

**OPEN-ENDED INTERGOVERNMENTAL WORKING GROU ON THE  
PREVENTION OF CORRUPTION**

**ARTICLE 7 UNCAC**

**MEASURES RELATED TO POLITICAL PARTIES AND ELECTION  
CANDIDATES**

**NIGERIA (FIFTH SESSION)**

Public sector legislative and administrative measures, including measures to enhance transparency in the funding of candidatures for elected public office and, where applicable the funding of political parties (arts. 5 and 7).

Funding of candidates for elected public office and funding of political parties

There is no legal definition of what constitutes donation or contribution to a candidate or political party under the Nigerian law. According to the Oxford Learners' Dictionary, "donation" is defined at page 434 as "something that is given to a person or an organization such as a charity in order to help them" whilst "contribution" at page 378 means "a sum of money that is given to a person or an organization in order to help pay for something".

The Independent National Electoral Commission [INEC] is constitutionally empowered to amongst others, register political parties and conduct elections in Nigeria. Donations to candidates and political parties and the identity of the donor must be disclosed to INEC. Section 93 [1] of the Electoral Act 2010 provides that no political party shall accept or keep in its possession, an anonymous monetary or other contributions, gift, property etc. from any source whatsoever. Section 93 [3] of same Act provides that no political party shall accept any monetary or other contribution exceeding N100, 000 (One Hundred Thousand Naira) unless it can identify the source of the money or other contribution to INEC.

In Nigeria, there is a limit on the amount an individual can donate to a candidate. Section 91 [9] of the Electoral Act provides that no individual or other entity shall donate more than one million naira to any candidate. It is an offence punishable by fine or terms of imprisonment to contravene the law. Any accountant who falsifies or aids or conspires with the candidate to forge or falsify document relating to expenditure is also liable.

Section 90[1] of the Electoral Act says that INEC shall have power to place limitation on the amount of money or other asset, which an individual or group of persons can contribute to a political party but the electoral body is yet to set any limitation. However, section 93 [2] [b] of the Electoral Act provides that any person or entity who donates to a political party which exceeds N1million must be recorded in the party's account and assets book.

Likewise, there is a limit to the amount of money the candidate and political party can spend during the election and it is an offence to exceed the limit.

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### **MEASURES RELATED TO POLITICAL PARTIES AND ELECTION CANDIDATES**

In Nigeria, the Constitution and Electoral Act prohibit foreign donation to a candidate or political party. Any funds or other assets remitted or sent to a political party from outside Nigeria shall be handed over or transferred to INEC within 21 days of receipt. It is an offence punishable with fine or terms of imprisonment for a party to possess any funds outside Nigeria or retain funds from outside Nigeria.

Apart from pre-election disclosure of donations, there is also ample provisions on post-election disclosure of donations and expenditures. Section 93 [4] of the Electoral Act says that every political party sponsoring the election of a candidate shall within three months after the announcement of the results of the election, file a report of the contributions made by individuals and entities to INEC. The law also stipulates that election expenses of a political party shall be submitted to INEC in a separate audited return within six months after the election and such return shall be signed by the political party's auditors and counter signed by the Chairman of the party and be supported by a sworn affidavit by the signatories as to the correctness of its content.

The audited returns of the election expenses of the party must include the names, address, occupation and amount contributed by each contributor to the party and shall be made available for inspection during regular business hours at the INEC's headquarters.

The law also empowers INEC to monitor and keep records of the activities of all registered political parties. It may seek information or enquiry or clarification from the party in connection with any activities of the party which may be contrary to the constitution, rules or guidelines and it is an offence to fail to provide the required information or carry out INEC's directive.

Application of sanctions for violation of provisions on funding of political parties

No candidate or political party has been sanctioned for violating the laws or rules on political funding. One of the reasons is that INEC does not have the power to prosecute.

It is the Attorney-General of the Federation [AGF] that has the power to do so. INEC has not forwarded any complaint to the AGF.

### **NIGERIA (THIRD MEETING)**

*Articles 7(2) and Articles 7(3) - Selection and Funding of Political Parties*

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The Nigerian Constitution prescribes criteria for qualification for election into elective offices such as that of State and Federal Legislatures, State governors and their deputies as well as the President and Vice President. The Electoral Act also provides regulations in respect of political party financing, sanctions for breach, and empowers the Independent National Electoral Commission (INEC) to monitor and enforce the regulations therein.