

WEAK INSTITUTIONS- A CHALLENGE TO GOOD GOVERNANCE IN NIGERIA: A REVIEW OF INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC).

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Abstract

With the enormous potentials and resources available to Nigeria as a country, it has what it takes to rank among the developed and advanced countries of the world. But what is clear is that having enormous resources, as important and essential as it is, is not enough to make a country rise in development rankings. This is true with Nigeria which is still struggling with the problems of multi-dimensional poverty and massive underdevelopment despite her huge mineral and human resources. It takes good governance for any country to be able to utilize the resources at its disposal to achieve development and progress; this is the missing link for Nigeria. Lack of good governance is at the heart of the reasons why Nigeria is retarded in development. The preponderant factor that has hindered good governance is weak institutions. This paper would therefore try to draw the link between weak institutions and bad governance in Nigeria using the Independent Electoral Commission (INEC), which is the Electoral Management Body (EMB) in Nigeria, as a case in point. It would highlight how the weakness of this particular institution has hindered good governance in Nigeria. It would also make some recommendations on how to reposition and strengthen this institution in order to encourage good governance in Nigeria.

Keywords: Good governance, institution, Nigeria, election, democracy

Introduction

Governance is the process by which a society or organization is managed and administered. According to the World Bank, governance is the exercise of political power in the management of a nation's affairs. Simonis (2004) defined governance as the management of society by the people or as the exercise of authority to manage a country's affairs and resources. Hence governance involves the process of decision making and implementation by authorities or agencies of government. According to Nabiebu and Otu (2019), when the decisions of agencies of government are consensus-oriented, responsive, effective and efficient, equitable and inclusive and follows the rule of law that is bound to be good governance. It is important to note that for any nation to make meaningful progress and achieve economic, social and political development good governance would be an indispensable requirement. When a country fails to meet up with the basic requirements of good governance it normally leads to mismanagement of resources, economic hardship, widespread systemic corruption and high level insecurity of lives and properties which are all signs of bad governance.

Governance is carried out by government through its agencies and institutions. Thus the kind of governance any country has is a direct reflection of how strong or weak their institutions are. Weak institutions would lead to poor governance while strong institution would lead to good governance. The problem of poor governance in Nigeria is to a large extent as a result of weak institutions. Usman, Romle and Bashir (2015), highlights that a weak institution depicts a state of decline or powerlessness of government agencies to effectively discharge some of the fundamental responsibilities of the state. When government institutions are weak it means that the agencies of government lack the necessary empowerments to carry out their duties or it lacks internal mechanisms to ensure checks and balances in its operations. When government

officials or functionaries tend to have and maintain overbearing influence above the agencies and institutions of government, it simply means that the institutions are weak. Where the institutions of government are strong, officials of government would not easily manipulate or influence government decisions to suit their interest. Hence weak institution encourages corruption, incompetence and lowers productivity.

Indeed the institutions of government in Nigeria are not performing at optimal levels mostly due to the overbearing influence of the ruling class who from time to time interfere with the operations of these institutions. The existence of structurally weak institutions of governance in a country like Nigeria that is seriously struggling to harness its resources for productivity and development creates a system that is prone to retardation and underdevelopment (Owogbemi, 2012). Apart from the reasons given above, institutions of government in Nigeria according to Azoro, Onah and Agulefo (2021), are unable to adequately and effectively perform their functions due to structural logs in administration which pose serious impediments in the discharge of their responsibilities.

The Independent National Electoral Commission (INEC) which is the Electoral Management Body (EMB) in Nigeria is in no way spared from the institutional failure prevalent in the Nigerian system. As a matter of fact the weakness of this particular institution is one of the fundamental reasons for poor governance in Nigeria. This is because INEC being the institution that oversees the process that produces key government functionaries, its weakness has led to the emergence of leaders that are not accountable to the Nigerian citizens which is largely because the process that produced them is not as democratic as it ought to be. The weakness of INEC as an institution is the bane of good governance in Nigeria. As an institution that oversees the democratic process of election its failure hinders the accountability process which is an essential element of good governance. When leaders emerge through an undemocratic process it is difficult for them to be accountable to the people, thereby creating a system for bad governance.

