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# INSTITUTIONAL INDEPENDENCE OF INEC AND THE CREDIBILITY OF 2015 ELECTION

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## *Abstract:*

This paper examines how does the autonomy of the Independent National Electoral Commission (INEC) influences the integrity of the 2015 elections in Nigeria. Exploring the empirical realities that build-up before, during, and after the elections, this paper indicates that a truly independent electoral commission can make an election credible. The paper shows that the Commission has become far more effective and reliable institutions to both the incumbent and opposition political parties, empowering the Nigerian electorates to decide who shall govern their affairs at different levels of government. In specific, beside the therapeutic validation of the national voter list, INEC produced a microchipped Permanent Voters Card (PVC) which authenticates card holder as eligible voter using Card Reader machine. This facilitates accreditation of voters, reduces electoral frauds, guarantees individual's right of participation, and establishes a significant connection between effective electoral competition and the independence of the Commission.

**Keywords:** election, independent electoral commission, election integrity/credibility

## *Introduction*

Election has become an important component of democracy and democratisation debates in Africa. Some scholars believe that repetitive elections, the good, the bad, and/or the ugly,<sup>2</sup> has democratic self-reinforcing powers (Lindberg, 2006; 2009), stimulating civic activism and actions often better than free and fair elections (Bratton, 2013, p. 38). Others contend that only high-quality election can lead to democratisation (Bogaaards, 2013; Levitsky & way, Competitive Authoritarianism: Hybrid Regimes after the Cold War, 2010; Bratton, 2013). While each of these arguments holds and perhaps clarifies the extent of democratic commitments,<sup>3</sup> none examined the significance of institutional capacity building of electoral management bodies (EMBs)<sup>4</sup> in improving the credibility of election. Moreover, the most common problems of electoral irregularities occurred in sub-Sahara Africa and are tied to logistical, administrative, and political difficulties (Norris, 2014, pp. 76-88).<sup>5</sup> In the midst of these challenges, however, the Independent National Electoral Commission (INEC) in

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<sup>2</sup> To brow Sergio Leone famous trilogy 1966 titled: 'the good, the bad, and the ugly'.

<sup>3</sup> For a detail catalogue of international commitments to democracy see Norris, 2014, Why Election Integrity Matters, pp.75-90 and Coppedge, et al., 2011 Conceptualising and Measuring democracy.

<sup>4</sup> These are 'parts of set of institutions and rules that together determine the probity of electoral processes' (Hartlyn, McCoy, & Mustillo, 2008, p. 75) which we referred here as electoral commissions.

<sup>5</sup> This is not a denial of the existence of electoral fraud in other parts of the globe including the developed democracies of the UK and the United States of America. See for example (Stewart, 2006; Norris, 2013; Norris, Frank, & Coma, 2013).

Nigeria conducted the 2015 presidential election which all domestic and international electoral stakeholders accepted as credible, including the losing incumbent. How does INEC achieve this monumental success is the central concern of this paper.

Specifically we examine how the autonomy of INEC influences the integrity of the 2015 elections in Nigeria. The argument is the Commission has become far more autonomous and reliable institution to both the incumbent and opposition political parties, empowering the electorate to decide who shall govern their affairs at different levels of government. Exploring the empirical realities that build-up before, during, and after the elections, the paper establishes that there is a significant connection between effective electoral competition among parties and candidates with the independence of the Electoral Commission. This manifests in the therapeutic validation of the national voter list, production of microchipped Permanent Voters Card (PVC) which authenticates card holder as eligible voter using Card Reader machine. The combination of these initiatives helped accreditation of voters, reduced electoral frauds, safeguarded voters' preferences, and placed each contestant on a level playing field.

The paper is divided into three major parts. Following Robert Adcock and David Collier's four levels of linking concepts with observations, we describe how different scholars conceptualise autonomous electoral commission, operationalising it to observable components. Next we focus on the three basic periods that cumulatively add-up to explain the dissimilarity of the 2015 presidential elections compared to other elections conducted in the country. The paper then concludes with a discussion of the results and suggestions of ways of enhancing elections in Nigeria and Africa as a whole.

### *Autonomous electoral commission: conceptualisation and measurement*

To analyse how the autonomy of INEC influences the integrity of the 2015 elections in Nigeria, we must clarify what is an "autonomous electoral management body." Table 1 presents an outline of Adcock and Collier's framework of connecting concept with observation. It shows at the initial stage (level 1) the main concern is that of presenting how different scholars and organisations define autonomous electoral commission. The aim is to provide a broader collection of postulations of an impartial electoral management body. The next task is that of operationalising the concept by collapsing the different viewpoints into a concise definition – what Adcock and Collier described as Systematise Concept (Level 2).

