

Election Management Bodies and Election Administration in Nigeria, 2004 – 2019**¹Francisca Obiageli Ifedi* & ¹Ezenwankwo Okwudili Christopher**

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Abstract

This study compared the election management bodies and electoral administrations in Nigeria and Ghana. Through the use of that ex-post-facto research design, the adoption of Marxian theory of the state as its framework, and the deployment of documentary method of data collection, the study investigated the link between the limited autonomy of election management bodies and organizational lapses in the electoral processes as well as the nature of the framework for the conduct of elections and electoral violence in both countries. The study found the limited autonomy of election management bodies to account for electoral violence and organizational lapses in the electoral process more in Nigeria than Ghana. The study also sees the nature of the framework for the conduct of elections to incubate electoral violence more in Nigeria than in Ghana. The study therefore argued that due to the character of the Nigerian state, the performance of electoral management bodies in electoral administration was more susceptible to political manipulations and interferences and, by implication, commanded less public confidence than is the case in Ghana. Among others, the study recommends that the reports of the previous committees on restructuring the electoral management body and vital aspects of election management in Nigeria be implemented without further delay.

Keywords: Election management; electoral administration; electoral management bodies; Nigeria; Ghana.

Introduction

Election management bodies (EMBs) are important institutions for democracy and democratic consolidation. This is so because they deal directly with the organization of multi-party elections and indirectly with governance and the rule of law. To this end, election management bodies serve as institutional anchors that assist in the development of free, fair and credible elections (López-Pintor, 2000). Although, specific duties of EMBs differ across countries, typically they are involved in all aspects of elections, including “registering candidates, regulating campaign finance, monitoring political party activities, maintaining voter registration databases, polling place operations, publishing official election results and resolving many types of election-related disputes” (López-Pintor, 2000, p.18).

In emerging democracies with unstable democratic institutions, there has been an increasing trend to establish independent EMBs as an important step in building a tradition of independence and impartiality as well as building the confidence of the electorate and political parties in the electoral process. What this implies is that EMBs can promote or undermine the credibility of electoral process and the government itself, depending on their perceived legitimacy (Kerevel, 2009). Since lack of credibility in electoral process has serious implications for democratization and legitimacy of a government, building the capacity of election management bodies for effective and credible electoral administration as recommended by the Praia Declaration, is quite essential (International Peace Institute, 2012).

Electoral administration has to do with the organization and conduct of elections by an electoral body (Jinadu, 1997). It includes the organization of election agencies, the behaviour and characteristics of election officials, the management and execution of all stages of the electoral process and policies (Ajayi, 2007). What the foregoing definitions suggest is that electoral administration covers all the pre-election, election and post-election activities and not just an event.

Meanwhile, electoral administration and the transformation of the processes of democracy and political governance to ensure that the state and the institutions of governance are accountable to the people, and address their concern for development and progress remains one of the key challenges confronting most transitional societies today (Ibeanu & Egwu, 2007). In the post-independence Africa, these challenges appear daunting because continuities with the colonial legacy have entrenched various form of authoritarian rule characterized by arbitrariness of the state, absence of moderating rules and inability to establish a stable tradition of alternating political

choice, lack of legitimacy of state institutions, systematic closure of political space, human right abuses, corruption, among others (Ibeanu & Egwu, 2007). However, following the wind of democratic change that blew across Africa in the 1990s, the continent has witnessed the resurgence of domestic pressures for democratization and political reforms (Gyimah-Boadi, 2004; Diamond, 1999). The pressures were engendered by the inability of the post-colonial political leadership to address the numerous challenges of development and nation-building. One of the consequences of sustained domestic pressures for political reforms in Africa was the collapse of previously autocratic regimes evidenced by military rule and one-party dictatorship. Their replacement with constitutionally elected leaders has paved way for democratic institutionalization, multi-party politics, periodic elections and a significant transformation of the political landscape of the entire continent (Gyimah-Boadi, 2004).

In West Africa, the rebirth of constitutional rule in the early 1990s was dramatic and unanticipated. More fundamentally, it created some hope that the time had come for the countries in the sub-region to ensure a stable political environment for sustainable development. Unfortunately, the expectations for democracy dividend in the form of a stable political atmosphere, credible elections and smooth political transition in the region are yet to materialize. More importantly, the numerous challenges of nation-building and governance in the sub-region are yet to be frontally addressed. However, despite the challenges to the restoration of constitutional rule in West Africa, some countries in the sub-region have fared very well in terms of the effectiveness of electoral administration and quality of the elections. In West Africa, Nigeria and Ghana are quite remarkable in this regard.

Nigeria and Ghana share similar colonial experience because they are ex-British colonies and they secured their independence from Britain roughly during the same period, that is, in 1960 and 1957 respectively. Their shared historical experiences of colonialism not only influence both countries but also shape their socio-economic as well as political development (Krauss, 2013). Again, both Nigerian and Ghana experienced post-independence military intervention in politics. While the military intervened in politics in Nigeria in January and July 1966, July 1975, December 1983, August 1985, and November 1993; in Ghana, political powers were usurped by the military in February 1966, January 1972, July 1978, June 1979 and December 1981 (Boafo-Arthur, 2008). Nigeria and Ghana also share socio-cultural, political and religious similarities in terms of political dichotomy, ethnic and religious composition of their population (Otoghile & Obakhedo, 2011).

These shared colonial, historical and socio-political and cultural affinities notwithstanding, there appears to be significant differences between the two Nigeria and Ghana as regards their level and depth of democratic consolidation. Whereas Ghana is seen to have made important strides towards consolidation, Nigeria is seen to be sluggish in its consolidation process (Hounkpe & Fall, 2011). Ghana's relative stability is seen to be one of the positive democracy dividends (Boafo-Arthur, 2008). In contrast, Nigeria has had a chequered electoral history with successive elections being marred by serious irregularities and controversy- particularly in the conduct of its electoral commission (Awopeju, 2011; Human Rights Watch, 2011; National Democratic Institute, 2012). This has led, in some cases, to electoral violence as occurred in 2011. What is to be noted is that elections are the heartbeat of any democratic process and that ineffective electoral administration leads to political instability and loss of legitimacy. To this end, the track records and electoral trajectories of the Nigerian and Ghanaian experience in EMBs since the restoration of constitutional rule make them good case studies in election management body and electoral administration in West Africa. Against this background, this study compares election management bodies and electoral administration in Nigeria and Ghana between 2004 and 2019.

