

**Independent National Electoral Commission (INEC) and the Administration of 2015
Elections in Nigeria: The Strengths, the Weaknesses and the Challenges.**

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Introduction

Elections serve two main purposes in a democracy. First it affords voters the freedom to choose candidates to manage their affairs and secondly, it gives the candidates the opportunity to canvass for the votes of the electorate in a free and fair contest. "Elections provide essential validation for democracy by increasing the confidence of individual citizens in their ability to meaningfully participate in public life."¹ However when the citizen electorate faces repeated episodes of election rigging, political violence and disorderly administration, their fundamental trust in the institutions and processes of electoral rule may aptly dissipate and the benefits of election may turn to deficits.² To avoid this ugly scenario the impartiality and fairness of the machinery and institutional processes put in place to regulate and conduct this contest becomes not only imperative but essential for a legitimate democratic rule. Unfortunately, elections in Nigeria have been replete with the twin malady of malpractices and violence that have severally threatened and many times successfully truncated democratic rule. Since the nascent democratic rule in Nigeria, the various succeeding elections of 2003 and 2007 were embroiled in controversy, rejection and legitimacy crisis given the massive fraud and violence that attended them. Although the blame for the electoral malfeasances witnessed in these two elections may not be completely laid on the shoulders of the electoral management body INEC, nevertheless INEC through acts of omission and commission contributed largely to the wide scale malpractices that characterized the 2003 and 2007 elections and the crisis of confidence they generated among the electorate as to the suitability of electoral democracy as a mechanism of choosing leaders and the ability/ impartiality of the electoral body to conduct a free and fair contest. Consequently, the 2011 election started on a pessimistic note as many Nigerians doubted the sincerity of INEC to conduct a credible election not minding the President's repeated promise to conduct a free and fair contest and the appointment of Prof Attahiru Jega, a man known in various circles for his honesty and integrity as the new INEC chairman. Despite the high rating received by Prof Jega from Civil Society organizations and prominent Nigerians, many members of the public remained apprehensive that like most Nigerians the integrity of the new INEC boss will be jeopardized or ruined once in office as he may not be able to resist the pressures that come from the political class. Thus pessimism greeted the initial policy statements by the INEC boss that he will conduct a credible election in 2011. When he reported that INEC shall need about N85 billion to run a credible election, many Nigerians saw this as another opportunity to waste public funds. Nevertheless this request got the approval of the President and the National Assembly. This pessimism was not helped by the initial hiccups experienced during the voter registration exercise in which many of the registration machines fail to accept finger prints of prospective voters and thereby slowed the process and inculcated the fear that many prospective voters may not be able to get registered. INEC eventually rose to the occasion and improved the process that enabled many Nigerians of voting age to eventually get registered for the election. Thus the initial pessimism that greeted the new INEC chairman's integrity and

sincerity of purpose began to give way to trust and the promise of the President to give Nigerians a free and fair election began to take root. The speed with which he signed the amended electoral Bill and the release of the approved funds requested by INEC to prepare for the election lent credence to this promise. The president who on several occasions vowed to guarantee the sanctity of the ballots” asserts:

this commitment was made because of my belief that unless the right of the our people to decide who governs them is enforced and protected, politicians and government officials will not be persuaded to act at all times for the common good of all³

In the face of this promises Nigerians turned out en masse to participate in both the registration exercise and the various elections as scheduled. The result was the outstanding success recorded in all the elections as votes were not only counted but also count in deciding winners thus restoring the “content and psychological value of votes.”⁴ Though INEC recorded giant strides in the 2011 election that attracted it applause from both national and international observers, the election was not without some shortcomings and challenges that cast some shadow on the successes recorded. The most obvious being the wide spread post- election violence in the North that claimed thousands of lives.

The positive review which INEC and Prof Jega received for the conduct of the 2011 election waned during some of the subsequent state gubernatorial elections especially that of Anambra and Ekiti states respectively. This was due to the obvious case of involvement and complicity of INEC staff at the state level and security officers in electoral malfeasance. The emergence of another mega party All Progressive Congress(APC) capable of challenging the dominance of the PDP in the general elections also added to the burden of proof INEC required to prove itself above board in the state gubernatorial elections and the just concluded 2015 elections.

INEC and its leadership made robust arrangement to ensure the success and credibility of the 2015 election, in view of the production of a permanent voters card and introduction of card readers to ensure the credibility of the voting process. Despite this laudable efforts, INEC efforts were met with doubts and suspicions both by the political class (especially those of them who depend on vote rigging to win election) and the general public. At some point, some members of the political class from a particular section of the Country accused Jega of trying to rig the election in favor of the opposition with the very technology put in place to check rigging. Some even called for his resignation or sack. Even the party government touted INEC over distribution of voters cards and the use of card readers and sought the postponement of the election from Feb 14 to march 28 -(a space of six weeks) to enable the military douse the security situation in the North East as result of the Boko Haram insurgency. Despite these challenges the 2015 election was held amidst suspicions, monetary inducement based campaigns, violent campaigns, vote rigging, vote buying and result manipulations. These malpractices and challenges notwithstanding , INEC was able to successfully conclude the 2015 election with announcement of winners and losers.

Against this backdrop this paper examines the conduct of the 2015 election in Nigeria by INEC. The paper examines the successes, weaknesses and challenges of conducting elections in Nigeria especially the 2015 election against the background of a rentier political economy that operates in Nigeria

In so doing the paper shall be divided into six sections. The first section shall be a theoretical explanation for understanding electoral contest and the tensions, conflicts and malpractices that accompany it in Nigeria. The second section shall dwell on a brief history of electoral management body and the conduct of elections in Nigeria prior to 2011. The third section shall be a review of the 2011 election as a prelude to 2015 election under the leadership of Prof Jega. The fourth section shall focus on the conduct of the 2015 election, strengths and weaknesses. This section shall be further divided into two, first a review of the preparations of the 2015 election and secondly, the conduct of the elections, all shall be discussed with regards to their strengths and weaknesses. The fifth section discusses the challenges facing INEC as an EMB in the conduct of free, fair and credible elections. While the sixth section shall be conclusive remarks and recommendations.

Election Contest and Election Conduct as Battles: The Rentier State Explanation.

Ake once asserts that Nigerian politicians enjoy being reputed as "democrats" but without "the inconveniences of practicing democracy."⁵ The notion of democrats without democracy is what has made election contest in Nigeria battles, fought by the most political astute with all the arsenals of warfare and election conduct a war front and a challenging task for the EMB. However, the fundamental question to ask is why election which is a civil mechanism for choosing those who administers the state and or the commonwealth should be fought like battles, where winners are presumed to have won everything and losers are presumed to have lost everything.

This leads us to the fact that politics including electoral contests do not operate in a vacuum but within the socio economic and political context of a state. In other words, electoral contests and the character of democracy that it conditions is not indifferent to the character of the state in which it operates, including the character of the hegemonic class that controls it. A pronounced feature of the Nigerian state is its rentier character. The Nigerian state is rentier not just because of its sole dependence on oil rent but also because of the underdevelopment of its productive forces. These factors combined to produce the type of instrumentalist state that it has become and the unproductive character of the ruling class that it has continued to reproduce. The rentier character of the Nigerian state can be traced to its colonial origin and the manner of its incorporation into the global capitalist network.

Rentierism as a conceptual framework can be traced to the work of Hossein Mahdavy⁶ and popularized by Hazim Beblawi and Giacomo Luciani.⁷ Mahdavy defines rentier States as "those countries that receive on a regular basis substantial amounts of external rent".⁸ "External rents

are in turn defined as rentals paid by foreign individuals, concerns or governments to individuals concerns or governments of a given country".⁹ The concept of rentier is derived from the classical economic concept of rent which describes "surplus left after all the costs of production had been met and was paid to the owner of the land for use of its natural resources."¹⁰ Hence, Thomas Malthus defines rent as "that portion of the value of the whole produce which remains to the owner of the land" and "the sole fund which is capable of supporting the taxes of the states".¹¹ David Ricardo on his part defines rent as "gift of nature, which reflected both the scarce quantity and differential quality of Land".¹² Karl Marx doubts the classical interpretation of rent as the result of physical and technical differentials of land, but rather distinguished rent of the medieval era and rent received by property owners in the capitalist mode of production. Marx argues that economic rent in the medieval period is premised on use value while in the capitalist system it is premised on exchange value. Hence rent is a social relation, reflective and derivative of historically specific property relations in the dominant mode of production. However, when production is for exchange value, the social relations among beings are reified into relations among things.¹³ On his part Bina argues that oil rent is a category of property relations unique to the capitalist mode of production.¹⁴ Yates was also of the view that classical economic treatment of rent as an economic category tells little about the rentier. This is because the rentier is a social agent who does not actively participate in the production process yet still shares in the fruits of production process. Yates put it thus:

Under capitalism, wages are rewards for labour, interest for capital employed, profits for risk management, but the rentier is a member of a social group devoid of such value added. The purest rentier is but a parasite feeding on the productive activities of others. Only nature is sacrificed. The rentier violates the most sacred doctrine of liberal ethos: hard work. The rentier reaps reward that does not make sense in the economic world of the protestant work ethic¹⁵

Thus differentiated by lack of or absence of productive outlook in behaviors, rentiers have been negatively perceived by both liberals and radical political economists as "unproductive, almost anti social sharing effortlessly in the produce without, so to speak contributing to it"¹⁶

Belawi and Luciani aware of the analytical problems associated with the rentier state preferred to use the term rentier economy as they consider the rentier state a derivative of the rentier economy.¹⁷ A rentier economy is one in which rent plays a major role and in which rent is external to the economy. However since the state or government as its agent is the principal rentier in the economy and the prime mover of economic activity, the concept of the rentier state seems appropriate, more so where the concept of the state is embrasive of both the substructure(economy) and superstructure(political,socio/cultural) of the society. For Beblawi and Luciani the rentier state is a subset of a rentier economy, and the nature of the state is examined primarily through its size relative to that economy and the sources and structures of income.¹⁸ Beblawi identified four characteristics of a rentier state. First, is the predominance of

rent situations. second ,is the external origin of the rent, third , is that only a few are engaged in the generation of rent while the majority are engaged in its distribution and consumption and fourth, is that government is the principal recipient of the rent.¹⁹ Luciani on his part asserts that the key feature of the rentier state is that "external rent liberates the state from the need to extract income from the domestic economy". This feature according to Mahdavy is significant because it enables the state to "embark on large public expenditure programs without recourse to taxation"²⁰, and by so doing the rentier state diminishes its own administrative capacity. Attempts to cut expenditure attracts public outcry against the state to the point that the state legitimizes itself only through more expenditure.²¹ This syndrome according to Luciani leads to an "allocative state" as against a "productive state"²². The allocative state derives its revenue essentially from oil rent and is the primary source of revenue in the domestic economy.²³ A negative fallout of this syndrome is that production efficiency is relegated to the background while getting access to the rent circuit becomes the greater preoccupation. In this way the rentier economy leads to a rentier mentality, a psychological condition with profound consequences for productivity because "it embodies a break in the work-reward causation." "Rewards of income and wealth for the rentier do not come as a result of work, but rather are the result of chance or situation."²⁴ Beblawi surmises the consequences this way:

contracts are given as an expression for gratitude rather than as a reflection of economic rationale; civil servants see their principal duty as being available in their offices during working hours; businessmen abandon industry and enter into real estate speculation or other special situations associated with a booming oil sector; the best and brightest abandon business and seek out lucrative government employment; manual labor and other work considered demeaning by the rentier is farmed out to foreign workers, whose remittances flood out of the rentier economy; ...in extreme cases income is derived simply from citizenship²⁵

