

The Impact of Election Observation on Electoral Reform in Nigeria- 1999 -2023

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Abstract

This paper delves into election observation and electoral reform in Nigeria from the democratic transition in 1999 to the present day. It analyzes the challenges faced by election observers and the subsequent electoral reforms that have been instituted to ensure fair and credible elections. The paper also examines the impact of these reforms on Nigeria's democratic process, highlighting the progress made, the ongoing challenges, and the opportunities for further improvement. Extensive references to academic research, and case studies support the analysis that Nigeria has had a tumultuous history in respect to elections, which are often marked by irregularities, violence, and lack of public confidence in the electoral process. The transition to democracy in 1999 marked a turning point, providing an opportunity for electoral reforms and the introduction of election observation missions. This paper aims to critically explore the evolution of election observation and reforms from 1999 to 2023, analyzing the progress made and the challenges that persist. The paper will adopt the qualitative research methodology and institutional theory was used as a theoretical framework. Thereafter, a conclusion was drawn and recommendations proffered.

Introduction

The transition to democracy in Nigeria in 1999 marked a significant milestone in the country's history. With it came the opportunity for electoral reform and the introduction of election observation missions. This essay delves into the topic of election observation and electoral reform in Nigeria from 1999 to 2023. It explores the historical context of elections in Nigeria, the role of election observation missions, the electoral reforms implemented, and their impact on the democratic process. Through an analysis of academic research, reports, and case studies, this paper aims to provide an overview of the progress made, the challenges faced, and the prospects for further improvement in election observation and electoral reform in Nigeria.

Before the transition to democracy in 1999, Nigeria had a history marred by military dictatorships and authoritarian rule. Irregularities, violence and lack of public confidence characterised elections. The transition to democracy created an opportunity for change and paved the way for electoral reform efforts. With the transition to democracy, the Nigerian government sought to restore public confidence in the electoral process through the introduction of election observation missions. International organizations such as the European Union (EU), the United Nations Development Programme (UNDP), the African Union (AU) and Economic Communities of West Africa States (ECOWAS) as well as The Commonwealth, deployed observer missions to monitor elections in Nigeria. These missions played a vital role in enhancing the credibility and transparency of the electoral process by providing independent assessments of the elections.

To address the challenges faced in conducting free and fair elections, Nigeria implemented a series of electoral reforms. The establishment of the Independent National Electoral Commission (INEC) in 1998 was a critical step toward ensuring the independence and efficiency of the electoral process. The INEC oversees the conduct of elections in Nigeria, regulates political parties, and ensures compliance with electoral laws.

The Electoral Act was also amended several times to address loopholes and enhance the integrity of the electoral process. These amendments focused on issues such as voter registration, candidate eligibility,

political party financing, and the resolution of electoral disputes. By strengthening the legal framework, Nigeria sought to create a level playing field and reduce the potential for electoral malpractice.

Voter education and civic awareness programs were another critical component of electoral reforms. Through these programs, citizens were educated on their rights and responsibilities, as well as the importance of participating in the electoral process. These efforts aimed to enhance voter turnout, promote informed decision-making, and reduce voter apathy.

The use of technology, including the introduction of biometric voter registration and electronic voting, was another significant electoral reform. These technological advancements aimed to enhance the accuracy and efficiency of the electoral process, minimize electoral fraud, and facilitate the timely release of election results.

The electoral reforms implemented in Nigeria since 1999 have had a significant impact on the democratic process. Improved electoral integrity and credibility, enhanced transparency, and increased public confidence were among the positive outcomes. The establishment of the INEC, coupled with the Electoral Act amendments, has led to more efficient, transparent, and credible elections. The use of technology has streamlined the voter registration process and reduced the potential for multiple voting or impersonation. Furthermore, these reforms have contributed to increased political participation and citizen engagement. Through voter education programs, citizens are now more aware of their rights and responsibilities as voters, leading to higher voter turnout and more informed voting decisions. The openness and transparency of the electoral process have also encouraged more individuals to actively participate in politics, contest for positions, and contribute to the country's democratic development.

Despite the progress made, challenges persist in election observation and electoral reform in Nigeria. Violence, intimidation, political tensions, and inadequate security measures continue to pose significant obstacles to free and fair elections.

The period from 1999 to 2023 has witnessed significant progress in election observation and electoral reform in Nigeria. The introduction of election observation missions, coupled with comprehensive electoral reforms, has improved the credibility and transparency of the electoral process. While challenges persist, the prospects for further improvement are promising. By addressing the ongoing challenges, Nigeria can ensure that its democratic process continues to strengthen, leading to more credible, inclusive, and transparent elections in the future.

