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Africa Programme Meeting Summary

Improving Elections in Nigeria: Lessons from 2011 and Looking to 2015

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Attahiru Muhammadu Jega

Nigeria is a federation of 36 states with a federal capital territory and it has 774 local governments, about 8,800 registration areas, 111,119 polling units, senatorial districts, federal constituencies, and the state constituencies. I chair the Independent National Electoral Commission (INEC) that was inaugurated in June 2010. INEC is a Commission with a chairman and 12 members, 2 members appointed from each of the six geopolitical zones. There are also 37 Resident Electoral Commissioners (RECs) and each of the states and federal capital has electoral commissions. Then we have electoral officers heading each of the headquarters and of course INEC's headquarters are in Abuja and we also have offices in all the states and federal capital territory.

The general observation is that conducting elections that are free, fair, peaceful and credible in a country such as Nigeria given its size, large population, terrain, and ethno-religious diversity is a difficult assignment even under normal circumstances. But under the far from normal circumstances in which the new INEC had to conduct the 2011 voter registration and the elections - it was a challenging experience. The encouragement, support and assistance received from stakeholders in Nigeria and friends of Nigeria abroad and in particular Nigeria's development partners motivated the commission to do its best despite the difficult circumstances. We knew that it would be difficult to do a perfect job and there were many imperfections with the 2011 elections but there is a general acknowledgment of the progress that we made. Now we are preparing to conduct the 2015 elections which we believe will be substantially better than what we were able to do in 2011. At the Commission we are determined to ensure the satisfaction of the aspirations of Nigerians for free, fair, peaceful and credible elections by making improvements in 2015.

What did we do in 2011? In preparations, the first thing was to identify issues believed to have a negative impact on elections in Nigeria in the past and to try to address them. Some of those specific issues are how to prevent multiple voting, snatching of ballot boxes, and other electoral fraud. In a place like the UK it might seem a ridiculous idea that someone would try to snatch a ballot box but in Nigeria it is a real concern. We also had to address the issue of fake ballot papers; we had to ensure that there was secure and timely delivery of voting materials as well as to secure the voting environment. We tried to bring greater transparency and accountability in voting and result quantification procedures by minimizing the role of INEC staff in the quantification and announcement of results. This had been a major area of

allegations of fraudulent conduct on the part of the staff of INEC and we tried to address those issues and concerns.

In addressing these issues we introduced a number of measures, for example we tried to ensure that each ballot box had a unique identifying number corresponding to the polling unit number and we also ensured that the ballot papers had ensured security features with serial numbers and even colour coding. This was because in the past people could move ballot papers from one local government to another but if they did it this time it would be very clear. We then introduced what we call modified open ballot system which is a very unique and unconventional way of voting. It was meant to deal with some of the challenges of conducting elections in Nigeria. What this required was that instead of voters presenting themselves at the polling unit at any time between 08:00 and 17:00 and voting, they had to present themselves at a particular time between 08:00 and 12:00 for accreditation and then every person who was accredited at a particular polling unit had to be there for the voting to take place. Many people said it was a bit cumbersome and time consuming but certainly it helped the integrity of the process and it ensured that by the time voting ended everybody who was there could also stay for the counting to be made and people knew who voted and who was voted for in their own polling centres. Moreover, we introduced a phased and decentralized system of election materials distributed such that long before the commencement of elections the materials were already there.

We also ensured that there was greater coordination of the roles of security agencies by creating what we call the Inter Agency Consultative Committee on Elections Security. This helped us in a number of respects to minimize inter-agency rivalry and to coordinate their effort in terms of how to secure the voting environment and how to provide security cover for the entire electoral process. Again, when it came to collection and announcement of results we made sure that INEC was not directly involved in this and that we brought people whose integrity is not in doubt, particularly from universities. We used vice-chancellors and professors of high standing to play those roles. We also used the members of the National Youth Service Corps as presiding officers for the elections. These young men and women are passionate about what they do and compared to other constituencies that we could have used, they have greater integrity in the way in which they discharge their assignments.

Then of course we ensured transparent and timely collection and announcement of results with individual recording and live media coverage, such that for the first time from local to national elections we were able to

declare results within 36 - 48 hours. This was a remarkable improvement over our past experiences.

