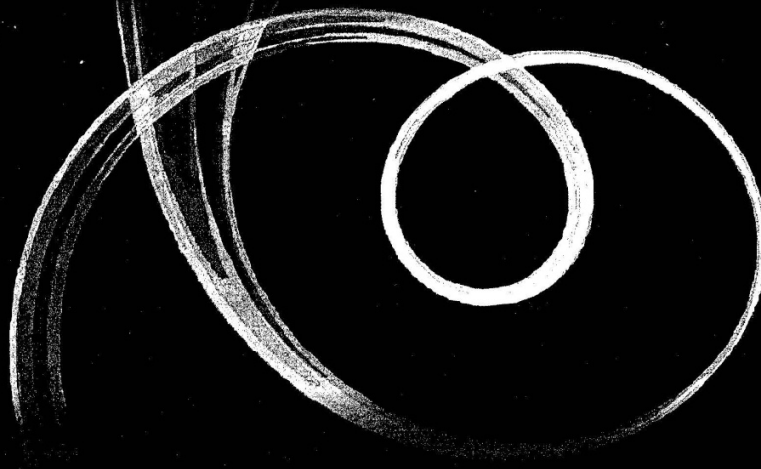


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## 2008 ELECTORAL REFORM AND MANAGEMENT OF ELECTIONS IN NIGERIA, 2011-2015

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### Abstract

*The Nigerian experience as regards election management has not been so enviable. Elections conducted in post-independence Nigeria have been subjected to controversies derivable from the credibility of the electoral processes. In this regard, the role of Election Management Institutions in the Nigerian electoral process has become problematic and questionable. The perceived incapability of the country's Election Management Board, INEC to conduct free, fair and credible elections particularly in the Fourth Republic warranted the continuous call for a total reform of the country's entire electoral architecture. It is on this basis that this paper examines the impact of the recent Uwais Electoral Reform Committee report and adoption of some of the committee's recommendations on election management in Nigeria with specific reference to the 2011-2015 electoral cycle. Through a historical qualitative analysis of data gathered from secondary sources, this paper found out among others that the major challenge confronting election management institution in Nigeria is lack of independence. This paper therefore, submits that the holistic adoption of the 2008 Electoral Reform Committee Report will go a long way in reviving citizens' confidence in the country's electoral process.*

**Key Words:** Election, Electoral Process, Election Management, Electoral Reform, Electoral Reform Committee Report

### Introduction

Election Management Institutions are central and pivotal to any democratic process. Much as elections are indispensable to building viable democratic society, the organization and the process of conducting elections are also of immense significance. As a matter of fact, what determines the success or failure of an electoral process to a reasonable extent is the way and manner in which elections are organised and conducted. Therefore, the onus of organising and conducting free, fair and credible elections resides basically with election management institutions. Election management institutions, provides the comprehensive structure within which the overall electoral process operates. This demonstrate the fact that election management institutions are sine-qua non to the workings of democracy. As noted by López-Pintor (2000:16) the development of Election Management Boards cannot be divorced from the democratization process. Thus, recent advance recorded on the democratization drive across continents are anchored on the viability, credibility and fairness of election management institutions and the capacity they have demonstrated in the handling of the conduct of elections and other associated activities.

Apart from the 1959 election that was supervised directly by the British colonialists, subsequent elections in Nigeria since independence in 1960 were conducted and managed by different national electoral bodies. However, the history of election management in Nigeria has not been an enviable one. It is important to note that elections in Nigeria have often been characterized by fraud, malpractices and violence (Duruji and Segun, 2014; Jega, 2013; EUEOM, 2007; Kaur, 2007; TMG, 2007). Informed by this, position Saka (2009:59) noted that, electoral conduct in the nation's political history has been marred by fraudulent practices, corruption and violence. Thus, it can be avers that past attempts at democratization has failed due to distorted elections and the compromising of electoral process (Mohammed, 2015: 11; Saka, 2009:59).

These variables have indeed constituted part of the challenges facing election management in Nigeria. However, while Saka (2009:59) believed that fraudulent practices, corruption and violence are challenges facing the conduct of elections and electoral process in Nigeria, he is of the strong opinion that the country's electoral body at one point or the other constitutes a substantial part of the challenges (Saka, 2009:59). He opined that rather than being independent of the executive and non-partisan, past election management institutions in Nigeria has been mere appendage of incumbent regime (Saka, 2009:59). The inability of election institution to maintain an independent status has negative consequences for the conduct and management of elections as well as the entire electoral process. Generally, one important step in addressing challenges confronting election management bodies is electoral reform. In Nigeria specifically one fundamental issue that has much been clamoured for by stakeholders in the electoral process is holistic reform. It is believed that such reform will re-structure the electoral management institution by looking generally at the issues surrounding the conduct of election, such as the laws guiding the conduct of the elections and management processes.

It is on this backdrop that this paper examines the impact of Justice Uwais (rtd) led electoral reform committee report on election management in Nigeria's Fourth Republic (2011-2015). The methodology that was adopted for the study is that of historical qualitative analysis where data was drawn basically from secondary sources. The secondary sources from which data for this study were sourced includes the Uwais Electoral Committee report; reports of elections observers notably that of the European Union Elections Observers Missions, journal articles, books and chapter in books, newspaper reports among others.

