



COMPARATIVE ANALYSIS OF THE QUALITY OF
THE 2007 AND 2011 GENERAL ELECTIONS IN
NIGERIA: AN EVALUATION OF INDEPENDENT
NATIONAL ELECTORAL COMMISSION

BY

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ABSTRACT

This study of the 2007 and 2011 elections examines the legal and institutional status of the INEC, and the role it played in the management of the two elections. It aims, in particular, to analyse the difference in the INEC's management of the two elections, the volume of structure of personnel and machinery it has established to ensure good management of the elections, the volume of autonomy it wielded during the elections and the quality of their eventual outcome. This study argues that election quality is dependent on the level of autonomy and capacity of the Election Commission. The study determines the variations in the quality of the 2007 and 2011 elections, the degree of capacity of autonomy possessed by the INEC and its effect on the management of the two elections. Semi-structured interviews were conducted to obtain the perspectives of INEC officials and political party executives on the level of autonomy and capacity possessed by the INEC. Various legal instruments were analysed to explain the INEC's power under the law and the control it can exercise over the electoral process. Also, the reports of local and foreign election observers were discussed to understand the volume of autonomy and capacity exercised by INEC during the two elections. An expert panel of university lecturers was selected and they were administered questionnaires to assess the quality of INEC's implementation of each stage of the 2007 and 2011 electoral process. The study found important variations in the conduct and outcome of the two elections. The legal framework of the 2011 elections confers more institutional, operational and financial autonomy on INEC and this invariably, better enhanced the capacity of the INEC during the 2011 elections. Also, it is discovered that the recommendations of the 2010 electoral reform that were injected into the legal framework of the 2011 elections set the stage for major departure from the provisions of the 2007 elections. The legal framework of the 2011 elections conferred more financial and administrative autonomy on the INEC and invariably, greater financial autonomy implies a more enhanced capacity in the management of elections. The findings are in agreement with the hypothesized relationship that an institutionally independent election management body is positively related to quality elections and that greater capacity of the electoral management body enhances the quality of elections. The results provide strong evidence that the INEC that managed the 2011 elections was more autonomous and capable than the one that managed the 2007 elections. The results further demonstrated that the quality of the 2011 elections that was managed by the more autonomous and more capable INEC was better than that of the 2007 election.

خلاصة البحث

إن هذه أطروحة تدرس العملية الانتخابية في الجمهورية الفدرالية النيجيرية لعامي ٢٠٠٧ و ٢٠١١ ، وذلك، من خلال الإطار القانوني والمؤسسي للجنة الانتخابية الوطنية المستقلة في البلد (INEC)، ودورها في إدارة الانتخابات المذكورة. ويهدف البحث إلى تحليل التغيرات والفرق بين إدارتي اللجنة الانتخابية الوطنية المستقلة في عمليتين، وكذلك توضح حجم هيكل الموظفين فيها والآلات التي استخدمتها لضمان نجاح تلك الانتخابات، ومدى استقلالها عن الحكومة و الأحزاب السياسية أثناء الانتخابات و نتائج نشأتها في نهاية المطاف. فتحاول الدراسة إثبات إستقلال اللجنة أثناء العملية الانتخابية وأن جودتها تعتمد على مدى استقلال اللجنة وقدرتها على إدارة الانتخابات. و يحدد البحث كذلك التغيرات في جودة انتخابات عامي ٢٠٠٧ و ٢٠١١، ومدى استقلالية اللجنة الانتخابية الوطنية المستقلة وتأثيرها على إدارة العملية. ولقد اعتمد البحث على أسلوب جمع بين الطريقة الكمية والنوعية معا. وأجريت مقابلات شبه منظمة للحصول على معلومات و وجهات نظر المسؤولين في اللجنة الانتخابية الوطنية المستقلة ومن بعض أعضاء اللجنة التنفيذية من الأحزاب السياسية. وتشمل البحث دراسة الإطار القانونية المختلفة لتوضيح سلطة اللجنة الانتخابية وسيطرتها على العملية الانتخابية. كما تم مناقشة تقارير مراقبي الانتخابات المحليين والأجانب للتثبت من استقلال اللجنة الانتخابية، وإضافة إلى ذلك، تم اختيار عدد من الخبراء كأساتذة الجامعات لتقييم جودة عملية اللجنة الانتخابية الوطنية المستقلة من خلال استبيانات عن العملية الانتخابية لعامي ٢٠٠٧ و ٢٠١١. اكتشفت الدراسة التغيرات الهام بين نتائج الانتخابيتين. ومن ذلك أن الإطار القانوني للانتخابات عام ٢٠١١ يمنح الاستقلال المؤسسي والتشغيلي والمالي أكثر للجنة الانتخابية الوطنية المستقلة من سابقه، ولقد عزز هذا الفرق قدرات اللجنة الانتخابية الوطنية المستقلة في انتخابات عام ٢٠١١. ومن ذلك، أن توصيات النظام الانتخابي ٢٠١٠ التي تم استخدامها في الانتخابات عام ٢٠١١ مهدت الطريق لتحول رئيسي من أحكام انتخابات عام ٢٠٠٧. وحلاصة القول، أن الإطار القانوني للانتخابات ٢٠١١ تمنح المزيد من الاستقلال المالي والإداري للجنة الانتخابية الوطنية المستقلة أكثر من سابقه، ويعني ذلك زيادة قدرة على إدارة الانتخابات. ويلاحظ بأن نتائج البحث تتفق مع افتراضيته، وذلك "أن استقلال هيئة إدارة الانتخابات ستزيد بشكل إيجابي في جودة الانتخابات وأن زيادة قدرة هيئة إدارة الانتخابات من شأنها أن تعزز جودة ونوعية الانتخابات. توصل البحث أخيرا، إلى النتيجة المرجوة، بأن هناك دليلا قويا، كما تم البيان أعلاه، على أن إدارة اللجنة الانتخابية الوطنية المستقلة للانتخابات عام ٢٠١١ في الجمهورية الفدرالية النيجيرية، كانت أكثر استقلالا وقدرة من سابقتها في عام ٢٠٠٧.

