

# The Independent National Electoral Commission (INEC) and the challenges Electoral Administration in Nigeria: The Path to credibility.

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**Abstract:** Election administration has been a traditional role of the election management body in Nigeria notwithstanding the nomenclature. Prelude to the 2019 general elections in Nigeria, one would simply want to see an election that is devoid of violence, maladministration and rancor. The path towards achieving such feat as free, fair and credible elections in Nigeria can be traceable to the objectivity as well as the level of professionalism displayed by the election management body; the Independent National Electoral Commission (INEC). This study is an attempt at examining the Independent National Electoral Commission and electoral administration in Nigeria as it regards election credibility. The methodology of the qualitative method of data collection and analysis was adequately employed, while the Marxist theory of the state provided the framework of analysis. The study attempts to reveal whether administrative capacity of the Independent National Electoral Commission for the conduct of elections affected its credibility over the years. The study argues equally that the limited autonomy of INEC accounted for ineffectiveness of Independent National Electoral Commission in electoral administration in Nigeria. The study made recommendations towards enthroning election credibility in Nigeria such as; the reports of the previous committees on re-structuring the Independent National Electoral Commission should be implemented without further delay so as to structurally and institutionally reposition the Commission to conduct free, fair and credible elections in Nigeria. Also, the staff of the Independent National Electoral Commission should endeavour to live above board in the discharge of their responsibilities; they should muster the courage to make the Commission independent and autonomous so as to compete with other African countries in conducting free and fair elections.

**Keywords:** Election, Administration, Credibility, INEC, Nigeria

## A: INTRODUCTION

The experience of post-independence Africa has shown that democracy is central to the quest for any form of development as well as political stability (Ibeanu & Egwu, 2007). At least in its thriving liberal acceptance, credible and periodic elections is very much considered the fundamental for democracy and a key component for facilitating political succession, enhancing the legitimacy of a government and strengthening the social contract between citizens and their governments (International Peace Institute, 2012). Elections that are administered in a peaceful, transparent, consistent, and fair manner are more likely to be successful as well as enthrone a generally accepted government that will be devoid of agitations as well as court proceedings in the quest for justice and fairness. On the contrary, elections, when wrongly administered, can increase the salience of ethnic, religious and other societal differences. This is truism as it becomes an avenue for desperate political actors to exploit these differences for partisan purposes thereby triggering unpleasant activities that not only undermine democratic

consolidation but also erode people's faith in the democratic process. A broad consensus, therefore, appears to evolve on the idea that, in order to prevent violence and instability in the polity, elections should be viewed as a process rather than an event. In other words, an election cannot be viewed as an end in itself, but must be part of a larger and longer-term process of democratization (International Peace Institute, 2012), and effective electoral administration is very critical in this regard. For credibility to be achieved in an electoral process therefore, the role of the electoral body should not be undermined as they are expected by all and sundry to exercise a high rate of professionalism and objectivity even in the face of threat and humiliation.

Election management occupies a significant position in electoral process and consolidation of democracy in any given polity (Gyekye-Jandoh, 2013). To achieve effective electoral administration, the existence of an impartial election management body is imperative. Electoral management bodies (EMBs) are important institutions for democracy and democratic consolidation because they deal

directly with the organization of multi-party elections and indirectly with governance and the rule of law.

More importantly, they serve as institutional anchors that assist in the development of free, fair and accurate elections (López-Pintor, 2000). Although, specific duties of Election Management Bodies differ across countries, typically they are involved in all aspects of elections, including “registering candidates, regulating campaign finance, monitoring political party activities, maintaining voter registration databases, polling place operations, publishing official election results and resolving many types of election-related disputes”(López-Pintor, 2000).

The process of election administration in many new democracies continues to generate a lot of controversy; particularly with regards to the level of independence of Election Management Bodies (EMB's), their professionalism and the acceptability of the elections they conduct. In Nigeria -Africa's largest democracy project, the election administration process since the country gained political independence from the British has always resulted in controversy and crisis; arising mostly in part from the perceived collaboration of the Electoral body with the successive military and civilian regimes of the country's post-independence era. The implication is that the history of election administration in Nigeria has been a history of controversy engendered by electoral malpractices which has made the issue of credibility an onerous task. The implication of the above is that, “he who pays the piper dictates its tune”. A total of six different EMB's were established at various times to conduct the successive elections that have taken place in Nigeria's post-independence history. Indeed, as Agbaje and Adejumbi (2006:2), noted: over the years, the autonomy and capacity of EMBs in Nigeria have been suspect as reflected in its endless renaming and restructuring by successive governments.

