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TOWARDS CREDIBLE ELECTIONS IN NIGERIA: LESSONS FROM THE 2007 GENERAL ELECTIONS

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ABSTRACT

Elections are important processes through which leaders who manage the political economy are recruited. Consequently, the quality of personnel elected into public offices affects the quality of the government policies and the well-being of the people; hence the people should be active participants in the election of their leaders. The study is descriptive in nature; it generated primary data through observations and experiences, while the secondary data were obtained from documentary sources. This was analyzed using the 'Social-Contract' theory, which defined what the primary duties of government should be and how it was constituted through elections. The study found out that the recruitment of the heads of the electoral commissions has not been following the normal course of recruitment, selection and placement. This had made elections subject to manipulations. It also discovered that the politicians were always amending the electoral laws to enhance their chances to retain power. The availability of unemployed youths in the society provides foot soldiers for the politicians to rig elections and foment problems to foster their interest. In conclusion, the study suggested that the electoral commission should be made financially independent while an apolitical body such as the Nigerian Bar Association (NBA) in conjunction with the civil society organizations (CSOs) should select the electoral commission's chief executive for the president to appoint. Furthermore, internal democracy should be made to prevail in the political parties while the politicians should imbibe the values of integrity.

Keywords: Election, Motorization, State of nature, Development, Electoral Body

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INTRODUCTION

In a political system, decisions are taken by the few on behalf of all the citizens. It is widely held that these few are the representatives of the entire citizenry, and these few are responsible to the entire citizenry because these few are chosen by the citizens, they (the few) are accountable to, and dismissible by, them (the citizens). This notion is important to the evaluation of election of any society. Thus, it is only through credible election processes that accountable leaders emerge. The Nigerian state has made steady progress in several spheres of statecraft, but no significant one in the art of conducting election - the processes of deposing the 'General Will' by aggregating individual preferences on the person who is preferred by the electorates to lead the state to a most wanted future.

History of elections in Nigeria since 1959 revealed two major types; (i) transitional elections to make a fresh start. The five elections conducted by the British before independence falls into this category; the 1923, 1946, 1951, 1954 and 1959 elections. Twenty-six political parties took part in the 1959 elections (Ojikutu, 2010:73) and military conducted elections of

1979 and 1999 respectively. (ii) 'Regime to Regime'; 1983, 2003 and 2007 transitional elections. These have always proven a debacle. These explicate the rationale why the 2011 general elections generated much attention as critics wanted to see if it would be different from the previous elections. It is this issue that propelled this research with the hope that both the electorates and the election managers would find lessons herein for adoption. The paper is structured into two sections - section one, which discussed the introduction, problem, theory of elections, significance of the study, methodology and the theoretical framework; section two is a case study of previous elections against international best practices, and evaluates the challenges to credible elections, and conclude the study.

The 1959 colonial elections were managed by British Commissioners who carefully selected Nigerians that had no option then than to do their bidding. The membership of the team consisted of Messrs R.E. Wait and J.J. Warren who were British nationals and four Nigerians, Alhaji Mohammed Bello, Professor Oritsejolomi

Thomas, Mr. Anthony Aniagolu, and Mr. M.A. Shosilva (Ojikutu, 2010:73). However, elections under the command of Nigerians started with the Federal Electoral Commission (FEC) under the management of Chief Eyo E. Esua 1964-66. It conducted both the Federal and Regional elections of that period. There was the Federal Electoral Commission (FEDECO) 1976-79 under the auspices of Chief Michael Ani. This body was taken over by retired Justice Ovie Whiskey 1980-83. The collapse of the democratic experiment in 1983 gave birth to National Electoral Commission (NEC) led by Professor Eme Awa (1987-9). NEC was inherited by Professor Humphrey Nwosu (1989-93), which conducted series of elections culminating in the famous June 12 1993 crisis and later, Professor Okon Uya (1993). The National Electoral Commission of Nigeria (NECON) had Chief Sumner Dagogo Jack (1994-98), after which Chief Ephraim Akpata came on board until 2000 before the reign of Dr. Abel Guobadia (2000-05). There was nothing wrong with these men. Why then were they not able to conduct credible elections except for Professor Nwosu, whose exercise created the considerable

controversies? How has Ghana in the past (and most recently) as well as Botswana been able to conduct credible elections, which meet international standard? This question would guide this study.

