

Case Study – July 2022

# Reforming Nigeria's Independent National Electoral Commission: A Sandwich Approach to Electoral Accountability 2010–2015

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# Introduction

Electoral reforms are usually the consequence of citizens' dissatisfaction with aspects of the electoral process. Usually, citizens demand that the electoral process be more inclusive and efficient, and that the outcomes express the choices of voters. Consequently, where elections are widely perceived to exclude many groups, where delivery of electoral services is tardy, wasteful and inefficient, or when electoral outcomes are widely contested on grounds of their expression of the true democratic wishes of the electorate, demands for electoral reforms will be very high. In other words, accountability is always a major underlying driver of electoral reforms.

What is widely regarded as the first general election in Nigeria took place in 1922. For the first time, the British colonial government extended voting rights to Nigerians, enabling them to elect a few members into the colonial legislative council. In the intervening ninety-seven years since that first election, Nigeria has had a history of very difficult and contentious elections. Practically every election in Nigeria has been perceived to be marred by poor organization and electoral malpractices. Nigeria's perennial difficulty with elections is attributable to weak institutions, including weak legal frameworks, poor political culture among both voters and politicians, lack of respect for rules, excessive use of money, especially to bribe voters and electoral agencies, as well as a zero-sum perception of electoral outcomes, which encourages a "win-at-all-costs" mentality among politicians. All these have become issues for electoral reforms in Nigeria over several decades.

Electoral reforms in Nigeria for many years targeted improvements in the administration of elections and management of the electoral process. Consequently, emphasis was placed on reducing fraud committed by politicians and the staff of the election management body, increasing efficiency in the delivery of electoral services, improving financial management, ensuring neutrality of electoral institutions and improving democracy within political parties. Despite several attempts at reforms focused on election administration and management, improvements have remained patchwork, and successive elections failed to impress both reformers and the wider public. However, from 2010, reforms of the Independent National Electoral Commission (INEC) began to focus not just on election management, but more broadly on electoral governance.

To clarify this shift, we need to understand three phases in the evolution of the organization of elections in Nigeria. Initially, the organization of elections was perceived as part of routine administration. In this context, election administration was framed essentially as one aspect of the schedule of civil servants. Its roots lie in colonial administration when elections were run by the Regional civil services (Okpeh 2009, 27). The weaknesses of this system were all too obvious. For one, different regions operated different electoral regulations and as the country moved into a common federal structure, there was a need to evolve a single electoral administration system for the country. For another, civil servants were known to be beholden to their political masters and there were concerns about their capacity to administer the elections with political neutrality. Furthermore, the complexity and scope of conducting elections in a vast country like Nigeria meant that they could not be handled as just another activity of civil servants. Finally, there was a need to insulate the civil service from the political meddling that a highly politicized activity such as an election attracts.

In the immediate post-independence era, election organizing passed to a specialized permanent body, the Election Management Body (EMB), expected to manage the entire electoral process

throughout the electoral cycle, rather than the episodic administration of elections by civil servants. Increasingly, the role of the election management body expanded to not only the actual conduct of elections but also to voter and political party registration, handling of electoral boundaries and even prosecution of electoral offenders. Of paramount importance in this phase of development of election administration was the independence of the EMB, which was perceived to be lacking in the preceding period. Also, the EMB was expected to show higher levels of efficiency, professionalism and accountability, as well as increased engagement with citizens.

Finally, the third phase of this evolution is what we characterize as electoral governance. It emerged out of the rising interest of citizens and their organizations in pushing for better institutional frameworks to govern the entire ecosystem of elections. This was widely characterized by demands for the broad participation of citizens in the formulation and functioning of the institutional frameworks for elections. Electoral governance therefore addresses the “regimes” that govern elections and their institutional expressions, rather than mere administration of elections as events or management of the electoral cycles. This phase is in turn situated in an increasingly global movement for electoral reforms and regime of electoral best practice.

In summary, the first phase of the evolution of election administration in Nigeria was driven by civil servants, the next phase of election management, by specialized election management bodies, while the present phase, the phase of electoral governance, is driven increasingly by citizens and their organizations, as well as by an increasingly global civil society. Driven by increasing civic action, this trend towards electoral governance links citizens, reformers in government and the election management body, as well as a global civil society working on elections. In Nigeria, this process began to unfold after the 2007 general elections, but fully crystallized over the course of three electoral cycles from 2007 through 2019.

## Background to INEC Reforms

The Independent National Electoral Commission (INEC) is the current iteration of the national Electoral Management Body (EMB) of Nigeria. The Commission is established by Section 153 (1)(f) and elaborated in the Third Schedule Part I (F) of the 1999 Constitution. INEC is the successor EMB to three other bodies since Nigeria became independent in 1960 namely, Electoral Commission of the Federation (established by the 1960 and 1963 Constitutions), Federal Electoral Commission (1979 Constitution) and the National Electoral Commission (1987 Constitution). In addition, the military government of General Abacha also created the National Electoral Commission of Nigeria, which was short-lived and disbanded with the death of the dictator.

These name changes are not fortuitous or coincidental. In fact, they reflect the long history of reform of EMBs in Nigeria. According to Jinadu (2011, 118), “each change in name was apparently intended to distance each Electoral Commission from the ill repute and controversy surrounding its predecessor and to create the impression that the successor Electoral Commission would be independent and insulated from partisan control especially by the government”. These name changes also reflect the impact of federalism on election management in Nigeria. Federalism has

remained a lasting issue of electoral reform, namely, the distinction between federal and state (regional) level election management. The use of national or federal in the names of EMBs often signifies the existence of state electoral management bodies. The existence of these bodies vis-à-vis the national electoral management body is a cardinal issue of reform. Thus, in the present 1999 Constitution, the Independent National Electoral Commission is the federal EMB, while there are State Independent Electoral Commissions (SIECs) for each of the 36 States. INEC manages all elections except Local Government elections in the States, which are run by SIECs. INEC also manages Local Government elections in the Federal Capital Territory of Abuja.

**Table 1. Electoral Management Bodies in Nigeria**

	NAME OF BODY	HEAD	TENURE	ELECTIONS CONDUCTED
1.	Electoral Commission of Nigeria (ECN)	R.E. Wraith	1958 - 1959	1959 general elections
2.	Federal Electoral Commission (FEC)	Eyo Esua	1964 - 1966	1964 & 1965 Federal and Regional elections respectively
3.	Federal Electoral Commission (FEDECO)	Michael Ani	1976 - 1979	1979 general elections
		Victor Ovie-Whiskey	1980 - 1983	1983 general elections
4.	National Electoral Commission (NEC)	Eme O. Awa	1987 - 1989	1987 local government elections on no-party basis
		Humphrey Nwosu	1989 - 1993	1993 general elections
		Okon Edet Uya	1993	-
5.	National Electoral Commission of Nigeria (NECON)	Sumner Dagogo-Jack	1994 - 1998	-
6.	Independent National Electoral Commission (INEC)	Ephraim Akpata	1998 - 2000	1999 general elections
		Abel Guobadia	2000 - 2005	2003 general elections
		Maurice Iwu	2005 - 2010	2007 general elections
		Attahiru Jega	2010 - 2015	2011 & 2015 general elections
		Mahmood Yakubu	2015 - date	2019 general elections

The history of reform of electoral management bodies in Nigeria is interwoven with the persistent failures of elections since independence. Indeed, post-independence Nigeria has had a sustained history of difficult elections. Of the 1964 general elections, the very first after independence, Post and Vickers (1973, 108) note that "... actual voting was so distorted by the effects of thuggery and rigging that any analysis of voter behavior and the influence of different issues is almost impossible". Agbaje and Adejumobi (2006, 29) speak generally of elections being "hijacked by forces of wealth and power for purposes that are entirely predatory and subversive of democracy".

Since the outcomes of elections determine access to power and control of the enormous resources of the state, the conduct of elections mirrors in scale and intensity all the problems of state-making and nation building in Nigeria. By extension, the electoral management body is blamed for everything that goes wrong with elections. Yet, the quality of elections is determined not just by the actions of the EMB, but by the aggregate actions of the principal actors, including political parties, candidates, the judiciary, security agencies, voters, organized civil society and development

partners. The actions of these actors not only create the circumstances for reforms, but also shape the reform process. Expectedly, the goals pursued by these actors in the reform process are varied and in many cases contradictory. However, there are several issues that have formed a rallying point for reforming INEC and the success of the reform process has hinged on the consensus and reform agenda built around these issues.

The core issues and challenges of reform of INEC emanate from the seeming inability over the years of EMBs in Nigeria to conduct elections that are widely seen to be free, fair and credible. These core issues and challenges are three-pronged, and it is important to separate them since their critical actors, goals, pace, sequencing, continuities, discontinuities, outcomes and sustainability do not always coincide. First, there are broad issues with the electoral framework, particularly as it concerns making INEC an independent and accountable institution. In this regard, there are six core issues:

- a) The mode of appointment of members of the Commission;
- b) Unbundling the Commission to make it more focused on delivering good elections;
- c) Electoral adjudication, particularly the issues of election-related cases and prosecution of electoral offenders;
- d) Funding of INEC to ensure its independence from government, particularly the Executive arm of government;
- e) Relationship between INEC as the federal EMB and State Independent Electoral Commissions (SIECs) as regional EMBs; and
- f) The electoral system itself, particularly the issue of simple plurality versus proportional representation.

Second, there are issues linked to specific institutional and structural reforms of INEC. These include:

- a) The issue of the optimal organizational structure of the Commission;
- b) Lack of clarity in job descriptions and conflicting or overlapping functions;
- c) Lack of clarity in reporting processes;
- d) Role of the Commissioners in policy making and policy implementation;
- e) Poor record keeping;
- f) Weak rules and regulations; and
- g) Disciplining of staff.

Finally, there are issues related to improvements in election management. These include:

- a) Issues of planning, operations and logistics;
- b) The voters roll or register;
- c) Voting procedure;
- d) Design and handling of ballot papers;
- e) Election security; and
- f) Counting, tallying and announcement of results.

