disqualified from contesting or seeking any public office or post whether elective or otherwise in any government or political party in Nigeria during the transition period ; so however that nothing in this Decree shall be construed to affect any present holder of any of the offices stipulated in Schedule 2 to this Decree except he is retired, dismissed or otherwise removed from that office or he resigns or retires from that office.

(3) Nothing in this Decree shall be construed to prevent any holder of any of the offices stipulated in Part II of Schedule 2 to this Decree from holding or continuing in that office until such a time as he is replaced in that office by a duly or appointed successor, as the case may be, in accordance with the provisions of the Transition to Civil Rule (Political Programme) Decree 1987.

2.—(1) The Commission may upon the objection of any person or on its own motion at any time declare that any person—

Declaration
by the
National
Electoral
Commission.

(a) nominated to contest any office or post either in the government or in any political party ; or

(b) elected to any office or post, either in the Government or in any political party ; or

(c) nominated or appointed to any public office or post in any political party,
is a person affected by this Decree.

(2) A declaration made under subsection (1) of this section shall have the effect of nullifying such nomination, election or appointment.

3.—(1) Any member of the public who has knowledge that a person nominated to contest any election or appointed or elected to an office in a political party or government or public office is a person banned or disqualified under the provisions of this Decree may file an objection to nullify such nomination, election or appointment.

Objections
by members
of the
public.

(2) Any objection filed pursuant to subsection (1) of this section shall be made in writing to the Commission.

(3) Any objection raised under this section shall contain facts upon which the objection is made.

(4) The Commission shall on receipt of an objection filed under subsection (1) of this section, notify the person whose nomination, election or appointment, as the case may be, is being objected to, of such objection.

(5) The notice referred to in subsection (4) of this section shall require the person whose nomination, election or appointment is challenged to file a reply to the objection within 21 days of the receipt of the notice of objection.

(6) The Commission shall pronounce on an objection within 30 days of the receipt of a reply, if any.

(7) In default of any reply from such person within the stipulated period, the Commission shall proceed to pronounce its decision within 30 days from the date of the receipt of the notice of objection.

(8) Where the Commission sustains an objection and declares that the person whose nomination, election or appointment is objected to is a person affected by this Decree, it shall declare the person banned or disqualified as the case may be and shall take all necessary steps to enforce the declaration.

(9) For the avoidance of doubt, no nomination shall be avoided until an objection is sustained by the Commission pursuant to this section.

(10) Where a person has been elected before an objection is sustained by the Commission pursuant to this section, the Commission shall declare the election null and void and shall take necessary steps to conduct a new election.

Application
for determination.

4.—(1) Any person may apply to the Commission for a determination as to whether he is a person affected by this Decree.

(2) An application made pursuant to subsection (1) of this section shall indicate the purpose for the application, the offices or posts held in the past by the applicant and any other information that may assist the Commission to come to a decision.

(3) The Commission shall on receipt of an application made under this section, conduct an investigation to determine whether the applicant is a person affected by this Decree.

(4) A determination under this section shall be made by the Commission within 30 days of the submission to it of the application.

Review.

5.—(1) Any person dissatisfied with any declaration made by the Commission under this Decree may within 30 days of such declaration apply to the Tribunal for a review of the declaration.

(2) The Tribunal shall commence to hear an application within 14 days of the receipt of the application.

(3) The Tribunal shall deliver its decision not later than 30 days from the date the application is heard.

6. In any matter referred to the Tribunal under this Decree, the decision of the Tribunal shall be final and binding and no other court of law or tribunal shall have jurisdiction to entertain any action by way of declaration or review or the issue of prerogative orders or the equitable remedy of injunction or specific performance or by way of appeal or otherwise in respect of any matter arising out of and pertaining to the provisions of this Decree.

Finality of
decision of
Tribunal.

7. —(1) No suit or legal proceedings shall be instituted in respect of any ban, disqualification or any other matter covered by this Decree in any court or tribunal except as provided under this Decree.

Jurisdiction
on all
matters
arising from
this Decree.

(2) No suit or other legal action shall lie against any person for anything done or purported to be done in pursuance of this Decree.

(3) Notwithstanding the provisions of the Constitution of the Federal Republic of Nigeria 1979 or any other law, any claim, right, declaration or question as to whether any provision of this Decree has been or is being or would be contravened by anything done or purported to be done in pursuance of this Decree shall not be inquired into in any court of law or tribunal other than as provided for in this Decree.

(4) The jurisdiction conferred on the Tribunal by this Decree shall be exercised by it to the exclusion of all other courts of law or tribunals in Nigeria.

In this Decree, except the context otherwise requires—
“affected person” means any person disqualified or banned pursuant to this Decree.

Interpreta-
tion.

“Commission” means the National Electoral Commission established by the National Electoral Commission Decree 1987 ;

“Office in government” includes any office designated in Part II of the Fifth Schedule to the Constitution of the Federal Republic of Nigeria 1979 ;

“Public Office” means any office as designated in Part II of the Fifth Schedule to the Constitution of the Federal Republic of Nigeria 1979 ;

“transition period” means the period specified in the Transition to Civil Rule (Political Programme) Decree 1987 ;

“Tribunal” means the Transition to Civil Rule Tribunal constituted under the Transition to Civil Rule (Political Programme) Decree 1987.

Citation
and com-
mencement.

9.—(1) This Decree may be cited as the Participation in Politics and Elections (Prohibition) Decree 1987.

(2) This Decree shall be deemed to have come into operation on 23rd September, 1987.

SCHEDULES

SCHEDULE 1

Section 1 (1)

PERSONS BANNED FROM PARTICIPATION IN POLITICS, ELECTIONS, OR HOLDING ANY PUBLIC OR POLITICAL PARTY OFFICE, ETC.

1. All persons including politicians who held political offices from 1st October, 1960 to 15th January, 1966, and from 1st October, 1979 to 30th December, 1983 and who were subsequently indicted and found guilty of offences or misdeed by any Tribunal, Special Investigation Panel, judicial Commission or Administrative Enquiry ;

2. All persons who served as Secretaries to Federal and State Governments, Permanent Secretaries, Judges, Chairmen and members of Federal and State Boards of Statutory Corporations, and State-owned Companies or on the Governing Boards of various institutions as well as all other public officers who had been found guilty of misdeeds by any Panel, Tribunal, Judicial Commission or Administrative Enquiry between 1st October, 1960 to the end of the transition period ;

3. All Military and Police personnel who held public offices during the period 15th January, 1966 to the end of this transitional period and who were or might be found guilty, and removed from office or dismissed from the Services, or who were or are hereafter found guilty of corruption or other misdeeds or indicted by various Courts Martial, Tribunals, Special Investigation Panel, Judicial Commission and Administrative Enquiries at both Federal and State levels ;

4. All persons in both the public and private sectors who have been or will be dismissed from office or any employment during the period 1st October, 1960 to the end of the transitional period ;

5. All persons who may not have held any public office but who have been indicted and punished by various panels, Tribunals and Commissions of Enquiry for corrupting public office holders ; and

6. All Legislators or persons including those elected into the Senate, House of Representatives, Houses of Assembly of Regions or States from January 1960 to the end of transition period who either collectively or individually have been liable for or indicted and found guilty of acts of unjust enrichment, corruption, fraud, embezzlement of public funds, election malpractices or contributed in one way or the other to the economic adversity of the nation or such persons who exercised corrupt influence on public office holders.

SCHEDULE 2

Section 1 (2)

PERSONS DISQUALIFIED FROM PARTICIPATION IN POLITICS AND ELECTIONS OR SEEKING OR CONTESTING ANY PUBLIC OR POLITICAL PARTY OFFICE DURING THE TRANSITION PERIOD

PART I—OFFICE HOLDERS (CIVILIAN)

The holders of the following offices during the periods 1st October, 1960 to 15th January, 1966 and 1st October, 1979 to 30th December, 1983—

1. President
2. Prime Minister
3. Vice-President

A 8 1987 No. 25 *Participation in Politics and Elections (Prohibitions)*

4. Regional Premier
5. State Governor
6. State Administrator
7. Deputy State Governor
8. Minister, Presidential Adviser/Assistant
9. Commissioner
10. Parliamentary Secretary
11. Presidential Liaison Officer
12. National Assembly Liaison Officer
13. President of the Senate
14. Deputy President of the Senate
15. Speaker of the House of Representatives
16. Deputy Speaker of the House of Representatives
17. Speaker of the Regional House of Assembly
18. Speaker of the State House of Assembly
19. Deputy Speaker of the Regional/State House of Assembly
20. Chairmen of Committees or Selected Committees of the Senate, House of Representatives and Regional and State Houses of Assembly
21. Members of the National Executive Committees of all Political Parties
22. Members of Regional Working Parties Committees or State Executive Committees of all Political Parties.

PART II—OFFICE HOLDERS (MILITARY AND POLICE)

All Military and Police personnel who held or are currently holding the underlisted public offices from 15th January, 1966 to the end of the transition period will not be allowed to contest any election into any elective office or hold any position in any political party in Nigeria during the transition period; the offices covered in this group include those of—

1. President
2. Head of State
3. Chief of Staff (Supreme Headquarters)

4. Deputy Chief of Staff (Supreme Headquarters)
5. Chief of General Staff
6. Chairman, Joint Chiefs of Staff
7. Chief of Defence Staff
8. Deputy Chief of Defence Staff
9. Chief of Staff (Army Headquarters)
10. Head of Navy
11. Head of the Air Force
12. Chief of Army Staff
13. Chief of Naval Staff
14. Chief of Air Staff
15. Inspector-General of Police
16. Military Governors/Administrators
17. Members of the Supreme Military Council and the Armed Forces Ruling Council between 31st December, 1983 and end of the transitional period.

MADE at Lagos this 6th day of October, 1987.

GENERAL J. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

DIRECTORATE OF SOCIAL MOBILISATION
DECREE 1987



Decree No. 31

[See Section 14]

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows :

1. There is hereby established a body to be known as the
Directorate of Social Mobilisation (hereinafter in this Decree
referred to as "the Directorate") which shall have the functions
specified in this Decree.

2.—(1) The Directorate shall have a governing Board
which shall comprise the following members, that is—

(a) a chairman to be appointed by the President,
Commander-in-Chief of the Armed Forces ; and

(b) one representative each of the following Ministries—

(i) Information and Culture ;

(ii) Social Development, Youth and Sports ; and

(iii) Employment, Labour and Productivity ;

(c) a representative of the Directorate of Food, Roads
and Rural Infrastructures ; and

(d) the Secretary to the Directorate.

(2) The chairman appointed pursuant to subsection (1)
of this section shall be the chief executive of the Directorate
and shall be responsible for the day to day running of its
affairs.

3. It shall be the objective of the Directorate to—

(a) create a new cultural and productive environment
which will promote pride in productive work, self-reliance
and self-discipline ;

(b) generally awaken the rights and obligations of a
citizen to the nation ;

Commence-
ment.

Establish-
ment of the
Directorate
of Social
Mobilisa-
tion.

Board of
Directorate.

Objectives
of the
Directorate.

(c) encourage the people to take part actively and freely in discussions and decisions affecting their general welfare ; and

(d) promote new sets of attitudes and culture for the attainment of the goals and objectives of the Nigerian State.

Functions
of the
Directorate.

4. Subject to this Decree, the Directorate shall perform the following functions, that is—

(a) establish an appropriate framework for the positive mobilisation and education of all Nigerians towards economic recovery and development and a new social and political order ;

(b) awaken the consciousness of all categories of Nigerians to their rights and obligations as citizens of Nigeria ;

(c) inculcate in all Nigerians the value and spirit of civic responsibility, commitment to social justice and economic self-reliance through mobilisation and harnessing their energies and natural resources into productive use ;

(d) sensitize, induct and equip all Nigerians to fight against internal and external domination or resources by a few individuals or groups ;

(e) re-orientate Nigerians to shun waste and vanity and to shed all pretences of affluence in their lifestyles ;

(f) promote self-reliance and pride in the consumption of home produced commodities ;

(g) prepare the framework for creating the basic institutions and norms of democracy at all levels in the society ;

(h) create consciousness about power and its use and the proper role of Government in serving the collective interest of Nigerians ;

(i) ensure that materials which appear in the mass media both electronic and the print, are in consonance with the national objectives of self-reliance, social justice, human rights, democratic norms, economic recovery and development ;

(j) propagate the need to eschew all vices in public life including corruption, dishonesty, electoral and census malpractices, ethnic and religious bigotry ;

(k) propagate the virtues of hardwork, honesty, self-reliance, commitment to and promotion of national integration ; and

(l) inculcate in all Nigerians the virtues of patriotism and positive participation in national affairs.

