Abstract

Since 1999 when civil politics was restored to Nigeria, discourse on the appropriate electoral system for the country has been put firmly on the national democratic agenda. The sustained interest in the choice of electoral regime is better appreciated when juxtaposed with the fact that no election in Nigeria since 1959 has gone undisputed. The immediate past effort at electoral reform collapsed in large part due to the insincerity of the authors of the reform project. The Yar’adua/Jonathan regime in Nigeria at inauguration promised to commit itself to reforming the electoral process in a manner that protects the sanctity of the ballot. The body language of the regime at the onset appeared to inspire high hopes for a credible reform process. This was partly demonstrated in the administration’s demonstrable respect for the rule of law and due process which represented a radical departure from the governance style of its immediate predecessor. This paper investigates the conundrum of electoral crisis in Nigeria with particular focus on the electoral reform initiative of the Yar’adua/Jonathan presidency. The paper identifies salient reform issues and examines both the challenges that may dot the reform path and the prospects of electoral reform.
“The health of any democracy, no matter its type or status, depends on a small technical detail: the conduct of elections. Everything else is secondary.”

Jose Ortegay Gesset (1930)

Introduction

Universally, election is regarded as the heart of representative democracy. A credible election not only confers legitimacy on political leadership, it is also crucial to the sustenance of democratic order. Election provides citizens with the freedom to choose their rulers and to decide on public policy. Under any democratic system, citizens who are legally qualified to exercise franchise are provided with opportunity to choose political alternatives and to make decisions that express their preferences. In a multi-party dispensation, this choice is made out of the several parties and candidates competing in the electoral market. In all democracies, election performs several functions: it is an instrument through which the voting public compels accountability from elected officials; it facilitates political recruitment; it enables citizens to make enlightened choices; and it confers moral authority on political leaders. Within the context of the last function, election is viewed as a “legitimizing institution, functioning to give elected leaders the wherewithal to govern.” (Schlozman and Verba, 1987:3) Diamond et al (1989: xxi) describe democracy as a governance model that meets three basic conditions: competition among individuals and political groups (political parties); inclusive system of leadership recruitment; and existence of a regime of civil-political rights. These conditions underscore the importance of
election both as a regime legitimizer and as a guarantor of citizen participation in public governance.

Election represents the lifeblood of modern democracy and the frequency, fairness and openness of such election are crucial to the political stability of the polity. The extent to which election advances democratic order depends in large part on the existing electoral system, its nature and its acceptance by the stakeholders in the electoral process. Electoral system refers to a “complex of rules and regulations that govern the selection of officeholders” (Nnoli, 2003:230) in a democratic context. The choice of a particular electoral system does not only have a profound effect on the political life of a country, it also distributes costs and benefits to political actors i.e. political parties and candidates. Designing a credible and inclusive electoral regime is a necessary enterprise in all democracies whether transitional or consolidated. While for the former, the challenge is to design an electoral regime that suits their social and historical conditions, for the latter, it is to re-craft their electoral systems to respond to new political realities and challenges. The existence of a viable electoral system is crucial to the survival of any democracy. This is even more so in a country like Nigeria where access to the state and its resource allocating powers is viewed as the means of guaranteeing one’s economic security.

Consolidating Nigerian democracy through the conduct of credible elections has remained an albatross. The history of Nigeria’s democratic experiments demonstrates that elections and electoral politics have generated so much animosity which has, in some cases, threatened the corporate existence of the country (such as happened after the annulment of the June 12, 1993 presidential election) and in other cases instigated military incursion in to political governance, most notably in 1966 and 1983. At the heart of electoral crisis in Nigeria is the lack of credibility for the official results of elections leading to the rejection of such results by a sizeable portion of
the Nigerian voting public. Since the 1964 general election, the first to be conducted by the post-colonial Nigerian government, elections in Nigeria have consistently been characterized by the contestation of results and organized violence. While there is a plethora of factors that account for electoral crisis in Nigeria, the institutional factor (designing a credible electoral system) appears to be the most salient. In addition, the process of implementing such an efficient electoral regime is challenged by sociological variables such as the pluralist character of the Nigerian nation, underdeveloped political culture and irrational elite behavior.

This paper investigates the crisis of electoral competition in Nigeria. It particularly focuses on the electoral reform initiative of the incumbent civilian regime in Nigeria. In doing so, the paper examines the history of electoral contest in Nigeria with a view not only to unveiling how the country got to its present electoral circumstances but also interrogating the reform efforts of the short-lived Yar’adua presidency. It identifies some salient issues for reforms even as it attempts to bring to the fore certain obstacles that may challenge the reform efforts.

