

INEC and the Challenges of free and Fair elections in Nigeria

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Abstract

In Africa, political power is not only the major instrument of wealth accumulation but also places one in a vantage position to decide, as the American political scientist Harold Lasswell, would put it, the question of “who gets what, when and how”. Precisely because of the centrality of power in fragile and polarized states like Nigeria, the struggle for it is anarchic, with the constituent nationalities often believing that winning power is a prerequisite for redressing their perceived injustices while fearing that if another nationality is allowed to win it, that nationality will use it to privilege its own primordial groups or to punish and disadvantage the others.

It is within the above context of the centrality of power in African states, that the role of an electoral umpire in Nigeria must be situated.

The paper interrogates the notions of ‘free’ and ‘fair’ elections in Nigeria and also what it means for INEC to be ‘independent’ in a fragile state like Nigeria. It argues that the character of the Nigerian state and the centrality of political power make elections inherently contentious while inefficiencies on the part of INEC only exacerbate or provide the fillip for such contentions. The paper further contends that President Jonathan’s decision to concede defeat in the March 28 presidential elections in the country legitimated the elections and therefore saved it from being contentious – just like the other elections before it since independence.

Introduction

The first elections in Nigeria, held with the introduction of the Hugh Clifford Constitution of 1922, took place in September 1923, with Herbert Macaulay’s Nigerian National Democratic Party (NNDP) winning the three seats for the Lagos Legislative Council and the Calabar Improvement League winning the lone seat for Calabar (Sklar,). The Richards Constitution of 1946 widened the political space and expanded the electoral map of the country when it established a central legislature for the country, with four of the 24 members to be elected into the central legislature and three from Lagos and one from Calabar (Sklar, 2004). The political space was further

widened with the introduction of the Macpherson Constitution of 1951 and the Oliver Lyttleton Constitution of 1954.

In 1958, the Nigerian electoral provisions order-in-council – one of the outcomes of the 1957/58 Constitutional conference – provided for the appointment of an electoral commission by the Governor General “from amongst persons of neutral views.” The task of such a commission was defined as “the general supervision of the preparation of a register of voters and the conduct of an election” (Kurfi, 2005. P.5).

Following from this, the 1959 elections, which ushered the country into independence in 1960 was supervised by an electoral commission headed by R.E. Wraith, who was at that time a Senior lecturer in Public Administration at the University College Ibadan. The Executive Secretary of the Commission was another British, J.J Warren while four Nigerians Alhaji Mohammed Bello, Anthony Aniagolu, Prof Oritsejomi and M.A. Shosilva represented the north, east, west and Lagos respectively (Moveh, n/d: 12). The main political parties at that time were the Northern Peoples’ Congress (NPC), which was the dominant party in the Northern region, Action Group (AG), which was dominant in the Western region and the National Council of Nigeria and Cameroons (NCNC), which was dominant in Eastern region. Other parties were Democratic Party of Nigeria and the Cameroon (DPNC), Northern Elements Progressive Union (NEPU), United Middle Belt Congress (UMBC), Borno Youth Movement (BYM) and the United National Independence Party, UNIP, (Moveh, n/d: p 13).

However despite the fact that a British man headed the Electoral Commission while another British was its secretary, efforts were made to rig the process. As Kurfi (2015, pp11-12) noted:

As the ballot paper were not marked but merely dropped into a candidates individual ballot box in a screened booth, there was the possibility of party supporters smuggling in extra ballot papers and putting them into a candidates box...voting in a screened compartment made it possible for some voters to refuse to insert the ballot paper in any ballot box but pocket it and bring it out for sale to the highest bidder outside the polling station. These ballot papers eventually found their way into the polling both to be dropped into the appropriate ballot box by party faithfuls. This gave rise to the phenomenon of women pregnant with ballot papers which were safely delivered in the right ballot box and the women disappearing after the delivery.

Despite efforts to rig the election, the 1959 elections were still regarded as ‘free and fair’. Orji and Uzodi (2012, p.17) have in fact theorized that “transition elections are relatively more peaceful than consolidation elections”. While they failed to offer explanations for their thesis, our position is that the perception of the election as relatively ‘free and fair’ could be attributed mainly to a desire on the part of the Nigerian political class not to truncate the transition process – a pattern we also see in all the military to civilian transitions after independence (apart from the 1979 elections). ..

