

## **Diaspora Voting In Nigeria's Elections: An Analysis Of The Abike Dabiri-Erewa Bill Of 2012 And The Effectiveness Of It's Possible Inclusion Into The 2019 General Elections.**

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**ABSTRACT:** *In 2012, six Members of Nigeria's Federal House of Representatives led by Abike Dabiri-Erewa, House Committee Chair on Nigerians in the Diaspora sponsored a Legislative Bill that sought to amend Nigeria's Electoral Act 2010 in order to grant Nigerians in the Diaspora the right to vote during general elections in Nigeria. This paper provides a detailed review of the provisions of the proposed legislation in order to ascertain and expand the rationale for the Bill, the advantages and disadvantages of the Bill, constitutional and legal issues around the Bill and a comparative analysis of similar legislation in other countries. Furthermore, the study also seeks to ascertain the effectiveness of the possible inclusion of diaspora voting in the 2019 General elections in Nigeria. Secondary Method of data collection was adopted in the course of this study. The paper recommended that The Independent Electoral Commission, should set up effective modalities in all Nigeria embassies across the globe thus as to make history and grant franchise to 17 million disenfranchised Nigerians in the diaspora.*

**KEYWORD:** *Elections, Diaspora Voting, Electoral Bill, Nigerian Diaspora, Nigeria, Polity.*

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### **I. Introduction**

Nigeria's Electoral Act 2010( as amended) is divided into 9 major Parts, 158 Sections and three Schedules. The Act provides for the establishment and functions of the Independent National Electoral Commission (INEC), the Procedure at Elections; National Voters Register and Voters Registration; Formation, Functions and Powers of Political Parties; Electoral Offences, among other things. The Act however, does not make provision for voting rights for Nigerians in the Diaspora during general elections. This is the problem the sponsors of the bill envisaged, and protruded to address and amend the electoral act in order to allow Nigerians in diaspora to vote. The Bill is targeted at the Nigerian electorates, the electoral system and Nigerians in the Diaspora. If passed into law, the outcome will empower over 17 million Nigerians (According to the National Bureau of Statistics) in the Diaspora to vote during general elections ( Acho,2012).

Nevertheless, the introduction of the Bill has generated thorny debates among scholars, policy analysts, political commentators and Parliamentarians. Some have argued that the promulgation of the Bill into law is necessary given the urgent need for a legal provision that will empower Nigerians in the Diaspora to vote during general elections. Their argument is predicated upon the premise that it has become a global practice in modern democracies for citizens in Diaspora to vote in general elections of their countries of origin. Others have however, argued against the provisions of the Bill principally from institutional and economic point of view. The central thesis of the argument here is that passing the proposed legislation into law will bring much pressure to bear on the human and institutional capacities of the Independent National Electoral Commission (INEC) given that the electoral body as it is currently constituted, lacks the capacity to conduct oversea elections. Others have also submitted that the proposed legislation will bring financial pressure on the Nigerian economy if promulgated into law. But the aim of this paper is to evaluate the bill and seek reasons for the potential possible inclusion of diaspora into the 2019 electioneering process ( Acho,2012).

### **II. Conceptual Elucidation**

**a. Diaspora:** The term diaspora comes from an ancient Greek word meaning "to scatter about." And that's exactly what the people of a diaspora do — they scatter from their homeland to places across the globe, spreading their culture as they go.

“Diaspora” has become an increasingly trendy concept throughout the academic world. This is not surprising, given the incessant movement of peoples from one country, region, or continent to another for a variety of reasons: economic, political, social, and cultural. This phenomenon has called into question the relevance of the ideal-type of the “nation-state,” or, more exactly, of the congruence of nation and state, and has created a situation where the societies of most countries are becoming multiethnic, multicultural, multiracial, and pluralistic (Mark, 2012). Minority populations were once referred to as refugees, immigrants, expatriates, asylum seekers, or guest workers; these categorizations seemed to be sufficient, for how else could one explain the fact that most specialists on nationalism, ethnicity, and even migration did not deal with diaspora as a distinct category or mention it at all, at least until very recently (Robin, 1997). When we classify them as Diasporas, we do so on the grounds that they share most, if not all, of the following characteristics:

1. They, or their ancestors, have been dispersed from a specific original “center” to one or more peripheral, or foreign, regions.
2. They retain a collective memory, vision, or myth about their original homeland—its physical location, history, and achievements and, often enough, sufferings.
3. They believe that they are not, and perhaps cannot be, fully accepted by their host society and therefore feel partly alienated and insulated from it.
4. They regard their ancestral homeland as their true, ideal home and as the place to which they or their descendants would (or should) eventually return—when conditions are appropriate.
5. They believe that they should, collectively, be committed to the maintenance or restoration of their original homeland and to its safety and prosperity.
6. They continue to relate, personally or vicariously, to that homeland in one way or another, and their ethno-communal consciousness and solidarity are importantly defined in terms of the existence of such a relationship. The absence of such a relationship makes it difficult to speak of transnationalism.
7. They share a common notion of “peoplehood” not only with the homeland but with ethnic kin in other countries.
8. They are willing to survive as a minority by maintaining and transmitting a cultural and/or religious heritage derived from their ancestral home.
9. In structuring their communities and adapting to their host lands, Diasporas become themselves independent centers of cultural creation; yet their creations continue to contain certain ethno symbols, customs, and narratives of the homeland.
10. Their cultural, religious, economic, and/or political relationships with the homeland are reflected in a significant way in their communal institutions ( Robin,1997).

**b. Voting:** is a method for a group, such as, a meeting or an electorate to make a collective decision or express an opinion, usually following discussions, debates or election campaigns. Democracies elect holders of high office by casting their votes in an electioneering and election process.

**c. Election:** An election is a formal group decision-making process by which a population chooses an individual to hold public office. Elections have been the usual mechanism by which modern representative democracy has operated since the 17<sup>th</sup> century.

**d. Bill:** A bill is proposed legislation under consideration by a legislature. A bill does not become law until it is passed by the legislature and, in most cases, approved by the executive. Once a bill has been enacted into law, it is called an act of the legislature, or a statute.

Members of Congress, the Executive Branch, and even outside groups can draft (write or draw up) bills, then it is Introduced in House, Representative introduces the bill in the House. Only members can introduce bills. Furthermore, the Speaker of the House sends the bill to a committee, after that Committee Action is taken Most bills die here. The committee may pigeonhole, table, amend, or vote on the bill. If bill passes, it goes to Rules Committee, Rules Committee decides the rules for debate, and when the bill will come up for debate. From rules committee to Floor Action: House debates the bill, and may add amendments. If a majority votes in favor of the bill, it goes to the Senate. In the Senate, A Senator introduces the bill, which is sent to a committee. In the Committee Action, it is the same procedure as in the House. If the committee majority votes for the bill, it goes to the whole Senate. On the floor of the senate, the Bill Called Up, Majority floor leader decides when the whole Senate will consider the bill then a Floor Action is taken, The Bill is debated, and amendments may be added. If a majority votes in favor of the bill, it is returned to the House. From here, the bill moves to Conference Committee, If the House rejects any of the changes, the bill goes to a conference committee of members from both houses. It works out a compromise. Then there is Vote on Compromise, Both houses must approve changes made by the conference committee. If approved, the bill goes to the president.

The bill leaves the house for a Presidential Action: The president may sign (approve) the bill or veto (reject) it. If approved, it becomes law, if he rejects, then there is a constitutional provision for a Vote to Override, If the president vetoes the bill, it can still become law if two thirds of both houses vote to override the veto.

### **III. A Brief History Of Diaspora Voting**

The first use of external voting appears to have been put in place by the Roman emperor Augustus, who is said to have invented a new kind of suffrage under which the members of the local senate in 28 newly established colonies cast votes for candidates for the city offices of Rome and sent them under seal to Rome for the day of the elections—an act which was undoubtedly based on political rather than democratic motives (Henry, 2012).

The reasons for introducing external voting also differ according to the historical and political contexts. Thus, in several countries the introduction of the right to vote for overseas citizens was an acknowledgement of their active participation in World War I or World War II.