Character of the Nigerian State and Electoral Crisis

The crisis of the electoral system in Nigeria will be better understood if situated within the context of the nature of the political economy of the Nigerian state. The Nigerian state plays a dominant role in the national economy in the face of the underdevelopment of private capitalist enterprise. This throws up the state as a primary instrument of accumulation. As a facilitator of the capitalist development process, the Nigerian state is a major owner of the means of production. Buoyed by the expanded oil revenues of the early 1970s, the state effectively dominated all aspects of the national political economy (Jega, 2000:30). This made the state not only the biggest spender of resources but also the largest employer of labor. As noted by Joseph
the expansion of petroleum production and the resultant increased revenues heightened “the centrality of the state as the locus of the struggle for resources for personal advancement and group security.” Under this circumstance, access to the state becomes a platform for primitive accumulation. Ake (1996:23) captures the immensity and the ubiquity of state power under this situation when he observes that “the state is everywhere and its power appears boundless. There is hardly any aspect of life in which the state does not exercise power and control. That makes the capture of state power singularly important.”

This character of the Nigerian state encourages clientele politics which, according to Huntington, (1997:378) exists “where the state controls opportunities for commerce and a wide range of jobs in the academic, administrative and legal fields.” Within this context, politics means more than competition for political power but assumes the character of a desperate struggle “for positions in the bureaucracy or for access to those who have influence over government decisions.” (Leeds, 1981:353) Issuing from the profitability of state power for primitive accumulation, the struggle for state power is reduced to warfare by factions of the governing elite. In this struggle, commitment to public service and ethics of governance becomes secondary. (Egwu, 2005) Thus, political (state) power does not only represent the license to wealth, it is also “the means to security and the only guarantor of general well-being.” (Ake, 2001:7) It is within this context of the dominant role of the state in the political economy that one can explain the desperation of Nigeria’s governing elite for state power as evident in the brazen manipulation of the electoral process, many times with impunity.

This dominant character of the Nigerian state continues to endure even in the face of the prevailing hegemony of the free market regime, which preaches minimalist state intervention and privileges the market as the efficient allocator of societal resources. Put differently, the gradual
transformation of Nigeria into a market economy with the attendant disengagement of the state from social provisioning and cutback in public expenditures has not significantly reduced the struggle for the control of the soul of the Nigerian state among the governing elite.

**Historicizing Electoral Crisis in Nigeria’s Democratic Experiments**

Two major elements have dominated electoral politics in Nigeria in the post-independence period. The first is trenchant disputation of official elections results. Indeed, as noted by the late President Yar’adua during the inauguration of the Electoral Reform Committee in August 2007, since the 1959 elections, which were the last to be supervised by the colonial authorities, all but one election has had its result contested. The only exception to this pattern was the June 12 1993 presidential election which was annulled by the Ibrahim Babangida military administration. The post-election crisis that followed the annulment of the election results was not a consequence of inter-party disputation of the upshot of the election. Rather it was orchestrated by a military regime that was evidently reluctant to pursue its demilitarization program to the end. General Babangida was later forced out of power in August 1993 after ruling the country for eight years as military president.

The second element, a direct consequence of the first, is electoral violence. Election-related violence has negatively impacted on the quest for deepening democratic rule in Nigeria. In the history of elections in Nigeria, only elections organized by the colonial state and the military were not marred by violence. As for the military-supervised polls, Kurfi (1983) has perceptively observed that the absence of electoral violence could not be attributed to the internalization of a culture of tolerance but rather was a consequence of the recognition of the
threat of military retribution for breakdown of law and order as well as the possible extension of the transition project. As copiously documented by Anifowose (1982), election-based violence imperiled Nigeria’s first democratic experiment with violence in Tivland and Yorubaland as the two significant cases. According to Anifowose, the violence in Tivland was a reaction to political intimidation and harassment of the opposition politicians by the ruling Northern Peoples Congress (NPC). On the other hand, the violence in Yorubaland was in reaction to perceived massive irregularities that characterized both the 1964 federal elections and 1965 Western region elections. The consequences of these crises largely contributed to the rude termination of Nigeria’s first republic through a bloody military coup in January 1966.

Electoral violence was to rear its head again during Nigeria’s second attempt at constitutional rule between 1979 and 1983. The second election of Nigeria’s second republic, which was organized by the Shehu Shagari civilian administration, was massively manipulated in favor of the ruling National Party of Nigeria (NPN). In a spontaneous reaction to the official results released by the election management body, Federal Electoral Commission (FEDECO), mayhem was unleashed on the two Southwest states of Oyo and Ondo. The violence was organized in protest against perceived manipulation of the governorship polls in the two states, widely acclaimed as electoral strongholds of the Unity Party of Nigeria (UPN), in favor of the candidates of NPN, which controlled the centre. In addition to the heavy human and material losses suffered by political opponents, the headquarters of FEDECO in Oyo and Ondo states were torched. (Egwu, 2007)

