

**ELECTORAL MANIPULATIONS AND ITS IMPACT ON THE LEGITIMACY OF  
ELECTIONS (THE ROLE OF INEC)**

**BY**

**HAPPINESS OKON JACKSON  
ART2100591**

**DEPARTMENT OF HISTORY AND INTERNATIONAL STUDIES  
FACULTY OF ARTS  
UNIVERSITY OF BENIN  
BENIN CITY.**

**February, 2025.**

**ELECTORAL MANIPUTIONS AND ITS IMPACT ON THE LEGITIMACY OF  
ELECTIONS (THE ROLE OF INEC)**

**BY**

**HAPPINESS OKON JACKSON  
ART2100591**

**A PROJECT SUBMITTED TO THE DEPARTMENT OF HISTORY AND  
INTERNATIONAL STUDIES, FACULTY OF ARTS, UNIVERSITY OF BENIN,  
BENIN CITY IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR  
THE AWARD OF THE BACHELOR OF ARTS DEGREE IN INTERNATIONAL  
STUDIES AND DIPLOMACY.**

**February, 2025.**

## CERTIFICATION

This is to certify that this project was carried out by Happiness Okon Jackson of the Department of History and International Studies, Faculty of Arts, University of Benin, under my supervision.

---

Mr. D. Orabator  
Project Supervisor

---

Dr. Frank Ikponmwosa  
Ag. Head of Department

---

Date:

---

Date:

## **DEDICATION**

This project is dedicated to God Almighty, for his provision, guidance, wisdom, and strength, throughout research and completion of this project and my university education.

## **ACKNOWLEDGEMENTS**

My profound gratitude goes to God Almighty, who is forever faithful for his provision, protection, love, care, intelligence, good health and strength throughout my stay in this university and the success of this project.

I remain most grateful to my project supervisor, Dr. Orabator, for his fatherly, resourceful and erudite guidance, throughout the course of this work. His approachability, and willingness to listen to concerns saw me through the various stage of this work.

I want to appreciate the Head of Department, Dr Frank Ikponmwosa, for his outstanding leadership, resilience and dedication, in steering the department to unprecedented heights, fostering academic excellence.

I also wish to appreciate my lecturer and my course adviser Dr. Charles Osarumwense for his consistent encouragement.

I am also using this opportunity to appreciate my scholarly, praiseworthy and indefatigable lecturers; Prof. Eddy Erhagbe, Prof. Osadolor, Dr. E. Toby, Dr. W. Orukpe. Your scholarly expertise, patience, and resilience in teaching and mentoring me shaped me into the person I am today.

Finally, I must sincerely and deeply appreciate my lovely parents Mr. and Mrs. Okon Jackson for their steadfast love and provision, my other pillars of support, Uko Joseph Ikpe, Mr. Nnamdi Ojiego, Mrs. Christiana Jackson, and all my loved ones.

Thank you all. May God reward and replenish you all for believing and helping me achieve my dreams of being a diplomat.

## TABLE OF CONTENTS

	Page
Cover Page	i
Title Page	ii
Certification	iii
Dedication	iv
Acknowledgements	v
Table of Contents	vi
<b>Chapter One: Background to Study</b>	
Introduction	1
Aim and Objectives of Study	3
Scope of Work	3
Research Methodology	4
Literature Review	4
Chapter Outline	10
Endnotes	11
<b>Chapter Two: Historical Overview of Electoral Commission in Nigeria &amp; Structure of INEC</b>	
Introduction	12
Historical Overview	14
INEC and It's Institutional Framework	17
The Constitution of The Electoral Management Team (Commissioners)	20
The Funding of INEC	21
Guiding Principles	25
Endnotes	27
<b>Chapter Three: Elections Issues in Nigeria: 2003 - 2019</b>	
Introduction	29

Issues with Nigeria Elections 2003 - 2019	-	-	-	-	-	31
INEC and its Independence	-	-	-	-	-	31
Apathetic and Skeptical Citizenry	-	-	-	-	-	33
Mindset of “do-or-die” Politicians	-	-	-	-	-	34
Weak Institutions and Systematic Peculiarities	-	-	-	-	-	35
Bribery and Corruption	-	-	-	-	-	36
Political Thugs	-	-	-	-	-	37
Election Violence	-	-	-	-	-	38
Endnotes	-	-	-	-	-	43

#### **Chapter Four: The Contributory Role of INEC Towards the Sustenance of Democratic Tenets in Nigeria**

Introduction	-	-	-	-	-	45
Democratic Tenets	-	-	-	-	-	45
INEC and Democratic Tenet in Nigeria	-	-	-	-	-	48
E-TRAC and Permanent Voters Card (PVC)	-	-	-	-	-	48
Strategic Plan 2012 – 2016	-	-	-	-	-	49
Free, Fair and Credible Elections	-	-	-	-	-	50
Voter Education	-	-	-	-	-	52
Political Parties	-	-	-	-	-	53
National and International Stakeholders	-	-	-	-	-	53
Re-organization of INEC	-	-	-	-	-	54
Strategic Plan 2017 – 2019	-	-	-	-	-	57
Accreditation System for Voting	-	-	-	-	-	57
Technology Adaptation in an Infrastructure Challenged Environment	-	-	-	-	-	58
Electoral Act	-	-	-	-	-	59
Independence of INEC	-	-	-	-	-	60
Issues	-	-	-	-	-	61

Endnotes	-	-	-	-	-	64
<b>Chapter Five: Conclusion</b>						
Conclusion	-	-	-	-	-	67
<b>Bibliography</b>	-	-	-	-	-	70

# **CHAPTER ONE**

## **BACKGROUND TO THE STUDY**

### **Introduction**

Universally, election is regarded as the heart of representative democracy. A credible election not only confers legitimacy on political leadership, it is also crucial to the sustenance of democratic order. Election provides citizens with the freedom to choose their rulers and to decide on public policy. Under any democratic system, citizens who are legally qualified to exercise franchise are provided with opportunity to choose political alternatives and to make decisions that express their preferences. In a multi-party politics, this choice is made out of the several parties and candidates competing in the electoral market. In all democracies, election performs several functions: it is an instrument through which the voting public compels accountability from elected officials; it facilitates political recruitment; it enables citizens to make enlightened choices; and it confers moral authority on political leaders. Election represents the lifeblood of modern democracy and the frequency, fairness and openness of such election are crucial to the political stability of the polity. The extent to which election advances democratic order depends in large part on the existing electoral system, its nature and its acceptance by the stakeholders in the electoral process.

The choice of a particular electoral system does not only have a profound effect on the political life of a country, it also distributes costs and benefits to political actors i.e.

political parties and candidates. Designing a credible and inclusive electoral regime is a necessary enterprise in all democracies whether transitional or consolidated. While for the former, the challenge is to design an electoral regime that suits their social and historical conditions, for the latter, it is to re-craft their electoral systems to respond to new political realities and challenges. The existence of a viable electoral system is crucial to the survival of any democracy. This is even more so in a country like Nigeria where access to the state and its resource allocating powers is viewed as the means of guaranteeing one's economic security.

Consolidating Nigerian democracy through the conduct of credible elections has remained an albatross. The history of Nigeria's democratic experiments from 1999 to 2015 demonstrates that elections and electoral politics have generated so much animosity which has, in some cases, threatened the corporate existence of the nation (such as happened after the annulment of the June 12, 1993 presidential election) and in other cases instigated military incursion in to political governance, most notably in 1966 and 1983. At the heart of electoral crisis in Nigeria is the lack of credibility for the official results of elections leading to the rejection of such results by a sizeable portion of the Nigerian voting public. Since the 1964 general election, the first to be conducted by the postcolonial Nigerian government, elections in Nigeria have consistently been characterized by the contestation of results and organized violence. While there is a plethora of factors that account for electoral crisis in Nigeria, the institutional factor (designing a credible electoral system) appears to be the most salient. In addition, the process of implementing such an efficient

electoral regime is challenged by sociological variables such as the pluralist character of the Nigerian nation, underdeveloped political culture and irrational elite behavior.

It is within this context that this study examines the role of Independent Electoral Commission (INEC) in the sustenance of democratic tenets in Nigeria, 2003 – 2019. The democratic tenets in this study are, voting right, credible electoral process, free and fair election, security, independence of the electoral umpire,

### **Aim and Objectives**

The aim of this study is to examine the role of Independent Electoral Commission (INEC) in the sustenance of democratic tenets in Nigeria, 2003 – 2019. The objectives of this study are to:

- i. Provide the historical overview of Nigeria's electoral umpires
- ii. Examine the organization of INEC as an electoral body in Nigeria.
- iii. Examine the issues associated to elections in Nigeria. 2003 - 2019
- iv. Examine the contributory role of INEC towards the sustenance of democratic tenets in Nigeria

### **Scope of Work**

The scope of this work is within the role of Independent Electoral Commission (INEC) in the sustenance of democratic tenet in Nigeria. Also, the scope is within the context of 2003 – 2019 democratic election process in Nigeria.

## **Research Methodology**

This study adopts the historical approach to research, utilizing both primary and secondary sources.

Primary Source which was utilized in the course of the research will be obtained from the interview with scholars and academia knowledgeable about elections matters in Nigeria during the course of this research work.

Secondary source which were consulted in some university and public libraries across the country, included textbooks, Journals, articles, newspaper and online sources. These materials helped to provide information for a critical analysis for this study.

## **Literature Review**

There are various literature on elections matters in Nigeria, The sporadic cases of election riggings, stuffing and snatching of ballot papers and boxes, corruption, unbridled executive recklessness, has arose the attention of scholars to embark on an academic journey on elections violence in Nigeria. Since there is no direct literature on the research topic, relevant literature will be review in other to understand the concept of election in Nigeria.

Elections have been seen as the major feature of democracy to the extent that not only it is impossible to imagine a democratic regime without elections but also there is now a real risk of confusing the holding of regular, reasonably competitive and transparent elections with democracy. Indeed, in direct democracies of Ancient Greece, elections were

used to take decisions in various fields. For example, elections were used to nominate people to the most important positions and for which a minimum level of competence is considered as vital. The indispensability of election to democracy appears obvious in contemporary democracies described as representative democracy. The contemporary representative democracy defined as a system in which people are governed through their representatives, election remains the most appropriate widespread mechanism for selecting their representatives who will be responsible for governing on behalf and for the people.

According to Professor I.E. Sagay in his lecture titled “Election Tribunals and the Survival of Nigerian Democracy” said that:

“Elections are a means to an end, and that end is democratic governance and a democratic society. There can be no democracy without free; fair and valid elections, but such elections merely open the door into a democratic culture and society”<sup>1</sup>.

Sagay in his paper captures the spirit of election violence in Nigeria election since the 1959 independence election till date and focus on the need for a reformation of the election process in Nigeria, but fails to express the role of civil society in election matters in Nigeria.

In another lecture by Professor A. M. Jega, titled “Electoral Reforms in Nigeria: Challenges and Prospects” assert the importance of election in Nigeria and the attitude of voter towards electoral process, in which he said:

“Given the fact that elections are the major pillar of leadership selection and governance legitimating in liberal democracies, constant and un-seizing effort for the reformation of the electoral process is an imperative in all countries that are democratizing. It is especially necessary in countries in transition to democracy, such as Nigeria, where there is a long history of badly conducted elections; where

elections have been bastardized, and where many voters have become despondent and have virtually given up hope of their votes counting in choosing their elected executives or representatives in legislatures”<sup>2</sup>.

Election is one of the pillars of democratic governance, thus in every democratic society, regular election at fixed interval is a common feature. Nigeria returned to the comity of democratic states on 29 May, 1999 after almost two decades of military rule. The new democratic experiment is termed Fourth Republic, because it is the fourth attempts in entrenching democratic governance in the country. One of the major reasons for the collapse of previous democratic experiments in the country could be traced to the violence that pervaded the electoral cycle.

Elections in Nigeria continue to elicit more than casual interest by Nigerian scholars due to the fact that despite the appreciation that only credible election can consolidate and sustain the country’s nascent democracy, over the years, Nigeria continues to witness with growing disappointments and apprehension inability to conduct peaceful, free and fair, open elections whose results are widely accepted and respected across the country.

