

Independent National Electoral Commission (INEC) Electronic Card Readers (ECR) and the 2015 General Elections in Nigeria

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Abstract: Nigeria's electoral process over the years have been be devilled with negative trends ranging from the carrying away of ballot boxes and stuffing them with ballot papers of preferred candidates, over-voting, intimidation of electoral officials and even voters, maiming of political party supporters and more often than not, the arm-twisting of electoral umpires by government officials to announce electoral results in favour of their candidates. In a bid to strengthen the electoral process, INEC introduced the use of electronic card readers for accreditation in the 2015 general elections. This study therefore interrogates the essence of the use of the electronic card readers for accreditation in the 2015 general elections; why INEC later approve of both the electronic and manual accreditation in some states during the election; why the electoral umpire did not seek amendment of the electoral law to accommodate the new electoral process. The study observes that the deployment of the electronic card readers (later legally unrecognized in post-election adjudications) which in most cases were dysfunctional in many states was a design of the electoral umpire to subvert the will and wishes of the Nigerian electorate. Besides, the imported card reader escapade was a monumental waste of Nigeria's tax-payer's money. The paper as a way out of consistent electoral malpractices in the Nigerian's electoral process recommends amongst others the introduction of electronic voting system, an overhaul of the legal department of the electoral body; subjection of reports of pro-Western oriented International Election Observers to the crucible of national interest critical analysis and a probe of the judicial arm with the aim of remedying the administration of justice in Nigeria.

Keywords: INEC, Electronic Card Readers, PVC, General Elections.

INTRODUCTION

Controversies surrounding Nigeria's electoral process is not new as this ugly and dangerous trend is as old as the country's independence. Going down memory lane, one is clearly presented with gory pictures of how our electoral administration has fared over the years. While the 1959 elections that herald Nigeria's nationhood clearly depicts where the interest of the colonial masters (Britain) is tilted towards, subsequent elections in the country as an independent nation have not gone without series of crisis that had more often than not tend to set the country on the part of disintegration.

Though, the 1959 elections were conducted under the supervision of our colonial masters but the absence of a party without a clear majority in the parliament to form the government saw to the last minute coalition between the Northern People Congress (NPC) and the National Council of Nigerian Citizens (NCNC) as a way of averting an impasse that could have marred the country's chances of attaining independence in 1960. However, this coalition which the NCNC agreed with the NPC was intended to punish

the Action Group (AG) for her attacks on members of the NCNC in the west. Post and Vickers [1] lends credence to this when the National President of NCNC stated thus:

I am aware of the clamour in our rank and file to repay the Action Group in the Eastern Region in their own coin. In the past, our efforts to adhere rigidly to the tenets of democracy in the Eastern Government have been misunderstood as weakness: I now issue a final warning that unless the Action Group abandons this inhuman policy of persecuting its opponents they can expect precisely the same treatment against their supporters in the East.

However, the coalition between NPC and NCNC to form the Independence government of 1960 did not significantly remove the many traces of malpractices in the said election in 1959 as observed by post [1], who while reacting to the northerners' demand of 50% of the federal parliamentary sits in the 1960 parliament states.

Quite simply, the fact that the British controlled NPC exercised totalitarian power over two third of Nigerian territory; made the Nigerian result a nonsense. There had been a secret agreement inflicted on the Southern leaders, binding them not to campaign in the North. What sort of election was this where the Pro-British party, which was hardly recognised as a normal political party, was guaranteed success [1].

This clearly shows that the colonial masters bequeathed to the Nigerian political elites during the independence era a culture of electoral malpractices for reasons better to be explained by them. This culture of manipulating the electoral process came to live within the political elites, right from the country's independence and there was hardly any election conducted by the Nigerian nation that never witnessed brazen malpractices. It could be stated that the country as an independent state conducted her first general elections in 1964 and the various scenarios that played out before, during and after the elections nearly sent the country on the path of disintegration. Many ugly scenes played out especially in the aftermath of the election leading to the declaration of emergency in western region and the unbearable crisis that culminated in the January 15, 1966 military coup that sent the civilian regime packing at this early stage of the country's development. Ahmed [2] lends credence to the above position, when he stated thus:

The problems associated with the first post-independence national election of 1964 and the 1965 Western Region election culminated in the January 15, 1966 coup. The former was characterised by widespread rigging, intimidation and chaos that some of the major political parties decided to boycott the election, creating in its aftermath serious constitutional dilemma. The latter election of the western region was also marred by the problem of massive rigging and other irregularities plus wide spread violence, giving impetus for the first military coup in Nigeria and the culture of instability that was to beset the country for over three decades.

