

# **Towards Elections with Integrity in 2019: Challenges and Prospects**

**By**

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**Guest Lecture, Founders' Day Lecture, Nigerian Institute for  
Advanced Legal Studies, Delivered at the national Judicial  
Institute, Abuja, 27 March 2018.**

## **Introduction**

Nigeria's transition to democracy has been on for close to 2 decades. Elections have been held regularly five times; every 4 years since 1999. Regularly held elections have become the norm worldwide, even in Africa, since the so-called "Third wave" of democratization in the 1990s (Wiseman 1991). Indeed, presently, "more than 90% of the world states now select their national leaders through elections" (van Ham, 2015: 714).

Regularity of elections was once assumed to be the key indicator of successful democratic transition (See Lindberg 2006, 2009). Indeed scholars of the "new institutionalism" creed, argue that formally democratic institutions matter (Schedler 2015: 5). Given the experiences of countries such as Nigeria, however, there is now wide recognition that regularity of elections may be a necessary condition, but it is not a sufficient condition for successful transition to democracy. Indeed, regularly held elections, which do not represent the true intention of the voters, through elections, which lack integrity, in which votes do not actually and truly count, vitiate the substantive attributes of democracy and, indeed, undermines

democracy. As Norris has aptly observed, electoral integrity matters (2014); and one of the key challenges of transition to democracy in countries such as Nigeria, therefore, is how to ensure that elections have integrity. As we prepare for the 2019 general elections in Nigeria, this question becomes pertinent and assumes prominence.

For elections to be impactful in deepening democracy and development in a country, they need to have integrity. They need to be professionally and impartially conducted by a competent and efficient election management body (EMB), and they ought to substantially, if not totally, comply with global best practices and standards, which increasingly serve as the framework for assessing the integrity of elections. Electoral integrity is now considered globally as a serious business deserving serious attention, especially in countries, such as Nigeria, in which fraudulent elections have for long been the norm rather than the exception. The UN Global Commission on Elections, Democracy and Security, underscored the significance of electoral integrity when it noted as follows:

Elections can further democracy, development, human rights, and security, or undermine them, and for this reason alone, they should command attention.... For elections to embody democracy, further development and promote security, they must be conducted with integrity (2012: 5).

Nigerians desire and deserve better electoral and governance processes. We have seen the worst of elections in 2007, certified as such by domestic and international election observers. The 2011 and 2015 elections have been adjudged remarkably much better than

previous ones, using globally accepted standard indices of measuring electoral integrity. The 2019 elections should be much better. The challenge is how to make elections in 2019 and subsequent ones much better, so as to stabilize our transition to democracy, deepen our democracy and development, increase the legitimacy of elected governments and bring about good, democratic governance, which yields substantive dividends of democracy and addresses the fundamental needs and aspirations of the people. This would require incremental positive changes in electoral administration, which add value; a substantially better electoral legal framework; and positive and constructive collaborative engagement by all stakeholders focused on electoral integrity, which would deepen democracy and nurture good democratic governance, the panacea for substantive democratization.

In expatiating upon the introductory, opening statement, in this presentation, first, I articulate a conceptual framework on electoral integrity, from which standpoint I look at the unfolding Nigerian situation. Second, I review the extent and magnitude of electoral fraud associated with Nigerian elections historically, especially since 1999, as these have undermined electoral integrity in Nigeria. Third, I describe the efforts made since 2007 to address these electoral irregularities and malpractices. Fourth, I briefly highlight the outstanding challenges, especially as perceived by INEC. Fifth, I reviewed the challenges standing in the way of electoral integrity in 2019, discuss the prospects and made recommendations on what needs to be done to address these towards 2019 elections and beyond. I end with some concluding remarks.

## **Electoral Integrity: A Conceptual Framework**

Most African countries have embraced representative democracy, warts and all, and across the continent the conduct of elections is becoming regular and routine. However, there is a remarkable deficit of electoral integrity, which affects stability and development, as well as imposes constraints on the scope of good democratic governance. Elections are supposed to have integrity if they have the barest minimum of malpractices, if any, throughout the electoral cycle and if they are prepared and conducted within the framework of globally acceptable standards enshrined in ‘conventions, treaties, protocols and guidelines’. I perceive electoral integrity in the context of Norris’ overarching conceptualization, thus:

It is proposed to ground the overarching concept of electoral integrity broadly in terms of international commitments and global norms, endorsed in a series of authoritative conventions, treaties, protocols, and guidelines. These universal standards apply to all countries worldwide throughout the electoral cycle, including during the pre-electoral period, the campaign, on polling day, and in its aftermath. Conversely, the term “electoral malpractice” is used ...to refer to violations of electoral integrity (2014: 9).

The Kofi Annan Foundation’s Electoral Integrity Initiative has also made a definitional statement, which I fully subscribe to, as follows:

We define an election with integrity as any election that is based on the democratic principles of universal suffrage and political equality as reflected in international standards and

agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle (2012: 12).