In more recent times, the earliest known use of external voting took place in 1862, when Wisconsin became the first of a number of US states which enacted provisions to allow absentee voting by soldiers fighting in the Union army during the Civil War. (The franchise was defined at state level in the USA.) Political contention was from the beginning a major factor: Republicans backed external voting legislation as they believed that soldiers were likely to support Republican President Abraham Lincoln, while Democrats sympathetic to peace moves and the cause of the Confederacy opposed it. A guarantee that US service personnel could register for a postal vote was passed in 1942, although this was reduced in 1944 to a recommendation to states (which are the registration authorities) to enable registration. The overseas postal vote was gradually extended to cover non-military personnel serving abroad (in 1955) and all US citizens abroad (in 1968). The United States provides an example of those rare cases where external voting was finally enacted in response to the demands of citizens residing overseas and the registration provision became mandatory for states in 1975 (Collyer & Vathi, 2007).

Outside the military context, New Zealand introduced absentee voting for seafarers in 1890, and Australia adopted it in 1902, although under operating arrangements which made its use outside Australia practically impossible. New Zealand gave the vote to all military personnel, not just those over the then voting age of 21, during the period of the war.

Many more people were enlisted into armed forces during World War I (1914–8) than in previous conflicts. In the United Kingdom (UK), the political demand for a voice for those doing the fighting led in 1918 to the introduction of absentee voting for military personnel, conducted by proxy. Postal voting for military personnel, merchant seamen and others working overseas on matters of national importance took place in the UK in 1945, with a three-week delay between domestic polling and counting to allow for ballot papers to be returned. In the UK in the 1980s, the then Conservative government saw advantage in the general enfranchisement of British

citizens living overseas and enacted it, believing that many expatriates would be their supporters, but were disappointed by the very low take-up of overseas registration. Even an extension of the maximum period of overseas residence from five years to 25 did not bring the party the political benefits they anticipated. However, communities of expatriates do often seek involvement in their country of origin, whether migrant workers seeking to retain links with their home, members of long-term diaspora communities opposed to a current or former regime, or expatriates remitting payments to relatives (Henry, 2012).

Canada provides more early examples of the influence of political factors in the introduction and form of external voting. Postal voting for military electors on active service was agreed at federal level in 1915: the Unionist government believed that Canadians on active military service would be likely supporters. Before the federal election which followed in 1917, the military franchise was extended. In addition, the military voter could choose the electoral district where the vote would be counted—failing which the political party chosen by the voter could do so after the results of the civilian voting in-country were known! Another Canadian example of the influence of political factors was seen in the province of British Columbia, which enabled military personnel overseas to vote in 1916 in referendums on women's suffrage and on the introduction of the prohibition of alcohol. While the referendum on the vote for women passed easily, the result of the referendum on prohibition was very close, and the votes of overseas soldiers were critical to the rejection of the proposition. Following allegations of malpractice by the supporters of prohibition, a legislative commission of inquiry recommended that most of the overseas votes be disallowed. This recommendation was subsequently passed into law, changing the result of the referendum, and prohibition was then enacted. Canada introduced proxy voting on behalf of prisoners of war by their closest relatives for the 1945 general election, and extended postal voting to military families in 1955 (Alphosus, 2011).

France introduced external voting in 1924 to cater to a different constituency: French administrators posted to the occupied Rhineland were enabled to vote by post. World War II (1939–45) produced further momentum for external voting by active servicemen. In addition to postal voting by military personnel, France introduced proxy voting for servicemen by 1946: by 1951, postal votes and/or proxy votes were available for voters in a range of specified categories, including those on government or military service or professional business away from their home. The fear of fraud in the operation of external voting provisions has sometimes been well-founded. France abolished postal voting in 1975 because of the incidence of fraud. French provisions for proxy voting before 1982 allowed proxies to be registered in any electoral district—which led in legislative elections to competition to register proxies in marginal electoral districts. Since 1982, proxies may only be registered in electoral districts with which the elector has a connection according to a list specified in the electoral law (Mark, 2012).

In common with many other aspects of electoral administrative tradition, external voting provisions often passed from the legislation of a colonial power to the legislation of a newly independent state. The existence and form of external voting in Malaysia followed its use in colonial Malaya, which had in turn derived it in the 1950s from the British legislation then in force. Postal votes were available for overseas service personnel, for overseas public servants and overseas students, and for their spouses. However, not all British colonies had introduced external voting before independence, and indeed some of the remaining British overseas territories and former colonies still do not have it.