Attempts at policy reform of Nigeria's EMBs generally have been as recurrent as the elections themselves. Dating back to the very first body, the Electoral Commission of Nigeria (ECN), each general election is followed by an "inquest" into the performance of the Electoral Management Body, usually as a result of public outcry over poor management of elections. These reviews have taken three principal forms. In the first place, there are usually several reviews by civil society organizations,

domestic and international election observers and the general public, which provide the impetus for reforms. Secondly, there are reviews resulting from election litigations by the judiciary. Election litigation often illustrates the performance of the EMB and gives indications of the type of reforms that are needed. Finally, at various points the government has established committees to inquire into the elections and suggest reforms. Thus, after the 1983 elections, the Babalakin Committee was empanelled to look into the activities of the Federal Electoral Commission (FEDECO), while the Electoral Reform Committee (Uwais Committee) was established following the debacle of the 2007 elections.

The reform agenda is usually set in the context of these reviews, especially the report of special Committees like the Babalakin and Uwais Committees. The reviews ostensibly lead to improvements in the election legal framework and the activities of the electoral management body. For instance, it was the pressure exerted by relevant actors that led to the enactment of a new Electoral Act in 2010 to replace the 2006 Act on which the widely discredited 2007 elections were held. Further pressure on the legislature led to several amendments to the 1999 Constitution and the 2010 Electoral Act to strengthen INEC as it prepared for the 2011 general elections. Regarding the funding of the Commission, the constitutional amendment for the first time in the history of EMBs in Nigeria made INEC a first-line charge agency, which presumably makes the Commission financially independent from the government.

In a nutshell, there have historically been three major areas of focus of the election accountability movement in Nigeria, which have become even more pronounced in the aftermath of the 2007 general elections. The first has to do with broad issues of electoral reform, particularly the mode of appointment and security of tenure of members of the Election Management Body (EMB), what electoral and election-related functions are to be assigned to the EMB, and the financial autonomy of the EMB. Further issues of electoral reform regard the electoral system itself, especially whether to retain the simple plurality system or change to proportional representation, the relationship between the federal EMB and the state/regional EMBs, as well as election jurisprudence. The second area is the internal structure and organization of the EMB. This area focuses on the optimal organizational structure, duties and responsibilities of members of the Commission and staff. In addition, it addresses the question of organizational rules and institution-building. The third area is the improvement in the quality of election management. Here the dominant issues have been planning and operations, including logistics, the voters roll, voting procedure, election security, counting and tallying of votes and integrity of results that the EMB announces.

## Perspectives on Electoral Reform

An irony of contemporary democracy is that a system ostensibly designed to empower citizens could degenerate into a source of their alienation. Incidentally, this tendency for democracy to degrade goes as far back as one of its origin points in ancient Greece. Both Plato and Polybius, like other ancient theorists of democracy, noted a tendency for democracy to degenerate, which is an expression of *Kyklos*—a cyclical tendency in political systems to move from their best forms to their debased forms. In more contemporary democracies, disillusionment of citizens in both



developed and new democracies has also been noted in the literature (Agbaje and Adejumobi 2006; Galvez 2017). However, it is precisely this tendency for democracy to move from an expression of people's power to the "democratization of powerlessness" (Ake 1994) that creates the lasting quest for improvements and reforms in all democracies. Electoral accountability goes to the roots of these reforms.

Electoral reform is always a thorny, vexed and complicated issue (Rahat and Hazan 2011). Recently, it has attracted quite a lot of attention from scholars, politicians and citizens alike (Jacobs and Leyenaar 2011). This is because of the centrality of elections in contemporary global affairs and because of the politics associated with such reforms, even in advanced democracies (Rahat 2011a). Despite this heightened public and intellectual attention devoted to the understanding of electoral reform, it remains a complicated issue. Norris (1995: 95) metaphorically observes that:

Electoral systems are rarely designed, they are born kicking and screaming into the world out of a messy, incremental compromise between contending factions battling for survival, determined by power politics. We lack a theoretical framework to understand how political systems reform.

Electoral reform is a politically charged domain involving rival groups preventing or tinkering with changes in the electoral systems in order to capture or consolidate power. In this regard, Rahat considers electoral reform to pertain "to the struggles between the forces that try to preserve the existing electoral system and those that try to change it, as well as the struggles and cooperation within these camps" (2011b, 523). In like manner, Taagepera and Shugart (1989) note that reforms in electoral systems do not stand alone but come into being through political debate and struggle and that they reflect the politics of the time of their engineering.

Tracing the development of the study of electoral reforms presents a complex tapestry. In fact, in the 1950s the study of electoral reforms was low-keyed because only one or two countries attempted reforming their electoral systems, despite widespread calls for electoral reforms among many democracies. Since then, the study of electoral reforms has picked up tremendously and has attracted the attention of important writers like Duverger (1965), Sartori (1968), Rokkan (1970), Finer (1975) and Lijphart (1994a). From being a lightly attended field of study, it has witnessed a rich outpouring of scholarship (Lijphart, 1994b; Shugart, 2005).

A major issue in the development of the study of electoral reform is its desirability, on which two contending perspectives are discernible. Scholars such as Sartori (1968), Taagepera and Shugart (1989), Andrews and Jackman (2005), among others represent the skeptics who are not comfortable with electoral reforms. For instance, Sartori (1968) remarked that the electoral system is "the most specific manipulative instrument of politics". In the same vein, Taagepera and Shugart (1989: 218) argue that:

A major purpose of elections is to supply a stable institutional framework for the expression of various viewpoints. Even if imperfect, a long-established electoral system may satisfy this purpose better than could a new and unfamiliar system, even if it were inherently more advantageous. Those political forces which are disadvantaged by the existing rules learn to live with them, gradually devising strategies that minimize their drawbacks. What disadvantages remain, are not unexpected, and hence the level of frustration is reduced. Familiarity breeds stability. Most of the longstanding electoral systems do the job. Staying with the ills that we know about may be better than leaping into the unknown.

Also, Andrews and Jackman (2005) mounted a robust challenge against electoral reforms, questioning attempts to change an electoral system because of the attendant risk that politicians and political parties are exposed to. According to them, no matter how enticing it seems, the risk exposure of electoral reforms is too great a burden for political parties to bear. For Pilet and Bol (2011), this line of thought informed the Flemish Christian Democrats (CVP-CD&V) in Belgium and the Christian Democrats (CDA) in the Netherlands. These were the two biggest parties in their respective countries yet they both refused a change to a majoritarian system even though such reforms will not harm their size, position or status, and even had the possibility of improving their performances at the polls. But, the fear of the unknown and uncertainty prevented them from supporting electoral reforms in their countries. In sum, this perspective on electoral reforms posits that 'if it is not broken why fix it'. This became not only the conventional wisdom in the study of electoral reforms, but also the standard narrative among students of electoral reforms. The rarity of electoral reforms among old and new democracies also gives credence to this assertion (Rahat 2011b).

The converse perspective argues that the notion that familiarity breeds stability is not necessarily correct in many cases. This is because many old democracies such as Japan, Britain, Israel and New Zealand have reformed their electoral systems and are stable. Among scholars that support electoral reforms are Norris (1995), Dunleavy and Margetts (1995) and Jacobs and Leyenaar (2011). For instance, Dunleavy and Margetts (1995), focusing on Britain, argued that due to technology, the end of the Cold War and a complex international order, there is a radical change in the political life of an average Briton that makes the old electoral system obsolete and in need of reform to cater for these changes. According to them, electoral reform is a necessary evil and must be tailored to solve contemporary electoral challenges. However, Jacobs and Leyenaar (2011) provide a more nuanced perspective. They argue that electoral reforms can be minor, major and technical. Using these descriptions, they stretched further the understanding of electoral reforms. The central thesis of their argument is that electoral reforms don't necessarily involve cataclysmic change of the entire electoral system. They can be subtle and technical.

A more recent issue in the study of electoral reform is theorizing the politics surrounding it. From the literature, three contending and prevailing theoretical perspectives can be distilled. According to Rahat (2011a), the study of electoral reforms is largely conducted within the theoretical lens of either Rational Choice, Historical Comparative or Institutional perspective, although he notes that they are not mutually exclusive or stand alone. The rational choice approach seems to be the predominant explanation of the politics associated with electoral reforms (Rahat 2011b). Its advocates include Taagepera and Shugart (1989), Boix (1999) Shugart (2001, 2008) and Colmer (2005). The central assumption of this perspective on the politics of electoral reforms is that an electoral system cannot be changed unless its leaders believe that reform meets their political calculations (Rahat, 2011b). Consequently, Rahat (2011a, 525) observes that:

In studying the politics of reform, rational choice explanations assume that electoral system stability and reform result from the behavior of politicians who calculate and compare the consequences of existing systems with those of alternative ones, and prefer those that maximize their power in terms of seats, office or policies.

For Boix (1999), rational choice perspective on understanding the politics of electoral reforms unearths strategies by ruling parties or political actors to change or maintain an electoral system with the aim of controlling or consolidating power. Shugart (2008) observes that electoral

reforms will not see the light of the day, if the big and influential parties in any electoral system feel threatened by it. Thus, Benoit (2004: 374-5) argues that:

A change in electoral institutions will occur when a political party or coalition of political parties supports an alternative which will bring it more seats than the status quo electoral system, and also has the power to effect through fiat that institutional alternative. Electoral systems will not change when no party or coalition of parties with the power to adopt an alternative electoral system can gain more seats by doing so.

In like manner, Norris' (1995) analysis of the politics of electoral reforms in Britain concludes that despite increasing calls for reforms, political parties and politicians are not buying it because it is in their least interest.

However, the problem with rational choice arguments is that the rationality of political actors is in many cases questionable. In fact, political actors in the electoral system do not always act in the most rational ways, if rationality means maximizing benefits and reducing cost based on objective and verifiable criteria. Cases abound where parties have rejected electoral reforms that by all indications would be electorally beneficial to them. The examples of the Flemish Christian Democrats (CVP-CD&V) in Belgium and the Christian Democrats (CDA) in the Netherlands, both of which rejected calls for electoral reforms, notwithstanding the potential benefits of reforms to their electoral fortunes, illustrate this point (Pilet and Bol, 2011). In fact, studies have shown that political actors often oppose reforms that would benefit them for fear of the unknown, which puts in question the rational choice narrative (Rahat, 2008; Pilet, 2008). Of course, it could be argued that fear of the unknown is a basis for choice, but that would definitely not qualify as rational choice.