As van Ham has observed, the extent of integrity of elections varies greatly, ranging from at one end, “free and fair” elections, characterized by genuine contestation, to another end, what is characterized as “façade” elections, marred by manipulation and fraud” (2015: 714).

The basic tenets of electoral integrity, deduced from the work of Munck (2009: 88), can be summarized as follows:

1. Inclusivity: all citizens are enabled to exercise their right to vote in the electoral process
2. Cleanliness: voters’ preferences are respected and faithfully recorded
3. Competitiveness: the electorate are offered unbiased choices among alternatives
4. Access to governance: main public offices are only accessed through periodic elections, and the results expressed through the citizens’ votes must not be reversed

To these may be added:

5. Representativeness: Those voted in and declared as winners are the truly chosen representatives of the people
6. EMB professionalism, impartiality and non-partisanship: Election Management Bodies execute their mandate with competence and effectiveness, independently, without partisan

considerations or partiality, and with a level playing field for all contestants and political parties.

Without integrity, the electoral processes in Africa throw up charlatans, upstarts and /or crooks as “elected” representatives / executives, who having bought or stolen their electoral “victories” proceed to engage with the legislative and policy-making and execution processes irresponsibly and largely if not totally unresponsive to the needs and expectations of the electorate. As a result, the governance processes are often perceived as illegitimate, and almost invariably the political processes become unstable and conflict-ridden, more often than not, characterized by violence, especially in countries, which are ethnically and religiously diverse.

Undoubtedly, “threats to electoral integrity are not limited to poor, divided or war-torn countries. They can be found in every democracy” (ibid.:23). However, they are more profound and consequential in the African countries with ethno-religious diversity, rapacious and greedy elite and fractious politics in the striving the capture power and state resources.

The deficit of integrity in African elections needs to be addressed if representative / liberal democracy is to have substantive meaning and to catalyze democratic development in the continent. The assumption that holding periodic elections equals democratic maturity in Africa (Lindberg 2006; 2009) is being proven to be faulty. Regularity of elections devoid of integrity undermines legitimacy of “elected” governments and exacerbates conflicts, with negative

consequences on development. Only electoral integrity can legitimize governments and stabilize otherwise conflict-ridden countries, and then pave the way for stable and legitimate democratic development.

However, a key challenge relates to how to bring about and institutionalize electoral integrity as a fundamental tenet of transition to democracy in Africa. Political actors strive hard to win elections at any cost and by any means necessary. For many, if not most, contestants, it is “a-do-or-die-affair”. And, Election Management Bodies are either legally hamstrung or institutionally weak to assert autonomy and conduct elections with required impartiality and integrity, in spite of the overbearing influence of incumbent governments. The media and civil society organizations, often do not help matters as, more often than not, they are aligned to vested political interests and throw spanners in the works, making the job of EMBs very difficult indeed.

Drawing from personal experience, as former chairman of Nigeria’s Independent National Electoral Commission (INEC), who served a tenure of 5 years, and presided over the conduct of two (2) general elections and hundreds of other governorship, national assembly and state assembly bye-elections, re-run elections, and run-off elections; and having studied elections in Africa in comparative perspective, as well as interacted with Chairmen and Commissioners of various EMBs throughout the continent, I can state that, there are indeed formidable challenges in trying to conduct elections with integrity. It is no doubt difficult in the African political contexts, characterized by the mobilization of ethnic, religious and other primordial identities

and loyalties by self-serving politicians. However, it is not impossible to do so; in deed, with resoluteness, determination, patriotic fervor and courage of conviction the obstacles and challenges are surmountable. An EMB has to do its best to nurture and sustain electoral integrity under any and all circumstances. It is the first crucial step to sanitizing the tumultuous nature of our politics and deepening democracy in African countries. There would be no good democratic governance, or any quality of government to talk about, unless the leadership selection and election processes are imbued with requisite integrity.

At least four (4) dimensions of electoral integrity can be identified, which are worthy of note and serious consideration:

1. Moral and ethical conduct of the chairpersons / chief electoral commissioners, other commissioners and staff of the EMB, permanent or *Ad hoc*.
2. Engendering professionalism, non-partisanship, transparency and accountability of the electoral processes by the Election Management Body (EMB)
3. Conduct with integrity and/or ethical conduct by key stakeholders and partners, especially politicians as candidates, and their supporters, as they engage with EMB in the electoral processes
4. Experience and knowledge sharing, as well as peer learning amongst EMBs.

Having established a conceptual framework for analyzing the travails of electoral integrity; what it entails and how to bring it about, we



now turn attention to a review and analysis of the extent and magnitude of electoral fraud in Nigeria; and to making the case for the necessity of institutionalizing electoral integrity so as to appropriately sanitize our politics and governance processes and pave the way for stable democratic development predicated on enhanced human security (Jega 2017).

