

NIGERIAN ELECTORAL LAW AND DIASPORA VOTING RIGHTS, 1999-2017

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Abstract

The Nigerian Diaspora has contributed greatly to the country's socio-economic development through huge financial remittances and evidence-based professional inputs. While a total of 115 countries, 28 of which are on the African continent, currently have provisions for Diaspora voting, Nigeria still reluctantly trails behind, meaning that an estimated 17 million Nigerians in Diaspora, out-numbering the individual populations of 167 countries, continue to suffer political disenfranchisement. Efforts and calls by the Diasporas to be given a similar right have been dismissed on the grounds that the Electoral Act has no such provision. This paper is to determine whether the lack of reliable database is responsible for the failure of the electoral law to accommodate the Diaspora in the electoral process. The study was anchored on the Liberal Democracy theory, which explains the democratic inadequacies of the Nigerian state. Data for the study were accumulated through the documentary method and focus group discussions with some Diaspora Nigerians. The study found that lack of political will, rather than lack of reliable database, explains the failure of the electoral law to accommodate the Diaspora in the electoral process. Among others, the study recommended for the amendment of Sections 13(1)(c) of the Electoral Act 2006, and Sections 77(2) and 117(2) of the 1999 Constitution (as amended), which provides for only citizens present in Nigeria at the time of registration of voters to register and vote during elections.

Keywords: Diaspora voting, Democracy, Electoral Acts/Law, Elections, Technology

Introduction

The totalities of the fundamental laws of the Federal Republic of Nigeria, by means of which the affairs of the citizenry, as well as the operations of the dynamics of institutional and international relations are piloted, have many aspects and parts. Those areas that have both direct and indirect bearings on the processes and procedures governing the purposeful selection of individuals for the occupation of a given position(s) in a manner theoretically acceptable to the generality of the people all fall within the description referred to as the Electoral Law of the country. Upon this premise, therefore, it suffices to enunciate that the history of the first embers of what today constitutes the Nigerian electoral law came into being in the year 1922. It should be remembered that it was in this year that the Clifford Constitution, which remained in operation till January 1947 was introduced. The most remarkable feature of the Constitution was its incorporation of Elective Principle. From 1922 to 1960, therefore, all the colonial constitutions, including the Clifford Constitution of 1922,

Richards Constitution of 1946, Macpherson Constitution of 1951, Lyttleton Constitution of 1954 and the Independence Constitution of 1960, had some elective positions and elections for the national offices. Needless to add that with independence on 1st October 1960, Nigeria became a free and autonomous country after many years of colonial servitude under British rule, just as it would also be mind-refreshing to add that from 1914 to 1960, many British administrators and other officials were directly in charge of day-to-day governance of the country after the amalgamation of Northern and Southern Protectorates in 1914.

The first formal written constitution for Nigeria and by Nigerians was the 1963 Republican Constitution. Other constitutions before then were colonial frameworks enacted for Nigeria with little or no input from Nigerians. As common with colonialism, democracy was a fairy tale in such political hijack. Since independence to date, Nigeria has had a checkered political history truncated by military dictatorship. Within the period since independence, the military was in full control of the government from 1966 to 1979 and from 1984 to 1999. Thus, for a total of about 30 cumulative years, Nigeria was under six respective military dictatorships of Gowon, Mohammed, Obasanjo, Buhari, Babangida, Abacha and Abubakar, respectively, as well as two overthrown civilian dispensations of Balewa and Shagari. Thus, Nigeria's democratic experience is relatively short. It is unprecedented in the history of Nigeria to have had uninterrupted civilian democratic government since May 1999 to present.

As rightly stated by Ake (1982), the political development of Nigeria is neither creative nor fast-paced and incompatible with other modern democracies, and thus calls for equal opportunity and rights for all citizens irrespective of distance and location. The Universal Declaration of Human Rights states that everyone has the right to take part in the government of his country, directly or through chosen representatives (International Democracy and Electoral Assistance, 2008). Throughout the history of Nigeria, elections had always been problematic whenever they take place, and nobody ever factored in the voting rights of the Diaspora and made provisions for external or overseas voting in the constitutional or electoral legal framework, as is obtainable in at least 115 other countries of the world.

The Nigerian Electoral Act 2010, though amended twice, is the current statutory framework that stipulated the guidelines for the conduct of all general elections in Nigeria. In all its 9 Parts, 158 Sections and 3 Schedules, no mention was made of Diaspora, external, overseas or absentee voting rights as considered global best practice in modern democracies worldwide. In effect, there is no legal provision in the body of laws in Nigeria for her citizens who live abroad to be part of the electoral process. Diaspora voting rights, as the right and ability for nationals of a country to be able to vote in general elections in their country of origin while in the convenience of their country of residence, is not specifically enshrined in the 1999 Nigerian Constitution, but it emphatically enacted the following rights: right to vote and be voted for; right of representation; right to choose a candidate in an election; right to be informed of what the representatives are doing with your mandate

(constituency briefing); right to ascertain the level of constituency development and right to recall.

Chapter III, Section 28 of the same instrument deals with citizenship and recognizes dual citizenship for foreign born and native born Nigerians. While the Constitution enacted all those rights, paradoxically, Nigerians living outside the country find themselves in serious disadvantage or disenfranchisement when election comes due to lack of enabling act and procedures to allow them to exercise their voting rights in their countries of residence. Dual citizenship is a sound political right in the 1999 Constitution, but the menu of rights is incomplete without external voting rights.

Diaspora communities are usually diplomats, refugees, military staff serving overseas, students, tourists, business people, public and private workers who are temporarily or permanently domiciled in countries other than their home countries. Diaspora or external voting means procedures which enable some or all electors of a country who are temporarily or permanently abroad to exercise their voting rights from outside their national territory (IDEA Handbook, 2007). External voting, according to Reidy (2015), refers to the voting rights which citizens, residing outside of their country of citizenship, have in elections, in their country of citizenship. This author stated that the voting rights of emigrants are variously referred to as non-resident voting, out-of-country voting, absentee voting, external voting and vote of emigrants. All these terms have the same meaning. The 1999 Nigeria Constitution (as amended) enacted the voting rights for all Nigerians, but did not remember to provide for Nigerians living overseas. Probably taking a cue from the Constitution, the Electoral Act of 2010 also deliberately omitted the extension of voting right to more than 17 million Nigerians residing in many other countries outside Nigeria. The National Assembly has a Committee on Diaspora Matters but like many of its committees, not much has been done for the interest of the Nigeria Diaspora community. Without the enabling constitutional or legislative provisions, the Nigerian electoral authority, the Independent National Electoral Commission (INEC) has no mandate to plan and provide for external voting. The detailed logistics of planning and conducting free and fair elections in Nigeria is the responsibility of Independent National Electoral Commission.