In the first place it is instructive to note that in a democracy, power resides with the people. From the classical era through the Middle Ages, political philosophers like Plato, Aristotle, and Cicero in their various treatises have all demonstrated this fact (Carlyle, et al, 1915). The power is then transferred to the leaders on trust by a process of election, to be exercised for the benefit of the people in the state. The ignorance of the people of their rights and responsibilities under a democratic dispensation (Ejituwu, 1997: 37) mostly, accounts for nature of elections and its outcome in Nigeria. The second problem is the inability of the electoral body to conduct democratic competitions. Election is thus governed by the core value of trust, respect and integrity in accordance with internationally accepted guidelines. The third issue is that every election has been marked by allegations of manipulations and lack of transparency on the part of the electoral umpire. Thus, since 1959 Nigeria has not been able to

conduct elections adjudged as free and fair by the international community except the 2011 presidential election. What could be responsible for this?

It is instructive to note that properly conducted elections produce accountable leadership to the people. Thus, Nigeria's inability to get it right through the election processes has denied her the benefit of the people's leader critical to development. Consequent upon which the society suffers from a government, which pursues programmes, which are not in accordance with the societal expectations. This definitely affects human development in Nigeria. Because of the glaring manifestation of underdevelopment in this country; the issue at hand is of critical importance.

The Problem

The problem addressed in this study is that each election conducted in Nigeria by democratic governments, are often controversial and the results contested. It becomes a problem because it presents Nigeria as being unable to conduct a free and fair election which meets international standard. This issue

becomes critical because the legitimacy of any government which emerges through controversial elections do have implications in international politics. This is because some states may choose not to deal with such a government on the ground that it is not a true representative of the people it claims to be representing. In other instances it has generated internal crisis which challenges the processes of state and nation-building respectively. International best practices hold that election must have the following variables to be credible, impartiality, setting clear unambiguous guidelines, possession of institutional capacity to hold free and fair election, the legitimacy of the election commission must not be in doubt and financial autonomy of the commission should be constitutionally provided (NDI/A,2004). The sum of the problem then is how do we obtain these for the Electoral body in Nigeria and confer legitimacy on every election conducted?

Since the 1922 colonial election, where Herbert Macaulay's NNDP won three (3) seats for Lagos and one (1) for Calabar, through postcolonial elections, it has been

one controversy after another. Every election contested in Nigeria since 1959 has been a subject of litigation and the chief electoral officer is often the victim. The question to ask is; why are transitional elections under the watchful eyes of the military often seem more successful than the ones organized by civilian administrations? What has made it so difficult that Nigerians have not been able to conduct credible elections, when she is a signatory to several conventions that have specified the minimum requirements for proper elections such as the International Covenant on Civil and Political Rights (ICCPR) which she ratified in 1993 and the ECOWAS Protocol on Democracy and Good Governance, which in its Article 6 stated that the preparation and conduct of elections...should be done in a transparent manner. Articles 25 of the ICCPR specified secrecy of vote, universal franchise, independence and neutrality of the election administration, transparency and the disposal of petitions. The violations of these articles in the conduct of elections in Nigeria scored the exercises below international standards. These problems and the desire for

credible election in Nigeria informed the analysis and the views canvassed herein.

Significance

The import of the study is embedded in the emphasis laid on the election commission charged with conducting credible election for Nigeria. This is because it is the election commission known by various names in Nigeria which recruits the personnel for government both for the executive and the legislature and therefore the political decision-makers whose performance in office determines the destiny of the nation. The quality of the personnel, in question logically affects the quality of government policies and the well-being of the people (Amucheazi, 2006:15).

