

Because We Don't Learn From History: A Comparative Analysis between the Lapses of 1959 and 2011 Elections in Nigeria

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Over the years electioneering in Nigeria has always turned out unsuccessful. It was the 1993 and 2011 elections that received accolades as free and fair. Notwithstanding this pleasant recommendation, it is not true for us to conclude that the elections especially that of 2011 took place without challenges. In this paper, we are saddled with the responsibility of maintaining a position that electoral malpractice and inadequacy was a product of colonialism. Using the litmus test of the 1959 elections held in Nigeria, this paper insists that the development found in 2011 elections showcases that the proper beginning of the decolonisation process in Nigeria is yet to be attained. Hence historical developments found in the 1959 elections provides ample opportunity for the mistakes and inadequacies created in the colonial setting, which is still repeated till date. The paper concludes that most of the lapses found in the election on the part of the Independent National Electoral Commission (INEC) justifies that we do not learn from the past. It also demonstrates that electoral malpractice is a colonial legacy.

Keywords: election, electoral malpractices, colonial setting, INEC, Nigeria

INTRODUCTION

Election is very important in every state because it often serves as a means of ushering in good governance. Even though not every successful election results into good leadership, most often it serves as a yardstick for making the government more accountable to the people. In any case, successful, free and fair election is an art of the state. This led Guy Hermet to argue as follows:

In practical terms, the difference between free and controlled election is indicated by the opportunity a voter has (1) to have his franchise recognized through registration (2) to use his right to vote without being segregated into categories dividing the electorate and revoking the idea of popular sovereignty; (3) to cast his ballot free from external hindrance; (4) to decide how to vote, even to spoil his ballot, without external pressure be counted and reported accurately, even if it goes against the wishes of those in power (Guy Hermet, 1978).

During the colonial period, beginning from the 1922 election; the pace for electoral insincerity was set. This is understandable in view of the fact that the imperial government would not have decided to run a transparent election that will bring on board men that will certainly protect the people's interest. Beginning from 1922, we saw a lopsided structure that ushered in electoral insincerity as well as gender imbalance. This is evident in the fact that only adult male suffrage with an income of 200 pounds, a resident in Calabar or Lagos was allowed to vote and be voted for. As a result of this ugly trend, the de-franchisement of women in the electoral process

could be attributed to be a colonial legacy. Secondly, the electoral process as of 1922 was anti-peasantry in its formation as the rural and low income earning class was not part of colonial thought. Subsequently, beginning from other elections in 1939, 1946 and 1959 just to mention but few, there were loss of registration cards, logistic problems, fraud, problems of transportation and so many abnormalities found in Nigeria's way of electioneering. This trend continued up to the 2011 General elections. In spite of the views expressed at the International scene that Nigeria is currently beginning to learn about proper electioneering process, one must take cognizance of the fact that the proper victory over electoral insincerity is yet to take place. Hence the mistakes recorded in the past have not been used to address future challenges. It is in recognition of the pitfalls found in the 1959 elections conducted in Nigeria that this paper draws a comparative analysis with the just concluded 2011 election and to argue that, we don't learn from history.

The Onset of Constitutional Anarchy and the Nigeria's Electoral Process

The 1922 legislative council had members of this formation as follows: (i) 30 officials (ii) 7 Nominated commercial members (iii) 10 Nominated African members (iv) 4 elected members. Its features were as follows:

1. It did not include the Northern Provinces
2. It had no relation with the Native administration
3. It met at Lagos, which, to most of the people of Nigeria, was a far distant foreign country.
4. It possessed a large European majority

5. The Unofficial members had no power since decisions could be pushed through the council by the official majority (Cadist, 13/1/230).

Certainly, the abnormally discovered from the constitutional arrangements of 1922 ushered in some amendments in the 1946 constitution. Thus 1946 Arthur Richards Constitution focused on the following:

- (a) To promote the unity of Nigeria;
- (b) To provide adequately within that unity for the diverse elements which make up the country
- (c) To increase participation by Africans in the discussion of their own affairs.

Apart from providing regional provinces, there were houses of Assembly. Nominated members, house of chiefs, the colony, and the legislative council which was the legislative body for the whole of Nigeria. Its members comprised of the representatives of the house of chiefs, the three houses of Assembly, one member of the colony elected by the people of Lagos and Calabar and three members nominated by the Governor to represent shipping, industry and commerce and mining. Unfortunately, the three Houses of Assembly met in their respective regional headquarters in Kaduna, Ibadan and Enugu while legislative councils were held in Lagos but meetings of financial programmes of state were determined and rotated around Lagos, Kaduna, Ibadan and Enugu.

