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A Review of the National Assembly Elections

Sharkdam Wapmuk

Introduction

The legislature is a crucial institution of democracy. Its function is defined in terms of lawmaking, representation and oversight responsibilities, all of which are necessary for democratic governance. This chapter examines the conduct of elections for the legislature at the national level and the implications for governance in Nigeria between 1999 and 2007. It argues that the problems associated with the electoral process and elections have direct impact on the performance of democratic institutions such as the legislature. The nature and character of the elections conducted in 1999, 2003 and 2007 for the legislature, as well as other elective positions, have raised serious questions about democratic governance in Nigeria. It has raised questions about the character of individuals purportedly elected to represent the people and the need to hold the executive accountable.

The legislature, no doubt, occupies a central position in the process of governance. This is more so for a democratic polity where the legislature is supposed to provide the most comprehensive platform for citizens' participation in the governance of their own affairs. However, the legislature has been described as 'a trajectory of weakness' (Alabi 2009: 233; Tyoden 1998: ii). This situation is not only peculiar to Nigeria, but has also been observed in other African countries and many other countries of the world. Alabi (2009) argues that the weakness of the legislature in terms of powers to act is evident when compared to the powers of both the executive and judicial arms of government. While colonialism and military rule contributed in no little way to the weakening of the legislature as an institution of governance in Nigeria, the quest for political power, which is seen by the dominant class as a guarantee for unlimited and uncontrollable access to the resources of the state, which in turn is appropriated for personal use, has produced questionable characters as legislators, governors, as well as other

political office holders. This has significantly diluted the intended purpose of representative democracy. The manner in which politicians in Nigeria conceive of it is in the Hobbesian art of capturing state power and using it in a domineering manner, and not necessarily for public good. This is the characteristic nature of politics in the post-colonial Nigerian state.

Some have argued that Nigeria's post-colonial state is under the control of a dominant class which inherited political power from the colonial powers at independence (Ake 1981). The dominant class has subordinated the state to its class interest. This class does not only subordinate the state in order to build its own economic power, but also has used its position to control the state. Onuoha (2003: 48) argues that 'the dominant instrument for controlling the state is political power and that the acceptable avenue for winning political power is through elections'. This, to a large extent, explains why the dominant political class views elections as a 'do-or-die' affair in order to maintain control of state power. Ake (1994) further notes that activities of the state have become over-politicised and political stakes have become too high and state activities are thus defined in this context in terms of political power and elections. The postcolonial state, by its very nature, is therefore not disposed to democratisation and the conduct of free and fair elections. Instead, as observed by Joseph (1991), the state is deeply entrenched in the politics of prebendalism. This was particularly observed during the era of military rule when the leadership was surrounded by a small circle of civilian cronies who largely served the interest of the military elite that had no interest in democratic rule and good governance. This military elite and the dominant class, did everything within its power to prevent the institutionalisation of elections and democracy in the country. It is against this background that we critically examine the conduct of National Assembly elections of 1999, 2003 and 2007.

We begin by exploring the theoretical perspectives and some concepts on elections and governance. We also discuss the methodology and proceed to examine the electoral system, legal framework and the electoral playing field, including the legislative election campaigns which exposed the way politicians struggle to occupy political offices in Nigeria. In addition, we examine the participation of the electorate in the elections of 1999, 2003 and 2007 and the performance of the legislators. Issues such as participation in the campaigns and elections, level of participation, representation of political parties, and whether the electorate was given any form of inducement to vote as well as problems encountered during the elections of 1999, 2003 and 2007 are examined. These form the subject of the first part of the assessment. The second part dwells on the performance of representatives in governance. We focus on the access of electorates to the legislators after elections, knowledge of legislation(s) sponsored/supported by the legislators since assuming office, availability of constituency offices, number of constituency projects and the rating of performance from 1999 to 2003, 2003 to 2007 and 2007 and beyond.

The case studies were drawn from three states in the country. These are Plateau State in the North Central, Borno State in the North East and Lagos State in the South West. The main justification for the purposive selection of these states is the desire to engage the stakeholders as closely as possible. This enabled us to do a critical examination of the elections conducted in these states with a view to gaining deeper understanding of the character of elections conducted in Nigeria in 1999, 2003 and 2007. This is with particular reference to the elections into the national assembly. The second reason for the choice of the three states is financial constraints, which limited our selection of not more than three states for the study.

The legislative institution was suffocated out of existence by past military regimes in the country. Among the first actions of military regimes in the country was the dissolution of pre-existing democratic structures, of which the legislature was the greatest casualty. The judicial arm of government is allowed to exist, even though as an instrument of state coercion, to give some semblance of commitment to governance under the law. On the other hand, the executive arm of government tends to gain strength under military administration (Alabi 2009:233). The military rulers through the Supreme Military Council (SMC) or by whatever other name called, wielded both legislative and executive powers, and sometimes even judicial powers. In such a situation, the legislatures could not but be weakened as a key governance institution.

