

## **Electoral Management Body and the Challenges of Conducting Credible Elections in Nigeria**

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### **Abstract**

*The paper interrogates the challenges of conducting credible elections in Nigeria's current democratic dispensation. It specifically beams its searchlight on the role of the Election Management Body (EMB), namely the Independent National Electoral Commission (INEC) in the conduct of elections. Whilst acknowledging that the conduct of elections since 1999 has been regular and common, heralding democratic progress and optimism, these elections however, are fraught with irregularities and defects that not only undermine the entire democratic process more generally, but specifically also impinge on the capacity of the EMB to conduct credible elections. This has consequently necessitated the requirement for and implementation of electoral reforms, leading to improvements in the conduct of elections and political power alternation. The paper concludes by highlighting the fact that the effectiveness of the EMB and consolidation of democracy in Nigeria depend to a considerable extent on the further implementation of electoral reforms.*

**Keywords:** Elections, Democracy, Electoral reforms, Election Management Body, Independent National Electoral Commission.

### **Introduction**

Elections are central to competitive politics of the modern era especially under the 'third wave' of democracy (Haynes, 2012:1-3; Huntington, 1991; Jega, 2015, 2013; Momah, 2016:40; Obianyo, 2008:42; Ojo, 2002:11-13). And during transitional period "elections will be not just a foundation stone but a key generator overtime of further democratic reforms" (Carothers, 2002:8). Some observers have argued that regular elections and the associated political rights and civil liberties being experienced in new democracies like Nigeria are an indication of democratic progress and optimism (Agbu, 2016; Bratton, 2004; Lindberg, 2009, 2006a, 2006b, 2004; Lynch and Crawford, 2011; Posner and Young, 2007; Uddhammar et al, 2011). In Nigeria as in much of Africa, "electoral competition is becoming more common" (Weghorst and Lindberg, 2011:1208). Regular conduct of elections is not only "central to democratization", but also "contributes to the maturation of nascent democratic cultures" (Bratton, 2004:155). For as Lindberg avers, "an uninterrupted series of competitive elections imbues society with certain democratic qualities- namely participation, competition and legitimacy" (Lindberg, 2006b:139).

Unfortunately, "In Nigeria, however, elections have been one of the main problems of the democratic process" (Omotola, 2010:535). The conduct of free and fair elections has always been a problem which continues to threaten the very survival of the country and questions the relevance of democracy (Agbu, 2016:4). Indeed, "the problems associated with elections have direct impact on the performance of democratic institutions" (Wapmuk, 2016:99). The Nigerian Government acknowledges that, "Controversies over highly rigged elections have been the forerunner to political violence and instability in Nigeria" (FGN, 2014b:39). Corroborating the above, Jega (the former Chairman of Nigeria's Election Management Body- Independent National Electoral Commission {INEC}) asserts:

*A series of badly conducted elections could create perpetual political instability and easily reverse the gains of democratization... it can be argued that the consequences of badly conducted elections and poorly managed electoral processes are major contributing factors to military interregnum in Nigeria's political history (Jega, 2015:2).*

This is common mainly in developing countries where “poorly conducted elections have become a major cause of the turmoil that has engulfed many countries in recent times” (Jega, 2013:3). Election violence is induced by a number of factors including irregularities during the electioneering processes, imposition of candidates by political parties, the complicity of security agencies and the election management body (Adejumobi, 2007; Ajayi, 2006; Campbell, 2010). Indeed, the collapse of Nigeria's previous republics (1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>) is in some ways not unconnected to the problems of election conduct. Past Electoral Management Bodies (EMBs) including; Election Commission of Nigeria (ECN, 1959-1963), Federal Electoral Commission (FEC, 1963-1966), Federal Electoral Commission (FEDECO, 1979-1983), National Electoral Commission (NEC, 1986-1993), National Electoral Commission of Nigeria (NECON, 1993-1998), and now Independent National Electoral Commission (INEC, 1998-date), all faced challenges linked to the wider problems of Nigerian politics (Agbaje and Adejumobi, 2006:31-32; Momah, 2016:37-38; Omotola, 2010:540).

Thus, the quality of elections has been the concern of scholars, practitioners and policy-makers. The idea is to determine or distinguish between a ‘genuine’, ‘free and fair’ or credible election and an election that is the opposite (Bland et al, 2013:359). This is inevitably related in more ways than one to the capacity and capability of the Election Management Body (EMB), which determines considerably not only the credibility of the electoral process but also the sustainability of democracy on the long run (Jinadu, 1997; Omotola, 2010, 2011). It is observed that, “Most Nigerians believe that electoral commissions are central to the problems associated with the conduct of elections in Nigeria” (Momah, 2016:38). Former President Goodluck Jonathan alludes to corroborate the above that, “The strength and staying power of our democracy is dependent on how much we... build a political culture of free and fair electoral contests” (Jonathan, 2013:16).

