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Theme: Towards Free and Fair Elections in Africa: The Nigerian Experienceⁱ

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Introduction

Nigeria is a large country, which has faced enormous challenges in the management of its diversity. One of the major challenges has been in the conduct of elections, where the quarrel-some disposition of the elite (nurtured under colonial rule and the post-colonial struggles over access to state resources), manifests in a “do-or-die” contest, resulting in conflicts and violence. For at least decade, from 1999, under transition to democracy, poorly conducted elections and accompanying bad governance, have created wide spread skepticism about the utility of periodic elections under liberal democracy, as a panacea for management of diversity, stability and socioeconomic development.

However, sustained electoral reforms from 2010 seem to have impacted positively on the polity, especially with the acclaimed success of the 2015 general elections. Despite the highly polarized political environment and the complex electoral terrain, the 2015 general elections resulted in the country’s first peaceful democratic transfer of power. An incumbent party that has held power for 16 years lost the election to an opposition party and the incumbent president conceded defeat.

The lessons from these are significant not just for Nigeria, but for Africa as well. As UN Secretary-General Mr. Ban Ki-Moon recently noted, “when you change Nigeria you also change Africa” (August 24, 2015).

This presentation attempts to bring out lessons from the Nigerian experience of 2015 general elections, as a contribution to the discussion on the viability of credible elections and their relationship to democratic consolidation in Africa; and in deed, towards free and fair elections in Africa.

Nigeria’s 2015 general elections took place on March 28th (for Presidential and National Assembly elections) and April 11th (for Governorship and State Assembly elections). The elections were initially

scheduled for February 14th and 28th for the national and state levels respectively, but were rescheduled because of concerns by security agencies regarding the counterinsurgency operations in some North Eastern States at the time, which they believed would affect their capacity to provide adequate security for the elections. After wide consultations, the Commission acceded to the request of the security agencies and rescheduled the polls by six weeks.

The elections became something of an enigma because of the enormous hopes and anxieties that were at one and the same time expressed by stakeholders. Thus, in the run-up to the elections many predictions foretold a hopeful turning point for the country while many others foresaw an apocalyptic end. I think that the 2015 elections captured the imagination of many observers because of the well-known difficult history of elections in Nigeria. In the past, Nigerian elections were characterized by violence, fraud, fierce ethno-religious squabbles and prolonged disputation of results, all of which combined to place the country on a cliffhanger before, during and after elections. That history began to change with the 2011 general elections, which were widely acclaimed as credible, both by domestic and international stakeholders.

In some ways, the 2015 general elections became hostage to the success of 2011. First, many observers doubted that the success of 2011 could be replicated. Secondly, because of the credibility of 2011 elections the political opposition felt more confident that there would be a level playing field in 2015 and so up-scaled its preparations. Third, there was a sense that 2011 taught many politicians a “bitter lesson” and a widespread backlash against the conduct of free, fair and credible elections by politicians, who supposedly, were caught unawares in 2011, was anticipated in 2015. I am very glad that most of these prognoses did not come true.

Still, the Independent National Electoral Commission (INEC), which I have had the privilege of leading for five years (June 2010 to June 2015), was well aware that the 2015 elections would be a major litmus test for Nigeria’s democracy, and that the outcome would be significant both for Nigeria and Africa. This is in the sense that, it could easily place Nigeria on the path to full democratic consolidation and be a good example for other African countries to learn from or, in equal measure, could reverse all the gains of 2011, with potential negative consequences not just for Nigeria but also for Africa as a whole. Apart from this critical implication of the 2015 elections, they were also unique in one other sense. The elections would be the first time in Nigerian history that one Commission conducted two consecutive elections. While this may not immediately come across as significant, it is very much so in the Nigerian situation. In the past, because of the difficulties we have had with elections, each Commission was

practically disbanded after every election. In fact, Commissions were blamed for everything that went wrong with elections and in the aftermath of each election, debates on electoral reforms inevitably centered on the Commission. The outcome was often the disbandment or non-renewal of the appointment of the Commission and the empanelment of a totally new one. Hence, no Commission had the opportunity to learn from its experiences in one election and to apply them to the next. Institutional memory was widely regarded as tainted from one Commission to another and each Commission practically had to start from scratch in order to assuage public anger about the preceding elections.