5. The Directorate shall

(a) liaise with and work in close co-operation with relevant Government Ministries, Government agencies at the Federal, State and local levels ; and

(b) co-operate with all other private and public organisations, institutions, enterprises and individuals concerned with the realization of the objectives of the Directorate.

6. —(1) There shall be established in the office of each Military Governor a State equivalent of the Directorate to co-ordinate organisation of social mobilisation within the State and perform similar functions in the State.

(2) The membership of the State Directorate shall consist of a Director to be the chairman and a representative of each of the following ministries or body, as members, that is—

(a) Information and Culture ;

(b) Social Development, Youth and Sports ;

(c) Employment, Labour and Productivity ; and

(d) Directorate of Food, Roads and Rural Infrastructures.

7. (1) The Government of a State and each Local Government Council in every State shall participate in the functions of the Directorate in such manner as the President, Commander-in-Chief of the Armed Forces may, from time to time, determine.

Liaison
with other
bodies.

State
formations
of the
Directorate.

Participa-
tion by
States and
Local
Govt-
Councils.

(2) Accordingly, and without prejudice to the establishment of State equivalents of the Directorate under section 6 of this Decree, all Local Government Councils shall be constituted into Committees for the implementation of the social mobilisation programme as envisaged in this Decree.

(3) The Chairman of each Local Government Council shall be the Chairman of the Committee established and constituted under subsection (2) of this section.

Special
functions
of the
Directorate

8.—(1) The Directorate shall gear all its efforts towards the implementation of social mobilisation in the nation in order to awaken the consciousness of all categories of Nigerians to their rights and obligations as citizens of Nigeria.

(2) For the purpose of achieving the objective in subsection (1) of this section, the Directorate shall use its best endeavours to—

(a) encourage and organise an appropriate framework for the positive mobilisation and education of Nigerians towards economic recovery and development ;

(b) ensure an effective implementation of the political transition programme;

(c) liaise with the appropriate Federal and State Government bodies or agencies and Local Government Councils for the successful attainment of the objectives of the Directorate.

Officers of
the
Directorate.

9.—(1) In the performance of its functions under this Decree, the Board of the Directorate may appoint such persons to be officers and staff of the Directorate to assist the Directorate in the performance of its functions under this Decree and for the day-to-day supervision and monitoring of programme execution.

(2) For the purposes of subsection (1) of this section, the Board may appoint any person from the public service of the Federation or of a State, either on secondment or posting, with the prior consent or approval of the relevant civil service of the Federation or of a State, as the case may be.

(3) The Board may where it deems fit, enlist or recruit from outside the public service of the Federation or of a state

such other persons as may be required for the effective execution of its functions under this Decree.

(4) When any member of the public service of the Federation or of a State is seconded or posted under subsection (2) of this section, he shall be notified of the terms and conditions of the secondment or posting, and the secondment or posting shall be without prejudice to any pension rights, which, but for the secondment or posting, may accrue to him.

10. The president, Commander-in-Chief of the Armed Forces may from time to time give to the Board directives of a general nature as to the manner in which the Directorate shall exercise its functions under this Decree and it shall be the duty of the Board to give effect to such directives.

Directives
by the
President.

11. The Board shall prepare and submit to the president, Commander-in-Chief of the Armed Forces once in every quarter a report of the activities of the Directorate during the immediately preceding quarter.

Quarterly
reports.

12.—(1) The Board shall have power to regulate its own proceedings and may make standing orders not inconsistent with this Decree for that purpose and subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of a member.

Proceed-
ings of the
Directorate.

(2) The Board shall meet for the due performance of its functions under this Decree whenever the Chairman convenes a meeting of the Directorate.

(3) Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be a member for as many meetings as may be necessary and that person while so co-opted shall have all the privileges of member except that he shall not be entitled to vote.

13. In this Decree, unless the context otherwise requires—
“Directorate” means the Directorate of Social Mobilisation established by section 1 of this Decree;
“functions” include duties and powers;
“State formation” means the state equivalent of the Directorate, and the Local Government Committees.

Interpreta-
tion.

Citation
and
commence-
ment.

14. This Decree may be cited as the Directorate of social Mobilisation Decree 1987 and shall be deemed to have come into operation on 2nd September, 1987.

MADE at Lagos this 1st day of November, 1987.

GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is
intended to explain its purport)*

The Decree establishes the Directorate of Social Mobilisation for the creation of a national awareness and productive environment required in revamping the economy and development of the nation.

LOCAL GOVERNMENT ELECTIONS DECREE 1987



ARRANGEMENT OF SECTIONS

Section

PART I—CONDUCT OF ELECTIONS, ETC.

1. National Electoral Commission to conduct Local Government Elections.
2. Polling stations.
3. Persons eligible to vote.
4. Persons eligible to be voted for.
5. Ordinary residence.
6. Campaigns for elections.
7. Chairman and Councillors.
8. Date of Local Government elections.
9. Voting.
10. Appointment and supervision of officers.
11. Procedure at elections.

PART II—OFFENCES

12. Breaches of official duty.
13. Requirement of secrecy.
14. Corrupt practices.
15. Personation and punishment for personation.
16. Persons to be deemed guilty of treating.
17. Undue influence.
18. Persons to be deemed guilty of bribery.
19. Punishment for bribery, treating and undue influence.
20. Disqualification of persons convicted of bribery, treating and undue influence.
21. Offences in respect of nomination papers, ballot paper, etc. and ballot boxes.
22. Punishment of persons guilty of certain illegal practices.
23. Voting when not registered.
24. Fraudulent use of ballot paper.
25. Offences relating to statements of result.

25. Disqualification of persons convicted of certain offences.
26. Disorderly conduct at elections.
27. Acts which are offences on day of poll.
28. Offences in relation to counting votes.
29. Disturbances at election meetings.
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PART III—DETERMINATION OF QUESTIONS RESPECTING ELECTIONS

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SCHEDULES

[30th September, 1987]

Commence-
ment.

WHEREAS the political programme set out in the Transition to Civil Rule (Political Programme) Decree 1987 provides for elections into the Local Government Councils on non-party basis in the 4th quarter of 1987 and the Armed Forces Ruling Council has approved that the elections should be held on 12th December, 1987 ;

AND WHEREAS under section 2 (1) of the Constitution (Suspension and Modification) Decree 1984, the Federal Military Government has power to make laws for the peace, order and good government of Nigeria or any part thereof with respect to any matter whatsoever ;

NOW THEREFORE THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :

PART 1 CONDUCT OF ELECTIONS, ETC.

National
Electoral
Commission
to
conduct
Local
Govern-
ment
Elections.

1. Notwithstanding the provisions of section 4 of the National Electoral Commission Decree 1987, the conduct of Local Government elections shall be under the direction and supervision of the National Electoral Commission and in accordance with the provisions of this Decree and any other Decrees, regulations and guidelines.

Polling
stations.

2. The Commission may designate such public buildings to be used as polling stations (including schools) as it may deem necessary in addition to polling booths.

Persons
eligible to
vote.

3. A person shall be eligible to vote in any local government election if—

(a) he is a Nigerian and has attained the minimum age of eighteen years ;

(b) he has been or is ordinarily resident in the Local Government area for a period of not less than twelve months prior to the date of the elections ;

Provided that any indigene of a Local Government area who is ordinarily resident outside his Local Government area shall be required to vote in the Local Government area of his ordinary residence and not in his indigenous Local Government area ;

(e) he is registered as a voter in the ward or constituency of his ordinary residence in the Local Government area and has obtained a registration card to be presented at the polling station on the day of the elections.

4. —(1) A person shall not be qualified as a candidate to contest any local government election unless—

Persons
eligible to
be voted for

(a) he is a Nigerian and has attained the age of twenty five years prior to the elections ;

(b) being a public officer (including the current Chairmen, secretaries, Councillors of Local Government Councils) he resigns his appointment not later than 12th October, 1987 or such other date as may be determined by the Commission;

(c) he is ordinarily resident in the ward or constituency in which he is contesting an election for a period of not less than twelve months prior to the date of the elections ;

(d) he is not a person banned or prohibited from participating in politics and elections in accordance with the Participation in Politics and Elections (Prohibition) Decree 1987 ;

(e) he produces evidence of tax payments for a period of three years immediately preceding the year of elections ;

1987 No.
25.

(f) he has been nominated by ten registered voters in his ward or constituency ;

(g) in the case of a candidate contesting as a chairman of the Local Government Council, he has made a deposit of N200 ; and

(h) in the case of a candidate contesting as a councillor, he has made a deposit of N50,000.

(2) Where a person seeking to contest as a candidate is involved in a case that may lead to his being banned from participation in politics and the case is pending before a court or tribunal, he may stand as a candidate in the election pending the determination of the case but if he is found guilty by the

court or tribunal, as the case may be, he shall withdraw from the election and if already elected, he shall cease to be a councillor or chairman, as the case may be.

Ordinary
residence.

5. (1) For the purposes of this Decree, a person shall be deemed to be ordinarily resident only in that place where he normally lives, sleeps and has his usual abode, whether or not the said place is in his State of origin.

(2) For the avoidance of doubt, a person who is ordinarily resident outside his indigenous Local Government Area or outside his State of origin shall only be eligible to vote in that place if he is ordinarily resident there as prescribed in subsection 1 of this section.

Campaigns
for elections

6. (1) Candidates shall campaign for the elections in such manner and in accordance with such guidelines as may be determined from time to time by the Commission.

(2) It shall be an offence punishable under this Decree for any candidate or his agent to base his campaign or address on sectional, ethnic or religious differences.

(3) A candidate or an agent who contravenes the provisions of sub section (2) of this section commits an offence under this Decree and shall not only be prosecuted in the appropriate court but shall be disqualified as a candidate for the election.

(4) A candidate or an agent who offers bribes to the voters directly or indirectly either by paying money to them or providing inducement unsolicited services or treating them to parties commits an offence under this Decree and shall be punished as provided under subsection (5) of this section.

(5) A candidate or an agent who contravenes the provisions of sub sections (2) and (4) of this section shall be tried in a magistrate court and if found guilty shall be liable to a term of imprisonment not exceeding three years or to a fine of five thousand naira.

(6) In addition to the penalty under subsection (5) of this section, any candidate who commits an offence under this section shall be disqualified from the elections.

7. (1) There shall be for each Local Government Council a full time Chairman and such number of Supervisory Councillors as may be determined by the Federal Military Government.

Chairman
and
Supervisory
Council-
lors.

(2) The Chairman shall appoint from amongst the councillors, a Vice-Chairman on the day each Council is inaugurated.

8. Elections to all the Local Government Councils shall be held on the same day throughout the Federation.

Date of
Local
Govern-
ment

9. (1) Voting shall be carried out in one and the same day throughout the Federation.

elections.
Voting.

(2) Voting shall be by secret ballot.

(3) A candidate shall provide photographs or any other acceptable identification document of himself for use at the polling station in order to identify him.

(4) The photographs required pursuant to subsection (3) of this section shall be 45cm x 30cm in size or such other size as may be determined by the Commission from time to time.

10. The provisions set out in Schedule 1 to this Decree shall have effect with respect to the appointment and supervision of officers and the other matters contained therein.

Appoint-
ment and
supervision
of officers.
Procedure
at elections.

11. The rules of procedure to be adopted at the elections shall be as set out in Schedule 2 to this Decree.

PART II OFFENCES

12. (1) If any person to whom this section applies or who is for the time being under a duty to discharge any of the functions of such a person, is, without reasonable cause, guilty of any act or omission in breach of his official duty, then he shall be liable on summary conviction to a fine not exceeding five hundred naira or to imprisonment for six months or both.

Breaches
of official
duty.

(2) The persons to whom this section applies are any Electoral Officer, Assistant Electoral Officer, Presiding Officer, Assistant Presiding Officer, Returning Officer, Assistant Returning Officer, Poll Clerk, or Assistant Poll Clerk, or any officer or officers (by whatever name called) appointed under paragraph 4 of Schedule 1 to this Decree and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by this Decree.

(3) Where a prosecution for an offence against this section is instituted by a private prosecutor—

(a) the court having cognisance of the case may order such prosecutor to give security for such costs as may become payable to the accused person for such amount and in such manner as the court may deem fit and in the event of failure to comply with such order the court shall discharge the accused person ;

(b) the amount of compensation which may be awarded to an accused person in accordance with the provisions of the Criminal Procedure Act and the Criminal Procedure Code shall be an amount not exceeding two hundred naira as the court may determine instead of the amount for which provision is made in that Act or Code.

(4) In this section "private prosecutor" has the meaning assigned to it in the Criminal Procedure Act and the Criminal Procedure Code.