Theoretical Framework

The study adopted the Marxist theory of the state as developed and employed in the elucidation of the peculiarity of the neo-colonial state by scholars such as Alavi (1973), Ekekwe (1985), Ake (1985) and Ibeanu (1998) and others. The major contention of these scholars is that the post-colonial state is a creation of imperialism and as such, has followed a developmental strategy dictated by the interest of imperialism and its local allies. According to Ekekwe (1985), the post-colonial state rests on the foundation of the colonial state whose major pre-occupation was to create conditions under which accumulation of capital by the foreign bourgeoisie in alliance with the ruling elite would take place through the exploitation of local human and other natural resources. Therefore, the post-colonial state that now emerged, though ostensibly independent and sovereign, was no less a creation of imperialism than the colonial state (Ekekwe, 1985).

One basic feature of the post-colonial state as articulated by Ake (1985) is its limited autonomy. This means that the state is institutionally constituted in such a way that it enjoys limited independence from the social classes, particularly the hegemonic social class, and so, is immersed in the class struggles that go on in the society. The post-colonial state is also constituted in such a way that it mainly caters for a narrow range of interests: the interest of the rapacious political elite

in comprador and subordinate relationship with foreign capital. This lack of relative autonomy is one reason why the post-colonial state in Nigeria is incapable of mediating political conflicts (Ake, 1985).

In a related development, Ake (1981), identified the emergence of the indigenous class as a colonial creation. Taken off from what he termed enclave development, that appeared to be a manifestation of the class contradictions of post-colonial socio-economic formations, he denotes inequalities the *prima facie* of the contradiction. The inequalities evident among the sections and regions of the country combined with other forces of disunity to produce a brand of politics that threatens the very existence of these nations. In this type of politics, there is a frantic effort by political competitors to control the central government at all costs. Thus, the theory shows how the ruling class in the post-colonial state like Nigeria has slowed down the development of the country's electoral system. The theory is also based on the assumption that the political class of the contemporary state relentlessly device means of perpetuating themselves in power. They use all the paraphernalia of the state to assume dominance over others.

For Ibeanu (1998), the colonial state, due to the distinct colonial experience at the stage of "extensive growth" of capital in which they emerged, did not strive for legitimacy as the *raison d'être* for their constitution was "principally for conquering and holding down the peoples of the colonies, seen not as equal commodity bearers in integrated national markets, but as occasional petty commodity producers..." (Ibeanu, 1998, p. 9). As a result of this, there was no effort made to evolve, routinize and institutionalize "principles for the non-arbitrary use of the colonial state by the colonial political class. And when in the post-colonial era this state passed into the hands of a pseudo capitalist class fervently seeking to become economically dominant, it becomes, for the controllers, a powerful instrument for acquiring private wealth, a monstrous instrument in the hands of individuals and pristine ensembles for pursuing private welfare to the exclusion of others" (Ibeanu, 1998, pp. 9-10). Marxist theory of the state demonstrates that political leaders of post-colonial states, due to the peculiar features of these states, and their quest for economic survival engage in brazen manipulation of the electoral process and clientele politics which heighten the struggle for state power. However, the Nigerian State exhibits unique features and attributes that undermine electoral administration and consolidation of democracy more than Ghana due to the dominance of comprador bourgeoisie rather than national bourgeoisie as in Ghana. Against this background, Ibeanu (1998, p. 9) maintained that the "abiding assault on democracy in Nigeria"

should be located in the character of the Nigerian state as instructions that have continued to undermine democracy are genealogically inscribed in it. These peculiar features of the post-colonial state in Nigeria, for Ibeanu, have undermined electoral administration and democratization of politics in Nigeria.

The relevance of the theory to the comparative analysis of election management bodies and electoral administration in Nigeria and Ghana is evident. It enlightens our understanding of the nature and character of the Nigerian and Ghanaian states and gives us insight into the dominance and roles of comprador bourgeoisie in Nigeria and national bourgeoisie in Ghana, and their differential impact on the activities of state institutions particularly the election management bodies. There is evidence to show that arbitrary use of the state power to pursue private interests which converts politics into warfare rather than an orderly transfer of political power manifested more in Nigeria during the 2011 general elections than Ghana's 2012 general elections. In Nigeria, there were fundamental structural and institutional constraints that marred electoral administration unlike in Ghana. There is clear evidence that Nigeria's election management body, to a large extent, lacks the level of autonomy required to conduct credible elections. There were uncertainties in legal framework for the 2011 general elections due to controversial and contradictory elements within and between the 1999 constitution, as amended, and the 2010 Electoral Act. Neither the National Assembly nor the justice ministry did anything to remedy the situation before the elections (Majekodunmi & Adejuwon, 2012). In Ghana, the legal frameworks for the 2012 general elections, to a reasonable extent, were not characterized with controversy and ambiguities as that of Nigeria.

State of the Art

The thrust of this study is to comparatively analyse election management bodies and electoral administration in Nigeria and Ghana, between 2004 and 2019. Accordingly, this chapter examines pertinent literature with respect to the following themes based on research questions in order to locate a gap.

- Framework for the conduct of elections and electoral violence.
- Autonomy of election management bodies and electoral process

Framework for the Conduct of Elections and Electoral Violence

The nature of the framework for the conduct of elections and electoral violence has been examined in diverse ways. Oladipupo (2011) carries out a comparative analysis of electoral processes in Nigeria and Ghana with a focus on 2007 elections in Nigeria and 2008 elections in Ghana. Placing side by side some of the major factors that contributed in unmaking and the making of democratic stability in the two countries, the writer contends that the electoral process through which representatives emerge in Nigeria is one which is yet to be subdued unlike in Ghana. The study argues that the Hobbesian nature characterizing the Nigerian polity which is more pronounced during electioneering processes is chiefly responsible for this unfortunate situation. The paper concludes that unless a people, its government, its Electoral Management Body, and other stakeholders are really interested in the democratic process and ready to make the necessary sacrifices, electoral process in any given state, especially in Africa, will continue to be fraught with diverse kind of problems which invariably impact negatively on the democratic sustainability on the continent. Among others, the paper recommends that both the leaders and the led should adopt mature political culture through quality political education.

