

# THE INDEPENDENT NATIONAL ELECTORAL COMMISSION OF NIGERIA: AN EVALUATION OF THE JOURNEY SO FAR

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## **Abstract**

*The conduct of elections is crucial to development in democracies, especially in developing countries of Africa. The study is an attempt at evaluation of the Independent National Electoral Commission (INEC), which has been conducting elections in Nigeria since 1999. The study adopted the descriptive research design. Democratic theory formed the theoretical framework of analysis. Secondary sources of data were employed. Theoretical and empirical literature relevant to the study was reviewed. The study found that all elections conducted in Nigeria by INEC have been high-level scams. However, the 2011 and 2015 elections were relatively free and fair. The conduct of free and fair election in Nigeria by INEC are hindered by a lack of adequate autonomy from the executive arm of the government, electoral violence, do-or-die philosophy of Nigerian politicians, who learn nothing and forget nothing on the political landscape of Nigeria, among other findings. The study recommended that the contributions, strength and weakness of INEC in Nigeria's democratization process should be noted in order to make INEC more result-oriented in the conduct of future elections in Nigeria.*

**Keywords:** *Independent National Electoral Commission of Nigeria, Conduct of elections, Do-or-die electoral mentality, Electoral malpractice.*

## **Introduction**

The legitimacy and quality of any political system in a democracy is measured among other things by the way and manner through which people are selected into political offices. This, therefore, presupposes that elections and the processes involved in them are the acid tests for determining the quality, legitimacy and development of any political system.

According to Diamond (2002) and Luqman (2009), the centrality of elections to democratization is the fact that there can never be democracy without elections, although there can be elections without democracy. Therefore, election is the life-wire of any democracy. According to Woleola (2015), "Elections in a democracy

are very important because they are the means through which the political expressions of the people are shown via legitimacy and leadership succession". In a free and fair and credible election, the people have the political will and right to decide who should govern them. The contention is that a government is said to be legitimate and democratic only if it has the mandate of the people. This mandate could only be given by the people through periodic free, fair and credible elections.

According to Kukah (2015), elections could be defined as a complex set of activities with different variables that act and depend on one another. These sets of activities involve the participation of the

people in electing their leaders and their participation in government. Elections give franchise to citizens to elect their leaders and are fundamental elements for installing democratic government all over the world. Electoral process includes activities before, during and after elections. It encompasses the establishment of the electoral management body, the legal and constitutional framework of elections, the registration of political parties, management and control of party campaigns and primaries, and the registration and review of voters list. It also includes the role of print and electronic media, the activities of security agencies and government in the process of election, etc.

All over the world, especially among democracies, the conduct of elections and the processes involved in it are usually assigned to a functional and non-partisan electoral management body which may be given any name depending on the choice of the country and the government in power. In the case of Nigeria, from 1999 till the present day, the Independent National Electoral Commission (INEC) has been constitutionally assigned the function of the conduct of elections and other related matters for the smooth transition of one government to another at the federal and state levels.

According to Udu (2015), the INEC is the institutionalized governmental body established, through the instrumentality of law, to manage the nation's electoral process. It is expected to be a truly independent body that personifies the ideals of transparency, impartiality, accountability and responsiveness in the conduct of elections and electoral related process.

Edigheji (2006) and Yaqub (2006) assert that credibility of elections are directly related to the competency of the organising institution, its composition and Functions. The INEC must be truly

independent, transparent and impartial in the performance of its functions as stipulated by the law. It must also be perceived in reality by all actors in the electoral process to be neutral, objective, and above board. It must be competent in the discharge of its constitutionally assigned duties with minimal or no institutional, structural or financial hindrances. It must be truly independent in every sense of the word. Without a vibrant, competent and strong electoral body, the conduct of elections would be seriously flawed and the whole democratization process thrown into disrepute or grounded to a halt (Luqman, 2009)

The objectives of this study are to (1) critically analyse the role of the INEC in the conduct of elections from 1999 till present; (2) establish factors that have hindered the INEC from conducting credible election in Nigeria that are generally acceptable, free, fair; and (3) suggest ways of improving the performance of the INEC in the management of the electoral process towards the achievement of free, fair and credible elections in Nigeria's political System.