Require-
ment of
secrecy

13.—(1) Every Electoral Officer, Assistant Electoral Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Poll Clerk, Assistant Poll Clerk and any officer or officers (by whatever name called) appointed under paragraph 4 of Schedule 1 to this Decree concerned in the conduct of an election, and every Counting Agent, Polling Agent or candidate in attendance at a polling station or place of voting, or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) No such officer, agent or candidate shall except for some purpose authorised by law, communicate before the poll is closed to any person any information as to the name or number on the register of voters of any voter who has or has not voted at the place of voting.

(3) No person shall —

(a) interfere with any voter when recording his vote ; or

(b) otherwise obtain or attempt to obtain in the place of voting, information as to the candidate for whom a voter in that place is about to vote or has voted ; or

(c) communicate at any time to any person any information obtained in a place of voting as to the candidate for whom a voter in that place is about to vote or has voted.

(4) If any person contravenes any of the provisions of this section, he shall be guilty of an offence and liable upon conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred naira or both.

14.—(1) If any corrupt practice is committed by any candidate elected at an election held under the provisions of this Decree the election of such candidate shall be invalid

Corrupt
practice.

(2) The expression “corrupt practice” as used in this Decree means any of the following offences —

(a) personation ;

(b) treating ;

(c) undue influence ;

(d) bribery ; or

(e) aiding, abetting, counselling or procuring the commission of any of the aforesaid offences.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge or consent or with the knowledge or consent of a person who is acting under the general or special authority of such candidate with reference to the election.

15.—(1) Any person who at an election applies for a ballot paper in the name of some other person whether that name be the name of a person living or dead, or of a fictitious

Personation
and punish-
ment for
personation.

person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, or of a fictitious person shall be guilty of the offence of personation.

(2) Any person who, at an election, votes in the name of some other person whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any such election votes a second time in his own name, or of a fictitious person shall be guilty of the offence of personation.

(3) Every person who is guilty of personation or aiding, abetting, counselling or procuring the commission of the offence of personation, shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding five hundred naira or both.

(4) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

Persons to
be deemed
guilty of
treating.

16. The following person shall be deemed guilty of treating

(a) every person who corruptly, by himself or by any other person, either before, during or after the election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person, or any other person to vote, or refrain from voting at such election or on account of such person or any other person, having voted or refrained from voting at such election; and

(b) every voter who corruptly accepts or takes any such food, drink, or entertainment.

Undue
influence

17. Every person who directly or indirectly, by himself or by other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damages, harm, or loss upon or against any person in order to induce or compel a person to vote or refrain from voting, or on account of such person

having voted or refrained from voting, at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election shall be guilty of undue influence.

18. The following persons shall be deemed guilty of bribery—

Persons to be deemed guilty of bribery.

(a) every person who, directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election ;

(b) every person who directly or indirectly, by himself or by any other person on his behalf or procures, or promises to procure or to endeavour to procure, any office, place, employment to or for any voter or to or for any person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting, at any election ;

(c) every person who directly or indirectly, by himself or to any other person on his behalf, makes any gift, loan, offer, promises procurement or agreement to or for any person or community in order to induce such person or community to procure, or to endeavour to procure, the return of any person as a member of a council or the vote of any voter at any election ;

(d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures, or engages, or promises or endeavours to procure, the return of any person as a member of a council or the vote of any voter at any election ;

(e) every person who advances or pays, or causes to be paid any money to or for the use of any person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any election ;

(f) every voter who, before or during any election, directly or indirectly by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote or for refraining from voting at any election ;

(g) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election ;

Provided that the foregoing provisions shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

Punishment
for bribery,
treating
and undue
influence.

19.—(1) Every person who is guilty of bribery, treating, or undue influence, or aiding, abetting, counselling or procuring the commission of any of those offences, shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand naira.

Disqualifi-
cation of
persons
convicted of
bribery,
treating
and undue
influence.

(2) Every person who is convicted of bribery, treating, undue influence or personation, or of aiding, abetting, counselling, or procuring the commission of any of the offences aforesaid, shall (in addition to any other punishment) be deemed incapable, during a period of five years from the date of his conviction :

(a) of being registered as a voter or voting at any local government election in any State ; or

(b) of being elected as a member of a Local Government Council, or if elected before his conviction, of retaining his seat.

20.— (1) Every person who—

Offences
in respect
of nomination
papers,
ballot pa-
pers, etc.
and ballot
boxes.

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the officer charged with the conduct of an election any nomination paper, knowing the same to be forged ; or

(b) signs a nomination paper as a candidate in more than one ward or constituency ; or

(c) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper or any statement of result ; or

(d) without due authority supplies any ballot paper to any person ; or

(e) fraudulently puts into any ballot box any paper which he is not authorised by law to put in ; or

(f) fraudulently takes out of the polling station any ballot paper ; or

(g) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election, shall be guilty of an offence.

(2) Any attempt to commit any offence specified in this section shall be punishable in the same manner in which the offence is punishable.

(3) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers and the marking instruments at an election held under this Decree, the property in such papers, boxes and instruments as well as the property in the counterfoils may be stated to be in the officer charged with the conduct of such election.

(4) A person guilty of an offence under this section shall be liable to imprisonment for a term not exceeding two years or a fine of two thousand naira or both.

21.— Every person who

Punish-
ment of
persons
guilty of
certain
illegal
practices.

(a) votes, or induces or procures any person to vote at any election, knowing that he or such person is prohibited by this Decree, or by any other law, from voting at such election ; or

(b) before or during an election, knowingly or recklessly publishes any false statement of the withdrawal of a candidate, at such election for the purpose of promoting or procuring the election of another candidate, shall be guilty of an offence and shall be liable on conviction to a fine of one thousand naira or to imprisonment for one year.

Voting
when not
registered.

22. Any person who wilfully votes at a local government election in a ward or constituency in respect of which his name does not appear on the register of voters shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twelve months or to a fine of one thousand naira or both.

Fraudulent
use of
ballot
paper.

23. — (1) Any person who, having been issued with a ballot paper in a polling station, takes or attempts to take that ballot paper out of the polling station shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine of five hundred naira or both.

(2) Any person who at an election brings into a polling station a ballot paper relating to the election issued to another person shall be guilty of an offence and shall be liable on conviction to imprisonment for one year or to a fine of one thousand naira or both.

(3) For the purposes of sections 16, 17 and 18 of this Decree, the expression "refrain from voting" includes taking a ballot paper out of a polling station contrary to subsection (1) of this section.

(4) If the Presiding Officer in a polling station shall have reason to suspect that any person who has been issued with a ballot paper and is about to leave a polling station has the ballot paper in his possession, the Presiding Officer or any person acting under his directions may search such person.

Offences
relating to
statement
of results.

24. Any person who, being a Presiding Officer at an election—

(a) gives a certificate or statement of result which is to his knowledge is false in any material particular; or

(b) perversely and without lawful excuse refuses to render any statement of result relating to that election to the officer to whom it is required to be delivered; or

(c) does anything that impedes or obstructs the proper counting or obtaining of the correct result of the election, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding twelve months or to a fine of one thousand naira or both.

25. Every person who is convicted of an offence against sections 20, 21, 22 or 23 shall (in addition to any other punishment) be ineligible, during the period of three years after the date of his conviction—

Disqualification of persons convicted of certain offences.

(a) of voting at any local government election in any State ; or

(b) of being elected as a member of Local Government Council or if elected before his conviction of retaining his seat.

26. Any person who at any polling station or place being used for the counting of votes acts or incites others to act in a disorderly manner shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand naira or both.

Disorderly conduct at elections.

27. —(1) No person shall, on the date or dates upon which a poll is taken in an election in respect of a Local Government Council

Acts which are offence on day of poll.

(a) convene, hold or attend any public meeting in that Local Government area ;

(b) operate any megaphone, amplifier or public address apparatus in that Local Government area for the purpose of making announcements concerning the election ;

Provided that this paragraph shall not apply to the operation of any such apparatus, by an officer appointed under this Decree, for the purpose of making official announcements relating to the election.

(2) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of two hundred metres of the polling station—

(a) canvassing for votes ;

(b) soliciting the vote of any voter ;

(c) persuading any voter not to vote for a particular candidate ;

(d) persuading any voter not to vote at the election ;

(e) wearing, exhibiting or tendering any notice, sign, token, symbol, slogan, badge, photograph or party card referring to the election ; or

(f) shouting slogans concerning the election.

(3) No candidate or other person with the connivance of a candidate shall whether on payment or otherwise, use, hire or procure any vessel or vehicle for the conveyance of any voter (other than the candidate himself or his agent) to or from any polling station.

(4) No person shall bring alcoholic liquor into a polling station or a place being used for the counting of votes or shall consume alcoholic liquor in any such place.

(5) Any person who contravenes the provisions of subsections (1), (2), (3) or (4) of this section shall be guilty of an offence and shall be liable on conviction to a fine of five hundred naira or to imprisonment for one year or both for each of such offence.

Offences
in relation
to counting
votes.

28. Any candidate or agent who records the serial number of rejected ballot paper or of a ballot paper in contravention of the provisions to paragraph 27 of Schedule 2 to this Decree, shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred naira or both.

Disturb-
ances at
election
meetings.

29. Any person who at a lawful public meeting to which this section applies—

(a) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called ;

(b) has in his possession any offensive weapon or missile shall be guilty of an offence and liable on conviction to a fine of five hundred naira or imprisonment for six months or both.

30.—(1) Where a person is convicted of an offence against any of the provisions of this Part of this Decree which disqualifies him from being elected as a member of a Local Government Council the court by which he was convicted shall send to the Commission a report of the conviction and, if the person convicted has appealed, a report of the result of the appeal.

Conviction of disqualifying offence to be reported, etc.

(2) Any attempt or conspiracy to commit any offence specified in this Decree shall be punishable in the same manner in which the offence is punishable.

(3) Any offence committed under this Part of this Decree shall be triable in a Magistrate's Court of the State concerned.

(4) Any prosecution under this Part of this Decree shall be undertaken by the Attorney-General of the State in which the offence is committed or by the Director of Public Prosecution or any other officer in the Ministry of Justice of the State.

PART III—DETERMINATION OF QUESTIONS RESPECTING ELECTIONS

31. The High Court shall have original jurisdiction to hear and determine any questions whether any person has become an elected member of a Local Government Council.

High Court to have jurisdiction to determine questions.
Election petition.

32. No local government election and no return to a Local Government Council shall be questioned except by a petition complaining of an undue election or undue return (hereinafter referred to as an "election petition") presented to the High Court in accordance with the provisions of this Part of this Decree and Schedule 3 to this Decree.

33.—(1) An election petition may be presented by one or more of the following persons—

Presentation of petition.

(a) a person who voted at the election or who had a right so to vote; or

(b) a person claiming to have had a right to be elected or returned at the election; or

(c) a person alleging himself to have been a candidate at the election.

(2) The person whose election or return is complained of is hereinafter referred to as the respondent, but if the petition complains of the conduct of an Electoral Officer, Presiding Officer or Returning Officer, such Electoral Officer, Presiding Officer or Returning Officer shall for the purpose of this Decree be deemed to be a respondent.

Grounds
on which
election
may be
questioned.

34.—(1) An election may be questioned on the following grounds—

(a) that the person whose election was questioned was at the time of the election not qualified or was disqualified from being elected as a member of a Local Government Council ; or

(b) that the election was avoided by corrupt practices or offences against this Decree ; or

(c) that the respondent was not duly elected by a majority of lawful votes at the election ; or

(d) that the petitioner was validly nominated but was unlawfully excluded from the election.

(2) An act or omission which is contrary to an instruction or direction of the Commission or of any officer appointed for the purpose of the election but which is not contrary to this Decree shall not of itself be a ground upon which the election may be questioned :

Provided that nothing in paragraph (a) of subsection (1) of this section shall affect or invalidate any decision of the Commission or of the Transition to Civil Rule Tribunal that a person has been banned or disqualified pursuant to or under the Participation in Politics and Elections (Prohibition) Decree 1987.

Non-compliance with certain provisions not to invalidate election.

35. (1) An election shall not be invalidated by reason of non-compliance with this Decree if it appears to the court that the election was conducted substantially in accordance with the principle of this Decree and that the non-compliance did not affect substantially the result of the election.

(2) An election shall not be liable to be questioned by reason of defect in the title, or want of title, of the person conducting the election if that person was then in actual possession of, or acting in, the office giving the right to conduct the election.

36.— (1) Notwithstanding any provisions permitting any other period of notice, notice of appeal to the Court of Appeal from a decision on an election petition shall be given within one month of the decision in question.

Time for
appeal to
Court of
Appeal.

(2) The decision of the Court of Appeal shall be final.

37.— (1) If the High Court shall have determined that a candidate returned as elected was not duly elected, then any candidate declared by the court as elected shall from the time of the decision of the High Court be deemed to be fully elected until any determination of the appellate Court to the contrary.