Abbass (2008) reveals that the 1999, 2003 and 2007 general elections witnessed electoral violence in Nigeria and that these elections questioned the credibility of the democratic process and invariably posed serious challenges for the democratic practice in the country. There have been politically motivated assassinations and other election related killings, all jeopardizing the Nigerian democratic project. A new dimension to electoral violence, in the view of the writer, has come to feature prominently as a product of aggravated provocations, extension of deep-seated and age long conflicts between individuals, groups, families and communities. Ethno-political cleavages have continued to remain one of the silent determinants of political violence in election related issues. Since electoral contest is thus characterized by competition, the writer sees the Nigerian factor of continuous harassment, threat and intimidation of the opposition parties or 'enemies' within the ruling party, to give everybody an open-ended licence to display physical and brute force to either protect or safeguard one's areas of political control.

Alidu (2014) contends that Ghana is one of the thriving democracies in Sub-Saharan Africa, having held relatively free, fair, and transparent elections in recent times. The writer, however, notes that Ghana's 2012 election, the sixth in the series of national and parliamentary elections, was different from the previous elections preceding it. The writer opines that although

infractions occurred in Ghana's last election, they were not outcome-determinative. Rather, they were purely administrative and, in most cases, ill-advised decisions by electoral officials which had no impact on the overall results and the outcome of the elections. The study, thus proposes some administrative, structural, and legal reforms to enhance the Ghanaian electoral architecture.

In their submission on the 2011 post-election violence in Nigeria, Orji and Uzodi (2012) observed that at the roots of electoral violence in Nigeria are several issues some of which do not have any direct relationship with the country's electoral process. These issues, according to them, define the ways electoral violence can play out. They identified the remote causes of electoral violence in Nigeria to include saliency of communal identities in politics and communal tensions, decline in trust and social capital among communities, culture of impunity, economic vulnerabilities, institutional and behavioural issues such as erosion of trust in the electoral justice system, and lack of internal democracy in political parties.

The foregoing review has shown that scholars essentially focused on the conduct and outcome of elections in Nigeria and Ghana without systematically comparing the two countries to ascertain whether the nature of the framework for the conduct of elections has the likelihood of resulting in electoral violence more in the former than the latter.

Autonomy of Election Management Bodies and Electoral Process

The extent of autonomy of election management bodies and organizational lapses in the electoral process has engaged the attention of scholars. Kambale (2011) avers that the central role that electoral competition is now playing in the political life of an increasing number of African countries means that the management of elections by effective and efficient election management body is indispensable. The performance of election management body in electoral management is, however, seen to depend on the extent and quality of citizens' participation in the government of their country. The institutional framework for these bodies, and their endowment with adequate human and financial resources, is seen to be an important concern in the constitutional reforms that have accompanied the second wave of democratisation in West Africa. The study further notes that these reforms have focused on the need to give the EMBs greater legal and institutional independence, since the performance of the EMBs and their contribution to a higher level of citizen participation depends on much more than only formal guarantees of independence and adequate resources. Nonetheless, the study posits that the struggle for such reforms is also shown to be a

critical part of the process of institutionalising democratic practices. Therefore, in the creation of an effective EMB, as in the acceptance of a legitimate election, the key is process.

Omotola (2009) examines the link between electoral administration and democratic consolidation in Africa, with a focus on Nigeria and Ghana. The study finds notable contradictory trajectories in the direction of electoral administration and democratic consolidation in Ghana and Nigeria under the fourth republic. In explaining these variations, the study relies mainly on EMBs, political party and mass media. With respect to EMBs, the study notes that although both election management bodies in Nigeria and Ghana were constitutionally constituted by the president, that of Ghana has demonstrated some reasonable measure of independence, competence and legitimacy than its counterpart in Nigeria. The study sees this to relate to the deep institutionalization and the institutional-political frameworks that surround Ghana's EMB unlike Nigeria's experience, where INEC has become the butts of main political actors, including opposition parties, civil society, the international community and the generality of the people. The study also finds that political parties in Ghana have endeavoured to be democratic in both intra and inter-party relations unlike in Nigeria where the tendency of Nigerian parties to be driven by forces of identity, most notably ethnicity and religion, has served to undermine ideological issues in party politics. Secondly, the study sees the dominance of one party with low level of intra- and inter-party democracy to be an inherent feature of political parties in Nigeria. Finally, the study posits that the mass media, despite all odds, have also contributed towards the success of the electoral process in both Nigeria and Ghana.

Examining the strength and weaknesses of election management body in Ghana, Hounkpe (2011) reveals that although Ghana has a long experience of electoral management by bodies independent of the government, pre-1992 electoral management was characterised by deep distrust of the successive electoral management bodies (EMBs) from both politicians and ordinary citizens. The current Electoral Commission, in operation since the restoration of democracy in the early 1990s is seen to have broken away from the distrust for EMBs which was prevalent before it was established. The Ghanaian Electoral Commission (EC) is also seen to have a remarkably wide mandate, with powers that extend beyond the conduct of general elections, to policing the activities of political parties. The study further posits that the Ghana Electoral Commission is independent, and this is recognised by almost all players in the country's electoral process. The Commission's legal framework is seen to reflect in its composition, the conditions offered to members of the

Commission and the protection of EC against outside interference in its management is seen to be one of the major determinants of the independence enjoyed by the EC. The study equally contends that the performance of the Ghana's Electoral Commission has gradually improved over time, due to the quality of the staff, and especially its leadership as well as the support and positive attitude of the other key players in the electoral process in Ghana, including political parties, media, civil society organisations and state institutions. In spite of its good reputation, the study notes that the Ghana's Electoral Commission does suffer from many internal weaknesses, primarily due to poor working conditions of its members, the poor performance of the Commission in managing the electoral register, and the poor quality of some staff employed by the Commission, including election officials.

Alao, Alao and Nwogwugwu (2013) evaluate the efficiency of the election management body, Independent National Electoral Commission (INEC) in terms of preparations for the election, ability of INEC to ensure compliance to electoral laws by political parties and actors, and the level of synergy between INEC, security agencies and other institutions. The study argues that when compared with the past elections, the 2011 elections were relatively credible, free and fair only that several shortcomings were identified, including inefficiency in the preparation for elections on the part of INEC, undemocratic imposition of candidates by all the leading political parties, and various security lapses during and after the elections. The study contends that INEC leadership must tackle the identified lapses, including carrying out a complete re-organization of the commission to make it more efficient, ensure strict adherence to the electoral law by all political parties and put in place security measures that deter threats.

