



The Role of Independent National Electoral Commission (INEC) in the Management of 2023 General Elections in Nigeria

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Abstract

It is an established fact that Nigeria's electoral process has always been marred with irregularities over the years. However, the 2023 Presidential and National Assembly elections were a paradigm shift in the history of electioneering in the country. Though, some challenges were encountered in the management of the elections, the Independent National Electoral Commission (INEC) was given a pass-mark by many local and international observers and thus made the general election a watershed. This makes it imperative in this paper to examine the conduct of the 2023 Presidential and National Assembly elections in Nigeria. The paper infers that if the Independent National Electoral Commission (INEC) can continue to discharge its statutory functions out of political influence and move away from the status quo where a political party dominates the constitution of drivers of INEC, there is every tendency that there will be continuous better conduct of election in the future to come. The paper taps various means of getting relevant materials to put this study together for onward academic utilization and to reshape the conduct of Nigeria's subsequent general elections like the maintenance of established punishment for electoral offenders, strengthened voter education, and establishment of training institutes for prospective politicians. General elections were held in Nigeria on 25th February, 2023 to elect the President and Vice President and Members of the Senate and House of Representatives. Incumbent President Muhammadu Buhari is term-limited and could not seek re-election for a third term. The election therefore, was seen as the tightest race since the end of military rule in 1999. The president of Nigeria is elected using a modified two-round system with up to three rounds. To be elected in the first round, a candidate must receive a plurality of the votes and over 25% of the vote in at least 24 of the 36 states and the Federal Capital Territory. If no candidate passes this threshold, a second round will be held between the top candidate and the next candidate to have received a majority of votes in the highest number of states. In the second round, a candidate still must receive the most votes and over 25% of the vote in at least 24 of the 36 states and the Federal Capital Territory to be elected. If neither candidate passes this threshold, a third round will be held where just majority of the votes is required to be elected.

Keywords: Democracy, Sustainability, INEC, IReV, 2023 General Elections

Introduction

On February 25th, 2023, citizens of Nigeria went to the polls to elect a new President and members of the National Assembly. This was followed by sub-national elections, on March 11th, 2023 to elect Governors and State House of Assembly members in Nigeria's 36 states. Having now served two terms in office, Nigeria's president, Muhammadu Buhari, appeared intent on respecting constitutional term limits and handing over power to a successor. This

points to the fact that respect for two terms maximum imposed by law has been increasingly institutionalized since Nigeria's return to democracy. Indeed, Buhari has repeatedly promised to leave credible elections as his legacy before exiting the scene. The polls also marked the seventh in an unbroken sequence of general elections held since the country's transition from military rule in 1999. This represents the continuation of the longest span of time during which Nigerians have maintained the right to elect a civilian president. The sheer persistence of Nigeria's

Fourth Republic, in a post-independence history repeatedly punctuated by coup d'état, is laudable.

However, the elections also took place under the shadow of considerable social and economic instability. There was the heightened possibility that a chronic security crisis and a severely contracted economy will either pose substantial stumbling blocks to the success of polling in various parts of the country or overshadow the electoral contest altogether for millions of beleaguered and internally displaced Nigerians. Moreover, the heightened polarisation of the country on ethnic and religious lines, intensified by the identarian political rhetoric deployed by the leading candidates does not bode well for national stability or social cohesion before or after the election.

Likewise, the combined effect of a growing increasingly frustrated youth voting population, coupled with the fact that the two leading parties have put forward septuagenarians as presidential flag bearers, contributed to stoking already combustible generational tensions. Indeed, growing disenchantment with both the ruling All Progressives Congress (APC) and the main opposition People's Democratic Party (PDP) have contributed to generating significant interest across urban youth and international media circuits, around the possibility that an upstart Labour Party (LP) led by the relatively younger Peter Obi could stage a surprising electoral upset.