The manifesto of the All Progressives Congress (APC), the current leading political party that produced the President and majority of seats in the National Assembly has Diaspora voting rights crafted as part of its 2014 electioneering promise to Nigerian home and abroad. Section 23, Sub-Section VII, states that “The Diaspora will be provided opportunity to exercise their franchise during general elections in their respective places of domicile”. Subsection VI of the same Section 23, also highlighted the need to, “Recognize Nigerians in the Diaspora and find concrete means to cultivate them in the design and implementation of government policies and programs. Section 25, Subsection III, mentions the need to, “attract the best and brightest into our politics and public service by aggressive recruitment of youths, women and private sector operatives, academics and professionals within Nigeria and in the Diaspora through internship, fellowship, executive appointments

and special nominations to contest elective offices.” Since the President and the National Assembly got on the beat, nothing has been done about this massive disenfranchisement though there is a Senior Presidential Assistant on the Diaspora, and both Senate and House of Representatives committees on Diaspora. Based on the universality of the right to vote, voting, whether internal or external, is a basic principle of democracy that every worthy legislature or government must ensure is inclusive and comprehensive. This is not the case in Nigeria and she is a very long way to get there.

According to *The Economist* (2015), Nigeria’s Diaspora is a source of money, markets, skills and ideas. Just as there are question marks over how many Nigerians live in Nigeria, nobody is sure about the number living abroad. Some Nigerians believe that about 17 million Nigerians live in different parts of the world, though majority of them may be undocumented. Probably, one in every ten Nigerian lives outside Nigeria. A census in the U.S. in 2008, estimated the country’s Nigerian-born population at 221,000. Add in their children and the Diaspora in the U.S. swells to over 400,000, according to the Migration Policy Institute. Through this research, it was observed that majority of the Nigerian immigrants in the U.S., Canada, United Kingdom, China, Italy, Spain, India, The Netherlands, Germany, France, South Africa, Malaysia, Austria, Australia, Spain, and many West African countries are from the Southern part of Nigeria. This disproportionate geopolitical migration pattern may be due to many factors as unemployment opportunities in the south, desire for more economic opportunities, and search for educational opportunities, need to succeed, insecurity and desire for a planned and better life. In effect, the small number migrants from Northern Nigeria are more interested in residing for leisure in United Arab Emirates, Sudan, Saudi Arabia, Britain and some North African countries. The few Northerners temporarily living in Europe, Americas or Asia are usually students on scholarship, diplomats, military personnel on duty or training, tourists or business people, but not like the Southern Nigerian immigrants leaving Nigeria in droves due to lack of economic or educational opportunities and settling down, even in remote corners of the globe.

The Nigerian Diaspora in the U.S. is the best educated of the 15 groups in the Rockefeller Foundation - Aspen Institute Diaspora Program (RAD) analysis of June 2015. The analysis reported that a far greater share of the Nigerian first and second generations earned undergraduate degrees than the U.S. population overall (37% versus 20%), and members of this population are more than twice as likely to have secured an advance degree (29% versus 11%). The report maintained that Nigerian Diaspora in the U.S. are also substantially more likely than the general U.S. population to be in the labor force and to work in professional or managerial occupations.

On the other hand, Nigerian Union Diaspora (NUD), an umbrella organization of people of Nigerian descent outside Nigeria, claimed it has over 2.4 million members in the U.S. as stated in Sahara Reporters of November 23, 2016. It further maintained that Nigerians contribute over \$150 billion annually to the U.S. economy. NUD explained that Nigerians remain the most credentialed immigrant

bloc in the United States, as they have demonstrated in the fields of research, education, healthcare, military, engineering, economics, and job creation among others. Nigerians, dating back to centuries, have contributed immensely in all spheres of U.S. national development.

The Diaspora is an important extension of the homeland. Diaspora populations – migrants residing outside of their country of birth – are a source of both investment capital in the form of potential remittance and human capital in the form of their education and skills. Centuries ago, this relationship found expression in the migrant's attempt to open new trade routes, discover new markets and locate raw materials. Economically successful émigrés would often endeavor to have family and friends join them by sending money back home. Migrants are major source of external capital, part of the supply chain and also major consumers of products manufactured in their homeland, recognizing the fact that countries across the globe are in a continual competition for capital (Leblang, 2013).

Apparently cashing in on the economic and capital advantages of the Nigerian Diaspora population, the Central Bank of Nigerian (CBN) has extended to Nigerians in Diaspora the opportunity to do their Bank Verification Numbers (BVN) registration. This move arouses concerns as to why the Nigerian Electoral Act 2010, though amended twice, in its capacity as the current statutory framework that stipulates the guidelines for the conduct of all general elections in Nigeria could not extend voting right to this same category of Nigerians. Suffice it to recap for emphasis that in all its 9 parts, 158 Sections and 3 Schedules, no mention was made of Diaspora, external, overseas or absentee voting rights as considered to be global best practice in modern democracies worldwide. What this therefore manifestly showcases is that there is no legal provision in the body of laws in Nigeria for her citizens who live abroad to be part of the electoral process.

Diasporas had been a decisive effect on the national politics of countries of origin. In 2006, in Italy, Romano Prodi won a majority in the Senate with the help of the citizens voting abroad. In the United States, the military overseas played an important role in providing support for the republican candidate George W. Bush while, at the same time, the civilian elections were poorly organized (Christie, 2004).

Informed by the foregoing, this study sought to examine the issues impeding the granting of voting rights to Nigerians living outside the country, since more than 115 countries have granted same rights and more to their Diaspora communities/population.

Statement of the Problem

A sizeable population of Nigeria has emigrated from Nigeria to other parts of the world, with a significant number leaving after the year 1990. These migrants and their descendants make up the Nigerian Diaspora. Estimates of the size of the Nigerian Diaspora vary greatly and range from about 5 to 15 million people (<http://www.nigeriandiaspora.com/nigerian-diaspora.php>). Pretty much like the Diasporas from other countries of the world, most members of the Nigerian Diaspora maintain strong ties with their families; friends and relatives back in Nigeria, and

influence the social, political and economic development of Nigeria through remittances and other aspects of social life. The Nigerian Diaspora has remained a veritable source of economic and social development for Nigeria. Without any large scale and formal structure, the Nigerian Diaspora continues to contribute significantly to the development of their home communities and the country at large through various means, particularly remittances. In 2012, Nigerians in the Diaspora contributed more to Nigeria's economy than each of 34 of the 36 states, as an estimated sum of \$12 billion was remitted by the Nigerian Diasporas in that year alone (World Bank, 2013). It was only Lagos and Rivers states that had higher GDPs than that. Few years earlier, in 2003, the global conglomerate, Western Union, announced that transfers to Nigeria had averaged about \$3 billion per annum between 1995 and 2002. A significant portion of these inflows were remittances from the Nigerian Diasporas (<http://www.nigeriandiaspora.com/nigerian-diaspora.php>).