In effect the rentier states creates a rentier class with a rentier mentality that depends on state rents for economic survival and primitive accumulation. Thus

"different layers of beneficiaries of rent are thus created, giving rise, in their turn to new layers of beneficiaries. The whole economy is arranged as a hierarchy of layers of rentiers with the state or government at the top of the pyramid, acting as the ultimate support of all other rentiers in the economy²⁶

The state as the reservoir of unfathomable wealth from oil rent is preyed on by the large army of rentier predators comprising politicians, bureaucrats, businessmen, professionals, students ,ethnic and religious groups because the economy is expenditure driven rather than production driven. In this kind of state, the political class thrives on popularity rather than performance. Hence, irrational spending and waste of public resources characterize the rentier state. Ake put it this way:

...projects may be initiated for the wrong reasons; they may be located in places where they are least beneficial economically on account of political considerations....important contracts and licenses have been given to politically significant people who are unable to execute them successfully or who sell them to other contractors in circumstances which defeat the national interest, sometimes well paid positions are created just to give jobs to people whose political support is considered important; the country pays for no service rendered; worse it pays for nuisance value. In some cases people are overpaid for what they do in order to keep them happy, creating a demoralizing disparities between reward and effort.²⁷

It is against this backdrop that we can understand the primacy of politics in Nigeria and the intense struggle that characterize the competition for state power and the leviathan status it confers on those that win it.

But How does the rentier state affect democracy especially in a multi-ethnic nation like Nigeria?

Beblawi and Luciani argues that the rentier state does not pretend to represent the common good, because it spends without taxing. In the event the rentier class is liberated from reliance on legitimation by its society and for that reason does not suffer any serious challenge to its power. Democracy is thus stifled because as the saying goes(in reverse) there is no representation without taxation.²⁸ Gray observes that such society sacrifices democratic input in exchange for a share of the rental wealth. Hence the state does not need domestic bases of support or legitimacy because the population is "bought off". "Those who do not agree to the rentier bargain are subdued by the strong repressive apparatus of the state".²⁹ Even class based politics is rendered impotent(not minding the gross inequity that attends the distribution of the wealth) because the economic conditions and the sectoral imbalances discourages class formation, what with a declining agricultural sector, a state sponsored industrial sector and a booming service sector; and since the government distributes benefits, the opposition necessarily focuses its attention on how those benefits are distributed.³⁰ This shapes the entire political debate of dissent in the rentier state and produces a discourse in which the solution of maneuvering for personal advantage within the existing set up is always superior to seeking an alliance with others in similar conditions. The rentier class has no business promoting democratic reforms because it has a vested interest in the status quo, and for the same reason it cannot embark in extractive fiscal policy. Doing so will not only be unpopular but threaten the very security of their elite status which is premised on the inflow of external rent.³¹ Ross on his part argues that the "rentier effect" may jeopardize democracy in some ways. First, through the taxation effect, in which absence of or low taxation leads to less demand for accountability. Secondly, the spending effect may lead to greater spending on patronage which in turn dampens latent pressures for democratization as observed in Saudi Arabia and Libya. Then, the third element which he termed the group formation effect implies that oil rent provide government with enough funds to prevent the formation of social groups that are independent from the state that may have the inclination to demand political rights. This argument is based on the assertion that formation of social capital leads to democracy but government's oil wealth prevent the formation

of social capital and *mutatis mutandis* democracy. In addition to the rentier effect, there is the repression effect which allows government enough resource to provide internal security and block popular democratic aspirations. There is also the modernization effect, in which modernization through increased education and greater occupational specialization is expected to lead to democracy. But where oil wealth does not ensure these, it will also not bring about democracy. Ross argues that the three explanations namely the rentier, repression and modernization effects or any combination of them may inhibit democracy.³² However the Arab Spring and the emergence of several groups challenging state sovereignty in rentier economies partly negate Ross's thesis.

Nigeria's rentier status as an economy predominantly dependent on oil revenue for governance has accentuated the primacy of politics and the high premium placed on state power, as well as the state's instrumentalist role for primitive accumulation. Oil revenue enhanced the instrumentalist role of the state and the centralization that followed. This centralization threw up a new class of national bourgeoisie (in their various manifestations) with an ideology that promotes the ascendancy of the central government over the sub units, with the sole aim of controlling the immense oil wealth vested in the central government.³³ Oil rent succeeded in not only creating a centripetal kind of federation in which enormous wealth and power is concentrated at the centre from whence it flows to the sub-units, but also a democratic system that is conditioned, shaped and sustained by oil rent. Oil rent created a centripetal power structure and a centripetal class structure that sustain it. Consequently even the democratic practice in Nigeria follow similar pattern as control of the federal structures becomes the epicenter of democratic competition.

Rentierism permeates the democratic process in several ways. First, the political offices constitute rents given the enormous wealth and benefices attached to them. The most important of them is the presidency imbued with enormous wealth and power (the source of which is revenue that accrues from sale of oil) It is followed by the central legislature otherwise called the National Assembly which has arrogated to itself the power to fix its remuneration and benefits in tune with the rent seeking behavior of the unproductive political class that place self aggrandizement over and above state interest. The extent of these benefices is manifest in what has become the trend for political office holders to be inundated with a vast army of subordinates known as personal assistants (PAS) as well as financial/material donations made to groups of supporters (especially the ethnic/religious communities) that contributed to the electoral victory of the incumbents in a highly competitive zero sum politics that knows no rules but only expediency. This way the rentier state enhances the high incidence of neo-patrimonial and identity based politics that also characterize democratic politics in Nigeria.

In addition, political parties (the vehicles for fashioning democracy) are sustained by state rent, (one reason for party pulverization) and this sustenance is strengthened if the party exercises control of the central or many or some of the sub-level governments. In fact political parties have become sources of rents as forming and owning one or occupying an important party office

assures access to state rent and or raises the negotiating capability of party owners/office holders in the rent distribution process. As a result democratic elections and its associated elements of political campaigns, free and fair electioneering has been replaced with state capture and the varying modes it displays like vote buying /vote allocation and other forms of structural manipulation of elections for victory. Just as rent accruing to the rentier state is external to it, the votes (rent) received by many winners of the electoral contest are external to the contest. This trend has also created a new class of political entrepreneurs or brokers(termed Godfathers in the Nigerian political lexicon) whose main preoccupation is manipulation of the electoral process for victory with the sole aim of having unfettered access to state rent. So just like oil wells are parceled out to competitive firms, the state is also parceled out to competing brokers and or entrepreneurs depending on degree of their manipulative skill in getting control of all or some aspects of the apparatuses of the democratic state. For the general populace and electorates, money, material gifts or what is generally regarded as democratic dividends, presently renamed stomach infrastructure(another form of state rent) have replaced democratic participation. Votes are sold for a specific sum of money or 'reasonable' material gratification to office seekers; some electorates are even co-opted in the structural manipulation of the voting process by lending their fingers to thumb printing of the ballot papers for a given sum of money. A candidate that manipulates him/herself into office is readily forgiven if s/he is able to dish out significant amount of dividends(State rents) during his /her term of office. Even the EMB and other agencies involved in the electoral process are not insulated from the rent seeking culture, as each sells their role in the electoral process to the highest bidders, leading to what Ibeanu and Ibrahim called "Direct Capture".³⁴ Direct Capture(DC) entails the use of the EMB, in Nigeria's case, INEC and other state security apparatuses to undermine the electoral process or to aid favored candidates to win election by manipulating the electoral process. The outcome is "Primitive Accumulation of Votes(PAV) which translates into "Primitive Accumulation of Power" (PAP) and consequently Primitive Accumulation of Capital(PAC).³⁵

The rentier culture has led to the growing incidence of varying kinds of identity groups and extra governmental groupings readily intervening in the political/democratic process, for the benefit of its members. Such groups like Arewa consultative forum(ACF), Afenifere, Ohan'eze ndi Igbo, Movement of the emancipation of the Niger Delta (Mend), Odua' Peoples Congress(OPC) Boko Haram(BH), Movement for the Actualization of Biafra(MASSOB)and even the Governors Forum (central and regional) are apt examples. In effect the entire democratic process is driven by how much accrues to the various participants/stakeholders, either as individuals or groups, office seekers or voters, political parties or pressure groups and ethnic regions, ethnic groups and religious groups or their various denominations. In this way the rentier state breeds a rentier democratic culture which usually orchestrates a Hobbesian struggle for state power, and the accompanying winner take all syndrome that presently defines democratic governance in Nigeria.

It is against this background that we can assess the conduct of elections in Nigeria, especially the conduct of the recently concluded 2015 elections and the challenges that it poses to the INEC. The rentier state theory helps us to understand why Nigerians as individuals and groups tend to see capture of state power as being synonymous with capture of the state wealth for private ends. It also helps us appreciate why the politicians, electoral officials and the electorates easily fall prey to the rentier culture that sit astride our democratic practices, as election provide the easiest opportunity for those who ordinarily cannot access state rents to appropriate the "windfall" that usually flood the political space during the electioneering year; for the simple reason that after the elections only a negligible few of the political class and their friends and relations access the state rents. Thus electioneering creates another market where individuals and groups come to sell and buy what they need, even when the transactions violate the very tenets of democracy and electoral contest. The sharing of money and other material goods ranging from consumables like bags of rice, textiles and even automobiles to the electorates during previous and the 2015 electioneering campaigns by the different political parties and politicians is evident of the rentier culture that pervades our democratic practices and institutions. It has become so pervasive that some electorates refuse to attend campaigns rallies where there is no hope that these largesse shall be made available. Many will also not vote except they were paid. Public officials out do themselves to serve as electoral officers not because of love of state but for the handsome rewards they hope to gain from the politicians whom they will aid to rig the process. Many INEC staff at such periods become very important personalities(VIPs) as their cooperation is needed by the politicians for the structural manipulation of the process, a cooperation that is given at very high cost. Hence, a pattern develops-rentier state = rentier mentality = rentier class(es) = rentier culture = rentier democracy; where democratic structures and practices becomes avenues for rent seeking and primitive accumulation. This is the reason conduct of free and fair election has become a herculean task for INEC even when it is headed by men of high integrity. Prof Maurice Iwu, erstwhile INEC chairman surmised it thus:

