

Independence of Nigeria's Independent National Electoral Commission (INEC) and Nigeria Electoral System: Question Unanswered

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Abstract

The issue of independence is critical in the democratic development of Nigeria and the integrity of the electoral system in Nigeria and therefore INEC's independence must be a concern. The research investigates the independence and consequences of INEC to the conduct of free, fair, transparent and credible elections in Nigeria. Although the Constitution mandates INEC to be an independent electoral management body, there are concerns of political interference, election personnel selection, financial dependency and restrictions on INEC operations and influence of the executive branch. The study highlights the role of technologies and electoral reforms in enhancing elections' management, but institutional and political difficulties remain today that limit the effectiveness of these technological tools. It urges improvement in INEC's independence as key to strengthening the democracy and electoral system in Nigeria. The research recommends that there should be a clear appointment process, financial and administrative autonomy, robust legal protection against political meddling and robust sanctions on electoral rules to ensure credible elections and a resurgence of public trust in the Nigerian electoral system.

Keywords: INEC, Independence, Electoral System, Democracy, Nigeria

Introduction

Elections form the basis of democratic rule, and allow citizens to choose their leaders and hold them to account. A free and fair election depends on the independence and integrity of its organisation. Electoral results are crucial for democratic legitimacy and the independence of electoral management bodies is considered to be an important ingredient of credible elections. The Independent Electoral Commission (INEC) is responsible for conducting and monitoring elections at every level of government in Nigeria (Ogu & Abraham, 2023).

Blais and Massicotte (2002) assert that an independent electoral commission is crucial for sustaining public trust in the election system. Despite this constitutional guarantee, constant

questions around the electoral process raise serious concerns about the extent of INEC's independence within Nigeria's electoral system. The autonomy of INEC in Nigeria is being questioned for various reasons, including the lack of adequate funding, political interference and transparency (Oni et al. (2017)). The academics argue that the president's nomination of INEC officials poses problems for the election management body's autonomy and neutrality.

The adoption of legal instruments and electoral reforms, including electoral technologies to promote transparency and institutional independence, highlight persistent challenges despite the process, as every election is marked by conflicts and loss of confidence in the electoral process. The recurring challenges suggest that there is a gap between the INEC's constitutional independence and its operational autonomy.

Therefore, the question on the real independence of the INEC, beyond the constitutional provisions, is yet to be fully answered. This never-ending problem is a significant lack of understanding, which impacts on democratic consolidation, public confidence in elections and the development of lasting electoral reforms. Furthermore, in the public conversation about elections in Nigeria, the focus is on outcomes, not the broader institutional and structural issues that shape governance. Hence, the question of independence of INEC has been largely controversial, with some representations suggesting that the commission is blocked by the philological terrain and others suggesting it is victim of the "political machinations" of influential political elements. The research will seek to explain the "unresolved inquiry" on INEC's true independence in its work beyond what the constitution prescribed. The investigation is crucial for consolidating democracy, restoring the public confidence in elections, and paving the way for future electoral reforms in Nigeria, as well as the next general election.

Conceptual Clarification

Independence

The word 'independence' can be substituted with whatever word one wants, depending on the context or point of view. Independence is the state or quality of being free or freedom from influence, control or determination of another or others. It implies independence from outside influence and control, from others. Independence means when one does what he feels is best in the course of discharging his duty. And accountable for what he does and does not do.

Furthermore, Odoziobodo & Okibe (2019) opines that independence is a state or condition of being free, independent, and self-governing. This definition sees independence as one's or a group's ability to make decisions, pursue goals, and exercise rights without external influence, control, or coercion from others. Hence, the term independence in this work is related to the capacity of INEC to effectively perform its function without fear of favour to carry out free, fair and credible elections. INEC's independence is defined as the extent to which the independent Electoral Commission functions independently in the performance of its constitutional and statutory duties without being influenced or interfered with by the Executive, political parties, interest groups or external parties. The term independent in this study means independent not just in the legal sense but also in practical and operational sense, such as the process of appointment, financial independence, administrative autonomy, decision making power and enforcing electoral regulations.