Conceptualising Election Observation and Electoral Reform

Elections are defined as formal decision-making processes through which individuals who present themselves to be selected for public office are chosen based on a national legal electoral framework. Elections have become a yardstick for gauging how democratic a state is. As such, election observation is critical and has emerged as one of the most tangible and significant dimensions of democratic development around the world. Thus, election observation can be defined as a deliberate effort to gather information about an election, electoral and/or political process to make informed judgments on the planning, conduct and management of the process. Recently, election observation has expanded to include broader issues such as political, legal and electoral processes, before, during and after elections to ascertain the degree to which an election has met national electoral laws and international standards. (Toolkit on Election Observation 2017).

In its literal meaning, observation is defined as a conscious act of watching, or paying attention to events, processes, behaviours or physical characteristics of events, objects or any phenomena of interest. Observation is important because it helps us describe existing situations by providing a “snapshot” or “written photograph” of a specific event or situation. Such observation, sometimes done in natural

settings, is conscious and deliberate because the observer, from the onset, is required to not only be familiar with the object of observation, but also to observe according to laid down procedures. Both elements are of crucial importance, for observation cannot be done accurately, or impartially, unless we know what to observe and that the observation is guided by certain rules. In the absence of both, observation becomes not only arbitrary, but will also have an unfocused object. Thus, to be methodologically sound, observation registers information or knowledge of an entity or any object of observation for that matter, by

(a) Consciously collecting and recording information and

(b) Based on specified instruments or tools with which that information would be collected.

Election observation can then be defined as a deliberate effort to gather information about an election, electoral and/or political process in order to make informed judgments on the planning, conduct and management of such a process. It seeks to gather information across the electoral cycle that can help evaluate the key activities of stakeholders in the political and electoral process that typically span pre-election, Election Day and post-election activities. The overall objective is, to arrive at an informed opinion about the extent to which a particular election, in its entirety, satisfies specific national electoral legal frameworks and international standards. Election observation has for a significant part of its history been largely concerned with Election Day activities. (Toolkit on Election Observation 2017).

The first reported case in modern history of international election observation took place in 1857, when a European commission of Austrian, British, French, Prussian, Russian, and Turkish representatives observed the general elections in the disputed territories of Moldavia and Wallachia. One would be hard-pressed to come up with detailed records about the method employed by these pioneering election observers, but it is safe to assume that it would have little in common with the observation missions of today as deployed by a number of international organizations. Such missions are structured, systematic, and regularly involve hundreds of individuals over several months. (osce.org). “The presence of international election observers, fielded always at the invitation of sovereign states, can make a big difference in ensuring that elections genuinely move the democratic process forward,” Annan said. “Their mere presence can dissuade misconduct, ensure transparency, and inspire confidence in the process.” (osce.org).

Election observation is fundamentally an exercise in support of democracy. Election observers serve as impartial watchdogs who can assess whether the results of an election truly reflect the will of the people. Genuine democratic elections do not guarantee democratic governance, but are a prerequisite for it. They provide political legitimacy for elected leaders and a foundation from which to govern, reducing the scope for non-democratic challenges to power. They serve to resolve competition for political power peacefully and are more likely to lead to stability than non-democratic forms of succession. (aceproject.org).

Election observation and monitoring are two concepts that are often used interchangeably, yet they have different meanings. Election observation is defined as a process that involves the gathering of information and making an informed judgment on the gathered data or information (Guidelines for African Union Electoral Observation and Monitoring Missions, 2002; Nigeria Civil Society Situation Room Toolkit on Election Observation, 2017). Election observation is the process whereby elections in a particular country or locality are observed against set standards by an independent body of observers to identify whether the elections conform to accepted guarantees of democratic participation, identifying flaws and challenges and also making recommendations on how the process can be improved in the future (Independent National Electoral Commission {INEC} guideline on election observation and monitoring, 2014). Elections are observed to arrive at an informed opinion about the extent to which the entire electoral process conforms to specific national electoral legal frameworks and international standards.

Whereas election monitoring is a form of action-oriented and participatory research. The main purpose of the monitoring is to objectively collect evidence of the electoral process in order to assess whether the

process was democratic. The research is action-oriented in that the result are not entirely of academic interest, but one intended to influence the situation in encouraging politicians to act democratically, in encouraging public institutions to allow free and fair debate, in enabling voters to know their democratic rights. It has also been defined as a process that involves the authority to observe an election process and to intervene in that process if relevant laws or standard procedures are being ignored and violated (Onyia F.O & Ubgor-Kalu 2021).

Nigeria's Independent National Electoral Commission (INEC) stipulates the difference between Monitoring and Observation. Two of such differences are worth mentioning here. First is that while a monitor exercises some level of lawful authority over the conduct of elections as well as over officials involved, an observer does not have such powers. Secondly, a monitor can issue instructions and take decisions on behalf of INEC and to that extent, would ordinarily possess a greater technical knowledge of the election process than an observer. On the contrary, an observer cannot issue instructions or take decisions on behalf of INEC. The guideline further states that under Nigerian Law, it is only INEC that has the authority to monitor elections. Monitoring includes activities beyond the mere observing of polling places for instance...the promotion of electoral integrity practices, and probably deterrence of misconduct. At the same time, it does not include activities associated with the supervision of elections – tasks more related to electoral administration (Onyia F.O & Ubgor-Kalu 2021).

