

A CRITICAL EVALUATION OF ELECTORAL MANAGEMENT BODIES IN NIGERIA AND THE PERENNIAL PROBLEM OF ELECTORAL MANAGEMENT SINCE INDEPENDENCE IN 1960

By

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ABSTRACT

This paper evaluates the roles of electoral commissions or electoral management bodies in Nigeria and their contributions to the perennial problem of electoral management in the country since independence. The objective of the paper is to trace the history of electoral commissions in Nigeria from independence to date, evaluate their activities viz-a-vis the perennial problem of electoral management and proffer suggestions on how to overcome the perennial problem. It elucidates on the general composition and functions of electoral management bodies in ideal democratic political systems and compare and contrast these with the various electoral commissions set up in Nigeria since independence. The paper captures and chronicles the activities of the electoral commissions from 1960 to date and observes that these electoral commissions, more than any other institutions, are responsible for the perennial problem of electoral management and the epileptic growth of democracy in Nigeria. The paper takes a closer look at the present composition and activities of the Independent National Electoral Commission (INEC) and observes that the electoral management body as presently constituted is still grappling with problems of electoral management. It therefore recommends some policy issues for immediate consideration by the INEC and other stakeholders for the conduct of future elections in Nigeria, as we enter another phase in the fourth republic.

Keywords: Credible election, democratization, electoral management, electoral commission, non-partisan, constitutional framework, electoral process, interim government, godfatherism.

INTRODUCTION

It has been pointed out and acknowledged that election is at the heart of democracy and the democratization process. It has also been asserted and posited that elections are the litmus test for a democratic political system. What underscores the centrality of elections to democratization is the fact that there can be elections without democracy, whereas there can never be democracy without elections (Diamond, 2002; Luqman, 2009).

As conceptualized above, election is the life wire of any democracy. Elections in a democracy are very important because they are the means through which the political expressions of the people are shown via legitimacy and leadership succession. In a free and fair conduct called election, the people do have the political will and right to decide who should govern them. However, free, fair and credible elections have been observed to be farfetched in developing countries. It is therefore no wonder that the democratic process in Africa and the third world countries particularly Nigeria continued to derail and collapse at the altar of bungled elections and electoral process. This is because of the centrality of elections to the whole essence of democratic process and the inability of these countries and their electoral bodies to conduct free, fair and credible elections.

INSTITUTIONAL REQUIREMENTS FOR CREDIBLE ELECTION

The prominent institutional requirements for a free, fair and credible elections or electoral process are the following; an independent judiciary, a well developed system of political parties, and a non-partisan electoral body. While a well-developed system of political parties is a necessary instrument for competitive elections and an independent judiciary is essential for the resolution of electoral disputes, an independent and non-partisan electoral institution is of the greatest importance to the whole electoral process being the body that is conducting the elections. This is due to the fact that the quality and

credibility of elections are directly related to the competency of the organising institution (Edigheji, 2006; Yaqub, 2006).

Composition and Functions:

The Election Management Body must be truly independent, transparent and impartial in the performance of its functions as stipulated by the law. It must also be perceived in reality by all actors in the electoral process to be neutral, objective, and above board. Apart from the above, it must be competent in the discharge of its constitutionally assigned duties with minimal or no institutional, structural or financial hindrances. It must be truly independent in every sense of the word. It will be stressed here that without a vibrant, competent and strong electoral body, the conduct of elections would be seriously flawed and the whole democratization process thrown into disrepute or grounded to a halt (Luqman, 2009; SSAN, 2003).

The duties of an Electoral Management Body according to Musa (2001) and Okoh (2008) include the following among others:

- * management of all elections as may be provided for by the constitution or laws of the country;
- * registration of political parties in accordance with the provisions of the constitution or laws of the country;
- * monitoring and supervision of the activities of political parties including their finances;
- * arrangement of annual examination and auditing of funds and accounts of political parties and publishing of a report on such examination and audit for public information;
- * preparation, maintenance and revision of voters register for the purpose of any election under the constitution or laws of the country;
- * monitoring of political campaigns and provision of rules and regulations which shall govern the political parties;
- * ensuring that all its agents which include permanent and ad hoc staff subscribe to the oath of office prescribed by law;
- * delegation of its powers to any of its agents, representatives, or officers; and
- * execution of such other functions as may be conferred upon it by the constitution or laws of the country.

To be able to carry out the above listed functions and ensure a viable and hitch-free electoral system, the electoral body in charge of electoral management must be made up of men and women of proven integrity and honesty. This is a very vital factor which any electoral system must have, it is not negotiable. The electoral body must demonstrate a good knowledge of the electoral laws and operate within the framework of these laws in concert and in synergy with political parties, security agencies, media houses, civil society groups and other relevant stakeholders or actors in the electoral process. This is the surest way by which an electoral body can conduct a free, fair and credible election and maintain a viable and hitch free electoral system and electoral management.