It is imperative to state that the election provides an orderly and democratic succession from one set of political authorities to another. It permits the citizens to have periodic review of the performance of their political leaders and allows them to pass judgment as to whether the government of the day should continue or should be replaced by a new set of authorities (Loon, 1978:371). The applicable framework of analysis affirms this.

A constitutional democracy is one that allows the people the right to vote for an alternative government beyond the one in power.

Another implication of this paper is to turn around the apathy and ignorance of the people of their rights and responsibilities under a democratic system and reiterate the 1948 United Nations Declaration of Human Rights which states in its article 21(3) that "the will of the people shall be the basis of the authority of government. This will, shall be expressed in periodic and genuine elections, which shall be made by Universal, and equal suffrage and shall be held by secret vote or by equivalent free voting procedure" (UNO, 1948). It would be recalled that ordinary power in a democracy resides with the people - who transfer the power through the process of election to the political leaders. Too often ordinary people do not realize this and do not know how to influence those in authority after elections.

The recent announcement that Nigerians rank among the world's poorest people is a sobering reminder of the country's spectacular failure to live up to its much-acknowledged potential. In its 2010 listing of countries by their purchasing power parity (PPP), the

International Monetary Fund (IMF) placed Nigeria in the 140th position out of 182 nations, with an average per capita income of US \$2,398. It was stated that leadership at all levels has been a huge disappointment. Singapore and Norway are the exemplars in the IMF ranking. If Nigeria is to get out of the dire straits, it will have to get its politics right. Political transformation would involve the development of electoral processes that is free, fair and credible (The Nation, February 22, 2011). This is a function of active participation, credible election and the use of the people's power during and after elections. A further impact of the study is that it outlined the various stages needed pursuant to a credible election and to reduce the criticisms, which often trailed elections in Nigeria. It serves as a checklist for future free and fair elections in Nigeria. The paper generates the fact that the locus of political power is the people thus implying that the people must play a part in the government. Election is the most important role in which the overwhelming population decides what is best for them.

Methodology and Theoretical Framework

The research design of this study was descriptive with elements of direct observations and experiences (empirical elements) utilized in obtaining the data concerning the status of election practices in Nigeria. The design utilized both primary (direct observation) and secondary data obtained from documentary analysis. It sought to know what conditions accounted for the values and norms, which defined the behavioral pedigree of Nigerians in the conduct of elections.

The design of this study was meant to lead us to the understanding of the dynamics of the causal variables of elections full of malpractices and all sorts of frauds with the view of avoiding them in the future. This would lead this country to decisions and strategies for the enthronement of free and fair election in the coming years.

The analysis was qualitative and is expected to strengthen the course of election in Nigeria.

The social contract theory is the applicable framework of analysis.

Several political theorists from the classical to modern times have confirmed the utility of this framework as an analytical paradigm. These included Plato,

Aristotle, St. Augustine, Cicero, Hobbes and Locke to mention a few. It posited that man escaped from the state of nature through 'social contract' to form a political community. This theory treats the state as a product of the mutual agreement of men, created with a definite purpose, to serve certain social needs (for a 'common power' who would 'keep them in awe' and give them security) (Gaub, 2003:183 & 184). It is believed, according to the social contract theory, that the state is not a natural institution, but an artificial device or instrument invented by men for their mutual benefits; it is intended to serve the interest of all individuals or all sections of society. It regards the state as the product of the will of society; hence, it is an expression of 'common will' (Gaub, 2003:180). In modern society, the choice of those who are to superintend over the state is conducted through elections. It is the business of politics to organize the people into parties and programmes, and offer it to the voting population to make a choice thereof.

The choice before the people is to elect from these myriads of forms of government as proposed by their promoters. To do this in the Greek City-states most people above 18

years were registered (credible voter's registers); while the metics or foreigners and bonded citizens or slaves were excluded from, casting lots (votes). The city-states were delineated into '*demes*' or wards which in Nigeria stand at **8,813** to ensure that every eligible citizen partake in the choice of the persons to rule and the form the state should assume. By this action, those elected were responsible to the electorates in the provision of security and welfare, which were the motives for the progression of man from the state of nature into the 'social contract'. The paper would adopt this paradigm as the perspective to outline all the stages arising thereof pursuant to a credible election which begat responsible and accountable leadership, culminating in the development of both the state and the people.