Similarly, the Electoral Reform Committee- a 22-member group constituted to among others examine Nigeria's electoral framework and process with a view to improving the quality and standards of elections argues that:

*Free and fair elections are the cornerstone of every democracy and the primary mechanism for exercising the principle of sovereignty of the people. Through such elections, citizens participate in the governance of their country... By their choices, the citizens confer legitimacy and authority on those who govern... Free and credible elections are therefore a crucial requirement for good governance in any democracy (ERC, 2008:1).*

What is more, elections and the institutions that carryout the electoral processes are not only critical to the entire democratic system but also attract significant attention because they facilitate the process of legitimizing leadership. This they do through voting processes and facilitating the systematic acquisition and transfer of political power (Oche, 2016:123). However, the electoral process in Nigeria is beset with challenges that not only impinge fundamentally on the capacity of the EMB to conduct credible elections but also undermine democracy in the country (see Jega, 2015:1). The main contention of this paper is that despite the challenges of conducting elections in Nigeria, the credible conduct of the process and indeed the consolidation of democracy are to a considerable extent a function of an institutionally impartial and effective Electoral Management Body (EMB). This brings to the fore and underscores the imperative of electoral reforms in Nigeria to among others make the EMB more effective in the discharge of its responsibilities and consolidate democracy in Nigeria. The paper is structured into five sections. Section one is the introduction which has been done above. The second section defines briefly election management and notes that election is a process and not an event. Section three focuses on the challenges of conducting credible elections in Nigeria, whilst the fourth section examines the necessity of electoral reforms as a sine qua non for improving the electoral process and strengthening the capacity of the electoral management body. Finally, section five draws conclusion by highlighting the need for further electoral reforms to strengthen the Electoral Management Body (EMB) and consolidate democracy in the country.

### ***Election Management Body (EMB) and Elections***

The significance of the EMB in the consolidation of democracy in any society cannot be overemphasized. For as Jinadu aptly puts it, in a democracy the “organization and conduct of elections, who does this and how it is done, the structure and processes for doing it, are all of paramount importance” (Jinadu, 1997:1). Indeed, as he further states an impartial electoral administration is crucial in promoting a credible electoral process (Jinadu, 1997:1). Credible elections are not possible without effective electoral management (Mozaffar and Schedler, 2002:6). At this juncture, it is instructive to define what election management or administration is if only to clarify the issue and put it in proper context.

Election management according to Agbaje and Adejumobi involves: “The interaction of constitutional, legal and institutional rules and organizational practices that determine the basic rules for election procedures and electoral competition; organize campaigns, voter registration, and election day tallies, and resolve disputes and certify results” (Agbaje and Adejumobi, 2006:25-44). Besides, election management “is the organization and conduct of elections to elective public (political) office by an electoral body” (Jinadu, 1997:2). For example, the law establishing the Rivers State Independent Electoral Commission (one of the 36 states of the Nigerian Federation), states in part and in relation to its functions that the Commission is: “to organise, undertake and supervise all elections to Local Government Councils within the State; to render such advise as it may consider necessary to the National Electoral Commission on the compilation of the register of voters in so far as that register is applicable to Local Government Elections in the State; to provide guidelines to political parties stipulating the rules and procedure for electioneering campaigns for Local Government Elections, subject to the provisions of the Rivers State Local Government law; to carry out such other functions as may be conferred on it by law” (RSIEC Law No.2, 2000:135).

Also, the EMB for the whole country namely the Independent National Electoral Commission (INEC) is established by section 153(f) of the 1999 constitution as amended and saddled with the responsibility of organizing general elections into the offices of the President, National Assembly, Governors and State Houses of Assembly. Impliedly, election is a process and not an event. It involves both rules and structures. Lending credence to the aforesaid, Jinadu explains that by election process:

*Is meant the rules procedures and activities relating to among others, the establishment of electoral bodies, the appointment of their members, the registration of voters, the nomination of candidates, balloting, counting of the ballots, the declaration of results, the selection and training of electoral officials, constituency delimitation, voter education and in some cases, registration of political parties and supervision of party nomination congresses (Jinadu, 1997:2).*

