

Elections and Governance in Nigeria's Fourth Republic

This book is a product of CODESRIA National Working Groups.

Dedication

For those who stood firm,
and sacrificed for democracy that we may have progress

Elections and Governance in Nigeria's Fourth Republic

Edited by

Osita Agbu



CODESRIA

Council for the Development of Social Science Research in Africa
DAKAR

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Council for the Development of Social Science Research in Africa

Avenue Cheikh Anta Diop, Angle Canal IV

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Contents

<i>About the Contributors</i>	vii
<i>Acknowledgements</i>	ix
<i>Abbreviations</i>	xi

Introduction

<i>Osita Agbu</i>	1
1. The Nigerian State and Politics in the Fourth Republic <i>Osita Agbu</i>	9
2. An Overview of Party Formation in Nigeria, 1960-1999 <i>Osita Agbu</i>	27
3. Electoral Commissions and the Conduct of Elections in Nigeria: The Role of INEC <i>Pamela Ogwuazor Momah</i>	37
4. Governance and Local Government Elections in Nigeria's Fourth Republic <i>Chinwe Nwanna</i>	53
5. An Overview of the State Houses of Assembly Elections <i>Sharkdam Wapmuk</i>	81
6. A Review of the National Assembly Elections <i>Sharkdam Wapmuk</i>	99
7. Presidential and Gubernatorial Elections in the Fourth Republic <i>Ogaba Oche</i>	123
8. Consolidation of Democracy and Good Governance in Nigeria: The Role of Civil Society <i>Ogaba Oche</i>	137
9. Impact of the Elections on Governance: Lessons Learned <i>Osita Agbu</i>	149
10. Elections in Nigeria: A Select Annotated Bibliography <i>Pamela Ogwuazor Momah</i>	163
11. Postscript	183



About the Contributors

Osita Agbu is a Research Professor at the Nigerian Institute of International Affairs, Lagos, and the editor of this volume. His specializations include Governance and Democratisation, Technology and Development, Post-Conflict Studies and Nigeria's Foreign Policy. He was formerly, editor of the *Nigerian Journal of International Affairs*. His published works include *Ethnic Militias and the Threat to Democracy in Post-Transition Nigeria, 2004*; *West Africa's Trouble Spots and the Imperative for Peace-Building, 2006*; and *Ethnicity and Democratisation in Africa: Challenges for Politics and Development, 2011*. He is also published in many reputable journals.

Ogaba Oche is a Research Professor and Head, Research and Studies Department at the Nigerian Institute of International Affairs, Lagos. He had previously lectured at the University of Jos in Plateau State, Nigeria, and has several publications in Political Science and International Relations. His areas of interest include African Politics, International Relations, Strategic Studies, Conflict Studies and Political Economy.

Chinwe Nwanna is a Senior Lecturer in the Department of Sociology, University of Lagos, Nigeria. She has numerous publications in Social Work, Gender and Population Studies, HIV & AIDS, Reproductive Health, Urban Sociology and Labour Migration. Currently, she is the Coordinator of B.Sc. Social Work Programme in the Faculty of Social Sciences, University of Lagos. She is also the Business Manager of *UNILAG Sociological Review*, a journal published by the Department of Sociology. She has received various awards for academic and research excellence including the awards as the Faculty of Social Sciences Distinguished Researcher 2007/2008 Session and the best PhD thesis in the Humanities, 2009.

Sharkdam Wapmuk is a Research Fellow at the Nigerian Institute of International Affairs, Lagos. His research interests include Democratisation, Integration Studies, and Nigeria's relations with the Emerging Powers. He has been published in several journals and has contributed chapters in some books. He is currently a PhD student at the University of Jos, Nigeria.

Pamela Ogwuazor-Momah is the Deputy Director, Readers and Bibliographic Services, Library and Documentation Services at the Nigerian Institute of International Affairs, Lagos. She holds a B.Sc. degree in International Studies from Marymount Manhattan College, New York, USA, and an MLS degree in Library Science from the University of Ibadan, Nigeria.