#### **Elections and Election Management Boards (EMBs)**

To a reasonable extent, elections shape the fate of a democratic polity. This is because elections provide the medium, by which the different interest groups within the modern democratic state can stake and resolve their claims to power through peaceful means (Saka and Abdulrahman, 2012/2013: 47). Elections therefore, determine the manner and methods by which changes in the social order may be brought about (Ogundiya and Baba, 2005; Iyayi, 2004). According to Kwaghga (2012: 65) elections could be seen as institutionalized procedures for the choosing of

fair elections. As a central agency in the democratic game, the role of an electoral body is clearly of paramount importance in the process of transition to and consolidation of democracy (Ijim-Agbor, 2007:89). The credibility and legitimacy of electoral processes is inextricably linked to electoral integrity. To this end, Lopez-Pintor (2000: 13) averred that, "election administration is important to understanding the integrity of elections and the democratization process".

The prominent position which EMBs occupy in ensuring free, fair and credible elections has prompted Powell (2004) to label EMBs as "instruments of democracy". As democratic institution, "EMBs help ensure 'procedural legitimacy' and 'substantive uncertainty' of elections by effectively managing various dimensions of the election process and holding political elites accountable to the rules of the electoral game" (Mozaffar and Schedler, 2002). The Global Commission on Democracy, Elections and Security identified five major challenges to the conduct of elections with integrity in its 2012 Report in which it emphasizes that: building professional and competent electoral management bodies with full independence of action is one of the major challenges to the conduct of elections (GCDES, 2012). In other words, the establishment of competent and independent election management body is a requirement for conducting standard and acceptable democratic elections.

According to Carter and Farrell (2009:20) free and fair elections are major prerequisite of representative democracies. This however, is the exclusive function of electoral institutions, which determines how elections are conducted and contested and how results are translated into victory. The perceptions of the electorate on the freeness and fairness as well as the quality of elections have direct bearing on the nature and performance of the election management board and the quality of election management (Kerr, 2013: 18). Given this context, Kerr (2013:18) notes that high quality elections demand freedom and fairness. Freedom in this regard depicts candidate's ability to contest elective offices and engage in campaign activities. This also implies voters' ability to choose a preferred candidate among alternatives without constrain or coercion. Fairness signifies the "impartial and consistent application of rules (international and domestic) in ways that do not adversely bias some political competitors relative to others". It was further posited that "the fairness dimension is often evidenced through impartial and effective conduct of electoral-related institutions such as the electoral commission, security forces, media and courts, and the absence of systematic electoral fraud and manipulation" (Kerr, 2013:19). In other words, ensuring freeness and fairness of elections is directly related to the quality of the overall management of the electoral process. Thus, the onus of ensuring this largely resides with the election management boards.

Much as election management is significant to the conduct of credible elections, the model or design of election management boards also occupy a significant position in ensuring credible and acceptable elections. Informed by this realization Omotola (2009) averred that there are three major variables which determines the quality of elections and these are; participation, competition and legitimacy. The capacity of the election management boards to ensure participation, competition and legitimacy of elections largely depend on the model and design of

the election management boards. Wall *et.al* (2006) classified election management boards into three broad categories: the independent model, governmental model and the mixed model. The Independent Model of electoral management exists in those countries where elections are organized and managed by an EMB which is institutionally independent and autonomous from the executive branch of government, and which has and manages its own budget.

Under the Independent Model, an EMB is not accountable to a government ministry or department. It may be accountable to the legislature, the judiciary, or the head of state. EMBs under the Independent Model may enjoy varying degrees of financial autonomy and accountability, as well as varying levels of performance accountability (Ace Project, 2015). They are composed of members who are outside the executive while in EMB office. Many new and emerging democracies have chosen the Independent Model of electoral management. Examples of EMBs under the Independent Model include Armenia, Bosnia and Herzegovina, Burkina Faso, Canada, Costa Rica, Estonia, Georgia, India, Indonesia, Liberia, Mauritius, Nigeria, Poland, South Africa, Thailand and Uruguay. In some countries, two bodies are established for the management of elections, both of which are independent of the executive and can be considered as independent EMBs. One of these bodies is likely to have responsibility for policy decisions relating to the electoral process, and the other to be responsible for conducting and implementing the electoral process. Provisions may exist which insulate the implementation EMB from interference by the policy EMB in staffing and operational matters. Examples of this "double-independent" framework under the Independent Model include Jamaica, Romania, and Suriname (Ace Project, 2015).

The Governmental Model of electoral management on the other hand, exists in those countries where elections are organized and managed by the executive branch through a ministry (such as the Ministry of the Interior) and/or through local authorities. Where EMBs under the Governmental Model exist at national level, they are led by a minister or civil servant and are answerable to a Cabinet minister. With very few exceptions they have no 'members'. Their budget falls within a government ministry and/or under local authorities. Countries whose EMBs fall into this model includes: Denmark, Singapore, Switzerland, the UK (for elections but not referendums) and the United States. In Sweden, Switzerland, the UK and the United States, elections are implemented by local authorities. In Sweden and Switzerland the central EMB assumes a policy coordinating role (Ace Project, 2015).

