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CHAIRMAN OF NIGERIA'S INDEPENDENT NATIONAL
ELECTORAL COMMISSION (2010-2015)

ON ELECTION MANAGEMENT
AND DEMOCRACY IN NIGERIA

the
CONVERSATIONS series 



The *Conversations* series presents interviews with prominent policymakers, experts and practitioners with instructive knowledge of sub-Saharan Africa.

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Africa Research Institute (ARI) policy researcher Jamie Hitchen interviewed Professor Jega on 9 January 2017 in Oxford.

The views expressed in the *Conversations* series are those of the interviewees and not necessarily those of ARI.

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Under **Professor Attahiru Jega's** stewardship the Independent National Electoral Commission (INEC) organised peaceful elections in 2015 that, for the first time in Nigerian history, saw an opposition candidate defeat the incumbent president.

Having been appointed to chair INEC in 2010, when it was widely perceived as "fraudulent and corrupt", Jega left the Commission five years later with its reputation within Nigeria and abroad greatly enhanced. An overhaul of the electoral register, the use of a modified open-secret ballot system for voting and creative solutions to improve the logistics of managing elections were key components of the transformation effected, but Jega acknowledges that reform was neither straightforward nor complete.

In this interview with **Jamie Hitchen**, policy researcher at Africa Research Institute, Jega reflects on his experience of preparing for and running two elections, and assesses the state of democracy in Nigeria.

INTRODUCTION

By Jamie Hitchen

Domestic observers described Nigeria's 2007 general election as "a charade",¹ such was the prevalence of malfeasance and rigging. *The Economist* neatly summarised the country's difficult transition to multi-party democracy in the headline, "Big men, big fraud and big trouble".² This triad has not disappeared from the Nigerian political scene, but the 2015 polls produced the country's first peaceful democratic handover of power between rival parties. The Independent National Electoral Commission (INEC), its credibility bolstered under the leadership of Prof. Attahiru Jega, played a crucial role in ensuring that the elections offered the possibility of change, rather than merely validating the status quo.

Nigeria's democratic advances have been echoed elsewhere in the region. In December 2016, Ghanaians denied John Dramani Mahama a second term, voting out a sitting president for the first time. The same month, voters in The Gambia brought an unexpected end to President Yahya Jammeh's two decades in power. Behind these changes were electoral management bodies with remarkably different approaches to information technology, but an equivalent understanding of the need to establish institutional credibility.

In The Gambia the persistence of a rudimentary voting system, whereby voters deposit marbles into coloured drums corresponding to different candidates, did not prove an obstacle to change. Rather, Jammeh may have underestimated popular opposition to his continued rule and the assertiveness of the Independent Electoral Commission (IEC). The IEC's chair, Alie Momar Njai, appointed in April 2016, did not succumb to pressure from the incumbent after announcing victory for an opposition coalition. When security forces stormed the IEC's headquarters, Njai was forced to flee to neighbouring Senegal. But intervention by regional presidents, aligned under the Economic Community of West African States, coupled with Senegal's threat to deploy troops, forced Jammeh to leave the country and allowed Adama Barrow to be sworn in as president.

In Ghana, information technology took "centre stage".³ The Electoral Commission of Ghana (ECG)'s willingness to engage citizens on social media platforms ahead of and during the vote, and the electronic transmission of results, bolstered transparency and accountability. Such steps would not have been possible had the ECG not invested in restoring its credibility



following a disputed vote in 2012. The opposition New Patriotic Party petitioned Ghana's Supreme Court to overturn the results, leading to the disclosure of an array of voting irregularities. Although, after eight months of deliberation, the judges reached the verdict that the mistakes were insufficient to alter the outcome of the election, their 588-page judgment set out an agenda for reform.⁴ A new and accurate voter register was identified as a key priority for the ECG.

