

INEC and Management of Elections in Nigeria: Explaining the Major Challenges

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Abstract

This paper examined INEC and elections in Nigeria with a view to proposing measures that will enable the electoral body to conduct free, fair and credible elections in the nation. The paper made use of documentary method for data collection and relied on the propositions of structural functional theory. The study found, amongst others, that INEC has been plagued by an avalanche of electoral challenges right from the inception of the electoral body. Prominent among them are issues of low voters' turnout, postponement of elections, irregularities in the distribution and collection of PVCs and faulty card readers which have undermined the goals of this body as regards to elections in Nigeria. The paper concluded that INEC should be more proactive in dealing with logistical issues and also increase sensitization of the citizens on the electoral process.

Keywords: Election, Election Management Bodies, Independent National Electoral Commission, Voter, Card Readers

Introduction

Election is the heart of the democratization process in any democratic state like Nigeria. There is a general consensus among scholars that election is important in a democratic political system, and the key to national development. The electoral process is very significant in democratic government because it is the procedure for choosing representatives, and the means of expressing people's views in democratic settings; it is one of the devices for changing the government, election help people to decide who should rule them at all level (W. J. Ekundayo, 2015).

It is, therefore, surprising that the electoral process in Africa and Nigeria in particular is riddled with controversies. This is because of numerous underpinning problems such as corruption, religious factors, ethnicity, regionalization of the political parties, power of incumbency and the politics of Godfatherism that have eaten deep into the Nigerian political structures. These, in one way or the other, have contributed to the inability of electoral bodies to conduct free, fair and credible elections (W. J. Ekundayo, 2015).

The Independent National Electoral Commission (INEC) has persistently worked hard to conduct free, fair, credible and acceptable elections in Nigeria, but with all the efforts of the INEC, Nigeria is still faced with numerous challenges which undermine the credibility of its elections. Abubakar (2012) revealed that, the appointment of Professor Mohammed Attahiru Jega was a sign of a new beginning for organizing a free, and credible elections compared to previous elections. Also, the adoption of the Direct Data Capture Machines (DDCM) and other technological tools to help in the electoral process was seen as a step in the right direction. These technological tools and innovations were brought in to reduce, or stop completely, manipulations and rigging. These have not helped the electoral process to a very large extent. Nigeria is still bedeviled by numerous electoral issues which have led to both international and local media/observers questioning the credibility of elections and election results in Nigeria. It is on this note that the study tried to identify and examine the factors or the challenges undermining free, fair and credible elections in Nigeria, despite all the efforts of INEC.

The paper, therefore, interrogated INEC and highlighted challenges affecting the institution in conducting free and credible elections. It also examined measures that would strengthen INEC to conduct credible elections.

Historical Overview of Electoral Management Bodies (EMBs) In Nigeria

Nigeria has experimented with a number of electoral bodies in its chequered political history. Nigeria's political history is characterized by years of military rule and four republics of civil rule. With every transition programme, an election management authority was established. Overall, Nigeria has had five EMBs: the Electoral Commission of the Federation (ECF) that conducted the 1964 federal elections and 1965 regional elections; FEDECO that conducted the transitional elections in 1979 and the controversial 1983 elections that ended in a return to military rule; NEC that managed the three-year transition programme and ended with the annulled 1993 elections; NECON that was established by General Sani Abacha to manage his transition programme, which was aborted after his death in 1998; and INEC. INEC, which is the focus of this case study, is the longest-serving EMB in Nigerian history.

The INEC has conducted six national elections: the 1999 transition election; the historic 2003 election, which was the first election successfully conducted under civil rule in Nigeria; the critical 2007 elections, which facilitated the first civilian regime change in Nigeria; and the 2011, 2015 and 2019 elections. Nigeria has a long history of constitutional and electoral reforms dating from the period of colonial administration up to 2010, and the debate on electoral reforms has continued since the 2011 elections. It is also important to note that the major constitution-making processes that have taken place have been closely linked to Nigeria's history of transition programmes.

One common feature of all EMBs in Nigeria is the prominent role the president plays in constituting the management of the EMBs. During the military regime members of the body were appointed by the Federal Executive Council, during civilian rule, the president performed this function to legislative ratification. It is also important to mention that since the introduction of the Federal Character Principle (principle of regional or state representation) in the 1979 Constitution, it has remained one of the criteria for the appointment of members of the electoral commissions (Ibrahim, 2008).