Another argument against the rational choice perspective is that it is too elitist and ignores or underemphasizes the place of historical and socio-cultural forces that shapes the electoral reform. Even though political parties are key players in the politics of electoral reforms, there are forces of history that can necessitate electoral reforms (Pilet and Bol 2011). Rahat's (2004) critique of rational choice theory in the study of politics of electoral reforms is far-reaching. Focusing on the politics of electoral reforms in Israel, he doubts the analytic utility of this approach in understanding the politics of electoral reforms, given that it is largely concerned with maintaining the status quo of electoral systems and hence cannot be that useful in revealing the politics associated with electoral reforms. Also, he notes that this approach does not take into consideration the importance of so many key actors that can influence the electoral system outside mainstream political actors *per se*.

Another strand in the explanation of politics of electoral reforms is the institutional approach. We can associate this analytical framework of politics of electoral reforms to writers such as Lijphart (1994a), Vowles (2008) and Lehoucq (1995, 2000). These studies situate the analysis of the politics of electoral reforms on institutions that are harbingers of electoral reforms as well as those that bear the brunt of such reforms. Most of these studies focus attention on the law-making institutions when interrogating the politics of electoral reforms (Diskin and Diskin 1995). This is because the legislative arm of many democratic states are sites of intense struggle over electoral reforms and hold the key to understanding the success or failure of such reforms (Lehoucq 1995, 2000). Lijphart's (1994a) attention was much broader in focus because he went beyond legislative arms to consider other vital institutions in electoral engineering. He looked at the different arms of government and their roles in tinkering with the electoral systems of many matured or old democracies. Going further, Leyenaar and Hazan (2011) note that the institutional approach believes that

electoral reforms will happen when the institutional context changes or when the existing institutions produce ‘perverse effects.’

While the institutional approach gives a broad understanding of the politics associated with electoral reforms by examining the roles of institutions in the reform process, it is not without criticism. Scholars have also criticized the basic assumptions and theoretical core of the institutional approach in interrogating the politics of electoral reforms. It is largely rooted in status quo maintenance and does not explore in detail the politics of electoral reforms, given the fact that institutions themselves hardly change (Bowler and Donovan, 2013). Also, this approach neglects the place of historical and societal forces that necessitate electoral reforms. Consequently, Rahat and Hazan (2011) argue that the historical and structural composition of a state can influence its choice of electoral system. Moreover, the institutional perspective often understands institutions as actors in electoral reform. But these institutions themselves could be the subjects of electoral reform. For example, the subject of electoral reforms could be the legislature, political parties and the Election Management Body like INEC.

The historical perspective is yet another perspective on the politics of electoral reforms. Scholars such as Ahmed (2010), Capoccia, and Ziblatt (2010) Capoccia, and Kelemen (2007), adopt this perspective. The underlying assumption is that historical analysis holds the key to understanding the circumstances and conditions of electoral reforms. For Ahmed (2010) the historical approach to electoral reforms seeks to unravel a distinct story from received wisdom, unearthing different actors involved and the dominant issues in contestation in a specific reform process. Making a case for the collective return to history in the study of democratization, Capoccia and Ziblatt, (2010) posit that although history is not a practical laboratory, it holds much promise as a means of solving the problem of causality and endogeneity that many ahistorical analyses suffer from. The historical perspective is quite interesting; it is a provocative new line of inquiry. However, one of the arguments against the historical approach is the absence of quantification and, as such, its critics point out that it cannot lead to valid generalizations (Rehat 2011). The lack of measurement in historical analysis in the study of electoral reforms does not sit well with many behavioral political scientists.

## Sandwich Approach to INEC Reforms

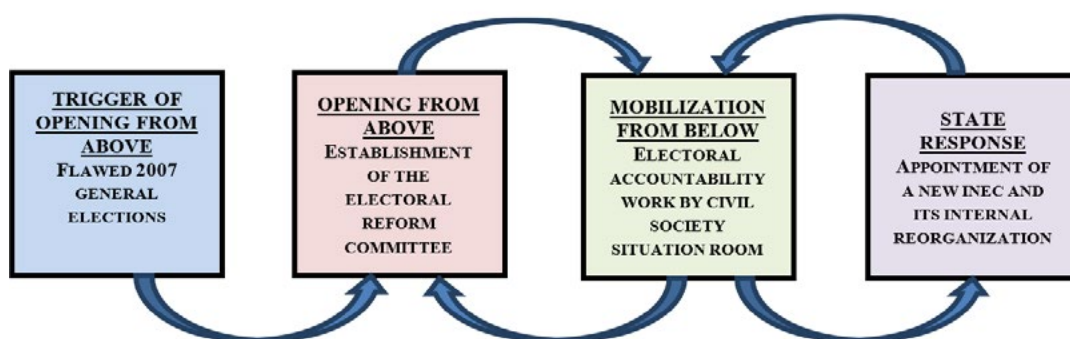
The rational choice, institutional or the historical perspectives are not necessarily wrong. However, separately they are inadequate for fully understanding why and how electoral reforms occur. It seems to us that actors, institutions, history and social forces are all important. Still, it is how they interact to produce a given sequence of reform/accountability that needs to be unraveled and understood. The sandwich approach provides a perspective on a specific sequence of this, namely, how actions of pro-accountability actors within government and its agencies create openings for civic action in support of accountability, and how these movements subsequently generate an impetus for reform and accountability in government agencies. In so doing, the sandwich approach identifies the pro-accountability (pro-reform) actors and the resistance actors, the triggers for change, the openings created from above (that is within government), mobilization from below (that is civic actions in support of accountability or reforms) and state responses. In addition, the

approach looks at the accountability impact namely, the specific changes that occur depicting increased accountability or reforms.

In applying the sandwich approach to INEC reforms, our proposition is that although public demands for electoral accountability are longstanding in Nigeria, it was the 2007 general elections that triggered the reforms that occurred in INEC from 2010 to 2015. After the election, pro-electoral accountability (reform) in government led ironically by the prime beneficiary of the 2007 Presidential elections, President Umaru Yar'Adua, decided to open up a process to improve electoral accountability. This was expressed in the Electoral Reform Committee (ERC) otherwise known as the Justice Uwais Committee.<sup>1</sup> The ERC and its recommendations then created a basis for mobilization and civic action along three main lines:

- a) appointing a new Commission consisting of members with the requisite knowledge and integrity to overhaul INEC internally;
- b) strengthening the role of civic organizations in ensuring election accountability; and
- c) improving the quality of elections

**Figure 1. Applying the Sandwich Strategy Framework to the INEC Electoral Reform Process**



This study examines the electoral accountability movement in Nigeria that emerged in the aftermath of the 2007 general elections and its role in the reforms of INEC between 2010 and 2015. The study does not seek to cover all the issues of electoral reform articulated by this movement. Instead, focus will be on those issues that help us understand electoral accountability from the *sandwich* perspective or what Fox (2018) describes as “vertical articulation”. It also seeks to analyze the actors, partnerships and drivers of the reform and the character of resistance to the reform. Finally, it evaluates the accountability impact of that movement.

This study focuses on the period 2010 through 2015, representing two electoral cycles following the 2007 general elections in Nigeria. The methodology is triangulated. First, data came from books, journals and primary source INEC publications from the period. One of the major concerns of the Commission between 2010 and 2015 was to build the stock of institutional memory of the Commission. Consequently, the Commission ensured that as much of its activities, policies, regulations and guidelines were documented. Several such documents were produced during the period.<sup>2</sup> This study drew from this stock of documents. In addition, several publications by civil society organizations working on elections were consulted, particularly the reports and statements of the

Civil Society Situation Room and organizations such as YIAGA Africa and Centre for Democracy and Development (CDD). Secondly, discussions (usually in the form of informal interviews) with several actors were conducted by the author. These actors included INEC staff, civil society leaders and academics. Finally, the personal experiences and documents held by the author were very important as sources of data. The author served as Chief Technical Adviser to the Commission between 2010 and 2015 and was a member of the technical team that worked with the Chairman of the Commission, Professor Attahiru Jega. In December 2016, the author was appointed a National Electoral Commissioner and has been in charge of Electoral Operations and Logistics.

## The 2007 Elections as a Trigger for Electoral Reforms

The endemic controversies over elections remain the strongest impetus to demand for reform of electoral management bodies in Nigeria, including INEC. Elections in Nigeria historically are akin to war and controversies and conflicts around them constantly threaten the very survival of the Nigerian polity. The 2007 elections lived up to that billing and no surprise that the outcomes were hotly contested across the country. To illustrate, after the 2003 elections there were 574 petitions filed across the country challenging the outcomes of the elections. But in 2007, the number of petitions increased by nearly 300% to 1,475. The widespread rejection of the results created a common ground for opposition parties, civil society, the general public and Nigeria's external partners to demand electoral reforms.

It is not surprising that INEC was widely held responsible for the "cooked results" of the polls. In the wake of the outcry, the incoming President Yar'Adua tacitly accepted the flaws of the elections and promised reforms, leading to his establishment of the Electoral Reform Committee (ERC). Establishment of the ERC calmed what was fast becoming an explosive mass demand for electoral reform. The opposition parties formed the Conference of Nigerian Political Parties (CNPP) to push for reforms and there was widespread questioning of the legitimacy of the government elected in the 2007 elections, including the winner of the Presidential election.

Both local and international observers scored the elections very low and the international community weighed in to demand fundamental improvements in the electoral process. In the ERC, the government seemed to accept that the 2007 polls were fundamentally flawed. Having settled that, attention of reforms soon turned to the institution that pulled off the heist, the Independent National Electoral Commission. Demands were rife for the entire Commission or at least its Chairman to be sacked. Not surprisingly, when the tenure of the Chairman, Professor Maurice Iwu, ended in 2010, his attempt to get the appointment renewed for another five years was met with stiff opposition across the country. The consensus forged by opposition parties, civil society and external partners at that point was that the Commission and its leadership were largely responsible for the failed 2007 elections.