The 1964 general election was the first nation-wide elections organized by the post-colonial Nigerian state. It was largely a contest between two main political alliances – the Nigerian National Alliance (NNA) and the United Progressive Grand Alliance. There were several allegations of agencies of regional government conniving with the electoral officers to prevent opposition candidates from complying with the nomination process. Permits for party meetings or processions were often denied opposition parties and assassination of opponents was not uncommon (Vanguard, October 18, 2013). Following the crises and allegations of manipulation of the process, the election was boycotted in several places on the polling day. The boycott of the election was total in the eastern region and nearly so in Lagos. There were partial boycotts in both the West and the Mid West. However in the North voting went ahead, the only evidence of boycott being in two northern progressive fronts strongholds: the Kano and Jos Sabon – Gari’s (Kurfi, 2005, Sklar, 2004). In the end after serious horse trading, the 1964 General elections returned the government of Tafawa Balewa and the Northern Peoples’ Congress (NPC) to a second term in office. The protests that followed the elections particularly in the western region degenerated into a violent exercise in competitive rigging (Kurfi, 2005, Sklar, 2004).

The 1979 election was supervised by the military regime of Olusgegun Obasanjo. Five political parties were registered by the electoral umpire, the Federal Electoral Commission, FEDECO. These were the National Party of Nigeria (NPN), the Great Nigeria Peoples Party (GNPP), the Unity Party of Nigeria (UPN), the Nigerian Peoples Party (NPP) and the Peoples Redemption Party (PRP). Though Alhaji Shehu Shagari of the NPN was declared the winner, the outcome of the election was strongly disputed by the other parties, especially the UPN which felt it was a deliberate ploy by the military regime, FEDECO and the judiciary to enthrone the NPN in power (Falola & Ihonvbere, 1985).

In 1983, six political parties contested the election after the National Advance Party (NAP), led by Dr Tunji Braithwaite was registered. The registration was allegedly orchestrated by the ruling NPN in a ploy to divide the votes of the Yoruba, Chief Obafemi Awolowo's stronghold (Falola & Ihonvbere, 1985). Controversies surrounding the elections helped to provide the legitimacy crisis which the military capitalized upon to seize power and truncate the Second Republic.

Prior to the conduct of the 1991/1993 elections, Babangida, who toppled Muhammadu Buhari in 1985, set up what it called a 'political bureau' to articulate public opinions and advise it accordingly on measures to take to return the country to civilian rule. One of the consequences of this was an elaborate political transition programme that was truncated several times by the regime on flimsy excuses, leading to some ridiculing it as 'transition to nowhere' (Agbese, 2012). The Babangida transition programme created two political parties and foisted them on the political elites –referring to the political elites as “equal founders” and “equal joiners” of the political parties with one “a little to the left” and the other “a little to the right”. The two parties were the Social Democratic Party, which had Moshood Abiola as its presidential candidate and the National Republican Convention which had Alhaji Bashir Tofa as its flag bearer.

The government wanted to 'sanitize' the processes by funding the parties and even influencing the appointment of its leadership. Despite these – it still had to cancel the election, regarded by some as the 'fairest and freest' the country has organized (Agbese, 2012). One of the innovations by the Babangida regime was the adoption of the open ballot system, which did away with the secret ballot system, with voters asked to simply queue behind the candidates of their choice or their photographs or party symbols to signify their support for the candidate. Despite this attempt at transparency, the open ballot system created problems, especially in the rural areas where people were intimidated and harassed for openly supporting one candidate or the other. The system was consequently abandoned in favour of a return to the secret ballot system. In addition to the open ballot system, there was also the option A4 innovation, which required that any presidential aspirant had to contest elections from the ward, local government and state levels before getting to contest at the national level. These innovations however were not enough to guarantee the success of the elections as it was insufficient to forestall the annulment of the election (Kurfi, 2005).

Following the death of General Sani Abacha in June 1998, General Abdulsalami Abubakar became the military head of state. He announced a transition programme, with a final handover of power to civilians slated for 29 May 1999. Three political parties - the Alliance for Democracy (AD), All Peoples Party (APP) and the Peoples Democratic Party (PDP) were registered by the Independent National Electoral Commission to contest the elections into legislative and executive positions. The APP and AD contested the presidential elections on a joint ticket choosing Olu Falae of the AD and pairing him with Umaru Shinkafi of APP as his running mate while the PDP sponsored Olusegun Obasanjo with Atiku Abubakar as vice presidential running mate. Although there were hitches and complaints, the elections were generally described as “free and fair” – in line with the trend in the country’s transitions from military to civilian regimes (Ihonvbere, 1999). .

