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DEMOCRACY, ELECTIONS AND DEVELOPMENT: THE NIGERIAN EXPERIENCE

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Editorial Contacts

Dr. Bassey E. Anam

Institute of Public Policy and Administration
University of Calabar, Cross River State
Nigeria- West Africa
admin@internationalpolicybrief.org
Tel: +234 8174 380 445

Prof. Nathaniel C. Ozigbo

Department of Business Administration
University of Abuja, Nigeria

Collaborating Research Units

International Scientific Research Consortium

Abdulazeez D. El-ladan

The Future Institute
10 Coventry Innovation Village
Coventry University, CV1 2TL

ED. Jonah Ulebor

Lextra Education LTD
Oakhurt Avenue.
Leeds, LS11 7HL, United Kingdom

Rohit Kumar Verma

Institute of Law, Jiwaji Univeristy India.
Gwalior (M.P.) India

PT. Hussein Botchway

University of Energy and Natural Resources
Sunyani, Ghana.

IDPR, Nairobi

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School of Public Health

Kenyatta University, Nairobi

Africa Research Council on Sustainable Development (ARCSD)

Dr. Chuks J. Diji

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International School of Advanced Research Study (ISARS)

AG Registrar

Dr. Veronica Babajide

Department of Science and Technology Education

University of Lagos, Nigeria

First Assured International School of Business (FAISB)

AG Registrar

Prof. Nathaniel Ozigbo

Department of Business Administration

University of Abuja

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Dedication

Dedicated to the International Institute for Policy Review & Development Strategies for providing a platform and supporting Institutional and Collaborative Research and Sustainable Development.

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- **Dr. Bassey E. Anam**
Institute of Public Policy & Administration
University of Calabar, Nigeria
- **Prof. Nathaniel C. Ozigbo**
Department of Business Administration
University of Abuja, Nigeria
- **Prof. Yusufu Ali Zoaka**
Department of Political Science & International Relations
University of Abuja, Nigeria
- **Dr. Doris Chukwu**
Department of Political & Administrative Studies
University of Port Harcourt, Nigeria
- **Dr. Fatile Jacob Olufemi**
Department of Administration
Lagos State University, Nigeria
- **Dr. Margret Kabuoh**
Department of Business Administration and Marketing
Babcock University, Ogun State - Nigeria
- **Madubueze Madumelu H. C.**
Department of Public Administration
Chukwuemeka Odumegwu Ojukwu University
Anambra State, Nigeria

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Introduction

Democracy, Elections and Development: the Nigerian Experience

Dr. Bassey Anam

Institute of Public Policy & Administration
University of Calabar

Democracy simply means rule by the people. It is government by the people or their elected representatives. The full participation of the people during electioneering gives the new government a legitimate foundation to govern. Any government against this background will not enjoy legitimacy which gives every government a political support from the people because it is deemed rightful since the support emanates from the people. In a democracy, supreme power is vested in the people and exercised directly by them or by their elected representatives under a free electoral system. The election, therefore, becomes an important element of modern-day representative democracy. It provides an institutional medium by which electorates in a country choose their representatives into different positions of governance, and also allows different interest groups within a state to stake and resolve their claims to power through peaceful means.

Elections are fundamental to democratic governance. Through the process, eligible voters select their leaders and hold them accountable for their performance in office. Elections also reinforce the stability and legitimacy of the political community and further serve a self-actualizing purpose by confirming the worth and dignity of individual citizens as human beings.

It should be stressed that elections are intended to provide a peaceful method for groups to compete for political power, sometimes directly replacing violent alternatives. However, in situations when political parties have not yet accepted the rules of the game, violence and insecurity becomes an inevitable part of the electoral process. Historically, Nigeria's elections have been faced with a plethora of challenges and in most cases, the primary goal of elections had been unmet. Some observers have concluded that it is almost impossible to contemplate elections in Nigeria without thinking of violence and conflict as being inseparable. The process, therefore, lacks credibility and further affects the development process in the country.

The significance of elections on democracy cannot be overestimated. It is the open and fair way to ensure the conscious participation of the people in the country's democratic process and development. Development, which is the process of positive changes in society, is achieved through effective and accountable public institutions. Accountability is gotten through the electoral process. The development process is often defined in the outlook of public policies and they affect urbanization, rising educational levels, rising life expectancy, infrastructural development, poverty reduction, and rapid economic growth. These create a self-reinforcing process that transforms social life and political institutions, bringing rising mass participation in politics and -- in the long run -- making the establishment of democratic political institutions increasingly likely.

According to the social contract thesis, every elected government holds their office in trust of the electorates and developing social policies aimed at improving the well-being of the people further strengthens the social contract between the government and the people. There is therefore, a strong correlation between democracy, elections, and development. The election is an inherent process in a democracy, while economic development is conducive to democracy. The question of how exactly, development leads to democracy has been debated intensely, but the answer is beginning to emerge. One of which is governed by public ethics and accountability.

This book, **Democracy, Elections and Development: the Nigerian Experience** examines the emerging issues in Nigeria's democratic experience and the challenges of her electoral process, which also tends to affect the nation's development process. It is an output from a National Conference on Electoral Process, Governance

and Public Sector Management convened 3rd & 4th October 2018 at the University of Abuja. The conference provided a timely opportunity to examine past and emerging issues affecting the Nigerian electoral process, post-electoral nation-building strategies and sustainable strategies. Some of the research contribution, especially on the electoral issues is captured here. The scholars have a good record both in quality analysis of the nation's political experiences and public sector management.

Democracy, Elections and Development: the Nigerian Experience is written in clear and accessible language. Issues addressed are of theoretical and practical relevance to nation-building. It is a classic literature for research, public policy and legislative framework. This work, which is the **8th in the African Development Charter Series**, is credited to the International Institute for Policy Review and Development Strategies, Nigeria.

The Challenges of Electoral Process and Governance in Nigeria

Prof. Nathaniel C. Ozigbo

Department of Business Administration
University of Abuja, Nigeria

Distinguish Ladies and Gentlemen, we are here today to deliberate on the issues pertaining to our electoral process, governance and public sector management. Please permit me to emphasise that in a democratic society, elections are the major instrument for the recruitment of political leadership, the key to participate in a democracy and the way of giving consent to government. In other words, election is a process in the appointment of persons to manage the affairs of states and families or groups. It is a vital aspect of the global democratic practices. An election is a formal decision-making process by which the citizen chooses an individual to hold public office. Nigeria as an entity has had her fair share of elections and electoral processes. A major determinant of democracy is the electoral process that provides the electorate the institutional framework for choosing representatives through a competitive free and fair election. Essentially, elections are the only acceptable institutionalized process enabling some or all of the recognized members of a democratic society to choose office holders. We have observed in the past that elections in Nigeria failed to promote the emergence of a democratic culture. Each set of elections seems to deepen the abuse of human rights, corruption and violence.

The emphasis on this paper for this conference is on the challenges of conducting free and fair elections in the forthcoming General elections in Nigeria. In the past, we observed that elections have been marred by unprecedented abuse of the electoral process in form of election rigging, ballot snatching, inadequate and late arrival of

voting materials at polling centres, vote buying, connivance between the ruling party elites and Independent National Election Commission (INEC) to manipulate and even declare false elections results. Based on these observed abuses, we emphasize that representative democracy cannot be consolidated nor triumph where there is negation of democratic principles.

We examine election as a concept. It is a vital aspect of the global democratic process. The essence of this pre-occupation is not only to be armed with knowledge of elections but also to exude the lessons that can be learnt for the sake of the future.

Nigeria elects on the federal level, a head of state (the President of Nigeria) and a Legislature (the National Assembly). The president is elected by the people. The National Assembly has two chambers. The House of Representatives has 360 members, elected for a four year term in single-seat constituencies. The senate has 109 members, elected for a four year term. Each of the 36 states are divided into three senatorial districts, each of which is represented by one senator. The Federal Capital Territory is represented by one senator. The General election is an election held to choose among candidates nominated in a primary for federal, state or local office. The purpose of a General election is to make a final choice among the various candidates who have been nominated by parties.

The elections so far held in Nigeria can be categorized into five different phases:

1. Elections in the colonial period (1922 – 1959).
2. Elections in the early years of independence (1960 – 1965).
3. Elections during the years of military rule.
4. Elections under the civilian regimes in-between the years of military rule.
5. Elections during civilian to civilian transition (1999 to date).

For history, the 2015 general elections was originally scheduled to hold on 14th February but was later postponed to 28th march. Current president of the APC emerged as the winner of the presidential elections and was sworn in on 29th may 2015, it was the first time in the history of Nigeria that an incumbent president was overthrown. There will be general elections in Nigeria in 2019, including the presidential election.

Notwithstanding, the features of election in Nigeria can be characterized as follows:

1. Elections in Nigeria have been particularly characterized by massive frauds , the intimidation of political opponents and controversy.

2. Elections are devoid of continuity in the political organizations through which both violence and warfare have been noticed. Each period thus produced new political formation.
3. Elections lack defined patterns to the way in which members of the class change their political allegiance.
4. Elections have failed to promote the emergence of a democratic culture.

With each successive election, the ruling elites are not only more and more isolated from the people. They come to relate with them increasingly through violence, contempt, repression and authoritarianism. It is possible that the 2019 general elections would be one of the most intense events in our political history. For this reason, combating hate speech, fake news and other forms of reporting likely to inflame passion and trigger crisis will be of critical importance to the peaceful conduct of the elections.

Basically, there are conditions for the conduct of free and fair elections in Nigeria. These conditions are mentioned hereby;

1. There is the need for the establishment of an independent judiciary to interpret the electoral laws.
2. An honest, competent, non-partisan electoral body to manage the elections.
3. A developed system of political parties.
4. A general acceptance of the political community of the rules of the game.
 - a. At this juncture, permit me to discuss the standards which might contribute to uniformity, reliability, consistency, accuracy and overall professionalism for smooth electoral process. These standards consist of the following:
5. Constitutional provision that provide the foundation for the key elements of electoral framework which include electoral rights and the basic principles of the electoral system.
6. Electoral law that guide the conduct of elections including the powers of the electoral management bodies and government bodies.

7. The legal framework that ensure that all eligible citizens are guaranteed the right to universal and equal suffrage as well as the right to contest elections without any discrimination.
8. The electoral management bodies established and operate in a manner that ensures the independent and impartial administration of elections.
9. All political parties and candidates should be able to compete in elections on the basis of equitable treatment.
10. All political parties and candidates should have access to the media owned or controlled by the state governments.
11. All political parties and candidates are equitably treated by legal provisions governing campaign finances and expenditures.
12. All voters are counted and tabulated according, equally, fairly and transparently.
13. To enable transparency and to increase credibility, there should be provision for election observers to observe all stages of the election process.
14. Finally, there should be compliance with the enforcement of the electoral laws.

We submit that a political culture that is defined by violence makes development impossible because by its very nature such a political culture is destructive of the need and motivation for the achievement of nation-building. Hence, the media has an important role to play especially in the forthcoming general elections.

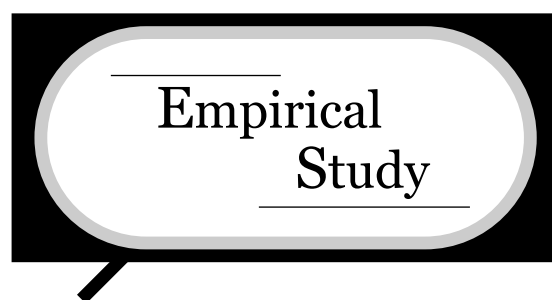
Again permit me to share with you briefly the role of media in Nigeria electoral process. The critical role of media to democracy cannot be overemphasized. Some scholars hold the view that democracy is impossible without the media. This position is rooted in the recognition and understanding that the media monitors and strengthens the entire electoral processes from the registration of voters through the actual voting process and the announcement of electoral outcomes or results as well as the management of public opinions and perception of post election period.

Similarly, the media acts as an Ombudsman, a general overseer safeguarding the transparency of the electoral process, ensuring not only that information is available to voters, but also that the activities of stakeholders in the electoral and political processes are consistent with laid down rules and international best practice. The media has both a duty to ensure effective coverage of the electoral process, the obligation to protect voter's rights and accurate information, participation in debates and dialogues on the electoral process and engagement with stakeholders in the entire process. In performing these roles, the media should be professional, accurate in its reporting and impartial in its coverage. Without professionalism, the media could become an impediment to the democratic process.

In this age of digital technology where information is easily accessible with just a click of the button, any media organization whose reports are considered inaccurate and biased runs the risk of losing public confidence and good-will in the long-run. With exactly few months to the General elections, it is important for the media to begin to actively address critical information deficits in public discourse. Given the nature of political contest in Nigeria, inaccurate or biased reports could endanger peace leading to violence before, during or after elections. It is possible that the 2019 General Elections would be one of the most intense media focused events in Nigeria political history. Stakeholders are likely to rely heavily on broadcast media as well on the social media. For this reason, combating hate speech, fake news and other forms of reporting likely to inflame passion and trigger crisis will be of critical importance to the peaceful conduct of the General elections.

As we move closer to the 2019 General Elections, my appeal is that individual(s) should remain vigilant and constantly look out for those who seek to divide and incite Nigerians through fake narratives. It is our hope that we continue to count on the support of the media. Only by working together can we continue to deepen our democracy.

Once again, thank all of you for being part of this conference. The conference provide timely opportunity to examine past and emerging issues affecting the Nigerian electoral process, nation building strategies and sustainable public sector management.



CHAPTER | 1

A Study of Democratic Elections and the Quest for Proportional Representation System in Nigeria

¹Y. A. Zoaka, ²Ogbu Collins & ³J. W. Adams

^{1,2,&3}Department of Political Science & International Relations,
University of Abuja

Introduction

This paper is interested in investigating the relationship between democratic elections and the need to introduce the proportional representation system in the Nigerian electoral process. The paper is motivated by the fact that there is a higher tendency of the people's decision of who represents them to be lost while relying on the simple majority system in Nigeria. This is because, the proportional representation system upholds that the number of seats won by a party or group of candidates is proportionate to the number of votes received and hence does not provide opportunity for vote void as obtained in other voting system especially the simple majority type that Nigeria practices. The paper is rooted in the theory of liberal democracy and its principles. The materials needed to actualize the aims of the study are largely accessed from the library hence, the analysis is qualitative. From the review of extant literature, the paper concludes that proportional representation in Nigeria is a way of reducing the wastage of votes that is associated with first past the post system (FPTPS), which we have been practicing in Nigeria. The FPTPS which has been in practice in Nigeria since independence is replete with several challenges as posited by

several scholars. However, inspite of the shortcomings of this electoral model, several efforts have been directed at reforming the system to make it better, but these efforts at reform has not achieved the desired outcome because the system promotes violence and a winner takes all syndrome. The paper therefore recommends that the adoption of PR will promote less tension as it promotes inclusiveness and reduces wastage of votes cast in an election.

The importance of elections in a democracy cannot be overemphasized because of its critical role in promoting political stability and continuity in government without resort to violence. The subject of electoral systems, though dry-as-dust to some and arcane to many, is --- or ought to be --- of central interest to anyone concerned with the operation of democratic systems of government. Although, Elections are the defining moment in any democracy and in representative democracies as a scholar reminded us elections perform two fundamental tasks: they confer authorization upon those chosen to represent the electors and they hold representatives to account for their actions while in office (O'Neal, 1993:1).

The importance of accountability a role which elections play is a critical key in a democracy because of the numerous roles it plays in promoting civilize and more globally acceptable principles of attaining and maintaining political power. Although elections play a vital role in a democratic system of government, it is important to note that there are varieties of electoral processes and scholars and practitioners have been examining the roles it plays in rewarding strong political parties while penalising weak ones. This weakness which tended to one party candidate over others have thrown to the fore the issue of proportional representations which has received wide acceptability and is being practiced in several countries including Belgium, Denmark, Finland, Greece, Hungary, Israel, Italy, Luxemburg, Norway, Russia, Spain, Sweden and Switzerland (Britannica 2017:1).

Although a variety of the electoral systems exist in this paper we shall be devoting our searchlights on the proportional representation system, however, before doing so it will be useful to provide some basic information on elections e.g. definition of election and types of elections.

An election is a formal decision making process by which a given population chooses an individual to hold public office periodically. Elections have been the most usual mechanism by which modern representative democracy has operated since the 17th

Century. Elections fill offices in the legislature, sometimes in the executive and judiciary and for regional province, state and local governments. This process is also used in many other private and business organisations from clubs to voluntary associations and corporations, students associations etc.

Voting System

A voting system is a method by which voters make a choice between options often in an election or on a policy referendum. A voting system allows or contains rules for valid voting and how votes are counted and aggregated to yield a final result. Common voting systems are majority rule, proportional representation or plurality voting with a number of variations and methods such as first past the post system or preferential voting. The study of formally defined voting system is called social choice theory; a sub field in political science, economics and mathematics.

Electoral Systems

Electoral systems, the means by which elections are formally structured, are thus a vital component in the achievement of these goals. Strictly defined, electoral systems are the mechanisms by which the preferences of citizens are translated into seats in representative institutions. As such, their impact on a whole range of elements that make up the political character of a society is quite considerable. The behaviour of political parties and candidates for elected office will, for example, in large measure be conditioned by the shape of an electoral system. While some electoral systems encourage regional parties to emerge others promote nationalist parties.

More importantly, the way in which an electoral system translates votes into seats in elected assemblies may influence the degree of public support for the democratic system itself. If, for example, citizens do not perceive that their preferences are adequately reflected in the legislature following an election, their support for the system in general is likely to decline. Turnout during elections will drop off, respect for politicians and elected representatives will fall, and laws enacted by government will not be seen as fully legitimate. When legitimacy wanes it creates room for non-state actors to intervene with their divisive and sometimes violent ideologies to disrupt the state and to eventually collapse the entire State machinery.

The electoral systems currently in use in representative democracies can be divided into two basic kinds: majoritarian systems and proportional representation systems (often referred to as PR) (O'Neal, 1993).

Majoritarian Systems

In majoritarian electoral systems, winning candidates are those having attracted the most votes in a given electoral district. Majoritarian systems differ according to the number of representatives elected in an electoral district and the kinds of majorities (simple or absolute) that winners must achieve.

1. Single-Member Plurality Systems

Single-member plurality (SMP) systems are commonly found in countries that have inherited elements of the British parliamentary system; it is this kind of electoral system that is most familiar to Canadians. In electoral districts represented by one member in an elected assembly, simple rather than absolute majorities suffice to determine the winner of an electoral contest.⁽⁶⁾ Each elector marks a single "X" (or other similar mark) beside the name of the candidate of his or her choice or as it is done in Nigeria with a thumb print. Although several candidates may compete for the seat, the winner need only attract the largest number of votes cast. For this reason, this kind of electoral system is referred to as a "single-member plurality" or a "first past the post" system. Electoral systems of this sort are used in Canada, the United States, Nigeria, New Zealand and the United Kingdom.

2. Multi-Member Plurality Systems

In some majoritarian electoral systems, more than one member per electoral district can be sent to the assembly.⁽⁷⁾ Voters in this kind of system mark off as many names on their ballots as there are seats to be filled. As is the case in single-member systems, the candidates with the most votes are declared elected.

3. Single-Member Majoritarian Systems

In contrast to the systems just described, single-member majoritarian systems seek to ensure that the winning candidate has the support of an absolute majority of the voters in his or her district. There are essentially two ways of achieving this outcome;

i. The Alternative Vote

Countries that employ an alternative vote (also referred to as a preferential voting system or PV) require voters to rank-order their preferences on their ballots. Electors write number 1 down beside their first choice, 2 beside the second, and so on. If, when the ballots are tallied, no candidate receives an absolute majority, the candidate with the least votes is eliminated and his or her ballots are redistributed according to the second choices marked on them. This process continues until a winner emerges with

more than half of the total vote. The alternative vote system has been used for elections to the Australian House of Representatives (Australia's lower house) since 1918.

ii. The Two-Ballot System

The two-ballot or second-ballot system is another means of ensuring that the winning candidate is supported by a full majority of voters. Under this system, balloting may take place in two stages. During the first, voters have a choice among several candidates, only one of whom they may vote for. If no clear winner emerges from this first round of voting, a second ballot is held between the two candidates with the best showing. (In a variant of this system, when more than two candidates appear on a second ballot, a simple plurality determines the winner.) This system was most recently used in France for parliamentary elections in March 1993. The French changed this system briefly, in 1986, replacing it with proportional representation, but restored the two-ballot system shortly afterward. The system is widely used for presidential elections, including those held in France.

Proportional Representative (PR) System

The proportional Representative (PR) system is a concept in voting systems used to elect an assembly or council. Proportional Representation means that the number of seats won by a party or group of candidates is proportionate to the number of votes received. For example under a PR voting system, if 30% of voters support a particular party then roughly 30% of seats will be won by that party. Proportional representation is an alternative to voting systems based on single member districts or on bloc voting. These non PR systems tend to produce disproportionate outcomes and to have a bias in favour of larger political groups. PR systems tend to produce a proliferation of political parties while single member encourages a two party system.

Proportional representation advocates argue that an election is like a census of opinion as to how the country is to be governed and only an assembly represents the full diversity of opinion within a country can its decisions be regarded as legitimate. Most proponents of the PR system argue that the plurality system can also produce unrepresentative minority governments. However, the PR system is criticized for its ability to encourage the formation of many splinter parties, and may make the government unstable.

Methods of Instituting PR System

The PR system could be instituted either through single transferable vote, party list system, or additional member system.

Single Transferable Vote

This system of PR is known by several names. Political scientists call it the single transferable vote. It is called the 'Hare – Clark System' in Australia. Currently, this system is used to elect parliaments in Ireland and Malta. In Australia, it is used to elect the Federal Senate as well as the legislatures in several states there. It is also the PR system that was used in a number of cities in the United States during the 20th century, including New York, Cincinnati, Cleveland, Toledo and Boulder. It continues to be used today in Cambridge, Massachusetts for elections to their city council and schools board.

How does it work?

The voting process is carried out in a way that all candidates are listed in the same place on the ballot, instead of voting for one person, voters rank each candidate in their order of choice so if you like for instance, Adewale you mark 1 after his name, Ikechukwu – you mark 2 after his name and so on. Voters fill in the ranking numbers as they would for standardized tests like in school, which allows for computerised vote counting and ballot transfers. Although the system could be more complicated than as presented above however, it allows for vote shifting until the voters identify with the winning candidate.

Party List Voting

Party list voting systems are by far the most common form of proportional representative over 80% of the PR systems used worldwide are some how of party list voting. It remains the system used in most European democracies and in many newly democratic countries, including South Africa.

How it works

Legislators are elected in large, multi-member districts. Each party puts up a list or slate of candidates equal to the number of seats in the district. Independent candidates may also run and are listed separately on the ballot as if they were their own party. On the ballot, voters indicate their preference for a particular party and parties then receive seats in proportion to their share of the vote. So in a five member district, if the Democrats win 40% of the vote they would win two of the five seats, the two winning democratic candidates would be chosen according to their position on the list.

There are two broad types of list systems; closed list and open list. In a closed list system – the original form of party list voting – the party fixes the order in which the

candidates are listed and elected and the voter simply casts a vote for the party as a whole. This is shown in the first ballot below, which illustrates an election for the House of Representatives in a five-seat district. Voters are not able to indicate their preference for any candidates on the list but must accept the list in the order presented by the party. Wrong candidates are selected in the exact order they appear on the original list. So in the example below, if the APGA candidates won, two seats, the first two candidates on the pre-ordered list – Emeka and Eze would be elected.

Closed Party List Ballot

Official Ballot						
Election into the NASS Members Representing Umuahia/Abia Federal Constituency						
Voting Instruction						
1) You only have one vote 2) Place an X in the box under the party whom you wish to vote						
S/n	APGA	APC	PDP	PRP	APDA	Independent Cand.
1.	Chukwuemeka	Adeleke	Abdullahi	AlhajiSani	SaniUmaru	Anthony Jack
2.	Oliver Eze	Abimbola	Obinna	Zakari Bello	Onuoha	
3.	Obi Peter	Stanley	Celestine	Gana	Jeremiah	
4.	Ukwa C.	Emma Daniel	Zakari	Malik	Zawani	
5.	Hope Ngozi	Obi Ezenwa	Adeqale	Mshelia	Bishop	

Source: Adopted and modified from footnotes on proportional representation 2015 p.104.

Most European democracies now use the open list form of party list voting, this approach allows voters to express a preference for a particular candidate just parties. It is designed to give voters some say over the order of the list and thus which candidates get elected. One version of this is illustrated in the ballot below. Voters are presented with unordered or random lists of candidates chosen in party primaries. Voters cannot vote for a party directly but must cast a vote for an individual candidate. Thus vote counts for the specific candidate as well as for the party. So the order of the final list completely depends on the number of votes won by each candidate on the list. The most popular candidates rise to the top of the list and have a better chance of being elected.

In our example, the APGA won 2 seats and APC and PDP received the highest and next highest number of individual votes, they would rise to the top of the list and be elected. This example is similar to the system used in Finland and widely considered to be the most open version of list voting.

Diagram Open Party list Ballot

A variety of different formulas exist for accomplishing the actual allocation of seats to the parties. One of the simplest seat allocation formulas is called the “largest remainder formula”. In this approach, the first step is to calculate a quota, which is determined by taking the total number of the valid votes in the district and dividing this by the number of seats. In the example in the table below, 100000 votes were cast and ten seats are to be filled $100000 / 10 = 10000$ – which is the quota. The quota is then divided into the vote that each party received, 38,000 votes which is divided by 10000 to produce three seats, with a remainder of 8000. After the first allocation of seats is completed, then the remainder numbers for the parties are compared and the parties with the largest remainders are allocated the remaining seats. In our example, two seats remain to be allocated and the APGA and APC, Independent Candidate have the largest remainders, so they get the seats. Ultimately, all the parties end up with the number of seats that is closely as possible approximate their percentage of vote.

Largest Remainder Approach to Seat Allocation

Parties	Votes	First Allocation of Seats	Remainder Votes	Second Allocation of Seats	Final Allocation of Seats	% of Votes to % of Seats
APGA	38,000	3	8000	1	4	38% / 4%
APC	23,000	2	3000	0	2	23% / 20%
PDP	21,000	2	1000	0	2	21% / 20%
PRIP	12,000	1	2000	0	1	12% / 10%
Independence	6000	0	6000	1	1	6% / 10%

Source: Adopted and modified to create local examples

Mixed Member Proportional Voting System

The mixed proportional representation goes by a variety of other names including the additional member system, “Compensatory PR’ the two vote system” and the German System. It is an attempt to combine a single member district system with a proportional voting system. Half of the members of the legislatures are elected in a single member district plurality contest. The other half are elected by a party list vote and added on to the district members so that each party has its appropriate share of seats in the legislature. Proponents clarify that mixed – member proportional voting

(MMP) is the best of both worlds' providing the geographical representation and close constituency ties of single member plurality voting along with fairness and diversity of representation that comes with PR voting.

This system was originally invented in West Germany right after World War II, though since then it has also been adopted in several other countries including Bolivia and Venezuela. It is still one of the least used PR system, but in recent years it has begun to garner a deal of attention. In fact, it is now one of the 'hottest' systems being considered by those involved in electoral design. In part this growing attention is a result of MMPs unique claim to be a 'Compromise' between the two main rival systems. In the 1990s, New Zealand abandoned its traditional single-member plurality system for MMP. Hungary also adopted this approach, most recently, the new formed parliaments of Scotland and Wales used this system for their first elections.

How it works

People cast votes on a double ballot – see the ballot below. First on the left part of the ballot, they vote for a district representative. This part of the ballot is a single member district plurality contest to see which person will represent the district in the legislature. The person with the most votes wins typically half of the seats in the legislature are filled in this way. So in a hypothetical 100 member state legislature, the winners of these district contests would occupy 50 of the seats.

Official Ballot Election for the NASS of Representatives Mamhis / Federal Constituency			
You have 2 votes			
District Vote This vote decides who will be elected to the House of Reps from this Fed. Constituency vote by putting an 'X' in the box immediately before the candidate of your choice. Vote only one candidate		Party Vote This vote decides the share of seats that each of the parties list below will have in the House of Representatives. Vote by putting 'X' in the box immediately before the party you choose. Vote for only one party	
Vote here 		Vote here 	
<input type="checkbox"/> APGA		<input type="checkbox"/> APGA	
<input type="checkbox"/> APC		<input type="checkbox"/> MRC	
<input type="checkbox"/> PDP		<input type="checkbox"/> PDP	
<input type="checkbox"/> APDA		<input type="checkbox"/> APDA	
<input type="checkbox"/> Independence		<input type="checkbox"/>	

Source: Adopted and modified from footnote

On the right part of the ballot – the party list position voters indicate their choice among the parties and the other half of the seats in the legislature are filled from regional lists of candidates chosen by these parties. The party lists are closed in the German version. These party list votes are counted on a national basis to determine the total portion of the 108 seat legislature that each party deserves. Candidates from each party's lists are then added to its district winners until that party achieves its appropriate share of seats.

The following table illustrates how this process works for our hypothetical election. The APGA won 40% of the party list votes in the 1000 members state legislation so they would be entitled to a total of 40 of the 100 seats since they already elected 28 of their candidates in the district elections, they would then add 12 more from their regional party lists to come up to their quota of 40 seats.

Allocation of Seats in MMP

Political Parties	Number of District Seats Won	Percentage of the National Party list vote	Total Number of Seats deserved by party	Number of seats added own party list
APGA	28	40%	40	12
APC	18	36%	36	18
PDP	11	18%	18	14
PRP	0	6%	6	6
Independent				
Total		100%	100	50

Source: Adopted and modified from footnote

In the German version two electoral thresholds are used either of which a party must overcome to be allotted seats in the legislature. A party must either gets 50% of the nationwide party list vote or win at least three district races in order for it to gain any seats in the legislature. In our hypothetical case the new party did not win any district seats but they won over 5% of the nationwide vote so they deserve their share of legislative seats while in this case would be six seats all of the would be filled from the regional party list.

Advantages and Disadvantages of the PR System

Proportional representation (PR) as discussed earlier describes a range of electoral systems in which the distribution of seats corresponds closely with the proportion of the total votes cast for each party or individual candidate

The Advantages of a PR Electoral System

1. Proportional representation (PR) offers advantages that would give minority parties and independent candidates a better chance of winning seats in Parliament.
2. The current First Past the Post electoral system is considered unrepresentative, as candidates can be elected with a very small share of the votes while all other votes cast in the constituency are wasted.
3. PR ensures that the parties would have to appeal to their core supporters, rather than a small number of so called 'swing voters' in marginal seats.
4. It could be argued that PR delivers fairer treatment of minority parties and independent candidates
5. Under PR fewer votes are 'wasted' as more people's preferences are taken into account
6. PR potentially offers greater and more-representative choice for voters.
7. PR may encourage turn-out and reduce apathy.
8. PR rarely produces an absolute majority for one party, however, it could be argued that PR ensures greater continuity of government and requires greater consensus in policy-making.

