



KEY POINTS FROM THE CONVERSATION ON **ELECTORAL MANDATE PROTECTION**

The Electoral Hub election conversation series



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Background

The Conversation on Electoral Mandate Protection was organised by The Electoral Hub in collaboration with ReclaimNaija. The event occurred on Wednesday, 17 November 2021 on the Zoom platform. The purpose of the event was to analyse the concepts of mandate and mandate protection, explore the ways in which these concepts have been restricted in Nigeria and beyond, and suggest ways to strengthen mandate protection.

The event was moderated by Professor Mohammad Kuna, Special Adviser to the INEC Chairman, with panellists including Professor Jibrin Ibrahim, a Senior Fellow at the Centre for Democracy and Development; Mrs Ngozi Iwere, Executive Director of Community Life Project and ReclaimNaija; and Ms Desmond Joyce Natu, Executive Director of Natu Foundation and youth political activism.

Over thirty (30 plus) participated in the Conversation including eminent and notable persons as Professor Attahiru Jega, former Chairman of the Independent National Electoral Commission (INEC), Hajiya Amina Zakari, former National Commissioner and one-time Acting Chair of INEC, Hon. Kassim Gaidam, INEC Resident Electoral Commissioner of Adamawa State and Dr. Kole Shettima, Africa Director of MacArthur Foundation.

Conceptualising Mandate and Mandate Protection

In terms of conceptualising mandate and mandate protection, the following points were made by participants:

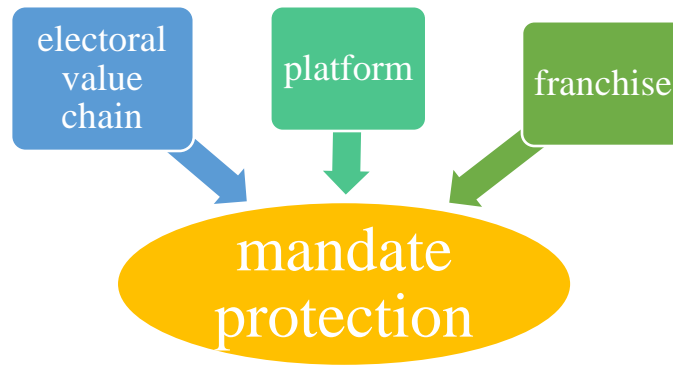
1. The whole concept of mandate is the right that citizens have to vote in an election, choose who is going to govern them, and remove those who have failed to perform in office. This right is both a constitutional right and a human right. For citizens to be able to exercise this right, there must be a political climate that generally respects human rights such as the rights to freedom of expression, assembly, association, and security.
2. There are two notions of mandate protection: the technical notion and the popular Nigeria notion.
 - The **technical notion** refers to the authority granted by the electorate to a party or a candidate that wins an election. In this context, mandate protection means ensuring that the elected representatives or leaders in an executive branch of government actually commit themselves to implementing the agenda which was sold to the electorate. If elected representatives do not act according to the expectations of the electorates, then the highest form of mandate protection is to recall the elected officials who have failed to discharge the mandate given to them.
 - The **popular Nigeria notion** of mandate protection is simply about protecting free choice during elections and ensuring that elections are free and fair. This notion of mandate protection may best be described as a pre-mandate protection. People want to ensure that the people they have voted for are actually declared as winners, so that they can assume authority and pursue the mandate that the winning election gave them.
3. Another important issue in mandate protection is the level of engagement of the electorate. The electorate must be able to link elections to their quality of life and governance outcomes. Although we give voter education and tell people how to vote correctly, this sort of education is not deep enough for them to understand their stake in exercising their mandate. What we need therefore is not voter education, but civic education. Civic education here is understood as making citizens more engaged in ensuring that their constitutional rights are actually applied in practice and not denied.