In late July 2010, bowing again to this pressure from the electoral accountability movement, President Goodluck Jonathan appointed a largely new Commission.<sup>3</sup> Many pro-accountability observers saw the new Commission as having the knowledge, experience and courage to drive

the necessary reform, particularly under the leadership of Professor Attahiru Jega. His background as a professor of political science, long experience in democratic struggles and public administration and his membership of the Electoral Reform Committee (Uwais Committee) put him in a good position to lead the reform process. In fact, the pro-accountability movement saw the new Commission, particularly its Chairman, Professor Jega, as one of their own. Indeed, Chairman Jega became one of the major actors in the reform movement from within the Commission. At different times, his position as Chairman of the Commission made it possible for the reform process to proceed unhindered by the anti-reform actors.

In summary, some important factors made the accountability movement possible. First, the bungled 2007 elections created a serious legitimacy crisis for the government and threatened to degenerate into serious political conflict, which encouraged the then-President Umaru Yar'Adua to constitute the Electoral Reform Committee. Second, by early 2010 there had emerged a strong pro-reform platform bringing together opposition parties, civil society organizations, development partners and even the diplomatic community. This platform was able to forge a consensus on the need to reform the electoral process generally and INEC in particular. This later culminated in a coalition of civil society organizations in what became the Situation Room. Part of this consensus was to ensure that a new leadership emerged at INEC that was knowledgeable, experienced, courageous and capable of driving the reform. It is not surprising that Professor Jega, who became the Chairman of INEC in 2010, was also a member of the Electoral Reform Committee. Finally, the growing acceptance across the country for a more inclusive electoral process, particularly regarding increased gender and youth participation, participation of persons living with disability and internally displaced persons, was also instrumental to the success of the electoral reform movement.

## Key Actors in the Reform Process

The key actors in the reform process may be broadly categorized into pro-accountability actors and anti-accountability actors. Looking at the three prongs of the electoral reform we outlined, regarding the reform of the broad electoral framework, the ruling party at the time, People's Democratic Party, was one of the few actors favoring the status quo. This is understandable since the power of incumbency, particularly of the Presidency, put the party in a position to influence the electoral process. For instance, the President nominates members of INEC, who are subsequently confirmed by a Senate dominated by the ruling party. There have been cases where people known to be card-carrying members of the ruling party were appointed to INEC. The pro-reform actors included opposition parties, a broad spectrum of civil society and civic organizations and development partners. The incentive of the opposition parties in supporting reforms was obvious, specifically the desire to unseat the ruling party or at least create a level playing field for all the parties. Other actors, such as civil society organizations and development partners, were mostly concerned, albeit for different reasons, about the consequences of the electoral crisis for political stability in Nigeria.

On organizational reform, there are both internal and external actors. The internal actors include the Commissioners and diverse informal groups in the bureaucracy of the Commission. These informal groups include loose associations of workers of the same ethnic origin, state or geopolitical zone. Seemingly, their main interest is in the protection of their members in any organizational reform. Ostensibly, their goal is that any change should comply with the Federal Character Principle enunciated in Section 14 (3) of the 1999 Constitution. However, these informal groups are generally opposed to any reorganization and reform of INEC. The external actors include civil society organizations, political parties, ethno-political organizations, the Executive arm of government, contractors doing business with INEC and development partners. Among the external actors, civil society organizations, opposition parties and development partners tend to be pro-accountability, while the others are often widely opposed to fundamental reforms.

The result of years of poor planning and organizational inefficiency is that by 2010, INEC had over twenty-five Departments, Units and Desks, and over eighty Directors. A 2012 promotion examination would have left the Commission with about one hundred and fifty Directors. Organizational reform had to address how to prune down the Departments and units, as well as streamline functions. To begin with, the Commission hired PricewaterhouseCoopers, a well-known international management firm, to do an organizational evaluation of the Commission. Drawing from the outcome of this evaluation, in April 2013 the Commission reduced the number of organizational units from twenty-five to fifteen, consisting of nine Departments and six Directorates. Further reforms saw a moratorium on promotions to the position of Director and the reposting of many staff. This did not sit well with the anti-reformers who criticized the exercise for presumably favoring some States of Nigeria and portraying it as a punitive measure against the bureaucracy of the Commission.

International development partners have been critical at all stages and in all dimensions of reform of INEC. Development partners were uncharacteristically vocal in calling for electoral reforms, especially after the 2007 elections. More importantly, they were willing to provide financial and material support for the reforms. In 2010, a revised framework for the Joint Donor Basket Fund was produced in collaboration with the National Planning Commission and INEC. The Commission became a permanent member of the Steering Committee of the Fund, which is the highest policy making body for the basket. The development partners in the JDBF include the European Union, DFID/UK Aid, CIDA, UNDP and the South Korea International Cooperation Agency (KOICA). The basket, which was managed by the UNDP, focused on providing support for electoral reforms, particularly INEC.

Apart from the Basket, INEC also received far reaching support from the International Foundation for Electoral Systems (IFES), Ford Foundation, MacArthur Foundation and the Open Society Initiative for West Africa, as well as from the African Union and the Commonwealth Secretariat. This diverse array of support from development partners not only helped INEC to address crucial funding and skills gaps, but more importantly increased public confidence about improved accountability at the Commission.

Finally, the role of the then President, Goodluck Jonathan, in creating a positive environment for the reform of INEC is not to be completely discounted. In the history of the Commission, the Presidency has always been widely known to seek to influence the workings of the Commission. Perhaps for the first time in the checkered history of the Commission, the Presidency of Goodluck Jonathan was strongly disposed to reform the Commission. This rather uncharacteristic position has been variously explained. While some have attributed it to his personal disposition, particularly his much-publicized position that becoming the President was not for him a “do-or-die” affair,



others have portrayed it as a logical continuation of the policy of his predecessor, President Umaru Musa Yar'Adua. We think that while President Jonathan's personal dispositions may have contributed to the space granted INEC for reform, it is too *voluntaristic* to be fundamental. It seems that the emergence of a strong coalition supporting the reform of INEC and the concurrence of its position with those of officials in government, including Presidents Yar'Adua and Jonathan, produced the irreversible impetus for reforms.

## Opening from Above: The Electoral Reform Committee

One moment of this concurrence of positions between pro-reform forces in civil society and government officials in the process of electoral accountability in Nigeria is the establishment of the Electoral Reform Committee on 28<sup>th</sup> August 2007. It was in a sense the culmination of the massive demands for electoral accountability that followed the general elections earlier that year. The winner of the Presidential election and candidate of the ruling Peoples Democratic Party (PDP), Yar'Adua in his inaugural speech on 29<sup>th</sup> May 2007 noted that Nigeria's electoral process was flawed and promised to establish a panel to examine the entire system in order to eliminate those flaws and deepen Nigeria's democracy.

The panel had twenty-two members, including its Chairman, Hon. Justice Muhammadu Lawal Uwais, a former Chief Justice of Nigeria. Its members were drawn from all over the country and included jurists, professionals, academics and members of civil society, who were part of the movement for electoral accountability. Among the members were four former prominent electoral officials, two university Vice Chancellors, two former government Ministers, two former Governors of States, one Chief Judge and one Grand Khadi of States, as well as four civil society leaders who had been prominent in the electoral accountability movement, including a Catholic priest. In fact, a Civil Society Coordination Committee subsequently emerged as an umbrella of civil society movements working on electoral accountability, which according to the Electoral Reform Committee "coordinated the participation of civil society groups in the entire process" (ERC 2008, xi).

Among the major recommendations were the following:

- a) Strengthen the financial independence of INEC by making the Commission a first-charge on the Consolidated Revenue Fund of the Federation;
- b) Reorganize INEC by establishing a Board that formulates broad electoral policy and direction, and a professional/technical election management team;
- c) Change the procedure of appointing the Board of INEC in which the National Judicial Council advertises for applications and prepares a shortlist of three for each position, from which the National Council of State selects one for confirmation by the Senate;<sup>4</sup>
- d) Unbundle INEC by creating three other agencies: (i) Political Parties Registration and Regulatory Commission; (ii) Constituency Delimitation Commission; and (iii) Electoral Offences Commission;

- e) Integration of the State Independent Electoral Commissions into INEC;
- f) Introduction of electronic voting;
- g) Change the law to permit independent candidates;
- h) Modifications to the present simple plurality electoral system (First-Past-the-Post) by combining it with Proportional Representation;
- i) Resolution of all electoral disputes between candidates before a winner is sworn-in; and
- j) Guarantee the participation of civil society at all stages of the electoral process.

Table 2. summarizes these recommendations and the actors that supported and opposed them.

**Table 2. Summary areas of electoral accountability in Nigeria 2007–2015**

Area of reform	Issue	Description	Pro-Reform Actors	Anti-Reform Actors
<b>Broad issues of electoral reform</b>	Mode of appointment of Commission	Appointment of members of INEC as provided for in the 1999 Constitution is made by the President, creating concerns of partisan politics. Confirmation of appointees is by the Senate, which is dominated by the ruling party. Reformers have sought to vest these powers in the wider public and more neutral bodies such as the National Judicial Council.		
	Unbundling the Commission to focus it more on conducting elections	INEC's role is seen as too extensive. Reformers argue for INEC to be unbundled to focus strictly on election management. Creation of separate bodies to handle political parties, delimitation of electoral boundaries and prosecution of electoral offenses is widely put forward as reform issues.	Civil society, opposition parties, development partners. Following the widely-criticized 2007 general elections, a broad coalition supporting electoral reforms emerged.	The ruling party the People's Democratic Party (PDP) is widely perceived as unwilling to pursue the necessary electoral reforms. However, the national legislature, which is dominated by the PDP and the President have delivered some reforms. Many of the recommendations made by the Uwais Committee are still unimplemented.
	Electoral adjudication	Reform here addresses the need to complete all election related cases before winners are sworn-in. There have been election cases that lasted till the end of the tenure of officials whose victories were subject of the cases.	This culminated in the establishment of the Electoral Reform Committee (Uwais Committee) and the appointment of a new Independent National Electoral Commission in July 2010, which has carried out extensive reforms.	
	Funding of INEC	INEC's dependence on the government for funding is seen as a source of partisan influence. Reform addresses the need to make INEC financially independent of government by making it a first charge on the consolidated revenue of the federation.		
	Relationship between INEC and State Independent Electoral Commissions (SIECs)	Reformers argue for the abolition of SIECs and integration of their functions into INEC's work.		
	Simple plurality versus proportional representation	The simple plurality (First-Past-the-Post) is seen to contribute to the cutthroat nature of Nigerian politics.. The introduction of proportional representation is widely canvassed as a major dimension of electoral reform.		
	Electoral Inclusiveness	Expanding opportunities for excluded citizens to participate in the electoral process. Of particular note here is the question of voting by Internally Displaced Persons (IDPs) arising from insurgency in the Northeast.		