The Disadvantages of a PR Electoral System

1. Under FPTP, MPs serve the constituency they campaign in. This makes them more inclined to tackle important local issues.
2. PR can potentially provide a route for extremists to force their way into the political mainstream: under a FPTP electoral system this would be unlikely to happen.
3. Some would say that PR produces 'weak' coalition governments rather than 'strong' majority governments, which arguably can lead to indecision, compromise and even legislative paralysis.
4. PR can also reduce accountability to voters, as an ousted party of government can retain office by finding new coalition partners after an election.
5. The adoption of PR list systems weakens the link between the elected representative and his or her constituency.
6. The greater complexity and choice that PR allows can put voters off voting, by requiring them to have a greater knowledge of individual and party positions.

Having presented in details the PR System, the different types and their advantages and disadvantages it is incumbent that we present the quest for proportional representation in Nigeria as a way of reducing the wastage of votes that is associated with first past the post system (FPTPS), Which we have been practicing in Nigeria. The FPTPS which has been in practice in Nigeria since Independence and is replete with several challenges as posited by several scholars. However, inspite of the shortcomings of this electoral model, several efforts have been directed at reforming the system to make it better, but these efforts at reform has not achieved the desired outcome because the system promotes violence and a winner takes all syndrome. It is the view of this paper that the adoption of PR will promote less tension as it promotes inclusiveness and reduces wastage of votes cast in an election. Therefore, the paper will consider the following key advantages to be derived from the introduction of PR System in Nigeria.

1. One of the key achievements to be recorded with the introduction of the PR system against the single constituency majoritarian system is that it will prevent the wastages of votes which the FPTP electoral system encourages. The advantage to be derived from the PR system is that it will ensure that votes are shared in proportion to the seats that are available in a multi member constituency. In this system for example instead of votes to be wasted on the basis of winner takes all syndrome, the other parties contesting in an election will also secure seats in Parliament. Apart from inequality in the way constituencies are delineated there are also inequality in the disparity of the number of registered voters and the votes gathered by a Political Party in order to win in different constituencies even within the same state. E.g. in Abia state the winner in the 2003 election in UKWA EAST/UKWA WEST to House of Representatives scored 11,950 votes to coast home to victory while his counterpart in ABA NORTH /SOUTH came fourth with 11936 votes. Several examples of these disparities exist in different parts of Nigeria (INEC: 2003) . To further illustrate that votes are wasted after casting and counting is seen clearly in several elections a case in point is the 2003 Federal Constituency election in Abaji/G/Lada/Kuje/Kwali shows that eleven political parties participated in the elections where the Winner an ANPP candidate won with 30,893 votes representing 45.66%, the other contestants polled a total of 36,761 representing 54.34% (INEC,2003:64). The message here clearly is that the total votes wasted were higher than the total votes that gave victory to the winner. This will be totally avoided in a proportional electoral regime system.

2. As posited by Olasupo (2011), Halidu (2011) Jega (2011) and others that elections in Nigeria have increasingly become violent and a 'do' or 'die' affair as championed by Nigeria's ex-President Olusegun Obasanjo. Why elections have become more violent is because of the electoral system which leaves losers in the cold and protects those who have won who even use state resources to prosecute their cases in court. Olasupo (2011) noted this type of violence associated with elections by tracing the roots of these violence that was sown from the pre-colonial through the different elections to date. To illustrate the spate of violence that come in different forms with elections before during and after election include but is not limited to kidnapping, killings, assassinations, ritual killing, murders of over 100 individuals all over the country between 1999-2011 (Ujo, 2012). Why there is too much violence in our elections because of the winner takes all syndrome of the FPTP system and the character of our Political elites who perceive Public office as their ticket to the good life of opulence. They approach Politics using their political parties as Ikelegbe (2014) quoting Guobadia as cited in Kurfi (2007:162) 'war machines cocked almost permanently to go into combat with perceived opponents both existing and potential' against enemies that include not just 'the opposition party but also the electorate who refuse to toe the party line'. Alemika(2011) also described them as organized criminal organizations for seeking, gainig and retaining power'. Therefore another achievement that the PR system will bring is a more peaceful and inclusive governance model and not the exclusiveness and violent prone electoral system of the FPTP.

3. Talking about inclusiveness in governance which has been mentioned above the PR system will ensure that smaller parties have room to operate and survive in the areas where they are strong. Apart from creating the room for the survival of small parties it will give all marginalized groups such as professional groups, minority groups the opportunity to participate in the democracy. For example if we consider the total number of women elected from 1999-date at federal state and local council legislative houses is very negligible. The total percentage of women participation in politics measured at about 2% in 1999, about 4% and 7% respectively in political offices in Nigeria was put at a mere 8% (Pogoson 2012 & 2014, Afolabi-Akiyode: 2011 , Also see election gender rating pdf file)The PR system will also promote party discipline and longevity of membership because it promotes inclusiveness. This will reduce the penchant of members of one party decamping or cross carpeting to another party. This will reduce because the

system is now inclusive and not exclusive. Therefore the incidence of decamping which doesn't promote party discipline will be a thing of the past. The cut throat politics and violence will reduce because the inclusive nature of PR will eliminate cross carpeting of individuals who can be considered to be AGIP to be with the ruling party.

4. Another very important role PR will play in our political system is to reduce fraud and corruption which is a common feature of our electoral system. Adetula and Adeyi (2014:289) argued that "the illicit use of money by political actors for the prosecution of elections in Nigeria has inhibited democratic development in the country". In 1993 justifying the annulment of the June 12, 1993 elections Gen. Babangida said evidence available to the government put the total amount spent by the presidential elections at 2.1 billion naira. Between 1999 and 2015 campaign funds for elections of presidential candidates kept increasing and are now put at over a trillion naira.

The payment for voters rose as Adetula and Adeyi (2014) noted rose from 500 naira in 1999 to 1750 in 2003 2250 in 2007 and now 5000-10000 naira in 2011 and 2015 . Elections are now being sponsored by God Fathers and God Mothers who install their stooges with the hope collecting monthly subventions accruing to the state from the Godson. This tends to stifle our democracy holding it as hostage and denying it the opportunity to grow. We are actually at the point where virtually all electoral officials are compromised to look the other way to facilitate rigging of elections.

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CHAPTER | 2

Overview of Electoral Laws in Nigeria

¹B. M. Magaji & ²A. D. Ahmed

¹School of Law, Department of Public and Comparative Law,
Kampala International University, Uganda, East Africa

²Department of Legal Studies,
Kaduna Polytechnic Kaduna, Nigeria, West Africa

Introduction

One of the preconditions for free fair and credible elections is a coherent, unambiguous legal framework. This is so because elections are predicated on the viability and potency of a legal architecture anchored on the principles of inclusion, integrity, justice and equity. The electoral legal framework defines political relationships, creates a framework for actualization of citizens franchise and a conflict management system. The legal framework must be structured to ensure sanctify of the votes, an ordered process and participation of stakeholders. It's non – existence could potentially undermine the integrity of elections and create pathways to political instability. This chapter attempts an overview of the electoral laws in Nigeria Vis-à-vis other enabling enactments aimed at ensuring free, fair and credible elections in Nigeria. This work adopts the doctrinal research methodology. This is a legal research approach which analysis laws (i.e. constitution, electoral laws etc), texts, cases relating to and for the conduct of elections in Nigeria. It concludes that despite attempts at reviews and reforms of the Nigeria Constitution 1999(as amended) and the Electoral Act 2010 (as amended) respectively, free and credible elections are yet to be achieved. However, it recommends that with more reforms and reviews indentified in this work, the obstacles to free and fair elections in Nigeria would be eliminated.

The Legal framework for an electoral system is a composite of laws including constitutional provisions¹, electoral Acts², guidelines³, legal precedence⁴ and codes of conduct⁵. Such statutes/laws must be unequivocal in policy goals and thematic directions that should facilitate the functions of the election management body (EMB) in its engagements with all stakeholders, such as allowing for successful delineation of electoral constituencies, defining contestable positions, eligibility of candidates, and clearly defining the roles and ethical expectations of election managers⁶. Additionally, it should enable effective mechanisms for conflict and dispute resolution before, during and after elections⁷. Such legislation should be coherent, complete, systematic and fully applicable, as their defects would undermine the electoral system. The General elections in Nigeria⁸ encompassed the entire processes enumerated above and same is of necessity governed by laws, the foundation of which are the relevant provisions of the 1999 Constitution of the Federal Republic of Nigeria⁹ (As Amended); with broader provisions contained in the Electoral Act 2010¹⁰ (As Amended), while the guidelines¹¹ of the Independent National Electoral Commission (hereinafter called INEC) outlined step-by-step procedures/rules and ethical expectations for the election cycle.

One of the pre-conditions for free, fair and credible elections is a coherent, unambiguous legal framework. This is so because elections are predicated on the viability and potency of a legal architecture anchored on the principles of inclusion, integrity, justice and equity. The Electoral legal framework defines political relationships, creates a framework for the actualization of citizens franchise and a conflict management system. The legal framework must be structured to ensure the sanctity of the votes, an ordered process and participation of stakeholders. Its non-existence could potentially undermine the integrity of elections and create pathways to political instability.

¹ Constitution of the Federal Republic of Nigeria 1999 (as amended).

² Electoral Act 2010 (as amended) Laws of the Federation of Nigeria, 2004.

³ Independent National Electoral Commission Guidelines/ Manual 2009.

⁴ These include number of Landmark Cases that settled some areas of election disputes e.g Action Congress (AC), and *Alhaji Aliku Abubaker vs INEC* (2007), *Rt. Hon Rotimi Chibuike Ameachi vs INEC*, *Celestine Omeha and Peoples Democratic Party (P.D.P)(2007)* SC 252., *Mr. Peter Obi (Governor of Anambra State vs INEC and 7 others* (2007) SC 123 and *Ugu vs Ararume* (2007) 12 NWL R Pt 1048 at 367.

⁵ Code of Conduct for Political Parties (2003)

⁶ Igini, M.(2015) Election Issues, being a paper delivered at the Conference on post 2015 General Elections at the electoral Institute, Abuja on 20/May/2015 under the Fourth Democratic Dispensation.

⁷ Op. Cit. Note 1 section 285.

⁸ Nigeria had General Elections in 1999,2003,2007,2011 and 2015.

⁹ Op. Cit Note 1.

¹⁰ Op. Cit Note 2.

¹¹ Op Cit Note 3.

Generally, no government can be considered as legitimate if the electoral process is not free, fair, transparent and peaceful. For it to be legitimate it has to be devoid of manipulative tendencies and transparent to all the stakeholders. Nigeria's history of elections indicates that the electoral process had been marred by irregularities such as ballot snatching, stuffing of ballot boxes, electoral violence, and falsification of election results, political corruption, connivance between politicians and electoral bodies to favor a candidate or a political party¹². These irregularities in the electoral process and the desire to improve on the conduct led to the numerous reforms aimed at changing the electoral process in line with global best practices. The 2010 Electoral Act/law (as amended) represents such electoral reform.

In Nigeria, however, a disturbing phenomenon is the fact that the electoral processes in Nigeria's histories of election were devoid of transparency and fairness, which rendered the conduct of elections not to be free and fair. It is in regard to these challenges that reforms became imperative in order to correct these anomalies and improve transparency and efficiency through fairness, accountability and integrity in the system¹³. An electoral reform is a broad term that covers, among other things, improving the responsiveness of electoral processes to public desires and expectations¹⁴. Another view describes electoral reform as the process of introducing fair electoral systems where they are not in place, or improving the fairness or effectiveness of existing system¹⁵. Therefore, electoral reform can be seen as the process of bringing amendments to the electoral process in order to enhance fairness, accountability and integrity in the electoral system by strengthening the existing legal framework. The final resolutions of electoral reforms become binding laws or act. An electoral law is a constituted rule and regulations set to guide the process and conduct of elections.

Development of Electoral Laws in Nigeria up to the 2015

The adversarial nature of politics as a contest for the advantage of interest and access to power, and again given the notorious fact that politicians whose conducts are supposed to be regulated by laws are the ones who design electoral legal framework. Most of the election laws enacted in Nigeria between 1922 and 2007 were largely influenced by vested political interest¹⁶.

¹² David, N.A, Manu, Y.A and Musa A. (2014) Electoral Process and the Challenges of Democratization in Nigeria's Fourth Republic in *Journal of Research on Humanities and Social Sciences* Vol 4 NO.17.

¹³ Ibid P.48.

¹⁴ IDEA (2012) Electoral Assessment and Reform. Retrieved on 23/10/2016, 11am. From www.idea.int/election-reforms.

¹⁵ Odion I.P(2012) Electoral Reforms and Post Election Violence. Problems and Way forward. Retrieved on 23/10/2016, 12noon from [community Vanguarding.com](http://community.vanguardngr.com).

¹⁶ OP. Cit. Note 6.

In fact, election management during these periods in Nigeria were characterized by one form of crisis or another and sometimes even leading to violence, killings and destruction of properties¹⁷. However, the electoral law principles above started receiving closer attention in Nigeria from August 28th 2007 when the Yar'adua government instituted the Uwais Committee on Electoral reforms¹⁸. The development of electoral legal framework in Nigeria has a very volatile history spanning many years (93) years when these changes have occurred¹⁹.

In terms of legal development, the legal framework for elections in Nigeria evolved in the following chronology:

The “Elective Principle” introduced by Sir Hugh Clifford was used in 1922 for the Calabar and Lagos Municipal Elections and was also used in the 1946 Council election²⁰. The guidelines only provided for the participation of a few Nigerians and voting was conditional upon tax payment, restricted to adults with an annual income of not less than 100 Pounds sterling. There was restriction of voting either by tax or sex, up until 1959 when full universal adult suffrage was adopted nationwide and was also retained in 1979.

The Elective principle of 1922 was modified in 1951 to include provisions for Regional Electoral colleges with the expansion of the representation of indigenous Nigerians in the 148 member House of Representatives out of which 136 got elected. In the legal framework, the Eastern and Western Regional Houses of Assembly had a Primary, Intermediate and Final Electoral Colleges, while the Northern Regional House of Assembly had a system of open voting in wards and villages as the beginning of a five stage process with the Electoral College as the final stage.

By 1958 the first detailed electoral regulation; the Elections Regulations of 1958 (For the House of Representatives) was drafted, but was amended subsequently in 1959, as the Federal Legislative House Regulations of 1959. Yet, this was replaced by The Nigeria Electoral (Transitional Provisions) Act of 1961 which was the first comprehensive Electoral law drafted by the Indigenous Nigerian legislature.

¹⁷ The Post election violence of 2011 claimed many lives and properties worth billions of Naira particularly in Northern Nigeria and Akwa Ibom State.

¹⁸ This Committee headed by former Chief, Justice of Nigeria, Muhamudu Uwais made some for reaching recommendation with a view to strengthening the electoral laws and process.

¹⁹ Human Rights Watch (2007) “Election or “Selection” Human rights abuse and threats to free and fair elections in Nigeria, No. 1, 2007, April retrieved on 3/7/2016 at 8pm from <http://www.hrw.org>.

²⁰ EKO-Daves (2011) A Critical Appraisal of Election Laws in Nigeria retrieved on 20/8/2016 @<http://www.unilorin.edu.ug>.

The latter Act was replaced by a more comprehensive Electoral Act of 1962, the first most definitive Electoral framework in post-independent Nigeria. The 1962 Act had a post-election dispute requirement including the need to pay deposit on lodging an election petition. This latter addition was later abolished in the amendment of the Electoral Act of 1964. Further developments of Electoral laws were stymied by the post-election conflicts which led to military interventions and civil war in 1966 up to 1970. It wasn't until 1979 that political activities were restored again²¹.

The 1977 Electoral Decree introduced several milestones including; reduction of voting age from 21 to 18 years, the mandatory need to show a three year tax clearance certificate before a person can qualify to contest elections, the disqualification of electoral officers from voting in elections, and for the first time, it placed a time limit for the conclusion of election petitions before winners are sworn into offices different from what we currently have. The 1977 Electoral decree was modified in 1978 and created the procedure for fielding candidates for election. The 1977 Electoral Act was succeeded by the 1982 Electoral Act, with the Federal Electoral Commission mandated by the Act to compile a new voter's register. The Act was used to conduct the 1983 election that was followed by much disputation with another military intervention due to post election crises. As a result, further development of electoral Laws was put on hold until 1987.²² The effective period of the frame work was extended²³.

In terms of legal framework development, these frameworks introduced for the first time, educational qualifications for candidates seeking governorship positions and membership of the House of Assemblies to possess at least School Certificate or equivalent. The Decree ousted the jurisdiction of the courts in intra-party and inter-party disputes. Thus, Election Tribunals established under the Decree could only entertain election petitions only on the ground of undue return at the election.

The history of the 1993 General Election is well documented; suffice to say that it can be used as an example of the fact that even if an election was well conducted with a good legal framework, we can still have an unacceptable outcome if the political ambience is unsupportive of transition, indicating that more than a good legal framework and good election management were not enough for political transition. At any rate, as a legal framework, the 1993 framework, gave way for another Decree²⁴. This Decree also

²¹ Electoral Decree No.4 of 1977

²² Vide Transition to Civil Rule (Political Programme) NO 1987.

²³ These were through the State Governor (Basic Constitutional and Transitional provision) Decree No. 50 of 1991, Decree No. 18 of 1992 and Decree No. 13 of 1993.

²⁴ Decree No 3 of 1996.

established the National Electoral Commission of Nigeria (NECON). The latter framework was replaced²⁵. The Decrees were meant to guide the transition elections planned by the General Sani Abacha Government. The General Abdulsalam Abubakar regime commenced a new transition program using a new legal framework²⁶.

These frameworks led to the restoration of political activities that heralded the current political dispensation. Since the use of the latter framework, there have been several amendments of the main electoral framework in the form of the 2001 Electoral Act, the 2002 Electoral Act, the Electoral Act of 2006 and the Electoral Act of 2010 (as amended). The last amendment provided for tenure of Office of The Secretary to INEC, and empowers INEC to determine the procedure for voting at an election, but rejected the proposal for INEC to conduct all elections the same day, the Senate Committee noted that the commission lacked the capacity to manage large scale elections in a single day and also rejected the proposal to make presidential debates mandatory before an election. Thus, it can be seen from the long periods of development and the constant changes even within short periods to the legal framework for elections that many interest and factors influence the development of such frameworks; hence, it has been more of an evolutionary development than a revolutionary one.

²⁵ These include the local Government (Basic Constitutional and Transitional Provision) Decree of 1997 the State Government (Basic Constitutional and transition provisions) of 1997 and the National Assembly (Basic constitutional and Transitional Provision) Decree No.6 1998.

²⁶ Decree No. 34 of 1998 the National Election Assembly (Basic Constitutional and Transitional Provisions) Decree No.5 of 1998 and the Presidential (Basic Constitutional and Transition provisions) Decree no. 6 of 1999.

Table 1: The Table below gives an overview phase of the electoral Development in Nigeria

Era/Time Frame	Electoral Legal Framework	Elections used for	Regime
Elective principle 1922-1951	Elective Principle in the Hugh Constitution up to the McPherson Constitution	Municipal Council elections, and later Regional legislative elections	Colonial regime
Federal Legislative Elections Regulations 1958-1961 Elections Regulations of 1958 Federal Legislative House Regulations of 1959	Post-independence Federal principles	Federal legislative Elections	Late Colonial to early Post- Independence Civilian regime
Early Post Independence Electoral Acts Nigeria Electoral (Transitional Provisions) Act of 1961 Electoral Act of 1962 Electoral Act of 1964	Post-independence Federal principles	Regional and Federal parliamentary elections	Early Post Independent civilian regimes
Post-independence Military inspired electoral Frameworks Electoral Decree of 1977 Transition to Civil Rule (Political Programme) Decree of 1987	Post-independence Federal principles after military interventions	1979 General Elections 1993 General Elections	Post-Independence Military regimes
The State Government (Basic Constitutional and Transitional Provision) Decree No. 50 of 1991. The National Assembly (Basic Constitutional and Transitional Provisions) Decree No. 18 of 1992. The Presidential Election (Basic Constitutional and 'transitional) Decree No. 13 of 1993. Decree No.3 of 1996 Local Government (Basic Constitutional and Transitional Provisions) Decree of 1997.		1999 General Elections	

<p>The State Government (Basic Constitutional and transitional Provisions) Decree No. 22 of 1997.</p> <p>The National Assembly (Basic Constitutional and Transitional Provisions) Decree No.6 of 1998.</p> <p>The Transition to Civil Rule (Political Programme) Decree No. 34 of 1998.</p> <p>The National Assembly (Basic Constitutional and Transitional Provisions) Decree No. 5 of 1998.</p> <p>The Presidential Election (Basic Constitutional and Transitional Provisions) Decree No.6 of 1999.</p>			
<p>Post Military Era Civilian Legal Frameworks</p> <p>The 1982 Electoral Act</p> <p>The 2001 Electoral Act, The 2002 Electoral Act, The Electoral Act of 2006 And the Electoral Act of 2010 (Amended in 2011, 2012 and 2015)</p>	<p>Post Military Intervention Civilian legislature developed frameworks</p>	<p>1983 General Elections</p> <p>2003 General Elections</p> <p>2007 General Elections</p> <p>2011 and 2015 General Elections.</p>	<p>Post-military intervention civilian Regimes</p>

Electoral Laws: Reforms and Amendments

Given the fact that elections are the major pillar of leadership selection and governance legitimation in liberal democracies, constant and un-seizing effort for the reformation of the electoral process is an imperative in all countries that are democratizing. It is especially necessary in countries in transition to democracy, such as Nigeria, where there is a long history of badly conducted elections; where elections have been bastardized, and where many voters have become despondent and have virtually given

up hope of their votes counting in choosing their elected executives or representatives in legislatures²⁷.

A series of badly conducted elections could create perpetual political instability and easily reverse the gains of democratization. If adequate care is not taken, badly conducted elections can totally undermine democratization and replace it with authoritarian rule, of the civilian or military varieties. At best, they can install inept and corrupt leadership that can herald, if not institutionalize bad governance. There are many illustrations or manifestations of this throughout Africa. But nowhere is this as amply illustrated as in the Nigerian case, especially between 1999 and 2007²⁸.

For example, it can be argued that the consequences of badly conducted elections and poorly managed electoral processes are major contributing factors to military interregnum in Nigeria's political history. At inception of the Fourth Republic, the 1999 elections were conducted under military rule. There were fundamental flaws in the elections, but Nigerians wanted to get rid of military rule and have power transferred to civilians. They tolerated and accommodated the outcome, and hoped for future improvements. The 2003 elections, unfortunately, did not represent a substantive improvement over the 1999 elections, in terms of transparency and credibility. Rather, the elections at best represented “business as usual”, in terms of inflation of votes, fraudulent declaration of results, use of armed thugs to scare away or assault voters and cart away election materials and many other irregularities and illegalities, which were committed with impunity.

The 2007 elections were manifestly the worst in Nigeria's history, as declared by both domestic and international observers. The EU observer mission, for example, noted that the elections fell “short of basic international standards”²⁹, and were characterized by violence and crude use of money to buy votes. There was reckless mobilization of ethno-religious cleavages and heightened use of money and thugs to influence results³⁰. The pre-electoral processes, such as party primaries were conducted in grossly undemocratic fashion. In many cases, the results were said to have gone to the highest bidder. The winner of the presidential election, late President

²⁷ Jega, A.M, (2015) Electoral Reforms in Nigeria; Challenges and Prospects being a Paper delivered at the First University of Abuja Public Lecture Series, Thursday, October, 29, 2015.

²⁸ Ibid.

²⁹ Eu, July 2007: European Union Election Observer Mission federal Republic of Nigeria General Elections 2007.

³⁰ Ibid.

Umaru Musa Yar'adua, himself admitted on the day of his inauguration, that there were serious flaws in the election that brought him to power. Arguably, in order to preempt a major crisis of legitimacy, he pledged to embark upon electoral reforms and subsequently inaugurated the Electoral Reform Committee³¹, with the mandate to make wide ranging recommendations for electoral reform in Nigeria.

The modest effort at electoral reform following the submission of the report of the Justice Muhammadu Uwais Electoral Reform Committee (ERC), as represented by the introduction of new legal and administrative reform measures, and the inauguration of a new Chairman and Commissioners, paved the way for remarkable improvements in the 2011 and especially the 2015 general elections.

Electoral laws and Reforms: 2010 - 2015

The recommendations of the Muhammadu Lawal Uwais electoral Reform Committee serve as the background and context for the appreciation of the reform measures, which have been implemented and what remains to be done. The recommendations were arrived at after about one year of work, which consisted of gathering of memoranda from the general public, interactions with key stakeholders, public hearings conducted in all the six geopolitical zones, a workshop with a select group of national and international experts, and extensive debates and deliberations by the 23 - member committee. Some of the recommendations include the following;

Strengthen and protect the autonomy of INEC from political interference. This is to be done first, by giving the National Judicial Council (NJC) a major role in the appointment of Chairman and National Commissioners of INEC, instead of the current role of the president in nominating these officers; and second, by placing INEC on First Line Charge and granting it relative financial autonomy.

Reconstitute the Commission accordingly, and especially so as to remove the stigma of the 2007 elections and improve its integrity.

'Unbundle' INEC. That is, create other agencies to handle responsibilities being undertaken by INEC, which have overburdened it, such as constituency delimitation; registration and regulation of political parties; and prosecution of electoral offenders; and thus allow INEC to focus on its core mandate of organizing and managing elections.

³¹ Op.cit.n.18

Introduce some form of proportional representation, to promote inclusiveness, especially in National and State legislatures, and improve the representation of women, persons with disabilities and the youths.

Improve the transparency and credibility of the conduct of elections, and eliminate persistent fraudulent activities, which are perpetrated with impunity in Nigerian elections. Review and amend the Electoral Act 2006 and the 1999 Constitution to substantially improve the electoral legal framework.

On each of these major recommendations, many specific recommendations were also made. In respect of nos. iii and vi, model legislations were drafted and submitted along with the general recommendations. While many of the recommendations of the ERC were accepted by the government and the legal framework was accordingly amended, the major ones notably nos. i-iv, were either partially accepted and addressed or simply ignored. For example, while INEC was placed on First Charge and thus gained some relative financial autonomy, the mode of appointment of Chairman, National Commissioners and Resident Electoral Commissioners remained the same, and this continued to nurture a deep-seated perception of the Commission as only doing the bidding of the incumbent who nominated them; under the notion that “he who pays the piper dictates the tune”! In any case, it can be said that there is still 'unfinished business with regards to the recommendations of the ERC, which subsequent effort at electoral reforms would need to seriously address.

Electoral Laws and Amendments

Following the conclusion of the 2011 general elections, the movement for the amendment of the 2010 Electoral Act (as amended) and the 1999 Constitution (as amended) to address key challenges arising from the 2011 elections commenced. Civil society organizations like the partners for Electoral Reform, Youth Initiative for Advocacy, Growth & Advancement, Nigeria civil Society Situation Room, Centre for Democracy and Development, Alliance for Credible elections etc, led diverse advocacy initiatives on ensuring reforms to the electoral Act. Some of the key issues on the reform agenda include the appointment of INEC commissioners, unbundling of INEC, electronic voting, the role of military and security agencies in elections, prosecution of electoral offences etc.

Some of the achievements made towards these directions include the following amendments.

- i. **Tenure of the Secretary to the Independent National Electoral Commission³²**: Section 8 (1) was amended to fix a definite term of office for the Secretary to the Commission. A period of 4 years from the date of appointment was inserted in the section. The tenure is renewable for another period of 4 years only. The position of the Secretary was first established by the 2006 Electoral Act, which empowered the commission to appoint its own Secretary. This amendment puts an end to the controversy on the tenure of the Secretary created by the silence of both the 2006 Electoral Act and the 2010 Electoral Act (as amended). The office of the INEC Chair, National Commissioners and Resident Electoral Commissioner are tenured. This prevents abuse of power and sit-syndrom by public officials. The provision on the tenure for the INEC Secretary could potentially stem abuse of power and controversies that have trailed the office in the past.

- ii. **Increased Number of Days for Transfer of Registered Voters³³**: Section 13 (2) was amended to increase the number of days for applying for transfer of voter registration details to 60 days before the date of an election as against the 30 days” stipulated in the 2010 Electoral Act As amended. The import of this provision is all application for transfer must be filed 60 days before an election. This amendment avails the electoral commission adequate time to process request for transfers while also facilitating the prompt update of the voter register ahead of an election. In the same vein, this amendment may also reduce the arbitrary abuse of the transfer option witnessed in the staggered elections, where voters transferred from one location to the other at will. However, the flip side to this amendment lies in its potential to disenfranchise eligible voters who may be confronted with unforeseen circumstances; that necessitate relocation from one place to another 30 days to an election.

- iii. **Increased Number Of Days For Applying For Duplicate Voter Card³⁴**: Section 18 (1) and (3) were amended to increase the number of days from 30 to 60 days within which a registered voter can apply for a duplicate voter's-card in cases where his/her voter's card is lost, damaged or destroyed.

³² The Preamended Act provides in section 8(1) a-b and 2a-c that there shall be a secretary to the commission and then went ahead in the subsections to outline qualification and mode of appointment with duties only.

³³ Ibid section 13.

³⁴ Ibid section 34.

This provision prevents the electoral commission for issuing any duplicate card 60 days to an election even if the commission has reasonable grounds to accede to the request. This provision benefits the electoral commission but could negatively impact on voter turnout because once a voter loses his/her card after the 60 days requirement elapsed; he/she cannot apply for a duplicate voter card to vote in an election. Ordinarily, registered voters are duty bound to safely keep their voter card; however there are some unforeseen circumstances or accidents that are totally not within control of voters. This could lead to either loss or damaged voter cards. To preclude registered voters who are victims of accidents or natural events from voting due to the fact that it occurred after the 60 days' timeline could be tantamount to injustice. The legal framework should aim to guarantee citizens access to the electoral process and not stifle the political space.