Objective of the Study

This paper would try to draw the link between weak institutions and bad governance in Nigeria using the Independent Electoral Commission (INEC), which is the Electoral Management Body (EMB) in Nigeria, as a case in point. It would highlight how the weakness of this particular institution has hindered good governance in Nigeria. it would also make some recommendations on how to reposition and strengthen this institution in order to encourage good governance in Nigeria.

Method

This work was carried out using a historical research approach, which involves a systematic and objective location, evaluation and synthesis of evidence in order to establish facts and draw conclusions. It involved a qualitative/descriptive analysis of data collected from secondary sources both published and unpublished works. The study used discrete analysis of the materials to achieve the desired goal of the research.

The Electoral Body in Nigeria

From the time before Nigeria's independence, in 1959 the Electoral Commission of Nigeria (ECN) was established to organize the elections. Then in 1960 soon after Nigeria's

independence Federal Electoral Commission (FEC) was instituted to conduct the 1964 and 1965 federal and regional elections. After the 1966 military coup in Nigeria the Federal Electoral Commission was disbanded, it never existed again until 1978 during General Olusegun Obasanjo's regime when FEDECO- Federal Electoral Commission was established to conduct the 1979 elections and later on the 1983 elections. Under General Sani Abacha's regime the electoral body was dissolved in 1993 but was later re-established in 1995 and was named- National Electoral Commission of Nigeria (NECON) and then conducted some elections which included the Local Government Council and National Assembly election although those elected were not inaugurated due to abrupt end of that regime which was occasioned by the sudden death of General Sani Abacha in June 1998. General Abdulsalami Abubakar who took over power dissolved NECON and established Independent National Electoral Commission (INEC). It was INEC which conducted the election which finally ushered in civilian government in Nigeria in 1999 and have since then conducted seven elections in all, the last one being the 2023 general elections. Even though there is "independent" in the name of this institution it is difficult to agree that the institution is truly independent in its operation, which is the main reason why it has remained weak.

Electioneering in Nigeria

The origin of general elections in Nigeria can be traced back to the colonial era when Nigeria was under the British rule. The first general election was in 1951 under the Lyttleton constitution. This election ushered a dawn in Nigeria, as Nigerians were allowed to participate in the democratic process and elect their leaders. After Nigeria's independence in 1960, the first election that was conducted was the 1964 federal election which was conducted by the Federal Electoral Commission (FEC). Two main coalitions contested in this election, they include- Nigerian National Alliance (NNA) and United Progressive Grand Alliance (UPGA). The campaigns by these coalitions generated much bitterness and violence especially in western Nigeria. According to Falola, et'al (2007), the elections were rigged through different means such as harassment of electoral officers and returning of candidates unopposed even in constituencies where it was clear that they would never have won. In spite of these irregularities the Federal Electoral Commission announced results. The election revealed the fragility of the electoral body. It showed that the institutions of government were weak and those who controlled them were clearly more interested in personal gains than allowing the institution for the betterment of Nigeria. It is important to note that the aftermath of this election culminated into the fall of the first republic and consequently the civil war.

With the collapse of the first republic a succession of military regimes ran the government until 1979 when there was another election to hand over power to civilians. The 1979 election was conducted by a new electoral body referred to as FEDECO, the election recorded a number of irregularities during the different stages of the process. In some cases polling started late, usually because ballot boxes were not set on time. In other instances voting was delayed or obstructed by incomplete or erroneous voter lists at the polling stations and by the absence, late arrival or disappearance of polling officers (Falola, et'al 2007). Cases of electoral rigging were also reported in certain parts of the country. In a statement issued on 12 July 1979 the FEDECO chairman, Chief Michael Ani, conceded that his organization had not done an absolutely perfect job in all cases as far as organizing the election was concerned (Falola, et'al 2007). Nevertheless results were announced and persons were inaugurated into office.

Another military intervention occurred in government in 1983 which lasted till 1993 when another election was conducted by the Electoral Management Body which was generally adjudged to be free and fair but the military dictator in Nigeria at that time, General Ibrahim Babangida unilaterally annulled the election before the result was announced. This still goes to highlight the fact that the institution still was weak despite the brilliant effort of the officials in charge of the institution at that time. This overbearing nature of the ruling class in Nigeria has been a major factor that weakens institutions in Nigeria leading to poor governance.

