

**DEMOCRATIC CONSOLIDATION AND THE ELECTORAL
PROCESS: PRELIMINARY REFLECTIONS ON NIGERIA'S
2019 GENERAL ELECTIONS**

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Introduction

One way to look at the evolution of electoral and democratic processes is to focus on a country's history of electoral, legal and constitutional reforms. In Nigeria, electoral reform had in general sought to address one of the most contentious issues in democratic consolidation: the complex web of political and electoral integrity issues. Although these issues are quite well known in public discourses, it was the Babalakin Commission of Inquiry that brought such issues into sharp relief. The Babalakin Commission Report,¹ identified, amongst others, the following as major political and electoral integrity issues:- compilation of fictitious names on voter's registers; illegal compilation of separate voters' list; abuse of the voters' registration vision (claims and objections) exercise; illegal printing of voters' cards; illegal possession of ballot boxes; stuffing of ballot boxes with ballot papers; falsification of election results; illegal thumb-printing of ballot papers; voting by under-aged children; illegal printing of Forms EC8 and EC8A used for collation and declaration of results; deliberate refusal to supply election materials to certain areas; announcing results in places where no elections were held (or in places where elections were still on-going); unauthorized announcement of election results; harassment of candidates, agents and voters; change of the list of electoral officers and box-switching and inflation of figures. To these we may add issues such as the use of state power to influence electoral outcomes, etc.

These and similar other issues, while largely reflecting occurrences in the realm of elections, they are, in reality just symptoms of broader structural problems in the wider political economy: the nature, form and character of the state and its institutions; the evolution and structure of the electoral system; the nature and character of political culture, political parties and competition as well as the behaviour of the ruling elite and the political class more generally. These have fundamental bearing on the expansion or contraction of the democratic and political space in Nigeria, and, therefore, on the process of democratic consolidation. It will be important to pursue the question of electoral integrity and its relationship to the process of democratic consolidation in the following notes.

In Nigeria, electoral reforms have largely followed two broad trajectories. On the one hand, electoral reforms have largely been state-driven through either executive interventions, legislative activity or judicial review, a phenomenon that will become clearer in the next few pages. On the other hand, reforms have also emanated from the administrative actions of the electoral management body in pursuit of its mandate as specified in the electoral legal framework. Both are critical to democratic consolidation. Indeed, it was attempts at addressing some of the problems identified by the Babalakin Commission Report and other similar governmental or administrative Panels that increasingly led to a whole new pattern of electoral governance where the Nigerian Electoral Commission became an interventionist, that is, progressively concerned with ensuring the security of election materials, the regulation of the voting process, integrity of voter registration procedures, integrity of party registration and candidate nomination processes and so on.

Historically, Western type constitutional and electoral reforms could be traced to the actions of a broad coalition of anti-colonial forces that included labour unions, the media, and early nationalists across the country against the colonial state on the struggle for increased wages, representation in the Lagos Legislative Assembly and a host of other existential issues affecting Africans at the turn of the last

century. Indeed, the Clifford Constitutional arrangement of 1922 was a direct response to the anticolonial struggle, leading first, to the abolition of the Nigerian Council and then second, to the expansion of the jurisdiction of the Lagos Council to cover the entire Southern Nigeria Protectorate. While Northern Nigeria remained under rule by Proclamation, the 1922 Constitution did ensure the introduction of the elective principle in the constitution of the Lagos Council, even though elective representation was limited to just four (4) of its forty-six (46) members. Eligibility to stand for election, though based on adult male suffrage (at least 21 years of age), other measures such as evidence of residency in the locality one wishes to contest (at least a year) and a gross income of £100 and £20 pounds per annum for residents of Lagos and Calabar respectively severely restricted political participation.

