

Democracy and Election in the Time of Covid-19 in Nigeria: Challenges and Prospects.

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ABSTRACT

This paper seeks to interrogate the nexus between democracy and election in the time COVID -19 in Nigeria. The main objective of the study is by examining the anticipated challenge and prospects following the outbreak and spread of corona virus from Wahun, China to countries of the world,(including Nigeria),which it negative effect on human and material resources. Section 160 (1) of the 1999 Constitution (as amended) empowers the Independent National Electoral Commission (INEC) to regulate its own procedure or confer powers and impose duties on any officer or authority for the purpose of discharging its functions of conducting credible election, based on this INEC announce that there shall be no vacuum in the conduct of any democratic election in the country. The paper adopted electoral integrity theory which originated in the documents of the universal declaration of human right which were published in 1948, and applied the desktop data collection method. The findings of the study tilts towards the need to introduced the e-voting system, rule of law, and as well as massive or-orientation campaign by participating political parties to keenly advice prospective voters to comply with all INEC and Nigeria centre of disease control (NCDC)COVID-19 established protocol guidelines and procedures in conducting election in during and post COVID-19 era.

KEYWORD: covid-19, democracy, election, e-voting system, electoral integrity.

Date of Submission: 04-09-2020

Date of Acceptance: 19-09-2020

I. INTRODUCTION

Democracy and election are like Siamese twin that are inseparable in the process of democratization in a country, this is because democracy anchored on the expectation of free and fair elections to elect credible leaders to delivery democratic dividend to the electorates, that is, election is the foundation upon which democratic public office holders stand to operate. Although, democracy and election may not be strange to an overwhelming percentage of people in Nigeria, what appear to be strange to them is the brand of democracy and election in a time of global pandemic such as corona virus (COVID-19) which effect human and material resources for the purpose of political stability, economics viability, scientific advancement, educational development and life enhancing social services and delivery of dividends.

On the 31st of December 2019, corona virus (COVID-19) was discovered as a life threatening virus which began to spread from Wahun, China, a city with a population of eleven (11) million. The World Health Organisation (WHO) was alerted by the Chinese government that at least 40 individuals (several of whom worked at the Huanan Seafood Wholesale Market) were infected by the virus, which has Severe Acute Respiratory Syndrome (SARS) quickly spread across Asia, Europe, North America and made its way to Africa in February 2020. The first case of COVID-19 virus in Nigeria was discovered in Lagos State which was confirmed on the 27th of February, 2020 following the outbreak in China. The first Nigerian case is an Italian citizen who works in Nigeria and returned from Milan, Italy to Lagos on the 25th of February 2020. He was confirmed positive by the Virology Laboratory of the Lagos State University Teaching Hospital which is part of the laboratory network of the Nigeria Centre for Disease Control (NCDC). According to the United Nation Economic Commission of Africa report in 2020, it is estimated that 300,000 to 3.3 million Africans could lose their lives because of the pandemic. This projected that high mortality rate will be due mainly to the shortfalls in medical personnel and equipments, difficulties in implementing public health measure and high level of interaction as people seek to earn a living in the face of increasing uncertainties.

Be that as it may, In accordance with Section thirty (30) of the Electoral Act 2010 (as amended), the independent national electoral commission went further to announced that election will hold in Edo and Ondo state Governorship and as well as other by -election . The election of Edo state comes up on 19th September

2020 and Ondo is scheduled for 10th October 2020. The chairman aver that conduct of free and fair election remains sacrosanct to democracy in order not to create a vacuum of electable position in the country democracy. The novel COVID-19 pandemic has had an extensive impact on the electoral process in Nigeria. Not only has it led to far-reaching disruptions in the electoral system all over the world, it has also specifically led to the postponement of elections and created uncertainties about scheduled ones. The Commission, cognizant of the profound impact of the pandemic on the electoral process, extensively deliberated on how best to respond to the impact of the pandemic on election administration. This situation is made worse by the global economic impact of the pandemic and its knock-on effect on the Nigerian economy, which has seen a decline in funding for government activities. Expectedly, this trend affects the work of the commission in conducting elections in a pandemic such as COVID-19 is yet uncharted water. That notwithstanding, the commission is committed to conduct all elections that are due within the extant legal framework. However, in so doing, it promise to put a premium on public safety and mitigation of health risk from COVID-19 pandemic and looming cuts in government spending and to communicate these to its stakeholders. This article argue that the COVID-19 pandemic poses significant risks to INEC to conduct genuine and credible elections, and that without well-considered and appropriate mitigating measures, the conduct of elections may have negative impact on both protection of democracy and electoral integrity by INEC. In line with the above, this paper seeks to interrogate democratic elections in the time of COVID-19 in Nigeria by examining it challenges and opportunities.