With the annulment of the election, an interim government was put in place but was later overthrown by the military again. It was not until 1999 that another election was conducted by the Electoral Management Body (INEC) and since then there has been an uninterrupted civilian rule in Nigeria and elections have been conducted by INEC every four years. Nevertheless the various elections since 1999 till date are still characterized by all manner of irregularities just as have been the case in previous elections. The irregularities that has beclouded the electoral system in Nigeria has portrayed the fact that the institution charged with the responsibility of conducting the elections has remained grossly weak over the years, and it has had an adverse effect on the integrity of the electoral process such that the outcome of most elections in Nigeria are most times subject to litigations.

Electoral Reforms in Nigeria

The various shortcomings of the Electoral Management Body in Nigeria since independence are quite obvious to all. According to Ibrahim (2007), over the years Nigerian elections have offered the electorate little or no genuine choice, leading a consistent student of Nigerian politics to conclude that the history of elections in the country is one of electoral fraud and competitive rigging. This has necessitated some electoral reforms over the years. Furthermore Omotola (2011), highlights that the widespread belief, backed by intimidating evidence that the quality of Nigerian elections nose-dives with successive elections, as was the case with the 1999, 2003 and 2007 general elections. He also notes that though long-standing, the deepening crisis of electoral violence in Nigeria has recently assumed epidemic proportions creating an urgent need for electoral reform.

From when the current republic in Nigeria began in 1999, there have been about three electoral reforms. The first was in 2002 during President Olusegun Obasanjo's administration. The electoral reform led to the Electoral Act of 2002 which was used for the conduct of both the 2003 and 2007 general elections. Next was the electoral reform that took place under President Goodluck Jonathan's administration in 2010 resulting in the Electoral Act of 2010. This Electoral Act introduced the use of technology for the first time in the electoral process in Nigeria, which is the use of Smart Card Readers which was used for the accreditation process. Third electoral reform was in 2022 culminating into the Electoral Act of 2022. According to Akwueh (2023), the enacting of 2022 Electoral Act involved rigorous legislative processes with many critical reviews of past electoral acts, as well as other political antecedents that were not fully captured in the 2002 and 2010 electoral acts. The 2022 Electoral Act further deepened the use of technology in Nigerian elections by the introduction of Bi-modal Voter Accreditation System (B-VAS) which was used in the 2023 general elections.

Nevertheless in spite of all the various electoral reforms in Nigeria the Electoral Management Body as an institution in Nigeria has remained weak, leading to a continuous poor organization of the electoral process in Nigeria. To strengthen this institution the ruling class should be

restrained by law from interfering with the electoral process either covertly or overtly. It is important to note that the President Yar'Adua's government on 28 August 2007 inaugurated a 23-person Electoral Reform Committee which was chaired by chief Justice Muhammed Uwais, the recommendations made by this committee was quite elaborate and would have guaranteed the autonomy of the Independent National Electoral Commission (INEC) but unfortunately their recommendations were not fully implemented by the government, which goes to show that in spite whatever reforms that are done, unless there is a political will by the ruling class to strengthen the institution nothing meaningful would be achieved.

The Impact of weak Electoral Body on Good Governance in Nigeria

Governance according to Ugwu (2011) is the process of decision making and implementation or otherwise within a given context. The World Bank (1992), on its part defines governance as the manner in which power is to be exercised in the management of a country's economic and social resources for development. Also Kale (1999), tried to explain good governance as one that is focused on fostering strong decision processes and gives rise to sustained economic and social development as well as institutional growth. From Kale's definition it goes to show that Good Governance fosters the establishment of strong institutions, this is as weak institutions create an enabling environment for bad governance to fester. The weakness of the Electoral Body in Nigeria-INEC has indeed impacted on the rate of Good Governance.