...a system in which individuals primitively acquire such enormity of resources that embolden them to challenge the state and become laws unto themselves with their own army and all; a system in which political parties brazenly deny their members who won primaries the ticket they won and allocate same to others for one reason or another; a system in which majority of the political aspirants do not believe there is any benefit in campaigning and convincing the electorate, but that with money and massive arsenal of coercion the electorate will be subdued; an environment in which politicians are perpetually bidding to buy electoral officers often at sums of money that could transform a whole town; a system in which the very laws guiding elections are not known until few months to the elections –this is the environment of Nigeria's electoral democracy from whence elections without flaws are expected.³⁶

Electoral Commissions and the Conduct of Elections in Nigeria: Historical Overview:

The conduct of elections in Nigeria as well as the umpire body put in place to administer the elections has always been immersed in controversy. This has necessitated the constant change of electoral management body and the rules guiding elections in Nigeria. The least controversial of all the bodies was the Electoral Commission of Nigeria (ECN) established by the Colonial government to superintend over the 1959 election that ushered in independence in 1960. Even that election was tainted with misgivings as the southern political class (especially the members of Action Group which later became the opposition party) nourished the belief that the elections were manipulated to favour the less radical political party, the Northern Peoples' Congress (NPC) believed to have been chosen by the British to protect their interests in Nigeria. Thus the signing of the Anglo Defence pact during Balewa's regime lent further credence to this belief of the neo-colonial partnership between the NPC led government and the ex colonial master.³⁷ However, the 1959 elections conducted by ECN was adjudged comparatively free and fair compared to other post independence elections given that the various political parties gained control of their regions of dominance coinciding with the ethnic composition of the parties. This however does not foreclose the fact that some form of malpractices may have been perpetrated by these parties in their various strongholds to shut out infiltration by opposing parties.³⁸ If the 1959 elections recorded high level of credibility. The subsequent elections of 1964-65 did not, as it became the albatross that brought democratic governance to a close following the widespread malpractices and violence that attended it. The 1964-65 election was conducted by the first home grown electoral commission known as the Federal Electoral Commission (FEC) established in 1960 by the Balewa regime and was led by Sir Kofo Abayomi who later resigned and was replaced by Mr Eyo Esua.³⁹ The Commission was responsible for the general election administrations as well as registration of parties and their candidates.⁴⁰ This Commission did not go without its fair share of credibility crisis arising from electoral malpractices and associated violence that truncated the first democratic governance in Nigeria and ushered in Military rule.

After prolonged military rule another Commission was established by Decree 41 of 1977 by Gen. Olusegun Obasanjo as military Head of state in his spirited effort to return the country back to civil rule. This Commission was called Federal Electoral Commission (FEDECO). This Commission unlike the one preceding it was given greater autonomy in the sense that it was under the authority of nobody in the discharge of its statutory duties.⁴¹ This autonomy was not unconnected with the effort of the Military to avoid the mistakes of the first Republic. This also explains the promulgations of rules to de-ethnicize the emergent political parties. In this wise, political parties that wished to be registered must show ethnic spread in leadership, membership and spread of offices in at least not less than thirteen states of the federation.⁴² In other words, the activities of any party seeking registration must be seen not to be confined to one geographical area of the country. Thus for the first time federal character principle newly incorporated into the 1979 constitution became one of the guiding principle in the establishment of political parties. Although politicians found ingenious ways to circumvent the rules, FEDECO

was strict in the application of the rules which eventually saw to the recognition of only five political parties.⁴³ Despite these rules, ethnicity still played a prominent role in the transition to civil rule politics of 1978-79, though a party like the National Party of Nigeria (NPN) eventually transformed into broader national party in comparison to other parties. FEDECO's conduct of the election of 1979 under the chairmanship of Chief Michael Ani was not without blemish especially with regards to the outcome of the interpretation given by the Supreme Court over the constitutional interpretation of what constitutes two thirds of nineteen states which was needed to determine the winner of the election. The opposition championed by the Unity Party of Nigeria (UPN) accused the military of arm twisting the Court to give a verdict that favoured the NPN which was considered the favourite of the military government.⁴⁴ These shortcomings notwithstanding FEDECO under Chief Ani attracted less criticism in comparison to FEDECO under Chief Ovie Whiskey who in 1983 presided over the conduct of one of the most rigged elections in Nigeria's electoral history. The reason being that the leviathan role of the military present in the 1979 elections and which served as a deterrent to some of the sharp practices that derail the electoral process was absent in 1983. The complicity of FEDECO in the malpractices witnessed in 1983 marked it as a partisan body lacking in integrity and a willing tool in the hands of the NPN led federal government. That election and the violence that accompanied it especially in the western part of the country sent Nigeria back on the road of military rule.⁴⁵ FEDECO was succeeded by the National Electoral Commission (NEC) established by Decree 23 of 1987 by Gen. Ibrahim Babangida's regime. Although NEC is similar to FEDECO in terms of functions, it lacked the ample autonomy FEDECO enjoyed under Obasanjo's military regime. This lack of autonomy led to the resignation of its first Chairman Prof Eme Awa, who was succeeded by Prof. Humphrey Nwosu. In spite of the limited autonomy enjoyed by the Commission and barrage of court orders aimed at derailing the transition process slammed on the Commission, Prof Nwosu tried to run one of the most credible and the most publicly adjudged free and fair election in June 1993. Paradoxically, the freest and fairest election was cancelled by the Babangida regime on grounds of what he called "national interest."⁴⁶ Aderami observes that the Humphrey Nwosu led NEC was doomed from inception following the 'deliberate' structural ambiguity inherent in NEC'S configuration with regard as to whether the Chairman was in charge as provided in Section 2(2),9(1) and 9(2) of the Decree or the Secretary as directed by the Chief of General Staff, Rear Admiral Augustus Aikhomu. In addition the existence of a parallel and competitive body-the Rear Admiral Alfa led Transition Committee did not help the authority of NEC.⁴⁷ Prof Nwosu was assaulted and detained for his courageous act of announcing part of the results of the cancelled election. The crisis following the botched election of 1993 almost plunged Nigeria into a civil war, but for the pressure mounted by civil society and the international community which forced President Babangida (as he was then addressed) to step aside and institute an interim government led by Chief Ernest Shonekan. Chief Shonekan was removed and succeeded by Gen. Sani Abacha in a palace coup that took place in November 17, 1993. On assumption of office, Gen. Sani Abacha rode on the vulnerable emotions of the people caused by the annulment of the June 12 election to gain acceptability and legitimacy. He

promised a short stay in power to see to the immediate enthronement of a democratic regime. He dissolved all political institutions put in place by the Babangida regime including NEC and rather commenced a new transitions programme with a Constitutional Conference to debate a new constitution for Nigeria and set the date for return to civilian rule. Although the Constitutional Conference picked October 1, 1996 as the terminal date for military rule, the Provisional Ruling Council as the highest decision making organ changed the date to October 1, 1998.⁴⁸ One of the institutions put in place to realize this dream was the National Electoral Commission (NECOM) headed by Chief Dagogo Jack. NECOM suffered crisis of confidence even before the conduct of any election because of the manipulative and partial manner in which party registration was handled. Apart from the stringent measures put in place as criteria for qualifications, NECOM denied recognition to the prominent political parties and recognized the mushroom ones some of which have no identifiable office in many parts of the country. It was believed that the exercise was aimed at making sure that parties and candidates that may pose a threat to the self succession bid of Gen. Sani Abacha does not emerge.⁴⁹ The political system witnessed so much crisis as a result of the self succession effort of Gen.Sani Abacha that the newly formed NECOM never really had the opportunity to organize a national election before the death of Gen. Sani Abacha on June 8 1998. The death marked the end of that transition programme and the beginning of another.

The new head of State Gen. Abubakar started a new transition program by first dissolving all the old institutions put in place by the Abacha regime and the reconstitution of new ones. One of such new institutions is the current Independent National Electoral Commission (INEC) then chaired by Retired Justice Ephraim Akpata. As an old adage will say what is in a name? The word independent prefixed to the old name of the electoral commission sends the message that unlike its predecessors INEC will be truly autonomous bereft of all forms of control from the incumbent regime and competing political parties. The paradox of this effort is that unlike all its predecessors INEC became the most controlled and the most partisan electoral body ever known in the history of elections in Nigeria. Its partisanship became progressively manifest with the ouster of the military government that set it up. Although the election it conducted in 1999 did not elicit much controversy, this was less as a result of its impartiality than the presence of the military which the politicians were eager to ease off governance and so were careful not cause any rift that may derail the process. In fact many politicians joined political parties depending on which they feel is the favourite of the ruling cabal. This factor explained the popularity of the Peoples' Democratic Party (PDP) and the choice of its presidential candidate retired Gen. Olusegun Obasanjo, a favourite of Gen, Babangida , who at the time was serving a prison sentence. Gen. Babangida at the time wielded preponderant influence in the administration of Gen. Abubakar, his close associate and friend. Retired Gen. Obasanjo was then released from prison and pardoned by Gen. Abubakar to enable him contest the election. His release and adoption by PDP as the presidential flag bearer left no one in doubt as to the preference of the military in the transition process. As Maier observes, this act attracted the PDP, the pejorative name of Pre- Determined –President of Nigeria.⁵⁰ If INEC was partisan in 1999, its partisanship

in 2003 was brazen. It violated all tenets of impartiality and credibility associated with free and fair election. It made itself an affiliate of the ruling Party at the Centre- the PDP to the point that a PDP chieftain in Anambra State Chief Chris Uba boosted after the election results were announced that he single handedly picked the Governor and all the members of the State and National Assembly.⁵¹ The election itself was characterized by all manner of malpractices many of which reflected both the inefficiency and fraudulent complicity of INEC. A few examples shall suffice, late display of electoral register in violation of the Electoral Act, Omission of names of registered voters from the list, Muddling up of names of registered voters as voter's names appeared in the wards other than the one they were expected to vote, Lack of transparency in the choice of returning officers (allegedly chosen by the ruling PDP) None or late supply of election materials, Announcement of results figures in contradiction to the number of registered voters or the number that actually voted. Many of the results were in favour of the ruling Party PDP. Refusal to furnish opposition parties or candidates result sheets and other documents that will enable them challenge their defeat in at the electoral tribunal.