This faulty foundation in which our electoral management process was built right from her first election as an independent country in 1964 had obviously affected all other elections conducted by Nigeria till date. For instance, after about twenty four (24) years of military interregnum in the political process, the 1979 general elections that saw the coming on board of the second republic was highly rigged, while that of 1983 saw irregularities that could have been better imagined thereby giving a leeway for another military intervention in the nation's political

process in 1983. This led to another long wait for the restoration of civilian democracy in Nigeria and the nation was again returned to civilian rule in 1999. However, all the elections conducted by the country from 1999 till date have been marred by numerous malpractices, a development which is threatening the gains so far recorded in democratic governance in the country. While it is undebatable that the Nigeria's electoral process since independence is replete with an avalanche of flaws, many innovations and strategies have been experimented as a way out of this ugly trend. The electoral umpire in the country had seen its nomenclature changed by various regimes in the country. The body started with the electoral commission of Nigeria in 1959; to the Federal Electoral Commission of 1960; from National Electoral Commission of Ibrahim Babangida regime in 1987 to the Abacha's National Electoral Commission of Nigeria in 1995 and the present independence National Electoral Commission of the military administration of Abdulsalam Abubakar of 1998 [3].

Following the various changes in the electoral body, the country had also witnessed various changes in the electoral process especially in the areas of accreditation of voters and voting. From the secret ballot method of voting that heralded the country's independence in the 1959 and 1964, and consequently used in the 1979 and 1983 elections to open ballot and also the popular option A4 (Open- secret ballot system) introduced by the Babangida regime in the 1987 local government election on zero party basis and also the elections of 1992 and 1993 and equally back to secret balloting system since the return to civil rule in 1999, the ugly trend in our electoral process is yet to be adequately addressed to make for a free, fair and credible election in Nigeria. The open secret voting method introduced by the administration of Ibrahim Babangida especially in the conduct of the 1993 Presidential election was still being admired by Nigerian's especially taking cognizance of the fact that the 1993 election had been adjudged by both scholars, statesmen, politicians and the international community as the best election ever conducted in the history of elections in Nigeria [4].

As a way of salvaging the electoral process, the Goodluck Jonathan administration introduced the Electronic Card Reader Machine as a panacea to the frequently observed irregularities in the voting process during elections. The electronic card reader machine according to the former INEC chairman Prof. Jega "are hand electronic device which will be used to authenticate Permanent Voters Card (PVC) and the original owners of such cards during the elections" [5].

The electronic card reader machine was used in the accreditation of voters in the 2015 general elections since it will ensure transparency of the

electoral process by preventing multiple or proxy voting as well as underage voting and stuffing of ballot boxes since the figures read by the machine cannot be manipulated.

The 2015 general elections have been concluded except for few cases of re-run as directed by the courts. However, what is most intriguing, is the debate which the use of card reader had elicited among Nigerians and equally the judicial pronouncements as to the appropriateness or otherwise of the deployment of the card reader for accreditation of voters bringing to the fore some fundamental questions as to the benefits of this device to the electoral process. The fallout of the verdict of the Supreme Court in cases as to the conduct of the 2015 general elections mostly in states like, Ebonyi, Abia, Rivers and Akwa-Ibom raised certain questions:

- ❖ Of what electoral benefit was the card reader in the 2015 general elections in Nigeria?
- ❖ Whose interest was INEC serving as the commission permitted both manual and card reader machine accreditation in the 2015 general elections?
- ❖ If the card reader is not known to the law as Supreme Court jurists would want us to understand, what is the role of the legal department of INEC?
- ❖ What are the implications of the Supreme Court verdicts in the advancement of the Nigerian electoral process?