### **Electoral Fraud in Nigeria: Extent and Magnitude**

Electoral Fraud has been defined as, “deliberate wrongdoing by election officials or other electoral stakeholders, which distorts the individual or collective will of the voters” (IFES, 2012). No doubt, electoral fraud “is the most tangible threat to the integrity of an election”. In the history of elections in Nigeria, especially in the post-independence period (i.e. since 1960), electoral fraud increased in scope and magnitude, perpetrated by candidates, political party officials, their supporters/enforcers, security personnel and election officials. Until in more recent times (circa 2011), electoral rigging, as Kurfi (2005:101) has stated, had become almost synonymous with Nigerian elections (Ibrahim 2017:7), resulting in the profound global questioning of the integrity of Nigerian elections. Nigerian politicians had tended to see the perpetration of electoral fraud as the more assured way of blocking the chances of political opponents, up-scaling their own chances and winning elections.

Specific types of electoral fraud include, but are not limited to, the following:

**Diversion of election materials:** electoral materials are waylaid and diverted from reaching their original destination. They are then sent to other areas and used fraudulently, or they are simply destroyed, if the objective is to undermine voting in a perceived “stronghold” of an opponent.

**Vote buying:** A study mentioned that in Nigeria, one out of five voters is “personally exposed to vote buying” (Bratton 2008). Candidates are said to regularly attempt to purchase or compel votes. Voters are induced in cash or kind to vote for the buyer. Usually agents rather than the candidates do the bidding on behalf of their client. As there are no guarantees that an induced voter would actually respect the “agreement” in a secret ballot, all sorts of measures are deployed to ensure compliance. The favored methods seem to be to induce a community ‘leader’ to facilitate ‘block’ voting in a polling unit or in a community and/or to mobilize thugs to monitor the process and intimidate voters and generally provide a disincentive for non-compliance with the ‘agreement’, with the risk of severe penalties. Beginning with the 1979 Second Republic elections, vote buyers make the taking of oath on the Qur’an and the Bible among the faithful a guarantee for honoring the ‘agreement’.

In the past, vote buying mostly occurred in secrecy. Voters were induced in private at their homes in their communities before the day of an election. But with time, it became more brazenly open, at the polling unit level. In the Second Republic, for example, we began to see how voters on election-day as they queue up to vote, were induced with loafs of bread, which quite often were “impregnated’

with naira notes. By the Fourth Republic, a vote-buyer candidate would brazenly appoint agents at polling units to conduct the transactions. For example, a candidate would install a 'cashier' not too far away from the polling unit. An enforcer would sit somewhere not too far away from the polling unit with a view to the ballot box to 'verify' that a voter has complied with the 'agreement' and certify payment by the 'cashier'. Of course, there would be thugs to 'protect' the transactions and ensure that their activities are not disrupted.

A key question to addressing this phenomenon is how to ensure that 'bought' voters "defect" and vote according to the dictates of their conscience. How do we ensure that, "defection", which Bratton, citing Scott (1985), has characterized as the "commonplace weapon of the weak", becomes prevalent, for the integrity of the electoral process?

**Vote manipulation:** As voters are induced, so are election officials and security agencies; even 'poll-watchers' agents of other candidates or parties with the objective of manipulating results. These categories of induced persons are paid either to look the other way when irregularities are perpetrated, or to actually engage in the manipulation of votes in favor of the buyer.

**Ballot box stuffing:** This is a highly organized scheme and it quite often happens with the induced or enforced consent of election and security officials. Basically, a ballot box or ballot boxes is/are obtained together with all the ballot papers and other requisite election materials. The ballot papers are thumb-printed, stamped and then stuffed into the ballot boxes. Then, the ballot boxes are

somehow put back into the official collation and result tabulation processes.

**Multiple voting:** This is a situation in which supporters of a candidate move about from one polling station to another casting votes for their candidate. This happens when the register of voters lack integrity, and voters have multiple registrations and possess many voters' cards, when voter accreditation and verification procedures are weak or not complied with, and/or when election and security officials are in cahoots with the fraudulent candidates or their supporters. Some Nigerian politicians have been known to buy up voters cards from bona fide voters, which they then pile up and pay others to use to vote on election day; or they could connive with local election officials and procure undistributed dead persons' voter cards, which they then give to others to go and vote on election day. Indeed, when the accreditation and verification processes are very weak, as they had been in the past, multiple voting could, and did, take place even in the same polling units. Fraudulent voters would join the queues multiple times and cast votes repeatedly.

**Intimidation of voters:** The objective is to scare voters sufficiently to make them ineffective in the prevention of perpetration of electoral fraud. Thugs are deployed, wielding assorted weaponry and/or using abusive and threatening language, to cow voters and make them either "exit" the process or look the other way when electoral fraud is being perpetrated.

**Manipulation of party primaries/ candidate imposition:** This occurs when political parties hold their primaries and ignore constitutional provisions and other democratic principles to anoint candidates for elections. Given the chronic lack of internal party democracy associated with Nigerian political parties, party ‘godfathers’ or officials, or incumbent executives at both the federal and state levels, interfere with internal nomination processes to secure victory for their favored candidates. Ambiguities or contradictory provisions in the Electoral Act facilitated the brazen manifestations of these in recent times.