This is followed by creating different indicators or measures for the systematize concept for easy application (Level 3). The last part is that of applying the scores/measures on the case understudy. In this manner, argued Adcock and Collier, a researcher has the advantage of refining his concept indicators and operationalized concept in tune with observed data (Adcock & Collier, 2001, p. 530).

*Table 1 Conceptualisation & Measurements Level*

Levels	Tasks	Activities
Level 1	Conceptualization	Presenting of the broader meanings and understandings of the concept understudy
Level 2	Operationalization	Creating a concise meaning of the concept using ideas from the various constellation of definitions of the background concept
Level 3	Indicator	Developing measures of the operationalize concept which could be either scoring or classifications
Level 4	Scoring cases	Application of the developed framework for effective analysis

Source: (Adcock & Collier, 2001, pp. 530-31)

*a. Autonomous Electoral Commission*

As the demand for credible elections increases, a number of attempts at analysing the relevance of electoral commissions emerged as the overview in Table 2 below shows (Pastor, 1999; Elklit, 1999; Elklit & Reynolds, 2002 ; Gazibo, 2006; Hartlyn, McCoy, & Mustillo, 2008; Birch S. , 2008; López-Pintor, 2000; Makulilo, 2011). From 1999 when Pastor published his seminal article on the role of electoral administration on democratic transition, the autonomy of electoral commission continues to attract intellectual and policy attention. Each of these attempts differs as to what are the basic fundamentals of an autonomous electoral commission.

Overall, we identify three classifications of electoral commission that are based on roughly three major criteria. The first defines the autonomy of electoral commission based on its location within the formal setup of government. Thus, to some an electoral commission is autonomous when it is institutionally placed outside the formal structure of government independent of the executive and/or not accountable to either the legislature or judiciary (Pastor, 1999; López-Pintor, 2000; Mozaffar, 2002; IDEA, 2006). Others, however, define as autonomous an electoral commission that is composed of members that are independent of the executive, nonpartisan experts or representatives of parties, and accountable to legislature (Hartlyn, McCoy, & Mustillo, 2008; Birch, 2008 & 2011; Carter & Farrell, 2010).

The second regards an electoral commission as semi-autonomous for the method use in the appointment or selection of its governing board members. Accordingly, a semi-autonomous electoral commission is one composed of members selected or appointed from a presidential and/or parliamentary list to be vetted by participating and existing political parties and civil society groups. This type of commission is regarded as semi-autonomous as it is composed of party loyalists or within the reach of the executive (incumbent). The understanding is individuals regardless of their partisanship, once appointed they shall act with autonomy and impartiality (Hartlyn, McCoy, & Mustillo, 2008, p.79). But, the central task of any electoral administration, in transitional democracies where suspicion is high, is to dissipate itself from the incumbent (Mozaffar & Schedler, 2002).

*Table 2 Approaches to Conceptualising Autonomous Electoral Commission*

Author(s)	Conceptualisation		
	Autonomous	Semi-autonomous	Non-autonomous
Pastor, (1999, pp. 12-13)	Manned by experts & accountable to parliament or puts under the government & supervise by judicial body	Compose of representatives of parties or individuals selected from a list submitted by the president and the legislature veto by parties	Placed under government
(López-Pintor, 2000)	A commission independent of the executive	An electoral commission place within the executive but subject and supervised by an independent body	A commission situated within the government
Mozaffar, 2002, pp. 90-91)	When placed outside the formal structure of government	Placed within the formal structure of government	Placed within the executive branch of government
Hartlyn, McCoy, & Mustillo, (2008, p. 79)	Profession, experts or civil society representation	Partisan mixed of either balance party representation or sufficient representation of all relevant stakeholders such that non could dominate decision making	Single party dominated (incumbent party) representation
IDEA, (2006, pp. 6-10)	Institutionally placed independent of the executive branch of government	Institutionally place under the directives of a department of state but independent of the executive	Placed and managed directly under the executive branch
Birch, (2008, p. 308 & 2011, pp. 115-118) & Carter & Farrell, (2010, pp. 41-42)	Independent of the executive composed nonpartisan experts or representatives of parties and accountable to legislature	A commission that combines the mixture of autonomous and non-autonomous model	All elections are conducted by the executive branch of government

*Source:* authors' compilation

Lastly, a non-autonomous electoral commission is one that is placed either under the complete supervision of the executive or dominated by incumbent party representation. Almost all scholars examined agreed to this classification (last column Table 2). This consensus, probably, explains Sara Birch's classification of electoral commission models into the model of ombudsman and checks-and-balances. The former is an institutional design based on professional, permanent, and autonomous body made up of individuals chosen for their professional and expert credentials e.g. the judges. The latter refers to a model that placed emphasis on a balance partisan representation among existing political interests such that each has representation and contributes to the management of the electoral processes (Birch, 2011, pp. 118-119).

