Electoral Reforms in Nigeria: Prospects and Challenges

(A Lecture by the Chairman, Independent National Electoral Commission of Nigeria at the 7th International Electoral Affairs Symposium 2013, in Kuala Lumpur, Malaysia)

PROTOCOL

I am honoured by the opportunity to share with this distinguished audience our experience in Nigeria concerning electoral reforms. As you all know, Nigeria is a country in transition to democracy; because we are still in the process of weaning the political culture from the vestiges of many years of military rule that we had lived under, and the anti-democratic tendencies these years fostered in our national life. Since elections represent an essential ingredient in every participatory democracy, our electoral system is a work in progress, as we undergo reform processes and policy initiatives aimed at refining the system. In other words, the system is not yet perfect.

Democratization, in all societies, is neither a swift nor smooth-sailing experience. Some scholars have indeed argued that it is a long and tortuous process that takes place in incremental waves, in the course of which societies transit from authoritarian control into a liberal, ‘participatory’ state. Our experience in Nigeria has largely reflected this pattern. Until 1999, Nigeria’s experience of democratization was in fits and starts; characterized by military interventions in the political system in 1966, 1975, 1983, 1985, 1993 and 1998. The advent of the Fourth Republic in 1999 brought some stability to the democratization process; even then, the process was
bedeviled by badly conducted elections that left Nigerians frustrated and hopeless about the value and validity of electoral democracy in the country. That was the challenge facing our country when we came on board at the Independent National Electoral Commission (INEC) in 2010 and, soon after that, we had to conduct the 2011 elections that were adjudged locally and internationally among the best elections Nigeria ever had.

Reforms Prior to 2011 Elections
An overwhelming desire for electoral reforms among Nigerians heralded our inauguration in office as a new electoral Commission in June 2010. This was in the wake of the work of an Electoral Reform Committee set up by the late President Umaru Yar’Adua and headed by former Chief Justice Mohammed Lawal Uwais. That committee, of which I was privileged to be a member, made far-reaching recommendations on measures necessary to ensure the credibility of the electoral process in Nigeria. Government adopted some of those recommendations, although a few were not.

Nevertheless, since the inauguration of the present Commission, we have worked hard to improve the electoral process and to incrementally respond to the desire of Nigerians for their votes to count and for democracy to be deepened. The following are some of the measures we introduced in 2011 with appreciable results:

> A new biometric Register of Voters;
> A Re-Modified Open Ballot system (REMOBS);
> Improved standards in production of Sensitive Electoral Materials (serial numbering and colour-coding of Ballot Papers and Results Sheets as well as security coding of Ballot Boxes);
Revised framework for results collation and returns;
Revised framework for engagement of Ad-hoc staff;
More open and transparent procedures, modalities and processes on election day (pasting of results at Polling Units and Collation Centres);
Closer collaboration and partnerships with a range of critical stakeholders (i.e., political parties, security agencies, civil society organizations, media practitioners, etc.)
Improved voter education and citizen engagement
Improved and increased training and re-training of INEC staff
Creation of an Inter-agency Consultative Committee on Election Security (ICCES) to ensure coordinated engagement of all the security agencies during election periods.

In most societies where there has been some transition from authoritarian rule to democracy, citizens were willing to accept any election so long as authoritarian rule came to an end. But that period of tolerance is over in the global development of transitional democracies. Today, citizens are not only demanding elections, they are demanding good elections. In fact, poorly conducted elections have become a major cause of the turmoil that has engulfed many countries in recent times. What this means is that election management bodies like INEC have a responsibility to organize free, fair and credible elections capable of inspiring the confidence of all stakeholders. We at the Independent National Electoral Commission had this charge at the back of our minds in the run up to the 2011 general election. We knew that given the difficult history of elections in Nigeria and the growing frustration among large segments of the Nigerian populace over the quality of elections,
2011 was probably our “last chance” to get it right and avert a huge anti-democratic backlash. Thankfully, we recorded some modest achievements in this regard. Since the 2011 elections, the Commission has spent much time reflecting on the conduct and outcome of the elections. Many reviews have been conducted involving INEC staff, security agencies, development partners, the media and political parties. As part of that review, an Independent Committee of experts was appointed to review the 2011 voter registration as well as the General Elections. The purpose was to critically review both processes and advise the Commission on how future elections could be improved beyond our modest achievements in 2011. The outcome of their work is now widely available as the Report of the Registration and Election Review Committee (RERC), which is published on INEC website www.inecnigeria.org