However, despite the huge socio-economic contributions that the estimated 15 million Nigerians in Diaspora add to the development of the homeland, the current electoral system in the country is denying them the opportunity to participate in the process of electing a new government or revalidating existing ones. This avoidable disenfranchisement of an important segment of the national population, which by its exposures to global practices, is perceived to be an informed one, has been a challenge since Nigeria returned to democratic rule in 1999 (Olumide, 2016). Post-independence electoral enactments such as the 1997 Electoral Decree, 1982 Electoral Act, Presidential Election (Basic Constitutional and Transitional) Decree No.13 of 1993, 2001 Electoral Act, 2002 Electoral Act, Electoral Act of 2006, and Electoral Act of 2010 (Akpotor, 2015) appear not to have addressed the voting rights of this class of citizens. It would also appear that provisions of sections 77(2) and 117(2) of the Nigerian Constitution (1999), which presently restrict eligible voters in Nigerian elections to persons of eighteen years or older and who are also resident in Nigeria, as well as the Electoral Act (2010), as amended, have done little to address this all-important question of Diaspora voting. Agitated by this state of affairs, on 16th December 2013, the Chairman of the Independent National Electoral Commission (INEC), Professor Attahiru Jega called for the amendment of those sections of the constitution. Under amendment as proposed by him, Nigerians aged eighteen and above resident both outside and within Nigeria should be eligible to vote during general elections in Nigeria (Mudiaga, 2013). Recognizing still the importance and necessity of external voting, the current Chairman of INEC, Professor Mahmood Yakubu, stated that for the 2019 general elections, Nigerians in the Diaspora may be granted voting rights in their host countries if the National Assembly could amend the current Electoral Act ahead of time. According to him:

INEC believes these set of Nigerians living in the Diaspora should have the rights to vote, Nigerians are everywhere in the world and they are contributing their quotas to the development of those countries and majority of them have been demanding for their rights to vote so as to contribute to the development of the country. But as

we are now, Nigerians in the Diaspora still have to come home to register. During the voters' registration exercise and to come again during elections, that is, in line with the provisions of the current Electoral Act, to enfranchise them, the electoral Act has to be amended. We at INEC support Diaspora voting, it is regrettable that out of 115 countries of the world that allow Diaspora voting in their countries, 28 of them are from the African continent and unfortunately Nigeria is not among, some of the countries even create Diaspora constituency (<http://peoplemonthlyonline.ng/voting-rights-nigerians-diaspora-2019/>).

However, as important as Diaspora or external voting right is, there are a handful of others who have come out to openly criticize its introduction/integration into the Nigerian electoral process. To this splinter of people, Nigerian electoral process, indeed political system, has not yet attained the requisite maturity needed for such electoral sophistication. Mudiaga (2013), for instance, opined that: "such introduction is premature and unnecessary at this point in time. In his words, "there is time for everything, but unfortunately for those in Diaspora, it is not yet time for them to be entitled to vote externally" (<https://mavisblawg.com/2013/12/30/on-voting-by-nigerians-in-diaspora/>).

Such is the nature of the controversy that trails the prospects of introducing Diaspora voting into the Nigerian electoral system and process. Even no less a figure than the President of Nigeria, Muhammadu Buhari, found it rather difficult to take a decisive and resolute position on this vital issue, as he has swerved from rejecting the idea on 25th August 2015 to supporting it on 15th March 2016 (Nwabughio, 2015; Nwabughio, 2016; Bolashodun, 2016). The root cause of this controversy is not far from the demand made in 2014 by delegates of Nigerians in the Diaspora Organization (NIDO) while contributing to discussions on President Goodluck Jonathan's address to the national conference. NIDO called on INEC to make provisions for Diaspora voting to guarantee the rights of Nigerians abroad to vote and be voted for, insisting that:

There is no difference between Diaspora Nigerians and those in the homeland....the problems that befall Nigeria befall us and the problem that befalls us befalls Nigeria. We are one and the same. Every Nigerian would like a right to vote in Nigeria elections and so do we in Diaspora (<https://naija247news.com/2014/04/09/nigerians-diaspora-want-voting-rights/>).

Whatever the controversy, the true position of things is that currently, Nigerians abroad cannot vote during general elections, except they take the trouble of coming home to participate in the process. Even at the political party levels, their involvement is hardly felt, a situation that has continued to generate debate on the urgent necessity to have the 1999 Constitution amended so as to allow Diaspora voting. Yet again, as the 2019 election draws closer, it has become clearer that unless

the provision of sections 13(1)(c) of the Electoral Act 2006, as amended [or Sec 12(1)(c), 2010] and Sections 77(2) and 117(2) of the 1999 Constitution, which provides for only citizens present in Nigeria at the time of registration of voters to register and vote during elections are amended, the hope of Nigerians in the Diaspora to vote will remain a mirage.

While extant writings have demonstrated adequate concern over the non-Diaspora voting, such writings have largely been silent on the nexus between the availability of a reliable database and the granting of Diaspora voting rights. In view of the foregoing, therefore, this study explores the interface among technological knowhow, Nigerian electoral laws and Diaspora voting rights through the broad objective of determining whether the lack of reliable database is responsible for the failure of the electoral law to accommodate the Diaspora in the electoral process.

Reliable Database and Diaspora Voting Rights

It is estimated that there are about 15 to 17 million Nigerians in the Diaspora (Nigeria Diaspora.com). It is on record that the Nigerian communities abroad are among the best educated and relatively affluent of the emigrant population. A large number of those in advanced countries are professionals with specialization in all fields of human endeavor including medicine, education, research, ICT, law and engineering, among others. Nigerians in the Diaspora thus constitute a large pool of skilled human capacity, the critical means through which the country needs to take-off in the 21st century, bearing in mind that galvanization and utilization of intellectual capacity is integral to development. Furthermore, effective coordination and regulation of remittances from Diaspora all over the world no doubt contribute to the social economic development of Nigeria.

While eclectically citing Kozakova (2011) and Adebowale (2014), Ahmad, Abdullah & Arshad (2015, p.96) noted that:

Issues bordering around franchise continue to heat Nigerian political discourse. Voting freedom for large number of immigrants living in foreign countries pose serious constrain because they are required to obtain absentee voter identity to enable them cast vote from their foreign host countries (Kozakova, 2011). In addition, electoral officials, security personnel on duty during election posted to places other than their polling units find it difficult to exercise their voting rights. Weaknesses of the existing voting system do not support absentee voting. Hence, pockets of agitation from various quarters of citizens within Nigeria and abroad to explore viable voting system that allows voting right for those categories of citizen.

The figures often quoted about the number of Nigerians abroad remain at best speculative. The situation obtains from the lack of accurate enumeration of the actual number of this all-important category of Nigerians, as a reliable database is yet to be generated for continual and automated capture of the various categories of Nigerians

abroad. The inadequacy continues to stand in the way of planning both for the realization of Diaspora potentials and the strategic interventions of Government in impacting Nigerian Diaspora in all-round development.