While the political space was opened a little by the introduction of the elective principle, the constraints the Clifford Constitution created and the problems it raised for the literati and emergent political classes across the country did not go unchallenged. Across the country, intellectual and social development/improvement associations sprouted not only to articulate social and political issues but also, and perhaps in consequence, call for greater participation of Nigerians in the political and electoral processes. The Richards Constitution of 1946 was the direct outcome of such anticolonial and mass action. The Richards Constitution most significantly expanded the political and electoral spaces by, among others the following: -

- a. Establishing a Nigerian House of Representatives whose jurisdiction covered the entire country, although Lagos and Calabar continued to have direct elective representation in the new House;
- b. Creating three regional legislative assemblies in the Eastern, Northern and Western regions. While members of the regional assemblies were nominated, such members constituted an Electoral College for electing members to the House of Representatives;
- c. Maintaining three Regional electoral laws in addition to the central electoral law and it was the first time the Elective Principle was introduced in the Northern Region;
- d. Using civil servants as electoral officials;
- e. Reducing the tenure of officials from five (5) to three (3) years and the income qualification to 50 pounds sterling;
- f. Allowing independent candidacy in the electoral process;
- g. Introducing voluntary voter registration to be conducted annually; and
- h. Introducing strict jail terms and fines for electoral offenders.

This modest expansion in the political and electoral spaces and therefore in democratic consolidation in response to nationalist struggles could be seen in all the constitutional conferences and reforms introduced from the McPherson to Lyttleton's Constitutions of 1951 and 1954 respectively, through to the Constitutional Conference of 1957. Here, universal adult suffrage was introduced; membership of the House of Representatives was to be by direct election (Eastern and Western Regions only) although membership into the Northern Regional Assembly was still by nomination. In 1954, the Electoral College was abolished and evidence of the payment of tax was no longer a pre-requisite for voting in the Eastern Region and Lagos.

It was at the 1957 Constitutional Conference however, that more far-reaching decisions on the electoral and political processes were taken. Thus, the country was to have a Premier; the Federal Legislature was to now consist of 320 members elected on the basis of one member per for approximately 100,000 Nigerians; a second chamber, the Senate was established, consisting of a total of 56 members (12 members from each region, 12 from Southern Cameroon, 4 from Federal Territory of Lagos and 4 other special members) and elections were to be conducted based on universal adult suffrage in the Eastern and Western Regions, Lagos and the Southern Cameroons, while in the Northern Region, nomination to the Regional Assembly was now replaced by suffrage, albeit limited to adult males only. Similarly, Electoral Constituencies, projected to be 320 single member units, were to be delimited; a permanent

Electoral Commission to conduct Federal Elections was to be appointed and a prime ministerial position created.

But the centralized management of elections across the country had to wait until 1959 with the establishment of the first EMB, the Electoral Commission of Nigeria (ECN) whose mandate, amongst others included the conduct of voter registration and elections. In 1977, the Federal Electoral Commission (FEDECO) replaced ECN and was entrusted with the additional mandate of constituency delimitation. Independent candidacy, introduced in the electoral process in 1946, was abolished, and all contestants had to be elected on party platforms. Political parties had to have presence across the states of the Federation.

The military coup of January 1966 virtually arrested the formal process of democratic consolidation through either state-driven actions or the actions of the electoral commission, an issue which, for these short notes, I would not want treat. Be that as it may, the pace of electoral and political reforms accelerated in the years between 1979 - to - 2006. The 1979 Constitution replaced the parliamentary with a presidential system of government, retained the provision that political parties must have a national spread and reflect the 'federal character' principle and expanded suffrage and therefore political participation to women across the country. Between 1987 - to - 1997, three national and one state electoral bodies were established: the National Electoral Commission (NEC, 1987), National Electoral Commission of Nigeria (NECON, 1996), Independent National Electoral Commission (INEC) and State Independent Electoral Commissions (SIECs), 1998. During these years and up to 2006, two Electoral Acts with far-reaching provisions on the entire electoral system were passed in 2002 and 2006. In particular, the 2006 Electoral Act moved to close a loophole that allowed parties to change candidates even after polling had ended, reinforced the supremacy of election tribunal judgments over INEC's certification process in instances of contested election results, stipulated limits campaign funding and empowered INEC to appoint its own Secretary.