The 2015 elections therefore provided the first chance for an Electoral Commission in Nigeria to conduct one election and use the experience of its successes and shortcomings in preparing for the next. In this presentation, I first review what we did in preparation for the 2015 elections, especially focusing on what went right and also the challenges we encountered. Then, I suggest some lessons for the rest of Africa arising from our experiences.

Preparations

INEC recognized the primacy of adequate preparation in the lead-up to the 2015 elections and focused attention on that. The Commission had only 9 months to prepare for the 2011 elections, hence we hit the ground running and had to be profoundly pragmatic in addressing persistent challenges. With 4 years to prepare for the 2015 elections, we did reviews, assessments, weighed a range of options before making policy and programme choices, and even did pilots before putting innovative measures to use.

Preparations for the 2015 elections had four aspects namely, learning, innovating, partnering and steadfastness. This is what I call the LIPS principle. In terms of learning, we spent a lot of time trying to learn from our 2011 experiences. That learning process has three main dimensions; first we reviewed our experiences of the 2011 general elections; second, we then used our findings to reform both the organization and the infrastructure for conducting elections; and third the review and reforms informed our specific planning for the 2015 elections.

Immediately after the 2011 elections, starting from June 2011, the Commission began a comprehensive review of the conduct of the 2011 general elections. This review was in three parts:

- a) Internal retreats with different groups of INEC staff – electoral officials, administrative secretaries and Resident Electoral Commissioners.
- b) Debriefing retreats and meetings with major stakeholders and partners particularly political parties, the media, civil society organizations, security agencies under the Interagency Consultative Committee on Election Security (ICCES) and development partners.

- c) The Registration and Election Review Committee (RERC), which is a panel of independent experts, who are not directly connected to the Commission, consisting of academics, civil society leaders and media practitioners. The Commission asked them to conduct an independent review of the conduct of registration of voters and the elections proper.

Some of the major recommendations of these reviews include:

- Strengthening of the system of recruiting ad hoc staff.
- Streamlining the involvement of permanent INEC staff in election management.
- Addressing the challenge of funding.
- Improving the training of staff.
- Restructuring the Commission and optimizing the use of the skills and capacities of staff.
- Improving inter-departmental collaboration.
- Creation of a strategy and policy department or unit.
- Improving communication with the public.

Perhaps two of the most important recommendations of the independent review of the RERC that impacted on the work of the Commission were first, the need to restructure the Commission to strengthen professionalism of staff and, second, the institutionalization of a planning culture well ahead of elections. On restructuring, the Commission engaged the management consultancy firm PricewaterhouseCoopers (PwC) to conduct an evaluation and advise the Commission. The PwC report informed the far reaching restructuring and reorganization of the Commission between 2012 and 2013.

On planning, the Commission produced a four-year Strategic Plan and a Strategic Programme of Action to inform its work from 2012 through 2016. In addition, the Commission produced an Election Project Plan (EPP) for the 2015 general elections, guided by the targets set out in the Strategic Plan. The EPP was completed in November 2013 and approved for implementation by the Commission in January 2014, to culminate in the 2015 general elections. This would be the first time that the Commission would have a single, comprehensive election plan.

An important feature of our preparations for the 2015 general elections is readiness to innovate whenever necessary. Several new ideas, changes and innovations were introduced to ensure that the elections are credible, efficiently managed and secure. In short, through these changes and innovations we sought to consolidate the gains of 2011 in three areas namely, structure, policy and planning. On structure, the Commission took a long and hard look at INEC as an institution, as well as its human resources. On policy, focus was on developing new policies to guide the work of INEC and to create the best normative framework for long-term election management in Nigeria. Finally, planning focused on both strategic planning and election planning.

