



Independent National Electoral Commission (INEC) and the Conduct of Elections in Nigeria: A Comparative Analysis of Maurice Iwu and Attahiru Jega's Administration

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Abstract

Election remains the means through which people can occupy various elective positions at different levels in any democratic society, Nigeria inclusive. Though this research is based on the study of elections in two different regimes, 2005-2010 and 2010-2015, it however focused on the management of elections during the said periods. Since the emergence of this fourth republic, Nigerians have looked forward to when elections will be free, fair, credible and acceptable: elections conducted under an atmosphere of peace to the extent that their votes will count. However, this was not to be as the election conducted between 1999 and 2007 were watershed in the history of electoral management in the country. It can therefore be argued that elections in pre and post-colonial Nigeria and after independence have been vexed with issues. This is because they have always been accompanied with acrimony, bitterness, killing, maiming, among others. The paper attempt to investigate three core issues with respect to election management: The conduct of credible elections, introduction of electoral innovations and the personal disposition of the Heads of Electoral Management Bodies (EMBs) in the period under study. The study deployed the desk research as method of analysis. The findings revealed that while the structure (INEC) remains the legitimate body responsible for the conduct of elections in the country, Iwu's era manipulated it to favour the party in power while Jega's period witnessed an improvement in the workings of the structure. The research adopts the Structure-Agency framework as prime plank of its analysis.

Keywords: INEC, Structure-Agency, Election, Political Aparthy

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Introduction

In Nigeria, the long-drawn out struggle for the return to civil rule came to pass when the Fourth Republic came into existence in 1999. Power has been passed over to an electorate. The electoral process involves different activities such as voters' registration, candidate selection, Election Day activities and post-election issues and processes (Abutudu, 2014). Universally, election is regarded as the heat of representative democracy. A credible election not only confers legitimacy on political leadership but it is also crucial to the sustenance of democratic order. Election provides citizens with the freedom to choose their rulers and to decide on public policy. Under any democratic system, citizens who are legally qualified to exercise franchise are provided with opportunity to choose political alternatives and to make decisions that express their preferences (Animashaun, 2010). In this sense therefore, election is a means of choosing people to occupy positions of authority in organizations, institutions or government. In a democracy, personnel selected through the electoral process are expected to embody specific norms and policy platforms which command the support of the electorate. Elections in this sense are an expression of the peoples' sovereign will (Agbaje and Adejumobi, 2006; Abutudu, 2014).

Election represents the lifeblood of modern democracy. The frequency, fairness and openness of such elections are crucial to the political stability of the polity. The extent to which elections advance democratic order depends in large part on the existing electoral system, its nature and acceptance by stakeholders in the electoral process. Hence, electoral system according to Nnoli (2003) is a complex of rules and regulations that govern the selection of officeholders. The choice of a particular electoral system does not only have a profound effect on the political life of a country, it also distributes cost and benefits to political actors, that is, political parties and candidates. Designing a credible and inclusive electoral regime is a necessary enterprise in all democracies whether transitional or consolidated. For the former, the challenge is to design an electoral regime that suits their social and historical conditions, while for the latter, it is to re-craft their electoral system to respond to a new political realities and challenges. The existence of a viable electoral system is crucial to the survival of any democracy. This is even more so in a country like Nigeria where access to the state and its resource allocating powers is viewed as the means of guaranteeing economic security and social mobility (Animashaun, 2010).



Historically, the first election in Nigeria was that for the four elective seats in the Nigerian Legislative Council under the 1922 Clifford's constitution. The first nationwide election was held in 1951 under the Macpherson constitution as an indirect election with the only exception of Lagos, while the first extensive direct election was the 1954 federal elections with the only exception being the Northern region where the election was indirect (Ikelegbe, 1988 and 2000). The last election which ushered in Nigeria's independence on October 1, 1960 was held under the British colonial rule in December 1959. The election was quite crucial in several respects. First, it was the first nationwide direct elections and secondly, its winners formed the first post-independence government. The election was therefore vigorously fought as the political parties campaigned vigorously in all parts of the country. The voter turnout was heavy with the minimum being about 71.3% in the Western Region (Amadu, 1983; Oromareghake, 2013).

Other post-colonial elections were held prior to the emergence of the fourth republic. They include: The 1964 election (first republic); the 1979 and 1983 elections (second republic) as well as the 1993 elections (aborted third republic). These elections shared similar characteristics of vote buying, intimidation, violence, thuggery, ballot box stuffing and snatching and the denial of certain rights and privileges of the opposition by the government in power in the pre and post-election periods, with the exception of the aborted third republic which was nationally and globally adjudged as the freest and fairest election ever conducted in the political history of Nigeria.