Effect on
determina-
tion of
notice of
appeal.

(2) If the High Court shall have determined that a candidate returned as elected was not duly elected and that the election was avoided then if notice of appeal from such determination shall have been given within one month, the candidate returned as elected shall, notwithstanding the decision of the High Court, be deemed to have been duly elected for the period until the determination of the Court of Appeal is given on such appeal or the appeal is abandoned.

38. The rules of procedure to be adopted for election petitions arising out of the elections shall be as set out in Schedule 3 to this Decree.

Procedure
for election
petitions.

PART IV—MISCELLANEOUS

39. Subject to the provisions of this Decree, no person who has voted at an election held under this Decree shall, in any legal proceedings arising out of the election be required to state for whom he voted.

Voter not
required
to disclose
his vote.

Election
may be
postponed
if distur-
bance
feared.

40.—(1) Where a date has been appointed for the holding of an election and there is reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on that date, the holding of the election may be postponed by the Commission until some other convenient date to be appointed by it.

(2) Where an election is postponed before the last day for the delivery of nomination papers the Electoral Officer shall upon a new date being appointed for the election proceed in all respects as if that date were the date referred to in paragraph 1 of Schedule 2 to this Decree as the date for the holding of the election.

(3) Where an election is postponed under this Decree on or after the last day for the delivery of the nomination papers, and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, upon a new date being appointed for the election, proceed as if the date appointed were the date for taking of the poll between those candidates.

(4) An election postponed under this section may in like manner be further postponed.

Custody
and inspection
of
documents.

41.—(1) The Electoral Officer shall retain for six months all documents relating to an election forwarded to him in accordance with this Decree and shall then, unless otherwise ordered by the High Court, or unless he is aware that legal proceedings are pending in respect of such election cause them to be destroyed.

(2) An order for

(a) an inspection by production of any rejected ballot papers in the custody of an Electoral Officer; or

(b) the opening of a sealed packet of counterfoils in respect of any counted ballot papers or marked copy of a register of voters or any other packet in the custody of an Electoral Officer,

may be made by the High Court.

if the Court is satisfied that the order required is for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition.

(3) An order for the opening of a packet of counterfoils or for the inspection of any counted or rejected ballot papers in such custody may be made by the High Court in the course of proceedings in an election petition.

(4) An order under this section may be made subject to such conditions as the Court may think expedient.

(5) The documents (other than the documents referred to in subsection (2) of this section) relating to an election retained by the Electoral Officer in accordance with subsection (1) of this section shall be open to inspection upon an order made by a Court in exercise of its powers to compel the production of documents in legal proceedings but shall not otherwise be open to inspection.

42.— (1) The Commission may prescribe—

Expenses
of elections.

(a) a scale of remuneration for officers appointed under this Decree for the conduct of elections ;

(b) a scale of maximum charges in respect of other expenses incurred by an Electoral Officer or a Presiding Officer or a Returning Officer in connection with the conduct of an election and may revise the scales and when it think fit.

(2) An Electoral Officer, a Presiding Officer and a Returning Officer shall in addition to any remuneration prescribed under paragraph (a) of subsection (1) of this section be entitled to such sums in respect of expenses, not exceeding the prescribed scale, in connection with the conduct of an election as are reasonable.

43. Notwithstanding any defect or error in any orders, notices, forms or documents previously made or given or other thing whatsoever done in pursuance of the provisions of this Decree, such orders, notices, forms or documents are hereby validated for all purposes with effect from the dates on which the same were made, given or done respectively.

Validation
of orders,
notices,
etc.

Forms.

44. The forms set out in Schedule 4 to this Decree may, with such modifications as the Commission may think expedient, be used for the purposes of Local Government elections with respect to the matters contained therein.

Interpretation.

45. In this Decree, unless the context otherwise requires—

“Commission” means the National Electoral Commission;

“Director of Public Prosecutions” means Director of Public Prosecutions of the State concerned ;

“register of voters” in relation to a ward or constituency means the list of voters registered and eligible to vote in a Local Government ward or constituency ;

“ward” or constituency” in relation to a Local Government area means a ward or constituency established for that Local Government area.

Citatoin and Commencement.

46. This Decree may be cited as the Local Government Elections Decree 1987 and shall be deemed to have come into force on 30th September, 1987.

SCHEDULES

SCHEDULE 1

Section 10

APPOINTMENT AND SUPERVISION OF OFFICERS

Appointment of Electoral Officer.

1.—(1) For each Local Government area there shall be an Electoral Officer who shall be appointed by the Commission.

(2) An Electoral Officer may be appointed by name or by reference to an office, and shall hold office until his appointment is revoked.

(3) In any case where it considers it expedient the Commission may appoint more than one Electoral Officer for a Local Government area and in that event it shall specify the part of the Local Government area for which each such Electoral Officer is responsible and in relation to that part of the Local Government area the Electoral Officer shall have and exercise the functions of an Electoral Officer of more than one Local Government area.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed Electoral Officer of more than one Local Government area.

2.—(1) The Commission may appoint any person to be Assistant Electoral Officer for the conduct of any election for a Local Government Council and a person so appointed shall in respect of that election have such of the functions imposed or conferred by this Decree on the Electoral Officer as the Commission may prescribe.

Other
officers for
the conduct
of elections.

(2) The Commission shall for the purpose of an election appoint such Returning Officers, Assistant Returning Officers, Presiding Officers and Assistant Presiding Officers, Poll Clerks and Assistant Poll Clerks and such other officers as are required to be appointed under this Decree in each Local Government area.

(3) Any person appointed as an Assistant Returning Officer under the provisions of this paragraph shall have the functions imposed or conferred by this Decree on a Returning Officer.

(4) For the avoidance of doubt, it is hereby declared that a person may be appointed as Returning Officer of one or more Local Government areas.

(5) For any election the Electoral Officer or the Assistant Electoral Officer may be appointed to act as Returning Officer.

Supervision
of other
officers by
Electoral
officer.

3. An Electoral Officer shall exercise supervision over acts of officers as are appointed under paragraph 4 of this Schedule in his Local Government area and may, subject to this Decree and by any instructions issued by the Commission, give directions to such officers with regard to the performance of their function.

4. The Commission may appoint in respect of any area of any state an officer or officers (by whatever name called) to exercise supervisory functions under the directions of the Electoral Officer, over the conduct of an election or of elections generally, and any such officer shall have such powers and duties as shall be allocated by the Commission.

Appoint-
ment of
officer to
exercise
supervisory
functions
over con-
duct of
elections

5. (1) Subject to the provisions of this Decree, the general supervision of the conduct of an election shall be vested in the Electoral Officer.

Function of
Electoral

(2) The Electoral Officer may—

(a) require information from any officer appointed under this Schedule with respect to any matter relating to the functions of such officer under this Decree ;

(b) subject to the provisions of this Decree, issue instructions to any such officers with respect to the performance of their functions under this Decree.

(3) Any such officer shall comply with the requirements and instructions of the Electoral Officer under this paragraph.

Electoral
officials
ineligible
for election.

6. Any person who by reason of his holding or acting in any office has any responsibility for, or any connection with the conduct of, any election to a Local Government Council shall be disqualified from membership of that Local Government Council and from nomination as a candidate therefor while he holds or acts in any such office.

SCHEDULE 2

Section 11

PROCEDURE AT ELECTIONS

Notice of
elections.

1.—(1) Not less than twenty-one days before the date specified for holding of the elections, the Commission shall publish a notice—

(a) stating the date of the elections ;

(b) appointing the place at which nomination papers are to be delivered.

(2) The notice shall be published in each ward or constituency in respect of which an election is to be held.

Nomina-
tion of
candidates.

2.—(1) Every candidate shall be nominated in writing by ten persons whose names appear on the register of voters for the ward or constituency in respect of which an election is to be held.

Form A.

(2) The nomination form may be as in Form A in Schedule 4 to this Decree and shall be subscribed by the candidate and by the persons nominating him and shall contain the following particulars—

- (a) the name, address and occupation of the candidate ;
- (b) the names addresses and occupations of the nominators of the candidate ; and
- (c) a certification by the candidate that he is willing and qualified to stand for Election.

(3) The Electoral Officer shall provide nomination papers and shall supply any voter with such number of nomination papers as he may require, and shall at the request of any voter, the candidate and all his nominators being present, complete any such nomination paper on such voter's behalf.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper subscribed as hereinbefore provided at the place appointed by the Electoral Officer under paragraph 1 of this Schedule not later than 5 o'clock in the afternoon of the fourteenth day before the election.

(5) No person shall subscribe as a nominator to more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any second or subsequent paper which he subscribes as a nominator :

Provided that no account shall be taken of the nomination of any candidate who has died or withdrawn or whose nomination has not been accepted as valid before the delivery of the second nomination paper.

(6) No person who has subscribed a nomination paper as a nominator may, so long as the candidate stands nominated, withdraw his nomination.

3. (1) Every candidate, before his nomination paper is delivered to the Electoral Officer, shall deposit or cause to be deposited a sum of fifty naira and shall at the time of the delivery of his nomination paper produce to the Electoral Officer the official receipt for the said sum, and no nomination shall be valid unless such sum is deposited and the receipt for the same produced in the manner required by this paragraph.

(2) All deposits shall be paid into the general fund of the Local Government Council in respect of which the election is to be held.

Deposited
The Electoral Officer's date has not been validly nominated shall be first such nomination paper the fact and as provided for in this Decree.
(4) Whenever the Electoral Officer has not been validly nominated by such nomination paper the fact and as provided for in this Decree.
The Electoral Officer shall with nomination paper containing the candidate to this Decree to submit a s

Validity of
Nominations.

4.—(1) When any nomination paper is delivered and a deposit is made in accordance with this Decree the candidate shall be deemed to stand nominated unless and until the Electoral Officer decides that the nomination paper is invalid or proof is given to the satisfaction of the Electoral Officer of the candidate's death, or he withdraws his candidature as specified in paragraph 6 or 7 of this Schedule.

(2) The Electoral Officer shall be entitled to hold the nomination paper invalid only on one or more of the following grounds—

- (a) that the particulars of the candidate or his nominators are not as required by law ; or
- (b) that the paper is not signed as required by law ; or
- (c) that the candidate has been nominated in more than one ward or constituency ; or
- (d) that the nominators of the candidate or one or any of them are not persons whose names appear on the register of voters in that ward or constituency ;

ified under the provisions

sion that the candidate

r decides that a candidate shall endorse and sign reasons for his decision review on an election

Twenty-four hours of the candidate in writing to the Electoral Officer or to the candidate or to the Electoral Officer his decision as to

Form B

5. The Electoral Officer shall not later than nine days before the day of election publish by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination papers, and in such other manner as he may think fit, a statement of the full names of all persons standing nominated and of the persons nominating them with their respective addresses and occupations.

Publication of statement of persons nominated

6. Any candidate may withdraw his candidature by notice in writing signed by him, and delivered by himself, or one of the persons nominating him to the Electoral Officer not later than one o'clock in the afternoon of the fourteenth day before the election.

Withdrawal of candidates.

7. If after the latest time for the delivery of nomination papers and before the commencement of the poll a nominated candidate dies, the Electoral Officer shall, upon being satisfied of the fact of death, countermand the poll, and the Electoral Officer shall appoint some other convenient date for the election.

Death of candidates.

8. If a nomination form, signed by a candidate and by the persons nominating him, is lodged in more than one ward or constituency his candidature shall be void in each ward or constituency.

Invalidity of double nominations.

9.—(1) If, after the latest time for the delivery of nomination papers and for the withdrawal of candidates more than one person remains validly nominated, a poll shall be taken in accordance with the provisions of this Schedule.

Method of elections.

(2) If, after the latest time for the delivery of nomination papers and the withdrawal of candidates only one person remains validly nominated, that person shall be declared elected.

(3) Where a person is declared elected under the provisions of sub-paragraph (2) of this paragraph a certificate of result shall be issued and delivered and the result of the election shall be published in the manner prescribed by paragraph 31 of this Schedule.

(4) Where no candidate remains nominated in any ward or constituency upon the date appointed for the election, the Electoral Officer shall inform the Commission who shall fix date for another election.

Ascertain-
ment of poll
result.

10. The result of the votes at the poll shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes has been given shall be declared elected.

Arrange-
ments for
contested
election.

11.—(1) When a poll has to be taken the Commission shall appoint from among Poll Clerks appointed under paragraph 4 of Schedule 1 to this Decree, a person to be in charge of each polling station to be known as the Presiding Officer.