OVERVIEW OF ELECTIONS IN NIGERIA

There is no gainsaying the realities that elections the world over is the most peaceful mode of choosing leaders and as a result all governmental and non- governmental organisations accept this as a truism. Since independence in 1960, Nigeria had always chosen her leaders through the electoral process except during the period of military dictatorship where power is acquired through coup d'état. After attaining independent status in October, 1960, Nigeria conducted her first election as a state in 1964. Practising a parliamentary system of government at the time, the election was held on 30 December 1964, although they were not held until 18 March 1965 in some constituencies in Eastern Region, Lagos and Mid-Western Region due to a boycott in December.

The interesting thing about the 1964/1965 general elections is the fact that the election saw the formation of major alliances among the political parties that contested the election. The Nigerian National Alliance (NNA) comprise of the Northern People's Congress (NPC), the Nigerian National Democratic Party (NNDP), the Midwest Democratic Front (MDF), the Dynamic Party (DP), the Niger Delta Congress (NDC), the Lagos State United Front (LUF) and the Republican Party (RP); the second, United Progressive

Grand Alliance (UPGA) has the National Council of Nigeria and the Cameroon (NCNC), Action Group (AG), the Northern Progressive Front (NPF), the Kano People's Party (KPP), the Northern Elements Progressive Union (NEPU), the United Middle Belt Congress (UMBC) and the Zamfara Commoners Party. The election which saw the NNA victorious with a total of 198 seats out of 312 seats in the House of Representative was marked by manipulation and violence [6]. The electoral crisis was later to lead to the 1966 military coup in which prominent Nigerian leaders were killed, a development which saw a program against the Igbo ethnic group in the North that eventually led to Nigerian Civil War (1967- 1970).

The military intervention into the administration of the country saw to the ban on political activities and the military held sway on to government till 1979 when another general election took place in the country. The election which was conducted under the watchful eyes of the military was devoid of the institutionalised pattern of rigging in the Nigerian electoral system. According to Ahmed [2], the 1979 elections that saw the emergence of Mallam Shehu Shagari as civilian president was criticized by international observers as having been rigged. The legal excursion undertaken by Obafemi Awolowo in challenging the victory of Shagari settled when the Supreme Court upheld the victory of Mallam Shehu Shagari. In the words of Makinde [7],

“The 1979 General Elections promised so much but delivered very little. There was no doubt that the National Party of Nigeria (NPN) enjoyed more support than any of the other four registered political parties that contested the 1979 elections and had better chance of gaining victory in the presidential election, but the fact that the whole process ended up in court and the highest court in the land stated in its judgement that the outcome of the case should not be used as a precedent showed that there were much to the whole saga than were revealed to the people. Once again, it showed that corruption and malpractices were still very rampant in high places”.

While the post-election legal challenges against the outcome of the 1979 Presidential election was put to rest by the Supreme Court, the government of the day did little to reform the electoral system to make subsequent elections in the country to not only be free, fair and credible but to be generally accepted by all. The lack of strong political will on the part of the government to reform political structures and institution to make for credible elections was later to manifest in the 1983 general elections conducted by the Shagari administration. To say the 1983 general elections

especially the presidential election witnessed lot of irregularities is to say the least an understatement as the election was massively rigged by the government of the day and as a corollary an honest invitation for military intervention yet again in our political administration and thence on the 31st of December, 1983, Major General Muhammed Buhari sent the government of Shehu Shagari packing. Oyebade [8] captured the 1983 general elections thus:

The NPN Presidential candidate, Alhaji Shehu Shagari was declared as the winner in the face of allegations of rigging. The most controversial of all the elections was the gubernatorial elections in which the NPN was said to have won in 10 states. The large scale rigging that characterised the elections sparked violent rioting, arson, hooliganism, looting etc., especially in Ondo and Oyo states. Though, the Supreme Court reversed the Ondo State gubernatorial election result, what happened when NPN candidate was declared winner was reminiscent of the 1965 Western regional election episode. The NPN much vaunted landslide victory was replaced with military – slide coup d'état on December 31, 1983.