With the collapse of the second republic in December 1983, four years after inauguration, Nigeria was “sentenced” to prolonged years of military rule. Democratic rule was restored in 1999 following the conclusion of the 1998/99 transition elections. If the transition elections that
ushered in the fourth republic were not characterized by political violence and serious contestation of election results, the same can not be said of the 2003 general elections. The first to be organized by a civilian regime since the rebirth of democratic governance in 1999, the period preceding the 2003 polls was marked by organized violence, as well as by attempted and actual assassinations of political opponents and rivals. The actual elections by themselves failed to meet basic international standards. Though Nigeria passed the “second election” test through the 2003 polls, it is a consensus among the stakeholders of the Nigerian democratic project that those thrown up by the elections could not be regarded as true bearers of people’s mandate. For instance, Akume(2006) contends that the elections were “characterized by large scale malpractices including rigging at all levels” while General Muhammadu Buhari, who contested the 2003 presidential polls on the platform of All Nigerian Peoples Party(ANPP), describes the election as “a dark period in our history”(Buhari,2006). The 2007 elections, in a profound manner, deepened electoral crisis in Nigeria. This is underscored by the huge size of election petitions that greeted the elections. Indeed, the elections will go down in history as the one that attracted the highest number of post-election litigations in Nigeria. Official results of the elections were contested at the three levels of governance: local, state and federal. Several results declared by Nigeria’s election management body, Independent National Electoral Commission (INEC), have so far been reversed by the election tribunals and the courts while the dispute that arose from the presidential election was only settled in December 2008, nineteen months after the formal conclusion of the election. The poor conduct of the 2007 polls and how this provided the context for renewed public pressures for electoral reforms in Nigeria will be examined later in this paper.
Framework of Electoral Governance in Nigeria

Mozaffar and Schedler (2002:7) describe electoral governance as “the wider set of activities that creates and maintains the broad institutional framework in which voting and electoral competition take place”. Electoral governance framework must guarantee the right of the electorate to freely exercise their franchise while simultaneously creating a level playing field for all contenders in the electoral competition. Electoral governance operates at three basic levels: rule making (defining the basic rules governing electoral competition), rule application (implementing electoral rules), and rule adjudication (lodging and disposing election petitions).

In practical terms, electoral governance does not operate in a vacuum, but in a political context characterized by competition among various political interests and constituencies for a head start. Partisanship defines electoral governance across democracies and, as shown by Agersinger (2004) in his study of American election laws, matured democracies are not immune to this syndrome thus confirming Giovanni Sartori’s(1976) thesis that electoral system is the most manipulable instrument of politics.

The framework for electoral governance in Nigeria is anchored on two instruments: the 1999 Constitution and the 2006 Electoral Act both of which were recently amended by Nigeria’s federal legislature. These two documents contain rules and regulations that drive electoral governance in Nigeria. These regulations are aimed at protecting the integrity of the electoral process. Although these regulations are ambitious, they have failed to ensure credible elections. The failure of these documents is attributed to two major reasons: the inherent weaknesses/inadequacies of some of the provisions of these documents; and weak enforcement institutions. These two factors were brazenly exploited by the politicians during the first post transition elections in 2003 and were taken to an absurd level during the 2007 polls.
Beyond the issues of inadequate provisions and weak enforcement institutions, as important as they are, the process of the emergence of the 1999 Constitution is a serious factor in explaining the failure of the document to address the contradictions of the Nigerian society. By and large, the 1999 Constitution is an imposed document having been foisted on the nation by the military and its “handful of civilian collaborators.” (Soyinka, 2002) The process of drafting the constitution was heavily statist and gave little or no room for popular participation as the entire members of the 25 member Constitution Debate Coordinating Committee headed by Justice Niki Tobi and inaugurated by the then Head of State, General Abdulsalami Abubakar on November 11, 1998 were appointed by the government. The Committee submitted its report in December 1998 (less than two months after inauguration) after receiving memoranda from, and collecting the views of selected Nigerians particularly military administrators and traditional rulers. Critical sectors of the Nigerian population such as workers organizations, students, professional organizations and other civil society groups were excluded from the process (Igbuzor, 2002:14). To this extent, the process of promulgating the 1999 Constitution lacked basic attributes such as inclusivity, diversity, popular participation and openness which are the guiding principles of constitution making across democracies. It is therefore not surprising that civil society groups have been at the vanguard of agitation for the review of the constitution. The agitation has yielded result with the inauguration of a legislative Joint Committee on the review of the 1999 Constitution. The Committee was charged with the duty of initiating the process of reforming the 1999 Constitution. The immediate last effort at constitution review initiated by the Obasanjo civilian administration failed due to the controversy generated by the proposal for tenure extension. Popularly referred to as “Third Term”, it was widely believed to have been sponsored by the Obasanjo presidency. The third term agenda was designed to achieve tenure
elongation through a constitutional amendment when possible or through extra-constitutional means when necessary. The botched attempt relied heavily on gratification, state thuggery and arbitrary amendment of the constitution. (Onoja, 2007)

2007 Elections and the Imperative of Electoral Reform

Given the massive irregularities that attended the 2003 elections and the consequent legitimacy crisis they engendered, the 2007 polls presented an opportunity for both the government and the election authorities to restore public confidence in the election process. This opportunity was, unfortunately, squandered by the Obasanjo presidency and INEC. While the former exploited its control of state administrative resources (including using anti-graft agencies and the court to undermine the electoral ambition of opposition candidates), the latter arbitrarily deployed its regulatory powers to exclude certain candidates from the ballot. (Animashaun, 2008) The process that led to the 2007 elections and their actual conduct was massively flawed. Thus, the outcome of the elections could hardly be regarded as representing the true wishes of the Nigerian voters.