Jega, attest to the failure of a free and fair election in Nigeria which he state that;

The winner of the presidential election, late President Umaru Musa Yar’adua, himself admitted on the day of his inauguration, that there were serious flaws in the election that brought him to power. Arguably, in order to preempt a major crisis of legitimacy, he pledged to embark upon electoral reforms and subsequently inaugurated the Electoral Reform Committee, with the mandate to make wide ranging recommendations for electoral reform in Nigeria<sup>3</sup>.

The main issues of federal elections in Nigeria are characterized by sporadic report of violence, which is not good for the Nigeria's democratic process. Election violence is what has characterized every election in Nigeria (federal, state and local).

Nnamdi Nweke, in "*State, Youth and Elections in Nigeria*", define electoral violence as any form of physical force applied to the end of disorganizing the electoral process, ranging from the destruction of electoral materials to the intimidating of the electorate to vote against their wish. It includes physical force aimed at influencing electoral officials to work in favour of particular groups or parties or persons as against an established procedure. Also it is a harmful act targeted at causing disharmony during elections<sup>4</sup>.

Olagbegi in "*Electoral Violence and Electoral security*", viewed electoral violence as a faceted process not open to a singular explanation but, unfortunately tending to reproduce itself in a series of socially disruptive behaviours. Basically, electoral violence can be said to be any behaviour involving or tending to involve the use of physical force to cause damage to property of maim or kill an individual(s) in order to ensure of prevent electoral gains<sup>5</sup>.

According to Ogundiya Ilufoye et al in "*Electoral violence and the prospects of Democratic consolidation in Nigeria*", electoral violence is a limited aspect of political violence that is associated with the process of elections. They reason that forms of political violence occur before, during or after elections<sup>6</sup>. According to Jegede in "Inter and Intra-

party Conflicts and the Future of Democracy”, there are different manifestations of electoral violence e.g. murder, arson, abduction, assault, and violent seizure and destruction of electoral materials. These acts are perpetuated by individuals and groups with the intention of positions after elections<sup>7</sup>.

According to Ugoh in "*Electoral Malpractice and Violence in the 2003 General elections in Nigeria*", defined Electoral violent mostly occurs in the conduct of an electoral contest before, during, and after elections. Most often they are directed at altering, influencing, or changing, by force, the voting pattern or manipulating the electoral results in favour of a particular candidate or particular candidate or political party<sup>8</sup>.

According to him, election violence connotes any forceful act intended to compel a re-direction nor affect the stable course of development of the political system, usually in response to natural or other emergencies, longstanding demands for changes or part of a evolutionary alternation of the system. He maintains that election or political violence may or may not involve actual bloodshed, what is essential to amount to the condition is the effort to coercively carry out changes or the process of governance by means that are outside the normal, stable routine of the conventional legal machinery of the political society.

Election or political violence according to him may also be perfectly legal and provided for within the constitutional order when taken in response to extreme situations demanding the temporary declaration of a martial law or state of emergency, and the

application of extra-judicial measures to return the political pendulum to normalcy. Isaac Oluwole Albert in “*Analyzing Electoral Violence in Nigeria*” observed that electoral violence in Nigeria lies in the deeper socio-political and economic structures of the country coupled with poor election management. The combination of the foregoing often makes the political class to rely on and use any means to emerge victorious in electoral contest<sup>9</sup>.

An effective democracy and electoral system is founded upon the ability to hold free and fair elections, independent and effective electoral umpire, effective policing, and incorruptible and responsive judiciary. It is against this backdrop that the study examines the election umpire’s role in promoting free and fair elections in Nigeria which is one of the important tenets in sustain democratic tenets in Nigeria. All theses literature review above are vital to this study and will help in the analysis of INEC and democratic survival in Nigeria.

## **Chapter Outline**

### **CHAPTER ONE: BACKGROUND TO THE STUDY**

This chapter gives a brief introduction into the topic it contains the aims and objectives, scope of work, methodology, literature review and chapter outline.

### **CHAPTER TWO: HISTORICAL OVERVIEW OF ELECTORAL COMMISSION IN NIGERIA AND STRUCTURE OF INEC**

This chapter will trace the historical development of electoral bodies in Nigeria from its first umpire to the present-day electoral umpire.

### **CHAPTER THREE: ELECTIONS ISSUES IN NIGERIA: 2003 – 2019**

This chapter analyzed the role of INEC in the various elections in Nigeria and the problem faced in all this election from 2003 - 2019

### **CHAPTER FOUR: THE CONTRIBUTORY ROLE OF INEC TOWARDS THE SUSTENANCE OF DEMOCRATIC TENTS IN NIGERIA**

This chapter examine the various ways in which INEC as an electoral umpire have developed means in order to protect the nascent democracy of Nigeria and also ways to conduct a free and fair elections.

### **CHAPTER FIVE: CONCLUSION**

This chapter gives a summary and conclusion on this study

## Endnotes

1. Professor I.E. Sagay, (SAN). “Election Tribunals and the Survival of Nigerian Democracy” a lecture delivered at the launching ceremony of the Osun defender on Tuesday 26th February, 2008 at the MUSON Centre, Lagos
2. Professor Attahiru M. Jega, (OFR) “Electoral Reforms in Nigeria: Challenges and Prospects” a Presentation at the First University of Abuja Public Lecture Series, Thursday October 29, 2015
3. *Ibid*
4. N. N. Nweke, “State, Youth and Elections in Nigeria”, in Onu, G. And Momonh, A (eds). Elections and democratic consolidation in Nigeria. Lagos: Educational publishers and printers, 2005, pp 386- 387.
5. O. P.Olagbegi, “Electoral Violence and Electoral security. Paper presented as a workshop on elections management, Enhancing INEC Credibility in conducting Free and Fair Elections for Stable Democratic Governance. Benin City, April 28-29, 2004
6. S,Ilufoye, I. S.Ogundiya, and T. K.Baba, “Electoral violence and the prospects of Democratic consolidation in Nigeria” in G. Onu&AMonoh (eds.) *Elections and Democratic Consolidation in Nigeria*. Lagos: Educational Publishers and Printers, 2005, pp 369-384.
7. S. Jegede, “Inter and Intra-party Conflicts and the Future of Democracy in Nigeria” in Olasupo, B. A. (ed.) *Electoral Violence in Nigeria: Issues and Perspectives*. Friedrich Ebert Stiftung, 2003, p. 31.
8. S. C. Ugoh, “Electoral Malpractice and Violence in the 2003 General elections in Nigeria”. *UNILAG Journal of Politics*. Vol. 1, No 1. December 2004
9. Albert Isaac Olawale, “Analyzing Electoral Violence in Nigeria”, in N. Linus Asiegbu (ed.), *Critical Issues in the 2011 General Elections in Nigeria*, Abuja: Institute for Security Studies, 2011, pp. 38-62.

## **CHAPTER TWO**

### **HISTORICAL OVERVIEW OF ELECTORAL COMMISSION IN NIGERIA AND STRUCTURE OF INEC**

#### **Introduction**

Of the greatest importance and most central to election or electoral management among the activities and institutions listed above, is the independence or otherwise of the electoral management body. This is because the success or failure of any election can be easily traced to the doorstep of the agency, organ or body saddled with the responsibility of managing the electoral process. It will be pointed out here that there exist direct linkages between electoral process and the managing body. It has been posited and widely acknowledged that more than anything, the quality and credibility of elections depend greatly on the extent of competency and viability of the electoral bodies. Nigeria is a classical example of this assertion because it shows a strong relationship between elections and the managing body. This is because the process of holding elections as a peaceful and orderly means of power transfer has been problematic.<sup>1</sup>

As earlier pointed out, the history of elections in Nigeria has been a chequered one, because electoral conduct since independence has been an exercise in futility, characterized and marred by malpractices and corruption. A flash back at the political history of Nigeria since independence will glaringly reveal that past efforts at democratization collapsed due

to failure of electoral bodies known as electoral commissions to conduct credible elections. It is also unfortunate to note that electoral commissions in Nigeria have failed to learn from history. The problem faced by past commissions continues to recur and beset present electoral management body while past shortcomings continue to manifest. The process of transition or transfer of power after each successive military regime becomes a process of rebuilding, recreating and bringing into being, institutions that have been dissolved or kept in abeyance.

The process of election administration in many —new democracies‡ continues to generate a lot of controversy; particularly with regards to the level of independence of Election Management Bodies (EMB’s), their professionalism and the acceptability of the elections they conduct. In Nigeria -Africa’s largest —democracy project‡, the election administration process since the country gained political independence from the British has always resulted in controversy and crisis; arising mostly in part from the perceived collaboration of EMB’s with the successive military and civilian regimes of the country’s post-independence era. The implication is that the history of election administration in Nigeria has been a history of controversy engendered by electoral malpractices.

Electoral Management Bodies (EMBs) had existed before the advent of the Independent National Electoral Commission (INEC) in Nigeria. These EMBs with similar powers as INEC were reflections of Nigeria’s political life. The number, to a large extent, underscores Nigeria’s ability or inability to develop a political culture. What is clear,

however, is that each time democracy is truncated by way of military intervention, the yearning for democracy increases and prompts the country to seek recourse in a new EMB.

## **Historical Overview**

The history of Electoral Commissions in Nigeria can be traced to the colonial era and towards independence to be specific. The electoral Commission of Nigeria (ECN) headed by Sir Kofo Abayomi, was the first electoral management body or commission to be set up in Nigeria. ECN administered, managed and conducted the 1959 elections that ushered in the first republic. On the attainment of independence in 1960 and the inauguration of the first republic, the then Prime Minister, Sir Tafawa Balewa effected a change in ECN and renamed it as Federal Electoral Commission (FEC). The FEC headed by Eyo Esua, conducted the 1964 general elections and the 1965 Western Region election. The incompetence and inability of FEC to conduct the elections in a free, fair and credible manner and the violence that ensued therefrom accounted largely for the collapse of the first republic. The military administration of General Aguiyi Ironsi that took-over the reins of government dissolved the FEC .<sup>2</sup>

In 1978, the then military Head of State, General Olusegun Obasanjo, established another Federal Electoral Commission (FEDECO) with Chief Michael Ani as Chairman. The FEDECO conducted the transitional elections of 1979 which ushered in the second republic, with Alhaji Shehu Shagari as the First Executive President of Nigeria. President Shagari replaced Chief Michael Ani with Justice Ovie-Whisky as Chairman of FEDECO

that conducted the 1983 general elections and re-elected the civilian administration of Alhaji Shehu Shagari. The violence and wanton destruction of life and property that followed led the military to overthrow the government and FEDECO was again dissolved.<sup>3</sup>

During the transition brokered by General Ibrahim Babangida to usher in the aborted third republic, the military administration set up the National Electoral Commission (NEC) with Professor Eme O. Awa as Chairman in 1987. By 1989, Professor Humphery Nwosu was appointed Chairman of NEC which conducted elections at the local, state and national levels in 1987, 1990 and 1991 respectively. The activities of NEC reached its peak in 1993 with the conduct of the controversial presidential election which was later annulled by the military government of Babangida. He, however, appointed Prof. OkonUya to replace Prof. Humphery Nwosu as Chairman, NEC. and also installed an interim government before he stepped aside. The annulment of the presidential election in June, 1993 rendered utterly useless NEC efforts at conducting a free, fair and credible election in the aborted third republic. NEC was eventually dissolved in November, 1993 after General Abacha overthrew the Interim Government of Chief Ernest Shonekan.<sup>4</sup>

In 1994, the Abacha regime established the National Electoral Commission of Nigeria (NECON) headed by Chief Sumner Dagogo-Jack. The Commission conducted Local Government and National Assembly elections. The erratic nature of the regime rendered the Commission powerless and ineffective as an independent electoral body. With the death of General Abacha in 1998, NECON was dissolved by his successor, General