Several French colonies retained the French proxy voting system at independence. France introduced personal voting in embassies and consulates in 1975 for presidential elections and referendums—an executive administrative initiative, because only one version of the ballot paper is required—and a number of former French colonies, for example Gabon and Guinea (Conakry), now have similar systems.

India enacted the core of its election legislation in 1950 and 1951, creating a model which was widely studied in other countries gaining independence. India at first specifically excluded proxy voting, and enfranchised its service personnel through postal voting. However, service personnel are now entitled to vote either by post or by proxy, and electors in government service outside India are entitled to vote by post.

Indonesia legislated in 1953 for its first democratic general elections. While some described the resulting law as over-complex and a search for democratic perfection, the principle of enfranchisement of all citizens, in particular migrant workers and students, led to the introduction of external voting in Indonesian embassies abroad—a mechanism that persisted through the elections of the years of authoritarianism and remained in use in the democratic era (Acho, 2012).

A similar wide qualification was introduced by Colombia in 1961.

In Spain, the introduction of external voting in 1978 had a symbolic character insofar as its inclusion in the democratic constitution meant the ex post facto acknowledgement of the republican emigration after the Civil War.

In Argentina (1993) it reflected the government's political/pragmatic intention to maintain or strengthen the ties between emigrants and the mother country.

In Austria the introduction of external voting (in 1990) followed a resolution of the Constitutional Court.

While Swiss citizens had been able to travel back to Switzerland to vote for some years, the argument that Swiss sovereignty precluded foreigners from voting in Switzerland and therefore prevented the Swiss from seeking agreement for external voting was only finally overcome in 1989.

Political parties and actors can be the key players in introducing external voting. A provision in Honduras that had long been stalled was activated by a party which saw political advantage in doing so. Such communities can themselves be influential in lobbying for the introduction of external voting as the Dominican Republic example shows.

External voting provisions have not always proved to be sustainable. In the Cook Islands, the undesirable effects of political party competition to fly voters overseas back for the poll led to the introduction of a separate electoral district for Cook Islanders resident overseas. Although Cook Islands elections have remained competitive, political support for the overseas seat declined and it was abolished for the 2004 election (Collyer & Vathi, 2007).

#### **IV. The Costs of Diaspora Voting: Perceptions and Partisanship**

Explanations of external voting emphasize potential benefits to states. We can organize these benefit theories into three logics: instrumental, international, and inclusion 4. Instrumental explanations assume that states extend diaspora voting to strengthen ties to emigrants working in other countries. This strategy of “harnessing the diaspora” encompasses a number of diaspora-friendly policies, including dual citizenship and tax incentives (Leblang, 2015). This impetus may have particular resonance within the emergence of external voting policies throughout Africa, as “globalization and the economic dependence of many states rather provide a generally fertile ground for strengthening the relationships to the emigrant communities” (Hartmann, 2015, p. 921). International arguments connect the extensive literature linking democratization to regional and international norm diffusion (Kelley, 2012; Pevehouse, 2002) to the rapid rise of diaspora enfranchisement. These explanations argue diaspora voting serves as a signaling device to both domestic and international audiences, whether as a sign of democratic inclusivity, or a show of loyalty and ruling party power in authoritarian contexts (Brand, 2010; Iheduru, 2011; Turcu and Urbatsch, 2015).

Finally, inclusion theories connect the provision of external voting to periods of political liberalization, as democratic transitions provide a “window of opportunity” for additional groups, including diaspora communities, to be part of discussions for increased participation (Laf leur, 2015; Rhodes and Harutyunyan, 2010). Yet the limits of existing theories of diaspora enfranchisement become apparent when thinking through the consequences of not providing external voting. Would we expect emigrants to stop sending remittances to their families if they are unable to vote? Moreover, excluding emigrants from voting does not have nearly the same level of international “naming and shaming” potential as does, for example, refusing to allow international election monitors (Hyde, 2011). While some governments valorize emigrants as a source of economic