According to *nigeriandiaspora.com*, the limited insight into the Nigerian Diaspora has led to a lack of proper understanding of the size, location, demographics, tastes, preferences, interests of the Nigerian Diaspora, and has limited the ability of companies and organizations to effectively reach and engage with them. However, the limited information available still offers some insight into some attributes and potential of the Nigerian Diaspora and highlights the impact they could have on the host countries and Nigeria. The U.S. Census of 2010 reveals that Nigerians are the most educated ethnic group in the USA, with the highest percentage of Bachelor degree holders amongst African immigrants and have an average household income of \$94,030. Without any large scale and formal structure, the Nigerian Diaspora continues to contribute significantly to the development of their home communities and Nigeria. In 2012, Nigerians in the Diaspora contributed more to Nigeria's economy than 34 of the 36 states. The sum of \$12 billion was remitted by the Nigerian Diaspora in 2012 (World Bank) and only Lagos and Rivers states had higher GDP's (<http://www.nigeriandiaspora.com/nigerian-diaspora.php>).

Mudiaga (2013) wonders if, at home, we still have the problem of useless biometrics database, how realistic is it that INEC would be able to compile a useful database for use externally? He insisted that Nigeria has a useless database because he remembered registering as a voter during the last general elections. According to him:

My biometric information was taken and apparently stored on a database but on Election Day, no biometric information was verified before I cast my vote. The only information verified was my face, which was as good as a blur on the tiny strip of paper given to me during voters' registration, which I laminated with my own money in order to preserve it (Mudiaga, 2013, p.6).

To him, it might be argued that the embassies would have biometric data from passport holders and also because the number of voters may not be so high, it would be realistic to compile the biometric data. In response to such argument, he raised one question- is it the same embassies that do/did not have the necessary machine to issue Nigerians the 'new' ECOWAS Nigerian biometric passport, thus forcing Nigerians to come back home in order to renew their Nigerian passport or get new ones issued on their behalf?

The main argument against external voting derives from a traditional republican position, which maintains that only citizens who are present on the territory and affected by the consequences of their vote should be entitled to the right to vote (Baubock, 2005; Blais, Massicotte & Yoshinaka, 2001). This argument draws on concerns that external voters may lack the information necessary to make a sound decision on the day of elections and the responsibility to exercise the choice wisely, since they would not be directly affected by the consequences of their vote. Other

arguments highlight controversial cases when emigrants' vote decides the result of the elections. In these cases, absentee voting gives very significant influence to people living outside the country, especially in the case of countries with sizeable Diasporas (Vertovec, 2005).

According to Collyer and Vathi (2007), the key considerations around external voting requires answers to three general questions: who should be entitled to vote from outside the country; how should external votes be translated into the framework of a system of representation; and how can organization and implementation of the voting procedure ensure the secrecy of ballots and control the costs of voting outside the country. These three considerations reflect the three-dimensional structure of external voting – the legal dimension, the political-institutional dimension, and the political procedural dimension (Grace, 2006; Nohlen & Grotz, 2000). Each of these dimensions has a territorial component and the relationship between citizenship and territory is the essential dynamic behind arguments for or against extra-territorial voting.

Writing on Romania, Dumbrava (2013) observed that one contentious issue in recent electoral politics in Romania has been the status and voting rights of non-resident citizens. These citizens enjoy only partial electoral rights. According to Romanian law, the right to stand as a candidate in elections can be exercised only by residents. Non-resident citizens cannot cast votes in local elections or in local referenda. They can vote in national elections (legislative and presidential) and in national referenda. In presidential elections and national referenda, non-resident citizens enjoy full voting rights. The law on legislative elections makes a distinction between citizens with official domicile or residence abroad and citizens who are only temporarily abroad. The reason for this distinction is that, in legislative elections, Romanian citizens living abroad constitute a separate electoral district that elects its own MPs (two senators and four deputies). The issue of the Diaspora vote has triggered heated political discussions despite the relatively low political participation of non-resident citizens. As the experience of the latest referendum for the impeachment of the President has shown, non-participation can also have important consequences if non-voters are taken into account when calculating the electoral quorum. After the Constitutional Court invalidated the referendum on grounds of low turnout, the supporters of impeachment raised questions about the inclusion of non-resident citizens in the quorum and even about the justification for the voting rights of non-residents. "Passionate debates about the voting rights of non-resident citizens contrast sharply with a general silence with regard to the electoral rights of non-EU immigrants. Third country nationals do not enjoy electoral rights in Romania" (Dumbrava, 2013, p.12).

For Erben, Goldsmith and Shujaat (2012), conducting out-of-country voting is incredibly and challenging for an Election Management Body (EMB). In many cases, the Diaspora population is large and spread along many different countries, which makes it difficult to assess the interest in participation amongst the various Diaspora communities. The EMB needs to ensure that materials are delivered, staff is trained and results are returned from locations around the world – locations that are

often not directly under the supervision of the EMB. Often, an out-of-country voting operation is much of a challenge as the in-country voting operation, but for only a fraction of voters. The risk of an EMB is that it spreads resources too thinly by attempting to conduct too similar challenging operations at the same time. As a result, the quality of an in-country election can suffer. To avoid this, they recommended States to include institutions like the Ministry of Foreign Affairs to support the EMB in conducting out-of-country voting.

There is no denying the fact that literature on reliable database and diaspora voting right is scanty. While lots of publications had been done on elections, voting rights, political participation, migration and democracy, little has been written on voting rights for the Nigerian Diaspora. Scholars neglected Nigerian Diaspora voting rights and hardly mentioned it. The much we gleaned from what few available scholars had done on who should vote and how they are determined was silent on the connection between reliable database and the granting of Diaspora voting rights.

Theoretical Framework

The study is anchored on the theory of liberal democracy. It has roots in the intellectual cum philosophical writings of the Enlightenment scholars, such as Locke, Rousseau, Mill, Montesquieu, who individually and collectively, advanced for private liberty, natural rights, social justice, majority rule and private property. As a theory, it seeks to enthrone a government of the people by the people and for the people by targeting to establish a society or community of people “conceived in liberty and dedicated to the proposition that all men are created equal” (Igwe, 2005, p. 109), and that they are “endowed by their creator with certain inalienable rights among which are life, liberty and the pursuit of happiness” (American Declaration of Independence, 1776).