**Electoral violence:** Violence has historically been a major feature of Nigerian elections since the 1960s (Jega 2016). Reckless mobilization of negative ethno-religious identity issues by candidates or their supporters create tension, generate conflicts and often result in electoral violence. A 2008 study, which was conducted in the context of the 2007 elections, reported that in Nigeria, “almost one in ten (voters) experiences threats of electoral violence (Bratton, M, 2008). In 2007, on election-days 300 persons were reported to have been killed, while many others sustained injuries (Bratton 2008: 622).

The various forms of electoral violence triggers range from intimidation of opposition using thugs, to street protests, hate speeches and extremist attacks on candidates and facilities. Violence or even threat of violence reduces voter turnout, as few voters would risk their lives to exercise their franchise, and undermines the integrity of elections. It is necessary to improve capacity to identify

triggers of violence, to do risk mapping, and generate evidence-based strategies to mitigate the risks.

From 2011, INEC's creation and utilization of the Inter-Agency Consultative Committee on Elections Security (ICCES) helped to mitigate, prevent or preempt the likelihood of electoral violence. Also, deployment of the ERM Tool helped to map the country and identify risk prone areas to assist security deployment. Partnership with civil society peace committee, getting candidates to sign a peace accord, and getting political parties to sign Code of Conduct for campaigns and general engagement in the electoral process, are additional measures, which helped to mitigate violence in elections.

In general, it should be noted that no country is really totally free from, or immune to, electoral fraud. In many electoral jurisdictions worldwide, incidences of one form or the other of electoral fraud and irregularities do occur. But most democracies have brought these down to the barest minimum, essentially through swift and effective sanctioning of breaches. They have cured themselves from the most brazen forms of irregularities by diligent application of appropriate legal penalties and sanctions. Impunity is swiftly and decisively addressed.

In contrast, in Nigeria, lack of effective legal sanctions and penalties have helped to nurture and expand the scope, as well as the magnitude, of electoral fraud committed with impunity. If crime is not punished effectively, and if some feel they are more equal than others before the law, then criminals get emboldened and commit

crimes with brazenness and impunity. Unfortunately, regrettably, that is what has been happening in Nigeria with regards to electoral fraud and violence in elections. In Nigeria, we almost always witness “unrestrained illicit electoral behavior” (Collier and Vincente 2009). The combined effect of all these on the electoral process is what Adebani and Obadare have termed as “the abrogation of the electorate”, a situation in which, “...the form of democracy is brazenly used to invalidate its substance” (2011, 311).

The profundity of electoral fraud has assigned questionable integrity to Nigerian elections. In elections, which lack integrity, such as Nigeria’s, in particular the period between 1999 and 2007, I find the observation by Adebani and Obadare, citing Fawole (2005), apt: the electorate votes but they do not **choose**; rather the “selectorate” chooses for them! (2011: 329). As their votes do not count, they increasingly become apathetic and indifferent, and many tend to “exit” from the political and electoral processes.

In these circumstances, how can electoral integrity be restored? What reforms are required to turn the tide?

### **In Search of Electoral Integrity: Post 2007**

The 2007 general elections represent Nigeria’s lowest level of electoral integrity, even though the electoral malpractices had become progressively worse from 1999 to 2003. Regardless of what measures of electoral integrity are deployed, the 2007 elections were adjudged by domestic as well as international observers as lacking in integrity, with high incidences of fraudulent electoral activities and

violence. For example, the head of the European Union Observer delegation to the elections, Mr. Marx van de Berg said that the polls have “fallen far short” of basic international standards and that “the process cannot be considered credible”. The US state Department representative commented that US was “deeply troubled” by the polls, calling them “flawed”. Former Secretary of State, Madeleine Albright, who led the NDI election observation Team observed that: “Regrettably, 2007 represents a step backward in the conduct of elections in Nigeria. In many places, in a number of ways, the election process failed the Nigerian people”. Even President Obasanjo, the architect of president Yar Adua’s 2007 electoral victory “admitted that the polls had been far from perfect and called on the country to do better next time” (quoted in the Sydney Morning Herald April 24, 2007). The Transition Monitoring Group (TMG), at the time the largest domestic election observer group, called the elections “a charade” (Wikipedia: Elections in Nigeria, 2007 Elections).

In the wake of the much-condemned 2007 elections, an elite consensus seemed to have emerged about the need to clean up the Nigerian electoral mess. Coalitions of civil society organizations and the central labor organization, the NLC, joined hands and exerted pressure for electoral reforms. President Umaru Musa ‘Yar Adua who was the declared winner of the presidential elections admitted in his inaugural speech on May 29, 2007, that the process that brought him to power was fraught with irregularities and pledged reforms. Nigeria’s development partners used every opportunity to urge for improvements in the conduct of future elections in Nigeria to avoid a repeat of, or a slide from, the 2007 elections, and pledged support.