Electoral System

Electoral system is the institutional, legal, administrative and political arrangements for organising, conducting and regulating elections in Nigeria. An electoral system is a collection of rules and procedures which are followed during an election in a specific jurisdiction (Essex & Goodman 2020). The function of an electoral system is to convert voters' wishes into the makeup of government and every office it is holding elections for.

Electoral processes include electoral laws, political parties' registration, constituency delineation, voting procedures, voters' registration, vote counting, and dispute resolution mechanisms, as well as monitoring of political party activities. Electoral systems play a crucial role in guaranteeing the integrity, transparency, and participation of the democratic system for the eligible citizens of the nation. The most common type of electoral system is the plurality, or "winner-take-all", system. In this form of election, the candidate who receives the most votes wins, even if he does not receive more than half. In some countries, such as the United States and Canada, this system is employed to elect prime ministers or presidents. One more popular electoral system is the proportional representation (PR) system, which is intended for making sure that each party receives a proportionate variety of seats in the legislature according to the percentage of votes they secure (Bochsler, 2023). The exact mechanism of proportional representation systems varies according to the method of seat allocation; however, they all depend on some form of party list in which voters vote for a party instead of candidates.

Furthermore, it is significant to consider that electoral systems also influence voter behaviour, such as the possibility of facilitating tactical voting and/or reducing voting participation compared to other electoral systems (Kio, 2022). As a result, when deciding on an electoral system, the policy makers should not only focus on the questions of the appointment, transparency and accountability mechanisms, but also how the anticipated electoral system will affect the political culture and traditions of the country. Thus, electoral systems are an essential component of democratic governance. The kind of electoral system is also important as it has an impact on representation, stability, accountability and participation in government, in order. It is important for policy makers/stakeholders to ensure that they select electoral system that is most appropriate to the political culture and traditions of their jurisdiction. The study treats the electoral system as an institutional form and a substantive process that is a product of political culture and power relations.

Electoral Credibility

Electoral credibility refers to the degree to which an electoral process is perceived as free, fair, transparent and representative of the will of the electorate. The credibility of the electoral process can be defined as the degree to which local and international electoral laws enforced in the conduct of the electoral process. It's based upon the capability of an election to obtain the desired outcome. There is a general argument that the problem of having an honest election in the country today can only be solved by the change of attitude of the electorates. Apart from the ability of the Electoral Body to hold credible elections, it is important that the electorate has a positive attitude and correct orientation towards their duties in the Nigerian democracy. This task can only be achieved based on the active involvement of citizens in our electoral system.

Electoral credibility refers to the impartiality, transparency and legitimacy of the electoral process. Elements that impact credibility, legal frameworks, electoral oversight institutions, and regulatory frameworks have been explored (Cheeseman & Kanyinga, 2018). For improving electoral integrity, they argue that institutional changes that improve openness, accountability and inclusivity are crucial (Brancati and Lucardi 2019). Similarly, Sisk (2014) highlights the need to build institutional capacity to strengthen election administration and ensure fairness in elections. This research assesses the credibility from the perspective of stakeholders on issues of neutrality and transparency, accountability and public confidence in the processes and outcomes of elections.

INEC'S Institutional Autonomy

Institutional autonomy refers to INEC's capacity as an institution to make and take decisions independently based on its institutional laws. This shall cover the control of internal governance, human resources, logistics and operational plans without external influence and manipulation. The need to have electoral administration bodies separate from the state is derived from the crucial roles that elections play in a free and democratic society. The link between the legitimacy of the government and the independence of the electoral institution is comprehensible.

The constitution of the Federal Republic of Nigeria 1999 (as amended) and Electoral Acts of 2022 and 2026, guarantee the autonomy of the INEC in the administration, supervision and regulation of elections. The independence of institutions helps to ensure objectivity, clarity and trust in the election system. However, the academics argue that factors such as executive influence in selection and financial dependence continue to pose a serious threat to INEC's substantive autonomy, as reported by (Aiyede, 2007).