<b>Structural and organizational reform of INEC</b>	The organizational structure of INEC	The INEC bureaucracy is widely perceived as unwieldy, which is partly blamed for corruption. Reformers call for functions to be streamlined to make INEC more efficient in election management. The major challenge to achieving this is the well-organized informal groups in the bureaucracy, particularly those pushing ethnic balancing in the Commission. There are concerns about loss of jobs.	Commissioners, civil society organizations and development partners support this aspect of the reform of INEC. The Commission has carefully carried out far reaching reorganization and restructuring of the bureaucracy of INEC and developed a four-year strategic plan to guide its work.	Informal groups in the INEC bureaucracy concerned about the likely consequences of the restructuring and reorganization on their members.
	Lack of clarity in job descriptions and conflicting or overlapping functions	The reforms aim to clarify roles and define duties and responsibilities.		
	Lack of clarity in reporting processes	The reporting lines between the Commissioners, the Secretary and the staff lack clarity.		
	Role of the Commissioners in policy making and implementation	The Commission consists of one Chairperson and 12 Commissioners. Is this an executive or a policy body? This remains a contentious issue.		
<b>Improved election administration</b>	Issues of planning, operations and logistics	A great deal of advanced planning was carried out before the 2011 elections through the Election Planning and Implementation Committee (EPIC) established by the Commission.	Consensus was forged around issues of improving election administration. All parties, civil society organizations, development partners and the general public demanded improved conduct of elections by INEC. This broad consensus made it possible for INEC to introduce far reaching changes during the 2011 elections.	In spite of the broad consensus on improved election administration, there was still strong opposition from some security agencies regarding the voting procedure introduced by INEC.
	The voters roll or register	A new electronic Voter's Register was compiled in January 2011 containing biometric features of voters. With over 73 million entries, the register is the largest single database of information about Nigerians today.		
	Voting procedure	A new voting procedure involving the completion of accreditation before voting was adopted for the 2011 elections making it difficult for multiple voting and enabling voters to be present to witness the counting and announcement of results at the polling units.		
	Election security	A new initiative on securing elections called the Interagency Consultative Committee on Election Security (ICCES) was introduced making it possible for all security agencies and INEC to develop a common plan for securing elections and to harmonize operational processes.		
	Counting, tallying and announcement of results	Counting and tallying of elections were made more accessible. Thus, the tallying of the Presidential election result was broadcast live on television.		

Both the analysis and recommendations of the Committee strongly reflected the position of the electoral accountability movement in Nigeria. The Committee identified the historical circumstances of the Nigerian state as a major factor that shaped the problems of elections in the country. Other factors included weak democratic institutions, a negative political culture, weak legal framework and a lack of independence and capacity of election management bodies like INEC. Concerning the recommendations, again the imprint of the electoral accountability movement in civil society was clear. One major recommendation of the Committee was for civil society organizations to be “empowered legally to enable them effectively discharge their functions as sentinels and watchdogs of democracy” (ERC, 2008: 23).

In addition, the Committee made far-reaching recommendations directly related to INEC along three lines namely, the reorganization of the Commission, its “unbundling” and improving the management of elections. First, on reorganization, the Committee made recommendations on the composition of the Board of INEC, qualification of members of the Board, their appointment and tenure, etc. A highpoint of the recommendation on the composition of the Board of INEC by the Committee was the inclusion among its members nominees from civil society organizations, labor organizations, the Nigerian Bar Association (NBA), which is the umbrella body of lawyers, women organizations and the media. This is emblematic of the central role of the electoral accountability in civil society in the work of the ERC. Second, the Committee recommended the “unbundling” of INEC into four distinct agencies namely, INEC and three new bodies to register political parties, manage delimitation of constituencies and prosecute electoral offenders. Thirdly, on efficient administration of elections, the Committee made recommendations on the registration of voters, design and handling of ballot papers and boxes, organization of polling booths, distribution of election materials, voting processes, as well as collation and declaration of results, among others. All these were consistent with the demands of the electoral accountability movement in civil society.

Of these ten principal recommendations directly affecting INEC, only two namely, first-charge and resolution of disputes before swearing-in, have been implemented. Initially, the government promised a complete enactment of all the recommendations of the Committee. However, this was later abandoned and a piecemeal approach in which the government picked and chose what to implement was adopted. This fueled demands for further reform and widespread suspicion that the government was unwilling to pursue necessary reforms to the electoral process. Indeed, it seemed that once the report was handed to the government in December 2008, resistance to it grew rapidly, particularly within the government and ruling party.

The resistance movement drew largely from politicians, mainly from the ruling party, who had won the “flawed” elections of 2007, vested interests across the country that benefited from the elections, election contractors, as well as entrenched civil servants within INEC. The first line of resistance was in the legislative arm of government, the National Assembly. They questioned the status of the report produced by the ERC since there was a sitting legislature. The Committee, they said, was set up by the Executive, but would need legislative backing to have its recommendations implemented. Furthermore, they opposed any wholesale enactment of the report. Instead, aspects of it would have to come to the National Assembly for enactment into relevant laws. The forces of resistance within the Executive arm of government were led by the Attorney General of the Federation at the time. They argued the need for the recommendations in the report to be reviewed to ensure that they were consistent with the position of government and, subsequently, accept or reject them through a government “White Paper”. Finally, there was also resistance from within INEC itself. The tenures of many members of the Commission who conducted the 2007 elections were coming to an end and they perceived the work and recommendations of the ERC as a major threat to their reappointment.

There were several indicators of this resistance, especially in what seemed like orchestrated delays in implementing the ERC recommendations. In the first place, the government set up a committee to produce a White Paper on the ERC report and thereafter another three-person Committee was established to review the White Paper. Many people across Nigeria, especially the opposition parties and civil society organizations perceived these as intentional actions of the government to stall the implementation of the report.

After months of delay, the government finally published its position on the report in March 2009, accepting about seventy of the more than eighty recommendations of the ERC. One important recommendation that the government rejected was the mode of appointment of members of INEC. The ERC had recommended that their appointment should be removed from the President and vested in the National Judicial Council. This was designed to ensure their independence from the Executive arm of government, which normally would be controlled by a political party. Both President Yar'Adua and the then-Chairman of INEC expressed their displeasure about that recommendation. This position of government coupled with the delays in enacting the report of the Committee led many Nigerians to perceive the government and ruling party as insincere about electoral reforms. The government also accepted the position of those opposed to reform to legislate on the report of the ERC in bits. Three separate bills were taken to the National Assembly on the ERC report dealing with agencies to register political parties, try electoral offenders and handle delimitation of constituencies. Resistance to the ERC report was strengthened by the ill health of the then-President Yar'Adua. Like many other activities of the government, the implementation of the ERC report was stalled until his death in May 2010.

It seems that the government and politicians more generally opposed recommendations that would reduce their influence on the electoral process and give more say to civil society organizations. A close look at the key recommendations that were rejected strongly suggests this motive. To illustrate, first, on the mode of appointment of the member of INEC, the President seemed unwilling to cede his appointment powers to the National Judicial Council, as recommended by the Committee. Second, in rejecting the unbundling of INEC to create three new agencies, the government argued against this on the ground that there were too many government agencies already. However, it would also seem that there was little interest in making INEC more efficient by allowing it to focus only on the conduct of elections.

At the subnational level, on the recommendation to merge INEC and the State Independent Electoral Commissions (SIECs), the State Governors were unwilling to relinquish their control over SIECs and by extension over the conduct of local government elections. Merging the SIECs with INEC would have removed their influence in favor of a Federal agency over which the Governors have no control.

Regarding the elections themselves, the introduction of electronic voting would have reduced electoral fraud, of which many politicians are beneficiaries. Not surprisingly, this recommendation was not only rejected, but the legislature went further in 2010 to enact in the Electoral Act a section prohibiting electronic voting.<sup>5</sup> Furthermore, the introduction of independent candidature and proportional representation, as recommended by the Uwais Committee, would clearly have undermined the electoral strength of the big parties. In fact, more parties would have been able to win seats in the legislature and more successful independent candidates would have affected the existing political parties adversely.

President Goodluck Jonathan, who took over from President Yar'Adua, appeared committed to the full implementation of the ERC Report. Initially, his approach was to get the entire report enacted for implementation by the National Assembly. This was resisted by the members of the ruling party, the People's Democratic Party, who feared the far-reaching electoral reforms contained in the Report. Finally, bills were taken to the National Assembly to create a Political Parties Regulation Agency and an Election Offenses Commission. However, the entire process was stalled when the government began a policy of rationalizing government agencies. In June 2011, the government established the *Presidential Committee on the Rationalisation and Restructuring of Federal Government Parastatals, Commissions and Agencies* headed by a former Head of Service of

the Federation Mr. Steve Oronsanye. In its report, the Committee recommended the scrapping of 102 federal government agencies. This provided a basis for the National Assembly to rationalize its rejection of the bills to establish the two Commissions recommended in the ERC Report, thus ending any hope of implementing the report. This was a clear indication of government resistance to reforms, which in turn intensified mobilization from below for reforms and accountability.

