



Impact of Insecurity on INEC's Preparedness for the 2023 General Election

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The Electoral Hub says thank you!

Princess Hamman-Obels

Director, IRIAD – The Electoral Hub



Executive Summary

Background

The analysis of the security-election nexus in Nigeria is undertaken within a political economy framework. This approach seeks to clarify the relationship between security and elections, specifically examining the risks and opportunities presented by security concerns for the upcoming 2023 general elections. These considerations are set within the broader context of various causal factors that shape Nigeria's political economy, such as the competitive nature of electoral politics, the use of ethnicity to secure voting support, and the abuse of incumbency for partisan gains. Furthermore, the country's underdevelopment, characterized by constraints in capacity, budget, structure, and human security, plays a significant role in influencing governance and electoral processes. This approach provides a qualitative perspective on how security can impact the readiness of the Independent National Electoral Commission (INEC) for the elections.

A Word on Security

Security is essential for a stable government, but worldwide security-related challenges persist due to governments failing to serve the public interest adequately. Security and insecurity are interconnected, causing fluctuations along a spectrum. The study focuses on Nigeria's 2023 elections and their impact on the Independent National Electoral Commission (INEC). It identifies specific factors like electoral competition, incumbency abuse, and underdevelopment as challenges pushing toward insecurity. INEC must address these issues to ensure fair elections.

Current Security Environment in Nigeria

The current security environment in Nigeria is characterized by various challenges, including activities of Boko Haram in the North East, militancy in the Niger Delta, banditry in the North West, secessionist agitations in the South East, cattle rustling in the North Central, and kidnapping and farmer-herder clashes in various parts of the country. These security threats are exacerbated by the proliferation of Small and Light Weapons and the emergence of groups involved in criminal activities. Additionally, internal social contradictions related to politics, ethnicity, resource control, religion, and corruption contribute to the challenges. These security issues impact adversely on peace and national development in Nigeria. The Independent National Electoral Commission (INEC) faces significant challenges in preparing for elections due to these security concerns and the country's structural underdevelopment and topography, making it a complex undertaking to conduct elections in Nigeria.

Strategic Issues in the Preparedness for Elections

INEC has taken proactive measures to address the challenges posed by Nigeria's current security environment and prepare for the 2023 general elections. Drawing on lessons from previous electoral cycles since 1999, INEC initiated strategic reforms in administration, finance, and technology under the leadership of Attahiru Jega (2010-2015) and Mahmood Yakubu (since 2015). These reforms include internal debriefing sessions, staff training, voter education, continuous voter registration, and engagement with various stakeholders, including security agencies, the media, civil society, government bodies, and international partners. These preparations align with national and international election standards, such as the African Charter of Democracy, Elections, and Governance. Notably, the enactment of the Electoral Act, of 2022, introduced innovative measures to enhance the electoral process. INEC's comprehensive approach has led to significant improvements in electoral preparedness, enhancing confidence in delivering free and credible 2023 elections, despite ongoing security challenges. It emphasizes the need for collaboration between state and societal stakeholders to ensure peaceful and fair elections, as advocated by various leaders and organizations.

Residual Risks and Challenges

While INEC has significantly improved its election preparations since 2011, no level of readiness can ensure ideal elections due to the multifaceted challenges in transitional and new democracies. Despite thorough preparations, unforeseen events like governance crises or fuel shortages may affect the electoral process. Preparing for elections in Nigeria is a complex task influenced by various socio-economic and political factors. As the Uwais-led Electoral Reform Committee noted in 2008, Nigeria's intricate political landscape poses ongoing security risks to general elections. Therefore, readiness for the 2023 elections is a dynamic and challenging process that extends beyond meticulous preparations.

Conclusion

Improving the preparedness of INEC for the 2023 general elections encompasses addressing four key elements in Nigeria's political economy that complicate the security-election nexus: insufficient public security, a surge in non-state security providers, political manipulation and abuse of state security, and the communalization of security. Addressing these issues requires a night watch approach involving citizen engagement, adhering to democratic principles and public interest, and enforcing provisions in Nigeria's Constitution.