- iv. Voting Rights of Internally Displaced Persons (IDP):** Section 26 was amended with the insertion of a new subsection that provides for the participation of displaced persons in voting at elections. It compels INEC to ensure IDPs are not disenfranchised in the event of an emergency affecting an election. Emergency in this context could be insecurity, environmental or natural disasters. This amendment creates a level playing field for the exercise of franchise by all the stakeholders. The voting right of an estimated 3 million displaced persons was a topical issue in the 2015 elections. The electoral commission was confronted with the complexity of managing this challenge vis-à-vis an extant legal framework that confines registered voters to vote in polling units where they are registered³⁵. This necessitated the reforms introduced by INEC to accommodate IDPs in the 2015 elections. The commission reviewed its guidelines and manual to ensure IDPs in Adamawa, Borno and Yobe states vote in the IDP camps and centers. The new amendment can be interpreted to legitimize the administrative actions taken by INEC to accommodate voting and results collation in IDP camps / centers. The new provision was drafted in a manner that gives INEC the latitude and flexibility to determine the procedure for ensuring Nigerians displaced by an emergency are not - disenfranchised. Furthermore, the amendment provides sufficient legal bases for the electoral commission to undertake IDP voting.

³⁵ Ibid section 58 provides that “No person shall be permitted to vote at any polling unit other than the one which he is allotted”.

v. Expanded Jurisdiction for Oath-Taking by Election Officers³⁶:

Section 28 (1) was amended to expand the jurisdiction of administering Oath of neutrality for election officials to any court or Commissioner for Oaths. Previously, only the High Court could administer Oath of Neutrality to election officers. With this amendment election officials can approach any court or Commissioner for Oaths to affirm their neutrality. The amendment will accelerate the process of oath taking by election officials.

Conclusion

As previously experienced, the amendment process took the normal trajectory of previous reform process. Since the enactment of the 2003 Electoral Act, it has become a norm for electoral reform to dovetail right into the electioneering period. For instance in the 2011 general elections, the amendments occurred four months to the general elections. This current amendment assumed a worse dimension, as the Bill which scaled through the National Assembly on March 10, 2015 received presidential assent on March 26th, 2015 two days to the historic March 28 Presidential elections. Till this minute, the new amendment is largely obscure even to election administrators and experts.

The attitude towards electoral amendment in Nigeria does not only impact on the management of elections by INEC but also affects planning by other stakeholders. For instance the planning of voters' education program becomes onerous for political parties, media and civil society. It must however be stated that the 2015 elections was conducted using the Electoral Act 2010 (as amended) despite the existence of a newly amended electoral law. This is the impasse the African Charter on Democracy, Elections and Governance³⁷ sought to cure when it stipulates that electoral amendment must occur at least 6 months before the date of an election. This provision was also reinforced in the ECOWAS supplementary protocol on Democracy and good governance.

However, this notwithstanding, the key argument in this thesis, is that “it is not yet Uhuru” There were many challenges faced in this reform effort, much as we tried, which are yet to be successfully addressed. There is, the need for a deliberate, purposeful and focused continuation of the reform of the Nigerian electoral process

³⁶ Ibid section 28.

³⁷ Nigeria assigned this instrument of ratification of the African charter on democracy, elections and good Governance on April 2012 but it is yet to be ratified see Table 1 the appendix

leading to the next general elections in 2019³⁸, so as to tackle subsisting challenges, clean up, sanitize or cleanse the political terrain, stabilize the polity and create a solid foundation for consolidating and deepening democracy in Nigeria, as well catalyze economic growth and socioeconomic development.

³⁸ The Federal Government has again inaugurated another committee to look at the Electoral laws with the view to strengthening the electoral laws and processes. It is headed by former Senate Attorney General and Minister of Justice.

CHAPTER | 3

Electoral Act 2010 and the 2015 General Elections

¹B. M. Magaji & ²A. D. Ahmed

¹School of Law, Department of Public and Comparative Law,
Kampala International University, Uganda, East Africa

²Department of Legal Studies,
Kaduna Polytechnic Kaduna, Nigeria, West Africa

Introduction

The 2015 general elections in Nigeria were widely acclaimed as substantially free and fair. This however does not detract from the fact that the election was also interspersed with pockets of irregularities, malpractices and violence in some parts of the country. There was palpable apprehension in the days leading up to the elections that the presidential election in particular would occasion serious violent conflicts in the country given the bitter altercations that underscored the campaigns of the two major contending political parties — the Peoples' Democratic Party (PDP) and the All Progressives Congress (APC). The 2015 elections were historic, with the opposition winning for the first time since the transition from military rule in 1999, and with the incumbent presidential candidate, Goodluck Jonathan, conceding defeat and thus paving the way for a peaceful handover of power. However these highly competitive elections were marred by incidents of violence, abuse of incumbency at state and federal levels, and attempts at manipulation¹. The Independent National Electoral Commission (INEC) made commendable attempts to strengthen electoral

¹ibid

arrangements; however systemic weaknesses leave the process vulnerable to abuse by political contenders. Procedural shortcomings were evident, in particular during collation and from analysis of polling unit results; however no centralized systemic fraud was observed. Excessive deference to judicial mechanisms for enforcement and corrective action risks protracted resolution to grievances. Media outlets gave a variety of views; however government-controlled media failed to provide legally-required equal coverage, clearly advantaging incumbents. This chapter adopts the doctrinal research methodology to identify some lapses in 2015 general elections in Nigeria which the work largely attributes to some positions of the 2010 Electoral Act and 1999 Constitution of the Federal Republic of Nigeria. It concludes by recommending for the amendments to both the Constitution and the Electoral Act.

Following the successful conduct of the 2011 general elections², the journey toward amending the body of laws for the conduct of elections began; the legal framework includes largely the 1999 Constitution and 2010 Electoral Act as (amended). This was premised on the need to improve the quality and credibility of future elections. The Independent National Electoral Commission (INEC), civil society organizations, foreign observer missions and other stakeholders proposed several amendments that could improve the quality of elections. After almost four years of back and forth in the legislature, these amendments never materialized, hence the conduct of the ju2015 Election under the same legal regime. On a closer look, this look daunting, considering some of the challenges observed in the 2011 general elections. However, the present commission, which is fortunate to be the first commission to conduct two elections i.e. 2011 and 2015 general elections effectively and efficiently, utilized the same legal framework to deliver an improved and inclusive election.

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² For detailed analysis of the legal frame work of the 2011 General Election see Chapter Five of this work.

³ *ibid*

The 2015 elections were historic, with the opposition winning for the first time since the transition from military rule in 1999, and with the incumbent presidential candidate, Goodluck Jonathan, conceding defeat and thus paving the way for a peaceful handover of power. However these highly competitive elections were marred by incidents of violence, abuse of incumbency at state and federal levels, and attempts at manipulation³. The Independent National Electoral Commission (INEC) made commendable attempts to strengthen electoral arrangements, however systemic weaknesses leave the process vulnerable to abuse by political contenders. Procedural shortcomings were evident, in particular during collation and from analysis of polling unit results, however no centralised systemic fraud was observed. Excessive deference to judicial mechanisms for enforcement and corrective action risks protracted resolution to grievances. Media outlets gave a variety of views; however government-controlled media failed to provide legally-required equal coverage, clearly advantaging incumbents.

The security situation, the large population, infrastructure challenges, and the fierce political competition, made for an extremely challenging election environment. On 7 February 2015 INEC postponed the elections scheduled for 14 and 28 February by six weeks⁴. This followed the National Security Advisor and all the Armed Services and Intelligence Chiefs stating that they could not guarantee security for the proposed election days as six weeks was needed to conclude military operations against Boko Haram. An initiative for peaceful elections was launched on 14 January under the auspices of former UN Secretary-General, Kofi Annan, with the signing of the Abuja Accord by the presidential candidates and their parties. The Abuja Accord was later adapted in all 36 states.

Despite various legal reform initiatives since the 2011 elections, the legal framework has not changed except for the passing of the Freedom of Information Act in May 2011⁵. Therefore, a number of fundamental shortcomings are still to be addressed, with the legislative framework not fully in line with universal and regional standards for elections committed to by Nigeria. These include, *inter alia*, the lack of provision for independent candidacy, insufficient campaign finance regulations, and an absence of provisions empowering INEC to sanction campaign violations, weak transparency requirements for the publication of results, and voters and civil society organisations unable to file petitions against the results.

⁴ Hassan, I, (2015) An Appraisal of the Legal Framework for the Conduct of the 2015 General Election: matters arising retrieved from www.cdd.ng.org on 10/11/2016 at 9pm.

⁵ *ibid*

INEC has gained credibility since the appointment of the new Chairperson in 2010, however it is not clear to what extent the institution has been reformed. During the 2015 elections INEC appears to have performed impartially in challenging circumstances, although criticism increased following both election days. However, given the insufficient requirements for transparency and full public accountability as well as a lack of full institutional independence, the election administration remains vulnerable to partisan operations and/or weak delivery that risks exploitation by parties. The law overly-restricts INEC's powers rendering it insufficiently effective in challenging inappropriate actions of political contenders. INEC regulatory guidelines include polling safeguards; however serious procedural weaknesses persist particularly in regards to transparency and collation rigor. Shortcomings were evident, with preparations only improving after the six-week postponement⁶.

INEC's constitutional responsibility to undertake delimitation of constituencies is unregulated⁷. Although delimitation is required every 10 years, the current boundaries date back to 1996, despite a census in 2006. During the intervening period, INEC has conducted boundary reviews several times but reportedly has not finally submitted proposals to the National Assembly. There are currently profound disparities in the size of constituencies, which is not consistent with equality of the vote or constitutional requirements. However precise calculation of constituency variations is not possible due to the lack of available population data broken down by constituency⁸.

Positively INEC attempted to improve the integrity of voter registration and identification by introducing biometric measures. INEC reports registering 68.8 million voters, an estimated 78% of the total voting age population, with approximately 82% of registrants' permanent voter cards (PVCs) being collected. However in 11 states over 92% PVC collection was reported, which is implausible given that the deceased have not been removed from the list since 2010. Regrettably, up to 100,000 PVCs, which are necessary for voting, remained unproduced one day before 28 March election day⁹. While the introduction of PVCs and card readers has been effective in increasing the reliability of the voter register and reducing opportunity for fraud, their impact has been limited by the seemingly poor quality of biometric data capture and subsequently weak finger-print recognition rate during polling.

⁶ 2015 President Election Outcome: Analyses and implications' the centre for public alternatives accessed on 10/11/2016 from appa research Alternatives accessed on org at 8pm.

⁷ Ibid.

⁸ Ibid

⁹ Ibid

The constitutional preclusion of independent candidates is inconsistent with the individual right to stand for office and can be criticized for exacerbating party control, which is problematic given the extensively reported culture of corruption within parties¹⁰. Thus voters are left with reduced choices available on Election Day, which also weakens opportunity for the accountability function of elections. There is insufficient legal regulation of party primaries, with INEC lacking powers of enforcement, as INEC is legally barred from disqualifying candidates¹¹.

Candidacy is also *de facto* overly-restricted by parties requiring aspirants to pay a non-refundable fee that for the two main parties went up to 27 million Naira, leaving the possibility to stand beyond the reach of the vast majority of citizens. “Zoning”, whereby elected positions rotate between different geographical areas within a constituency, is often applied, which *de facto* excludes aspirants from other localities. Various implementation problems were widely reported and also observed by EU experts, including arbitrary rejections during “screening”, corrupted election processes, and voting procedures that lack transparency and certainty. Also parallel primaries reportedly took place and parties did not always respect the results of their own primaries¹².

The campaign environment was extremely competitive and tense. Incidents were reported in all parts of the country resulting in more than 160 people killed in election-related violence since early January. Campaigning for the federal and state level elections took place concurrently, with large-scale rallies conducted during the first phase (before postponement) and meetings with traditional, religious and youth leaders in the second phase (after postponement). Issue-based campaigning was overshadowed by negative tactics, with increasing use of inflammatory language, hate speech and religious, ethnic and sectional sentiments and appeals. Violations of campaign regulations were reported in all parts of the country with both Peoples Democratic Party (PDP) and All Progressives Congress (APC) representatives and candidates seen to misuse incumbency at federal and state levels. Mechanisms for monitoring and sanctioning non-compliance were *de facto* non-existent and violations remained unaddressed throughout the whole campaign period.

While the broadcast media sector is still dominated by the federal and state government-controlled media, which primarily serve incumbents' interest, the steady

¹⁰ Odo, UG (2015) free, fair and credible Election 2015 in Nigeria issues and challenges, international Journal of Humanities and social science invention Vol 4. No.6.June 2015 P.4.

¹¹ Ibid

¹² Ibid p.6

growth of private outlets and use of social media contributes to pluralistic media environment overall. Although media freedom is improving, self-censorship is exercised, and some instances of harassment and attacks against journalists during the campaign were reported.

EU election¹³ Observation Mission (EOM) monitoring results of the government-owned Nigerian Television Authority (NTA) and Federal Radio Corporation of Nigeria (FRCN), the two leading media networks with the widest coverage, showed that both provided extensive exposure to the PDP and its officials (the President and Federal Government). On NTA news, coverage of PDP and its officials totaled 84%, which contrasted with APC's 11%. A similar pattern was identified in FRCN's news, and in NTA's editorial programmes. More extreme uneven coverage was identified in some state-controlled radio stations, with over 95% of airtime allocated to incumbent governors seeking re-election. Thus federal and state government controlled media gave incumbents clear advantage over their opponents. This, along with passiveness of the media regulator, the National Broadcasting Commission (NBC), to challenge such bias and effectively regulate the broadcast media, is not fully consistent with the regulatory framework for the elections or international standards requiring the state controlled media to ensure fair and equitable access by contesting parties. Positively, some private media provided overall balanced and fair coverage of key contesting parties¹⁴.

In the presidential election, the opposition APC candidate General Buhari won with 53.96% of votes, while President Jonathan of the PDP came second with 44.96%. APC also secured the majority of the seats in the National Assembly with the seemingly most updated INEC results showing APC winning 60 out of 109 seats in the Senate (55%) and 212 out of 360 seats in the House of Representatives (58.9%). The remaining National Assembly members are PDP, with only eight seats won by smaller parties, all in the House of Representatives. According to INEC and media reports on the gubernatorial elections in 29 states, APC won 20 and PDP 9.

The judiciary made serious efforts to provide timely administration of justice for the high volume of pre-election suits. Nevertheless, the lack of time limits for filing and adjudicating of pre-election suits, in combination with loopholes allowing lawyers to

¹³ Araba, Akeem and Odunayo (2015) Comparative study of 2011 and 2015 presidential Elections in Nigeria, Global Journal of Human- Social science Vol 15, No.7. 2015 P.5.

¹⁴ Ibid

delay cases unnecessarily, left the majority of cases pending before the courts for after the elections, thus compromising the right to a timely remedy. No post-election petitions were filed against the presidential outcome, while there were 255 petitions against National Assembly results. In addition to challenging voting, counting and collation processes, many relate to qualifications and improper nomination during party primaries¹⁵.

Despite efforts by some police departments, in many cases electoral offences appear to have not been actively investigated and therefore charges have not been brought. INEC was not proactive in prosecuting electoral offences, with an evident lack of coordination with the police on arrests and investigations, which risks further engendering boldness by electoral crimes perpetrators¹⁶.

The 28 March National Assembly election furthered the negative 2011 trend with another decrease in the number of women elected. It appears that only 8 women won a seat in the Senate (7.3%) and 18 in the House of Representatives (5%). Thus the proportion of women elected is well below the 30% Beijing Declaration and Platform for Action¹⁷ and the 35% National Gender Policy targets. At state level, 11.4% of gubernatorial candidates and 14.36% of State Houses of Assembly contestants were female. No woman was elected as a governor.

Nigeria has ratified the UN Convention on the Rights of Persons with Disabilities¹⁸. However, the National Disability Bill, long-awaiting presidential assent, includes only general provisions on the political participation of persons with disabilities¹⁹. Positively, INEC was receptive to consultations with disability organizations and developed various innovations. Some parties included general references to disability issues in their manifestos, however reportedly only three persons with disabilities contested the 2015 general elections (none of whom won a seat).

INEC²⁰, Technology and the 2015 General Elections

The conduct of the 2015 general elections was far better than the previous elections

¹⁵ Ibid

¹⁶ This issue is discussed in chapter 5 of the work and in Paragraph of this chapter.

¹⁷ Nigeria is a signatory to various International Connections and instruments guarantees equal opportunity to women participation in the Political life of the country. See Appendix 1.

¹⁸ Ibid see Appendix 1

¹⁹ Ibid

²⁰ For detailed discussion on INEC see Chapter 5.

held in 1999, 2003, 2007 and 2020²¹. INEC adopted the use of Permanent Voter Card (PVC) and Smart Card Readers in order to curb electoral fraud²².

However the presidential and National Assembly elections on March 28, many of the card readers failed to accredit voters successfully²³. As the tension grew, INEC ordered its electoral officers to do manual accreditation in the affected polling units. The development led to continuation of the exercise in some places the next day, while voters in some areas voted into the night. Despite the uproar over the hitches recorded in the presidential and National Assembly elections, INEC insisted that only its card reader would be used, again, for the governorship and state Houses of Assembly elections on April 11.²⁴ The general elections received positive remarks from election observers such as ECOWAS, EU, AU and the commonwealth²⁵.

The Independent National Electoral Commission (INEC)²⁶ is one of the executive bodies created under Constitution of the Federal Republic of Nigeria, 1999²⁷ (as amended). The Constitution²⁸ provides that any of such bodies may, with the approval of the President, by rules or otherwise regulate its own procedure or confer powers and impose duties on any officer or authority for the purpose of discharging its functions. Pursuant to the aforesaid powers conferred upon it by the Constitution, NEC issued 'Approved Guidelines and Regulations for the Conduct of 2015 General Elections', which among other things provides that “accreditation process shall comprise of verification of voters using the Card Reader; checking of the Register of voters; and inking of the cuticle of the specified finger“

The introduction of the Card Reader via the Approved Guidelines was an innovative measure by INEC aimed at improving the transparency and credibility of the electoral process. The use of the Card Reader is therefore a novel addendum to the accreditation and voting procedure specified under Electoral Act, 2010 (as amended)²⁹, which provides as follows:

²¹ Op.Cit.n.12

²² Ibid

²³ Ibid

²⁴ Punch, May 3, 2015 p.4

²⁵ Leadership, April, 24, 2015, p.7.

²⁶ Op.Cit.n.19

²⁷ Section 153 CFRN 1999 (as amended)

²⁸ Ibid Section 160

²⁹ Section 49 Electoral Act 2010 (as amended)

A person intending to vote with his voter's card, shall present himself to a Presiding Officer at the polling unit in the constituency in which his name is registered with his voter's card. The Presiding Officer shall, on being satisfied that the name of the person is on the Register of Voters, issue him a ballot paper and indicate on the Register that the person has voted³⁰.

The procedure for accreditation of voters and voting adopted during the 2015 general election as outlined in the Approved Guidelines is that a voter presents himself to the Assistant Presiding Officer (APO) III of the polling unit, who upon determining that the voter is in the correct polling unit, directs the voter to APO I. The latter shall request the Permanent Voters Card (PVC) from the voter and read same with the Card Reader to ascertain that the photograph on the PVC is that of the voter, and that the voter is indeed registered for that polling unit, and authenticate the finger prints of the voter using the Card Reader. After this verification of a voter by the use of the Card Reader, the APO I then confirms that the details of the voter is contained in the Register of Voters, applies indelible ink on a left finger of the voter and issues him/her an accreditation tag, and requests the voter to leave the polling unit and return by 1:30pm, which is the time for commencement of voting.

The Approved Guidelines places much emphasis on the need for voters to be verified by the Card Reader, so much so that a voter who could not be verified after a 2nd attempt would be asked to leave the polling unit. Where accreditation is successfully concluded using the Card Reader, the Presiding Officer compares the number of verified voters generated by the Card Reader with the number checked in the Register of Voters, and if they are consistent loudly announces the total number of accredited voters, if however there occurs a discrepancy, he shall take into account any incidents of failed verification and reconcile the number.

From the foregoing rigorous procedure for accreditation of voters using the Card Reader, there is no gain-saying that the introduction of the Card Reader was intended to be a bold step towards ensuring free, fair and credible elections in Nigeria. Unfortunately, experience during the 2015 general elections indicated that there was high incidence of malfunctioning of the Card Readers delaying the accreditation process for several hours beyond the 1:00pm timeline for close of accreditation, and in

³⁰ Ibid

many cases resulting in the postponement of accreditation and election, and in other cases still INEC officials had to abandon the Card Readers and resume the manual process of accreditation using the Register of Voters alone³¹.

The introduction of the Card Reader by INEC and the challenges it threw up during the 2015 elections therefore became an issue in several election petitions brought for determination before the various Election Petition Tribunals. The Supreme Court on 8th January, 2016 in the case of *Mahmud Aliyu Shinkafi vs Y. Abdulazeez Abubakar Yari & 2 Ors*³². Finally laid to rest the controversy elicited from the divergent positions taken by the various election Tribunals and Court of Appeal on whether the card reader can be relied upon in seeking to nullify an election. The Court pronounced on the issue as follows:

My view on this is that the principle of law that is well established cannot be abolished simply because an appellant failed to prove his case in accordance with those principles. My understanding of the function of the Card Reader Machine is to authenticate the owner of a voter's card and to prevent multiple voting by a voter. I am not aware that the Card Reader Machine has replaced the voters register or taken the place of Statement of results³³.

In the appeal from the Abia State governorship election petition³⁴ *Okezie Victor Ikpeazu vs Alex Otti and Ors*- the Supreme Court in stating the reasons for its judgment on 26th February, 2016, reiterated extensively the status and function of the Card Reader in the scheme of our electoral process. Olabode Rhodes-Vivour, JSC, concurring with the lead judgment, captured the attitude of the Court on the use of the Card Reader, when he opined:

Where a petitioner seeks to prove that there was over voting in the election in which he participated, he would succeed if he is able to show that the number of votes exceeds the number of would be voters in the voter register. If the petitioner decides to rely on Card reader Reports as in this case to show that the number of votes exceeds the number of voters recorded by the card reader but less than would be voters on the voters register, he would fail That explains the plight of

³¹ Op.cit.n.3

³² This case started from the Election tribunal as case No. EPT/ZMS/GOV/2/15 to the court of Appeal as EPT/CA/5/GO/005/2015.

³³ Ibid.

³⁴ *Okezie Victor Ikpeazu U. Alex Otti* (2016) SC.

the petitioner in this petition/appeal The card reader may be the only authentic document f and only f the National Assembly amends the Electoral Act to provide for card readers. It is only then that card readers would be relevant for nullifying elections³⁵.

The implication of the Supreme Court decision is that the 'Approved Guidelines and Regulations for the Conduct of 2015 General Elections' made by INEC pursuant to powers conferred on it by Section 160 (1) of the Constitution of the Federal Republic of Nigeria, 1999, cannot supersede the provisions of the Electoral Act, 2011 (as amended). The Court firmly placed its stamp of authority on the position that the legally recognized mode of accreditation of voters is as provided under Section 49 of the Electoral Act, and accordingly any allegation of over-voting or similar malpractices must be proved by having recourse to and tendering the Register of Voters. The Supreme Court did not really discountenance evidence of the Card Reader reports as irrelevant, neither did it designate the use of the Card Reader as amounting to electronic voting contrary section 52 (2) of the Electoral Act; instead the Court held that a Petitioner cannot rely on the Card Reader to establish such allegation up until it is legally recognized by incorporation into the Electoral Act by the National Assembly.

The Card Reader is indeed a very creative innovation that would have put paid to various species of fraud in the electoral process in Nigeria, but the use of the Card Reader during the 2015 elections was unfortunately marred by a lot of hiccups and complaints of malfunctioning resulting in undue delays, manipulations of the process, non-voting or outright cancellation of elections in many polling units, and disenfranchisement of many registered voters — all of which contributed to tense atmosphere in many States that easily degenerated into angry altercations and violence in some cases. This was the background that obviously gave rise to disparate decisions on the role and status of the Card Reader from the various Tribunals and even the Court of Appeal. Apparently constrained by the confusion foisted on our electoral jurisprudence by these conflicting decisions, the Supreme Court sought to restore sanity and consistency in the law by refusing to shift from the extant position prior to the introduction of the Card Reader.

Maybe it was the pronouncement of Kudirat Kekere-Ekun, JSC in Okezie Ikpeazu's case (supra) that ameliorated the perceived hard stance of the Supreme Court against

³⁵ Ibid

an innovation that was intended to sanitize and lend more credibility to the electoral process by curbing the incidence of fraud, malpractices and corruption in the process. While underscoring the overarching sentiment of the Court on the issue, the erudite justice of the Supreme Court opined:

Laudable as the innovation of the Card Reader may be, it is only a handmaiden in the accreditation process. Thus any attempt to prove over-voting or non-accreditation without reference to the voters register of the affected local government areas, as in this case, was bound to fail³⁶.

Women (Gender), 2015 General Election and the (Electoral Act 2010 as amended)

Gender does not occupy a central position in either the Electoral Act or the Constitution. Apart from the provisions of Section 51³⁷ that designate separate queues for men and women where the culture does not permit intermingling of sexes, there is no provision targeting women participation in elections. However, the electoral guidelines grant preferential treatments to pregnant women, aged and nursing mother.

Few women got elective positions during the 2015 general elections³⁸. Out of the 14 contestants for the presidency, only one was a female. At the House of Representatives, 14 women got voted in, while the remaining 346 are men, Only 7 women serve as senators in Nigeria's 8th National Assembly comprising of 109 senators. Like in other elections, no woman has broken the jinx of winning gubernatorial election in Nigeria; however, 4 women were elected as Deputy Governors in the states³⁹ such as Lagos, Rivers, Ogun and Enugu respectively.

Internally Displaced Persons (IDP) 2011 Elections and the Electoral Act 2010

Neither the constitution of the federal Republic of Nigeria nor the Electoral Act (2010) as amended expressly provides for voting by Internally Displaced Persons. The electoral Act provides that;

³⁶ Ibid.

³⁷ Electoral Act (2010 as amended).

³⁸ Op.Cit.n.12.

³⁹ I.e Lagos, Rivers, Ogun and Enugu

Personal Attendance

“No voter shall record his vote otherwise than by personally attending at the Polling unit and recording this vote in the manner prescribed by the Commission⁴⁰”

It further provides;

Voting at appropriate polling unit

“No person shall be permitted to vote at any polling unit other than the one to which he is allotted⁴¹”.

The effect of these provisions is that any intending voter must personally attend to the polling unit which INEC had earlier allotted him or her. This allotment predates Election Day so attending to any polling unit not allotted to a person would not infringe the provisions of the Act of a new subsection that provides for the participation of displaced persons in voting at elections. It compels INEC to ensure IDPs are not disenfranchised in the event of an emergency affecting an election. Emergency in this context could be insecurity, environmental or natural disasters. This amendment creates a level playing field for the exercise of franchise by all the stakeholders. The voting right of an estimated 3 million displaced persons was a topical issue in the 2015 elections. The electoral commission was confronted with the complexity of managing this challenge vis-à-vis an extant legal framework that confines registered voters to vote in polling units where they are registered. This necessitated the reforms introduced by INEC to accommodate IDPs in the 2015 elections. The commission reviewed its guidelines and manual to ensure IDPs in Adamawa, Borno and Yobe states vote in the IDP camps and centers. The new amendment can be interpreted to legitimize the administrative actions taken by INEC to accommodate voting and results collation in IDP camps/centers. The new provision was drafted in a manner that gives INEC the latitude and flexibility to determine the procedure for ensuring Nigerians displaced by an emergency are not disenfranchised. The amendment provides enough legal bases for the electoral commission to undertake IDP voting.

Conclusion

The 2015 general election was perhaps the most competitive election in the Nigeria's recent political history. Invariably, that electoral process opened up the system to the exploration of more technology with the introduction of the Smart Card Reader and Permanent Voter Card (PVC).

⁴⁰ Section 57, Electoral Act 2010 (as amended)

⁴¹ Ibid section 58

As such, in the build up to that election, the clamour by Nigerians living abroad to get involved in the process back home became much more noticeable.

For them, besides technology conquering the geographical hindrance to voting for any citizen (as evident in even small countries in Africa), the appreciable economic contributions they make through transfers back home warrants they have a direct participation in electoral process in the country.

According to a report by World Bank's Migration and Remittances Fact book 2016, remittances from Nigerians living abroad hit \$20.77 billion in 2015, making Nigeria the sixth largest recipient of remittances in the world⁴².

It further revealed that remittances to Nigeria rose every year over the last decade from \$ 16.93 billion in 2006 to \$20.83 billion in 2014. In 2015, however, remittances fell slightly to \$20.77 billion⁴³.

According to the report, the top two sources for Nigerian Diaspora remittances in 2015 were the United States (\$5.7 billion) and the United Kingdom (\$3.7 billion). More so, the report showed that Nigeria tops the top ten remittance recipients in Africa by \$20.77bn, followed by Ghana (\$2.0bn), Senegal (\$1 .6bn), Kenya (\$1 .6bn), South Africa (\$1.0bn), Uganda (\$0.9bn), Mali (\$0.9bn), Ethiopia (\$0.6bn), Liberia (\$0.5bn), and Sudan (\$0.5bn)⁴⁴.

Despite the major leaps recorded by the immediate past leadership of INEC, Diaspora voting wasn't feasible for the 2015 election. With federal lawmakers fixated on returning to office, amending the constitution to accommodate Nigerians abroad was not a priority⁴⁵.

In December 2013, INEC had called for an amendment of sections 77(2) and 117(2) of the 1999 Constitution to allow Nigerians in the Diaspora of voting age to participate in the 2015 elections. A similar call was made in 2012 by Honourable Abike Dabiri, then Chair of the House of Representatives Committee on Nigerians in the Diaspora, when she and six others sponsored a Bill seeking to amend Nigeria's Electoral Act 2010 in

⁴² Ukaibe S, C, INEC: Between Diaspora Voting and pending legislative polls, retrieved from www.pol.ng on 28/9/2016 at 9am.

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

order to grant Nigerians in the Diaspora the right to vote during 2015 general elections. Sadly these efforts did not materialise in time for the elections and 17 million Nigerians living abroad were disenfranchised.

Diaspora voting is not an alien concept in most advanced, and even some developing, democracies of the world. It is a response to the advancing worldwide democratisation agenda, as well as massive economic, social and cultural globalisation. Diaspora voting is currently practised in 115 countries around the world, and indeed 28 African countries have made legal and logistical provisions in their electoral processes to ensure their citizens abroad have a say during elections. And this inclusion in the political and electoral process is perhaps even more important for Africans in the Diaspora than any other group anywhere else. Remittances by Nigerians living abroad contribute massively to the GDP of the country. In 2013 alone a total of \$21 billion was sent home, making Nigeria the fifth largest recipient of foreign remittances among developing countries and first in Africa⁴⁶.