The autonomy of electoral commission, however, is beyond formal institutional arrangements of locations and composition. Moreover, electoral commission could be model with all the prerequisites of formal autonomy but denied of the basics requirements of impartiality. Ottaway rightly pointed out that:

Intervenors want elections to be organized by independent commissions, and they often prevail upon the government to set up an organizational structure called an election commission. In many cases, the commission is not given the space to build up its capacity and power, and it thus never becomes an institution, although it may continue to exist. In other cases, a tug of war begins between government and democracy promoters that can lead incrementally to the institutionalization of the election commission. But this does not happen automatically or without strong pressure (Ottaway, 2003, pp.22-23 cited in Birch, 2011, p.118).

To understand the independence of an electoral commission requires paying attention to the basis of its administrative and operational logistics. Besides, political scientists and scholars of comparative politics have long appreciated the value of the political institutions to political elites in pursuing political goals (March & Olsen, 1984; Bogaards, 2007 ; Carter & Farrell, 2010; Elklit, 1999; Elklit & Reynolds, 2002 ; Gandhi & Lust-Okar, 2009). Indeed, in the making, reforming, and/or running of electoral institutions, politicians knew that they are actually in the game of winning or losing (Lijphart & Grofman, 1984; Lijphart, 1994; Lijphart, 2006). Each strives to protect his interests and electoral commissions are not an exception. Thus, we argued while professionalism, composition, and location are important in explaining the autonomy of an electoral commission, it is imperative to pay attention to its massive logistics, administrative and operational challenges.

#### *b. Operationalising Autonomous Electoral Commission*

To examine the autonomy of Independent National Electoral Commission in the conduct of 2015 presidential elections, we look at first its institutional setup, paying attention to who appoints, what are the requirements/criteria for the appointment, and how long is the tenure of all electoral commissioners (Table 3 column 2). Secondly, the operational powers of the commission denote looking at its ability to make and implement decisions independent of outside influence, its openness to all political contestants and other nonpartisan interests, and its operational efficiency in terms of electoral logistics (Table 3 column 3). Indeed, autonomy refers to the capacity of an organisation to enforce its rules (Gazibo, 2006). Lastly, no electoral commission can be regarded as autonomous if it has to go cup in hand looking for executive assistance to finance its operations. Accordingly, we expect to find the financial autonomy of a commission to manifest in the availability of funds for the conduct of its

activities, absence of excessive bureaucratic or fiscal regulatory requirement, and late release of funds (Table 3 column 4).

Table 2 Operationalizing autonomous electoral commission

	<b>Institutional autonomy</b>	<b>Operational autonomy</b>	<b>Financial autonomy</b>
Autonomous Electoral commission	Who appoints What is the criteria for appointment Appointment requirement Tenure of office	The ability of EMB to make and implement its decisions Openness of the EMB to partisan and nonpartisan actors Procedural and logistical efficiency	Availability of funds Uninterrupted source of funds Relative or no excessive use of bureaucratic or regulatory fiscal policies Late release of approved funds

*Source:* Authors' compilation

Although there are other factors that impede the proper functioning of electoral commissions in Nigeria and Africa overall, empirical evidence indicates these three as the most pertinent. In fact, successive electoral commissions in the country expressed their concern over such obstacles. For example, in its 2003 elections report, INEC mentioned that from 2000 and downward, funding has been the basic challenge facing the commission (INEC, 2004, pp. 69-70). Also, the ERC report of 2008 indicated that the nation's electoral bodies have been poorly funded (ERC, 2008, p.99). Similarly, a former chair of the commission revealed that the commission is constrained by the 1999 constitution to properly discharge its functions.