II. CONCEPTUAL CLARIFICATION OF KEY TERMS

There are basically two terms or concepts that are fundamental to this work. These are democracy and election. Their operational definition shall be provided as a working guide.

DEMOCRACY: There is no consensus definition or meaning of democracy among scholars, but the term democracy is derived from two Greek words “demos”, which means people, and “cracy,” which means rule or government. Thus Alapiki (2000:p 45) translated literally, democracy mean rule by the people. Some scholars view democracy as political competition through periodic elections. Democracy is a form of government implies that the ultimate authority of government is vested in the common people so that public policy is made to conform to the will of the people and to serve the interests of the people. In a democracy the authority of the government is derived solely from the consent of the governed. Others see it as citizen participation, and still others link democracy to civil and political liberties. Democracy therefore vest ultimate authority and the people, and also pursues the public good (Gauba 2003:p 421). A democratic government has characteristics, which include the following; conduct of election, transparency, inclusivity, accessibility, legitimacy, protection of minority rights, freedom, actualization of citizen’s aspirations and constitutional rule. According to Peter (2003: P 20), democracy require mechanism whereby the general public can exercise choice over who will represent them and also to dismiss such person if they feel that the representative policies which they pursue, lack popular support.

Similarly, according to Morlino (2004: p. 5) the concept of democracy implies ‘a regime has at least universal adult suffrage; recurring, free, competitive and fair elections ;more than one political party; and more than one source of information’. Morlino further stipulates the existence of democratic institutions and rights in a polity to attenuate its being qualified as a democracy. Barak (2006:p 27) also views democracy as a means through which people choose their leaders as well as to hold their leaders accountable for their policies and conduct in office. That is, election is the foundation upon which democratic public holders stand to operate. Undiluted democracy and its dividends can only be realized if the public office holders are observance to democratic principles, one of which is free, fair and credible election. This to say that democracy connotes freedom, justice and peace. These attribute of democracy is “midwived” by credible elections. From this varied conceptions of democracy, when it is practised inconsonance with its principles, democracy provides a political platform through elections for the engagement of all members of a community in the process that determines who governs them. Thus, political power belongs to the people and not to the elected leaders. People may easily ‘dethrone’ a leader if he or she does not perform.

All modern democracies hold elections but not all elections are democratic. A democratic election would characteristically be competitive, periodic, inclusive, definitive and free and fair (Chukwu, 2005:357). Dahl (2000:38) has also pointed out, “having rights and opportunity is not strictly equivalent to using them”. The mere fact that democratic society concedes certain democratic rights does not imply that all qualified citizens can exercise such rights. Poverty, poor internal democracy, godfatherism and monetization of electoral processes constitute grave challenges to democratic consolidation in the country.

ELECTION: An election is formal decision making process through which people choose individuals for public office. it useful and basic indicator to the practice of democracy. Election is the avenue through which citizenry participate in their country’s political processes. It legitimizes the right of rulership of a state. Election all over the world is seen as the most acceptable mode of leadership change in liberal democratic societies like Nigeria (Okoye: 2018; p 35). Okonkwo and Uweru (2007:P 136) viewed election as the process of choosing

particular candidates as representatives of the citizens of a country in government. Georges et al (2008:298) viewed election as a provision for regular access to political power, so that leaders can be replaced without being overthrown. While Oyediran et al (2002:p 100) elections confer legitimate authority on government and the people elected.