These malpractices were repeated with extra expertise and boldness in 2007. Partisanship and fraud became an official policy of INEC. INEC officials acted with impunity thus robbing it on the face of the helpless voters that they can do nothing. Results were announced even where no voting took place at all, in many pooling boots result sheets were deliberately not supplied. Hotels and private houses were used for thumb printing to the glare knowledge of security operatives who even aided many of the frauds.⁵² The impunity associated with the fraud called election in 2007 was so obvious that even the major beneficiary late President Yaradua accepted that something has to be done to improve the credibility of the process. In addition both local and international observers critical of the lack of transparency and irregularities associated with the election also called for reform of the electoral process. Against this backdrop, late President Yaradua on August 28 2007 inaugurated a 22 member committee on electoral reform headed by Retired Justice Mohammed Uwais with the mandate "to examine the entire electoral process with a view to raise the quality and standard of our general elections and thereby deepen our democracy".⁵³ The Uwais Committee submitted a report to President Yaradua on December 11 2008 with several recommendations on areas of change to ensure free and fair election and to meet internationally accepted best practices. Suffice it to state that the Uwais report formed the anchorage for the myriads of changes witnessed in the 2011 election.

INEC and the 2011 Election As Prelude to 2015 Election: Strengths & Lapses

The 2011 election started with a number of preparatory steps undertaken by both INEC under Prof Iwu and the Yaradua government to forestall a repeat of the malfeasances that bedeviled the 2007 elections. The Iwu led INEC introduced the idea of using Youth Corpers as pooling agents as against the old practice of recruiting anybody from the streets some of whom turn out to be agents of the different candidates and parties.⁵⁴ The Uwais Panel Report identified a number of problems confronting the Nigerian electoral system amongst which are, the character

of the Nigerian state resulting from the specificity of her history and politics; the existence of weak democratic institutions and processes; negative political culture; weak legal and/constitutional framework; and lack of independence and capacity of Election Management Bodies.⁵⁵ On his part the former INEC chairman in a lecture at the National Policy and Strategic Studies Kuru argues that though reform of the electoral system may be important, it has to go in tandem with reform in other aspects of our social, economic and political life as one without the other will be futile. He berates the outcry for electoral reform without a change in the mentality of the political and ruling class and surmises that such reform will be futile. According to him

Electoral reform, especially in an evolving democracy in a heterogeneous society-marked variously by rampaging primitive accumulation of resources and unrestrained deployment of resources, pocket nationalism, weak enforcement of the laws of the land, a stubborn persistence of the syndrome of the African big man with its attendant disdain for the laws of the land and sundry manifestations of indiscipline –simply entails taking steps to reinforce the structures of the system and strengthening the capacity of the system to enforce compliance to the guiding rules of engagement in the realm.⁵⁶

Against this backdrop, finding solutions on how to steer the lost ship back to course was the major task of the Uwais Reform Committee as the report made comprehensive recommendations that will strengthen not just the electoral system but sustainable democracy in Nigeria. Some of the key recommendations that impinge directly on INEC and the conduct of elections include

- *A comprehensive review of specific provisions of the 1999 constitution, Electoral Acts and other laws by the National Assembly in order to effect changes that will ensure free and fair election. This includes laws relating to the appointment and qualifications of the Chairman and members of the electoral commission.*
- *INEC should be re-organized and repositioned to ensure its independence and professionalism in the conduct of elections in the country. This calls for the amendment of the 1999 constitution so that INEC should consist of a Board for policy formulation and direction and a professional/technical team for the conduct of elections*
- *Members of the Board must be persons of unquestionable integrity. In addition some members of the civil society, labour organizations, media and women should be included. This particular recommendation was rejected by the Federal Executive Council.*
- *The National Assembly should amend the 1999 constitution to provide appropriation of funds for INEC in a manner that will guarantee its independence. In this respect the funding of INEC should be first –charge on the Consolidated Revenue Fund of the Federation.*
- *The unbundling of INEC to make it more efficient. In this wise other commissions like Political Parties Registration and Regulatory Commission and Electoral Offences Commission should be created. This recommendation was also rejected.*

- *Adequate logistics for voter registration*
- *Accurate list of polling stations and locations and the number of registered voters should be made available to political parties and observers*
- *Adequate security for ballot papers and the distribution should be from locations within a reasonable distance from polling stations. Election materials should be transported to states early enough to ensure that voting started at the scheduled time.*
- *Accreditation of voters to take place within a defined time frame. Agents of political parties should be given copies of results and have the right to demand a recount on the spot*
- *Electoral Act 2006 should be amended to ensure secrecy of the vote for tendered ballot*
- *INEC should make necessary information available to the media on time to avoid speculation.*
- *Contingency plan should be made for alternative power supply to collation centres where it may become necessary for collation to be done in the dark.*
- *INEC should swiftly and publicly display detailed results of the elections including all pooling station results as well as collated information on the number of votes cast, invalid votes and votes scored.*
- *All election results should be announced at the polling stations by the presiding officer, duly signed by and copies given to (a) the accredited agents of the political parties that have entered for that election (b) police (c) the SSS. Results broken down by polling units should be provided at each superior level.*
- *Closer interaction between INEC and other stakeholders in a bid to build confidence and minimize suspicion and enhance their complimentary role.*
- *INEC should ensure that election officials and the ad-hoc staff are recruited and trained in good time to ensure a more professional handling of the process.*
- *For the adhoc staff to be made accountable, INEC should use the National Youth Service Corps members and public servants as adhoc staff during elections. The list of adhoc staff should be published to enable the public raise objections to those with questionable character or partisan interests. INEC should design a process of monitoring its adhoc staff to ensure strict compliance with election guidelines.*
- *Party agents should have clear official identification and should receive training regarding their roles and responsibilities.*
- *All agents should be accredited at least 14 days before election and authenticated before the commencement of the Election Day.*

- *The Police force should be strengthened and trained for election and the Police should not carry weapons at the polling stations.*
- *Internal democracy of parties in the nomination of candidates should be strengthened. Aggrieved candidates should exhaust internal processes of redress before heading to court.*
- *Use of the Open Secret Ballot system and accreditation of registered voters prior the commencement of voting for the purposes of tracking how many people cast their ballot in a polling station⁵⁷.*

Many of the recommendations of the Uwais panel outlined above were adopted by government and formed the bed rock of the administration of the 2011 election in Nigeria. Also of paramount importance was the changes made in the Electoral act to accommodate the time factor that INEC needed for the voter registration exercise, party primaries and submission of names of candidates for electoral contest. For instance the 2010 Electoral Act in Section 9(5) provides that updating and revision of voter's register shall stop 60 days before any election, as against 120 days provided in the 2006 Act. This amendment gave INEC which was already choked by time factor to embark on voter registration. It also provided for the ordering of the various elections which sometimes constitutes source of controversy. Explicit provision was made in Section 27 of the Act for announcement of results at the polling units, ward collation centers, local government collation centers and the state collation centre.⁵⁸ The National Assembly in addition sought for and amended section 5, 10, 11 and 17 of the 1999 constitution in the (First Alteration) Act No. 5 of 2010 which has to do with the timing of elections. The alteration became necessary to enable INEC prepare for elections to be held not earlier than 90 days and not later than 30 days to the end of the subsisting tenure as against the 'not earlier than 150 days and not later than 120 days' as earlier contained in the first amended Act.⁵⁹ The National Assembly also dropped the idea of conducting election in January rather than April as earlier suggested by the INEC under the former Chairman Prof Iwu. The idea about the January date was to enable the election tribunals finish with the election petitions before the handover date. However delay in passing the electoral Act and the necessary constitutional amendments in addition to other internal logistic problems of INEC made the January date impracticable hence the need for the shift.⁶⁰

A major step taken by President Jonathan in ensuring free and fair election was the appointment of Prof Attahiru Jega, known for his high level of integrity, transparency and accountability as INEC Chairman. He also served as a member of the Uwais Committee on electoral reform and has published widely on the subject of electoral politics and governance in Africa. His experience as civil society activist and political scientist was brought to bear in the preparations as well as strict adherence to the rules in the 2011 elections. In addition a number of ideas were garnered by the Jega team from the revelations of ex-governor of Cross River state Mr Donald Duke on how Governors rig elections.⁶¹ This insider knowledge helped INEC to plug some of the loopholes that in the past have aided rigging. The President and the National Assembly also saw to the fact that INEC was not short of funds by passing the N89.5bn INEC budget.⁶²

Prof Jega's effort towards reversing the negative rating of INEC and the electoral process in Nigeria started with the re-registration of voters exercise on the 15th of Jan 2011. This exercise experienced a number of bottlenecks that solidified the bias of the people against INEC's ability to get things right. Amidst many problems encountered, the most embarrassing was the initial problem experienced with the DDC machine for capturing finger prints of would be voters. Many of the machines rejected finger prints and some accepted it after several trials to the extent that it was taking more than 30mins to register one person when the exercise commenced.⁶³ INEC did all they could to rectify this problem, after few days the exercise became smoother. In addition Nigerians did all they could to compliment the efforts made by INEC. Some provided water and soap at the registration centres to enable would be registrants wash their hands of any oil so as ensure that the DDC machine does not fail to capture the finger prints. Some devised the powder method and came to the centers with white powder when it was discovered that rubbing ones fingers with powder makes it easier for the machine to capture the finger prints.⁶⁴ At the end of the exercise INEC successfully registered about 67 million voters, 3 million short of the 70 million targeted.⁶⁵

In addition to the registration exercise, INEC released the timetable for the general election and guidelines for different stakeholders, namely the Media, Election Observers, Political Parties, Civil Society groups, Security personnel and the electorates. The series of media addresses helped to educate all stakeholders on the conduct of the election and clarify grey areas. For instance when there was conflicting information as to whether Cell phones will be permitted at the polling areas, the Chairman addressed the matter and encouraged voters to take pictures or video tape acts bordering on electoral malpractice and submit to INEC. INEC also released guides for the media and election observers as well as a detailed timetable of the election, guidelines for voters, list of polling units, candidates and parties; phone numbers to call and send text messages to report fraud, violence and any tampering with the election rules were all listed in the INEC websites.⁶⁶ Voters were told times without number to police their votes and make sure that results were counted and announced at the polling station. INEC also made use of Youth Corpers as polling agents while trusted public servants drawn mainly from the University were used as collation /returning officers. The idea was to use persons who can be held responsible for their actions as against the old practice of picking adhoc staff from anywhere. All these efforts impacted positively on the outcome of the elections. In particular the ballot papers and ballot boxes had security devices to forestall the past practice of politicians stealing ballot boxes from one unit to use in another. This time around ballot papers were colour coded and the boxes had unique identification numbers made specific for constituencies and polling units respectively, making any form of transfer difficult. In addition all vehicles carrying sensitive materials were tracked and monitored from the situation room at the INEC headquarters to forestall diversion. Prof Jega made it clear in one of the press briefing that INEC shall make full use of the information technology in the electoral process.⁶⁷

The National Assembly election which was the first on the schedule took off on the 2nd of April but had to be cancelled midway as a result of some technical problems with some of the ballot papers. According to Prof Jega some of the ballot papers had logos of some political parties omitted and that has to be addressed.⁶⁸ The election was later rescheduled to re- start on the 9th of April a shift by one week. This cancellation drew national outrage casting doubts as to the intention of INEC and integrity of the Chairman. However, when the elections eventually commenced on the 9th of April, the success of the process wiped off the earlier outrage and suspicions, in fact many Nigerians began to praise Prof Jega for his courage in admitting mistakes and cancelling the April 2 election. The process was such that many voters became potential election monitors eagerly pointing out errors or checkmating any irregularity on the part of the polling officers. Against this background, it became possible for possible winners to be known even before the overall results were announced as Nigerians posted and shared results through text messages and postings on the web.