**Lessons from the 2011 general election**

Some of the key lessons we have learnt from the 2011 elections and those reviews that followed include:

1. *Good elections require adequate and timely planning:* We have come to learn that there is no alternative to planning and preparing adequately. Election projects in a country like Nigeria are massive undertakings and require very professional planning. One of my favourite anecdotes about the 2011 elections is that in the registration of voters for the elections, the DDC machines we used would have formed a chain over 80 kilometers long if placed end to end; while the over 400,000 staff deployed for the exercise out-numbered the combined strength of the armed forces of the entire West African sub-
region. And for the elections, we doubled that number of staff. These indicate the massive deployment involved in the elections. Even if we discount the complex terrains over which we have to deploy, mobilizing, deploying safely and retrieving close to a million workers and a huge number of materials is by any standard a huge project.

Of course, planning is meaningless without adequate funding. This entails both adequate fund provisions and timely releases of such funds. We were lucky in Nigeria that we received the full support of the government in this regard in 2011, and we hope that this support will be replicated in the run up to the 2015 elections.

2. **Good elections are about effective partnerships and cooperation:**

We have also come to learn that running an election is a cooperative enterprise, not just a task for INEC alone. Within weeks in 2011, we were able to assemble and manage over 360,000 poll officials, mainly Youth Corps members, and another 240,000 security officials to work at the polling unit level. Thousands of other security personnel were on patrol; while over 20,000 university staff, including vice chancellors, were enlisted to serve as collation and returning officers; besides thousands of local and foreign observers who witnessed the elections. Without the cooperation of various Ministries, Departments and Agencies, especially the National Youth Service Corps (NYSC) and security agencies that worked with us in ICCES, the conduct of the elections would indeed have been a difficult, if not impossible mission.
3. **Good elections are about openness:** Another lesson we learned from 2011 is the importance of openness in managing elections. There are two dimensions to this openness. First, it is important for an EMB to be open to new ideas that support creativity. At very difficult times, we were able to try new things and depend on the creativity of our staff. Secondly, it is important to be open to stakeholders by sharing information, openly discussing difficulties and taking responsibility when necessary. Related to openness is humility: humility to learn, humility to accept limitations, and humility to make corrections when necessary.

4. **Finally and perhaps the most important lesson of 2011 is that despite all the encomiums, the elections were by no means perfect.** We at INEC were not only humbled by the praises, we have also been humble enough to realize that there is room for improvement. That was why our preparations for 2015 could be said to have begun immediately after the 2011 elections.

**Further Reforms Ahead of 2015**

The principle underlying our preparations for the 2015 elections is to consolidate the gains of 2011 and prevent reoccurrence of its weaknesses. To achieve this, we have given ourselves three focal points namely: structure, policy and plan. In **structure**, we have taken a long and deep look at INEC as an institution – its structure and processes, as well as its human resources. In **policy**, we have focused on developing new policies to guide our work and create the right normative framework for successful election management in Nigeria.
We have also focused on **planning** – both strategic planning and election planning. Following are some details of what the Commission has done in the past 18 months as it prepares for the 2015 elections. It has:

1) Formulated a Strategic Plan (2012 – 2016), and a detailed Strategic Programme of Action.

2) Completed a detailed Election Project Plan, the implementation of which will lead into the 2015 elections.

3) Conducted reorganization and restructuring of the Commission, drawing from the recommendations of a highly rated management consultancy firm. This restructuring, in summary, is designed to achieve the following: (a) define an optimal structure; (b) eliminate duplications and overlaps in roles; (c) streamline branches of the Commission namely Departments, Units, Desks, etc., and clarify manning levels; (d) clarify job descriptions; (e) identify skills and competencies required to man the branches of the Commission; (f) augment skills through continued training, where necessary; and (g) enhance the conditions of service of staff.