Nigeria has had a chequered electoral history with successive elections being marred by serious irregularities and controversy, due largely to the handling and management by electoral commission. This has led in some cases to the collapse of democratic experiment as occurred in 1966 and 1983 successive elections in Nigeria have witnessed allegations of violence and malpractices. The 1959 general elections witnessed the mobilization of citizens along ethnic lines, and the use of traditional and religious institutions to foment violence and intimidate citizens in the exercise of their franchise. The 1964 federal elections which were affected by the frictions in the alliance between the parties at the center, witnessed large scale violence, particularly in the opposition stronghold, Western region, hitherto led by the Action Group (AG).



This was compounded by the use of law-enforcement agents to intimidate voters and facilities electoral malpractices in parts of Midwestern, Western and Eastern region.

However, the announcement of the election results into the then Western Region House of Assembly which ensured a sweeping victory for the Nigeria National Democratic Party (NNDP), unleashed a reign of terror and violence on the region. This led to the popular 'operation we tie'. As the violence continued, the Nigerian army on January 15, 1966 stepped in to stop further destruction and bloodbath through an organized coup later and transferred power to the civilian administration of Alhaji Shagari, after about 13 years in the saddle (Oromareghake, 2013).

After prolonged military rule characterized by the wanton violation and repression of the political, economic and social rights of the people, the re-democratization process which began in 1999, elicited renewed expectations for the consolidation of democracy in the Country. (Osaghae, 1999; Nkwede, Emordi, & Nwelom, 2020). The election years of 1999, 2003 and 2007 could best be described as bad, worse and worst respectively. The credibility of these elections were further marred by a serious depreciation of civic culture by the political class, the militarization of politics with the use of violence as a means of gaining and maintaining political power, the unbridled influence of money in politics, an unprecedented level of corruption in the public and private sectors and the failure of the judicial administration system to respond to the challenges instrumentalized through flawed elections. There were incidences of ballot box snatching which were substituted with already stuffed ones, double thumb printing, declaration of results in areas where elections were not held and the disenfranchisement of eligible voters (Oromareghake, 2013; Kehinde, 2014).

It can therefore be argued that elections in pre and post-colonial Nigeria and after independence have been vexed with issues. This is because they have always been accompanied with acrimony, bitterness, killing, maiming, among others. It is not about issues, nor about addressing the many challenges faced by struggling Nigerians. It has been about power and the means of controlling, undermining and distributing it (Onwudiwe and Berwind-Dart, 2010; Oromareghake, 2013).



Electoral Management Bodies (EMBs): Conceptual Discourse

The management of elections occupies a significant and strategic position in the electoral process and the consolidation of democracy, particularly as the centrality of elections to liberal democratic politics presupposes the existence of impartial electoral administration. Indeed the indeterminacy of elections, that is, the possibilities of erstwhile winners becoming losers and erstwhile losers becoming winners, which is an inherent and necessary prerequisite of liberal democratic politics, is to a large extent a function of an impartial administration of elections (Jinadu, 1997:1).

The freeness, fairness and acceptability of any elections are dependent on the EMBs, hence, (Gasset 1930, cited in Animashuan, 2010:2) opined that “the health of any democracy, no matter its type or status, depends on a small technical details; the conducts of elections. Everything else is secondary”. For elections to be free the fundamental, human rights of citizens must be protected, that is, right to organization, freedom of the press and right to campaign freely; political right of franchise must be institutionalized; the rules and regulation governing the proper conduct of the elections must be protected. It is important to note that election may be free but not necessarily fair, hence for election to be fair, there must be neutrality of the electoral body; EMBs must not be biased in the delimitation of constituency to avoid gerrymandering; all political parties must have access to the media; if government and state subsidize party campaigns, there must be a fair formula for doing it so that every political party is proportionally given what is due it. These characteristics are possible only when:

The electoral administration is sufficiently competent and resourceful to take specific precautions against fraud; the police, military and courts treat competing candidates and parties impartially; contenders all have access to the public media; electoral districts and rules do not grossly handicap the opposition; the secret of the ballot is protected; virtually all adults can vote; procedures for organizing and counting the votes are widely known; there are transparent and impartial procedures for resolving election complaints and disputes (Diamond, 2008:25).