Cumulatively, these factors represent the promise and the perils of Nigeria's 2023 election, which this paper seeks to examine. The paper begins by setting the initial context

of Nigeria's ongoing democratic dispensation, identifying the central trends that have not only shaped electoral politics before and during the Buhari administration but also influenced the character of the 2023 election. Following this, the paper profiles the main candidates and political parties that dominated election discourse ahead of the polls. The third section considers the key campaign messages that the candidates have put forward, assessing the extent to which the candidates represent alternatives to the present governing arrangement. Finally, the conclusion offers a summation of the preceding discourse and considers wider questions the 2023 elections pose.

Concept of Election

An election is the heartbeat of a democratic setting. Elections are among the most ubiquitous of contemporary political institutions and voting is the single act of political participation undertaken by a majority of adults in a majority of nations in the world today (Rose and Mossawir, 1974). Democratic virtue can be enhanced viz a viz free and fair election. As observed by Ojo (2007), an election is qualified as the process of choosing people for particular jobs by voting. The researcher argues further by giving examples of two major types of election – direct and indirect. The former emphasizes the direct participation of voters in an election. Each voter goes to the poll and records a vote in favour of one candidate or another. The candidate with the maximum number of votes is declared elected. This method is said to be the most popular and is used in all democratic countries.

On the other hand, an indirect election does not give room for the direct participation

of voters electing their representatives but elects an intermediary body that has the final decision. The final choice of electing the representative is not that of the general mass of voters but of the intermediary body of electors whom the general mass of voters had elected in the first instance (Kapur, 2006:50)

However, an election became imperative as a result of the development of the idea of representative democracy due to the impossibility of direct representation in modern society. In essence, elections play an important role in the life of a nation. It is one of the essential ways by which citizens choose their leaders and by so doing contribute meaningfully to the identification of the kind of development they would like to see (Albert, 2007:132). Thus, elections are significant because they confer legitimacy to leaders and governments when they are democratically conducted but generate legitimacy crises when persons and governments that are not the true choice of the people are foisted on them (Nwolise, 2007:156)

In the final analysis, elections demonstrate that political power derives from the people and is held in trust for them; and that is to the people that political leaders must account for their actions. In the last resort only the possibility of being turned out of office ensures that those elected fulfil their trust and maintain the standards of public office, and guarantee those changes in the personnel and policies of the government that changing circumstances require (David and Kevin, 1995:35).

Theoretical Framework

Due to the nature of the study that focuses on the conduct of the 2023

Presidential and National Assembly elections in Nigeria, structural functionalism would be used to anchor the role of The Independent National Electoral Commission (INEC). Independent National Electoral Commission is the electoral body which oversees elections in Nigeria. It was established in 1998 shortly before Nigeria's transition from military to civilian rule during the electioneering process. As it is known, structural functionalism as a theory to the study of political phenomenon tries to explain the basic function of the political structures in the political system and it is also a tool of investigation. In essence, it explains the relationships between the parts (structures) on one hand and between the parts and the whole (political system) on the other hand. The relationship is explained in terms of the functions of each (Olaniyi, 2001:73).

Considering the 2023 Presidential and National Assembly elections in Nigeria, it can be observed that the conduct of the elections which was appraised by many people to have been credible, more seamless, and fairer witnessed a positive role from the electoral commission compared to when Nigeria started democracy in 1999. The commission which happens to be a structure contributed its role in ensuring free and fair elections that produced representatives of the people based on the electorates' decisions. The magnificent impact of the electoral body enhanced the sustainability of the entire political system. The argument here is that a peaceful political transition was achieved through the credibility of the conduct of the election by the Independent National Electoral Commission (INEC). The electoral body helps to maintain the system because it performs the tasks. However, other structures like Civil Liberty Organisation (CLO), as well as chairpersons

on election commissions from East, West and Southern Africa (nations like Tanzania, Namibia, Liberia, Niger, Benin, Burkina Faso, Sierra Leone, Gambia, and Ghana) with other election observers team assisted in carrying out the functions that ensured transparent, credible, free and fair elections in the Country.