(2) When a poll has to be taken the Commission shall—

(a) appoint a sufficient number of polling stations in each ward or constituency in respect of which a poll is to be taken and allot the voters of those wards or constituencies to the polling stations ;

(b) assign in respect of each polling station to assist at the taking of the poll, Poll Clerks appointed under paragraph 4 of Schedule 1 to this Decree ;

(c) ensure that in each polling station there is a compartment in which voters can record their votes screened from observation ;

(d) furnish each Presiding Officer with such number of ballot boxes and ballot papers as may be necessary ;

(e) provide each polling station with instruments for making an official mark on the ballot papers, with ink of a distinctive colour, and with copies of the register of voters for the ward or constituency, or such part thereof as contain the names of the voters allotted to vote at the polling station ; and

(f) do such other acts and things as may be necessary for conducting the election in the manner provided in this Decree.

(3) The Commission shall appoint at least one polling station in respect of each ward or constituency in which the election is to be held and shall allot the voters of the ward or constituency to the appropriate polling station.

12. A ballot paper may be as in Form C in Schedule 4 to this Decree and shall—

Form of
ballot
paper
Form C.

(a) have a serial number printed or stamped on the back ;

(b) be attached to a counterfoil bearing the same serial number as is printed or stamped in the back of the ballot paper.

13.—(1) Each candidate may appoint two persons (hereinafter referred to as "Polling Agents") to attend at each polling station in the area for which he is a candidate for the purpose of detecting personation.

Polling
Agents.

(2) Notice in writing of the appointment stating the names and addresses of the Polling Agents together with the polling stations to which they have been assigned shall be given by the candidate to the Electoral Officer not later than three days before the day fixed for the elections.

(3) If any Polling Agent dies or becomes incapable of acting as such, the candidate may appoint another Polling Agent in his place, and shall forthwith give to the Electoral Officer notice in writing of the name and address of the Polling Agent so appointed.

14.—(1) The Electoral Officer shall on or before the sixth day before the day of elections, cause to be published in every ward or constituency in which the election is to be held, in such manner as he may think fit, a notice specifying—

Notice of
poll.

(a) the day and the hours fixed for the poll ;

(b) the full names arranged in the alphabetical order of their surnames, place of residence and occupation of each candidate remaining nominated ;

(c) the situation of the polling stations in the ward or constituency and an indication of the persons entitled to vote thereat.

(2) The hours fixed for the taking of the polls shall be a continuous period as may be determined by the Commission.

Ballot
boxes.

15.—(1) The Presiding Officer shall cause to be placed in the polling station ballot boxes which shall be so constructed that the ballot papers can be put therein by the voter but cannot be withdrawn by him.

Sealing of
ballot
boxes.

16. Immediately before the commencement of the voting, the Presiding Officer at the polling station shall show the ballot boxes empty to such persons as may lawfully be present so that they may see that they are empty and shall then close and seal the boxes in such manner as to prevent their being opened without breaking the seal.

Conduct of
poll.

17.—(1) The voting at an election shall be conducted in the following manner, that is—

(a) every voter desiring to record his vote shall present himself to a Poll Clerk at the polling station at which he is entitled to vote and the Poll Clerk, after satisfying himself that such voter is a person whose name appears on the register of voters provided for the polling station and that he has not already voted, shall deliver to him ballot papers and ballot envelopes ;

(b) before delivering the ballot papers to a voter, the Presiding Officer may require the voter to submit to being searched by the Presiding Officer or a person directed by him for the purpose of ensuring that a ballot paper relating to the election is not in his possession and, if the voter shall not submit to a search, he shall not be entitled to receive the ballot papers ;

(c) a female voter shall not be searched except by a female ;

(d) for the purpose of satisfying the Poll Clerk as to his entitlement to vote a voter shall produce to the Poll Clerk a registration card issued to the voter in accordance with the Transition to Civil Rule (Guidelines for Local Government Elections) Order 1987 ;

S.I. 19 of
1987.

(e) immediately before the Poll Clerk delivers the ballot papers to a voter—

(i) the ballot papers shall be punched or stamped with an official stamp provided ;

(ii) the number, name, address and occupation of the voter as stated in the copy of the register of voters or part thereof, shall be called out ;

(iii) the number of the voter in the register of voters shall be marked on the counterfoils ; and

(iv) a mark shall be placed against the number of the voter in the copy of the register of voters or part thereof, to denote that ballot papers have been received by the voter but without showing the serial numbers of the ballot papers which have been received ;

(f) a Poll Clerk may, and if required by a candidate or a Polling Agent shall, put to any person applying for ballot papers at the time of his application, but not afterwards, the following questions or either of them—

(i) "Are you the person whose name is on the register of voters as follows.....?" (reading the copy of the entry in the register),

(ii) "Have you already voted at the present election at this or any other polling station ?" ;

(g) a voter on receiving the ballot papers shall go immediately into the screened compartment in the polling station, and shall there secretly record his vote by placing his thumbprint against the candidate of his choice ;

(h) a voter shall after recording his votes put the ballot papers in the envelopes supplied with the ballot papers and after coming out of the screened compartment put the envelope in the ballot box in full view of the Presiding Officer and all others present ;

(i) a voter shall not record more than one vote in favour of any candidate nor place on the ballot paper any writing or mark by which he may be identified ;

(j) a voter who defaces a ballot paper issued to him, shall deliver the defaced ballot paper to the Presiding Officer who shall promptly mark such ballot paper as cancelled and issue another ballot paper to the voter ;

(k) immediately after recording his vote a voter shall submit to having the finger nail of his left thumb marked with ink sufficiently indelible to leave a mark for a period of approximately ten hours ;

(l) a voter who suffers from blindness or from any other physical disability may be accompanied by such friend or relative as he may choose who shall, after informing the Presiding Officer, be permitted in the presence of the voter alone to place the voter's thumbprint against the voter's candidate of choice.

(2) A voter may not be recorded by a vote except by his attending in person at the polling station and recording his vote in accordance with this paragraph.

Allocation
of polling
station ;
admission
thereto.

18.— (1) No person shall be permitted to vote at any polling station other than the one to which he is allotted.

(2) The Presiding Officer shall regulate the admission of voters to the polling station, and shall exclude all other persons except candidates, Polling Agents, Polling Officers and any other person who in his opinion has lawful reason to be admitted.

Personation.

19.— (1) If at the time a person applies for a ballot paper, or after he has so applied and before he has left the polling station, a Polling Agent declares to the Presiding Officer that he has reasonable cause to believe that the applicant has committed the offence of personation and undertakes to substantiate the charge in a court of law, the Presiding Officer may order a police officer to arrest such person, and the Presiding Officer shall be sufficient authority for the police officer so to do.

(2) A person in respect of whom a Polling Agent makes a declaration in accordance with the provision of sub-paragraph (1) of this paragraph shall not, by reason thereof, be prevented from voting, but the Presiding Officer shall cause the words

"protested against for personation" to be placed against his name in the marked copy of the register of voters or portion thereof :

Provided that where a person in respect of whom such declaration is made admits to the Presiding Officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so, and if he has already voted the Presiding Officer shall make a note of the number of the ballot paper delivered to him and, upon the count being taken such ballot paper shall be invalid.

(3) A person arrested under the provisions of this paragraph shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

20. (1) If a person representing himself to be a voter named in the register of voters applies for a ballot paper after another person has voted as such voter the applicant shall, upon giving satisfactory answers to the questions set out in paragraph 17 (1) (f) of this Schedule be entitled to receive a ballot paper in the same manner as any other voter.

Tendered
ballot paper.

(2) Any such ballot paper (hereinafter called a "tendered ballot paper") shall be of a colour different from the ordinary ballot papers, and instead of being put into a ballot box, shall be given to the Presiding Officer and endorsed by him with the name of the voter and his number in the register of voters and set aside, in accordance with the wishes of the person voting, in one of a number of separate packets, each of which shall correspond to and bear the same mark as one of the ballot boxes provided in accordance with paragraph 15 of this Schedule and shall not be counted by the Presiding Officer as hereinafter provided.

(3) The name of the voter and his number on the register of voters shall be entered on a list to be called the tendered voters list, and this list shall be admissible in any legal proceedings arising out of the election.

21. (1) The Presiding Officer shall keep and ensure compliance with this Decree at the polling station.

conduct in
polling
stations.

(2) If any person misconducts himself in a polling station, or fails to obey any lawful order of the Presiding Officer, he may, by order of the Presiding Officer, be removed from the polling station by any police officer, or by any other person authorised in writing by the Presiding Officer in that behalf.

(3) Any person so removed shall not, without the permission of the Presiding Officer, again enter the polling station during the day of the election ; if charged with the commission of an offence in such station, the person shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without warrant :

Provided that the provisions of this paragraph shall not be enforced so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

Adjourn-
ment of
poll in case
of riot.

22.—(1) When the proceedings at any polling station are interrupted or obstructed by riot or open violence, the Presiding Officer may adjourn the proceedings till the following day and shall forthwith give notice of such adjournment to the Electoral Officer.

(2) When the poll is adjourned at any polling station—

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day ;

(b) references in this Schedule to the close of the poll shall be construed accordingly.

Closing of
poll.

23. When the prescribed hour for the closing of the poll has been reached, the Presiding Officer shall declare the poll closed and no more persons shall be admitted to the polling station, but those persons already inside the polling station shall be permitted to vote.

Counting
of votes.

24.—(1) The Presiding Officer shall after the close of poll, open the ballot box and empty its contents in the presence of the Polling Clerk, Poll Orderly, candidates or their agents and begin to count the votes with the ballot papers kept face upwards.

(2) During the counting of votes, all rejected ballot paper shall be put in a special envelope.

(3) The votes scored by each candidate shall be entered in a statement of result form as in Form D in Schedule 4 to this Decree which shall be signed and stamped by the Presiding Officer and endorsed by the candidates or their agents, where available, at the polling station. **Form D.**

(4) The presiding officer shall give a copy of the statement of result form to police officer at the polling station and take original copy thereof to the Returning Officer at the Collation Centre together with the ballot boxes, the relevant envelopes and all other election materials including stamp, stamp pad and endorsing ink.

(5) The results of the election shall thereafter be announced by the Returning Officer at the Collating Centre.

25. Any ballot paper which does not bear the official mark shall not be counted :

Votes not to be counted.

Provided that if the Returning Officer is satisfied that a ballot paper which does not bear the official mark was issued from a book of ballot papers which was furnished to the Presiding Officer of the polling station in which the vote was cast for use at the election in question he shall notwithstanding the absence of such mark count that ballot paper.

26.—(1) The Presiding Officer shall endorse the word "rejected" on any ballot paper which, under the provisions of paragraph 24 of this Schedule is not to be counted.

Endorsements by Presiding Officers.

(2) The Presiding Officer shall add to the endorsement the "rejection objected to" if an objection to his decision is made by any candidate or his agent.

27.—(1) The Presiding Officer shall prepare a statement showing the number of ballot papers rejected and shall on request allow any candidate or his agent to copy the statement.

Statement of rejected ballot papers.

(2) No candidate or his agent shall record the serial number of any rejected ballot paper which he sees during counting.

Returning
Officer
decision
final.

28. The decision of the Returning Officer to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on an election petition questioning the election.

Recount.

29. A candidate or his agent may, if present when the counting or any recount of the votes is completed, require the Presiding Officer to have the votes recounted but the Presiding Officer may refuse to do so if in his opinion the request is unreasonable.

Equality of
votes

30. When an equality of votes is found to exist between any candidates so that the addition of a vote would entitle any one of the candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote, and shall declare such candidate to be elected.

Publication
of result of
election.

31. The Returning Officer shall cause to be posted at the office of the Local Government Council concerned a copy of the notice of the result of the election and shall forward to the Secretary of the Commission a copy of the certificate or statement of result.

Custody of
document.

32. The Returning Officer shall deliver all documents relating to the conduct of the election to the Electoral Officer who shall ensure their safe custody.

Power of
Poll Clerk.

33. A Poll Clerk may be authorised by the Presiding Officer to do any act which the Presiding Officer is required or authorised to do at a polling station by this Decree except that he may not order the arrest of any person, or the exclusion or removal of any person from the polling station.

Non-atten-
dance of
agents not
to invalidate
proceeding

34. Where in this Decree any act or thing is required or authorised to be done by or in the presence of the agents of the candidates, the non-attendance of any agent at the

time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

to invali-
date pro-
ceeding

SCHEDULE 3

PROCEDURE FOR ELECTION PETITIONS

1. In this Schedule—

“Civil Procedure Rules” means the High Court (Civil Procedure) Rules, or rules of court amending or replacing those Rules ;

Interpreta-
tion in this
Part.