Local and foreign election observer groups that monitored the 2007 elections documented the irregularities and manipulation that attended the elections. The Transition Monitoring Group, a consortium of domestic observer groups, reported that the elections “were seriously marred by egregious irregularities and malpractices to the extent of not only compromising the integrity of the ballot in many states… but also calling in to question the reliability and validity of the results declared by INEC…” (TMG, 2007) Also, The European Union Election Observation Mission (EU-EOM) documented that the elections did not meet basic international and regional standards. It noted that the 2007 elections were “marred by very
poor organization, lack of essential transparency, widespread procedural inequalities, substantial
evidence of fraud, widespread voter disenfranchisement at different stages of the process, lack of
equal conditions for political parties and candidates and numerous incidents of violence.” (EU-
EOM, 2007) These damning verdicts of election observer groups have been vindicated by the
spate of election reversals coming out of the various election tribunals across the country.
Reinforcing these reports and tribunals’ verdicts is the admission by the late President Yar’adua,( the prime beneficiary of the trenchantly pilloried election), that the elections that produced his
presidency “were not perfect and had lapses and shortcomings”(See President Yar’adua’s
Inauguration speech of May 29 2007). For scholars and keen observers of the Nigerian
democratic project, the 2007 polls,
significantly reversed the modest democratic gains of the pre-election period and provided the
context for the renewed public pressures for electoral reforms that would protect the integrity of
the ballot.

**Electoral Reform: Setting the Agenda**

Setting the agenda for electoral reforms in Nigeria should not be a difficult task. Salient
issues for reform in the Nigerian electoral system have been identified by opposition parties,
civil society organizations, election monitor groups and election tribunals. It is to the
examination of these issues that we shall now turn.

**Composition of Election Oversight Body**

One of the foremost issues for reform in Nigeria’s electoral system is the composition of
the election oversight body. At the heart of this debate is the indisputable fact that the extant
process of appointing members of the electoral body both at the federal and state levels does not
confer the requisite institutional autonomy on the electoral body. Section 154(1) of the 1999
Constitution vests the powers to appoint the chairman and other members of the Independent
National Electoral Commission in the President subject to confirmation of the Senate. At the
state level, governors are constitutionally empowered to appoint members of State Independent
Electoral Commission subject to confirmation by Houses of Assembly (see Section 198 of 1999
Constitution). Given the underdeveloped nature of political culture in Nigeria, this process can
not guarantee the impartiality of the electoral body as members of the electoral body tend to see
themselves more as appointees of the President/Governor and, ipso facto, must endeavor to
deliver victory to the party of the president/governor. The experience in Nigeria since the 2003
elections shows that sitting presidents and governors have manipulated electoral management
bodies to boost the electoral fortunes of their parties. Another salient reform issue on the election
management bodies is their funding. Presently, the financing of electoral bodies is under the
control of the executive. This creates structural dependence of electoral agencies on the president
and governors as heads of the executive. Apart from creating structural dependence, this process
also does not guarantee operational efficiency for the election bodies. Reform proposals on the
composition of electoral bodies should target these two crucial areas.

Penalty for Electoral Violence

Violence has remained an enduring character of electoral politics in Nigeria. The tendency
to rely on violence as a weapon of electoral competition is aggravated, among others, by two
factors. First is the perception of state power by the governing elite as an end in itself rather than
a means to an end. The second is the immensity and ubiquity of state power and its exclusive
control of the forces of coercion. These two factors have combined to make state power rabidly
attractive and thus political contest is reduced to warfare. Electoral violence in Nigeria has two major dimensions: violence against political actors (politicians and voters) and violence against election-related institutions (election management bodies and security agencies). These two dimensions manifested before, during and after the 2007 elections in pre-election assassinations, intimidation of political opponents and voters, hijack of election materials as well as organized attack on security personnel and on officials of election management body. Violence has persisted in electoral contest in the country. One reason for this is the lenient penalty (if any) for perpetrators of electoral violence. Another is the non enforcement of the provisions of the Electoral Act on prohibition of the use of violence. All these have promoted a culture of impunity among the perpetrators. Section 98(2) of the 2006 Electoral Act stipulates a maximum penalty fee of ₦50,000.00 or imprisonment for a term of six months for an individual who contravenes its provisions on political violence. In the case of a political party, such party is liable, on conviction, to a fine of ₦250,000.00 for the first offence and ₦500,000.00 for any subsequent violation. Given the enormity of the damage that violence can unleash on the electoral process, this penalty is too mild and should not be expected to serve as a serious deterrent to anyone. There is therefore the need to prescribe more stringent sanctions for electoral violence to sanitize electoral politics in Nigeria.

**Party System**

Political parties occupy a central role in the electoral system. They serve as vehicles for political recruitment and interest articulation. They also represent a purveyor through which the preferences of the voters find expression in governance particularly in an electoral system like Nigeria where only political parties are licensed by law to canvass for votes in electoral market.
Mair et al. (2004:264) have demonstrated that political parties set out with two goals: survival and success. For them, survival implies political parties garnering minimum votes during elections to ensure their presence on the electoral field; while success entails dominating elective public office. Many of the political parties under the current democratic dispensation in Nigeria have only limited possibilities of survival not to talk of electoral success. As evident in the 2007 general elections, out of the 50 recognized parties in the country, only 8 made electoral impact in the elections.