The 2023 General Elections

It is an established fact that the success of any election must be supported with the integrity of credible voter registration because pre-election rigging includes the manipulation of the voter register, a document that is considered the foundation of a credible election. Independent National Electoral Commission (INEC) was able to compile an acceptable voter registration list and which contributed to the transparent exercise of the voting system.

An important trend that has shaped Nigerian elections in the Fourth Republic has been the evolution of Nigeria's electoral administration body, the Independent National Electoral Commission (INEC). The first three presidential elections of the Fourth Republic (1999, 2003, and 2007) came to be renowned for various forms of fraud and electoral manipulation, including violence, political assassinations, and outright ballot snatchings. In particular, the 2007 general elections, in which the then ruling PDP earned over 70 per cent of the total votes cast, earned widespread disrepute among academics and observers, prompting scholars like R.T Suberu (2007) to note that "the sordid manipulation and outrageous maladministration [...] made a travesty of the voting". Omotola (2009) put it more starkly, concluding that: "the April 2007 general elections seem the most flawed in the electoral history of Nigeria". Indeed, Musa

Yar'Adua, the President elected in the 2007 contest, was forced to acknowledge in his inauguration speech that the elections that brought him to power had been imperfect.

Against this backdrop, the 2011 elections seemed to mark a decisive turning point. The polls were widely (though not universally) praised as credible and commended by local and international observers. The Commonwealth Observer Group, for instance, in its 2011 Nigeria Elections interim report observed that "the April 2011 elections marked a genuine celebration of democracy in Africa's most populous country... Previously held notions that Nigeria can only hold flawed elections are now being discarded and this country can now shake off that stigma and redeem its image". A series of factors account for this apparent change of direction. The appointment as INEC chair of Attahiru Jega, a widely respected former president of the Academic Staff Union of Universities (ASUU), was an initial development that restored a measure of public legitimacy to the electoral umpire. This was further bolstered by INEC's declaration that it would scrap the previous and widely condemned voter database to register

Nigerian voters afresh, only this time with newly acquired biometric technology. While the election was not devoid of logistical challenges, it clearly represented an improvement in Nigerian electoral practice. The subsequent general election in 2015, which featured Nigeria's first-ever opposition victory at the presidential level, only appeared to deepen the trend of INEC's improving public legitimacy and increased embrace of technology. Stewarded once again by Attahiru Jega, the commission's pre-election preparations featured a cleaned-up voter

database, with the previous register of 73.5 million voters reduced to 67.4 million based on the Institution's uncovering of duplicate, fictitious, or deceased individuals on the voter register. INEC likewise introduced electronic card readers at polling units, allowing only registered voters to cast a ballot, and removing the possibility that vote numbers could be locally padded. The historical concession of PDP President Goodluck Jonathan to APC Muhammadu Buhari, and the decline in the degree of election petitions that commonly trail Nigerian polls also added to the growing public confidence in Nigeria's electoral institutions.

Electoral management in recent polls has had a less straightforward record. The outcome of the 2019 presidential election was celebrated by some local civil society groups and INEC continued to improve its biometric data capturing system, increasing the voter register to 84 million. However, some International Observer Groups questioned the integrity of the voter registration process. The European Union Election Observation Mission, for instance, stated in its report that the collection of voter cards appeared "implausibly high" in some states, also noting that "the voter register includes deceased persons" (EUEOM 2019). The elections were also followed by a legal challenge launched by the PDP flag bearer, Atiku Abubakar, mirrored by numerous legal battles on the state level.