### *The 2015 Elections: A Divergent Beginning*

#### *Before the elections*

The 2015 electoral terrain and its unfolding reality portray INEC as an autonomous electoral institution and this has contributed in enhancing the quality of the elections. While before the 2011 elections the overarching narrative among commentators, partisan and nonpartisan electoral stakeholders, pollsters and academics is Nigeria do not seem capable of hosting acceptable elections. The country has had some of the worst elections conducted in Africa. In particular, the 2007 polls were so bad that both domestic and international election observers rejected the elections, concluding that it did not deserve to be called elections at all.<sup>6</sup>

Expectedly, before the 2015 elections people were sceptical as to whether it is going to be business as usual. For example, the Vice-Presidential candidate of the Congress for

<sup>6</sup> See (Akhaine, 2011; EU EOM, 2007; NDI, 2008; TMG, 2007)

Progressive Change (CPC) in the 2011 presidential elections expressed his misgiving, arguing that:

Despite the desperate efforts of the Commission to manage pre-election logistics, the tales of woe that have trailed the Permanent Voters' Card collection exercise have raised a lot of questions as to the level of preparedness of the Commission with many Nigerians fearing disenfranchisement (Bakare, 2015).

Also, it is reported that more than 75% of the PVCs in rural areas of Lagos were left uncollected, in Edo State some PVCs were reported stolen, and in Abia State less than 50% collection was achieved.<sup>7</sup> A survey conducted by News Agency of Nigeria on public perception regarding INEC's preparedness for the 2015 elections indicated the weakness and challenges facing the commission. The picture painted clearly shows the degree of peoples' apprehensions. The commission on its side, however, held that it is doing everything possible to ensure optimal voter participation, maintaining that, while there were

... challenges concerning the cards, people are saying the whole process has failed and we're saying no. People are saying we've disenfranchised them because we're not distributing, but we say no. You can't begin to determine who is disenfranchised until the day of election. If today is February 14th and there're a number of people out there who have registered, but INEC has not produced their cards, then you can say they have been disenfranchised. On the other hand, if we've produced the cards and people refuse or for some reasons don't go and collect those cards, they can't say INEC has disenfranchised them (DailyTrust, 2015).

While both positions seem reliable, emergent information from independent sources corroborates the commission's stance. For instance, although there were teething challenges in some states,<sup>8</sup> the commission has recorded a national distribution of 81.22% of collection by the 14<sup>th</sup> of March, perhaps suggesting an over amplification of a discontent. Moreover, institutionally, there were feelings that the political interference of the executive in the appointment of INEC's strategic officials makes it an easy prey to the incumbent.<sup>9</sup>

Similarly, before the elections INEC looks more effective and reliable institution in its reactions to critical situation. For instance, when the country's Security Chiefs including the National Security Adviser (NSA) warned the Commission on the security situation of the country, INEC postponed the elections for six weeks. The Commission explains that it did so

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<sup>7</sup> The Vanguard of November 15, 2014, in an article titled "Permanent Voters' Cards, PVC: How INEC Failed Nigerians;" The Nigerian Pilot of November 17, 2014.

<sup>8</sup> According to the Channels TV in its nationwide news on the 14<sup>th</sup> of March 2015 as at 23.05 hours reported that INEC was able to achieve less than half of PVC collection (49.45%) in Ogun state.

<sup>9</sup> The president remains the ultimate person in the appointment of INEC key strategic governing and field officers, including the National Chairperson of the commission see (1999 Constitution as amended; Junaidu 2011; Ibrahim & Garuba, 2009 & 2010).

in consideration of the country's security threat and as it cannot guarantee the protection of life of voters, electoral personnel, and materials during elections. It reiterated that:

[u]nder such circumstances, few EMBs across the world, if any, would contemplate proceeding with the elections as scheduled. No matter the extent of INEC's preparedness, therefore, if the security of personnel, voters, election observers and election materials cannot be guaranteed, the life of innocent young men and women as well the prospects of free, fair, credible and peaceful elections would be greatly jeopardised.<sup>10</sup>

A position well supported by almost all electoral stakeholders in the country including the opposition despite the prevailing mistrust that characterised Nigeria's electoral terrain. Indeed, according to the opposition party described it as a "setback for democracy." The U.S. through its Secretary of State, John Kerry, urged the government to hold the elections and "not [to] use security concerns as a pretext for impeding the democratic process." (Wall Street Journal, 2015).

In addition, INEC makes giant strides towards ensuring the transparency of the electoral processes and outcome. The Commission deployed and redeployed qualified staff to man the electoral processes, providing ground rules for an inclusive political parties engagements, deciding how, where and when Internally Displaced Persons (IDPs) could cast their votes, and drawing an inclusive voter education strategy. One important issue that deserves special mention is the use of Permanent Voters Card (PVC) and card reader machines for verification of voters. While the application of this technology was met with resistance from politicians, yet, INEC insisted and deployed the machines in the conduct of the elections.