The 2003 general elections – the first civilian-to-civilian transition since 1999, were condemned by local and international observers. The Transition Monitoring Group (TMG) for instance held that “presidential and gubernatorial elections in some states fell short of international and regional standards and did not in the main reflect the voting pattern of the Nigerian people” (TMG, 2003). Their opinions however did not prevent the inauguration of Olusegun Obasanjo for a second term in office – raising questions about whether the opinions of international observers really matter.

If the 2003 elections were condemned for falling below international standards, those of 2007 were described as the worst in the history of elections in Nigeria. According to Human Rights Watch:

The polls marked a dramatic step backwards, even when measured against the dismal standard set by the 2003 election. Electoral officials alongside the very government agencies charged with ensuring the credibility of the polls were accused of reducing the elections to a violent and fraud ridden farce (Human Rights Watch: 2007).

Having admitted that the elections that brought him to power were less than perfect, the Umar Musa Yar’ Adua administration set up an Electoral Reform Committee (ERC) as soon as it came to power in 2007 to examine the entire electoral process and recommend ways of reforming it.

Though the 2011 presidential elections were regarded as an improvement over the 2007 , it was not without problems with some questioning whether it was seen as fair and fair because of the low bar of expectations set by Professor Maurice Iwu in 2007

(Adibe, 2015a). Nonetheless, the outcome of the elections was challenged by Obasanjo's main rival General Muhammadu Buhari who insisted INEC colluded with the ruling PDP to rig him out ((The Nation, May 9, 2011).

The 2015 general election was the first time that political parties had to merge – not form a coalition- as a way of strengthening their chances of winning power. The two main parties were the Peoples Democratic Party (PDP), which had a sitting President, Goodluck Jonathan, as its candidate and Mohammed Buhari, a former military dictator, who was the candidate of the All Progressives Congress. Another distinguishing feature of the election was that it was the first time in the country's democratic history that a sitting president would be defeated and also conceded defeat. Following the concession, people feel the country has overcome the bugaboo of contentious elections and that the country's democracy has now come of age (ThisDay, April 7, 2015). In what could amount to chest-thumping, INEC Chairman Attahiru Jega argued that the elections were reasonably free and fair and attributed the 'success of the elections' to sacrifices made by INEC officials (This Day, June 20, 2015. But how true was Jega's claim that the elections were 'reasonably free and fair?'

Conceptual Clarifications

Free and Fair elections

A crucial question here is when can we objectively say that elections are 'free and fair', in a polarized and fragile state, especially given that the phrase is often subjectively determined based on the vantage position of the speaker? (Goodwin-Gill, 2006). Article 21 of the 1948 Universal Declaration of Human Rights made it an entitlement for people to participate in the government of their country. That an election should reflect the 'will of the people' has never been a contentious expression. What is contentious is the way this normative standard should be measured. Goodwin-Gill (2006:115) identified ten broad criteria and activities as 'markers' or indices for measuring 'free and fair election'. These are (1) Electoral law and system; (2) Constituency delimitation; (3) Election management; (4) The right to vote; (5) Voter registration; (6) Civic education and voter information; (7) Candidates, political parties and political organization, including funding; (8) Electoral campaigns, including protection and respect for fundamental human rights, political meetings, media access and coverage; (9) Balloting, monitoring and results; and (10) Complaints and dispute resolution.

For United States Mission to the Organisation for Security and Cooperation in Europe (n/d),

Free and fair elections are a fundamental element of a healthy democracy. To be truly free and fair, however, elections require not only transparent and well-managed election day polling, but also a society that encourages full citizen participation, political parties to operate freely, independent media to flourish, and which builds a judiciary system capable of exercising independent and impartial authority. All 57 OSCE participating States have made commitments to holding free and fair.

An important inference from Goodwin-Gill's taxonomy is that an election being 'free and fair'; is not just a question of what happened on the Election Day because the process could be rigged at any stage. Its major weakness however is an assumption that these indices are objectively measurable in polarized societies such as Nigeria - the way they may be measured in the Western world or in countries where there is a consensus on the basis of nationhood. The truth is that in polarized and fragile societies like Nigeria, with deep fault lines of ethnicity, religion and regionalism, the electoral laws and systems, however they are designed, would be subjected to the same filters and markers through which the generality of the citizens periscope their social realities.