Adu-Gyamfi (2014) assesses citizens' perception on the independence of Ghana's Electoral Commission and demonstrates that despite numerous challenges, the Electoral Commission is truly independent. The study further reveals that the role played so far by the Electoral Commission of Ghana has made the ballot box become the chosen means for conducting credible elections and electing political representatives. The study notes also that the Electoral Commission of Ghana is one of the best electoral bodies in Africa.

Oromareghake (2013) examines the place and role of electoral institutions and administration of elections in the democratic transition process in Nigeria in the fourth republic with a view to ascertaining the extent to which elections have helped to strengthen or retard democratic consolidation. The study primarily focuses on electoral governance by the Independent

National Electoral Commission (INEC) and other core institutional actors in the democratization process. The study argues that the democratic qualities of Nigerian elections between 1999 and 2011 have remained shallow because of ineffective governance resulting from the weak institutionalization of core institutions in the governance of the electoral processes, particularly INEC and the political parties. The study sees these weaknesses to include lack of independence and professionalism, political interference, undemocratic attitudes, and lack of respect for the rule of law, among others. The form and character of the Nigerian state, giving rise especially to political instability and severe underdevelopment, are also seen as causes of the deepening crisis of electoral governance in Nigeria.

The studies reviewed above highlight the roles, achievements and challenges election management bodies grapple with in the conduct of elections in Nigeria and Ghana. The extant literature, thus, pay inadequate attention to a comparative analysis of the link between limited autonomy of election management bodies and organizational lapses in the electoral process in Nigeria and Ghana. Altogether, while the extant analyses variously focus on Nigeria's and Ghana's electoral and democratic practice since the rebirth of constitutional, as well as the place, roles and challenges of electoral institutions in administration of elections and democratic transition process in Africa, a comparative analysis of the impact of limited autonomy of election management bodies and the framework for the conduct of elections on the conduct of elections in Nigeria and Ghana between 2004 and 2019 is yet to be given adequate and systematic analysis. **Methodology**

This study adopted a single case *ex post facto* (after-the-fact) research design because it is basically qualitative and non-experimental. *Ex-post-facto* or after-the-fact research design is based on the examination of the independent and dependent variables after the events have taken place and the data already in existence. It utilized documentary method to generate secondary data from government documents, official documents textbooks, journal articles, magazines, conference papers and relevant articles. Documentary method was adopted because it is well-suited for contextual analysis. More importantly, the method is useful when the task is to illuminate, interpret and extract valuable information from documents with a view to arriving at a conclusion.

The study further utilized content analysis rooted on systematic logical deductions as method analysis. A rigorous use of the technique of content analysis could help one select what is dependable from what is not. It is used with reference to the meanings, contexts and intentions contained in messages.

Presentation and Analysis of Data

If credible elections constitute a fundamental criterion for democracy and a key component for facilitating political succession and enhancing the legitimacy of a government (International Peace Institute, 2012), it therefore follows that an independent and impartial electoral body that is the caretaker of the integrity and legitimacy of election is a *sine qua non*. Such an electoral body ought to perform its functions accordingly and in a transparent and impartial manner.

The vital role performed by election management body is to make sure that citizens and stakeholders have confidence in the electoral process. If the electorates and political actors have confidence in the integrity of the persons and bodies running the election, they are more probable to acknowledge the election result in good faith (Adu-Gyamfi, 2014). Winners and losers are likely to accept electoral processes and results as satisfactory in as much as the elections meet some conventional principles and standards. These indicators of democratic feature can only be guaranteed where an EMB meets various essential requirements that support and build up efficient electoral administration. These requirements which are considered principal and vital for an EMB to successfully fulfil its functions include: composition, independence, transparency, broad-spectrum capability and funding (Adu-Gyamfi, 2014).

Appointment and Turnover of Members of EMBs in Nigeria and Ghana

Owing to decades of authoritarian rule in many West African countries, and the festering crisis of democratisation which appear closely connected to the pertinent issue of multiparty elections and their administration, increasing attention is being paid to the establishment of conditions conducive to the holding of free, fair, credible and peaceful elections. To this end, the constitution as well as the operational autonomy of election management body has remained the cornerstone of the process of democratization in the sub-region. In the preceding three decades, therefore, election management bodies have been resuscitated, redesigned and reorganized to align them with the principles of operational and financial independence, professionalism, transparency and impartiality, and to ensure that they contribute to the integrity of elections (Omotola, 2009).

Effective electoral administration, therefore, supports the electoral process by contributing to the building of social capital required to sustain the democratization process. Unfortunately, electoral administration in a number of West African countries in the last two decades has tended to be largely ineffective, thereby reinforcing the contention that elections in Africa are mere fading shadows of democracy (Omotola, 2009). However, while the foregoing scenario generally

pervades elections and electoral process in West Africa, there are few exemptions where elections have been well administered and their qualities adjudged to be of high standard. Against this backdrop, attempt is made in this sub-section to ascertain how members of the election management bodies in Nigeria and Ghana are appointed and their length of service, and how these affect their organizational efficacy.

Appointment and Turnover of Members of EMB in Nigeria

Frankly speaking, members of election management bodies should possess high level of management skills and commitment to be able to maintain integrity. Ideally, an EMB should include members with a wide range of skills to be able to function effectively. Public confidence in EMB is enhanced where the electoral framework contains (1) qualifications for appointment of members of EMB that are clearly defined and appropriate for the complex task of managing electoral processes impartially and, (2) selection and appointment mechanisms that are transparent and based on the candidates' merits.

Meanwhile, the mode of appointment and tenure of members of EMB vary by country. In Nigeria, members of the Independent National Electoral Commission (INEC) which consist of the Chairman, who is the Chief Electoral Commissioner, twelve National Electoral Commissioners drawn representatively from the six geo-political zones of the country and thirty seven Resident Electoral Commissioners (RECs) drawn from each of the 36 States and the Federal Capital Territory (FCT) of Abuja are appointed by the President of the Federation, subject to confirmation by the Senate. In the past, the appointment of Resident Electoral Commissioners, of whom INEC may delegate any of its powers, was a presidential prerogative. However, following the amendment of the 1999 Constitution in 2010, a presidential appointment of a Resident Electoral Commissioner requires Senate confirmation. Similarly, the removal of the chairperson is harder to accomplish. To do so, the President needs the support of a two-thirds majority of the Senate (See the 1999 Constitution as Amended).