State-level elections since 2019 have likewise featured questionable logistical failures, legal disputes, and the increased integration of technology into electoral administration. The latter has included the introduction of a new Bimodal Voter Accreditation System (BVAS) that features a

fingerprint scan and facial recognition technology. INEC has also developed an online platform where polling unit results are uploaded and can be viewed in real-time. Yet, election results have remained contentious at the state level – with various governorship polls having been overturned by courts. The newly introduced technology has itself been the source of dispute, with the defeated APC candidate in the 2022 Osun Governorship Election alleging that the PDP shored up-votes in the same polling units where the BVAS happened to not have been in use.

Expectations are also heightened that INEC, aided by the recently passed Electoral Act 2022, which grants the commission legal backing to use its BVAS technology, was able to deliver a credible vote tally on Election Day. Along with the dynamics of electoral administration, the election outcome was also influenced by the wider context of socio-political conflict and fragmentation. For different reasons, the 2011 general election was applauded and appreciated; the elections salvaged the bad image heaped onto the country by the scandalous conduct of the 2007 exercise. Although in no way flawless, the performance of the Independent National Electoral Commission (INEC) under Attahiru Jega's watch was a far cry from the disgraceful election conducted by the same organisation under the chairmanship of Maurice Iwu (Nigerian Tribune, 13 May 2011)

One factor that accounted for the glaring difference between the 2007 and 2011 elections is the critical question of leadership. In 2007, former President Olusegun Obasanjo publicly and unabashedly declared that it was going to be a do-or-die affair. However, unlike the Electoral body that exhibited gross ineptitude and downright insincerity in the

2007 general election, the Independent National Electoral Commission (INEC) maintained some level of neutrality and impartiality during the conduct of the 2011 general elections, though the President, Goodluck Ebele Jonathan, displayed political will that ensured free and fair content. This argument can be juxtaposed with the outcome of election results in some states, whereby the power of incumbency did not count.

The entire process of the 2011 elections was widely adjudged as transparent. To a considerable extent, the open/secret system of balloting blocked the loopholes usually exploited by unscrupulous politicians to perpetrate electoral fraud at polling stations. The novel idea of bringing the National Youth Service Corps participants to serve as ad hoc electoral officials greatly diminished the chances of multiple thumb-printing of ballot papers. The involvement of University Dons as returning officers enhanced the integrity of the elections. Although a number of shortcomings were identified, election monitors both local and international attested to the credibility of the elections (Tribune, May 13, 2011).

Not only that, the manner in which election materials were distributed to various polling units was characterised by transparency and fairness. Most election materials arrived on time and electorates were accredited before normal voting commenced. The part of election observers were duly accredited and were also allowed to watch the distribution of election materials, the conduct of the voting, the sorting and counting of ballots and the announcement of results. Although most of the rules guiding election observation were highlighted by the Electoral body and even electorates by the observers contributed to the

success recorded in the 2023 Presidential and National Assembly elections.

INEC's operational capacity was hampered by the ongoing fuel and Naira shortage. Insecurity prevented it from accessing some Local Government Areas (LGAs), notably in the South. Attacks on INEC premises, including just days before polling, hindered preparations in affected areas while instilling fear in voters. Overall, stakeholders had expressed confidence in INEC's independence, professionalism, and voter information efforts, but this decreased ahead of the elections. INEC lacked efficient planning and transparency during critical stages of the electoral process, while on Election Day trust in INEC was seen to further reduce due to delayed polling processes and information gaps related to much-anticipated access to results on its Results Viewing Portal (IREV).

In the build-up to elections, the widely welcomed Electoral Act 2022 introduced measures aimed at building stakeholder trust, however, leaving some important gaps in terms of accountability and INEC's power to enforce the law. Weak points include a lack of INEC empowerment to enforce sanctions for electoral offences and breaches of campaign finance rules and input of Political Parties' code of conduct to know the dos and don'ts of election processes. Positively, INEC benefited from timelier financing than for previous contests. Other new provisions also aimed to enhance the transparency of results. The introduction of the Bimodal Voter Accreditation System (BVAS) and the IReV for the 2023 elections was perceived as an important step to ensure the integrity and credibility of elections. However, delayed

training of technical personnel, an inadequate mock testing

Exercise and a lack of public information on the election technologies diminished expectations and left room for speculation and uncertainty. During the early stages of collation, presidential result forms from polling units was not displayed on the IReV, while Senate and House of Representative results were slowly published. Presidential election result forms started to be uploaded after 10 pm on Election Day, raising concerns and reaching only 20 per cent by noon on 26 February. Later the same evening, INEC explained the delay with “technical hitches.”