The overthrow of the General Buhari's military administration on the 27th of August, 1985 saw to the coming on board of the General Ibrahim Babangida which set in motion a long transition to civil rule programme that eventually culminated in the June 12, 1993 Presidential election. The election which was adjudged as the most credible election in the history of electioneering in Nigeria and assumed to have been won by late MKO Abiola was however annulled by the military administration of Ibrahim Babangida. The subsequent impasse that herald the annulment of the June 12, 1993 Presidential election saw to the development where Abiola declared himself president and the stepping aside of the Ibrahim Babangida regime (amidst political logjam) but not without installing an Interim National Government on the 26th of August, 1993 headed by an industrialist Ernest Shonekan. However, the Interim National government (later declared illegal by a law court) spent barely three months in office as General Sani Abacha took over the reins of power in November 1993. Thus Igbokwe [9] notes inter-alia that:

- ❖ It was the most peaceful election ever held in Nigeria since independence.
- ❖ The man who won the election and his deputy were both Muslims.
- ❖ It was the freest and fairest election in Nigeria since independence.

- ❖ It was celebrated and extolled by local, national and international observers.
- ❖ For the first time in the history of the country, Nigerians jettisoned both ethnic and primordial sentiments to elect leaders of their choice.
- ❖ There was no record of violence, intimidation, snatching of ballot boxes, multiple voting, rigging etc.
- ❖ There was no protest from any part of the country until IBB and his cohorts started brandishing ethnic cards to stop the silent revolution. He was later to add that June 12, 1993 will not go away until the rulers of Nigerians recognise the monumental, awesome, fearsome and maximum sacrifices made by Chief Moshood Abiola, his wife and hundreds of others to earn democracy for Nigeria.

The Draconian rule of General Abacha who wrestled power from the interim government of Ernest Shonekan did not waste any time clamping down on politicians agitating for the actualisation of the June 12, 1993 election outcome. The administration did not hesitate in sending to prison, Moshood Abiola who later died while in detention, Kudirat Abiola was assassinated and many other prominent politicians were criminally linked to phantom coup and subsequently jailed. Abacha embarked on a transition to civil rule programme but the most interesting part of his transition programme was when still a military Head of State was unanimously endorsed by the five political parties existing at the time as their sole presidential candidate but his demise in June 1998 saw to the emergence of Abdulsalam Abubakar who within nine (9) months conducted elections and handed over to a civilian administration on 29th may, 1999.

The 1999 general elections that restored democratic structures and institutions into our body politic were generally supervised by the military. The election was not a departure from the Nigerian style of electoral conduct where manipulations are the order of the day. Contested by numerous political parties, the People Democratic Party (PDP) standard bearer, Rtd. General Olusegun Obasanjo won and was subsequently sworn in as civilian president on 29th may, 1999.

The administration of Obasanjo kick-started with the bold decision of retiring all serving military officers who had tasted political positions as a way out of checkmating the institution against making any further incursion into politics. The administration was later to supervise the 2003 general elections. Again the PDP coasted to huge victory. The most disadvantaged was the South West who never voted for the PDP in the

1999 elections but the government of President Obasanjo used state apparatus to stifle the opposition thereby giving victory to the ruling party at the centre except Lagos state. The general unacceptable manner in which the elections were conducted in 2003 elicited negative comments from both local and international observers. Haruna [10] captured the feelings and reports of the election observers thus:

The overwhelming numbers of local and international observers have in their interim reports, condemned the elections as seriously flawed, to say the least. Most of these observers have reported on and commended the willingness of Nigerians to participate actively in choosing their leaders. Equally, however, the observers also expressed consternation at the way those in power and authority deliberately and systematically frustrated the expression of the popular will by Nigerians.

The elections of 2007, 2011 and 2015 have all followed the same pattern of voters' intimidation, rigging especially through the compromise of electoral officials and in certain circumstances the security agencies. The 2015 general elections which saw INEC introducing the card reader machines but which equally witnessed large scale electoral fraud is a pointer to the realities that the epidemic in our electoral administration is far from over.

INEC CARD READER AND 2015 GENERAL ELECTIONS

The appointment of prof. Attahiru Jega as the chairman of the Independent National Electoral Commission (INEC) in 2010 earned a lot of praises for the Goodluck Jonathan administration of that time. The honeymoon days were soon to be over for the INEC boss when he was faced with the 2011 general elections. Though the commission under Jega exhibited some level of integrity and impartiality in the conduct of the elections, however, the massive rigging in favour of the ruling party (PDP) especially in the presidential election saw to the post- election violence in states in the northern part of the country where many Nigerians (including National Youth Service Corp members) lost their lives. According to Ayoade and Akinsaya, the Head of a leading Nigerian civil rights group living in Kaduna, more than 500 mostly Muslim people had been killed in three villages in Kaduna since 16 April 2011, which the speaker for the "Open Society Justice Initiative" stated the only comparable episodes of violence occurred in the mid – 1960s and early 1980s, which both led to government overthrow [11].