## Mobilization from Below

### a) The Civil Society Situation Room

A central part of ensuring electoral accountability as articulated by the electoral reform movement in the post-2007 general election era was stronger monitoring of processes by civil society organizations. In the build up to the 2007 general elections, election observation was essentially dictated by INEC. The Commission was widely accused of recognizing malleable organizations that would support any outcome declared by the Commission. In fact, domestic civil society election observers were characterized as pro-INEC and anti-INEC groups. On the assumption of office by the Jega-led Commission in July 2010, the pro-accountability civil society organizations sought to engage the Commission early on to strengthen election observation. They requested the Commission to sign a Memorandum of Understanding (MOU), which would guarantee them access to observe elections and to regular consultations with the Commission. Although the Chairman of the Commission, Professor Jega, was willing to sign the MOU, the anti-accountability group within the Commission, particularly members inherited from the previous Commission, vehemently opposed it. As this was early in the tenure of the new Commission, the pro-accountability group had to find other means.

The pro-reform group in the Commission, which was led by Professor Jega and his technical team, had analyzed the existing framework for election observation and noted several shortcomings. First, there were no clear guidelines for election observation, notwithstanding that there was a clear body of global best practice on election observation. Consequently, the first task was to establish regulations and guidelines for election observation by interested groups. Secondly, the process of selecting observer groups was not organized and there were no clear principles for selection. This made it possible for all manner of organizations to be selected to observe elections, including partisan groups. It therefore became necessary to streamline the process of selecting election observers. Thirdly, the value of election observation results was called into question. Some of the reports came many months after the elections, if at all. The content of the reports, especially from domestic observers, was often of very low quality. Consequently, it became necessary to establish clear guidelines for reporting and to provide some capacity building for selected election observers.

Additionally, there were no briefings for observers and no means of identifying them in the field. This made it possible for impostors to pose as registered observers, while serving partisan ends. As a result, the Commission provided briefings for local and international observers and provided them identity cards and special uniforms. Although accreditation of observers did not start with

the Jega Commission, what was new was the establishment of objective criteria for selection of observers, streamlining the accreditation process to give opportunity to all genuine observer groups, and granting observers freedom to go anywhere and not to be beholden to the Commission. To underscore this, the Commission for the first time did not fund domestic observers. The reasoning was that such funding could undermine the independence of the observer groups. However, the Commission commenced a programme of briefing and capacity building for observers, which did not exist previously.

Finally, and perhaps most importantly, the Commission decided that it was more useful to get real-time information about elections on election day, rather than wait for months for reports. In that case, it would be possible for the Commission to intervene during elections to solve problems based on real-time field reports from its staff and election observers. To achieve this, the Commission established a Commission Situation Room to receive real-time election-day reports and to deal with problems expeditiously. At the same time, it encouraged the pro-accountability civil society organizations to also establish a parallel Situation Room to link up with the one at the Commission to ensure a seamless flow of observer reports during elections.

Reformers in INEC led by Professor Jega took the position that electoral reform and accountability could only be achieved by working closely with civil society organizations. The strong public criticism of the 2007 elections, which was led by civil society organizations, hinged on its lack of transparency. In the aftermath of the 2007 general elections, the Commission was widely viewed as shutting out credible voices in civil society. In fact, it was accused of “inventing” its own civil society organizations. Consequently, the Jega Commission saw collaboration with civil society as the key to rebuilding public confidence in the electoral process.

Several factors explain the willingness of the Commission to work with civil society organizations. First, Jega’s own background in civil society, particularly his involvement in the pro-democracy movement of the 1980s and 1990s as the national leader of the Academic Staff Union of Universities (ASUU), already predisposed him to accept a major role for civil society in reforming the electoral process in Nigeria. Second, the strong public demand for reform was anchored in civil society, which meant that any progress would require a greater role for civil society. Any attempt to exclude civil society by INEC would have lacked legitimacy. Third, it was clear that the Commission would have to come against important political interests that would oppose reforms. Therefore, it was strategic to build a strong partnership with civil society organizations to counter these political interests. Fourth, President Yar’Adua had publicly declared his dissatisfaction with the 2007 elections, notwithstanding that he was a prime beneficiary of the election. His position to promote electoral reform and accountability was a boost to reforms in the Commission. Indeed, the direct involvement of the President meant that many officials in government had to support reforms, albeit reluctantly. The direct support of the President also reduced the risk that pro-reformers in both government and the Commission would have encountered.

The Civil Society Situation Room inherited the challenge of continuing reforms from the several groups that drove the post-2007 electoral reform movement. It came into existence in 2010, just before the 2011 general elections. It is a coalition of organizations drawn from across the country, with the Policy and Legal Advocacy Centre (PLAC) as the convener. The Situation Room is structured in four main parts. The first is the Election Situation Room, which is usually activated a day or two before an election and wound down a day after the election. The Election Situation Room is usually activated in a public facility to enable access to the public during elections. In the Election Situation Room, several representatives of the coalition and the leadership sit and receive

information, carry out analysis and interface with election stakeholders on critical issues observed in the field.

The second part of the Situation Room are the observers deployed in the field. Depending on the election, as many as 2000 observers could be deployed by organizations affiliated to the Situation Room. In the course of an election, the field observers provide information using diverse media such as text messages, video messages, telephone calls, etc. Information gathered included the level of preparedness of INEC, the performance of security officials and the general conduct of elections based on regulations and guidelines. The information is fed into the Election Situation Room for analysis and dissemination.

The third aspect of the Situation Room consists of the dissemination framework. Among these is an electronic dashboard, periodic reports and statements, visitations and a final report. The electronic dashboard is designed to receive, analyze and display information from the field, creating trends and monitoring hotspots, among others. Periodic reports and statements are issued at critical junctures during the elections summarizing observations and recommendations to different stakeholders. The visitations involve visits to the Election Situation Room by various stakeholders to share experiences and information with the Situation Room. For example, in the course of an election, the Election Situation Room receives INEC officials to make presentations and discuss important issues as the election is in progress. These visitations and exchanges feed back into INEC's monitoring and interventions in the elections. The final part of the situation room involves post-election reviews and information sharing with the public and stakeholders after elections. This is done through final reports and workshops convened to review elections by the Situation Room.

Since its establishment in 2010, the Civil Society Situation Room has come to serve several purposes. First, it is a platform for information gathering and sharing among civil society organizations working on elections. It is probably the largest civil society coalition on elections in Nigeria and therefore has become a major repository of information about elections gathered by civil society organizations. Second, the Situation Room sends out observers and produces reports on elections. These reports have helped tremendously in shaping the work of INEC and in evaluating the quality of each election. Third, it plays a major role in mobilizing Nigerians for the purpose of promoting electoral reform and accountability. Indeed, the Situation Room inherited the bulk of the electoral accountability movement that developed in the aftermath of the 2007 general elections. Finally, the Situation Room has become the platform for interface and engagement between INEC and civil society organizations. From occasional meetings between the Commission and the Situation Room, this engagement grew to monthly meetings, increasing to bi-weekly meetings around elections.

Perhaps the most significant contribution of the Situation Room to electoral accountability is in the area of election observation. Working with INEC, the Commission for the first time produced comprehensive guidelines for election observation (INEC 2013). The Guidelines drew extensively from global best practice, defining the responsibilities and privileges of election observers, as well as the responsibilities of the Commission. The Guidelines have become a framework for promoting unfettered but responsible election observation. In addition, the application and selection processes for election observations were streamlined by the Commission, making them more objective and impartial. Previously, there were no clear rules for selection, which led to mistrust between INEC and civil society organizations. Above all, reporting by observers is now taken seriously both by the Commission and observers, making it possible for the electoral process to benefit from the reports. In fact, the Commission also organizes debriefing meetings with election observers as part of post-election review.



The Civil Society Situation Room has become the most viable platform for collaboration among civil society organizations on election observation as a tool of election accountability and reform. With over seventy organizations, the partners in the Situation Room constitute the largest body of domestic citizen election observers in Nigeria. This collaborative framework has made it possible for the organizations to collectively articulate the important issues in the build up to the elections and to maximize their human and material resources during elections. The partners in the Situation Room can cover practically all parts of the country during elections. This has vastly improved the quality of observation reports from the Situation Room and the influence citizen observers exercise in electoral reform. Consequently, citizen observers have become more assertive and more vocal in the processes of electoral reform through the instrumentality of Situation Room. Apart from that, their access to the Commission has increased, as the Commission pays more attention to their observer reports and holds regular monthly meetings with them. In addition, there has been a marked increase in the involvement of civil society organizations working on elections in the activities of the Commission. This has taken the form of joint reviews of elections, research, conferences and training.

The increased collaboration between INEC and citizen observers on elections, especially through the Situation Room, yielded several positive outcomes for electoral reform. Among them are three main areas:

- a) Advocacy for Smart Card Readers – when it was appointed in 2010, the Jega Commission inherited a voters’ roll that was in a very bad shape. It is a statutory function of INEC to compile and update the Register of Voters. Although the preceding Commission has tried to compile an electronic register on a number of occasions, the quality of the Register was widely claimed to be poor. Among other things, many voters complained that their names were wrongly entered, voters were assigned to States other than theirs and several fictitious names were found in the Register. In late 2010, the Commission took the bold step to compile a new Register of Voters, notwithstanding that the general election was barely four months away. Its position was that the quality of the Register would essentially determine the quality of elections. The new register was not only electronic, but also biometric. This was done on the understanding that at some future points, accreditation of voters would include checking their biometrics. This arose in the light of a very high incidence of voter impersonation in Nigeria.

Having successfully compiled a new electronic/biometric Register of Voters, which was used for the 2011 general election, the Commission decided that for the succeeding general elections, starting from 2015, a new chip-based Voters’ Card would be used. The system developed for that purpose included a device that read the card of a voter and required the voter to match his fingerprint with that on the card using the card reader. This device was named the Smart Card Reader (SCR) by the Commission. Immediately after the Commission announced that the SCR will be used for future elections, anti-reform forces, especially in the ruling party at the time, opposed it, both publicly and within government circles. They argued that there would be several challenges including powering the device in remote areas, training of staff, malfunctioning of the device, and so on. However, citizen election observers supported the Commission and mounted a strong advocacy in support of the SCR. This advocacy, especially in the media, led to a groundswell of public demand for the introduction of the SCR.