Of course in doing all of this, we face tremendous challenges. I should mention that before the April elections we also had to carry out voter registration in January and that was a very challenging assignment. When we came in as the new Commission, we realized that the integrity of the elections is associated with the quality of the voter's register, and the voter's register we found in place could not be said by any definition to be credible. So we engaged with all stakeholders, gathered their support and organized a very costly voter registration exercise. The methodology that we used was such that we had to deploy direct data capture machines in each of those 119,000 polling units so that any eligible registered voter who presented himself on the polling unit within a period of two weeks could have been registered. Using population statistics at that time we were expecting to register about 67million voters. In fact we had to extend the registration period to 21 days and in the end we registered 73.5 million voters. And now we have one of the best data bases in Nigeria with biometrics of all of those people who are going to be registered. And in fact there is an on-going discussion on how the data that we have collected can actually be used as the foundation for a national civil registration data base.

We procured 232,000 direct data capture machines - laptops, cameras, printers and so on - and deployed them in the field which was a major challenge. But now the most important thing for us is to tap the potential of this biometric data that we have collected. For example as we move to 2015 we want to ensure 100% authentication when a voter presents himself or herself at the polling unit with the permanent ID card that we are going to issue. It will be possible then, because it is a chip based card, to immediately get all the information about the voter. With this double data the problem of stealing cards, etc. will be solved by 2015. And then also we can use that as we move towards the idea of using an electronic voting system. Of course there are many other challenges, for example regarding the recruitment, training and deployment of non-permanent staff. Most of these were volunteers from the National Youth Service Corps which numbers about 300,000 people, and they were supported by people from other institutions. This is a logistical nightmare, given the number.

Furthermore, a very important element is public enlightenment and education, as we are dealing with a largely illiterate population. It is therefore challenging to enlighten people to come out and make informed choices. Another challenge is the presence of security personnel as we require at least three

security personnel per polling unit and those are huge numbers. The police force alone does not have enough capacity to cover these needs. We have to engage immigration, customs, military and other agencies. Again, in many countries security is not an issue, but in our context this is very important and it helps to deal with impunity where people come and either disrupt the process or deliberately commit electoral offenses.

Other challenges are related to handling of nominations of candidates by the political parties. Unfortunately for us when the Electoral Act was amended, a clause was included which in fact forbids us from removing a candidate from the election list, once he was submitted by the party, for whatever reason, and we ended up with parties sending us people who did not even go through democratic primaries. So this was very challenging, having to deal with those kinds of issues. Now we are trying to get that section amended in order to ensure that there is greater democracy in the way parties conduct primaries of candidates at large.

We worked under difficult time constraints both when it came to registrations and the conduct of the elections and obviously if we are to do it again, we have to ensure that we have enough time to be able to prepare - luckily we now have that time. Engaging and involving stakeholders and strategic partners in consultations is very important. Training is important - some of the challenges we faced during voter registration had to do with a lack of sufficient training for the temporary staff that we utilized. In the future we will pay greater attention to these things. We also realized that ensuring transparency of the procurement process is very important. INEC was probably one of the agencies that had one of the largest budgets in recent times. We were given around NGN 87.7billion for procurement and election implementation. And in the Nigerian context, where public officials are suspected of stealing most of the public funds, you can imagine how people focused attention on INEC in terms of "what did you do with that money?" As I walked down the street, whoever saw me saw NGN 87.7billion rather than a person. We had to be very transparent with the procurement process and had to ensure that all information we had and the procedures were placed on the website. These lessons are interesting from the point of view of public institutions in general.

I believe that the most important lesson is that relating to the issue of how to deal with electoral offenses. When the new Commission was constituted, we made a promise that we will prosecute all electoral offenders and will deal with the problem of impunity in Nigeria and we have done our best. But our best is not good enough. Between 1999 and 2007 we could not find a single

record of prosecution of any electoral offender in Nigeria. We have been able to successfully prosecute at least 200 offenders. But on voter registration we have over 870,000 offenders and obviously when we tell Nigerians "Yes, we will prosecute offenders, we prosecuted 200, and we have prosecuted more than any other electoral commission", they still can relate to that number of 870,000 who have not been prosecuted. So this is very challenging. The way forward for us is the creation of a special Elections Offense Tribunal which will be established and will be given the responsibility of prosecuting electoral offenders, which hopefully will change the situation. We have made this recommendation and the government has accepted it and made a pronouncement recently. People engage in electoral fraud because they expect that there will be no consequences and in the end they will get away with it. Unless there is successful prosecution, the problem will not go away.