Electoral reform is a change in electoral systems which alters how public desires are expressed in election results. Reforms can include changes to:

- Voting systems, such as proportional representation, a two-round system (runoff voting), instant-runoff voting (alternative voting, ranked-choice voting, or preferential voting), Instant Round Robin Voting called Condorcet Voting, range voting, approval voting, citizen initiatives and referendums and recall elections.
- Vote-counting procedures
- Rules about political parties, typically changes to election laws
- Eligibility to vote (including widening of the vote, enfranchisement and extension of suffrage to those of certain age, gender or race/ethnicity previously excluded)
- How candidates and political parties are able to stand (nomination rules) and how they are able to get their names onto ballots (ballot access)
- Electoral constituencies and election district borders. This can include consideration of multiple-member districts as opposed to single-member districts.
- Ballot design and voting equipment. Preferential ballots as used in Single transferable voting necessitate different ballot design compared to X voting under First-past-the-post voting and some other systems.
- Scrutineering (election monitoring by candidates, political parties, etc.)
- Safety of voters and election workers
- Measures against bribery, coercion, and conflicts of interest
- Financing of candidates' and referendum campaigns
- Factors which affect the rate of voter participation (voter turnout)

Electoral reforms can contribute to democratic backsliding or may be advanced toward wider and deeper democracy. (en.wikipedia.org).

Theoretical Framework

Institutional theory provides a lens through which to understand and explain the dynamics of election observation and electoral reform in Nigeria from 1999 to 2023. This theory examines how formal and informal rules, norms, and practices shape the behavior of actors within an institutional framework. In the context of Nigeria, institutional theory helps elucidate how political, legal, and socio-cultural factors

influence the adoption and implementation of electoral reforms, as well as the role of election observation missions in reinforcing and legitimizing these reforms.

Institutional theory posits that formal and informal institutions significantly shape the behavior and choices of individuals and organizations. In the case of Nigeria, the transition to democracy in 1999 introduced a new set of formal institutions, such as the Independent National Electoral Commission (INEC), which played a critical role in shaping the electoral landscape. The INEC was established to ensure the independence, neutrality, and efficiency of the electoral process. Its presence provided a formal platform for regulating elections, implementing reforms, and enhancing electoral credibility.

Furthermore, the amendments to the Electoral Act and legal frameworks serve as formal institutions that shape electoral behavior. These reforms aimed to provide a clear set of rules that guide the conduct of elections, define the roles and responsibilities of political actors, and ensure fairness and transparency. The legal framework thus provided a stable and predictable environment necessary for the successful implementation of electoral reforms.

In addition to formal institutions, informal institutions, such as norms and practices, play a crucial role in shaping electoral behavior. In Nigeria, historically entrenched norms of clientelism, patronage, and political violence influenced the conduct of elections. However, the transition to democracy and subsequent electoral reforms sought to challenge and change these informal institutions, emphasizing the importance of free and fair elections, citizen participation, and the respect for electoral outcomes. Election observation missions played a crucial role in legitimizing and reinforcing these new norms by providing independent assessments and endorsing the credibility of the electoral process.

According to institutional theory, actors within a given institutional framework seek legitimacy and conformity with prevailing norms and practices. Election observation missions act as external actors that play a significant role in reinforcing and legitimizing electoral reforms in Nigeria. These missions, composed of international organizations, regional bodies, and domestic NGOs, bring expertise, credibility, and external scrutiny to the electoral process.

The presence of election observers sends a signal to both political actors and citizens that the electoral process will be monitored and evaluated against international standards of fairness, transparency, and inclusivity. This external pressure catalyzes in driving electoral reforms and ensuring compliance with established rules. The reports and recommendations provided by election observation missions provide a form of external validation and legitimacy for these reforms, influencing public perception and confidence in the electoral process.

Furthermore, election observation missions act as gatekeepers of international aid, development assistance, and diplomatic relationships. By endorsing the credibility and fairness of elections, they contribute to the legitimacy and recognition of electoral outcomes, thereby bolstering the democratic credentials of Nigeria in the international arena.

Institutional theory provides a valuable framework for understanding the dynamics of election observation and electoral reform in Nigeria from 1999 to 2023. The formal and informal institutions shaped the reform processes, while election observation missions acted as instrumental actors in reinforcing and legitimizing these reforms. The INEC and the amendments to the Electoral Act served as formal institutional mechanisms for regulating the electoral process. Informal institutions, such as norms and practices, were challenged and reshaped through the transition to democracy and subsequent reforms. Election observation missions played a critical role in providing legitimacy, endorsing reforms, and monitoring compliance with international standards. By examining the interplay between institutions, actors, and norms, institutional

theory allows for a comprehensive understanding of the complexities and dynamics of election observation and electoral reform in Nigeria.