Nigeria's election management body, the Independent National Electoral Commission (INEC) has always been accused of not being able to engender public confidence in the electoral process or organize transparent and credible elections. Since elections are the heartbeat of any democratic process and that ineffective electoral administration leads to political instability and loss of legitimacy, assessing the performances of the Independent National Electoral Commission (INEC) is most appropriate as we tread the path towards election credibility in Nigeria.

#### **B: CONCEPTUAL EXPLICATIONS**

Election to a lay man could simply mean a process through which the masses bring out those to either take the mantle of leadership or represent their general interest at various levels of government. Generally, free, fair and credible elections constitute the threshold or doorway into a democratic, stable and progressive society. Without which there can be no democracy either direct or representative. Elections are mostly perceived to be part and parcel of any democratic process, and as the right to democratic governance has

become established as a human right. With this in mind the electorates has a corresponding right to regular, free, fair and credible elections. Elections play an important role in the larger project of democracy. To say the least, elections have technical and social significance. Technically, elections are the process through which an office is assigned to a person by an act of volition that requires the simultaneous expression of many people's opinions. In the social sense, “an election is the process by which a person linked to an office through the due participation of the people who will bear the weight of his or her authority”. Election as a symbol of sovereignty, serve the purpose of investigating governments with political authority and legitimacy. It ensures that citizens retain power to hire and fire political leaders. To achieve this, an election must be free and fair, or at least perceived to be so (Laakso, 2007:224). On his part Adeniran (2012:93), sees “elections as involving a set of activities leading to the selection of one or more persons out of many to serve in position of authority in a given nation. It is the process therefore, by which the people select and control their representative. The implication of which is that election gives an electorate the sovereign power to decide who will govern or represent them”. Summarily, **election** represents the formal process of selecting a person for public office or of accepting or rejecting a political proposition by voting.

#### **Electoral Management body in Nigeria**

Nigeria has had five Election Management Bodies since 1959 when the elections that heralded independence were held. These EMBs include: the Electoral Commission of the Federation (ECF) that conducted the 1964 federal elections and 1965 regional elections; the Federal Electoral Commission (FEDECO) that conducted the transitional elections in 1979 and the controversial 1983 elections that ended in a return to military rule; the National Electoral Commission (NEC) that managed the three-year transition programme and ended with the annulled 1993 elections; the National Electoral Commission of Nigeria (NECON) that was established by General Sani Abacha to manage his transition programme, which was aborted after his death in 1998; and the Independent National Electoral Commission (INEC) (Jinadu, 2001). Till date INEC have been able to conduct various general elections since the era of democracy in 1999 totaling five consecutive general elections of 1999, 2003, 2007, 2011, 2015.

#### **Electoral Administration**

The term election administration appears hazy due to the intricate set of activities inherent in the concept. Yet, a critical assessment of its meaning decisively establishes it as an empirical category. Election administration entails the organization and conduct of elections to elective (political) public office by an electoral body (Jinadu 1997:21). This definition aptly subsumes both structure and processes. Structurally we mean the bureaucracy that is set up or established to organize and conduct elections which is usually an electoral body like INEC. It should be noted

however, that apart from this specific bureaucracy whose primary function is the administration of elections, there are agencies or institutions like the police, security agencies and civil society organizations (CSO's) whose support and cooperation through the provision of logistical support is vital to the operation of the electoral body. By process however, is meant the rules, procedure and activities relating to among others: the establishment of electoral bodies, the appointment of their members, selection and training of electoral officials, constituency delimitation, voter education, registration of political parties, registration of voters, the nomination of candidates, balloting, counting of the ballots, declaration of results, and in some cases supervision of party nomination congresses (Jinadu, 1997:22). In another submission, election administration is defined as the management; and process of organization of all stages of an electoral cycle (i.e. the pre-election, election and the post-election stages,) by an electoral body (Ajayi, 2007:12). Electoral administration therefore has to do with the processes, be it rigorous or complex through which an election is conducted. Collaboratively, Omotola (2010), submitted that election administration entails legal-constitutional interaction, involving a combination of institutional rules and organizational procedures that ascertain the basic rules for electoral processes, political competitions, organization of political campaigns, registration of eligible voters, voting on election day, resolving election-related disputes and certification of election results.

### **C: THEORETICAL ORIENTATION**

The study adopted the Marxist theory of the state. The theory arose as a counter to the proposition of the western liberal theory that the state is an independent force and an impartial arbiter that caters for the overall interest of every member of the society and regulates equitably their socio-economic transactions and processes (Okolie, 2006). On the contrary, Marxists theorists argue that the state is the product and a manifestation of the irreconcilability of class antagonisms (Lenin, 1984). What this implies is that the state that arose from the conflict between classes is, as a rule, the state of the most powerful and economically dominant class that also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed (Jakubowski, 1973).