In the Mixed Model of electoral management, there are usually two component EMBs, and dual structures exist: a policy, monitoring or supervisory EMB that is independent of the executive branch of government (like an EMB under the Independent Model) and an implementation EMB located within a department of state and/or local government (like an EMB under the Governmental Model). Under the Mixed Model, elections are organized by the component governmental EMB, with some level of oversight provided by the component independent EMB. The Mixed Model is used in France, Japan, Spain and many former French colonies, especially in West Africa, for example Mali, Senegal and Togo. The powers,

functions and strength of the component independent EMB in relation to the component governmental EMB vary in different examples of the Mixed Model and the classification of a particular country as using the Mixed Model is sometimes not very clear. In the past, the component independent EMB was sometimes little more than a formalized observation operation, although this version is dying out, having been abandoned for example in Senegal. In other cases, the component independent EMB has a role to supervise and verify the implementation of electoral events by the component governmental EMB and to tabulate and transmit results, as in Congo (Brazzaville) and Togo (Ace Project, 2015). In some francophone countries in Africa, the Constitutional Council is engaged in the tabulation and declaration of results and can be considered as a component independent EMB within the Mixed Model. In Chad, this applies to referendums only, and not to elections. In Mali, where elections are organized by the Ministry of Territorial Administration, both the Independent National Electoral Commission and the Constitutional Court undertake their own tabulation of results: three component EMBs may therefore be said to exist, one which is governmental and two which are independent. The relationship between the component EMBs in a Mixed Model is not always clearly spelled-out in legislation or interpreted by stakeholders, and friction can result. In the 1999 elections in Guinea-Conakry (which used the Mixed Model at that time), the majority representatives and the opposition representatives in the component independent EMB had strongly differing approaches to its role to supervise and verify the elections, and its effectiveness was therefore heavily disputed (Ace Project, 2015). For proper functioning of the entire electoral process and the conduct of credible elections the independent model of electoral management seems to be the most suitable (International IDEA 2012:5). It is however, observed that the independent model in itself does not immediately guarantee actual independence but at least it guarantees independence in principle. The case of Nigeria since independence aptly demonstrate this position.

The management and conduct of elections in Nigeria since independence has been problematic. Elections in the country are beset by myriad of challenges which include: electoral fraud and malpractices, ineffective election management, election related violence, corruption, vote buying, political thuggery and electoral brigandage. Saka (2009:61) lamented that history has shown that a non-competent, partisan, bias and resource starved institution cannot midwife successfully an important, highly delicate and complex issue like elections and electoral process. This can be connected with the historical trajectories of badly managed elections in the country.

Indeed, the events leading to the termination of the First Republic are not unconnected with the way and manner in which the election management body (the Federal Electoral Commission) managed the 1964 general elections and the 1965 Western Region election. The incompetency and bias (Saka, 2009:62) which characterised the conduct of the elections led to discontentment among competing political parties. Aggrieved parties resorted to the use of violence which includes killing, maiming and wanton destruction of properties in what was popularly termed

operation "wetie" in the Western Region. It was however, noted that the incompetency and partisanship that characterized the management of the 1964 general elections and the 1965 Western Region election by the then Federal Electoral Commission, contributed greatly to the ensuing crisis that enveloped the Republic, which later led to its collapse (Osaghae 1998). With few exceptions election management in Nigeria prior to and in the Fourth Republic has been characterized by incompetency, bias and lack of independence. Nigeria's electoral process according to Ekundayo (2015: 53) has always been faulty, skewed and manipulated in favour of one party or candidate at the expense of the others.

The series of poorly managed elections got to a crescendo in the 2007 general elections. The management of the elections was described as a 'colossal failure' (Ijim-Agbor, 2007:82). The elections were unilaterally described as been marred by violence, significant fraud, voter disenfranchisement, lack of transparency, and widespread irregularities (EUEOM, 2007; NDI, 2007; TMG, 2007). The country's electoral body INEC which conducted and managed the elections displayed blatant partisanship for the government of the day (Ijim-Agbor, 2007:89). The criticism, controversy and condemnation generated by the poor and bias conduct of the elections got to the peak when the "chief beneficiary" of the flawed electoral process declared that the election which brought him to power was not free and fair (Tribune Newspaper, 2007). The fall out of the poorly managed 2007 elections was the widespread call for a total overhauling of Nigeria's electoral institution and process.

#### **Electoral Reform in Nigeria: A Review of Major Issues in the Electoral Reform Committee Report**

Consequent upon the pitfall of the 2007 general elections, the then President of the Federal Republic of Nigeria, the late Umaru Musa Yara'Adua on the 28th August, 2007, set-up a 22-member Electoral Reform Committee to "examine the entire electoral process with a view to ensure improvement of quality and standard of our general elections and thereby deepen our democracy" (Electoral Reform Committee, 2008:2). The 22-man panel was headed by the former Chief Justice of the Federation, Justice Mohammed Uwais. According to Bolaji (2015:61) the panel embarked on a large scale consultation with electoral stakeholders including; individuals, electoral experts around the world, INEC officials, political parties, civil society organizations, security agencies, women's organization, the media and the general public. It was observed that "after exhaustive debates and analysis, the committee presented the government with a six-volume report with detailed analysis, recommendations and appendices" (Bolaji, 2015:61).