It must be noted that free, fair, credible and acceptable elections are not just events that happened on Election Day alone. They relate to the totality of the cycle and consists of important issues as the provision of credible and updated voters’ register, a functioning party system, nomination of candidates, conduct of a violent free party campaigns, adequate provisions of voting materials,



actual conduct of the voting, speedy counting and declaration of results and post-election activities including elections petitions and the fair and speedy resolution of all litigations emerging from the conduct of the election (INEC, 2006). These important issues that make up the electoral cycle are expected to be overseen by an independent electoral institution. This requirement placed the institution at a strategic position in a nation's democratic process as it remains the legal body charged with the responsibility of managing the electoral process. Thus, the success or otherwise of any election and the electoral process is directly linked to the competency of the electoral institution.

Electoral management body (EMB) refers to the body responsible for electoral management irrespective of the institutional framework in place. It is an organization that has the sole purpose and legally responsible for managing all elements essential for the conduct of elections and instrumentality of direct democracy (recall, referendum and citizens initiatives). It is a process of arriving at free and fair elections of candidates to fill public positions. Such activity necessarily should involve well-coordinated actions by men and women aimed at achieving the goal of peaceful and orderly elections in a political system. It entails the organization and conduct of elections to elective public office by an electoral body. This definition subsumes both structure and processes. By structure is meant the bureaucracy that is established to organize and conduct elections. There are also agencies or institutions of the state like the civil service, police and security agencies and civil society groups whose support and cooperation through the provision of logistical support is vital to the operation of the electoral body. By process is meant the rules, procedure and activities relating to among others the establishment of electoral bodies, the appointment of their members, selection and training of electoral officials, etc. Consequently, the overall goal of setting-up an electoral body is to ensure a viable electoral system and a hitch-free electoral management (Jinadu, 2007; Ighodalo, 2008).

Historicizing Electoral Management Bodies (EMBs)

The history of electoral management in Nigeria began in the colonial era when in 1959 the Election Commission of Nigeria (ECN) was established. It administered, managed and conducted the 1959 pre-independence general elections that heralded the first republic. It was



replaced by the Federal Electoral Commission (FEC) in 1964 which conducted the controversial and bungled general elections of 1964 and the Western regional elections of 1965. The ineptitude, inability and incompetence of FEC to conduct free, fair and credible elections accounted for the violence that ensued therefrom and the eventual collapse of the first republic.

After 14 years of military rule, the Federal Electoral Commission (FEDECO) was established in 1978. It conducted the 1979 elections that ushered in the Second Republic and conducted another in 1983. The violence that followed and the wanton destruction of lives and properties, led the military to overthrow the government. FEDECO was dissolved and replaced with the National Electoral Commission (NEC) in 1987. It successfully conducted elections at the local, state and national levels in 1987, 1990 and 1991 respectively. In 1993, its activity reached its peak when it conducted the controversial presidential election which was later annulled. The succeeding regime dissolved NEC and established the National Electoral Commission of Nigeria (NECON) in 1994.

The commission conducted local and National Assembly elections. The erratic nature of the regime road to transition rendered the commission powerless and ineffective as an independent institution. The commission was overhauled independent National Electoral Commission (INEC) via Decree No. 17 of 1998 (now an act of parliament) (Oromareghake, 2013; Ekundayo, 2015). This change in name of EMBs in Nigeria was an attempt by successive administration to distance each electoral commission from the ill-repute and controversy surrounding its predecessor and to create the impression that the successive commission would be independent and insulated from governmental control (Oyekanmi, 2013).

Theoretical Framework

Structures, as emergent entities are not only irreducible to people, they pre-exist them, and people are not puppets of structures because they have their own emergent properties which mean they either reproduce or transform social structures rather than create them (Archer, 1995:71).

This study adopts the structures-Agency approach. The concept of agency has existed since the Enlightenment. Rene Descartes phrase *Cogito ergo sum* stated that anyone who could think is agent and any agent capable of knowing that it can think was a subject. Immanuel Kant



expanded on this theory by stating that the only way to truly become self-aware is to engage with the outside world. These definitions of agency remained mostly unquestioned until the nineteenth century, when philosophers began arguing that the choices humans make are dictated by forces beyond their control. For example, Karl Marx argued that in modern society, people were controlled by the ideologies of the bourgeoisie, and Friedrich Nietzsche argued that humans made choices based on their selfish desires, or the Will to power (Littlejohn and Foss, 2009). These unseen forces are referred to as structure- the specific conditions which influences or determine human behavior or actions.