APPROVAL PAGE

The thesis of Adejumo Abdulhakeem Oladele has been approved by the following:

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DECLARATION

I hereby declare that this thesis is the result of my own study, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

Adejumo Abdulhakeem Oladele

Signature.....

Date.....

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Date

The thesis is dedicated to the memory of the (Late) Dr. Muhammad Ali Olukade. May

Allah bless his soul.

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CHAPTER ONE

ELECTION QUALITY: A FRAMEWORK FOR ANALYSIS

1.1 INTRODUCTION

Nigeria is the most populous country in Africa. The 2007 Census figure put the country's population at 130 million while the World Bank estimation in 2011 reviewed the figure up to 162 million. Nigeria is made up of about 250 language groups spread across the country's 36 states and the Federal Capital Territory (FCT). Nigeria operates a presidential system of government. Its federal structures are in the form of a central government, 36 states and 744 local governments. The states are administered by executive governors while the FCT is administered directly by the federal government. Political offices of these entities are filled through periodic elections conducted by the Independent National Electoral Commission (INEC). Since independence in 1960, the country has held eight elections, four of which were followed by military dictatorships.

The INEC, according to Section 153 (1) F of the 1999 Constitution of the Federal Republic of Nigeria, is responsible for organising elections for the offices of the President, Vice President, State Governors with their deputies and Federal and State Legislators. The INEC also registers political parties and monitors their operations, including their finances, campaigns and candidates' nominations. It also compiles voters' lists and distributes subventions to political parties.

Nigeria's experience with military dictatorship spanned a cumulative period of three decades before the country was returned to democracy in 1999. The political process that returned the country to democracy was managed by the INEC and the process involved the participation of three political parties: the People's Democratic

Party (PDP), the Alliance for Democracy (AD) and the All People's Party (APP). Besides the 1999 transition elections, the INEC had also conducted three other elections in 2003, 2007 and 2011, thus continuing the process of democratic rule that started with the 1999 elections. Each of these elections was followed by numerous litigations accusing INEC of electoral fraud, partial incompetence and acting in the interest of the ruling party.