4. There is also the issue of the mandate of the people being stolen throughout the electoral value chain. Due to practices such as buying the votes of delegates and the outright imposition of candidates by godfathers, the mandate of the people is stolen from the very beginning. By the time people come to vote on election day, the mandate has already been stolen because the people who come out to contest are not the legitimate candidates who should even be contesting. Under these circumstances, it appears that the citizens do not even have a mandate to protect at all.
5. The issue of mandate protection is also a reflection of what is really meant by democracy. In Nigeria, we practice representative democracy where citizens vote for candidates on the basis of a mandate. Mandate here is understood as the political party which has a manifesto and the programmes for the elections. If that party is represented and voted by the citizens, it is to carry out that mandate that has been represented by its manifesto. Unfortunately, in the Nigerian context, the citizens, the politicians, and even the party executives do not even know the content of the manifestoes being put forward by the parties. This raises a fundamental issue about the content of the representative democracy that we are supposed to be practising.
6. In the Nigerian context, three key elements appear to be pertinent to understanding electoral mandate protection:

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- 1. votes are directly captured through various fraudulent means**
 - 2. the accountability of elected officials to voters has become irrelevant**
 - 3. votes cast have little or no relationship to electoral outcomes**
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In the struggle for mandate protection in Nigeria, the focus is on how to generate mechanisms to prevent these things from occurring.

7. Ultimately, for a citizen's mandate to be protected, three components are required:



- The first component has to do with the **platform** for the exercise of that mandate, and the Constitution makes it clear that the platform is the political party. Political parties must be clear in terms of their programmes and manifestoes, so that when people are nominated, citizen knows what they intend to achieve.
- The second component has to do with the **franchise**. We have a constitutionally protected franchise that is sometimes not allowed to exercise itself. Mandate protection involves the struggle to protect this franchise.
- The third component relates to the **post-election** period and **electoral value chain**, which is also referred to as the technical notion of mandate protection above. After elections, citizens follow up to ensure that those elected remain faithful to the platform on which they contested for power.

Mandate Protection

- Right to vote in an election
- Technical and popular Nigeria notions
- Level of engagement of citizens
- Needed along the electoral value chain
- Reflection of representative democracy
- Electoral outcomes and accountability

Recommendations

In order to strengthen mandate protection, the following recommendations were made:

Recommendations for CSOs

1. CSOs need to recreate the link between governance and development. They should stop seeing good governance as an end in itself, but rather as a means to development.
2. CSOs should move beyond issues around elections and start pushing for post-election accountability, which involves engagement between citizens and public officials. They should encourage citizens to hold public officials accountable for delivering goods and services. This will force the citizens to have a stake, and also force the politicians to begin to think about delivering results.
3. CSOs need to start thinking more about political party activism, because you must first start from the party before going to politicians or institutions like INEC. CSOs should stop separating themselves from politics, or even criminalising politicians. They should start interrogating the processes through which candidates emerge, not only in primary elections but also in internal party conventions.
4. CSOs, in collaboration with INEC and the media, should engage in civic and voter education from the bottom. This includes the primary schools, secondary schools, village meetings, and focus group discussions. The civic and voter education should be about not just voting during elections, but also understanding the meaning of mandate protection in the pre-election, election, and post-election periods.
5. CSOs can begin to form political action committees, and raise money just for the sake of recalling politicians who do not perform.
6. CSOs should continue to push back on repression from the state.

Recommendations for Citizens

7. Citizens need to be vigilant throughout the period of elections, up to the point in which results are declared, to ensure that popular choices are not truncated.

8. Beyond giving their mandate through elections, citizens must also protect and defend that mandate by ensuring that those who receive the mandate actually execute it.
9. Citizens should start taking more seriously the issue of recall of elected officials who have failed to discharge their mandate, instead of enduring them until the end of an electoral cycle.

General Recommendations

10. We need to start discussing serious consequences for the citizens involve in vote transactions, as they are also joint participants in this corruption. We should stop infantilising them, but start ensuring that they face consequences for electoral offences such as vote selling.
11. During the process of legal reforms, we must carefully examine the issue of recall to ensure that it is made possible and practical.
12. There is a need to leverage on technology to protect electoral mandate.
13. We need to start promoting social cohesion, because the civic space requires citizens to come together to repair the damage that has been done.
14. More credible people need to join politics, because the electorate can only choose from the candidates that present themselves.

Conclusion

Against the context of democratic consolidation and civil liberties being restricted in Nigeria and across the world, it is more important now that ever to have these conversations on electoral mandate protection. From the recommendations outlined above, we urge stakeholders to take action to strengthen electoral mandate protection in their various capacities.



About The Electoral Hub

The Electoral Hub is a multidisciplinary strategic think tank committed to strengthening electoral governance, and accountability in Nigeria. The Electoral Hub works to enhance electoral knowledge, integrity and credibility through research, documentation, electoral education, policy and legal influencing, and impact advocacy.

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