In view of the far reaching recommendations of the Uwais' committee on electoral reforms, it is imperative that we examine in greater details the committee's understanding of Nigeria's electoral problems and how it proposes that they could be addressed. In carrying out its assignment, the committee reviewed the country's electoral history and established that, "the lack of independence of electoral commissions at both Federal and State levels is a key deficiency of Nigeria's electoral process". In the committee's review of 85-year history of elections in Nigeria, it

observed a "progressive degeneration" of outcomes with the 2007 general elections believed to be the worst. The panel in its report affirms further that the major problem with the nation's electoral system is the lack of credible elections. The committee noted that the perceptions of the people about election are part of the critical elements that determine the success of electoral practices and regretted "the elections mindset of Nigerians as not only largely negative but also largely irrational" (Electoral Reform Committee Report, 2008). The committee's recommendations are therefore, aimed at achieving the desired positive mind set in the electorate so as to minimize violence and rigging in elections, including building lasting democratic institutions and cultures.

Mohammad Uwais, who headed the 22- member committee, noted that: the committee is firmly convinced that the acceptance and implementation of the recommendations contained in this report will significantly restore confidence in the electoral process and usher in an era of free, fair and credible elections in the country (Vanguard, 2008). However, some of the committee's recommendations require changes in the existing electoral procedures, reallocation of electoral functions or creation of new institutions. Some of them require new legislations, while others require amendments of existing laws. Leaving nothing to chance as it relates to hastening the implementation process, the committee prepared draft of three bills: Act to Amend 1999 Constitution; Act to Amend 2006 Electoral Act; and Act to establish Electoral Offences Commission (Nurudeen, 2009). Highlights of some core issues in the panel's recommendations include the following:

#### **Independence of INEC**

The committee recommends that the Independent National Election Commission (INEC) should be massively re-organized and repositioned to ensure its independence and professionalism. It therefore, recommends that the 1999 constitution be amended to ensure that INEC becomes truly independent, non-partisan, impartial, professional, transparent and reliable as an institution in the performance of its constitutional functions. For INEC to be truly independent, it is recommended that Section 84 of the 1999 Constitution be amended by adding sub-section (8) to read: "the election expenditure of the independent electoral commissioners offices (in addition to salaries and allowances of the chairman and members) shall be first line charge on the Consolidated Revenue of the Federation" (Tell Magazine, 2009). The committee also recommends that INEC be split into two bodies: a board that formulates broad electoral policy and direction, and a professional/technical election management agency to handle the actual conduct of the elections. The INEC board shall be composed of 13 members as follows: a Chairman and deputy chairman who must not be the same gender; six persons representing the six geo-political zones of the country two of whom must be female; and five nominees representing the civil society organizations, labour organizations, the Nigerian Bar Association, NBA, women organizations and the media. Once appointed, a nominee cannot be recalled by any organization.

The Chairman and the deputy shall be persons of integrity, non-partisan, possess vast professional/administrative/academic experience and must not be less than 50 years old. The other 11 members shall also have the same qualifications but must not be less than 40 years of age (Nurudeen, 2009). The nomination process, as suggested is to be no less rigorous. For the positions of chairman and the six geopolitical zones, the National Judicial Council NJC, shall advertise all the positions; receive applications/nominations from the general public and shortlist three persons for each position. These shall be forwarded to the National Council of State to select one and forward to the Senate for confirmation. For the other five members, each professional body shall forward three nominees to the NJC for screening, after which it shall make appropriate recommendations to the National Council of State, which would, after further screening, recommend one each to the Senate for confirmation. The tenure of office of the members shall be five years, subject to renewal for another five years.

#### **Unbundling of INEC**

One of the most radical, though contentious, reforms suggested is the unbundling of INEC. The committee stated that for INEC to function efficiently, some of the functions it presently performs should be assigned to other agencies. Consequently, it recommended the creation of three new agencies. These are: Political Parties Registration Council, PPRC; the Electoral Offences Commission; and the Constituency Delimitation Commissions. The PPRC would, among other things, register political parties in accordance with the 2006 Electoral Act and monitor the organization and operation of the political parties, including their finances. It shall be made up of a chairman and deputy who must be of different gender and six national commissioners representing the six geo-political zones, two of whom must be women. The procedure of appointment and tenure are the same as that of the INEC board and the technical management team. Members can be removed by the President on the recommendation of the NJC (Nurudeen, 2009).

A new autonomous and constitutionally recognized body called the Electoral Offences Commission was also recommended to be established through a bill of the National Assembly and empowered to perform functions, which include: investigation of all electoral frauds and offences; co-ordination, enforcement and prosecution of offences and the enforcement of the Electoral Act 2006, the constitutions of registered political parties and any other Acts or enactments. Its members shall consist of a Chairman who will be the chief executive officer; a deputy Chairman; six representatives of the six geopolitical zones; the Attorney-General of the federation or his nominee, not below the rank of an assistant Inspector-General; and a Secretary who shall be the head of administration. The Chairman and members shall be non-partisan and appointed by the President subject to the confirmation of the Senate. The third agency is the Constituency Delimitation Commission. This would be established with institutional representation from INEC, the National Population Commission, the National Boundary Commission, office of the Surveyor-General of the federation, the National Bureau of Statistics and the National Identity

Management Commission. A fourth body, Centre for Democratic Studies, CDS, is recommended to be established to undertake broad civic education for legislators, political offices holders, security agencies, political parties and the general public (Electoral Reform Committee Report, 2008).