Introduction

1.1 Framing and Explaining the Security/Electoral Management Nexus in Nigeria

I analyse the nexus between security and elections in Nigeria within a political economy framework.ⁱ [See, Box I] The notion of a “nexus” implies a relationship between security and elections. I want to unscramble and explain the nexus through a focus on the possibilities, in other words, the risks and opportunities thrown up by security for the conduct of the 2023 general elections, within the broader context of other causal factors in the material and cultural structure of the country's political economyⁱⁱ Thus, I consider the “impact” of security from an analytical lens focused on the political economy that frames and shapes the wider environment within which INEC must plan for the 2023 general elections. It is in this general, qualitative sense that security, more or less, can, and is able to impact the preparedness of INEC for the elections.

Box I: A Political Economy Explanatory Framework for Understanding Competitive Electoral Politics in Nigeria

1. The character of the Nigerian State as the site for zero-sum electoral competition to win political power, and the use of ethnicity to secure ethnic voting banks.
 - a) In this respect, the character of the party system, and the construction and practice of Nigeria's federal system of government as an ethnofederal one, with consociational features, are political forces driving the direction of competitive party and electoral politics in the country.
2. Abuse of the power of incumbency for partisan party electoral advantage.
 - a) This has proved a major obstacle to the development of strong democracy-promotion institutions, such as the Judiciary, anti-corruption agencies, human rights commission and the election management body.
 - b) Because of 2(a), the country's mainstream political and legal culture has historically condoned, even encouraged impunity in the conduct of public affairs.
3. The country's underdevelopment and the serious capacity, budgetary, structural, and human security constraints they impose on governance, including electoral governance processes, in the country.
 - a) low budgetary allocations by federal and state governments in the human development and social security sector, in contravention of Section 14(2)(b) of the 1999 Constitution of Nigeria, stipulating that “the security and welfare of the people shall be the primary purpose of government.”

A Word on Security

How can the framework explain the nature of the nexus? The hypothesized transition from the Hobbesian lawless State of Nature through Civil Society into the emergence of the State, possessing a monopoly of the use of violence, defined by and anchored on law and order, underscores the importance of security, and the threat of insecurity to the constitution of a system of government as a project for human development and peace. Yet, security remains a problem worldwide, despite the Hobbesian prescription of a Leviathan to uphold and sustain it. This is due to the unfulfilled possibilities of human development and the failure of governments, regardless of their ideological anchoring, liberal, social democratic, socialist, developmentalist, authoritarian or totalitarian, to ensure that law and order, and public policy generally serve and advance not partial but collective, public interest.

Thus, law and order, if it fails to address or respond to pressing issues of justice or it stifles individual and group rights or upholds a manifestly unjust society tends to degenerate, as is exemplified in Nigeria's political and social history, and in many other countries, into episodic or prolonged acts of civil disobedience and violent resistance and related anomic incendiary and criminal social action posing serious challenges to not only the monopoly of violence by the state; but also the dissolution of the state, by precipitating internal war in a virtual descent back into the state of nature, the Hobbesian “anarchical society,” which the civil society and the state, as political contraptions, were intended to replace.

This suggests that security and insecurity are interconnected, and must be viewed as points along a spectrum of levels of security and insecurity, along which there is an ebb and flow now and again, i.e., periodically, in which societies can be said to be experiencing more or less security or insecurity. We should not, therefore, absolutize either security or insecurity. This leads to the conceptual-analytic and strategic problem of determining acceptable thresholds, of the inevitability of the push and pull of security and insecurity, of the management of cooperation and conflict as the paradox, which the transition from the state of nature into civil society and the state, is yet to unlock.