The classical Marxist theory of the state has been further developed and employed in the elucidation of the peculiarity of the neo-colonial state by scholars such as Alavi (1973), Ekekwe (1985), Ake (1985) and Ibeanu (1998) among others. The major contention of these scholars is that the post-colonial state is a creation of imperialism and as such, has followed a developmental strategy dictated by the interest of imperialism and its local allies. According to Ekekwe (1985), the post-colonial state rests on the foundation of the colonial state whose major pre-occupation was to create conditions under which accumulation of capital by the foreign bourgeoisie in alliance with the ruling elite

would take place through the exploitation of local human and other natural resources. Therefore, the post-colonial state that now emerged, though ostensibly independent and sovereign, was no less a creation of imperialism than the colonial state (Ekekwe, 1985).

One basic feature of the post-colonial state, as articulated by Ake (1985), is its limited autonomy. This means that the state is institutionally constituted in such a way that it enjoys limited independence from the social classes, particularly the hegemonic social class, and so, is immersed in the class struggles that goes on in the society. The post-colonial state is also constituted in such a way that it mainly caters for a narrow range of interests: the interest of the rapacious political elite in comprador and subordinate relationship with foreign capital. This lack of relative autonomy is one reason why the post-colonial state in Nigeria is incapable of mediating political conflicts (Ake, 1985).

For Ibeanu (1998), the colonial state, due to the distinct colonial experience at the stage of "extensive growth" of capital in which they emerged, did not strive for legitimacy as the *raison d'être* for their constitution was "principally for conquering and holding down the people of the colonies, seen not as equal commodity bearers in integrated national markets, but as occasional petty commodity producers..." (Ibeanu, 1998, p. 9). As a result of this, there was no effort made to evolve, routinize and institutionalize "principles for the non-arbitrary use of the colonial state by the colonial political class. And when in the post-colonial era this state passed into the hands of a pseudo capitalist class fervently seeking to become economically dominant, it becomes, for the controllers, a powerful instrument for acquiring private wealth, a monstrous instrument in the hands of individuals and pristine ensembles for pursuing private welfare to the exclusion of others" (Ibeanu, 1998, pp. 9-10). Marxist theory of the state demonstrates that political leaders of post-colonial states, due to the peculiar features of these states, and their quest for economic survival engage in brazen manipulation of the electoral process and clientele politics which heighten the struggle for state power. However, the Nigerian State exhibits unique features and attributes that undermine electoral administration and consolidation of democracy due to the dominance of comprador bourgeoisie. Against this background, Ibeanu (1998, p. 9) maintained that the "abiding assault on democracy in Nigeria" should be located in the character of the Nigerian state as instructions that have continued to undermine democracy are genealogically inscribed in it.

The relevance of this framework to the analysis of INEC and electoral administration in Nigeria is evident. It enlightens our understanding of the nature and character of the Nigerian state and gives us insight into the dominance and roles of comprador bourgeoisie in Nigeria and their differential impact on the activities of state institutions particularly the election management bodies. The Nigerian state plays a dominant role in the national economy, this throws up the Nigerian state as a primary instrument of accumulation. As a

facilitator of the capitalist development process, the Nigerian state is a major owner of the means of production. Buoyed by the expanded oil revenues, the Nigerian State dominates all aspects of the national political economy. This has made the Nigerian state the biggest spender of resources, which, in most cases, it allocates to sectional/private interest and this has made the struggle for state power a do-or-die affair in Nigeria. The expansion of petroleum production and the resultant increased revenues heightened “the centrality of the state as the locus of the struggle for resources for personal advancement and group security”. Under this circumstance, access to the state becomes a platform for primitive accumulation. Ake (1996, p. 23), captures the immensity and the ubiquity of state power under this situation when he observes that “the state is everywhere and its power appears boundless. There is hardly any aspect of life in which the state does not exercise power and control. That makes the capture of state power singularly important.

The fact here remains that, utilizing the Marxist theory of the state in our analysis shows that the electoral management body is always in a marriage of convenience as one cannot be entirely separated from the other. This is truism going by the fact that the owners and controllers of the means of production remains the government who actively participates in the political activities of the state. Thus, through their personal affiliation appoints for themselves a loyal leader of the election management body capable of delivering the results in their favour anytime, any day, hence jeopardizing the idea of election credibility.

#### **D. EMPIRICAL REVIEW**

##### **INEC’s Administrative capacity and Electoral Violence**

The link between administrative capacity for the conduct of elections and electoral violence has been examined variously according to the views of several scholars. By administrative capacity here we mean the bureaucracy involved in the conduct of any given election. It equally has to do with personnel involved in the electoral process.

