

Political Transition and Governance: Sharing Personal Experiences from Electoral Administration in Nigeria

By

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Your Excellences, Distinguished Ladies and Gentlemen.

I wish to begin by expressing my deep appreciation to the President, and Executive members of the Nigeria Bar Association (NBA), as well as the Organizing Committee of this conference, for inviting me to participate in this plenary session on the theme of “Political Transition and Governance”, and to share some of my experiences in election administration in Nigeria for 5 years from 2010 to 2015, as the Chairman of the Independent National Electoral Commission (INEC), from which I have reflected upon Nigeria’s politics of transition and its impact on the nature and character of the country’s governance architecture, its institutions and processes. Let me say that for me, it is always a rare privilege and great pleasure to be in the gathering of distinguished learned gentlemen and women. My lawyer friends often remind me that I may be educated but I am not (yet?) ‘Learned’! Hopefully, participation in these kinds of forum, and comingling with ‘learned colleagues’ of the caliber and stature gathered here today, could positively rub off on me. I am not pleased at all to be educated but not learned.

To set the right conceptual and situational context for my intervention, I wish to first, observe that, 'political transition' is generally perceived as a progressive change from an authoritarian (of either a military or civilian variety) rule to a civilian democratic system of governance. This is seen to represent a 'transition' from unacceptable/undesirable political / governance situation, to a relatively more acceptable/desirable political/ governance situation, consistent with the basic tenets and universal norms of representative/electoral democracy. So, it is a move away from what is deemed unacceptable or undesirable, to what is perceived as acceptable and/or desirable political dispensation.

Political transition commences either when a regime collapses (due to war, insurgency or other forms of state collapse), or is overthrown in a military coup. It could be driven by a group of "change agents", arising from an elite consensus on the desirability or acceptability of the need for change. Such a consensus may have a popular base and support, or it could be an agenda of a hegemonic, conspiratorial, or praetorian group. The extent to which it becomes stable in the long term, is conditional upon whether it has broad based popular 'legitimacy', or it is based on the predilections of an exclusive band of glorified 'change agents', lacking in inclusivity and popular support.

Given this conceptual framework, as desirable as political transition is, it is, however, easier said than done. Political transition is not necessarily a linear, stable, positive progression. It can often be conflict ridden, unstable, chaotic, characterized by violence, and the exacerbation, as well as mobilization, of ethno-religious and other

identities into the electoral politics of transition. It all depends on the core objectives of the 'change agents' catalyzing or driving it; whether driven by self-serving objectives and the extent to which they have an understanding of, and commitment to, the basic tenets and ideals of liberal/electoral democracy.

If, or when political transition stabilizes, it helps to consolidate and deepen democratic governance. But, if it is conflict ridden, it undermines state legitimacy and become characterized by bad governance. Indeed, paradoxically, it often occasions a mutually reinforcing situation, such that, as political transition helps to consolidate and deep democracy, so does democratic governance help to stabilize political transition.

Therefore, the major challenges for countries that embark on political transition, such as Nigeria, are: how to minimize, if not totally eliminate conflicts; how to improve the legitimacy of elected representatives in governance; how to deepen and consolidate democracy; how to conduct elections with integrity and how to bring about and improve the scope of good governance in the politics of transition, for societal progress and development.

Good governance is basically about mobilizing and harnessing societal resources to satisfy the fundamental basic needs and aspirations of citizens, with equity and justice to all, and with respect to, and compliance with, the Rule of Law. The rule of law is supreme, and it is the legal framework of, as well as the foundation for, good, democratic governance. The Rule of Law cannot be made subservient

to any other thing, including 'national security'. Indeed, it can be said that there can be no national security, without the Rule of Law.

Therefore, for political transition to be transformative, to be stable, to reinforce state legitimacy, to nurture good, democratic governance, and to catalyze economic growth and socioeconomic development, four (4) variables are significant:

1. Competence, world view and disposition of leadership
2. Institutional capacity, professionalism and credibility
3. Credible and competent institutional mechanisms of adjudication of disputes and enforcement of the Rule of Law (e.g. Judiciary, law enforcement agencies, etc.)
4. Respect for societal core values

If political transition is not positively catalyzed by these important variables, it would, essentially, leave much to be desired, would be conflict ridden, would be characterized by bad, undemocratic, governance and would be unable to satisfy the fundamental needs and aspirations of citizens, on the basis of equity, justice, and the Rule of Law.