In looking at the problematic nexus connecting security and elections, with the risks and opportunities it poses for the country's 2023 general elections, as indeed for earlier electoral cycles since 1999 in Nigeria, I find the framework sketched in Box I useful in illustrating the impact of security for the preparedness of INEC for the elections, in respect of the implications and/or consequences of the underlisted aspects of Nigeria's political economy for our understanding and explanation of the security-elections nexus, and prescription of policy to address them. What these aspects also underscore is that we need a broader conceptualization of security, which goes beyond the absence of physical violence and war to include human security and human development, as provided for under Chapter II of Nigeria's 1999 Constitution. The general failure to provide human security and human development, has created an intertwined system of structural and psychological violence which, combined with physical violence,ⁱⁱⁱ has tended to push the security-insecurity spectrum towards and over the insecurity threshold, as illustrated below”

1. The character of the Nigerian State as the site for zero-sum electoral competition to win political power, and the use of ethnicity to secure ethnic voting banks. This aspect of the country's political economy has generally turned elections in Nigeria into the continuation of war by other means. Thus, it makes how to diminish the impact of electoral violence, as a feature on the security/insecurity spectrum in vitiating the conduct of free and fair elections a major aspect of the preparedness of INEC, in partnership with other agencies and institutions in state and society, for the elections.
2. In this respect, the character of the party system, and the design and practice of Nigeria's federal system of government as an ethnofederal one.^{iv} Abuse of the power of incumbency for partisan party electoral advantage
3. The impunity associated with this aspect of the country's political economy represents a reversal to the anarchical lawless state of Nature, where “might is right,” and where violence becomes a free-for-all occurrence. It derogates from a cardinal feature of free and fair elections and the independence of horizontal democracy-promoting institutions, such as the ICPC, EFCC, INEC, and the National Human Rights Commission
4. The country's underdevelopment and the serious capacity, budgetary, structural, and human security constraints they impose on governance, including electoral governance processes, in the country. There are two dimensions to how the country's structural underdevelopment poses challenges to the preparedness of INEC for elections.

- a) The country's human security deficits in the social sector pose challenges to the preparedness of INEC to insulate the electoral process from the illegal deployment of money to corruptly influence the conduct and outcome of elections in Nigeria.
- b) Going by the triadic notion of violence as psychological, physical and structural^v one can conjecture that the general summary of the “contemporary security environment in Nigeria” (Box II) captures the triadic manifestation of violence and its challenges for the preparedness of INEC for the 2023 general elections.

Current Security Environment in Nigeria

Let me elaborate on the general impact of these aspects of Nigeria's political economy in framing the security-elections nexus in the country. To begin with, what is the current security environment in the country? I find no better summary of the security environment in Nigeria, in the sense of the prevalence of physical violence, than that offered by General L.E.O. Irabor, Nigeria's Chief of the Defence Staff in Box II.

Box II: Overview of Contemporary Security Environment of Nigeria

As part of the international community, Nigeria is currently grappling with various security threats that pose challenges to the country's national development. These security threats include activities of Boko Haram Terrorists (BHTs) in the North East, militancy in the Niger Delta, banditry in the North West, secessionist agitations in the South East, cattle rustling in the North Central as well as kidnapping and farmer-herder clashes in virtually every part of the country. These asymmetric security challenges are aided in very large measure by the proliferation of Small and Light Weapons and the emergence of groups that engage in banditry, kidnapping, political violence and other mafia-style violent activities. Added to all these challenges are the internal social contradictions related to politics, ethnicity, resource control, religion and corruption which continuously generate acrimony and heat up the polity. This unfavourable situation has impacted negatively on peace and security for Nigerians with negative consequences on the country's national development.^{vi}

I also find useful the following four key elements that Ibeanu identifies as complementing and complicating the nexus, by emphasizing the structural and psychological dimension of violence a) a failure of public security provisioning; b) a quantum rise in non-state security provisioning; c) the political manipulation and abuse of [state] security; and d) the communalization of security.^{vii}

With these key elements framing the nexus between security and elections in the country as points of reference, I think the explanation of the nexus and the measure of its impact on the 2023 general elections are to be sought in the interplay of two intervening variables that have fundamental bearings on the preparedness of INEC for the 2023 general elections.