In all, INEC's conduct of the 2011 April election far surpass their previous efforts as also confirmed by the various election observers that monitored the elections. Commenting on the April 9th National Assembly election, the Commonwealth group led by Festus Mogae President of Botswana notes:

*In our experience, the National Assembly elections generally took place in a peaceful and orderly manner. The required staff and stakeholders were present and the various stages of the electoral process on pooling day broadly proceeded smoothly and transparently.*⁶⁹

The Nigerian Bar Association which was one of the accredited observers notes that:

*INEC must be congratulated for conducting a transparently credible election so far. INEC cannot be held responsible for the poor democratic culture displayed by some losers. It is on record that this is the first general election where alarming reports of disenfranchisement in the way of subserviced polling stations, inability of registered voters to vote, violence at polling stations, and the hijacking of ballot boxes were recorded at the barest minimum. There is a consensus among all observers local and international and men of repute that covered the election so far that the whole process was free and fair...*⁷⁰

Similar sentiments were also expressed by several civil society organizations. A representative view is that of the President of the Committee for the Defence of Human Rights (CDHR) Mr Olasupo Ojo who remarked that

Jega had discharged his duties to the nation beyond expectations" Prof Attahiru Jega was appointed to lead a corrupt INEC, the integrity rating of which was very low. However, he brought his personal integrity to bear on the Commission and worked

*assiduously to build public confidence in the institution...He opened the hitherto closed or blocked doors and ears of INEC. Transparency and openness were injected.*⁷¹

The Chairman of the Transition Monitoring Group (TNG) Mr Mashood Erubami said “ Prof Jega has proven he is honest, courageous and committed to national development and character of integrity in the discharge of his duty as INEC Chairman.”⁷²

All the encomiums poured on INEC and its leadership boil down to one thing that credible leadership is necessary for institutional development in Nigeria.

However the eulogy of the 2011 election was not all about success as there were also lapses that posed challenges to the fairness of the process. Prominent amongst them was the non cooperation of some states INEC office with compliance of the directives of the national body; for instance, the decision to use University staff as collation and returning officers was resisted by INEC at Anambra until the eruption of the scandal over collation of the Senatorial election result, and in which the state collation officer Mr Anene claimed that he was being pressurized to alter the result in favour of the All Progressive Grand Alliance (APGA) Senatorial candidate-Prof Dora Akunyili(late). As he put it:

*They promised to provide me with a car, N10million cash, and to build a duplex for me, but my conscience has been pricking me. They have threatened to kill me, they have rough-handled me, this people want to kill me, and right now I cannot go back to my home.*⁷³

Mr Anene's claim reveals the nature of the horse trading associated with result collation and announcement in Nigerian elections. The world got to hear about it because Mr Anene refused to subvert the process. It is important to point out that even Mr Anene's recruitment as a collation officer was in breach of the directive of INEC headquarters that only University academic staff should be used for such roles. INEC at Awka only complied after the scandalous show.

Prof Emeka Ezeonu who was among those deployed for the 2011 April 9th election to serve at Aguata Local Government also recounted some of his unpleasant experiences and observations regarding the attitude of INEC staff and lapses in the process in the following words:

There were obvious lapses on the part of INEC in some LGAs. Some of these lapses I perceived as intentional devices to create confusion. I observed that at the Local Government level where we operated some staff of INEC were not happy that the new process excluded them from field operations. A few were disdainful of the new INEC procedure and were bent on proving that the new electoral process cannot work without them. Some were hostile and uncooperative with the ad hoc officers. For example at Aguata L.G. where I officiated, I requested for the list and specimen signatures of RACOs

and POs to enable me resolve issues of identity of officers in the total absence of any form of identification. The E.O was very hostile and told me I did not need it to do my job. As far as he was concerned any person who comes to me with collated results was authentic. The same uncooperative attitude was reported by a few of my other colleagues who worked as Collation Officers in a few other places. ... Thirty minutes after picking my deployment letter as the Collation Officer for Aguata LG Senatorial election I started receiving calls from political stakeholders from the senatorial zone. Again that made me very uncomfortable, some others reported a similar experience. All in all it is common knowledge that politicians largely influenced placement of Cos/ROs and some were even shuffled on the morning of the election without any explanation.⁷⁴

There were other technical lapses but not strong enough to derail the electoral process nor vitiate the credibility of the election. However the greatest dent on the 2011 election was the large scale violence that greeted the announcement of the presidential election result in the Northern part of the Country. It is paradoxical that election described by local and international observers as the freest and fairest since 1999 was also the bloodiest as irate mob comprising mainly of youths went about killing, and maiming innocent citizens and looting and burning down Churches, Mosques and private properties. According to the Civil Rights Movement (CRM) more than 500 people were killed on Monday 18th and Tuesday 19th of April 2011 in three towns of Zonkwa, Kafanchan and Zangon Kataf in the Southern part of Kaduna state. The report states that “the victims were encircled, raided and hacked to death and their homes burnt.” Churches, Mosques, homes and shops were set on fire in the rioting and more than 400 persons were displaced.⁷⁵ The riot which degenerated into sectarian and ethnic conflict across the Northern states saw Moslem rioters killing Christians and members of ethnic groups from the Southern part of the country deemed to have supported President Goodluck Jonathan and the ruling party PDP, while burning their churches, shops and homes. In a reprisal attack the Christians in predominant Christian communities of Kaduna state killed Moslems and burnt Mosques and properties belonging to Moslems. The Christian Association of Nigeria (CAN) put the number of Christians killed at about 170 and 350 Churches burnt or destroyed.⁷⁶ According to Human Rights Watch (HRW) the clashes in the predominantly Christian towns and villages of Southern Kaduna state left more than 500 dead and over 180 killed in Northern Kaduna state.⁷⁷ Many of those killed and injured were Youth Corp members drafted to serve as polling agents. Many Nigerians accused the presidential candidate of the Congress for Progressive Change(CPC) Retired Gen. Muhammadu Buhari as being responsible for the violence, attributing the violence to his utterances during the campaign period in which he was quoted to have told the people to police their vote at all cost.⁷⁸ Some others have attributed the violence to the poor level of education of the electorate, the politics of ‘do or die’ which makes it difficult for losers to accept defeat, religious extremism, jumbo salary of political incumbents, corruption and bad governance in the country.⁷⁹ Ever since, the violence in the North especially North East has become Nigeria's Achilles foot, as Boko Haram an Islamic terrorist group waged a war against the Nigerian state,

killing and maiming thousands of Nigerians while young girls and women are kidnapped and raped.

Thus the outcome of the 2011 election especially the loss of the presidency to the South impacted heavily on the 2015 election, especially the character of party politics that followed.

On the part of INEC, the subsequent state gubernatorial elections held in various parts of the country between 2011 and 2014 and the experiences gathered helped to further strengthen the technical and logistic details for a successful conduct of free, fair and credible election in 2015.

INEC and the Administration of 2015 Election-Strengths and Weaknesses.

Two major issues are significant in the 2015 election. The first is the emergence of a merger party, the All Progressive Congress (APC) to challenge the dominance of the PDP in national election and perhaps form the Alternative government which it did, and the introduction of the permanent voting card as well as the card reader to authenticate the number of accredited voters during the election. These two factors signaled the changes witnessed in the 2015 election and the contradictions that were thrown up as result. In fact the politics of the 2015 election revolved around these two issues.

The 2015 Election Preparations: Strengths and Weaknesses

INEC conduct of the 2015 election started with the necessary preparations put in place for hitch free election. Some of the experiences gathered during the earlier gubernatorial elections held in various states were factored into the preparation for the general election.

The preparation commenced with the pruning down of the political parties several of which sprang up after the expansion of the democratic space in 2003. The pulverised state of Nigerian political party system has been one of the factors identified as being responsible for one party dominance in the Nigerian democratic space. Prior to the deregistration exercise, Nigeria had over 70 political parties dotting its democratic landscape, many of which never received up to 0.1% vote in all the elections.⁸⁰ Some simply collect the usual statutory grant given to political parties and disappear till the next election year. This behavior is in consonance with the rentier mentality of the political class who seek state rent from whatever opportunity created. Thus INEC deregistration of about 30 political parties by Dec 2014 remains commendable as it helped to restore sanity to the electoral system.⁸¹ In addition such exercise will encourage small parties to merge and form stronger and wider reaching political parties, as indicated by the formation of APC. The about 30 registered political parties are capable of covering the wide interests of Nigerians. In addition INEC released on time the time table for the 2015 election and gave it ample publicity for the all stakeholders to become acquainted with the dates and prepare.

However, INEC's greatest achievement was the production and distribution of high tech-permanent voters card (PVC) with biometric data capable of serving the system for a longtime and thus puts to rest the onerous task of always embarking on new registration exercise during tenure of a new INEC chief executive. This achievement does not in any way preclude the usual

exercise of updating the register. Apart from saving the nation the high cost of constantly embarking on new registration exercise, the PVC and associated Card Reader(CR) infused a lot of credibility to the voting process given the malfeasance associated with the voting process in previous elections especially that of 2003 and 2007. This explains the politics that followed the realization of what the use of PVC and Card Reader(CR) entailed. Many political parties, even the ruling party- PDP which became unsure of its success (and for good reasons) mounted a campaign of calumny against the use of PVC and CR and on the person of Prof Jega . Many groups working as proxies of political parties demanded Prof Jega's removal on the spurious allegation that Jega was working for the opposition party APC. It is interesting to note that the most vocal opponents of PVC /CR hails from the South -South and South-East, electoral strong hold of the then incumbent, President Jonathan.⁸² The thinking is that discontinuing with the use of PVC and CR will yield the usual 'primitive accumulation of votes' through manipulation of the process as evident in previous elections, even the 2011 elections praised for its credibility. Many Nigerians applaud the Jega led INEC for keeping faith with the use of PVC/CR technology and for his cool resistance to the pressure mounted to discontinue the use of the PVC/CR method.⁸³ The failure of the campaign to discontinue the use of PVC/CR led to the next level of campaign against the conduct of 2015 election.