Appointed ECG chair in 2015, Charlotte Osei assumed responsibility for the task of reform amid intense scrutiny from Ghana's political parties and the media. She did not escape criticism, but was able to establish an environment conducive to dialogue and transparency. This enabled the Commission to complete its work and build trust. The credibility of the ECG was enhanced such that, when it announced the results of the 2016 elections, all competing parties agreed they were accurate and accepted them. Unlike in 2004 and 2012, no petition was filed with the Supreme Court.

What links The Gambia, Ghana and Nigeria is that in each case electoral management bodies were regarded as impartial and independent arbiters, respected by voters, civil society groups, the media and candidates. Their competence and fairness had been established. In Kenya, by contrast, the independence of the electoral management body has been questioned across the board, and technological innovation raised suspicions rather than building trust in the process.

In August 2017, Kenya's Independent Electoral and Boundaries Commission (IEBC) faced accusations of incompetence or duplicity when it announced constituency results without uploading to its website copies of Form 34A, on which individual polling stations recorded their returns. An information deficit provided the opposition with cause to dispute the results and speculate that the IEBC computer servers had been hacked. With the unexplained death of IEBC IT Manager Chris Msando just a week before the elections, technology eroded trust in the process rather than buttressing its credibility. Nic Cheeseman, professor of democracy at the University of Birmingham, believes that "in some cases the complexity of digital processes may actually render elections more opaque and vulnerable to manipulation – or at least the suspicion of manipulation".⁵ As Kenyan anti-corruption activist John Githongo has said, "you can't digitise integrity".⁶

Costing US\$25 per registered voter, Kenya's 2017 general election was one of the most expensive in the world. Money was not sufficient to ensure a

credible vote. The Supreme Court declared the result null and void in its response to an electoral petition filed by the opposition coalition. A re-run is scheduled for 26 October. Can Kenyan voters and candidates trust the IEBC to learn from its mistakes and establish improved processes in such a short space of time?

If electoral management bodies across Africa are to build credibility, they need to devote greater attention to the periods before campaigns begin, when political tensions are lower and opportunities for voter and party engagement higher. More resources and focus could usefully be dedicated to ensuring regular updates to the electoral register; addressing voter education needs; managing political parties' expenditure; and internal learning and development. Maintaining financial and institutional independence is crucial to these ends, as is the appointment of competent and impartial individuals as electoral commissioners.

It was under Prof. Jega's stewardship that, less than a decade after the "charade" of 2007, Nigeria was able to hold an election with results that everyone accepted, including the incumbent. Above all else, this remarkable transformation relied on INEC's ability to assert its independence in the face of big men who were looking to cause big trouble.

October 2017



ON THE REGISTER OF VOTERS

● *Almost immediately after your appointment to chair the Independent National Electoral Commission (INEC) you requested a three-month delay to the 2011 elections so that you could undertake a costly and complete overhaul of the electoral register. Why was this so important? How did INEC go about this huge undertaking?*

● When I was appointed to chair INEC in July 2010, I joined an organisation that was perceived to be fraudulent and corrupt. It was also inefficient in executing its mandate. At the same time I was entering a moving vehicle, with no time to reflect and reform effectively. An unorthodox methodology was needed. I was able to bring in a team of INEC outsiders, paid for by the United Nations Development Programme. These were people I could trust and who – independent of INEC’s bureaucracy – could help map a blueprint for institutional reform. For example, Professor Okechukuwu Ibeanu became my chief technical adviser, Professor M J Kuna my special assistant and Dr Magaji Mahmoud my chief of staff.⁸

One of the first issues that had to be addressed was the register of voters. It lacked integrity. There was a lot of data missing for people who were registered and there was clear evidence of fictitious names. We had names of trees, of rivers, and international figures like Mike Tyson and Queen Elizabeth III! There was a debate between those who thought the register could be cleaned up and those who thought it should be jettisoned and replaced. Internal discussions with key personnel in the technical departments revealed the scale of the problem: a complete overhaul was needed, but the general election was scheduled for January 2011, just seven months away.