While the legal frameworks of many countries in Africa (and throughout the world) permit the right to vote for all citizens, in reality, Diaspora citizens are disenfranchised. This is because of a lack of willingness on the part of the authorities that organise elections and procedures that will ensure the fulfillment of that right. Because Nigerians in the Diaspora bring in substantial foreign exchange through remittances, affording these citizens the right to vote symbolically integrates a key economic group into the public affairs of the nation. When Nigerians abroad are allowed to vote, they feel they belong; it is, after all, an exercise of citizenship and civil duty. It is also a way to make sure that such citizens, especially students and professionals, who are assets to the wellbeing of the country, are not lost to other countries)⁴⁷.

The right to vote, as universal suffrage, has been constitutionalised in many new societies, born from political agitation. The fact that, at some point in history, a particular racial group or class was not permitted to vote, does not nullify the fact that such a community had a right to vote then: rather, the right was not being fulfilled. Rights do not cease to be rights simply because they have not yet been confirmed by legal processes. Following the same line of argument, if every citizen of a country has a

⁴⁶ Akpom, B, 2019 Election. The Nigeria Diaspora and the right to vote accessed on 28/9/2016 at 10am.

⁴⁷ Ibid

right to vote, and therefore self-determination, should that right be revoked simply because that citizen now resides in another country? If Nigerians in the Diaspora still continue to engage in the socio-economic well-being of their country, they should enjoy all rights owed to the country's citizens.

Some have argued that amending the Electoral Act will bring much pressure to bear on the human and institutional capacities of INEC given that the electoral body as it is currently constituted lacks the capacity to conduct elections overseas⁴⁸. But there is no reason, for example, why Nigerians living abroad should not be able to go to the country's embassies or consulates, and cast their votes in person. This method is already being practiced in Botswana, Cape Verde, Central African Republic, Ghana, Mozambique, Namibia, Senegal and South Africa. Also there is postal voting in which Diaspora votes are transmitted by diplomatic mail to the country for counting, as is being done in Lesotho and Zimbabwe⁴⁹.

INEC together with the Nigeria Population Commission, the Foreign Affairs Ministry and other relevant agencies can start with a comprehensive census of Nigerians living abroad. This gives insight into the geographic spread of this important group, after which a special voter's registration exercise can be conducted to ensure their data is captured and included in the voters 2019 register to be used for the 2019 elections. In 2019 a 20-year old democracy, Africa's largest at that, will have no excuse to shut its door against citizens living abroad on Election Day.

As the country inches towards the 2019 general elections, questions are still being asked by Nigerians living abroad on how long they would have to wait to realize their dreams of exercising their voting rights in their far-flung locations during such exercises back home. About 15million Nigerians currently live in the Diaspora but, for decades, they have remained disenfranchised during elections in the country. In spite of their contributions to the growth and economic development, of Nigeria, the country's laws forbid this class of citizens from partaking in the electoral process.

According to the provision of Sections 13 (1) (c) of the Electoral Act 2006, as amended and Sections 77(2) and 117 (2) of the 1999 Constitution of the Federal Republic of Nigeria, only the citizens physically present in Nigeria at the time of registration of voters can register to vote in any election. But Diaspora Nigerians have continued to

⁴⁸ Ibid

⁴⁹ Ibid

agitate for participation in the country's electoral process, hinging their argument on the provision of the Universal Declaration of Human Rights. The voices of the Diaspora in this regard became so strident and loud that it got attention at the last National Constitutional Conference, The Confab's Committee on Foreign Policy and Diaspora Matters, accordingly, recommended that the Electoral Act and the constitution be amended to provide for Diaspora Voting Right so that Nigerians living abroad, who are not qualified by law and who are at least 18 years old by the time of voters' registration, can vote during elections in Nigeria.

It is hoped that as our electoral process is evolving and as greater confidence is built in the institution and processes associated with in, we may then create voting opportunities for our citizens abroad in the not too distant future.

Electoral Fraud⁵⁰ and Violence— Electoral violence in Nigeria is caused by electoral fraud and manipulation of figures and data to deny the rightful winners their popular mandates given to them and certified by the electoral process. It is an attempt to willfully compromise the integrity of the electoral process or system to achieve unmerited individual win for a political party candidate through the falsification of the electoral figures, numbers, data or process. Electoral fraud is the organized strategy or programs of individuals and or political parties to get desired results of an electoral process either by hook (or) crook⁵¹.

⁵⁰ For a detail, discussion on Electoral Fraud see chapter 5 of this work.

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CHAPTER | 4

Credible Electoral Process: A Panacea to Democratic Development in Nigeria

Beida Onivehu Julius

Department of Private & International Law
Faculty of Law, Bingham University
Karu, Nasarawa State

Introduction

Democracy as a system of government has continued to gain global recognition and acceptance as a veritable means of meeting the aspirations of the citizenry. Democratic practice is rooted in the power of the citizens to choose their leaders. In ancient Greek Society, the citizens as a whole form a governing body and voted directly on each issue, e.g. on the passage of a particular tax law. This is referred to as direct democracy. This method was exercised relative to a small number of the population then. But the gradual increase in human population rendered such direct exercise of collective authority untenable, hence the emergence of representative democracy. In a representative democracy, the citizens elect a group of individuals to take decision or make laws on their behalf. These representatives meet to form a governing body, such as a legislature. In a constitutional democracy, the powers of the majority are exercised within the framework of a representative democracy, but the constitution limits the majority and protects the minority, usually through the enjoyment by all of certain individual rights, e.g. freedom of speech, or freedom of association.

Similarly, the free encyclopaedia and online resource of Wikipedia cited in (Campbell, 2008) offers the following definition: “Democracy is a system of government by which political sovereignty is retained by the people and exercised directly by citizens.” Wikipedia went further to identify different forms of democracy which include: (e.g., parliamentary democracy, liberal democracy, direct democracy, socialist democracy, consensus democracy, and supranational democracy. The main thrust of democracy is that the citizens have the right to determine who govern them (Bühlmann et al., 2008; Schmidt, 2006; Sodaro 2004).

From the foregoing, for democracy to flourish, the following indices must be present;

1. Freedom
2. Equality
3. Credible Election
4. Inclusive Political Participation based on popular sovereignty
5. Rule of Law
6. Independent Press and Judiciary
7. Vibrant Legislature
8. Civil Society
9. Majority rule and Minority right.
10. Universal Suffrage
11. Openness and accountability

There is no shortcut to achieving democratic development other than internalizing its basic principles. National Democratic Institute in Nigeria views openness and accountability in government by building political and civic organizations, safeguarding elections and promoting citizen participation as fundamental to democratic advancement.

Having analyzed the universal concept of democracy, it is imperative to contextually it in Nigeria. The return of democracy in Nigeria in 1999 after intermittent military incursion was greeted with euphoria and huge expectation that it will bring about the much-desired development. But 18 years down the line, the core tenets of democratic practice remains elusive coupled with endemic poverty, unemployment, heightened insecurity, massive corruption, institutional abuse among other manifestation of under-development. The continuous referral of Nigeria's democracy as nascent has provoked serious debate in recent times. Some concerned citizens believed that the country ought to have recorded some level of progress in the area of democratic sustainability and human development. Important questions must be asked:

What is wrong with Nigeria's democratic project? Why is a credible electoral process difficult to achieve in Nigeria? Why the continuous absence of political party ideology? Why has Nigeria failed to build strong institutions? Why the continuous disregard for rule of law by elected public officials? Why the continuous violation of human rights of the citizens by the security operatives? Why is the cost of governance so high? Why are poverty, unemployment, inequality and other social crimes on the rise? Why has Nigeria failed to provide effective health care and quality education and stable electricity for her citizens? It goes without saying that democratic enterprise in Nigeria is yet to meet the expectations of the people.

It is generally agreed by political analysts that the electoral process is an essential ingredient to democratic development. And this is one area that Nigeria is yet to get right in her practice of democracy. Once the process of selecting leaders becomes credible, democracy is likely to produce dividends. Credible electoral process enables the citizens to take part either through voting or standing for an election. This is why former US President Abraham Lincoln on November 19, 1863, during the "Gettysburg Address" defined democracy as a "government of the people, by the people, for the people". Thus, democracy in the thinking of the people means improvement in their circumstances (Abati, 2006:2). Awotokun (2004:131) dismissed the vague terms like 'the rule of the people' or 'the rule of the majority'; but democracy is a set of institutions (among them especially general elections, i.e., the right of the people to dismiss their government) which permits public control of rulers and their dismissal by the ruled, and which make it possible for the ruled to obtain reforms without using violence, even against the will of the rulers. The government of the people can only emerge through a credible democratic process.

Nigeria Democratic Evolution: Fourth Republic in Perspective

The transition from the authoritarian military (elites rule) to a constitutional and representative democracy (by political elites) that is the fourth republic in Nigeria's polity will not be complete without reviewing the Babangida's and Abacha's transition program. In this regard, Momoh and Thovoethin (2001:2) observed that the 1998-1999 transition programs were against the background of two successive militaries authored political transition programs of the Babangida regime (1985-1993) and the second by the Abacha regime (1995-1998). General Ibrahim Babangida took over power on August 1985 and initiated a process of transition to civil rule. This process started with the inauguration of a Political Bureau on 13 January 1986 which was to organize national debates and resulting therefrom, recommend the framework and

blueprint for a third republic. In 1987 the political transition program was announced but a prolonged one, beginning from 1987 and extending till 1993 (Ikelegbe: 1995). In addition, General Babangida had earlier declared the military's commitment to the transition and to withdraw to the barracks during an address at graduation of the National War College course one on May 17, 1985, and that handing over power to democratically elected president by August 1993 as irrevocable (Tell, special edition June 8, 2009 in Hassan and Musa, 2014). As a follow up to this commitment and with the submission of the report of the seventeen-member political Bureau, the regime in September 1987 set up a 46 member Constitutional Review Committee (CRC) headed by Mr Justice BubaArdo to review the 1999 constitution. On May 11 1988, a 567 member Constituent Assembly chaired by Justice A. Aniagolu was inaugurated and a year later the 1989 constitution was promulgated and having similar features with the 1979 constitution, (Ikelegbe: 1995).

Scholars have argued that even with the amendment of the constitution, it does not reflect a true democratic document. Fagge and Alabi (2003:222) stressed that the constitution was essentially the prerogative of the military elite; and that the inconsistency of the Babangida regime in the implementation of the transition program was almost palpable. Without a doubt, the centrality of the system to the survival of liberal democracy is beyond question, thus the Babangida regime attempted to put in place a party structure within which the transition program will be organized. Furthermore, the transition programme was neither fair nor transparent because the political parties were formed and funded by the government (Hassan and Musa; 2013, 179). Other scholarly analysis of this development equally notes that about 50 political associations emerged following the lifting of the ban on politics in 1989 but only 13 were able to apply for registration because of very stringent National Electoral Commission (NEC) conditions and a short time space of five months. For instance Ikelegbe (1995:210) observed that instead of registering two of three political associations with the highest scores-People Solidarity Party 43.9%; Nigerian National Congress 42.6% and the Peoples Front of Nigeria 41.2%, the government decided to establish two new parties, gave them names, wrote their constitutions and programs, designed their structures and deployed civil servants to organize them. And also registered party members, distributed party manifestoes and constitutions, and organized party congresses and conventions at all level, as well as the election of party officials. After party leadership were elected in 1990, they were dissolved in October 1992 by the same government. The dissolution of the political associations which were formed by the politicians indicates the regimes desire to manipulate the transition

process, which was not adequately fair and transparent because of the non-involvement of the people in the formation and funding of political parties (Hassan and Musa, 2014:179). The politicians had no option but to join irrespective of cultural and ideological differences the alternative political parties inaugurated by the regime- the Social Democratic Party (SDP) and the National Republican Convention (NRC). As such a philosophy of guided democracy was introduced by the military in its transition reforms and with telling effects on Nigeria's polity and not only on the elections but also on the political parties and political behaviour. The telling effects as rightly observed by Fagge and Alabi (2003:223) is that the political elements in the country continued to struggle along with the transition program despite its many contradictions, the regime's insincerity and ability to stick to the whole program was a problem of monumental proportion. For instance, the 1992 presidential primaries of the two parties were ultimately cancelled on the grounds of electoral fraud and consequently, the active participants were banned from the political process. Shifting the hand over date from 1992 to 1993 did not only show how vulnerable the whole program was to the subjective interpretations of the military oligarchy but further demonstrated the insincerity and deceit the regime had consistently built into the programme.

Scholars regarded the General Babangida's transition program as transition without end (Mbachu, 2012). The postponement and further annulment of the June 12 Presidential election which Olaye (2004) stressed was adjudged by the 3000 accredited local and international observers to be the fairest and best in Nigeria's political history, generated intense massive public protest, strikes and demonstration by human rights activist, labour activists, social critics etc. This development forced Babangida to step aside and relinquish power to Chief Ernest Shonekan under an Interim National Government (ING). The succeeding ING was a mere charade designed primarily to ease president Babangida out of office honourably. It was not expected to last because Shonekan was an unelected Commander-in-Chief and lacks the legal authority to command loyalty and even respect from the military, and expectedly, it did not last. On November 17, 1993, General Abacha militarily intervened thus putting an end to what was widely considered as a drift in Nigeria's political process. Another phase of transition programme began with General Abacha's nationwide broadcast on November 18, 1993 stressing that "A Constitutional Conference with full constituent power will be established to determine the future constitutional structure and also recommend the method of forming political parties which will lead to the ultimate recognition of political parties

formed by the people” (Cited in Hassan and Musa, 2012). In fulfilling this plan the regime inaugurated the National Constitutional Conference on June 27, 1994, with a strong message from General Abacha who stressed “our nearly thirty-four years of sovereign existence have been a history of continuous political uncertainties. We have had crisis of legitimacy, crisis of secession, crisis of authority and crisis of nationally accepted leadership, hence, the resolve to terminate the vicious cycle of crisis in Nigeria (Akinboye and Anifowose, 1999:254). In December 1995, the Abacha regime, established the National Electoral Commission of Nigeria (NECON), to replace the dissolved National Electoral Commission (NEC). The electoral commission registered the Political parties were formed - United Nigeria Congress Party (UNCP), National Conscience Party of Nigeria (NCPN), Democratic Party of Nigeria (DPN) and Grassroots Democratic Movement (GDM) (Akinboye and Anifowose, 1999,248). However, these political parties adopted General Abacha thus indicating his desire to transform himself into a civilian president and as such a manipulated transition process. Saliu Cited in Saliu (1999:8) observed that, persecution of political opponents and the remote control approach to running the parties and the bizarre nomination of General Abacha as the sole presidential candidate for all the registered parties, did not work for credibility either for the government or those put in charge of the administration. Cumulatively, the entire transition program suffered excessive control and manipulation. Abacha's transition programme was however cut short when he died mysteriously on 8, June 1998 (Hassan and Musa, 2014:7). With the death of General Abacha, General Abdulsalami Abubakar the then Chief of Defence Staff took over as the new Head of State and Commander-in-Chief of the Armed Forces.

The new military administration was immediately confronted with the herculean task of drawing Nigeria back from the brink of collapse and restoring her image (www.globalsecurity.org). General Abubakar, therefore, embarked on reconciliation and consultations with different people and groups in the country. He admitted the failure of past attempts at democratization in the country. The existing five political parties under Abacha regime were dissolved and their assets were taken over by administrators appointed by the government. Similarly, all previous elections conducted under these parties were cancelled for lack of credibility. In a bid to convince the world that the country has finally turned to the path of democracy, Abdulsalami pledges not to interfere with the party formation. Consequently, Abacha's electoral commission was dissolved and a new electoral commission body was established (Momoh and Thovoethin, 2001:3). Within weeks and months, several

political associations were formed with each of them approaching the Independent National Electoral Commission (INEC) for registration after its reconstitution. In addition, a new political transition to civil rule was scheduled to end on May 29th, 1999 (Saliu 2004: 8). On December 5, 1998, the election for local government council was held. This election was used as a yardstick for final registration of political parties. The electoral guidelines stated among other things, that any party that would eventually be registered must score at least a minimum of five per cent of the total number of votes in at least 24 states (Momoh and Thovoethin 2001). However, only three out of the nine associations fulfilled the requirements and other guidelines for registration by INEC. The three political parties are Peoples Democratic Party (PDP), All People's Party (APP) and Alliance for Democracy (AD). All the parties contested the 1999 general elections and PDP emerged as the dominant party in almost all states of the federation and with General Obasanjo as the presidential flag bearer.

Finally, May 29, 1999, became the long-awaited day of handing over of power to the civilian government with the formal inauguration and swearing-in of President Olusegun Obasanjo and his deputy Alhaji Atiku Abubakar, and also the state Governors in their respective states of the federation. The National Assembly was however inaugurated some days later (Momoh and Thovoethin 2001: 6). This development marked the beginning and commencement of the journey of the Fourth Republic.

Electoral Process in Nigeria: Problems and Prospect

Democracy is a conceptual variable. Its principles represent an ideal type. The degree to which democratic principles exist in Nigeria is far from the ideal. Democratization process in Nigeria manifests undemocratic tendencies. One of the stumbling blocks to Democratic development in Nigeria is lack of credible electoral process which revolves around the funding of election, incumbency factor, thuggery, ballot box snatching, under-aged voting, voting buying etc. In fact, Ugandan(2010:90) argued that “the electoral process in Nigeria, characterized by vote buying, vote rigging and outright violence, remains incapable of producing a leadership imbued with the spirit of public accountability”. While it is true that these problems are common features of emerging democracies, they have assumed frightening dimension in Nigeria's democratic project.

Conceptually, Electoral process embodies a wide range of events and activities that affect the conduct of election (Elekwa, 2008). The electoral process is, therefore, a

complex process that encompasses the good intentions and undesirable outcomes of election administration, particularly in emerging democracies where general elections are often marred by culturally hued electoral malpractices. In the Nigerian case, the truth remains that the electoral process is immensely characterized by a culture of electoral malpractices (Idike, 2014). Electoral malpractices refer to illegalities committed by government officials responsible for the conduct of elections, political parties, groups or individuals with sinister intention to influence an election in favour of a candidate or candidates (Ezeani, 2004:145).

INEC (2006), in Elekwa (2008), deposes that the different phases of the electoral process include the following:

- (I) Delimitation of electoral boundaries
- (ii) Registration of voters
- (iii) Notice of elections
- (iv) Nomination of candidates
- (v) Election campaigns
- (vi) Elections, announcement of results and completion of tribunal sittings
- (vii) Participation of other organizations
- (viii) Resolution of electoral conflicts resulting from the participation of other organizations, people, groups, etc.. How do we tackle the problems associated with election in Nigeria?

The Nexus between Election and Democracy

Generally, social systems either authoritarian, monarchy, socialist, oligarchy aristocracy, democracy and so on from the views of elite theorists are divided into two distinguishing classes or group: the minority and majority, the rule and the ruled. All social systems are characteristic by the competition for scarce resources and political power. Political power in a democratic system comes through what is termed as a periodic, competitive, free and fair election. In other words what distinguishes democracy from other forms of government is the conduct of the periodic election as a process for transition from one set of political office holders or leaders to another for a specific tenure. Election and democracy cannot be divorced from one another for they are organically linked. A scholarly attempt at establishing this link emphasize that it is through elections that formal allocation of power occurs in all democracies which give meaning to power relationships within the political community and also serve as a medium of legitimacy.

An election, therefore, reflects the basis of the social contract between representatives and the represented, or people and their governors. Periodic elections also provide the opportunity for a transition from particular sets of representatives and officeholders to another set of rulers. Inokoba and Kumokor (2001) stressed that the perception of democratic government as responsive and responsive government is not unrelated to the fact that the power of governance, through election, rest essentially with the people themselves; it is through election that the will of the people, which form the basis of democratic government is expressed. And since power is rested in the electorate who supply and withdraw mandate from those who direct state affairs, elected officials are compelled to be accountable to their constituencies. Thus, in order not to be voted out of office, elected officials would as much as possible try to be answerable to the needs and aspiration of the people.

However, it is not in all situations that elections are completely competitive, free and fair, nor are the electorates adequately empowered by established institutions to command compliance and accountability from elected officials devoid of elite manipulation. Yes, elections are conducted but the process in most African countries and Nigeria in Particular, has not been without fraud and violence (when compared to elections in developed democracies) such as poor registration process, inadequate and untimely arrival of voting materials, ballot box snatching, vote buying, declaration of false elections results etc. These irregularities are just manifestation of elite activities in the electoral process which makes democracy lose its vital ingredients. Even though Paki and Inokoba (2006) in Inokoba and Kumoko (2011) argued that an administration that is established through a fraudulent and violent electoral process usually lacks such vital ingredients of democracy. Governments that are instituted through questionable electoral processes, in a bid to strengthen their stronghold on power, tend to be high handed and repressive in nature. This is a considerable way explains why most African states are gross abusers of human rights and why they cannot tolerate dissenting positions and groups. Therefore election is key to democracy. In other words, they are interconnected, interrelated, and interdependent phenomena.

Election in Nigeria

Genuine elections are not merely a technical endeavour; they are a fundamental human right linked to a broad array of institutions and the ability of citizens to exercise other civil and political rights;

- (i) Elections are a periodic test of the strength of democratic institutions, and they illuminate the underlying nature of the competition for political power in a country;
- (ii) Elections are a vehicle for the participation of citizens in the democratic process, and they help to build capacities that are central to achieving accountable, democratic governance;
- (iii) Elections are part of making democracy deliver a better quality of life by linking voters' interests to the act of selecting a candidate, party or policy through public discourse and balloting; and
- (iv) Elections are a means for managing the potentials for violent conflict and advancing human security.
- (v) For elections and electoral process to be considered as fair, it must have some basic structures, which include: statutory provisions establishing the electoral bodies, delineation of wards/constituencies, registration of political parties, registration of voters, recruitment and training of ad-hoc staff, procurement of electoral material logistic, screening of candidates, provision of polling agents, monitoring of agents, accreditation of voters, actual voting, counting of votes and providing avenues for settlement of disputed results (Odih, 2007 cited in Nachana and Manu, 2014).

However, Nigeria is a country with different ethnic group and corrugated different political motive ranging from the individual perspective to the political parties. What is really wrong with Nigeria electioneering process is the desire to be in power at all cost not minding the interest of the masses, every political party that is in power wants to retain power for its selfish interest, while doing this, it maps out strategies that will enable it to rig the election either by crook or hook, these things are not mostly peculiar to Nigeria system alone but it is common due to the fact that most of the leaders even come out openly to declare their stands to fight with their last breath to win election. During the 2007 presidential election campaign, the outgoing President Chief Olusegun Obasanjo stated that “People's Democratic Party (P.D.P.). Will surely produce the next President no matter the hurdles” with this, one will quickly deduce the fact that the election was a charade because INEC has been tailored along the line of P.D.P. candidate even if the party brings a weakling as their presidential candidate, in this regard the job of INEC is to deliver the favoured candidate of the ruling party P.D.P. as the President of the country.

Garuba (2007) analysis of irregularities that attended the 2003 general elections revealed that events before the elections were deliberately designed strategies to manipulate the elections. Evidence in this regard is the attempt to regulate party registration and the attempt to insert a clause in the 2001 electoral Act was a manipulation of the electoral process, delay in voters registration exercise and display of voters register, non-transparent party primaries, questionable fund-raising dinners and anger over recruitment of electoral and returning officers. The delay resulting from the attempt to restrict party registration and manipulate the Electoral Act affected the ability of eventually registered 27 new parties from preparing adequately for the 2003 general election. The delay in voter's registration exercise and display of voters register further provided grounds for suspicion of INEC bending the rules to favour older parties - PDP, ANPP and AD to the detriment of new ones. INEC's resistance for a fresh voter's registration exercise before the 2003 elections had to be settled in the court in favour of the new opposition political parties. However, the manipulations affected the preparations because of insufficient time required for campaigning, display and correction of names omitted in the voter's register.

It is also on record that electoral positions are often won by the ruling party especially at the federal level. In 2007 precisely in Imo state, the ruling P.D.P. did not win the state not because they don't have the machinery, they intentionally lost the state because they are not in favour of the so-called P.D.P candidate hence they drafted another member of the party (P.D.P.) to Progressive People Alliance (PPA) in order to win the election and later on, the elected PPA governor decamped to its original party Peoples Democratic Party (P.D.P.).

In 2018, under the current APC regime, the elections conducted in Ekiti, Katsina, Bauchi were marred by widespread irregularities. On 15th August 2018, members of the Nigerian legislature could not reach an agreement over funding for INEC for the conduct of 2019 general elections. They are divided along party-line and the implications for logistics, adequate preparation and free fair elections are huge. If INEC is not financially ready, then the elections may have been compromised even before it is conducted.

Bribery and Thuggery

Bribery is another cankerworm that has eaten deep into the electoral system, a lot of people are involved in collecting gratification from the politicians thereby selling their conscience and their votes, it is due to the fact that the economic situation is not stable,

there is a lot of people dying of hunger and starvation in our communities, this is common in the past election most people even go to the extent of thumb printing on ballot papers throughout the night when official voting has not started, this is a cardinal point of rigging an election using the INEC officials to supply voting materials to top politicians in a particular area, hence a resident electoral commissioner of INEC would visit a big name (Politician) in its territory of jurisdiction as a mark of loyalty to pave way for smooth flow of their corrupt tendency perpetuated at the polls.

Thuggery is rampant in the aspect of our youths, today most politicians have thugs whom they use to disrupt election and steal ballot boxes from polling stations, these are jobless youths who are trying to earn a living from dubious antecedents, these are the same youths who they use in carrying out their nefarious activities ranging from political rallies, political assassination etcetera. Appeals are made to such youths to desist from their evil way and turn a new leaf otherwise nemesis will cash up with them because most of the times these same politicians use and dump such youths. It is high time for citizens to protect their votes and work ceaselessly to protect the country nascent democracy.

Unsettled Issues of E-Election, E-Voting and Electoral Process in Nigeria

In all societies of the world today, argues Ogundiya (2010) the issue is not which political system is appropriate but rather when will society become democratized or fully democratic. According to Owolabi (2003) cited in Ogundiya (2010), the democratization project is, therefore, regarded as the age of civilization, that every society should strive to attain, rather than a political option among many others. Idike (2013) posits that democracy has been recognized as the only moral and legitimate way, through which a society can be administered. In the meantime, democracy in this study stands for a system of government by freely and fairly elected representatives of the people. Accordingly, the primary purpose of government by the representatives is the welfare of the citizens.

E-governance is a momentous currency in contemporary society, and it manifests in virtually all areas of life, which include, among others, banking, insurance, trade and commerce, and democracy. The deployment of Information Communication Technology (ICT) and Information Technology (IT) devices for democratic governance has been successful in technologically advanced countries and has inspired countries from the developing South, such as Nigeria to contemplate or commence e-elections for democratic sustainability. The elections regulatory body,

the Independent National Electoral Commission (INEC) had contemplated exploring e-elections in the country but later dropped the idea on grounds of unpreparedness. Electoral process or election, however, has its several components: voter registration, registration review/update, electioneering campaigns, actual voting, and release of election results. These naturally come with their challenges and have informed a school of thought that based on Nigeria's economic instability, corruption, resources mismanagement, and technologically backward climate, including unstable power supply, e-elections would be far-fetched. The other school of thought, however, exhibits hope and optimism.

Introduction of Electronic election (e-election) has become the preferred means of determining representatives and political leaders in contemporary and economically advanced democratic systems (Buchsbaum 2004). Like the general electoral process, the e-election system comprises a structured and systemic process that involves registration, revision of voter's register, issuance of voter's identity card, voting, election monitoring, vote-count and release of election results. By e-election, this network and interplay of stages in an election process is subjected to electronic control, which enhances efficiency, speed, and allows for a minimal degree of inaccuracy or distortion by subjective human elements (Chaum, Peter and Schneider 2005). The electronic election system is a virtual voting process, which is a component of e-governance and e-democracy. E-elections involve the use of virtual means between the politicians and the electorates, with the umpire, the electoral commission setting up the electronic devices for that purpose. Put differently, governance is facilitated by the reduction in "physical baggage" and like a cashless economic system; human elements and sentiments are controlled by emotionless machines for the purpose of efficiency and accuracy (Saltman 2001).

The use of polling booths, ballot boxes and voter's card will thus no longer be required as these will be replaced by the use of internet or a website to cast votes. But is e-election always sacrosanct? There is a school of thought who argues that it is the most preferred means of democratic participation in more sophisticated democracies because of the availability and interplay of a number of favourable factors. These include an enlightened populace, advanced democratic culture, availability of capital, stable power supply, and availability of exotic information and communication technology as well as a minimum level of moral corruption. Such technologically advanced countries, including the United States, Great Britain, France, to mention few examples, can thus afford to experiment with or sustain e- electoral systems.

On the other hand, it is generally contended that primitive technologies and emerging or recrudescing democracies may not be able to afford this “luxury”. Aside from that, it is also argued that electronic machines are not independent of human elements who may “garbage in, garbage out” whatever suits their sentiments. Nigeria belongs to the second category of countries with less developed technology and low democratic culture that may have challenges in exploring e-elections. But the on-going attempts by the government and Independent National Electoral Commission (INEC) to experiment with e-voting in the 2019 general elections demonstrate a will to step up to the level of the bigger democracies, which compels our scientific inquest to determine the problems and prospects of the proposed experiment.

Again, there is the need to re-emphasize that the electoral system is a complex whole that involves more than voting. According to Nwabueze, it includes; the suffrage, the registration of voters, delimitation of constituencies, the right to contest elections, electoral competition between rival parties, the body charged with the conduct and supervision of election, the method of electing candidates within the political parties, nomination of candidates, method of voting, the actual conduct of elections, the determination of results, trial and determination of election disputes, electoral malpractices and their consequences (Nwabueze, cited in Sanusi 2013). An election is such a complex system so as to de-complicate democratic process and makes a government legitimate. According to Fagbohun (2013), the complexity is justifiable so long as the process prevents conflict in the choice of leadership and averts popular rejection. This is well explicated by Boix (1999) who describes elections as “the composite of different rules regulating the access of citizens to suffrage, the number and use of votes by voters, the number and size of electoral districts, the introduction of thresholds and bonuses, and the allocation mechanisms used to transform votes into seats.”

There is indeed a common perception that elections generally institute democratic stability and progress, hence the election is viewed as the soul of democracy (Jega and Ibeanu 2007). However, the inherent lapses and perceived loose ends in elections that have made elections susceptible to all sorts of human manipulation, including rigging, intimidation of voters, militarizing election centres and polling stations, distortion of voter's register, inflation or deflation of figures, et cetera; have made advanced countries and other troubled nations to opt for electronic or virtual election. This is with the view to salvaging democratic governance and making the process of choosing leaders more generally transparent and acceptable. Elections incidentally do not

encompass all the variants of the mainstream or regular electoral process. Electronic elections start with e-registration and end with e-counting. It does not always proceed into election petitions and tribunals and does not continue with actual governance. In regular elections, election petitions and tribunals are part of the electoral process. However, in more advanced electoral systems, the databank in the electronic machines is useful resource material for references in post-election petitions and litigations.