Political parties led by the Ruling PDP at the centre and their proxies wanted the election date postponed. After several reasons that failed to hold, they came up with the idea that security during the process cannot be guaranteed. This is against the back ground of the incessant attacks by the terrorist group Boko Haram in most parts of the North of the Country. In the face of the security Chief's advice to the INEC Boss that they cannot guarantee security of the process, INEC not being a security outfit, decided to shift the polls by Six weeks so to give room for the military and other security organizations to have the country's security under their control.⁸⁴ As Prof Jega put it in his address to the Press:

The conduct of elections in a country like Nigeria is invariably a collective venture that involves not just the Election Management Body(EMB), but also a diverse range of stakeholders, notably security agencies, political parties and their candidates, voters, as well as interest groups, such as the civil society organizations and the media. To guarantee successful conduct of elections, there are things that are wholly the responsibility of EMB. There are other things critical for the success of elections, which fall outside the control of EMB....There are a number of issues in the preparation and conduct of election, the most critical of which is security, which is not under the control of INEC....

INEC not being a security agency that could by itself guarantee protection for personnel and materials, as well as voters during elections, the Commission cannot lightly wave off the advice by the nation's Security Chiefs. The Commission is specifically concerned about the security of our adhoc staff who constitute at least 600,000 young men and women, together with our staff, voters, election observers as well as election materials painstakingly acquired over the last one and a half years....the risk of deploying young men and women and calling people to exercise their democratic rights in a situation

where their security cannot be guaranteed is a most onerous responsibility. Under 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 as the prospects of free fair credible and peaceful elections would be greatly jeopardised.

Consequently, the commission has decided to reschedule the 2015 general elections... We in INEC reassure all Nigerians and indeed the international community of our commitment to do everything within the law and to conduct free, fair credible and peaceful elections. We call on the security agencies to honour their commitment to restore sufficient normalcy for elections to take place within the period of extension. We also call on all Nigerians, political parties, candidates and all other stakeholders to accept this decision in good faith and ensure the maintenance of peace....⁸⁵

There is also a widely held belief that the shift in elections was also in INEC's interest given the several challenges and criticisms regarding the distribution of the PVC in many states of the federation. Many apostles of postponement politicized the distribution of PVC by INEC sometimes alleging ethnic bias in the manner INEC has carried out its functions in this regard. They argue that the States in the North with security problems have collected more cards than their Southern counterparts. The spokesperson for the PDP Campaign organization in the South West was quoted to have said that "INEC was deliberately distributing the PVCs in such manner as to disenfranchise many voters from the North Central, South-East, South-South and South West geo-political zones", where President Jonathan has support.⁸⁶ His allegations were further supported by similar allegations by the International Society for Civil Liberties and the Rule of Law led by Mr. Emeka Umeagbalasi with Head quarters at Onitsha. In a statement titled Dangers of Political Exclusion: Exposing INEC's Bias Against Ethnic Minorities in Nigeria which the organization released to the press, in part reads:

*Scholarly and popularly speaking, the fundamental causes of civil wars and violence around the world particularly in Africa are **political exclusion and systematic undermining of socio-ethnic identities particularly of minority populations.**(Emphasis theirs) The 2015 general elections' handling styles informally adopted by the Independent National Electoral Commission are clearly laid on the foregoing premise. The fundamental feature of a plural society is its ability to protect at all times the rights of the minority populations particularly their inalienable rights to participate, vote or be voted for in national elections...⁸⁷*

A vanguard reporter by name Jide Ajani also published an article titled, "41 Days to Presidential Poll: Millions in South May not Vote: PVC's collection Higher in the North", with several incendiary remarks capable of creating divisions in an already over heated political space.⁸⁸ These allegations were refuted by INEC. In fact in the face of the release of INEC update on

PVC distribution in various states of the federation as of Jan 7 2015, the allegations made against INEC appear groundless.

Table 1.0

INDEPENDENT NATIONAL ELECTORAL COMMISSION						
BALANCE OF PERMANENT VOTERS CARDS AS AT 7th January 2015						
S/N	STATE	NO.OF PVC RECEIVED	NO. OF PVC DISTRIBUTED	% OF PVC DISTRIBUTED	BALANCE to Distribute	CVR PHASE
1	Ekiti	732,166	481,198	65.72%	250,968	
2	Osun	1,406,147	992,310	70.57%	413,837	
3	ABIA	1,241,257	1,020,601	82.22%	220,656	PHASE 1
4	AKWA-IBOM	1,468,780	1,177,910	80.20%	290,870	
5	BAYELSA	465,902	370,062	79.43%	95,840	
6	BENUE	1,641,694	1,132,187	68.96%	509,507	
7	ENUGU	1,005,585	662,445	65.88%	343,140	
8	GOMBE	982,423	802,959	81.73%	179,464	
9	KEBBI	1,306,405	1,035,780	79.28%	270,625	
10	KOGI	1,189,621	755,775	63.53%	433,846	
11	TARABA	1,180,950	921,637	78.04%	259,313	
12	ZAMFARA	1,100,828	925,302	84.06%	175,526	
13	Anambra	1,665,342	862,747	51.81%	802,595	PHASE II
14	Bauchi	1,799,952	1,509,255	83.85%	290,697	
15	Cross River	1,025,760	763,436	74.43%	262,324	

16	Delta	1,909,291	1,260,728	66.03%	648,563		
17	Ebonyi	918,503	687,402	74.84%	231,101		
18	FCT	850,360	411,935	48.44%	438,425		
19	Jigawa	1,551,831	1,460,620	94.12%	91,211		
20	Kwara	1,032,970	670,694	64.93%	362,276		
21	Ondo	1,303,237	824,715	63.28%	478,522		
22	Oyo	1,985,370	1,141,405	57.49%	843,965		
23	Sokoto	1,398,010	1,211,717	86.67%	186,293		PHASE II
24	Yobe	910,330	740,336	81.33%	169,994		
25	Adamawa	1,529,636	912,312	59.64%	617,324		PHASE III
26	Kano	3,198,859	2,771,185	86.63%	427,674		
27	Plateau	1,359,805	1,072,352	78.86%	287,453		
28	Edo	1,534,098	930,276	60.64%	603,822		
29	Ogun	1,175,244	672,017	57.18%	503,227		
30	Nasarawa	1,135,403	799,991	70.46%	335,412		
31	Imo	1,252,307	682,046	54.46%	570,261		
32	Rivers	1,956,983	1,253,606	64.06%	703,377		
33	Lagos	4,000,000	2,159,091	53.98%	1,840,909		
34	Katsina	2,379,766	1,965,840	82.61%	413,926		
35	Kaduna	3,219,994	2,643,517	82.10%	576,477		
36	Borno	0	0	0	0		

37	Niger	1,526,801	1,089,002	71.33%	437,799
	Total	54,341,610	38,774,391.00	71.35%	15,567,219

Source :INEC Nigeria

The truth of the Matter is that judging from the data in table 1.0, almost all the states had over 60% collection rate minus FCT, Anambra, Oyo, Adamawa and Ogun states many of which had over 50% collection rate except the FCT. It is important to state that poor collection rate is not a sign of INEC's bias or incapability as many of the voters failed to show any enthusiasm in the collection exercise. In a state like Anambra, over populated by traders, they see queuing up to collect cards as waste of time that can be utilized in the pursuit of business. It took threat of sanctions to compel our students in the Department of Political Science of Nnamdi Azikiwe University Awka to go for collection of their cards. However, in academic rating 71 percent is already an A grade, in the same vein 71% distribution by INEC show readiness and preparedness for the election. However the extended time enabled INEC to stretch the card collection exercise and allow all interested voters to collect their cards. So that by March 21, few days to the poll, INEC recorded over 80% distribution rate, which is no mean feat. See table 1.1 below.

However, there were few shortcomings. Some voter's names were excluded from the list without any justifiable reason. Some of the officers allow prospective voters to check the cards themselves to the point where some of the cards were so mixed up that it becomes difficult to locate. There was no orderly pattern for the distribution, a problem that contributed to the chaos in most distribution centers and reluctance of the voters to go for collection. Some of the Local government centers were not easily accessible, that also contributed to the slow collection rate in most states like Anambra.⁸⁹

Table 1.1

INDEPENDENT NATIONAL ELECTORAL COMMISSION				
DISTRIBUTION OF PERMANENT VOTERS CARDS AS AT March 6, 2015			VOTERS CARDS AS AT	21-Mar-15
S/N	States	Number of Registered Voters	Number of Cards Collected by Voters	Remarks
(a)	(b)	(c)	(d)	(e)
1	ABIA	1,396,162	1,183,127	84.74
2	ADAMAWA	1,559,012	1,381,571	88.62
3	AKWA-IBOM	1,680,759	1,587,566	94.46
4	ANAMBRA	1,963,173	1,658,967	84.50
5	BAUCHI	2,054,125	1,967,081	95.76
6	BAYELSA	610,373	548,585	89.88
7	BENUE	2,015,452	1,607,800	79.77
8	BORNO	1,934,079	1,407,777	72.79
9	CROSS RIVER	1,175,623	983,968	83.70
10	DELTA	2,275,264	1,939,952	85.26
11	EBONYI	1,074,273	848,392	78.97
12	EDO	1,779,738	1,230,566	68.81
13	EKITI	732,021	522,107	71.32
14	ENUGU	1,429,221	1,223,606	85.61
15	FCT	881,472	569,109	64.56
16	GOMBE	1,120,023	1,070,725	95.60
17	IMO	1,803,030	1,707,449	94.70
18	JIGAWA	1,831,276	1,757,658	95.98
19	KADUNA	3,407,222	3,174,519	93.17
20	KANO	4,975,701	4,112,039	82.64
21	KATSINA	2,827,943	2,620,096	92.65
22	KEBBI	1,470,648	1,372,630	93.34
23	KOGI	1,350,883	926,013	68.55
24	KWARA	1,142,267	889,067	77.83
25	LAGOS	5,822,207	3,799,274	65.25
26	NASARAWA	1,242,667	1,048,053	84.34
27	NIGER	2,014,317	1,682,058	83.51
28	OGUN	1,829,534	1,125,657	61.53

29	ONDO	1,524,655	1,118,479	73.36
30	OSUN	1,407,107	1,033,229	73.43
31	OYO	2,415,566	1,639,967	67.89
32	PLATEAU	2,001,825	1,508,585	75.36
33	RIVERS	2,537,590	2,127,837	83.85
34	SOKOTO	1,611,929	1,527,004	94.73
35	TARABA	1,340,652	1,270,889	94.80
36	YOBE	1,099,970	824,401	74.95
37	ZAMFARA	1,495,717	1,435,452	95.97
	Total	68,833,476	56,431,255	81.98

Source:

<<http://www.inecnigeria.org/?inecnews=distribution-of-permanent-voters-cards-as-at-march-12-2015-2>>

The availability of contact numbers and Civil society/INEC Situation Room to address problems that may be experienced in the pooling units during the voting process remains commendable. However, many ordinary Nigerians were unaware of these provisions and could not make use of it to report malfeasance in the voting process.