However, by far the most far-reaching attempt by the state at electoral reform was the establishment of the Electoral Reform Committee by the late President Umaru Musa Yar'Adua. Led by former Chief Justice of the Federation, Justice Muhammad Lawal Uwais, the Committee's establishment came in the wake of the dissatisfaction with the conduct of the 2007 General Elections. More specifically, of its seven terms of reference, ToRs (a) - (c) clearly indicated awareness for the need of an electoral system capable not only of addressing most, if not all, the electoral integrity issues raised by the Babalakin Commission Report; but also, of producing, through such reforms, credible electoral outcomes. These terms of reference include: -

- a. Undertake a review of Nigeria's history with general elections and identify factors which affect the quality and credibility of the elections and their impact on the democratic process;
- b. Examine relevant provisions of the 1999 Constitution, the Electoral Act and other legislation that have bearing on the electoral process and assess their impact on the quality and credibility of general elections; and
- c. Examine the roles of institutions, agencies and stakeholders in shaping and impacting on the quality and credibility of the electoral process. These should include Government, Electoral Commissions, Security Agencies, Political Parties, Non-Governmental Organizations, Media, General Public and the International Community.

The Committee made fundamental recommendations that include the: -

- a. Unbundling of INEC: Three new bodies the Electoral Offences Commission, Constituency Delimitation Commission and a Political Parties and Registration Regulatory Commission to be carved out of INEC;
- b. Financial Independence of the Commission: placing the Commission on first line charge;

- c. Procedures for Appointment and Removal: Changes in procedures for appointment and removal of the Chair and Commission members (to be removed by the senate on the recommendations of the National Judicial Council, by two-third of the senate which shall include at least ten members of the minority parties in the senate.);
- d. Security of Election Materials: Ballot papers have watertight security features and should institute a transparent tracking system);
- e. Stakeholder Engagement: Need for closer interactions between INEC and other stakeholders in a bid to build confidence and minimize suspicion and enhance their complimentary roles;
- f. The Electoral System: Proportional representation in elections to the Federal and State legislatures and to the Local government;
- g. Independent Candidacy: That section 65 (2) (b) and 106 of the 1999 constitution should be amended to make provision for an individual to run as an independent candidate;
- h. Treatment of Election Petitions: Election cases should be concluded before the swearing in of candidates; putting the burden of proof about the fairness of elections on INEC instead of petitioners, and simplification of procedural rules that are applicable to election petitions;
- I. Dates and Sequence of Elections: Presidential and Gubernatorial elections should be held on a single date and must be held at least six months before the expiration of the term of the current holders of the office. National and State Assembly elections should be held on a single date and must be held two years after the Presidential and Gubernatorial elections; and
- j. Reintegration of SIECs: SIECs should be reorganized and integrated into the structure of INEC for greater efficiency and autonomy

The state has thus historically been one of the most regular vehicles to electoral reform in Nigeria. Virtually across the years since 1922, the pressure for reform, though propelled by the state, has almost without exception been a response to widespread public dissatisfaction with the electoral process and concern with electoral and political integrity issues. In 1922, Nigerian nationalists fought for an expansion of the political spaces by insisting on expanded representation in the Lagos Council; since 1993, widespread open confrontation with the military forced it to step up the process of democratization that culminated in the 1999 civil administration; between 2003 and 2007, a wide range of electoral integrity issues such as rigging, stuffing, snatching, intimidation, vote buying, mass electoral impunity, and the widespread public distrust of the electoral and political processes forced the state to establish the Justice Uwais Committee to address these concerns.

However, electoral reform, as mentioned before, can also arise from the internal procedural matters directly interface with the political process in the wider environment as an election management body plans, conducts and manages electoral operations and the electoral process in general. Thus, we see clearly in the 2010-2015 Commission under Professor Attahiru M. Jega, electoral reforms began to be directed towards internal operations and particularly at those electoral integrity issues that historically tended to render electoral operations and outcomes either outrightly unacceptable or at best highly contestable. Five key principles drove the electoral reform process in this period: institutional autonomy, planning, creativity and innovation, openness and engagement and linkages and partnerships. I will not be going into any details about these five principles; suffice it to say for the current purposes, that all five principles must be understood within the broader political economy of the electoral process that clearly formed a background against which the contributions of the Commission to democratic consolidation must be cast.