Reports and Issues in Election Observation in Nigeria

It is important to observe elections for many reasons, some of which include:

- The Provision of information for analyzing an election process;
- It beams the spotlight on the electoral process and discourages malpractices;
- It is a learning process that provides comparative information to assist other countries in improving their electoral process;
- Helps the observed state to identify mistakes and recognises progress made;
- Reinforces common standards and universal benchmarks on what elections should be;
- Enhances transparency and reinforces the integrity and credibility of the electoral process; and ● Empowers citizens' groups to observe elections as a means of conferring legitimacy on elected governments. (INEC Guideline for Election Observation 2014).

In simplified terms, election observation includes four main activities viz:

1. Observation of processes and activities organised before, during and after elections
2. Collation of facts and observations that have been noted;
3. Interpretation of the facts gathered against the back ground of the laws governing elections; and 4. Detailing the findings so collated and the interpretations arising from the reports.

Stages of election observation includes the following namely

The quality of elections in Nigeria in the Fourth Republic, has not been good and does not seem to be improving. In fact, it has deteriorated since 1999 and the elections have failed to produce governments that have advanced the public good – the country is behind in its target for meeting the United Nations Millennium Development Goals, the economy is weak, corruption is a serious problem, government is generally ineffectual, standards of literacy are low for a country of such wealth, and the human and environmental devastation to which the oil industry contributes in the Niger Delta is stubbornly persistent.² Not only is Nigeria not a very good democracy its general development record is poor, which, given the country's wealth, suggests that there is a governance problem – and indeed Nigeria's World Bank governance scores are among the lowest in the world.³ What is the nature of this underlying governance problem? How does it affect democracy in Nigeria? What are the prospects of its improvement? (Egwu 2009).

Observing the 1998-99 Nigeria Election, The Carter Center and NDI said an important positive development in these elections was the formation and commitment of the Transition Monitoring Group (TMG). This coalition of 64 Nigerian pro-democracy organizations fielded more than 10,000 domestic observers in all 36 states for the presidential election, providing perspective and the most comprehensive monitoring force for the election. TMG's membership and leadership crossed all ethnic, regional, and religious barriers, making it a truly national coalition. We are grateful to the TMG, as well as other local and international observer groups, for their level of cooperation during the transition process. These organizations' continued active participation in civic affairs will be critical to democratizing Nigerian society over the long term. Although the efforts of election officials, observers, and others were crucial to the transition, the most important actors remain the people of Nigeria. (The Carter Center and NDI 1999). According to Human Rights Watch (2004) Both Nigeria's federal and state elections in 2003 and local government elections in 2004 were marred by serious incidents of violence, which left scores dead and many others injured. The scale of the violence and intimidation, much of which went unreported, called into question the credibility of these elections. (<https://www.hrw.org/>). The European Union Election Observation Mission (EU EOM) issued a first preliminary statement on 14 April regarding the National Assembly Elections of 12 April. As elections could not be held in some constituencies, delayed and repeated

National Assembly polls were held in certain parts of the country, serious irregularities and fraud marred the Presidential and several Gubernatorial Elections – in a certain number of States, minimum standards for democratic elections were not met. EU EOM observers witnessed and obtained evidence of widespread election fraud in certain States. (<https://www.europarl.europa.eu/>).

According to the NDI report, during the April 2007 elections, polling stations in many states opened hours late, closed early or failed to open at all. This represented a fundamental barrier to popular political participation in numerous places and most likely disenfranchised many prospective voters. In all of the elections that NDI has observed in every region of the world, such a delay in the delivery of essential electoral material and the opening of polling sites was unprecedented. In addition, the delegation also observed the following serious irregularities in the majority of states visited:

- failure to display the voter register;
- inadequate supplies of voting materials;
- ballot papers that did not include all of the candidates;
- inadequate locations and facilities for voting and collation;
- lack of secrecy of voting;
- Disenfranchisement due to errors in the voter register; and
- Underage voting.

DFID report on the 2007 elections in Nigeria submitted that the Nigerian elections of April 2007 were judged by most observers to fall a long way short of the standards for credible, free and fair elections and to be the worst in Nigeria's post-independence, electoral history. Thus far, elections have served the interests mainly of the powerful elite and have had little, if any, significant impact on deepening representative democracy, let alone positively transforming people's socio-economic livelihoods. The reports of domestic and international observers provide confirmation that all stages of the elections were fundamentally flawed.

The 2007 elections are regarded as the worst in Nigeria's post-independence history. Widespread malpractice occurred throughout all stages of the elections, with failures in the late delivery of voting materials, late commencement of polls in most of the states, ballot box stuffing, allocation of votes where voting did not take place, falsification of votes, deliberate denial of election materials to perceived strongholds of the opposition, and other such actions.