Highlights of Innovations and Changes

The highlights of innovations and changes introduced by the Commission for the 2015 general elections, based on the experiences of 2011, include the following:

- Comprehensive restructuring of the Commission drawing from the recommendations of PricewaterhouseCoopers.
- Development of a communication policy and strategy, which is designed to improve both internal and external communication of the Commission.
- Development of a new Gender Policy, which is designed to make the Commission's work more gender sensitive, in line with global best practice.
- Review of exiting legal framework of elections (Constitution and Electoral Act) and recommendation of improvements to the National Assembly for enactment. Unfortunately, amendments to the legal framework were not enacted into law before the elections.
- Receipt of the report of the Committee on Review of Election Cases (COREC), which reviewed the role of the Commission in election-related litigations, containing far-reaching recommendations on improvements towards 2015.
- Completion and implementation of a strategic plan, 2012 – 2016 and a detailed strategic programme of action.
- Completion and implementation of a detailed election project plan the implementation of which will lead to the 2015 elections.
- Revision of existing Guidelines and Regulations on the elections and introduction of new ones. For instance, two new Guidelines on party nomination and campaigning were introduced to, among other things, enhance internal party democracy and ensure peaceful campaigns. We also went far in our discussion with legal experts across the country on how to enact and gazette these Guidelines and Regulations to give them more muscle as Subsidiary legislations.
- Finalization of the removal of multiple registrations from the Register of Voters, which pruned down the number of registered voters from about 73 million to 69 million.
- Printing and issuance of Permanent Voters Cards (PVCs) to replace the old temporary voters cards (TVCs).
- Mapping and reengineering the Commission's Business Process and establishment of an Election Management System (EMS) to improve how the Commission does its work.
- Reorganization of the Electoral Institute, including the appointment of a new Director-General and Board.
- Establishment of a Graphic Design Centre, which for the first time gives the Commission the capacity to produce several election materials internally.
- Completed preliminary work on the review of electoral constituencies and polling units. Although these were not completed due to limited time and intense politics that dogged them, the enormous initial work done would give the next Commission a head start in ensuring that Nigeria's obsolete constituencies are reviewed.
- Conducted extensive training and retraining of staff, which is ongoing, especially several BRIDGE training workshops.
- Introduction of a system of electronic accreditation of voters using Card Readers.

- Development of the Basic Security in Election Duties (BaSED) training module to ensure improved security of staff and materials during elections.
- Improved tracking of our field activities using the Election Management System (EMS), Election Operations Support Centre (EOSC), and Election Risk Management (ERM) Tool.
- Establishment of the INEC Citizens Contact Centre (ICCC) as a one-stop shop for information dissemination and engagement between INEC and citizens.
- Development of Online Training Modules and Videos for training *Ad hoc* election officials

In addition, the Commission responded quickly to the situation of internally displaced persons in the North Eastern parts of the country regarding the exercise of their voting rights. For the first time in the history of elections in Nigeria, a framework for IDP voting was developed and applied successfully in an election.

Noteworthy Issues

The Commission commenced a process of reviewing its conduct of the 2015 elections in May. I am also sure that many independent assessments would follow. However, I think that there are a number of things that gave us confidence that our management of the 2015 elections is a marked improvement on 2011 and therefore that the outcome would be much more credible than previous elections in Nigeria. I will only outline them:

- a) Vastly improved organizational and administrative framework for the elections, deriving from our restructuring. The administration of the Commission became leaner, more focused, functionally clear and efficient. Thus, from an organization of almost 30 principal units we came down to 19 Departments and Directorates. Job descriptions roles became clearer with better overall coordination.
- b) Improved institutional framework as a result of the strategic plan, several new policies, guidelines and regulations. The communication policy streamlined information flow within the Commission and between the Commission and the public, while the gender policy set new standards for gender relations and participation of women in the activities of the Commission.
- c) Several innovations, especially the use of technology, in the election process and its management also helped to improve the overall quality of the elections. The introduction of the PVC and card readers and the capability to upload records captured by the card readers to secure cloud servers shored up the integrity of the process. In addition, the introduction of several tools for managing the process such as the EMS, ERM, ICCC and EOSC improved overall performance. One can infer that the sensible introduction of technology, especially the PVC and card readers, backed by strong administrative measures and the steadfastness of the Commission in the face of several disparaging actions of politicians, served to increase public confidence in the Commission and the process. The support of the Nigerian public and development partners at critical points in the process helped to protect the process from persons whose intentions may have been to truncate the process.
- d) Another positive thing about the 2015 elections was the generally high level of confidence of many stakeholders in the Commission's management of the process. In spite of shortcomings, for instance challenges in the production and distribution of PVCs, a greater part of the public believed that the Commission was committed to delivering a free, fair and credible process.
- e) The government's apparent commitment to successful elections, particularly by funding the elections was also an important factor in the success of the elections. Although there were initial

challenges with funding, the government and the Commission were able in the end to agree on ways of adequately funding the elections.

- f) Last but not the least, among the things that went right is that several partnerships we established in the process worked very well. Among other things, we strengthened our partnership with political parties by making our joint meetings more regular, including sustained engagement through the Interparty Advisory Committee (IPAC). Many of the guidelines and regulations that the Commission issued were, first discussed with political parties and they made very useful inputs. We also had excellent relations with civil society organizations, especially through the Civil Society Election Situation Room. We also sustained the longstanding partnership with security agencies under the aegis of the Interagency Consultative Committee on Election Security (ICCES). Finally, our partnership with development partners, particularly through the Joint Donor Basket Fund managed by the UNDP, and the USAID-supported IFES, was extremely useful. We received timely technical, financial and moral support at critical junctures in the process.

Challenges of managing the 2015 elections

Notwithstanding the successes of the elections, there were a good number of challenges. These challenges show the difficulties of conducting elections in a complex developing country like Nigeria.

- a) There were challenges of timely procurement of materials for the elections. The most notable was the production and distribution of permanent voter's cards. An aspect of the problem had to do with local production capacity, but there was also the challenge of infrastructure, particularly electricity.
- b) The logistics of deploying for elections in Nigeria continues to be challenging. This is mainly due to the vastness and complexity of the terrain in the context of poor physical infrastructure.
- c) There was also the challenge of political violence or threat of it. Related to this was the rising insecurity in the North Eastern geo-political zone of the country as a result of the lingering Boko Haram insurgency.
- d) The attitude of the average Nigerian politician remains a major challenge. Their use of intemperate language and do-or-die approach to elections remains a major source of concern because of the high probability that such behavior could lead to violence or encourage their supporters to commit electoral offences.
- e) There was also the challenge arising from the uncertainties about the electoral legal framework. The suggested amendments to law made by the Commission to the legislative arm of government lingered and were finally not effected before the elections.

Lessons for Africa

There is no doubt that Africa is making tremendous progress with elections. Clearly, the number of Africans living in countries that routinely conduct elections has grown tremendously since the 1990s. We are glad that Nigeria is now being counted among such countries. As John Kerry recently observed, "A free, fair and peaceful presidential election does not guarantee a successful democracy, but it is one of the most important measuring sticks for progress in any developing nation" (October 2015). When the voters begin to perceive that their votes have counted in a free, fair and credible elections, as seems to be the case in the Nigerian 2015 general elections, then perhaps the preconditions are being set for good, democratic governance, in which elected executives and legislators would begin to act responsibly, as well as be responsive to the needs and aspirations of the voters.

The 2015 Nigerian general elections may have set a new standard for democracy across the African continent. All countries with elections slated for next year (such as Ghana), and perhaps even beyond, are now challenged to make theirs at least as free, fair and peaceful as Nigeria's. Specifically for Ghana and Ghanaians, we now pose you a big challenge: make your next elections better than ours! Learn from our mistakes and don't repeat them. See if you can adapt some of our innovative reform measures and do them better. I must admit that we have learned a lot and copied and adapted good things from the Ghana Electoral Commission. We can and should learn from one another as we consolidate and deepen our democracy.