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Abbreviations

AC	Action Congress
ACN	Action Congress of Nigeria
AD	Alliance for Democracy
AFRC	Armed Forces Ruling Council
AG	Action Group
ANC	All Nigerian Congress
ANPP	All Nigeria Peoples Party
APC	All Progressives Congress
APGA	All Progressives Grand Alliance
APP	All People's Party
CDCC	Constitutional Debate Coordinating Committee
CNC	Congress for National Consensus
CPC	Congress for Progressive Change
DAC	Democratic Advance Movement
DPN	Democratic Party of Nigeria
ECN	Electoral Commission of Nigeria
EFCC	Economic and Financial Crimes Commission
EMU	Eastern Mandate Union
EMBs	Electoral Management Bodies
FEC	Federal Electoral Commission
FEDECO	Federal Electoral Commission
FGD	Focus Group Discussion
FEC	Federal Executive Council
FPTP	First Past the Post
GDM	Grassroots Democratic Movement
GNPP	Great Nigeria Peoples Party
ICPC	Independent Corrupt Practices and other Related Offenses Commission
INEC	Independent National Electoral Commission
ING	Interim National Government
JACON	Joint Action Committee on Nigeria
LCDA	Local Council Development Areas
LGA	Local Government Areas

LGC	Local Government Council
MDJ	Movement for Democracy and Justice
NACA	National Agency for the Control of HIV/AIDS
NCBWA	National Congress of British West Africa
NADECO	National Democratic Coalition
NCNC	National Council of Nigerian Citizens
NCNC	National Council of Nigeria and the Cameroons
NCPN	National Centre Party of Nigeria
NDDC	Niger Delta Development Commission
NDI	National Democratic Institute for International Affairs
NEC	National Electoral Commission
NECON	National Electoral Commission of Nigeria
NEPU	Northern Elements Progressive Union
NERA	New Era Alliance
NHIS	National Health Insurance Scheme
NLC	Nigerian Labour Congress
NPC	Northern People's Congress
NPN	National Party of Nigeria
NPP	Nigerian Peoples Party
NRC	National Republican Convention
NSM	National Solidarity Movement
OPC	Oodua People's Congress
PCF	People's Consultative Forum
PDP	Peoples Democratic Party
PEF	Police Equipment Fund
PNC	People's National Congress
PRC	Provisional Ruling Council
PRP	Peoples Redemption Party
SIEC	State Independent Electoral Commission
SDP	Social Democratic Party
SMC	Supreme Military Council
TMG	Transition Monitoring Group
UMBC	United Middle Belt Congress
UNIP	United Nigeria Independent Party
UPN	Unity Party of Nigeria
UNCP	United Nigeria Congress Party
UNPP	United Nigeria People's Party
UPP	United People's Party
WASU	West African Students Union

Introduction

Osita Agbu

Nigeria is bedevilled by a myriad of governance problems, often typified by the pre- and post-election crises associated with its democracy. Instances of this abound from the experiences of the 1999, 2003 and 2007 general elections in the country. The conduct of these elections was fraught with such irregularities that many wondered if the country could survive the ensuing crises. Fortunately, it did and has continued to do so amidst a volatile political climate. However, the nagging question remains: for how long will the country continue to bastardise democracy and engage in electoral brinkmanship? The elections of 1999 and 2003 could be considered transitional elections because they marked watersheds in the country's march to civil rule, which had been truncated severally under military rule. We call them 'transitional elections' in the sense of movement away from military to civil rule, autocratic to supposedly popular rule, and from the embrace of democracy to its consolidation. While the 2007 elections appeared to have set back the gains made with the democratisation process, the 2011 exercise was a redemption exercise of sorts. The expectation, therefore, is that the 2015 general elections will significantly consolidate democracy after sixteen years of unbroken civil rule, which is a rare achievement in many developing countries, especially in Africa.

In this volume, we argue that the processes leading up to the 1999, 2003 and 2007 elections, the conduct of the elections proper and the post-election controversies have continued to have serious implications for Nigeria's democracy, national stability and development. The poor conduct of elections has directly and indirectly thrown up highly unsuitable people into positions of trust and governance. The quality of governance has therefore suffered as a result of this. It is against this backdrop that we assert that the quality of the electoral process in Nigeria will invariably determine the quality of governance and service delivery in the country.