1.2 STATEMENT OF THE PROBLEM

Integrity of the electoral process in Nigeria has been a subject of intense debate. Election results, especially since the 1999 transition to civil rule, have been subjected to prolonged litigations in the courts of law. Many foreign and local observers have blamed the country's electoral process and its election management body for the low quality of the elections. For example, the Carter Center that observed the 1999 elections said, "delegates witnessed several serious irregularities countrywide. The delegation reported that abuses of the electoral process were widespread enough to question the outcome of the elections".¹

The European Union Election Observer Mission (EU-EOM) reported on the 2003 elections that "the presidential and a number of gubernatorial elections were marred by serious irregularities, in a certain number of states; minimum standards for democratic elections were not met".² During the 2007 elections, the U.S.-based National Democratic Institute stated that "in many places and in a number of ways, the electoral process failed the Nigerian people. The cumulative effect of the serious problems the delegation witnessed substantially compromised the integrity of the

¹ The Carter Center, *Observing the 1998-99 Nigerian Elections: Final Report*, National Democratic Institute for International Affairs, Washington D.C. (1999): 27.

² European Union Election Observation Mission, *Nigeria Presidential and Gubernatorial Elections 2003, Second preliminary report (April 2003)*: 1.

electoral process”.³ The Joint Action Forum (JAF) comprising about 50 civil society groups in Nigeria observed the 2007 elections and concluded that, “an appraisal of the electoral process reveals an INEC that is not only partisan in siding with the ruling PDP but is generally unprepared for the elections”.⁴

As for the elections held in April 2011, a section of the people, the press and election monitors/observers judged it as the best among the post-1999 transition elections. However, there are others who insisted that the election was characterised by many irregularities, most notably electoral violence, before, during and after the elections,⁵ with some results of the election still being contested at various levels in the election petition tribunal. Consequently, people raised doubts about the efficiency and ability of the INEC to conduct quality elections. Claims about the body’s lack of necessary capacity and autonomy became rife. It is, therefore essential to analyse the legal and institutional status of the INEC, the role that it has played in Nigeria’s election management, the structure of personnel and machinery it has established to ensure good management of elections and the quality of elections it has conducted.

1.3 JUSTIFICATION FOR THE STUDY

This study can be justified on the following grounds. First, given the role Nigeria has played and is still playing in promoting democracy in Africa, it is assumed that the country itself is an electoral democracy. This, perhaps, explains the emergence of numerous works from academics and election observers questioning the democratic status of Nigeria. Most of these works are largely impressionistic and mainly premised

³ National Democratic Institute, statement of the National Democratic Institute (NDI) International Election Observer Delegation To Nigeria's April 21 Presidential and National Assembly Elections, NDI Washington, D.C., (2007): 1.

⁴British Broadcasting Corporation Africa News, ‘What Nigeria Election Observers Say’, <<http://news.bbc.co.uk/2/hi/africa/6582979.stm>> (accessed 13August 2012)

⁵Lansana Gberie, “The 2011 Elections in Nigeria: A New Dawn”, *Situation Report*, Institute for Security Studies, Pretoria (2011): 6.

on the election observers' assessment of conduct and counting of votes during election day. This research uses a comprehensive framework that evaluates the 2007 and 2011 election management, taking into account, pre-election day activities, election day activities and post-election activities, thereby providing a broader account of the realities of managing various aspects of the electoral process in Nigeria.

Second, Nigeria carried out an electoral reform in 2010 and the recommendations of the Electoral Reform Committee (ERC) were partly implemented, resulting in changes in the electoral laws and the structures of the election management body prior to the 2011 elections. This study will be the first of its kind to compare and evaluate the management of pre-reform 2007 elections and post-reform 2011 elections.

Third, vote buying and political intimidation through violence have serious impact on the conduct of elections in Nigeria. Studies have shown that one out of five voters in Nigeria is personally exposed to vote buying while one out of ten experiences violence and intimidation.⁶ This study examines the role of the INEC in dealing with this and other election related problems.

1.4 RESEARCH QUESTIONS

The study attempts to answer the following questions:

1. What are the differences in terms of elections quality and the ways INEC managed the 2007 and 2011 elections?
2. How autonomous has INEC been in the discharge of its election management duties?