For several years, prominent Social Scientists have suggested that the structure-agency question is the most important theoretical issue within the human sciences. Fundamentally, the debate concerns the issues of: to what extent we as actors have the ability to shape our destiny as against the extent to which our lives are structured in ways out of our control; the degree to which our fate is determined by external forces. It relates to the fundamental issue of determinism against free-will; to what extent we are products of our environment as against the degree to which we can determine our own future (McAnualla, 2002). The question is, are we free to act as we pleased or our actions are influenced by structures? To answer this question, we must first explain what is meant by structure and agency. The agency approach argues that the only reality we can grasp is the deeds/actions of individuals not classes. The approach suggests structural forces such as hegemony cannot be seen as real, they are intangible and thus we can say nothing provable about them. This implies an epistemology that we cannot look at classes to explain the behavior of individuals. It is therefore quite a severe approach to the human sciences. It suggests the actor is an embodied unit and as such, a possessor of casual powers that she may choose to employ to intervene or not into the ongoing sequence of events in the world. This makes her an agent. Action or agency are seen as the stream of actual or contemplated casual interventions of corporeal of beings in the ongoing process of events-in-the-world (Giddens, 1976). It is analytical to the concept of agency that a person or agent could have acted otherwise. This conception of the agent ties agency to power. Agency approaches see the individual as atomized, positing a voluntarist approach to human action. They argue that the context in which an individual lives is pluralism; social power is spread between groups and that no single group



dominates. The way to analyze, therefore, is by looking at what the individual tells us-there is an onus on reflexivity; on the individual being able to account for and be aware of the reasons and implications of their actions (Aston, unknown).

Structuralism as a movement is generally considered to originate in the work of Swiss linguist and philosopher, Ferdinand de Saussure (1986). His contribution to linguistic was the insistence that language be understood as a system, that is, the relationship between words is structured. Thus, he argued, to understand a language is to understand its underlying structure. Subsequently, authors in other fields like anthropologists, Claude Levi-Strauss argued that societies could be analyzed as a system in a manner quite analogous to Saussure analysis of language. To explain individual and community action, one should attempt to establish the overarching, general rules which affect behavior. For example, kingship patterns in different societies are seen as resulting from implicit kinship system that set social rules to which most people will adhere (McAnualla, 2002). In essence, structure is the recurrent patterned arrangements which influence or limit the choice and opportunities available. Agency is the capacity of individuals to act independently and to make their own free choices (Archer, 1995).

Archer (1995) explained three strands to the utility of structure-agency framework. First, refers to the context in which action subsequently takes place. As a result of past actions, particular conditions emerged. These conditions affect the interests people have. For example, in terms of jobs, educational opportunities and lifestyle, action takes place within a set of pre-existing, structured conditions. The argument of this school is that it is the structure that determines the action of individuals in any given society. Thus, the laid down rules must be followed without option. Second, agents are strongly influence by the structural conditions. However, they also have at least some degree of independent power to affect events. At this stage, groups and individuals interact, exercising their own particular abilities, skills and personalities. Agents will seek to advance their own interest and affect outcomes. Typically, they will engage in process of conflict and/or consensual negotiation with other agents. As a result, the structural conditions are changed, at least to some extent. This school argues that it is he agents that conditions and give direction to the structure, and not the other way round.



Third, Giddens (1984) came up with the concept of structure-agency dualism. His basic argument is that structure and agency are mutually dependent and internally related. Structure only exists through agency and agents have rules and resources between them which will facilitate or constrain their actions. This last school argues that between structure and agency, there is no noticeable difference, and none is superior over the other as they both feed from each other.

To properly situate it, let us come home. For instance, when discussing Nigeria's presidency under Goodluck Jonathan, reference is frequently made to his talents and/or weakness. These are issues of agency: his style, psychology and character are discussed in relation to how he is performing as president. On the other hand, the challenges which the government faced were discussed. These are issues of structure: insecurity, poverty, corruption and failed economy were all cited as structural trends or conditions which the government must react to or act within. He does not choose such circumstances; he must however act in relation to them. The question remains, was it the issue of structure listed above that influence the president's action or his disposition? With respect to this study, INEC represent the structure while the staffs represent Agents. The study aligned with the second strands which argue that it is the agents that influence the actions of the structure. Prior to the 2011 and 2015 general elections in Nigeria, the general opinion was that there was too much corruption in INEC which explains the reasons for our electoral backwardness. Elections were rigged with impunity, voting process done with reckless abandonment without following established rules. How was this possible? And how come it continued all through 1999-2007 without any end in sight? The argument was that there are laid down rules which everybody must follow irrespective of who occupies the position. This has always been the position of Nigeria's EMBs in time past. At this point, it became clear that the structure is in charge, hence the general complaint that official of INEC were appendages of the party in power.