Legitimacy Question

When an election exercise is characterized with all manner of irregularities such as rigging and blatant disregard of stated guidelines and procedures, whatever result that would be produced from such an election would be highly questioned and would lack popular acceptance. One of the hallmarks of democracy is the conduct of free and fair election, where citizens are allowed to decide who leads them through the ballot. If the electoral process is conducted by the Electoral Management Body (in this case INEC) in such a manner that deprives the citizens the complete freedom to choose their leaders, the result of such an exercise will be against popular will and would lack popular support which is essential in any democratic process. Any government that emerges through such a skewed process would lack legitimacy because legitimacy of any government primarily comes from the citizens. When a government lacks legitimacy it leads to certain situations that does not encourage good governance, they include-

- i. **General apathy from the citizens towards the government-** this will bring about distrust towards the government and most policies of government would be heavily antagonized by the citizens once they experience any discomfort. This is the case with the 2023 presidential elections in Nigeria where the President emerged through a process that was filled with all forms of irregularities and total disregard to the agreed procedural process for the elections. This has made the government to be struggling with serious legitimacy issues. Thus the removal of oil subsidy by the new government, a policy that was generally accepted to be long overdue has been met with heavy resistance both by the citizens and the Labour Unions, although their grievance has to do with the way and manner in which the policy was implemented. The point being made here is that when the process through which a government emerges is against popular will, there would be apathy towards the government and its policies by the citizen and such a situation is inimical good governance.

- ii. **Heightened insecurity-** when there is apathy and disapproval by the masses towards a government due to the irregularities associated with the process of its emergence, it fans the embers of agitation among the masses. This agitation heightens the level of insecurity in the land. And because there is distrust by the citizens towards the government, vital security information or intelligence that needs to be passed across to government security agencies to enable them handle security challenges would be denied them by the citizens. Most of the security challenges being experienced in Nigeria today are mostly as a result of agitations arising from citizen's distrust and dissatisfaction towards the government.
- iii. **Irresponsible government-** when government officials know that they did not emerge through the citizen's support they would not feel accountable to them. The normal democratic procedure is that during campaigns the citizen would buy into a candidate's manifesto and then give their support to such a candidate. When such a candidate emerges through the citizen's support he/she would be held accountable by the citizens to ensure that the dividends of democracy are provided by the government. But if through the irregularities associated with the electoral process as conducted by the electoral management body- INEC, the will of the citizens is subverted and an unpopular government is installed, such a government would not feel obligated to the citizens. Such a government would only feel obligated and accountable to the ruling class that sponsored its emergence thus neglecting service to the masses which ought to be the main purpose of government. This is currently the situation with Nigeria. Due to the poor performance of the Electoral Management Body in Nigeria, leaders that do not have any serious sense of responsibility towards the citizens have emerged in Nigeria over the years.

Recommendations/Conclusion

The daunting task before Nigeria therefore is the task of strengthening her institutions as this is very essential if good governance must be achieved in Nigeria. Hence a key institution that is urgently in need of strengthening is the Independent National Electoral Commission (INEC) because it is through its operations that leaders who govern the country emerge. There are a few things that could be done to strengthen INEC some of which had been recommended already by the Uwais report.

How the officials of INEC are appointed must be reviewed if the institution must be strengthened. Currently the INEC officials are appointed solely by the President and confirmed by the National Assembly. This situation makes INEC officials subject to the Presidency and therefore could be easily manipulated by the Presidency. To avoid the situation INEC officials ought to be independently selected by the civil society groups together with independent journalists and then collated, screened and appointed by the Supreme Court judges. This would to a great extent reduce the undue interferences from interested parties.

Again the total deployment of technology in Nigeria's electoral process from voting to collation and upload is very crucial if INEC as an institution must be strengthened. Indeed electronic voting and collation of results would go a long way to eliminate rigging and make the electoral

process to be more transparent and acceptable. This was one of the issues with the 2023 elections where INEC made a commitment to deploy electronic transmission of results in real time but reneged from doing that right in the middle of the process, thereby leading to a massive outcry by the public thus casting serious doubts on the results that was finally announced by INEC.

Already the funding of INEC has been reworked to ensure that funds come to INEC from the Central Bank of Nigeria (CBN) and not directly from the Presidency. This is good and needs to be upheld to ensure that funding of INEC does not become an avenue through which it could be manipulated.

More than ever before the 2023 general elections in Nigeria have revealed how weak INEC as an institution is, hence there is the need to strengthen the institution by implementing the recommendations highlighted above as well as the ones recommended in the Uwais report which has been generally acclaimed by the public to be balanced and genuine.

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