Election as a prerequisite of democracy has four basic condition that are necessary to create an enabling environment for holding of free and fair election. These are;

- an honest, competent and non-partisan body to administer the election (usually referred to as the electoral commission);
- the knowledge and willingness of the political community to accept basic rules and regulations governing the contest for power;
- a developed system of political parties, traditions and teams of candidates presented to the electorate as alternative choices; and
- an independent judiciary to interpret electoral laws and settle election disputes.

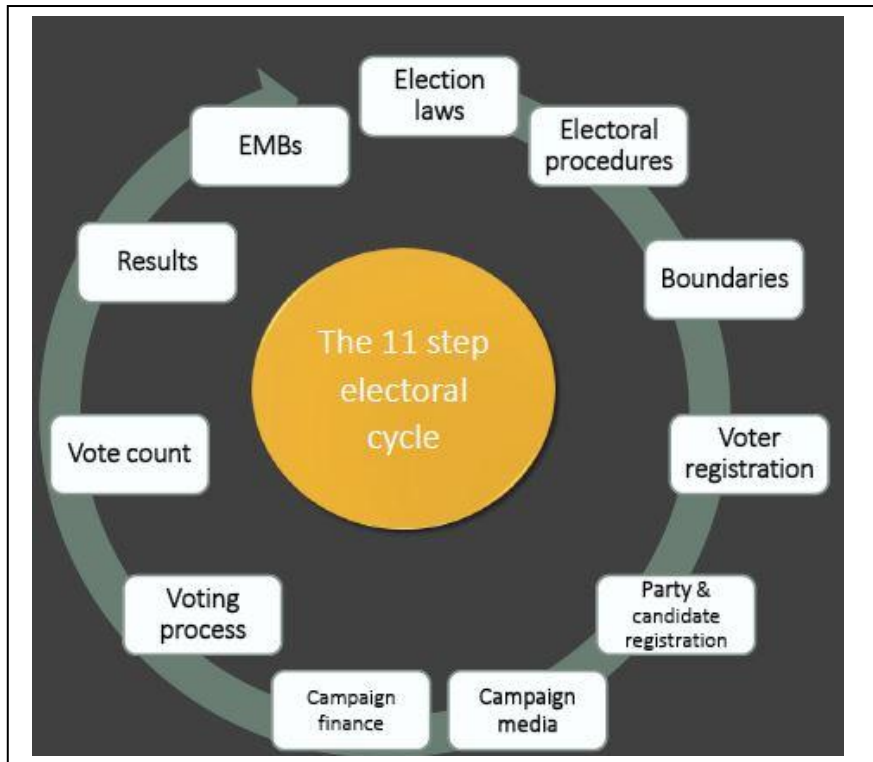
Election is very significant in a democratic state as its function includes; to ascertain and combine the views, preferences, attitudes and opinions of the voters, and to make the elected leaders accountable to the voters. Therefore, election is a lawful method of establishing government and making such government accountable to the people. In Nigeria since 1999, the ritual of periodic, four-year, general election has been institutionalised into the democratization process of the nation.

III. THEORETICAL FRAMEWORK.

In an attempt to ensure that the conduct of democratic election in the time of COVID-19 is fully carryout in Nigeria, the electoral integrity theory is adopted to explain the assumption those whose govern and the citizens in context with the domain (state) in which it applies but in a more general and international perspective, it represents the application of standards and global norms or principles that govern the appropriate and effective conduct of public election. These universal standards apply to all countries worldwide throughout the electoral cycle, including during the pre-electoral period, the campaign, on polling day, and its aftermath, which principles originated in the documents of the universal declaration of human right (UNDHR) which were published in 1948. According to the article 21(3) of the UNDHR “ the will of the people shall be the basic of the authority of government; this will, shall be expressed in periodic and genuine election which shall be by universal and equal suffrage and shall be held secret vote or by equivalent free voting procedures”(Young 2009). The membership of Africa union (and hence Nigeria), by implication of their endorsement of several of such international protocols, have individually and collectively endorsed the norms and principles relating to the proper conduct of election.