The International Crisis Group (ICG) also commented on the level of violence witnessed in the 2011 elections. The group opines that the violence

claimed the lives of over one thousand (1000) people making the elections the bloodiest ever. The group was further to observe that the polls were riddled with malpractices, logistical deficiencies, and procedural inconsistencies. Reported voter turnout of 78% in the South–South and the South–East during the presidential elections exceeded the national average by at least 50%, suggesting electoral fraud [12].

For Alemuka [13] the absence of effective resolution of grievances in past presidential elections may be seen as a source of frustration, and hence, aggression exhibited during the post-presidential election in April 2011.

The government of Goodluck Jonathan not pleased with the 2011 post-election violence in which many Nigerians lost their lives promised an electoral reform that will ensure future elections in the country are credible. The new government priorities in this regard according to International Crisis Group (ICG) [12] include:

- ❖ Releasing funds to INEC so it can begin early preparation for the 2015 general elections.
- ❖ Directing INEC to compile, maintain and update the National Register of Voters on a continual basis in accordance with section 9 (1) of the 2010 Nigerian Electoral Act.
- ❖ Responding to the genuine grievances of those living in parts of the North that are considerably poorer than their wealthier Southern states.
- ❖ Disclosing the results of investigation into the post-electoral violence including the identities of those responsible for the violence and the causes as well as working to prevent recurrence in 2015.
- ❖ Prosecuting those responsible for electoral malpractices or post-electoral violence, regardless of their status; and
- ❖ Putting more effective procedures in place for challenging possible massive rigging, as opposed to individual instances of abuse at polling stations.

It was in keeping faith with the promised electoral reforms to make for free, fair and credible elections in 2015 general elections that the Jonathan administration approved the deployment of card reader machines especially for accreditation in the 2015 elections. The INEC chairman, professor Jega highlighted the benefits inherent in the use of card reader for the 2015 general elections in his presentation to the council of states meeting presided over by President Goodluck Jonathan on Friday, the 13th of

February, 2015 in Abuja. He opines that, for the 2015 general elections, the commission has decided to introduce the use of Card Readers (CRs), which will be used on the day of election in every polling unit and voting point to verify and authenticate the PVC presented by the voter. This is so as to eliminate or at least drastically minimise multiple voting and confer additional credibility to the electoral process [14].

The INEC chairman further enumerated the enormous advantages in the use of the Card Readers to include:

- ❖ First, once configured, it can only read PVC issued by INEC
- ❖ Second, it reads the embedded microchip in the card, not the barcode.
- ❖ Third, It enables authentication of the identity of the voter by matching his or her finger print with that stored on the chip
- ❖ Fourth, It keeps a tally of all cards read, all cards verified/ authenticated or not, with all their details.
- ❖ Fifth, This information can be sent to a central server using an SMS
- ❖ Sixth, the stored information on the server would enable INEC audit result from polling unit, as well as do a range of statistical analysis of the demographics of voting, something INEC has never been able to do effectively.
- ❖ Seventh, the Registration Areas/ Ward collation officer can use this information to audit polling unit result sheets and determine whether accreditation figures have been altered (a common feature of electoral fraud) [14].

Confronted with the possibility of failure of the card reader and equally human factor on the day of election, the INEC chairman gave explanation to likely failure and measures put in place to address such in the following words:

In the high unlikely event that the CR fails, we have enough spares to deploy before the end of the accreditation at 1pm and adjust the time to gain lost time. If we cannot replace before end of accreditation, then election in that polling point will be postponed to the following day when a new CR will be provided. If a voter's PVC has been read and his details verified, but his fingerprints cannot be authenticated, or he/she has no fingers, an incidence form would be written by the presiding officer of the voting point and the voter would then be accredited. Party Agents and Observers would be there to testify to this [14].