In any case, indeed, there are many useful lessons that others can learn from the Nigerian experience.

These can be summarized them as follows:

- Resilience in formulating and implementing electoral reforms. It is significant to keep on and keep up until it is gotten right. Mistakes should be admitted, with a striving to avoid making more. There is need to remain focused on what works no matter the intensity of opposition against it.
- Strategic Planning as well as election day planning is crucial to success
- Routinization of elections enables the EMB to learn from experience with each election and to improve from one election to another.
- Experience sharing with other EMBs is also very critical as part of the learning process.
- The confidence of stakeholders is of immense importance. The deficit of trust in African political institutions affects EMBs greatly. The careful reconstruction of this trust should be a major focus of African EMB. Critical to building trust and confidence are impartiality, non-partisanship and the creation of a level playing field for all contestants
- Early and adequate funding, and its timely release, is also very important to successful elections. This is sometimes linked to the willingness of the Executive arm of government to desist from impairing the independence of the EMBs. A legal regime that allows for institutional as well as financial autonomy of an EMB is necessary.
- A gradual introduction of appropriate technology, backed by strong administrative and audit systems increases the level of credibility of elections. Technology has to be adapted to local conditions and circumstances. We must be mindful of the challenges but must focus on finding creative/innovative ways to address them. It is significant to ensure that technology associated challenges do not overwhelm or incapacitate an EMB.
- Deployment of an Election Risk Management Tool (ERM-Tool) is highly recommended for EMBs, especially in countries with recurring electoral conflicts and violence.

Conclusion

In spite of many challenges, Nigeria's 2015 elections were successful and showed remarkable improvements in levels of credibility over the 2011 elections. Yet, it wasn't all rosy; it certainly wasn't perfect. There is still much to do going forward. There is tremendous scope for improvement through a sustained process of electoral reforms. For one thing, good elections are not enough for the democratic sustenance and socio-economic transformation that countries like Nigeria urgently need. As such, good

elections are only the starting point, not the end. Good elections must translate into good, democratic governance, for them to be truly transformative in addressing the key challenges faced by a country such as Nigeria. For another thing, in spite of the successes of 2015, we still need to improve certain aspects of managing our elections. I have already alluded to them as the challenges that faced us during the elections. What is needed is to continue to build on the modest gains we have already made.

All these notwithstanding, there are lessons from Nigeria's 2015 elections for African countries in transition to democracy to learn from. Lessons about the primacy of continuous efforts at reforms; about adequate planning and preparations; about requisite funding; professionalism and institutional autonomy, as well as impartiality and non-partisanship of the EMB. And, significantly, about partnership and collaboration amongst all stakeholders to ensure free, fair and credible elections.

As all eyes were on Nigeria in 2015, so all eyes would be on Ghana in 2016 as you prepare subsequently conduct your elections. In soccer, Nigeria competes vociferously with Ghana and you often beat us; and we wish we could always beat you. But this is one area where we wish you, and every country in Africa, will continue to do better; even better than us; so we can also continue to be inspired to do better next time. It is in the overall interest of all Africans that we deepen and consolidate our democracy; institutionalize good democratic governance; and routinize free fair and credible elections, which are at the heart of the matter in democratization.

Thank you.

References

Ki-Moon, Ban, Speech at the Presidential Villa, on his second visit to Nigeria in 2015, August 24.

Kerry, John, "Africa: Decisive Moment for Democracy", in *The Guardian Newspaper*, October 11, 2015.

Jega, A. M. *Election Management in Nigeria: The Evolution of the Nigerian Electoral Process 201-2015*, Ibadan: Safari Books Ltd., 2015

INEC, *2015 General Elections Report*, Abuja: INEC, 2015.

ⁱ This is a slightly revised version of a presentation at a Public Lecture at the London School of Economics and Political Science (LSE), delivered on November 10, 2015.