This alone helps in enhancing the credibility of the elections, curtailing the possibility of election rigging. Some accrued benefits of the use of this machine include reduction of underage, multiple, and proxy voting, and falsification of elections results. For example, it is observed that "it seems likely that the introduction of the PVCs reduced fraud and the artificial inflation of voter numbers, especially in some states."<sup>11</sup> According to an editorial by Premiums Time Nigeria, the 2015 elections is a revelation of the use of the PVC and card-readers which make "... the polls Nigeria's first technologically compliant elections, with a greater degree of success, despite initial hitches and distraction."<sup>12</sup> For it, the election was fought and won by INEC's insistence on the utilisation of the microchipped card and its

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<sup>10</sup> Jega, Press Conference on the postponement of the February 14<sup>th</sup> presidential elections, February 7<sup>th</sup> 2015.

<sup>11</sup> James Schneider, "New Nigeria" 7 May 2015.

<sup>12</sup> The Premium Times, EDITORIAL: "Nigeria's 2015 Historic Presidential Election and the Tasks Ahead," April 2, 2015.



reader. In fact, as we shall indicate elections result announced were reportedly cross matched using quick count procedure by independent election observers who covered the elections.

Indeed, from the start, there seems a clear indication that sustained a mutual engagement between INEC and all important electoral stakeholders including the civil society groups. In particular, it corroborated with numerous civil societies in the nationwide continuous voter registration exercise conducted before the elections.<sup>13</sup>

But, there were unavoidable challenges the most serious been slow manner with which the Commission printed and distributed the PVCs. It is clear that some states of the federation could get their cards as and when due, just as some did received cards that do not belong to the receiving state. This is possible considering the challenges of logistics; however, it should not be taken lightly as it could be misinterpreted by either the incumbent or opposition, depending on whose favour is the prevailing circumstance. With such evidence, we assumed that the Commission performed impartially, improving its operational, administrative and logistic capacity. Thus, provides a neutral playing field for contestant, raising popular confidence on its capacity to conduct credible elections.

### *During the elections*

In spite of the challenges that greeted the pre-election period, the 2015 election is described as “... a revelation on how best to exercise the franchise of Nigerians.”<sup>14</sup> Among the possible explanatory factors to this success is that Commission and its chairperson defended the integrity of INEC, strengthening and enhancing its institutional capability and electoral operations and logistics better than during other elections in the country. Few, if any, for instance, will doubt that the 2015 electoral logistics are in total difference from what was obtained in 2007, 2003, and 1999 elections. In fact, the Commission was so optimistic that “[c]ompared with the 2011 General Elections, our systems are definitely more robust. We believe that we are ready for the elections as planned.”<sup>15</sup>

During the polls, the Commission supervised the conduct and activities of all stakeholders and where problems are identified the commission gave directives to that effect. Some of the burning issues during the polls included the failure of card reader machines and insecurity. Based on its operational independence, the commission instructed shifting of the elections to

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<sup>13</sup> (INEC , 2014)

<sup>14</sup> The Premium Times, EDITORIAL: “Nigeria’s 2015 Historic Presidential Election and the Tasks Ahead,” April 2, 2015.

<sup>15</sup> Jega, Press Conference on the postponement of the February 14<sup>th</sup> presidential elections, February 7<sup>th</sup> 2015.

the next day where elections could not hold due to the failure of card reader machines. For example, where card reader fails, INEC made provision for its replacement during the period of accreditation.<sup>16</sup> Also, to earn public respect and lower down public mistrust associated with electoral politics, INEC agreed to the use of manual accreditation where necessary. Although this decision balanced feelings among contending parties and has helped in managing the conduct of the elections, emergent information about the electoral outcomes from some states portrays this decision as a faulty. For example, it is reported that in Akwa Ibom state, while the card reader used by INEC recorded 437, 128 accredited voters during the governorship elections, the electoral commissioner announced that Udom Emmanuel of the Peoples' Democratic Party (PDP) won the elections with 996, 071 votes and the second runner, Umana Okon Umana of the All Progressive Party scored 89, 865 votes.<sup>17</sup> This indicates that the winner as scoring almost twice the total number of accredited voters in the state. This explains why some commentators described the rejection of the card reader by some politicians as an act by "... the enemies of free and fair elections." For them, the utilisation of the new technology was a real revelation about the determination of some politicians to continue to steal the people's mandate.<sup>18</sup>