3.1 Violent Ethnopolitical-Related Conflicts

The first variable is the salience and, therefore, the recurrence of the high incidences of deadly violent ethnopolitical-related conflicts across all geopolitical zones in the country, and the use of rabidly intemperate hate speech and profiling to secure electoral ethnic vote banks that has turned out to be a major dimension of the elections. The challenge has deep roots in the country's “sad history” of competitive party and electoral politics.^{viii} This is why, as Ibeanu also contends, “the general crisis of security and security management in Nigeria [is an] expression [of the country's] problem of federalism.”^{ix} Unless properly managed, democratic elections in Nigeria will continue to serve more as mechanisms for the continuation of war by other means than as instruments for democratically managing diversity and ensuring inclusion.^x

To this extent, this general crisis of security in the country will, more or less, continue to be a core consideration in the preparedness of INEC for elections and in its partnership with the security agencies and relevant institutions and agencies in state and society in designing strategic responses to the near “anarchical society” in which the mandate of INEC is being carried out.

3.2 Structural Underdevelopment and Topography

The second variable is the security challenge that the country's structural underdevelopment (in other words the country's underlying structural violence) and topography pose for INEC, in the form of the myriad infrastructural, logistics, and operational difficulties, making it imperative to redefine or set the independence of INEC in the broader context of the limitations on its independence. The burdensome weight of some elements of this variable and their implications for the preparedness of INEC for 2023 are well-captured in the observation, reproduced in Box III, by Professor Mahmood Yakubu, INEC Chairman.

Box III: Nigeria's Topography and Implications for Electoral Management

Given the geographical expanse of the country, the number of registered voters, electoral constituencies, and polling units, conducting a general election in Nigeria is a huge undertaking. The delimitation details are staggering: 93,469,008 registered voters expected to elect representatives for 1,491 constituencies in 176,846 polling units. Based on the figures we compiled from the websites of various Electoral Commissions and Interior Ministries in West Africa, Nigeria's current voter population is 16,742,916 higher than the 76, 726,092 registered voters in the other 14 countries put together. This means that a general election in Nigeria is like conducting elections in the whole of West Africa and beyond.^{xi}

3.3 Security Concerns Ahead of the 2023 General Election

The combination of these two variables has impelled INEC, particularly since the 2011 electoral cycle, to pursue its mandate and preparations to carry it out in consultation and, where necessary, in collaboration and partnership with key stakeholders in state and society, of which the establishment of its Inter-Agency Consultative Committee for Election Security (ICCES) by INEC is a prime example.

As INEC prepares for the 2023 general elections, it is faced, perhaps more so than at any other time in the country's political history, with flashes, of an “anarchical society,” as captured in Box II. These flashes are not of its own making but of the insecurity spawned by the country's political economy. INEC cannot resolve these “flashes” or foreboding portents of an “anarchical society” alone. The flashes suggest that the country has crossed the threshold between acceptable security and acceptable insecurity to a point on the security/insecurity spectrum of unacceptably deepening insecurity.

One measure of this unacceptably deepening insecurity is that INEC is now faced, with the following daunting challenges, not of its own making, to the cohesion of the country, and which pose grave risks to its preparedness to conduct credible elections: a) deteriorating human development highlighted by deepening human insecurity, notably poverty, huge social and physical infrastructure deficits, precipitating criminal, anomie and alienated social behaviour; b) insurgencies that fan centripetal embers of electoral-related violent religious and ethnic conflicts and c) violent attacks on the offices and facilities of INEC, across the country, by arsonists, destroying election hardware, office furniture and fittings, vehicles and the killing and or kidnapping of INEC officials, across 21 states of the federation, such as the attacks on the facilities of INEC in early December 2022 in Imo, Ogun, Osun states,^{xii} and early February 2023 in Anambra State.