#### **Voting Process**

On the voting process and procedure, the committee recommends the gradual introduction of electronic machines in future elections after a period of limited testing and experimentation. In future elections, accreditation and voting are to take place within a defined period. Agents of political parties are to be given copies of results and they have the rights to demand a recount on the spot, should the need arise. All election results duly signed and copies given to the party agents, the Police and the State Security Service should be announced at the polling stations by the presiding officer. INEC is expected to "swiftly and publicly" display detailed results of the elections, including all polling station results and collated information on the number of voters, vote cast, invalid votes and others (Nurudeen, 2009). Emphasis is on the transparency of the result process to assure all stakeholders that the election is free, fair and credible. To enhance this, results broken down at polling stations should be provided at each superior level and the result should be more comprehensive in details. For the presidential election, INEC is to publish the results down to the lowest level prior to declare a winner to demonstrate that the results are accurate and within expectation. The committee reiterated that this is very important because without vote analysis, at least at the state level, it would be impossible to determine if all constitutional requirements for the election have been met (Nurudeen, 2009).

#### **The Judiciary and Determination of Election Petitions**

One major characteristic of the Nigerian electoral process particularly in the Fourth Republic is that of disputations which occurs as a result of lack of confidence in election results. The committee observed that historical evidence confirms that most political actors have often contested electoral outcomes. From the first election petitions of the 1950's to date, the judiciary has always provided a last point of call when out-of-court settlements could not resolve post-election challenges. While the courts have discharged this important responsibility creditably, care should be taken not to drag the judiciary into the political arena too often as this can affect its credibility. It was however, recommended that the judiciary should ensure prompt resolution of election-related disputes by increasing the number of election petition tribunals and consolidating petitions. The Electoral Act 2006 should be amended to shift the burden of proof from the petitioners to INEC to show, on the balance of probability that disputed elections were indeed free and fair and candidates declared winners were truly the choice of the electorate. The procedure for producing evidence before tribunals should be re-examined in order to speed-up the hearing of electoral cases. Specific procedure rules should be made for election petitions.

### **Impact of Electoral Reform on Election Management in Nigeria**

The management of elections in Nigeria since independence has always been bedevilled by one form of challenge or the other. These constraints however, revolve around the issue of the independence of the election management body. As Jubrin (2010:19) notes, "there have been fundamental structural and institutional constraints that marred the history of electoral administration in Nigeria. There is clear historical evidence that the country's electoral authorities have, to a large extent, not been independent". He further asserted that: "in spite of the frequent change of name of Nigeria's electoral management body and the repeated reform of the electoral law, the structural design of the electoral commissions did not change. The Chairmen were consistently appointed by the President (or the Head of State as the case might be), to whom they all reported". To worsen the situation the country's electoral commission have not at one point or other enjoyed financial autonomy. The government of the day determines the amount and the timing of funds disbursements for electoral purposes. With this, the leadership of the commissions will always exist at the mercy of the executive and as long as they do their bidding. Therefore, the executive dictates the direction to which it wants the electoral body to go. This is premised on the popular saying that: "he who pays the piper dictates the tune". The structural defects inherent in the Electoral commissions established in Nigeria since independence have been partly responsible for the poor conduct of elections.

It was observed that the "Nigerian electoral reform process is a response to documented reports by international and national observer groups about electoral malpractices during the 1999, 2003 and 2007 general elections" (Udeala, 2015:3). It was further, established that the reports clearly show how the management of the electoral process and elections in the country, had contravened the country's electoral law and international conventions and standards on elections. Since independence very few elections were conducted without controversies, the worst been the 2007 general elections. The need to embark on a total reform of the electoral process may not have come been visible had it being the chief benefactor of the dubious electoral process did not tag the election which brought him to power as not free and fair. The severity of irregularities which accompanied the conduct of the 2007 was so grave that it was capable of truncating the entire electoral system and process (Udeala, 2015:3). Bolaji (2015: 59) noted that "by the end of the 2007 elections, a consensus seemed to have emerged regarding the need to reform the electoral process, which is meant to help safeguard democracy in the country. It was widely perceived that the issues raised by the elections were capable of contributing to the collapse of the Nigerian state".

