

CHALLENGES OF FRAUD-FREE ELECTION UNDER A DEMOCRATIC DISPENSATION

(A presentation by Hon. Chairman, Independent National Electoral Commission, Professor Attahiru Jega, OFR, at a Public Lecture / Book Launch by the Mustapha Akanbi Foundation (MAF) in Ilorin, Kwara State, on the 12th March, 2014.)

INTRODUCTION

I am honoured by the invitation to share my thoughts with this distinguished audience on challenges confronting fraud-free elections in a democratic dispensation. Fraud-free and credible elections are central to the enthronement of good governance as well as democratic sustainability in any society. From universal experience, a credible electoral process makes leaders accountable and responsive to the yearnings and aspirations of the people from whom they get their mandate to govern. When elections are free and fair, citizens have genuine opportunity to choose their leaders and demand good governance; and they could reject those leaders at subsequent elections if the demand for good governance is not met.

Nigeria is a democracy in transition. We are still refining the political culture from anti-democratic tendencies that many years of authoritarian rule under military regimes fostered in our national life. These tendencies have always undermined the credibility of our elections, and it requires determined and collective effort on the part of all stakeholders to deepen democracy in our country. Since elections are an essential ingredient in a country's transition to democracy, our electoral system in Nigeria is a work in progress. We are still pursuing reform processes and policy initiatives aimed at refining the system and bringing incremental changes that are sustainable.

But democratization, in all societies, is neither a swift nor smooth-sailing experience. Some scholars have indeed argued that it is a long and tortuous process that takes place in incremental waves, in the course of which societies transit from authoritarian control into a liberal, 'participatory' state. Our experience in Nigeria has largely reflected this pattern. Until 1999, Nigeria's experience of democratization was in fits and starts; characterized by military intrusion in governance in 1966, 1975, 1983,

1985, 1993 and 1998. But the advent of the Fourth Republic in 1999 has witnessed some stability. Even then, the democratisation process process was bedevilled by badly conducted elections that left Nigerians frustrated and questioning the value and validity of electoral democracy in the country.

Before the present Commission in INEC came on board in 2010, the common view among Nigerians and non-Nigerians alike was that the quality of our elections was progressively declining. Our immediate objective as we assumed office, therefore, was to reverse the trend and restore credibility to the electoral process. Going by the general view of the 2011 general elections, we substantially achieved that objective. Even though the elections were not perfect, they were adjudged locally and internationally to be, perhaps, the best in Nigeria's history. What did the Commission do to raise the bar?

REFORMS PRIOR TO 2011 ELECTIONS

The inauguration of the present Commission in June 2010 was preceded by a strident clamour among Nigerians for electoral reforms – for their votes to count and for democracy to be deepened. In response to those yearnings, we introduced some reform measures prior to the 2011 elections with appreciable results. The reforms include the following:

- A new biometric Register of Voters.
- A Re-Modified Open Ballot System (REMOBS).
- Improved security features on sensitive electoral materials, such as serial numbering and colour-coding of ballot papers and results sheets, as well as security coding of ballot boxes.
- A more transparent framework for results collation and making returns.
- Revised framework for engagement of Ad-hoc staff.
- More transparent procedures on Election Day, including pasting of results at polling units and collation centres.
- Closer collaboration and partnerships with a range of critical stakeholders such as political parties, security agencies, civil society organizations, media professionals, etc.
- Enhanced voter education and citizens engagement

- Intensified training and re-training of INEC staff.
- Creation of the Inter-agency Consultative Committee on Election Security (ICCES) to ensure coordinated engagement of all the security agencies during election periods.

Since the end of the 2011 elections, the Commission has spent much time reflecting on the conduct and outcome of those elections. Many reviews were conducted involving INEC staff, security agencies, political parties, development partners and the media. Also, an independent committee of experts was appointed to review the 2011 voter registration and the General Election. The objective was to critically evaluate both processes, and learn necessary lessons to guide the Commission on how future elections could be improved upon beyond the modest achievements of 2011. The outcome of the work of that independent committee is widely available as the Report of the Registration and Election Review Committee (RERC), which is published on INEC website (www.inecnigeria.org).

LESSONS FROM THE 2011 GENERAL ELECTIONS

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

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

Of course, planning will be meaningless without adequate funding. This entails both adequate provision of funds and timely releases of such funds. We were lucky in 2011 that we received the full support of the Nigerian government in this regard, and we hope that this support will be forthcoming in regard of the 2015 elections.