Electoral management therefore can be seen as the process of arriving at free and fair selection of candidates to fill public positions. Such activity necessarily should involve well co-ordinated actions by men and women aimed at achieving the goal of peaceful and orderly elections in a political system. Consequently, the overall goal of setting up an electoral body is to ensure a viable electoral system and a hitch-free electoral management (Ighodalo, 2008).

In summary, election management involves the management of the following:

- * participation of the people in the act of electing their leaders and their own participation in governance;
- * activities before, during and after elections;
- * legal and constitutional framework of elections;
- * the registration of political parties, regulation of political parties and financing of political campaigns;
- * the authenticity and genuineness of voters register;
- * the liberalism or otherwise of the political process in the country;
- * the activities of electronic and print media in terms of access;
- * the activities of security agencies and the government in power;
- * the independence of adjudicating bodies of elections; and above all;
- * the independence or lack of it of the electoral agency, organ or body.

ELECTORAL MANAGEMENT BODIES/ELECTORAL COMMISSIONS IN NIGERIA

Of the greatest importance and most central to election or electoral management among the activities and institutions listed above, is the independence or otherwise of the electoral management body. This is because the success or failure of any election can be easily traced to the doorstep of the agency, organ or body saddled with the responsibility of managing the electoral process. It will be pointed out here that there exist direct linkages between electoral process and the managing body. It has been posited and widely acknowledged that more than anything, the quality and credibility of elections depend greatly on the extent of competency and viability of the electoral bodies. Nigeria is a classical example of this assertion because it shows a strong relationship between elections and the managing body. This is because the process of holding elections as a peaceful and orderly means of power transfer has been problematic (Luqman, 2009).

As earlier pointed out, the history of elections in Nigeria has been a chequered one, because electoral conduct since independence has been an exercise in futility, characterized and marred by malpractices and corruption. A flash back at the political history of Nigeria since independence will glaringly reveal that past efforts at democratization collapsed due to failure of electoral bodies known as electoral commissions to conduct credible elections. It is also unfortunate to note that electoral commissions in Nigeria have failed to learn from history. The problem faced by past commissions continues to recur and beset present electoral management body while past shortcomings continue to manifest. The process of transition or transfer of power after each successive military regime becomes a process of rebuilding, recreating and bringing into being, institutions that have been dissolved or kept in abeyance. Therefore, the history of hitherto electoral management bodies or commissions in Nigeria has been a history of dissolutions, constitutions and reconstitutions (Okoye, 2007). To illustrate this, a table is hereby presented on Electoral Commission in Nigeria.

Table 1: Electoral Commissions and Their Chairmen in Nigeria:

Republic	Electoral Commission	Chairman	Tenure
First Republic	Electoral Commission of Nigeria (ECN)	1. Sir Kofo Abayomi	1960 - 1964
		2. Chief E.E. Esua	1964 - 1966
	Federal Electoral Commission (FEC)		
Second Republic	Federal Electoral Commission (FEDECO)	3. Chief Michael Ani	1979 - 1983
		4. Justice Ovie-Whiskey	1983 - 1983
Third Republic	National Electoral Commission (NEC)	5. Prof. Eme Awa	1987 - 1989
		6. Prof. Humphery Nwosu	1989 - 1993
		7. Prof. Okon Uya	1993 - 1994
		8. Chief Sumner Dagogo	1994 - 1998
		Jack	
	National Electoral Commission		
Fourth Republic	Independent National Electoral Commission (INEC)	9. Justice Ephraim Akpata	1999 - 2000
		10. Dr. Abel Guobadia	2000 - 2005
		11. Prof. Maurice Ewu	2005 - 2010
		12. Prof. Attahiru Jega	2010 - date

Source: Electoral Commissions in Nigeria and Their Chairmen since 1960 (Naijaabsolute.com). Accessed on 14th February, 2013.

The history of Electoral Commissions in Nigeria can be traced to the colonial era and towards independence to be specific. The electoral Commission of Nigeria (ECN) headed by Sir Kofo Abayomi, was the first electoral management body or commission to be set up in Nigeria. ECN administered, managed and conducted the 1959 elections that ushered in the first republic. On the attainment of independence in 1960 and the inauguration of the first republic, the then Prime Minister, Sir Tafawa Balewa effected a change in ECN and renamed it as Federal Electoral Commission (FEC). The FEC headed by Eyo Esua, conducted the 1964 general elections and the 1965 Western Region election. The incompetence and inability of FEC to conduct the elections in a free, fair and credible manner and the violence that ensued therefrom accounted largely for the collapse of the first republic.