On 10<sup>th</sup> March, 2010 thousands of Nigerians from all works of life staged a peaceful protests in the Federal Capital Territory with placards showing their revulsion with the country's election management body. Among their request were the immediate sacking of the then Chairman of the body Professor Maurice Iwu for his mismanagement of the 2007 elections and his perceived allegiance to the ruling People's Democratic Party and the implementation of the Justice Uwais Panel Report which advocated a series of electoral reforms following the 2007 Nigerian elections

(Kerr, 2013: 192). It is believed that the implementation of the recommendations of the electoral reforms will go a long way in improving on the then forthcoming 2011 general elections. Consequently, in June 2010 the National Assembly and the State Houses of Assembly approved the first amendments to the 1999 Constitution. These brought significant improvements, concerning inter alia the financial autonomy of INEC and the introduction of the prerequisite for INEC's Chairperson and National Commissioners not to be members of a political party (EUEOM, 2011:1). The 2011 general elections marked a step forward in the country's electoral history (EUEOM, 2011). Though, mindful of the fact that the elections were not perfect, they represented a shift from what was obtained in the 2007 general elections. The impact of the adoption of some of the recommendations of the electoral reform committee was felt in the management of the 2011 general elections. As noted by Kerr (2013: 252) one of the reasons for the improvements in the integrity of the 2011 elections "was the successful passage of important electoral reforms in 2010 and 2011". The reforms which are aimed at enhancing the autonomy and capacity of INEC, promote internal democracy of political parties, deter electoral malpractice; and expand the capacity of Election Petitions Tribunals were enshrined in the 2010 amendments to the 1999 Constitution and the 2011 Electoral Act (EUEOM, 2011).

Another significant aspect of the electoral reform was the strengthening of INEC administrative autonomy in relation to the executive. Section 160 of the 1999 Constitution (as amended) states that: "the powers of the Independent National Electoral Commission to make its own rules or otherwise regulate its own procedure shall not be subject to the approval of the President" (Kerr, 2013:252). The part implementation of these reforms had far reaching positive impact on the conduct and management of the 2011 general elections. The impact of the reforms was also felt in the 2015 general elections. The 2015 general elections were generally commendable. The Independent National Electoral Commission (INEC) made commendable attempts to strengthen electoral arrangements. It was observed that during the 2015 elections INEC, "appears to have performed impartially in challenging circumstances" (EUEOM, 2015:4). Despite the improvements recorded in the conduct and management of the 2011 and the 2015 general elections, various shortcomings and irregularities were noticed during the elections (EUEOM, 2015). It was observed that "in some regions of the country, especially the South-South and South East during the 2011 general elections, observers reported instances of electoral irregularities" (EUEOM, 2011). This may be due to noticeable lapses in the management of the elections in these regions. This signifies however, that there is still much to be done in terms of election management and administration in future elections in the country.

While the recommendations of the reform have not been holistically implemented, the implementation of some of the recommendations aided the conduct of credible elections in 2011. For instance the EUEOM (2011) report on the nation's general elections of 2011 noted that the constitution and relevant electoral laws were amended and most of the issues which affected the conduct of the 2007 elections were addressed. INEC to a reasonable extent conducted the 2011 general elections

with a reasonable degree of autonomy compared to what was obtainable in the 2007 general elections. The resolve by INEC to compile a new voters' register testified to the relative independence it enjoyed during the conducted of the 2011 elections. The ability of INEC to compile the voters' register largely contributed to the credibility of the elections.

In addition to this, the resolve by the leadership of INEC to stop the use of its staff in the voting process aided the conduct of the elections. Unlike in previous elections when INEC staffs were involved in the voting process, the 2011 elections witnessed a new dimension to the voting process. The idea of utilising members of the National Youths Service Corps (NYSC) as election officials contributed immensely to the credibility of the electoral process (EUEOM, 2011). The corps' members according to EUEOM (2011) displayed a high sense of patriotism during the elections. In a similar vein, the use of University Professors as returning officers was another commendable effort which contributed significantly to the credibility of the 2011 elections. These new developments prevented or at least reduced manipulation of the election outcome which has remained a major feature of the nation's electoral process. The new initiatives of bringing in NYSC members as election officials and the use of University Professors as returning officials by the leadership of INEC are fallouts of the recommendations of the Electoral Reform Committee.

The partial implementation of the recommendations of the 2008 Electoral Reform Committee to an extent assisted in surmounting some of the challenges of conducting free, fair and credible elections. According to Obianyo and Vincent (2015) many of the recommendations suggested by the Electoral Reform Committee were incorporated into the framework for the administration of the 2011 general elections. This included the amendment of the 2006 Electoral Act to take into consideration the issue of time that has always generated heated debates prior to elections in Nigeria, particularly in the Fourth Republic. It was noted that Section 5 Sub-section 5 of the 2010 Electoral Act (as amended) stipulated that review of voters' register shall stop 60 days before any election is held. This goes contrary to the 120 days stipulated in the 2006 Electoral Act. This amendment provide INEC with an ample opportunity and time to embark on compilation of a credible voter register to be used for voting in the 2011 general elections (Obianyo and Vincent, 2015).

Much as the 2011 elections were considered as credible, the 2015 general election was also seen as significantly credible (EUEOM, 2015; AUEOM, 2015 Commonwealth Observer Group, 2015). The impact of the recommendation of the Electoral Reform Committee particularly that on voting process was felt during the 2015 general election. The committee's recommendation as regards voting process suggested the introduction of the electronic machines in future elections in the country. Prior to the conduct of the 2015 general election, the country's electoral body INEC made it known to that voters without the Permanent Voters Card (PVC) shall not be allowed to vote. The PVC contains an implanted micro-chip which contains the necessary data of a voter. The PVC on the Election Day was verified and

authenticated by the use of the Electronic Card Reader Machine (ECRM). This was a clear departure from what was obtainable during the 2011 general election.