Electronic Voting

Voting is at the centre of the electoral process in a democratic system of government. It is indeed, the first in the democratic process. The journey to democratic governance not only starts with the voting process but its consolidation is determined by it (Ujo, 2008). The goal of any voting system is to establish the intent of the voter and transfer that intent to the vote counter. The efficiency of the voting method and the accuracy of the vote counter are the crucial determinants of the ability and capacity of the system to correctly determine the wish of the voters (Iwu, 2008:1). The ability and capacity of the system to correctly determine the intent of the voter it appears is the superior technology, inherent in the e-voting methodology. According to Iwu (2008),

Electronic Voting System (EVS for short) is one of several forms of automated voting methods which employ computer technology devices, to improve several aspects of the electoral process. In most cases, it allows the conduct of elections without using the traditional ballot paper and box for making a choice at an election. E-voting is of two types. There is e-voting through machines located at polling stations which is physically supervised by electoral agent's representatives; and remote e-voting where voting is performed within the voter's sole influence and is not physically supervised by any electoral or government official (Zissis and Lekkas 2011). The second type of e-voting is the self-help form, which can also be referred to as i-voting, is what the Nigerian Telecommunication Satellite (NIGCOMSAT) has described as any voting process where an electronic means is used for votes casting and results counting. By this, the RFID Biometric e-voting system ensures the use of a contact-less card system that engenders an offline and online voting system. The system allows for quick and accurate voting electronically. It uses a client and server interface for voters to cast ballots on the client terminal. The e-voting system thus allows for time verification of voting and availability of results almost immediately (NIGCOMSAT 2013). Elections can thus be viewed from anywhere, including offices, shops, moving vehicles, offices, any country; and by use of any such electronic device connected to the internet such as

computers, phones and other mobile devices. According to NIGCOMSAT (2013), another benefit of the e-voting (i-voting) system is the “speed in which results can be obtained because results are accurately tabulated almost instantaneously” as well as the fact that it reduces the risk of human and mechanical error and movement restriction.

E-registration, the e-voting platform is automatically networked with e-registration. The process involves registration, verification, authentication, voting and tallying. The voters have a registered smartcard with their bio-data, fingerprint and photograph printed on it. By visiting the domain of the electoral agency, a database is accessible to the electoral officials, election observers and the active and inactive electorate (NIGCOMSAT 2013). Immediately the voter casts his vote online or offline, the smart card is automated invalid while the voter obtains an e-receipt or counterfoil that captures who has been voted for, time and where the vote is cast. This process thus prevents multiple voting or election malpractice as far as voting is concerned. Electronic voting and its accompaniments thus appear a faster and more secure electoral approach. The fact that elections stabilize democracy and e-elections (an integral part of e-democracy) enhances transparency and fairness thus makes e-elections a critical factor in democratic stability. It is therefore strongly contended that e-elections, because of its promotion of the cause of self-determination becomes a lever for the often voiceless and “distant” citizens/public to participate in decision-making. This by extension increases transparent and accountable governance, public trust in government and strengthens democracy.

E-election is also believed to reduce the cost of conducting elections (Jega, cited in Emmanuel 2012), Overhead and election materials' maintenance cost is humongous, but when e-election is the recourse, such costs are reduced because of the emphasis on the use of electronic devices rather than engagement of a huge labour force. In addition to this advantage is the argument that elections are timely, transparent and effectively done, which ultimately brings about more acceptable electoral outcomes.

INEC, Judiciary and Electoral Process in Nigeria: A Critique

Democracy theoretically deals with relationships between peoples, instruments, institutions and processes in the conduct of public affairs. Every nation creates its own constitutions and laws and establishes rules and regulations guiding the operational processes of these relationships – i.e. its democratic practice. Like all democracies, the Nigerian democracy has its key instruments (and other subsidiary instruments), its

principal institutions and its people-based and people-led processes. All these are basically expressed through standard electoral procedures, which encompass but not limited to the formulation of election laws, the preparation for elections, political parties' nomination of candidates, the actual voting exercise, the counting of votes, the declaration of results, and constitution of Election Tribunals and disposition of elections litigations.

Democratic governance returned to Nigeria in 1999 after intermittent periods of military incursion in politics. One may argue that Nigeria's democracy is evolving but there are fundamental problems plaguing it since 1999. Electoral malpractices have not been resolved – in fact, it seems to be growing. The pertinent question to ask is: Why have we failed to conceive and implement a free, fair, transparent and credible electoral process in which the votes count in producing acceptable leadership? We often put the entire blame on the 'greedy politicians' who are usually accused of turning every election as a 'do-or-die affair' and therefore all is fair, But a much closer look at the entire electoral process and its administration since 1999, reveals a lot more than politicking to explain our endemic failure in this venture.

For instance, the key Nigerian democratic instrument is the 1999 constitution (as amended) and its principal subsidiary instrument is the Electoral Act (as variously amended). The key institutions of democratic governance are the three arms of government (the legislature, executive and judiciary), with other added major support executive institutions. In this context, the critical support executive institution is the Independent National Electoral Commission (INEC). Although listed under the executive arm, INEC is defined by the constitution as Independent, and clearly has sufficient explicit constitutional provisions to reasonably guarantee its independence in the execution of its duties and powers. In fact, constitutionally INEC can be as independent in its operations as the Judiciary if the officers of INEC so choose.

Practically, the central problem of the nation's electoral challenges can be squarely located in the gaps, omissions, commissions and inexplicable inconsistencies in the operation of these instruments, by the institutions and processes meant to regulate and guard the conduct of voting; both at primary and secondary elections. Throughout the process as outlined above, i.e. formulation of election laws, preparation for elections, the actual voting exercise, the counting of votes, the declaration of results, the resort to the Courts for adjudication, the attitude of INEC to

the proceedings and the disposition of the Judiciary towards the entire electoral process, and in each and every step of the way there are fundamental failings. But to be fair, while the instruments of democratic governance (the Constitution and the Electoral Act) and the democratic institution (the legislature) performed relatively well, the hands of our democratic clock has been drawn backwards by another key democratic institution (the judiciary) and the critical support executive institution (INEC).

Over the years, we have seen how internal inadequacies and expressive political realities inherent in these institutions conspired to record judicial pronouncements on fundamental national cause that are unhelpful to the development, expansion and consolidation of Nigeria's electoral process and democracy.

Election Funding in Nigeria: Matters Arising

An election is a very costly business not only to the government that have to manage it but also to the political parties and individual candidates. As observed by Oyugi (2003). The high costs of an election have a direct bearing on two ingredients of electoral democracy namely popular participation and fair contestation. As would be expected, uncontrolled expenditure in elections has over the years tended to favour the ruling party which by virtue of being the parties of government are in a better position to influence the structure of patronage, and which, as a result, have been the main beneficiaries of especially corporate and individual donations that are made from within the country. This has made it difficult for many opposition parties to benefit from the same sources with the result that meaningful electoral competition has been impaired over the years.

The two main institutions in the electoral process are the election management bodies and political parties. Both institutions are expected to be funded. Election management bodies derive most of their funding from the state. Funds may come from international organizations. Such funds are expected to supplement the major source of funding which is the government.

Adequate funding is a necessary condition for every election. This requires good planning. Access to a budget which is adequate for administering laws constitutes one of the significant factors contributing to the integrity of elections. Inadequate budget is likely to compromise all aspects of the administration of elections.

While there is no much argument about funding election management bodies – they get funds from the coffers of the state (government), the reverse is the case with the funding of political parties during elections. Some scholars are of the view that the state should assume the responsibility of financing all political parties during elections. Another school of thought is of the view that funding of political parties should be left to parties themselves with the proviso that each party is free to get assistance from wherever it can to enable it to mount a credible election campaign (Oyugi, 2003). Most countries make funds available to political parties during elections. Such countries include South Africa, Nigeria, Mozambique, Malawi, Zimbabwe, Tanzania etc. In fact, it is believed that the proliferation of political parties in Nigeria is caused by the funding they receive from the government. Presently, INEC has registered 91 political parties. Most of these parties only exist on paper as they do not have the structure and finance to make an impact during elections. This itself poses a serious problem to the electoral process. The form, which government funding of political parties should take, remains a subject of debate. In some countries, registration criterion is used. In such countries emphasis is placed on the performance of a party at the election. Parties, which fail to get representation in parliament from the previous election, would not qualify for state funding. Lesotho operates this type of system. In countries like Malawi, Namibia and Tanzania state funding is based on representation in parliament.

Another contentious issue in the funding of political parties is foreign donations. Tshitere (2002) has observed that foreign aid to political parties may exert a form of neo-colonial influence because:

- (i) It is usually hard to introduce rules that assure the accountability of overseas donors;
- (ii) It may distort relations within the party receiving aid from abroad; i.e politicians with the ability to raise-fund from foreign donors may secure office on the basis of that ability, even when they lack local support.
- (iii) Foreign funding is fickle, i.e. a period of generous assistance may come to a sudden end leaving a party high and dry;
- (iv) It erodes national sovereignty, which is the main reason why it has been outlawed in America and other Western countries.

Laws relating to political finance are contained in both the constitution of Nigeria (1999) and relevant electoral acts. Section 225 of the constitution treated the issue of

political finance. It introduced certain regulations in relation to the management of political finance. Each political party is to submit to the independent National Electoral Commission (INEC) and publish a statement of its assets and liabilities. No such statements have been published since the beginning of the fourth republic. This could be due to the inability of INEC to enforce this provision.

Political parties are also required to submit to INEC a detailed annual statement and analysis of funds and other assets together with a statement of its expenditure. Again there is no evidence that this has been done since 1999. INEC is required to prepare and submit to the National assembly a report on the accounts and balance sheet of every political party. There is no record to show that INEC has ever performed this assignment.

The second constitutional provision on political finance deals with funds received from overseas. Any fund donated to a political party is required to be paid over or transferred to INEC within twenty-one days of its receipt. Electoral Act made provision for annual grants to political parties. The disbursement is to be made in the following manner:

- (I) 30% of the grant shall be shared equally among the registered political parties in respect of a general election for which the grant has been made.
- (ii) 70% of the grant shall be shared among the political parties, after the result of the election has been known in proportion to the number of seats won by each party in the

National Assembly

There are some problems of conceptualization in the political finance of Nigeria. The first one relates to the sharing of subventions of political parties. The second one is enforcement of party finance which Pinto-Duschinsky (2012) has described as problematic. According to Him “Laws are one thing; whether they are followed is quite a different matter. In country after country, those investigating political financings receive the warning that laws are a dead letter or are honoured in the breach.

INEC is the institution charged with the responsibility of enforcing electoral laws in Nigeria. From every available evidence, INEC has not done a good job. The law of disclosure is being ignored because of the lack of political will. The provision in the

law relating to annual report and audited accounts of political parties is not observed. Again INEC has no political will to enforce these provisions.

Way Forward for Credible Electoral Process in Nigeria

The foregoing analysis revealed major obstacles to credible electoral process in Nigeria over the years. Therefore, it has become expedient to highlight important factors that will transform and build credible electoral process which is at the core of democratic advancement. Without credible electoral process, democracy cannot bear fruits; produced the desired results or fulfil the yearnings of the people. The following measures are proposed:

- (I) Build strong institutions – the legislature must enact relevant legislation (electoral act) to guide and regulate the electoral processes for the entrenchment, enhancement and advancement of Nigeria's democracy. Given that vote is the foundation of democracy, these legislations will progressively ensure that votes count.
- (ii) Promote Party democracy through ideology –there must be internal democracy within the political party that reflects sound ideological leanings. The spate of defections from one political party to another amongst elected public officials is counterproductive and by implication undermines the development of democracy. There is a provision in the constitution that outlaws such defection but the problem is lack of political will to enforce such provision, given that virtually all the political gladiators are guilty of it. Ideally, the existence of multiple political parties is plausible in the sense that it will help mobilize the majority of the citizens towards effective political participation. But these political parties must be strictly monitored to ensure that they do not deviate from their core function of advancing democratic values and practice.
- (iii) Ensure the true independence of Electoral body and the Courts –There have been several interferences in the constitutional duties of INEC and the courts in Nigeria by politicians. These key institutions have often been accused of compromise and dancing to the whims and caprices of the ruling party. Nothing undermines the electoral process like partisan electoral body and Judiciary. This explains the call by civil society groups that funding for INEC and the Judiciary must be independent of the executive arm of government control. It is also sad that both INEC and the courts have failed to stand up to

their responsibilities in ensuring the strict compliance with the provisions of the law in the electoral process. While most times INEC looked the other way on critical matters, the court on its part often declines on its jurisdiction to make judicial pronouncements on the true letter of the law in critical electoral processes. For example, between 2008 and 2011, in line with its constitutional duties, INEC wrote four letters to the PDP rejecting the result of congresses held in 8 states of the federation. INEC held the results as illegitimate and requested the party to reschedule and re-conduct lawful congresses. PDP ignored INEC and continued with those unlawful EXCOs. Ironically, these same EXCOs produced and submitted to the same INEC candidates for elective offices and INEC accepted and filled in these candidates for the general elections of 2011. The court severally did not exercise its jurisdiction on fundamental electoral cases. In some cases, the courts give illogical and contradictory judgments that only help to further create serious inconsistencies and confusions into the electoral process. In the final analysis, these actions and inactions on the part of INEC and the judiciary have ruined rather than advanced Nigeria's electoral process, and the course of democracy. This is the main cause of the near total collapse of credible electoral process in Nigeria's current democratic dispensation, with the consequent erosion of internal democracy within Nigeria's political party structures.

- (iv) To achieve the noble goal of credible electoral process, there is a need for Nigerians of integrity and honesty to play an active role. Often, Nigerians become keenly interested only in the election proper. This is wrong. The processes leading to the elections are as important as the elections themselves. To this end, Nigerians should be fully involved in the formulation of the electoral legal instrument. Also, very importantly, close scrutiny and pressure must be put on INEC to ensure that it acts responsibly in all its duties and functions. INEC must make all its preparatory actions and plans for all elections transparent and must explain to Nigerians clearly the processes employed to monitor elections within political parties and the manner and method of conducting general election.
- (v) The imperative of electronic voting system stares us in the face, given that elections in Nigeria have always been marred by the ugly incidents of electoral malpractice (Ezeani, 2004). Democratic values thus remain impaired. The

integrity of elections in Nigeria has therefore remained largely questionable. Naturally, the integrity of an election process is fundamental to the overall integrity of the democratic process as well as the stability of the political system (Iwu, 2008). For now, in the clear absence of any viable means of achieving electoral credibility, the e-voting option seems to be a veritable means of minimizing electoral malfeasance in Nigeria.

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CHAPTER | 5

Election Security and Credible Elections in Nigeria: Challenges and Prospects

¹Joseph K. Ukwai & ²Bassey E. Anam

¹Department of Sociology

²Institute of Public Policy and Administration
University of Calabar, Calabar

Introduction

Election security is key to any credible electioneering process; the integrity of electorates, electoral personnel, election materials, contestants, election monitors/ observers and other stakeholders who participate in the electoral process. It refers to security refers to actions or steps taken to secure the electoral process. However, the Nigerian electoral process have been characterised with a lot on security challenges leading to insecurity. This calls for timely concern and intervention as the country prepares for the 2019 general elections. Addressing the issues of election security in Nigeria is the central theme of this paper. The paper adopts content analysis is assessing the issues. Data are obtained from primary and secondary sources; observation and oral interview. This was carried out with the staff of INEC in Cross River State and some security agencies involved in the conduct of the 2015 elections. The content analysis provided the basis for discussions and suggestions to improve the electoral process in Nigeria. From the outlook on issues raised, the study concludes that given the importance of election security in ensuring credible electoral process in Nigeria, the issue of election security cannot be left to Security Agencies and Electoral Management Bodies alone; all other stakeholders

must be involved. It suggests the need to train, finance and supervise election security agencies, to ensure commitment and responsiveness in their conduct of electoral duties.

An election is a political process that ensures change in government in a democratic state. World over, democracy has been accepted as the most widely accepted system of government, because it allows for a high level of popular participation in decision-making and policy formulation through representatives. In this regard, nations that practice democracy are governed by pure democratic ideals where citizens express their right through the conduct of an election in choosing a leader whom they believe their nation's destiny can be entrusted with. This gives legitimacy to popular choice.

Nigeria has had several elections since independence. The 2019 presidential elections will be the country's sixth since 1999 when it returned to democracy after a long period of military rule. Most of these elections have been characterized by acts of violence – including attacks on politicians – and vote rigging often influences the results. Election violence in Nigeria has been blamed for several factors, among which include lack of education among citizens, poverty, lack of proper citizens' orientation and weak electoral institutions. Bribery and corruption are cancan worm that has eaten deep into the electoral system in Nigeria, a lot of people are involved in collecting gratification from the politicians thereby selling their conscience and their votes (The Guardian, 2015). The desperation by politicians to win elections has aggravated the problem of electoral violence in the country.

The Nigerian political and electoral scene is also characterized by thuggery. Most politicians have thugs whom they use to disrupt election and steal ballot boxes from polling stations, these are jobless youths who are trying to earn a living from dubious antecedents, these are the same youths who they use in carrying out their nefarious activities ranging from political rallies to political assassination, etc (The Guardian, 2015). As in most countries in the world, security operatives play a key role in ensuring election security and curbing electoral violence.

The importance of election security cannot be overstressed. Electoral security is crucial for creating the proper environment electoral staff requires to carry out their duties. Such conditions further guarantee the safety and confidence of electorates in going out to their polling units to vote, for candidates and political parties to organize rallies and campaigns; and for other numerous stakeholders to discharge their

responsibilities under the Constitution and the Electoral Act. Jega (2012) added that in planning, coordination and deployment matters pertaining to electoral processes, well-coordinated security is a fundamental requirement for success. Adequate security ensures the free movement of electoral staff, voters, candidates, observers and other stakeholders on Election Day, which, in turn, adds to the credibility of the electoral process.

Similarly, he explained that adequate security is an important pre-condition for the deployment of valuable electoral assets and sensitive materials to registration and polling sites. Adequate security increases the level of participation of political parties, candidates and voters in an election. It also enables a more objective coverage of events by the media and easier circulation of voters' education, message, and materials (Jega, 2012). However, he lamented that since 2011, the Independent National Electoral Commission (INEC) have experienced serious challenges occasioned by the deployment of security personnel during elections. While there were tremendous strides in deployments in 2011 compared to previous elections, he acknowledged that there is still room for further improvements. Issues such as early and adequate deployments to polling units, the provision of escort/protection for election officials and sensitive election materials, preventing violence between supporters of one political party and another, the presence/influence of thugs and militia groups in certain parts of the country as well as attacks on electoral personnel are outstanding issues which need to be urgently.

From the outlook, since April 2011, both security services and the Commission have made significant strides in dealing with security challenges to the electoral process. The situation of election security in Nigeria has not significantly changed. The aim of this paper is to examine the challenges and further suggest prospects for election security in Nigeria.

Materials and Methods

The methods of data gathering for this study were through observation and oral interview. This was carried out with the staff of INEC in Cross River State and some security agencies involved in the conduct of the 2015 elections. The data obtained were analyzed through a descriptive technique. The content analysis provided the basis for discussions and suggestions to improve the electoral process in Nigeria.

Perspectives on Elections in Nigeria

An election is the political process of change of government in a democratic system. Through elections, the popularity of a government is assessed. This reveals the social pact that exists between the government and the governed and this illustrates the basis of political authority, legitimacy and citizens' obligations. It also helps to shape and sharpened political accountability between the governors and governed via reciprocity and exchange. As Sandbrook (1988) posit: Elections and the struggle for power are essential because it gives the oppressed classes the chance to put the question of alternative ideologies on the agenda and therefore constitutes an important stage in the socialist quest to extend democratic control to the social and economic as well as political sphere.

Elections in Nigeria are forms of choosing representatives to the Nigerian federal government and the various states in Nigeria. Nigeria has a multi-party system, with two or three strong parties and a third party that is electorally successful. However, members of the People's Democratic Party (PDP) had controlled the presidency since elections were resumed in 1999 until 2015 when Muhammadu Buhari won the presidential election.

Furthermore, Ola (2006) reported that the Nigerian general elections of 2007 were held on 14 April and 21 April 2007. In his report, he disclosed that governorship and state assembly elections were held on 14 April, while the presidential and national assembly elections were held a week later on 21 April. Umaru Yar'Adua won the highly controversial election for the ruling People's Democratic Party (PDP) and was sworn in on 29 May. The ruling PDP won 26 of the 32 states, according to INEC, including Kaduna State and Katsina State, where the results were contested by the local population (Barry, 2007).

SMH News (2004) disclosed that the presidential election, groups monitoring the election gave it a dismal assessment. Chief European Union observer Max van den Berg reported that the handling of the polls had "fallen far short" of basic international standards, and that "the process cannot be considered to be credible". A spokesman for the United States Department of State said it was "deeply troubled" by-election polls, calling them "flawed", and said it hoped the political parties would resolve any differences over the election through peaceful, constitutional means (BBC News, 2007).

A presidential election was held in Nigeria on 16 April 2011, postponed from 9 April 2011 (BBC New, 2010 and Aljazeera News, 2011). The reports added that the election follows controversy as to whether a Muslim or Christian should be allowed to become president given the tradition of rotating the top office between the religions and following the death of Umaru Yar'Adua, who was a Muslim, and Goodluck Jonathan, a Christian, assuming the interim presidency. However, history recorded that the 2015 elections saw General Muhammadu Buhari of the All Progressive Party emerged as the winner of the Presidential elections and was sworn in on 29 May 2015. It was the first time in the history of Nigeria that an incumbent President was overthrown. Goodluck Ebele Johnathan of the People Democratic Party lost his seat to Muhammadu Buhari of the All Progressive Congress. Issues of inconsistency still emerged in the 2015 general elections.

Nwokeke and Jayum (2011) reiterated that Nigeria's elections have so far thwarted the foundation upon which democracy is built due to election rigging. Nigeria is in the category where election management is less successful. The rules guiding elections are ambiguous, ever-changing or easily maneuvered; the electoral regulations and rules are institutionally less effective; the political bigwigs are the gladiators in their conduct; hence the electorates are often powerless as they live in the mercy of the political stalwarts and political outcomes. These issues are further aggravated with inadequate election security in the country.

Election security in Nigeria: issues and challenges

Election security refers to actions or steps taken to secure the electoral process. There are many players and materials in the electoral process. Securing the electoral process may, therefore, refer to the security of personnel, materials, voters or the environment. It could also be that of protecting the sanctity of the ballot and the results of the election (Ibrahim, 2011).

Igini (2011) noted that election security is key to the integrity of electorates, electoral personnel, election materials, contestants, election monitors/ observers and other stakeholders who participate in the electoral process. He added that the credibility and consequently the acceptability of elections in Nigeria have been very contentious and litigious because of the inability to secure such elections both in terms of pre-election, Election Day and post-election processes. Such failures to secure elections often led to political crises and governance failures with frequent interruptions of democratic governance through military interventions.

According to UNOWA Issue Papers (1999), electoral security involves ensuring the safety of the electoral process and to create a quiet and safe environment to enable citizens to take part in the electoral process without fear, intimidation, before, during and after voting. The objectives of electoral security include physical security of buildings and materials, the personal security of voters, candidates, representatives of political parties and that of the body responsible for the management of elections and the community in general (IDEA, 2011).

There are several policies and legislation to enhance election security in Nigerian. As a legislative framework, the Nigerian Constitution clearly identified conducts or actions that would not allow for peaceful elections and thus prohibited 11 same at section 227. Similarly, the Electoral Act 2010 (as amended) at sections 117-132 provides for measures which guide the conduct of participants during every election cycle. To implement these provisions of the law to secure elections, the national Election Management Body(EMB) in Nigeria exercising its power to make 'rules and regulation' as provided in paragraph 15 of the Third Schedule of the Constitution, articulated in its election manual the strategic requirements for securing elections and the resources necessary to operationalise the security guidelines.

Igini (2011) noted that “it is on record that the controversial elections of 1964 and 1965 led to the coup de tat of January 1966; the flawed election of 1983 produced the military coup of December 31, 1983; and the annulment of June 12 elections of 1993 by the Babangida regime brought about the emergence of a fickle interim government that was declared illegal by a Federal High Court and shortly afterward toppled by the Abacha palace coup”. He identified the following officers to be involved in election security management in Nigeria;

1. Joint State Election Security Committee made of the state Resident Electoral Commissioner (including Administrative Secretary, Head of Operations Department and Public Affairs Officer),
2. Various security agencies, namely, the Police, Department of State Security (DSS), the Navy, the Air Force and officers of para-military organizations such as Customs, Correctional Services, National Drug Law Enforcement Agency (NDLEA), the Civil Defence Corp etc, to plan and coordinate security of elections.

3. The State Commissioners of Police chair the committee and at the Local Government level, this structure is also replicated with the Divisional Police Officers (DPO) as heads of the committee

The State Joint Security Committee conducts the following activities;

1. Ensuring that all security personnel are in the right places and, therefore, avoid role conflicts at all registration centers or polling stations.
2. Mapping of areas where elections would be conducted in order to determine flashpoints, violent prone youth's places, polarized political group communities.
3. Review confidence-building measures for the public, and where necessary show the availability of potential force and in appropriate cases ensure low visibility of force and diminished threat.
4. Tracking of persons granted arms licenses for possible illegal arms acquisition and distribution to individuals.
5. Intelligence gathering of activities of key political actors and supporters and guiding rules of disclosure to actionable agencies.
6. Suitability of the voting booth and the approach route for delivery of materials and equipment.
7. Risk-sensitive analysis/vulnerability analysis.
8. The mobility of security personnel and the accessibility of relevant stakeholders (Igini, 2011).

Asides the functions of the State Joint Security Committee enumerated above, Eze (2011) stressed that it is the Police that takes the lead in election security work and by section 4 of the Police Act, they are charged with:

1. Prevention and detection of crime; (including electoral crimes)
2. The apprehension of offenders; (electoral offenders)
3. Preservation of law and order; (pre to post)

4. Protection of life and property; (pre to post)
5. Enforcement of all laws and regulations with which they are charged.

It must be stressed that the security agencies for elections operate to achieve the goals of securing the electoral process by instituting a joint security strategy, training and deployment of security personnel after ensuring that a credible and reliable electoral system and process design is in place, and that effective statutes of deterrence are known to all role players, while also monitoring and coordinating security challenges involved during campaigns and rallies, by effectively using communication channels, and clarifying rules of engagement (Igini, 2011).

For instance, INEC's (2011) manual for elections requires that during elections the following provisions must be made for the security of elections; that the provision of security agents in every polling station will be part of required personnel and such security agent's functions are clearly indicated in the manual as shown below.

To ensure that the conduct of the poll, collation, and declaration of results are carried out without any disturbance or threat to peace, Security Agents shall:

- a. Provide security at the Polling Stations and collation centers to ensure that polling, counting of ballots, collation and declaration of results are conducted without breach of peace.
- b. Take necessary measures to prevent violence or any activity that can threaten or disrupt elections.
- c. Comply with any lawful directive issued by or under the authority of INEC.
- d. Ensure the safety and security of all election materials by escorting and guarding the materials as appropriate.
- e. Protect election officials at the polling stations and collation centers.
- f. Arrest, on the instruction of the Presiding Officer or other INEC officials, any person(s) causing any disturbance or preventing the smooth conduct of proceedings at the polling stations and collation centers.
- g. At the polling station, inform the Presiding Officer if they believe that any voter is under the age of 18 years or has committed an offense of impersonation.
- h. On the instruction of the Presiding Officer, stand at the end of the queue of voters at the polling station, if any, at the official close of accreditation so that any person entering the polling station after this time is not allowed to vote.

- I. Accompany the Presiding Officer to deliver the election results, ballot boxes, and other election materials safely to the RA/Ward Collation Centre.
- j. Accompany Collation Officers to deliver collated election results to Returning Officers.

International and national observations with reports have pointed clearly that the Nigerian security system is weak, and this affects the credibility of the electoral process (Nwokeke and Jayum, 2018). There are often riots during elections, stealing of election materials like the ballot boxes, vote buying, and interruption of escorts with election materials, among other things. Failed election security system has affected the credibility of INEC in management the nation's electoral process.

The proliferation of arms prior to elections also remains a huge threat. Since the 2003 elections, the arming of supporters has become an election tool. As seen in previous elections, political patronage is often behind the formation of insurgent groups towards the time of elections. Politicians have been known to arm youths prior to elections in order to seek undue advantage over their political opponents.

With the 2019 elections less than a year away and other elections that will hold in the country, Nigeria's ability to hold free and fair elections is open to question. At this time, issues of election security have aggravated with other security threats in the country; the Boko Haram insurgency, clashes between farmers and herdsmen in northern Nigeria, secession agenda of the Eastern part of Nigeria for the establishment of the Biafra Republic among other issues. There is also a threat posed by the arming of rival political supporters. It is therefore imperative that security institutions involved in elections be properly armed and trained if the country is to hold credible elections with minimized conflict and violence.

Suggestions for improvement

Security is, without a doubt, a key ingredient in any effective election management. Based on the security issues highlighted above, the paper draws reference from the oral interview with Staff of INEC in Security Operatives in Cross River State and suggests as follows,

- 1. There must be adequate funding for election security in the country.
- 2. Election security needs medium-term planning involving experts in elections, security, and fiscal governance.

3. Special training programme must be organized to election security agencies before they are deployed in the election operations. They must be thoroughly briefed on their roles and responsibilities and the extent of their powers.
4. Improvement of security institutional framework. INEC with other support institutions should work out a clear mandate for each category of the security agencies.
5. Relevant legal framework to ensure that security agencies involved in the electoral process are disciplined and very responsive to duty during elections.
6. A special Task Force on the conduct of security agents during elections should be set up to supervise the involvement of security agencies in the electoral process. This will provide surveillance in ensuring that election agencies work by the rule.
7. INEC should make adequate provision for secrecy of voting. The Commission must insist on the provision of voting cubicles to all polling stations sited in open places across the country. Severe sanctions should be meted to erring political parties who induce voters with money at polling stations.

Conclusion

Given the importance of election security in ensuring credible electoral process in Nigeria, the issue of election security cannot be left to Security Agencies and Electoral Management Bodies alone; all other stakeholders such as the media, the National Orientation Agency, Community Leaders, CSOs etc. have a significant role to play in the task of securing the electoral environment. Security agents must be alive to their responsibilities in ensuring the security of INEC officials, INEC infrastructures, voters and election observers, during and after elections.