To compile a new register of voters, INEC needed a constitutional amendment to shift the election date and significant resources to carry out a good, credible registration. Engagement with the government was very positive. The constitutional amendment was quickly secured and elections were pushed back to April 2011. President Goodluck Jonathan also arranged a meeting for INEC with key ministers and the leadership of the National Assembly, at which we were able to present our case and funding needs. In outlining the funding needs, we made the argument that we had been appointed to oversee credible elections, the foundation for

which was a credible register of voters. What we had seen was not a credible register and with it we could not hold credible elections. We secured the necessary resources, a sum approximately double INEC's 2010 budget submission.⁹

Development partners, who felt a review of the register was a more feasible option given the limited time frame, were sceptical. But we were determined to deliver a new, biometric register, and requested them to provide support rather than assume that it could not be done. The experience of Bangladesh, a country with quite similar demographics to Nigeria in terms of the number of registered voters, provided a template for what could be done. They had compiled a biometric register for a national identification card that was to be subsequently used for electoral purposes in eight months. In Nigeria, we only had three.

In Bangladesh the process moved from region to region, but our approach – vastly more expensive, but also much faster – was to deploy registration equipment at every one of the country's 120,000 or so polling stations concurrently. The decision was taken not to use integrated handheld registration devices. Instead, laptops with add-ons to capture the necessary data – cameras and fingerprint scanners – were preferred. This meant that if one part failed it could be quickly replaced. Learning from 2007, when INEC was held to ransom by external vendors who demanded exorbitant fees for their products and services, young Nigerian engineers were brought in to develop in-house registration software.

“WITH RESILIENCE, DETERMINATION, GOOD PLANNING AND THE SUPPORT OF KEY STAKEHOLDERS, WE HAD SUCCESSFULLY CREATED A NEW REGISTER IN JUST THREE MONTHS, A TASK THAT MANY PEOPLE THOUGHT IMPOSSIBLE”

Voter registration was designed to happen over a period of two weeks. During the first few days challenges with the fingerprint scanners were encountered and many people were asked to come back and re-register. Despite this setback, within three weeks – one week more than planned – we had a register of 73.5 million voters, all issued with a temporary voter card. Using the



fingerprint identification system, 870,000 multiple registrations were subsequently removed.

The register was still not perfect. Time constraints limited searches to local government areas, meaning that cross-state duplications were not addressed. Nonetheless, with resilience, determination, good planning and the support of key stakeholders, we had successfully created a new register in just three months, a task that many people thought impossible.

Ahead of the 2015 elections, efforts were made to forge a closer working relationship with the National Population Commission (NPC), the body mandated with compiling national statistics of births and deaths and with undertaking the long-awaited census.¹⁰ Unfortunately, the increasingly politicised NPC proved difficult to work with, but with partial support from their staff and INEC resources some progress was made. A further four million names were removed, primarily through de-duplication.

“Off-season”¹¹ elections provide an opportunity to test logistical and technical measures and fine-tune them ahead of a general election. They draw the attention of the nation to one state and political parties deploy considerable resources in these contests. In the Nigerian context, where elections are seen as “do-or-die” affairs, this makes them very challenging.

We gained invaluable experience for the 2015 elections in the gubernatorial elections in Anambra (2013), Osun (2014) and Ekiti (2014). In Anambra, the misuse – or abuse – of temporary voter cards, and the way in which politicians tried to manipulate the new register of voters in connivance with some electoral officials at the state level, was clear to all. This pushed us to accelerate the production and distribution of permanent voter cards (PVCs) that were chip-based, making them much harder to replicate, and to reaffirm the need for electronic card readers. The Ekiti gubernatorial election in June 2014 was the testing ground for the PVCs and they worked well.

ON THE FEASIBILITY OF REFORM

● *How useful was the report of the Justice Uwais Electoral Reform Committee (JUERC) as a template that you could use to drive reform? Was the government supportive of reforms during your tenure at INEC? Is it fair to say that the INEC you encountered in 2010 required extensive internal and institutional reform?*

6 In President Yar'Adua's inauguration address in May 2007, there was an acknowledgement that the election which brought him to power was fraught with irregularities. It is generally regarded as Nigeria's worst election. The creation of the JUERC marked the start of a period of reform. In 2007–2008, the 22 members of the committee, of which I was one, traversed Nigeria meeting with stakeholders, experts and local communities to gather information and ideas for reforming Nigeria's electoral system and laws.