Abdusalam Abubakar, who established the Independent National Electoral Commission (INEC) and appointed Hon. Justice Ephraim Akpata as the first Chairman. The INEC conducted the 1999 general elections and ushered in the fourth republic. Thus, the current electoral body in Nigeria (INEC) is a successor to those electoral bodies which existed before and after independence.<sup>5</sup> Dr. Abel Guobadia took over as Chairman of INEC in 2000 after the death of Justice Akpata. On completion of his tenure in 2005, Prof. Maurice Ewu was appointed as Chairman for a five-year tenure which ended in 2010. Prof. Attahiru Jega, a professor of political Science led the Commission from 2010 – 2015 until he was succeeded by another Professor, Mahmood Yakubu, an expert in guerrilla warfare has been in charge as INEC chairman since 2015. The history of hitherto electoral management bodies or commissions in Nigeria has been a history of dissolutions, constitutions and reconstitutions.<sup>6</sup>To illustrate this, a table is hereby presented on Electoral Commission in Nigeria

***Electoral Commissions and Their Chairmen in Nigeria:***

<b>REPUBLIC</b>	<b>ELECTORAL COMMISSION</b>	<b>CHAIRMAN</b>	<b>TENURE</b>
<b>First Republic</b>	<b>Electoral Commission of Nigeria (ECN)</b>	<b>1. Sir KofoAbayomi 2. Chief E.E. Esua</b>	<b>1960 - 1964 1964 - 1966</b>
	<b>Federal Electoral Commission (FEC)</b>		
<b>Second Republic</b>	<b>Federal Electoral Commission (FEDECO)</b>	<b>3. Chief Michael Ani 4. Justice Ovie-Whiskey</b>	<b>1979 - 1983 1983 - 1983</b>

<b>Third Republic</b>			
	<b>National Electoral Commission</b>		
<b>Fourth Republic</b>	<b>Independent National Electoral Commission (INEC)</b>	<b>9. Justice Ephraim Akpata</b> <b>10. Dr. Abel Guobadia</b> <b>11. Prof. Maurice Ewu</b> <b>12. Prof. AttahiruJega</b> <b>13.Prof. MahmoodYakubu</b>	<b>1999 - 2000</b> <b>2000 - 2005</b> <b>2005 - 2010</b> <b>2010 – 2015</b> <b>2015 - date</b>

*Source: Research and Statistics Department INEC Headquarters, 2019*

### **INEC and its Institutional Framework**

The Independent Electoral Commission (INEC) consists of a Chairman, the Chief Electoral Officer of the Commission and twelve (12) other members who are known as National Electoral Commissioners. According to the law that established INEC, the Chairman and National Electoral Commissioners shall be persons of unquestionable integrity and not less than fifty (50) and forty years of age respectively. There shall also be for each State and the Federal Capital Territory (Abuja), a Resident Electoral Commissioner who shall be appointed by the President of the Federal Republic of Nigeria after due consultation with the Council-of-State but subject to Senate confirmation.<sup>7</sup> The Commission also has a Secretary who is the Administrative Officer of the Commission. The commission was established in accordance with section 153 (f) of the Constitution of the Federal Republic of Nigeria. The functions of the Commission, as stipulated in part 1 of the Third Schedule to the 1999 Constitution, are as follows:

- Organize, conduct, and supervise all elections and matters pertaining to elections into all elective offices provided in the Constitution of the Federal Republic of Nigeria 1999, as amended or any other enactment or law.
- Register political parties in accordance with the provision of the relevant enactment or law.
- Monitor the organisation and operation of the political parties, including their finances.
- Arrange for the annual examination and auditing of the funds and accounts of political parties and publish a report of such examination and audit for public information.
- Conduct registration of persons qualified to vote and the preparation, maintenance and revision of the register of voters for the purpose of any election.
- Monitor political campaigns and provide rules and regulations, which shall govern the political parties.
- Ensure that all Electoral Commissioners and Electoral Returning Officers take and subscribe to the oath of office prescribed by law.
- Delegate any power to any Resident Electoral Commissioner.
- Carry out such other functions as may be conferred upon it by a Decree or any other enactment of law.



## **The constitution of the electoral management team (commissioners)**

There are two methods of determining the profile of members of electoral commissions. The first option involves appointing only members who are not partisan or politically inclined, while the second option involves the appointment of people on the basis of their political affiliation. In essence, the neutrality expected of the electoral commission may take two forms:

- Either a deliberate consideration of the political dimension; with the risk of partiality which is expected to be averted through a balanced representation of political forces; or
- An exclusion, in principle of any political consideration, which is manifested not only in the exclusion of political parties in the selection of the members of the commission, but also in the demand for non-partisan affiliation of members to be appointed into the commission.<sup>8</sup> This has supposedly, been the case in the constitution of members of INEC.

In the appointment of electoral commissioners Section 154 (1) of the 1999 constitution of Nigeria empowers the President to appoint the chairman and commissioners of INEC subject to the confirmation by the senate. Although this provision was not operational in the 1999 elections, the provision as gathered from interviews of political party officials and the transition monitoring group (TMG - a coalition of over 50 civil society organizations and human rights groups involved in election observation in Nigeria) ensured that former

President Olusegun Obasanjo appointed members of his political party -the PDP as commissioners; who served in the electoral commission during the conduct of the 2003, 2007 and even to the 2011 Presidential elections. The TMG in particular; maintained that most of the national commissioners and particularly, the resident electoral commissioners (REC's) were nominated by PDP governors from their respective states. Indeed, this problem is compounded by section 156 (1) of the 1999 constitution of Nigeria which states that no person shall be qualified to be a member of INEC if he is not qualified or if he is disqualified for election as a member of the house of representatives.

### **The funding of INEC**

Electoral finance, seen as the cost that a country incurs as a result of the various activities undertaken by an EMB and other agencies in the conduct of an electoral process has been the object of controversy in many emerging democracies including Nigeria. Indeed, while the funding of elections in Nigeria appear to be costly, the controversy surrounding electoral finance arises more from who finances the EMB and how, than from the actual cost of conducting the elections. This notwithstanding, a categorization of electoral finance for the three main models of EMB's can be made.

According to the United Nations Development Programme (UNDP) and IFES cost of registration and elections (CORE) project, electoral finance may be divided into three categories namely:

- Core cost (or indirect cost): This refers to those costs that are routinely associated with implementing an electoral process in a stable electoral environment.
- Difusse cost (or indirect cost): This refers to those cost for electoral related services that cannot be disentangled from the general budget of agencies that assist with the implementation of an electoral process; and
- Integrity cost: This refers to those cost over and above the core costs that are necessary to provide safety, integrity, political neutrality and a level playing field for an electoral process. Integrity costs are often largely sponsored by the donor community; and may not be included in EMB budgets, even though they cover functions within the EMB's mandate.<sup>9</sup>

INEC alone bears the core costs of election administration in Nigeria. According to section 3 (1) of the 2006 electoral act; there is to be established for the commission a fund to be known as the independent national electoral commission fund. Section 3(2) of the electoral act 2006 identifies other sources of the commissions funds to include: monies allocated by the Federal Government of Nigeria to enable it exercise its constitutional functions, monies accruing to it by way of interests from investments made on the fund, and aids and grants made by development partners to facilitate its ability to carry out its functions. Furthermore, the commission subject to section 5 of the 2006 electoral act is to be funded under six budgetary heads, namely: Consolidated revenue fund charges (including personal emoluments of national commissioners and resident electoral

commissioners), Cost comprising salaries and allowances of staff of the commission, Overheads comprising office running costs, travels and transportation, the maintenance of equipment, utilities, bank charges etc., Special electoral capital comprising the cost of balloting instruments (i.e. ballot papers, result sheet, ballot boxes etc), Special electoral capital (including ad-hoc staff training cost, allowances of ad-hoc registration and poll officials, etc) and other structural capital (comprising the construction of buildings, purchase and installation of equipments like generators etc) and Purchase of vehicles etc.<sup>10</sup>

Over the years, two key issues relating to the funding of INEC have generated controversy. These are: the approval of election expenditure and the method of disbursement of approved funds on a timely basis. As can be seen in the foregoing six budgetary categories of INEC; while the salaries and allowances of commissioners are charged directly on the consolidated revenue reserves, election expenses in Nigeria are not. This creates serious problems for the election administration process in Nigeria; as INEC has to join the queue at the ministry of finance for its funds. Indeed, given the huge capital outlay required for INECs activities, the performance of its responsibilities has largely been dependent on the government which makes decisions about funding. While for many independent EMBs, funding is a separate line item in the national budget; released directly to the EMB by the treasury, this is not the case in the Nigerian situation. As a result, the disbursement of funds to INEC has not always been timely. For example, in the run up to the 2003 elections, INEC cried out three times for funds enable it carry out its statutory responsibilities.<sup>11</sup> The delay in the release of the funds affected the commissions operations

to the extent that it severely constrained the over half a million ad-hoc staff of various categories (polling assistants, polling clerks, presiding officers, supervisory presiding officers, collation officers and returning officers) recruited to run the over 120,000 polling stations and collation centers in the country.<sup>12</sup> As was gathered from focused group discussions with INEC staff; it also manifested in the delay in embarking on voter registration, the holding of stake holders' dialogues and procurement and acquisition processes. In the run up to the 2007 elections the situation was not different. The late preparation and training of ad-hoc staff and the delay in the distribution of INEC guidelines on the elections to local and foreign observers also resulted from the delay in the release of funds to the commission. Similarly, in the run up to the 2011 general elections the chairman of INEC raised alarm about the negative implications the delay in the release of funds will have for the electoral process. In fact, in the case of the 2011 general elections an observer noted:

The legislative exercise of reviewing and approving a budget for INEC was a sad display of an inherent lack of professionalism, transparency and commitment to the fundamental elements of democracy and governance. Despite adequate knowledge of the need to address INECs budgetary crisis, both houses of the legislature opted to remain on holiday. INEC chair had informed the legislature that he would need 74 billion naira by 11th August to have any chance of conducting credible elections. The distinguished members of the senate did not convene until 10th August in what was referred to as an emergency session...such a lackadaisical attitude to the duty to promptly and adequately address the issue of funding INEC undermines the capacity of INEC and poses a direct challenge to democracy in Nigeria.<sup>13</sup>

## **Guiding Principles**

The principles that guide INEC in the fulfillment of its mission and vision are:

**Transparency:** INEC will be open and transparent in all its activities and in its relations with political stakeholders, media organisations, INEC service providers and the people of Nigeria. INEC will strive to be truthful and honest in all its dealings with people, its political stakeholders and each other.

**Credibility:** INEC will strive to ensure that the people of Nigeria and in particular the political stakeholders will readily accept all its actions.

**Impartiality:** INEC will endeavour to create a level playing field for all political actors.

**Dedication:** INEC will be committed to providing the highest quality election services to the people of Nigeria and will also work to ensure that merit will continue to be the basis for compensation, promotion and recruitment of staff.<sup>14</sup>

The structural challenge of Nigeria's election administration system has to do with the manner of appointment of commissioners of INEC and the funding of the commission. Indeed, INEC does not conveniently fit into any of the three main models of EMB's (that is the independent, governmental or mixed model). While INEC is being described and presented as an independent body, it has in reality been constituted as an extension of the executive. The implication of this fact is that the incumbent regime occupies a position where it could undermine the election administration process to its advantage. Establishing the structural independence of INEC; particularly in the area of appointment of

commissioners and funding is therefore a basic requirement for guaranteeing the credibility of the election administration process and the sustainability of democracy.