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CHAPTER | 6

Elections, Security Challenges and Sustainable Development in Nigeria

¹Collins, F. Obialor & ²Ozuzu, Henry Ugochukwu

^{1&2}Department of Political Science,

AIFCE, Owerri

Introduction

The Nigerian state continent is characterized with uncertainties. These manifest majorly during periods of election. Election-related violence has constituted a threat to democratic sustenance in Nigeria and Africa at large. The effect of this situation according to the study poses a challenge to democracy and sustainable development in Nigeria. This study takes a critical appraisal at elections, security challenges and sustainable development in all ramification including elections. The study adopts a qualitative approach as data were gotten from a verified secondary source such as articles from reputable journals, newspapers, conferences and workshop papers. It was found that election in Nigeria constitutes a security challenge because of the purpose of acquisition and consolidation of powers at all cost. Put differently political actors perceive elective positions as avenues to divert public wealth for personal interest. It is on the basis of these startling findings that the study recommends for value reorientation among political actors in Nigeria. Also, there is a need to address the weakness in election management, by building the capacity for a free and fair contest in Nigeria.

It is important to state that elections, security challenges are a necessary condition for a sustainable democratic system for Nigeria development. With security threats, there cannot be free and fair elections that will enthrone good governance. Good governance leads to development. However, it is critical to state that it is not always that elections generate security threats. This is because of several other considerations, which do intervene to create security issues. As Katz (1997:3) contends, “elections are the defining institution of modern democracy” during the brief period of an election campaign, voters are the masters and are seen to be so. To examine the electoral process is therefore to analyse the central device which has made representative democracy a feasible proposition for large countries.

The most obvious function of elections is to provide a competition for office and means of holding the winners accountable. In addition, an election campaign permits a dialogue between voters and candidates and so between society and state. Like coronations of old, competitive elections also endow the new office-holders with authority, contributing thereby to the effectiveness with which duties can be performed (Ginsberg, 1982). We should note, however, that not all elections are competitive. Most authoritarian rulers maintain a legislature and typically employ controlled elections as the means of recruitment to their assemblies. Even these non-competitive elections can provide a measure of legitimacy with the international community, as well as a panel of docile representative who can safely be permitted to raise harmless grievances emanating from their local area.

Electoral politics has become an issue in Nigeria Development and politics, as domestic demand for greater participation in political and economic decision-making tends to coincide with the demand by international donor agencies for "good government" as a precondition for more economic assistance on the post-cold war (ISS, report: 2015). Conflict and insecurity flared up across the continent, with the situation particularly precarious in the Sahel region, as well as parts of west and central Africa, where weak to non-existent state authority precipitated intrastate conflicts with dire humanitarian consequences and development. This was most evident in Kenya (2007), Zimbabwe (2009), Cote d'Ivoire (2010), and Nigeria (2011) (ATRCAD, 2012).

Nigeria continues to face hurdles towards development in all ramifications including electoral democracy. The challenges are multifaceted ranging from an absence of the culture of political succession through the ballot box, incumbents not prepared to

leave office, even after serving the generally constitutionally mandated terms and finally, the weakness of existing institutions including those responsible for managing elections. Electoral difficulties manifest in the election crisis in South Sudan, Sudan (Khartoum). Lesotho and Burundi (ISS, 2015).

The link between election, security and development was drawn concisely and clearly in the Boutros-Ghali's report an agenda for development (1995) and given a specific African emphasis and dimension in Kofi Annan's 1998 report, the causes of conflict and the promotion of durable peace and sustainable development in Africa. In this work, this link is explored in order to argue that there are some fundamental aspects related to peace building that are not being addressed and that the security challenges-development-elections linkage cannot, therefore, be properly operationalized.

It is in the light of the above, that this study is focusing on election, security-challenges, development of democracy and development. The intention is to establish the relationship between them and how an election in a democratic setting promotes insecurity and affect Nigerian development initiatives. This provides the main focus of this chapter.

Explication of Concepts

Election

Election in the electoral process is very crucial. It is one type of social mechanism amongst others for aggregating preferences of a particular kind (Yamma, 2008). An election is, therefore, a procedure recognized by the rules of State where all or some of the members choose small numbers of persons to hold offices of authority within the state. Heywood (2007:253). He contends that "election is a devise for filling an office or post through choices made by a designated body of the people-the electorate". Election is one of the procedures of aggregating preferences of a particular kind, the process of choosing alternatives (Ujo, 2000). An election can simply be defined as the process of choosing a person or a group of people for a position especially a political position by voting. To this extent, Ujo (2000) contends that election can also be described as the act of electing candidates to represent the people of a given country in the parliament, the executive and possible into other areas of government as stipulated in the constitution of that particular country. It also provides the opportunity for a peaceful succession and transfer of office (Dudley, 1982). In his own submission, Egwewii (2008:151) puts election as "the process of elite selection by the mass of the population in any given political system". It also offers the opportunities to

change governments which have failed to deliver or leave to their expectations or have betrayed their trust through previous elections (Yammer, 2008).

Furthermore, elections are veritable tools through which citizens reward a serving government or a political party which has served them creditably, by providing social and economic goods for the benefit of all (Dowse and Hughes, 1972). In political theory, elections are necessary as a means of bringing the political periphery into political reach to reflect changing opinions and social conceptions about the citizens and equity (Yanna, 2008). In drawing a linkage between election and obedience to rules and regulations of the state, Dickson and Flanagan (2002) contend that election provides a way of changing rulers without resorting to bloodshed. More profoundly, competitive political elections are the basis of democratic legitimacy. The opportunity to participate in choosing rulers confers on the participants an obligation to obey the law made by those who are chosen.

In their own contribution to the discourse, Tom and Desmond (2008) aver that election perform certain indispensable functions in a political system such as change of government; election of representatives, free choice of leaders, insurances of accountability; fostering democracy; education of the electorate, measurement of public opinion, competition among political parties and candidates; equality of goal, and it confers legitimacy on the related government in power etc. Furthermore, elections have become evolved to the extent that it has become an indispensable tool of democracy. While the body of rules and regulations guiding the voting process by which public officials are elected to office are the electoral system. Hence, it behoves on the political parties to plan the strategies, actions and tactics within the confines of the electoral system. Thus, the influence of an electoral system is not limited to the results of an immediate election but extends to the nature of the party system in the long term.

Security

The concept of security is not alien and has been central even in primitive societies. The need for security necessitated the social contract in which people willingly surrendered their rights to an organ (government) who oversees the survival of all. For decades, issues relating to security tend to occupy the center stage in the development discourse. With the end of the Cold war, there have been attempts to shift conceptualization of security from a state-centric perspective to a broader view that places premium on individuals, in which human security that embodies elements

of national security, human rights and national development remain major barometer for explaining the concept. At the heart of this debate have been attempts to deepen and widen the concept of security from the level of the states to societies and individuals, and from military to non-military issues (Krahmann, 2003). Security has to do with freedom from danger or with threats to a nation's ability to protect and develop itself, promote its cherished values and legitimate interests and enhance the well-being of its people (Kwesi, 2011).

Security Challenges or Threat

A threat has to do with any act or issue that constitutes a danger to security. Thus by the phrase "threats to African security one is referring to anything that constitutes a danger to African security i.e. the continent's territorial space, the lives of the people living there, the political and economic systems as well as the independence and sovereignty of the various countries within Africa.

The Concept of Sustainable Development

Sustainable development is a process for meeting human development goals while sustaining the ability of natural systems to continue to provide the natural resources and ecosystem services upon which the economy and society depend. While the modern concept of sustainable development is derived most strongly from the 1987 Brundtland Report, it is rooted in earlier ideas about sustainable forest management and twentieth-century environmental concerns. As the concept developed, it has shifted to focus more on economic development and social development and environmental protection (WCED, 1987).

Sustainable development is the organizing principle for sustaining finite resources necessary to provide for the needs of future generations of life on the planet. It is a process that envisions a desirable future state for human societies in which living conditions and resource-use continue to meet human needs without undermining the "integrity, stability and beauty" of natural biotic systems. Sustainability can be defined as the practice of maintaining processes of productivity indefinitely-natural or human made-by replacing resources used with resources of equal or greater value without degrading or endangering natural biotic systems. Sustainable development ties together concern for the carrying capacity of natural systems with the social, political, and economic challenges faced by humanity. Sustainability science is the study of the concepts of sustainable development and environmental science. There is an additional focus on the present generations' responsibility to generate, maintain and improve planetary resources for use by future generations.

Theoretical Framework

This study is anchored on the political economy theory propounded by Karl Marx in 1859 which is based on dialectical materialism. The theory is concerned with the material or economic aspect of society. In the words of Abbass (2008) dialectical materialism is premised on the issue of man's inherent motivations for economic pursuits and needs. Man, in social relations, oftentimes demonstrates desperate quest and strenuous struggle to wrestle power control and maintain political power at all cost which lends credence to the suitability of the theory.

It has to be emphasized that the political system in any given state corresponds as well as reflect the economic phenomenon and structure in the said country. Also, the political substructure of the political system determines how the state organizes and reproduces itself for the desired change. Thus, Marx argued that the main cause of conflict or violence in all known societies is economic issues. There is, therefore, a significant relationship between the symbiotic relations existing between people in the production process and the nature of the political struggle to win political positions so as to determine the allocation of resources in the economy.

The political economy theory to the study of election, security challenges and sustainable development in Africa are most appropriate in capturing the salient issue bequeathed to us as a continent by imperialism, colonialism and neo-colonialism through the forceful integration of African economy into the mainstream of circuit of production. This among other things led to the structural underdevelopment and dependency of the continent and the setting up of institutions that are at variance with our value systems. The importance of the theory lies in the fact that the fierce struggle or violence to secure political power in Africa is hinged on the fact that such power is a sure means for the allocation of state resources, opportunities to occupy political positions provide the leaders with the mandates to dictate or determine the direction of economic activities. In the words of Nna (2000), there is economic power to secure control of the state through the electoral process and thus acquire a vantage position to design laws, policies and decisions to advance, protect and perpetuate their own class interest, most often by undermining and suppressing the interest of the working class.

However, experiences over time have revealed that the quest to acquire control and consolidate this power is not usually borne out of the patriotic desire on the part of the leaders to effectively allocate the national wealth to areas of need among the sectors of

the economy to guarantee overall national transformation. Rather, the fierce battle to win elections and control state apparatus is basically to exploit the situation for personal economic aggrandisement and gains. Thus, in order to emerge victorious at the polls, the politicians resort to violence, unleashing mayhem to crush any perceived real or imagined obstacles (opponents) on their ways to success. Consequently, people whom they want to lead are killed and properties destroyed. Desperation for political power degenerates into insecurity which has been identified as a bane of sustainable development in Africa.

Elections, Security Challenges in Africa

Between March 2016 and December 2017, there will be at least 52 presidential and parliamentary Elections in 38 countries in Sub-Saharan Africa (ISS, 2015). With memories of the intense violence following the elections in Kenya 2007, Zimbabwe 2009, Cote d'Ivoire 2010, and Nigeria 2011, many international, regional institutions have become more focused on understanding the motivations and triggers for electoral violence. These had increased security challenges for the continent in its effort to consolidate democracy and development in Africa. Many countries had experienced no electoral violence, while others have intensely violent elections. For instance, in Nigeria, apart from the 2011 presidential election violence which was a security challenge to the continent of Africa, the 2015 presidential election posed a serious security challenge to the continent. The election was postponed and later conducted amid tight security. The intensification of the Boko Haram insurgency dominated the political scene. The radical Islamist group were in control of many areas in the states of Borno, Yobe, and Adamawa, which led to the declaration of State of Emergency, and nearly a million people displaced within and outside of Nigeria. During the election proper, many security challenges surfaced. Conflicts between the two dominated parties, the Peoples Democratic Party (PDP) and the All Progressive Congress (APC). The Nigerian government spent billions of naira on security. These resources would have been used for developmental purposes. Despite all that, many properties and lives were lost in the course of the elections.

Security and conflict hinder human and economic development. The Saharo-Sahehian region presents some daunting global security challenges, which seriously undermine the stability and development of Africa. The 2012-2013 crises in northern Mali, though centred in one nation, epitomises the wider, cross-border dimension of these challenges. In Cote d'Ivoire, citizens still remember the violence that followed the 2010 presidential elections. The 2010 electoral crisis was caused by ethnicity.

While everyone is working to avoid a repetition of that scenario, the political climate is tense due to differences regarding the electoral framework, as well as unresolved questions around ethnicity (Kwesi, 2011). Human Right Reports provides a sense of the scope and type of election, security challenges predominant in Sub Sahara Africa. It tells us that the likelihood of electoral security challenges varies greatly across the continent. Moreover, the risk of violence can differ from year within the same country. It shows four levels of electoral violence, it may help to predict those countries most at risk for future election-related conflict (Kwesi, 2012).

According to the Human Right Report 2016, between 1990-2014, 42 per cent of Sub-Saharan Africa's presidential and parliamentary elections were peaceful-free of harassment, intimidation and violence. For countries holding elections between 2016-2017, this category includes Cape Verde, and Sao Tome and Principe, and Seychelles. Another 38 per cent of elections in Africa, including Gabon, Gambia, and Ghana, experienced low-intensity violence-mostly harassment and intimidation. In 11 per cent of cases, harassment and intimidation resulted in fatalities (less than 20). Cameroon, Madagascar and Senegal are countries holding elections in 2016-2017 that fall into this category. Finally, there are countries where elections almost always result in intense violence and more than 20 fatalities. They account for a per cent of all elections that include the Democratic Republic of Congo and Kenya (Human Rights Report, 2016).

Elections, Security Challenges and Nigerian Development: The Nexus

Europe and West's (including Japan) phenomenal development over the past half a century was built on the existence of peace at the international, but also at the domestic levels of these societies. It is therefore clear that development strategies are usually built on the implicit assumption of conditions of peace. These development strategies do not interrogate their own implicit assumptions. The wholesale adoption of northern development strategies, or the implementation of development strategies largely developed in or imitating northern growth paths, could, therefore, perhaps in retrospect, never have paid off on a continent where the condition of positive peace does not exist. At the same time, there is also the vexed problem that the deep foundations of peace and security seem to lie in the economic, social and environmental spheres (Paul, 2011).

Furthermore, a perusal of the development history of the north shows clearly that the state played a pivotal role in development, and the contemporary debate about the so-

called increasing irrelevance of the state, does not convincingly hide the fact that the state is still an important factor in development. Elections of state leaders for good governance belong in the security-development nexus. As the process and manner in which a society is politically organized and managed, an election can either be credible or characterised with irregularities. The state, as an instrument of development, can be used by the government either to thwart or encourage development. It can hinder or actively undermine development through a variety of measures, ranging from erroneously equating economic development with economic growth and therefore not paying attention to the distribution of wealth, to simply using power to accumulate personal wealth (Paul, 2011). Concomitantly, a government can use the security apparatus of the state to create and maintain a secure environment in which its development strategies might flourish, or it can use this apparatus to support and assist its plundering of resources.

The extent to which a government is able to use its power positively or negatively, taking the well-being of the population as a yardstick, would seem to accord with the degree and scope of participation in decision-making. This assumption accounts for the value attached to election as a form of good governance. The less participation, and the greater the separation between the "state" and "populace", the greater the opportunity for bad governance and its concomitant manifestations, such as authoritarianism, corruption and inefficiency, all aspects associated with a lack of development and with insecurity (ATRCAD, 2012). If it is accepted that the primary function of the state is to protect the well being of its people and that such care is exercised through electing credible leaders through good governance (a normative approach), it becomes clear that most states in Sub-Saharan Africa have suffered from bad governance over the past several decades caused by election frauds.

A comparison of the Human Development reports compiled by the UN Development Programme (UNDP) over time leads to the realization that in terms of quality of life indices, many countries have shown regression. The worst regression is experienced in societies embroiled in internal strife and civil war, thereby empirically providing the security-development nexus. It is tempting also to bring elections into the picture and to conclude that bad, fraudulent elections are the explanation for security challenges and underdevelopment in Nigeria.

But, one should be careful. If governance via election is limited to the national (any sub-national) levels of government, there are a number of dangers that may obscure

the broad picture. The first is that it then becomes easy to ascribe all of Africans themselves, thereby simultaneously turning international involvement, for example, in the form of overseas development aid, into something innocent and friendly and almost patronizing. It would mean that the north, and the way in which Africa had been incorporated over time into the international division of labour, have no bearing on any responsibility for the current crises besetting the majority of states in Sub-Saharan Africa. Lastly, and the crux of the matter, it would obscure the fact that election as a term also applicable to the international and global level.

Bad governments, in many instances, may carry the major blame of insecurity and underdevelopment, but more often than not, these governments were aided and abetted either directly by other international or external actors, or indirectly by processes and trends in the international political economy-pointing to at least aspects of bad governance in international regimes and institutions. Mobutu's Zaire and apartheid South Africa are two examples (Kwesi, 2012). If elections are taken to encourage and promote, and to be a characteristic of good governance, the Bretton Woods institutions and the UN security council, to name but a few do not have much of a claim on the status of exhibiting good governance practices. In short, development and security are promoted and maintained through the election. Furthermore, the apparent disjuncture between development and security as well as elections discourses, particularly in the policy realm, further exacerbates underdevelopment and insecurity. There are times when the international community, through financial institutions such as the IMF do use financial instruments, for example, economic conditionality and the withholding of loans, in order to apply pressure that might, in the view of politicians force a particular government to negotiation table or to conduct elections. Such was the case in Burundi in the mid-1990s, and earlier in Kenya to ensure that Moi holds elections (Kwesi, 2012). But, this is often short-term measures, while the nexus between election, security and development at the deep level and with a view to the long term, is not taken into consideration.

The Challenges of Development of Democracy

In this section, we review the challenges confronting new additions to the democratic nations. Many new democracies do seem to have consolidated by one crucial test: a peaceful transfer of power through elections. For example, Herbst (2001) notes that by 1999 a dozen African states had experienced at least one change of government through the ballot box. Also, peaceful transfers have also become routine in Eastern Europe and parts of Latin America. Yet even when elections have succeeded in the

delicate task for replacing a governing elite, most new democracies remain distinctive, the question is not whether they will consolidate but what exactly they are consolidating into. The difficulties facing new democracies can be grouped into two clusters: the political problems associated with an illiberal inheritance and the economic problems caused by the combination of limited development and extreme inequality.

The Political Challenge

With authoritarian legacy liberal ideas or beliefs, most times remain weak. As Luckham and White (1996b:7) point out, the development of democracy requires more than just competitive elections. It also requires the enforcement of legal restraint on state power, protection of civil rights, the establishment of relatively uncorrupted and effective bureaucracies, and the imposition of democratic control over potentially authoritarian forces such as the military and the security services. To the extent that democratic consolidation requires substituting a government of laws for one of the men, the task is still incomplete in new democracies. The inheritance from the old regime continues to limit progress. After all, Military Councils had brooked no interference from the Judiciary and paid no heed to constitutions, including statements of human rights. The agencies of repression – the military, the intelligence services and the police were as strong as the mechanisms of representation were weak.

However well-intentioned the new rulers may be, constructing a liberal democracy from an authoritarian history is a greater challenge. For example, the post-military democracy of Nigeria. Here the generals still possess considerable prestige deriving from their historical role as providers of order to unstable societies. This status is sometimes reflected in a guaranteed budget, seats in the legislature and virtual exemption from the civil law. Even in the civil arena, justice remains underdeveloped. Lower courts are often inefficient and corrupt and many cases do not arrive there because the police are themselves corrupt or because ordinary people regard the courtroom as the prerogative of the wealthy. The combination of an inadequate enforcement of those laws that do exist is difficult based from which to consolidate liberal democracy. In many new democracies (Nigeria) in particular, the tradition of power revolving around individuals tends to subvert attempts to consolidate the democratic framework (Hague and Harrop, 2004).

The Economic Challenge

The economic difficulties confronting new democracies are even more obvious than obvious that the political challenges. These problems consist of a combination of poverty and inequality, exacerbated by a severe economic decline in the early years of the new democracy. Even in many of the larger and more developed new democracies, living standards remain well below western levels. Relative poverty goes hand in with greater inequality. Many new democracies retain a large agricultural sector, where sharp contrasts continue between a rich, powerful elite and a poorly educated, and often powerless, population. Conflicts of various dimensions, for instance, as Vanchanen (1997) notes, such conditions favour neither the diffusion of power resources nor the development of mutual toleration and compromise which foster democratic consolidation.

Lower levels of affluence in new democracies are important partly because a long research tradition claims that economic well-being is the key to democratic consolidation. In *political man* (1960, 48 & 49), Lipset famously concluded that “the more well-to-do a nation, the greater the chances that it will sustain democracy”. Lipset demonstrated that stable democracies scored highest on such measures as income per person, literacy and the proportion of the population living in cities. Following Aristotle, Lipset believed that a large middle class opposed to extremism was conducive for democracy.

Crucially, the economic and political weaknesses of new democracies are linked. The absence of a liberal political framework itself inhibits economic development because corporations lack confidence that commercial disputes can be resolved fairly and promptly through the courts. Close personal connections develop between politicians in need of money and well-placed business executives who value political influence. These semi-corrupt networks preclude the development of a clear framework for market regulation. Dominant firms with political protection can see off competitive threats, preventing the development of a level playing field in which the most efficient companies can prosper. Scared off by corrupt and slow-moving bureaucrats foreign investors are inclined to go elsewhere, especially as population and market size are relatively small in new democracies. As a result, both economic and democratic developments wither held back by the incomplete penetration of liberal ideas and institutions.

The Challenges of Nigeria's Electoral System and Sustainable Democracy

For elections to tamper positively on the output of governance the electoral system must be just, fair and provides a level playing ground, for political actors (Inokoba and Kukumor, 2011:141). However, there is a problem with Nigeria's electoral system. The FPTP electoral system which Nigeria is using, and has been using is also known as "winner-take-all" system, whereby candidate with the highest number of votes would take the available seat, even if the totality of the opponent's votes may be higher than their own (Yakubu, 2007:17). The only exception is where there are only two candidates for the election; then the candidate with the highest votes would naturally win with a simple majority. The same thing could be said about the political parties except where there is a two-party system and a clear winner could emerge; a multi-party system shall only throw up a winning party that may have been voted in with minority votes as compared with those casts against it (Yakubu, 2007).

Therefore, it is this situation of a "winner take all" that brought about ferocious and vicious electoral contest in the country. Yakubu (2007:17) also noted that because offices are often occupied not on the assumption to serve but to divert the resources and even beyond these, every contestant believed that if all manner of methods is not used to win there should be no other election to contest for thereafter. Giving this situation, therefore, politicians, in Nigeria uses any un-godly means possible to win the election. It does not matter if the lives of opponents' are taken. As such, preparation for elections is equated with preparation for war. The former president of Nigeria, Chief Olusegun Obasanjo, captured this disposition of the Nigeria politicians when he said: the 2007 general election would be "a do-or-die affair" (Daily Independent, 2007:1 and A2).

In view of the above statement, Odofin and Omojuwa (2007:45) argued that the average Nigerian politician believes only in winning elections. The loss is never contemplated since it is equated with political death. A free and fair election, therefore, has become a difficult task in Nigeria. The international institution for democracy and electoral assistance (IDEA) cited in Nwafure (2009) maintains that electoral process in the country faced many administrative, attitudinal and political problems that have consistently challenge meaningful, open and democratic elections in Nigeria. Also, arguing in line with the above, Inokoba and Kukumor (2011:143) observed that from previous experience, the elections in Nigeria are either undemocratically guided or organised to fail or the process and the project privatized by sections of the political elites. This is an indication that the Nigeria's electoral system from the very beginning was designed to favour a particular interest.

In support of this assertion also, Aderula (2007:31) opined that the country's experience over time (since 1959) has been that repeatedly, the electoral management body had to be redesigned and reconstituted during the numerous transitions to "democratic rule". This also means that a lot of constitutional and legal engineering, which reflects the interests of various regimes, are the order of the day. A closer examination of the electoral history of Nigeria reveals that there has been a consensus opinion that the integrity of election have been eroded since 1959 and that 2003, general election though, was said to have been characterized by irregularities, however, the 2007 general elections was widely adjudged in the annal of the political history of Nigeria to be the worst. To this effect, the former governor of the old Anambra state quoted by Adeyemo (2009:22) observed that: — democracy is associated with elections.

How have the elections gone since 1999 till date? The 1999 elections were disputed but it was vastly better than the 2003 elections. People shouted foul about the 2003 election but that was infinitely better than the non-election of 2007. Each election has been worse, more flawed than the one before it. We cannot be getting a democracy by reining farther away from it. The United States-based Human Rights Watch also agree with the above by stating that the greatest form of human rights abuse going on in Nigeria is that Nigeria has been denied the right to choose their leaders through a free and fair election. Instead, most of the so-called political leaders are selected and imposed on the people; from the local government to the national level, by political godfathers with the consequence; that those in power are not considered true representatives of their people. (Agbo 2009:54). Ajayi (2007: 148) also noted that the pre-election exercises such as clearance of candidates and voters registration were manipulated by the PDP using its incumbency factor to give party undue advance. The screening of party candidates for elections by the independent National Electoral Commission, Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt and other related Crime Commission (ICPC) were all part of the plot to hunt down and disqualify opposition contestants. Egwu (2007) argued in line with the above, that the involvement of INEC in the determination of the eligibility of candidates for elections, which was clearly outside of its constitutional legal mandate, raised serious doubt regarding its independence and the expectation that it would create a level playing field for all the parties and contestants.

Also, with regards to voters' registration, the exercise was marred by an acute shortage of materials while those who succeeded in registering their names could not find same

on election days. INEC and the security agents could not take action on the allegation that certain numbers of Direct Data Capture Machines were found in the Ibadan residence of late chief Alhaji Lamidi Adedibu. To confirm the allegation of irregularities in the 2007 general election president Umaru Musa Yar'adua admitted in his inaugural speech that the elections were flawed (Inokoba and kukumor 2011:144). It is against this backdrop that the 22-man Muhammadu Uwais led electoral reform committee report has not gone down well with holders of the state power. This led to the release of the white paper rejecting the grey areas because it touches on the power of the ruling elites similar to the National Council of states rejection, leading to the setting up of various committees (Jacob and Idris, 2010: 117). The electoral system, therefore, is a strong component of liberal democracy and a social experiment of rules and procedure for the maximization of the approximation of perfection of choice of leaders and politics through votes.

Conclusion and Recommendations

A root cause of insecurity and underdevelopment, as well as election crises in Nigeria that are often overlooked, is discordant development. This is as a result of deepening inequalities and rapid progress Juxtaposed with group distress. Insecurity is the flip side of discordant development, whether previously in the oil-producing Niger-Delta, in the recurrent inter-communal violence in the middle-belt (central Nigeria) and recently in the appalling onslaughts in the northeast attributed to Boko Haram. A principal cause of these challenges in Nigeria is the Africa jigsaw bequeathed by the colonial carve-up of the continent. As has already established in this study the nexus between election security challenges and African development. The crises across the country epitomize the wider cross-border dimension of these challenges.

The difficulty of fostering development and imposing security and credible elections across-Nigeria found expression on weak institutional contexts of Nigeria state. The causes of insecurity have undermined development and the progress of Nigeria. Election-related insecurity is becoming dominant.

This study indicates that Nigeria has some security challenges in electoral process particularly in sustaining development. The following are therefore recommended for improving the election, security-related issues in Nigeria.

1. Improvement in the electoral reform will inculcate new provisions as a way to checkmate electoral abuse and malpractices and also prosecute perpetrators of electoral offences.

2. The underlined problem of political instability is lack of good governance. Therefore, corrupt leaders must be punished, stimulate the economy through diversification of the economy and create employment so as to reduce the rate of unemployed youths who are usually used as canon folders during the election time.
3. Improvement in the security agencies for optimal and effective performance during an election.
4. The winner takes it all syndromes, that is the zero-sum game is not ideal in our democratic and development project because it is wilful, violent breeding, parochial discriminatory, elite-based, unethical and individualistic.
5. Lastly, there is a need for value reorientation of the political actors for sustainable development to take place in Nigeria.

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CHAPTER | 7

Money Politics, Vote Buying, and Democratic Elections in Nigeria: Implication for Good Governance

¹Naomi A. Phinos (PhD) & ²Chukwueme K. Kennedy

^{1&2}Department of Political Science and International Relations
University of Abuja

Introduction

Nigeria over time has experienced governmental instability in the form of policy formulation, prediction, forecasting and implementation. Basic infrastructure needed for economic growth and development are still lacking in the country since the entrapment of democratic governance in the fourth republic on May 29th 1999. The citizens are far disconnected from the government. Money politics and vote buying have polluted the good quality of democracy in the country. The destructive power of money politics has been pointed out as one of the factors militating against good governance in the country. This paper examines money politics, vote buying and democratic elections in Nigeria, and their implication for good governance. The paper further reviewed that the problem associated with bad governance as a product of corrupt electoral process. The paper recommended that in order to address the issues confronting money politics and vote buying, that there should be a need to address the challenges of economic poverty and social deprivation of the people in accessing the basis necessity of life which will give confident to the people in the entrenchment of good governance and capacity building for social

justices and empowerment of the people to express their civic right. It was also recommended that family should inculcate in their wards the values of honesty and transparency and the importance of a single vote to the development and progress of the country, and that anti-corruption agencies should collaborate with banks and other financial institutions to monitor the movement of cash during elections. Lastly, democratically elected leaders should ensure good governance and improve the conditions of living of the ordinary people in the society.

Money politics and vote buying and election rigging are as old as the history of election in Nigeria. Since independence in 1960 with the introduction of the electoral franchise with its one-man-one-vote mantra, politicians of all hues, tribes and tongues believing that the end justify the means, have perfected the art of using ignoble means to obtain political power. Many scholars such as (Davies, 2005; Scaffer, 2005; Schedler, 2005; Walecki, 2006; Ojo 2006) have written on money politics and vote buying in Nigeria politics because of the catastrophic effect of the phenomenon on the body politics.

The country has over time experience governmental instability in the form of policy formulation, prediction, forecasting and implementation. Basic infrastructure needed for economic growth and development are still lacking in the country since the entrapment of democratic governance in the fourth republic on May 29th 1999. The citizens are far disconnected from the government. Today in Nigeria, money politics and vote buying have polluted the good quality of democracy. In fact, the destructive power of money politics has been pointed out as one of the factors militating against good governance in the country. There are laws regulating such practice but these provisions are not sufficiently enforced. Nigeria elections should not be a product of cash and carry democracy. The will of the people should be allowed to be fully expressed. The monetization of the political process is not only contrary to the democratic tradition but also contravenes the relevant established statutory provision on spending limit. Most time the spending limit is breached by the party in power.