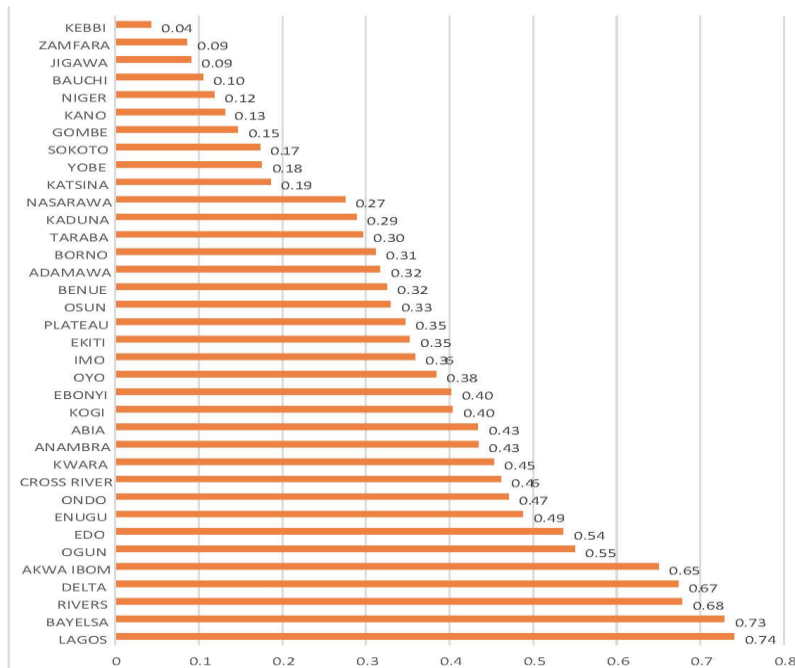
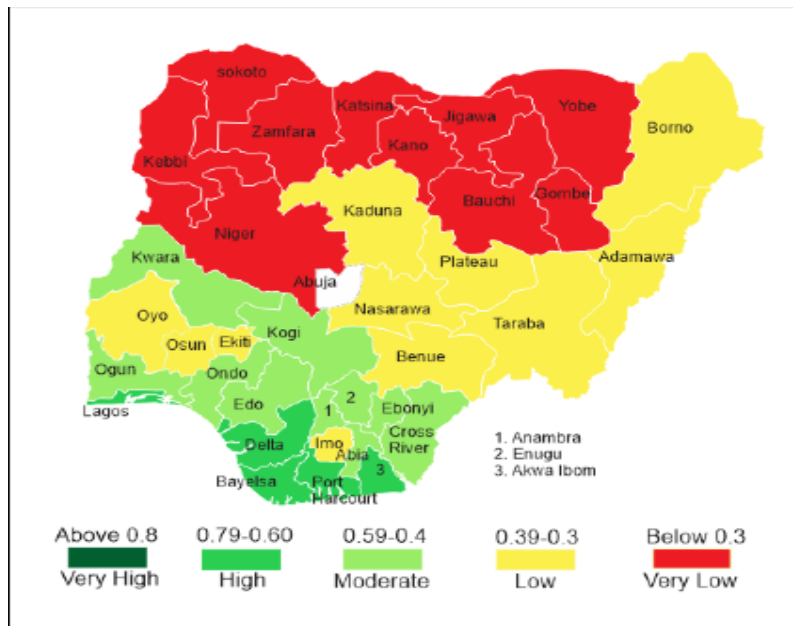
The 2010-2015 Commission was inaugurated at a time when confidence in public institutions in general, and in the electoral process in particular was at an all-time low; apathy and resignation – ‘exit’ –