There were also nominated members by the Governor such as the Governor of Enugu, first class chiefs in western provinces and the House of chiefs in the northern region as well as unofficial members which comprised of Africans only. Remarkably, the legislative council was constituted as follows:

- President – His Excellence the Governor
- Official Member:
- Chief Secretary
- Three Chief Commissioners (North, West and East)
- Three Senior Residents – One from each Region (North, West and East)
- Attorney General
- Financial secretary
- Development Secretary
- Director of Education
- Director of Agriculture
- Director of Medical Services
- Director of Public works
- Commissioner of Labour
- Commissioner of the Colony

Unofficial Member:

- 4 Emirs (nominated by the House of chiefs)
- 2 Chiefs from the Western provinces (to be nominated by the Governor from Three chiefs who are member of the House of Assembly)

5 members from the Northern provinces (to be nominated by the unofficial members of the House of Assemble from their own body)

1 member for Calabar (to be elected from the township)

3 members for Lagos (to be elected from the municipal Area)

1 member for the colony (to be nominated by the Governor after consultation with the Native Authorities)

1 member to represent shipping

1 member to represent Industry and commerce

1 member to represent mining

To be nominated by the Governor

By this arrangement there was a total number of 26 legislative members (Cadist, 13/1/230). From this arrangement, it is evident that the Governor as the leader of the legislative council demonstrates how baseless the 1922 election was in terms of separation of power. Furthermore, there was evidence of Imperial Interest in the economy since the Governor appoints members of the Shipping, Mining, Industry and Commerce. This further calls for electoral reforms. In spite of the fact that the 1952 constitution was short-lived, it further strengthened regional politics that compelled the likes of Dr. Nnamdi Azikiwe to opt for the Eastern House of Assembly in 1952. Unfortunately, under that constitution the cabinet was presided over by a British official (Bola Ige, 1995). Under the 1954 constitution, there was greater power for regional ministers and for Nigerians to preside over the regional cabinets and thus a premier for each region was the leader of government business as well as the leader of his political party (Bola Ige, 1995). This development was not without its peculiar challenges especially when considered that between 1952 – 1957 in Nigeria's political history, the agitation for self government was ripe. According to J.S. Coleman:

Between 1952 and 1957 one of the major shortcomings of the Nigerian constitution, both in theory and in actual opposition, was the weakness of the central council of ministers. This failure at the center unquestionably facilitated the drift to regionalism. Had there been a truly national party, commanding majority support in all three regions, the story would have been quite different. But parties, as well as membership in the central House of Representatives and council of ministers had a regional basis. It was impossible under these circumstances to secure a Politically Homogenous Council. Even had that been possible, however, there was no provision for a Nigerian head of council. Thus, when it was agreed at the 1957 conference that the office of federal prime minister would be created and that the holder of that office could nominate his own cabinet and subsequently that Alhaji

Abubakar Tafawa Balewa would fill that office, fresh hope was aroused regarding the possibility of establishing a genuinely national government for all Nigeria (J. Coleman, 1965).

Hence with this development, arrangements were made towards the preparation of the 1959 elections that ushered in Nigeria's political independence.

The 1959 General Elections: Strengths and Weaknesses

The 1959 election in Nigeria was not without its challenges. Nevertheless it occupies eminence in Nigeria's political history since it ushered in political Independence. First, there were electoral offences regulations as amended by 20th October 1959. It stipulates the general code of conduct for the election. It stipulates in sections 101 sub sections 2 that corrupt practices in election include:

- a. Personation
- b. Treating
- c. Undue influence
- d. bribery, or
- e. aiding, abetting, counseling or procuring any such offences (Cadist, 13/1/132).

Furthermore, sections 105, subsection c, sections 107 subsection F, 109 subsection 3c and subsection 11 a – f states as follows:

(c) any person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer promise, procurement or agreement as aforesaid to or any person, in order to induce such person to procure, or to endeavour to procure, the return of any person as a members of the House of Representatives or the vote of any elector any election (Cadist, 13/1/132).

Sections 19 subsection F:

Any person who without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of election shall be guilty of an offence and liable to an offence and liable to a fine of £200 and imprisonment for two years (Cadist, 13/1/132).

Sections 109 subsection C:

No person shall communicate at any time to any person any information obtained in a place of voting as to the candidate for whom an elector in that place is about to vote or has voted (Cadist, 13/1/132).