The indices given by United States Mission to the Organisation for Security and Cooperation in Europe suffer from the same weaknesses as those given by Goodwin-Gill. For instance, in polarized and fragile states such as Nigeria, can there really be a consensus on 'free and fair' elections, 'transparent and well managed election day polling,' and 'judiciary system capable of exercising independent and impartial authority'? Very unlikely. Essentially therefore these taxonomies are also subjective.

INEC and its Independence

Electoral bodies predated Nigeria's independence when the Electoral Commission of Nigeria (ECN) was established to conduct 1959 elections. The Federal Electoral Commission (FEC), established in 1960, subsequently conducted the immediate post-independence federal and regional elections of 1964 and 1965 respectively. Following a prolonged period of military rule and as the military regime of Murtala/Obasanjo prepared to hand over power to civilians in 1978, a new Federal Electoral Commission (FEDECO) was set up to conduct the 1979 elections, which ushered in the Second Republic (INEC, n/d).

The Independent National Electoral Commission (INEC) was set up in 1998 by General Abdulsalam Abubakar's after dissolving the National Electoral Commission of Nigeria (NECON), established in 1995 by General Sanni Abacha.

INEC, which has been organizing all elections since May 29 1999, has the prefix of 'independent' to its name. Why the prefix is meant to emphasize the neutrality and impartiality of the body, it does not by any means make it a sovereign entity (Adibe, 2015a) because it still has to operate within the structures and processes of the Nigerian state to which it has no control. For instance while announcing its decision to postpone the presidential election from February 14 to March 28, the INEC Chairman Professor Attahiru Jega was reported to have said:

“...it has become pertinent for it (INEC) to seriously consider the security advisory presented to it by the Security and Intelligence Services. I would like to reiterate here that INEC is an Election Management Body, EMB, and not a security agency. It relies on the security services to provide a safe environment for personnel, voters, election observers and election materials to conduct elections wherever it deploys. Where the security services strongly advise otherwise, it would be unconscionable of the Commission to deploy personnel and call voters out in such a situation” (Desert Herald, February 25, 2015).

INEC was never meant to be a sovereign entity as some people wrongly believe it to be. INEC is in fact only as independent as the existing structural frameworks within which it operates permit and the willingness of those in a position to manipulate such structures to achieve a given political end. Regarding the shift in the date of the elections from February 14 & 28 to March 28 and April 11, it was reported:

Jega slated the 14 & 28 February 2015 date of general elections. But the Presidency for whatever reasons insisted for a change of date. Addressing the Council of State, the INEC boss insisted that he was ready for elections come 14 February. The Presidency had to bully INEC into compliance by using Nigeria's already biased armed forces who formally notified INEC of its inability to ensure adequate security come 14 and 28 February owing to the security challenge of the country and an intention to have a 6 week operation against the insurgency in the northeast of the country. The mere fact that the Presidency could pull

through this clout suggest among other things that INEC isn't independent as it were. ' (Nairaland, February 19, 2015)

In essence, even though section 158 of the Constitution of the Federal Republic of Nigeria (1999) says INEC 'shall not be subject to the direction or control of any other authority or person', in reality its independence, is subject to the vagaries of the structural frameworks in which it operates. This is not to suggest that the integrity of the chairman of the electoral body does not play a role in the perception of the transparency and neutrality of the electoral umpire.

Theoretical issues

The struggle for power and the character of the Nigerian State

While much of the studies on problems of elections in Nigeria focus on structures and processes (Jinadu, 1997), what is often not properly analyzed is the way the character of the state itself and the nature of the struggle for state power therein inherently predispose elections to be contentious.

It was the late Kwame Nkrumah who admonished his fellow Ghanaians to "seek ye first the political kingdom, and all things shall be added to you" (Biney, 2008). When Nkrumah made that statement during the struggle for Ghana's independence, he meant that political independence would be a prerequisite for other improvements and development. Post-independence politics in Africa has tended to mock this maxim. In much of the continent for instance, political power is not only the major instrument of wealth accumulation, it also places one in a vantage position to decide, as the American political scientist Harold Lasswell (1936), would put it, the question of "who gets what, when and how", (and we may add "and why"). Owing to the centrality of power in fragile and polarized states), the struggle for it is anarchic, with the constituent nationalities believing that winning power is a prerequisite for redressing their perceived injustices in the country while fearing that if another nationality is allowed to win it, that nationality will use it to privilege its own primordial groups or to punish and disadvantage the others (Adibe, 2015b).