The Security Environment: Strategic Issues in the Preparedness for Elections

Given this insecurity environment and the imperative to mitigate its more insalubrious consequences for the preparedness of INEC for the 2023 general elections in Nigeria, what can INEC do or what has it done and is doing to turn the risks posed by the current security environment into challenges and opportunities? To pose this question is to ask about current preparations of INEC for the 2023 general elections, but set against lessons learnt from previous electoral cycles since 1999.

Drawing on criticisms of and lessons learnt from the conduct of elections since the 1999 electoral cycle, INEC began in 2010, under the leadership of Attahiru Jega (2010-2015) and Mahmood Yakubu (since 2015), to invest strategically and heavily in internal administrative and financial reform and technology as central elements in its administration and management of elections in the country.^{xiii}

4.1 INEC's Efforts

Given Nigeria's current security environment, but set with the broader context of its historical roots, INEC began to prepare for the 2023 general elections after the 2019 general elections. To this end, it held a series of internal debriefing meetings within the Commission, with the Resident Electoral Commissioners, with headquarters staff at its national and state levels, and with several state and non-state stakeholders within the country and the international community. Its preparation process, in this respect, ranged over the following activities: a) training and capacity building for the Commission's permanent and Ad Hoc Staff; b) Voter education and public enlightenment for the general public; c) Continuous Voter Registration; d) Stakeholders Engagement, notably with the security agencies through the Inter-Agency Consultative Committee on Election Security (ICCES); e) The Media; f) the civil society, including faith-based organizations; g) State Actors, mainly Ministries, Departments and Agencies of Government; h) African and International Development Partners; and i) political parties and the Inter-Party Advisory Council (IPAC).

INEC has been pursuing these activities to conduct the 2023 general elections in conformity with the constitutional and other national legal frameworks for the conduct of elections in Nigeria. But, in doing so, INEC also kept in mind more or less, related provisions in African and other international codes and standards on elections, such as the African Charter of Democracy, Elections and Governance. The high point of its preparedness was its projected planning approach to its mandate., as reflected in the review of a) the 2017-2021 Strategic Plan and Strategic Programme of Action 2019; b) the 2019 Election Project Plan; followed by c) the formulation and implementation of the 2023 Election Project Plan; d) the announcement of enhanced inclusivity measures for voting by internally displaced persons and peoples with disability; e) release of the Election Calendar for the 2023 general elections, including the timetable and schedule of activities for the elections^{xiv}; and the enactment of the Electoral Act, 2022., which provided statutory force and teeth to some important innovative measures for the deployment of technology and other provisions to sanitize the electoral process and the management and conduct of elections.

4.2 Imperatives for Collaboration

The overall result of this approach was the generally noticeable improvement in the preparedness of INEC for elections since the 2011 electoral cycle, and in particular its self-confident emphasis on its readiness and ability to deliver free and credible 2023 general elections, despite the continuing risks and related foreboding signposts, spawned by the country's inclement security environment for the conduct of free and fair elections. What this underscore is that, as Mozaffar and Schedler argue, “an emphasis on project planning does not necessarily imply bureaucratic rigidity. Rather, it draws attention to the importance of utilizing lessons learned from previous elections to reduce the marginal cost of future elections.”^{xv}

But it is increasingly clear to the general public, as INEC has strenuously and vigorously emphasized that the country's current inclement economic, political and social environment calls for a partnership between relevant stakeholders in state and society to ensure the conduct of credible general elections in 2023 and beyond. This was the message in the following statement, credited to “the Chairman of the Transition Monitoring Group (TMG), Auwal Musa (Rafsanjani) [when he] called on Nigerians to be vigilant and ready to defend democracy, affirming that the threat to the 2023 general election is real.”^{xvi} Similarly co-Chairmen of the Nigeria Inter-Religious Council (NIREC), His Eminence Saad Abubakar, the Sultan of Sokoto, and His Eminence Archbishop Daniel C. Okoh have pointed to the imperative for Nigerians to demonstrate political will and undertake collective action to ensure the peaceful conduct of free and fair general elections in 2023.^{xvii}

Preparedness of INEC for the 2023 Elections: Residual Risk Factors and Challenges

Looking back on the proactive engagement of INEC with various stakeholders and its preparations for the 2023 general elections, what remains to be done? How much preparation is required to indicate that INEC is ready, prepared and able to guarantee the successful conduct of credible elections in 2023, in line with the canons of electoral integrity set out in the Nigerian Constitution, the country's Electoral Act 2022 and related African and international codes and standards which the country has domesticated?