Key aspect of INEC institutional autonomy

1. Constitutional and legal status: Established by decree 17 of 1998 and enshrined in 1999 constitution (as amended) section 153 and 158 guarantee its Independence from the direction any other authority or person.
2. Operational autonomy: INEC is responsible for organising, undertaking, and supervising elections for president, vice president, Governors and federal/State legislatures. It also holds the power to appoint and exercise disciplinary control over its own staff.
3. Administrative and financial control: While funded by the government, the commission is designed to have the Independence to structure its operations, though its budgetary reliance on the executive sometimes triggers debate over its true autonomy.

Challenges of INEC'S Independence/Autonomy

1. Executive Interference: According to Aiyede (2007), though INEC is constitutionally established as an independent body, the appointment of INEC'S chairman and National Commissioners by the president and subject to senate confirmation raised concerns about political influence over its operations. This can be likened to a popular adage that says 'He that pays the Piper dictate the tone.'
2. Financial Dependence: INEC relies heavily on appropriation approved by the executive and national assembly. The delays and restrictions in findings can affect its autonomy, planning, and timely conduct of elections according to Oni et al., (2017). This automatically authenticated recent statement by the INEC'S national commissioner Malam Muhammad Haruna, that INEC is yet to receive its budget allocation approved for 2027

general elections (Vanguard, Thursday, 26 June 2026), the reaction is based on the mandatory 6 months duration for INEC'S funds to release as stated by the new Electoral Act 2026.

3. Political pressure and partisanship: According to Omotala (2010), influential politicians often attempt to influence INEC officials through intimidation, lobbying, partisan pressure. This thereby threaten the commission impartiality.
4. In the words of Orji (2015), violence, insurgency and insecurity in some parts of Nigeria hinder free and fair credible elections, thereby affecting it operational independence.
5. Judicial and Legal Constraints: Frequent litigation, conflicting court judgments, and ambiguities in electoral laws sometimes interfere with INEC'S time table (Nwabueze, 2003). This judgment some time decides who win or lose elections thereby undermining the independence of INEC
6. Logistic and Administrative challenges: Delays in distribution of elections materials on time, Inadequate personal, poor transportation, and technological challenges weaken the capacity of INEC to conduct elections efficiently and effectively.
7. Weak enforcement of electoral laws: INEC lacked adequate authority to prosecute electoral offenders directly and depends on other law enforcement agencies Jega (2015). And this limit its effectiveness in ensuring electoral integrity.
8. Public Distrust and Low perception: Persistent allegations of electoral malpractices and perceived political influence have weakened public trust in INEC, thereby undermining its legitimacy as an independent institution (Norris, 2014).
9. Frequent Amendments to Electoral Laws: According to Ezeani (2005), continuous changes to the Electoral Laws, particularly close to election periods, create uncertainty and operational challenges to INEC.

Conclusion

It is important that INEC is independent if the election framework will be credible in Nigeria. Yet there is a glimmer of hope for renewal amidst significant challenges, like political interference and lack of resources. Tackling the unresolved enquiries over INEC's autonomy and enacting requisite reforms may fortify Nigeria's democracy and bolster public confidence in the election system. Future research should focus on empirical studies to explore the relationship between INEC independence to electoral outcomes, and the role of civil society in promoting electoral integrity.

Recommendations

This paper made the following recommendations:

1. The impartial selection of INEC officials based on open and transparent selection processes should be put in place.
2. Improved fiscal and administrative autonomy of the Independent National Electoral Commission: Allow INEC to get funding from consolidated revenue account.
3. That INEC should be adequately empowered constitutionally to implement the Electoral Act and associated laws.
4. Electoral offences should be dealt with very harshly.
5. The introduction of independent candidates should be instituted.

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