The JUERC's 2008 report¹² expanded awareness of the challenges of holding elections in Nigeria and paved the way for creating a general consensus on the need for reforms of the electoral process. By my estimates, 80% of the report's proposals were incorporated into the Electoral Act, 2010. One change particularly beneficial to INEC was the legal protection of financial support: the committee recommended that INEC should be funded using the first line charge and that it should be protected from executive interference. This has significantly helped to ensure the relative autonomy of INEC.

The administration of Goodluck Jonathan, president from 2010 to 2015, never gave any reason to suspect that there was a deliberate and wilful attempt to emasculate the funding of INEC. For this they should be applauded. No situation arose where we had to go cap-in-hand to the executive looking for funding and I must add that when supplementary funding was needed it was nearly always forthcoming. For most of the time during our tenure, President Jonathan tried not to personally interfere with the Commission's work. Only in the run-up to the 2015 election did his government and ruling political party seek to interfere with the decision of INEC to use electronic card readers. We were able to remind them that they had supported the idea and funded it. Overall I think that President Jonathan meant well for democracy in our country, a view strengthened by the gracious way he conceded electoral defeat in 2015.




As far as the situation I found at INEC was concerned, personal experience has taught me that inclusiveness works in improving governance and performance. Listening to all perspectives before taking a final decision promotes stability in the system, and improves efficiency and effectiveness in the discharge of responsibilities. Knowing the enormous challenges that are associated with the conduct of elections in Nigeria, this kind of open, transparent and inclusive approach was necessary at INEC.


“JUERC’S 2008 REPORT EXPANDED AWARENESS OF THE CHALLENGES OF HOLDING ELECTIONS IN NIGERIA AND PAVED THE WAY FOR CREATING A GENERAL CONSENSUS ON THE NEED FOR REFORMS OF THE ELECTORAL PROCESS”

I set the example in terms of complying with the electoral legal framework and made it clear that all INEC staff – about 16,000 by 2015 – were expected to do the same. Incentive mechanisms were designed to go alongside punishments for transgressions. The objective was to force out those who were incompetent, and inspire and motivate those who had been, and were still, doing good work. We ensured that all staff had life insurance and 13-month salaries were paid. We stressed that we were not going to dig into historic accusations when we created a transparent disciplinary process, with the opportunity for redress if false accusations were made. We wanted to be seen as fair, yet upholding the law. About 80% of INEC staff in 2011 and 2015 were the same people who conducted the 2007 elections, yet the quality of these two elections was very different.

At the institutional level, an unbundling of INEC’s administrative functions was needed. After the 2011 elections a management consultancy firm was brought in to review internal processes. From 53 departments when I arrived, the Commission now has 19, and in the restructuring process the roles and responsibilities of each department were clearly spelt out and shared across the organisation to avoid duplication.

ON VOTING AND COUNTING

 You instigated a “modified open-secret ballot system” (MOSBS) for voting. Could you explain how this works and why it is appropriate? What other parts of the election process would benefit from enhanced transparency?

 In the first decade after Nigeria’s return to multiparty democracy in 1999, multiple voting had been perfected by politicians. People, organised in gangs, would move from one polling station to another, voting at each. So I thought long and hard with colleagues at INEC about how to tackle this problem. The conclusion we reached was that, in addition to the distribution of PVCs and electronic card readers, we needed to create a situation on election day where the movement of people between polling units was curtailed.

The idea of creating new polling stations was also put forward ahead of the 2015 vote. Due to Nigeria’s rapidly growing population, many of the 120,000 polling stations are overwhelmed. For example, certain Lagos polling stations have to deal with as many as 4,000 voters. We were able to create a framework for collaboration with the National Boundary Commission and the Office of the Surveyor-General; and we were able to create a technical working group to look at constituency delimitation. Through that collaboration, we were able to create maps and get information about population settlements, which helped us to develop more sophisticated means of developing the framework for creating new constituencies. Regrettably, this could not be actioned. In Nigeria, we are still dependent on projections based on the previous census. But we were able to establish 158,000 voting points: some polling stations were divided into two or even three, based on surnames, to make the whole operation more feasible.