The study adopted democratic theory as its theoretical frame work of analysis. Democratic theory is hinged on the study made by Aristotle in which he contrasted democracy (rule by many) with other forms of government like oligarchy/aristocracy (rule by few) and autocracy/monarchy (rule by single person). In his conclusion, Aristotle inferred that democracy is the best form of government. All over the world every political system in one way or the other has classified their system of government with the result that there exist various forms of democracy. Therefore democratic theory put democracy as the best form of government. Democracy according to Aristotle cited in Ogunna et al (2008: 64) is defined as "government through popular

consent of the citizens". Abraham Lincoln in Oyeneye et al (2006: 10) stated that democracy is "government of the people, by the people and for the people." Political scientists generally agree that democracy is a system of government established through elected representatives of the people in a periodic free and fair elections to exercise political power and authority on behalf of the people.

Nigeria is a democratic state and adopted democracy as a system of government at independence, though it had some time been truncated through military intervention in politics. Therefore, conduct of elections in Nigeria by any electoral management body should be assessed, based on the extent to which the principles of democracy is maintained. The principles of democracy which includes; periodic free and fair elections, independence of the judiciary; freedom of political association; freedom of the press and public opinion; freedom to vote and be voted for; maintenance of fundamental human rights of citizens; conduct of elections through non political and non partisan electoral commission; formation of government through political parties, etc; were bases of evaluating the extent to which the INEC has impacted on the political development of Nigeria.

The significance of the study are both theoretical and empirical.

Theoretically, the study will help to increase or add to the existing body of knowledge in the management of elections and electoral processes. It will serve as a guide to scholars, who may wish to conduct further studies on the field or it's related areas. The Study will help to shape proper opinion of the masses on the role of the INEC. Empirically, the study will help to point out factors that have hindered the INEC from conducting free, fair and credible elections in Nigeria. The suggestions provided through the study will serve as a valuable asset for the improvement of the Independent National Electoral commission in the management of future elections in Nigeria for effective results. It will also give useful information for further electoral reforms in Nigeria. The recommendations of this study if implemented will help to increase public confidence on the ability of the INEC to conduct free, fair and credible election in Nigeria, thereby increasing public participation in the electoral process. The study will give useful and practical suggestions on how to attain stability in government through proper management of the electoral process. The study analyzed the conduct of elections and electoral process in Nigeria by the INEC from 1999 till the present.

## Review of Related Literature

Related literature is theoretically and empirically reviewed, and the theoretical framework presented. The origin of the INEC "dates back to the period before Independence when the Electoral Commission of Nigeria was established to conduct the 1959 elections". The federal Electoral Commission (FEDCO) with the Chairman as Eyo Esua was established in 1960 to conduct the immediate post-Independence federal and regional elections

of 1964 and 1965. According to the information, FEDCO was dissolved as a result of the military intervention into Nigerian politics in 1966. It was not until 1979 when the Federal Electoral Commission (FEDCO) was reconstituted by to organize and conduct the 1979 general election which ushered in the second republic in Nigeria, under the leadership of president Shehu Shagari and the subsequent 1983 general election which was

characterized by violence and massive rigging.

Before the establishment of the INEC in 1998, there had existed other electoral management bodies like, National Electoral Commission (NECO) and National Electoral Commission of Nigeria (NECON) set up by General Ibrahim Babagida and General Sani Abacha respectively to conduct sets of elections, though the elected institutions were never inaugurated (Musa, 2001; Okoye, 2007). Woleola (2015) asserted that, “the history of electoral Management body in Nigeria is a history of dissolutions, constitution and reconstitution”. Dr. Abel Guobadia took over as Chairman of INEC in 2000 after the death of Justice Akpata. In 2005, Prof. Maurice Iwu was appointed as Chairman for a five-year tenure which ended in 2010. Prof. Attahiru Jega, the immediate past Chairman was appointed in 2010 for five-year tenure which expired on June 2015. The present Chairman, Prof. Mahmud Yakubu, took the oath of office on 9<sup>th</sup> November 2015.