Theory of Elections

In theory, power resides with the people in a normal democratic situation. The exercise of this power by all would be cumbersome and conflictual (state of nature). A process of election (aggregating individual preferences to a collective one) then transfers the power to the political leaders (who emerged

through the instrument of the political parties). The leaders consequently will exercise power in the interest of the state to generate social relations in favour of the people. Power is thus held in trust by the people who could withdraw it during elections. This is accountability.

Voting is the means of aggregating individual preferences into a collective decision. The aggregation of individual preferences by voting raises a variety of issue. How many alternatives are voted upon? What rule determine the collective' outcome? The returns for a given election provides two forms of information (i) the total ballot measure the level of participation or turnout if not obscured by multiple voting (ii) It measures the distribution of preferences, if it is strictly based on one-man one vote. This is against the backdrop of the number of people who were registered and who actually participated in the process.

Nigerian Elections versus the Practices

In this section of the study, elections in Nigeria are evaluated against the known principles, which include registration,

delineation of electoral constituencies, voting, motorization, counting and the declaration of winners. The case study examined is the April 2007 gubernatorial and Presidential elections against the principles enunciated above. The conclusion of the European Union Election Observers Monitoring (EU-EOM) group on the election in Nigeria posited:

...The elections were marred by very poor organization, lack of essential transparency, widespread procedural irregularities, substantial evidence of fraud, widespread voters disenfranchisement, lack of equal conditions for political parties and candidates and numerous incidents of violence (EU-EOM2007:8).

In its executive summary of the same report, it stated, inter alia, that the 2007 state and Federal elections fell short of basic international and regional standards for democratic elections (EU-EOM, 2007:1). The election managers in the conduct of the elections did not observe the statements above made it clear that the principles of election stated above.

The results released from the entire exercise (the 2007 general elections) were perhaps the most contentious and till today the most lingering...One after the other, elections were annulled in the following states: Kogi, Kebbi, Sokoto, Abia, Bayelsa, Edo, and Rivers (Yaqub, 2010:42). The elections were characterised with rigging, extreme violence leading to unwarranted deaths, wrongful declaration of election results, etc (Yaqub, 2010:49). The 2007 general elections were adjudged to be the worst that Nigeria had ever conducted or organised as a country.

According to Ibrahim and Ibeanu (2009:1), the 2007 general elections were particularly disastrous in the history of election in this country. They maintain that in many states in Nigeria, citizens were not allowed to vote and yet results were declared. The general elections were defined by rigging, ballot box stuffing, stealing and snatching of electoral materials; killing of opponents and false declaration of losers as winners. With these evidences, it is clear that the 2007 general elections fell short of international standards.

However, there are two basic conventions and subsidiary ones

that are germane to elections in which Nigeria is a signatory. The lapses discussed herein are only some and by no means all. These included:

- i. Both the Electoral Act 2002 and Act 2006 did nothing about the independence of the Electoral body, INEC. Mr. President still had to appoint its Chairman not even through standard personnel recruitment processes but at his discretion. Put differently, the Electoral Act is silent on this matter leaving the discretion to appoint the head of INEC to Mr. President against the Justice Mohammed Uwais panel report of 2008.
- ii. Independent National Electoral Commission remained financially dependent on the Executive for funding. One of the conditions for a free and fair election according to the Mackenzie (1987) and Dundas (1994) is the independence of the electoral body. This ensures that electoral commission will not pander to the whims of those in power at the expense of their opponents (Wanyonyi,

1997:28).