4) Finalized the de-duplication of the biometric Register of Voters. In fact, we are nearly through with cleaning up of the register. We are also on the verge of rolling out a programme of Continuous Voter Registration nationwide, as required by law. But our experience in the governorship election that we have just concluded in Anambra State showed that we have much work left to do in securing the integrity of the register and convincing the public of that integrity.

5) Completed a Communication Policy / Strategy, designed to
improve both internal and external communication by the Commission.

6) Drafted a Gender Policy intended to make the Commission’s work more gender sensitive, in line with global best practice.

7) Recommended improvements to the legal framework based on experiences from the 2011 elections. These recommendations on changes to the Constitution and Electoral Act have been submitted to the National Assembly for further action.

8) Established and have received the report of a Committee that reviewed the role of the Commission in election-related litigations (COREC), with far reaching recommendations on improvements towards 2015.

9) Nearly concluded the process of mapping and re-engineering the Commission’s Business Process and Election Management System (EMS). The idea is to fully map, and then reengineer how the Commission does its work, including the production of operational manuals and workflow diagrams.

10) Reorganized The Electoral Institute, with the appointment of a new Director-General and reconstitution of the Board.

11) Established a Graphic Design Centre with support from IFES, which for the first time gives the Commission the capacity to produce several election materials internally.

12) Embarked on a programme to review electoral constituencies and remap/reorganize polling units.

13) Undertaking the training and retraining of staff on an ongoing basis, especially through several BRIDGE training workshops.

14) Revised all Guidelines and Regulations on the electoral process
and started a discussion with legal experts across the country on how to enact and gazette them.

From the foregoing, we are convinced that the prospects of having good elections in 2015 are very bright. But we harbour no illusion that our preparations are perfect, or that we have accounted for all the issues that could pose challenges for the elections. In fact, there are still a number of key challenges.

**Challenges Ahead in 2015**

It is not possible to predict all challenges that will face the management of an election. All we have done is to learn from past challenges and try to contain them. Still, some old challenges willy-nilly would persist and new ones are likely to emerge. Four major challenges continue to face us as we approach 2015 and, for want of better characterization, I name them as **insecurity, funding, attitude of the political class** and **an inactive citizenry**.

**Insecurity:** One of the most depressing epithets of elections in Nigeria is that they are said to be “akin to war”. Indeed, the heat and passion associated with elections in Nigeria often make elections appear like war. Pre-election violence has led to the death of many politicians, their supporters and innocent citizens. Widespread intimidation of voters persists and organized thugs spread fear across communities in the build up to elections. In any case, elections in Nigeria are a winner-takes-all affair, while the loser loses everything – akin to payment of reparations by an enemy defeated in a war. In fact,
election security has become a lasting issue facing the management of elections in Nigeria. Several security threats now characterize the electoral process. These include physical attacks on INEC staff and facilities, attacks on security personnel on election duty, misuse of security orderlies by politicians, attacks on political opponents, cyber-attacks targeting INEC’s databases, especially the register of voters, violence at campaigns, intimidation of voters, snatching and destruction of elections materials, among others. These threats are now exacerbated by insecurity in some parts of the country, making the conduct of elections in those parts even more insecure.

In response to the rising challenge of electoral insecurity, INEC in 2011 collaborated with security agencies to establish the Inter-agency Consultative Committee on Election Security (ICCES) as the main framework for managing election security. The role of ICCES include to:

a) Coordinate the design of a comprehensive election security management system for INEC;
b) Develop locally focused plans for providing security before, during and after elections;
c) Harmonize the training, deployment and actions of security personnel on election duties;
d) Assess existing security threats across the country that have implications for elections and produce a red, amber and green electoral security map that is regularly updated;
e) Advise INEC on rapid response to security threats around elections, including voter registration;
f) Ensure a reduction in transaction costs (to INEC) of dealing with individual security agencies on issues of elections;
g) Evaluate the performance of security agencies on election duties and recommend improvements and sanctions, where necessary and
h) Harmonize the election budgets of security agencies and source funding commonly, if possible.