It is within the above context of the centrality of power in African states, (which are usually polarized and distrustful of one another) that the role of an electoral umpire in Nigeria must be situated. The electoral umpire must necessarily work within the

structures and processes provided by government (which appointed him to office) and the social realities of his primordial identities (where the head of the empire will eventually return to after leaving office).

It is also within this context that the discourse on INEC's 'independence' and 'neutrality' could be located. It is also within it that can be understood why being appointed as the chairman of the electoral body in a country like Nigeria is often regarded as a "poisoned chalice" (Adibe, 2015b). The allures include being feted by politicians and the press as well as contractors and fortune seekers. The 'poison' in the chalice include the fact that whoever is made an INEC chairman will almost inevitably end up with his (or her) reputation in tatters.

Perception as the ultimate determinant of free and fair election

Perception is crucial in any competition – perception of what your opponent does or his/her intentions. Competing political parties may in fact have different perceptions of any given situation because of differences in "perceptual filters" or "cultural frames" that influence responses to the situation. Some of these filters or 'markers' could be Culture, Race, and Ethnicity, Gender and Sexuality, Knowledge (general and situational), Impressions of the Messenger and Previous Experiences (Ting-Toomey, 1994). In essence in a polarized society like Nigeria, it is difficult to talk of any objective markers for measuring a free and fair election except the perceptions of people. Thus despite the International Observers lauding the conduct of the 2011 elections, their assessments were not enough to prevent post-election violence in the North with some 800 people killed because of a perception that their candidate was robbed of victory (Orji & Uzodi, 2012).

Markers that could have made the 2015 presidential election contentious

Our argument is that there are several conflicting perceptions that could have made the outcome of the 2015 presidential election contentious – if Jonathan had not conceded. The same would have been true if Jonathan had been declared the winner.

Belief in Jega's partiality

As an appointee of the federal government, Professor Jega was suspected of carrying out 'his master's' bidding. For instance in 2011 after Jonathan was declared the winner of the elections, Muhammadu Buhari who was the presidential candidate of the now defunct Congress for Progressive Change (CPC) accused Jega and INEC of rigging

the election on behalf of Jonathan and the PDP. In a petition filed on March 8, 2011, Buhari declared:

The CPC plans to prove that there was substantial variation in the voters' register used by the Independent National Electoral Commission (INEC) for the conduct of the presidential and governorship elections. To that extent, says the party, INEC and its chairman, Prof. Attahiru Jega, unlawfully manipulated the register to the advantage of Jonathan and Sambo. (The Nation, May 9, 2011).

Even up till the run-up to the presidential election, the All Progressives Congress continued to have a suspicious view of Jega. After the Anambra State Governorship election in 2013, APC said it had lost confidence in Jega (Daily Independent, November 29, 2015). It repeated this loss of confidence on the INEC chairman during the distribution of the permanent voters card, PVC in Lagos state.

As a Muslim from the Northwest (one of APC's strongholds), Jega was similarly being suspected of plans to rig the election in favour of his 'brother', Muhammadu Buhari. By the beginning of January 2015 for instance, the PDP had begun to openly voice its suspicions of Jega, first over the high rate of collection of permanent voter cards (PVCs), by geopolitical zones considered as the 'strongholds of the rival APC (Abusidiqu, January 14 2015) and then over plans to create additional polling booths with most of these being in the north, a move the party argued was part of a plot to rig the elections in favour of the APC (ThisDay, March 26, 2015). The PDP also opposed the introduction of card reader by INEC, saying it was an attempt to "cause delay, confuse voters and prevent majority of voters in exercising their franchise on that day" (Naijaloaded, March 9, 2015). In the same vein the Southern Nigeria Peoples Assembly, SNPA, called a press conference in which it gave details of what it said was a plot by Jega and the Northern Elders Forum, NEF, to rig the election in favour of Buhari (News Express, February 7, 2015). The irony is that as one side accused Jega of bias and the other party tried to come to his defence, the suspicion became reinforced.