The events and political upheavals of the past, especially the near-unbearable excesses of absolute monarchism between the 17th and 18th Centuries Europe provided the inevitable thrust and practical justification for the conception of what today has come to be christened the liberal democracy theory. This period saw the operation of the Divine rights to kings at its climactic apogee, as political authority was seen as being ordained by God so much so that any critical disposition towards the throne was coterminous to blasphemy and rebellion against God. Apart from pursuing the “righteous cause” of depriving the people their rights and liberties, Monarchs paraded themselves as gods with a sense of megalomaniac arrogance verging on unbridled political absolutism. Is it any wonder, then, that King James I declared to the English Parliament in 1609 thus?:

The state of monarch is the supremest thing upon earth; for kings are not only God’s lieutenants upon earth, and sit upon God’s throne, but even by God himself they are called gods. For they exercise a manner or resemblance of divine power upon earth; for if you consider the attributes of God, you shall see how they agree in the person of a king. God hath power to create or destroy, make or unmake at his pleasure,

to give life or send death, to judge all and to be judged nor accounted to none, to raise low things and to make high things low at his pleasure, and to God are both soul and body due. And the like power have kings: they make and unmake their subjects, they have power of raising and casting down, of life and death... (cited in Igwe, 2005, pp. 1-2).

Informed, therefore, by the philosophical writings of John Locke, particularly his *Second Treatise on Civil Government* (1690), the *ancient regime* that clamped down on civil liberty, freedom and rights was in 1789 overthrown in what has come to be popularly known as the French Revolution. The first wind of democratic movement thus began to blow across Europe through the Americas, Asia and then Africa.

Because of its inherent advocacy for freedom, liberty and private property as well as the prevailing post-feudal cum capitalist mode of production, the liberal democracy theory has served as a political ideology for the propagation of capitalism. Hence, the fundamental tenets of the liberal democracy theory include: Acceptance of capitalism, Free, fair and periodic elections based on universal suffrage or franchise, Emphasis on civil liberties or individual rights such as freedom of speech, assembly, press and religion, Competitive party system as opposed to one party system, Pressure groups, Rule of law, Separation of powers and checks and balances, and abhorrence to revolutionary approach to change of government.

Without prejudice to the above, the seminal concern of the liberal democracy theory is how to contrive a political system that would liberally grant and encourage individual participation in the socio-economic and political transformation of the system. Added to this is the pursuit of *inclusivism* as against *exclusivism* in the public processes, including universal suffrage, granting of all adult citizens the right to vote regardless of race, gender, property ownership and, of course, peculiarities of geographical location. According to Igwe (2005), the US has to some degree given a justification to the basic tenets of this theory “given that every law-abiding and healthy adult is legally entitled to vote and be voted for (p. 109).

From the preceding paragraphs, we understand that the seminal concern of the liberal democracy theory is how to build a political system that would liberally grant and encourage individual participation in the socio-economic and political transformation and transpiring of the system. Officially in Nigeria, general elections are conducted every four years, during which qualified adult citizens who are up to 18 years and above and reside/work within the boundaries of Nigeria troop out *en masse* to cast their votes for their preferred candidates. On the basis of the outcome of this election and the voting processes, governments at all levels are formed. The policies and decisions made and/or issued out by such government(s) are constitutionally seen, regarded and accepted as that coming from a people government. In other words, the election by means of which the government was birthed invariably and unarguably stamps a seal of legitimacy upon the government and by extension every of its policies.

Arguing however, from the major tenets of the liberal democracy theory, an insistence that the much needed free, fair and periodic elections based on universal suffrage or franchise is pathetically flouted would not be out of order. Added to this is the emphasis on civil liberties or individual rights such as freedom to vote and be voted for, which in Nigeria, is being observed by its non-observance. This is because, about 17 million Nigerian in Diaspora are being currently robbed of their universal franchise as well as civil liberty.

The liberal democracy theory upholds and sanctions the pursuit of *inclusivism* as against *exclusivism* in public processes, including universal suffrage, granting of all adult citizens the right to vote regardless of race, gender, property ownership and, of course, peculiarities of geographical location. It is ironic, indeed pathetic that the Nigerian electoral laws have out-rightly disenfranchised a significant, nay overwhelming percentage of the citizenry on the risible alibi that they do not reside and/or work within the geographical expanse of the country. This deliberate *exclusivism* of the Diasporan population even in the light of the obvious fact that through their remittance, the Diasporan Nigerians have contributed tremendous to the socio-economic and infrastructural development of the country is at best a pervasion of the liberal democratic theory, which advocates for inclusion and integration of every aspect of a plural society. An interesting aspect of integration is the transactional fervor it brings up to address and increase communication and interaction among people of different parts of the world in order to promote world peace. There is no integration without transactions. Political participation through voting will be a major political transaction between the emigrants and the country of origin. This interaction will accord some sense of national consciousness to the Diaspora Nigerians.

Section 77, Subsection (2) of the 1999 Constitution states, "Every citizen of Nigeria, who has attained the age of eighteen years residing in Nigeria at the time of the registration of voters for purposes of the election to a legislative house, shall be entitled to be registered as a voter for that election." This suggests that this part of the constitution has to be amended first to allow voter registration in the Nigerian embassies, consulates or missions around the world. Amending this section of the constitution would hasten the Diaspora voting, as disenfranchisement of millions of Nigerians living outside Nigeria is very divisive and disintegrative. It is "Denigerianisation" of large population of Nigerian citizens. Diaspora voting rights is a good democratic principle. Granting Diaspora voting rights, therefore, will lead to greater inclusiveness in the current Nigeria democratic dispensation.

Non-registration of Nigerian Diaspora and their exclusion by Sections 77(2) and 117(2) of the 1999 Constitution

The primary requirement for the extension of voting right to any Nigerian citizen includes that such a person must be registered through the act of presenting himself to the registration officers of the Commission for registration as a voter. In view of this, what Nigerians in Diaspora are ordinarily expected to do in order to participate in the voting processes of the nation's electoral system is, in principle, to

come home, get registered and then wait behind and vote or be voted for before travelling back to their country of domicile. Collyer & Vathi (2007, p. 11) described this process whereby expatriates have to travel to their country of origin in order to vote as "Vote in home district." This, however, entails a whole gamut of problem, considering the logistical challenges and costs involved. They observed and described another category whereby "expatriates can vote in polling stations abroad but the votes are counted as if they were resident in an electoral district within their country of origin" as "Vote abroad for home district."

The case of Romania, for instance, is however different. Romanian citizens enjoy the right to vote in European elections organized by Romania, irrespective of their place of residence or domicile. The enjoyment of these electoral rights is somewhat partial. Romanian citizens who have domicile in Romania are automatically registered on the electoral rolls. They are removed from the electoral roll when they register to vote for European elections in another Member State. Romanian citizens who are abroad on the day of elections can exercise the right to vote in European elections only if they are not on the list of citizens who have registered to vote in another member state. These lists are compiled and updated by the Permanent Electoral Authority. The law does not distinguish between temporary and permanent residence abroad. As in all other elections, non-residents do not have candidacy rights. During national elections and national referenda, eligible citizens are automatically registered on the permanent electoral roll in the municipality of their domicile.