Sections 114 Subsection A –F:

No person shall on the date on which an election is held commit any of the following acts within polling station or within a distance of 200 yards of a polling station namely:-

- (a) Canvassing for votes; or
- (b) Soliciting the vote of any elector; or
- (c) Persuading any elector not to vote for any particular candidate; or

- (d) Persuading any elector not to vote at the election
- (e) Shouting slogans concerning the election;
- (f) Being in possession of any offensive weapon or wearing any dress or having in facial or other decoration which is calculated to intimidate voters (Cadist, 13/1/132).
The 2010 Electoral Act as Amended 29

December 2010, sections 129 subsection A-K corroborates this as follows:- No person shall on the date on which an election is held do any of the following acts or things in a polling unit or within a distance of 300 metres of a polling unit:-

- (a) Canvas for votes;
- (b) Solicit for the vote of any voter
- (c) Persuade any voter not to vote for any particular candidate;
- (d) Persuade any voter not to vote at the election;
- (e) Shout slogans concerning the election
- (f) Be in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters;
- (g) Exhibit, wear or tender any notice, symbol, photograph or party card referring to the election;
- (h) Use any vehicle bearing the color or symbol of a political party by any means whatsoever;
- (i) Loiter without lawful excuse after voting or after being refused to vote;
- (j) Snatch or destroy any election materials; and
- (k) Blare siren (Electoral Act, December 2010, sections 129).

The lapses between the 1959 and 2011 elections suggest to this writer the inability to enforce the law especially when the highly placed are involved. For instance, the provision of electoral act 2010 in section at subsection 2-7 stipulates on the limitation on election expenses as follows:

1. The maximum election expenses to be incurred by a candidate at a presidential election shall be One Billion Naira (₦1,000,000,000).
2. The maximum election expenses to be incurred by a candidate at a Governorship election shall be Two Hundred Million Naira (₦ 200,000,000).
3. The maximum amount of election expenses to be incurred in respect of senatorial seat by a candidate at an election to the National Assembly shall be Forty Million Naira (₦ 40,000,000) while the seat for House of Representative shall be Twenty Million Naira (₦ 20,000,000).
5. In the case of State Assembly election the maximum amount of lection expenses to be

- incurred shall be Ten Million Naira (₦10,000,000)
5. In the case of a Chairmanship election to an Area Council, the maximum amount of election expenses to be incurred shall be Ten Million Naira (₦10,000,000)
 6. In the case of Councillorship election to an Area Council, the maximum amount of election expenses to be incurred shall be One Million Naira (1,000,000) (Electoral Act, 2010 sections 91, subsections 2-7).

Unfortunate, the 2011 electoral act could not address fundamental issues of comprador bourgeoisie who own capital but have no means of production except sponsoring candidates for election. There was provision in the electoral regulation of 1959 for independent candidates to contest. This was absent in 2011 general elections. Nevertheless, a reflection of the Eastern Region nomination shows that there were several independent candidates up to about 45. Nevertheless just a few will be mentioned in this paper. They include: Joseph Nkwuda Igwe (constituency 244 Ikwo), Paul Emem Uwa (Constituency 245 Ishielu), Davidson Nwiboko Igwe and John Nwagu Nwankwo (Constituency 246 Izi North) Chiaka Anozie and Eze Ogueri (Constituency 296 Owerri Central), Opara Umez Eronini (Constituency 297 Owerri Morth) David Amanze (Constituency 299 Owerri East) Mr. A.W Emutchay (Constituency 240 Aba South), Mr. Ogwumba Onuncgina C (Constituency 249 Afikpo South, Mr. S. A Elemele (Constituency 252 Ahoada West); Mr. D. I Umodu (Constituency 252 Ahoada West) and Mr. Unegbu Ibeagi (Constituency 281 Okigwi Central) just to mention but few (Cadist, 1/6/1131). With the electoral act of 2010, it is entirely difficult financially for independent candidates to run. Nevertheless, to list political extravagances observed in 2011 election will be to bore us unnecessarily.

In 1959 elections, the electoral commission carefully registered political parties by their symbols as shown.

- (i). Action Group Palm Tree
- (ii) National Council of Nigeria and Cameroons Cock
- (iii) Northern Peoples Congress Hoe
- (iv) Northern Elements Progressive Union 5 – Pointed Star
- (v) Democratic Party of Nigeria and Cameroons Elephant
- (vi) United Muslim Party Torchlight
- (vii) National Emancipation League (Ijebu-Ode) Tilley Lamp
- (viii) Nigeria's Peasants Party White man's Portrait
- (ix) Niger Delta Congress Fish in Triangle
- (x) U.M.B.C (Independent) Nerzit Hunter
- (xi) Igalala Division Union / N.P.C Alliance Lion

- (xii) Ijebu Parapo Party Key
- (xiii) Igbirra Tubal Union Arrow
- (xiv) Igbirra Tubal Union N.P.C Alliance Tri colour Flag
- (xv) Oshun United Party Crops in Basket
- (xvi) Egbe Omo Ibile Akure ati Agbegbe Alarm Clock
- (xvii) Any Independent Candidate was free to choose another symbol apart from one mentioned (Cadist, 13/1/231).