## **Reform Measures for Electoral Integrity 2010-2015**

President Umaru Yar Adua set up the 22-member Electoral Reform Committee (ERC) on August 28, 2007, with the mandate to “examine the entire electoral process with a view to ensuring that we raise the quality and standard of our general elections and thereby deepen our democracy”. The Justice Muhammadu Lawal Uwais (Rtd.) - led ERC submitted its report in December 2008 after receiving 1466 memoranda and 907 presentations at public hearings held in 2 capital cities in each of the six-geopolitical zones and the FCT. The ERC, having established that lack of Independence of the EMBs at both federal and state levels is a key deficiency in the Nigerian electoral process, and that, the negative and irrational mindset of Nigerians undermine the integrity of our elections, proceeded to make “appropriate recommendations to minimize violence and rigging in the electoral process and build lasting democratic institutions and culture” (See ERC Report 2008).

The major recommendations of the ERC can be summarized as follows:

1. Strengthen and protect the autonomy of INEC from political interference. This is to be done first, by giving the National Judicial Council (NJC) a major role in the appointment of Chairman and National Commissioners of INEC, instead of the current role of the president in nominating these officers; and second, by placing INEC on First Line Charge and granting it relative financial autonomy.

2. Reconstitute the Commission accordingly, and especially so as to remove the stigma of the 2007 elections and improve its integrity.
3. 'Unbundle' INEC. That is, create other agencies to handle responsibilities being undertaken by INEC, which have overburdened it, such as constituency delimitation; registration and regulation of political parties; constituency delimitation and prosecution of electoral offenders; and thus allow INEC to focus on its core mandate of organizing and managing elections.
4. Introduce some form of proportional representation, to promote inclusiveness, especially in National and State legislatures, and improve the representation of women, persons with disabilities and the youths.
5. Improve the transparency and credibility of the conduct of elections, and eliminate persistent fraudulent activities, which are perpetrated with impunity in Nigerian elections.
6. Review and amend the Electoral Act 2006 and the 1999 Constitution to substantially improve the electoral legal framework.

On each of these major recommendations, many specific recommendations were also made. In respect of nos. 3 and 6, model legislations were drafted and submitted along with the general recommendations.

While many of the recommendations of the ERC were accepted by the government and the legal framework was accordingly amended,

the major ones notably nos. 1-4, were either partially accepted and addressed or simply ignored. For example, while INEC gained some relative financial autonomy, the mode of appointment of Chairman, National Commissioners and Resident Electoral Commissioners remained the same, and this continued to nurture a deep-seated perception of the Commission as only doing the bidding of the incumbent who nominated/appointed them; under the notion that “he who pays the piper dictates the tune”! In any case, it can be said that there is still unfinished business with regards to the recommendations of the ERC, which subsequent effort at electoral reforms would need to seriously address.

Following the ERC Report, the Independent National Electoral Commission was reconstituted and inaugurated in June 2010. The Commission proceeded to introduce many substantive, reform measures targeted at bringing electoral fraud to the barest minimum and improving the integrity of elections in Nigeria. There are two phases to the reforms undertaken by INEC between 2010 and 2015. The first phase, was about what was done in the 9 months from the inauguration of the Commission in June 2010 and the conduct of the April 2011 general elections. The second phase covers what was done from May 2011 to the next general elections on March 28 and April 11, 2015 (see Jega 2015).

Measures introduced during the first phase, i.e. in the 9 months before the 2011 general elections can be summarized as follows:

1. Jettisoning the old register of voters, which was found to lack credibility, and its replacement with a newly compiled

biometric register of voters. Essentially, the first to be addressed was the integrity of the register of voters, as that is closely related to the integrity of elections. We found a lot of missing data on the then register, for many of those on it, there were missing details or photographs, and there were clear evidence of fictitious names on it. We debated whether to ‘clean” it up and use it for the 2011 elections and decided that doing so would significantly undermine the integrity of the elections. A complete overhaul was clearly needed, and we settled on that, knowing that it was going to be difficult, but not impossible if we secured the support of stakeholders and funding to do it. We did, and the rest is now history (see ARI 2017: 2-4).

2. Sanitizing numbers and locations of polling units and GIS-referencing them. By so doing, we removed polling units from deep in forests, from houses of prominent personalities, etc., and relocated them in public places. We ascertained the exact number of polling units as 119,973 and cured the then prevalent vagueness of “around 120,000”! Subsequently, we were able to determine in which of these GSM network and Internet services were available.
3. Commencement of serial numbering of all sensitive election materials (result sheets, ballot papers, ballot boxes), and subsequently even color-coding of ballot papers. The absence of these had previously facilitated electoral fraud, such as diversion of ballot papers and other election materials from one location to another.