The decision of INEC to deploy card readers in the 2015 general elections was not as popular as the commission had wished as there was lots of dissenting voices over the decision. As is always common among human beings especially Nigerians, there was divergence of opinion as to the use. While some hailed the new innovation as a panacea to the institutionalised electoral fraud in the country, others see this from a different perspective. Leading the campaign against the use of the Card Reader in the 2015 general elections is the People's Democratic Party (PDP), the ruling party at the time. The spokesman for the PDP presidential campaign organisation, Mr Femi Fani-Kayode gave the following as reasons for the party's opposition to the use of card readers for the 2015 elections which amongst others include

- ❖ The machines have not been tested in any election and therefore cannot be trusted and therefore it is in the 2015 general elections seen as the tightest in the history of elections in Nigeria is most unwelcome.
- ❖ The battery lifespan of eight hours cannot be guaranteed and in the event that the battery fails, voting could be disrupted, a development that might create avoidable confusion.
- ❖ That the Card Reader usage would disenfranchise most Nigerians who have not collected their PVCs since INEC refused the use of Temporary Voters Card (TVCs) for the election.
- ❖ That it was created to favour the opposition, All Progressive Congress (APC)

Femi Fani-Kayode's statement over the use of Card Reads:

Our position on the Card Reader remained that the machine has not been tested in any election. There are bases for genuine concern over the use of the machine, for the first time, in a critical election of this magnitude. We are aware that the All Progressive Congress (APC) is working in cahoots with some strategically placed elements to use the Card Readers to frustrate accreditation in some parts of the country. The PDP having earned pass marks for overseeing the conduct of free and fair elections in the past, has no plans to compromise the coming elections [15].

Joining the fray of opposition to the use of card reader, a group comprising 15 political parties and 5 presidential candidates threatened to boycott the election over the use of Card Readers for the election. Through, its spokesman and national chairman of the Advanced Congress of Democrats (ACD), Dr. Onwubuya, A. Break- Forth, stated that:

The first drawback is that this device is relatively a new technology that has not been

tested or tried in a kind of mock election or previous election prior to this time. Therefore, we the concerned group of leaders of political parties, presidential candidates, governorship and National Assembly candidates, hereby request INEC to stop forthwith, the proposed use of the card reader for this march 28 and April 11 and general elections. We may consider boycotting the election [16].

However, in a swift reactions to the position taken by political parties and politicians opposed to the use of Card Readers for the 2015 election, the INEC chairman while unveiling the Nigeria Civil Society Situation Room in Abuja stated that those who had plans to fraudulently manipulate the outcome of the elections are the ones averse to the introduction of technology to our electoral administration. In his words:

How can they manipulate the election when all the information with regards to the number of voters that turned out at every polling unit is automatically captured and transmitted by the Card Reader? We have made rigging impossible for them as there is no how the total number of votes cast at the polling unit could exceed the number of accredited persons. Such discrepancy in figures will be immediately spotted. This technology will further make it impossible for any corrupt electoral officer to connive with any politician to pad-up results [17].

Equally on the same page with INEC is the All Progressive Congress (APC). The party was strongly in support of the use of Card Reader for the 2015 general elections especially remembering with nostalgia the character of the Nigeria elections conducted over the years bedevilled with malpractices and taking cognizance of the fact that the new technology introduced to the electoral system will go a long way in ensuring transparency and integrity. In the position of the National Publicity Secretary of the party, Nigerians were ready for free, fair and credible elections to be made possible by the use of Card Reader, adding that the citizenry would massively resist any move to dump the machine. His statement goes thus:

Nigerians have sacrificed all they can to obtain their PVCs, which are now their most prized possession. They have also hailed the plan by INEC to use card reader to give Nigeria credible polls. Only dishonest politicians, those who plan to rig, those who have engaged in the massive purchase of PVCs and those who have something to hide are opposed to use the machine. For the avoidance of doubt, our party is ready for any tool, including the card reader that will ensure the votes of Nigerians

will count in the election. In this regard, we sincerely hope that the nationwide test of the card reader to be carried out by INEC will not be sabotaged by those opposed to the machine [18].