There has been a raging debate on the type of party system that is most suitable for Nigeria. While there is consensus that a one-party system is not ideal for Nigeria, the controversy has centered on the number of parties to be allowed to compete for election. The attack on the current multi-party regime by Sam Egite Oyoivbare, Professor of Political Science and former Minister of Information, re-opened the debate on the party system of Nigeria’s fourth republic. At a seminar organized by INEC, Oyoivbare argued that multipartism may not be a good choice for a multicultural formation like Nigeria. This contrasts sharply with the view of Alex Gboyega, also a Professor of Political Science, who recently advocated a further deregulation of political parties in a manner that facilitates the emergence of local and ethnic parties. Yet, at the public hearing of the Electoral Reform Committee in Lagos, Ahmed Bola Tinubu, former governor of Lagos Stat, Nigeria’s commercial capital, and a strongman of the Action Congress of Nigeria (ACN), had called for Nigeria’s return to a two-party system like that practiced during the third republic. Two crucial issues must, however, be taken into consideration before any decision on the preferred party system. These are the pluralist character of the Nigerian society and the professed ideology commitment of its political associations. The political parties in the forth republic are quite deficient in their ideological commitment compared to their forebears in the
first and second republics. Second, these parties are neither deeply rooted in the culture nor effectively connected to the people they purport to represent. The ideological vacuity of forth republic parties is evident in their palpable intellectual poverty when confronted with serious national challenges. Additionally, few of these parties can boast of impressive numbers of genuine members who are psychologically and materially committed to the parties. The real members of these parties number no more than the few who formed and now fund them for the expected rewards.

**Media Access**

Access to the media is a crucial asset in electoral competition as it affords parties and candidates the opportunity to sell themselves to the electorate. During election periods, state-funded media in all democracies have a public service obligation to inform the voting public about election-related issues such as the competing political parties, their candidates, programs of the parties, salient campaign issues and other related matters. In Nigeria, Section 102 of the 2006 Electoral Act requires public media to grant “equal access” to all political parties and candidates. But the reality in Nigeria is that publicly-funded media have grossly failed to give balanced or equitable coverage to parties and candidates.

Access to state media whether at the state or federal level has always weighed heavily in favor of the ruling party/government and its candidates. State media in Nigeria such as the Nigerian Television Authority and the Federal Radio Corporation of Nigeria are under the direct control and supervision of the Minister of Information, a political appointee of the President. The National Broadcasting Commission, the regulatory body charged with the task of monitoring the electronic media to ensure balanced access, is itself not an autonomous institution as it “operates
like a department in the Federal Ministry of Information.” (Ojo, 2007) The reform efforts on media access should therefore focus on how to ensure operational and / institutional autonomy for public media; as well as the oversight of state media by civil society.

**Campaign Finance**

Given the plutocratic realities of liberal democratic system, it is a well acknowledged fact that money is crucial to politics. At the same time, unregulated use of money portends dangers to electoral politics. Money becomes a threat to politics when it is used arbitrarily to corrupt electoral process. This prompts democracies across the world, including Nigeria, - to design regulations to combat the danger of unregulated political funds. Campaign finance regulations were breached with impunity during the 2003 and 2007 elections in Nigeria. In the 2003 polls for instance, the self-styled organization named “Corporate Nigeria” mobilized millions of Naira to aid the campaign of the presidential candidate of the ruling party in breach of section 38(2) of the Companies and Allied Matters Act. Many state governors, including those of Lagos and Delta, also benefited from such illegal sources of funding. (Ojo, 2004) Also, the ruling People’s Democratic Party spent a whopping N809, 530,762 to prosecute Yar’adua’s presidential ambition. (SERI, 2007:65) This figure is far above the N500million mark stipulated by section 93(2) of the 2006 Electoral Act. For any effort to reform political financing to be meaningful, it must meet the three necessary conditions identified by Walecki (n.d.). : full disclosure of finance sources, independent enforcement and /oversight institutions, and reasonable state funding.

**Independent Candidacy**
Section 221 of the 1999 constitution recognizes only political parties as associations that can field candidates for elections in Nigeria. In other words, independent candidates are not allowed to contest elections under the current dispensation in Nigeria. However, lack of internal democracy within Nigerian political parties has prompted many stakeholders in the Nigerian democratic project to advocate for the inclusion of independent candidacy in Nigerian electoral regulations. This advocacy becomes imperative given the undemocratic manner in which candidates were imposed by powerful forces within these political parties to contest the 2007 elections. As shown by many recent cases in which the courts overthrew many of these party impositions, the ruling PDP was the worst culprit in this respect. The introduction of independent candidates will go a long way to sanitize the nomination process. It will also permit individuals with a modicum of political integrity, but who are not affiliated to or choose not to affiliate with any of the existing or recognized parties, to contest elections.