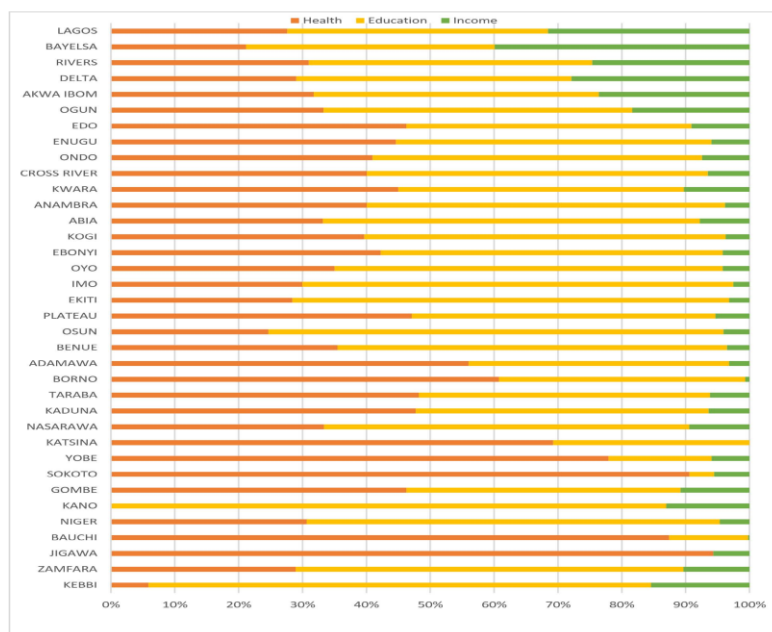
became the most viable political strategy for most citizens. Many Nigerians appear to have totally withdrawn from participating in, or expressing opinions about public issues; indeed, a substantial number have withdrawn from performing civic duties and obligations – registration, voting, civic education – which the membership of a political community requires or imposes. For some, participation in the political process, and especially registering or voting are a pure waste of time, their argument being ‘not only have we not gone through this before without any positive change,’ but that in many instances, ‘results of such exercises were pre-determined or pre-figured before the exercises even took place.’ Yet again, some prefer a quiet, rather private life in which public institutions are shunned like the plague, and are confronted, when unavoidable, with extreme suspicion. Such apathy and distrust were largely indicators that the political process in general and the electoral process in particular faced serious integrity challenges that required urgent attention. In a sense a credibility gap or void existed in the electoral process, and many saw the 2010-2015 Commission as a chance that this gap might be addressed. The 2010-2015 Commission radically changed perceptions about itself and the electoral process, creating hope that despite the repeated failure of public institutions, it may infuse greater accountability and transparency than had been seen in any public institution for a long time

However, democratic consolidation, to be sustainable, cannot and should not be limited merely to such reforms in the electoral and political processes as this paper attempted to examine thus far. Democratic consolidation and the expansion of the democratic space has to be accompanied by developments in the broader political economy: sustained economic transformation, the institutionalization of governance practices, the development of a vibrant and tolerant political culture and robust civic/citizen participation in the political and electoral processes. In the next section, I will, in passing, raise only two issues: economy and political culture.

Democratic Consolidation: Continuities and Discontinuities

The Economy: One of the key guarantors of democratic consolidation researchers have emphasized is economic transformation, not only in terms broad microeconomic indices, but also in terms of the concrete existential conditions of humans. This means a concern with the building of human capacity, of the provision of education, health, social infrastructure, employment. For democracy to be sustainable, deliberate and conscious efforts must be taken to create conditions that would secure and guarantee the rights of the majority of people to live decent lives. At the end of 2018, Nigeria has more people living in poverty than any other country in the world, overtaking India. 87 million Nigerians live in extreme poverty as against India’s 73 million. While the number people living in poverty continue to fall in India, 6 people become poor in Nigeria every one minute.² Clearly, the level and intensity of poverty have worsened. But even more disturbing, are the regional disparities not only in poverty, but also along other socio-economic indices. Regional disparities in development that have worsened in particularly the Northeast, Northwest, and Southeastern parts of the country, but also in three states in the South-west as shown in the figure below. Such a picture of extreme poverty and widespread regional disparities are serious fault-lines capable of negatively affecting the process of democratic consolidation. As can be seen in figures 1, 2 and 3, regional disparities are indeed stark. The Northwest geopolitical zone and some states in the North central such as Niger and the FCT are ranked the lowest in State Human Development Index (SHDI), raking below 0.3 on a scale of 0-8.0. Lagos, Bayelsa, Delta, Rivers and Akwa Ibom rank the highest, with Lagos ranking highest with 0.74.