According to Sydney university project centre electoral integrity mainly on three questions namely: “when do elections meet international standards of electoral integrity; what happens when elections fail to do so; and what can be done to mitigate these problems.” Countries around the world (Nigeria inclusive), according to the Sydney project, “face common challenges of holding contests meeting international standards of electoral integrity” (electoral integrity project, 2013). “When citizens go to polls and cast their votes, they aspire not only to elect their leaders, but to choose a only a direction for their nation”(Annan,2013). Democracies according to Annan should not only see elections as a foundation of true democratic governance where political leaders see themselves, like other nationals do, as mere custodians of the state’s political power, but also as a “catalytic” tool for driving national political, social, and economic change.

According to the annual conference and general assembly meeting on 21st to23rd September 2016, the dimension of electoral integrity involve eleven step electoral cycles which the perception of electoral integrity (PEI) index survey rate Nigeria globally ranks as 84 positions, which is moderate stand .The diagrams below demonstrate the eleven step that promote electoral integrity.



Source: Adapted from Jeffrey Karp (2016: 7)

In Nigeria the questions surrounding the independency of the Independent national electoral commission (INEC) which includes the appointment of Chairman and electoral commissioners, financial autonomy and its reliance on ad hoc staff in conducting elections. "Since its creation in 1999, INEC has been characterized by a lack of independence, professionalism and administrative efficiency" (Fall *et al.* 2011 cited in Kerr, 2012: 11). Other weaknesses includes inability to educate the illiterate majority about the importance of voting, weak election laws and how to vote, inability to prosecute electoral offenders (Jega, 2012, Okoye, 2013, Nkolika and Emesibe, 2015), thus by implications these spell de-democratization of election in Nigeria.

Electoral Integrity perhaps draws a new and separate attention as a domain of discourse in Nigeria away from the traditional subject's matters of election in some parlance, electoral integrity may be equated with just having good electoral practices or just the fight to end electoral fraud (Stedman, 2015) but in others, it goes beyond this boundary. For instance, the report of an international commission avers clearly that an election has integrity if it is "based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle" (Global Commission on Elections. Democracy and Security: 2012). It further believes that if confidence in a public election becomes very weak, there will be widening propensity for people to challenge the legitimacy of the government that emerges as such a government are deemed to lack accountability to the public. By demonstrating electoral integrity in time of COVID-19 allow for peaceful resolution of political conflict, opening up a scheme for a cohesive dialogue debate and information sharing amongst leaders and the public, the commission feels that, electoral integrity is at the very root of a political problem in Nigeria. Integrity is a subjective concept to measure and it depends on the quantum of public confidence in electoral and other political processes. "It is not enough to reform institutions; citizen needs to be convinced that changes are real and deserve their confidence. Inclusiveness, transparency and accountability are all fundamental to developing that confidence" (Global Commission on Elections. Democracy and Security, 2012).

The Saliency of electoral integrity in national elections epitomized in the foregoing discourse appears to be more easily canvassed in Nigeria where the vagaries of electoral practice in the short history of its democracy leaves much of integrity to be desired. In spite of the several reform attempts by successive electoral commissions to raise the status of national and or regional elections, the country has yet suffered from years of flawed election characterized by electoral rigging, fraud and corruption (Awopeju, 2011). The experience of ballot snatching, ballot stuffing, multiple voting, underage voting and party agent collusion/bribery are just a few of the many reflections on the spate of electoral malpractices typical of most Nigeria past elections. In light of the foregoing and within the context of the Nigerian electoral experiences, the need for a more relevant

technology becomes germane in minimizing the instances of electoral fraud. Perhaps, this need informed the introduction of the electronic card reader which was used in the 2015 and 2019 general elections. This technological innovation would make the subject matter of electoral integrity in Nigeria becomes more intriguing.

4. Challenges to the conduct of democratic election in the time of COVID -19

Since mid-March, the Government of Nigeria has put in place several measures to prevent, mitigate, and respond to the spread of COVID-19 across the country. These include lockdowns, movement restrictions, use of face mask, social and physical distancing measures, as well as public hygienic health measures. Despite that, there are four broad anticipated challenges facing the conduct of democratic election in the time of COVID -19 in Nigeria.