The 2015 elections also bring into sharp focus the turbulence about Boko Haram in the north-eastern part of Nigeria. After abducting 219 or more school girls, the radical group succeeded in killing thousands of people, forcing hundreds of thousands to take refuge in the neighbouring Cameroon, Chad, and Niger and displacing others within Nigeria. This unholy act and the inability of the Nigeria government to handle the situation create legal and logistical tension for INEC. The Commission faces the challenge of abiding by the principle that all resident adult Nigerians of 18 years of age<sup>19</sup> should not be denied the right to vote merely because of displacement. INEC responded accordingly, making it categorically clear that:

... it is practically impossible for [it] to go outside the [conflict affected] states to organise voting for people. We should be realistic. We can't cater for everybody, but we'll do our best to cater for as many people as possible and we believe that from what we've heard and seen. There're still more IDPs in those states than those who've gone out. What we're doing is what will minimise the problem. It may not solve them, but at least it'll minimise them. We've to remain positive. Rather than doing nothing, we're trying to do something.<sup>20</sup>

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<sup>16</sup> "2015 elections: How IDPs will vote – Jega" Published on Saturday, 17 January 2015 05:02 and written by Abdulkareem Baba Aminu, Ahmed Tahir, Amina Alhassan, Abbas Jimoh & Nathaniel Bivan 7265 (DailyTrust, 2015).

<sup>17</sup> (Sahara Reporters, 2015 ).

<sup>18</sup> The Premium Times, EDITORIAL: "Nigeria's 2015 Historic Presidential Election and the Tasks Ahead," April 2, 2015.

<sup>19</sup> See Article 21 of UDHR available on [http://ichrp.org/en/article\\_21\\_udhr](http://ichrp.org/en/article_21_udhr).

<sup>20</sup> See note 16 above.

This indicates that the Commission employs its rule making powers to ensure that each eligible voter in country exercises his or her civil rights. In fact, all independent election observers across the country commended the 2015 electoral logistics and operations. It is said that the elections faced minimal logistic problems that were promptly managed by INEC staff.

While INEC identified funding as one of the greatest challenges facing the conduct of credible elections in Nigeria, however, it indicated that enough funds were provided for the 2015 elections. The Commission chair revealed that INEC financial capability was challenged when the federal government introduced the Centralise Payment System (CPS). The system draws all funds of federal agencies into a one Central Bank Account from which all governmental agencies and departments are to be sponsored. This decision, the commission argued violets the existing financial provision which is placed the commission on first-line-charge. Now, we are engaging the Federal Ministry of Finance and the Office of Accountant General in a discussion so that this matter can be resolved. INEC engaged the government on this and was able to sort things out before the 2015 elections. Indeed, according to the Commission-chair confirmed that “[a]s I speak to you, the entire funding required for the conduct of the 2015 general elections has been provided and is in our custody.”<sup>21</sup> What is important he stressed is that both the “... government and [INEC] maintain a balance view of funding election based on adequate resources and financial discipline.”<sup>22</sup> Showcasing the overwhelming INEC belief that election no matter well-designed “... meaningless without adequate funding, this entails both adequate fund provision and timely release of such funds.”<sup>23</sup>

Similarly, where general insecurity is observed, INEC in collaboration with security agencies decides on the right action to be taken. For example, under the umbrella of the Inter-Agency Consultative Committee on Election Security (ICCESS) established in December 2010, INEC succeeded in addressing some teething elections related security challenges.

The above is not an exoneration of the elections as there were challenges. For instance, technical fault associated with the card reader in some states precipitates some electoral irregularities such as vote buying and misuse of third party in voting by disabled and the

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<sup>21</sup> 2015 elections: How IDPs will vote – Jega” Published on Saturday, 17 January 2015 05:02 and written by Abdulkareem Baba Aminu, Ahmed Tahir, Amina Alhassan, Abbas Jimoh & Nathaniel Bivan 7265 (DailyTrust, 2015).

<sup>22</sup> INEC Identifies Logistics, Funding as Major Challenges Facing 2015 Elections, (This Day, 2015).