INEC is headed by a Chairman, the Chief Electoral Officer of the Commission and twelve (12) other members who are known as National Electoral Commissioners. The Chairman and National Electoral Commissioners shall be persons of unquestionable integrity and not less than forty (40) and thirty-five (35) years of age respectively. There shall also be for each State and the Federal Capital Territory (Abuja), a Resident Electoral Commissioner who shall be appointed by the President of the Federal Republic of Nigeria after due consultation with the Council-of-State but subject to Senate confirmation (Musa, 2001; Okoh, 2005; Okoye (2007).

According to the 1999 Constitution of the Federal Republic of Nigeria, Section 15, Part 1 of the third schedule (as amended) and Section (2) of the Electoral Act 2010 (as

amended), the functions of the INEC include:

- ✓ Organise, undertake and supervise all elections to the office of the President and Vice-President, the Governor and Deputy-Governor of a state, and to the members of Senate, House of Representative and the House of assembly of each state of the Federation;
- ✓ Register political parties in accordance with the Constitution and Act of the National Assembly;
- ✓ Monitor the organization and operations of political parties, including finances, conventions, congresses and party primaries;
- ✓ Arrange for annual examination and auditing of the funds and account of political parties, and publish reports on such examination and audit for public information;
- ✓ Arrange and conduct the registration of voters for persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election under the constitution;
- ✓ Monitor political campaigns and provide rules and regulations which shall govern the political parties;
- ✓ Conduct voter and civic education;
- ✓ Provide knowledge of sound democratic process; and
- ✓ Conduct referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law or Act of the National Assembly.

INEC Brief (cited in [www.inecnigeria.org](http://www.inecnigeria.org) 2015) gave its mission statement as “To serve as an independent and effective electoral management body committed to the conduct of free, fair and credible elections for sustainable democracy in Nigeria.” INEC vision statement is “To be

one of the Electoral Management Bodies (EMB) in the world that meets the aspirations of the Nigerian people.” Thus, if INEC achieves its mission and vision, it will be considered as contributing rightly to the political development of Nigeria, and therefore, a good example to other countries in African, where Nigeria stands as the most populous country. This study set to critically evaluate the activities of the INEC from 1999 till the present.

### **The INEC: The journey so far**

Just like its predecessors, and unlike its contemporaries in the advanced democracies of Europe, America, Australia, etc, the INEC activities are beset by numerous limitations and obstacles which have hindered it from achieving its constitution responsibilities. Why some people believe that the conduct of free, fair and credible elections in Nigeria is still a distant journey, others are of the opinion that the INEC is at the process of metamorphosis and advancement which will culminate in the conduct of a credible election soonest. The INEC still needs a proper in-house cleansing and development for management of efficient elections leading to a sustainable democracy in Nigeria. Udu (2015) stated that “Nigeria has passed through chequered political history bedeviled with the glory tale of electoral malpractices which have impacted negatively on the nation’s polity”.

For instance, the assertions and predictions made by foreign intelligence reports and diplomatic sources who observed elections in Nigeria submit that Nigeria could break up in 2015 as a consequence of the handling of the 2015 general elections. This prediction according to Yaqub (2015) and Udu (2015) was strongly attached to a former United States of America Ambassador to Nigeria, Mr. John Campbell.

Orji (2005) asserts that “Elections are means of making political choices by voting, they are used in the selection of leaders and determination of issues”. In elections, the citizens (i.e. the electorates) are presented with alternative choices, from where they could select their leaders for a stable government and development of democracy. The INEC is to effectively manage the conduct of free, fair and credible elections for sustainable democracy in Nigeria.

In the view of Oyakhire (2014):

*Every successive election conducted by INEC after 1999 suffered loss of credibility. Two major national elections conducted in 2003 and 2007 produced the most controversial, highly discredited, notoriously unreliable and widely cancelled results in Nigeria’s political history. Governors, senators, House of Representatives members and state assemblies lost their victories at the various tribunals.*

Observers raise questions, such as: What is the problem with Nigeria’s electoral system? What factors constitute an obstacle to the credible performance of INEC? What must be done to improve the performance of INEC? These and other questions are what this study seeks to address in the process.