It, thus, becomes necessary to ask the following questions so as to highlight the key issues connected with the conduct of elections and governance in Nigeria: What has been the character of elections held in Nigeria since 1999? To what extent have successful elections contributed to stability and good governance in the country?

What are the challenges of conducting of credible elections and provision of good governance in Nigeria? What is the link between the character of elections and the character of the Nigerian state? What should we do to ensure that future elections are transparent and contribute to good governance in the country?

These are some of the pertinent questions we intend to examine critically in this volume so as to provide viable answers towards realising Nigeria's development aspirations. In particular, we shall focus on the concepts of elections and good governance as well as issues relating to the Local Government elections (1999, 2003, 2007), gubernatorial and House of Assembly elections (1999, 2003, 2007), National Assembly elections, the presidential elections, and also the role of the Independent National Electoral Commission (INEC) in the electoral process. In addition, the role of the civil society between 1999 and 2007 in the political and electoral processes will be addressed and recommendations proffered towards addressing the problems identified.

Conceptual Issues in Elections and Governance

Several significant studies have been carried out on the various dimensions of elections and governance in Africa generally, and Nigeria, in particular. Some authors, for example, Bratton and Daniel (1999) focused on the matter of second elections and the nexus between the state, conflict and democracy in society. Others focused on human rights abuses and their effect on the conduct of free and fair elections (Human Rights Watch 2007; Ajala and Mbagwu 2007; Ibrahim and Egwu 2005). Sha (2005, 2006) was more concerned with the quality of elections conducted in Nigeria as he assessed Nigeria's democratic transition project. He concluded that there has been too much politics and too little democracy in the elections. Furthermore, Olawale and Adetula (2006), in trying to draw lessons from the 2003 elections in Nigeria, expressed grave concern over the flawed processes that characterise the conduct of future elections and their implications for good governance in the country.

The literature also indicates that elections and post-conflict elections have become important instruments or processes of peace building favoured by the international community in countries emerging from social violence and civil uprising (Shain and Linz 1995; Kumar 1998; Sisk 1998; Ibrahim 2003; IOM 2005; Lopez-Pintor 2005; Wai 2006). While Kumar et.al (2002:6), for example, see elections as primary vehicles for transforming conflict-ridden polities to peaceful ones; Ottaway (2003) considers them a necessary part of building new democratic institutions.

Conceptually, the key question at issue in this study could be appreciated particularly within the scope of the liberal democratic theory. However, the tenets of liberal democracy have variously been criticized by scholars who argue that in reality, democracy is difficult to practice. We know, as postulated by Mafeje (1995),

that democracy ordinarily has only one meaning, namely, rule by the 'demos' that is, 'the people' arising from the experience of evolution of democracy in America. That is why we often hear people say that democracy cannot be reduced to the ritual of periodic elections for the purpose of sanctioning elite rule. For yet some others, like the late seminal Nigerian political economist, Claude Ake, the issue of concern is the shift of focus from the people to the elite instead of a shift in the opposite direction. A shift of focus to the people will ideally embrace more of social democracy, rather than liberal democracy (Ake 2000:7).

Democracy, used in its modern sense, could be traced to the 19th century when it was used to describe a representative form of government in which the representatives were chosen by free competitive elections and most male citizens were entitled to vote. In the United States, this state of affairs was reached in the 1820s and 1830s, as the franchise was extended state by state. In France, there was a sudden leap to adult male suffrage in 1848, but parliamentary government was not established securely until 1871. In Britain, parliamentary government had been secure from 1688 onwards, but the franchise was not extended to the majority of male citizens until 1867 (Birch 2007:110).

In addition to Abraham Lincoln's famous definition of democracy as 'government of the people, by the people, for the people; which is obviously rather simplistic though enlightening; Sørensen (2008:27) identifies three main conditions that must be met before democracy can happen. These are competition (among individuals, organisations, groups, political parties for all positions of power on a regular basis that excludes the use of force); participation (that is highly inclusive in selecting leaders and adopting policies through regular and credible elections); and civil and political liberties (sufficient to ensure the integrity of the two previous conditions). For him, therefore, competition, participation, civil and political liberties are the core dimensions of political democracy. However, these are supported by certain pre-conditions relating to the economy, participant political culture, the social structure of the society and international economic, political and ideological factors.