Based on the foregoing, Orji and Uzodi (2012), in their submission on the 2011 post-election violence in Nigeria, observed that at the roots of electoral violence in Nigeria are several issues some of which do not have any direct relationship with the country’s electoral process. These issues, according to them, define the ways electoral violence can play out. They identified the remote causes of electoral violence in Nigeria to include saliency of communal identities in politics and communal tensions, decline in trust and social capital among communities, culture of impunity, economic vulnerabilities, institutional and behavioural issues such as erosion of trust in the electoral justice system, and lack of internal democracy in political parties. Turning attention to electoral violence in Nigeria’s Fourth Republic, Adesote and Abimbola (2008), stated that the conduct of free, fair and credible periodic elections by unbiased electoral body including its umpire as well as other electoral officials and the adherence to democratic principles of governance remain major factors responsible for the

avoidance of electoral violence in any democratic society. These two major factors were the challenges which the fourth republic had been contending with since its birth in 1999 till 2015 general elections.

On his part, Oladipupo (2011), carried out a comparative analysis of electoral processes in Nigeria and Ghana with a focus on 2007 elections in Nigeria and 2008 elections in Ghana. Placing side by side some of the major factors that contributed in unmaking and the making of democratic stability in the two countries. He argued that the electoral process through which representatives emerge in Nigeria is one which is yet to be subdued unlike in Ghana. The study argues that the Hobbesian nature characterizing the Nigerian polity which is more pronounced during electioneering processes is chiefly responsible for this unfortunate situation. It is therefore not out of place to adduce that unless a people, its government, its Electoral Management Body, and other stakeholders are really interested in the democratic process and ready to make the necessary sacrifices, electoral process in any given state, especially in Africa, will continue to be fraught with diverse kind of problems which invariably impact negatively on the democratic sustainability on the continent.

To Abbass (2008), the problem of democratic practice generated from electoral process poses serious challenges and dilemmas. He argued further that issues central to economic underdevelopment and weak institutional structures, political instability, legitimacy arising from electoral process and other ethnic, religions, sectional and other elite related conflicts are all rooted and occasioned into the problematic of democracy and governance. In his view, political violence occasioned by elections, particularly between 1999 and 2007 has plunged the country into a phenomenal and deep-seated crisis unparalleled since the era of the Nigerian civil war. To say that such problem identified by Abbass between 1999 and 2007 has continued to constitute great challenge to election administration from 2007 and 2015 general elections is not an aberration. Apart from the privatization and group violence, the system has dramatically transformed into state violence with the transformation of the ruling party militias to hold to power by hook or by crook. The variety of tactics the ruling party uses to manipulate the electoral process, right from the primaries, as well as the breaking up of the opposition, are the political and democratic abhorrence experienced in the nation’s democratic system. To this end one would contend that political contests in Nigeria represent ‘primitive accumulation of wealth’ with other new and old inherited built-up relationships. Thus, Elections are now preceded by a process of political and constitutional engineering under the pretext of establishing the requisite institutions and structures for democratic rule.

Furthermore, Abbass (2008), revealed that the 1999, 2003 and 2007 general elections witnessed electoral violence in Nigeria and that these elections questioned the credibility of the democratic process and invariably posed serious



challenges for the democratic practice in the country. There have been politically motivated assassinations and other election related killings, all jeopardizing the Nigerian democratic project with most often than not puts the ability of election management body to question. This question here should be on their ability to contain the demands of the government which appointed its chairman and as such any failure to deliver is perceived as an unforgivable infidelity. When such becomes the case, the idea of credibility of any election is therefore made to suffer as the election management bodies are seen carrying out the commands issued down to them by the executive under whose powers they operate and function. A new dimension to electoral violence, has come to feature prominently as a product of motivated provocations, extension of deep-seated and age long conflicts between individuals, groups, families and communities. Ethno-political cleavages have continued to remain one of the silent determinants of political violence in election related issues. Since electoral contest is thus characterized by competition, the Nigerian factor of continuous harassment, threat and intimidation of the opposition parties or 'enemies' within the ruling party. This therefore affords all and sundry the very fundamental opportunity to engage in an open ended license to display physical and brute force to either protect or safeguard one's areas of political control. Since party and democratic machineries encourage competition without discrimination, Abbass (2008), opines that the Nigerian experience, more often than not, has shown that floating the acceptable democratic norms is the norm rather than the exception. This act has a very serious impact on democratic politics as the consequences have continued to exert pressure on the democratic system. Those who resist undemocratic procedures have continued to use violence against the party and personalities controlling it in all ramifications of party politics, especially elections.