Another area where INEC appeared to have turned a blind eye was on the issue of expenditure limit of political parties and candidates during the electioneering period. 2015 witnessed very high level of campaign expenditure yet unknown in the history of elections in Nigeria. It was as if the parties especially the PDP and APC were in competition over which group will outspend the other. By virtue of the campaign advertorials placed in the various media-namely newspapers, televisions, radios and social medias, internet blogs and you tube, the parties already exceeded the limit stipulated by the section 91 and 92 of the 2010 Electoral Act (Amended).⁹⁰ The amount spent by both parties for advertorials were put at a conservative estimate of N3.549billion for PDP and 1.424 billion for APC giving a total of N4.973 for both parties.⁹¹ The parties in addition enhanced the rentier culture already problematic in the Nigerian socio-political space through the distribution of monetary and other material gifts at campaign rallies. Thus campaigns became money driven, to the point where only parties and candidates with money to give out at campaign grounds attract a reasonable population at political rallies. Neither INEC nor any other institution cautioned the extravagant spending much less sanctioning the parties involved. The most blatant abuse was the sharing of money to voters at the polling units in the presence of the security officers sent to enforce the rules. This practice which became prevalent in the 2011 election is fast becoming entrenched in our electoral system. Hence the deciding factor for garnering votes at the pooling units is the amount of money given out by each party. This malady is an abuse on the sanctity of the vote, as voters are expected to show where they voted to qualify for the largesse. Thus the notion of "take their

money but vote your conscience" has been taken care of by our desperate political class, with the notion of "show me that you voted for me and collect the money". Given the high level of poverty in Nigeria, money based political rallies is an opportunity too good to be missed by the largely poor electorates. Today it has become common place for voters to compare notes as to which parties gave the highest and which constituency received the greater share of the amount budgeted. Apart from the voters, the state electoral officers, pooling officers and collation/returning officers of all cadres are also targeted in this market democracy, as large sums are handed over to officials who are ready to aid and abet the politicians in their manipulation of the voting and collation process.⁹² This rentier political culture explains the utter disregard for INEC rules and regulations during the electioneering process proper. For instance, in Anambra state, many of the adhoc staff trained for the election found out that on the day of election, their names were dropped and replaced with other names to their utter dismay. Some who never applied or got recruited for the process were shopped for at given fees to take over the role for a fee to be paid by the benefiting politician. This calls to question the attitude of the average Nigerian towards state institutions and the political process. Many Nigerians see election period as the only period to make their own money which becomes the preserve of the political class once results are declared. This behavior Ibeanu has attributed to the devaluation of the promissory content of the vote.⁹³ Since they are aware that promises made by politicians are never kept, it becomes a case of a bird in hand becoming of more worth than the two in the bush. (The bird at hand being the monetary and other material gifts that can be collected during the electioneering period, while the two in the bush represents the empty promises made by politicians that are never met.) In such a situation and in the face of debilitating poverty facing many of the electorates, selling one's vote may not be a big deal after all. Man must eat before he /she can make political calculations.

In the face of this scenario, the efforts of the INEC leadership to institutionalize transparency, fairness and credibility in the voting process, meet a brick wall, as the rank and file INEC staff and the average Nigerian voter as well are yet to buy into this transparency and credibility culture. Hence the rentier mentality, the rentier political culture and associated abuse of the electoral process continues to dominate our electoral process as played out in the just concluded 2015 election in many parts of the country especially Anambra state, where we reside and where many of our observations regarding the election were made.

The Conduct of 2015 Election: Strengths and Weaknesses

Another big achievement on the part of INEC is the successful conduct of all the elections scheduled from March to April, despite the misgivings following the postponement from the February dates to March dates. The crux of the whole controversy about the elections circles around INEC's decision to use the PVC and Card Reader to accredit would be voters before the voting process.. As earlier pointed out, politicians desperate to manipulate the process critiqued the idea, but Prof Jega insisted on keeping faith with the idea. However many INEC staff were not on the same page with Prof Jega and his team at the head quarters, as different scenario

played out in states like Anambra , in the Presidential/ National Assembly elections, as well as in the State House of Assembly election. On the day of the election March 28, many of the polling officers exploited the notion of Card Reader Malfunction to jettison the card reader and do manual accreditation of PVCs to the utter dismay of many voters. A few examples from Anambra state shall suffice. In polling unit 010 -Esther Obiakor, Awka, polling unit 001,038 and 039 located at Nkpor in Idemili North Local Government Area, card readers were discarded. Same policy applied to polling unit 003, located at central school Amawbia, polling unit 001 at Abo amawa Ogbunike ward 2, polling unit 027 and 028 located at Umunnwu hall Agulu ward 3, polling unit 001 to 013 at Adazi Nnukwu ward 2. In all the listed cases and more, no card reader was used. Some of officials claimed that card readers sent to Anambra state were programmed to start working by Sunday the 29th of March and so cannot be employed in the field. In some cases they do not bother to provide any explanation at all⁹⁴. The case of Anambra is a clear case of sabotage of the directives of INEC headquarters by INEC state staff. The disuse of CR gave indication as to what will follow in the result collation exercise. There were several reported cases of falsification of election results and violence against adhoc staff who refuse to comply with the falsification exercise . In Anaocha local government Area of Anambra state, where the collation of results were scheduled to take place, the collation officers were not available, while various pooling officers waited with their results till Sunday, March 29 for the collation officers to appear. Rather a Senatorial aspirant of the PDP in that constituency came and was allowed by INEC staff on the ground to address the Youth Corpers who worked at the field, wherein She made monetary promise of N10,000 to each of the Corpers. The said aspirant later left the collation centre and returned later in the day with men dressed in military outfit. The party agents of the other political parties were dismissed. The APGA party agent for Anaocha who is also the Deputy Chairman of Anaocha Local Government Area who refused to comply with the directive was beaten up, bundled into the boot of a car and taken away. Similar faith also met the Chairman of the Local Government who was held hostage and released late in the evening after the result was announced.⁹⁵ Similar faith also met the APGA Senatorial aspirant for Anambra South who was locked away with his nephew by thugs presumed to be working for his rival till late in the night when the result was already announced.⁹⁶ Many of the intimidations were meted by PDP aspirants on their strongest rivals in the glare of INEC staff and security operatives.

In a similar vein Mr Alex Agbaenyi a lecturer in the Department of Political Science of Nnamdi Azikiwe University Awka who worked as a Supervising Presiding Officer (SPO) at Umudioka ward II Dunukofia, reported that he was beaten up by a PDP agent for preventing the agents to make away with sensitive materials for the election⁹⁷.

These kinds of narratives were also reported by several others. The incidences of electoral violence in Rivers state and Akwa Ibom were celebrated cases in the various media of information. News media were awash with several cases of election related murder and violence in states like Rivers, Akwa Ibom, Imo, Ebonyi, Delta, and Lagos states. However the case of

Rivers state topped the list as even international observers questioned the credibility of the elections in Rivers state. Cases of vote rigging, ballot box stuffing, ballot box snatching, result falsification were also rampant in the Rivers, Akwa Ibom Imo and Abia and Anambra states.⁹⁸ In Abia states caskets were even displayed with warning inscriptions by candidates to scare off supporters of their rival parties from the voting process during the Abia gubernatorial re run election.⁹⁹ It was a new low in the desperation to win election by the political class.

In Anambra state the battle was between the two hegemonic parties in the state, PDP and APGA formerly allies in the presidential election (as APGA adopted President Jonathan as its presidential candidate). However, the marriage of convenience gave way to acrimonious relationship after the PDP tried to dislodge APGA from its strongholds in the National Assembly elections. In fact it was alleged that even the governor of the state Mr Willie Obiano was prevented from entering the state collation centre on the directives of Mr Peter Obi¹⁰⁰ (Obiano's political god father, but who defected to PDP after handing over as immediate past governor of Anambra state and became the PDP campaign Chieftain for President Jonathan in the South-East). Thus, Mr Peter Obi's influence during the election emanates from his close relationship with the President. The rift between governor Obiano and Mr Peter is not uncommon in Nigeria's political landscapes where godsons helped into power try to declare their independence and end up creating an acrimonious relationship with their godfather who intends to still run the government from behind the scene. This acrimony intensified to the point where ex governor Obi was alleged to have boasted that he will work for PDP to take over the Anambra State House of Assembly in anticipation for the impeachment of governor Obiano. The loss of election by President Jonathan frustrated this ambition, as Obiano's power of incumbency as governor of the state was employed to the fullest in the state Assembly election.

First, a large sum of money was made available to APGA activists for onward distribution at the pooling units on the day of the election, each ward was expected to receive not less than N10 million for the exercise. In addition, it was also alleged that the unclaimed PVCs were handed over to APGA by INEC staff, and the cards were assigned to willing APGA supporters to vote in various pooling units homogenous to the PVC collected, through the fraudulent method of accrediting the voters using the incident forms meant for persons who have problems crosschecking their finger prints with the card reader. In addition, many pooling Units were given ballot papers less the number of registered voters, while the withdrawn ballot were handed over to APGA for thumb printing. In this way APGA registered a land slide victory, winning about 26 of the 30 seats in the State House of Assembly.¹⁰²

This obviously was rigging in a grand style that cuts short the benefits of making use of the PVC and Card Readers. Thus primitive accumulation of votes reinvents itself and beat the technology put in place to checkmate it. In other words as INEC leadership at Abuja devotes its brain to craft technology to make our election rig free, the rank and file staff and the politicians and voters in their consuming rent seeking behavior sit back to re-strategize and craft methods of

hacking in to the technology or circumvent it using rules and policies put in place to make the process more efficient.

The paradox of the 2015 election conduct is that the machinery to make the election rig proof was designed by INEC but the effort to sabotage the rig proof mechanism is also crafted by INEC staff in conjunction with the political class. In the event as INEC revels in the euphoria of having conducted one of the most successful national election that saw to a change in party government, being the first time an incumbent party was massively voted out of office, it will also go down in history that INEC oversee the most hotly contested election that nearly divided Nigeria, and in which new methods of electoral malpractices yet unknown in Nigeria's electoral history were employed.

What are the Challenges facing INEC as an EMB?

INEC and Election Administration in Nigeria: The Challenges.

To organize a credible hitch free election in Nigeria is an uphill task which demand the efforts of both INEC and all Nigerians. However, INEC as the EMB must find ways to address the following challenges.

First, while the introduction of PVC and CR remains commendable, the exercise is not error free, in the sense that a good number of voters duly registered in 2011 issued with temporary voting cards, could not access their permanent voters card during this election year. This brings to the fore the need for INEC to embark on continuous voter registration exercise and issuing of PVCs , so as to avoid the rush and confusion that attend this process during the election year, when there are so many issues to be handled by the EMB. In other words the non-election years should be used to synthesize and update the voters register so as to avoid the scenario of rushing to do so during election year. Experiences accompanying the distribution of PVCs and the politicization that went with it will be avoided if the voters register is updated on a yearly basis so that the number to be attended to during the election year will be minimal. The display of voters register must at all times be complied with by all INEC offices all over the federation to enable the electorates check for their names. The violation of this rule by INEC in Anambra state in many of the elections is harmful to the credibility of the process.