Regarding the tenure of INEC Chairperson and Commissioners, the Independent National Electoral Commission Decree (1998) Part 1 Section 3 (1) provides that "the Chairman and members of the Commission shall each hold office for a period of five years and on such terms and conditions as may be specified in their letters of appointment. "The provision of this section implies that members of the INEC should be appointed every five years. Therefore, the history of election management bodies or commissions in Nigeria has been a history of dissolutions,

constitutions and reconstitutions (Okoye, 2007 in Ekundayo, 2015). To illustrate this, Table 1 is hereby presented on the Chairmen of Electoral Commissions in Nigeria between 1960 and till date. The implication of this is that the challenges besetting the Commissions in the past have continued to manifest.

Table 1: Electoral Commissions and their Chairmen in Nigeria, 1960-till date

Republic	Electoral Commission	Chairman	Tenure
First Republic	Electoral Commission of Nigeria (ECN)	1. Sir Kofo Abayomi	1960-1964
		2. Chief E.E. Esua	1964-1966
Second Republic	Federal Electoral Commission (FEDECO)	3. Chief Michael Ani	1979-1983
		4. Justice Ovie-whiskey	1983-1983
Third Republic	National Electoral Commission (NEC)	5. Prof. Eme Awa	1987-1989
		6. Prof. Humphrey Nwosu	1989- 1993
		7. Prof. Okon Uya	1993-1994
		8. Chief Sumner Dagogo-Jack	1994-1998
Fourth Republic	Independent National Electoral Commission (INEC)	9. Justice Ephraim Akpata	1999-2000
		10. Dr. Abel Guobadia	2000-2005
		11. Prof Maurice Iwu	2005-2010
		12. Prof. Attahiru Jega	2010-2015
		13. Prof. Mahmood Yakubu	2015-till date

Source: Ekundayo, W.J. (2015). A critical evaluation of electoral management bodies in Nigeria and the perennial problem of electoral management since independence in 1960. *International Journal of Public Administration and Management Research (IJPAMR)*, 2 (5), 51.

Frequent turnover of members of the Independent National Electoral Commission has had negative impact on the conduct of credible elections in Nigeria. For instance, the bulk of INEC members that conducted the 2011 general elections came into office in June 2010 and assumed duty officially in the first week of July 2010. Given the subsisting legal framework for conducting elections in Nigeria then, this meant that the Commission had barely six months to prepare for the general elections, which had to hold by January 2011. It took the demands by stakeholders to amend the law to ensure that the Commission had adequate time to conduct the 2011 general elections.

Appointment and Turnover of Members of EMBs in Ghana

The Electoral Commission of Ghana is the official body in Ghana responsible for all public elections. The Electoral Commission is made up of seven members. There are two Deputy Chairmen and four other members (Electoral Commission of Ghana, 2008). The current

Commission was established by the Electoral Commission Act (Act 451) of 1993 (Electoral Commission of Ghana, 2008).

The 1969 (Article 30(2)) and the 1979 (Article 37(2)) Constitutions provide that the President shall, acting on the advice of the Council of State, appoint the Chairman, Deputy Chairmen, and other members of the Electoral Commission. The plain meaning of the provisions of the constitutions is that the President is obliged to act on the advice of the Council of State in appointing the Chairman and members of the EC. The framers of the 1992 Constitution of Ghana did not break any new grounds in the process for appointing the Chairman and members of the EC and clearly intended the meaning of advice as employed in the prior Constitutions (Asare, 2014).

The Chairman and commissioners of EC in Ghana, unlike members of Nigeria's INEC, are appointed for life and are accorded the same privileges as justices of the Superior Courts (Ghana Constitution 1992 Article 44). The relative independence of the EC, which has aided its electoral professional performance, relates to the fact that the Chairman of the EC and the two deputies have the same terms and conditions of service as Justices of the Court of Appeal, which means they cannot be removed arbitrarily but have to retire on attainment of statutory age limit. The security of job conferred on the leadership of the EC by this provision makes members of the EC have more stakes in the electoral process and to secure it more than the people because if they mess up the process, they may lose their 'secured' position. This has ensured higher level of stability and continuity in membership of Ghana's Electoral Commission than Nigeria's INEC (See table 2).

Table 2: Present and Past Members of Ghana's Electoral Commissions

Office	Name	Term
Chairman	Jean Adukwei Mensa	August 2018 – present
Deputy Chairman	Eric Asare Bossman	August 2018 – present
Deputy Chairman	Samuel Tettey	August 2018 – present
Member	Mrs. Paulina Adobea Dadzawa	February 2004 – present
Member	Ebenezer Aggrey Fynn	March 2004 – present
Member	Sa-Adatu Maida	November 2010 – present
Member	Rebecca Kabukie Adjalo	November 2010 – present
Past members		
Chairman	Charlotte Osei	2015 – 2018
Chairman	Dr. Kwadwo Afari-Gyan	1993 – June 2015
Deputy Chairman	David Azey Adeenze-Kangah	1993 – April 2012
Deputy Chairman	Kwadwo Sarfo-Kantanka	1993 – April 2013
Deputy Chairman	Sulley Amadu	May 2012 – 2018
Deputy Chairman	Georgina Opoku Amankwaa	July 2013 – 2018
Member	Dr. M.K. Puni	? – June 1995
Member	Elizabeth Solomon	? – February 2004
Member	Theresa Cole	? – February 2004
Member	Ernest Dumor	? – February 2004
Member	Nana Amba Eyiiba I, Efutuhemaa	February 2004 – 2010
Member	Eunice Akweley Roberts	February 2004 – 2010

Source: Electoral Commission of Ghana (2018). Change at electoral commission: President appoints two. *Ghanaweb. Ghana Home Page.*

Table 2 clearly shows that unlike election management bodies in Nigeria that witnessed the emergence of seven chairpersons between 1993 and till date, Ghana's Electoral Commission only witnessed the emergence of three chairpersons within the same period. This is because, since the early 1990s, only very few have left the Commission until they attained the mandatory retirement age. Charlotte Osei was sacked in 2018 on account of financial malfeasance.