However, in the last two general elections in the country (2011 and 2015), a different opinion emerged. That is, the possibility of officials making and implementing decisions without being necessarily controlled, influenced and determined by the structure. INEC during this period was



said to be redefined. It was structured to meet the expectations of Nigerians and indeed, the global community. The verdict therefore was that Nigeria elections were credible, free, fair and acceptable.

Methodology

The study adopted survey research design. Survey research has become popular in modern times as a scientific method of discovering the impact and interrelationships of social and psychological variables from given populations. More so survey research studies large and small populations by selecting and studying samples drawn from the population to discover the relative incidence, distribution and inter-relations of sociological and psychological variation (Tonwe et al, 2007:22). Data for the study were generated from one source, which is the secondary source and involves the use of archival materials such as books journal publications conferences newspapers government gazettes and internet materials.

**Table 1: List of Electoral Commission and their Chairmen since 1959.**

Republic	Head of state	Electoral Commission	Chairman	Profession	Status	State	Tenure
Pre-Independence	James Robertson	Electoral Commission of Nigeria	Kofo Abayomi	Medical Doctor	Dr.(Sir).	Lagos	1959-1964
First Republic	Tafawa Balewa	Federal Electoral Commission	Eyo Esua	Teacher	Chief	Cross River	1964-1966
Second Republic	Olusegun Obasanjo	Federal Electoral Commission	Michael Ani	Civil Servant	Chief	Cross River	1978-1983
-	Shehu Shagari	-	-Ovie Whiskey	Legal Practitioner	Justice	Delta	1983-1987
Third Republic	Ibrahim Babangida	National Electoral Commission	-Eme Ewa	Lecturer	Professor(Political Scientist)	Abia	1987-1989
-	-	-	Humphery Nwosu	Lecturer	(Political Scientist)	Anambra	1989-1993
-	-	National Electoral Commission	Okon Uya	Lecturer	Professor (Historian)	Cross Rivers	1993-1994
	Sanni Abacha	National Electoral Commission of Nigeria	Sumner Dagogo Jack	Civil Servant	Chief	Rivers	1994-1998
Fourth Republic	Abdusalam Abubakar	Independent National Electoral Commission	Ephraim Akpata	Legal Practitioner	Justice	Edo	1999-2000
	Olusegun Obasanjo	-	Abel Guobadia	Lecturer	Dr.(PhD)	Edo	2000-2005
	Olusegun Obasanjo	-	Maurice	Lecturer	Professor (Pharmacology)	Imo	2005-2010
	Goodluck Jonathan	-	Attahiru Jega	Lecturer	Professor (Political Scientist)	Kebbi	2010-2015

Source: Author's Compilation



Looking at the history of election management in Nigeria, the major thing common to all is the issues of electoral fraud. However, the elections that have been so far declared to be above average are those conducted by Political Scientists, hence the clamor for professionalization of EMBs. Lopez-Pintor (2008) argued that the enhancement of electoral professional practice has been accompanied, and certainly sustained by parallel developments of a professional civil service and widespread state apparatuses at both national and local levels. Failure at these latter development are among the weakest aspects in a majority of the around 200 countries where some sort of competitive elections are taking place these days; For him, EMBs must be headed by professionals in the field, as this will enhance, to a large extent, election credibility.

The Maurice Iwu Era (2005-2010)

The 2007 elections were the third in the series that maps Nigeria's democratization since 199. It was another opportunity for change and power turnover in the country, given the seeming popular disenchantment with the ruling PDP. These expectations, judging by overall quality and outcomes of the elections, were effectively squandered. Prior to the elections, the political atmosphere was again very tense. Among other mind-boggling incidents, President Obasanjo condescendingly declared that for him and the PDP, the 2007 election was 'a do or die affair'. Rather than focus on adequate preparation, INEC was widely engaged in unnecessary distractions, like attempt to disqualify opposition candidate (Unger, 2007).

Despite these reservations, out of enthusiasm, Nigerians came out in their numbers for the governorship and state Houses of Assembly elections on April 14 and the Presidential and National Assembly elections a week later. At the end of the elections, INEC awarded an unimaginable 'sweeping victory' to PDP at all levels. It was unimaginable because eight years before the elections, the party leadership had not improved the living conditions of the average Nigerians in any fundamental sense. Unemployment, poverty, insecurity, inflation and violence were on the rise. The so-called reform agenda was predicted on neo-liberal ideologies of the free-market where the rich profit at the expense of the poor. Under such circumstances, a landslide victory for PDP is likely to be questioned (Adebayo and Omatola, 2007).