The electoral administration itself, the Independent National Electoral Commission (INEC), has not earned the public trust and is itself a compliant tool of the ruling PDP. INEC acknowledged the 2007 contest exhibiting widespread irregularities and fraud, but blamed the parties themselves. Moreover, the State Independent Electoral Commissions (SIECs) that run the local government elections are overwhelmingly partisan and incompetent. The Transition Monitoring Group adjudged the 2007 ballot to have been programmed to fail from the beginning by the politically motivated activities of the Obasanjo regime in close collaboration with the politically partisan INEC. This conclusion is reinforced by the startlingly close 4 to 3 decision of the Nigerian Supreme Court to affirm the election of President Yar'Adua. In doing so, however, the seven justices united in criticising INEC and holding that the poll was marred by gross non-compliance with the electoral laws. It is no wonder, therefore, that many consider the 2007 general elections in Nigeria as 'stolen elections'. (<https://assets.publishing.service.gov.uk/>).

The EU Election Observer Mission report on the 2011 General Elections in Nigeria stated that Nigeria had implemented several recommendations made in the 2007 EU EOM and the 2008 Electoral Reform Committee's report. It further noted that the Constitution and relevant laws were amended to address some of the issues that had adversely affected the quality and credibility of the 2007 general elections. However, it regretted that the amendments failed to introduce some of the ERC's recommendations, such as the

independent appointment of the INEC chair and the resident electoral commissioners, the establishment of an Electoral Offences Commission, a Political Parties Registration and Regulatory Commission, and provisions for independent candidates to run for office.

According to the chief observer, ‘Overall the 2011 elections marked an important improvement compared to all polls observed previously by the European Union in Nigeria. However, shortcomings were noticed and elements were identified which need to be enhanced. In general, the EU EOM noted inconsistent application of regulations and procedures by INEC structures in the field, contrary to INEC instructions. Examples include the inadequate display of result sheets at all levels and simultaneous accreditation and voting in numerous polling units throughout the country on all election days. This confirmed a lack of control by INEC Headquarters in their efforts to implement electoral procedures consistently and could be improved by timely, adequate training and coherent effective communication by INEC Headquarters. (Adesina 2012).

The Nigeria Civil Society Situation Room on the 2015 General Elections in Nigeria reported that the 2015 Nigeria General Elections represented a milestone in Nigeria’s democratic development. For the first time in Nigeria’s history the main opposition candidate, General Muhammadu Buhari won the presidential elections defeating incumbent President Goodluck Jonathan who conceded defeat and congratulated Buhari on his victory. Elections in Nigeria are often controversial, even disputed. In the 2015 general elections, the two main parties - APC and PDP had fought a hard and divisive campaign full of intemperate language. The campaigns leading up to the elections brought to the fore the divisiveness of Nigeria’s politics especially along ethnic, religious and regional lines. It was also very expensive. The role of key actors in the electoral process particularly the Nigeria Civil Society Situation Room (Situation Room) and the International Community contributed in no small measure to dousing some of the main concerns. (<https://situationroomng.org/>)

The Commonwealth Observer Group to Nigeria’s 2015 Presidential and National Assembly Elections issued its Interim Statement on Monday 30 March 2015, which stated that the 28 March 2015 elections mark an important step forward for democracy in Africa’s most populous country and a key member of the Commonwealth. Notwithstanding the organisational and technical deficiencies, the conduct of the Presidential and National Assembly Elections were generally peaceful and transparent. There is certainly room for improvement. (<https://thecommonwealth.org/>).

IRI/NDI Nigeria International Election Observation Mission Final Report 2019 noted that many Nigerians continue to underscore the particular significance of the March 9 state level elections. Under Nigeria’s federal system, the 36 states and FCT are the pillars of the country’s democratic architecture where the decisions that impact citizens’ everyday lives are made. Moreover, it is easier for citizens to hold to account elected leaders at the state level than those at the federal level, because their actions affect local services more directly. While a marked improvement was seen in the administration of the March 9 state-level elections compared to February 23, and the electoral environment was generally calm in most parts of the country, the elections our delegation observed were marred by irregularities, instances of intimidation, vote-buying and violent acts during the voting, counting, and collation processes in some places. Incidents of violence and disruption to the balloting process were observed in Lagos, Benue, Rivers, and Nasarawa states.

Moreover, the intense focus on federal campaigns for the presidency and National Assembly so close to the state-level polls overshadowed local campaigns and may have also undermined the mobilization of voters for the March 9 elections. There were very few women in winning positions on the tickets fielded by major political parties for the gubernatorial and state House of Assembly polls. Despite being Africa’s largest

democracy, Nigeria has the lowest representation of women in the national legislative office of any country on the continent, and this representation will likely fall below five percent following the February 23 National Assembly vote. This is not a record to be proud of. Finally, many Nigerians expressed deep concerns about the militarization of the election process.