In cases where citizens have been omitted from the permanent electoral roll, but can prove with their identity documents that they have domicile in the municipality, citizens can exercise the right to vote in that municipality. In such cases, citizens are registered at polling stations on the supplementary electoral roll. In legislative elections, citizens who are resident in a municipality must register their intention to vote at least three days before the day of elections if they want to vote in their municipality of residence. In national referenda, citizens who reside in a municipality can vote if they register their intention to vote at least three days before elections. Citizens who live permanently abroad can declare their domicile abroad before Romanian authorities. In such cases, citizens are removed from the electoral roll of the municipality of their previous domicile in the country and placed on a special electoral roll reserved for citizens with domicile abroad. The mention of domicile abroad is registered in citizens' passports. Citizens with domicile abroad can vote in legislative elections, presidential elections, and national referenda. The law does not provide for the lapse of electoral rights after a certain period of residence abroad. Citizens with domicile abroad have no voting rights in local elections and local referenda. They also cannot run as candidates in any type of elections. In order to enjoy candidacy rights in Romanian elections a person must have his or her domicile in the country (Dumbrava, 2013).

In Nigeria, President Jonathan contemplated on allowing Diaspora to vote starting from 2015 (Adichie, 2014) but only after the Nigerian Diaspora collected signatures to permit the right to vote and several protests (Burean & Popp, 2015). In

its *Approved Guidelines and Regulations for the Conduct of 2015 General Elections* (2014) No. 2, the Independent National Electoral Commission (INEC) provides that: “A person shall be eligible to vote at an election conducted by the Commission if he/she is registered as a voter, and his/her name appears on the register of voters, and he/she presents a voter’s card at his/her polling unit.” Specifically, No. 7 (b) and (c) of the *Guidelines* stipulate thus:

No. 7b: No voter shall cast his/her vote other than by personally attending the polling unit/voting point and in the manner prescribed by the Commission.

No. 7c: The Presiding Officer shall regulate the admission of voters to the polling unit/voting point, and shall exclude all other persons except candidates or their polling agents, other poll and election officials, security personnel, accredited observers and any other person who in his opinion has lawful reason to be admitted.

It is perhaps interesting to note that in 2012, six Members of Nigeria’s Federal House of Representatives led by Abike Dabiri-Erewa, then House Committee Chair on Nigerians in the Diaspora sponsored a Legislative Bill that seeks to amend Nigeria’s Electoral Act 2010 in order to grant Nigerians in the Diaspora the right to vote during general elections in Nigeria. The Bill which is divided into 5 Sections provides in section 4 for the qualification of Nigerian Diasporas for registration for the purposes of voting in elections. The importance of registration of voters is so much stressed that the determination of whether the outcome of polling in a given center is to be accepted or rejected is contingent upon the outcome and the registration processes and status. No. 28 of the *Guidelines* has this to say:

Where, the total number of votes cast at a polling unit exceeds the number of registered voters in the polling unit, the result of the election for that polling unit shall be declared null and void. Similarly, where the total number of votes cast at a polling unit exceeds the total number of accredited voters, the outcome of the election shall be declared null and void (INEC, 2014, p. 10).

The development in which over 98 percent of the names of Nigerian Diasporas can neither be found in the official voters register nor be satisfactorily said to have voter’s cards is a very unfortunate one. But far from being a cause in itself, it is the informed opinion of this study that this phenomenon of non-registration is an effect that has as its root cause the exclusion of Nigerian Diasporas by Sections 77(2) and 117(2) of the 1999 Constitution. This is because the enjoyment and exercise of rights does not precede its sanctioning/granting. These sections, in paraphrase, limit the right to vote to only Nigerians who in addition to having attained minimum age of 18 also live, reside and work in Nigeria. The unsavory implication of this is the deliberate disenfranchisement of worthy and well-meaning Nigerians in Diaspora.

Lack of exact number of Nigerians living abroad and the insistence of the Electoral Act that only Nigerians who are resident and work in Nigeria shall be qualified to be registered as voters

The information available on the size/number of Nigerians in Diaspora has largely been based on quasi-statistical estimates. Nobody or agency, as it were, can give an exact account of these people that constitute the “7th geopolitical zone” of the country. The increasingly unconventional travelling modalities and unorthodox cross-border migrations have further weakened the administrative, record-keeping and monitoring sagacity of the Nigerian Immigration Service (NIS) concerning the number of persons leaving the country at what point and to which point. Added to this is the issue of birth and death registration of those who had gone out. The question of how many Nigerians leave the shores of Nigeria on daily, weekly, monthly and yearly basis as well as how many Nigerian parents put to bed at least annually remains hugely unsettled till present. Such is the challenging nature of the determination of the exact number of Nigerians staying abroad.

Be that as it may, repeated estimations have put the population of Nigerians in Diaspora at the intimidating volume of between 15 million (Olumide, 2016) and 17 million (Soludo, 2013). In Nigeria, we know from census data the number of Nigerians in each constituency in the country. Based on Demography, we can easily estimate the number of eligible voters in a constituency and hence match it with the registered voters by the INEC. For such reason, we have 2 independent methods of determining the number of eligible voters. This scientific method of verification is conspicuously absent in the case of the Nigerian Diaspora eligible voters. We are therefore left with no choice but to depend on Voters List provided by a partisan working through our embassies and high commissions. After examining this, Arizona-Ogwu (2009) was left with no other choice than to ask the following touching questions:

Isn't this a prescription for fraud and disaster? Even in the April 2007 election; with so many independent observers, the INEC had to reverse decisions from 3 constituencies. Don't we think that Nigerian Diasporas voting in over 100 countries in the world is a decision in the right direction? (<https://www.nigeriansinamerica.com/do-nigerians-in-the-diaspora-deserve-voting-rights/>).

Unfortunately, however, the electoral act “limits” the casting of votes to people temporarily living abroad. Whereas granting the Nigerian Diasporas voting right may be a truly hard and resource sapping venture, it is not entirely an uphill task that cannot be accomplished. The Independent National Electoral Commission (INEC) should have to ascertain how many potential voters there were in each country across the globe. Embassies in foreign countries were typically used for citizens to cast their ballots. The INEC should have to staff voting stations set up at embassies with independent workers. The staff at the voting stations would have to be independent therefore no government workers should be used, the INEC should send

independent workers to each country. This could be an added reprieve to the taxpayer as it is very adventurous to fly them and accommodate the workers... the number of staff required in each country or city will depend on how many potential voters are in each city. The voters in foreign countries can then have to be added to the voters roll through registering and this process could take time (Arizona-Ogwu, 2009).