- iii. In the preparation towards the elections, deadlines were missed throughout the pre-election period and it lacked transparency in its decision and conduct. It was selective and inconsistent in the application and enforcement of electoral legislation. Training of polling staff started late, and it was of poor quality and in some areas did not take place at all.
- iv. Overall, civic and voter education was very limited and ineffective.
- v. Voters' registration exercise, was poorly conducted, lack of available direct data capturing machines. Final voters register included under age voters, double entries, blurred pictures of voters, etc.
- vi. Late arrival of polling officials and materials on election days, procedural irregularity in the management of the polling centre (secrecy of ballot was not guaranteed); results were not publicly displayed at the various levels. An instance of this was seen on April 16, 2007, where the INEC

Chairman announced the gubernatorial results in Delta and Ondo states even as the Resident Electoral Commissioners in both states were yet to announce the results at the state levels (EU-EOM 2007:40). The principle of motorization was not effected hence late arrival of both materials and personnel at the polling centers. The process for declaring result was not made known and was not followed. What would have accounted for these quanta of lapses?

Election Conventions: In this paper, we have outlined the irreducible minimum for election and other International and Regional Obligations these included:

- i. The Electoral Act 2006;
- ii. The International Covenant on Civil and Political Rights (ICCPR) ratified in 2003;
- iii. African Charter on Human and Peoples' Rights (ACHPR) which provides basic civil and political rights related to elections and democratic processes;
- iv. NEPADS strategic framework 2001; and

- v. Harare Commonwealth Declaration 1991.

Given this plethora of guidelines, why did INEC get it so wrong? How would Nigeria get it right? We shall turn in the next section to steps towards credible elections in Nigeria.

Towards a Credible Election in Nigeria

According to Mackenzie (1967, cited in Ujo, 2004:2), there are four identified conditions for free and fair elections. These are; independent judiciary to interpret electoral laws; an honest, competent, non-partisan administration to manage elections; a developed system of political parties well organized to put their policies, traditions and teams of candidates before the electors as alternatives between which to choose; and a general rather than vague rule of the game. Similarly Dundas (1994) opined that the questions to ask about election are; 'is the legal framework adequate to ensure that the organization of free and fair multi-party elections can be achieved in a given situation? Have the courts been given the fullest possible role in assisting aggrieved persons who complain about failures in the procedures of major

election processes? Are the election safeguards satisfactorily balanced? Is the desire for a credible election reflected in the constitution and the electoral laws?

Recruitment, Selection and Placement: Every organization desirous of achieving its set goals on a continuing basis must go for qualitative and quantitative personnel who would drive the processes with a strong leadership backup. Towards this end, the Managers of INEC ought to be recruited through a rigorous process rather than a political one. This was not the case in INEC as primordial and political considerations took over reasons. Consequently, the manager had to consider his primordial constituencies over the principles and conventions for conducting elections. This explained why in the face of subsisting court order not to conduct election in Anambra state, INEC went ahead to do so under the leadership of Professor Maurice Iwu. This paper allies itself with the outcome of public opinion poll on the issue, recently conducted by the Guardian Newspaper, in which 85 per cent of the respondents acceded to the National Judicial Council (NJC), selecting and recruiting

future INEC chairman before forwarding same to the President for appointment.

Nigeria Police and Election

Credible elections are conducted in an atmosphere of security of lives and property, but in several cases, the police have become accomplice in electoral crime (accessory). The Police should be made to come to the realization that they are meant to ensure that there is justice in all situations. This call for a redefinition of the course content of the Police training, otherwise all efforts pursuant to electoral credibility will continue to be an exercise in futility.