The 2007 elections presented an opportunity for both the government and the Electoral body to restore public confidence on the process. The opportunity was squandered by President Obasanjo and INEC. While the former exploited its control of state administrative resources, including using anti-graft agencies and the courts to harass opposition candidates, the latter arbitrarily deployed its regulatory powers to exclude certain candidates from the ballot (Animashaun 2010). Since the process leading to the polls was flawed, it was expected that the election itself will not be different. Local and foreign observers that monitored the poll desecrated it as the worst ever. The EU Chief Observer, Max Van den Berg reported that the handling of the polls had fallen far short of basic international standards, and that the process cannot be considered to be credible, citing poor organization, lack of transparency, significant evidence of fraud, voter disenfranchisement, violence and bias. They described the election as the worst they have ever seen anywhere in the world. They informed that at one polling unit in Yenagoa where 50 people were registered to vote, more than 2000 votes were counted (Al Jazeera, 2007; Berg, 2007).

The international Crisis Group (ICG) (2007) described the elections as the most poorly organized and rigged in the country's history. In a bitterly contentious environment, outgoing President Obasanjo and PDP acted with unbridled desperation to ensure sweeping winner-takes-all victories at all levels. Vigorously manipulated by the presidency, INEC abdicated its responsibility as impartial umpire, inefficient and non-transparent in its operation. It became an accessory to rigging. Heavily deployed police and other security agencies helped facilitate the brazen falsification of results. The electoral process itself had been heavily compromised by 2007 that domestic and international monitoring bodies pronounced it irreparably flawed. Condemnation of the elections was so total that it appeared for a time to jeopardize Nigeria's leadership role in Africa. International observers wondered how a country whose leaders were so undemocratically selected could enjoy prominent roles in ECOWAS and the African Peer Review Mechanism (Fletcher, 2007). Coming on the heels of President Obasanjo's unconstitutional attempt to remain in office for a third term (Onwudiwe, 2006) the elections continued to drive Nigeria's already-beleaguered governance credentials downhill (Onwudiwe and Berwind- Dart 2010).



These massive irregularities are supported by some practical evidences. First, the results of the election were bitterly disputed and protested in an unprecedented manner, though largely non-violently. Second, from the conduct of the elections alone, 1,250 petitions arose. The presidential election had eight, gubernatorial 105, Senate 150, House of Representative 331 and the House of Assembly 656 (Aiyede, 2007). Thirdly, results were annulled in several states and at different levels, including the governorship elections in Adamawa, Edo, Ekiti, Kebbi, Kogi, Ondo and Sokoto states. In Ondo and Edo, declarative judgments were given, leading to the restoration of the Labour party and Action Congress in the states respectively.

The substituted candidates in Rivers state was also reinstated by the Supreme Court (Omotola, 2009). In all, a record 6,180 cases throughout the electoral process were brought before the courts (Lawal, 2008). This figure covers the pre-election, election and post-election events. To say that elections in Nigeria since inception have been crisis prone and violent ridden, is not in doubt. It has been enmeshed in all kind of electoral fraud that statements like ‘do or die election’ corroborates Joseph Stalin’s position cited in Ibrahim and Garuba, 2008:1), “those who cast the votes decide nothing; those who count the votes decide everything”. This role played by EMBs in connivance with the government or party in power, have denied citizens the benefit of political participation, hence the growth of political apathy.

However, the 2007 elections are significant for at least four important reasons. First, that the election took place at the expected interval is reassuring. It was the first time in the history of the country that a democratically elected civilian government completed two terms of eight years, conducted elections, and successfully handed over to another elected government. As remarkable as this seems, it should not be interpreted to mean that any sort of elections would do in the third election test- indeed the declining quality of Nigerian elections is increasingly being considered as a source of democratic deconsolidation. (IFES, 2007). Second, the resort to the courts to seek electoral justice is a clear deviation from the use of self-help strategies to settle electoral scores in the past. This shows that the political class is gaining increasing confidence in the judiciary as an important democratic institution. Third, courts, and executing all court judgments on the elections, even when against the PDP, point toward the gradual emergence of democratic



political culture. This was unthinkable under ex-President Obasanjo, who unilaterally selected which courts, decision to execute. Finally, the maladministration of the election has intensified civil activism for electoral reform and pressured the government to grant some limited concessions, including the electoral reform process. These developments are important for building a democratic political culture rooted in the rule of law. Though these gains do not constitute consolidated democracy, they may help reclaim public confidence in the democratization process (Oromareghake, 2013).