development, others demonize them as enemies of the state, traitors for abandoning the homeland. If the diaspora is perceived as a threat to the regime, rather than enfranchise them to quell revolutionary unrest (Acemoglu and Robinson, 2009, ), it seems more plausible ruling parties would continue to exclude them from the electoral arena. Indeed, the literature to date has primarily focused on the “diaspora” and not enough on the “voting” aspect of these policies. The goal of winning an election motivates a very different set of calculations than if the underlying goal is increased remittances or international reputation. The costs of expanding the electorate abroad may have very real political consequences, especially for governments which assume citizens have left because they are unhappy with the political or economic situation. If they have already voted with their feet (Hirschman, 1970), why provide an opportunity for a disgruntled diaspora to vote against them? Electoral Commissions tasked with the ability for any citizen to vote around the world raises numerous logistical and financial challenges; Diaspora voting is disproportionately expensive. Political parties also have limited resources; mobilizing potential supporters around the world is far costlier than campaigning domestically. Thus, because of the costs involved, political parties should only want to enfranchise diasporas when they believe they will support them electorally (Boix, 2010; Lizzeri and Persico, 2004; Llavador and Oxoby, 2005; Teele, 2015). Yet, parties run into three main difficulties.

First, official numbers of how many citizens have left often do not exist. For the most part emigrants do not register with embassies, especially in contexts of mixed migration and high levels of undocumented mobility. Second, parties not only have little ability to identify the eligible numbers of voters but also gauge policy preferences or even interest. How many emigrants want to vote from abroad? This is likely related to political interest is the near impossibility of determining the time-horizons of emigration. How many of those living outside of the country plan to return or have intended to leave permanently? Uncertainty over the diaspora population and their political leanings (or political interest) suggests that positions on diaspora voting may be driven more by perceptions than accurate information. “Political parties,” argues Lafleur (2013, p. 53) “are influenced as much by hard data as by impressions or even stereotypes about the population abroad when it comes to analyzing the impact of citizens in home country politics.” Emigrant enfranchisement—or their exclusion from electoral politics—depends on the ruling party’s perception of the diaspora. Thus, shifting political coalitions, or a change of ruling party, may also open (or close) opportunities for diaspora participation. This dynamic also evolves in relation to gradual or sudden changes in emigration patterns. For “sending countries, perceptions of ‘who’ emigrants or diasporas are, are certainly not constant” (Østergaard-Nielsen, 2003, p. 211).

#### **Summary and constitutional issues of the Diaspora voting bill by Hon. Abike Dabiri Erewa et al.**

Structurally, the Bill is divided into 5 Sections. Section 1 deals with the proposed amendment of the Principal Act; the Electoral Act 2010; Sections 2 provides for the establishment of the offices of the electoral commission within and outside Nigeria. Specifically, it seeks to amend Section 6(1) of the Principal Act to read

“there shall be established in each State of the Federation and Federal Capital Territory or any other designated country, an office of the Commission which shall perform such functions as may be assigned to it, from time to time, by the Commission.”

Section 1 seeks to introduce a new Subsection 4 into Section 9 and to renumber of the existing Sub-section 4 to read 5. Section 4 provides for the qualification for registration for the purposes of voting in elections. Specifically, it seeks to amend Section 12(1)(c) of the Principal Act by adding the words “or is a Nigerian in Diaspora” while Section 5 provides for the interpretation and citation of the Bill.

The proposed amendment of the Electoral Act 2010 by the legislative Bill, to grant voting rights for Nigerians in the Diaspora contravenes neither the Nigerian constitution nor any other known law in Nigeria. According to her, over 30 million Nigerians living abroad were being disenfranchised despite contributing over 20 million dollars annually as Diaspora remittances into the Nigerian Economy.



The bill dealt with the proposed amendment of the Principal Act; the establishment of the offices of the electoral commission within and outside Nigeria, by amending certain sections of the Principal Act; the qualification for registration for the purposes of voting in elections; amongst other interventions and introductions of new Subsection in the Principal Act.

Part of her argument on the floor for the proposed bill was that it did not contravene the constitution of the Federal Republic of Nigeria. On the other hand, we felt strongly that enfranchising the Nigerian diaspora would rather strengthen the following constitutional issues as provided for in the 1999 Constitution of the Federal Republic of Nigeria as amended;

1. Franchise: Right to vote and be voted for, as a legitimate citizen of the Nigerian citizen as captured by the constitution.
2. Rights of representation which aligns with the right to choose a candidate during election.
3. Right to choose a candidate in an election.
4. Right to be informed of what representatives are doing with your mandate (Constituency Briefing).
5. Right to ascertain the level of constituency development and
6. Right of recall, to be able to recall any defaulting representatives whilst in the diaspora.