<sup>23</sup> Ibid

aged. The electoral act 2010 provided that where a voter could not vote for reasons of disability, age or illiteracy, such a voter could be assisted by a person agreed with. The use of this method of voting generated problems among agents of political parties in Sokoto state. Party agents fought seriously to deny third party in the voting, especially where they have feeling that the disabled voter may likely vote for their opponent. Notwithstanding, the election was commended and judged as the most successful in Nigerian electoral history.<sup>24</sup>

### *After the elections*

Following the successful conduct of 2015 elections, compilation from across constituencies begins. The state Electoral commissioners and their returning officers were empowered to compile and announce results at local government and state collation centres whereas, presidential election result was announced at the national collation centre at Abuja. The commission was given powers to decide the rule of engagement during the collation process and declare results immediately.

The collation and result announcement gallery become an interesting place where the commission dramatized its fairness to all contestants and added real credibility value to the elections. One of the party agents and lobbyist during the process sought to deter INEC and its national chair to see the presidential elections to conclusion. In particular, Orubebe accused Jega of selective management, stating that PDP has lost confidence on what he is doing as the head of the Election Management Body:

You have refused to listen to our protest. We have lost confidence in you and we don't believe in you anymore. We have complained against the election results from Kano, Kaduna, and Katsina. You are partial and tribalistic. We won't take it anymore until something is done. He returned our protests to us. We complained against Kaduna and he hurriedly went to set up a committee for Rivers. Let him set up a committee to go to Kano, Kaduna and Katsina. He is playing a script, we won't allow it. This country belongs to everybody, Jega has nothing to reply. He did not reply us.<sup>25</sup>

Contrary to the intimidating, inciting, and personality attacking comments by one of such characters, Jega, in particular, responded with maturity, refusing to get distracted by this heinous act. He later replied that he is not in receipt of any petition arguing that:

Yesterday, after we took the first batch of result, as I was walking back to the office, my PA came to present a paper from Dr. Fadile. I told him that I did not ask him to collect any

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<sup>24</sup> Bright way Enlightenment Initiative, Report on the conduct of the 2015 general elections in Sokoto state

<sup>25</sup> PDP Polling Agents, Orubebe, Bello Fadile Disrupt Presidential Collation (This Day Live , 2015).

letter from any one and that he return the letter to Fadile. Jega said that thereafter, Fadile sent him a text message about the petition, saying, “I told him that I don’t accept petitions from here that they should go to the INEC office as this is a collation centre where results are being released. The Secretary is in INEC office. As I speak to you now, I have not seen any petition.”<sup>26</sup>

Thus, INEC manages the situation while letting popular choice to triumph of over parochial interests. The Independent National Electoral Commission (INEC) and its Chair appeared heroic in the conduct of the 2015 elections. They have offered Nigeria and Nigerians a chance to build democratic rule, balancing the electoral terrain. This earns INEC and Jega in particular the respect and admiration of Nigerians.

### *Conclusion and Recommendations*

As election is becoming an important part of democracy and its management a defining component of its integrity, determining its impartiality cannot be overlooked (Birch, 2008 & 2011; Elklit & Reynolds, 2002 & 2005; Gazibo, 2006; Hartlyn, McCoy, & Mustillo, 2008; IDEA, 2006; Mozaffar, 2002; Mozaffar & Schedler, 2002). Defining an autonomous electoral commission remains problematic in comparative politics, but some patterns are becoming crystal clear. In this paper we followed and extracted at least three of such patterns using Robert Adcock and David Collier’s four levels of linking concepts with observations. Thus, we operationalised an autonomous electoral commission by way of looking at its institutional setup capability, operational efficiency in terms of electoral and financial endowment. This conception is not a total rejection of the existing efforts,<sup>27</sup> but a highlight of the relevance of electoral governance in determining election’s quality.

Following this framework and using the empirical reality of what transpired between the periods before, during, and after the elections, we conclude that INEC is far more autonomous and reliable institution than all other electoral institutions that conducted elections in recent Nigeria. While we are not claiming to have found the single or actual factors responsible for the autonomy, it is apparent to us that the Commission’s probity appeared well enhanced by some changes in its legal status, commission’s commitment to fair and balanced operations, uninterrupted funds. Of course, the personality of Jega is never doubted, but given similar context and contain others could excel even better. In particular,