This not only does not augur well for democratic consolidation, it is patently dangerous, threatening whatever progress is made in political and electoral reforms we have earlier discussed. We must make deliberate efforts towards the reduction of poverty nationally as well as addressing the regional disparities in health, education, income and social infrastructure as demonstrated in figure 3 above.

Political and Civic Culture: One of the most salient features of our political and electoral processes is the level of divisive tendencies of the political class as well as some sections of the public. Across the country, such tendencies are acted and reenacted in everyday life across the pages of the dominant – print, electronic, social – media that characterize and stereotype whole peoples, Nigerians, as backward; and render untruths, proffer fake news, and offer spurious, unfounded positions as ‘truth.’ Version of these tendencies is the veneration of, and popular acclaim for ill-gotten wealth; the multiple and varying shades of unlawful and unconstitutional attacks on Nigerians for no reason other than they are non-indigenes;³ the similar actions, no less serious, by virtually all other state governments across the country with the nominal exception of Sokoto State, that daily disenfranchises Nigerians and makes them foreigners in their own land; in the struggles for appointments into Federal Establishments; in the composition of Federal and State Cabinets; in patterns of the admission of students in to our tertiary institutions; in the total loss of our collective capacity for outrage and anger against the repeated rape and violation of what remains of our ‘national ethic;’ and in the almost total preoccupation with exclusionary patterns of action that fence off other persons and groups, transforming them into ‘outsiders,’ ‘settlers,’ and ‘non-indigenes.’ We seem to think that in reproducing such multiple fault-lines, which, in reality continuously deepen subnational identities, we can thereby construct a broader ‘national’ identity. Nothing could be further from the truth.

4. The 2019 General Elections and Democratic Consolidation: Reflections

. The Electoral Process and Electoral Reforms The 2019 General Elections have been planned, managed and conducted in what may be called the second Electoral Cycle in which reforms were central to the Commission. The key reforms started in the 2011- 2015 Electoral Cycle such as sustaining and deepening the gains of the 2015 GE, expanding the realms of electoral governance; ensuring greater control over the electoral process through a sustained platform of planning and knowledge production; deepening the pace of building institutional memory in the Commission; deepening and addressing issues of electoral integrity particularly in electoral operations covering logistics, communication,

procurement, sourcing of electoral staff, election security and the deployment of technology; and expanding linkages and partnerships with actors in the wider political and electoral processes for the backbone of the planning, conduct and management of the 2019 GE.

The 2019 GE election was conducted with 84,004,084 registered voters, 176,996 polling units and voting points, 8,809 wards, 774 LGAs, 29 States and the FCT, 1,558 constituencies, with a support 814, 000 electoral staff. There were 39 International Observer groups for the election with a total number of 2, 306 and 120 Domestic Observer groups with 70,952 observers. 3. In reflecting on the elections, let me highlight very quickly some salient issues that had an impact on the planning, conduct and management of the elections. First is the role of the judiciary: court injunctions, judgments and orders either ordering the Commission to do or refrain from some action. The Commission has been dragged to court no less than 1,600 times since the conduct of party primaries in the last quarter of 2018.

Second, the activities of political parties, especially as they relate to the nomination process has had a considerable impact on preparations and conduct of the elections. Since the election, no less than 80 certificates of return have been withdrawn by court orders on account of contests over the nomination process. The Commission had always insisted on creating linkages and partnerships particularly with civil society organizations as key stakeholders in the electoral process. Such an association has helped in promoting the participation of marginalized groups in the electoral process: youth, women and people living with disabilities. In general, the planning, conduct and management of the elections. The Commission will of course be very interested in the outcome of the deliberations of this Conference as part of our collective effort to improve the electoral process.

Conclusion

Elements of the way out of some of these problems may occupy you for the next few days. But may I, with your permission Mr. Chairman, and by way of conclusion, say that unless we seriously address sustained and equitable economic growth, tackle the uneven development of the various parts of the country, address the expanding swell of poor and unemployed people, generate plans to deal with the expanding youth population, address collapsing social infrastructure, invest heavily in education, address corruption in a more serious and sustained manner, and deal with the growing culture of impunity, efforts at the consolidation of democracy in Nigeria will continue to be threatened. www.tradingeconomics.com.