In summary, the bill only affirms that the constitutional rights enjoyed by a Nigerian Citizens resident in Nigeria, should also be enjoyed by same Nigerians who resides outside the shores of the country exclusive of those with dual citizenship.

#### **V. Diaspora voting: Comparison of countries.**

The use of absentee voting dates back to the period of the Roman Emperor Augustus (c.62 BC – 14 AD), who is said to have “invented a new kind of suffrage under which the members of the local senate in 28 newly established colonies cast votes for candidates for the city offices of Rome and sent them under seal to Rome for the day of the elections.”<sup>11</sup> The practice has since then spread across the world. Currently, there are around 115 countries and territories<sup>12</sup> – including nearly all developed nations – that have systems in place that allow their citizens in the Diaspora to vote. A breakdown of the figure is as follows:

- a. 28 African countries;
- b. 16 countries in the Americas;
- c. 41 countries in Western, Central and Eastern Europe;
- d. 10 Pacific countries; and
- e. 20 Asian countries

In 1862, Wisconsin became the first of a number of US states that enacted provisions to allow absentee voting by soldiers fighting in the Union army during the Civil War. By 1968, the absentee voting system through legislations applied to all US citizens (military and civilians) abroad and in 1975, registration provisions for overseas voting became mandatory for States in the US.<sup>14</sup> While New Zealand introduced absentee voting for seafarers in 1890, it was adopted by Australia in 1902. In the United Kingdom, the introduction of absentee voting system for military personnel was in 1918 but by 1945, the right to vote had been extended to cover “merchant seamen and others working overseas on matters of national importance” and by the 1980s, all British Citizens overseas had been enfranchised (Sundberg ,2016), .

In Canada, absentee voting was introduced principally for military personnel between 1915 when it was first debated at the federal level and 1917 when the federal elections took place, in France 1924, in India 1951, in Indonesia 1953, in Colombia 1961, in Spain 1978, in Argentina 1993 and in Austria 1990, amongst others.

According to Andy Sundberg (2016), the reasons for the introduction of external voting differ from one country to another but are largely determined by “historical and political contexts.” For instance, in the US, UK, New Zealand, Australia, amongst others, “the introduction of the right to vote for overseas citizens was an acknowledgement of their active participation in World War I or World War II”<sup>18</sup> and other military engagements. In other countries, absentee voting was introduced for the purposes of enhancing the political fortunes of the ruling political parties and elite but the case of the United States, according to Sundberg, “provides an example of those rare cases where external voting was finally enacted in response to the demands of the citizens residing overseas.

Even countries with a large number of their citizens in the Diaspora like Italy have recently allowed them to vote and the number is increasing. In Latin America generally, the arguments have focused extensively on the influence of Diaspora votes on the outcomes of their elections. Here, the focus was on the Dominican Republic, Mexico and Venezuela.<sup>20</sup> Prior to its presidential election on May 20, 2012, The Dominican Republic seriously debated the matter and eventually granted voting rights to its citizens in the Diaspora. Mexico also debated the possibility of its citizens in Diaspora voting and finally legislated in its favour given the overwhelming support the debate enjoyed. Venezuela also permits its citizens in the Diaspora to vote in general elections, though this has been considered as being of much less potential in deciding the outcome of elections as in the case of Dominican Republic ( Sundberg , 2016).

For instance, from the countries examined, there are four principal types of elections where absentee voting takes place as shown in Table 1;

**VI. Different Types of Elections in Which Absentee Voting is permitted**

Type of Election	Number of countries
Presidential Elections	64
Legislative Elections	92
Sub-National Elections	25
Referendums	38

Source: Compiled with information from Andy Sundberg, “The History and Politics of Diaspora Voting in Home Country Elections” (2016)

Available statistics indicate that there are about five different methods of voting adopted by countries where absentee voting is currently permitted as shown in Table 2;



**Table 2: Voting Methods and Options in Use**

<b>Voting Methods</b>	<b>Options Number of Countries</b>
Voting in Person	79
Voting by Post	47
Voting by Proxy	16
Voting by Fax	2 (Australia & New Zealand)
Voting by Internet	2 (Estonia & Netherlands)

Source: Compiled with information from Andy Sundberg, "The History and Politics of Diaspora Voting in Home Country Elections." (2016).