Similarly, Momah notes that election as a process transcends activities that are carried out on the day of the election. To him, examination and interpretation of elections should be all-embracing to include legal and constitutional architecture and activities that take place before, during and after election day. In his words, election as a process:

*Involves the participation of the people in the act of electing their leaders and their participation in governance. Elections are not necessarily about election day activities, although it forms an important component. It encompasses activities before, during and after elections. It includes the legal and constitutional framework of elections; the registration of political parties; party campaigns; the activities of security agencies and the government in power. It includes the authenticity and genuineness of the voter’s register. It includes the independence or lack of it of the electoral agencies and organs. It includes the liberation or otherwise of political processes in the country and the independence of the adjudication bodies in elections (Momah, 2016:40).*

From the above characterization, election process is a series of actions that produce something or that lead to a particular result or outcome. It is usually a complex and cumbersome process especially in developing countries like Nigeria with rudimentary development of political structures and institutions as well as low political culture.

### ***EMB and the Challenges of Conducting Credible Elections***

Elections in Nigeria even under the present democratic dispensation which began in 1999 are “characterized by ineffective administration at all stages (during, before and after elections), resulting in damagingly discredited outcomes” (Omotola, 2010:535). There are myriad of challenges of conducting credible election by EMB. A few will suffice here. One, is the nature of our politics and political parties. Political parties play significant role(s) in shaping electoral politics. They are the hallmark of competitive democracy (INEC, 2012:103; Walle, 2003). For as Lindberg alluded, “modern representative democracy means party democracy” (Lindberg, 2007:215). The role(s) of political parties in a democracy include to: aggregate and articulate choices in the public space; educate the citizens to political responsibility; transform citizens by integrating them into groups through a process of socialization; exercise control over executive arm of government especially the regime in power, constraining it to avoid the concentration and abuse of power; represent the link between government and the public; nominate candidates for public offices and provide electoral support to them during elections (see Alapiki, 2004:91-92; Ojo, 2002:12; Omoruyi, 2001:2-4). The nomination of candidates for election is the primary and functional role of political parties. INEC explains: “Political parties function typically to present the electorate with a choice of candidates and programmes from which to choose and, thereby, help periodically in the determination of which parties or coalition of parties will govern” (INEC, 2012:103).

By law, the EMB regulates the activities of political parties especially during the electioneering process. This includes the monitoring of political parties to encourage internal democracy especially during party primaries. This is where the challenge lies. The report of the Justice Muhammadu Uwais (Rtd)-led Electoral Reform Committee admits and rightly so that “the structure of the political parties is such that internal democracy is virtually absent” (Electoral Reform Committee, 2008:26). Corroborating this, the National Democratic Institute (NDI) a US-based organization observes that “most party primaries were conducted under opaque conditions and several party leaders hand-picking many of the candidates” (NDI, 2011:8). The immediate past Chairman of INEC- Prof. Attahiru Jega contends that the situation is worsened by the fact that the Electoral Act 2010 (as amended) forbids the EMB, that is INEC, “from removing a candidate from election list, once he was submitted by the party, for whatever reason, and we ended up with parties sending us people who did not even go through democratic primaries” (Jega, 2012:5). Again former President Jonathan decries the situation in another of his intervention on Nigeria’s democracy when he states that: “As far as I know, our political parties are yet to score high marks in nominating candidates based on classic democratic principles” (Jonathan, 2013:24).

It is perhaps this situation that led Omoruyi to argue that political parties in Nigeria “are just political parties in name... they are still in search of role, as their role is still fluid” (Omoruyi, 2001:2). Others have suggested that political parties, more often than not, operate like “electoral machines”: owned and funded by a few powerful individuals who behave like business men or “political entrepreneurs”, whose main driving force is to make profits and reap bonanzas in the form of contracts and political appointments (Adejumobi, 2007:13; Obi, 2011:376, 2004:3; Ojo, 2002:16). Besides, the ERC contends that though, “There are currently 50 registered political parties in the country, most of which are an assemblage of people who share the same level of determination to use the party platform to get power. As such, it is usually difficult to identify any party programmes or ideologies” (ERC, 2008:2).