The MOSBS was adapted from an approach employed by the electoral commission in 1993, under the stewardship of Professor Humphrey Nwosu. On election day in 2015, just as was the case in 2011, there were two phases involved in voting. Accreditation of voters on the register took place between 8.00am and 12 noon. Accredited voters formed a queue to cast their ballot and at 12.30pm voting commenced. When everyone in the queue had voted the polls closed. What this system achieved was that by 12.30pm anybody accredited to vote would be in his or her polling unit. People were denied the opportunity to vote in one place and then move elsewhere to



do so again. It also acted as a deterrent against ballot box stuffing: politicians and thugs could no longer use periods of lull to stuff or snatch ballot boxes. If they wanted to do anything, it would have to be brazen and obvious, in full view of a queue of voters. In 2015, transparency at the polling unit level was very good. Party agents were accredited, observers given access, votes counted in view of the electorate, and copies of signed result sheets were given to all key actors and posted to the outside of polling stations.

**“IN THE FIRST DECADE AFTER NIGERIA’S RETURN TO
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MOSBS is not a perfect system. Although it reduced voting irregularities some individuals who were accredited did not subsequently vote.¹³ In gubernatorial elections since 2015, INEC has sought to address this by merging the stages of accreditation and voting. In Ondo and Rivers [states], voters were accredited and cast their ballots concurrently, but in Rivers the period of lull issue raised its head again, with reports emerging of people involved in ballot box stuffing and snatching.

Of greater concern to us was the collation and movement of results from the polling station to the federal level.¹⁴ In 2015, INEC sought to ensure that all the results sheets from polling units and wards at local government authority (LGA) level were scanned and uploaded to a database. Soon after the election, this resource was made available to the public. It enabled voters to check the results sheets they had seen in their polling station with the final ones submitted at the LGA level. There have been a few cases where discrepancies were noted, but for the most part contestations have been few and far between. I am confident the 2015 election results were credible.

ON PROCUREMENT

● *How did you set about trying to improve the way that voting materials are procured and produced on time to the correct specification?*

6 Operating in a country that lacks the domestic manufacturing capacity to produce sufficient ballot papers, results sheets and other materials for an election is a sizeable challenge. We have to use suppliers from outside the country and this has knock-on effects. In 2007, politics got involved and INEC gave the ballot paper contract to the national printing company, an entity under the Presidency. Sub-contracts to external suppliers had to be issued, but even so some went unfulfilled. There were ballot papers still awaiting collection in South Africa in 2010.

The issue of PVCs for the general election in 2015 was also compromised by the slow pace of production and distribution. By the time of the elections only 82% of registered voters had received their PVCs. That might be an A grade in any exam, but those who did not get their cards could legitimately argue that they were being disenfranchised.

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In 2011 and 2015, international contractors were again used in order for INEC to adhere to the constitutionally mandated time frame for the elections. Printing of ballot papers and results sheets has to wait for the completion of the nomination process and this often leaves no more than two weeks for production. This would be almost impossible in Nigeria, even using additional external suppliers. In 2011, the vote still had to be postponed by a week because of a shortage of results sheets. They had only been delivered to three of the country's six geopolitical zones by polling day. In order to defend the integrity of the vote, I took personal responsibility for the decision to delay. The contractor claimed that because of a tsunami in Japan, aircraft were being diverted to deliver emergency relief supplies and so were unavailable to deliver our election materials. When you lack the capacity to control the process internally you are at the whim of external suppliers and world events.



Learning from these experiences, in 2015 we were even more rigorous in the appointment of contractors. For example, suppliers who caused the delay in 2011 were blacklisted and we sought to bring more of the components under INEC's direct control. A state-of-the-art graphic design centre was established with the support of the International Foundation for Electoral Systems to enable the design of ballot papers to be brought in-house. It was then a case of sending print-ready versions to international contractors, a streamlined process that brought improved results and enabled deadlines to be met.