“court” means a judge of the High Court sitting in the Judicial Division ;

“court notice board” means a notice board at the Registry, and, where notice of trial is being or has been given, a notice board at the place of trial ;

“election” means the election in respect of the ward, constituency or the Local Government area to which an election petition relates ;

“Judicial Division” means the Judicial Division within which the ward, constituency or the Local Government area is situated ;

“Registrar” means the Registrar in charge of the Registry, or if he is absent, the Senior Clerk present at the Registry ;

“Registry” means a Registry of the Judicial Division.

2. An election petition shall be presented within one month after the date on which the election is held.

Time for
presenta-
tion.

3. (1) At the time of presenting an election petition the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

Security for
costs.

(2) The security shall be of such amount (not exceeding two hundred naira) as the court may order and shall be given by depositing the amount in court.

(3) Where two or more persons join in the petition, a deposit of the said amount shall be sufficient.

(6) If no security is given as required by this section there shall be no further proceedings on the petition.

Presentation of
petition.

Form E.

4.—(1) The presentation of an election petition shall be made by the petitioner (or petitioners if more than one) leaving it in person, or by the hand of the solicitor (if any) named at the foot of the petition, with the Registrar, and the Registrar shall (if so required) give a receipt which may be in Form E in Schedule 4 to this Decree.

(2) With the petition there shall also be left a copy thereof for each respondent and seven other copies thereof.

(3) The Registrar shall compare each copy of the petition left in accordance with sub-paragraph (2) of this paragraph with the original petition and shall certify it as a true copy thereof upon being satisfied by such comparison that it is a true copy thereof.

(4) The petitioner or solicitor shall, at the time of presenting the petition pay the fees for the service and publication thereof, and for certifying the copies; and in default of such a payment the petition shall not be received unless the court otherwise orders.

Contents of
petition.

5.—(1) An election petition shall—

(a) specify the right of the petitioner to present the petition;

(b) state the holding and result of the election; and

(c) briefly state the facts and grounds relied upon to sustain the prayer of the petition.

(2) The petition shall be divided into paragraphs each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively; and no costs shall be allowed for drawing up or copying any petition not substantially in compliance with this provision, unless the court otherwise orders.

(3) The petition shall conclude with a prayer, as for instance, that some specified person may be declared duly returned or elected, or that the election may be declared void, as the case may be, and shall be signed by the petitioner (or all the petitioners if more than one), or by the solicitor (if any) named at the foot of the petition.

(4) At the foot of the petition there shall be stated an address for service within 5 kilometers of a post office in the Judicial Division, and the name of its occupier, at which address documents intended for the petitioner may be left.

(5) If any address for service and its occupier are not stated, the petition shall not be filed unless the court otherwise orders.

(6) At the foot of the petition there shall be added a note signed by the petitioner giving the name of his solicitor, if any, or stating that he acts for himself, as the case may be.

(7) The form set out in Form F in Schedule 4 to this Decree or one to the like effect, shall be sufficient.

6. Evidence need not be stated in the petition, but the court may order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in a civil action in the High Court, and upon such terms as to costs and otherwise as may be ordered.

7. For the purpose of service of the petition on the respondent the petitioner shall furnish the Registrar with the address of the respondent's abode or the address of a place where personal service can be effected on the respondent.

8. (1) Upon the presentation of an election petition and payment of the requisite fees, the Registrar shall forthwith—

(a) cause notice, in Form G in Schedule 4 to this Decree, of the presentation of the petition, and a certified copy of the petition, to be served on the respondent ;

(b) post up on the court notice board a certified copy of the petition ;

(c) send a certified copy by registered post or messenger to the person or authority to whom it is required by law that the determination of the petition shall be certified; and

(d) where the court so directs, cause a certified copy to be published in the *Gazette* of the State concerned.

(2) In the notice of presentation of the petition the Registrar shall state a time, not being less than five days or more than fifteen days after the date of service of the notice, within which the respondent is to enter an appearance.

(3) In fixing such time the Registrar shall have regard to the necessity for securing a speedy trial of the petition, and to the distance from the Registry of the address furnished under paragraph 4 of this Schedule.

Service.

9.—(1) Subject to sub-paragraphs (2) and (3) of this paragraph service on the respondent of the documents mentioned in sub-paragraph (1)(a) of paragraph 8 of this Schedule and of any other documents required to be served on him before entering an appearance, shall be personal.

(2) Where the petitioner has furnished under paragraph 7 of this Schedule the address of a place where personal service can be effected on the respondent, and the respondent cannot be found at that place, the court, on being satisfied upon an application supported by an affidavit showing what has been done, that all reasonable efforts have been made to effect personal service, may order that service of any document mentioned in sub-paragraph (1) of this paragraph be effected in any of the ways mentioned in the relevant provisions of the Civil Procedure Rules for effecting substituted service in a civil case and such service shall be deemed to be equivalent to personal service.

(3) The proceedings under the petition shall not be vitiated notwithstanding the fact that the respondent may not have been served personally or that any document of which substituted service has been effected pursuant to an order made under sub-paragraph (2) of this paragraph did not reach the respondent's hands; and in any such

circumstances as aforesaid the proceedings may be heard and continued as if the respondent had been served personally with such document and shall be valid and effective for all purposes.

10.—(1) Where the respondent intends to oppose the petition he shall, within such time after being served or deemed to be served with the petition, or, where an order has been made under sub-paragraph (2) of paragraph 8 of this Schedule within such other time (if any) as may be stated in that order, enter an appearance by filing in the Registry a memorandum of appearance stating that he intends to oppose the petition and giving the name and address of his solicitor, if any, or stating that he acts for himself, as the case may be, and in either case giving an address for service within five kilometres of a post office in the Judicial Division and the name of its occupier, at which documents intended for the respondent may be left.

Entry of
appearance.

(2) If an address for service and its occupier are not stated, the memorandum shall not be filed unless the court otherwise orders.

(3) The memorandum of appearance shall be signed by the respondent but may be filed by his solicitor, if any.

(4) At the time of filing the memorandum of appearance the respondent or his solicitor shall leave a duplicate thereof for each other party to the petition and three other duplicates thereof and pay the fees for service, and in default of such duplicate being left and such fees being paid at that time the memorandum shall not be filed unless the court otherwise orders.

11. If the respondent does not enter an appearance as aforesaid, any document intended for the respondent may be posted upon the court notice board and such posting shall be sufficient notice thereof.

Default of
appearance.

12. The registrar shall cause a duplicate of the memorandum of appearance to be served upon, or notice thereof to be given to, the other parties to the petition.

Notice of
appearance.

Filing of
reply.

13.—(1) The respondent shall within six days of entering an appearance file in the Registry his reply specifying therein which of the facts and grounds alleged in the petition he admits or denies and setting out any facts and grounds on which he relies in opposition.

(2) Where the respondent in a petition complaining of an undue return and claiming the seat or office for some person intends to prove that the election of such person was undue, the respondent in his reply shall state that intention and set out the facts and grounds on which he relies in support thereof.

(3) The reply may be signed and filed by the respondent's solicitor, if any.

(4) At the time of filing the reply the respondent or his solicitor shall leave a duplicate thereof for each party to the petition and three other duplicates thereof and pay the fees for service ; and in default of such duplicates being left and such fees being paid at that time, the reply shall not be filed unless the court otherwise orders.

Notice of
reply.

14. The Registrar shall cause a duplicate of the reply to be served on each other party to the petition.

Amendment
of petition.

15.—(1) In relation to an election petition, the provisions of the relevant provisions of the Civil Procedure Rules relating to amendment of pleadings shall apply as if for the words "any proceeding" in those provisions there were substituted the words "the petition or the reply, in any" :

Provided that—

(a) after the expiry of the time limited by paragraph 2 of this Schedule for representing the petition no amendment shall be made introducing any fresh prayer in the petition, or effecting any alteration of substance in the prayer, or (saving anything which may be done under the provisions of sub-paragraph (2) of this paragraph) effecting any substantial alteration in or addition to the statement of facts and ground relied upon to sustain the prayer ; and

(b) after the expiry of the time limited by paragraph 13 of this Schedule for filing the reply, no amendment shall be made thereto alleging that the election of the person, if any, for whom the seat or office is claimed in the petition was undue, or (saving anything which may be done under the provisions of sub-paragraph (2) of this paragraph) effecting any substantial alteration in or addition to the admissions or the denials contained or the facts and grounds set out in the reply.

(2) The court in the trial and determination of the petition shall not be obliged to confine its inquiry or findings to the issues raised by the petition and the reply, if any, and may, with or without ordering or allowing—

(a) the amendment of any statement of the facts and grounds relied upon in support of the petition or the amendment of any admission or denial contained ; or

(b) the facts or grounds set out, in the reply (but subject always and having due regard to the time limited by paragraph 2 of this Schedule for presenting an election petition),

inquire into any other issue otherwise raised or apparent or any matter otherwise appearing, as the court may deem necessary for the purpose of the full and proper determination of the petition.

16. —(1) When a petitioner claims the seat or office for an unsuccessful candidate, alleging that he had a majority of lawful votes, any party complaining of and any party defending the election or return shall, within six days after the filing of the reply, or where no appearance is entered, not less than six days before the day fixed for trial, file in the Registry a list of the votes intended to be objected to by him and of the heads of objection to each such vote.

List of
objections
to vote

(2) No evidence shall be given against the validity of any vote or upon any head of objection not specified in the list filed pursuant to sub-paragraph (1) of this paragraph except by

leave of the court upon such terms as to amendment of the list, postponement of the trial and payment of costs as may be ordered.

(3) The party delivering the list shall at the same time deliver a duplicate for each other party to the petition and three other duplicates and pay the appropriate fees for service, and in default of such delivery and payment the list shall not be filed unless the court otherwise orders.

(4) The Registrar shall cause a duplicate of the list to be served on every other party forthwith.

Lists of
Objections
to Elections

17.—(1) When the respondent in a petition complaining of an undue return and claiming the seat or office for some person intends to give evidence to prove that the election of such person was undue, the respondent shall, within six days after the filing of the reply, file in the Registry a list of the objections to the election upon which he intends to reply, and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the court upon such terms as to amendment of the list, postponement of the trial and payment of costs as may be ordered.

(2) Sub-paragraphs (2) and (3) of paragraph 16 of this Schedule shall apply to the list mentioned in sub-paragraph (1) of this paragraph.

Further
particulars
or direc-
tion.

18.—(1) If any party to the petition wishes to have further particulars or other directions of the court, he may, at any time after the entry of appearance, but not later than ten days after the filing of the reply, apply to the court, specifying in his notice of motion the direction for which he prays and the motion shall, unless the court otherwise orders, be set down for hearing on the first available day.

(2) The party so applying shall give notice of his motion to the other parties, and where he relies on any facts which are not apparent on the face of the documents already filed he shall support his motion by affidavit.

(3) If a party does not so apply, he shall be taken to require no further particulars or other directions and such party shall be debarred from so applying after the lapse of the period laid down in sub-paragraph (1) of this paragraph except with the leave of the court, which may be sought by motion supported by affidavit after notice to the other parties, and which may be given in a proper case on such terms as to costs and otherwise as may seem fit.

19. Every election petition shall be tried in open court. Open court.

20. —(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the time and place of the trial of an election petition shall be fixed by the court, due regard being had to the precedence by law given to the petition over other civil proceedings, and notice of the time and place of the trial (which may be in Form H in Schedule 4 to this Decree) shall be given by the Registrar at least fourteen days before the days fixed for the trial. Time and place of hearing.
Form H.

(a) by posting, or causing to be posted, such notice on the court notice board ;

(b) by sending a copy of such notice by registered post or messenger to the petitioner's address for service ;

(c) by sending likewise a similar copy to the respondent's address for service, if any ;

(d) by sending likewise a similar copy to the Electoral Officer.

(2) If the election was held in a place ordinarily visited for sittings of the court or a magistrate's court (in this paragraph referred to as a "place of sessions") then the place of trial of the petition shall be the place where the election was held.

(3) If the election was not held in a place of sessions, then the place of trial shall be a place of sessions within the Local Government area, if any.

(4) If there is in the Local Government area no place of sessions, then the place of trial shall be the place of sessions outside the Local Government area nearest to, or most accessible from, the place where the election was held.

(5) Election petitions shall, in respect of the right of hearing by court enjoy precedence over all civil proceedings other than those which are part-heard.

Notice of
trial.

21. The Electoral Officer shall publish the notice of trial by causing the copy to be affixed to the place which was appointed for the delivery of nomination papers or the making of nominations orally prior to the election or to some conspicuous place within the Local Government area but failure to do so or any miscarriage relating to such copy shall not affect the proceedings in any manner whatsoever.

Publication
good notice.

22. The posting of the notice of trial on the court notice board shall be deemed and taken to be good notice, and such notice shall not be vitiated by any miscarriage of or relating to the copy or copies of the notice sent pursuant to paragraph 20 of this Schedule.