It is herein canvass that Nigeria Police Force should withdraw all Police security from all political contestants to provide a level playing ground for all. This is because those in possession of Police security use them for political advantages over others. The Ekiti election re-run gubernatorial election in 2009 provides some lessons in this respect. At Ijero Ward 2, the PDP Chairman of the Local Government, Hon. Sunday Adewusi Kimuyi chased away the observer at the Police Station and physically assaulted Mrs. Ene Obi

of the ActionAid Nigeria, a member of the local Observer Group. This took place in the presence of the DPO at 9.55 am. At Oke Imesi polling station specifically at Aye unit Mr. Femi Osasuyi, one of the election observers, reported that at 12.19 pm, Mr. Segun Illori, the Chief of Staff to Engineer Segun Oni a contestant in the election came with three vehicles in the company of some police officers who then started shooting indiscriminately. This scared the people until few minutes later when peace was finally restored. At Iworoko unit Mr. Franklin Olaniyi an observer reported that an ex-commissioner in the state came in Delta state Police command vehicle NPF 452C002W7 and threw a grenade that left voters and observers running for their lives. It was reported that he moved from ward to ward perpetrating the same act. The MOPOL was led by Joseph Oluwole in Delta State MOPOL vehicle NPF 452C. ASP Monday Ivonye who was in charge of the Iworoko polling ward, stated that prior to that rampaging visit of Oluwole and his team, voting went on well (ActionAid, 2009:9-10). This clearly shows that the Police was partisan contrary to their expected role.

Constitutional Amendment:

There should be a constitutional amendment that would provide for a transitional period of three months within which the President would hand over power to the Chief Judge of Nigeria (CJN) while at the state level the Governors should hand over to the State Chief Judge (SCJ) to avoid their predilections and interference with the election processes. This also concerns the establishment of a constitutional Court or Election Malpractices Court to deal with cases of electoral misconduct. In these courts, facts by electoral monitors and Observer Missions to the country should be admissible material in the decisions. This Court/Tribunal should be such that all cases of infringement with the electoral processes should be resolved before the supposed winner assumes office. This will avoid a situation in which a defendant in a case uses the state's resources in pursuit of his matter against a complainant.

Funding and Election Expenditure Limit

It may sound out of place to discuss Political Parties' operations. It is far from it. It is the parties, which constitute the mechanism for the aggregation of the images of the

envisaged and desirable societies, which they eventually sell to the electorates through political communications (campaign). Consequently, it ought to be the oversight function of the election managers (INEC) to ensure that parties practise internal democracies. A party, which does not abide by its micro democratic principles, will certainly not be able to give to Nigerian macro democracy. It is commonsensical that you cannot give what you do not have.

Closely related to this function is the act of monitoring how parties raise their funds and set election expenditure limits. The practice whereby parties become over dependent on major donors ultimately leads to the emergence of 'godfatherism'. The obvious impact of this situation is that the 'godfathers' decide the choice of who gets nominated for election (rather than emphasizing ability, commitment and accountability) irrespective of whether the person win the primary election or not. This, more than anything else, disenfranchise the electorates who could be in a better position to decide who should represent them. Power is then held in trust for the 'godfather' rather than in trust for

the electorates. This results in unaccountable governance.

Secondly, a situation in which a party spends close to five hundred million naira (N500,000,000) as PDP did in the Anambra state election, without conducting any primaries, requires to be accounted for by those in charge (Nnamani, 2010:50). It is instructive to note that if this is not observed, the likelihood is that some people will continue to dictate the pace of party management and democracy, while credible election would continue to be elusive. This is what is referred to as Electoral Reform.

Towards Credible Election: The Challenges

The most critical challenge to INEC pursuant to credible elections is the members of the National Assembly. The obsession of the members of the National Assembly to amend the INEC Act in a manner to sustain the resolutions awarding to them automatic second tenure in the parliament is a major challenge to credible election.

Paragraph 15(1) of the 3rd schedule, Part I of the 1999 Constitution sets out the functions of the INEC: It says; 'The Commission shall have power to organize, undertake and

supervise all elections into the offices of the President, Vice President, Governor and Deputy Governor of a State and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation'. It is clear from this entrenched position that the power to organize elections into the listed positions is exclusively given to INEC. The power to decide the order in which elections will take place is inherent in the power to organize. The National Assembly cannot interfere with that power without a constitutional amendment; unfortunately, that section of the constitution has not undergone the current legislative fiasco in the name of constitutional amendment.