It would however seem that the real reason for opposition to the SCR from within the ruling party was the worry that it could check some of the common malpractices that

many Nigerians have come to associate with the parties in power. These include manipulation of results and voter impersonation. The anti-reform forces sought to discredit both the SCR and the chip-based cards (Permanent Voters' Card) that INEC issued. On one occasion, it was alleged that one opposition party was printing the cards in Lagos. On another occasion, security officials sealed off the facility where the cards were being prepared for printing. Furthermore, they sought to convince President Jonathan to abandon support for the SCR and cards, but in the end the President declined to support the anti-reform forces, ensuring the SCR were used in the 2015 general elections.

- b) Extended training for Polling Unit staff – the Commission recognized early on that the quality of elections would depend on the quality of election staff, particularly at the Polling Unit level. This became even more important with the introduction of the Smart Card Reader, which was an innovation in elections designed to curb fraud by confirming that a voter's card is authentic, and that the voter is biometrically connected to the card. That way, the high level of voter impersonation would be reduced. However, this required adequate training of election staff. This entailed extending the normal training period, which in turn required increased budgetary provisions. The joint advocacy of citizen observers, the Commission and reformers within government, ensured that adequate financial provisions were made for the extension of training of polling unit staff by one additional day. This may sound minor, but with over 600,000 such staff deployed for elections, the magnitude of funds required is not insignificant.
- c) Voting system – until recently, voting at elections in Nigeria was organized in two separate parts namely, accreditation between 8 am and 12 noon, and actual voting from 12.30 pm. This was designed to forestall multiple voting, since voting was expected to take place in all polling centers at about the same time. However, with improvements in using technology to identify voters, citizen observers argued repeatedly that the separate processes had become redundant. They argued for a continuous process whereby voters come to the polling centers at their convenience within a specified time, get accredited and vote. This was argued to be the global best practice. The Commission in 2016 acceded to this request and since then, the Continuous Accreditation and Voting System (CAVS) has been used. This has reduced the number of accredited voters who leave the polling centers without voting, thus increasing voter turnout at elections.

Cooptation has always been a major strategy of anti-reform actors to undermine the reform process. There were several cases in the build up to the 2015 general elections that the security agencies sought to co-opt renowned pro-reform civil society actors. What explains the ability of the Situation Room to resist cooptation? Perhaps four reasons stand out. First, the Situation Room was not funded from government sources. Instead, it was funded by development agencies and foundations such as the UKAID (DfID), USAID, Open Society Foundation and MacArthur Foundation. It also had adequate funding, which enabled it to function effectively. Consequently, the Situation Room was able to withstand partisan and pro-fraud actors who sought to co-opt it into their agenda.

Second, the track record of the leaders of the Situation Room in electoral reforms in Nigeria meant that it would be difficult to co-opt them into an anti-reform agenda. Some of them were in the Uwais Committee and others have had a long and sterling history in the pro-democracy and electoral reform movements. Third, the Situation Room itself had since the 2011 general elections built a reputation for strong independent positions supporting electoral reforms. As such, it would have been difficult to dilute this reputation by cooptation. In short, members of the Situation Room

always worked hard to uphold this reputation. Finally, the strong intellectual content of the work of the Situation Room contributed to its remaining independent and withstanding any attempt by the anti-reform forces to co-opt it. Through robust public debates, conferences, media engagement, research and publications, the Situation Room carved a niche for independence and integrity.

## **b) Citizen involvement in the conduct of elections**

The Jega-led INEC also sought to increase the direct involvement of citizens in the conduct of elections as a way of increasing the level of accountability in the electoral process. Prior to this period, staff of the Commission, civil servants and the Resident Electoral Commissioners (REC) conducted elections. They were widely accused of partisanship and support for the ruling political party. The Resident Electoral Commissioners, who headed the operations of INEC in the States, are direct appointees of government and were not accountable to the Commission. Civil servants were also seen as being under the control of both the federal and state governments, to which they owed allegiance.

The Jega Commission decided to insulate the staff of the Commission and the Resident Electoral Commissioners from the constant accusation of partisanship first, by reducing their direct involvement in conducting elections, and second, by increasing the involvement of citizens who were not staff of the Commission or civil servants. This was done by recruiting the polling station staff from the National Youth Service Corps (NYSC). The NYSC is a programme of one-year post-graduation compulsory service in Nigeria. Graduates of tertiary institutions are recruited into the NYSC and serve in different areas of public life for one year. The Corps provided a pool of well-educated young Nigerians from which to draw election staff. This was a quasi-volunteer service to the Commission. The polling unit staff manage the polling stations, accredit voters and count the votes after ballots are cast. They then move the results to the collation centers where the results are tabulated and aggregated before the outcomes are announced.

Secondly, INEC also recruited university lecturers and vice-chancellors as the result collation and returning officers. The collation officers receive the results from the polling units and tabulate and aggregate the scores, while the returning officers announce the outcome. Professor Jega's previous role as the President of the Academic Staff Union of Universities (ASUU), the umbrella organization of university lecturers, contributed to the ready willingness of the lecturers to take up these roles. Many university lecturers saw it as a way of supporting their colleague in his national assignment and so mobilized strongly across the university system to take up the responsibility. The deployment of university lecturers for these purposes shifted attention away from the Commission's staff and Resident Electoral Commissioners who used to perform the roles. Also, it increased the level of electoral accountability, expanded the direct participation of citizens in the actual conduct of elections and generally raised the confidence of the public in elections.

## State Response

The death of President Yar'Adua before the completion of the electoral reform signaled by the Uwais Committee, raised concerns in the pro-accountability movement about the future of reforms. President Goodluck Jonathan took over on 6<sup>th</sup> May 2010, at the verge of the expiration of the tenure of the Chairman and bulk of the members of INEC. For the electoral accountability movement, the appointments to the Commission, particularly the Chairman, would be emblematic of whether the new President will continue to expand the space for reform or contract it. Reappointing the Chairman and the Commission members, who were widely seen as responsible for the flawed 2007 general elections, would indicate a reversal of the reforms begun by President Yar'Adua. The demand of the pro-accountability movement was for a new Chairperson capable of continuing reforms to be appointed.

In late July 2010, President Jonathan nominated Professor Attahiru Jega to become the new Chairman of the Commission. This appointment was positively received by the reform community because of the Jega's pedigree. First, he is a political scientist by training and was therefore seen as knowledgeable on the election matters necessary to lead the Commission. Second, he was a member of the Uwais Committee on electoral reform, which laid the foundation of the ongoing reforms. Third, Jega was an active member of the pro-democracy movement that helped push for the end to military rule in 1999. He led the Academic Staff Union of Universities, the umbrella organization of University lecturers during military rule. As a result, he was also perceived as courageous and independent and therefore capable of leading the movement for electoral accountability in the Commission.

Apart from the Chairman of the Commission, ten other vacancies on the Commission had to be filled by the new President. Consequently, the Commission was essentially a new one since only two members of the previous Commission were still serving out their terms. This further convinced the electoral accountability movement that the Commission was adequately distanced from the previous one to continue the reforms.

Apart from appointing a Commission that was seen to be pro-accountability, the government of President Jonathan also acted to strengthen the Commission in a number of other ways. For one, the President promised not to interfere in the work of the Commission. In fact, he publicly confessed that he had not met the new Chairman prior to his appointment. This was a good sign and contrary to the past practice of Presidents appointing their cronies to head INEC, which makes it possible for Presidents to control the Commission. In addition, the government amended the Constitution in two areas to strengthen the Commission. The first was an amendment to Section 81 of the Constitution to ensure the financial autonomy of the Commission. In the past, Presidents had used control of funding to control the Commission. Funds to the Commission were usually delayed ensuring that the political biddings of the ruling party and government were done. By amending that section of the Constitution, INEC was guaranteed funding constitutionally, as recommended by the Uwais Committee. The second amendment was to Section 160 of the Constitution to guarantee the procedural autonomy of INEC. The amendment freed INEC from requiring the approval of the President for its activities, which was a provision used by previous Presidents to control the Commission.

As soon as it settled down, the new Commission embarked on an extensive internal reorganization of INEC, which was a major demand of the pro-accountability movement. First, it sought to strengthen its systems through policy, planning and reorganization. The idea was that when there are clear policies and rules, it is more difficult to reverse changes deriving from them. Consequently, within 18 months of existence, the Commission:

- a) Finalized a strategic plan to guide its activities from 2012–2016; which has been completed and is being implemented;
- b) Completed the restructuring of the Commission’s bureaucracy. The restructuring focused on defining an optimal structure for the Commission, eliminating role duplication, streamlining of units, clarifying job descriptions, identifying skills and competencies required, as well as augmenting skills through training and enhancement of conditions of service;
- c) Passed a new communication policy which was designed to improve communication both internally and between the Commission and its external public;
- d) Made a new gender Policy to address gender imbalances in the structure of the Commission and in the wider electoral process;
- e) Submitted several proposals to improve the electoral legal framework to the National Assembly for enactment, covering amendments to both the Constitution and the Electoral Act; and
- f) Conducted a comprehensive business process remapping of the Commission, designed to make the work of the Commission more ordered and accessible to stakeholders.

## Accountability Impact

The impact of the electoral accountability movement with regards to reforming INEC may be assessed along three lines namely, creating an institutionally strong and accountable INEC, a more inclusive electoral process and better elections.

### Institutionally strong and accountable INEC

This has been a major impact of the electoral accountability movement. Between 2010 and 2015, INEC implemented a fundamental restructuring and reorganization of the Commission. Several policies such as the gender and communication policies are in place, a strategic plan was developed and implemented, and a business process mapping was also completed. These have vastly improved the functioning of the organization. A review of the 2012–2016 strategic plan by the Commission shows that out of the 342 activities listed for implementation during the plan period, seventy-six percent were either completed or partially completed, while twenty-four percent were not implemented at all. While this indicates that there is room for improvement, it also shows how much the Commission has grown in terms of structuring its work compared to the pre-2010 situation. Planning has become an integral part of the work of the Commission where previously activities were defined essentially in the minds and hearts of senior management. Since 2010, two

Strategic Plans documents have been developed (2012–2016 and 2017–2021) and two Election Project Plans (2015 and 2013) have been implemented.

