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Building on Success: Advancing Electoral Reform in Nigeria

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by Richard Downie

A major threshold was crossed in Nigeria during the 2015 elections and transfer of power. Since the democratic openings of the 1990s, African countries have often witnessed the refusal of incumbents to respect term limits and the declining quality of elections. In 2006, the Nigerian Federal Senate firmly upheld the two-term presidential limit. In 2015, because of a well-led Electoral Commission, a revitalized and coherent political opposition, dedicated civil society groups, and a determined electorate, Africa's largest nation was able to produce a fairly-elected government. As important as these gains were, however, Richard Downie shows how much remains to be done to construct a fully-effective electoral system.

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Many Nigerians and their friends in the international community approached the 2015 national elections with trepidation. They feared a violent contest and a disputed outcome. Nigerian elections are historically marred by incendiary language and thuggery. The stakes were particularly high in 2015 because the incumbent Peoples Democratic Party (PDP) faced a serious electoral threat from the All Progressives Congress (APC). Added to this volatile mix was Boko Haram's threat to disrupt the elections. Yet, apart from a few violent incidents, the fears of chaos were unrealized. Instead, Nigeria held one of the best elections in its history. It also completed for the first time a peaceful transition from one political party to another.

The 2015 elections, while improving the chances of national reconciliation, also laid bare some ugly aspects of Nigerian politics. Of particular note is the tendency of candidates to inflame sectional tensions, whether ethnic, regional or religious. Concerns were raised about the capacity of the electoral institutions to mitigate disputes. The Independent National Electoral Commission (INEC) rose to the challenge and its chairman, Professor Attahiru Jega, remained admirably calm and composed throughout the process.

Overcoming Technical Hurdles

Technical reforms were a big factor in INEC's success. They include the compiling of a credible voting register and the introduction of permanent voter cards with biometric data. These reforms reduced electoral fraud and increased the acceptability of the final outcome. INEC's performance can be further improved by addressing persistent flaws in the system. The National Assembly has failed to pass much-needed amendments to the Electoral Act. A run-off election, if needed for the presidency, must be conducted within seven days, Professor Jega admitted that he lost sleep over this particular provision.^[i] In no other country is an electoral body required to conduct a presidential runoff in such a short time frame. Fortunately, its feasibility was not tested in 2015. In addition, the Electoral Act is unclear, even contradictory, on several other matters such as the right of INEC to challenge the results of party primaries.

Important decisions about the 2015 elections were delayed until the last minute. Most significant was the hasty provision to exempt some, but not all, persons displaced by the Boko Haram conflict from the requirement that ballots must be cast in voters' home areas. In addition to strengthening the legislation governing elections, further efforts are needed to bolster INEC. While it is crucial that Professor Jega's imminent replacement match his competence and

integrity, of equal importance is the strengthening of the Commission. INEC must be further insulated from partisan politics by removing from the sitting government the power to choose its head. INEC's mandate should also be streamlined. It is not possible, for example, for INEC to monitor political party primaries and conduct voter education along with its core election responsibilities.

Prof. Attahiru Jega, Chairman of the Independent National Electoral Commission (Source: <http://dailyonus.com/>)

Electoral Offences and Violence

Another mandate INEC has struggled to fulfill is that of prosecuting electoral offenders. It has been recommended that a separate electoral offences tribunal with prosecutorial powers be created. In January 2015, Professor Jega stated that, of the more than a thousand persons arrested for offences in the 2011 elections, about two hundred have been prosecuted.^[ii] This caseload is likely to increase in view of allegations of misconduct during the 2015 presidential and gubernatorial elections, notably in Rivers state.

Another priority is curbing electoral violence and empowering peacemakers. There were positive initiatives by government and civil society that can be built upon. One of the most important efforts took place in Abuja in January 2011 when a pre-election workshop concluded with a public commitment by President Jonathan, Muhammadu Buhari, and twelve other presidential candidates to pursue non-violence and encourage their followers to be peaceful. This was a symbolic but powerful gesture. The members of a Nigerian National Peace Committee, created to monitor the accord, worked closely with the presidential candidates and exerted a calming influence. Such a committee should become a permanent institution.

These reforms can be buttressed by constitutional fixes to change the winners-take-all nature of Nigerian politics. During the Abuja workshop, President Jonathan put forward several good ideas. They include moving to a system of proportional representation and introducing a requirement for the winning party to offer cabinet positions to members of other parties that performed well.