Postponement of
hearing.

23.—(1) The court may from time to time by order made on the motion of a party supported by affidavit after notice to the other parties, or by notice in such form as the court may direct, postpone the beginning of the trial to such day as the court may name, due regard being had to the precedence by law given to the petition over other civil proceedings.

(2) A copy of any such order or notice shall be sent by the Registrar by registered post or messenger to the Electoral Officer, who shall publish the same in the manner provided in paragraph 21 of this Schedule for publishing the notice of trial; but failure on the part of the Electoral Officer to publish the copy shall not affect the proceedings in any manner whatsoever.

(3) The Registrar shall post or cause to be posted on the court notice board a copy of any such order or notice.

(4) In any case of a notice of postponement directed by the court of its own motion, a copy thereof shall be sent by the Registrar by registered post or messenger to the address for service given by the petitioner and to the address for service, if any, given by the respondent.

(5) The provisions of paragraph 22 of this Schedule shall apply to any such order or notice of postponement as they do to the notice of trial.

24. In the event of the judge not having arrived at the appointed time for the trial, or to which the trial is postponed, the trial shall *ipso facto* stand adjourned to the following day and so from day to day.

Arrival of
Judge.

25. No formal adjournment of the court for the trial of election petition shall be necessary, but the trial is to be deemed adjourned and may be continued from day to day until the inquiry is concluded; and in the event of the judge who begins the trial being disabled by illness or otherwise, it may be recommenced and concluded by another judge.

Continuance
day to day.

26. After the trial has begun, if the inquiry cannot be continued on the ensuing day or, if such day is a Sunday or a public holiday, on the day following the same, the trial shall not be adjourned *sine die* but to a definite day to be announced before the rising of the court, and notice of the day to which the trial is adjourned shall forthwith be posted by the Registrar on the court notice board.

Adjourn-
ment.

27.—(1) All interlocutory questions and matters shall be heard and disposed of before a judge, who shall have the control over the proceedings as a judge in the ordinary proceedings of the High Court.

Powers of
judge.

(2) After the inquiry is concluded, if the judge before whom it was made has prepared his judgment but is unable to deliver it through illness or otherwise, his judgment may be delivered by another judge, and the judgment so delivered shall be the judgment of the court; and the last mentioned judge shall certify the determination of the petition to the Electoral Officer.

28. (1) At the conclusion of the trial, the court shall determine whether a person whose election or return is complained of or any other person, and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Electoral Officer.

Effects of
determina-
tion.

(2) Upon such certification being given the election shall be confirmed, or (subject to the provisions of section 37 of this Decree in the event of an appeal) a new election shall be held in accordance with such certification (or in accordance with finding upon the determination of such appeal).

(3) Where a new election is to be held under the provisions of this paragraph, the Electoral Officer shall appoint a date for such election.

Withdrawal
or
abatement
of petition.

29.—(1) An election petition shall not be withdrawn without the leave of the court.

(2) Where there are more petitioners than one, no application for leave to withdraw the petition shall be made except with the consent of all the petitioners.

(3) The application for leave to withdraw a petition shall be made by motion after notice to the respondent and the Director of Public Prosecutions of the State concerned.

Form L

(4) The notice of motion shall state the grounds on which the application is intended to be supported and shall be signed by the petitioner or petitioners or his or their solicitor in the presence of the Registrar; such notice may be in Form L in Schedule 4 to this Decree or to the like effect.

(5) At the time of filing such notice the petitioner or petitioners shall leave a duplicate for each respondent and two duplicates for the Director of Public Prosecutions.

(6) The petitioner or petitioners shall also file the affidavits required under paragraph 30 of this Schedule and leave duplicates thereof for each respondent and two duplicates for the Director of Public Prosecutions, and they shall at the same time pay the requisite fees for service and for the making of a copy of the proceedings for the use of the Director of Public Prosecutions.

Affidavit
in Support

30.—(1) Before leave for withdrawal of an election petition is granted, there shall be produced affidavits by all parties to the petition and their solicitors and by the election agents (if any) of all the said parties who were candidates at the election, but the court may on cause shown dispense with the affidavits of any particular person if it seems to the court on special grounds to be just so to do.

(2) Each affidavits shall state that, to the best of the deponent's knowledge and belief no agreement of terms of any kind whatsoever has or have been made, and no undertaking has been entered into, in relation to the withdrawal of the petition but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

31.—(1) The time for hearing the motion for leave to withdraw the petition shall be fixed by the court, due regard being had to the need for giving the Director of Public Prosecutions an opportunity to be heard.

Motion for
leave to
withdraw.

(2) The Registrar shall give notice of the day fixed for the hearing of the motion to the Director of Public Prosecutions and the respondents and post or cause to be posted on the court notice board a copy of the notice with a note stating the time fixed for the hearing.

(3) When the notice of motion is filed, the Registrar shall with the least possible delay cause a copy of the proceedings to be prepared and sent by a messenger or registered post a certified copy thereof to the Director of Public Prosecutions not less than fourteen days before the day appointed for the hearing.

32.—(1) On the hearing of the application, the court may hear the Director of Public Prosecutions or his representative in opposition to the withdrawal of the petition and may receive the evidence on oath of any person or persons whose evidence the Director of Public Prosecutions or his representative may consider material.

Withdrawal
may be
opposed.

(2) If the petition is withdrawn, the petitioner shall be liable to pay the cost of the respondent.

Abatement
on death.

33.—(1) If a sole petitioner or the survivor of several petitioners dies then, subject to the succeeding provisions of this paragraph, there shall be no further proceedings on the petition.

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred.

(3) Where notice, with a duplicate for each other party supported by the affidavit of two witnesses testifying to the death of a sole petitioner or of the survivor of several petitioners is given to the Registrar, he shall submit the same to the court, and if the court so directs, the Registrar shall give notice thereof to the other parties and post or cause to be posted notice thereof on the court notice board and cause notice thereof to be published in the Local Government area or in the *Gazette* of the State concerned, or in both, in such form as the court may direct.

Notice of
no opposi-
tion to
petition.

34.—(1) If before the trial of a petition, a respondent (other than the Electoral Officer or Presiding Officer) gives notice to the court in writing signed by him or his solicitor before the Registrar that he does not intend to oppose the petition, the Registrar shall give notice thereof to the other parties, and post or cause to be posted a notice thereof on the court notice board.

(2) The respondent shall file the notice with a duplicate for each other party not less than six days before the day appointed for trial.

(3) A respondent who has given notice of his intention not to oppose the petition shall not appear or act as a party against the petition in any proceedings upon it, but the giving of such notice shall not of itself cause him to cease to be a respondent.

Count-
mand of
notice of
trial.

35.—(1) After receiving notice of the petitioner's intention to apply for leave to withdraw the petition or of the death of the sole petitioner or the survivor of several petitioners, or of the respondent's intention not to oppose the petition, if such notice is received after notice of trial has been given and before the trial has begun, the Registrar shall forthwith countermand the notice of trial.

(2) The counterman shall be given in the same manner, as the notice of trial.

36. Where the respondent has not entered an appearance, or has not filed his reply, within the prescribed time or within such time as the court may have allowed, or has given notice that he does not intend to oppose the petition, then if—

Discretion
of court if
no reply.

(a) there remains no more one other candidate in the election who was not returned ; or

(b) the petition contains no prayer for a determination that the election was void ; or

(c) there are no facts or grounds stated in the petition or in the reply, if any, or stated in any further particulars filed in the proceedings or otherwise appearing upon proof of which it ought to be determined that the election was void ; or

(d) where the petition is one complaining of an undue return and claiming the seat or office for the candidate who was not returned, the respondent has not filed a list of objection under the provisions of paragraph 17 of this Schedule,

the court may, if it thinks fit, determine the proceedings upon the petition without hearing evidence or further evidence, and in any other case the proceedings shall be continued and determined upon such evidence or otherwise as to the court may seem necessary for the full and proper determination of the petition.

37. —(1) The fee payable on the presentation of an election petition shall be twenty naira.

Fees.

(2) A hearing fee shall be payable for the trial at the rate of two naira per day of the trial but not exceeding fifteen naira in all ; but the court may direct a lower fee to be charged for any day of the trial.

(3) For the purposes of this paragraph the petitioner shall make a deposit of fifteen naira at the time of presenting his petition.

(4) Subject to the above provisions the fees payable in connection with any election petition shall be at the rates prescribed for civil proceedings in the High Court.

(5) No fees shall be payable by the Attorney-General, the Director of Public Prosecutions or any representative of the Attorney-General or an officer in the office of the Director of Public Prosecution, or by a respondent who was the Electoral Officer or Presiding Officer at the election.

(6) No fees shall be payable for the summoning of witnesses summoned by the court on its own motion.

(7) Any charges payable for the service of *sub-poenas* on any such witnesses may be paid by the Registrar in the same way as a State witness's expenses.

**Allocation
of costs.**

38.—(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon, with the exception of such as are otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the court may determine, regard being had—

(a) to the disallowance of any costs, charges or expenses which may in the opinion of the court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or the respondent; and

(b) to the discouragement of any needless expenses by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

(2) Where the court declares an election to be void, the court may, if satisfied that the invalidity of the election was due either wholly or in part to the culpable default of any officer responsible for the conduct of the election in the performance of his duties imposed by this Decree order that the whole or any part of the costs awarded to the successful petitioner be paid by such officer.

**Return of
security.**

39. Money deposited as security shall, when no longer needed as security for costs, charges or expenses, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the court, which may

be made upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the court may require.

40.—(1) The court may on application made by a person to whom any costs, charges or expenses are payable order the same to be paid out of any deposit made to secure the same after notice to the party by or on whose behalf the deposit was made requiring him to file a statement within a specified time whether he resists the application and the grounds of his opposition.

Payment of
costs out of
security.

(2) In the event of any dispute arising on any such application, the court shall afford every person affected thereby an opportunity of being heard and make such order thereon as may seem fit.

(3) A person shall be deemed to have been afforded such opportunity if notice of the time appointed for the inquiry into the dispute was given to him, though such person may not have been present at the making of the inquiry.

(4) Any notice to be given to a person under this paragraph may be given by the Registrar handing him the notice or sending it to him by registered letter—

(a) at the address for service in the case of a party ;

(b) in the case of the applicant for payment, at the address given in his application ;

Provided that these provisions shall not preclude the giving of notice in any other manner in which notice may be given or which may be authorised by the court.

(5) Execution may be levied under any order for payment made by the court under this paragraph in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

41.—(1) On the trial of an election petition, the court may summon any person as a witness who appears to the court to have been concerned in the election.

calling of
witness.

(2) The court may examine any witness so summoned or any person in court although such witness or person is not called and examined by any party to the petition, and thereafter he may be cross-examined by or on behalf of the petitioner and the respondent.

(3) The expenses of any witness called by the court of its own motion shall, unless the court otherwise orders, be deemed to be costs of the petition and such expenses may, if the court so directs, be paid in the first instance by the Registrar in the same way as a state witness's expenses and be recovered in such manner as the court may direct.

(4) Where the court under this paragraph summons any person as a witness, the provisions of the relevant Civil Procedure Rules relating to the expenses of persons ordered to attend a hearing shall apply as if they were part of this section.

(5) In making and carrying into effect any order for the production and inspection of documents used in the election and relating to the way in which the votes of particular persons were given, and in the examination of any witness who produces or will produce any such documents, the court shall ensure that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved that the vote was given and the vote has been declared by the court to be invalid.

Privilege.

42.—(1) A person called as witness in any proceedings in the High Court under this Decree shall not be excused from answering any question relating to any offence at or connected with such election on the grounds that the answer thereto may incriminate or tend to incriminate himself, or on the grounds of privilege.

(2) A witness who answers truly all questions which he is required by the court to answer shall be entitled to receive a certificate of indemnity under the hand of the presiding judge stating that such witness has so answered.

(3) An answer by a person to a question before the court shall not, except in the case of any criminal proceedings for perjury in respect of such evidence, be admissible in any proceedings civil or criminal in evidence against him.

(4) When a person has received a certificate of indemnity in relation to an election and any legal proceedings are at any time brought against him for an offence against the provisions of this Decree committed by him previously to the date of the certificate at or in relation to the said election, the court having cognisance of the case shall, on proof of the certificate, stay the proceedings and may, at its discretion, award to the said person such costs as he may have been put to in the proceedings.

43. On the trial of a petition complaining of an undue return and claiming the seat for some person the respondent, subject to the provisions of paragraphs 13 (2) and 17 of this Schedule may give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

Evidence by respondent.

44.—(1) The court shall have power, subject to the provisions of section 36 of this Decree and paragraphs 2 and 15 of this Schedule, to enlarge or abridge the times appointed by this Decree or the rules of court mentioned in paragraph 15 of this Schedule or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require.