Among 93.4 million registered voters, 9.5 million additional voters have registered ahead of the 2023 polls, of whom two-thirds were youth following mobilisation efforts during the registration period. Yet, the collection of permanent voter cards (PVC), a requirement to vote, was negatively affected by poor institutional planning. Two days before the elections, INEC stated that 93.3 per cent of PVCs were collected. Without an independent audit of the voter register, quality and inclusiveness could not be assured.

Conflict and Social Cleft

Nigeria’s prevailing context of insecurity is a central issue that affected the organisation of the 2023 general elections. In 2022, over 10,000 people were killed in various forms of armed conflict, including inter-communal, jihadist, and criminally instigated violence. In addition to the more established threats posed by the Boko Haram insurgency in Northeast Nigeria and oil militancy in the Niger Delta, the holding of polls in numerous constituencies around Nigeria was affected by

a wider range of threats to public safety that have intensified since 2015. These include the rise, particularly in Northwest and North central Nigeria, of violent bandit groups, often associated with pastoral communities. The activities of such groups have increasingly intensified since 2012, leading to a rise in cattle rustling and kidnapping, as well as contributing to farmer-herder conflicts. Banditry affected electoral dynamics in the worst-hit areas of the country by attacking political party campaigners and by posing a direct threat to the lives of voters and electoral officials on Election Day. In addition, long-standing conflicts between farming and herding communities, which the rise of bandit groups has exacerbated, also had an impact on electoral politics by deepening the animosity between livelihood groups, thereby increasing the salience of election campaign discourses that appealed to this cleavage. Politicians in areas affected by these conflicts have frequently rallied support by stereotyping members of the opposing community. This dynamic is particularly intense in North-central/middle-belt states where the farmer-herder cleavage overlaps with religious and ethnic divisions – as most pastoralists are thought to be Muslim and Fulani while farming communities tend to be Christian and ethnically heterogeneous.

Pastoralist migration has also played an increasingly prominent role in identitarian discourse and political contestation in Nigeria’s Southern States. For instance, rural and peri-urban contexts in the southwestern region have seen an increase in such incidents as well as high-profile “Countdown Begins to Nigeria’s Crucial 2023 Election”, International Crisis Group, attacks by bandits or terrorist groups often associated with public and media discourse with pastoralist communities. This

has in turn fueled a rise in Yoruba nationalist agitations and the emergence of an “Oduduwa Republic” movement, led by the separatist agitator, Sunday Adeniyi Adeyemo, known as “Sunday Igboho”. South-eastern states have also witnessed the emergence of armed groups affiliated to or advancing a similar cause as the longer-running Indigenous Peoples of Biafra (IPOB) movement. This has coincided with rising demands for a referendum to decide on the possible secession of areas that fell within the short-lived Republic of Biafra during the Nigerian civil war (1967-1970). In addition to organising street protests and calling for election boycotts, Biafra separatist groups have also frequently staged large-scale sit-at-home protests, forcing residents of states in Southeast Nigeria to remain at home on designated days under threat of violence. Armed groups claiming affiliation with separatist movements have also attacked several INEC facilities in the region, as well as undertaken the political assassination of state security officials and local politicians. Ongoing attacks by such groups affected the electoral process as much through posing a direct threat to the process of organising and participating in the elections as through depressing voter turnout in affected areas.