## Endnotes

1. Luqman, S. “Electoral Institution and the Management of the Democratization Process: The Nigerian Experience”. *Journal of Social Sciences*, 21 (1), 2009, pp.59-65.
2. Olaniyi, J.O. “INEC and the Conduct of 2003 General Elections”. In: H.A. Saliu, (Ed.), *Nigeria Under Democratic Rule (1999 – 2003)*. Ibadan: University Press Plc. 2005, p.56
3. Okoye, F. “Final Report of the 2003 General Elections in Nigeria: Do The Votes Count”. In: *Assessing the Credibility of Elections: The Challenges and the Problematic*. Abuja: Human Rights Monitor. 2007
4. Akinboye, S. “INEC and the Management of the 2003 General Elections: Lessons and Prospects”. In G. Onu and A. Momoh (Eds): *‘Elections and Democratic Consolidation in Nigeria’*, Proceedings of the 23rd Annual Conference of Nigerian Political Science Association, Lagos: A-Triad Associates. 2005,
5. Musa, S. “Regional Workshop on Capacity Building in Electoral Administration in Africa: Nigeria’s Experience in Electoral Management”. A Paper Presented at CAFRAD, Tangier, Morocco (24th-28th September, 2001).
6. Ibid.,
7. Okoh, A.O. “The Independent National Electoral Commission (INEC) and Election Management in Nigeria: The April 2003 General Elections in Perspective”. *The Constitution*, 5 (4), 2005, pp.23 – 48.
8. Hounkpe M. and Fall I. M. *Electoral Commissions in West Africa: A Comparative Study*, Abuja: Friedrich Ebert Stiftung. 2011, p.35
9. International IDEA, *Election Management Design: The International IDEA Handbook*, International IDEA, South Africa 2008.
10. Ibrahim J. and Garuba .D, *A Study of the Independent National Electoral Commission of Nigeria*, Dakar. CODESRIA, 2010, p.33
11. Labour Election Monitoring Team- (LEMT), *Nigeria Balloting for Democracy? Report of the 2003 General Elections*, Abuja, Labour Election Management Team. 2003
12. Ibrahim J. and Garuba .D, *A Study of the Independent National Electoral Commission of Nigeria*, p.55

13. Okoye, F. "Final Report of the 2003 General Elections in Nigeria: Do The Votes Count". In: *Assessing the Credibility of Elections: The Challenges and the Problematic*.
14. *Ibid.*,

## CHAPTER THREE

### ELECTIONS ISSUES IN NIGERIA: 2003 – 2019

#### Introduction

Nigeria is faced with a lot of problems and challenges when it comes to election and electoral process. What wronged with Nigeria electoral procedure is the will to get influence by all means not thinking of the of the interest of the general populous, all the ruling party want to hold power for life because of personal interest, to achieve this, they plan out their approaches that will allow them manipulate the election results by hook or crook, this is most of the politicians considered politics as do or die affairs, and it is peculiar with the developing nations in general and Nigeria in particular this is because some elected leaders comes out amenably to declared their positions to contest and win at all cost.

In 2007 campaign the former president Chief Olusegun Obasanjo openly stated that “PDP will surely produce the next President no matter how” so, also in the states many governor said same because of power incumbency.<sup>1</sup> In 2015 president Good Luck Ebele Jonathan said same, with these, one will quickly deduced that election process and the INEC were been politicized by the ruling party. Samuel et al, observed that, the electoral body is also contributing to lack of credible and fair election in the country, this is because the INEC was dancing to the tone of the ruling party.<sup>2</sup> However, any candidate been nominated by the ruling party into any position either he is qualified or not the electoral

body will just declare him as the winner of the election, in this respect the role of electoral body is to bring and favored aspirant of the ruling party as the winner of the election. But it has been disclosed by the international observers that the 2015 general election which was organized and conducted by the civilian administration is characterized as one of the free fair and credible election to some extent.

Samuel, et al, posit that election and political ferocity in Nigeria started in 1959 elections which was planned by the colonial government to ease the change from British administration to liberation, that was the foundation of the Nigerian electoral problems and the trials of free, fair and credible election.<sup>3</sup>

The challenges of election in Nigerian strengthened with the 1964 elections. The electoral process was so flagrantly abused that the results were rejected by the opposition party, in the western part of the nation, this led to violence, the conditions gave escalated to killings of innocent lives, looting, burning of public asset, huge demolition of belongings and interruption of law and order past the power of the central government. At the end state of emergency was accordingly forced in the western region which the Prime Minister, Abubakar Tafawa Balewa, declared the region as “wild-wild-west”.<sup>4</sup>

The strength of the electoral ferocity subsequently in 1964 general elections underpinned the legality of the new civilian government, a situation which culminated in the military incursion into Nigerian politics in January 1966 in a coup d'état. From then on, the military held on to power for over three decades barring some intermittent civilian

rules. Military rule was a monumental disaster for Nigerian politics. Despite the country's huge people and material power, yet, Nigeria under military rule had all the characteristics of unsuccessful state.

### **Issues with Nigerian Elections 2003 – 2019**

Elections in Nigeria are characterized by myriad of problems since the inception of the first election in Nigeria till date. This issues associated with Nigeria election process has become the a recurrent decimal in the conduct of a credible free and fair electoral process in the country, due to space this study will examine the most common issues that as characterized the electoral process from 2003 – 2019.

### **INEC and its Independence**

Electoral bodies predated Nigeria's independence when the Electoral Commission of Nigeria (ECN) was established to conduct 1959 elections. The Federal Electoral Commission (FEC), established in 1960, subsequently conducted the immediate post-independence federal and regional elections of 1964 and 1965 respectively. Following a prolonged period of military rule and as the military regime of Murtala/Obasanjo prepared to hand over power to civilians in 1978, a new Federal Electoral Commission (FEDECO) was set up to conduct the 1979 elections, which ushered in the Second Republic.<sup>5</sup>

The Independent National Electoral Commission (INEC) was set up in 1998 by General Abdulsalam Abubakar's after dissolving the National Electoral Commission of Nigeria (NECON), established in 1995 by General Sanni Abacha.

INEC, which has been organizing all elections since May 29 1999, has the prefix of independent to its name. Why the prefix is meant to emphasize the neutrality and impartiality of the body, it does not by any means make it a sovereign entity because it still has to operate within the structures and processes of the Nigerian state to which it has no control.<sup>6</sup> For instance while announcing its decision to postpone the presidential election from February 14 to March 28, the INEC Chairman Professor Attahiru Jega was reported to have said:

...it has become pertinent for it (INEC) to seriously consider the security advisory presented to it by the Security and Intelligence Services. I would like to reiterate here that INEC is an Election Management Body, EMB, and not a security agency. It relies on the security services to provide a safe environment for personnel, voters, election observers and election materials to conduct elections wherever it deploys. Where the security services strongly advise otherwise, it would be unconscionable of the Commission to deploy personnel and call voters out in such a situation.<sup>7</sup>

INEC was never meant to be a sovereign entity as some people wrongly believe it to be. INEC is in fact only as independent as the existing structural frameworks within which it operates permit and the willingness of those in a position to manipulate such structures to achieve a given political end. Regarding the shift in the date of the elections from February 14 and 28 to March 28 and April 11, it was reported:

Jega slated the 14 & 28 February 2015 date of general elections. But the Presidency for whatever reasons insisted for a change of date. Addressing the Council of State, the INEC boss insisted that he was ready for elections come 14 February. The Presidency had to bully INEC into compliance by using Nigeria's already biased armed forces who formally notified INEC of its inability to ensure adequate security come 14 and 28 February owing to the security challenge of the country and an intention to have a 6 week operation against the insurgency in the northeast of the country. The mere fact that the Presidency could pull through this clout suggest among other things that INEC isn't independent as it were.<sup>8</sup>

In essence, even though section 158 of the Constitution of the Federal Republic of Nigeria (1999) says INEC shall not be subject to the direction or control of any other authority or person, in reality its independence, is subject to the vagaries of the structural frameworks in which it operates. This is not to suggest that the integrity of the chairman of the electoral body does not play a role in the perception of the transparency and neutrality of the electoral umpire.

### **Apathetic and Skeptical Citizenry**

The average Nigerian has been so profoundly frustrated, disappointed and devastated by the crude manifestations of the mechanics of Nigerian electoral politics, so much so that they have become either apathetic and indifferent, or exceedingly cynical or skeptical. Once bitten, it is said, twice shy. Nigerian citizens and voters have been 'bitten' several times in politics and in elections. The civic duty of going out to vote in elections had become very dangerous, exposing voters to risks of being assaulted or injured or killed by armed thugs doing the bidding of some politician, or by some deranged militants and terrorists. If they succeeded in casting their votes unscathed, they watch helplessly as the

votes were stolen, or the election results purchased from cooked election and security officials, such that for all practical purposes, their votes don't count. In the circumstances, many citizens have withdrawn from the electoral process and/or have become extremely skeptical about the value and utility of elections. While elections were to help institutionalize good, democratic governance, what they see are elected people running amok as reckless despotic rulers, vandalizing public resources and ignoring the core business of government of social provisioning to satisfy the needs and aspirations of the people, and providing protection for lives and property of the citizens. Given this context, it was a herculean task for INEC and its partners to convince citizens that this time around it would not be "business as usual".

### **Mindset of "do-or-die" Politicians**

INEC faced perhaps its greatest challenge in containing the predisposition and reckless mindset of Nigerian politicians. From my experience, I quite often say that Nigeria has a special breed of politicians ('Militicians'). They generally tend to believe that political power through elections has to be "captured", and this has to be done by hook or by crook; and by any means necessary! Them, winning election is, literally, "a do-or-die" affair. Any wonder then, that our political arena increasingly resembled a bloody battlefield, with maiming, killing, burning, and unimaginable destruction of lives and property. Navigating the 'minefield' of 'do-or-die' politicians as an impartial electoral umpire required nerves of steel, and we had to quickly the requisite thick skin, as well as

appropriate containment strategies. Compliance with the laws and insisting on same and respect for due process, as well as being none partisan and transparent, helped the Commission in navigating this ‘minefield.’ However, this has remained a formidable challenge for the future reformation of the Nigerian electoral process. As long as politicians continue to have this unwholesome mindset, efforts at electoral reform and deepening democracy would remain constrained.

### **Weak Institutions and Systemic peculiarities**

As a developing third world country Nigeria is bedeviled by institutional weaknesses and systemic challenges, which all impact negatively upon the preparations and conduct of elections. For example, as a new commission, we inherited INEC as a weak institution, with a very negative public image to boot. Some of the characteristics of a week institution include, inefficient and personality driven business process; lack of good record-keeping and institutional memory; and susceptibility to pettiness conflicts by primordial vested interests and cleavages. It is very challenging to reutilize work and achieve efficiency and effectiveness in such as organization, because it requires change of attitudes through serious efforts at change management. We tried to do this, but there were time constraints and competing demands on time. And, significantly, there is the complicated matter of the impact/influence of other weak institutions, on an institution being reformed.

General systemic challenges and peculiarities also impose constraints on electoral reforms. For example, Nigeria has a very serious systemic security challenge. There is an

upsurge in criminality, committed with impunity and unrestrained by the remarkable weakness of the police as an institution; political thuggery, kidnapping, armed robbery, assassinations, militancy and insurgency, all combined to make the political and electoral terrain very unstable and insecure. There is not much an EMB like INEC can do in the face of such systemic challenges; except what we did: forge closer collaboration and working relationship with all security agencies, in the hope that working together, we could have a more effective strategy in minimizing the challenges. That was why ICCES was formed and it did a very commendable job under the circumstances.

### **Bribery and Corruption**

Bribery is another factor underpinning the nascent democracy and it has entered into the electorate system, a lot of people are involve in corruption directly or indirectly by taking or given unlawful gratification from the politicians thereby marketing their political right as well as their votes, however, all this is as a results of the poor economic situation that is not favorable to the people, many people are dying of starvation in their communities this is because of the negative attitudes of the politicians which led to the high level of corruption that is currently affecting the general public in the nation. This problem of election violence and rigging was available in the previous election some individuals even are involved in illegal thumb printing on ballot papers over the night before the commencement of the election, in this form of election rigging the INEC official are mostly involve in the business by providing the contestants with voting materials in a secret place.