In an earlier panel discussion, today in the morning, the Emir of Kano and the President of Ghana reviewed the point made by President Obama in 2016 about how Africa needs strong institutions and not strong leaders, and seem to conclude that Africa actually needs both, because weak leaders would undermine strong institutions. To my mind, yes, we need strong, effective and professionally driven

institutions. But, it is not about a leader being strong; rather it is about the competence, worldview, disposition and qualities of a leader. What we require most are the competence and capacity of leaders to take decisions and be assertive in ensuring that those decisions are actually implemented. We require leaders with universally acknowledged leadership qualities, rather than merely strong leaders. So, we have to be very careful about thinking that a 'strong leader' can help get our kind of countries out of the woods. Just as a weak leader can wreck strong institutions, so also 'a strong leader', who has only power and courage, but lacks the capacity, ability and competence and to lead, who has only brawn, but no brains, can also wreck strong institutions. Competence of leadership, world view and expanded intellectual horizon of leadership, these are very important variables that can help bring about stable, rather than fractious and conflict ridden political transition, good governance and deepened democracy.

For most African and third world countries, the key challenge of governance is the inadequacy of attention paid to recruitment and selection of leaders. Competence, ability, focus, clarity of thought as well as of expression, and assertiveness, are often jettisoned at the alter of convenience and other criteria defined by 'money bags' or 'godfathers', 'war lords' and ethno-regional or religious 'kingmakers'.

Electoral democracy

From my experience as an election manager at the head of an election management, INEC between 2010 – 2015, and what I have read as a political scientist, about electoral democracy in countries undergoing political transition, I am convinced that electoral integrity is key to stable political transition and to ensuring that there is a concrete framework in place for good governance and societal progress, transformation and development. But, electoral integrity is not just about the integrity of the election management body. It is also about the integrity with which the key stakeholders engage with the electoral process.

Mindset of politicians is a major obstacle to a desirable political transition in countries, such as Nigeria. Many in this audience would recall that, a former president, while a serving president, was widely quoted as saying that the contest to win the 2007 elections was ‘a do or die affair’ for his ruling party; a very unfortunate and reckless statement. Politicians must stop treating elections as a matter of ‘do or die’, something to win by ‘hook or crook’, if we are to have a stable transition, a deepened democratic system, with good democratic governance. That negative, selfish and self-serving mindset needs to change.

Realizing how important electoral integrity is to genuine, desirable, acceptable and transformative political transition we strove very hard between 2010 and 2015 to address the deficit of integrity, and to raise the bar of integrity of elections in Nigeria. We tried to do this, by basically returning to the basics of conducting elections, in

compliance with acceptable international standards, norms and value orientation. We also took into consideration what could be termed as the specificities, if not uniqueness, of the Nigerian electoral environment and designed measures that sought to deal with the persistent fraudulent electoral activities, which bedeviled the conduct of Nigerian elections. Hence, we had a reviewed electoral legal framework, we deployed technology where necessary and appropriate, and we developed partnerships with credible civil society groups and a range of other stakeholders. We planned, we trained and retrained staff for professionalism and non-partisanship and engaged with development partners and international organizations to remarkably improve the integrity of elections in Nigeria.

However, although it is widely recognized that Nigerian electoral democracy has come along way, and that improvement of the integrity of elections in 2015 have been a major contributor to this, we must also recognize that there outstanding threats, and therefore a lot more work to do. This work is not the business of INEC alone. All well meaning Nigerians need to join hands with INEC and other credible civil society organizations to conduct much better elections than 2015, in 2019. Partnership and collective effort can lead to a more improved legal framework for elections, to better mobilization of the citizenry for a more appropriate engagement with the electoral process, and to ensuring that the outcome of an election truly reflects the wishes and choices of the majority of the electorate.

It is significant to add that, we must emphasize professionalism, impartiality and non-partisanship of not only the election management body INEC, but also all other institutions and agencies of governance. This is because, quite often, you may have strong and effective institutions, but once partiality is allowed to prevail, and partisanship becomes the norm, as is the case with many institutions in this country, then those institutions would not be able to deliver on their core mandates.

The judiciary and the law enforcement agencies need to be alive to their responsibilities to assist in protecting and preserving the integrity of our elections.

In summary, electoral integrity is key to stable, desirable transformative political transition, predicated on good democratic governance. INEC has a key responsibility, but not the sole responsibility to bring this about. Partnerships, collaboration, putting all hands on deck, and getting the so-called political class to jettison their selfish and reckless engagement in the electoral process, would all contribute to electoral integrity and a more stable and desirable democratic transition in Nigeria.

Thank you.