Key Challenges

There is nowhere in the world where absoluteness can be attained during the electioneering process, the 2023 Presidential and National Assembly elections in Nigeria despite being applauded, there were shortcomings observed before, during, and after the conduct of the election. There were still cases of ballot boxes and BVAS snatching in spite of the open/secret system of voting. There were also rampant cases of underage registration and over-voting. Ad hoc INEC

officials who resisted the pressure to register minors and allow them to vote were threatened and harassed into submission. It is amazing to have heard cases of multiple thumb-printing despite the availability of Direct Data capture machines that were used to register prospective voters electronically.

The lateness of electoral officials, electoral materials, and security personnel should be avoided in the subsequent elections in Nigeria. The lateness of both electoral officials and electoral materials really posed a setback in some parts of the country where the election started late. INEC should Endeavour to put in place more vehicles to convey both electoral officials and electoral materials to designated polling units on time in order to work within the time frame for the election processes.

Another sympathetic and traumatic aspect of the elections was a hitch experienced in some parts of Borno where Boko haram disturbed the election processes from taking place. The most painful part of the scenario was the attack and killing of citizens who wanted to perform their civic rights regardless of the present challenges of the country as a whole. This was a tragedy of monumental proportions. In fact, it was another dimension of failure on the part of the government to protect its own citizens

The implication of this was the displacement of thousands of people. Also, it poses threat to the country's seriousness in consolidating the nascent democracy. Because such violent attitude portrays the peoples' political behaviour and culture to be parochial, they cannot be compared to contemporary Western politicking.

Conclusion and Recommendations

The conduct of the 2023 Presidential and National Assembly elections showcased the country's readiness to embrace electoral Democracy, electorates' involvement, and ensure political stability. Comparatively, the 2023 Presidential and National Assembly elections awakened the mandate of the electorates, unlike the 2007 elections which were flawed and condemned by both local and international observers (Omotola, 2007). Though some challenges were dictated, the electoral body (INEC) now has sufficient time to plan ahead and ensure that the lapses are corrected.

Firstly, the established punishment for electoral offenders should be maintained. Individuals found guilty of electoral malpractices should be dealt with in accordance with the law even in subsequent elections. In fact, the application of electoral laws to the latter would change the face of electioneering in the country. Adequate security is also needed to enhance hitch-free electioneering exercises. Security should always be provided at both registration and polling centers to frustrate desperate politicians in their bid to pervert the nascent democracy. This can be achieved through neutrality and impartiality from security agencies.

In addition, voter education is another important area that the government needs to strengthen. It has been observed that most of the electorates in Nigeria still have a low level of political culture. Sincerely, the majority of the voters still subject themselves to politics of money, favoritism, sectionalism, and abuse of voting powers support. But the reverse is the case in Africa and Nigeria in particular

whereby money politics is the yardstick for gaining peoples' mandate (Ojo, 2008). Not until proper orientation and education are given to the mass electorates, politicking in Nigeria would still be guided by parochial political behaviour.

However, it is not the electorates only that need orientation and political education, there should be a body or commission that would serve as a training institute for prospective politicians. In fact, the curriculum should be designed for this purpose so as to have requirements for contesting elections. If an institute of this nature is established, Nigerian politicians would have the opportunity to be trained and prepared for any political positions being aspired for. With this, thuggery in politics can be easily controlled.

Meanwhile, just as INEC successfully curbed hacking of the INEC portal by some desperate politicians in order to alter the election results even before the results got to INEC headquarters which brought about delay in displaying the election results on the screen by INEC. It also led to controversy among some opposition party agents pointing accusing fingers at the INEC chairman for election results malpractice, more ICT experts should be involved in the subsequent elections in Nigeria.

In the final analysis, good leadership is the major condition that can enhance the sustainability of Nigeria's democracy. If elections are free and fair, the leaders too should be mindful of the fact that people deserve to enjoy the dividends and virtues of democracy. Government is by representatives and the interest of the people is expected to prevail over selfish interest.

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