2. *Good elections are about effective partnerships and cooperation:* We also learnt that running an election is a cooperative enterprise, and not just a task for INEC alone. Within weeks in 2011, we were able to assemble and manage over 360,000 polling officials, mainly members of the National Youth Service Corps (NYSC) scheme, and another 240,000 security officials to work at the polling unit level. Thousands of other security personnel were on patrol; while over 20,000 university staff, including vice chancellors, were enlisted to serve as collation and returning officers. These were besides thousands of local and foreign observers of the elections. Without the cooperation of various Ministries, Departments and Agencies, especially the NYSC and security agencies that worked with us in ICCES, the conduct of the elections would indeed have been a difficult, if not impossible mission.
3. *Good elections are about openness:* Another lesson we learnt from 2011 is the importance of openness in managing elections. There are two dimensions to this openness. First, it is important for an EMB to be open to new ideas that support creativity. At very difficult times, we were able to try new things and depend on the creativity of our staff. Secondly, it is important to be open to stakeholders and, indeed, the public by freely sharing information, openly acknowledging our difficulties and taking responsibility when necessary. Related to openness is humility: humility to learn, accept limitations and make corrections when necessary. Perhaps I should mention that uncharitable critics have used our openness about challenges and our readiness to take responsibility as lightning rods against us. But we are not deterred.
4. *Getting our elections right is still work in progress:* Perhaps the most important lesson of 2011 is that despite all the encomiums, the elections were by no means perfect. We at INEC were not only humbled by the praises, we

were also humble enough to realize that there is room for improvement. That was why our preparations for 2015 could be said to have begun immediately after the 2011 elections.

PREPARATIONS TOWARDS 2015

Our preparations for the 2015 general elections began almost immediately we concluded the 2011 elections. The principle underlying our preparations for 2015 has been to consolidate the gains of 2011, while preventing a reoccurrence of its weaknesses. To achieve this, we identified for ourselves three focal points namely: structure, policy and plan. Under **structure**, we took a deep look at INEC as an institution – its systems and processes, as well as its human resources. In regard of **policy**, we focused on developing new policies to guide our work and create the right normative framework for successful election management in Nigeria. Then, we also focused on **planning** – both strategic planning and election planning.

The following are some things the Commission has been doing in the past 22 months as it prepares for the 2015 elections:

- 1) A Strategic Plan (2012 – 2016), and a detailed Strategic Program of Action have been formulated and are being implemented
- 2) A detailed Election Project Plan (EPP) has been drafted, the implementation of which will ensure seamless execution of specific tasks leading to the 2015 elections.
- 3) A comprehensive reorganization and restructuring of the Commission has been completed, drawing from recommendations by a highly rated management consulting firm.
- 4) The consolidation and de-duplication of the biometric Register of Voters has been completed, as a result of which the register of voters now has tremendous integrity – much better than the one with which the 2011 elections were conducted. Indeed, the register compares favourably with the best Register of Voters on the African continent.
- 5) Plans have been finalized to roll out a program of Continuous Voter Registration (CVR) nation-wide. The CVR will provide fresh opportunity for citizens who had not previously done so to get captured on the electronic

register before the 2015 general elections, as we have stopped using Addendum register for elections.

6) We have issued chip-based Permanent Voter Cards (PVCs) in Ekiti and Osun states, and have concluded plans to do same in other states nationwide. These cards will be swiped with card readers in the 2015 elections to ensure 100 per cent verification and authentication of voters.

7) The Commission now has a Communication Policy / Strategy, which is designed to improve both its internal and external communication processes.

8) A Gender Policy, intended to make the Commission's work more gender sensitive in line with global best practice, is being finalised and will add value before the 2015 general elections.

9) Drawing on our experiences as INEC since 2011, recommendations for improvements to the legal framework, especially the Constitution and the Electoral Act, have been submitted to the National Assembly.

10) A committee (COREC) was set up to review the role of the Commission in election-related litigations, and it has made far-reaching recommendations for improvement towards 2015.

11) The mapping and re-engineering of the Commission's Business Processes and Election Management System (EMS) has been concluded.

12) The Electoral Institute (TEI) has been reorganized, with the aim of making it a centre of excellence for training and research – not just for INEC, but also for State Independent Electoral Commissions (SIECs) and other EMBs in the West African sub-region.

13) A Graphic Design Centre has been established with support from IFES, which for the first time gives INEC the capacity to produce some election materials internally.

14) A program for the review electoral constituencies and creation of additional polling units is on-going. We are unlikely to conclude the constituency delimitation exercise before 2015, but we will surely create additional PUs.

15) The training and retraining of staff on an on-going basis, especially through several BRIDGE workshops, is underway with support from many development partners.

16) All the Guidelines and Regulations on the electoral process are being

revised, and discussions have commenced with appropriate authorities on how to enact and gazette them.

17) An Election Risk Management Tool is being deployed ahead of the 2015 elections, with support from the African Union (AU) and International IDEA. This tool will enable the Commission to gather information about risk factors associated with elections, be able to analyse them and deploy effective measures to contain or mitigate those factors, towards ensuring peaceful and violence-free elections.