The first issue toward the conduct of democratic election in the time of COVID -19 in Nigeria is election funding which is accession by the drop in demand of crude oil revenue amid COVID-19 containment measures worldwide, resulted in Nigeria reducing its oil production and exports as a major source of revenue generation in the country. The financial support of electoral commission presumes a recurrent matter in which in a moment prior to the election episode that the ruling party desires the commission, the government approve a great amount of funds for it, and whilst election is ended, the commission is de-prioritized” (Agbaje and Adejumobi, 2006:32). This challenge has to be looked into equally, lawfully and as a subject of practicality if our democratic systems have to development and have essence. For instance, the 2019 general election, with authorization, the sum of N242bn, N189bn of which went to INEC while the remaining N53bn was shared by the security agencies for the purpose of election security was made available by the Federal Government to fund the election, making the elections the most expensive elections in the history of Nigeria but yet the provided fund did not reflect in the conduct of the election as the electioneering process still witness similar challenges experienced in previous elections (Punch Newspaper, 2019). Funding is a foremost way by which the independent of the electoral commission is compromised.

The second challenge anticipated in conducting democratic election in Nigeria is the issues of health and safety of participating voters, staffs and ad hoc staff (youth corps member inclusive). This perhaps is seen as most immediate challenge that COVID-19 poses to the electoral process, considering against current state of weak health system, high poverty rate and limited humanitarian access. The electoral process will be impacted negatively such as political campaigns and vote casting will create low voters turn-out. Peoples can get infected through close contact with a person who has symptoms from the virus which includes cough and sneezing. Generally corona virus was spread via airborne zoonotic droplets. Virus was replicated in ciliatedepithelium that caused cellular damage and infection at infection site. According to a study published in 2019, An-giotensin converting enzyme 2 (ACE.2), is a membrane exo-peptidasein the receptor used by corona virus in entry tohuman cells (NCDC: 2020).Virus transmission routes were represented in figure 1.