Ideally, the legislature should offer the most comprehensive platform for citizens' participation in the governance of their own affairs. This is made possible only through the election of candidates of their choice to represent them at various levels such as in the National Assembly as 'Representatives' or 'Senators'. Kurfi (1983:259) observed that a representative democracy 'absolutely depends upon the integrity of elections'. Thus, elections and their outcomes have implications for democratic consolidation and governance. Problems associated with the electoral process and elections, therefore, has direct impact on the performance of democratic institutions like the legislature.

The majority of Nigerians are often called out, intimidated and even blackmailed into voting for specific candidates at elections, including representatives, who have been pre-selected for them, which may not necessarily reflect their choices (Fawole 2005:149). Once elected into office, members of the legislature become remote and distanced from the people that elected them and operate conveniently without them. After many years of military rule, Nigerians expected that with the return to democratic rule in 1999, the political space would be widened for their participation in governance and that, through elections, they could genuinely choose their representatives. They also expected their representatives to advance the interests of the electorate, ensure social justice and ensure a more equitable distribution of resources to the ordinary people through a transformational process that empowers them.

While the broad theme of this study is elections and governance in Nigeria, this chapter specifically focuses on the actual conduct of elections into the National Assembly. It seeks to understand the role of the state, the challenges of conducting the elections and the implications for governance.

Methodological and Theoretical Perspectives

Sources of Data and Information

This study draws extensively from primary and secondary materials/data to examine elections and governance in Nigeria, particularly the conduct of National Assembly elections. The study combines opinion sampled from face-to-face interviews with lawmakers, officials of INEC, individuals, and FGD with voters. The assessment of the participation of the electorate in the 1999, 2003 and 2007 elections as well as the performance of the legislators were based largely on (but not limited to) data drawn from the FGDs. The latter were held in three states, namely, Plateau State in the North Central, Borno State in the North East and Lagos State in the South West.

Three local government areas were also selected in each of the states – Plateau State has 17 Local Government Areas (LGA) and is ethnically and religiously diverse. Jos-North, the administrative capital fits into this description more than the other local government areas. Three LGAs were selected for FGDs. In Plateau State they include: Jos-South (Urban), Jos-North (Urban) and Barkin Ladi (Rural). The FGD for Barkin Ladi LGA were held with 14 participants in attendance: eight males and six females out of which twelve were farmers and two workers with the LGC. The FGD for Jos-South LGA had 16 participants in attendance, out of which 10 were males and 6 females, 2 Muslims and 14 Christians. The FGD for Jos-North LGA had in attendance 12 persons, 8 were males and 4 females; 3 were Muslims and 9 Christians. Borno State which has 27 LGAs is also ethnically and religiously plural. The FGD was held in three local government areas: Maiduguri (Urban), Bama (Urban) and Konduga (Rural). The FGD held in Konduga LGA had in attendance 10 participants, mostly farmers (6) local traders (2) and local government workers (2). The FGD for Bama LGA had in attendance 10 participants out of which 9 were males and 1 female. The FGD for Maiduguri LGA had in attendance 12 participants. Ten of the participants were male, while two were females, all of whom were civil servants. Lagos State has 20 LGAs and is the most ethnically and religiously diverse State in the country. Lagos State was the administrative capital of Nigeria before it was relocated to Abuja. The FGD for Lagos State was held in Somolu, Lagos Mainland and Eti-osa LGAs. The FGD held in Somolu LGA had in attendance 10 participants – 6 males, 4 females. The FGD for Lagos Mainland LGA had 11 persons in attendance – 9 males and 2 females. All were within the voting age of 18 years and above. The FGD for Eti-osa LGA had in attendance

10 participants – 5 males and 5 females (made up of civil servants, businessmen, women and students). Discussions were also held with individuals, journalists, civil society activists and community groups. Information derived from the review of relevant texts, journals, magazines, newspapers, official publications and historical documents were analysed through content analysis. Each of these methods provided us with deeper understanding of the efforts by the people to choose their representatives, their participation in elections, expectations from legislators and the performance of the legislators. It also revealed the character of elections management by INEC and the competition, intrigues, and methods employed by politicians to secure and retain power at various levels, including the National Assembly.

Democratic Theory

This study finds its theoretical anchorage in the popular democratic theory as the preferred form of democratic governance. This is opposed to the liberal or just social democratic theory, which could equally be non-inclusive; it is people-centred in a way that is rooted in the ethos and culture of the people and able to meet the needs and material conditions of the people. Nevertheless, at the heart of the democratic theory lies the notion of a system of rule and authority that is derived from the people and also accountable to them. Generally, democratic theory denotes the idea and practices of democracy to include some continual mediation between collective self-determination and individual self-determination of particular citizens (O'Donnell 2001). It follows that some kind of equality of participation and discourse is needed for this mediation, so that citizens can feel that their own agency in political matters can potentially have an effect in the larger society. Individuals possess political will which they seek to actualise through active participation. With respect to the legislature, the democratic theory argues that the people should be the authors of the laws that apply to them, and not just be at the receiving end. Obviously, if conditions are such that citizens feel that they can make no impact, and that laws are made by those who in no way seem to take heed of their views, then the ideals of such democratic government are called to question.