⁶ Michael Bratton, Vote Buying and Violence in Nigerian Election Campaign, *Afrobarometer Working Papers*, no. 99, June 2008:14-16

3. How capable is INEC in implementing the policies of election management?

1.5 OBJECTIVES OF THE STUDY

This study attempts to evaluate the performance of the INEC in Nigeria. The specific objectives of the study are as follows:

1. Given the variations in the context of the management of the 2007 and 2011 elections, the study assesses the elections and educates the public and policy makers about these variations. The knowledge of these variations by election stakeholders and the general public will afford them an opportunity to put in place structures and policies that will improve the electoral process and enhance the credibility of future elections in the country.
2. The study determines the capacity of the INEC and the effect of the degree of the capacity on the management of the 2007 and 2011 elections. Given the effect of the level of operational capacity of the election management body on the quality of the electoral outcome, the findings provide information to stakeholders on the need to enhance the capacity of the election management so as to improve the quality of the electoral process.
3. This study determines the level of independence of the Nigerian electoral management body (INEC) and the effect of the level of independence on its conduct of elections. This will inform policy makers about the congruence between institutional and operational independence of the election management body, and election quality. As such, policy makers

will be sensitized about the need for INEC to be free from external influence in its electoral operations.

1.6 LITERATURE REVIEW

Electoral administration in Nigeria has been studied by many scholars. They look at the nature of electoral administration that was in place during the colonial period and also examine the structures and institutional framework of post-colonial election administrations. These studies have been reviewed and grouped under two broad headings: pre-colonial election administration and post-colonial election administration.

Colonial Election Administration

Electoral democracy and election management in Nigeria are the legacies of colonial administration.⁷ The institutions and policies adopted by the colonial government directly impacted the nature and character of election management in Nigeria. Agbaje and Adejumobi (2006), Festus Iyayi (2004), Kunle Ajayi (2004), Adele Jinadu (1997), Victor Adetula (2007), Said Adejumobi (2000) and Uche Nnadozie (2007) have in various studies examined these impacts.⁸ Jinadu dwelt on the fragile character of the election management machinery that was inherited from the colonial

⁷Ajayi Kunle, "Election Administration in Nigeria and the Challenges of the 2007 Elections", *Medwell Journal*, vol. 2, no. 2 (2007): 143.

⁸ Adigun Agbaje & Said Adejumobi, "The Travails of Electoral Politics in Nigeria", *Journal of African Development*, vol. 31, no. 3 (2006): 6; Ajayi, 143. Adele Jinadu. "Matters Arising: African Elections and the Problem of Electoral Administration", *African Journal of Political Science*, vol. 1, no. 1 (1997):3. Festus Iyayi, *The Conduct Of Elections And Electoral Practices in Nigeria*, being Paper delivered at the Nigerian Bar Association Conference in Abuja on August the 24th, 2004. Victor Adetula, "The Independent National Electoral Commission and the 2003 Elections: An Evaluation" in *Perspectives on the 2003 elections in Nigeria*, edited by Olawale Albert et al., (Abuja: IDASA Publishers, 2007):25. Said Adejumobi, "Elections in Africa: A Fading Shadow of Democracy", *International Political Science Review*, vol. 21, no. 1 (2000): 64. Uche Nnadozie, *History of Elections in Nigeria in Elections and the Future of Democracy in Nigeria*, edited by Attahiru Jega and Okechukwu Ibeanu (Abuja: *Nigeria Political Science Association*, 2007), 47

government. The colonial election machinery, according to Jinadu, was based on a “narrow and restrictive franchise, designed and contrived generally, and in most cases to ensure a succession favourable to the colonial regimes”.⁹ The inherited election administration was, therefore, a tool in the hands of regimes succeeding colonial rule. With this, they continue their hold on power, and thus see no reason to evolve into a strong independent election administration that could jeopardise their hegemonic ambition.

In 1922, the British government introduced the Elective Principles for the local Councils administration in Lagos and Calabar after ditching the nomination method it had earlier been using to select council members. Many scholars had argued that this decision did not have any altruistic motive, rather it was a ploy of the British government to cool the nerves of labour unions and the Nigerian Youth Movement groupings that persistently clamoured for the Nigerian citizens’ greater participation in government.¹⁰ Tamuno notes that the British use of the local Legislative Councils was intended to thwart the local anti-British protests and restiveness so that they did not degenerate into riots and bigger chaos. According to Tamuno, “for political reasons, the government found criticisms of its policies less embarrassing in a Legislative Council with an official majority than in the British Parliament with a formal opposition party”.¹¹ But despite the introduction of the Elective Principles, Nnadozie states that the election procedure was not based on universal adult suffrage but on income earned and as such, only 10% of eligible voters could vote.¹² The “income earned” eligibility requirement, as Nnadozie claims, was essentially aimed at scaring

⁹Jinadu, *Matters Arising...*, 3.