The controversy and confusion which INEC insistence of the use of card readers almost marred the 2015 general elections as the election was shifted from the original date of February 14 and 28 respectively to march 28 and April 11 on issues bothering on security despite INEC position that the commission was ready for the polls. However, despite the fears expressed by some political parties and politicians, card readers were deployed for the conduct of the election. The failure of the card readers to function very well in most polling stations of the march 28 presidential and national assembly elections in some states and the approval by the commission for the areas experiencing such problems to revert to manual accreditation leaves much to be desired. This also accounted for the brazen manner the card reader were not utilised in the April 11 gubernatorial and state assembly elections despite the commission's insistence that the governorship and state assembly elections accreditation of voters must be through the card reader. This development brought numerous legal challenges after the election.

NIGERIAN JUDICIARY AND 2015 GENERAL ELECTIONS

The 2015 general elections in Nigeria was seen as a major improvement over the 2011 elections in the country as even local and international observers rate the elections as the freest and fairest since the return to democracy in 1999. The deployment of card readers brought some level of transparency and credibility to the electoral process. However, despite this, there were several cases where the card readers could not function; thereby creating chaos in such area but the commission was quick to address such situations by approving reversal to manual accreditation in such places. The Commonwealth Observer Group had this impression of the march 28, Presidential and National Assembly elections:

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 organisational and technical deficiencies, the conduct of the presidential and national assembly elections were generally peaceful and transparent [19].

Reviewing the conduct of the 28th march, 2015 presidential and national assembly elections and seeing that it could not stand by its earliest directives that where card readers fail and they could be changed during accreditation period, INEC therefore directed

that the April 11, governorship and state assembly elections accreditations must be done through the card readers and warned that any attempt at reversing to manual accreditation will not be accepted by the commission. This was not to be as some states within the South- East (Abia and Ebonyi) and in the South-South (Akwa Ibom and Rivers) flouted the directives of INEC with impunity by using the manual accreditation method in majority of polling unit in the areas. This development easily enhanced massive rigging to the advantage of the ruling party in the states mentioned leaving the opposition party perplexed with no option than seeking redress and justices at the courts. In the elections of April 11, 2015 in Rivers state, the independent observers from the African Centre for Leadership, Strategies and Development led by Humphrey Bekaren states as follows:

- ❖ That result of the elections was cooked and therefore unacceptable.
- ❖ That INEC should cancel the polls.
- ❖ That they were disappointed about the conduct and attitude of the Resident Electoral Commissioner (REC) Dame Gesila Khan, especially for declaring the result from areas where elections did not hold.
- ❖ That there was diversions of electoral materials, attacks on electoral officers, widespread arson, snatching of electoral materials, killings, voters intimidations, with active connivance with security agencies.
- ❖ That they observed in some cases over voting, where even political parties that were not on the original ballot printed by INEC had scores on the result sheets and presiding officers were not willing to follow INEC directives that card readers must be used, but rather proceeded with manual accreditation against the rules set by INEC.
- ❖ Card carrying members of PDP were allowed to bring in results of their local government into INEC office (in Port Hacort).

The scenario that played out in Rivers state was virtually the same in Akwa-Ibom, Abia and Ebonyi states. The popular incident in Abia state were the return officer (RO) for the governorship election had earlier cancelled elections result from three local governments in the state for irregularities but was forced to reverse that cancellation since the opposition party would win should the cancellation stand is a good case in point. However, despite the violent nature and the massive rigging that took place in these places, INEC went ahead to declare the results.

The main challengers to the winners in the governorship elections especially in these four states mentioned approached the Electoral Tribunal. In the case of Rivers state, the main challenger and APC candidate presented his case and both in the Tribunal and Appeal court voided the elections and ordered a rerun, so also was the case of Akwa Ibom, where the Tribunal cancelled election in 18 of the 31 local government whereas the Appeal court cancelled the election out-rightly for a rerun, while in Abia the Tribunal upheld the election while the Appeal declared the main challenger of the All Progressive Grand Alliance (APGA) winner. However, notwithstanding the verdict of the Tribunal and the Court of Appeal, the Nigeria Supreme Court upheld the elections of the governors of Abia, Akwa-Ibom, Ebonyi and Rivers state. The major reason giving by the Supreme Court for upholding the elections of all these states despite public outcry and the reports of independent observers was merely due to the fact that the card reader plays a complimentary role to the voter register rather than displacing it in the electoral process in line with the dictates of the constitution and the electoral law.