However, free, fair and credible elections have been observed to be far-fetched in developing countries. It is therefore no wonder that the democratic process in Africa and the third world countries particularly Nigeria continued to derail and collapse at the altar of bungled elections and electoral process. This shows the importance of elections to the whole essence of democratic process and the

inability of these countries and their electoral bodies to conduct free, fair and credible elections.

The leadership of the INEC has experienced series of changes since its beginning. Justice Ephraim Ayo Akpata headed the Commission 1998-2000, Dr. Abel Guobadia 2000-2005, Prof. Maurice Iwu 2005-2010 and Prof. Atahiru Jega 2010 - 2015. Before this period, Nigeria has had many elections including the annulled 1993 general elections; all have been characterized by mistrust and outright rejection. Within 1999-2015, INEC has conducted five elections (1999, 2003, 2007, 2011 and 2015).

In a study by Woleola (2015), "A Critical Evaluation of Electoral Management Bodies in Nigeria and the Perennial Problem of Electoral Management since Independence in 1960", another study by Oyekanmi (2015), "2015 General Elections and the Role of INEC", and yet another study by Udu (2015), "INEC and the 2015 General Elections in Nigeria: Matters Arising", which used a combination of descriptive, historical and documentary analysis, agreed that elections in Nigeria outside the annulled 1993 election and the 2011 and 2015 elections had been marred with massive riggings, violence and other irregularities. Elections before 2011 and 2015 were rigged with impunity and competition in Nigeria. Kurfi (2005) said that Nigerian election is synonymous with rigging. The 2007 election was regarded as the worst in the history of Nigeria because of the magnitude of rigging which characterized the election. It was not surprising, since the then President Obasanjo to declare the elections before hand a "Do-or-die" affair for the ruling People's Democratic Party. This election attracted criticism from home and abroad.

This prompted Alhaji Musa Yar'adua, who emerged as the President of

Nigeria through that election, to publicly accept that the elections that brought him to power riddled with irregularities and he had to initiate massive reforms of the INEC in order to organize future elections that would have global acceptance. This noble task was handed over to Justice Uwais Commission. Although President Yar'adua did not live to implement the reports of the Commission, his successor, President Jonathan, began the implementation of the reports.

Parts of the reforms, which was tested during the 2011 general elections, according to Nigeria Electoral Review (2011), "Report to the Independent National Electoral Commission (INEC) of the Federal Republic of Nigeria" included, INEC introduction of a new biometric register of voters; a re-modified open ballot system; security features on sensitive electoral materials (e.g. serial numbering and colour-coding of ballot papers and results sheets and security coding of ballot boxes). Also modified were *ad hoc* staff engagement; more transparent framework for results collation and returns; open and transparent procedures, modalities and processes on election day; the immediate counting and releasing of election result at each polling unit; closer collaboration and partnerships with critical stakeholders; enhanced voter education and citizen engagement; staff training and retraining, creation of inter-agency consultative committee on election security to ensure the effective engagement of all the security agencies during election periods (INEC, 2014).

The implementation of these reforms during the 2011 general elections, according to Oyekanmi (2015), increased the confidence of the Nigerian electorates in the ability of INEC under a new management to make a difference. The 2011 election was a fundamental test for Prof. Jega who had been appointed INEC Chairman in 2010. Most Nigerians had developed political

apathy as a result of the inability of the past elections to produce credible leadership through the votes of the electorates.

The 2011 election was relatively free and fair when compared to previous elections in Nigeria, but still had no general acceptance. This could be inferred by the statement once credited to the then retired General Buhari, who was one of the presidential candidates of the 2011 election that, the electorate should go to the streets and defend the outcome of their votes. In his own analysis of the inability of all stakeholders to agree to the fairness of the conduct of the 2011 election, Oyekanmi (2015) asserted that "The Nigerian political class is yet to develop the spirit of sportsmanship in the game of politics". According to him, like any other context, there is bound to be winners and losers. This presupposes that the stability and integrity of the electoral system could only be determined on the ability of the losers to gallantly accept defeat.