Nevertheless, some resident electoral commissioners visit the contestant (Politician) in their zone of authority as a mark of faithfulness to clear road for the proper flow of their personal gain.<sup>9</sup>

### **Political Thugs**

Political Thugs are on increase every day among the youths this is because of illiteracy, poverty and inadequate employment opportunities for the youth which was artificially created by the politicians. All the politicians have their political thugs that are hired to disrupt election by causing confusion during and after the election, in addition to that they still involve themselves in stealing the election materials. However, most of these political thugs are unemployed adolescences who want to earn a living by hook or crook, at the same time they are use in doing some negative political activities ranging from political assassination, stealing of ballot box or ballot papers political rallies and disobedient to the electorates and the INEC officials. The government is pleasing such youth to cease from such wicked act or inhuman behaviours that will jeopardize the success of the election in every part of the country. Most are time these political thugs will be dump after winning the election, they cannot remember them in enjoying the dividend of democracy until after four years when the election comes. It is high time for the youths to reason and protect their votes, right, democracy and the nation at large.<sup>10</sup>

However, there was a serious misconduct in Nigeria's past election in 1999, 2003,2007 and 2011 most of the politicians are in doubt on if Nigeria would achieve a free

and fair election. In 2007 general elections, the election was extremely faulty.<sup>11</sup>The international observers have predicted this even Before the commencement of the election several influential people analyze their interests and change their sectarian positions

In some states in the country, ballot papers were distributed late to the polling units. In the southern Niger Delta zone and some part of the Northern states, political thugs stole the election materials and substituted it with thumbprint ballot papers and other ballot boxes to win the election at all cost. Despite assurances by the Inspector General of Police that all the necessary security measures will be taken to ensure free and fair election in the nation. Yet some candidates from the opposition party were stressed or detained by the political thugs, voters were destabilized by the political gangs, and more than 300 people were killed.<sup>12</sup>

### **Election Violence**

Orderly transfer of power from one government to another in accordance with democratic norms has been problematic issues in the Nigerian polity. Indeed electoral violence has become a clog in the wheel of democratic progress as violence always manifest at all the three stages of election process; pre-election, during the election and post-election period. However, myriads of factor are responsible for turbulent transfer of political power from one regime to another. The attractive nature of public office (Ugoh, 2004:178) coupled with the weak regulatory framework in the use of money in politics and

investment mentality that governs party and election in Nigeria is one of the root causes of turbulent elections. Claude Ake posits:

Those who win state power can have all the wealth they want even without working, while those who lose the struggle for state power cannot have security in the wealth they have made even by hard work. The capture of state power inevitably becomes a matter of life and death. That is one reason why our politics is so intense, anarchic and violent.<sup>13</sup>

The ostentatious lifestyle of Political office holders is a great stimulus for those outside to go any length to win election. As documented in The Punch Newspaper by Nna Emeka Meribe and Gbenga Adeniji, the writers did a comparative analysis of Nigerian Legislators earning and those of other countries. The comparative analysis revealed that Nigerian Legislators can pay many of their counterparts in other countries and still remain very rich .As reported in The Punch Newspaper in Nigeria; Indian Lawmakers need to work for at least 49years to earn the annual salary of a Nigerian Senator. Thus, winning election then becomes a ‘do or die’ affair, any attempt to foil getting to public office encourages corrupt practices and triggers violence as the winner takes all.<sup>14</sup>Ojo documented this, to him A former Senate President, Adolphus Wabara opined: “Membership of the National Assembly is an investment because most of us sold our house to get to the Senate, but the ability to recoup whatever you spent legitimately that is the problem”.<sup>15</sup>

From the foregoing, the attractiveness of public office engenders investment mentality. Political investors and other major financiers of the political process for

individuals seeking political office expend huge sum of money on the electoral process with expected return. Therefore, no amount is too much to use in instigating electoral violence, even expending the lives of opponents and valueless youths

Ineffective law enforcement is another core contributory factor that encourages turbulent elections. Non enforcement of laws and non-adherence to same in the electoral process promotes violence during elections; due to lack of political will by the political class.<sup>16</sup> Political actors, players, party supporters and political thugs violate the law that governs the rule of politicking with impunity due to inability of the government and other law enforcement bodies to compel obedience. It worthy to note that when the administrators of the political process is unwilling to enforce the rules, a lot of opportunities are created for violence and if the law does not prevail, it is tantamount to the absence of rules governing the conduct of elections.<sup>17</sup> Therefore, the weak legal framework in Nigeria forms the fulcrum upon which the culture of violence is built and sustained resulting in violence, arson and assassination. As Aiyede observed, when the rule of law is weak, the judicial system becomes ineffective and there are ineffective penalties that make the probability of punishment of offenders low, thus creating a fragile and corrupt system.<sup>18</sup>

Poverty pervasiveness is another factor that hastens the occurrence of electoral violence in Nigeria. To Abiola and Olaopa wrote that, the scourge of poverty in Nigeria is an incontrovertible fact which results in hunger, ignorance, malnutrition, diseases, unemployment as well as general level of human hopelessness.<sup>19</sup>The massive poverty that

engulfs the body polity is a great asset to the politicians. The alarming rate of unemployment gives youth away as willing tools for the perpetration of violence with little financial inducement. In the words of Danjibo and Oladeji state that, the high spate of deprivation and human hopelessness of the Nigerian youths force them to take the readily available “job opportunity” implementers of electoral violence.<sup>20</sup> The endemic poverty easily plays the gullible youths into the hands of unscrupulous politicians, who manipulate them by dangling irresistible baits for the youths to undertake electoral violence. More often than not political violence is paid for, used as a tool by prominent Nigerians to bolster their political and financial positions.

Rigging is also a predisposing factor that easily makes the entire process violent. Experiences of the past conduct of elections reveals that subverting the electoral process through massive organized fraud do engender violent upheaval, before, during and after elections. The use of political thugs by politician to maneuver electoral process in perceived unflavored area does cause violence if resisted by the opposition or the citizenry. Also, when an unpopular candidate is declared the winner of election, violence always greeted such announcement. Violence greeted the announcement of 2007 gubernatorial elections in some states of the federation as a result of perceived rigging resulting into arson and loss of lives and properties. Curfew was imposed in part of Edo, Osun, Ondo, kogi and Kano states to calm the violence. Elections were later overturned in Edo and Osun states.

It is also worthy to note, that lack of trust in the electoral tribunal is also a factor. Candidates and their supporters do resort to violence instead of embarking on an endless venture as the impartiality of the Judges at the tribunal are in doubt. Where elections are not struck out on technical ground, they are protracted for a long period and justice is not guaranteed. The media indulgence in campaign of calumny, mudslinging and defamation or slanderous attack on other political actors cannot but be mentioned as a causative instrument for electoral violence. The media spread of sensational political and motivated opinions engender violence by succumbing to the influence of selfish politicians to use their outfit as propaganda launch pad.<sup>21</sup>

In summary, the prevalent issues that has characterized Nigeria elections from 2003 – 2019 is that of election violence, rigging, political thugs, voter apathy and the recent one which is “logistics reason”(ill-preparedness) by INEC.

## Endnotes

1. Samuel O, Felix C, Godwyns AA. Electoral Politics in the fourth Republic of Nigeria's Democratic Governance. *Developing Countries Studies*, 3(12):2013; pp. 48–57.
2. *Ibid.*,
3. *Ibid.*,
4. Odo L.U. Free, Fair and Credible Election 2015 in Nigeria: Issues and Challenges. *Humanities and Social Science Invention* 4(6):2015; pp.1–6.
5. INEC. “INEC history.” Accessed from [http://www.inecnigeria.org/?page\\_id=43](http://www.inecnigeria.org/?page_id=43) on July 23, 2024.
6. Adibe, Jideofor “The Politics of —Jega must go!” Daily Trust, March 29 2015, back page
7. Desert Herald, February polls shift fallout: how independent is INEC?, accessed from <http://desertherald.com/february-polls-shift-fallout-how-independent-is-inec/#sthash.YbXOqMC8.dpuf> on July 23, 2024
8. Nairaland. How independent is Nigeria's Independent National Electoral Commission, INEC?, accessed from <http://www.nairaland.com/2156344/how-independent-nigerias-independent-national> on July 23, 2024).
9. Samuel O, Felix C, Godwyns AA. “Electoral Politics in the fourth Republic of Nigeria's Democratic Governance”
10. *Ibid.*,
11. Bratton M. Nigeria “Vote buying and Violence in Election Campaigns”. *Electoral Studies*, 27(4):2008; pp. 621–632.
12. *Ibid*
13. Ake, C. ‘The Political Question’ in O Oyediran(ed) *Governance and Development in Nigeria: Essays in Honour of Professor B. J Dudley*. Ibadan: Oyediran Consult International. 2008, p.34
14. Usman, S M. Electoral Violence and Rigging in Nigeria: A Comparative Analysis of 2003 and 2007 General Elections. Being a Paper Presented at a One- Day Workshop on ‘Youths against Electoral Violence’ Organized by Arewa Patriotic Vanguard in collaboration with INEC. 2009

15. Ojo, O V, Political Succession in Nigeria: An Analysis of 2007 General Elections. Being a M.Sc Research Project submitted to the Department of Political Science, University of Ilorin, Ilorin, Nigeria. 2011
16. Aluaigba, T. The Travails of an Emerging Democracy: The Turbulent 2007 General Elections in Nigeria. Accessed from [http://www.allacademic.com//meta/p\\_mla\\_apa\\_research\\_citation](http://www.allacademic.com//meta/p_mla_apa_research_citation) on July 23, 2024
17. Smah, O S. 'Money Politics and Electoral Violence in Nigeria', in V AO Adetula (ed) *Money and Politics in Nigeria*. Abuja: IFES. 2008, p. 65
18. Aiyede, E R 'Electoral Laws and The 2007 General Elections in Nigeria' Journal of African elections special issue; Nigeria's 2007 General Elections. volume 6, Number 2. October. 2007:33-54
19. Abiola, A. G. and Olaopa, O.R. 'Economic Development and Democratic Sustenance' in E O Ojo(ed) *Challenges of Sustainable Democracy in Nigeria*. Lagos John Archers. 2008, p.29
20. Danjibo, N D and Oladeji, A. 'Vote Buying in Nigeria: An Assessment of The 2007 General Elections'. *Journal of Africa Elections Special Issue: 6(2)*, October 2008
21. Ugoh, S.C. Electoral Malpractice and Violence in the 2003 General Elections in Nigeria'. *Unilag Journal of Politics*. 1(1), December. 2004

## **CHPATER FOUR**

### **THE CONTRIBUTORY ROLE OF INEC TOWARDS THE SUSTENANCE OF DEMOCRATIC TENETS IN NIGERIA**

#### **Introduction**

Democracy, today, is unarguably the most preferred form of government the world over. One of its cardinal principles is the participation of the people by making a choice on who governs them.<sup>1</sup> Hence, it is germane that a functioning democracy requires an informed and active public that understands how to voice its interests, act collectively, and hold government officials accountable through credible electoral process.<sup>2</sup>

The democratic tenets in this study are; Voting Rights, Free and Fair Elections, Security and Independence of INEC. This study will examine the various contributory role of INEC in sustaining theses democratic tenets.

#### **Democratic Tenets**

Democracy means different things to different people: a platform for power contestation and not the least a class struggle. Nwoye notes that democracy is premised on effective representation and participation, adding that while the specificity of democracy differs cross-culturally, there are still basic underlying features that are common and genuine to all democratic processes which include: free elections, majority rule, and

participation of political parties, unimpeachable judiciary and parliament. Similarly, the word "democracy"<sup>3</sup> according to Bangura is used to describe three different political systems. 'According to him, this system of government has to do with the rule of many and also a representation of the true interests of the people. These characteristics of democracy differentiate it from other forms of government that are dictatorial and which does not take cognizance of the wishes and desires of the people in whatever sphere be it in the choice of who represents them in government or in overall decision making.<sup>4</sup>

Universally, election is regarded as the heart of representative democracy. A credible election not only confers legitimacy on political leadership, it is also crucial to the sustenance of democratic order. Election provides citizens with the freedom to choose their rulers and to decide on public policy. Under any democratic system, citizens who are legally qualified to exercise franchise are provided with opportunity to choose political alternatives and to make decisions that express their preferences. In a multi-party dispensation, this choice is made out of the several parties and candidates competing in the electoral market. In all democracies, election performs several functions: it is an instrument through which the voting public compels accountability from elected officials; it facilitates political recruitment; it enables citizens to make enlightened choices; and it confers moral authority on political leaders. Within the context of the last function, election is viewed as a "legitimizing institution, functioning to give elected leaders the wherewithal to govern."<sup>5</sup> Diamond et al describe democracy as a governance model that meets three basic

conditions: competition among individuals and political groups (political parties); inclusive system of leadership recruitment; and existence of a regime of civil-political rights. These conditions underscore the importance of 3 elections both as a regime legitimizes and as a guarantor of citizen participation in public governance.<sup>6</sup>

Consolidating Nigerian democracy through the conduct of credible elections has remained an albatross. The history of Nigeria's democratic experiments demonstrates that elections and electoral politics have generated so much animosity which has, in some cases, threatened the corporate existence of the country (such as happened after the annulment of the June 12, 1993 presidential election) and in other cases instigated military incursion in to political governance, most notably in 1966 and 1983. At the heart of electoral crisis in Nigeria is the lack of credibility for the official results of elections leading to the rejection of such results by a sizeable portion of the Nigerian voting public. Since the 1964 general election, the first to be conducted by the postcolonial Nigerian government, elections in Nigeria have consistently been characterized by the contestation of results and organized violence. While there is a plethora of factors that account for electoral crisis in Nigeria, the institutional factor (designing a credible electoral system) appears to be the most salient. In addition, the process of implementing such an efficient electoral regime is challenged by sociological variables such as the pluralist character of the Nigerian nation, underdeveloped political culture and irrational elite behavior.