The military administration of General Aguiyi Ironsi that took-over the reins of government dissolved the FEC (Luqman, 2009; NERDC, 2005; Olaniyi, 2005).

In 1978, the then military Head of State, General Olusegun Obasanjo, established another Federal Electoral Commission (FEDECO) with Chief Michael Ani as Chairman. The FEDECO conducted the transitional elections of 1979 which ushered in the second republic, with Alhaji Shehu Shagari as the First Executive President of Nigeria. President Shagari replaced Chief Michael Ani with Justice Ovie-Whisky as Chairman of FEDECO that conducted the 1983 general elections and re-elected the civilian administration of Alhaji Shehu Shagari. The violence and wanton destruction of life and property that followed led the military to overthrow the government and FEDECO was again dissolved (Eguavon, 2009; Okoye, 2007).

During the transition brokered by General Ibrahim Babangida to usher in the aborted third republic, the military administration set up the National Electoral Commission (NEC) with Professor Eme O. Awa as Chairman in 1987. By 1989, Professor Humphery Nwosu was appointed Chairman of NEC which conducted elections at the local, state and national levels in 1987, 1990 and 1991 respectively. The activities of NEC reached its peak in 1993 with the conduct of the controversial presidential election which was later annulled by the military government of Babangida. He, however, appointed Prof. Okon Uya to replace Prof. Humphery Nwosu as Chairman, NEC. and also installed an interim government before he stepped aside. The annulment of the presidential election in June, 1993 rendered utterly useless NEC efforts at conducting a free, fair and credible election in the aborted third republic. NEC was eventually dissolved in November, 1993 after General Abacha overthrew the Interim Government of Chief Ernest Shonekan (Akinboye, 2005; Luqman, 2009).

In 1994, the Abacha regime established the National Electoral Commission of Nigeria (NECON) headed by Chief Sumner Dagogo-Jack. The Commission conducted Local Government and National Assembly elections. The erratic nature of the regime rendered the Commission powerless and ineffective as an independent electoral body. With the death of General Abacha in 1998, NECON was dissolved by his successor, General Abdusalam Abubakar, who established the Independent National Electoral Commission (INEC) and appointed Hon. Justice Ephraim Akpata as the first Chairman. The INEC conducted the 1999 general elections and ushered in the fourth republic. Thus, the current electoral body in Nigeria (INEC) is a successor to those electoral bodies which existed before and after independence (Musa, 2001; Okoye, 2007). Dr. Abel Guobadia took over as Chairman of INEC in 2000 after the death of Justice Akpata. On completion of his tenure in 2005, Prof. Maurice Ewu was appointed as Chairman for a five-year tenure which ended in 2010. Prof. Attahiru Jega, the current INEC Chairman was appointed in 2010 for five-year tenure.

Composition and Functions of INEC

The Independent Electoral Commission (INEC) consists of a Chairman, the Chief Electoral Officer of the Commission and twelve (12) other members who are known as National Electoral Commissioners. According to the law that established INEC, the Chairman and National Electoral Commissioners shall be persons of unquestionable integrity and not less than fifty (50) and forty years of age respectively. There shall also be for each State and the Federal Capital Territory (Abuja), a Resident Electoral Commissioner who shall be appointed by the President of the Federal Republic of Nigeria after due consultation with the Council-of-State but subject to Senate confirmation (Musa, 2001; Okoh, 2005).

The Commission's statutory functions according to Okoh (2005) and Okoye (2007) include the following:

- * to organise, undertake and supervise all elections to the offices of the and State Assemblies;
- * register Political Parties in accordance with the provisions of the Constitution and an Act of National Assembly;
- * monitor the organisation and operation of the Political Parties including their finances;
- * arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election;
- * monitor political campaigns and provide rules and regulations which shall govern the political parties;
- * ensure that all Electoral Commissioners, Electoral and Returning Officers take and subscribe to the oath of Office prescribed by law;
- * carryout any such other functions as may be conferred upon it by an Act of the National Assembly.

EVALUATION OF ELECTORAL COMMISSIONS SINCE INDEPENDENCE

As earlier pointed out and as it can be easily discerned from the historical analysis on electoral commissions in Nigeria, the history of electoral Management body is a history of dissolutions, constitution and reconstitution. Under these historical circumstances, it is therefore difficult for the Electoral Commission to develop, take root and build a culture of professionalism and expertise necessary for the conduct of credible elections. In such a situation whereby military interventions and transitional governments are very frequent and rampant, the law and the constitution cannot work. The Commission is denied autonomy and independence, as the power of incumbency by those in power or government is being used, misused and abused. The security agencies are deployed and used against opposition parties or alliances in order to keep those in government in power. This is why it becomes imperative to have election observation and monitoring in place (Okoye, 2007; Wordu, 2011).