To further buttress the fact, a study conducted by CLEEN Foundation (2010), revealed that the underlying grievances which flowed from unprofessionalism of the election management body (INEC) have centered on the twin problems of mass violence and fraud that have become central elements of the history of elections and electoral process in the country. The study undertook empirical examination of the role the police have played in the electoral process in Nigeria, the challenges they face in carrying out their electoral functions and the opportunities for success. The study posits that establishing electoral credibility would require that security is provided for the electoral process in all its stages in an effective, transparent and accountable manner. By default, the quest for electoral security places the police force at the centre of focus, not least because it is the agency of the state with the statutory responsibility for internal security and for crime control. The point above is open for debate as one cannot simply say that the police is unconnected with most of the electoral violence witnessed in Nigeria. The appointment of the Inspector

General of Police rests on the whims and caprices of the president of Nigeria just like the most recent appointment of Abubakar Adamu by President Muhammadu Buhari. It is left to be seen that the police under the watch of this new inspector general of police would not carry out to the later orders issued to them by the executive as it concerns election or other issues of national interest. This point therefore subjects the neutrality of the police force to scrutiny.

Majekodunmi and Adejuwon (2012), on his part examined the interface between credible elections and democratic consolidation, and the threat posed by electoral fraud to the survival, growth and consolidation of democracy in Nigeria. The study appraises the primacy of electoral votes in an emerging democracy and its implications on democratic consolidation and good governance in Nigeria. Drawing from the 2011 elections, the study submits that the electorate votes are beginning to count. To this end, the study posits that the Nigerian state should de-invest in politics and also digitize its electoral process. From the foregoing analysis, one would assert that in as much as, it is duly written on paper that election administration is the sole duty of the election management body (INEC), it will not be out of place to argue that there are seen and unforeseen forces which will continually jeopardize any attempt at enthroning credibility in election. This is truism because since it rests on the shoulders of the executive who has his personal as well as party interest to protect to appoint the leadership of the election management body as well the police whose duty is the protection of election materials, it is still farfetched as it concerns the issue of credibility in election. This therefore leads us to the next sub-theme, INEC's limited autonomy and election administration.

#### **INEC's Limited Autonomy and Electoral Administration**

The link between limited autonomy of election management bodies and election administration has engaged the attention of scholars. In his view, Kambale (2011), avers that the central role which electoral competition is now playing in the political life of an increasing number of African countries means that the management of elections by effective and efficient election management body is indispensable. The performance of election management body in electoral management is, however, seen to depend on the extent and quality of citizens' participation in the government of their country. The institutional framework for these bodies, and their endowment with adequate human and financial resources, is seen to be an important concern in the constitutional reforms that have accompanied the second wave of democratisation in West Africa. These reforms have focused on the need to give the EMBs greater legal and institutional independence, since the performance of the EMBs and their contribution to a higher level of citizen participation depends on much more than only formal guarantees of independence and adequate resources. Nonetheless, it can be argued at this point the struggle for such reforms is also shown to be a critical part of the process of institutionalising democratic practices. Therefore, in the

creation of an effective Election Management Body, as in the acceptance of a legitimate election, the key is process.

Kerr (2011), investigated the determinants of Africans' perceptions of election quality using two rounds of election surveys of the 2007 Nigerian Federal and State elections and contends that citizens' performance evaluations of electoral-related institutions matter more than their experience with electoral irregularities or their political party affiliations while doing a research on the work titled "Perceptions Versus Reality: Assessing Popular Evaluations of Election Quality in Africa". The study ascertained that Nigerians rely significantly on their perceptions of the performance of Independent National Electoral Commission (INEC) when forming their opinions on the credibility of the elections. The study also examined two important dimensions of institutional performance: autonomy and capacity. Grippingly, the domino effect indicated that Nigerians are more concerned with the political autonomy of INEC and more forgiving of procedural irregularities that stem from deficiencies in INEC administrative capacity. The study remarks that the findings from Nigeria underscore the centrality of electoral management bodies in elections in emerging democracies.

The fact here remains that the autonomy of electoral management body is an important pre-requisite for elections to be considered credible. This is not to say that Election Management Body capacity is not important; but citizens are more critical of Election Management Body capacity when the autonomy of the body has been well established. Arguably, although there may be gaps between perception-based and non-perception-based measures of election quality, scholars embrace the use of perception-based data on election quality and devise better methods of recognizing and accounting for potential sources of bias. In sum, African governments and development partners should devote more resources to enhancing the impartiality and competence of election management bodies, as well as security agencies and the judiciary. This it has to do through ensuring that the election management bodies are given a certain degree of autonomy to adequately discharge its duties without recourse to the feelings of any executive or his allies/loyalists.