According to INEC, the lack of internal democracy in the political parties has severe implication(s) on Nigeria’s democracy as it: “...is a major cause of serious cracks within their rank and file. Resistance to imposition of candidates has generally met with even more intolerance and high-handedness by party leadership, creating intra-party schisms, heightened tension and violence in the polity, including alleged assassinations” (INEC, 2012:107). The protracted internal political crisis rocking the major political parties especially the former ruling People’s Democratic Party (PDP) in which there are two factions laying claim to the leadership of the party, namely the Senator Ahmed Makarfi-led National Caretaker Committee and the Senator Alli Modu Sheriff-led National Executive Committee (Ezigbo, 2017, Thisday, 5 March), may not be unconnected to the challenge of lack of internal democracy in the political parties in Nigeria. The leadership tussle is a subject of litigation in the Supreme Court of Nigeria. The main incentive fuelling the crisis is the inordinate quest for power to control resources. In an incisive explanation that encapsulates the nature of our politics, Ake avers though in a wider African context which resonates in Nigeria that:

*Politics is mainly about the control of state power... Much of what is uniquely negative about politics in Africa arises from the character of the state, particularly its lack of autonomy, the immensity of its power, its proneness to abuse, and the lack of immunity against it. The character of the state rules out a politics of moderation and mandates a politics of lawlessness and extremism for the simple reason that the nature of the state makes the capture of state power irresistibly attractive... Thus, everyone seeks power by every means, legal or otherwise and those who already control state power try to keep it by every means... Our politics is not a lawful competition to select those to manage our common concern but a fight to capture and privatize an enormous state power (Ake, 1996:7-8).*

The Nigerian state is “What some people perceive to be the centralization of control over key national resources and is the main reason for their desperate efforts to win and retain power at whatever cost” (ERC, 2008:2). What is more, in Nigeria as in much of Africa “elections are struggles over the access to the resources controlled by that state, which are the biggest prize in society. Given these high stakes, politicians resort to a variety of means-whether fair or foul- to attain public office” (Bratton, 2008:1). Indeed, for the political class, the quest for political power is seen as a guarantee for unlimited and uncontrollable access to the resources of the State, which is appropriated for personal use (Wapmuk, 2016:99). This has given rise to a related challenge to the conduct of credible elections, the lack of respect for the rule of law. Democracy is a rule bound process and it is trite that everybody and every institution ought to operate and be restrained by the law- constitution. However, the experience since 1999 indicates that the law is observed more in the breach. Rather than the rule of law we now have the rule of men.

Some observers have argued that this has encouraged dictatorial tendencies manifested in the prevalence of what is aptly described as ‘godfathers’ (Albert, 2005:82; Campbell, 2010:2; Okafor, 2008:5; Sklar et al, 2006:101). That is, the situation in which formal structures and rules in political contestation do not matter but the personal dictates of “one man” or “big man” (Beckman, 2010:161-162; Bratton and van de Walle, 1997:7, 1994; Joseph 2008:99-102; Lynch and Crawford, 2011:282-285; Lindberg, 2004:62; Oyovbaire 2007:15; 2010:8-9). This phenomenon is heightened by the fact that power as noted above is overvalued because it is a means or ticket to wealth. Just as might is right in Nigerian politics, power is co-existent with wealth (Ake, 1996; Okowa, 2005). And it explains in greater part why politics degenerates to warfare given the political rhetoric and uncouth language of mainly the political class or elites (Jega, 2013, 2015). Jega decries the lack of moderation and what he describes as the “reckless mindset of Nigerian politicians”, which remains a huge impediment to democratic consolidation in the country. He opines: “Another key challenge facing the Nigerian electoral process is a widespread absence of moderation among politicians- unwillingness of the political class to play by the rules... The Commission remains deeply concerned about growing conflicts within parties and between contestants. The use of language in most cases indecorous, encouraging supporters to follow suit with more intemperate language and ultimately fuelling violence” (Jega, 2013:12). The political class in Nigeria “generally tend to believe that political power through elections has to be ‘captured’, and this has to be done by hook and by crook, and by any means necessary... winning elections is, literally, a do-or-die affair” (Jega, 2015:17).

Three, is the weak institutionalization of the primary agency of electoral management, leading to its lack of both institutional and financial autonomy (Omotola, 2010). It is observed and “established that the lack of independence of the Electoral Commission at both the Federal and State levels is a key deficiency of our electoral process” (Electoral Reform Committee, 2008:iii). This is mainly a result of the propensity of ‘ruling regimes’ to control the EMB to serve narrow and partisan interests. For as Jinadu pointedly argues, this tendency is because the ruling regimes or ruling governments: “In their bid to retain power by all means and to monopolize the political market-place, saw no reason to develop strong, independent electoral administration that would only serve to undermine or subvert their hegemonic drive. In this way electoral administration is politicized” (Jinadu, 1997:2). Nigeria’s current democratic dispensation which is the longest in the history of the country is awash with records and reports of the complicity of INEC in promoting electoral manipulation (Adejumobi, 2007:14; Ibrahim, 2007b:5; Jega, 2012:8; National Democratic Institute, 2008, 2011; Obianyo, 2008:49; Odion-Akhaine, 2008:128; Okafor, 2008a:18; Omotola, 2010). In the 1999, 2003 and 2007 elections like in many others conducted in Nigeria’s chequered history of elections (Agbu, 2016:1; ERC, 2008:19), it is observed that:

*INEC contributed its own fair share of electoral problems... INEC also did not make adequate arrangements for the transportation of sensitive election materials to the polling stations and collation centers. Result sheets disappeared and re-appeared in different forms at collation centers whilst corrupt party agents simply sold misused ballot papers to the highest bidder (Momah, 2016:38).*

Despite this infraction of INEC it is observed that the operators of the system have carried on without punishing officials of the election management body. This much is substantiated by Momah when he argues: “There have been instances when the election tribunals set up to adjudicate on the conduct of some elections had established that INEC was partisan, but the full weight of the law was never brought on those INEC officials. Lack of punishment of course results in impunity. Elections are conducted with billions of naira, and with frequent nullifications and high turnover of results, billions of naira go down the drain and yet another huge amount of money is budgeted for yet another re-run. Nobody has been prosecuted for such huge waste of the country’s resources” (Momah, 2016:39). Similarly, on the specific issue of funding of the EMB, Agbaje and Adejumobi offer a succinct explanation: “The funding of the electoral commission is the prerogative of the executive, which determines how much it is provided for it on the national budget. Finance is a major means through which the autonomy of the electoral commission is compromised. The funding of electoral commission assumes a seasonal affair in which shortly before the election period that the ruling party needs the commission, the government appropriates a large chunk of resources for it, and when election is over, the commission is de-prioritized” (Agbaje and Adejumobi, 2006:32). This challenge has to be addressed both legally and as a matter of expediency if our democracy must progress and have substance. Four and a corollary of the above, is the increasing negative mindset or public perception of EMB in particular and politics in general. The Electoral Reform Committee, “found that elections mindsets are one of the critical elements that determine the success of electoral practices and the election mindsets of Nigerians are not only largely negative, they are also largely irrational” (ERC, 2008:iii). This manifests in form of violence, rigging and monetization of politics.

This negative political culture has led to a crisis of confidence in the country’s electoral process (ERC, 2008:4). Most Nigerians hardly have confidence in the ability of EMB to organize and conduct credible elections given the appalling and disappointing experiences of the country in her attempts to institutionalize democracy. To this end, whilst assessing its own performance, INEC observes that, “there is widespread negative perception of INEC and its capacity to conduct elections” (INEC, 2011:2). Similarly, the RSIEC in its “Making the Votes Count”, affirms that, “Many Nigerians regard most elections in the country as having been marred by the partisanship of the electoral body... the manipulation of votes... especially by the political class” (RSIEC, 2008:viii). This is the dominant perception under which we operate and which we have to confront. By and large, the strategies we adopt and the ways we confront this challenge will have serious implications on the credibility of the election process.

Five, is the challenge of material poverty of the majority of Nigerians. The National Bureau of Statistics reports that 72% of Nigerians are living on less than \$1 a day. The 2011 poverty level is higher than that of 2010 and 2004 put at 69% and 54% respectively (NBS, 2011a). Also, the Federal Government admits that “unemployment rate in Nigeria increased from 19.7 in 2009 to 21.1% and 23.9% in 2010 and 2011 respectively” (FGN, 2014:5). According to the National Planning Commission (NPC), “the unemployed population is at present, dominated by the youth who are mostly school leavers with senior secondary school qualifications and graduates of tertiary institutions” (NPC, 2014:8). Poverty makes the electorate susceptible, although not necessarily to the unwholesome influence of money (Jinadu, 1997:3). Indeed, poverty subverts and disembowels democracy and corrupts the electoral process through excessive monetization of politics (Ake, 1996:10; Bratton, 2008). In the words of Jega, “the role of money in Nigerian politics is very significant... The negative impact of vote buying is widely recognized” (Jega, 2012:8). Bratton argues that Nigerian politicians or their agents “usually offered money” for their votes. And the incidence of vote buying was more prevalent among the poor. Even electoral officers are corrupted with money or other gratifications (Bratton 2008:4-6). For as Ake poignantly argued that in ‘accepting money’ or ‘bribe’ for their votes the poor “collude in commoditizing their democratic right and reinforce their subordination, thus turning election into bondage” (Ake, 1996:11). Six, is the challenge of communication and logistics leading to delays in transporting election officials and materials to the voting centres (Jinadu, 1997). This problem is more pronounced in coastal areas where the means of transportation is relatively more troublesome.