**Electoral Regime**

The current model of parliamentary representation in Nigeria is the First-Past-the-Post (FPTP) system in which the candidate with the simple plurality of the total votes emerges as the representative in a single-member constituency even if he does not command half of the total votes. This has been the only electoral system in the electoral history of Nigeria and has considerably strained inter-group relations in the country. It is against this background that stakeholders have been canvassing for the introduction of proportional representation (PR) model. Proportional representation is an electoral system, which allocates parliamentary seats to parties according to their share of the national votes. Apart from being more inclusive than the FPTP system, it ensures representation for the minorities whose votes carry no electoral weight.
under the majoritarian principle of the FPTP regime. There is a direct relationship between votes and parliamentary seats under the proportional representation system which allows for a minimal number of wasted votes.

**Technology-based Election**

The need to discard paper-based election should also be on the reform agenda. In this age of advanced communication technology, human elements in election management should be reduced to a barest minimum. Nigeria’s experience with paper-based balloting has produced challenges to election such as the snatching of ballot boxes and alteration of election results. Technology-based election most especially the use of Electronic Voting Machines will go a long way to arrest some of these electoral crimes. Technology-based elections are not, however, without their own challenges. Among these are the high costs of procuring the needed technology as well as the limitations imposed by the high level of illiteracy, grueling poverty and low ICT prevalence among the general populace.

**Timeline for disposing Election Petition**

One of the chief inadequacies of the current electoral laws in Nigeria is the failure of the Electoral Act to prescribe a specific deadline for the conclusion of legal challenges to election results. While Section 141 of the 2006 Electoral Act states that “an election petition shall be presented within thirty (30) days from the date the result of the election is declared”, the Act does not put a ceiling on when such petitions should be concluded by the tribunals and the court.
This has created a situation where duly elected candidates are denied their mandates while candidates that did not win elections who would later be found to have fraudulently stolen the election are allowed to illegally occupy elective offices. This ugly scenario occurred in Anambra State between 2003 and 2006 when Dr. Chris Ngige ruled the state for three years as governor before he was removed by the Appeal Court. Also, Professor Osarhimien Osunbor was on November 11 2008 removed as governor of Edo State by the Appeal Court after ruling the state for nineteen months. To ensure electoral justice therefore, there is a need to review the electoral laws with a view to prescribing specific time limit within which to dispose election petitions.

Franchise for Nigerians in Diaspora

Another issue worthy of being on the reform agenda is that of enfranchising Nigerians resident outside the country. Nigerian nationals abroad have never been accommodated in the transition process particularly as voters. Section 77(2) of the 1999 constitution allows only eligible voters resident in Nigeria to be registered as voters. This has denied Nigerian citizens in the Diaspora the opportunity to participate in leadership recruitment in their country. However, with the verdict of an Abuja High Court delivered on January 27 2009 in a suit filed by some Nigerians resident abroad including Prof. Bolaji Aluko, Hon Akeem Bello and Mr. Uzoma Onyemachi, Nigerians based abroad may soon begin to exercise their voting rights in their countries of residence. According to the presiding Judge, Justice Adamu Bello, since Nigerian nationals abroad have convinced the court that they are entitled to vote and be voted for, it becomes the responsibility of INEC to “put in place relevant machinery to assist the plaintiffs to vote from abroad”. The reform proposal for the extension of franchise to Nigerian citizens in the
Diaspora draws strength from similar practice in advanced democracies around the world. For instance, since the 1985 amendment of the Federal Electoral Law in Germany, German nationals resident abroad now have the right to participate in elections (Inter Nations, n.d.).

The attention given to the issues outlined above which cut across the spheres of the Constitution and Electoral Act as well as pro-active mechanisms put in place to address them will impact the quality and credibility of electoral politics in Nigeria. There are however other issues which may be outside the scope of the constitution and the electoral laws. One of these is the re-orientation of the personnel of the security services on their election duties. State security agencies are tasked with the responsibility of preventing and controlling electoral violence and thereby contributing to democratic consolidation. (Alemika, 2007:152) The sad reality in Nigeria is that the ruling fraction of the governing elite uses the security sector to perpetrate electoral violence and to intimidate the opposition. This arbitrary use of the security services was witnessed in many states of the federation during the 2007 elections. Men of the security agencies who were deployed on election duty connived with the politicians particularly those of the ruling party to undermine the integrity of the ballot. This they did through the intimidation of opposition parties’ supporters and through the abetting of or turning blind eyes to such electoral crimes as snatching and stuffing of ballot boxes.

The need to stamp out electoral malpractices becomes apparent when the cases of Senator Patricia Akwashiki of Nasarawa State and Governor Isa Yuguda of Bauchi State are considered. While the two cases deserve detailed studies, suffice to say that both were denied candidacy under the political canopy of the ruling PDP and they obtained nomination from another party and, utilizing the instrumentality of a highly conscious and resolute electorate,
defeated the ruling party at the polls in otherwise PDP strongholds. This is a clear indication that with proper political education, the electorate can successfully assert its will on the electoral process.