Of particular importance also is the condition of service of members of Ghana's Electoral Commission, particularly the commissioners who continue to collect their full salaries even after they have retired. More importantly, they can only be removed by a resolution of two-thirds of the members of the National Assembly which no party in Ghana controls (Asare, 2014). Thus, we are inclined to uphold the views of Elklit & Reynold (2002) that the EC in Ghana has grown in professionalism and assertiveness with every successive election since 1992, and both the chairman and the commissioners are more inclined to act impartially because they have some security of tenure.

In sum, the election management bodies in Nigeria and Ghana depict contradictory trajectories as regards the tenure and privileges of their members. While members of INEC hold office for a 'period of five years and on such terms and conditions as may be specified in their letters of appointment', members of EC are 'appointed for life and are accorded the same privileges as justices of the Superior Courts.' Therefore, the chairperson and the commissioners of EC are more inclined than their counterparts in INEC to act impartially because they have some security of tenure. This is probably why Ghana is considered to have recorded impressive progress in the democratisation process, when compared to Nigeria that is said to have recorded limited success. Therefore, though not totally flawless, there is now a broad consensus domestically and internationally that the electoral process in Ghana is one "which functions pretty well" (Nugent, 2005 as cited in Omotola, 2009, p. 20).

Voters Registration and the Use of Biometrics Scan in Nigeria and Ghana

To conduct a credible election, a comprehensive voter register which should consist of only the eligible voters in a constituency is indispensable. A reliable voter's register contains names of eligible voters resident in the area where they intend to vote; and in an ideal situation provisions should be available for making claims and observations about the details of the electorate

contained in the register. The process of voter registration and production of a comprehensive register are therefore true test of the credibility of the election administration system. In fact, the credibility of any election is determined based on the extent to which the conduct of such an election conforms to the foregoing conditions. The thrust of this sub-section is to examine voter registration and the use of biometrics scan in Nigeria and Ghana to ascertain how they promote or undermine the conduct of credible elections in both countries.

On account of a number of reasons, the Independent National Electoral Commission (INEC) always conducts a fresh voters' registration exercise before conducting any major election. However, the inability to develop a credible voter's register have trailed the process of voter registration in Nigeria since the outset of civil rule in 1999. In 1998 during the preparations for the 1999 general elections, manual registration method was adopted and this was characterized by logistics challenges. In this light, the Carter Center (1999, p.21) reported that the voter registration exercise of 1998 were characterized by "shortages of materials, delays in the opening of registration centres, poorly trained registration officials and attempts by political party agents to manipulate the process".

Therefore, given that sovereign nations are increasingly turning to biometric voting systems to promote election integrity, the Independent National Electoral Commission (INEC), during the voters registration exercise in preparation for the 2003 general elections, opted for a computerized registry to promote voter confidence in the list, minimize multiple registrations and enhance the credibility of the elections (Moveh, 2015). However, it took over five months after the process of registration had begun before the process of creating a new computerized registry would say to have taken place (NDI, 2003). As reported by INEC, 72 million registration sets for an estimated 60 million voters were said to have been distributed. Obviously, this was grossly inadequate. According to the NDI (2003, p.4):

A reportedly significant number of people nationwide were not able to register despite repeated attempts to do so...partisan election officials and political aspirants hoarded voter registration materials, causing a shortage. In addition to withholding materials there was also the buying of voter cards, multiple registration, underage registration, registration by non-citizens, intimidation by party activists, inadequately trained election officials and shortages of materials caused by logistical difficulties. To date there has been no public accounting of the distribution of voter registration forms. While the new computerized system was designed to detect cases of multiple registrations, concerns remain about the accuracy and number of voters on the resulting list.

The 2003 voter registration exercise thus completely failed in its effort to provide a transparent form of identification for eligible voters, providing instead unreliable and faulty documents which provided a fertile ground for massive underage voting and voter impersonation (EU EOM, 2003). As a confirmation of the foregoing challenges as observed by the EU EOM, INEC was later to admit in the run up to the 2007 elections that a total of 10 million double entries were deleted from the register in 2003 but no prosecution was made (Moveh, 2015).

Hence, to avoid the problems of the 2003 registration exercise, INEC decided to introduce a computerized Direct Data Capturing Machines (DDCM) to modernize voter registration and to prevent multiple and under aged voting that were then outstanding features of election in Nigeria. It also aimed at producing an electronic voter register using the Direct Data Capture (DDC) machines which for the first time was to capture the picture and two thumb prints of each voter. The DDC machine is a device that embeds the picture and biometric data of the voter in a bar code. The information is then linked to a central database that cross-checks to eliminate duplicate registrations. INEC argued that these procedures would detect impersonation, underage voting and multiple voting (Moveh, 2015).

Unfortunately, the result of the exercise failed to meet national and international electoral standards. According to Kwaja (2008), the Commission lacked the technical capacity and material resources to successfully implement this laudable project. For example, the Commission could not supply the DDCM in several places across the country. This is because, of the 33,000 DDCM needed to cover the 120,000 registration centres, only about 1,500 were available and operational at the commencement of the exercise (EU EOM, 2007). According to the Director of voter registration (as cited in Moveh, 2015, p.19):

INEC had contracted 3 different companies to deliver the registration equipment but had failed to transfer advance payments to them. Indeed, the INEC Chairman at the time noted that it was only in January, 2007 about a month after the legal date for the termination of voter registration exercise that the final batch of the 33,000 DDC machines were delivered. Secondly, the operation of the DDC machines was highly problematic. The problems that were associated with the DDC machines include lack of battery power and recharge facilities or a shortage of ink and printers.