#### **INEC and the Challenges of Election Administration in Nigeria: Towards Credibility**

Elections that are administered in a peaceful, transparent, consistent, and fair manner are more likely to be successful. Contrarily, elections, when wrongly administered, can increase the salience of ethnic, religious, and other societal differences, and in the main undermine democratic consolidation. To prevent violence and instability in the polity, effective electoral administration based on clearly defined electoral framework(s) is a prerequisite. In other words, a good legal framework is a necessary precondition for credible elections. This explanation suggests that election administration is not an exercise restricted to Election Day events but rather a process that span the pre- and post-election.

To concretize the above claims, Ekundayo (2015), in his study on "A Critical Evaluation of Electoral Management Bodies in Nigeria and the Perennial Problem of Electoral Management since Independence In 1960". It elucidates on the general composition and functions of electoral management bodies in ideal democratic political systems and compare and contrast these with the various electoral commissions set up in Nigeria since independence. The study captures and archives the activities of the electoral commissions from 1960 to date and observes that these electoral commissions, more than any other institutions, are responsible for the recurrent problem of electoral management and the epileptic growth of democracy in Nigeria. The study contends that the present symphony and tricks of the Independent National Electoral Commission (INEC) is not capable enough and observes that the electoral management body as presently constituted is still grappling with problems of electoral management. It therefore remains to be seen that there is the very urgency for immediate consideration of some policy issues by INEC and other stakeholders for the conduct of future elections in Nigeria, as we enter another phase in the fourth republic.

Collaboratively, Omotola (2010), in a related study on Elections and democratic transition in Nigeria under the Fourth Republic analysed the impact of elections and particularly their administration on Nigeria's democratization process. He argued that elections under the Fourth Republic has been characterized by ineffective administration at all stages and levels (before, during and after), resulting in disastrously discredited outcomes. This is due largely to the weak institutionalization of the primary agencies of electoral administration, particularly the Independent National Electoral Commission (INEC) and the political parties. Furthermore, INEC lacks both institutional and administrative autonomy, as manifested by its composition and funding by the presidency, as well as its gross lack of professionalism and security of tenure for its officials. On his part, Ajayi (2017), conducted a research on **Election Administration in Nigeria and the Challenges of the 2007 Elections. He averred that** elections have stirred fanatical curiosity because of its importance in determining the future of democracy in Nigeria. Skepticisms and apprehensions about the viability of a thriving alteration are engendered by the established difficulties confronting the transition process in terms of growing political violence and failing electronic voters' registration exercise. This is believed to be a synthetically and legitimately created obstacle premeditated to ensure that the 2007 elections fail and consequently ensuring the actualization of a planned hidden third term agenda for the Obasanjo presidency.

In his own view, Adibe (2017), in a study on INEC and the Challenges of Free and Fair Elections in Nigeria interrogated the philosophy of 'Free and Fair' elections in Nigeria and also what it means for INEC to be independent in a brittle state like Nigeria. He argued that the character of the Nigerian state and the centrality of political power make

elections inherently controversial while inefficiencies on the part of INEC only aggravate or make available the zest for such contentions.

In a collaborative view, Adebisi (2017), in a study on 'Kudos or Knocks': Assessing the Performance of INEC in the 2015 General Elections in Nigeria; examined the feat of the Independent National Electoral Commission (INEC) in the 2015 general elections. The assessment was based on some vital issues of the electioneering process, these include: the distribution of permanent voters card and continuous voters registration, recruitment and training of ad hoc staff, distribution of sensitive and non-sensitive materials, the use of electronic card reader and Diaspora voting. It is therefore apt to say that the overall performance of INEC was commendable to certain degree. This is a matter of truism because it has never been heard of that an incumbent who poses the desired political and economic powers conceded defeat to an opposition. The accolades and success notwithstanding, areas are where it was discovered that there are still a lot to be done to improve on future elections. The 2019 general elections is now around the corner, if everything were to be analyzed based on personal intuition, one can simply suggest and hope that it will be a quantum leap from the preceding elections owing to the legacy set by former president Goodluck Jonathan. But it is still very early to conclude as we hope for the best while at the same time getting more prepared for the worst.

Accordingly, Odoziobodo (2015), in a work titled "INEC and the conduct of elections in Nigeria: an appraisal of the 2015 General Elections" argues that Elections have remain very vital to the principle and practice of democracy anywhere in the world and that the management of elections by any election management body is momentous to the electoral process and by implication, the consolidation of democracy in any country. The study argued that in the conduct of the 2015 general elections in Nigeria, INEC did not achieve the three imperatives of electoral governance, namely, administrative efficiency, political neutrality and public accountability and therefore, the election was not free and fair.