## **VII. Diaspora Voting And The Need For It's Possible Inclusion Into The 2019 Elections In Nigeria**

Amongst other things, it is in the view of the paper that not allowing Nigerians in the Diaspora to vote in general elections amounts to a denial of their fundamental political rights of voting and being voted for as provided for in the 1999 Constitution of the Federal Republic. Secondly, since Nigerians in the Diaspora are making meaningful contributions to the socio-economic development of the country through investments, remittances and attraction of foreign investors, it is reasonably logical that they are granted the right to vote in general elections that determine, in the long run, their political and socio-economic fate. Thus, granting them voting rights may guarantee greater chances of the further contribution to socio-political development and economic growth of Nigeria. Thirdly, the votes of about 17 million Nigerians of voting age who live and work outside Nigeria will make significant impact in determining the outcome of elections in Nigeria and in conferring credibility to the entire electoral process and the outcomes of elections ( Alphosus, 2011).

The validity of the foregoing arguments notwithstanding, the proposed Bill in its current state is inadequate to address the issues of absentee voting. For instance, the Bill does not categorically provide for the type of elections in which Diaspora voting in that nature will be permitted.

There is no doubt however, that granting voting rights to Nigerians in the Diaspora will be at additional financial and material cost to the country. Obviously, this will bring some pressure to bear on the Nigerian state and its economy. This is because, the process will require the expansion of the electoral institutions beyond Nigeria, which will require the expansion of its workforce, creation of new offices and the provision of other logistics that may result in increased financial costs. In addition, the passage of the proposed Bill will task the institutional adequacies and human capacities of Nigeria's electoral institution. Unfortunately, the Bill has provided no clue as how these challenges could be tackled.

The shortcomings and anticipated disadvantages of the proposed Bill notwithstanding, it is expected that in the long run, Nigeria stands to benefit politically from the introduction of diaspora voting. Apart from being in line with current global trend, it will enhance the credibility and international rating of general elections in Nigeria if possibly included in the 2019 General elections.

### **VIII. Conclusions and recommendations**

Nigerians in the Diaspora currently have no voting rights in Nigeria. The situation is becoming somewhat unusual in the light of current global developments. Thus, providing voting rights for Nigerians in the Diaspora as the Bill seeks to do is in line with the current global trend as has been shown above. Thus, the non-provision of voting rights for Nigerians in the Diaspora in the Electoral Act 2010 is therefore, the major focus of this Bill cum study. Its provisions as highlighted above are aimed at ensuring that the Act is amended to provide voting rights for Nigerians in the Diaspora. The proposed amendment of the Principal Act in Sections 6(1), 9(4) and 12 (1) (c) by the Bill and the insertions in the Bill do not contradict the 1999 Constitution of the Federal Republic of Nigeria or any other known law in Nigeria. However, a comparative analysis of what obtains in other countries shows that the proposed Bill in its current state is inadequate to address the issue of absentee voting as it obtains in other countries. There is therefore, need for the provisions of the Bill to be expanded to provide for issues such as methods of voting, types of elections and eligibility for voting by Diasporas thus as to promote its possible inclusion into the 2019 electioneering process.

Consequently, the following recommendations are put forward:

- i. There is an urgent need to grant Nigerians in the Diaspora voting rights will create a sense of belonging and will boost their interests in contributing to Nigeria's socio-economic and political development.
- ii. This proposed electoral system will enhance the integrity and credibility of the outcomes of elections in Nigeria, thus it is pertinent will test run it in the 2019 elections, which on the long run will promote Nigeria's global and international ratings.
- iii. Nigeria's in Diaspora should be tasked to contribute remittances to help promote this new electoral system, bearing in mind the economic cost implications.
- iv. The Independent Electoral Commission should create a polling unit in each Embassies and Commissions globally during General Elections.
- v. Party agents and election observers should be drawn from the resident countries of Nigerians in Diaspora.
- vi. Electronic Voting method should be adopted.
- vii. The New established Diaspora Commission chaired by Hon. Abike Dabiri-Erewa, should be mandated to create an organ within its structures, in form of a diaspora voting committee, which would align itself with INEC.

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