However, the 2011 election in many places omitted names as well as the party logo of candidates. In Ebonyi, Mr. Okpoke of Justice Party was not enlisted thus the candidate's supporters were de-franchised. This should be an urgent step in any egalitarian society to get the elections nullified. Contrarily, a winner emerged. In the 1959 elections, there was provision for Electoral College. Under this arrangement, village groups were represented in the Division. The Electoral meeting of this Division voted among themselves candidates for the regional house of Assembly (Cadist, 13/1/231). Unfortunately, in the 1959 and 2011 general elections, it could be observed that there was multi duplication of functions. For instance, a councilor is a legislative member, member, State House of Assembly, the member; House of Representative as well as the Senator are all involved in law making. This is expensive and uncalled for. It is important to highlight that electoral reforms must henceforth make provision for reduction in the number of legislative members in the federation. Alternatively a uniformed electoral calendar of a four year term should exist for local, state and federal government Nigeria.

Electoral Irregularities in 1959 and 2011 Elections

The 1959 electoral irregularities started with the registration of voters on 17 February, 1959. J.C.K Odiah Petitioned as follows:

I write to confirm my oral complaint to you on Monday, 9th February, that I have although completed and submitted an election form to your agent in my area, I was not issued with any form confirming that I have been registered nor was I informed that my registration was refused for any reason (Cadist, 13/1/1129).

There were several cases and petitions about the losses of registration cards in 1959 which were not replaced. The cases of N. Robert, Ekaete Udo Akang and A. Jim George just to mention but few were among many of them written in this period (Cadist, 13/1/1130). The electoral irregularity was so alarming in 1959 and was the same in 2011 as will be exposed. The shocking petitions of Mr. Abel Ude and Cyprian Onuoha read as follows:

We reported our arrival to presiding officer of the C.S.M Church Booth (Mr. J. Anita) on Friday 11th December, 1959 at 8.00am because

he would seal the box for voting at that time. In the morning of December, 12th 1959, at about 6.45am we were informed that voters were rushing to the polling station where we rushed to the scene. Getting there, we found out that a box bearing palm tree symbol had already been sealed. We then asked him to open it for us to inspect as it was even not yet 7.00am then, not to mention 8.00am. He refused (Cadist, 13/1/1127).

Most unfortunately, the method of disseminating electoral materials also constituted a threat to free and fair elections. For example, the use of P.W.D Lorry, Land Rovers and Kit Cars not belonging to the electoral Commission should be discouraged. In Akabuyo, one P.W.D lorry was hired to deliver materials to Esuk, Ekpo Eyo, Ikot Offiong, Ikot Efang and other places on 11th December, 1959 (Cadist, 13/1/1127). This development constitutes one of the ways of foot dragging the quest to start electioneering in time. This is because as an Independent Commission, the electoral commission should be able to afford vehicles themselves and not necessarily to hire. There were also irregularities in the packaging of electoral materials. In many places in 2011, the election was canceled in view of the fact that the electoral materials did not tally. The Calabar Urban Council in 1959 election was disappointing; it was observed that the Action Group Candidate's box for Ward four had a black liquid inside the box which damaged most of the papers. However, because majority of the vote cast were in favor of the Action Group, he was thus declared victorious (Cadist, 13/1/1126). There were cases of impersonation in the 1959 elections, which invited legal harmer. In Degema on 10th March 1959, a man was charged with "Personation" under section 42 (2) of the Eastern Regional Local Government Law of 1959. He was found guilty and fined £10 or 2 months imprisonment with Hard labour (Press Release on Electoral Offences, 1960).

CONCLUSION

This paper unravels the development of electioneering in Nigeria beginning from the immediate Pre Independence election of 1959 to the 2011 General Election. The present writer insists that in terms of electoral lapses, there is still a lot to be done. First, there should be efforts to checkmate electoral Insincerity by making available a method of registration where the voters thumb print during registration must tally with the electoral material during voting. This should be adhered to through adequate information technology. The Civil Liberty Organization must ensure that every electoral offender irrespective of political party is brought to book by the hammer of the law. A situation where the law court or Tribunal discovers electoral malpractice by a sitting political office holder and such a person is allowed to go free should totally be discarded.

Hence forth, electoral perpetrators in this cadre should be forced to return their salaries and benefits to government. The electoral booths must be the epicenter of adequate test of the freedom for information bills. A situation that accommodates party agents to distribute money during electioneering should not be condoned.

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