The European Union Election Observation Mission (EUEOM) in its final report on the 2023 Nigerian general elections highlighted six priority areas. The Chief Observer of the mission, Barry Andrews, presented the report which has 25 recommendations, at a press conference in Abuja. Nigeria's electoral body, the Independent National Electoral Commission (INEC), conducted the presidential and National Assembly elections on 25 February while the governorship and state houses of assembly polls were held on 18 March. The mission accredited a total of 110 observers from 25 EU Member States, as well as Norway, Switzerland, and Canada.

Presenting the report, Mr Andrews said: "We are particularly concerned about the need for reform in six areas which we have identified as priority recommendations, and we believe, if implemented, could contribute to improvements for the conduct of elections." The areas, he said include removing ambiguities in the law; establishing a publicly accountable selection process for INEC members, and ensuring real-time publication of and access to election results. Others are providing greater protection for media practitioners, addressing discrimination against women in political life, and addressing impunity regarding electoral offenses. (Premium Times, 27th June, 2023).

From the foregoing, it is evident that elections in Nigeria since 1999 has been fraught with several inadequacies as alluded to by the reports of domestic and international observers. In the reports, apart from pointing out areas of infractions and electoral misdemeanors, recommendations were made, so that subsequent the quality of elections in the country will improve tremendously, meeting up with the international best practices. Hence, election observations have helped in no small measure to bring about electoral reforms and review of the various electoral acts since the beginning of the present political dispensation.

Electoral Reforms in Nigeria since 1999

The electoral landscape in Nigeria has undergone significant reforms since the country's return to democracy in 1999. Before this period, Nigeria had been ruled by military regimes for several decades. The transition to a democratic system in 1999 brought about many changes aimed at improving the electoral process and ensuring that elections were free, fair, and transparent. This paper will discuss the major electoral reforms that have taken place in Nigeria since 1999.

One of the first electoral reforms introduced in Nigeria was the establishment of the Independent National Electoral Commission (INEC) in 1998. The INEC is responsible for organizing and supervising federal and state elections in Nigeria. Its primary role is to ensure that elections are conducted in a free, fair, and transparent manner. The establishment of the INEC was a significant step towards enhancing the credibility of the electoral process in Nigeria.

Another major electoral reform that took place in Nigeria was the introduction of the Card Reader system. This technology was first used during the 2015 general elections and was designed to verify the authenticity of voters' cards and eliminate multiple voting. The Card Reader system helped to reduce election fraud and improve the integrity of the electoral process. It also increased public confidence in the voting system and enhanced the transparency of the electoral process.

In addition to the introduction of the Card Reader system, Nigeria has also witnessed electoral reforms in the area of voter registration. The Continuous Voter Registration (CVR) exercise was introduced in 2017 to ensure that eligible voters can register and obtain their Permanent Voter Cards (PVCs). The CVR exercise allows for the inclusion of new voters, as well as the updating of the voter register to remove deceased voters or those who have moved away. This reform has helped to ensure that the voter register is more accurate and up-to-date, thus enhancing the credibility of the electoral process.

Moreover, Nigeria has also implemented reforms aimed at improving the conduct of political parties. The Electoral Act of 2010, for example, introduced measures to promote internal democracy within political parties. The act mandates political parties to hold regular party congresses and elections to select their candidates for various positions. This reform has reduced the influence of party leaders in candidate selection and ensured that party members have a say in the choice of candidates. It has also enhanced the competitiveness of the electoral process and increased the chances of credible candidates emerging. Furthermore, efforts have been made to enhance the participation of women in the electoral process. Nigeria introduced a quota system in 2010, which requires political parties to reserve a certain percentage of their nominations for women. This reform was aimed at addressing the gender imbalance in politics and promoting gender equality. While progress has been made in increasing women's representation in politics, much still needs to be done to achieve parity.

Additionally, there have been reforms aimed at enhancing the transparency of campaign financing in Nigeria. The Electoral Act of 2006 introduced spending limits for election campaigns and established the Independent National Electoral Commission's Campaign Finance Monitoring Unit. This unit is responsible for monitoring campaign expenditure and ensuring that candidates comply with the spending limits set by law. These reforms have helped to reduce the influence of money in politics and ensure a level playing field for all candidates.

Despite these electoral reforms, challenges remain in Nigeria's electoral system. Election violence and irregularities continue to plague the electoral process, and there are concerns about the independence and impartiality of the INEC. There is also a need to strengthen the legal framework governing elections and enhance the enforcement of electoral laws. Moreover, there is a need for civic education and voter enlightenment to ensure that citizens are aware of their rights and responsibilities in the electoral process. Therefore, Nigeria has experienced significant electoral reforms since 1999, aimed at improving the credibility, transparency, and fairness of the electoral process. The establishment of the INEC, introduction of the Card Reader system, voter registration reforms, promotion of internal democracy in political parties, and efforts to enhance the participation of women are among the key reforms implemented. However, challenges remain, and further efforts are needed to address issues such as election violence, irregularities, and the independence of the INEC.