CHALLENGES AHEAD OF THE 2015 ELECTIONS

From the foregoing, INEC is convinced that the prospects of having remarkably much better elections in 2015 are very bright. The Commission has already announced the dates for the 2015 general elections as well as the two governorship elections coming up in 2014 in Ekiti and Osun states, and the countdown to those dates has begun in earnest. In Ekiti and Osun, we have already distributed the PVCs and displayed the biometric Register of Voters, preparatory to the Continuous Voter Registration that commences today (March 12) in both states.

It is not possible to predict all the challenges that could face the management of an election. What we have done in INEC is to learn from past challenges and introduce measures to prevent reoccurrence, as well as anticipate new ones and how to contain them. But there are yet some key challenges confronting efforts to conduct fraud-free elections in an environment like ours, namely:

Insecurity: One of the most depressing epithets of elections in Nigeria is that they are said to be “akin to war”. Indeed, the heat and passion associated with elections often make the exercise appear like war. Pre-election violence has led to the death of many politicians, their supporters and innocent citizens. Widespread intimidation of voters persists, while organized thugs spread fear across communities in the build up to elections. Several other security threats characterize the electoral process in Nigeria. These include physical attacks on INEC staff and facilities, such as cyber-attacks targeting the Commission’s database and Register of Voters, attacks on security personnel on election duty, misuse of security orderlies by politicians, violence at campaigns, snatching and destruction of elections materials, among others. These threats are made worse by the lingering challenge of insurgency in a section of the

country. INEC does hope that the problem is effectively resolved before the 2015 elections.

Funding: The second key challenge facing the Commission is funding for the elections. All relevant government agencies were very supportive in this regard in 2011, and we have no reason to believe that it will be different for the 2015 elections. We do recognize that organizing elections is only one of many activities requiring government funding. But the centrality of elections to our collective future is also clear. We remain anxious about getting all our funding requirements met well in advance of the 2015 general elections.

Attitude of the Political Class: Another key challenge facing the electoral process is widespread absence of moderation among politicians. We are concerned about this because even if the management of elections meets the highest standards, insofar as the contestants are unwilling to play by the rules, there will be grave problems. The Commission remains deeply concerned about growing conflicts within parties and between contestants. The language used is in most cases indecorous, encouraging supporters to follow suit with more intemperate language and ultimately fuelling violence. Parties even find it difficult to fairly select their candidates, creating a situation in which practically every nomination process in Nigeria ends in a court case. In most instances, the Commission gets either directly or vicariously involved in these conflicts and court cases. Some pre-election court cases in the past threatened to derail preparations for elections. One primary source of the problem is lack of internal party democracy, resulting from lack of commitment to party rules.

Inactive Citizenry: An active citizenry is crucial to the sustenance and deepening of any country's democratic experience. The active participation of citizens not only ensures sustained engagement and participation in the political and electoral processes, it could also discourage impunity in political culture. Election Management Bodies need an active citizenry to complement their efforts at ensuring that elections are free, fair and credible. Our experience in Nigeria is that the citizenry has been largely apathetic towards the political process due to widespread poverty, low literacy level and distrust of government. Without an active citizenry, efforts by INEC to deepen the credibility of elections would have limited impact.

Besides the four key challenges identified above, there are a few other residual challenges that can be briefly outlined as follows:

- a) **Pending Amendment to the Constitution and Electoral Act:** The global best practice is to ensure that no changes are made to the electoral legal framework later than six months to the elections. We hope that all amendments will be completed early enough to ensure that they are widely understood by both practitioners and the general public.
- b) **Review of Electoral Constituencies and Polling Units:** It is unlikely now that we will be able to conclude the review of electoral constituencies, as provided by the law to enhance equity of representation. We will, however, create about 30,000 additional polling units to ease the access of voters to the ballot box in 2015.
- c) **Prosecution of Election Offenders:** This remains a major sticking point in the work of the Commission. We have repeatedly made clear that INEC lacks the capacity to prosecute the huge numbers of offenders. We do hope, therefore, that our proposal for the establishment of an independent body to deal with electoral offences, which the report of the Justice Mohammed Uwais-led Election Reform Committee had also recommended, will materialise.

CONCLUDING REMARKS

Our preparations in INEC give us the confidence that the 2015 elections will be much better than 2011; indeed, they will compare favourably with credible elections anywhere in the world. We are painstaking with our plans, and we are introducing new processes that are designed to check the abuses of the past. These abuses had deprived Nigeria's electoral process of credibility for so long, undermined the legitimacy of political office holders and discouraged their accountability to voters – which is what good governance is all about. We are determined in INEC to ensure that the will of Nigerians are actualized in the 2015 elections. Our hope is that, with these elections, Nigeria will take her rightful place in the global order of nations where electoral democracy has come of age.

However, ensuring free, fair and credible elections is not a task that INEC alone can deliver. All stakeholders have important roles to play, and we must strengthen

partnerships and collaborative endeavours to bring this about.

Thank you.

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