The problems of democratic transition in Nigeria, as in several other African countries, are deep-rooted and well-known. Elections represent a core component of these problems. Already in the colonial era, Nigeria proved unable to organize credible elections acceptable to all democratic players, particularly the opposition parties. But under the fledgling Fourth Republic, Nigeria has for the first time in its post-independence experience been able to hold three consecutive elections at regular intervals (1999, 2003, and 2007). This chapter analyses the contribution of INEC in sustaining the democratic tents in order to have a credible and smooth democratization process.

## **INEC AND DEMOCRATIC TENET IN NIGERIA**

INEC goal to consolidate the democratic tents in Nigeria elections, made the commission to develop different innovation such as; E-TRAC and Permanent Voters Card (PVC), INEC Strategic Plan of (2012-2016 and 2017 – 2021), Accreditation System for Voting, Technology Adaptation, and the Electoral Act. All this innovation by the commission is to sustain the democratic process to ensure a credible and free electoral process

### **E-TRAC and Permanent Voters Card (PVC)**

INEC introduced various innovations through which it sought to curb irregularity and ensure credibility in the election. Among the novel ideas introduced by INEC was E-TRAC, a project that enabled signed polling unit result sheets as pasted at the polling unit

to be accessible on the commission's website. E-TRAC aimed at building trust and ensuring transparency in the election process.<sup>7</sup> The commission also employed ICT tools to guard against cases of multiple registration that had marred previous elections. Specifically, INEC introduced AFIS Automated Finger Print System, the device helped to identify and eliminate confirmed cases of multiple registration.<sup>8</sup>

Also, the smart card readers were configured to work in specific areas, thereby reducing the tendency for multiple voting and rigging.<sup>9</sup> It was equally possible for registered voters to track their status and PVC information through the INEC website. The use of these ICT devices by INEC was not without challenges.

### **Strategic Plan 2012 - 2016**

After the failure of the 2011 elections which was characterized with rigging, vote buying, insecurity, thuggery and elections violence made the commission under the chairmanship of Professor Attahiru M. Jega, to develop the Strategic Plan 2012 -2017, that will guide the commission in future elections in consolidating our nascent democracy.

INEC prepared a Strategic plan to guide its operations from 2012-2016. The Strategic Plan was guided by five strategic objectives:

- To provide electoral operations, systems and infrastructure to support delivery of free, fair and credible elections;

- To improve voter education, training and research;
- To register political parties and monitor their operations;
- To interact nationally and internationally with relevant stakeholders;
- To re-organise and reposition INEC for sustained conduct of free, fair and credible elections.<sup>10</sup>

INEC recorded a relatively high-performance level in its 2012 – 2016 strategic plan, as measured by the implementation of its Strategic Programme of Action. These are specific actions to be carried out in actualizing the strategic plan. During the period, the Commission carried out over 4000 activities classified as pre-election, election and post-election tasks in the electoral cycle spread across seven functional areas designated as “principal business areas” namely: Election Day Logistics (EDL); Election Staff Management (ESM); Political Party and Candidate Management (PPM); Election Day Training (EDT); Election Day Procurement (EDP); Continuous Voter Registration (CVR); and Election Day Support (EDS). The level of implementation of strategic programme of action as captured in the strategic plan shows that the Commission fully or partially implemented 76 percent of planned activities during the plan period.<sup>11</sup>

### **Free, fair and credible elections**

In order to “provide electoral operations, systems and infrastructure to support delivery of free, fair and credible elections”,<sup>12</sup> the Commission implemented 96 of the 102

activities listed for the execution of the first objective. The Commission produced a draft amendment to the Constitution and Electoral Act to strengthen its capacity to deliver free, fair and credible elections. However, the bill was passed by the National Assembly too close to the 2015 general elections to allow the Commission to implement during the planning process. Even then the amendment did not contain key provisions proposed by the Commission such as Out of Country Voting (OCV), power of INEC to disqualify candidates who do not meet criteria for elections, provisions on constituency delimitation, etc. The Constitution is also yet to be amended to grant INEC necessary operational independence and power to discharge its responsibilities. The Commission also carried out Continuous Voters' Registration, deployment of card readers for authentication of voters, established an Alternative Dispute Resolution mechanism, conducted Edo and Ondo elections in 2012, FCT and Anambra elections in 2013, Osun and Ekiti elections in 2014, the general elections as well as Kogi and Bayelsa elections in 2015, Edo and Ondo elections in 2016, Rivers State legislative rerun elections in 2016. The major activities that were not executed include implementation of Out of Country Voting, provision of infrastructure like specialized cubicles and assistive tactile devices for the physically challenged voters and reconfiguration of Polling Units (PUs).<sup>13</sup>

The introduction of card reader led to the execution of the 2015 general elections that was adjudged to be more credible than previous elections. However, there were challenges in the deployment of Smart Card Readers in some places where card readers

failed to read fingerprints. In terms of accreditation and voting, there was also increase, over 2011 figures, in the number of voters who did not vote even though they had been accredited. INEC considered this a serious problem, and decided to implement simultaneous accreditation and voting system, starting with the Ondo elections in 2016.<sup>14</sup>

There was marked improvement in Election Day logistics due to deployment of innovative tools such as Election Management System, the Election Project Plan and the Election Plan and the Election Risk Management tool. However, there were few cases where Registration Area Centres (RACs) were not fully activated and delays in distribution of materials. But there was significant improvement in the subsequent state governorship elections due to efficient implementation of the innovative tools.

### **Voter education**

In order to deliver on the second objective, which deals with “voter education, training and research”, INEC wholly or partially, executed 46 out of the 50 activities listed in the plan. The Commission carried out voter education programmes and campaigns utilizing ICT tools in collaboration with GSM service providers and select media organizations. It also carried out campaigns physically in secondary and tertiary education institutions and established the INEC Citizen Contact Centre (ICCC). Observers and monitors were trained on election monitoring. The main challenges involved funding and delayed approval of some activities that were not carried out. The sensitization programs

however produced mixed result as elections conducted by the Commission during the period witnessed low voter turnout in some instances and high proportion of voided votes. The current tools and methods used by the Commission to carry out voter education, therefore, need to be interrogated. A more stakeholder-based approach should be adopted.<sup>15</sup>

### **Political parties**

In implementing the objective to “register political parties and monitor their operations”, INEC reviewed guidelines for registration and deregistration of political parties. In line with Section 78 (7) (ii) of the Electoral Act, INEC registered at least 18 political parties and de-registered 28 political parties for not meeting the requirements of the law. However, following judgments by the courts, two of the de-registered political parties were reinstated in 2013, while another three were reinstated in 2015. The failure to enact proposed amendments to the Constitution and Electoral Act in time for the Commission to plan for the elections constrained the Commission’s capacity to effectively monitor party affairs especially campaign financing and internal democracy in the political parties.

### **National and international stakeholders**

In its fourth objective, INEC proposed to “to interact nationally and internationally with relevant stakeholders”. The Commission conducted workshops, study tours and knowledge sharing with other EMBs. It also collaborated with development partners,

traditional rulers, Community Based Organisations (CBOs) and security agencies through the Inter-Agency Consultative Committee on Election Security (ICCES). INEC's engagement activities enhanced the credibility of elections during the period, as civil society groups publicly expressed a sense of inclusiveness in the decision making process. Some of the challenges include inter-departmental conflict in the implementation of some activities listed under this objective.

### **Reorganization of INEC**

The last objective in the plan aims “to reorganize and reposition INEC for successful conduct of free, fair and credible elections”. In this regard the Commission was restructured into 9 departments from the original 26, to remove overlap of administrative functions. The Commission equally re-organised The Electoral Institute (TEI) and expanded its training programme. It also established the INEC Citizen Contact Center (ICCC).<sup>16</sup>

Some of the challenges observed in the implementation of this objective include funding of some of the planned activities, lack of collaboration between lead and supporting departments in the execution of some tasks and delayed approval for some of the activities. It is recommended that the Commission should carry out change management programme to ensure effective implementation of re-organisation and synergy among departments.

Overall, strategic issues arising from the implementation of the plan include INEC's limited control in the implementation of some aspects of the plan. For instance, INEC's lack of control over the process of legislation placed absolute constraint over its ability to implement activities and programmes in the plan that are tied to the proposed amendment of the law. Similarly, INEC has been constrained by multiple court judgments, which have significantly undermined its capacity to effectively execute some aspects of its plan. Security challenges constrained the work of the Commission. These constraints produced major gaps in INEC's performance that include inability of the Commission to effectively monitor and regulate internal operations, including campaign finance, of political parties. INEC is also constrained in the prosecution of electoral offences to serve as effective deterrent.

It is observed that key success factors include development of Strategic Programme of Action arising from the Strategic Plan, development of tools for implementation of the Strategic Plan such as the Election Management System (EMS), Election Project Plan and the Election Risk Management (ERM) tool, strong technical support to the office of the Chairman, supported by a pool of advisers.<sup>17</sup>

However, opportunities that currently exist for the Commission include current international and national contexts which favour democracy, long years of experience by Commission staff in conducting elections and the pool of technical and financial support from development partners, which the Commission leveraged in the implementation of the

strategic plan. Other opportunities exist in the experience the Commission has gained in dealing with security, logistics, operations and technology. It is also expected that the recent change in government and the policy of transparency and accountability of public officials would be favourable to the work of the Commission.

After the 2015 elections the Commission after implementing its Strategic Plan 2012-2017 decided on the following recommendations as follows;

- Continue advocacy for improving the constitutional and legal framework for the conduct of free, fair and credible elections;
- Conduct voter education on regular basis instead of waiting for election periods;
- Strengthen the existing election delivery systems, while building new ones;
- Revisit its process of recruitment of ad hoc staff by creating a database and fully deploying an online recruitment system;
- Review the process of registration, voting and distribution of Permanent Voters Cards to make them more voter-friendly;
- Seek more effective ways to curb impunity in the electoral process, monitor political parties, including the enforcement of limits on party financial contributions and expenditure, as well as prosecute election offenders;
- Explore varied means of funding its operations, improve its budgetary processes, streamline its operations to make them more cost effective, use staff more efficiently and promote departmental co-operation and synergy;

- Institute change management after development of the 2017-2021 INEC Strategic Plan.<sup>18</sup>

### **Strategic Plan 2017 - 2019**

The Strategic Plan 2017 - 2021 is a modify plan of the Strategic Plan 2012 – 2016, this plan was able to address the recommendation of the previous plan. The present INEC chairman, Professor, Mahmood Yakubu, state that this Plan will; Provide a strategic direction for INEC and the actions to achieve its mandate within the international and national context of its operations; Propose what needs to be done by the organization to achieve its mandate following a review of the previous strategic plan; Provide a framework and focus for improvement within the Commission as a whole; Optimise the Commission’s organizational systems and structures; Provide guidance to managers for day-to-day decisions; Provide a monitoring and evaluation framework for measurement of the performance of the Commission; Create a sense of common ownership of the work of INEC among staff and Commissioners.<sup>19</sup>

### **Accreditation System for Voting**

Voter Authentication is the process of verifying that the person that registered to vote is the same person that is at the polling station to cast his vote, since the manual - exposing the process to human manipulations and fraudulent practices, INEC decided to

apply technology to optimize the process with the advent of the Permanent Voter Card (PVC) and the Smart Card Reader (SCR).