In a way, the question is an academic one: we do not know or are unable to calculate or determine for certain how much preparation will be adequate for the conduct of free and fair but peaceful general elections with finality. We cannot make infallible or unfalsifiable conjectures and predictions because we do not know tomorrow, ahead of today. A genie may pop out of the bottle to create new problems, such as the current crisis of governance caused by the currency swap policy of the Central Bank, or the escalating fuel scarcity, both of which, three weeks before the presidential and national assembly elections on February 25, 2023, might have thrown spanners in the works for the preparations of INEC for the elections if they were to have occurred on the scale they did, a week to the elections. How many such spanners may happen closer to the elections? We can only make “reasonable” conjectures or predictions, through a process of induction from experience and lessons learned from previous elections about what makes for adequate preparations.

What we can say about INEC's preparations for the 2023 general elections is the following:

While INEC has since 2011 significantly improved its preparations for elections, and current preparations are at top gear and undergoing last-minute review to strengthen them and take remedial action to tighten weak links in the preparation chain, what is also true is that such high-powered preparations, no matter how comprehensive and seemingly watertight, “alone does not guarantee good election because a complex variety of social, economic, and political variables affect the process, integrity and outcome of democratic elections,”^{xviii} as Mozaffar and Schedler caution.

This is because, as they also argue, “in transitional societies and new democracies[such as Nigeria] the complex task of organizing electoral contests is much closer to the “diabolic” paradoxes of politics than to the tedium of bureaucratic routine.”^{xix} “What the Uwais-led Electoral Reform Committee pointed out in its Report in 2008 remains true then as now: the country's historically deep-rooted “diabolic” politics continues to pose serious security risks for the conduct of general elections in Nigeria.

Conclusion and Recommendations

So what? First, much more energy needs to be spent on turning the critical searchlight on how to mitigate or mute the adverse effect on the preparations of INEC for the 2023 general elections by the four key elements of the country's political economy, that Ibeanu, as pointed out earlier, identifies as complicating the nexus between security and elections in Nigeria: a) a failure of public security provisioning; b) a quantum rise in non-state security provisioning; c) the political manipulation and abuse of [state] security; and d) the communalization of security.^{xx}

This requires citizen action, amounting to a night watch approach to defend and practice democracy as a public interest project to hold the country's public authorities accountable, and demand inclusive government, as set out in the provisions of Chapter II, Section 13 and Section 14(1)(a-c) of the Constitution of the Federal Republic of Nigeria, 1999.

Fundamental Objectives and Directive Principles of State Policy: [See Table I]

Table I: Provisions of Section 13 and Section 14(1) (a-c) of Nigeria's 1999 Constitution

Section	Provisions
13	It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution.
14	Section 14. (1) The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. (2) It is hereby, accordingly, declared that: - (a) Sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers authority; (b) The security and welfare of the people shall be the primary purpose of government; and (c) The participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.”

As argued in a CDD Concept Note,^{xxi} this night watchman approach to protecting the citizens' electoral mandate, which defines *mandate protection* and its sustainability more broadly, is important because a short-term focused, piecemeal, and episodic approach that dissociates electoral reform from governance reform is not only self-defeating but also likely to degenerate into “over-legislation” and “over-judicialization” of the electoral process.