The recently concluded Ekiti and Osun governorship elections usher in a new face in the history of money politics and vote buying in the Nigerian democratic settings. The elections witnessed a massive and brazen inducement of the electorate with money to secure their vote by the candidate. However many people are of the view that money politics and vote buying is not a new phenomenon in Nigeria politics but they argued that the trend is getting out of hand and now stands as a major threat to the country's democracy.

During the last governorship election in Ondo State from which Rotimi Akeredolu emerged as a governor, the slogan that was held sway was “vote and cook” which was used to describe the practices of inducing the voter to sell his/her vote and in turn get money reward and that would enable him/her to cook a sumptuous meal. Afterwards, “vote and cook” succeeded largely in the Ondo polls but it had its shortcomings. This is because at the polling units, a voter was not mandated to show his/her ballot paper in the course of voting to convince the party agent or compromise security agent that he actually voted for the party that gave him money. That gave room to some voters to play the fast one on the party agents by still voting for the candidates of their choice after collecting the largesse.

In Ekiti governorship elections, money politics and vote buying was modified to “see and buy”. Those who engaged in the malpractice made sure that a voter must show evidence that he/she voted for the party, which he/she had agreed to sell his/her vote. Under the arrangement, the party agent must see that the voter cast his/her vote for his party before releasing his/her monetary reward in a “secret” manner to ensure the success of the malpractice. Reports have it that many ad-hoc staff and staff of the Independent National Electoral Commission (INEC) with security agents were co-opted to ensure that voters thumbprinted for, as they were better positioned to see the ballot paper while the voter cast his or her vote. So, even the voter ensured that the ad-hoc staff saw his/her ballot paper after thumb printing by either “slowing down” the process of folding the paper before slotting it into the ballot box or holding it in such a way that party he voted for was clearly noticed. In virtually all the polling booths across the state, “see and buy” held sway and many days after, party loyalists and observers circulated the video clips on the social media. If money politics and vote buying is not checked it will have a damping effect on good governance in Nigeria.

Statement of the Problem

In Nigeria, money politics and vote buying is one major challenge that confront democratic governance. The problem of money politics and vote buying has affected development in our country. The money used in election is often recovered before any other thing is done. Most politicians who prefer to use money to buy votes from the electorate often cannot meet their daily needs. Poverty is responsible for families' inability to inculcate in their wards the values of honesty and transparency and the importance of a single vote to the development and progress of the country. More so, money politics and vote buying have made civil society groups, religious organizations and schools to see no reason to support campaigns against it in their respective

capacities. Also Anti-graft agencies which are supposed to function as the watch dog of the society are not able to collaborate with banks and other financial institutions to monitor the movement of cash during elections. A report by Brookings Institution, a nonprofit public policy organization in USA has put Nigeria atop the world poverty statistics — ahead of India. The report, titled 'The Start of a New Poverty Narrative', says Nigeria has now taken over as the nation with the highest number of extremely poor people in the world, while the Republic of Congo is also rising as the second poorest in the world. The people has no choice than to retire to selling of their vote, if this is allowed to continue over time it will have a damping effect on good governance

Conceptual Literature

Money Politics, Vote Buying and Democratic Election in Nigeria

Money politics can be defined as the phenomenon in the Nigeria electoral process whereby contenders for elective positions use money or money is used on their behalf as an inducement to sway their support which is not based on persuading the electorates to vote according to their wish and conviction but on the force of money that has changed hands. Related to this, is outright vote-buying. Vote buying in its literal sense, is a simple economic exchange. According to Fredrick and Schedle (2005), candidates 'buy' and citizens/electorates 'sell' "vote, as they buy and sell apples, shoes or television sets". The act of vote-buying by this view is a contract or perhaps an auction in which voters sell their votes to the highest bidder. Parties and candidates buy vote by offering particularistic material benefits to voters. Candidates may generally aspire to purchase political support at the ballot box in accordance with the idea of market exchange. For analytical purpose, it is necessary to point out that, the commercial aspirations of vote buyers' may run into two barriers namely: objective and inter subjective barriers.

On the objective side, seller compliance is uncertain, as vote buying is an illicit business and as such, does not take place within a "normal" market protected by social and legal norms. On the inter-subjective side, empirical accounts of participants' perspective revealed that those electoral practices we described as "Vote-Buying" may carry different meaning in different cultural context. This is so because, in both historical and comparative perspective, vote-buying as a phenomenon is neither system specific nor space bound (Ojo, 2006). In all systems, be it developed or developing, medieval or contemporary, vote buying occurs in all regions and climes. The only difference is that it differs in magnitude and manifestation from one polity to the other. Regions or locales where episodic, electorate-related gift giving or favour

rendering is common include: Benin, Taiwan, Japan, Northern Portugal and the slums of Metro Minica (Ojo, *ibid*). Moral debts can be created in more efficacious or obliged manner as well.

As one Filipino succinctly observed: Once a candidate has sworn in a registered voter as a partisan poll watcher, he or she can expect that the latter will vote for him or her. Once a person has granted us something, a favour, we would do everything to pay that favour back to him or her, sometimes even at the expense of ourselves. We tend to view persons who did us some good things as beneficiaries who can please them by doing the same for them (Bara 2007). This practice which rests upon pay offs that are not directly and explicitly tied to reciprocity in the polling booth, is sometimes referred to as indirect vote-buying. This practice was well known in 19th century England and early 20th century. France, and is common today in the Philippines and in the squatter settlements of Quito, Ecuador. In Taiwan, vote brokers typically approach relatives, friends and neighbours. A similar tactics is also employed in Thailand. For example, in the 1992 election in Thailand campaign workers for one candidate sought in each village “to recruit the person best placed to deliver support, generally someone with significant social status in the village. Other qualifications include being respectable, well known, a local leader (either official or unofficial), the candidate's relative or close friends, or some other characteristics that would make people honour their vote promises (Callahan 2000).

The use of money to buy votes does not even stop at election time. It is a common practice in Nigeria as it is in many other countries, for numerous private interest groups and political action committees which seek policy goals and legislations to serve their narrow private needs to continue to use all the means at their disposal including money, to solidify or expand their influence on the elected officials (Wright, 1985). It is observed that the relative ease with which the elected officials show their gratitude by endorsing the legislative and policy proposals of campaign contributors seems to support the hypothesis that there is a correlation between special donations to political parties and candidates and legislative votes.

Consequently, according to Sohner (1973), money has, in fact, been made to become the mothers' milk of politics, which the political gladiators must drink to remain in business. Good governance which suffers because of the phenomenon of money politics and vote-buying can be defined as all the governmental and institutional arrangements in a polity which are operated on the basis of strict compliance with the

tenets and practices of democracy. All stakeholders must uphold the tenets of access to quality education, economic empowerment, effective health-care delivery system, rule of law and other necessary social amenities. All seem to agree that democracy is the best and the most civilized method of governance known to man. Consequently it has attracted much attention from both scholars and statesmen. Regrettably however, there is no known definition of the concept that is universally acceptable. This is, perhaps, due to its atavistic nature. The liberal democratic perspective, defines democracy as a method of government which allows citizens of a state the freedom to choose their representatives through elections at regular intervals. This perspective of democracy with its periodic elections notwithstanding, has been criticized by scholars because of the limitations, it places on political participation by the citizens. It is argued that it is not representative enough because of its emphasis on material conditions before citizens can adequately participate in the democratic exchange.

Good Governance

According to Ogundiya (2010), governance is " the process that is employed to achieve the noble end of the state". From the liberal conception of the state, this means that governance is meant to actualize the purpose for which the state is instituted. Oburola (2003) argued that good governance is absolutely imperative for social and economic progress. Questions have often be asked about what parameter to use to determine what good governance is and what bad governance is. Reacting to this question, Madhaw (2007), for example, argues that good governance can only be determined within the context of the value system of the people in terms of their historical background, culture, aspirations nature of political system, religious and economic objective. What this implies is that for good governance to exist in a society, it must conform to these values. From the above assertion we can categorical say that money politics and vote buying cannot translate to good governance. Development cannot take place in an atmosphere where the electorate cannot express themselves at the polls.it is in view of this this that the world Bank has said that lack of development is a direct consequence of bad governance, dephasing that under bad governance the economy cannot grow or develop. According to the World Bank (1992),bad governance has many features, among which are; failure to make clear separation between what is public good and what is private gain; failure to establish a predictable framework for law and government behavior in a manner that is conducive to development, or arbitrariness in the application of rule of law, excessive rules, regulations, licensing, requirements, etc. which impede the functioning of markets, and encourage rent-seeking , priorities, that are inconsistent with development , thus

resulting in a misallocation of resources and excessive narrow base for , or non-transparencies, in decision making as Obadan (1998) argues, where all problems exist there is little or no room for development.

Theoretical Framework

This paper adopts the power elite theory and the Marxist political economy model. The power-elite model analysis of politics sees power as being monopolized by a small minority who exert considerable political influence on policy decisions and outcomes. Since people are unequal in terms of access to the resources of society, some would always have more ability than others, and would therefore occupy the elite positions in society. According to Mills (1956) only a small number of people effectively control the political system in most nations. He argued that the power elite stand atop the major key positions in society and hold 'command posts' in sectors of the economy, government, and the military.

Thus, the power elite move from one sector to another, consolidating their power as they go. For power elite theorists, the concentration of the wealth and power in the hands of the few in any political democracy is too great for the voice of the average person to be heard. In the same vein, Mosca (1939) asserts that "The power of the minority is irresistible as against each of the single individual in the majority." Major decisions that affect society are taken by the elite. Even in so called democratic societies, key policy decisions will usually reflect the concerns of the elite rather than the wishes of the people. Thus the mass of the population are manipulated and controlled by the elite, passively accepting the propaganda which substantiate elite rule. For him democracy may be of the people, for the people, but definitely could never be government by the people. Similarly, Mills argued that business and government 'cannot now be seen as two distinct worlds.' He refers to political leaders as 'lieutenants' of the economic elite and claims that the decisions made by the ruling class in power are tailored systematically to favour the interests of the giant corporations and individual entrepreneurs. It is the elite that dominate the economic and political life of the society because of their wealth. Mills further states that all societies are dominated by power elite with 'unprecedented power and unaccountability'. They take decision with little or no reference to the people. Despite the fact that such decisions affect all members of society, the 'power elite' is not accountable for their actions either directly to the public or to anybody which represents the public interest. The rise of the power elite has led to 'the declining of politics as a genuine and public debate of alternative decisions.' History, therefore, is a

never ending circulation of elites. Nothing ever really changes and history is, and will be, 'a graveyard of aristocracies

Furthermore, the growing profligacy of money politics in the Nigerian polity is therefore attributable to the precarious material base of our ruling classes, who sees the state as serving the Instrumentalist function as a means of production for the consolidation of their material bases through the sharing of the national cake rather than the production of the national cake (Ake 1996). Since the control of state power is synonymous with wealth and security, politics has become a zero-sum game with high possibilities of violence and political instability which has further deepened the process of political exclusion, marginalization and deprivation in the political class quest to attain power at all cost. This circumstance has thus resulted in the series of political motivated killings such as the murder of Pa Alfred Rewanu, Bola Ige, Marshall Harry, Chief Dikubo, Ayo Daramola and others in the land.

Furthermore, the Marxist political economy model sees power in terms of a society's economic system. For Marxist political economic theorists, the power elite in any political system are the creation of the economic system, which is capitalism itself, which ultimately shapes how the political system operates. According to Marx and Engels (1959) power is concentrated in the hands of those who have economic control within the society. From this perspective, ruling class power extends beyond economic relationships. In all societies the superstructure is largely shaped by the infrastructure. In particular, the relations of production are reflected and reproduced in various institutions, values and beliefs that make up the superstructure. Thus the relationships of domination and subordination found in the infrastructure will also be found on other social institutions. The dominant social group or ruling class, that is the group which owns and controls the means of production, will largely monopolize political power, and its power is supported by the laws which are framed to protect and further its interests. Similarly, Liazos (1982, p.13) asserts that "The basic tenets of capitalist society shape everyone's life: the inequalities of social classes and the importance of profits over people." As long as the basic institutions of society are organized to meet the needs of the few rather than the majority, the public character of politics become eroded and the political process is not only monetized but also effectively privatized. Furthermore, when all power is in the hands of a small group of people, ruling elite, abuse of power is inevitable. For as Lord Arton puts it: "power tends to corrupt; absolute power corrupts absolutely." No matter how "good" their original intentions, power holders find that exercising authority becomes an end in

itself, rather than a means to an end. Accordingly, Leys (1975) opines that the control of the state by the ruling elite is exercised not by an independent and assertive domestic class of capitalists, but by a 'comprador' bourgeoisie, which uses its control of the state to feather its own nest with the help of access to public funds. Furthermore, Nigerian leaders place more value on capturing power for themselves and grow increasingly fearful about what seemed to them to be the grave consequences of losing to their rivals in the competition for the control of state power. As such, their actions and behaviour when they assume positions of leadership becomes inconsistent with the democratic due process that brought them to power. This ruling class therefore see governance as an investment to which they play in their resources with the expectation of making returns in form of profits. In such context, the leadership does not see democracy as a sacred tenet to be defended and protected at all costs. To them, it is simply a vehicle of convenience for the promotion of their interest for primitive accumulation. Thus at the various levels of government since 1960, Nigeria's post-independence leaders have utilized control of state power to strengthen their material base through statist policies of nationalism, privatization, imposition of coercion in the labour process and political control of the nation's natural resources. Political power, therefore, became synonymous with access to wealth and reproduction of the hegemonic fractionalization of the political elite.

Reason Why Politicians Buy Votes

The primary reason why politicians buy votes is the hunger for power. Vote buying is a form of desperation to remain in power. Many politicians fight for the privilege of power because it implies influence and control over other individuals. They see power as the easiest way to achieve fame and fortune. Candidates want to purchase the vote of the people to obtain domination on different public organizations as mechanisms. They are not afraid to spend a big amount of money because the moment they win the elections, they can recover much more money than that was paid to the individuals who sell their votes.

Reasons Why People Sell their Votes

According to personal survey, one in two of the registered voters think that there is nothing bad in accepting the money offers from the candidates. Others may not see this form of money-giving as an attempt to buy their votes. They accept the money but it does not necessarily mean that they will vote for that candidate. Another reason is the offer seems as an opportunity to get the money that was stolen by the politicians back to the people. They might as well accept the offered money since it came from the

taxes of the people. The disconnect between the government and the governed makes those in the rural areas more probable in accepting money compared to those who live in urban areas. This shows that the primary reason for the selling of votes is poverty. Those who live in or below the poverty line mostly are unemployed individuals. They accepted the money because they needed it. For the poor, payment for a vote can mean a week without hunger. They just accept the offer because for them, dignity and pride cannot create food and money.

Some may see elections as the only chance to obtain something from the government. They have this view that it is an obligation of a candidate to give money and other material things to their supporters. There are some reasons that we can consider negative in the part of the voters. People accept payments because they are being threatened. In most cases, material offers are accompanied with terror thereby making the offer difficult to refuse.

The Implication of Money Politics, Vote Buying and Election on Good Governance

Literature shows that exchanging rewards for votes mostly leads to bad governance. Buying votes comes out as one way that maintains corruption in government undertakings. This is likely because “candidates who win an election through massive spending will definitely endeavour to recover such costs which easily encourages corruption” (Muhumuza, 1997, p. 176). Indeed in Nigeria, it is known that leaders who spend money buying votes try as much as possible to recover these expenses, especially when they are later given administrative positions where they find easy ways to snatch on public funds.

Equally mentioned is that electoral malpractice, such as vote buying, “reduces critical citizenship” (Bratton, 2008, p.16). Loss of critical citizenship can be dangerous as leaders will not be held responsible for their actions by an uncritical population. This in a way derails good governance. More so, it is indicated that bought votes have negative impacts on service delivery by leaders. On this, Gonzalez et al. (2014, p.198) point out that politicians who reap the fruits of vote buying have few incentives to improve public services and the overall living standards of the poor because they benefit from subjecting certain constituencies to a poverty trap. In Nigeria, public services such as schools, roads and water are really wanting.

Conclusion

From the prior, it is apparent that the difficulties related with the emergency of good governance are multi-faceted with the issue of defilement being the important factor. In this manner, the way out of this issue of heedless governance that has invaded our country lay on the need to address the issues of monetary neediness and social hardship of the majority in getting to the essential necessities of life. This will go far to make the stage for the entrenchment of good governance and limit working for social equity and strengthening for the majority to practice their social equality suitably.

In comparable vein, we should all aggregately emerge from our sleep to grab our sway from the political class who have abused it to the drawback of the majority. This can be accomplished by utilizing the instrument of aggregate reorientation and arousing of the nationalistic cognizance in us to guarantee the establishment of a legitimate law based framework with the correct qualities and common culture where the will of the best lion's share would be the last referee in choosing the type of governance we require and those that will oversee the country. Moreover, the general population of Nigeria must demand the detailing of a constitution that is individuals situated and complemented to by a submission and not the sort of constitution that we are working now which is a military contraption described with all types of irregularities that has neglected to address the relevant national inquiry of genuine federalism, asset determination, genuine citizenship, indigenization and pioneer difficulty, and financial federalism to say yet a maybe a couple.

Recommendations

Money politics and vote buying cannot be completely annihilated in Nigeria. Nonetheless, there ought to be in any event some control measure by which its negative results on sound decisions can be limited. The paper recommends that families should inculcate in their wards the values of honesty and transparency and the importance of a single vote to the development and progress of the country. More so, civil society groups, religious organizations and schools should support campaigns against vote buying in their respective capacities. Also Anti-graft agencies need to collaborate with banks and other financial institutions to monitor the movement of cash during elections.

Democratically elected public officers should ensure good governance, and improve the conditions of the ordinary people in the country. Finally there is likewise requirement for political instruction of the electorate to be better in their appointive

decisions, and limit the weights put on their chosen candidate for money related and material gain and prize for vote. Party authorities ought to be prepared on the best way to oversee electioneering procedure and crusades in which competitors have a well and powerful manifestoes.

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CHAPTER | 8

Impact of Local Participation in Projects Implementation on the Socio-Economic Wellbeing of Rural Dwellers in Cross River State

¹Judith Otu & ²Bassey E. Anam

¹Department of Sociology

²Institute of Public Policy & Administration,
University of Calabar, Calabar

Introduction

The involvement of rural people in the effective implementation of local projects cannot be overstressed. The more rural people were involved to address their own development, the more confidence and success level associated with such programmes. This study aims at assessing the impact of local participation in projects implementation on the socio-economic well-being in Obubra Local Government Area of Cross River State, Nigeria, with focus on the Sustainable Health for Environment Development project in the area. The study adopts a survey design and data was obtained from primary and secondary sources. Extant literature obtained to explain the variables of the study was supported by the power and participatory approach of Giddens (2006). The population consisted of 700 inhabitants of Ofumbongha community. From this number 400 respondents were purposively selected to form the sample size of the study. The instrument used for this study was a structured questionnaire. Linear Regression was the statistical technique employed in the study.

The result from the data analysis, the null hypothesis was rejected and the alternative which states that participation in local project implementation through consultation significantly relate with the socio-economic wellbeing of rural dwellers in terms of improved literacy in Ofumbongha in Obubra L.G.A of Cross River State was accepted. The study recommends the need to increase the level of awareness to ensure local participation in project implementation in Nigeria.

Emerging development studies have shown that local participation in community and/or project implementation is significant to rural development (Reid, 2002; Blackman, 2003). In the middle of this development discourse is community participation, (Blackman, 2003). It can be said that participation has been in existence for long like democracy itself. Community people are the most neglected and deprived people because they are the least people with such essential services as housing, education, health among others. Reid (2002) viewed participation in terms of organized efforts and power-sharing in order to increase control over resources and regulate institutions.

In this sense, participation is an active process which enables participants to take Initiatives and actions that are stimulated by their own thinking and deliberate over which they exert effective control. Raniga and Simpson (2002) remarked that "participation might mean that communities are allowed direct and ultimate control in taking a decision concerning their affairs". The involvements of people in electing people of their choice into political power, attending public meetings and contributing money to community development projects form parts of community participation.

Aref and Redzuan (2009) viewed "participation as the democratic and voluntary process where individuals are involved in the contribution to developmental programmes; sharing fairly in the benefits that are accruable, also contributing to decision making in respect to goal setting, policy formulation and in the planning and implementation of social and economic developmental programmes". However, in Nigeria, rural project implementation has been obstructed by centered down approaches in which the community people are involved in the planning, conception and in the monitoring of projects that often leads to abandonment and failure of valuable projects. Having realized the weakness of this approach, it has paved way for the adoption of the bottom-up approach to development. Since the 1970s, there have been deliberate government and non-governmental efforts towards mobilizing the people for rural development. The efforts of Sustainable Health for Environment Development (SHED) constitute integral parts of concerted efforts geared towards socio-economic transformation at the grassroots.

The major issue confronting rural development programme in Nigeria and specifically Ofunibongha in Obubra local government area of Cross River State was the absence of sustainable development that is driven by the participation of programme. This agrees with why Cheethan (2002) opined that a very strong relationship between participation and sustainability exists. The more rural people were involved to address their own development, the more confidence and success level associated with such programmes. The premise of this study is therefore to examine the impact of the impact of local participation in projects implementation on the socio-economic well-being in Obubra Local Government Area of Cross River State, Nigeria. The study anchors on SHED project in the area.

Literature and Theoretical Framework

Participation in local projects implemented through consultation will bring about community development. In 1953 the United Nations (UN) defined community development as "a process designed to create conditions of economic and social progress for the whole Community with active participation and the fullest possible reliance upon community initiative". It involves the process by which the efforts of the people themselves are united with those of government authorities to improve the economic, social and cultural conditions of communities and to integrate them into the life of the nation in order to enable them to contribute fully to national progress".

Community development involves a wide variety of activities such as: literacy and adult education programme, provision of basic needs such as water through sinking boreholes, health care through the construction and staffing of maternity and health centres, construction of churches and schools, provision of recreation parks, opening of feeder roads, and awarding of scholarship. Community development is a process where individuals in the community come together to take action collectively and proffer solutions to common problems affecting them; this collective action is being taken at the grass root level.

This, in essence, is community health. Community health is the effort by the members of a community to improve their state of well-being. A community effort is when people in the community try to work together on a project that will benefit them in the community. Examples of community efforts for health promotion are the provision of potable water, health centers, good roads, education etc. Ebong (2006) noted that "in 1945, rural development as a mass education was redefined to mean the movement which is designed to promote better living for the community as a whole. From that

time, the need to consciously accelerate the pace of rural development has increasingly become quite compelling". In the same direction, there is an urgent need to develop rural Infrastructure as inevitable aspects of community development through the provision of basic social amenities. Infrastructural facilities refer to those basic services without which primary, secondary, and tertiary productive activities cannot function. In its wider sense, infrastructural facilities embrace all public education, public health, transportation, communication and water supply (Thwala, 2010). In other words, infrastructural facilities are elements in the package of basic needs, which a community would like to procure for better living (Raniga and Simpson, 2002).

Gebreindhin (2002) viewed rural infrastructure as a system of physical human and institutional forms of capital which enables rural residents to better perform their production processing and distribution activities as well as help to improve overall quality of life such as storage facilities, market, research extension services including schools and colleges that engage in training a variety of skilled agricultural workers. Rural infrastructure plays a crucial role in economic growth, poverty reduction, and empowerment for the poor in rural areas of Africa (Adepoju and Salman 2013). The people of Ofumbongha in Obubra LGA are one of the rural poor.

SHED, in its project, sensitized the children, women as well as the men towards participating in community services and infrastructural development. According to Porter (2013), a project is defined as "a temporary endeavor undertaken to create a unique product, service or result"; temporal hi that, it has a beginning and end. Secondly, it is repetitive in that repetitive elements may be present but has functional uniqueness. Thirdly, is progressively elaborated. Distinguishing characteristics of each unique project will be progressively detailed as the project is better understood. The health of a community is always a priority for governments, non-governmental organizations and public health care (PHC) is a veritable tool for achieving essential care for all. Community participation remains crucial to the success of PHC interventions. This study has demonstrated that the communities acknowledge these facts and yearn for greater involvement in the overall planning of health interventions.

Community members were involved in various health and development activities hi the community to ensure the wellbeing of the citizenry. The activities are undertaken at any point in time depending on the existing needs at a particular point in time. Community members were engaged in self-help and it was customary to find such

gestures with proper mobilization. SHED mobilized community members for self-help. The service method to local development also known as self -help in Nigeria Self-help programmes are associated with the rural dwellers themselves. One of the characteristics of self-help is that it is both an object of what and a process of how. It is a scheme must be induced change process for the achievement of local development. The process must be a well-articulated effort and plan to assist people in acquiring skills, attitudes, and concepts that are needed for local and community participation in finding solutions for a broad range of local problems.

Mayan (2016) asserted that the educational project organization in Guatemalan has significantly improved the lives of rural dwellers. Mayan emphasized that their contribution towards educational upliftment has been in the area's construction of community schools, supplying facilities, equipping of science laboratory and renovation. The organization is able to do this through both internal and external funding services. In the same vein, through the assistance provided by SHED, on their own part community members organize the repair of roads and bridge building in areas where the government can provide these services.

The local people have erected schools, build health care centers, and have engaged in different developmental programs without the support of the government. It is a normal thing to find local projects that the government made it compulsory for community members to raise funds for partnership fees to promote ownership. Community members were involved in the erection of classroom building and made available lands secondary school project (Ekpo, 2011). This agrees with the power and participatory approach that participatory approach put individuals in rural areas at the topmost center of developmental programmes.

Women participation in the study area cannot be overemphasized. Afinja and Aina (2009) revealed that women are said to be a vital part of the national development and third parties for sustainable growth in all level. Similar to other democratic nations in the world, the different administration has carried out sustained campaigning for effective and greater political participation in line with the declaration of the Beijing conference that called for political participation of 35 percent appointments of local indigenes. According to Ukpom (2009), in order for the Federal Government to realize the 35 percent affirmative action, the National Gender Policy was set to promote the attainment of this target. Ubeku (2008) informed that the National Commission for Women was established by Maryam Babangida and later upgraded to the Ministry of

Women Affairs at the national level. State governments throughout the country equally established their commission. These institutions are a permanent structure of government today.

The role of women has increased positively in politics as indicated by the emphasis on the mobilization of rural women by First Ladies at the state level. Through the political activities of state first ladies, women organizations even in rural areas are beginning to find a rallying point to embark on common action socially, politically and economically. Ukpom (2009) commented that with Women for Change Initiative, the empowerment project of the present administration of President Muhammadu Buhari, Nigerian women have been awakened and empowered through various programmes, summits and enlightenment campaigns to ensure that women are constitutionally recognized as stakeholders.

Theoretical Framework

The power and Participatory Approach

The theory is advocated by Giddens (2006). According to the power theory, poverty has a link with the political power structure in a given society and these accounts for the extent and distribution of poverty and resources. This is more so where the ruling elite or class established and legitimates an exploitative system of property which determines the allocation of income, opportunities, resources, and wealth, relying on the use of state power to its advantage (Marx in Giddens, 2006). World Bank (1996) clearly stated that rural development and which the neo-Marxist belief is capable of dismantling development ends. For development to take place in the rural space there is a need for mass participation of the people themselves, to draw the poor into the design of development policy programme in every stage of development, from the period of conception to implementation.

UNPD (1993) and World Bank (1996), advocate for mass participation of the citizens in every development initiative and further observed that failure to allow or attempt to deny and deprive them, the programme and initiative would likely fail. The people must own the initiative and be involved in all the procedures while government or agencies only assist them to realize and achieve their development objective. This is in line with the activities of SHED in the study area. Community members now participate and get involved in their local projects. All existing poverty alleviation reforms in cross river state and Nigeria in general, with a bottom-top approach for its delivery, remain a mirage because of these power relations. Thus Karl Marx views

poverty as a continuous struggle between two opposing forces, the haves and the have not and this yield a class structure in society that prevent an equitable distribution of resources.

Participation refers to the process by which members or stakeholders are part of development programmes, and processes and decisions that concern them (World Bank, 1995). Except the less privileged of society are given the chance to be a part of developmental interventions aimed at improving their livelihood, the chances are that they will continuously miss the intervention's benefits. The essence of stakeholders' being part of the intervention process is established in donors society. Being part of the development initiatives by stakeholders involve guaranteeing the participation of people that are to be the beneficiaries of developmental plans. The crux of stakeholder's participation is that the supposed beneficiaries drive the process. Meaning they drive the process, design, monitoring, implementation, and evaluation of the initiative.

The major principle of this approach is that stakeholders and community are partners in a project in every part and stage of the development of the project. Hence, participative approaches are aimed at generating a complete sense of ownership of actions and decisions. This contrasts the alternate model of development, in which schemes initiation, design, and objectives are forced on the indigenous community by external agents that characterize the scheme. Participatory approaches also challenge people's perception, which leads to attitudinal change and agenda, and provides also surprising insight. The key means of meeting human basic needs is individuals and communities being part of problem-solving in their community. Achieving community development, provision of food, healthcare and tapping into new resources is possible not through natural efforts but by people involved doing something to help themselves (Ebong, 2006).

Participatory approaches started in the 1950s, which is the later period of the British Colonial Administration in Nigeria. Since the country's political independence (1960) a new demand has been made on the need for citizen participation to meet the innovative and growing complexities of government activities in political, social and economic spheres. The participatory theory is based on principles of conscientization, local control, cooperation, and self-reliance. It involves putting the last first or the former. It is a professional revolution that espouses people's participation and seeks to learn and use indigenous knowledge. It is a creative response to a new need; reacts

creatively and favorable needs, expectations, and oriented people responsibilities of growth and also development accountability. The approach fixes people at the center of rural community development programme.

Methodology

Research Design

The study adopted a survey research design. Ofumbongha in Obubra local government area was the area studied in this research. The ten villages in the area were studied to examine and analyze Sustainable Health for Environment Development (SHED) socio-economic wellbeing of rural dwellers. The reasons for choosing this community for the study were: the proximity to the researcher, it is well known to the researcher who understands the culture of the people among other things.

Population and Sample of the Study

The population of this study consists of the inhabitants of the ten villages in Ofumbongha community. The spread of the population across the ten villages revealed that Ofumbongha has the largest population of 700 people (NPC, 2006). The sample size for this study is four hundred (400) participants who were purposively selected from four villages in Ofumbongha community. The sample consists of self-employed, gainfully employed, students, farmers, fishermen, entrepreneurs, and NGO staff living in the study area. The distribution of sample size shows that one hundred (100) respondents were selected from each of the four villages randomly selected for the study. Taro Yamane's sample size determinant was applied in confirming the minimum required sample size.