**Yar’adua’s Electoral Reform Initiative: From Rising Expectations to Dashed Hopes.**

The civilian administration of President Umar Yar’adua was hit with a severe legitimacy crisis after its inauguration in May 2007. The primary cause of the crisis was the flawed process that gave birth to the regime. Both the nomination process and the actual election that produced the regime were far from being credible. Indeed, at the time of his inauguration, many Nigerians had lost faith in the electoral process. This was aggravated by the worsening material conditions of the citizenry (which many believed was a consequence of the anti-people policies of his predecessor) which had left many people disillusioned about the promises of democratic rule. This crisis apparently unsettled the government resulting in a major delay in the appointment of ministers and other senior administration officials. President Yar’adua chose to contain this crisis in two ways which he unveiled in his inauguration speech. These are: the formation of a government of National Unity and Commitment to the reform of the electoral system. While the first instrument (National Unity government) did not elicit any significant public support even as major opposition parties distanced themselves from the coalition arrangement, the reform of the electoral process won wide applause for the president across the polity. The president was commended not only for admitting that the election that produced his presidency was fraught with irregularities but also for having the courage to initiate the process of reform. President Yar’adua made good his promise of reforming Nigeria’s electoral system with the inauguration of a 22-member Electoral Reform Committee (ERC) in August 2007. The Committee, which had
The Committee in its report made some remarkable recommendations which are capable of sanitizing Nigeria’s electoral process. Some of these recommendations which are germane to our task here are: the introduction of independent candidacy; introduction of proportional representation; appointment of INEC chairman by the National Judicial Council subject to senate ratification; the resolution of election petitions within a timeline of 6 months - 4 months at the tribunals and 2 months at the Appeal court; the non-assumption of office by the candidate declared as winner until the petition challenging his/her victory is finally decided; and the imposition of a 10-year ban, from elective office, on any politician convicted of election malpractices. These recommendations received widespread applause for the Uwais panel as it was widely believed that if the Yar’adua presidency could muster the political will to implement the recommendations, the quality of the election process in Nigeria would be greatly improved. However, the initial hopes raised both by the inauguration of the committee as well as its far-reaching recommendations were dashed by the contents of the Government White Paper on the Uwais report which was released in March 2009. The Government rejected the recommendation of the panel that the president should no longer appoint the chairman and members of INEC. It also rejected the recommendation that election petition should be concluded before winners are sworn in. In what many see as an assault on the federal framework of the Nigerian state, the Government White Paper also contained a recommendation that seeks to abrogate the State Independent Electoral Commissions (SIECs) thereby making INEC the only electoral agency in the federation. The Government White Paper on the Uwais panel report called into question the commitment of the Yar’adua administration to reform Nigeria’s election process. Indeed, one
can safely argue that the Yar’adua presidency merely settled for electoral reform as an instrument of regime survival in the face of the legitimacy crisis that plagued the new administration at its inauguration. This tragic turn of events lends credence to the position held by some observers who had argued that having bountifully reaped from the massively flawed 2007 polls, the late President Yar’adua could not be genuinely interested in reforming Nigeria’s electoral system.

What the foregoing brings out in bold relief is that the Nigerian governing elite do not have abiding faith in representative democracy and its consolidation. They will at every opportunity seek to subvert the democratic process to further personal and group interests. This then thrusts a huge responsibility on the civil society to step up to the plate in defense of democracy. Having played an invaluable role in the process the led to the restoration of democratic governance in 1999, the active engagement of the non state sector remains crucial in the post-transition period to check the power of the new democratic regime, demand accountability from its leadership and inspire a strong sense of citizenship among the populace (Animashaun, 2008:24). In this redemption mission, civil society institutions which include the media, labor, student movement, professional groups and faith-based organizations will need to reclaim the reform initiative from the government, strategize on how to put the reform process back on track and then mobilize the masses for their support. This represents the only sure path to credible electoral reform and the gains therefrom are certainly heavier and more enduring than any gains from the guarded reform project of the state. It will, however, be naïve to think that this reform path will not be dotted with challenges. Chief among these challenges is the one posed by the forces profiting from the present electoral order particularly the ruling Peoples Democratic Party, a party widely regarded
within the Nigerian polity as lacking in democratic character. The non-democratic character of PDP is manifested in the lack of internal democracy within the party as evident in authoritarian decision making and undemocratic selection/nomination process for elective positions within the party particularly under the Obasanjo presidency. The emergence of President Yar’adua as the presidential candidate, the “election” of the ex-president, General Obasanjo as the Chairman of the Board of Trustees of the party as well as the manipulation of the nomination process for governorship elections in Imo and Rivers states, to cite few examples, speak to the undemocratic nature of the PDP. The party appears to have been captured by reactionary elements impervious to radical change. There seems to have been little change from the old order since the emergence of Vincent Ogbulafor as the National Chairman in spite of his stated commitment to the reform of the party. Ogbulafor recently caused a stir within the polity when he declared during an interactive session with the media that the PDP will rule for 60 years and that he would not be bothered if Nigeria slides in to a one-party state. 2 In the words of Chidi Amuta, a columnist with one of Nigeria’s dailies, the PDP “lacks credibility, structure or basic respect for the most elementary rules of power succession… It is at best a rough conclave of rent seekers, carpet baggers, political contractors and wheeler dealers.” (Amuta, 2008:40) It is, however, tragic that the opposition parties on their part have failed to provide better alternatives. They fit into Bratton’s (1994:63) description of the opposition coalition in Africa as a movement “whose main objective is to remove incumbents from power in order to obtain access to power and prebends for themselves.”