INEC is not tasked with solving Nigeria's manufacturing and infrastructure deficiencies, but like all Nigerians we experience them and creative solutions have to be found.

ON TEMPORARY STAFF

● *A Nigerian election is a huge logistical operation. You used the National Youth Service Corps (NYSC) and other ad hoc staff to work as polling agents. What was the thinking behind this and what have been the impacts?*

6 Nigeria requires close to 750,000 temporary workers to support the conduct of general elections. Before my time at INEC, civil servants from the respective states were called on. It had become clear that state governments had a strong influence over these individuals and this was compromising the integrity of the electoral process. The 2011 voter registration was the first time NYSC members were used. The response to this innovation was positive. NYSC postings involve individuals spending a year working somewhere other than their state of origin. They were therefore perceived by the electorate as being insulated from local politics and more independent. Ahead of the election in April 2011 the relationship between INEC and NYSC was formalised by the signing of a memorandum of understanding. This included a commitment to paying particular attention to the welfare and security of corpsers. Such a commitment now applies for all ad hoc INEC staff as Nigeria's electoral environment can be very violent. Still, risks remain and I must pay special tribute to the nine NYSC members who died in post-election violence in Bauchi and Niger [states] in 2011.

Around half of INEC's temporary staff came from NYSC in 2011 and 2015. They were complemented by students in the final year of tertiary education, and professors, vice-chancellors and other university staff. I chose to call on academic staff because of public perceptions about their impartiality and my own personal connections with academic unions. I was able to persuade them that just because the task at hand might look like a soiled pond did not mean they had to come out dirty. In the past, the INEC local staff were in charge of counting and announcing results. Accusations abounded that votes could be bought or made to disappear because of their connection to the community. In fact, an investigation I conducted revealed that a very few bad eggs had given INEC a bad name in this regard; but we decided it was for the best to insulate Commission staff from sensitive roles. They remained in charge of logistical arrangements, but temporary staff acted as presiding officers in polling stations, announcing and returning results.

**“FOR PEOPLE TO BE CONTRIBUTING TO THE INTEGRITY OF
AN ELECTION AT THE EXPENSE OF THEIR OWN PARTICIPATION
IS NOT SOMETHING THAT SHOULD CONTINUE”**

The use of the NYSC during the 2011 and 2015 elections not only improved electoral integrity but increased the participation of youth in Nigeria's electoral process. They are now involved with further engagements relating to civic education and community sensitisation. Their presence and conduct was commended widely by international and domestic observers. However, after 2011 a young female corper from Lagos wrote to me, as chair of the Commission, to say that whilst she was very happy to serve in the election and it was wonderful experience, she had been denied the opportunity to vote for the first time as a consequence of working for INEC. Ahead of 2015, we tried to design a mechanism that would enable those involved in the running of the election to do so, but unfortunately we were unable to put the measures in place. In Nigeria, there is a perception that early voting will be compromised. We need to find a balance here because the security agencies are also unable to vote. In Ghana, early voting is possible and we must follow suit. For people to be contributing to the integrity of an election at the expense of their own participation is not something that should continue.



ON THE FUTURE OF DEMOCRACY IN NIGERIA

● You have previously said that “the unwholesome mindset of our politicians is one of the challenges of our electoral process. There are some decent politicians but very few”. Are you optimistic about the state of democracy in Nigeria? How much can an electoral commission, technical reforms and a “good” election contribute to strengthening democracy? What else would you like to have been able to achieve before your tenure at INEC ended?

6 I think that democracy has come to stay in Nigeria. There is a growing desire for improvements, in spite of the mindset of politicians. Getting elections right is a good way of deepening democracy in the country, by strengthening the right of the people to be involved in governance and in the selection of those mandated to govern.