We have therefore had disturbing cases of late arrival of electoral officials and materials to election centres, with voters waiting almost interminably resulting to weariness and frustration among voters. One of the resultant effects of this is low voter turn-out or political apathy. Many Nigerians are increasingly withdrawing from participating in elections (INEC and FES, 2011). Seven, is the use and training of ad-hoc staff. Reliance on the use of ad-hoc personnel who are usually briefed or trained for a few days about their duties remains a challenge to the electoral process (INEC, 2012:11; Omotola, 2010:542). It is observed that “Insufficient time for training did not allow for proper assessment of personnel before deployment to the field” (INEC, 2012:11). This challenge not only reinforces the problem of rudimentary development of our institutional capacity but also opens the EMB to all manner of external influences by forces whose interests in some instances are at variance with that of the EMB. In the 2011 general elections, INEC recruited about 360,000 poll officials and 20,000 university staff including Vice-chancellors as collation and returning officers (Jega, 2013:5). Managing these ad-hoc staff constitutes a huge challenge to the EMB as some of them may be card carrying members of the competing political parties and may unduly influence the election outcomes in favors of the political parties they are affiliated to.

Eight, is the challenge of security. Elections in Nigeria as noted earlier are ‘akin to war’. Winners win everything, even as losers lose everything (Ake, 1996; Jega, 2013:9). This raises very serious security concerns including among others; physical attacks on INEC staff and facilities, attacks on security personnel on election duty, misuse of security orderlies by politicians, attacks on political opponents, intimidation of voters and destruction of election materials by hired political thugs (Jega, 2013:10). The Nigerian Police is constitutionally empowered to protect the lives and properties of members of the public as well as maintain law and order. And it has become customary to engage them during the electioneering process as part of their civic and constitutional responsibility. This is even more so given the volatile nature of Nigerian politics with all manner of violent and cult groups struggling for supremacy with links to politicians. However, owing to some of the reasons mentioned above, the security apparatus in some cases has played less than noble role during elections, thereby, raising questions about their integrity, professionalism and neutrality. Reports on elections in Nigeria indicate that some security officers with the connivance of EMB officials manipulate elections by unleashing fearsome intimidation on opponents of their preferred candidates, which put a taint on the credibility of the process (Ajayi, 2006:62). Obviously the challenges are inexhaustible. But for time and space I have limited myself to these ones. The question now is what should be done to make Nigeria’s electoral process and by extension the democratic process more credible and acceptable? The paper now turns to this.

### ***Elections and the Necessity of Electoral Reforms***

Given the deficits and not too salutary history of election outcomes in Nigeria, not a few have been unanimous in their demand for the reform of the electoral process. The most grievous flaw relate to the huge deficit in democratic political culture and the fragile character of democratic promoting institutions and of countervailing power centres in state and society to constrain and punish electoral offenders (INEC, 2012:8). What is notable is that “There is widespread belief, backed by intimidating evidence that the quality of elections nosedives with successive elections as was the case of the 1999, 2003 and 2007 general elections. Though longstanding, the deepening crisis of electoral governance in Nigeria has recently assumed epidemic proportions, creating an urgent need for electoral reform” (Omotola, 2011:188). Even INEC whilst assessing its own performance observes that, “there is widespread negative perception of INEC and its capacity to conduct elections” (INEC, 2011:2; see also INEC, 2012; INEC and FES Report, 2011). Indeed, “many Nigerians regard most elections in the country as having been marred by the partisanship of the electoral body... the manipulation of votes... especially by the political class” (RSIEC, 2008:viii). The electoral reform more than any other thing is predicated on the fact “that no democracy would survive for too long outside a credible electoral system” (Ogbodo, 2016).

To underscore the necessity for reforms, it is worth stating that, “The country’s 2007 elections were without doubt the most cynical illustration of the exasperation of the country’s ruling elite with the electorate” (Adebanwi and Obadare, 2011:323). Records indicate that “the elections seemed a step backwards in Nigeria’s search for democratic consolidation” (Omotola, 2009:195). Indeed, on record it is generally acknowledged that “the 2007 elections were manifestly the worst in Nigeria’s history, as declared by both domestic and international observers” (Jega, 2015:2).