Electoral and Party Democracy

One of the biggest unaddressed issues is the need for better management of intra-party affairs. Candidates used to be vetted by the State Security Service, but that practice was changed by the National Assembly which transferred the responsibility to the parties themselves. The quality of candidates has since dropped. The political parties must take this responsibility seriously or risk having vetting powers taken away again.

In terms of internal party democracy, Nigeria's parties have a long way to go. The PDP was an effective vehicle for winning elections but paid less attention to promoting internal competition, acting transparently, promoting marginalized groups, formulating policy platforms, and engaging with constituencies. As it assumes power for the first time, the APC should ensure that principles of good governance and inclusivity are applied, not only to its leadership but to the party as well.

Dialogue between parties is an important means of setting and applying standards. A common code of electoral conduct was agreed by political parties in 2013, and there is also an Inter-Party Advisory Council of Nigeria. Neither the agreement nor the forum, however, seems to be working well. As is true of the United States, getting a party nomination in Nigeria is very costly. It therefore puts candidacy beyond the means of all but the very rich, or those with affluent

patrons. Nigeria's constitution and electoral laws require that an aspirant for public office secure the sponsorship of a political party. Permitting independent candidates should benefit politics, democracy, and governance.

Muhammad Buhari joins APC officials at a campaign rally (Source: Premium Times)

Voter Participation & Candidates Diversity

Another important set of electoral reforms to consider is how voter engagement can be enhanced. Only 44 percent of registered voters took part in the 2015 presidential poll. This is very low by African standards. For example, it compares unfavorably with turnouts of 80 percent in Ghana's 2012 election and 86 percent in Kenya's 2013 election. Low voter turnout perhaps reflects the lack of serious policy debate during the Nigerian campaign, fears about insecurity, and the complex and lengthy voting process.

There were restrictions on the franchise that also affected participation. Members of Nigeria's large diaspora are not able to vote. Individuals whose dedicated service contributed to the success of the elections—such as Youth Service Corps volunteers and members of the security services—were effectively disenfranchised because they were stationed away from their home states.

Another important component of civic participation is encouraging greater diversity among the candidates. One of the dispiriting outcomes of the 2015 elections was that women were largely excluded from serving in government. They constitute only five percent of the legislators elected to the new National Assembly. Youths played an important role in the election as civic educators, peacemakers, and observers, but their activism did not translate into political representation. Many members of the ruling class are advanced in age. It is a paradox that President Muhammadu Buhari, at 72, represents a fresh start for the country.

Building on National Success

One of the troubling aspects of Nigeria's political culture is the tendency to mobilize regional, religious, and ethnic differences for electoral purposes. While Nigerians self-identify in multiple ways, they are usually proud of being Nigerian. This national pride was evident in the displays of patriotism during the elections; in the lines of voters who spent many hours waiting to vote; and in the professionalism of the polling staff and Youth Corps members and other volunteers.

This positive energy can be harnessed by the nation's leaders. President Buhari declared in his inaugural address that he would govern in the interests of all. "I belong", he declared, "to everybody and I belong to nobody."^[iii] In addition, government policies, such as development and infrastructure projects that bridge geographical divides, can help reduce regional inequities. Parties have important contributions to make through developing national platforms and devising policy positions. The same is true of thought-leaders in civil society, the media, business, and religious groups who can also perform a watchdog role regarding the government.

Finally, ordinary citizens can advance electoral democracy by maintaining the impressive commitment shown during the elections. However, their civic responsibility should not end at the polling booth. In 2015, they displayed the power to hold elected officials accountable by voting them in or out of office. Building on that experience, they can, through active engagement and vigilance, further strengthen the connection between democracy and good governance.

^[i] "Nigeria's 2015 Elections: What Have We Learned? "Address by Prof. Attahiru Jega, Center for Strategic and International Studies, June 10, 2015, Washington, DC
<http://csis.org/event/nigerias-2015-elections-what-have-we-learned>

^[ii] Figures provided in an address by Prof. Attahiru Jega, "INEC Ready to Go?," at a conference hosted by CSIS and the Savannah Centre for Diplomacy, Democracy, and Development, Abuja, January 15, 2015

^[iii] For a full transcript of the speech, see <http://www.vanguardngr.com/2015/05/read-president-buhari-inaugural-speech/>



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