Furthermore, sections 76, 116, 132 and 178 of the constitution being read together provided that elections to each House of Assembly, to the office of the President and Governor respectively, shall be held on a date to be appointed by INEC. If INEC is to determine the specific dates of these elections, where lies the justification for the National Assembly to legislate on which election should come first or last? (Osibanjo, 2010:4). The analytical

logic is that they want to secure their position first, and then use same as a bargaining tool with the President and the Governors respectively given the frosty relationship between some of them and their Governors. It is instructive to note that the Supreme Court had earlier invalidated a similar attempt by the National Assembly in 2001 to determine the order in which elections were to be held when the court struck out Section 15(6) of the 2001 Electoral Act which provided that:

Elections to which this Act relates shall be held in the following order namely; (a) Federal Elections, (b) State Elections, Mohammed Uwais, CJN, described the provision as 'a usurpation of the power of the Independent National Electoral Commission under paragraph 15 of part I of the third schedule to the constitution and is inconsistent with the constitution. The Constitution gives INEC the power to fix dates for election to the various offices...sub-section 6(a) and (b) usurp or, at best, interfere with the exercise of this power and are consequently void as being inconsistent with the

constitution (cited in Osibanjo, 2010: 4).

The intention of the Constitution here is to ensure as envisaged the independence of INEC which the Judiciary upheld by declaring the Act unconstitutional.

A second challenge is the presence of the likes of Ayoka Adebayo (the INEC's officer that caused confusion in the re-run gubernatorial election in Ekiti State in 2009) in INEC. Nothing has informed us that the likes of Adebayos have been reformed, given her open incapacity to be independent minded. It should be noted also that the present of Prof. Attahiru Jega cannot guarantee a credible election because he can only be in one place at a time.

Thirdly, Dundas (1994) had raised pertinent questions on election best practices. As he put it: is the legal framework adequate to ensure that the organization of free and fair multi-party elections can be achieved in a given situation? Have the courts been given the fullest possible role in assisting aggrieved persons who complain failures in the procedures of major election processes? The current situation in Nigeria in this regard is an emphatic no. Nigeria certainly

needs Constitutional/ Electoral Courts. A situation in which electoral litigation lasts for as long as three years, while a representative 'persona-non-grata' sits in the parliament is certainly unacceptable.

Finally, the public administration of poverty by the Federal, States and Local Government on the people of Nigeria in the face of enormous natural resources is but a threat to credible election. People who are starving easily become willing tool to be used for perpetrating violence on the understanding that when their paymasters are in government by hook or crook they would earn the spoil of office. This is the impetus to electoral violence beside the absence of internal democracies in the parties. This is a challenge and a considerable roadblock to violent free elections.

CONCLUSION

The study concludes that a free and fair election is a possibility in Nigeria when there are among others, the development of internal democracy in the political parties. This would ensure that those elected are known by the locales that are in the position to assess their capabilities. This is a prelude

to effective governance. The second element tangential to a free and fair election in Nigeria is the creation of non-partisan election managers, who would not succumb to the desires of those in power. This is possible when the body is on the first line charge in the Consolidated Revenue Fund and is selected by an independent, apolitical body. When the electorates are sensitized to realize that the ballot paper stands as an 'individual power' and its totality, an aggregate power of the people which can dethrone and sustain a government, the political leaders would behave with responsibility. Where these are impossible, incumbent government should not organize succession elections; it would succeed itself because it has the five-fundamentals of rigging; the government, the financial resources, the security forces, the judiciary, as well as INEC. With these, nothing would stop them from succeeding themselves and the credibility of the election would be in question. Above all, the staff of the election management body should be men and women of integrity who should know that their actions have repercussion on the entire nation.

Furthermore, the Electoral

Commission should regularly report to the public problems encountered and the progress made. They should have regular meetings with the political parties to promote information flow. In the final analysis, it should allow, as in Ghana, the processes of election decision-making to be observed by representatives of the political parties, the press and both the international and local observers. The Election commission should have a special status as a parastatal. The application of modern technology in election management in this parastatal should be mandatory. It is expected that these elements when put into play in election management in Nigeria, would generate election outcome that would be legitimate and hence generally acceptable.