Odoziobodo further contends that, the actions or inactions of INEC as it concerns election administration of the 2015 general election were therefore of strategic importance to the results of the elections and their credibility, acceptance or rejection; since the Commission's omissions or commissions could make or mar the credibility of elections and the electoral process in general. Little wonder why the goal of any election management institution is to ensure the grasp of the will of the people in terms of making their votes count; in ensuring that the outcome of election results reflects the desires and aspirations of the electorate. Unfortunately, this has not been the case of Nigeria. To further buttress this, Ibrahim and Garuba (2010:1), quoted Ken Nnamani, Nigeria's former Senate President as commenting; "the problem we have had in Nigeria is that every succeeding election is worse than the previous one. That does not show

growth, it does not show that our democracy is being deepened, talk less of thriving". This fact as buttressed by Nnamani has remained a fundamental problem with Nigeria in the conduct of its general elections. Ordinarily one would hope that a succeeding election would show a sign of improvement of the preceding ones, but this has been a disappointment for many election observers as succeeding elections usually seems to be worse than its preceding and which does not give any near hope as it concerns democratic consolidation.

In a corroborative view, Luqman (2009:59), as cited in Odoziobodo (2015), argues that the history of elections in Nigeria's efforts at democratization has been adplaid one. Since independence, electoral conduct in the nation's democratization efforts has been an exercise in futility. This is due to the fact, that conduct of elections in the nation's political history has been marred by fraudulent practices, corruption and violence which have continued to mar the very necessity of credibility. It is therefore, little surprise that past efforts at democratization have collapsed on the altar of perverted elections and electoral process. So bad was the situation, that election period has come to be associated with violence and politically motivated crises. That politics has turned to money making venture has re-enforced the notion of election as a contest that is meant to be won at whatever cost possible. This has turned electoral conducts in Nigeria to a war-like process.

Be that as it may, Luqman (2005:59), further remarks that, while a great deal of the problems confronting elections and electoral process in the nation's democratic history can be linked to behavioural and attitudinal dispositions of the political elite, a substantial portion of the blame must be placed on the door step of institutions that have been saddled with the responsibility of conducting elections in Nigeria. Experiences have shown that rather than being independent of the executive arm of government and maintaining a non-partisan stand, past electoral commissions in Nigeria's political history were indeed tied to the apron strings of the incumbent executive. Rather than being independent of the executive arm of government, transparent in its dealing, impartial in the discharge of its functions, accountable and responsive to the stakeholders involved in the process, electoral commissions in Nigeria have exhibited the opposite of all these virtues. To disagree with the point above is what is imperative at this point. The disagreement flows from the fact that the election management body can never be free from the shackles of the executive. This is simply because its very existence is hinged on the high-mindedness of the executive and this goes without the saying that "he who pays the piper, dictates its tune. So no one will expect the leadership of INEC to be perceived as infidels with the powers that be (the executive). A cursory look at all the election management bodies Nigeria has had from 1959 to date reveals a disturbing degree of prejudice and coarse ineptitude in the discharge of those sacrosanct duties they were established to perform for Nigeria. More so, in the

opinion of Luqman (2009:60), their incapacity to efficiently administer the demeanor and administration of elections and electoral process has had lethal effects on the nation's efforts at instituting credible and virile democratic system.

According to Oronsaye (2008:80), it is instructive to mention that the civilian government -organized elections 1999, 2003, 2007, 2011 and 2015 elections suffered credibility problems resulting from the perception of the electorate that the elections were not free and fair and therefore, not credible. They accused the different electoral commission of being partisan and pandering to the whims and intrigues of the government in power. In particular, several election-monitoring groups, both domestic and international, had adjudged the 2007 elections as the worst election ever conducted in the history of Nigeria since independence. This observation was occasioned by the poor preparation and execution of the election by INEC leading to disputed results in virtually all elections held in Nigerian history (Odoziobodo, 2015). Omotola (2010), submitted that election administration entails legal-constitutional interaction, involving a combination of institutional rules and organizational procedures that ascertain the basic rules for electoral processes, political competitions, organization of political campaigns, registration of eligible voters, voting on election day, resolving election-related disputes and certification of election results. Therefore, electoral commissions are not only important component of the institutional set that jointly ascertains the efficacy of the electoral processes but they also determines the level of democratic maturity (Agbaje & Adejumbi, 2006). The implication of the above is that INEC is supposed to ensure credibility of elections in Nigeria. But practically, this is far from reality due to the fact that primitive wealth accumulation have engulfed the mental strengths of most electoral officers to the point of impunity. The level of corruptocratic tendencies often witnessed through the exchange of money bags during elections between the candidates and the election management body has become worrisome as well as demeaning. INEC has been severely challenged the role of the bourgeoisie class in the society who wants to get hold of power by all means hence relegating the idea of worth to the background.