¹⁰ Nnadozie, 47; Iyayi, 2.

¹¹ Tamuno, T.O., *Evolution of the Nigerian State: The Southern Phase, 1898-1914*, (London, Longman, 1972), 127.

¹² Uche Nnadozie, 48.

away voters, most of whom has defaulted in their tax and rate remittances to the colonial administration.¹³

Dibua (2006), Iyayi (2004) and Okonjo (1974) had argue further that the electoral process put in place by the colonial power was skewed to tilt the political scale in favour of individuals, groups and parties that serve and promote the interest of the British colonial master.¹⁴ They claimed that in the 1951 and subsequent elections, the British colonialists strove hard to influence the electoral outcome in favour of the Northern Peoples' Congress (NPC). The party was deemed as the least aggressive of all the political parties in the country then, especially in the face of threats from within the North by anti-British parties such as the Northern Elements Progressive Union and the Middle Zone League, and also from without by such parties as the Action Group and the National Council of Nigeria and Cameroon.¹⁵ The British residents decided to throw their weight in support of the then fledging Northern Peoples' Congress. As claimed by Anthony Enahoro, these efforts were deemed to have ensured that the genuine pro-democracy forces in the country did not acquire political power.¹⁶ Enahoro further asserts that Nigeria became the only country "in the entire history of the anti-colonial struggles of our time in which those who fought for independence were not those who had the privilege and the historic duty of meeting the challenges of independence".¹⁷ Enahoro tries to claim that the vibrant anti-British nationalist groupings in the country, whose voices were very loud in the clamour for independence, were tactically excluded from governance through an electoral process

¹³ Ibid.

¹⁴ Jeremiah Dibua, *Modernization and the Crisis of Development in Africa: The Nigerian Experience*, (London: Ashgate Publishers, 2006), 70; Iyayi, *The Conduct...*, 2004. Okonjo, I.M. *British Administration in Nigeria, 1900 – 1950: A Nigerian View*. (New York: NOK Publishers, 1974), 331.

¹⁵ Ibid.

¹⁶ Enahoro, A. 'Independence, Democracy and Modern Nationhood: The Dominant Factor in Nigerian Politics' *Journal of the Nigerian Political Science Association*, no. 4, October (1985): 12

¹⁷ Ibid.

designed to install the political lackeys of the British government. He further asserts that “the nationalists who were prepared to work, to fight, to risk, to dare – to die if need be – so that a new and democratic nation might be born, were displaced or succeeded by those who had remained untouched by the unifying and modernising flames of the new nationalism”¹⁸

Post-colonial Election Administration

Unlike Jinadu who emphasizes on colonial influence, Adetula highlights post-independence experience of prolonged military dictatorship. He argues that the “three decades of military rule distorted the growth and development of democratic governance institution in Nigeria”.¹⁹ He draws a connection between Nigeria’s post-independent political instability and unstable electoral management system, saying that “the relationship is mutually re-enforcing”.²⁰ He claims that the numerous dissolutions and re-creations of the electoral management bodies by the various military regimes deprived the election management body the opportunity to enjoy a consistent period of stability and consolidation. Omotola argues along the same line, pointing out that the Nigerian Election Management Body (EMB) was renamed six times between 1959 and 1999 and, on each occasion, each military regime into power re-organised the EMB to suit its political agenda and to perpetuate itself in power.²¹ Adetula considers this post-independent history of instability of the Nigerian EMB a factor that did not allow the Nigerian election management body to attain the necessary level of professionalism to fulfil its obligations.

¹⁸ Ibid.

¹⁹ Adetula, 30.

²⁰ Ibid.

²¹ Shola Omotola, “Elections and Democratic Transitions in Nigeria under Fourth Republic”, *African Affairs*, vol. 109, no. 437 (2010): 5.