4. Improvement of election-day polling unit administration and result collation processes, by making them transparent, open and accessible, and by bringing in National Youth Corps (NYSC) members and other persons with integrity to handle essential election-day activities from voting to collation and declaration of results. Henceforth, Youth Corps members were, where available to be used as polling unit presiding officers and other categories of poll workers, complimented where necessary with tertiary level students in federal universities, who are in their penultimate years.
5. Improvement of election logistics. Vehicles were procured for virtually every LGA to ease movement of materials and personnel. Excessive reliance on vehicles provided by local government chairmen or state governments was virtually eliminated, and dependence on rented commercial vehicles from local notables, who invariably are politically aligned, was eliminated. Subsequently, if commercial vehicles were used, they came under a hiring arrangement guided by a Memorandum of Understanding (MOU) signed between INEC and the National Union of Road Transport Workers (NURTW).
6. Introduction of the Re-modified Open ballot System (RE-MOBS), to make voting transparent and rigging free. The key feature of this system was the separation of the period of accreditation from the period of voting, and the placement of the Ballot Box in public view such that voting was secret yet open. Re-MOBS was not a perfect system, but it helped to remarkably reduce voting day irregularities, even though it was not seen as ideal by the educated elite. In particular, it

checkmated multiple voting strategies, which had been perfected by fraudulent politicians.

7. Revision of all electoral procedures and processes, as well as regulations, for transparency and accountability
8. Commencement of remarkably improved engagement with a range of critical stakeholders, from political party officials, to civil society groups, security agencies, media representatives, and so on.

In the Second Phase, between 2011 and 2015, the following additional reform measures were introduced:

1. Commencement of rigorous, evidence-based Planning (short-, medium- and long-term) linked to the Electoral Cycle
2. Development and implementation of Strategic Plan 2012 – 2016.
3. Cleaning, consolidation and De-publication of the Biometric Register of voters, as well as updating it.
4. Introduction of smart voters' cards (PVCs), which carry biometric and other details of voters on a contactless chip.
5. Introduction of smart card readers (SCRs), for verification and authentication of voters on election day, as well as information gathering for post-election analysis and reviews.
6. Created partnerships and enhanced engagements with stakeholders, especially registered political parties, security agencies, the media, and so on.
7. Sustained a coordinated approach to election security through ICCES, which was established in January of 2011.
8. Restructured and reorganized INEC to make it efficient and effective as a professional EMB. Reduced the number of

departments and units, sanitized roles and responsibilities, properly defined duties and placed “square pegs in square holes”.

9. Embarked upon training and re-training of both permanent and temporary staff, for impartial, non-partisan and effective election duties, with integrity, with the support and partnership of Nigeria’s development partners and other international organizations, such as IFES and UNDP.
10. Encouraged and increased lesson learning from sister EMBs in Africa and beyond, through exchanges, workshops and election observation missions.
11. Developed an Election Project Plan (EPP) and an Election Management System (EMS) used them as the framework for coordinating and monitoring the implementation of all charted out election activities
12. Infused openness and transparency in the conduct of elections
13. Developed a Gender Policy for engendering the electoral process and galvanizing greater participation of women in the electoral process
14. Developed a Communication Policy and Strategy for its implementation
15. Made a comprehensive review and submission to the national Assembly for appropriate amendments to the electoral legal framework.
16. Comprehensively reviewed, revised and updated all electoral regulations and guidelines

17. Set up an independent committee of lawyers, which reviewed election litigation from 2007 to 2011 elections, reviewed all cases and judgments involving INEC, identified where the Commission or its staff were reprimanded and/or indicted, and made appropriate recommendations on the causes of action to take to prevent reoccurrence.

All these ground work enabled INEC to approach the 2015 general elections relatively well prepared to conduct elections with integrity and deliver on the expectation of Nigerians for free, fair and credible elections.

### **Additional Reform Measures 2016 – 2018**

Since November 2015, when the current INEC Chair and some National Commissioners were inaugurated, significant progress has been made to deepen, sustain and defend the integrity of the electoral process (see Yakubu 2017 and 2018). These can be summarized as follows:

1. Successful conduct of elections into 179 federal and state level constituencies, of which only 4 have so far been overturned by Election Petition Tribunals. This has enabled INEC to gain additional experience and continually improve upon its logistic and operational procedures
2. Sustenance of stakeholder engagement and consultations, with political parties, security outfits under ICCES, Media, Civil Society organizations, NYSC, and other ministries and governmental organizations. Similarly, relationship with Nigeria's development partners, such as UNDP, IFES, ECES, and so on have been sustained and improved upon



3. Design and development of the INEC Strategic Plan 2017-2021 and the rigorous commencement of its implementation
4. Review of polling units, registration areas, electoral constituencies and out-of-country/diaspora voting
5. On 9<sup>th</sup> January, INEC issued a time-table for the 2019 general elections
6. The INEC has developed new and expanded old electoral support tools “designed to ensure maximum coordination, efficiency and effectiveness in the conduct of the (2019) polls”. Thus, in addition to the Strategic Plan, “the Election Project Plan (EPP), Election management System (EMS), Election Risk Management Tool (ERMT), the Elections Operations Support Centre (EOSC) and the INEC Citizen Contact Centre (ICCC)” have “been reviewed and are being deployed for the conduct of the 2019 general elections” (Yakubu 2018: 3). All these, according to the Chairman “are designed to ensure that the planning, conduct and management of the 2019 General Elections are...seamless, and that the procedures are transparent, free, fair and credible”.
7. The Continuous voter registration has been on-going since April 2017, giving those who have become 18 years of age and those who have not registered previously the opportunity to do so. Efforts are being made to do this not only at the LGA headquarters level, but also down to the ward level.
8. The smart card readers have been retained and their functionality is being enhanced to expand the scope of their current capabilities.