The reports of the observers were damning including the Domestic Election Observation Group (DEOG), National Democratic Institute (NDI), Human Rights Watch (HRW), Commonwealth Observer Group (COG), and European Union Observation Mission (EU-OM) (see Bland et al 2013:370; COG, 2007; DEOG, 2007; EU-OM, 2007; HRW, 2007; NDI, 2008). This appears to be a general trend especially in the present democratic dispensation. According to Momah:

*What was common to all the elections (1999, 2003 and 2007), according to several local and international observers, was that they were characterized by malpractices in the form of vote rigging, ballot box stuffing, violence, including use of political thugs to intimidate voters and opponents, registration of under-aged voters and manipulation of results. There was also the issue of poor logistic on the part of INEC (Momah, 2016:163).*

These electoral defects have “left Nigerians frustrated and hopeless about the value and validity of electoral democracy in the country” (Jega, 2013:1-2). The ‘average Nigerian’, according to Jega “Has been so profoundly frustrated, disappointed and devastated by crude manifestations of the mechanics of Nigerian electoral politics, so much so that they have become either apathetic and indifferent, or exceedingly cynical or sceptical” (Jega, 2015:16). Moreover, the democratic process has been so devalued to the extent that it is not only disempowering ordinary people but also on trial (Ake, 1996, 1994, 1993; Obi, 2008, 2004) Against this and owing to the many electoral defects that characterized the election leading to his emergence as the President of the Federal Republic of Nigeria in 2007, President Musa Yar’Adua constituted a 22-member Electoral Reform Committee, headed by Justice Muhammadu Uwais (former Chief Justice of Nigeria). The Electoral Reform Committee was set up among others to “Examine the entire electoral process with a view to ensuring that we raise the quality and standard of our elections and thereby deepen our democracy” (Yar’Adua, 2007 May 29). ERC lends credence to the inevitability of electoral reform especially given the country’s history of electoral defects: “The 85-year old history of Nigeria’s elections shows a progressive degeneration of outcomes. Thus, the 2007 elections are believed to be the worst since the first elections held in 1922. The compelling need to embark on electoral reforms is thus obvious” (ERC, 2008:19).

As if to corroborate the above Jega argues that:

*Given the fact that elections are the major pillar of leadership selection and governance legitimation 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 (Jega, 2015:1).*

The electoral reforms *inter alia* are fundamentally “targeted at instituting a strong election management body with substantial administrative and financial autonomy and at promoting a democratic political culture within parties and the populace” (Omotola, 2011:187). It is contended that a neutral and independent electoral management body “is one of the fundamental prerequisites for a truly free and fair election and the establishment of true democracy in any nation” (Momah, 2016:41). It is further suggested that credibility of the electoral process will be considerably enhanced if the EMB is fair and gives equal access and treatment to all participants in the electoral process (Diamond, 2008:25; Jinadu, 1997:3). Credible democratic election implies, “freedom from coercion and fairness as the correlate of impartiality” (Lopez-Pastor, 2000:103). Other elements of the reforms include institutional reengineering coupled with attitudinal and behavioral changes on the part of all actors in the democratic process (ERC, 2008; INEC, 2010; Jega, 2015, 2013; Olurode and Wali, 2014; Omotola, 2011).

The idea of an independent EMB is to among others create a financially autonomous INEC by placing it on first line charge against the practice of having an Electoral Management Body that always goes cap in hand to the Presidency to ask for legitimate funds to carry out its responsibilities; the appointment of chairman/commissioners that are extricated from the executive or President because their appointment by the President “continuous to nurture a deep-seated perception of the Commission as only doing the bidding of the incumbent who nominated them, under the notion that ‘he who pays the piper dictates the tune’” (Jega, 2015:6).



Put differently, the role of the INEC is greatly impaired and compromised by “the fact that it is constituted by the President, coupled with the absence of an independent source of funding and its reliance largely on the Presidency for its finances” (Omotola, 2011:189). Not unexpectedly, the ERC after a thorough and painstaking work recommended among others: the reorganization and repositioning of INEC to ensure its independence and professionalism in the conduct of elections and insulate it from the control of the executive arm of government in terms of appointment of members of the Commission and funding; Civil society organizations should be empowered legally to enable them effectively discharge their functions as sentinels and watchdogs of democracy; Need to produce rules and procedure that enhance speedy disposal of election petitions and ensure that election disputes should be concluded expeditiously before swearing-in of winners of elections; Government should take seriously a broad policy of service delivery to prevent desperate politicians from exploiting the prospects of these services to intimidate and blackmail people (ERC, 2008:23-25,242-244).