Previously, the voting process was so fraudulent that people were losing hope. They were asking, “What is the point when my vote does not count?” Since 2015 – the first time in Nigerian history that an opposition candidate defeated the incumbent president at the ballot box – attitudes have begun to shift. People are now increasingly aware of their ability to choose who to vote in and who to vote out. As more and more come to appreciate this, the mindset of politicians will be forced to shift. In the past, many did not have to canvass votes with new ideas and policies: they just bought their seat, seeing it as an economic investment. That is changing. Increasingly there are some very good, diligent, resilient politicians speaking out in favour of systematic reform.

“PEOPLE ARE NOW INCREASINGLY AWARE OF THEIR ABILITY
TO CHOOSE WHO TO VOTE IN AND WHO TO VOTE OUT”

I firmly believe that strong institutions can minimise the impact of transgressions by individuals. We have tried to build INEC as an institution that can function fully and effectively regardless of who is in charge. A lot of progress has been made but it needs to be consolidated. The issue of **campaign finance** is one example. Although a political party monitoring unit was established in 2012, there is a need for greater legal clarity about when campaigns start, and hence when donations count, and on punishment for overspend transgressions. A lot more could be done to name and shame

individuals. If the public is made aware that a candidate has spent over the legal allowance before the campaign is complete, open and inclusive discussions about what should be done can take place.

The power of the president to appoint the chairman and commissioners of INEC, and resident electoral commissioners (RECs) in each state, also needs examination. As my tenure demonstrated, an incumbent can appoint national commissioners who assert INEC's independence, but it helps a lot if there are institutional mechanisms and legal provisions that protect and defend its legal autonomy. I think that INEC's chair and 12 commissioners should be appointed upon the recommendation of an independent panel; and that the Commission should have the power to hire and fire the officials that work for it, including RECs. RECs appointed by the president are likely to have greater loyalty to the executive than to INEC. This was not an issue I could take on within INEC, as it may have generated too much internal conflict at a time of great change, with RECs saying that we were trying to take away their power. Now, safely out of INEC, I have no doubt that the issue needs to be confronted.

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Some of the current responsibilities of INEC still need to be reassigned to other agencies and bodies, as the JUERC report recommended in 2008. For example, the Commission is legally responsible for prosecuting those accused of electoral offences, but with a very small litigation team that is already fully preoccupied by election petitions, it is not in a position to do so. In 2010, there was no record of anyone in Nigeria having been prosecuted for an electoral offence. When I left office in 2015, more than 200 people had been held to account. But this was just a drop in the ocean. Looking at voter registration irregularities alone we have 870,000 cases from 2011. Electoral offences are committed with impunity and INEC does not have capacity to deal with it. Prosecution is very costly and time-consuming. It requires reports about offenders from police and other members of the security services and these reports often fail to materialise, which further hampers the process. The JUERC proposed the creation of an Electoral Offences Commission in 2009. Such a mandated independent body is still needed.



INEC can do a lot to improve the transparency and efficiency of the tallying process further. There is still no real-time electronic transmission of results that voters and participants can monitor. Increased deployment of technology would eliminate errors and delays in the computation and compilation of results and speed up their declaration. In addition, greater effort needs to be made to ensure representation of political parties and civil society at all levels of results collation. Accusations of people paying security officers to block others from entering the collation centres persist. I would also encourage civil society observers and party representatives to develop systems for parallel voter tabulation, an approach that worked very well during Ghana's 2016 elections.

By the time I left INEC after the 2015 elections, it seemed to me that the drive for electoral reform had diminished. A number of recommendations were made to the National Assembly between 2012 and 2015 for amendments to the electoral framework, but regrettably nothing was done. One particularly pertinent issue is in respect of the **presidential run-off**. According to the legal framework, it has to take place within seven days of the first round of voting. Ahead of the 2015 vote a run-off seemed a possibility, but INEC would have been unable to meet this constitutional requirement if it had happened. We pushed very hard for an amendment, to the extent that other changes we wanted were eschewed, such as clarification of **intra-party democratic oversight**. The seven-day stipulation remains unaddressed. An appropriate **review of the Constitution and the Electoral Act, 2010** could bring about a marked improvement in the legal framework for the conduct of elections with integrity.