The success recorded and the lessons learned during the 2011 general election propelled INEC into action for the 2015 elections. Although, the electorates were very skeptical about the possibility of successful elections, the INEC kept fate and continued to reassure Nigerians and the international community of their willingness and readiness to conduct a hitch-free election. Factors that accounted for the fear of the electorates, according to Oyekanmi (2015), included the prediction of the international conspiracy that the 2015 election would mark the end of Nigeria as one entity, the post election violence of the 2011, the continued threat by some ethnic militia groups to make the country ungovernable should the election not favour them, intra- and inter- party indiscipline, campaign of calumny, insurgent activities in some parts of Northern Nigeria, and above all, the fear that the ruling party may not

cede power to the opposition party in the event of defeat.

According to INEC (2014), the following lessons were learned from the 2011 general elections: good elections required adequate planning, good elections were about effective partnerships and cooperation, good elections were about openness and better election in Nigeria is still a work in progress. With these lessons at heart, INEC was poised to make history with the 2015 general elections. In order to achieve a virile election in 2015, INEC believed that more needed to be done, despite the fact that the 2011 election was adjudged so far.

The INEC developed a four year strategic plan, which was to run from 2012-2016. This was aimed at repositioning INEC as a virile electoral management body. As part of the strategic plan INEC embarked on massive restructuring of the commission. These were to be achieved through massive internal reforms. The reform process started shortly after the 2011 General Election. The first thing INEC did was to invite all Electoral Officers, Administrative Secretaries and Resident Electoral Commissioners to the headquarters in Abuja for debriefing. The lessons learned and the information scanned from these field officers from the field formed the basis of what the leadership of the Commission in Abuja gave to the Adele Jinadu Committee that reviewed the registration and Election of 2011. The Report of the Registration and Election Review Committee (RERC) formed the basis for the take-off of 2015 Election and the further reforms that informed the 2015 Elections. The 2015 General Elections is over and was adjudged one of the best in Africa, but there is the need to consider some of the factors which shaped the election.

In a study titled "The analysis of the structure of the Independence National

Electoral Commission in Nigeria Since 1999- 2011”, Moveh (2012) made use of interview on focused groups among INEC Commissioners, staff and representatives of political parties and established that the structural challenge of Nigeria’s election administration system has to do with the manner of appointment of commissioners of INEC and the funding of the commission. Indeed, INEC does not conveniently fit into any of the three main models of EMB’s (that is the independent, governmental or mixed model). While INEC is being described and

presented as an independent body, it has in reality been constituted as an extension of the executive. Thus, the incumbent regime occupies a position where it could manipulate the election administration process to its advantage. Establishing the structural independence of INEC, particularly in the area of appointment of commissioners and funding is, therefore, a basic requirement for guaranteeing credibility of election administration process and the sustainability of democracy.

### Summary of findings and Conclusion

The study made a critical analysis of the INEC and political development in Nigeria (1999- 2015). It discovered that all elections conducted by the INEC in Nigeria had been a scam except the 2011 and 2015 elections which were relatively free and fair. It also discovered that INEC had been hindered in their attempt to conduct free, fair and credible elections in Nigeria as a result of lack of proper independence from the executive; unprecedented electoral violence; structural imbalance in the appointment of

electoral officers; lack of national patriotism on the side of the electoral officers and politicians; do-or-die philosophy of Nigerian politicians seeking elective offices; lack of proper and adequate technology for the conduct of a free and fair elections lack of proper political education; corruption; among others. Although the 2015 election was an improvement on the Nigerian electoral system, there are more rooms for improvement.

### Recommendations

- The National Assembly should enact more laws which will give more independent to INEC in the conduct of elections and the electoral process.
- Persons and groups found to be involved or encouraging electoral malpractice and violence during elections and electioneering periods should be made to face the full weight of the law.
- The INEC should stop at nothing to acquire the best technology suitable for the Nigerian electoral environment for the conduct of free, fair and credible elections.
- There should be holistic fight against corruption, not as instrument of vendetta against political opponents, nor a cosmetic approach.

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