Voter Accreditation System is broken down into three; Identification - physical comparison of the face of the card holder with the image displayed on the Smart Card Reader (SCR) when the PVC is read; Verification (that the card is original) - being able to read the information on the chip of the PVC presented; Authentication - comparison of the fingerprint stored on the card with what was physically presented and scanned by the reader;

The use of the PVC and SCR gave a lot of credibility to the 2015 and 2019 Electoral Process, as it greatly assisted in ensuring one-man-one-vote; though not without some challenges.

### **Technology Adaptation in an Infrastructure-challenged environment**

INEC recognized, quite early, the need to increasingly use technology to improve the conduct of elections in Nigeria. One key challenge is associated with the virtual absence of Original Equipment manufacturers (OEMs). Virtually everything has to be sourced through vendors, and imported from abroad, who impose extortionate conditions, arbitrarily review upwards licensing fees on account of ‘proprietor’ rights. As most technology relies on electricity, inadequacy of power supply requires additional expenses on batteries, spare parts and redundancies. INEC tried to appropriate technology, albeit

through vendors, but with effort to curtail their total control, by signing on to contracts with detailed specifications and use of Open Source Software. But doing this also has its own challenges.<sup>20</sup>

## **Electoral Act**

A good legal framework is a necessary precondition for credible elections. It is international best practice to review an existing legal framework to make it better for the conduct of elections, provided that this is done within the internationally mutually agreed timeframe, i.e. at least six months before a general election. In the Nigerian context, the 2010 Electoral Act (as amended) was no doubt a remarkable improvement over the 2006 Electoral Act. It, along with constitutional provisions on electoral matters was the legal framework for the conduct of the 2011 general elections. Nevertheless, it had many areas requiring improvement and we strove to that long before 2015.

For example, the constitution requires a runoff election, if or when it becomes necessary, to held with 7 days after the elections. We were lucky that in 2010 we did not have to do runoff elections even for the governorship elections, because it would have been very difficult to pull it through. A presidential runoff election is almost certainly impossible within 7 days. So INEC recommended an amendment to that provision to at least 3 weeks, although the international best practice seems to be around 6 weeks. INEC also wanted an amendment to a provision in the Electoral Act 2010 (as amended), Section 31, which

contradicted another, Section 87, and which undermined internal party democracy. There many other areas where amendments would have been consequential and would have added value to the electoral legal framework.<sup>21</sup>

It was very challenging to get the National Assembly to drive the reforms to the electoral legal framework. The approach adopted, which was to first do a whole-sale constitutional amendment before the electoral Act run into hitches, when the constitutional amendment process got embroiled in controversies. By then it seemed to late to separate them and focus on the Electoral Act. Eventually, unfortunately, by the time the National Assembly passed the Amendments and sent the Bill to the president for assent, it was too late for the 2005 general elections. The lesson is that the electoral legal framework was quite early, INEC propose the Six month timeline before a general election which comply with the international Protocols to which Nigeria is a signatory.

### **Independence of INEC**

The electoral body should be given full autonomy to discharge its duties without fear, to achieve this; money meant for the Commission should be kept in a consolidated account. In addition to this, electronic voting should be introduced and properly implemented to reduce the rate of election rigging. The electronic voting will, however, make counting and recording of the casted votes easy, transparent and scientifically proven. This process will, therefore, minimize the degree of manipulation of election result at all

level. It will also create confidence, trust, and hope among Nigerians. Also, the introduction of the electronic voting system will no doubt reduce the election cost and increase the authenticity of the election results.

## **Issues**

Nigerian is faced with a lot of problems and challenges when it comes to election and electoral process. What wronged with Nigeria electoral procedure is the will to get influence by all means not thinking of the of the interest of the general populous, all the ruling party want to hold power for life because of personal interest, to achieve this, they plan out their approaches that will allow them manipulate the election results by hook or crook, this is most of the politicians considered politics as do or die affairs, and it is peculiar with the developing nations in general and Nigeria in particular this is because some elected leaders comes out amenably to declared their positions to contest and win at all cost.

The introduction of smart card reader was a wonderful innovation that was initiated by INEC to make the electoral process a credible one, but the smart card reader malfunctioned in some places by not being able to reliably verify voter fingerprints in a reasonable amount of time (TMG, 2015). The nation was held spellbound watching President Jonathan struggling with his verification for over thirty minutes. The failure of the smart card reader in some places led to INEC reverting to manual authentication and this action seriously questioned the state of preparedness of the commission for the

election.<sup>22</sup> INEC, however, downplayed the significance of such situations, claiming only 300 of 150,000 polling stations, or 0.2 percent, were affected.<sup>23</sup> Apart from the failure of the smart card readers in some areas and lack of electricity to power the smart card readers, another controversy that surrounded the use of the biometric technology was the allegation and counter allegation by political parties that the card readers had been configured to aid the victory of a particular party.<sup>24</sup>

The failure of the smart card reader in some places led to INEC reverting to manual authentication and this action seriously questioned the state of preparedness of the commission for the election.<sup>25</sup> This, to some extent, detracted from the success that INEC recorded in the use of ICTs platforms for the conduct of the 2015 elections. However, political analyst applauded the Independent National Electoral Commission (INEC) for insisting on the use of the Permanent Voter Cards (PVCs) and the Smart Card Reader, designed to facilitate the authentication of voters' eligibility and consequently reduce election malpractices.

The 2015 VAS was high rate of failed fingerprints authentication; this was attest to by the Engr. Chidi Nwafor Director, ICT INEC which he said; "The rate of successful fingerprint authentication, in the 2015 Presidential Election was 42.7%, which was considered quite low; There were other challenges observed, which needed to be addressed before the 2019 General Elections – hence the enhancement of SCR project."<sup>26</sup> The issues were not address and the 2019 elections was a replica of the 2015 election. The challenges

with IT deployment could be overwhelming, but nothing compares to the joy and fulfillment of having a credible election process. It is very important to always realize that technology may most times not give a full end-to-end solution, the people aspect should always be considered; the need to deploy technology to elections especially in Africa goes beyond timely completion of processes. It is more to “fight” persons who are out to beat the system; that is why INEC should keep improving its voter authentication process to ensure that one-man-one-vote is achieved.

Election is one of the prominent determinants of the good elected government. Nigeria, face a lot of problems, challenges, abuses and gross violation of its rules and regulation. Though it has been understood that the security agencies and mass media play a vital role to the success of every election in Nigeria if they are given the power to do so. For any election to be credible it requires high level of impartiality, awareness, and assurance of security agents to control the situation, and to ensure safety of the electorates, election materials and aspirants. The Nigerian Police are not operative in discharging their responsibilities, for ensuring the security of all during and after the election. Some police even adopt the habit of lesser faire attitudes to the progress of the election. To have and fair election the nation the government should adhere to the above mention recommendations.

## Endnotes

1. Elaigwu, J. I. Democracy and Democratic Deficits. In J. I. Elaigwu (Ed.), *Federalism and Democracy in Nigeria: Fifty Years After*. Jos: Institute of Governance and Social Research. 2014, p.32
2. National Democratic Institute. Final Report on the 2011 Nigerian General Elections. *Africa Development*, 34 (3): 2012, pp.25-44.
3. Nwoye, I. Consolidating Democracy in Nigeria: A Philosophical Prognosis”, in Onuoha, J. and Okpoko, P.U. (eds.) *Ethnic Nationalism and Democratic Consolidation: Perspectives from Nigeria and the United States of America*. Nsukka: Great AP Express Publishers Ltd. 1997, p.345
4. Bangura, T. Consolidation of Democracy in Nigeria: Problems and Prospects, in *Nigerian Journal of Public Administration and Local Government*, 13 (1), 2008, p. 193-210.
5. Schlozman, K. and Verba, S. “Sending Them a Message-Getting a Reply: Presidential Elections and Democratic Accountability” in Kay Lehman Schlozman (ed.), *Elections in America*. Boston: Allen & Unwin, Inc. 1987, p,44
6. Diamond, L., Lin, J and Lipset, M eds. (1989); *Democracy in Developing Countries*, 2nd Edition. Boulder: Lynne Rienner Publishers.
7. Independent National Electoral Commission, INEC Strategic Plan 2017-2021 - Consolidating Free, Fair and Credible Elections In Nigeria, Accessed from: <http://www.inecnigeria.org/strategic-plan-2017-2021.aspx>. on 23/08/2024
8. Owen, O., and Usman, Z. Why Goodluck Jonathan lost the Nigerian Presidential Election of 2015. *African Affairs*, 10 (4), 35-53 doi: 10.1093/afraf/adv037
9. *Ibid*
10. *Ibid*
11. *Ibid*
12. Engr. Chidi Nwafor. Enhancement of the Accreditation System for Voting Process in Nigeria. Accessed from: <http://www.inecnigeria.org/strategic-plan-2017-2021.aspx>. on 23/08/2024
13. INEC. The Official Report on the 2015 General Elections. Abuja: Independent National Electoral Commission

14. *Ibid*
15. *Ibid*
16. *Ibid*
17. INEC Guidelines for Election Observation, *The Conduct of Inquiry: Methodology for Behavioural Science*, Scranton, PA: Chandler Publishing Co. 2011, p,44
18. *Ibid*
19. *Ibid*
20. *Ibid*
21. Fadoju, L. 8 Ways Technology is influencing Nigeria’s 2015 Elections. Tech Cabal. Accessed from <http://techcabal.com/2015/03/26/8-ways-technology-is-influencingnigerias-2015-elections/> on 23/08/2024
22. Wallis, W. Card reader technology cuts fraud risk in Nigeria poll. Financial Times. Accessed from <http://www.ft.com/cms/s/0/182a947e-d7a6-11e4-849b-00144feab7de.html#axzz3Zm0QRQ2z> on 23/08/2024
23. Zikirullahi, I. M. Verification Statement of the Official 2015 Presidential Results. Delivered by Chairman, Transition Monitoring Group, Abuja: Accessed from <http://www.tmgng.org/election-observation/quick-count-verification-statement> on 23/08/2024
24. Nwafor, C. Publication of the voters register for the 2015 General Elections. Abuja: INEC. Accessed from <http://www.inecnigeria.org> on 23/08/2024
25. Okocha, C. PDP Accuses Jega of Planning to Rig Presidential Election. *ThisDay*, p.12 -15
26. Engr. Chidi Nwafor. Enhancement of the Accreditation System for Voting Process in Nigeria. Accessed from: <http://www.inecnigeria.org/strategic-plan-2017-2021.aspx>. on 23/08/2024

## **CHAPTER FIVE**

### **CONCLUSION**

Election is one of the prominent determinants of the good elected government. Nigeria, face a lot of problems, challenges, abuses and gross violation of its rules and regulation. Though, it has been understood that the security agencies and mass media play a vital role to the success of every election in Nigeria if they are given the power to do so. For any election to be credible it requires high level of impartiality, awareness, and assurance of security agents to control the situation, and to ensure safety of the electorates, election materials and aspirants. This study examines the role of Nigeria foremost electoral body; Independent National Electoral Commission (INEC) is the promotion of democratic tents in Nigeria

Chapter one, gives a detail background to the study in which the aim and objectives were stated, the scope of the study, the methodology employ in the study and the reviewed of related literature based on the role of Independent National Electoral Commission (INEC) is the promotion of democratic tents in Nigeria.

Chapter two examines the historical role of Nigeria electoral bodies, from independence to present day. Also a detail structure of how the electoral body is structure and organize.

Chapter three focuses on the various issues associated with elections in Nigeria and the recurrent decimal of electoral violence that has characterized electoral activities in Nigeria quest for a democratic country.

Chapter four analyzed the contributory role of INEC in the sustenance of democratic tents in Nigeria quest for free and fair elections. Also this chapter examine the various initiatives launch by the Independent National Electoral Commission (INEC) is the promotion of democratic tents in Nigeria. Chapter five is the concluding chapter

## **Conclusion**

When elections are credibly conducted, they imbue the government with legitimacy garnered by the consent of the people, improving the capacity of the state to ensure community security through legitimate authority under the rule of law. It also improves the level of human development through effective governance. Credible elections create legitimate governments that enjoy popular support for programmes and policies. This study indicates that Nigeria has some challenges in electoral process particularly in sustaining democracy. General elections in Nigeria (2003 - 2019) have been particularly disastrous because they were characterized by falsification of election results, stuffing of ballot boxes, announcing results in places where no elections were held, inflation of figures, illegal possession and thumb-printing of ballot papers, delay in commencement of voting, compilation of fictitious names on voter's lists, results manipulation and wholesale subversion of the will of people all of which were perpetrated largely by political office

holders which posed challenge to the conduct of free, fair and credible elections. The result of our study also reveals that crises of elections in 2019 were partly due to partiality, incompetence and partisanship of the Independent National Electoral Commission (INEC) as it compromised the electoral processes.