Obviously as we move towards 2015 these lessons are being factored into our preparations. First and foremost we are engaging the legislature in a review of the Electoral Act, we are doing strategic planning, we are organizing restructuring within INEC itself as we did not have time for this before and we are also creating strategies of continuous voter education. All these will add value for our citizens before the 2015 elections. I have no doubt that the prospects for 2015 elections are bright despite the challenges, and we have taken the lessons of the 2011 post-election violence. We are now focusing not only on pre-election and election violence but also on possible tensions in the post-election period. These changes are being introduced, and are an element of a wider agenda of changing politicians' mind sets. Unless they change their view on how one can access politics, and what responsibilities he or she is supposed to assume, we will continue to face the challenges of violence and malpractice. We are strengthening strategies of engagement with political parties and politicians in general in order to see how we can help facilitate a positive change in the attitude of our politicians. We are also intensifying dialogue and consultations with the whole range of stakeholders.

To conclude, INEC has raised the bar on the conduct of elections in Nigeria for April-May 2015. Progress is being made to respond to these - the biggest challenge being preventing regression to past practices and how to consolidate the gains that we made in 2011. We are learning from other countries and internalizing good practices that are not just doctrinal implementations but we adapt them to local realities and circumstances, given our own experiences. Since April 2011 INEC has managed to bring substantial improvements to the electoral process, but we are yet to reach a level of perfection which brings general acceptability of the results of

elections. Things have been so bad for so long that Nigerians are anxious to have a totally reformed process. We have tended to underestimate what it takes and how much is required to obtain substantive and satisfactory results. Regrettably because of these higher expectations and frustrations, Nigerians are ready to throw the baby out with the bath water. The remarkable improvements that have been made in the 2011 elections compared with the past have not satisfied the expectations of Nigerians of a perfect electoral system and I think to some extent that explains the post-election violence. But we keep on doing our best. The new INEC in two years of its existence has made progress which should be appreciated despite frustrations with 2011 elections. All stakeholders should cooperate to create conditions for more satisfying elections in 2015.

QUESTIONS AND ANSWERS

Question:

When you look at what is happening on the ground in the choice of candidates and the way the elections come about, what I did not hear in the whole mechanics of the process is the role of payments. You know that for the top governorships the anecdotal data is that each electoral representative receives about a NGN 1million and in a more distant state this is around NGN 600,000. How does this affect the actual voting, how do the electoral representatives guarantee the vote? And do those candidates who do not get elected get their money back? I do not know the mechanics of it, but maybe we could control the elections better by looking at this process?

Answer:

The role of money in politics is very serious, especially in the Nigerian context. The Electoral Act gave some scope to INEC in terms of ensuring that spending limits are complied with and penalties are imposed on those who break the law. As the new Commission we realized that there was no structure to monitor campaign expenditure, and frankly we did not have time to create that kind of body for the 2011 elections. Because of that we did literally nothing during these elections to monitor such aspects. But currently we are introducing regulations that will put political parties' spending in general, and election campaigns in particular, under more scrutiny. The other aspect of it is the nomination process, where a lot of money is being used and that is something we have to deal with. The negative impact of vote buying is widely recognized. This was one of the key issues at the recent biannual Conference of the Commonwealth Electoral Network and we have taken very good ideas from there. This will be high on our agenda as we move towards the 2015 elections.

Question:

You spoke of politicians changing their mindset, educating the voters and time constraints. However, what is INEC doing now to ensure that the voters are being educated on the importance of their vote?

Answer:

We realized that previously in Nigeria voter education was used as an event prior to general elections. We have come to the conclusion that this is wrong in a country such as Nigeria, where illiteracy is common. What we are trying to do now is make voter education part of the process throughout the electoral process. This is a very expensive exercise but we are looking at how we can tap to the existing resources of civil society organizations and community groups, to see how they can play their role and minimize costs. But it is clear that voter enlightenment is a priority.

Question:

The feeling that people have is that the pace of change is too slow. My question is specifically about the complacency of INEC staff particularly in places like Delta State, where results were declared without the necessary procedures being observed nor necessary documentation in place. What are you doing to prevent this kind of situation from happening again?

Answer:

The pace of change is slow, I agree, but the situation was so bad for so long that we really need to recognize that it will take time before we get out of the woods. Having said that, obviously we are doing our best to accelerate the pace of reform and ensure that positive change happens. Regarding the complicity of INEC staff, you have mentioned Delta State; I wish you could be more specific. Frankly, one of the key things that the new INEC has done is never to defend an indefensible result. And in fact we know that there are cases when some of our staff engaged in fraudulent activities. This is the reality, despite our actions to change the situation. But whenever such a situation is discovered, we do not defend them. In fact, we penalize those involved, and we give a full picture of what has happened. There was one case when an officer, maybe due to his misunderstanding of his duties and role, decided not to sign the result sheet because he thought that some of the presiding officers had engaged in fraudulent activities. But that was wrong - he had to sign that form, and then whatever challenges existed should be resolved in the court.