Maurice Iwu and the Burden of Personal Disposition

Iwu appears to be the most controversial of all the nation's umpires. He conducted the 2007 general election characterized by wide spread irregularities. Even the late President Umaru Musa Yar Adua admitted that the election that made him president in 2007 was flawed. As if to justify this claims, Iwu arrogate to himself the power of the law by attempting to disqualify Atiku (Action Congress), the opposition presidential candidate from the presidential election (Awowele-Brown, et al 2007) even though the law does not grant INEC such powers. This singular act proved INECs incapability, dependence and partiality and equally showed to the world that INEC was acting a script given to it by the government and party in power. Few days to the election, the Supreme Court stopped INEC from disqualifying Atiku (Edike, 2009).

The 2007 General Election and Technological Innovations

In view of the fact that successful elections require a credible voters' register, INEC in 2006 embarked on a comprehensive Computer Based Voters Registration. The decision to opt for a computerized registration process was to reduce to the barest minimum the incidences of fraud and anomaly that usually characterized manual registration. This, it was hoped, will bring sanity into the electoral process and the beginning of the electoral process mechanization. After weighing various options, INEC settled for the Direct Data Capture Technology (DDC). The DDC was used to capture directly, voters' registration data and fingerprint information at various registration centers throughout the country. Through this means, INEC was able to collect information from voters, which was sorted, scanned and compiled into voters' register list and transferred to the headquarter for collation of nation register list (Luqman, 2009).



The use of the DDC for registration began on Wednesday October 25, 2006 nationwide. Despite this novelty, criticism trailed its usage. First, was the malfunctioning of the machine at the earlier stage of the exercise; second was the shortage of computers deployed to the field for the exercise. Though inadequate, reports emerged that machines were found in private residences of politicians (Punch, 2007). The hijacking of the machines cannot be carried out without the support of security agents and members of INEC, coupled with the fact that while the registration was ongoing, INEC was accused of recruiting members of PDP as ad-hoc staff for the exercise and challenged the former to publish the names of ad-hoc staff (Punch, 2006), which it never did.

The Attahiru Jega Years (2010-2015).

...for the first time, Nigeria's presidential election bifurcated the country along religious lines; the 12 sharia state of the North had majority for Buhari; the other states, predominantly but not exclusively Christian, voted for Jonathan... Despite these facts, the results were hailed by the international community as credible primarily because they were better than those of 2007. And within Nigeria, in most part of the country, Jonathan's victory was also seen to be credible despite the numerous shortcomings of the polling and counting process (Campbell, 2013: 124-125).

The election, in spite of the hiccups, is acclaimed as a step forward in the nation's march towards free and fair elections. The Nigeria Labour Congress described it as the best the nation has had since independence. The US, which also applauded it as being better than that of the 2007, however expressed serious concern about reports of alleged ballot box snatching and stuffing and called on INEC to transparently review and take appropriate action on all allegations of 'under-age' voters, violence and intimidation, ballot stuffing, and inordinately high turnout in some areas of the country.

There were also allegations of manipulation in collation of results. Given the unenviable history of electoral misconduct, spanning over the last 50 years, INEC under Prof. Attahiru Jega's leadership can be said to have come out well in spite of the odds and the brief period of public skepticism occasioned by the Commission's initial tottering steps and seeming self-doubt (Carson, 2011: Smith, 2011). The areas where there was so much strain in this period was the registration exercise which suffered a setback because INEC was proposing to register 70 million



eligible voters within two weeks by using 120,000 composite electronic voter registration equipment. In 8-10 days, 22,175,623 voters were registered in 35 states and the Federal Capital Territory.

This is against the wish of the commission which projected 70 million eligible voters. The implication of this is that 31.6% of the projected prospective voters were registered, a proportion less than 50% of the projection. Having looked at the projection of the registration, Jega requested for N6.6 billion of 7-day extension of voter registration from the federal government. According to Jega, the cash will go into paying allowances to corps members, who are registration officials, and for the logistics of the exercise (Awopeju, 2012).

Jega and his Disposition as Head of EMB in Nigeria

After PDP party agent Godsdan Orubebe created an embarrassing scene at the collation center in Abuja, trying to disrupt announcement of results, a very calm Jega told him, as a former Minister of the Federal Republic. You are a statesman in your own right. You should be careful about what you say or what allegations or accusations you make. Certainly you should be careful about your public conduct. On the two issues by Orubebe, Jega answered both in a more gentleman disposition. Of all the allegations leveled against him by either the party in power or opposition, he never threatened by disqualification nor litigation. This should be an additional qualification to the Heads of EMBs as unbiased umpire.