As in previous constitutions, INEC was established as a federal executive body. The electoral body was established by the 1999 constitution of the federal republic of Nigeria to, among others things, organize elections into various political offices in the country. The mission of INEC is to serve as an independent and effective EMB committed to the conduct of free, fair and credible elections for sustainable democracy in Nigeria. The vision of INEC is to be one of the best Election Management Bodies (EMBs) in the world that meets the aspirations of the Nigerian people. The constitution broadly defines the scope of the commission's powers and responsibilities, and provides for its independence and funding. Similarly, the constitution provided for the establishment of 36 Independent Electoral Commissions (SIECs) in each state of the federation, with a mandate to conduct local government elections (Philip, 2012). It also provided for the appointment of the chairman and members of the commissions by the president, subject to confirmation by the senate.

At the state level, the governors appoint the chair and members of the SIECs and subject to confirmation by members of the State House of Assembly. The constitution also stipulates the criteria for registering political parties (Jega, 2012). The Electoral Act provides further detail on the structure of the commission, its powers and guidelines for registering voters, procedures for the conduct of elections, the registration and regulation of political parties, electoral offences and the determination of election offences. The legal framework for elections in Nigeria has undergone a number of reforms since 1999.

The Electoral Act was passed in 2001, and three other pieces of legislation have since been passed, in 2002, 2006 and 2010. Among many other changes introduced by the 2006 act, it empowered the commission to appoint its secretary, to undertake voter education and to prosecute offenders. The law also addressed the

ambiguities surrounding the appointment and dismissal of resident electoral commissioners (RECs). The 2010 Electoral act was passed to address the shortcomings of the 2006 act and harmonize the act with the amended constitution. It is important to note that the debates on the passage of the act coincided with the debates on constitutional reforms ahead of the 2011 elections. Following the conduct of the 2007 elections, which were reported as the worst in the country's history (Jinadu, 2011). The late President Yar'Adua set up the Electoral Reform Committee (ERC) to review the electoral history of Nigeria and the legal and institutional framework for the conduct of elections, and make proposals for reforms.

The ERC undertook wide consultations and received 1,466 memoranda. Its report, submitted in 2008, was widely accepted as reflecting Nigerians' thoughts on electoral reform. The report also greatly contributed to the constitutional and electoral reforms that preceded the 2011 elections. In its extensive analysis of the challenges of electoral governance in Nigeria, the ERC noted that INEC is an overburdened institution and proposed the creation of three other institutions to undertake its responsibilities. The ERC also proposed to transfer the powers of appointment of the INEC from the president to the National Judicial Council, and recommended that the commission be recruited through an open process. As part of its report, the ERC proposed five bills for reforming different aspects of the electoral process in Nigeria, three of which were focused on unbundling and restructuring INEC.

Though the executive did not fully adopt the content of the ERC report, it did set the tone for the national deliberations on constitutional and electoral reforms prior to the 2011 elections. The 2010 Electoral Act therefore concentrated on certain issues that previous electoral reform efforts could not address because they required the amendment of the 1999 constitution. The act was also amended once before the 2011 elections to increase the time for voter registration and to postpone the elections from January to April 2011, and further streamline its powers to regulate political parties' activities especially the process of nominating candidates through party primaries (Johnson, 2010). The 2010 act also prohibits parties from changing the names of persons nominated as candidates, provides new ceilings on campaign expenditures, empowers INEC to deregister political parties on the basis of conditions provided in the law, and limits the powers of an election petition tribunal to nullify the results of an election, but restrains tribunals from declaring candidates as winners of an election. The act mandates the announcement and posting of election results at polling stations, introduces penal provisions for electoral offences, and empowers INEC to prosecute offenders.

In 2010, the executive drafted and submitted to the National Assembly a bill for amending the 1999 constitution. While there was a list of pressing national issues to address in a constitutional review process, priority was given to electoral matters. The first amendment of the 1999 constitution provided for the financial autonomy of INEC by charging its budget and the salaries of its chair and members to the Consolidated Revenue Fund. The neutrality and non-partisanship of commission members was also addressed in the amendments, in addition to the timing of elections, the jurisdiction of the courts in determining election petitions, the composition of election petition tribunals and the time limits for determining election petitions (Guobadia, 2017). The second bill for amendment of the 1999 constitution involved re-examining the new timelines for the conduct of national elections (Wagam, 2017).

Conceptual Clarification

Election Management Bodies

Electoral Management body (EMB) generally refers to a body or bodies responsible for the conduct of elections. Electoral management bodies are usually expected to be autonomous and free from external interference. The level of an EMB's power concentration or devolution depends very much on the system of government in the country. In unitary countries, the responsibility for elections will be determined at the national level. Federal countries may have separate EMBs at the national level and in each state/province, which often operate under different legal frameworks and may implement different electoral systems. The nature and function functions an

EMB are usually defined by law, often the electoral law. The legal framework may distinguish between powers and functions that are given to a central or national EMB and those given to regional or lower-level EMBs.