Another obstacle that may dot the reform path is that of funding for sustained civil society intervention. Civil groups in Nigeria heavily depend on foreign funding. Civil society groups now operate within a difficult funding environment as a result of the current global economic
recession even as the donor community is reviewing its funding priorities and setting new eligibility rules for accessing grants (Animashaun, 2008:31). However, in spite of these formidable obstacles, there are high prospects for credible electoral reform in Nigeria.

**Conclusion: Achieving Credible Election in Nigeria and Making the Vote Count**

The legitimacy of the electoral process and of the post-election regime is heavily contingent on the fairness and transparency of the transition process. This paper reviews the current electoral system in Nigeria and argues for pro-active reforms to improve the quality of electoral politics in the country which in turn impacts on the quality of governance. The initial hopes raised by the Yar’adua administration on electoral reform were dashed with the release of Government White Paper on the Justice Muhammadu Uwais panel. The recent amendment and passage of a new Electoral Act may not provide sufficient indication of the commitment of the Yar’adua/Jonathan presidency to electoral reform even as the order of election contained in the amended Act is generating controversy among stakeholders in the electoral process. As Nigerians march towards the 2011 elections, there is anxiety across the country on whether the 2003 and 2007 ugly events will not repeat themselves. To protect the sanctity of the ballot in the next round of elections, there is a need to build a synergy among critical players in the electoral terrain such as political parties, civil society groups including the intellectual community and the media. Genuine commitment to electoral reform remains the key factor to credible and enduring electoral system in Nigeria. The depth of commitment deployed to the reform efforts both by the government and the people will determine the level of legitimization that will be accorded the reform process. But while Nigerians have always expressed a desire for a truly democratic polity built on credible electoral regime, the governing elite has failed to demonstrate the requisite
political will to achieve this goal. (Ugoh, 2004:164) It is against this backdrop that new effort at electoral reform should be initiated by the civil society which will involve the active mobilization, participation, engagement, and support of every sector, group, and stakeholder in the Nigerian society. In addition to civil society intervention, there is a need for effective voter education consciously designed to provide the Nigerian voter with the requisite knowledge and awareness capable of facilitating informed and rational political participation. This voter education enterprise which should be on a continuous basis should focus on such issues as citizen obligations, electoral rights, protection of votes and importance of accountable governance. The voter education program should be carried out as a joint effort by the civil society and state institutions. There should also be a review of the structure of the election oversight body with a view to decentralizing its functions in a manner that gives greater responsibilities to the states. Apart from conforming to the principle of federalism, these reforms should provide some antidote against electoral manipulation by various political players as well as by the different tiers of government (Kurfi, 2003:11).
Foot notes

1. The Appeal Court on April 11, 2008 nullified the election of Alhaji Aliyu Wammako as Governor of Sokoto state on grounds of electoral irregularities perpetrated by PDP with the connivance of INEC. The presiding judge, Justice Ahmed Belgore described INEC as a “spineless body always willing to do the bidding of the ruling party”. Also the Court of Appeal on February 26, 2008 voided the election of Vice Admiral Murtala Nyako as governor of Adamawa state on the ground that the name of the candidate of the Action Congress of Nigeria, Alhaji Ibrahim Bapetel was unlawfully excluded from the ballot paper by INEC. Similarly, the Appeal court sitting in Benin on November 11, 2008 nullified the election of Professor Osarhemein Osunbor as governor of Edo state and ordered that Adams Oshiomhole, former labor leader and candidate of the Action Congress be sworn in as duly elected governor. In similar vein, the Appeal Court sitting in Benin on February 23, 2009 cancelled the election of Dr. Segun Agagu of PDP as governor of Ondo state and declared Dr. Olusegun Mimiko of the Labor Party as the duly elected governor. At the level of legislative election, the Appeal Court on July 8, 2009 overturned the election of Chief Ayo Arije of PDP as senator representing Ekiti North senatorial district of Ekiti state. Also the Ibadan Division of the Appeal court on October 13, 2009 cancelled the election of Chief Iyiola Omisore of PDP as senator representing Ife-Ijesha senatorial district on grounds of electoral irregularities.
2. Chief Ogbulafor first passed this comment in May 2008 during his maiden interaction with media executives in Abuja a few weeks after becoming the Chairman of PDP. He restated this position on November 13 2009 at Murtala Square, Kaduna while receiving decampees from other parties in to the PDP (Sunday Trust, November 15, 2009).

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ANIMASHAUN, M. Adekunle teaches in the Department of Political Science & International Relations, Osun State University, Osogbo, Nigeria. He received his first and second degrees in Political Science from the University of Ibadan, Nigeria, where he is also currently working on his doctoral degree. His areas of research interest include democracy, governance, policy analysis and state- civil society relations.