Apart from planning, there have also been marked improvements in financial management and post-election auditing and accountability. Election budgets are now tied to Election Project Plans and stronger accounting systems are now in place. The Commission has instituted a policy of Post-Election Auditing (PEA), which conducts a roots and branches audit of every election to provide lessons for improvements. Judgments from election cases are also reviewed as they provide a stock of rich information about the performance of the Commission after every election. All these post-election audits and reviews have helped to create a stronger culture of electoral accountability in the Commission. They also inform future policy and legal improvements to strengthen the Commission and the entire electoral process in Nigeria.

Finally, following the review of structure in 2012, the Commission now routinely conducts evaluation of tasks, skills and manpower available to it. It has become an institutionalized practice to move staff around based on organizational requirements and the need to optimize the human resources available. Staff development and welfare have also become an integral part of organization growth and development.

The support that INEC has received from international development partners reflects the fact that INEC through reforms became a more efficient, stronger and more accountable organization. In the buildup to the 2011 general elections, 18 different foreign organizations and agencies provided diverse support to the Commission. These organizations and agencies include the United States, Canadian, Japanese and South Korean Missions in Nigeria, the World Bank, the British DFID, European Union, Fredrich Ebert Stiftung, Ford Foundation, MacArthur Foundation, UNDP, Open Society Initiative for West Africa, International Foundation for Electoral Systems, International IDEA, ECOWAS and the Commonwealth Secretariat. They supported the Commission in several areas ranging from purchase of election materials to planning, training and deployment.

## **Inclusive electoral process: IDP voting**

A good illustration of the accountability impact of the INEC reform process in creating a more inclusive electoral process is the introduction of internally displaced people (IDP) voting. The Commission under Professor Jega consistently promised to create a level and inclusive electoral process for all candidates and voters. The Commission was particularly committed to creating a level playing field for political parties, ensuring gender equity and participation of young people, as well as facilitating the participation of Persons Living with Disabilities (PWDs). Several meetings were held with young people and persons living with disabilities, and the Commission also established a gender policy. However, by mid-2014 the Boko Haram insurgency in the North East was rising at tremendous rate, displacing in its wake hundreds of thousands of eligible voters. There were repeated questions put to Chairman Jega by his allies in the electoral accountability movement and by development partners regarding INEC's plans for IDP voting. Professor Jega's position was that INEC was committed to an inclusive electoral process and therefore would do everything it could to provide opportunities for every qualified Nigerian to vote. In principle, INEC was committed to IDP voting but the realities of organizing the complex processes required will determine if it was possible in 2015 or thereafter.

The Boko Haram insurgency in the North East of Nigeria has produced different challenges for different agencies of the Nigerian state. The insurgency has for long been recognized as a security

challenge with far reaching collateral social consequences. The rising number of deaths of innocent citizens, insurgents and security officials, estimated at close to 30,000 in the three States of Adamawa, Borno and Yobe between May 2011 and November 2015 alone, the complete desolation of towns and villages, and the huge numbers of displaced persons estimated at a point to be close to three million, all attest to the enormous security, human and social tragedies of the insurgency (Gavin n.d.). But perhaps the least expected implication of the insurgency is its impact on the voting rights of millions of Nigerians, among them up to a million internally displaced persons (IDPs). In the buildup to the 2015 elections, the question of IDP voting became a cardinal issue of electoral reform and tested the promise of INEC to pursue an inclusive electoral process. It tested the capacity of the Commission to respond smartly to emerging challenges to election administration and its commitment to building a strong democratic tradition through conducting world-class elections.

On 18<sup>th</sup> December 2014, INEC established a Task Force on IDPs and the 2015 general elections to advise the Commission on the inclusion of IDPs in the conduct of the 2015 general elections. The Task Force made far-reaching recommendations on IDP voting for the 2015 general elections and beyond. It is important to note that the Task Force was clear that although the recommendations focused on IDPs in the three States of the North East severely affected by the insurgency, the recommendations, in future, should be applied to all other displaced populations in the country. The second important thing to note about the recommendations of the Task Force was the recommendation for urgent amendments of the Electoral Act that will further ensure that in future citizens facing situations of displacement are not disenfranchised. This featured in further discussions between Professor Jega and the National Assembly culminating in the recommendation from the Chairman for the amendment of Section 25 of the Electoral Act being accepted by the National Assembly.<sup>6</sup>

The introduction of IDP voting made it possible for about one million Nigerians, who otherwise would have been excluded from the elections, to vote. As at December 2014, the total number of registered voters in the areas most severely affected by the insurgency in the three States of Adamawa, Borno and Yobe was 1,034,420, distributed in eighteen Local Government Areas. Borno State was most affected with thirty-one percent of all the registered voters potentially displaced. In fact, eleven out of the twenty-seven LGAs in the State were under the control of Boko Haram insurgents by December 2014. The highest number of registered voters affected by the insurgency in Borno State was for Bama, with twenty-one percent of potentially displaced voters, followed by Gwoza (eighteen percent) and Ngala (nine percent). For Adamawa, the total number of voters in the LGAs controlled by insurgents were 356,650, with over half of them located in Mubi North (twenty-nine percent) and Michika (twenty-three percent). Although only two LGAs in Yobe State, namely Gujba and Gulani, were under insurgent control in December 2014, the 115,771 registered voters there represented twelve percent of all the registered voters in the State. To further show the extent of the impact of the insurgency on the electoral process in the three States, we found that over two thousand Polling Units or 1.6 percent of all the Polling Units in Nigeria, were affected by the insurgency and were therefore unsafe for elections.

Some people expressed concerns about the introduction of IDP voting during the 2015 general elections. One of their concerns was the possibility of abuse, if not in 2015, in the future. This is especially plausible without the right type of institutional checks. A second concern raised was whether the measures were inclusive, considering that they were limited to three States and excluded hundreds of thousands of other IDPs scattered across the country. These are legitimate concerns, but the reforms had to start somewhere. Not starting at all would have been a terrible travesty considering, for instance, that the total number of IDPs who potentially could have been

disenfranchised in Borno State during the 2015 general elections was 561,999. If you also consider that the total number of voters who were accredited for the Presidential and National Assembly elections on 28<sup>th</sup> March in Borno State was 544,759 (INEC 2015, 118), then you see the magnitude and import of the potential disenfranchisement. The challenge, however, remains to continue to extend the frontiers of inclusiveness by ensuring that other IDPs, and indeed other excluded groups, are given the opportunity to exercise their fundamental democratic rights.

## Improved quality of elections

Finally, the vastly improved quality of the 2011 and 2015 elections over the 2007 election is an indication of the impact of the electoral accountability movement. The general verdict of both domestic and external observers is that the 2011 elections marked a turning point in the quality of elections in Nigeria. Although the elections were not perfect, they marked a major departure from the previous elections in the quality of delivery of electoral services, conduct of electoral staff and tabulation and announcement of results.

The improved quality of elections due to improved electoral accountability can also be seen in the falling number of cases of election outcomes that are challenged in courts, as well as numbers overturned by courts. These have been declining steadily since 2011. But perhaps the most significant indicator of improved electoral accountability is the willingness of contestants to accept outcomes. Following the 2011 general elections, several governorship and legislative positions changed from one political party to another. Prior to this period, it was almost an assumption that ruling parties would retain their positions. This willingness to accept electoral outcomes found its most important manifestation after the 2015 Presidential election in which the incumbent, President Goodluck Jonathan was defeated by the opposition candidate, Muhammadu Buhari. Most observers were surprised that President Jonathan accepted the outcome. That would be the first time in the history of elections in Nigeria that a sitting President was defeated by a challenger. More importantly, the incumbent accepted the outcome and organized a peaceful transition to his opponent.

## Conclusions

The 2007 general elections in Nigeria triggered a flurry of demands for electoral accountability, which led to the emergence of a relatively organized civil society-led movement. The Nigerian state acceded to these demands by establishing the Electoral Reform Committee in 2008, creating a space for pro-accountability actors both within the state and in civil society to push for electoral accountability. This opening later led to the establishment of the Civil Society Situation Room as a common platform for civil society action on electoral accountability, especially through election observation.

The appointment of the Commission led by Professor Attahiru Jega in 2010, followed by amendments to the electoral legal framework to strengthen INEC were positive state responses to the



electoral accountability movement. Subsequent reforms within INEC culminated in marked improvements in the conduct of the 2011 and 2015 general elections, with the latter leading to the defeat of an incumbent President for the first time. The establishment of IDP voting from 2011 underscored the success of the electoral accountability movement during that period.

Notwithstanding these successes, concerns persist about the future of reforms. The relative success of INEC reforms between 2010 and 2015 could be what some observers have described as a “pocket of effectiveness” (Leonard 2008; Roll 2013). Among other things, this raises the issue of sustainability after the individuals that drove the process leave the system. However, the reforms we have described go beyond the specific individuals in INEC that drove it. Rather, its roots lay in the pro-accountability movement. Consequently, we think that the future sustainability of those reforms will be determined by what happens to that movement for electoral accountability and reforms. In other words, the persistence of that movement and the existence of pro-reform forces within the state will remain essential to sustaining electoral accountability in Nigeria.

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# Notes

- 1 Justice Lawal Uwais was a one-time Chief Justice of Nigeria, who President Yar'Adua appointed to chair the Electoral Reform Committee in 2008.
- 2 Among these documents were the Report of the Registration and Election Review Committee, INEC Gender Policy, INEC Communication Policy, Strategic Plan 2014–2017, as well as the book *Approaches to Civic and Voter Education: Nigeria's Experience in Comparative Perspective*, Malthouse Press, 2014.
- 3 In the thirteen-member Commission, including the Chairman, ten were new, two were serving out their five-year tenure and only one was re-appointed from the old Commission.
- 4 This differs from the present situation where the President appoints the members subject to Senate confirmation after consulting with the National Council of State..
- 5 Section 52 (2) of the Electoral Act of 2010 stated that “the use of electronic voting machines for the time being is prohibited”. However, the Act was amended in 2015 by replacing this subsection with another one that gives INEC the power to determine the procedure for voting.
- 6 The Office of the Chairman of INEC recommended the following text, which was accepted by the National Assembly and used for the final amendment of the Electoral Act: “In the event of an emergency affecting an election, the Independent National Electoral Commission shall, as far as possible, ensure that persons displaced as a result of the emergency are not disenfranchised”.

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