Therefore, what really should be at the heart of the democratic theory is the concern for political inclusiveness and popular participation by the majority of the adult population within the polity. One undeniable political fact, however, is that political participation has always been discriminative in respect of provisions for elections. Even in the context of the Greek City states where democracy had its roots, certain categories of people were excluded from participation in the decision-making process. Demographic imperatives and the increasing complexity of modern industrial societies, it is argued, have made it impossible to practice the Greek form of 'direct democracy'. What has come to replace this historic democratic model is representative democracy. In theory, democracy is a system of government characterised by the participation of the people through their freely elected representatives, by the recognition and promotion of the basic

rights of citizens, including the rights of vulnerable groups such as minorities. The central thing about democracy is to ensure that the people have a say over the acquisition and use of power. The defining characteristics of democracy include pluralism and multi-partism; free and competitive politics and elections; popular participation in the political process; respect for the rule of law and respect for human rights and the 'rules of the game', as agreed by all stakeholders. Furthermore, the process of establishing, strengthening or extending principles, mechanisms and institutions which define a democratic regime, is what we generally refer to as democratisation (Omotola 2009:40).

Opinions are, however, divided amongst scholars on the adequacy or otherwise of the status of representative democracy as a desideratum for democratic politics (Odukoya 2006:4). For Ake (2000:7), there is nothing operationally complex and confusing about the concept of democracy '... it means popular power, or in the famous American version, government of the people, for the people, by the people'. The essence, of course, is to devise a system that allows the people to select who should govern them in a popular and transparent manner. Increasingly, it is becoming clear that whereas there are certain irreducible characteristics of democracy, every country or polity will have to eventually evolve the strand of democracy that best suits its history, culture, social values, economy and politics.

The pluralism which democracy values, finds expression in elections as an instrument of popular choice. However, if elections are to be respectable and acceptable and perform its role in political transformation, peace building and conflict resolution, it must be free and fair. In other words, the defining character of good elections is the degree of transparency and popular choices associated with the electoral processes. The people who are qualified to vote must be allowed to freely decide the choice of parties and candidates in an unencumbered manner. This, to a very large extent, is a function of the structure and process of the electoral system and its practice.

The relevant concepts involved in this study include democracy, elections and good governance, political representation and democratization. Elections provide the medium through which the different interest groups within the nation-state can stake and resolve their claims to power through peaceful means. Elections, therefore, determine how political change occurs in a democratic state, and where this fails, the result is usually chaos. In Nigeria, as in many other countries, the conduct of free and fair elections has always been a problem which continues to threaten the very survival of the entity and question the relevance of 'democracy' since the country's political independence on 1 October 1960.

Nigeria is politically plural with about sixty-three political parties and an estimated 70 million voters as at 2010. These features posed a major problem for the organisation of the 2011 general elections. The problem arose both in respect of election management relating to logistics and the activities of some of the

politicians who tried to undermine the elections knowing that there was no way they could win in a free and fair contest. The electoral management body – the Independent National Electoral Commission (INEC) – had the herculean task of superintending over the charged elections.

The constitutional provisions on elections and the proper and fair implementation of these are fundamental to the conduct of free and fair elections and the credibility of any democracy. In the Nigerian case, however, there were quite a number of issues relating to the Constitution. It would be recalled that the 1999 Nigerian Constitution was an amended version of the still-born 1995.

Constitution. The Justice Niki Tobi-headed Constitutional Debate Coordinating Committee (CDCC) during the Abdusalami Abubakar regime quickly tinkered with this document (the 1995 Constitution) within a two month period and came out with a new draft Constitution. Because of this, there was little time and inadequate consultation and public hearing to properly receive inputs and debate the provisions of the draft constitution. In short, what the CDCC ended up producing as a draft constitution was far from being the peoples' Constitution (Omotola 2009:45). The Constitution had several conflicting provisions. A troubling feature of this is the over-centralization of powers in one person – the President – thereby constraining the provisions and processes that underlie democracy. This invariably laid the foundation for the several constitutional crises experienced in the Fourth Republic, such as the nature of fiscal relationship between the Local and State Governments, the relationship problem between the Executive and Legislative arms of government and the matter of tenure elongation of Mr President. It was much later, towards the end of the Olusegun Obasanjo Presidency that INEC and the Federal Government sought ways through which electoral reforms and amendment of the 1999 Constitution could be instituted.