Electoral democracy at the national level is important, but if it fails at the grassroots then problems will persist. Looking forward, **promoting democracy at the LGA level is vital**. Political education generally, and voter education in particular, need to be intensified. This would enable people to make more informed choices and minimise the phenomenon of wasted or spoiled ballots. I would like to see greater mobilisation and empowerment of women and youth in the Nigerian electoral process by 2019.

Although the responsibility for local elections lies with state independent electoral commissions (SIECs), in 2010 very few LGAs were holding polls. Working with SIECs, INEC was able to ensure LGA elections have been held in all but three states. However, **constitutional provisions need to be amended so that the independence and autonomy of SIECs are strengthened.** They need financial and legal independence from the state governor to deliver credible elections. Once in a while a governor will appoint an SIEC chief who tries to assert their independence and do good work. In Benue [state], a former JUERC secretary was appointed and he has been able to push through important reforms. In Nasarawa, the state court declared in December 2016 that the governor has no power to dissolve an elected local council, something they often try to do when it is politically expedient to do so. These may be small signs of further democratic progress, but for an optimist like me they are significant.



NOTES

¹ Innocent Chukwuma, "What Nigerian election observers say", BBC News, 23 April 2007

² "Big men, big fraud and big trouble", The Economist, 26 April 2007

³ "How technology impacted Ghana's elections", Technology Salon Accra, 17 January 2017

⁴ "Presidential Election Petition Judgment", Supreme Court of Ghana, 29 August 2013

⁵ "New methods and technology can make elections fairer", The Economist, 20 July 2017

⁶ Ibid.

⁷ Nanjala Nyabola, "What Kenyan voters got for the \$500m spend on elections", Al Jazeera, 18 August 2017

⁸ Okechukwu Ibeanu was a professor of political science at the University of Nigeria, Nsukka; M J Kuna was a professor of sociology at Usmanu Danfodiyo University, Sokoto; and Dr Magaji Mahmoud had previously served as director of hospital services at the Gunduma Health System Board.

⁹ "Report on the 2011 general elections", Independent National Electoral Commission, 2011

¹⁰ Nigeria is yet to conduct a credible census. Attempts in 1963, 1973 and 1991 were discredited and annulled. The 2006 census declared that the population was 140 million, but this too proved controversial.

¹¹ Off-season elections are by-products of the legal system. They occur because of election outcomes that were challenged and nullified by the courts, requiring new elections to be held outside the normal electoral cycle. The necessary court processes often took a year or two to be resolved. Currently, gubernatorial elections in four states are off-season.

¹² Hon. Justice Muhammadu Lawal Uwais, Report of the Electoral Reform Committee, December 2008

¹³ "EU EOM Final Report Nigeria", European Union, July 2015, p.29

¹⁴ The collation process has several stages. After being counted at the polling stations, ballot boxes are transferred to the federal tallying centre via ward, local government area, constituency and state facilities. For gubernatorial elections the final collation of results is done at the state level.



Professor Attahiru Jega

Chairman of Nigeria's Independent National
Electoral Commission (2010-2015)

Professor Attahiru Jega was Chairman of Nigeria's Independent National Electoral Commission (INEC) from 2010 to 2015.

Jega obtained his undergraduate degree at Ahmadu Bello University, Zaria, and in 1985 was awarded his PhD from Northwestern University in America. He has held several roles at Bayero University, Kano, and was appointed vice-chancellor in 2005.

As president of the Academic Staff Union of Universities (1988-94) and director of the Centre for Democratic Research and Training (2000-04), Jega worked continuously to re-establish and uphold democratic values in Nigeria. In 2010, he was nominated by President Goodluck Jonathan to chair the country's electoral commission.

Jega oversaw two national elections during his tenure at INEC. The second of these, in 2015, was notable for being the first time in Nigerian history that an opposition candidate defeated the incumbent president at the ballot box.

In 2015, after completing his term at INEC, Professor Jega returned to Bayero in a professorial role.

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