The pronouncement of the Supreme Court over the election cases from Rivers, Akwa-Ibom, Abia and Ebonyi came with an avalanche of criticisms against the judiciary never witnessed since the return to democracy in the country in 1999. The Supreme Court Justices were severally accused of selling out judgment to giving licence for election rigging in the country. The Transition Monitoring Group (TMG) fired the first in a statement by its Chairman Ibrahim Zikirullahi who opines that the group is concerned by a slew of verdicts and disturbing trend in the judicial pronouncement on State governorship elections by the Supreme Court. In his words:

For us, it is absolutely shocking that the Supreme Court has decided to act as if it exists in another planet. The TMG is perturbed by the strange legal reasoning that has informed the blank cheque that the court has given to election riggers. We make bold to say that while the legal premise behind this judgement is best known to the Apex court, the open reward for electoral impunity does not resonate with the Nigerian people. As the foremost election observation coalition in the country, we see the Supreme Court judgement as clear cut attempts at legalising electoral robberies. This judgement, particularly on Rivers and Akwa-Ibom states, have merely given judicial imprimatur to the demanding mind-sets of rapacious politicians who will stop at nothing in their bid to subvert the will of the people. What these judgments have effectively done is to ridicule Nigeria in the eyes of the international community, while diminishing

our country's stature in eyes of lovers of democracy around the world [20].

The All Progressive Congress (APC) which is the main loser in Rivers and Akwa-Ibom as a result of the Supreme Court judgement officially stated through its Chairman John Odidi- Oyegun that the party does not oppose the Supreme Court ruling in favour of PDP but would like to know what informed the final judgement. Be that as it may, the position of the candidate of the party that contested the governorship election in Rivers and Akwa-Ibom is however different. For Dakuku Peterside the candidate of APC in Rivers state, the PDP procured favourable Supreme Court judgement. According to him, the PDP candidate Nyesom Wike had earlier confessed meeting one of the Supreme Court Justices in Owerri in a hotel, another one in Mbaise and yet another in Dubai and these justices were in the panel that decided the matter in Wike's favour. He concluded that this familiarity of justices of the Supreme were major reasons the judgment was decided in favour of the PDP candidate. In his words:

It is therefore obvious that the decision of the Supreme Court on the Rivers state election was not a product of justice but rather a product of compromise and orchestrated contrivance to legalise electoral violence and rigging and, in turn, reward injustice. This call for serious introspection by our judiciary and judicial officers [20].

The barrage of accusation about compromise by the nation's highest court is the same in Akwa-Ibom, Abia and Ebonyi and judging from the realities that the card reader is usually the focus of the judgment while other indices are not considered leaves much to be desired. Only the PDP that benefited immensely from the rulings of the Supreme Court have had the goodwill to praise the Supreme Court. The number of criticisms against the Supreme Court ruling is swelling by the day forcing the Chief Justice of Nigeria, Justice Mohammed to wave critics aside and opines that they are ignorant of the law.

CONCLUSION

The enthusiasm that greeted the introduction of the Card Reader to the electoral process by Nigerians is a pointer to the way the people wanted a free, fair and credible elections. Their response to the Supreme Court technical oriented judgements, which in main, did not recognize the adoption of Electronic Card Readers vis-à-vis unscrupulously utilized voters' register in some states also show that they would had wanted election riggers to be punished but that was not to be. In the light of this, necessary reforms are needed for a credible electoral administration in Nigeria.

RECOMMENDATIONS

With the way Nigerians are getting highly politically aware, there is need for a system that will make for a credible electoral process that is a sine-qua-non for peaceful socio-economic cum political development of the country. It is therefore recommended that:

- a. INEC should hasten to ensure that the use of Card Reader is captured in our electoral law.
- b. That electronic voting system be introduced to the electoral process in Nigeria.
- c. That the Judiciary should embark on a reform to ensure that contradictory judgments that put them in disrepute is done away with.
- d. That electoral offences commission should be established to try and punish manipulators of the electoral process.
- e. That the chairman of INEC be appointed from among professional bodies rather than the President.

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