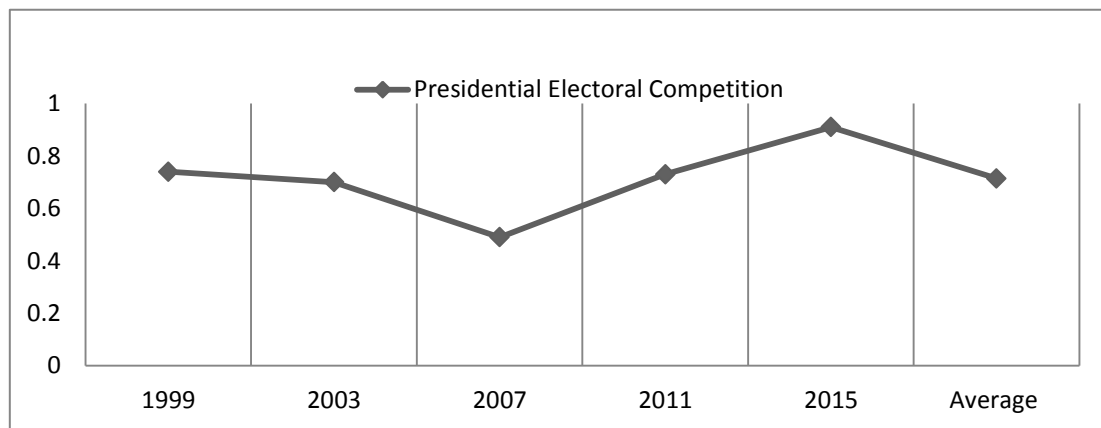
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<sup>26</sup> Ibid

<sup>27</sup> Birch (2008 & 2011), Elklit & Reynolds (2002 & 2005), Gazibo (2006), Hartlyn, McCoy, & Mustillo (2008), IDEA (2006), Mozaffar (2002), Mozaffar & Schedler (2002)

we find that INEC has succeeded in providing a level playing field for both the incumbent and oppositions, empowering the electorate to decide who shall govern their affairs at different levels of government. Existing data in the build-up before, during, and after the 2015 elections establishes that there is a significant connection between effective electoral competition among parties and candidates with the independence of the Electoral Commission. In fact, the figure below shows that the 2015 Presidential election is far more competitive than all other presidential elections conducted from 1999 to date, including the much applauded 2011 presidential elections. The figure indicates that the 2015 presidential election is more competitive than the average of all the five presidential elections conducted in the country since 1999.

*Figure 1 Presidential Electoral Competition in Nigeria*



Source: Author's Compilation<sup>28</sup>

The quality of competition is equally the same at the national legislative houses as the composition of the two houses changes completely. The ruling PDP with its 16 years of absolute majority lost this status to the opposition APC. APC now has a total majority of 60 seats of the 109 Senate seats and 225 seats of the 360 National Assembly seats. The story is not different with what is obtained in states Governorship and Houses of Assembly elections.

Possible explanatory factors to this trend include the ability of the commission asserts its independence by and thus help in validating the national voter list, production of microchipped Permanent Voters Card (PVC) which authenticates card holder as eligible voter using Card Reader machine. The combination of these initiatives helped accreditation of

<sup>28</sup> This figures is calculate using the formula -  $(100 - [\text{winner's percentage of presidential votes or legislative seats} - 2^{\text{nd}} \text{- place percentage share of votes of legislative seats}]/100)$  (Bratton, 2013).

voters, reduced electoral frauds, safeguarded voters' preferences, and placed each contestant on a level playing field.

These findings have implications to scholars of comparative politics and electoral practitioners in the country and beyond. For students of politics, it provides a concise framework which narrowed down the unit of analysis to three important aspects of electoral administration. In doing so, it upheld the view that the analysis of an autonomous electoral commission needs to extend the dynamics of power that follow the setting of an electoral body to its operations.<sup>29</sup> To electoral practitioners in the country, while much has been achieved, Nigeria is yet to arrive. The commission remains under the influence of the executive as the president remain a significant factor in the appointment of the commission's governing boards including the resident electoral commissioners in each of the 36 states of the federation and FCT. In addition, INEC is still handicapped as it continues to depend on other institutions for proper electoral administration such as the police and military. These are institutions that execute orders without less or nor objections. The shifting of the 2015 elections for six months showcases this assertion. This is not a recommendation towards the removal of the president as the commander-in-chief and chief security officer, but such institutions should be educated of what is meant by taking orders under democratic regime. It is rather a call for a review of the existing principles that guide their conduct as agencies under the executive in a democracy by the legislative houses in the country. Election observers and civil society too can help in this regard by way of putting pressure for election policing.

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<sup>29</sup> Birch (2011), Diamond (2002), Bogaards (2007), Gandhi & Lust-Okar (2009), Carter & Farrell (2010), Gazibo, (2006).

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