Card Readers and Permanent Voters' Card (PVCs) as agents of Credible Elections

The use of (PVCs) with biometric data and verification of voters through card readers recognizes the need for continuous effort to reduce fraud so that Nigerians can have growing confidence in the elections. The PVCs and Card Readers address three recurring issues: inflation of the number of voters present in polling units; Misrepresentation of whether individuals are truly present; and fake and multiple registrations of voters to allow for inflated turnouts. It also ensures two checks on Election Day. That is, a voter is at the correct polling unit where they registered, and their fingerprint match with those on record on their card.

Secondly, the distribution of PVCs was one major concern that led to the postponement of poll, though it was hinged on insecurity in the North-Eastern part of the country. For instance, as at



March 22, 2015 when PVCs collection ended, about 56,431,255 of the 68, 833,476 PVCs meant for the election representing about 81.98% was collected. The figure distributions by geopolitical zones revealed the following: North-West (15,999,398); South-West (9,238,713); North-Central and FCT (8,230,685); South-South (7,710,015); North-East (6,655,444); South-East-6,621,341 (Kumolu, 2015). The release of these figures raised doubt as to INEC's sincerity in conducting credible 2015 election. This is against the fact that the North-East and part of North-Western states that are bedeviled by insurgent activities could collect as much as 80% of the PVCs as compared to areas that are free of violence, yet could not get up to that figure.

Conclusion and Recommendations

Comparatively, both men spent five years each as INEC chair. While Iwu conducted one general election, Jega conducted two. While Jega was National President of ASUU, Iwu was his Deputy. When the latter mounted the saddle of INEC in 2010, the former acted as his consultant, hence Jega, on his appointment, was described as another Iwu (Sahara Reporters, 2010). In addition, both men are academic professors and scholars in their own right. The difference however was that, for all the flaws identified in the 2007 elections, it is important to know that Iwu was never screened by the Senate as required by law. Because his appointment was not confirmed, Iwu's stay in INEC should have ended in 2008, five years after he became a commissioner.

Iwu, who was appointed as INEC commissioner in August 2003, and may have been occupying his position illegally contrary to the constitutional provision that commissioners can only serve for five years, except they are re-nominated. The major problem was that Iwu did not return to the Senate for confirmation as chairman when he was appointed in 2005. If President Obasanjo had forwarded his name for confirmation and the man had taken a fresh oath of office, his tenure would have started counting from 2005 and not 2003. Being that Iwu was never confirmed as chairman, his tenure was unconstitutional and therefore, illegal. This means that Nigeria's 2007 elections, which were deemed flawed, were overseen by an individual who technically should not have been Chairman in the first place (Nigeria Curiosity, 2009). While Jega's appointment was confirmed on 24 June, 2010 after been nominated by President Jonathan 8 June, 2010 and



approved by the National Council of State, hence some level of credibility in the 2011 and 2015 elections.

A comparative analysis of citizens' participation in presidential election since 1999 to 2011 showed that on the aggregate, 57,938,945 voters were registered in 1999, those who actually voted in the presidential election were 30,280,052 representing almost 60% of those on the roll. In 2003, 60.82 million were on the voters register while 42, 018,735 electorates were said to have cast their ballots. Thus, about 70% of those on the roll were said to have actually participated in the presidential poll. In 2007, 61 million were registered, while 35.41 million voted. In percentage terms, 58% of those registered turn out for vote during the presidential election. The 2011 presidential election results showed that the average turn out of voters was put at 52.9%. Based on the foregoing, a comparative analysis of the elections from 1999 till 2011 showed that there was an increase in the level of participation in 2003 compared to 1999; the level of participation increased by 10%. Factor that could be responsible for this was the fact that Nigerian electorates doubted the sincerity of the military to relinquish power in 1999.

So when they noticed that Nigerian state had really democratized, then the level of the participation increased in 2003 so as to exercise their electoral powers. In 2007 and 2011 presidential elections, there was decrease in the level of electoral participation. The level of participation dropped from by 12% in 2007 and by 2011 it slipped further down by 5.1%. The main factors responsible for these were that of election rigging that characterized 2003 elections and the "do or die" syndrome introduced into the electoral game in 2007 election by the ruling PDP. Secondly, electorates had lost confidence in Nigeria's electoral process because they thought the same trend would continue in 2011 election (Awopeju, 2012). In 2015 however, it slipped further down by about nine percent, Out of 68,833,476 registered voters, only 29,432,083 representing 43.65%, cast their votes. The overall verdict remains that the 2007 election was comprehensively flawed while the 2011 election was a positive step towards electoral credibility in Nigeria, and that of 2015 was locally and universally recognized as been credible, free, fair and acceptable. It is therefore recommended that Nigerian election should run on a highly technologicalized platform in such a way that rigging and other electoral manipulations and malfeasance could be reduced significantly.



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