



NIGERIA DECIDES 2023



Governance Reform Matrix for Improving Electoral Security

Section of 1999 Constitution	Action Recommended
<p><u>Setting Limits to State Power</u> Chapter 1 to Chapter VIII, defining federalism and constitutional government as limits to state power, under a system of rule of law, including separation of power, and countervailing powers and institutions in state and society, including the private sector, as guardrails of democracy.</p>	<ol style="list-style-type: none">1. Enforce and strengthen provisions of Electoral Act prohibiting the abuse of the powers of incumbency, including the misuse of official powers and resources, especially through the use of public procurements to serve as war-chest for electoral purposes.2. Remove power of the President to appoint members of INEC and make their appointment subject to the process outlined and recommended in the <i>Report of the Electoral Reform Committee 2008</i>, and vest appointment of REC in INEC.3. Prohibit, under penalty public agencies, including the police and security agencies under the Executive that are involved in elections from being used for partisan political purposes to undermine free and fair elections. Such agencies include the security bodies and the public service.
<p><u>Political Accountability</u> Chapter II Section 13 of Nigeria’s Constitution: “It shall be the duty and responsibility of all organs of and of all authorities and persons exercising legislative, executive and judicial powers, to conform to observe and apply the provisions of this Chapter of this Constitution.” Similar provisions in African Charter on Human and Peoples’ Rights, and the African Charter on Democracy, Elections and Governance</p>	<ol style="list-style-type: none">1 Set up “conscientizing” groups to work at community levels to raise political awareness and routinize discussion of public political issues around rights of citizens and how to enforce them.2 Entrench and establish a National Commission for Civic Education as an independent democracy-promoting institution to replace the National Orientation Agency. [Ghana, Kenya and South Africa have similar constitutional provisions)3. Provide legislation for independent candidates in general elections.4. Strengthen and restructure horizontal institutions of accountability, Code of Conduct Bureau, INEC, EFCC, ICPC Public Complaints Commission, to make them independent of the deployment of party political influence by removing the power of appointing their members and supervising the institutions from political office holders in the executive and legislature.

	<p>5. Entrench the right to information for greater accountability and transparency in public political life and institutionalize a wider process of popular participation in the political process.</p>
<p><u>Protection of Citizens Rights & Strengthening Peoples Agency:</u> Chapter II and Chapter IV of Nigeria’s <i>1999 Constitution</i>; and in the <i>African Charter on Human and Peoples’ Rights</i>, and the <i>African Charter on Democracy, Elections and Governance</i>; also, especially Chapter II, Section 14(2a) and 14(2)(c) of the Nigerian Constitution: a) “Sovereignty belongs to the people of Nigeria from whom government...derives its authority”; c) “The participation of the people in their government shall be ensured” .</p>	<p>1.. Set up “conscientizing” groups to work at community levels to raise political awareness and routinize discussion of public political issues around limits to state power and how to enforce them.</p> <p>2 Entrench and establish a National Commission for Civic Education as an independent democracy-promoting institution to replace the National Orientation Agency. [Ghana, Kenya and South Africa have similar constitutional provisions]</p> <p>3. Provide legislation for independent candidates in general elections.</p> <p>4. Popularize provisions for recall of legislators</p> <p>5. Create professional networks to undertake pro bono services to the poor for enforcement of their rights, access to the courts and provision of social facilitates to enjoy the rights</p> <p>6. Private sector to undertake pro-poor corporate social responsibility</p>
<p><u>Electoral Reform Process</u> especially Sections 134, 153(1)(f), 153(2), 179, 197(1)(b)179(2), 221-229, and 285; and relevant Sections of the Electoral Act 2022</p>	<p>1. <u>Electoral System</u>: Adopt the Modified Proportional Representation system to make the Legislature reflect more inclusion and representativeness, proportionally to seats won by political parties during general elections for federal and state legislatures. [See Table II]</p> <p>2. <u>Power of Incumbency</u>: Diminish/Constrain abuse of the power of incumbency for partisan party political electoral advantage.</p> <p>3. <u>Party System</u>: a) Give INEC legislative power and endow it with resource capacity to effectively monitor and enforce provisions in electoral legislation and party constitutions on party political activities, including party financing and internal party democracy and to make final determination on results of party primaries. b)Enact legislation to empower INEC to provide Guidelines/Regulations on threshold/conditions for political parties to qualify to be on the ballot for general elections.</p> <p>4. <u>Electoral Dispute Adjudication</u>:</p>

- a) Revisit the jurisprudence of electoral dispute adjudication to reduce embeddedness of the Judiciary in competitive party and electoral politics.
- b) Review rules of evidence in deciding election cases to place emphasis on substantive issues raised in election petitions and not on technicalities.
- c) Modify the substantial compliance principle and the use of mathematical computation (the calculation and recalculation) of votes to resolve and decide manifestly flawed elections, with legislation requiring courts to refer such flawed elections to INEC for appropriate action.
- d) Conclude all cases against declared winners of presidential and gubernatorial elections before they are sworn into office.

5. Independent National Electoral Commission:

- a) Unbundle INEC, as recommended by the Hon. (Mr.) Justice Uwais-led Electoral Reform Committee
- b) Change the modality for appointing members of the new INEC and reorganize it as recommended by the Hon. (Mr.) Justice Uwais-led Electoral Reform Committee.
- c) Extend the use of high technology to promote, strengthen and sustain electoral integrity.

Source: Adele Jinadu 2023, Policy Paper on **Impact of Security on INEC's Preparedness for the 2023 Elections.**

Funded by the Open Society Initiative for West Africa OSIWA/OSF-Africa

#NigeriaDecides2023 #NoToElectionViolence #SecureElection #ElectoralAccountability #CitizenRight

#PeacefulNigeriaDecides2023 #ElectoralIntegrity #EndElectoralImpunity

... promoting electoral knowledge, accountability, and integrity

E-mail: electoralhub@gmail.com and electoralhub.comms@gmail.com

Twitter: @electoralhub; Instagram: @electoralhub; Facebook: @electoralhubng

Website: <https://www.electoralhub.iriadng.org>