Meanwhile, amid all these challenges, the late Alhaji Lamidi Adedibu, the most influential politician in Ibadan, Oyo State then had harboured six DDCM in his house where he was illegally registering both qualified and underage people (Obinna, 2012). This ugly development was further

compounded by staff who were insufficiently trained and by climatic conditions that interfered with the functioning of the equipment. As a result of these anomalies, the International Republican Institute (IRI), which sent a pre-election assessment mission to Nigeria in November 2006, issued the following statement:

We express grave concern over the fact that with only two weeks remaining before the registration deadline, less than half of the Direct Data Capture Machines (DDCM) have arrived, let alone been deployed to registration centres throughout the country. We are additionally concerned that only 3.5 million of the potential 60 million eligible voters are registered to vote as of the end of last week. The leadership of the INEC has set a noble and ambitious goal of implementing this cutting-edge system to deter past fraud in registration efforts and the ensuing acrimony; the ability however to meet the expectations of this goal on the timetable established is quite seriously in doubt. As a result, INEC is losing credibility with the public (IRI, 2007 as cited in Moveh, 2015, p.21).

In the end, the voter registration exercise for the 2007 general elections was adjudged to be worse and poorly conducted. Consequently, millions of Nigerians were disenfranchised due to this insufficiency.

Prior to the 2011 general election, INEC, as in the previous elections, considered that producing a credible voter register was crucial to deliver transparent and genuine elections. As in the 2006 registration exercise, INEC had proposed to make use of the DDC machines. Thus, determined to cover an estimated 70 million voters, registration for the 2011 elections, despite the logistical challenges, started on the 15th January 2011 in all 36 states of the Federation and the Federal Capital Territory. About 240,000 *ad hoc* staff, mostly from the National Youth Service Corps (NYSC) were recruited for the exercise. This is unlike the 2003 and 2007 voter registration in which no particular category of individuals were given preference. As higher degree holders, there was an assumption that they possessed requisite computer literacy required to facilitate the use of Direct Data Capture (DDC) machines and other technical equipment during voter registration. While this assumption held to a reasonable extent, it was reported that many of the *ad hoc* staffers encountered challenges operating the DDC machines, largely as a result of inadequate training. More fundamentally, many of the people that became registration officers turned out to be thugs and agents of certain political parties (EU EOM, 2011).

Aside the involvement of thugs and agents of political parties in voter registration, the exercise was equally characterized by a number of shortcomings. According to the EU EOM (2011 as cited in Moveh, 2015, p. 22):

In the first days of registration, INEC failed to deliver kits to registration units country wide or delivered them late. Problems with software in collecting finger prints had to be adjusted and a number of citizens waited for hours to register... Unresolved were the overall problems of reconciling the voter register held by INEC on federal and state levels. The election administration admitted that there were inaccuracies regarding numbers of registered voters that were not corrected. Omissions of names on the list, a problem apparently widespread and that became patent during election days was more likely due to technical problems rather than a deliberate disenfranchisement effort.

In sum, the attempts by the Independent National Electoral Commission (INEC) to introduce Direct Data Capturing Machines (DDCM) to modernize voter registration and prevent multiple and under aged voting, though laudable, failed to meet national and international electoral standards, primarily due to lack of technical capacity and material resources to successfully implement the project. As a result, INEC had to grapple with a number of challenges in the course of registration and compilation of credible voter registers for the 2003, 2007 and 2011 general elections.

Like the Independent National Electoral Commission (INEC), the Electoral Commission of Ghana, in the face of advancing ICT trends and emerging challenges in manual voter registration, took the bold decision, prior to the 2012 general elections, to replace the manual voters' register with a biometric register. Biometric voter registration involves the use of computers, fingerprint scanners and digital cameras to capture the bio-data of applicants. It is the use of biological traits or behavioural characteristics such as fingerprints, hand geometry, facial geometry, retina patterns, voice recognition, handwriting recognition, among others to identify an individual (Yinyeh & Gbolagade, 2013).

The Electoral Commission thus organized a 40-day biometric registration exercise in over 23,000 registration centres across Ghana between March 24 and May 5 2012, with an average of 230,000 registrations per day. For this exercise, which officially ended with about 12 million people registered to cast their votes, over 32,000 temporary staff had been trained to operate the biometric registration kits. Immediately after registration, each eligible voter received a voter ID card, which included the person's facial photograph and a bar code with the unique ID card number. Over 14 million voter ID cards were issued (Carter Center, 2012). However, like in Nigeria, there were a number of challenges that trailed the use of Direct Data Capture (DDC) machines and other technical equipment during voter registration. It was reported that essential registration materials were either inadequate or missing. Missing materials ranged from batteries

for cameras to registration forms to a sufficient number of printers (Carter Center, 2012). These equipment shortages led to long delays and increased tension among citizens and political party representatives. The tension in turn led to some election officials taking shortcuts to expedite the process (Carter Center, 2012). The foregoing depicts the challenges besetting the Electoral Commission in use of Direct Data Capture (DDC) machines. Therefore, like in Nigeria, the Biometric Voter Registration (BVR) process that took place between July 31 and August 12 2012 in Ghana was generally successful but hampered by several irregularities. The only difference is that they were wider in scope and severity in Nigeria than in Ghana.

The position of the respondents is in line with the findings of the Afrobarometer, which is an African-led, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across more than 30 countries in Africa. Afrobarometer conducted five rounds of surveys between 1999 and 2013 using face-to-face interviews in the language of the respondents. The Afrobarometer team in Ghana, led by the Center for Democratic Development (CDD-Ghana), interviewed 1,200 adult Ghanaians in March 2008 and 2,400 adult Ghanaians in 2012. Previous surveys were conducted in Ghana in 1999, 2002, and 2005. Afrobarometer asked respondents in Ghana to rate the freeness and fairness of the most recent national election (2004 election in the 2008 survey, 2008 election in the 2012 survey). Large majorities of Ghanaians considered both elections “free and fair” or “free and fair with minor problems” (Table 4 and Figure1).