Election

An election is a formal group decision-making process by which a population chooses an individual to hold public office. Elections have been the usual mechanism by which modern representative democracy has operated since the 17th century. Elections may fill offices in the legislature, sometimes in the executive and judiciary, and for regional and local government. This process is also used in many other private and business organizations, from clubs to voluntary associations and corporations (Robert, 2011). Electoral reform describes the process of introducing fair electoral systems where they are not in place, or improving the fairness or effectiveness of existing systems.

Theoretical Framework

This study relied on the propositions of structural functional theory. The Structural functional theory, or structural functionalism, is a framework that sees society as a complex system whose parts work together to promote solidarity and stability (Macion, 2012). It looks at society through a macro-level orientation, which is a broad focus on the social structures that shape society as a whole, and believes that society has evolved like organisms (Talcott, 1970). Structural functionalism considers both social structure and social functions. Structural Functionalism addresses society as a whole in terms of the function of its constituent elements; namely norms, customs, traditions, and institutions.

Structural-functional theory is relevant in studying electoral management bodies in Nigeria. This is because the electoral process is a complex process, which does not only take place in a complex environment, but also requires a specialized body with defined functions. Thus, it provides basis for understanding the nature and structure of electoral bodies, such as INEC and their functions, with a view to appraising its performance as an institutional structure responsible for conducting credible elections into various offices in Nigeria. This is very crucial since the discharge of its functions has implications for the solidarity and stability in the state.

INEC and Challenges of Elections in Nigeria

INEC conducted the elections that ushered in the 4th Republic in 1999. This was largely supervised by the military in a bid to hand over power to civilian administration. Since then it organized general elections in 2003, 2007, 2011, 2015 and 2019 as well as supplementary elections in different states and constituencies. The 2003 general elections which was the first civilian-to-civilian transition since 1999 were condemned by local and international observers. The Transition Monitoring Group (TMG) for instance held that presidential and gubernatorial elections in some states fell short of international and regional standards and did not in the main reflect the voting pattern of the Nigerian people (TMG, 2003). Their opinions however did not prevent the inauguration of Olusegun Obasanjo for a second term in office which raised questions about whether the opinions of international observers really matter.

If the 2003 elections were condemned for falling below international standards, those of 2007 were described as the worst in the history of elections in Nigeria. The polls were adjudged to mark dramatic step backwards, even when measured against the dismal standard set by the 2003 election. Electoral officials alongside the very government agencies charged with ensuring the credibility of the polls were accused of reducing the elections to a violent and fraud ridden farce (Human Rights Watch, 2007). The Umar Musa Yar' Adua administration set up an Electoral Reform Committee (ERC) as soon as it came to power in 2007 to examine the entire electoral process and recommend ways of reforming it. Though the 2011 presidential elections were regarded as an improvement over the 2007, it was not without problems with some questioning whether it was seen as free and fair because of the low bar of expectations set by Professor Maurice Iwu in 2007 (Adibe, 2015). Nonetheless,

the outcome of the elections was challenged by Obasanjo's main rival General Muhammadu Buhari who insisted INEC colluded with the ruling PDP to rig him out (The Nation, 2011).

The 2015 general election was the first time that political parties had to merge - not form a coalition- as a way of strengthening their chances of winning power. The two main parties were the Peoples' Democratic Party (PDP), which had a sitting President, Goodluck Jonathan, as its candidate and Mohammed Buhari, a former military dictator, who was the candidate of the All Progressives Congress (APC). Another distinguishing feature of the election was that it was the first time in the country's democratic history that a sitting president would be defeated and also conceded defeat. Following the concession, people feel the country has overcome the bugaboo of contentious elections and that the country's democracy has now come of age (ThisDay, 2015). In what could amount to chest-thumping, INEC Chairman Attahiru Jega argued that the elections were reasonably free and fair and attributed the success of the elections to sacrifices made by INEC officials (This Day, 2015). Professor Jega was suspected of carrying out his master's bidding. For instance in 2011 after Jonathan was declared the winner of the elections, Muhammadu Buhari who was the presidential candidate of the now defunct Congress for Progressive Change (CPC) accused Jega and INEC of rigging the election on behalf of Jonathan and the PDP. In a petition filed on March 8, 2011, Buhari declared:

The CPC plans to prove that there was substantial variation in the voters' register used by the Independent National Electoral Commission (INEC) for the conduct of the presidential and governorship elections. To that extent, says the party, INEC and its chairman, Prof. Attahiru Jega, unlawfully manipulated the register to the advantage of Jonathan and Sambo (The Nation, 2011).