Question:

Due to the logistical problems in rural areas and resulting problems in ensuring transparency and accountability, what does the INEC do to ensure the overall credibility of the elections in the less accessible areas?

Answer:

Delta was the first election that we had and since then we have kept on improving. Nigeria's size and different terrain and some of the logistical challenges are a big problem. But we have looked for complementary support where necessary, for example the Air Force and Navy provided us with logistical support where it became absolutely necessary. This has helped us tremendously, which is visible in the election statistics. But we keep on improving. We have asked for and received funding for providing sufficient logistical support.

Question:

One of the key things holding INEC back is the issue of Resident Electoral Commissioners (RECs) and whether they should report to INEC or local residencies. What is INEC doing about addressing this accountability conflict?

Answer:

What happens currently is that the National Commission and the chairman are nominated by the president through the Council of State and are confirmed by the Senate. The RECs are also recommended by the president, not through the Council of State, but directly to the Senate and the Senate does the confirmation. Because of the mode of appointment the RECs seem to be relatively independent from INEC, and yet they are supposed to be field agents of the Commission. So this is something many people think needs to be addressed, so that the structure is clear. But in practice we have not been confronted with any serious problems. We have not had any Resident Electoral Commissioner who felt that he could not take directives of the Commission and wherever we sense that challenges are likely to emerge, we can move them as the Commission has the power to assign the RECs. In fact there was a case where we found it necessary to even ask a Resident Electoral Commissioner to go on leave so we could bring in somebody else to conduct the elections. That way we have been able to ensure that whatever

the perception of independence the REC may have, this does not affect the overall process.

Question:

Following the 2011 elections the government lost the chance to change the constitution and enable the Nigerian diaspora to vote in the 2015 election. What is INEC doing to engage the diaspora?

Answer:

The Commission is sympathetic to exploring the ways and means of ensuring that Nigerians in diaspora are given the opportunity to vote. This is good practice and many countries are moving in that direction, including some African states. We think that given the large number of Nigerians in diaspora and the large contribution that they make economically, there is a contribution they can make in elections. We still have to explore possibilities in this area. But until the constitution is amended, this cannot be implemented. We encourage Nigerians in diaspora to reach out to the legislators and encourage them to act towards that change. But if the new law is introduced it must be done under consensus and in a way that does not impact on the integrity of the electoral process.

Question:

How do you ensure security and integrity of NYSC volunteers who can face threats or corruption, and what about the machines that you have used for voter registration?

Answer:

NYSC has done such a fantastic job that we need to cooperate with them, but as you said politicians will either reach them with money or find other ways. These are passionate people and the reward for their work is a certificate that they receive at the end of the service without which it is very difficult to get a job in Nigeria. So they are very careful about doing things that might affect their receipt of the certificate. Of course problems can arise, and some have been caught during voter registration. But they paid for it. Most of them have been successfully prosecuted. This means they have a criminal record and this will be a problem for them in the future. But this is statistically

insignificant. To keep it this way, we strengthen monitoring and seriously treat any sign of fraud. We keep being alert. Regarding the machines, we have in fact bought a lot of equipment, it has been successfully used to achieve its purpose of registering voters and helped create a national database. A continuous voter registration process will be seamless after that, so we do not need that equipment any more. To keep the system up to date we assume we need 3 machines per ward, and given 8,800 wards we need an absolute maximum of 30,000 machines. The remaining 100,000 machines are being distributed to local schools so that computers become more accessible to young people.

Question:

Do you think that the fact that elections in different states are held at different times is a problem that has to be dealt with by INEC?

Answer:

I am reluctant to recommend a centralized system of elections due to federal government weaknesses. Our constitution ensures that each state has its own electoral commission, while INEC holds national elections and oversees state commissions. In practice there are states where the electoral commissions are completely dysfunctional and were unable to conduct elections since 1999. This is problematic given the importance of local elections for the consolidation of democracy. So it becomes more popular to call on INEC to organize these elections. If we are asked to do it, we will do it, but legal reform of the systems should follow. But INEC does not have a position on this. In my personal view, the states should help the electoral commissions develop capacity to handle the elections, rather than handing responsibility to the central government.