Sampling Technique and Analysis

Stratified and random sampling techniques were used in the study. The ten villages constituted the ten strata of the study. From these ten villages (strata), the researcher purposively studied only rural communities where Sustainable Health for Environment Development (SHED) was actively involved in development projects. Rural communities were purposively studied. These ten rural communities constituted ten clusters in the study.

These were:

- (1) Ofumbongha
- (2) Ofumbongha
- (3) Ofumbongha

- (4) Ofunbongha
- (5) Osakan
- (6) Nkum
- (7) Okokoma
- (8) Obokpa
- (9) Ofinikpong, and
- (10) Araragh

Simple random sampling technique was applied" in selecting four villages namely;

- i. Ofumbongha
- ii. Ofumbongha
- iii. Osakan, and
- iv. Nkum.

The selection through the simple random sampling was done where pieces of papers each written Yes or No was picked by each individual in all the villages (Strata). Purposive sampling technique was used to select respondents from enumerated villages. On the whole, a total of hundred (100) respondents were selected from each of the villages represented in this study. These bring the total number of the respondent to four hundred (400). The Taro Yamene's (1967) sample size determination was used to determine the actual selection.

The instrument used for this study was a structured questionnaire. Linear Regression was the statistical technique employed in the study.

Test of hypothesis

Hypothesis: Participation in local project implementation through consultation does not significantly relate with socio-economic wellbeing of rural dwellers in terms of improved literacy status in Obubra LGA of cross river state.

Table 1

Regression model statistics between participation in local project implementation and socio-economic wellbeing of rural dwellers in Ofumbongha in Obubra LGA of Cross River State (N = 393)

Model	R	R square	Adjusted square	R	Std. error of the estimate
1	.321 ^a	.103	.094		1.02164
ANOVA^a					
Model	Sum of square	Df	Mean square	F	Sig.
Regression	47.476	2	11.869	11.371	.000 ^b
1 Residual	412.284	391	1.044		
Total	459.760	393			
Coefficients^a					
Model		Unstandardized coefficient	Standardized coefficient	T	Sig
		B	Std. error	Beta	
(Constant)	2.185	.251		8.721	.000
Organizing micro business training	.005	.054	.004	.087	.931

Significant at 0.05; df = 391, critical r = 3.053; critical f = 11.371

The hypothesis states that participation in local project implementation through consultation does not significantly relate with the socio-economic wellbeing of rural dwellers in terms of improved literacy in Ofumbongha in Obubra LGA of cross river state. The hypothesis was tested using linear regression. The independent variable is participation in local project implementation through consultation while the dependent variable is socio-economic wellbeing.

Result reveals that participation in local project implementation through consultation significantly relate with the socio-economic wellbeing of rural dwellers in terms of improved literacy (R = 321a). The adjusted R square (R. Square = 103) also showed that participation in local project implementation through consultation significantly relate with the socio-economic wellbeing of rural dwellers. (Adjusted R² = .094) shows that the total variation of the disaggregated independent variable (participation in local project implementation) also affects the socio-economic wellbeing of rural dwellers. A similar significant result difference was obtained in the ANOVA model which also showed a significant F-ratio of 11.371 which was calculated against the critical F-ratio of 3.053 at 0.05 levels of significances.

The beta weight suggests that the more people participate in local project implementation the more it impacts on the socio-economic wellbeing of rural dwellers ($P = .400$, $t = 8.721$, $P < 0.05$). Since the calculated r of 11.371 is greater than the critical r of 3.053 at the .05 level of significance, we reject the null hypothesis and accept the alternate hypothesis. This implies that participation in local project implementation through consultation significantly relate with the socio-economic wellbeing of rural dwellers in terms of improved literacy in Ofumbongha in Obubra L.G.A of Cross River State.

Discussion of Findings

The study revealed that increase awareness in community development by SHED Africa has led to increased participation of community members in community projects. The study showed high female participation in community services. This attributes to the fact that SHED mobilized the women to be more sensitive to communal developmental issues. The women group ought to be mobilized. Amain (1998) argued that reaching women is a major means of meeting community. Once women are reached, one will meet the children and in so doing reach the nation. You have also reached homes, schools, farms, Local Government and rural community level. The women in the study area were mobilized to release them from the bondage of ignorance, inferiority complex that makes them think they are less competitive than their male counterpart. The reverse will hinder the well-being of the people.

Data also revealed that Ofumbongha benefited in the building and renovation of modern classrooms and school offices in primary and secondary schools in SHED's project. Data showed that SHED provided educational materials such as books and writing materials to support the children at school. This finding disagreed with Daniel (2004) who argued that the attempt to improve educational opportunities for the disadvantaged rural groups is yet to be at its fullest. The lack of adequate educational infrastructures like classroom blocks, desk, textbooks, and writing materials in the educating process in rural areas caused a serious setback to various efforts in the past, in which SHED provided and improved their literacy status, thus, impacted positively on the wellbeing of the rural dwellers.

The study showed that participation of rural dwellers in local projects implemented through consultation enhanced human resource abilities of community members. This agreed with the participative approach which explained that a key vital means of meeting the basic needs of humans is through individual and community participation in problem-solving and decision making. A major achievement in tapping new energy resources will come through people doing more to help themselves (Ebong, 2006).

Conclusion and Recommendation

The objective of the study was to examine the impact of the impact of local participation in projects implementation on the socio-economic well-being in Obubra Local Government Area of Cross River State, Nigeria. The findings from data analysis show that participation in local project implementation through consultation significantly relates to the socio-economic wellbeing of rural dwellers of the people. The study indicated that community members are now well informed and effectively involved in activities that promote productivity. The study recommends the need for continuous awareness campaign through community training and participation of the locals in the implementation of local projects in Nigeria.

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CHAPTER | 9

Security and Socio-Economic Development of Nigeria State

¹Krokeyi, Wisdom Selekekeme & ²Dadi, Timothy

¹Department of Economics, Niger Delta University
Wilberforce Island P.M.B. 071, Bayelsa State

²Department of Political Science,
Ahmadu Bello University, Zaria, Kaduna State

Introduction

There cannot be development when there is no security. Security is essential if society must develop and move forward to a desirable socio-economic development. This paper evaluated the issues of insecurity and its effects on Nigeria's socio-economic development. Available data on the level and dimensions of insecurity in Nigeria reveals an increase over time, which constitutes serious threat to lives and property, hinders economic activities and discourages investors, all which stifles and retards Nigeria's socio-economic development. The study also identified lack of equality and justice; poor economy; high level of unemployment; religious; political instability, electoral, religious, ethnic or tribal as sources of crises that beset Nigeria which has resulted to loss of lives and properties that would have aided Nigeria's development process. This emerging trend of insecurity has not abated but has assumed a dangerous dimension which poses a threat to the corporate existence of the country as one geographical entity. In the light of the above, the study recommends that government should be proactive in dealing with security issues and threats, through new methods of intelligence gathering and sharing among security

personnel, training, logistics, motivation, and deploying advanced technology in managing security challenges. Government should be prompt at addressing the identified causes of insecurity. The paper further argues that security of lives and properties is a collective responsibility, thereby; both state actors and non state actors should be responsible for bringing about the desired sustained socio-economic and political wellbeing of Nigerians.

Security means different thing to different people. Security is as old as mankind. However, it is the act of preventing unlawful entrance or exit of a premise, prevention of unlawful possession or to protect a person, people or place from attack. Security is also the protection of life and properties from intruders, attack, trespassers or theft. Security is defined from the word 'secure' (Hornby, 2000:1063). The holy scripture help us appreciate the fact that the first human creations (Adam and Eve) were prevented entrance to the Garden of Eden. It follows that God himself initiated the concept of security (R.C. Fuller, 1979:7). Insecurity in Nigeria has become an alarming issue where policy makers, Government and Non-Governmental organizations and those in academia have raised voices in an effort to reduce its menace. Although, measures have been taken by the government through the establishment of agencies and security operatives to curb this rising trend of criminality, but such efforts have failed to reduce the rate of crime.

Literatures attest to the fact that after the Nigerian civil war in 1970, large quantities of arms were imported into Nigeria to be used by the military. Deliberately or inadvertently, these arms got into the arms of the non military (civilians). These arms became tools in the arms of civilians and ex-military men for criminal purposes. There was also the army of unemployed youths some of whom lost their job during the civil war. Armed robbery phenomenon in Nigeria came to the increase immediately after the Nigerian civil war (Ime Bassey, 2002: 38). The Nigerian University campuses have also recorded crimes ranging from physical assault, murder, arson, armed robbery, rape, kidnapping, assassination etc. Terrorism is the use of threat or violence for the purpose of publicizing the existence of violence or cause of a particular group. Terrorism is also used as a measure of persuasion or coercion for political motives. It is a tool used to accomplish specific goals (Pedro Imadoja, 1993:68) The 1999 Constitution of the Federal Republic of Nigeria specifically states that "The security and welfare of the people shall be the primary purpose of government". Unfortunately, government on this constitutional responsibility has failed to provide a secured and safe environment for lives and property, and the conduct of business and economic

activities. According to Omoyibo and Akpomera (2013), as cited in Olabanji and Ese, security is a concept that is prior to the state, and the state exists in order to provide that concept. Security is the prime responsibility of the state (Thomas Hobbes, 1996). The alarming rate of insecurity in Nigeria has propelled crime rate and Terrorists attacks in all regions of the country such as Boko haram, Fulani and farmers conflict, kidnapping, harmed robbery, militancy etc leaving unfavorable consequences for the nation's economy and its growth. To address the threat to national security and combat the increasing waves of crime, the federal government in the 2013 budget made a huge allocation to security, and the national assembly passed the Anti-Terrorism Act in 2011 (Ewetan, 2013). Despite these efforts, the rate of insecurity in the country is still high, and a confirmation of this is the low ranking of Nigeria in the Global Peace Index (GPI, 2012).

Despite the huge security measures taken to address the daunting challenges of insecurity in Nigeria, government efforts have not produced the desired positive result. This has compelled the Nigerian government in recent time to request for foreign assistance from countries such as USA, Israel, and EU countries to fight the rising waves of terrorism and insecurity. Amidst the deteriorating security situation in the country, Nigeria is also confronted with several developmental challenges which pose serious threat to socio-economic development which has led to the recession witness currently. These developmental challenges include endemic rural and urban poverty; worsen youth unemployment, low industrial output, unstable and deteriorating exchange rate, high inflation rate, inadequate physical and social infrastructure, very large domestic debt, and rising stock of external debt (Ewetan, 2013).

According to the National Bureau of Statistics, Nigeria's unemployment rate increased to 23.9 per cent in 2011 compared with 21.1 per cent in 2010 and 19.7 per cent in 2009, in 2016 it rose to 41.11 per cent. The country has a youth population of 80 million, representing about 60 per cent of the total population with a growth rate of 2.6 per cent per year, and the national demography suggests that the youth population remains vibrant with an average annual entrant to the labor force at 1.8 million between 2006 and 2011. In 2011, 37.7 per cent of Nigerian were aged 15-24 years and 22.4 per cent of those between ages 25 and 44 were willing to work but could not get jobs. The current level of social insecurity is alarming and unacceptable. Nigeria had experienced several militia groups ranging from; Arewa People's Congress, Bakassi Boys, Bakassi Movement for self- Determination, Boko Haram, Civil Joint Task Force,

Egbesu , Ijaw Youth Council, Movement for the Emancipation of the Niger Delta, Niger Delta Avengers, Niger Delta Greenland Justice Mandate, Niger Delta Liberation Front, Niger Delta People's Volunteer Force, Niger Delta Vigilante, Oodua People's Congress, Yan Tatsine etc. This is further evidenced by the fact that all regions have started calling for division such as the Indigenous People of Biafra (IPOB) with its establishment of Biafra Secret Service (BSS). Due to insecurity in the country, the government has devoted huge part of its budget to defence as contained in the 2017 national budget. It is one of the four sectors that got the highest allocation. It is said that a total of N465.87 billion was allocated to it. The Minister of Budget and National Planning, Udoma Udoma reported that the Ministry of Defence received N325.87 billion as recurrent vote in the N7.29 trillion budgets. It however, came fourth in capital allocation with N140 billion.

The Ministry of Interior got the highest recurrent allocation of N482.37 billion and N63 billion capital vote for the period. The irony of the issue is that a greater proportion of the population does not have access to safe water, health care facilities, electricity and affordable quality education. Nigeria is a signatory to the UN resolution on the MDG goals, which is unrealizable. Given the mind blowing budget for defence, it has become a clear attestation to the relationship between security and socio-economic development of the Nigeria State. This paper seeks to elucidate the direct issues of security in Nigerian state and the consequences for the Nigerian federation in its entire ramification.

Literature Review

Conceptual Issues

There is a diverse approach to conceptualizing security which is the antithesis of security issues. This article thus seeks to evaluate the concept of security to enhance a good comprehension of the concept of security. Security need was the foundation of the social contract between the people and the state, in which people willingly relinquish their rights to an organ of government who oversees the survival of all and sundry. In this circumstance, security embodies the mechanism put in place to eschew, prevent, limit, or resolve violent conflicts, and threats that originate from other states, non-state actors, or structural socio-political and economic conditions (Stan, 2004). For decades, issues relating to security were on the front burner in the development discourse, Several effort have been made since the cold war ended to redefine the concept of security from a state-centric perspective to a broader view that places premium on individuals, in which human security that embodies elements of

national security, human rights and national development remain major instrument for explaining the concept. At the core of this debate there have been effort to deepen and widen the concept of security from the level of the states to societies and individuals, and from military to non-military issues (Nwanegbo and Odigbo, 2013; Kruhmman, 2003). According to Nwanegbo and Odigbo (2013) as used in Olabanji and Ese, the diverse approaches to the conceptualization of human security in the theoretical literature can be categorized into two major strands. One is a neo-realist theoretical strand that conceptualizes security as primary responsibilities of the state. The second strand, a postmodernist or plural view, conceptualizes security as the responsibilities of non-state actors and displaces the state as a major provider of security. In Nigeria, the state actors and non state actors are both stakeholders in the fight against insecurity and social economic development of the state. Proponents of the pluralist approach argue that the concept of security goes beyond a military determination of threats. They are of the view that government should be more concern with the economic security of individual than the security of the state because the root causes of insecurity are economic in nature. Some scholars in conceptualizing security placed emphasis on the absence of threats to peace, stability, national cohesion, political and socio-economic objectives of a country (Igbuzor, 2011; Oche, 2001; Nwanegbo and Odigbo, 2013) as cited in Olabanji and Ese.

Thus, there is a general consensus in the contemporary literature that security is essential for national cohesion, peace and sustainable development, It is therefore apparent that national security is a desire, sine qua non for economic growth and development of any country (Oladeji and Folorunso, 2007). In the intelligence community there is a consensus that security is not the absence of threats or security issues, but the existence of a robust mechanism to respond proactively to the challenges posed by these threats with expediency, expertise, and in real time. The concept of security challenges means different terms, absence of safety; danger; hazard; uncertainty; lack of protection, and lack of safety.

According to Beland (2005) insecurity is a state of fear or anxiety due to absence or lack of protection. Achumba et al (2013) defines insecurity from two perspectives. Firstly, insecurity is the state of being open or subject to danger or threat of danger, where danger is the condition of being susceptible to harm or injury. Secondly insecurity is the state of being opened to risk or anxiety, where anxiety is a vague unpleasant emotion that is experienced in anticipation of some misfortune. Insecurity underscores a major point that those affected by insecurity are not only

uncertain or unaware of what would happen but they are also vulnerable to the threats and dangers when they occur. In the context of this paper insecurity is defined as a breach of peace and security, whether historical, religious, ethno-regional, civil, social, economic, and political that contributes to recurring conflicts, and leads to wanton destruction of lives and property. The conceptualization of development has metamorphosis since the Second World War ended in 1945. The meaning and the conceptualization of development was greatly influenced by the ideological contradiction between the Socialist East and the Capitalist West. The issue of ideology of development posed a problem to conceptualizing development. Growth theorists argued that development is an outcome of economic growth while other scholars like Rostov (1952), Harrod-Domar (1957) argued that economic development and growth result from structural changes, savings and investments in an economy.

The failure of economic growth in most under-developed and developed countries of Latin America and Africa, in the late 1970s, is the inability to deliver corresponding social goods and solve problems of unemployment, poverty, disease, hunger, illiteracy and ever increasing crimes and wars, necessitated the new thinking, and redefinition of development from economic growth centered perspective to human centered approach (Nwanegbo and Odigbo, 2013). In this light Chandler (2007) sees development as a broader concept that recognizes psychological and material factors that measure human well being. Development therefore is a multifaceted phenomenon and man centered. It is the process of empowering people to maximize their potentials, and develop the knowledge capacity to exploit nature to meet daily human needs (Rodney, 1972; Nnoli, 1981; Ake, 2001). The transformation of the society and the emergence of new social and economic organizations are critical indicators of development (Nwanegbo and Odigbo, 2013) as cited in Olabanji and Ese. Socio-economic development is a product of development and can be defined as the process of social and economic transformation in a society. Socio-economic development embraces changes taking place in the social sphere mostly of an economic nature.

Thus, socio-economic development is made up of processes caused by exogenous and endogenous factors which determine the course and direction of the development. Socio-economic development is measured with indicators, such as GDP, life expectancy, literacy and levels of employment. Changes in less-tangible factors are also considered, such as personal dignity, freedom of association, personal safety and freedom from fear of physical harm, and the extent of participation in civil society.

Causes of socio-economic impacts are, for example, new technologies, changes in laws, changes in the physical environment and ecological changes. Scholars have identified strong links between security and development since the cold war ended (Nwanegbo and Odigbo, 2013; Chandler, 2007). They posited that development cannot be achieved in any nation where there are conflicts, crisis and war. There is a consensus in the literature that security and development are two different and inseparable concepts that affect each other, and this has naturally triggered debates on security-development nexus (Chandler, 2007, Stan 2004). Given the lack of consistent definition for 'right realism' in mainstream academia, it serves firstly to define the perspective overall prior to its discussion. Right realism has emerged due to modern developments in society's function and the understanding of how society influences the growth of individuals. In the mid-20th century the popular inclination towards crime was to approach it as a social problem that may be solved by re-evaluating the current approaches to crime management socially (Walklate, 2007).

However, due to global recession and increases in recorded crime rates, progression was gradually made in the United States as well as the United Kingdom towards causes of crime on the individual level. This approach to crime serves to shift the focus of crime and criminality from the shoulders of the governments and policy, to the nature of the causes of criminal individuals based on official statistics. Sociobiological explanations for crime, rational choice theory and routine activity approach are three aspects that will be taken under consideration here, applied using modern definitions of crime and criminal behavior. A more conservative approach towards crime control, emphasizing the agency of individuals over the power of poor social structures to harbor criminality, is characteristic of right realism. Social-biological theories are one example of this perspective, descending to the most basic root of human factors. Research into what impact genetics will have on individual's personal traits is rapidly accelerating, revealing new potential for explaining various phenomena of the human condition. James Q. Wilson and Richard Herrnstein did considerable work on the underlying causes of crime, focused on constitutional factors (age, sex, body type etc.), presence and/or absence of reinforcers and the nature of conscience (Walklate, 2007). They observed that crime is proportionately committed by young men in society (Owen, 2012), attributing age and sex as significant correlation to crime-committing potential. The benefits of having a deep and well-sourced understanding of the genetics behind human behavior outweigh the potential consequences this type of knowledge could provoke. For example, genetic research has revealed that alcohol consumption may be inherited through the genes of individuals (Wickens, 2009).

While the consumption of alcohol does not necessarily mean an individual will commit a crime, it is known that the inhibitory effects of alcohol will severely impair rational judgment. Equipped with this knowledge, it is possible to seek out those who may be at risk for inheriting alcohol consumption problems, and assist them by educating regarding the risks associated with it. This type of approach, backed by a scientific base and fronted by a pro-active and preventative solutions, is what one could hope to see from the development of a broad sociobiological knowledge base. There is sinister potential for this information to be misused however, if it is deemed more equitable to pinpoint at-risk individuals and remove them from the system rather than rehabilitate or educate them. Given the right-realist tendencies towards conservative means of governance, it is reasonable to believe that this sort of program would be slow in reaching application. The polar result is a filtering of individuals based on genetic predispositions, and a removal or observation of them without necessarily providing with assistance. This is the sort of solution that a long history of oppression and genocides in human societies has proven favoured by great criminals in power of the past and present. It is due to this negative potential that sociobiological explanations for criminal behaviour are avoided in current discourse regarding individuals. The final aspect of right realism that will be considered here is Routine activity theory, which is based on circumstantial predictors of criminal behavior. Routine activity theory focuses on three points of a crime: the motivated offender, the potential victim, and the absence of a capable guardian.

It is explained that an opportunity for the offender and potential victim to meet must arise, and then a circumstance in which it is more advantageous for criminal victimization to occur rather than to abide by law. It addresses that this is related to the “life circumstances” of members of society, without further addressing the larger social context which brings them together (Walklate, 2007). Sensibly, this theory relates to the socio-biological approach in that the experiences of different sex, gender, race and ages of people will influence their routine activities. For example, a youthful male individual will be more likely to be engaging in risky behaviors as a virtue of being in the adolescent phase of cognitive development (Wickens, 2002). What the routine activity approach neglects to acknowledge fully is the fact that socioeconomic status is a significant predictor of certain crime-related lifestyles. It describes the circumstances in which crime occur without describing why the circumstances exist in the first place. There is again support for the agency of the potential offender in choosing to offend or not, provided with the “perfect storm” of criminal opportunity. While it is not helpful to fully shift the blame away from offenders, it is important not to

ignore the fact that social structure combined with agency is what produces crime. If the needs of individuals are satisfactorily met, while the feeling of relative deprivation for those in the lower brackets lessened, there may be less need to turn to criminality in order to achieve societal goals. Routine activity theory gets close to the issue at the heart of why crime exists, but in the interests of keeping focused on criminals, ignores the environment in which it grows. The symbiotic nature of the relationship between human beings and their surroundings is neither a dualist nor completely cohesive phenomena. It is important to separate both agencies and systemic aspects that contribute to crime, and then approach the evident underlying commonalities with a critical lens. With differences in political ideologies set aside, a compromised union of left and right realist points would provide a rounded and satisfying assessment of legally defined crime on the scale of individuals and the social structures.

Some Theories of Development

Economic Theories

The Production Function Based Model: Production function defines the relationship between outputs and inputs in a production system. It defines specifically, the output of goods and services as a function of the input of factors of production. Functionally, if Q represents national output, K capital input, L labour input, N land input, E entrepreneurship input, then the functional equation of the production function is;

$$Q = Q(K, L, N, E)$$

By differentiation of the above equation, therefore, takes the form as; $Q, \Delta Q$, then we have

$$\Delta Q = Q_K dK + Q_L dL + Q_N dN + Q_E dE$$

The equation above is an indication that economic growth depends on the quantity of inputs of factors services and factor productivities. Development seeking countries should address issues of the supply of these factors of production. Hence, savings and investment are catalyst to growth and development. However, all these cannot be achieved amidst insecurity.

The Harrod-Domar Growth Model: This model is related to the production function model, though it concentrates on capital and links growth to savings and the capital-output ratio. Below is a simplified version of the Harrod-Domar model;

$$S = sY$$

where, S = total national savings
 s = average rate of savings, and
 Y = national income or output
 $k = K/Y$ (k assumed a constant)

where, k = capital-output ratio
 K = total capital stock
 If I = investment, then $I = \Delta K$

Again, this model shows that growth rate of national income is a function of the average rate of savings and the capital-capital ratio. The rate of growth is related to the average rate of savings, the higher the rate of savings, the higher the rate of growth of national income. So, Harrod and Domar postulate that saving is central in the development process; hence, government at all levels should formulate and implement policies towards enhancement of the rate of savings and investment.

The Lewis Dual Sector Model: The Lewis (1954) dual sector model locates economic development in a process in which surplus labour is transferred from a low productivity subsistent rural sector to an urban industrial employment. The profits from the urban industrial sector are continuously reinvested in the sector to create additional employment opportunities and thereby absorb the rural-urban labour inflow. This continuous reinvestment of profit by the capitalist derives the engine of growth and development of the economy. But again, these cannot be achieve in an environment besiege with insecurity.

Sociological Theories

Scholars have sought to locate the explanation of underdevelopment in the realm of the sociological and psychological behavioural patterns of the underdeveloped societies. This paper discusses contributions of some scholars, such as; McClelland (1951), and Hagen (1962).

McClelland's Achieving Society: This is a social psychological theory of development and underdevelopment. This theory hinges on the importance of achievement motivation as an explanatory variable in entrepreneurial behavior and the key role of the latter in the development process. It is McClelland's argument that entrepreneurial activity is the prime mover of economic and social development. He posits that the low level of development of underdeveloped countries is a result of low

degree of prevalence of *n*-Achievement (achievement motivation) among their populace. Therefore, development depends on entrepreneurial activity which itself depends on *n*-Achievement (Okowa, 1996).

Hagen's 'How Economic Growth Begins: This theory postulates that certain individual characteristics in the underdeveloped societies give rise to certain social conditions which have impeded development. These characteristics include; low social mobility through economic success, backward physical sciences and primitive production techniques (Okowa, 1996).

So, it is imperative to state that development by all standards cannot be achieved in an atmosphere of insecurity as experienced in Nigeria.

Composition of the Nigerian State

Nigeria is a federal constitutional republic with 36 states such as; Abia, Akwa Ibom, Adamawa, Anambra, Bauchi, Bayelsa Benue, Borno, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Lagos, Nasarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Sokoto, Taraba, Yobe, Zamfara States and the Federal Capital Territory, Abuja. Nigeria is further subdivided into 774 Local Government Areas (LGAs). It is located in West Africa with three major tribes such as Hausa, Igbo and Yoruba. It has more than 250 ethnic groups with varying spoken languages and customs. Nigeria happens to be the most populous country in Africa with a population of 143,318,000 in 2016 census and a projected figure of 193,392,517 in 2016, hence, making it the most populous Black Country in the world. She gained independence in October 1, 1960 from her colonial master – the United Kingdom. The main religions are Islam and Christianity. Christianity is concentrated in the South, while Islam dominates the Northern Nigeria. The Nigerian military, consisting of Army, Navy and Air Force are saddled with the responsibility to protect the Federal Republic of Nigeria, promote and sustain Nigeria's global security interest, and engaged in the peacekeeping efforts in West Africa.

Some Causes of Insecurity in Nigeria

There are several issues fueling insecurity in Nigeria, which includes; lack of equality and justice; poor economy; high level of unemployment; religious and ethnic crises; and political instability. Insecurity in Nigeria is an alarming issue as it has generated to the use various forms of violence ranging from traditional weapons, charms and modern sophisticated war armaments. Some of these crises are motivated by; political, electoral, religious, ethnic or tribal, and other forms. Nigeria has several

regions with peculiar patterns of violence. The Northern part of the country is more of religious violence and its extremists called Boko Haram; the South-South has militancy which those who encourages in such violent are called the militants; the South-East has kidnapping, cultism and robbery as major forms of violent, now Biafra agitation; the South- West is more of politically motivated, where thugs are use as instruments of violence. Although, there are other forms of insecurity across these region such as; intimidations, rape, and tribal crises, among other forms of abuses that culminated to the level of insecurity in Nigeria. According to Ibaba S. Ibaba (2017), the Niger Delta conflict was triggered by several factors that are linked to the inhibition of goal attainment; centralized federalism and inequitable distribution of oil revenue arising from ethnicity-based political domination and neglect of the region's development; oil induced environmental degradation and the resultant occupational displacement, loss of income and increased poverty; and the neglect of corporate social responsibility, among other issues triggered the conflict. Amazingly, there are agitations of both the majority and minority ethnic groups of total domination, discrimination, exploitation, oppression and a total neglect, amongst other issues. The result of these agitations led to the state of insecurity and has in no small measure threatened the peace, unity and stability in Nigeria. It is worrisome also that several lives are lost due to Fulani herdsmen' attacks on rural farmers and habitats of the North Central Nigeria, the trend is increasing by the day, hence, the socio-economic development is threatened.

Effects of Insecurity in Nigeria

The effects of insecurity on socio-economic development in any society - developed, developing and underdeveloped are not palatable. Some of these effects includes, but not limited to; loss of lives and properties, socio-economic stagnation, social tension, among others. However, Nigeria had established security agencies to combat crime and insecurity, which are; the National Security Agency (NSA), the National Intelligence Agency (NIA), the State Security Services (SSS), the Nigeria Police Force (NPF), the Nigeria Immigration Service (NIS), the Nigeria Customs Service (NCS), the National Drug Law Enforcement Agency (NDLEA), and the Nigeria Security and Civil Defence corps (NSCDC). Still the level of insecurity is on the increase. Violence in its ramification has claimed several lives and properties in Nigeria. Farmers are afraid to farm due to unsolicited attacks by the Fulani herdsmen, there is lack of investment confidence, social and economic activities were grounded, schools were closed, and businesses were shut down resulting from Boko Haram activities in the Northern Nigeria. The while, the Southern Nigeria also witness low investment due to the

activities of militia groups leading to a decline of investment and economic growth, thereby, increasing the level of unemployment. Interestingly, the government of Nigeria has devoted attention to combating insecurity.

Methodology

The study adopted descriptive research approach and data were obtained basically from secondary sources. Descriptive research is chiefly concerned with finding, describing and interpreting “what is”. This method does not aim at discovering new phenomena, but is “concerned with conditions or relationship practices that prevail; beliefs; points of view or attitudes that are held; processes that are going on; effects that are being felt; or trends that are developing” (Best 1970:116 cited in Apere 2006).

Descriptive research as the name implies, seek to quantitatively and qualitatively describe the nature of a particular problem or topic. Descriptive research as a major research approach, enhance qualitative policy decision making since it creates a clear picture of a particular situation or population which promotes its understanding. It also serves as a pre-requisite to inferences and generalizations (Robinson 2007).

Conclusion and Recommendations

The experience of insecurity in Nigeria is not palatable by all standards. Several issues have been identified in fueling insecurity in Nigeria. These include; lack of equality and justice; poor economy; high level of unemployment; religious and ethnic crises; and political instability. Some of these crises are further motivated by; political, electoral, religious, ethnic or tribal, and other forms. Amidst insecurity, socio-economic development is a mirage. The production function based theory which states that; $Q = Q(K, L, N, E)$. The model suggests that output is a function of inputs and that savings and investment are catalyst to growth and development. However, all these cannot be achieved amidst insecurity. Therefore, development seeking countries should address issues of the supply of these factors of production through combating and reducing the menace of violence and insecurity. The study recommends that the Federal Government should intensify its efforts to addressing the causes of insecurity holistically, creates employment opportunities, formulate a tripartite security agreement between federal, states and local governments in addressing insecurity. Because, addressing insecurity would increase investors confidence and investment in the economy, which would eventually create job opportunities.

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