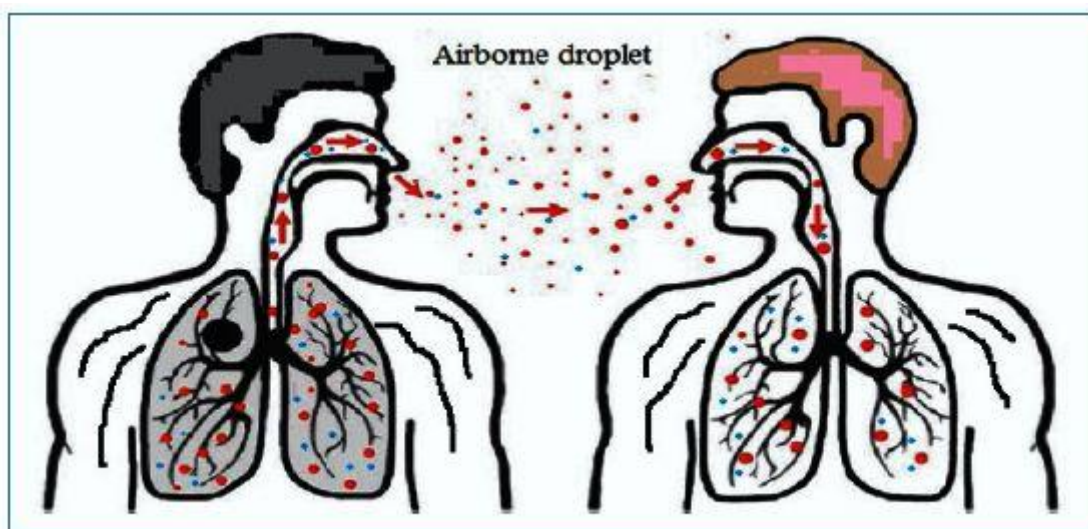


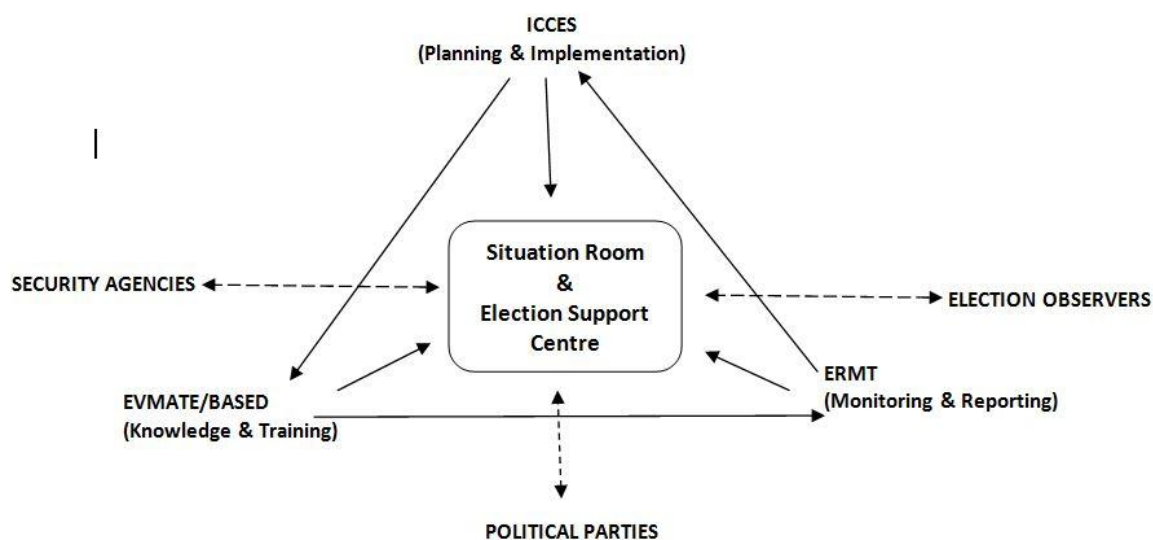
Figure 1. Transmission of coronavirus via airborne droplets.

According to a report published on 24 Jan 2020, corona virus infected patient have many common features such as fever, cough, and fatigue while diarrhea and dyspnea were found to be as uncommon feature. Many of the patient reported bilateral abnormalities. Corona virus was isolated from bronchoalveolar lavage fluid in china in 2020. It is also detected in blood samples. Till now, corona virus has not been confirmed in faeces and urine sample of patient.

Thirdly, the issue of basic security election duties (BaSED). Conducting secure and violence-free election in time of COVID-19 constitute a major challenges confronting many election management bodies (EMBs) in developing country like Nigeria. Several factors account for this rising importance of election security for such EMBs which include; the ever-present concern that wider insecurity could affect the electoral process, EMBs have to depend on security agencies to provide adequate security for the electoral process and election officials are not often trained to be security conscious as a complex process. Basically the training programme is one major component of INEC risk management framework (RMF) with three related part of the framework:

- Interagency consultative committee on election security (ICCES)- which deals with policy, planning and coordination.
- Election violence mitigation and advocacy tool (EVMAT) and the basic security in election duties (BaSED)-which focus on knowledge and training.
- Election risk management tool (ERMT)-which deal with risk monitoring and reporting.

The diagram below summarizes the complex process of risk management framework;



Another fundamental challenge is the integrity of INEC to conduct “free and fair” election that will promote voters education and stakeholder engagement during COVID -19era. According to Article 21 of the 1948 Universal Declaration of Human Rights made it an entitlement for people to participate in the government of their country. That an election should reflect the -will of the people ‘has never been a contentious expression. What is contentious is the way this normative standard should be measured in a polarized and fragile state like Nigeria. Goodwin-Gill (2006:115) outline ten broad criteria and activities as indices for measuring free and fair election’. These are (1) Electoral law and system; (2) Constituency delimitation; (3) Election management; (4) The right to vote; (5) Voter registration; (6) Civic education and voter information; (7) Candidates, political parties and political organization, including funding; (8) Electoral campaigns, including protection and respect for fundamental human rights, political meetings, media access and coverage; (9) Balloting, monitoring and results; and (10) Complaints and dispute resolution.

He further argued that free and fair election; is not just a question of what happened on the Election Day because the process could be rigged at any stage. Its major challenge however is an assumption that these indices are objectively measurable in weak and privatised state such as Nigeria - the way they may be measured in the Western world (advanced) countries where there is a consensus on the basis of nationhood. The reality is that in privatised and fragile state like Nigeria, with deep fault lines of ethnicity, religion and regionalism, the electoral laws and systems, would be subjected to the same filters and indices through which the generality of the citizens perceive their social realities. For instance, can there really be a consensus on free and fair elections, transparent and well managed election process and judiciary system capable of exercising independent and impartial authority, this is very unlikely.

