

THE CHALLENGE OF FINDING AN INDEPENDENT UMPIRE



The Independent National Electoral Commission (INEC) is created under Section 153 of the 1999 Nigerian Constitution (as amended). INEC is charged with the responsibility of conducting credible elections in the country. In recent times, there has been a huge challenge of partisan elements finding their way into the different levels of INEC, either through nomination by politicians or turning partisan upon appointment.

The challenge for Nigeria at this time is to achieve a truly unbiased and non-partisan election management body.

Constitutional Qualification for INEC Chairman and Commissioners

Third Schedule, Item F, Paragraph 14 of the 1999 Constitution:

14. (1) The Independent National Electoral Commission shall comprise the following members –

- (a) a Chairman, who shall be the Chief Electoral Commissioner; and
- (b) twelve other members to be known as National Electoral Commissioners.

(2) A member of the Commission shall-

- (a) be non-partisan and a person of unquestionable integrity; and
- (b) be not less than 40 years of age in the case of the Chairman and not less than 35 years of age in the case of the National Commissioners.

(3) There shall be for each State of the Federation and the Federal Capital Territory, Abuja, a Resident Electoral Commissioner who shall –

- (a) be appointed by the President subject to the confirmation by the Senate;
- (b) be a person of unquestionable integrity and shall not be a member of any political party; and
- (c) not be less than 35 years of age.

The appointment of INEC Chairman and Commissioners has been marred by allegations of partisanship, nepotism, and lack of transparency. This has further eroded the credibility of the electoral process, leading to doubts about the fairness and capacity of the officials.

The Situation Room expects that the appointment of the INEC Chairman and other Commissioners will be done in line with the spirit and letters of the 1999 Constitution (as amended) and according to the international best practice that guarantees neutrality and competence. In addition to the constitutional provisions that require the INEC Chairman and Commissioners to “be non-partisan” and persons of “unquestionable integrity”, the Situation Room demands that these officials should:

1

Not have been members of a political party 5 years prior to their appointment in the case of of RECs and National Commissioners, and 10 years in the case of the Chairman;

2

Have at least 10 years professional experience preferably in the public service in the case of the National Commissioners and the Resident Electoral Commissioner, and 15 years professional experience in the case of the Chairman;

3

Publicly declare their affiliation to politically exposed persons

Furthermore, National Assembly should:

Adopt a process of screening INEC nominees that will guarantee the neutrality and competence of the officials.

Issue guidelines for submitting petitions against nominations of INEC officials to promote effective public participation.

Thoroughly and satisfactorily consider and investigate petitions or complaints against nominees for positions in INEC.

Subject nominees for positions in INEC to rigorous public scrutiny before confirming their nominations

About

PLAC hosts the secretariat of the Nigeria Civil Society Situation Room and is a member of its steering committee. The Situation Room provides a co-ordinating platform for civil society engagement on governance issues. It is also a platform for information sharing among civil society groups working on elections and topical national issues. It intervenes in the electoral process by promoting collaboration, proactive advocacy and rapid response to crisis in the electoral process. The Situation Room provides a forum of advance planning, scenario building, evidence based analysis, constructive engagement with various stakeholders in the electoral process and observation of elections.

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