Since Nigeria's return to democracy in 1999, several electoral acts have been enacted to improve the country's electoral process. These acts have aimed to address various challenges and loopholes in the electoral system, enhance transparency, ensure fairness, and promote the credibility of elections. The following are some of the key electoral acts in Nigeria since 1999:

1. Electoral Act of 2002: This act was enacted to provide guidelines for the conduct of elections in Nigeria. It introduced provisions for the establishment of the Independent National Electoral Commission (INEC) and outlined its mandate and responsibilities. The act also stipulated the procedures for voter registration, voting, and the resolution of electoral disputes.
2. Electoral Act of 2006: This act introduced significant reforms to Nigeria's electoral process. It incorporated the use of card readers for the authentication of voters, aimed at reducing multiple voting and ensuring the credibility of the electoral process. The act also introduced the notion of continuous voter

registration, allowing eligible voters to register and obtain their Permanent Voter Cards (PVCs) at any time. Additionally, the act prescribed spending limits for election campaigns and established the Independent National Electoral Commission's Campaign Finance Monitoring Unit to monitor campaign expenditures.

3. Electoral Act of 2010: This act made further amendments to the electoral process in Nigeria. It introduced measures to promote internal democracy within political parties and ensure the inclusion of women in politics. The act mandated political parties to hold regular congresses and elections to select candidates for various positions, reducing the influence of party leaders in candidate selection. It also mandated political parties to reserve a certain percentage of nominations for women, aiming to address the gender imbalance in politics and promote gender equality.

4. Electoral Act of 2015: This act reflects the changes made in response to the experiences and lessons learned from previous elections. It introduced electronic accreditation of voters as a means to further enhance the credibility and efficiency of the electoral process. Additionally, the act established procedures for the deployment of security personnel during elections to maintain peace and ensure the safety of voters.

5. Electoral (Amendment) Act of 2019: This amendment act brought about notable changes to the electoral process in Nigeria. It introduced the use of electronic transmission of results as an alternative to manual collation and transmission, intending to improve the accuracy and speed of result tabulation. The act also made provisions for the mandatory use of smart card readers during elections to ensure the authentication of voters and eliminate electoral fraud.

6. In February 2022, President Muhammadu Buhari signed the much-awaited and somewhat controversial Electoral Act Amendment Bill into law. In this article, we will review some key provisions and innovations of the new electoral law and further conclude on how its implementation would impact Nigeria's electoral system.

Section 3(3) of the Electoral Act 2022 provides that funds for general elections must be released at least one year before the election. Under the repealed Electoral Act, No 26, 2010, the disbursement of funds for the elections shall be made per rules set out by the commission.

Under **Section 29(1) of the Electoral Act, 2022**, political parties shall hold a primary and submit the list of candidates not later than **180 days** before the date appointed for a general election. Under the repealed law, submission of a list of candidates shall not be more than 60 days before the date appointed for a general election.

Section 29(5) of the Electoral Act 2022 provides that only aspirants who participated in a primary election of political parties can approach the federal high court for review where there are grounds to believe that any information given by his political party's candidate is false. Under the repealed act, any member of the public can challenge a candidate with a forged certificate. That has now been restricted to only aspirants who participated in primaries wherein the candidate with forged certificate emerged. Members of the public cannot challenge a candidate that submits false information to INEC.

Sections 47 and 50(2) of the Electoral Act, 2022 gives legal backing for the use of smart card readers, electronic accreditation of voters and any other voter accreditation technology that INEC deploys. Not just that, it gives legal backing to the electronic transmission of result as INEC now has the power to determine the manner(s) of transmission of results. Recall that the commission introduced the result viewing portal in August, 2020. **Section 62(2)** gives the commission the power to maintain a centralized electronic register of elections for e-collation.

By virtue of **Section 84(12) of the Electoral Act, 2022**, anyone holding a political office must vacate the position before he or she can be eligible to participate in a primary election, convention or congress of political parties either as a candidate or as a delegate. This provision only covers political appointees and does not extend to elected political office holders or public officers employed to the public service. Also, the period when they should relinquish the position seems to be immaterial. What is important is that they must have vacated the political appointment before the convention or congress of their party.

Section 54 of the Electoral Act, 2022 provides that voters with visual impairment and other forms of disability or incapacitation should be assisted at the polling unit by a person chosen by him or her and the commission shall take reasonable steps to ensure these persons are assisted and provided by suitable means of communication such as braille, large embossed print, electronic devices, sign language interpretation, or off-site voting in appropriate cases.

Section 51 Electoral Act, 2022 provides that the total number of accredited voters will become a factor in determining over-voting at election tribunals. Thus, where the number of votes cast at an election in any polling unit exceeds the number of accredited voters in that polling unit, the **presiding officer** shall cancel the result of the election in that polling unit. This is an improvement on the repealed electoral law which provided that the number of registered voters, as opposed to accredited voters, shall be the factor in determining over-voting at election tribunals and only the commission can declare the election at the polling unit as null and void.