REFERENCES

- 1999 Constitution of the Federal Republic of Nigeria (as amended). Lagos: Federal Government Press.
- ActionAid (2009). Ballots and Bayonet-Unfulfilled Hopes of Ekiti Re-Run Elections 2009. Lagos: WARDC.
- Amucheazi, E. (2006). Political Parties and the Future of Nigeria'-Valedictory Lecture in his Honour. UNN: SAAPP Press
- Carlyle, A.J. and Carlyle, A.W. (1915) A History of Political Theory in the West. London: Englewood UK.
- Dundas, W. C. (Ed) (1994). Dimensions of Free and Fair Elections. London: Commonwealth Secretariat
- Ejituwu, C. N. (1997). Election Processes and Governance: Election Rigging in the USA and Nigeria. In Ogunba, O. (Ed) Governance and the

Electoral Process: Nigeria and the USA. Lagos: UNILAG Press.

- Eriye, F. (2010, May 9). 2011: Let anybody be the President if he is Qualified being a text of Interview with Alhaji Yusuf Maitama Sule-Dan Masanin Kano 'The Nation on Sunday' May 9 p 64-65
- EU-EOM, (2007) European Union Election Observation Mission- Nigeria: Final Report- Gubernatorial & State Houses of Assembly Elections 14 & 21 April 2007
- Gaubu, O. P. (2003). An Introduction to Political Theory. New Delhi: Macmillan India Ltd.
- Ibrahim, J. & Ibeanu, O. (2009). The 2007 Elections and the Subversion of Popular Sovereignty in Nigeria. In Ibrahim, J. & Ibeanu, O. (eds) Direct Capture: the 2007 Nigerian Elections and Subversion of Popular Sovereignty. Abuja: Centre for Democracy and

Development.

- ICCPR -UN -International Covenant on Civil and Political Rights
- Loon, V. & Whittington, M.S. (1987). The Canadian Political System- Environment, Structure and Process. Toronto: McGraw-Hill Ltd.
- Mackenzie, W. J. M. (1967) Free Elections. London: George Allen & Unwin
- Mioton, A and Shirvkay, A. (1976). Philosophy: Paradox and Discovery (2nd Edition). USA: McGraw Hill Inc.
- NDIIA (2004). National Democratic Institute for International Affairs- Cambodian Elections: Lessons Learned & Future Directions- A Post Election Conference Report February 2004
- Nnamani, K, Masari, B. (2010, June 3) Democratizing the PDP Primaries System' The Nation Thursday, June 3, 2010 pp 50--52.
- Ojikutu, R. (2010, May 27) 'CAN:

Nailing Obasanjo to the Wooden Cross' in The Guardian Newspaper Thursday, May 27, 2010 p 73.

- Osibanjo, Y. (2010, August 1) 'National Assembly can't determine order of Elections' in The Nation Newspaper on Sunday, August 1, 2010 p 4.
- Rowe, E. (1969). Modern Politics - An Introduction to Behaviour and Institutions. London: Routledge & Kegan Paul
- The Nation Newspaper (2011) 'Poorest of the Rich' February 22, p 17.
- Ujo, A. A. (2004) Understanding Elections- a guide for students and election Managers. Kaduna: Anyaotu Publishers Nigeria.
- United Nations Organization- Universal Declaration of Human Rights-1948
- Wanyonyi, P. K. (1997). A Historical Reflection on the Electoral Process in Post-Colonial Africa. In

Ogunba, O. (Ed)
Governance and the
Electoral Process:
Nigeria and the USA.
Lagos: UNILAG Press.

Yaqub, N. (2010) "Consolidating
Democracy in Nigeria:
Emerging Challenges
from the 2007 General
Elections." In Mato, K.
(ed) The
Democracy Question
and Election Management
in Africa. Ibadan: Daily
Graphics Nig. Ltd.