9. Use of an electronic results management system is being contemplated for improved results collation and transmission process in 2019. A pilot scheme is on going to keep on refining the system for possible deployment if it is found appropriate.

### **Outstanding Challenges: Factors undermining Electoral Integrity**

As it prepares for the 2019 general elections, INEC has identified some specific challenges, which need to be addressed, and which can be summarized as follows (Yakubu 2018: 7-13):

1. **Declining voter turnout:** since 2015, off-season governorship elections turnout varies from 36% in Kogi, to 35% in Bayelsa, 32% in Edo, 35% in Ondo and 21% in Anambra (Yakubu 2018: 8-9).
2. **Delay in the review of the electoral legal framework:** as the 2019 elections rapidly approach, there is concern about lack of time to review and factor new legal changes into the preparations for the elections, in the absence of expeditious passage of the recommended amendments.

The Nigerian political class seems to have a predilection for procrastination on constitutional and electoral legislative amendments. They also seem to favor amendments, which are self-serving and tend to undermine internal party democracy or the autonomy of the Election Management Body. The evident foot-dragging on appropriate amendment to section 31 of the Electoral Act, and the recent effort to amend the Act to change the sequence of elections already announced by INEC, illustrate this.

3. **Funding:** concern about adequacy of funding, timely release of appropriated funds, and access to required foreign exchange for offshore procurements of electoral materials.

As things stand now, INEC is faced with the threat of inadequate funds to conduct the 2019 elections if the contemplated amendment to the Act regarding sequencing of the elections passes. Additionally constraints are being experienced in accessing foreign exchange to fund procurements of essential election materials from abroad. Ongoing efforts to print voter's cards for those who have registered in the CVR, as well as to upgrade and procure additional smart card readers are being hampered by constrained or restrained access to foreign exchange.

4. **Political parties and candidate management:** many 2015 elections were nullified on account of the manner by which parties handled nomination of their flag-bearers without due regard to the prevailing legal framework and even their constitutions.

Indeed, as Ibrahim has observed, "the sorry state of our political parties" and "the absence of real and functional political parties" can be said to be the "greatest challenge facing Nigerian democracy" He noted that: "...they [political parties] are not fit for purpose, they do not stand for anything, they do not have members who mold and determine party affairs....they are very weak because they do not practice internal party democracy and therefore do not have the belief,

values and practice history to contribute to building democracy in the society” (2017: 1).

5. **Electoral litigation and adjudication:** the process is still very slow, in spite of commendable efforts in the past to speed things up; courts of concurrent jurisdictions tended to give contradictory orders, if not judgments; indeed, the wheels of justice tend to grind rather too slowly.
6. **Vote-Buying:** the phenomenon of inducing voters with cash at polling units on election day is becoming prevalent and brazen, evidently emboldened by lack of arrest and prosecution. It is seriously undermining the integrity of the elections.
7. **Hate Speech:** there is a rising spate of hate speech and incitement for violence, which is a major cause for concern. Politicians and party leaders make unguarded utterances capable of over-heating the polity and igniting violence.
8. **Election Security:** there is concern that the various systemic security challenges bedeviling the country would task, and overstretch if not overwhelm, the security agencies. The electoral environment needs to be secured for electoral integrity. If the voters perceive that the electoral environment is not sufficiently protected and that they would be exposed to risks, they may choose to stay away from voting. More than ever before, inter-agency collaboration to secure the electoral process is necessary.

To all these, I add two other challenges as follows:

9. Money and Politics: As IFES has observed, “...illegal contributions and improper use of state resources can skew election results” and generally undermine the integrity of elections (See Electoral Integrity). So would, in contexts such as Nigeria’s, the activities of so-called “money-bags” and “godfathers”. These all pose formidable challenges to conduct of elections with integrity.
10. Attitude and disposition of the politicians: I consider this as the “Alfa and Omega” of the outstanding challenges, which affect electoral integrity in Nigeria. Given that such attitudes and dispositions are either uninformed, or ill-informed or selfishly motivated, they combine to obstruct and undermine conduct of elections with integrity.

For me, therefore, given this unwholesome attitude of majority of our politicians, the major challenge is: How to ensure that anti-democratic forces do not succeed in using the ballot box in 2019, through irregularities and fraudulent electoral activities, to disregard and/or negate what Adebawwi and Obadare have referred to as the “choice and voice of the electorate” (2011: 314).

### **Prospects**

As we approach the 2019 general elections, and as we review the outstanding challenges, they look formidable, daunting, and may even seem overwhelming. They are certainly difficult challenges to overcome within the available timeframe. But they are not impossible to tackle. The prospects for success in protecting and

advancing the integrity of our elections in 2019 and beyond lie in first, the improved professionalism and competence of INEC, in particular its growing strength as an EMB. INEC seem to be institutionally stronger and better positioned to conduct elections with integrity than it was in 2011 and 2015. Second, the energy, resourcefulness and resilience of our youth is a good prospect; they need to be mobilized to engage in and with the electoral process, to recognize that they are neither too young to vote, nor too young to run; and that it is not too late to get involved constructively in preparations for the 2019 general elections. The scope of involvement and engagement is extensive and no time and effort should be wasted.