Perhaps the highlight of the accusation of bias against Jega was what happened on the day the votes for the presidential elections were being collated. Elder Godsdai Orubebe, a chieftain of the Peoples' Democratic Party and former Minister of the Niger Delta, disrupted the results collation exercise in Abuja, accusing the INEC

chairman of bias – a move some people believe was choreographed to disrupt the collation exercise and lead to the cancellation of the results (Premium Times, March 31, 2015).

The use of card readers

One of the contentious issues in the 2015 elections, especially during the presidential elections, was the introduction of the card-readers. Supporters of the card readers, including the APC, argued that the malfunction of the machines mostly in the Southeast and south south, (seen as Jonathan's strongholds), was a deliberate sabotage by the PDP to ensure it resorted to manual voting which would make it easier for the party to rig the elections. On the other hand supporters of INEC and the card reader attributed the 'success' of the election to the machines, which they believed made it more difficult for politicians to rig despite the hiccups it created (Leadership, April 5, 2015).

Essentially therefore, one's opinion on the card reader – just as with the performance of Jonathan in office or the viability of Buhari's presidency - would be coterminous with where the person stands on the political divide and the person's location in the active fault lines in the country.

Collection of Permanent Voters cards

The rate of the collection of the PVCs was an issue between the PDP and APC. Before the presidential polls were shifted from February 14, 2015 to March 28 and April 11, 2015, one of the allegations was that there had been a deliberate ploy to deny some areas the PVCs in order to privilege one candidate. As Efio-Ita Nyok (2015) articulated it:

To begin with, out of the 68 million eligible voters only 48 million had collected their Personal Voters Cards, PVCs. But Jega's INEC insisted on their readiness. There may be explanations but other considerations discredit these alleged justifications. For instance, it has been revealed that of the 20 million remaining to collect their PVCs, majority were from the south-east and south-south of the country where we have traditional supporters of the presidential aspirant of the PDP. Why was it so? How did the north succeed to distribute about 95% percent of its PVCs despite the present security challenge?

Again, How will Jega dislodge the information making the rounds that thousands of Chadians, Cameroonians, and citizens of Niger have been successfully registered in order for

them to be employed to rig the elections in favour of the APC seeing that he approved so many registration centres outside the country against international protocols?

How will Jega respond to the information suggesting that under-aged citizens have been registered and are seen to flaunt their PVCs in the northern axis of Nigeria seeing that some argue that this is common place in the north? I saw a picture of such kids. It is even estimated that about 3 million of such kids have been registered in Chad, Niger and Cameroon.

Again, amputees totalling about 70,000 in Zamfara alone have been registered. Millions have been reported to have been registered in the north? How many amputees do we really have in Nigeria, Sir?

Even after the shift in the election day till March 14, and the improvement in the collection of PVCs, some still wondered why some areas such as Bornu state, which is ravaged by insurgency was able to have a collection rate of as high as 72.79 percent - despite having a significant size of its population displaced by the activities of Boko Haram- while Lagos State, which was peaceful and urbanized had a collection rate of only 65.25 per cent?

Table 1: Collection of Permanent Voters Cards by States

S/N	States	Number of Registered Voters	Number of Cards	Remarks
			Collected by Voters	%
(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: Nigerian Monitor (2015).

Voter turnout

Statistics on voter turnout during the election could also raise some questions. For instance, questions could be raised about why the turnout for the 2015 presidential elections was lower in all the regions than in 2011 (except in the southwest) when it could be argued that the stakes were much higher for the various regions in 2015 than in 2011? From Table 3, it could be seen that Lagos state had only a voter turnout of 29 percent – much lower than Borno, Adamawa, Yobe, Zamfara and Bauchi which were all affected by the Boko Haram terrorism. Again from Figure 1, one can raise legitimate questions about why voter turnout in the 2015 election has been the lowest in all presidential elections in the country since 1999.

Table 2: Nigerian Presidential election: Voter turnout by regions (in percentages)

	2015	2011 approximate
North Central	43.47 ▼	49
North East	45.22 ▼	56
North West	55.09 ▼	56
South East	40.52 ▼	63
South south	57.81 ▼	62
South West	40.26 ▲	32

Source: Centre for Public Policy Alternatives, CPPA, (2015, 2).