INEC as presently constituted has structural and credibility problems which include allegations of bias, impartiality and corruption leveled against it by the opposition parties. It is believed that INEC cannot be completely transparent, honest and unbiased in the conduct of elections because he who pays the piper dictates the tune. This belief is based on the modalities of appointment and funding. Both the appointment of key officers of INEC and funding of its operational activities are carried out by politicians in power (the President and National Assembly – Senate and House of Representatives). The issues of appointment and funding are good weapons that can be used to tame, cage or cow the Commission by the government or politicians in power. If INEC must perform transparently, honestly and honourably, these situations must be altered and the constitutional issues of appointment and funding must be given constitutional amendment in order to effect a change (Okoh, 2005).

Another important issue that could make or mar an Electoral Commission is the Electoral Act or Law which contains elaborate provisions relating to the powers of the Commission; the National Register of Voters and Voters Registration; Procedure at Elections; Registration and Regulation of Political Parties; Procedure for Election to Local Government; Electoral Offences and Determination of Election Petitions. The due observation and adherence to constitutional and electoral stipulations and timeliness is fundamental to the credibility of elections. This has been a fundamental problem confronting Electoral Commissions since independence. The processes and procedures enumerated in the constitution and the relevant electoral laws or acts are processes, steps and stages that must be complied with before the process of voting, collation and announcement of results is completed. If the constitutional, legal or electoral framework of an electoral process is faulty, skewed or manipulated, it may be difficult for such a result to be acceptable to the electorate (Okoye, 2007).

CONCLUSION

Unfortunately, electoral process has always been faulty, skewed and manipulated in favour of one party or candidate at the expense of the others. This has been the practice from one election to the other, thereby making electoral management a daunting task since independence in Nigeria. In most cases, election results have been rejected by the electorates and followed up by violence. This has led to the collapse of the first and second republics as well as the aborted third republic in Nigeria. This is a great lesson to the current Electoral Commission known as Independent National Electoral Commission (INEC). Any attempt to skew or manipulate election results either in favour of a political party or candidate at the expense of others may spell a great doom for the fourth republic in Nigeria.

Therefore, INEC must be truly independent, transparent and impartial in the performance of its functions as stipulated by the 1999 constitution and the 2010 electoral laws. It must carry out its operational activities in such a manner to be perceived in reality by all actors in the electoral process, to be neutral, objective and above board. Apart from this, INEC must be able to exhibit high-level competence in the discharge of its constitutional assigned duties with minimal or no institutional, structural or financial hindrances. INEC must be seen to be truly independent in every sense of the world. It will be stressed here that without vibrant and competent people being appointed into INEC to strengthen it and manage elections there will be no strong INEC and the conduct of elections will be seriously flawed and the whole democratization process will be thrown into disrepute or grounded to a halt. This is a note of warning to the INEC, government, political parties, and other stakeholders or actors in the electoral process.

RECOMMENDATIONS

The following policy issues are being suggested for immediate consideration and urgent action by the INEC and other Stakeholders particularly for the 2015 general elections and other subsequent elections in general:

- * the electoral law should be reformed to empower the people, create access and participatory democracy;
- * independent candidates should be allowed in subsequent elections;
- * gender-sensitivity, equity and balance should be allowed and maintained;
- * while INEC should be given high-level autonomy while, its powers and actions should be open to public and judicial review;
- * operational guidelines, rules, regulations or laws for political parties in all their activities should be clearly specified and enforced by INEC and the security agencies;
- * INEC should be empowered to register new political parties that meet the necessary requirements and also to deregister those that fall below the stipulated requirements; and
- * the role of money, godfatherism and other forms of malpractices should be checked and outlawed without fear or favour.

Finally, it should be noted that the litmus test of democracy in Nigeria in terms of consolidation and stability is the extent to which INEC, through its structural and legal framework, is able to engender free and fair, participatory and all inclusive electoral process that will involve the people. If the structural, operational and legal framework of INEC is weak, INEC as an electoral body will be weak, and to that extent, the electoral process will be easily subverted. There is therefore the need to reform and further strengthen INEC, by removing all hindrances, structurally, administratively, legally and financially than what it is now, in order to be able to cope with the tasks ahead as we prepare for the 2015 general elections and to enter another phase in the fourth republic.

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