As a Muslim from the Northwest (one of APC's strongholds), Jega was similarly being suspected of plans to rig the election in favor of his brother', Muhammadu Buhari. By the beginning of January 2015 for instance, the PDP had begun to openly voice its suspicions of Jega, first over the high rate of collection of permanent voter cards (PVCs), by geopolitical zones considered as the strongholds of the rival APC (Abusidiqu, 2015) and then over plans to create additional polling booths with most of these being in the north, a move the party argued was part of a plot to rig the elections in favor of the APC (This Day, 2015). The PDP also opposed the introduction of card reader by INEC, saying it was an attempt to cause delay, confuse voters and prevent majority of voters in exercising their franchise on that day (Okoro, 2015).

In the same vein, the Southern Nigeria Peoples Assembly, SNPA, called a press conference in which it gave details of what it said was a plot by Jega and the Northern Elders Forum, NEF, to rig the election in favour of Buhari (News Express, 2015). The irony is that as one side accused Jega of bias and the other party tried to come to his defence, the suspicion became reinforced. Perhaps the highlight of the accusation of bias against Jega was what happened on the day the votes for the presidential elections were being collated. Elder Godsdai Orubebe, a chieftain of the PDP and former Minister of the Niger Delta, attempted to disrupt the results collation exercise in Abuja, accusing the INEC chairman of bias a move some people believe was choreographed to disrupt the collation exercise and lead to the cancellation of the results (Premium Times, 2015). The following are some of the electoral challenges encountered by INEC in the 2015 elections in Nigeria.

The Use of Card Readers

One of the contentious issues in the 2015 elections, especially during the presidential elections, was the introduction of the card-readers. INEC card reader is a portable Electronic voting authentication device configured to read only the Permanent Voter Cards (PVCs) issued by the Independent National Electoral Commission (INEC). The card reader was designed specifically for the accreditation process, authentication of eligible voters before voting. The machine was configured to read only the PVCs of a particular polling unit and can only work on election day. Supporters of the card readers, including the APC, argued that the malfunction of the machines mostly in the South East and South South, (seen as Jonathan's strongholds), was a deliberate sabotage by the PDP to ensure it resorted to manual voting which would make it easier for the party to rig the elections. On the other hand, supporters of INEC and the card reader attributed the success of the election to the

machines, which they believed made it more difficult for politicians to rig despite the hiccups it created (Leadership, April 5, 2015). Essentially therefore, one's opinion on the card reader just as with the performance of Jonathan in office or the viability of Buhari's presidency would be coterminous with where the person stands on the political divide and the person's location in the active fault lines in the country.

Permanent Voters Cards

PVC is an abbreviation for Permanent Voters Cards. This enables registered voters exercise their civic right to vote in the general elections. The PVC stores information such as biometric data which includes physical attributes, thumb prints amongst others and protects the information stored in the card. The information in the PVCs is electronically programmed and can only be assessed electronically with a card reader. The rate of the collection of the PVCs was an issue between the PDP and APC. Before the presidential polls were shifted from February 14, 2015 to March 28 and April 11, 2015, one of the allegations was that there had been a deliberate ploy to deny some areas the PVCs in order to privilege one candidate. As Efio-Ita (2015) articulated, to begin with, out of the 68 million eligible voters only 48 million had collected their Personal Voters Cards, PVCs. But Jega's INEC insisted on their readiness. There may be explanations but other considerations discredit these alleged justifications. For instance, it has been revealed that of the 20 million who were remaining to collect their PVCs, majority were from the south-east and south-south of the country where traditional supporters of the presidential aspirant of the PDP were present.

Why was it so? How did the north succeed to distribute about 95% percent of its PVCs despite the present security challenge? Information suggested that thousands of Chadians, Cameroonians, and citizens of Niger were successfully registered in order for them to be employed to rig the elections in favour of the APC seeing that he approved so many registration centres outside the country against international protocols. Also there were allegations that under-aged citizens registered and were seen flaunting their PVCs in the northern axis of Nigeria. It is even estimated that about 3 million of such kids were registered in Chad, Niger and Cameroon. Again, amputees totaling about 70,000 in Zamfara registered. Even after the shift in the election, and the improvement in the collection of PVCs, some still wondered why some areas such as Bornu state, which is ravaged by insurgency was able to have a collection rate of as high as 72.79 percent despite having a significant size of its population displaced by the activities of Boko Haram- while Lagos State, which was peaceful and urbanized had a collection rate of only 65.25 percent (Okoh, 2019).