Under **Section 65 of the Electoral Act, 2022**, INEC can now, within 7 days, review results declared by a returning officer under duress or where such a declaration was made contrary to the provision of the law, regulations and guidelines, and manual for the election. This is without prejudice to the jurisdiction of a court of competent jurisdiction or election tribunal to review the decision of the returning officer.

Section 94 Electoral Act, 2022 provides that the campaign shall commence **150 days** before polling day and end **24 hours** before that day. Under the repealed law, political parties have just 90 days before polling day.

Where a nominated candidate dies before the date of election, **Section 34 of the Electoral Act, 2022** empowers INEC to suspend the poll and fix a new date for the election within 14 days of the death of the candidate. Similarly, where a nominated candidate dies after the commencement of polls and before the final result and declaration of a winner, INEC is empowered to suspend the election for a period not more than 21 days. Provided that where it is an election into a legislative House, a fresh primary shall be conducted by the political party of the deceased candidate within 14 days of death. However, in case of a presidential, gubernatorial or federal capital territory area council election, the running mate shall continue with the election and nominate a new running mate. (The Cable 19th April, 2022).

These Electoral Acts, along with other reforms, have played a significant role in shaping Nigeria's electoral process since 1999. They have aimed to address various challenges, enhance transparency, promote inclusivity, and improve the credibility of elections. However, despite these measures, challenges such as election violence, irregularities, and the impartiality of the electoral commission persist and require ongoing attention and further reforms.

Other reforms carried out by INEC to ensure the integrity of the electoral process include but not limited to the following

- INEC verified and standardized polling units in the country to conform to international best practices in electoral matters.
- INEC created national and states data bases.
- INEC created disaster recovery sites.
- INEC introduced permanent voters' card- a smart card where all information are contained in a chip in the card.
- INEC used card a reader to eliminate multiple-voting
- INEC introduced transparent ballot boxes with unique numbering to be able to trace ballot boxes in cases of snatching during elections.
- Unique numbering and customization of result sheets which her traceable to specific polling units
- Serial numbering of ballot papers, in the 2007 elections for instance, ballot papers had no serial numbers.

- Additional security features were put on the ballot papers to make forgery of the ballot papers impossible.
- Ballot papers were colour-coded; ballot papers for each states were distinguishable by specific colours.
- INEC separated the supervision and logistics of the election from the administration of election and the result tabulation, collation and announcement of the result.
- INEC decentralised the distribution of election materials on the day before elections to the states and other locations.
- INEC created a two-time period on Election Day.
- INEC created an inter-agency consultative committee in election security to enhance the coordination of security, from the federal to local government level.
- INEC created an inter-party advisory committee to improve constructive engagement with stakeholders.
- INEC put in place a more secured transmission of result process and ensured an improvement in result transmission since 2010
- INEC ensured an increase in conducting voters' education and sensitization.
- INEC has restructured and reorganised the commission, followed by a strategic plan for 5 years.

Findings

At every election cycle in Nigeria, there are serious infractions of different dimensions, these unanticipated challenges cannot be left to fester and further degenerated to create complications for future elections in the country. Some of these infractions are mandate, while some have to do with the legal framework, and some others are inherent loopholes in existing laws, procedures, leakages and processes that need to be quickly blocked to forestall devious political gladiator from exploiting them to advantage. Conversely, the electoral laws and various amendments put in place have helped to improve the quality and conduct of elections over the years.

Conclusion

The paper appraises the role of election observation in electoral reforms in Nigeria. Through the reports and recommendations of election observers and monitors, INEC can make major electoral amendments and propose new electoral laws. Election observation reports and recommendations have over the years, served as a guide for the commission to improve on the electoral process in subsequent elections. The role of election observation in Nigerian elections and electoral laws can thus, not be overemphasised. However, the point must be made that electoral reform is always a work in progress, it is always an on-going exercise, it is not a one-off thing, and the electoral process must be continuously fine-tuned to enhance the integrity of the electoral process.

Recommendations

Based on reports from local and international observers, here are some recommendations for electoral reforms in Nigeria:

1. There is a need to enhance the independence, professionalism, and capacity of election management bodies, such as the Independent National Electoral Commission (INEC). This can be achieved by ensuring transparent appointments, proper training, and adequate funding for these bodies.
2. Establish a reliable and up-to-date national voters' register that includes all eligible voters, eliminates duplications, and prevents manipulation. This can be achieved through a comprehensive registration exercise, regular updates, and leveraging technology for efficient management.
3. Enhance security measures during elections to ensure the safety of voters, candidates, and electoral officials. This includes deploying well-trained and impartial security personnel, establishing effective communication channels, and addressing cases of violence and intimidation promptly.

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