The use of the PVC and the ECRM according to many political stakeholders aided the credible conduct of the 2015 general election (EUEOM, 2015; AUEOM, 2015; Commonwealth Observer Group, 2015). According to INEC the introduction of the PVC and the ECRM was to ensure that each voter was duly registered and that the PVC belongs to such voter. This minimised the multiple voting and on the whole guaranteed a more credible electoral process (Jega, 2015). Beetseh and Akpoo (2015) noted that the use of the PVC and ECRM reduced electoral fraud and multiple voting. They contended that the outcome of the general election reflected the wishes of the people and as such many Nigerians expressed confidence in the electoral process and the outcome of the elections (Beetseh and Akpoo 2015). Unlike the 2007 elections when the aftermath of the declaration of results was tainted with the litigations, there was drastic reduction of election petitions filed by aggrieved candidates after the release of results (Ike, Adibe and Akpan, 2017)

#### **Conclusion and Recommendations**

Election management in Nigeria since the attainment of independence has been characterised by various challenges which has rendered the Nigerian electoral process incapable of consolidating the country's democracy. Elections held in the country particularly in the Fourth Republic with few exceptions has been characterised by poor management and administration. This has however, been blamed on the inability of the nation's election management board to conduct and manage the country's electoral process properly. The 2007 general elections, the worst to be conducted in the series of elections in the Fourth Republic exposed the incapability of the country's electoral management body to conduct and manage satisfactorily the country's electoral process. The widespread condemnation which trailed the conduct of the elections however, led to the inauguration of an electoral reform committee to examine the country's electoral process with the aim of overhauling it. The committee at the end of its deliberations came out with far reaching recommendations to improve the country's entire electoral process. The committee among others recommended that the Independent Electoral Commission be independent in all ramifications. While the partial implementation of some of the recommendations is commendable, it is important to note that reviving peoples' confidence in the country's election process requires a holistic and unbiased implementation of the recommendations of the electoral reform committee.

#### **References**

- Ace Project (2015). Election Management' Available at: <http://aceproject.org/ace-en/topics/em/ema/ema01>. Assessed 10<sup>th</sup> of January 2017
- AUEOM (2015). The 28 March 2015 Presidential and National Assembly Elections in the Federal Republic of Nigeria: Preliminary Statement. Available at: [www.auelections.org/aueomreport.html](http://www.auelections.org/aueomreport.html) Assessed 4<sup>th</sup> August 2017

- Beetseh, K. and Akpoo, T. (2015). The Analysis of the use of Smart Card Reader (SCR) and Credible Elections in Nigeria in 2015. *Inter. J. Polit. Sci. Develop.* 3(11): 470-477
- Bolaji, K. (2015). Toward Institutionalizing Credible Elections in Nigeria: A Review of Reform Measures by the Independent National Electoral Commission In International IDEA (2015) *Improving Electoral Practices: Case Studies and Practical Approaches*. Stockholm, Sweden.
- Carter, E. And Farrell, D.M. (2009). Electoral Systems and Election Management. *Comparing Democracies 3*, London: Sage. 1-34
- Commonwealth Observer Group (2015). Nigeria Elections 2015: Interim Statement. Available at: <http://thecommonwealth.org/media/news/nigeria-elections-2015-interim-statement-commonwealth-observer-group>. Assessed 4<sup>th</sup> August 2017
- Duruji, M.M. and Segun, J. (2014). Elections and Electoral Administration in Nigeria. In R. Ajayi and Fashagba, J.O. Edited, *Understanding Government and Politics in Nigeria* Omu Aran: Department of Political Science and International Relations, Landmark University, Omu Aran
- Electoral Reform Committee Report (2008). *Report of the Electoral Reform Committee Volume 1*. Abuja: Federal Republic of Nigeria.
- Elkitt, J. and Renolds, A. (2000). The Impact of Election Administration of the Legitimacy of Emerging Democracies: A New Research Agenda. *Working Paper No 281: the Helen Kellogg Institute for International Studies*.
- European Union Election Observer Mission (2015). Final Report Federal Republic of Nigeria. available at: [http://eeas.europa.eu/eueom/missions/2011/uganda/index\\_en.html](http://eeas.europa.eu/eueom/missions/2011/uganda/index_en.html). Assessed 12<sup>th</sup> January, 2017
- European Union Election Observer Mission (2011). Nigeria: General Elections April 2011 Final Report. Available at: [http://eeas.europa.eu/eueom/missions/2011/uganda/index\\_en.html](http://eeas.europa.eu/eueom/missions/2011/uganda/index_en.html). Assessed 21st October, 2013
- European Union Election Observer Mission (2007). *Preliminary report of the National Assembly and Presidential election in Nigeria*. Abuja: European Union.
- IDEA, (2012). Electoral Management during Transition: Challenges and Opportunity. *Policy Paper August 12 2012*. International Institute for Democracy and Electoral Assistance
- Ijim-Agbor, U. (2007). The Independent National Electoral Commission as an (Im) Partial Umpire in the Conduct of the 2007 Elections. *Journal of African Elections, Volume 6 No 2*:79-94
- Ike, C., Adibe, R., Akpan, I. (2017). "The Impact of Information and Communication Technology Application on the 2015 General Elections in Nigeria." *Journal of Advances in Political Science, Volume 3, Number 1*. Pp 49-53