Diagram A schematically illustrates what the approach requires.^{xxii}

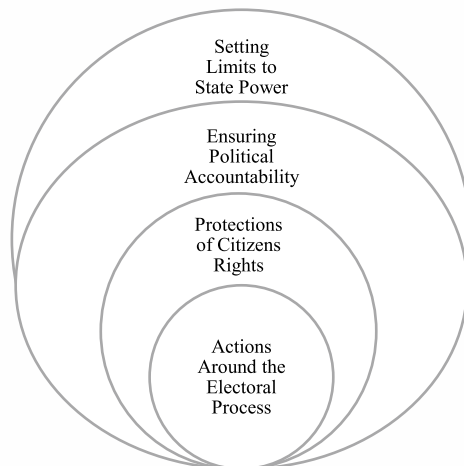


Table II summarizes the governance reform implications of each circle in Diagram A.

Table II: Governance Reform Issues

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>Why? These recommendations will address the security challenges posed for the preparedness of INEC for elections by the abuse of the power of incumbency for party partisan electoral advantage and the cycle of retaliatory violent resistance it typically breeds.</p>
<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 political party influence by removing the power of appointing their members and supervising the institutions from political office holders in the executive and legislature. 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>Why? These recommendations are targeted at diminishing the diabolical paradoxes of the country's competitive party and electoral politics through the routinization of the night watchman approach that underscores the responsibility of citizens to demand accountability and transparency in public political life.</p>

Section of 1999 Constitution	Action Recommended
<p><u>Protection of Citizens Rights & Strengthening Peoples Agency:</u> Chapter II and Chapter IV of Nigeria's 1999 Constitution; and in the African Charter on Human and Peoples' Rights, and the African Charter on Democracy, Elections and Governance; 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>	<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 limits to state power 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. Popularize provisions for recall of legislators 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 6. Private sector to undertake pro-poor corporate social responsibility Why? Same reason given for the Political Accountability column above holds
<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>	<ol style="list-style-type: none"> 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] 2. <u>Power of Incumbency:</u> Diminish/Constrain abuse of the power of incumbency for partisan political electoral advantage. 3. <u>Party System:</u> <ol style="list-style-type: none"> 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. 4. <u>Electoral Dispute Adjudication:</u> <ol style="list-style-type: none"> 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.

Section of 1999 Constitution	Action Recommended
	<p>5. <u>Independent National Electoral Commission:</u></p> <ul style="list-style-type: none">a) Unbundle INEC, as recommended by the Hon. (Mr.) Justice Uwais-led Electoral Reform Committeeb) 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. Why? (a) To make INEC slimmer and more professional to face the challenges of Nigeria's diabolic politics and enable it to more effectively and efficiently navigate the nexus between security and elections in the country. (b) To make the judicial adjudication of election disputes speedier and enhance faith in the impartiality of the judicial framework for elections. Doing this will diminish the resort to election-related violent political conflict that also poses security risks for the preparedness of INEC for the conduct of general elections.

References

ⁱ I follow here the insights into the character of Africa's political economy and its implications for the structure of governance, including electoral processes on the continent by Frantz Fanon, Claude Ake, Okwudiba Nnoli.

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ⁱⁱⁱ On the distinction between this triadic elements of violence into physical, psychological, and structural violence, see John Galtung, "Violence, Peace, and Peace Research," *Journal of Peace Research*, Vol. 3, 1969, pp. 167-191> For a Fanonist application of this triadic definition of violence to an understanding of African politics and of the global structural and cultural asymmetries that drive it, see, L. Adele Jinadu, "The Dialectics of Democracy, Development, Peace and Security in Africa,": Introduction, in L. Adele Jinadu (ed.), *The Political Economy of Peace and Security in Africa: Ethnocultural and Economic Perspectives*, Harare: African Association of Political Science (AAPS), AAPS Books, 2000

^{iv} An ethnofederal federal system is a species of federalism in which the sub-territorial units, i.e., provinces, regions, or states, as in India, are constituted not on the basis of geographical diversity as such, as in the USA, but on the basis of ethnic diversity to accommodate claims to limited autonomy or sovereignty in their ethnic homelands within the ethnofederal system, so constituted.

^v See footnote 3, above.