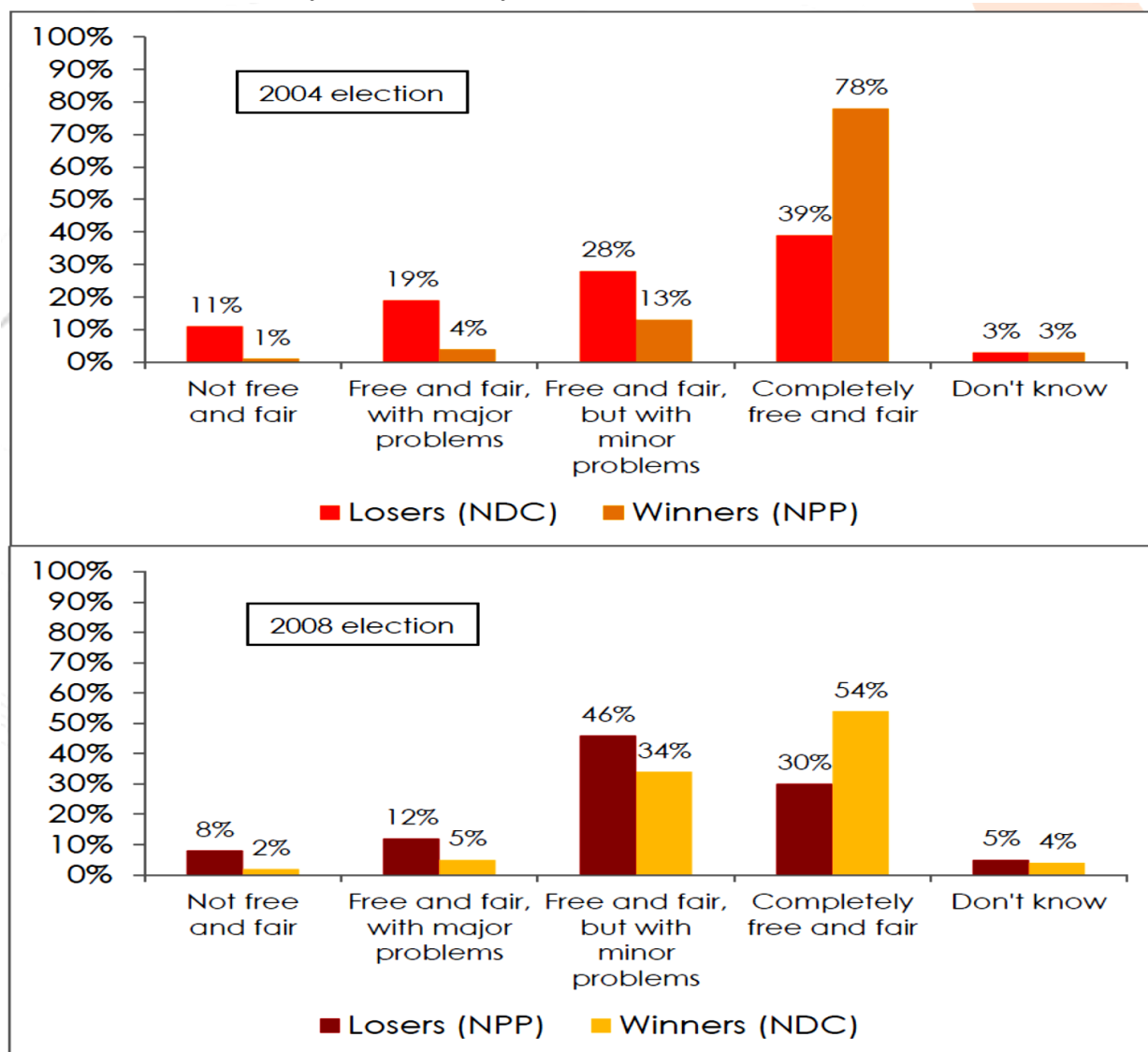
The respondents’ perceptions of elections appear to be shaped by the electoral success of their party because in the 2004 election, supporters of the winning NPP overwhelmingly (78%) described the elections as “completely free and fair”, while only 30% of NPP supporters described the 2008 election, which the NPP lost, as “completely free and fair”. As for NDC supporters, only 39% rated the 2004 election, which the NDC lost, as “completely free and fair,” whereas 54% said the same of the 2008 election, which their party won. Overall, the conduct of elections in Ghana is considered more transparent and credible than in Nigeria and that the election management body was commanding more public confidence and trust in the latter than the former.

Table 4: Afrobarometer’s Individual Assessment of Elections in 2004 and 2008 in Ghana

Assessment	2008 survey (2004 election)	2012 survey (2008 elections)
Not free and fair	5%	5%
Free and fair with major problems	7%	10%
Free and fair with minor problems	22%	40%
Completely free and fair	61%	39%
Don't know	5%	6%

Source: Parku, S. (2014). Who says elections in Ghana are 'free and fair'? *Afrobarometer Policy Paper* No. 15. p.3

Figure 1: Afrobarometer’s Assessment of Freeness and Fairness of 2004 and 2008 Elections in Ghana, by Political Party Affiliation



Source: Parku, S. (2014). Who says elections in Ghana are ‘free and fair’? *Afrobarometer Policy Paper* No. 15. p.4

The paper therefore submits that the limited autonomy of election management body gave rise to organizational lapses in the electoral process more in Nigeria than in Ghana. It maintains that the conduct of elections in Ghana is considered more transparent and credible than in Nigeria and that the election management body was commanding more public confidence and trust in the latter than the former. In the light of empirical evidence provided in this chapter, we accept our first hypothesis. Thus, the limited autonomy of election management body accounts for organizational lapses in the electoral process more in Nigeria than in Ghana.

Summary and Conclusion

This study compared election management bodies and electoral administration in Nigeria and Ghana, between 2004 and 2019. In the light of evidence adduced, the study demonstrated that the limited autonomy of election management body gave rise to organizational lapses in the electoral process more in Nigeria than in Ghana. To this end, we accepted the first hypothesis. Furthermore, the study indicated that the framework for the conduct of elections breeds electoral violence more in Nigeria than in Ghana. Against this backdrop, the second hypothesis was accepted. Overall, the study sees the limited autonomy and framework for the conduct of elections as crucial factors that adversely affect the performance of election management body in electoral administration more in Nigeria than Ghana. The study, therefore, contends that the limited autonomy and framework for the conduct of elections account for ineffectiveness of election management body in electoral administration more in Nigeria than in Ghana.

On the basis of the findings, we recommend that the Independent National Electoral Commission should be reorganised structurally and institutionally to reposition it to be able to conduct free, fair and credible elections in Nigeria like as it is in Ghana. But even more fundamentally is that the reports of the previous committees that border on re-structuring the Independent National Electoral Commission should be implemented without further delay. Also, other relevant stakeholders such as the political parties, civil society organizations and the general public should be more committed to the enthronement of free, fair and credible elections in Nigeria. They should desist from being used either by the political leadership or the Independent National Electoral Commission to derail the collective mandate of the people.

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