- Iyayi, F. (2004). The Conduct Of Elections And Electoral Practices In Nigeria. Being Text of A Paper delivered at the NBA Conference in Abuja on 24th August, 2004. Available on <http://www.docstoc.com/docs/92734524/The-conduct-Of-Elections-And- Electoral-Practice-I Nigeria>. Assessed: 22/06/2015.
- Jega, A.M. (2015). Level of our Preparations for 2015 General Elections. Available at: [www.sunewsonline.com/news/?p=105255](http://www.sunewsonline.com/news/?p=105255). Assessed 4th August, 2017
- Jega, A.M (2013). *Party politics and elections in Nigeria*, Abuja: Independent National Electoral Commission.
- Jibrin, I. (2010). *A Study of Independent National Electoral Commission of Nigeria*. Dakar: CODESRIA.
- Kaur, S. (2007). Institutional Development as a Challenge to Democratic Sustenance in Nigeria, *International Studies*, 44 (3): 217-233.
- Kerr, N.N. (2013). The Causes and Consequences of Electoral Administrative Reform in Africa. Unpublished Ph.D. Thesis: Michigan State University.
- Kwagbha, B (2012). Good Governance and Credible Elections in Nigeria. *Journal of Social Science and Public Policy* 4: 65-72. <http://www.cenresinpub.org/pub2/Good%20Governance%20and%20Credible%20Elections%20in%20Nigeria.pdf>
- Lopez, R. (2000). *Electoral Management Bodies as Institutions of Governance*. New York: UNDD.
- Mohammed, H. (2015). Introduction: The Dilemmas of Political Parties in Nigeria. In Mohammed, H. (Ed.), *the Patterns and Dynamics of Party Politics in Nigeria's Fourth Republic* Dutse: Department of Political Science, Federal University Dutse. (pp. 1-25),
- Mozaffar, S and Schedler, A. (2002). The Comparative Study of Electoral Governance: Introduction. *International political Science review* 23, (1): 5-27.
- National Democratic Institute, NDI (2007). Final NDI Report on Nigeria's 2007 Elections. Abuja: National Democratic Institute.
- Nigerian Tribune (2007). Umaru Yar'adua: "My Election Not Free And Fair". Available at: <http://www.tribune.com.ng/saturday> Assessed 30th May, 2016.
- Obianyo, N. E. & Vincent, E. (2015). Independent National Electoral Commission (INEC) and the Administration of 2015 Elections in Nigeria: The Strengths, the Weaknesses and the Challenges. *Paper to be presented at the Conference on The 2015 General Election in Nigeria: The Real Issues , Organized by the Electoral Institute, Independent National Electoral Commission Abuja. July 26 - 29, 2015*
- Ogundiya, I.S. and Baba, T.K. (2005). Electoral violence and the prospects of democratic consolidation. In G. Onu and M. Abubakar (Eds.) *Elections and democratic consolidation in Nigeria*. Proceedings of 23<sup>rd</sup> Annual Conference of Nigerian Political Science Association, Lagos: Triad Educational Publishers Ltd.
- Omotola, J.S. (2009). Electoral Administration and Democratic Consolidation in Africa: Ghana and Nigeria in Comparative Perspective. Paper Prepared for

- Presentation at the Global South Workshop. Graduate Institute of International and development studies, Geneva.
- Osaghae, E.E. (1998). *Crippled Giant: Nigeria since Independence*. Bloomington: Indiana University Press.
- Saka, L. and Abdulrahman, A. (2012/2013). Electoral violence and democratic sustenance in Nigeria's Fourth Republic: Insights from the 2011 Post-election violence in Northern Nigeria, *Mambayya House Journal of Democratic Studies*, 4, (December): 47-72.
- Saka, L. (2009). Electoral Institution and the Management of Democratization Process: The Nigerian experience. *Journal of Social Science* 21 (1) 59-65.
- Tell Magazine, January 26, 2009
- TMG (2007). *An election Programmed to Fail: Preliminary Report on the Presidential and National Assembly Elections held on Saturday April 21<sup>st</sup>, 2007*. Abuja: Transition Monitoring Group, TMG.
- Udeala, S.O. (2015). Building Legitimacy in Democratic Process Through Electoral Reforms: Prognosis and Prospects''. Being the text of *Paper presented at the Two Day National conference on The 2015 General Elections in Nigeria: The Real issues*'' Organized by The Electoral Institute, Abuja 26<sup>th</sup>-29<sup>th</sup> July, 2015
- Vanguard Newspaper, Friday, December 12, 2008.
- Wall, A., Andrew E., Michael, M., Wolf, P., Catf, H. (2006). *Electoral Management Design: The International IDEA Handbook*. Stockholm: International Institute for Democracy and Electoral Assistance.