To achieve these objectives, clear tasks are specified for each security agency while collective responsibilities and coordination are also made clear.

**Funding:** The second key challenge facing the Commission is adequate funding for the elections. As I have already noted, all the relevant government agencies were very supportive in this regard in 2011 and we have no reason to believe that it will be different for the 2015 elections. We do recognize that organizing elections is only one of many things requiring funding by government. But the centrality of elections to our collective future is also clear. In preparing for the forthcoming elections, one guiding principle for the Commission has been to make elections more cost-effective and to give Nigerians better value for money. Our estimate is that the cost of election per voter, which is an international standard for viewing the cost of elections, is coming down in Nigeria. We project that for the 2015 elections this would come further down by almost $1 – from $8.8 in 2011 to $7.9, representing almost a 10% drop. This compares favourably with some other African countries.
**Attitude of the Political Class:** Another key challenge facing the Nigerian electoral process is a widespread absence of moderation among politicians. We are concerned about this because even if the management of elections meets the highest standards, insofar as the contestants are unwilling to play by the rules, there will be grave problems. The Commission remains deeply concerned about growing conflicts within parties and between contestants. The use of language is in most cases indecorous, encouraging supporters to follow suit with more intemperate language and ultimately fuelling violence. Parties even find it difficult to select candidates, creating a situation in which practically every nomination process in Nigeria ends in a court case. In most instances, the Commission gets either directly or vicariously involved in these conflicts and court cases. Indeed, some of the pre-election court cases in the past threatened to derail preparations for elections. Of particular note is the spate of *ex parte* injunctions that have been issued against the Commission. Yet, one would expect that parties should have clear rules and procedures for selecting candidates and resolving issues therefrom to the satisfaction of all their members. It seems to me that a primary source of the problem here is lack of internal party democracy, resulting from lack of commitment to party rules.
**Inactive Citizenry:** Clearly, an active citizenry in a political system is crucial to the sustenance and deepening of a country’s democratic experience. The active participation of citizens not only ensures sustained engagement and participation in the political and electoral processes it could also be a bulwark against the impunity in political culture, a bit of which I described above. Electoral Management Bodies across the world need an active citizenry to compliment their efforts at ensuring that elections are free, fair and credible. Our experience in Nigeria is that the citizenry has been largely apathetic towards the political process due to widespread poverty, lack of literacy and distrust of government. Without an active citizenry, efforts towards enhancing the credibility of elections by the Commission would have limited impact on the electoral process.

Apart from the four key challenges I have outlined above, there are a number of what I may call residual challenges. I outline them briefly:

a) **Delay in Amendment to the Legal Framework, namely the Constitution and Electoral Act:** The global best practice is to ensure that no changes are made to the electoral legal framework later than six months to the elections. We hope that all amendments will be completed early enough to ensure that they are widely understood by both practitioners and the general public.

b) **Completion of the review of Electoral Constituencies and Polling Units:** I hope that relevant authorities and the public will support the efforts of the Commission to successfully complete this very fundamental requirement of democracy. Equity of representation is one pillar on which democracy rests.
c) **Prosecution of Election Offenders:** This remains a major sticking point in the work of the Commission. We have repeatedly noted that the Commission lacks the capacity to prosecute the huge numbers of offenders. We hope that our proposal for the establishment of an independent body to deal with electoral offences, which is also in the report of the Election Reform Committee, will materialise.

In conclusion, I can give the assurance that preparations by INEC for the 2015 general election are proceeding in earnest. Learning from the experiences of 2011, especially regarding the need for early preparations, the Commission has undertaken the task of fundamental restructuring of the Commission, established new policies to guide its work and embarked on far reaching planning of its activities through a Strategic Plan and an Election Project Plan.

There are, however, still a number of constraints and challenges facing the Commission, as I have outlined. To be sure, these challenges are not insurmountable and we will spare no effort to ensure that the will of Nigerians are actualized in the 2015 elections. What we aim to achieve is that, with the 2015 general election, Nigeria will take its rightful place in the global order of nations where electoral democracy has come of age. That is our goal, and we have an unflinching commitment to it.

Thank you.

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