The crux of the whole issue is that the Nigerian immigrant community abroad deserves the right to vote from polling places where they live. This will legitimize them. It is not as if their story is any peculiar; it is similar to every Diasporas across the globe including those of Senegal, Mali, Burkina Faso, Niger, South Africa, and many other African countries that have successfully implemented Diaspora voting. This is call and duty to one's nation, the same way as Palestinians, Syrians, Indians and Lebanese living in Nigeria do for their countries.

Table 1: Countries with external voting

Region	Country/Territory
Africa (28)	Algeria, Angola, Benin, Botswana, Cape Verde, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Equatorial Guinea, Gabon, Ghana, Guinea, Guinea-Bissau, Lesotho, Mali, Mauritius, Mozambique, Namibia, Niger, Rwanda, São Tomé and Príncipe, Senegal, South Africa, Sudan, Togo, Tunisia, Zimbabwe.
Americas (16)	Argentina, Bolivia, Brazil, Canada, Colombia, Dominican Republic, Ecuador, Falkland Islands, Guyana, Honduras, Mexico, Nicaragua, Panama, Peru, United States, Venezuela.
Asia (20)	Afghanistan, Bangladesh, India, Indonesia, Iran, Iraq, Israel, Japan, Kazakhstan, Kyrgyzstan, Laos, Malaysia, Oman, Philippines, Singapore, Syria, Tajikistan, Thailand, Uzbekistan, Yemen.
Eastern Europe (41)	Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Gibraltar, Greece, Guernsey, Hungary, Iceland, Ireland, Italy, Jersey, Latvia, Liechtenstein, Lithuania, Luxembourg, Isle of Man, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom.
Pacific (10)	Australia, Cook Islands, Fiji, Marshall Islands, Micronesia, Nauru, New Zealand, Palau, Pitcairn Islands, Vanuatu.
Total 115	

Source: The IDEA Handbook (2007). *Voting from Abroad*, Handbook Series.

Bearing in mind that it is the Jewish Diaspora which makes the state of Israel to be strong through lobbying and direct financial support, in Nigeria, therefore, there is a manifest denial of rights of the Diasporas, especially when viewed against the fact that everybody has a right to vote and be voted for as enshrined in the United Nations Human Rights Declaration. To put it in layman's terms, one law – the superior law confers upon Nigeria's Diaspora the right to vote. Yet another law “an inferior law” takes it away. If this happens anywhere in the world, the subordinate

law would be amended if not nullified outright. Our opponents would have us believe that somehow, Nigeria is different (Arizona-Ogwu, 2009). It is therefore not surprising that the Senate Committee on Diaspora and Non-Governmental Organization recommended that the provisions of Section 13(1)(c) of the Electoral Act, 2006, as amended and sections 77(2) and 117(20) of the constitution be amended to provide for Diaspora Voting Right so that Nigerian citizens living abroad who are not disqualified by law and who are at least 18 years old by the time of voters' registration, to vote in Nigerian elections. Worthy of note is that these sections in question unanimously provided that:

“A person shall be qualified to be registered as a voter if such a person—

- a) is a citizen of Nigeria;
- b) has attained the age of 18 years;
- c) is ordinarily resident, works in, originates from the Local Government Area Council or Ward covered by the registration center;
- d) presents himself to the registration officers of the Commission for registration as a voter...”

In the light of the foregoing, the curiosity as to whether this denying and undemocratic insistence of the Electoral Act (including allied laws operational in Nigeria) that only Nigerians who are resident and work in Nigeria shall be qualified to be registered as voters truly and logically derives from Lack of exact number of Nigerians living abroad still remains, and has indeed become more prone to skeptical revisionism.

Poor identification with Nigerian Diaspora Organization (NIDO) and the Silence of electoral laws on the extension of voting rights to Nigerian Diasporas

It was in the year 2001 that the idea of Nigerians in Diaspora Organization (NIDO) was conceived. Of course, one of the major expectations from the organization was to create Databank of Nigerian skills abroad to enable the Nation tap from them in favour of National development. Indeed, the establishment of the Global Database of Nigerians in Diaspora (GDND) was one of the benchmarks on which the success of the Nigerians in Diaspora Organization was to be measured. The Management and Board of Nigerians in Diaspora Organization Europe in recognition of her unique position within the Nigerian Diaspora Community and her obligations in engendering accelerated national development created a Committee of Nigerian top Professionals in the Information and Data Industry to take charge of this project. The team, headed by Sebastian Udejah, a Senior Software Developer and Consultant in Germany, spent over twelve months developing a highly-sophisticated Software to house this Database, capable not only of holding millions of records of Nigerians in Diaspora worldwide but also capable of returning results on such enquiries as expertise, skills, profession, country of residence, state of origin et cetera.

The major challenge that the NIDO has continued to face is poor identification with the parent and regional bodies by some Diasporans. Although formed in Washington DC, it has expanded to include NIDO Americas, NIDO Asia,

NIDO Africa and NIDO Europe. NIDO has about 37 chapters in the USA alone, with eight districts. We also have budding chapters in the process of formation and re-organization in various states in the USA. In Canada alone, NIDO has about three chapters and two of them are very active. NIDO was formed with the basic principles of organizing itself to protect the interests of Nigerians in the Diaspora, comport itself as the umbrella organization for all the Nigerian community associations within its geographic space (Akinwale, 2015).

Summary and Conclusion

Democracy and its practice, across the globe, have continued to evolve from its rudimentary stage and parochial scope characterizing it from the time of the ancient Greece. This evolution should not be understood as something foisted upon society from without. Rather, it is both a product and reflection of the dynamic character of human society. The winds of globalization and migration, coupled with the complexity of modern society, have combined to place yet another demand upon global and national political systems. It is of course the democratic demand for inclusion, integration and participation in the electoral, indeed, political processes, of people resident outside their own territory. It is the demand for Diaspora/external voting right. Diasporas are people living outside their country of origin, irrespective of their state of origin or geopolitical zone and who are willing to contribute to the development and building of their country.

Experience and studies have shown that Diaspora voting rights can be gained by the wilfulness of a pragmatic government to maintain or strengthen the ties between emigrants and the mother country. Such a government knowing the democratic and economic benefits of engaging all citizens wherever they may be will create channels of communication and political participation in order to continuously interact with the Diaspora community. As some nations work to relate with her Diaspora communities, this right can be gained by the citizens at home or abroad lobbying and mounting pressure on the government to guarantee the franchise of out of country citizens. It will be difficult for countries to keep asking their expatriates for economic help while refusing them all a political outlet, particularly when expatriates are likely to be more mobile, more informed and more connected than ever.