### **Recommendations**

We must keep striving for electoral integrity as a panacea for our governance and socio-economic development challenges. We must work extra hard to eliminate electoral fraud, to improve professional and impartial competence in conduct of elections by INEC, and we must strive hard to comply with internationally recognized standard norms and good practices in conduct of elections with integrity, especially as articulated in the conventions and protocols to which Nigeria is a signatory, be they of the UN, African Union, ECOWAS, or any other international organization. Additionally, we must grant, as well as protect and defend, independence and autonomy of INEC to conduct elections without interference from any quarters.

To achieve all these, we need an alliance of progressive and democratic forces, from across the spectrum of Nigerian society to

join hands and place them on deck to generate consensus on electoral reforms and drive these through the executive and legislative branches of government.

To address many of the identified challenges associated with electoral administration, especially election-day duties, INEC needs to pay significant attention to identification, recruitment, training and deployment of credible volunteers for election duties, to be sourced essentially from amongst our youth.

Our teeming youth need to be mobilized, engaged and constructively involved in enhancing electoral integrity in Nigeria in the 2019 general elections and beyond. As I have repeatedly argued (see Jega 2017a and b), we need to convert the ‘youth bulge’ in Nigeria into an asset for democratic development before it becomes a serious liability and force for chaos and destabilization. On their part, I agree that Nigerian youth need to realize the wisdom in a statement attributed to the late Sam Mbakwe, that: “If you are awake, the rat would never take your fish!” (dailypost.ng 15/3/18). Vigilance of patriotic youth and their active participation in the electoral process (not as thugs!) would catalyze the speedy attainment of electoral integrity in Nigeria in 2019 and beyond. Indeed, passing into law the Bill on “Not too Young to Run”, would remarkably enhance the constructive role of Nigerian youth in our electoral and political processes.

Additionally, ultimately, INEC would still need to be unbundled as recommended by the Electoral Reform Committee led by Justice

Uwais. This will enable it to focus on its core mandate of organizing and managing elections with integrity, as other agencies or Commissions handle such other issues, as prosecution of electoral offenders, constituency delimitation, and registration and regulation of political parties.

## **Conclusion**

I have come to the conclusion that, many among the Nigerian elite, especially that segment of them that has come to be known as the “political class” in particular, seem to lack conviction on the sanctity of elections, although they avow the necessity of electoral legitimation. Fayemi once said that there are at least five “gods” to be appeased in Nigerian elections (2012). We may have over the years, especially from 2011 to 2015, reduced the number of ‘gods’ to be appeased in elections in Nigeria, but some may have increased in their strength and consequential impact. The phenomenon of use of money and the influence of ‘godfathers’, remain unchecked and need to be addressed effectively in 2019 and beyond. We need to constantly reform our electoral process in order to checkmate the “rise of electoral authoritarianism”, which has been described by Schedler as follows:

Electoral authoritarian regimes establish the institutions of liberal democracy on paper, yet subvert them in practice through severe, widespread, and systemic manipulation. They play the game of multiparty elections, as they hold regular elections for the chief executive and a national legislative assembly. These elections are broadly inclusive (they are held under universal suffrage), minimally pluralistic (opposition



parties are permitted to run), minimally competitive (parties and candidates outside the ruling coalition, while denied victory, are allowed to win votes and seats), and minimally open (dissidence is not subject to massive but often to selective and intermittent repression). The elections are not, however, minimally democratic. Governments subject them to manifold forms of authoritarian manipulation that violate the liberal – democratic principles of freedom, fairness, and integrity. Their manipulative maneuvers are neither light nor accidental, but severe and systematic enough to fracture the *minima moralia* of democratic elections (2015: 2).

Multiparty elections should indeed be instruments of democracy and not of authoritarian rule. The number of political parties I believe, is neither here nor there, what matters is how well established they are, how well connected to the people they are, how they construct their programs and manifestos, as well as how they appeal to and attract popular support in elections for their platforms and candidates. Any number of political parties can be registered and allowed to operate, and contest elections other than the presidential and gubernatorial elections; but should not be allowed to field a presidential or a governorship candidate unless they meet a threshold to be defined in the electoral legal framework, as other countries, such as Germany do.

Our politicians need to imbibe and uphold core Nigerian values, which have been enshrined in our constitution, especially in Chapter II, on the Objective and Directive Principles of State Policy, in which

affirmation of democratic principles and democratic practice are key (See Jega, 2018). They need to display greater selflessness and inclusiveness, and eschew self-righteousness and conceit in the discharge of responsibilities conferred on them by their elective offices. Only thus, can they lead by example and inspire confidence in pursuit of the citizens' aspirations for electoral integrity and desirable democratic development

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