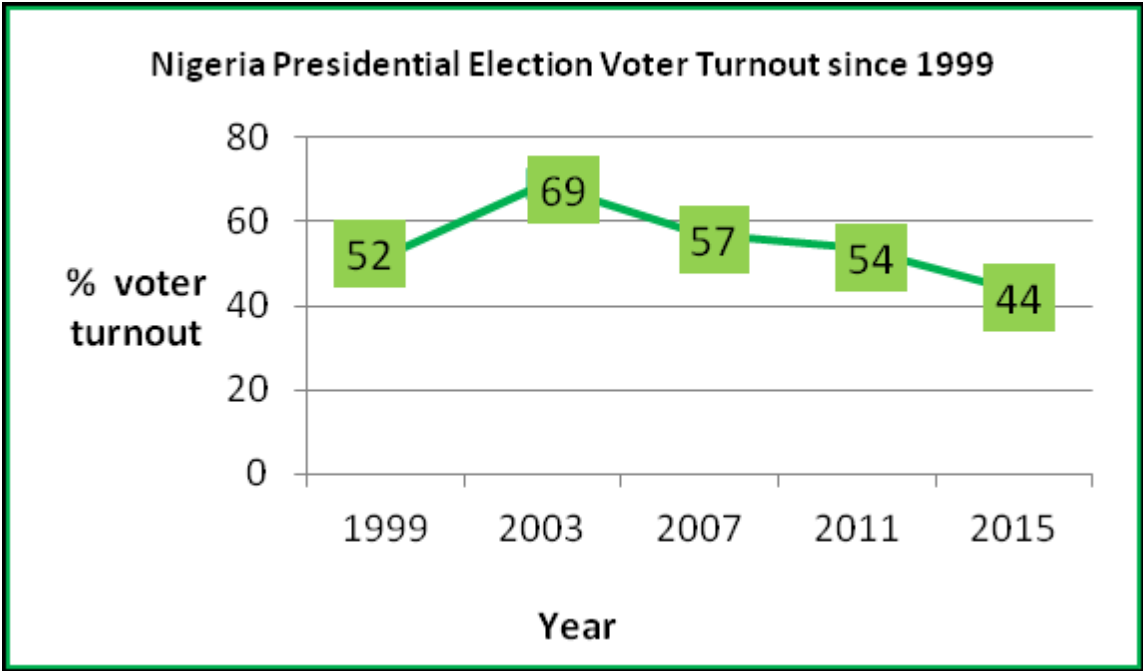
Table 3: Voter turnout by States (in percentages)

State	Percentage	Party	State	Percentage	Party
Lagos	29	APC	Gombe	46	APC
Borno	30	APC	Taraba	46	PDP
Abia	33	PDP	Adamawa	47	APC
Ogun	35	APC	Niger	47	APC
Kogi	35	APC	Yobe	48	APC
Edo	36	PDP	Osun	50	APC
Abuja	39	PDP	Kaduna	52	APC
Anambra	39	PDP	Bauchi	53	APC
Ebonyi	40	PDP	Kebbi	54	APC
Benue	40	APC	Plateau	54	PDP
Ondo	41	APC	Katsina	56	APC
Kwara	41	APC	Zamfara	59	APC
Cross River	44	PDP	Sokoto	59	APC

Kano	44	APC	Jigawa	64	APC
Enugu	45	PDP	Bayelsa	64	PDP
Ekiti	45	PDP	Akwa Ibom	65	PDP
Oyo	46	APC	Delta	66	PDP
Imo	46	PDP	Rivers	71	PDP
Nasarawa	46	PDP			

Source: CPPA, (2015, p.2).

Fig 1: Nigerian Presidential election turnout since 1999.



Source: CPPA, (2015, p.2)

The above are meant to show that there were enough perception issues to make the outcome of the 2015 presidential election contentious – if Jonathan did not concede defeat. These perception issues are partly due to the character of the Nigerian state and the nature of the struggle for power therein. It is beyond the scope of the article to evaluate the specific measures put in place by Jega’s INEC to improve the transparency of the electoral processes and make the outcome more credible.

Conclusions

The paper examined the challenges faced by the Independent National Electoral Commission in trying to provide 'free and fair'; elections in Nigeria. It argued that in a polarized and fragile state like Nigeria, the 'objectivity' of any index for measuring how 'free and fair' elections are is socially constructed due to the character of the state and therefore subjectively determined. For this whether the outcome of any election is accepted as reflecting the will of the voters will largely depend on people's perception. In this context, the paper argued that while the 2015 elections had enough issues to make it contentious - like all the other 'non-transition' elections in the country before it - the decision of President Jonathan to concede defeat legitimated the elections and helped to save the nation from a possible bloodbath.

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