Whereas many countries of the world (at least 115 of them) have keyed into and granted this demand to her citizens abroad, many other countries, including Nigeria, are yet to embrace this universally recognized demand for the right of Diasporas to vote and/or be voted for. This is regardless of the fact that the Universal Declaration of Human Rights guarantees the right of everyone to take part in the government of his country, directly or through chosen representatives (International Democracy and Electoral Assistance, 2008). In strict adamancy, the Nigerian Electoral Act 2010, though amended twice, which is the current statutory framework that stipulated the guidelines for the conduct of all general elections in Nigeria alongside other laws of the Federal Republic of Nigeria verging on election, has not made any provision to the effect of granting this highly sought after right (Diaspora Voting Rights). In all its 9 parts, 158 Sections and 3 Schedules, no mention was made

of Diaspora, external, overseas or absentee voting rights. Similarly, the 1999 Constitution in all of its 8 chapters, 7 schedules, 317 formal sections and 153 pages, made no mention of Diaspora, external, overseas or absentee voting rights as considered global best practice in modern democracies worldwide.

In effect, there is no legal provision in the body of laws in Nigeria for her citizens who live abroad to be part of the electoral process. Diaspora voting rights, as the right and ability for nationals of a country to be able to vote in general elections in their country of origin while in the convenience of their country of residence, is not specifically enshrined in the 1999 Nigerian Constitution, but it emphatically enacted the following rights: right to vote and be voted for; right of representation; right to choose a candidate in an election; right to be informed of what the Representatives are doing with your mandate (constituency briefing); right to ascertain the level of constituency development and right to recall. With the manner and urgency at which the diasporas constantly call on the Nigerian government to make it possible for them to vote in elections, especially general elections, in tandem with the fast approaching 2019 general elections, the peace of the nation, which is already badly beleaguered, may further deteriorate if and when this 7th geopolitical zone decides to hit the media virally or go radical. As Bowden (2016) rightly noted, enabling political representation can be achieved either by civilly granting the people the right which will result in greater understanding of and responsiveness to the experience of all citizens, or, by the citizens dragging the government to court as was the case in Austria in 1990, and of course, Britain, Kenya and Malaysia at other different times. Diaspora Egyptians were able to vote in the post-Arab Spring elections of 2013 because they took to the streets in many cities of the world demanding inclusion and direct participation in the Egyptian elections.

The foregoing situation becomes even more pathetically paradoxical when one calls to mind that Nigeria has helped in bringing “peace” here and there on the African continent; giving a helping hand to freedom fighters in Zimbabwe, Namibia, and South Africa; leading the army of internal peace in Congo, Liberia, Sierra Leone, Gambia and Sudan and defending African interest in the United Nations. Nigeria was instrumental to the restoration of peace and democracy in Liberia, Sierra Leone and Gambia, Congo, yet millions of her Diaspora citizens are disenfranchised and not accorded the political rights the country is helping to maintain in the West African Sub-region. Just recently, Nigeria was fully involved in the resolution of the political impasse in Gambia. She is spending resources to maintain democracy in other African countries, yet many of her citizens wallow in socio-economic and political disenfranchised.

What is more, the manifesto of the All Progressives Congress (APC), the current leading political party that produced the President and majority of seats in the National Assembly has Diaspora voting rights crafted as part of its 2014 electioneering promise to Nigerian home and abroad. Section 23, Sub-Section VII, states that “The Diaspora will be provided opportunity to exercise their franchise during general elections in their respective places of domicile”. Subsection VI of the same Section 23, also highlighted the need to, “Recognize Nigerians in the Diaspora

and find concrete means to cultivate them in the design and implementation of government policies and programs. Section 25, Subsection III, mentions the need to, “attract the best and brightest into our politics and public service by aggressive recruitment of youths, women and private sector operates, academics and professionals within Nigeria and in the Diaspora through internship, fellowship, executive appointments and special nominations to contest elective offices.” After about two years running, the party and the government are yet to live up to their promises and manifest their manifesto.

Extremely worrisome is the fact that as the 2019 general elections draw closer, it has become clearer that unless the provision of sections 13(1)(c) of the Electoral Act 2006, as amended [or Sec 12(1)(c), 2010] and Sections 77(2) and 117(2) of the 1999 Constitution, which provide for only citizens present in Nigeria at the time of registration of voters to register and vote during elections are amended, the hope of Nigerians in the Diaspora to vote will remain a mirage.

This study found that the lack of reliable database **does not** fully explain the failure of the electoral law to accommodate the Diaspora in the electoral process. Rather, there has been a pathetic lack of political will on the part of the national leadership to do the needful, which is to mobilize the appropriate quarters to review the various laws dealing on election, especially the Electoral Act and the 1999 constitution (both as amended), so as to provide for the right of Diasporas to vote in national elections. The true position is that the granting of rights historically preceded the issues of database in Nigeria’s political history. It is nowhere on records that the granting of the elective principles that granted Nigerians the first ever right to vote and be voted for via the instrumentalities of the Clifford Constitution of 1922 was preceded by the determination and certainty of Nigeria’s population and database. So, while the issue of database is helpful in perfecting the voting process and managing resources, it does not account for nor explain the failure of the electoral law to accommodate the Diaspora in the electoral process. In view of the foregoing, therefore, the hypothesis is rejected.

Recommendations

Informed by the above broad findings, the study offers the following recommendations for policy actions:

1. In view of the fact that there are many national benefits that have accrued and continue to accrue to Nigeria by effectively harnessing the political and economic potentials of her Diaspora communities, there is an urgent need to grant them external voting rights, through the amendment of the concerned sections of the 1999 Constitution. With the enabling act in place, it will be incumbent on INEC to plan for all necessary logistics in order to make it possible and convenient for the Diaspora Nigerians to vote from outside Nigeria. This change or expansion of the electoral process will not be possible without constitutional amendment, especially as this process of amendment is ongoing at the national assembly.

2. With the constitutional framework in place for Diaspora voting right, the Electoral Acts 2006 and 2010 should be further amended or completely changed by the National Assembly to enact stipulations that will guarantee voting from abroad. Not just the rights, but the possibility of voting from abroad must be conveniently available.
3. The National Assembly should charge its committee on the Diaspora to look into various modalities of encouraging atomized Nigerian Diaspora to partner and identify themselves with NIDO and other related bodies. Among other benefits that would come in the wake of this is the gradual compilation of reliable database, which will in turn help INEC or any other EMB to successful plan and carry out external/Diaspora voting.
4. The Federal Government of Nigeria should either send a delegation to some countries which had successful conducted out-of-country voting over time or have their expatriates come down to Nigeria for basic trainings, seminars or workshop for the INEC and its ad hoc staffs as the government may deem fit.
5. It is not going to be cheap. Thus, the Federal Government of Nigeria should ensure that that adequate funding is made available for the effective operation of the electoral process. INEC should design a cost-efficient electoral process that will enable a comprehensive voting participation by all electoral; home and abroad, free and fair inclusive election. The process may be autochthonous because no two political systems are the same. Making this right available is only half of the process; making it practicable and ensuring that the Diaspora communities are aware of the rights, and ease of enjoyment of the rights are other issues to be effectively planned for and guaranteed.

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