Enlargement and abridgement of time.

(2) Any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

(3) When the time for delivering any pleading or document or filing any affidavit, answer or documents, or doing any act is or has been fixed or limited by any of the section, paragraphs or rules aforesaid or by any direction or order of the court, the costs of any application to extend such time and of any order made thereon shall be borne by the party making such application unless the court shall otherwise order.

(4) Every application for enlargement or abridgement of time shall be supported by affidavit.

(5) An application for abridgement of time may be made *ex parte*, but the court may require notice thereof to be given to the other party.

(6) An application for enlargement of time shall be made by motion after notice to the other party but the court may, for good cause shown by affidavit or otherwise, dispense with such notice.

(7) A copy of any order made for enlargement or abridgement of time shall be filed or delivered together with any document filed or delivered by virtue of the order.

**Service of
notice.**

45.—(1) Where any summons, notice or documents other than a notice or document mentioned in paragraph 8 (1) of this Schedule is required to be served on any person for purpose connected with an election petition, the same may be served either by delivering it to such person or by leaving it at his last known place of abode in the Local Government area with any person there found who is a resident thereof and appears to be eighteen years of age or more.

(2) After a party has been given an address for service it shall be sufficient if, in lieu of serving him personally with any document intended for him, such document is served—

(a) on the person appearing on the paper last filed on his behalf as his solicitor wherever such person may be found or, if such person is not found at his office, on the clerk there apparently in charge; or

(b) on the person named as occupier if his address for service wherever such person may be found or, if such person is not found at such address, on—

(i) the person there found apparently in charge, if such address is a place of business; or

(ii) any person, other than a domestic servant there found who is a resident thereof and appears to be eighteen years of age or more.

(3) A party may change his address for service by giving notice of his new address for service and its occupier to the Registrar and to each other party ; but until such notice is received by the Registrar, his old address for service shall continue to be his address for service.

(4) Where service on one of the foregoing modes has proved impracticable, the court, on being satisfied, upon an application supported by an affidavit showing what has been done, that all reasonable effort has been made to effect service, may order that service be effected in any of the ways mentioned in the provisions of the Civil Procedure Rules relating to substituted service which service shall be sufficient, or may dispense with service or notice, as the court may think fit.

46. Two or more candidates may be made respondents to the same petition and their case may for the sake of convenience be tried at the same time, but for all purposes (including the taking of security) such petition shall be deemed to be a separate petition against each respondent.

Number of
respondents

47. Where more petitions than one are presented in relation to the same election or return, all such petitions shall be considered and be dealt with as one petition unless the court shall otherwise direct.

Multiple
petitions

48.—(1) Where an election petition complains of the conduct of an Electoral Officer, Presiding Officer or Returning Officer, he shall for all purposes be deemed to be a respondent, but an Electoral Officer, Presiding Officer or Returning Officer shall not be at liberty to give notice that he does not intend to oppose the petition except with the written consent of the Attorney-General of the State concerned, and if such consent withheld the State Government shall indemnify the Electoral Officer, Presiding officer or Returning Officer against a award of costs made against him by the court upon the hearing of such petition.

Conduct
of Pre-
siding
Officer

(2) Where an Electoral Officer, a Presiding Officer or Returning Officer is, or is deemed to be, a respondent to a petition, the Attorney-General of the state concerned (acting

in person or through any member of his staff or any legal practitioner nominated by him) shall have the right to represent the Electoral Officer, Presiding Officer or Returning Officer.

Duplicate
of docu-
ments

49. In the absence of express provision for the furnishing of copies of duplicates of documents filed or used in connection with any step taken in the proceedings, the party taking such steps shall unless the Registrar otherwise directs, leave with the Registrar a duplicate of every such document for each other party and three other duplicates.

Non-com-
pliance
with rules,
etc.

50.—(1) Non-compliance with any of the provisions of this Schedule, or with any rule of practice for the time being in force, shall not render any proceedings void unless the court shall so direct but such proceedings may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the court shall think fit to ensure substantial justice.

(2) No application to set aside any proceeding for irregularity shall be allowed unless made within reasonable time, or if the party applying has taken any fresh step after knowledge of the irregularity.

(3) Where an application is made to set aside proceedings for irregularity, the several objections intended to be insisted upon shall be stated in the notice of motion.

(4) No objection shall be made that a certified copy has been used instead of a duplicate or a duplicate instead of a certified copy.

(5) An election petition shall not be defeated by any objection merely as to form.

Application
of rules of
courts.

51.—(1) Subject to the express provisions of this Decree, the practice and procedure of the court in relation to an election petition shall be assimilated as nearly as may be to the practice and procedure of the High Court in the exercise of its civil jurisdiction, and the Civil Procedure Rules shall apply with such modifications as may be necessary to render them conveniently applicable, as if the petitioner and the respondent were respectively the plaintiff and the defendant in a civil action.

(2) Subject to the provisions of this Decree, any appeal to the Court of Appeal shall be determined in accordance with practice and procedure relating to appeals in civil cases in that court.

SCHEDULE 4

FORMS

Local Government Elections Decree 1987

FORM A Paragraph 2 (2) of Schedule 2

**NOMINATION OF A CANDIDATE FOR LOCAL
GOVERNMENT ELECTION**

Date of Election _____

1. I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the _____ as member for the _____ ward constituency.

2. I also hereby state that I am possessed of the following qualifications :

- (a) I am a Nigerian citizen of not less than 18 years of age
- (b) I have paid my income tax for three years preceding the date of the election.
- (c) I have resided in the ward constituency for which I am standing election for twelve months.
- (d) My name appears on the official list of voters for the ward constituency in which I reside namely _____ ward/constituency.

Name.....

Address.....

Occupation.....

Date.....

Signature of Candidate.....

3. We, the undersigned are the ten nominators of the above candidate and are registered as voters for the ward constituency for which the candidate seeks election.

Name.....

Address.....

Number on register of voters.....

Occupation.....

Date.....

Signature of Nominator.....

Name.....

Address.....

Number on register of voters.....

Occupation.....

Date.....

Signature of Nominator.....

Name

Address

Number on register of voters

Occupation

Date

Signature of Nominator

Name

Address

Number on register of voters

Occupation

Date

Signature of Nominator

Name

Address

Number on register of voters

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Number on register of voters.....

Occupation.....

Date.....

Signature of Nominator.....

Name.....

Address.....

Number on register of voters.....

Occupation.....

Date.....

Signature of Nominator.....

Name

Address

Number on register of voters

Occupation

Date

Signature of Nominator

Local Government Elections 1987

FORM B

Paragraph 4 (5) of Schedule 2

ELECTORAL OFFICER'S RULING AS TO VALIDITY OF NOMINATION

To : (Prospective Candidate)

Local Government

Ward Constituency Name

Take notice that a nomination paper received by me on _____
 in your favour (has been accepted by me as appearing to be valid)* or (has
 been rejected by me as appearing to be invalid upon the following ground)*—

DATED _____

19.....

*Electoral Officer***Strike out words not applicable**Local Government Elections Decree 1987*FORM C *Paragraph 12 of Schedule 2*

FORM OF FRONT OF BALLOT PAPER

Counterfoil Serial No. _____

(The counterfoil is to have a number which correspond with that on the back of the ballot paper)

19

FORM OF BACK OF BALLOT PAPER

Serial No. _____

Note : The above number is to correspond with that on the face of the counterfoil.

*Local Government Elections Decree 1987*FORM D *Paragraph 24 (3) of Schedule 2*

STATEMENT OF RESULT OF LOCAL GOVERNMENT ELECTION

I, _____ hereby certify _____

1. That I was Electoral Officer Returning Officer for the election held on the _____ day of _____ 19____ for the ward constituency of the _____ Local Government area.

2. That the election was contested at _____

3. That the candidates received the following votes—

Name Votes

Name Votes

Name Votes

Name Votes

Name Votes

4. That the following was declared elected—

Name

Date 19.....

Electoral Officer
*Presiding Officer**Local Government Elections Decree 1987*FORM E *Paragraph 4 (1) of Schedule 3*

RECEIPT OF PETITION

Received on the day of 19.....
at the office of the Registrar, the High Court
a petition touching the election of a member of the
Local Government area for the ward consti-
tuency purporting to be signed by (insert the name of petitioner).

Registrar

Local Government Elections Decree 1987

FORM F

Paragraph 5 (7) of Schedule 3

PETITION

In the High Court of _____

The election to the _____ Local Government Council for the
 _____ ward/constituency held on the day of _____ 19 _____

Between

A.B. _____

C.D. _____

} Petitioner(s)

and

E.F. _____

G.H. _____

} Respondent(s)

Occupier _____

The name of my (or our) advocate is _____ or

I (or we) am (or are) acting for myself (or ourselves).

Signed : _____

A.B.

C.D.

SIGNED before me this _____

day of _____

19 _____

Registrar

Local Government Elections Decree 1987

FORM G

Paragraph 8 (1) of Schedule 3

NOTICE OF PRESENTATION OF PETITION

In the High Court of _____

The election to the _____

Local Government Council for the

Ward/Constituency held on the _____

day of _____

19 _____

Between

A.B. _____
 C.D. _____ } Petitioner(s)

and

E.F. _____
 G.H. _____ } Respondent(s)

The petition of A.B. of _____ (or of A.B. of _____ and C.D., of _____ or as the case may be) whose names are subscribed.

TAKE NOTICE that the petition a duplicate whereof is attached hereto has this day been presented in the Registry at _____

_____ of the High Court _____ in the

_____ Judicial Division and that you are to

enter an appearance to the petition in the said Registry within _____

day of the date when this notice was hereof, or within _____ days of the date when this notice was left at your address set out below, or as the court may direct by order under paragraph 13 of Schedule 3 to this Decree otherwise proceedings upon the petition may be continued and determined in default of your appearance, and any document relating to such proceedings, and intended for you may be posted up on the court notice board, which shall be sufficient notice thereof.

DATED this _____ day of _____, 19 _____

Registrar

to E.F. of _____

Local Government Elections Decree 1987

FORM H

Paragraph 20 (1) of Schedule 3

NOTICE OF TRIAL

IN THE HIGH COURT OF

The election to the _____ Local Government Council
 for the _____ Ward Constituency/
 Local Government area held on the day of _____, 19

Between

A.B. _____

C.D. _____

and

E.F. _____

G.H. _____

} Petitioner(s)

} Respondent(s)

The petition of A.B. of _____ (or of A.B. of _____
 and C.D. of _____ or as the
 case may be) whose names are subscribed.

TAKE NOTICE that the above petition will be tried at _____ on the
 day of _____, 19 _____ and on
 such other subsequent days as may be useful.
 DATED this _____ day of _____, 19 _____

Registrar

The petition of A.B. of _____ (or of A.B. of _____
 and C.D. of _____ or as the case may be) whose names
 are subscribed.

1. Your petitioner A.B. is a person who voted (or had a right to vote, as the case may be) at the above election (or claims to have had a right to be returned or elected at the above election) or was a candidate at the above election ; and your petitioner C.D. (here state in like manner the right of each petitioner)

2. And your petitioner(s) state(s) that the election was held on the _____ day of _____ 19____, when A.B., C.D. (and) E.F. and (G.H.) were candidates.

3. And your petitioner(s) state(s) that (here state facts and grounds on which the petitioner(s) rely).

Wherefore your petitioner(s) pray(s) that it may be determined that the said E.F. (and G.H.) was (were) not duly elected (or returned) and that the (or his) election was void or that the said A.B. (and C.D.) was (were) duly elected and ought to have been returned, or as the case may be.

(Signed) _____A.B.

C.D.

Address for service (within five kilometres of a post office within the Judicial Division) of.....

Local Government Elections Decree 1987

FORM 1 *Paragraph 29 of Schedule 3*

NOTICE OF MOTION TO WITHDRAW PETITION
IN THE HIGH COURT OF.....

The election to the..... Local Government area for
the..... Ward Constituency Local Government area held
on the..... day of....., 19.....

Between

A.B. }
C.D. } Petitioner(s)

and

E.F. }
G.H. } Respondent(s)

The petition of A.B. (or of A.B. of
and C.D. of or as the case
may be) whose names are subscribed.

Write out the Notice of Motion in the manner usual in civil proceeding
and conclude as follows :

The petitioner proposes to apply to withdraw his petition on the
following grounds :

(Here state the grounds)

Petitioner (or Solicitor)

SIGNED before me this..... day of19.....

.....
Registrar

MADE at Lagos this 8th day of December 1987.

GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree but is intended
to explain its purport)*

The Decree provides for the conduct of the Local Government elections, offences and penalties, and determination of questions relating to elections.