5. Mitigating Prospect toward the Conduct of Democratic Election in Time of Covid -19 in Nigeria.

Based on the foregoing, we state that the conduct of democratic elections in time of COVID 19 would be achieved by adopting mitigating prospects in Nigeria in the following ways;

- 1) The independent national electoral commission should as a matter of urgency adopt e-voting method to reduce waste of time in conducting an election and announcing the results, by employing electronics technologies. E-voting, is simply voting electronically by deploying biometrics to achieve accuracy. This would prevent fraudulent people or groups from voting twice or taking electoral documents to their homes to thumbprint and fill ballot boxes. It will equally reduce the manpower that used to be spent on the manual voting system. It will enhance democratic integrity to INEC and the participants in the electoral process in time of COVID 19 pandemics, by ensuring transparency and accountability, increase turnout, convenience, appeal to younger people, reduce expense, security, and reduce vote buying (Okoye& Alfred 2020;92).Pilot use of Electronic Voting Machines at Edo and Ondo state governorship elections, but work towards the full introduction of electronic voting in major elections starting from 2023.
- 2) Participating Political Parties (PPP) should demonstrate internal democracy to strengthen the democratization process and recruitment of credible candidates for elections, because the failure of political parties to recruit credible candidates' is the beginning of bad leadership, bad governance, lost of elections, court cases and clogs in the wheel of political parties development in Nigeria. Political parties are the major means of recruiting political leadership. When the recruiting processes are faulty it throws up bad leadership.
- 3) Beside INEC and Nigeria centre of disease control (NCDC) established protocol guidelines on conducting elections in the context of the covid-19, political parties should carryout intensive political education which is an Ingredient of democratic consolidation through voter's and posters education; radio, television, and political education booklets are means of educating the electorates on processes of voting and how to defend their votes and right. The electorates and the candidates should be educated against violence in pre-election, during and after elections and the implication for democratization processes in Nigeria.
- 4) There is an urgent need of electoral Act reform, taking note of the lapses of 2019 elections into consideration, such as electoral offense, the role of the judiciary and the use of federal might to win election, by undermining the fundamental principles of international standard stem from political rights and freedoms enshrined in universal and regional treaties and political commitment, as been declared Universal Declaration of Human Right in 1948.
- 5) Political parties campaigns (PPC) should be on issues based through the internet, and both electronic and print media in pre-electoral activities such as planning, training, information and registration, electoral period activities such as nomination, campaign, Voting and announcement of results, and post-electoral period activities such as review, strategy and reforms, which are possible mitigating measures toward the spread of COVID -19.
- 6) The judiciary in Nigeria should not only be independent as it's professes but also be active in dispensing reprieves to aggrieved parties seeking its services in post –election legal contests. By such character, it would promoting the rule of law and enhancing its position as an independent democratic organ of the Nigerian state if it should became more relevant among others states in the comity of nations.

IV. CONCLUSION AND RECOMMENDATION

In the light of the above analysis, there are many challenges for the conduct of democratic elections during the time of COVID -19 pandemic that there remain many unknowns as the pandemic spread from country to countries and as governments respond. There is clearly no single approach to the election quandaries we set out here; which make it imperative that solutions need to be found, tested, and legitimacy secured if democratic institutions and accountability are not to be damaged. INEC need to focus on an election risk management plan in case of an outbreak such as COVID-19 in the medium term perspective, which is crucial to avoid delaying democratic election that are time bound. Given the centrality of elections to democracy and the states elections scheduled in Nigeria. It is imperative that a solution for the conduct of genuine and transparency is a necessity and compromise the fundamental human rights to vote and participate in the governance of a country.

Based on the discussion, we wish to recommend that: the principle of the rule of law must be upheld by all stakeholder and institutions in order to facilitate and promote electoral integrity which should be subjected to the constitution and electoral laws. Secondly, INEC must be constituted in personnel and in funding independently of the political ruling class in order to ensure that it possess autonomy in its actions and functions.

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