The study also found that general elections in Nigeria (2003 - 2019) have credibility deficit as they generated petitions and litigations. The study also discovered that the processes of conducting general elections were characterized by harassment and oppression of persons by the political office holders to those belonging to the opposition parties or considered to be critical of their mismanagement of electoral process with the use of law enforcement agencies. There was massive deployment of police and armed forces which frightened and threatened voters. This widespread militarization of the society by those in power during elections undermined the credibility of the elections. In essence, the incumbents control and manipulate the electoral system to their advantage which eroded the credibility of general elections in Nigeria (2003 - 2019).

An equally important finding from the outcome of this study is that, the electoral malaise have implications for democratic consolidation in Nigeria as democratic stability cannot be super-imposed or predicated on a shaking, unstable and unpredictable crises-ridden social and political environment as the chances that Nigeria's democracy with flourish are undoubtedly becoming slimmer and slimmer after each elections due to postelection violence in protests of irregularities which may not only affect the legitimacy

of government but also the citizen's affection or believe in democracy as a suitable model  
of government

## BIBLIOGRAPHY

### SECONDARY SOURCE

#### a) Books

Diamond, L., Lin, J and Lipset, M (eds). *Democracy in Developing Countries, 2nd Edition*. Boulder: Lynne Rienner Publishers. 1989

Hounkpe, M and Fall, I. M. *Electoral Commissions in West Africa: A Comparative Study*, Abuja: Friedrich Ebert Stiftung. 2011.

Ibrahim J. and Garuba D, *A Study of the Independent National Electoral Commission of Nigeria*, Dakar. CODESRIA, 2010.

INEC Guidelines for Election Observation, *The Conduct of Inquiry: Methodology for Behavioural Science*, Scranton, PA: Chandler Publishing Co. 2011

International IDEA, *Election Management Design: The International IDEA Handbook*, South Africa, International IDEA, 2008.

#### b) Articles in Books

Abiola, A. G. and Olaopa, O.R. ‘Economic Development and Democratic Sustenance’ in E O Ojo (ed) *Challenges of Sustainable Democracy in Nigeria*. Lagos John Archers. 2008.

Ake, C. ‘The Political Question’ in O Oyediran (ed) *Governance and Development in Nigeria: Essays in Honour of Professor B. J Dudley*. Ibadan: Oyediran Consult International. 2008.

Akinboye, S. “INEC and the Management of the 2003 General Elections: Lessons and Prospects”. In G. Onu and A. Momoh (Eds): *‘Elections and Democratic Consolidation in Nigeria’*, Proceedings of the 23rd Annual Conference of Nigerian Political Science Association, Lagos: A-Triad Associates. 2005.

Albert Isaac Olawale, “Analysing Electoral Violence in Nigeria”, in N. Linus Asiegbu (ed.), *Critical Issues in the 2011 General Elections in Nigeria*, Abuja: Institute for Security Studies, 2011.

Elaiigwu, J. I. Democracy and Democratic Deficits. In J. I. Elaiigwu (Ed.), *Federalism and Democracy in Nigeria: Fifty Years After*. Jos: Institute of Governance and Social Research. 2014.

- Ilufoye, S, I. S. Ogundiya, and T. K. Baba, “Electoral violence and the prospects of Democratic consolidation in Nigeria” in G. Onu & AMonoh (eds.) *Elections and Democratic Consolidation in Nigeria*. Lagos: Educational Publishers and Printers, 2005.
- Jegede, S. “Inter and Intra-party Conflicts and the Future of Democracy in Nigeria” in Olasupo, B. A. (ed.) *Electoral Violence in Nigeria: Issues and Perspectives*. Friedrich Ebert Stiftung, 2003.
- Nweke, N. N. “State, Youth and Elections in Nigeria”, in Onu, G. and Momonh, A (eds). *Elections and democratic consolidation in Nigeria*. Lagos: Educational publishers and printers, 2005.
- Nwoye, I. Consolidating Democracy in Nigeria: A Philosophical Prognosis”, in Onuoha, J. and Okpoko, P.U. (eds.) *Ethnic Nationalism and Democratic Consolidation: Perspectives from Nigeria and the United States of America*. Nsukka: Great AP Express Publishers Ltd. 1997.
- Nwoye, I. Consolidating Democracy in Nigeria: A Philosophical Prognosis”, in Onuoha, J. and Okpoko, P.U. (eds.) *Ethnic Nationalism and Democratic Consolidation: Perspectives from Nigeria and the United States of America*. Nsukka: Great AP Express Publishers Ltd. 1997.
- Olaniyi, J.O. “INEC and the Conduct of 2003 General Elections”. In: H.A. Saliu, (Ed.), *Nigeria Under Democratic Rule (1999 – 2003)*. Ibadan: University Press Plc. 2005.
- Schlozman, K. and Verba, S. “Sending Them a Message-Getting a Reply: Presidential Elections and Democratic Accountability” in Kay Lehman Schlozman (ed.), *Elections in America*. Boston: Allen and Unwin, Inc. 1987
- Smah, O S. ‘Money Politics and Electoral Violence in Nigeria’, in V AO Adetula(ed) *Money and Politics in Nigeria*. Abuja: IFES. 2008.

### **c) Articles in Journal**

- Bangura, T. Consolidation of Democracy in Nigeria: Problems and Prospects, in *Nigerian Journal of Public Administration and Local Government*, 13 (1), 2008.
- Bratton M. Nigeria “Vote buying and Violence in Election Campaigns”. *Electoral Studies*, 27(4): 2008; pp. 621–632.

Danjibo, N D and Oladeji, A. ‘Vote Buying in Nigeria: An Assessment of The 2007 General Elections’. *Journal of Africa Elections Special Issue*: 6(2), October 2008.

Luqman, S. “Electoral Institution and the Management of the Democratization Process: The Nigerian Experience”. *Journal of Social Sciences*, 21 (1), 2009.

Odo L.U. Free, Fair and Credible Election 2015 in Nigeria: Issues and Challenges. *Humanities and Social Science Invention* 4(6): 2015; pp.1–6.

Okoh, A.O. “The Independent National Electoral Commission (INEC) and Election Management in Nigeria: The April 2003 General Elections in Perspective”. *The Constitution*, 5 (4), 2005.

Owen, O., and Usman, Z. Why Goodluck Jonathan lost the Nigerian Presidential Election of 2015. *AfricanAffairs*, 10 (4), 2015.

S.C. Ugoh, “Electoral Malpractice and Violence in the 2003 General elections in Nigeria”. *UNILAG Journal of Politics*. Vol. 1, No 1. December 2004

Samuel O, Felix C, Godwyns AA. Electoral Politics in the fourth Republic of Nigeria’s Democratic Governance. *Developing Countries Studies*, 3(12): 2013; pp. 48–57.

Ugoh, S.C. Electoral Malpractice and Violence in the 2003 General Elections in Nigeria’. *Unilag Journal of Politics*. 1(1), December. 2004.

#### **d) Unpublished works/Seminar Papers/Report**

Aiyede, E R ‘Electoral Laws and The 2007 General Elections in Nigeria’ *Journal of African elections special issue; Nigeria’s 2007 General Elections*. Volume 6, Number 2. October. 2007.

Attahiru M. Jega, (OFR) “Electoral Reforms in Nigeria: Challenges and Prospects” a Presentation at the First University of Abuja Public Lecture Series, Thursday October 29, 2015

INEC.The Official Report on the 2015 General Elections. Abuja: Independent National Electoral Commission

Labour Election Monitoring Team- (LEMT), Nigeria Balloting for Democracy? Report of the 2003 General Elections, Abuja, Labour Election Management Team. 2003

- Musa, S. “Regional Workshop on Capacity Building in Electoral Administration in Africa: Nigeria’s Experience in Electoral Management”. A Paper Presented at CAFRAD, Tangier, Morocco (24th-28th September, 2001).
- Ojo, O V, Political Succession in Nigeria: An Analysis of 2007 General Elections. Being a M.Sc Research Project submitted to the Department of Political Science, University of Ilorin, Ilorin, Nigeria. 2011
- Okoye, F. “Final Report of the 2003 General Elections in Nigeria: Do The Votes Count”. In: Assessing the Credibility of Elections: The Challenges and the Problematic. Abuja: Human Rights Monitor. 2007.
- Olagbegi, O. P. “Electoral Violence and Electoral security. Paper presented as a workshop on elections management, Enhancing INEC Credibility in conducting Free and Fair Elections for Stable Democratic Governance. Benin City, April 28-29, 2004
- Sagay, I. E. (SAN). “Election Tribunals and the Survival of Nigerian Democracy” a lecture delivered at the launching ceremony of the osun defender on Tuesday 26th February, 2008 at the MUSON Centre, Lagos
- Usman, S M. Electoral Violence and Rigging in Nigeria: A Comparative Analysis of 2003 and 2007 General Elections. Being a Paper Presented at a One- Day Workshop on ‘Youths Against Electoral Violence’ Organized by Arewa Patriotic Vanguard in collaboration with INEC. 2009

**e) Internet Materials**

- Aluaigba, T. The Travails of an Emerging Democracy: The Turbulent 2007 General Elections in Nigeria. Accessed from [http://www.allacademic.com//meta/p\\_mla\\_apa\\_research\\_citation](http://www.allacademic.com//meta/p_mla_apa_research_citation) on September 23, 2024
- Desert Herald, February polls shift fallout: how independent is INEC?, accessed from <http://desertherald.com/february-polls-shift-fallout-how-independent-is-inec/#sthash.YbXOqMC8.dpuf> on September 23, 2024
- Engr. Chidi Nwafor. Enhancement of the Accreditation System for Voting Process in Nigeria. Accessed from: <http://www.inecnigeria.org/strategic-plan-2017-2021.aspx>. on 23/08/2024

Engr. ChidiNwafor. Enhancement of the Accreditation System for Voting Process in Nigeria. Accessed from: <http://www.inecnigeria.org/strategic-plan-2017-2021.aspx>. on 23/08/2024

Fadoju, L. 8 Ways Technology is influencing Nigeria's 2015 Elections. Tech Cabal. Accessed from <http://techcabal.com/2015/03/26/8-ways-technology-is-influencingnigerias-2015-elections/> on 23/08/2024

Independent National Electoral Commission, INEC Strategic Plan 2017-2021 - Consolidating Free, Fair and Credible Elections In Nigeria, Accessed from: <http://www.inecnigeria.org/strategic-plan-2017-2021.aspx>. on 23/08/2024

INEC. "INEC history." Accessed from [http://www.inecnigeria.org/?page\\_id=43](http://www.inecnigeria.org/?page_id=43) on July 23, 2024.

Nairaland. How independent is Nigeria's Independent National Electoral Commission, INEC?, accessed from <http://www.nairaland.com/2156344/how-independent-nigerias-independent-national> on September 23, 2024).

Nwafor, C. Publication of the voters register for the 2015 General Elections. Abuja: INEC. Accessed from <http://www.inecnigeria.org> on 23/08/2024

Wallis, W. Card reader technology cuts fraud risk in Nigeria poll. Financial Times. Accessed from <http://www.ft.com/cms/s/0/182a947e-d7a6-11e4-849b-00144feab7de.html#axzz3Zm0QRQ2z> on 23/08/2024

Zikirullahi, I. M. Verification Statement of the Official 2015 Presidential Results. Delivered by Chairman, Transition Monitoring Group, Abuja: Accessed from <http://www.tmgng.org/election-observation/quick-count-verification-statement> on 23/08/2024

#### **f) Newspaper**

Adibe, Jidefor "The Politics of —Jega must go!" *Daily Trust*, March 29 2015, back page

Okocha, C. PDP Accuses Jega of Planning to Rig Presidential Election. *ThisDay*,