Hartlyn, McCoy and Mustillo (2008), added weight to the point above while conducting a comparative study of Latin America to investigate the level of significance of election administration on democratization process. He was able to identify the very imperativeness of significant professional roles played out by an independent electoral commission on transparent electoral outcomes. Their study revealed that the electoral procedures are likely to be respected when there exists considerable level of independence and professionalism within the election commissions. This has always been a non contestable argument, as there has always been the very need for a high rate of professionalism on the part of the election management body (INEC) towards the enthronement of credibility in election. More so, the idea of

independence is very vital if INEC will be able to discharge its duties without fear or favour.

Collaboratively, Mozaffar and Schedler (2002), averred that credible elections are practically unattainable without effectual and proficient electoral institutions. To this end, Ibrahim (2007), agreed that electoral commissions are vital to overall election quality discernment and define the level to which political participants see the entire electoral process as genuine, compelling and requisite. This point was further bolstered by the views of the International institute for Democracy and Electoral Assistance (IDEA) (2006), which contends that major political actors as well meaning and concerned electorates/citizens are likely to accept the electoral processes and outcome, when elections are effectively administered. It concluded that such is possible if the electoral commission has autonomy basically in terms of its structure, funding, composition and capability.

On his part, Diamond (2002), stated that the unbiased treatment of opposition candidates and political parties by the courts and electoral umpires are indispensable components of electoral and democratic fairness, especially in transitional settings undergoing democratization such as Nigeria. Bratton (2008) and Fall (2011), also accentuate significant roles of conventional courts, election tribunals, political parties and independent electoral commissions as essential institutions in electoral revival. Conclusively, one can firmly assert at this juncture that the constitutionally assigned roles of INEC are more often than not affected by three major indicators. These indicators includes: its composition, tenure and funding. Firstly, the composition of INEC is the perquisite of the President. INEC is composed of a Chairman, twelve national commissioners and 37 resident electoral commissioners, appointed each for the 36 states of the Federation and the Federal Capital Territory. This modus operandi makes INEC susceptible to manoeuvring by the executive arm of government. The legislative powers of screening the nominees for INEC jobs in most cases, is rendered feeble if the President's political party has a majority in the legislature, that is, the senate. Here, the insular party sentiments will supplant national interest. Secondly, the tenure of the INEC officials is not usually guaranteed. The INEC officials can be removed by the President anytime on insubstantial reasons. The last aspect of the indicator relates to the funding of the INEC. An independent entity, INEC needs to operate a consolidated account, where a specific proportion of federal revenue is allocated to it and under the direct control of INEC (Omotola, 2010). By this, INEC can enjoy independent funding, thus, limiting the financial control by the executive. This is yet to be seen in Nigeria, as INEC does not have independent budget, but depends wholly on the executive for funding. This, however, inhibits INEC in making adequate, timely planning and preparations for successful elections in



Nigeria which at the same time frustrates the very need for credible election. Until these three indicators are very much addressed, the challenges of conducting free, fair and credible elections in Nigeria will continually be a mirage.

#### **E. CONCLUSION AND RECOMMENDATIONS**

The need to enthrone transparency in the electoral processes in Nigeria has always been an onerous task coupled with the perceived non independence of INEC. The path to election credibility in Nigeria is a thorny one which is often threaded by only the dreaded ones. The fact that INEC is a direct by-product of the executive has rendered the 'independence' attached to it meaningless. This study has been able to uncover that Nigeria manifested a penchant whereby the incumbents stage-manage the electoral process through ratification of extant electoral laws, appointment of election management body, conduct of party primaries, appointment of election tribunals as well as the conduct of elections. The fact remains that for elections in Nigeria to be ascertained as credible, the very urgency to grant total independence to INEC is apt and such independence should begin with the appointment of INEC leadership by a separate body which will have a stipulated tenure of office.

From the foregoing, the study recommends that;

- ❖ The Independent National Electoral Commission should be re-organised structurally and institutionally to reposition it to be able to conduct free, fair and credible elections in Nigeria. More fundamentally, the reports of the previous committees that border on restructuring the Independent National Electoral Commission should be implemented without further delay.
- ❖ Elections can only engender the consolidation of democracy in Nigeria if the electoral processes are reformed in ways that fundamentally address the autonomy and capability of INEC and related electoral agencies, particularly political parties, to discharge their responsibilities effectively.
- ❖ The present political leadership should muster courage to empower the Independent National Electoral Commission so as to extricate the Commission from the stronghold of the executive arm of government. The condition of service of the staff of the Commission should be enhanced and made permanent so as to foster job security as well as the commitment of the staff to electoral administration.

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