On the other hand, the essential principle underlying governance is the exercise of power and authority in both the political and economic spheres (Brautigam 1995:15). There are two approaches to the definition of governance: the neutral and the non-neutral definitions. An example of the neutral definition is that proffered by the World Bank in 1989, which portrayed governance as the exercise of political power to manage a nation's affairs (World Bank 1992). Whilst this definition may be apt in principle, it does not necessarily mean that the institution is a neutral institution. Good governance, on the other hand, is a subset of the wider concept of governance and implies that the government in power upholds the rule of law and is able to provide the basic necessities of life like food, shelter, security and health care to its citizens. Ordinarily, the underlying principle and thrust of good governance is to focus on people as the ultimate object of development. The expectation is that any government truly elected into office by the people will strive to retain the people as its main constituency, and address their needs accordingly. However, these perspectives on governance should not be taken at their face value. There are contextual influences that result

in the evolution of 'good governance' as an organising framework for managing resources in different political entities.

It was against the backdrop of the Structural Adjustment Programme (SAP) of the 1980s which produced results far below expectation or which outrightly failed in many countries that the World Bank, in a context of rising capitalism and vanquished socialism/communism, came up with the concept of 'Good Governance'. The good governance agenda entailed countries making changes in their bureaucracies and/or their political systems. In their version of good governance, the World Bank concentrated on managerial and institutional reforms, while bilateral donors were more explicitly political, and, beyond supporting institutional re-arrangements demanded multi-party democracy and respect for human rights as conditions for foreign aid (Leftwich 1993:606). Within this framework of assumed consensus, concepts such as accountability, transparency, participation and empowerment arose, and have since then not necessarily been properly explained, problematized or contextualized especially since SAP was seen by some as part of the governance problem and not the solution (Bangura and Gibbon 1992; Leftwich 1993; Olukoshi and Agbu 1996).

Hyden (1992) interestingly conceived governance as the conscious management of regime structures with a view to enhancing the legitimacy of the public realm, while Bratton and Rothchild (1992:267) noted that it is simultaneously used as an analytical framework for the study and description of legitimate politics and a desirable value. The point however, is that governance provides us with a theoretical and empirical base upon which we can marry formal and informal societal relations, typified by state-society relations. While we discuss democracy and elections, the imperative for good governance cannot be over-emphasized. It is also important to note that while good elections do not necessarily lead to good governance, it is a *sine qua non* for effective governance.

The general elections held in Nigeria in 1999, 2003 and 2007 were expected to enhance good governance with the ultimate goal of ensuring the welfare of Nigerians and improving their lives. However, it is common knowledge that there were very serious shortcomings about the conduct and results of these elections. In addition, the implications of their outcomes still reverberated around the polity many years after. Incidentally, the subsequent 2011 Elections were largely better organised, and the results more credible, mainly because the then acting President, Goodluck Jonathan, did not tamper directly or indirectly with the electoral process or the results. In other words, the implication is that transparent leadership and political will are two very important variables that could propel Nigeria's quest for mature representative politics.

Methodologically, this book proceeds through a mix of institutional level analyses involving group and national level issues as well as the comparative examination of the elections of 1999, 2003 and 2007. The study is not only

topical, but fundamentally relevant to the efforts being made to improve the practice of democracy and conduct of elections in Nigeria. The authors who were all participant-observers made use of both the interview schedule instruments and questionnaires instituted at different levels, depending on the issues involved. While the scope of the study was the entire country, there were differences in mode of analyses at the local, state and national levels, and in some cases comparative analysis was used. Whilst each contributing author was given a free hand to determine his/her choice of instrument for data collection, the overall theoretical and conceptual understanding was premised on the basic theoretical tenet of the need for popular democracy.

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