So, the Federal Government before the 2011 general elections and as part of electoral reforms changed the leadership of INEC from Prof. Maurice Iwu as chairman of the Commission to Attahiru Jega. Jega’s appointment was hailed by not a few Nigerians based on his antecedents and pedigree as a scholar and former ASUU President (Bekoe, 2011:1; INEC, 2011:3; Joseph, 2010:2; Le Van and Ukata, 2012:3; Obi, 2011:378). The 2011 general elections the first under Jega’s leadership of INEC were far better than that of 2003 and 2007. They were adjudged locally and internationally as the freest and the fairest under this dispensation (Bekoe, 2011:1; Carson, 2011; Le Van and Ukata, 2012:2; International Crisis Group, 2011a, 2011b). The NDI agrees no less when it reports that “Nigeria’s 2011 general elections, the fourth since the return to civilian rule in 1999, were significantly more transparent and credible than the three previous polls in 1999, 2003 and 2007... these polls represented a key milestone in the country’s democratic development” (NDI, 2011:7).

Furthermore, electoral reform has also led to political power alternation. That is, “the transfer of authority from one governing party to opposition” (Joseph, 2010). Political power alternation or ‘turnover of power’ is considered as one of the ways of measuring progress in a democracy (Bratton, 2004; Huntington, 1991; Lindberg, 2004; van de Walle, 2003). Political power alternation between political parties “reinforce the legitimacy of political institutions and deepen democratic consolidation” (Weghorst and Lindberg, 2011:1193). This also has an added value of facilitating increased participation of the people in elections and “the acceptability of election results and reduce the chances of violence and crisis that follow elections in some cases” (Olurode and Wali, 2014:iii). It is important to stress that increased political participation conduces to an active citizenry and “An active citizenry in a political system is crucial to the sustenance and deepening of a country’s democratic experience” (Jega, 2013:13).

Since 2011 we have seen political power alternation in some states and in the Federal Government with the dislodging of the once dominant PDP from holding power in most of the states and Federal Government. More significant is the takeover of the PDP controlled Federal Government after the 2015 general elections by the All Progressive Congress (APC), a conglomeration of various opposition political parties including the All Nigeria Peoples Party (ANPP), Congress for Progressive Change (CPC), Action Congress of Nigeria (ACN), All Progressives Grand Alliance (APGA), etc. Both the Presidency under the leadership of President Muhammadu Buhari and the National Assembly are firmly controlled by the APC. Not a few see all these as indications of democratic progress and optimism given that the democratic system is becoming more competitive and the retention of power is uncertain (Agbu, 2016; Bratton, 2004; Lindberg, 2009, 2006a, 2006b, 2004; Lynch and Crawford, 2011; Posner and Young, 2007). Indeed, like in other African countries, these events “testify to the fact that real political competition is becoming more common” (Weghorst and Lindberg, 2011:1208). Haynes reminds us that democracy as shown in the experience of Western countries such as Britain and the United States “gradually evolved over a long period of time- decades or longer” (Haynes, 2001a:4). In short, “to develop democracy to the point of consolidation takes time and continuous efforts” (Haynes, 2001b:5). This remains the expectation in Nigeria if among others the electoral reform is implemented religiously and uncompromisingly.

### **Conclusion**

The conduct of credible elections remains one of the thorny and crucial issues in Nigeria’s practice of democracy. Elections are usually fraught with a lot of irregularities that raise questions about their credibility (Agbu, 2016:1-8).

The lack of credible elections in most part has had serious and fundamental impact on democratic consolidation despite the commonality and regularity as it were in the conduct of elections in the country's current democratic dispensation that began in 1999. At the centre of the whole democratic deficit is the Election Management Body (EMB), namely the Independent National Electoral Commission (INEC), which over the years but for the 2011 and 2015 general elections is generally weakened by the challenges bedeviling the electoral process. Indeed, the slight improvement recorded in the last elections resulting in political power alternation in the country is fundamentally due to the electoral reform embarked upon by the political class to address the identified institutional deficits and/or defects of the electoral process particularly in the EMB. The hope of democratic consolidation depends in large part to the consolidation of the reform itself. This requires that all and sundry including the EMB and the political actors must take the electoral reform more seriously if Nigeria's democracy is not to be seen as mere 'window-dressing or what some describe as elections without democracy (Diamond, 2002; Schedler, 2002).

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