^{vi} General L.E.O. Irabor, Contemporary Security Environment and National Development: Efforts of the Armed Forces of Nigeria, Distinguished NIIA Lecture, delivered at the Nigerian Institute of International Affairs, Lagos, Nigeria, 25 August 2022, pp.3-4

^{vii} Okechukwu Ibeanu, "Managing Security in a Multi-Level Government System: Issues and Challenges in the Nigerian Federal System," in Habu Galadima and Musa E. Umar (eds.), *Federalism and the Challenges of Dynamic Equilibrium in Nigeria: Towards a National Strategy*, Kuru: The National Institute for Policy and Strategic Studies, 2017, p. 44

^{viii} Electoral Reform Committee (ERC), *Report of the Electoral Reform Committee Report, Volume 1, Main Report*, Abuja, December 2008, paragraphs 1.41 (a-g), characterizes the "sad history" as follows: "The 85-year-old history of Nigeria's elections shows a progressive degeneration of [electoral] outcomes."

^{ix} Ibeanu, "Managing Security in a Multi-Level Government System, p. 44

^x See, United Nations Economic Commission for Africa (UNECA), *African Governance Report III: Elections & the Management of Diversity*, Addis Ababa and Oxford: UNECA and Oxford University Press, 2013, p. x.

^{xi} Mahmood Yakubu, Guest Columnist, *2023 Elections: Preparations, Priorities for Election Integrity*, This Day, January 20, 2023, p. 48

^{xii} Sodiq Omolaoye, "Attacks won't stop 2023 polls, INEC affirms as commission records seven incidents in four months," *The Guardian*, Monday December 5, 2022, p.3

^{xiii} See, Okechukwu Ibeanu, "Preparations for the 2015 General Elections," in mimeo, 2014; Okechukwu Ibeanu, "The Independent National Electoral Commission, in mimeo, 2013; INEC, *Report of the Registration and Election*

Review Committee, 2012; Independent National Electoral Commission, *2015 General Elections Report*, Abuja: INEC, 2015; Independent National Electoral Commission, *Making Your Votes Count---Consolidating Our Democracy: INEC Strategic Plan 2017-2012*, Abuja: INEC 2017

^{xiv} For the Timetable, See Independent National Electoral Commission, *Time Table & Schedule of Activities for the 2023 General Elections*, Abuja, 2022

^{xv} Shaheen Mozaffar and Andreas Schedlar, "The Comparative Study of Electoral Governance: Introduction", *International Political Science Review*, Volume 23, Number 1, 2002, p.9

^{xvi} Chijioke Iremeka, "Overcoming Challenges and plots ahead of 2023 elections," Lagos: The Guardian, December 5, 2023, pp.24-25

^{xvii} Paul Okah, "Despite Attacks on INEC facilities, election must hold---Sultan, CAN," BLUEPRINT, Wednesday, December 7, 2022, p.5

^{xviii} Mozaffar and Schedlar, "The Comparative Study of Electoral Governance," p.6

^{xix} Ibid, p.8

^{xx} See footnote 2 above




^{xxi} Centre for Democracy and Development (CDD), *Revised Towards a Post-2019 Electoral Reform in Nigeria: Concept Note*, Unpublished Discussion Paper, Abuja: CDD, July 2019, p. 1



^{xxii} Centre for Democracy and Development (CDD), *Revised Towards a Post-2019 Electoral Reform in Nigeria: Concept Note*, p.4

ABOUT THE ELECTORAL HUB

The Electoral Hub, an affiliate of the Initiative for Research, Innovation and Advocacy in Development (IRIAD), is a knowledge and advocacy hub which seeks to provide solutions to improve the credibility and integrity of the electoral process. It is committed to promoting electoral knowledge, integrity, and accountability in Nigeria. Our aim is to strengthen electoral governance and accountability in Nigeria through the provision of critical and contextualised analysis, and solutions to improve the credibility and integrity of the electoral process. We believe that the integrity of the electoral process is crucial in improving electoral governance and sustaining democracy in Nigeria. We also believe in solutions rooted in the principles of justice and equity.

Our core values are knowledge-exchange, inclusion, justice, equity, transparency, and accountability.

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