Some of the electoral rules are observed in their breach by INEC officials because of the vested selfish interests of these officials who use the mechanism of the electoral process for rent collection. One of the challenges facing INEC is getting the INEC staff to imbibe the culture of transparency, honesty and integrity that Prof Jega tried to instill into the electoral process. That is, an acculturation process that in this paper we shall term the "jeganization" of INEC. Jeganization of INEC is a concept that stands for the noble qualities of the INEC Chairman in the person of Prof Attahiru Jega who has become an ensemble of transparency, accountability , honesty and integrity. In other words, how do we get other staff of INEC to imbibe these virtues so as to infuse the EMB with a new culture that can fight against the malfeasance that has become associated with election conduct in Nigeria. This is against the backdrop that unless the

other INEC staff stop the use of their position for rent seeking, every effort put in place to correct the anomalies shall always be derailed. The lack of cooperation showed by some INEC staff to some of the Collation /Returning officers bent on doing things right speaks volumes about the commitment of these staff in ensuring a free, fair and credible election.

There have been suggestions that the Chairman should be the one selecting or appointing the various Resident Electoral Commissioners(RECs) to make them less partisan and more loyal to the cause of INEC rather than the present practice where RECs are appointed by the President that leaves them open for manipulation by the incumbent or their associates.

Another major challenge facing INEC is the selection of honest men and women of integrity to serve as adhoc staff during the electoral process. Although INEC picked the polling agents from the National Youth Service Corp, some of these young Nigerians fall easy prey to the alluring enticements of the politicians. In a similar vein some of the staff picked from the Universities did not fare better as some already ally themselves with politicians and are ready to do the biddings of the politicians for a fee. In other words INEC need to begin on time to assess the persons to be employed as polling agents, Returning /Collation officers through adequate inquiries that can reveal the character of the persons to be selected. In fact INEC should develop a data bank of adhoc personnel for election ahead of time so as to avoid the rushed recruitment that lends itself open to abuse; such persons shall be informed and trained for the exercise at least three months before the polls . The idea suggested by the Uwais panel that names of such personnel should be published to the public to enable the public send complaints if they find out that a person that could easily be compromised is included is commendable but should be implemented with caution as dishonest politicians can lay complaints against a person known to be steadfast and uncompromising.

INEC has to address the security of adhoc staff. In the face of the violence unleashed on polling agents, and collation officers during the voting and collation process. In addition, there is the challenge of identifying authentic adhoc staff from those that are not. This makes the issuance of collection of specimen signatures imperative. INEC should collect specimen signatures and identification pictures of all polling/ collation/returning officers as well as specimen signatures of those acting as representatives or agents of the different parties at the polls. These shall be made available to all appropriate officiating persons during the polls. Getting the political parties to comply with this measure may not be an easy task. During the previous and 2015 elections, it was observed that in some constituencies some politicians in collusion with security and INEC officials allow candidates who rewarded them handsomely to impersonate the agents of other parties while the authentic agents are chased away as hoodlums. This enables such candidates to send in the rigged results with the faked signatures of other party agents. It is difficult to verify these signatures if there are no specimen signatures for the Collation /Returning officers to use for verification. This is a big challenge that INEC must tackle. INEC must therefore ensure that

there is a mechanism for identifying all officiating persons so as to avoid any form of impersonation.

Tackling electoral malpractices shall not be complete without a corrupt free Judiciary committed to the ideals of the rule law and observance of judicial process that will aid democratic sustainability and consolidation. Some of the major lapses and challenges faced by INEC come from the multifarious court orders brandished before INEC by intending contestants of different political parties. These orders made nonsense of the published list of candidates in the INEC web site for the election. It has become fashionable for a party like PDP to field in more than two candidates for one elective position in various constituencies. This is confusing to the electorates who may vote for a candidate of their choice but end up getting another who may not have contested but who wins in the court. It is also not fair to other contestants who will then be contesting against two or more different candidate of a party. INEC must set a dead line for parties to resolve all issues of candidacy before the elections so as to reduce this anomaly. This must be done in co-operation with the courts.

Flushing out corrupt judicial officials becomes imperative for the achievement of this goal. It is because the Judiciary has been compromised that many politicians go with the maxim “Let us rig and win, let them sue”¹⁰³. This is because the system allows the declared winner to enjoy all perquisites of office without recourse to any form of refund of emoluments received, or sanction if thrown out of office by a court decision or a re- run election. In the event, the successful candidate enjoys the advantage of even using state resources to battle for his case in court.

This issue raises another challenge, which is about getting the political parties to follow laid down rules in the nomination of candidates. This has been difficult because of the Factionalization in the parties and the use of court orders by the different groups to legitimize their actions.

In addition, the electoral Law has done well to peg the amount of money that can be spent during the electioneering campaign for different offices; although the amount allowed by law is large for a country like Nigeria where the majority live below a dollar a day. However the challenge lies in enforcing the law. Ensuring that this law is observed, so as to reduce the highly monetised politics that Nigeria has developed is another major challenge facing INEC. Today candidates do their campaign with billboards and posters rather than talk to the electorates in rallies or town hall meetings. Those that organize rallies just use it as avenue to influence the voters through monetary enticements and sharing of other material goods like textiles, and bags of rice(What in Nigeria is presently termed "Stomach Infrastructure" to depict the fact that a man who will listen to the grammar of politics by the politicians must first be appeased through his stomach. A hungry man does not understand party manifestoes). This practice is fast becoming entrenched that many candidates now see campaign as just an opportunity to address pressing material needs of the people without any program of what to do when voted into office. During the last

election several stories were told of how the different candidates shared bags of rice, textiles, and money to prospective voters in different communities. This behaviour has been carried further to the polling units in utter violation of the electoral acts and the constitution. This defeats the essence of democratic rule which is to elect persons based on mapped out programmes of what candidates will accomplish in office. The implication of vote buying is that the elected politicians end up recouping what they spent and more, thus increasing the tendency of primitive accumulation and rent seeking that has been the bane of development in Nigeria.

Consequentially, infrastructural decay and poverty has been the outcome of such practice. Thus, democracy in this wise becomes another metaphor for impoverishment and powerlessness of the people. A follow up to this excessive monetization of the electoral process, is the unimaginable large sums of money pegged by political parties for candidates seeking nomination. The amount are so jaw breaking that only very few can afford to contest election in Nigeria and those few will have to deep their hands into the coffers of the state so as to recoup their campaign expenses. The very high fees also account for the do or die politics played by candidates. No one who paid N22 million or N27.5 million (Being the nomination fees for the post of presidency in PDP and APC respectively) to secure the nomination of his party will sit down and take things quietly without showing desperation to win. Similarly no person will pay N11million or N10.5 million (being the nomination fees for gubernatorial aspirants of PDP and APC respectively) and show decorum in the pursuit of victory at the polls. These fees must be pegged in proportion to the average earning capability of a Nigerian worker so as to create a level playing field for all to aspire to the highest position. In the absence of which, INEC should aim at introducing the Independent Candidate system so that persons who cannot afford to run under the umbrella of a political party can go on his /her own. This may help to check the incessant disregard for rules and absence of internal democracy in Nigerian Political Parties.

The biggest challenge is how to adequately educate the electorates with regards to their democratic rights, electoral rules and the voting process so as to minimize their exploitation by the political class and also infuse a sense of democratic responsibility in them that will help to reduce the present culture of malfeasance in the system. The experience of the 2011 and 2015 polls, show that voters fall easy prey to the manipulations and propaganda of political parties and their agents with the dubious intentions to mislead the electorates on important political issues of the day and the rules of the process. In addition, many electorates are ignorant of how to thumb print leading to a high level of invalid votes. This has negative impact on the outcome of the process as a popular candidate may lose because of invalidated votes.

INEC is also bedeviled by the high level of insecurity in the country. No free and fair election can take place in an atmosphere of insecurity. This is however a challenge that shall be addressed by the government at all levels.

Conclusive Remarks

Elections remain the only mechanism of choosing political officers in a democratic setting and as such its conduct remains crucial for the sustainability of democracy. A number of factors have combined to derail the electoral process in the past and ipso facto the democratic project, but what has always put the nails on the coffin of democratic transition in Nigeria is the massive fraud that characterize the electoral process. This trend was minimal in the 2011 and 2015 elections. It is a trend largely attributed to the rentier character of the Nigerian state which enables those with access state power to feed off the state without getting involved in any productive venture. The consequence has been the primacy of politics and associated struggle for state power sought and fought for in a Hobbesian manner. What matters then in such struggle is the calculus of force; every act is legitimated provided it affords opportunity to grab state power and what it affords. The implication is that politics becomes a zero sum game with attendant negative impact on the building of strong state institutions rising above parochial and selfish interests and capable of mediating conflicts among conflicting interests. Thus state power in Nigeria has become a business venture and continues to be more rewarding than being in private business. This poses serious challenge to the democratization process and associated electoral processes that go with it. It is for this reason that the former INEC Chairman Prof Maurice Iwu asserts that any reform of the electoral process shall not be successful unless there is corresponding reform or change of the attitude by the political class. He argues that the current 'rampaging primitive accumulation' and the 'unrestrained deployment of such resources' for the pursuit of state power negates the idea of electoral reform.¹⁰⁵ In addition, the skewed reward system that enable political office holders earn what is currently known in Nigeria today as 'jumbo pay', has contributed in no small way to the incidences of electoral malpractices and violence.

There is therefore a need for a total systemic overhaul at the political, economic and social levels. This can be effected by strengthening various institutions of governance and the capacity to compel compliance with the rules. It has been variously argued that one of the reasons electoral malpractices continues to thrive is for the simple reason that nobody has ever been punished for contravening electoral rules. So the principle of 'let us rig let them sue' continues to play a decisive role in the electoral process. The Uwais panel recommended de-bundling INEC and creating special institutions for the prosecution of electoral offences to drive home the seriousness of the offence. Government jettisoned this recommendation because the greatest culprits in the malfeasance that characterize elections in Nigeria are incumbents. It goes without saying that until Nigeria begins to punish adequately all persons engaged in electoral malpractice and violence, it may be difficult to root it out from our system however noble the intentions of INEC leadership may be.

The weaknesses notwithstanding, the 2015 March-April elections remains remarkable because it marks a significant change from the culture of holding heavily manipulated elections in Nigeria. It is also the first election that successfully saw to the peaceful change of power from the governing party to an opposition party. It is a sign that capable and honest leadership can make a difference in the way institutions function in Nigeria. Prof Jega's honest and transparent leadership did restore the dashed hopes of the people in the electoral process. Given the disorderly political climate and the limited time given to him to organize the various elections and the intransigence and indiscipline of the Nigerian political class, it will not be an over statement to assert that Prof Jega and his team performed exceedingly well and deserve to be commended. 2011 and 2015 marks a water shed in the history of improved electoral system in Nigeria, with the hope that this improvement will continue in the future.

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