Voter Turnout

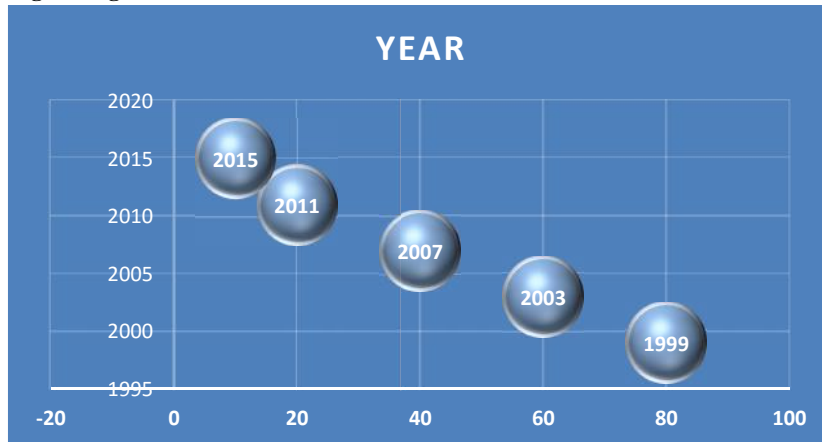
Voters' turnout has been a recurring issue in successive Nigerian election. Statistics on voter turnout during the election could also raise some questions. For instance, questions could be raised about why the turnout for the 2015 presidential elections was lower in all the regions than in 2011 (except in the southwest) when it could be argued that the stakes were much higher for the various regions in 2015 than in 2011? From Table 3, it could be seen that Lagos state had only a voter turnout of 29 percent – much lower than Borno, Adamawa, Yobe, Zamfara and Bauchi which were all affected by the Boko Haram terrorism. Again from Figure 1, one can raise legitimate questions about why voter turnout in the 2015 election has been the lowest in all presidential elections in the country since 1999.

Table 2: Nigerian Presidential Election: Voter Turn Out by Regions (in percentages)

Geo-political Zones	2015	2011 approximate
North Central	43.47	49
North East	45.22	56
North West	55.09	56
South East	40.52	63
South South	57.81	62
South West	40.26	32

Source: Center for Public Policy Alternatives, CPPA, (2015, 2)

Fig. 1: Nigerian Presidential Election Turn-Out Since 1999



Source: CPPA, (2015, p. 2)

Postponement of Elections

Ordinarily, the postponement by a week of Nigeria’s 2019 general election should not have generated as much outrage as it did, but the protest that the postponement has attracted was positive proof of the fact that the Nigerian electorate do not trust INEC. In 2011, the country’s elections were postponed even after voting had started. In 2015, the elections were postponed for six weeks on security grounds. The explanation that has now been given in 2019 about “logistical problems” should have been sufficient, but Nigerians were unimpressed because they had learnt not to trust the present INEC which was accused of widespread electoral irregularities in the 2019 presidential elections including cases of ballot paper unavailability, unavailability of smart card readers and large cancellation of valid votes. (Reuben, 2019).

Conclusion

The paper examined the challenges faced by INEC in trying to conduct free, fair and credible elections in Nigeria. The paper argued that despite the different technological tools introduced to curb rigging and controversies during elections in Nigeria, INEC still faces major challenges. There are pressing issues that need to be dealt with as it concerns elections in Nigeria. The paper argued that low voter’s turnout especially in rural areas is a problem. This may be due to poor sensitization of the masses on electoral issues and why it is important to vote. Postponement of election is also a major challenge facing INEC. This breeds distrust because the citizens feel that there is a sinister motive behind the postponement. The excuse of ‘logistical problems’ does not the problem. This is because INEC has about four years from the previous election to prepare for a new one. The rate of distribution and collection of PVC has been politicized making it one of the major challenges for INEC. Political parties agitating that INEC is deliberately trying to disenfranchise their supports thereby empowering the opposition. Finally the issues of card readers, which most people believe are being manipulated to reject certain PVCs and to malfunction in certain areas in order to resort to manual voting to help a party or candidate. This has become a major headache for INEC as it has been accused of helping incumbent parties/candidates win elections since the card readers were introduced.

The paper therefore recommended amongst others that for INEC should make provisions for functional card readers and ensure that registered voters collect their Permanent Voters Cards (PVCs). The masses should be properly sensitized on the need to cast their votes at the polling units. High security structure should also be instituted in order to prevent crisis and buying of votes by the candidates. The body should also ensure the proper and timely distribution of electoral materials to avoid postponement of elections.

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