Actually the literature on democracy offers a wide range of competing explanations on what democracy ought to be. While some view democracy as a form of government, others see it from the perspective of procedure of arriving at decisions that have implications on individuals and the society. These issues are amplified by the liberal and participatory theories. While liberal democratic theories advocate the idea of decision-making powers to representatives, participatory theories advocate that citizens vote directly on political issues. Ake (1993a:243) was particularly critical of liberal democratic emphasis on individualism as against the African democracy which, according to him, offers a form of political participation

that is based on the social nature of human beings (Obi 2008). He further observed that since liberal democracy and the market share the same values, liberal democracy has been trivialized to the extent that real participation has lost its pride of place and is thus reduced to a form of dictatorship of the bourgeoisie. He was most critical of 'electoralism' which, he argues, disempowers African people. While Ake's thoughts on liberal democracy are apt, the reality however is that the direct form of democracy, which he subscribes to, is quite complex and difficult to operate due to the nature of modern society (Agbaje and Adejumobi 2006:27).

Unlike the liberal democratic theory which places much emphasis on individualism, participatory theory of democracy places emphasis on the principle of majority participation. Essential principles such as political equality, majority rule, 'common good', fall into the tradition of participatory democracy. Hence the focus of this study is on elections of the legislature at the national level. Here, a discussion on representation is imperative. The idea of political representation may be found in social contract theories, in which the governmental power was justified in terms of the delegation of powers by individuals to a representative(s). This brought about representatives as the link between 'the will of the people' and 'the will of the state'. According to this theory, individual citizens transfers their governmental power to a representative who then votes on legislation according to the will of the majority or the common good. To ensure that the representative actually follows the will of the people, representative democracy developed the practice of electoral accountability that holds representatives responsible for their actions during elections. However, the idea that elections serve to hold representatives accountable has been refuted by scholars (Ake 2000; Fawole 2005:150; Adejumobi 2000). In the words of Ake, voting does not necessarily amount to choosing. As observed in the Nigerian environment, electoral choices are made outside the orbit of electoral norms, rules and procedures. It is against this background that the study will examine the elections into the legislature at the national level in 1999, 2003 and 2007.

Definitions of the Key Concepts: Elections and Governance

Elections

It is important to clarify the meaning of the key concepts as used in this study. Elections are properly regarded as the core institution of any democratic government. This is because in a democracy, the authority of the government derives from the consent of the governed and not the other way around. Elections are, therefore, the primary mechanism for obtaining and translating the consent of the governed into governmental authority. Elections involve a complex set of activities with different variables that act and feed on one another. Key (1978) defined elections as a 'formal act of collective decision that occurs in a stream of connected antecedent and subsequent behaviour'. The study adopts the

submission of Nwabueze (1993) that democratic elections are expected to be not only competitive, periodic, inclusive, and definitive, but also free and fair. The significance of election is that it provides an avenue for the concrete expression of the attributes of democratic governance, which includes choice, participation and accountability. It involves the choice of people in the act of electing their leaders and their own participation in governance. Elections are not necessarily about the Election Day activities, although they form an important component. Elections include activities before, during and after elections. They include the legal and constitutional frameworks of elections, the registration of political parties, party campaigns, the activities of the electronic and print media in terms of access; they include campaign financing, the activities of the security agencies and the government in power. They also include the authenticity and genuineness of the voters register, and the independence, or lack of it, of electoral agencies and organs. of course, they also include the liberalism or otherwise of the political process in the country and the independence of adjudicating bodies of elections.

Governance

Different definitions and concepts of governance exist. Governance may be broadly defined as a process that facilitates the use of political power or collective power for the management of public affairs. Kaufmann, Kraay, and Mastruzzi (2004:4) defined governance as 'the traditions and institutions by which authority in a country is exercised'. Governance therefore include: the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic, political and social interactions among them. The process of governance takes place within a geographical setting and is shaped by many factors such as the historical realities, traditions and values, resources, competition and ethnic composition of the geographical area. Just as there is good governance, there is also bad governance. While there are universally accepted principles of good governance especially as articulated by donor institutions such as the World Bank and IMF, the same cannot be said of bad governance. The study adopts an operational meaning of governance as the means by which power is acquired and used in the management of public affairs in a most effective and efficient manner. The legislature is an institution that ensures effective governance by lawmaking and by maintaining a system of checks and balances on government. It does that by checking public expenditures, appointments, articulating the views of the people, and compelling the government to ensure accountability to the people. The manner in which collective power is acquired affects the legitimacy of governance. Our concern here is the acquisition of collective power through democratic elections and its use by representatives of the people.

History of Elections and Development of the Legislature in Nigeria

Elections and the legislative institution in Nigeria grew side-by-side out of agitations against non-involvement of Nigerians in the governance of their country. The British colonial power was not interested in giving franchise to Nigerians until various Pan-African movements started demanding for equal rights for the people of the colonies (Tamuno 1972:127). The activities of bodies such as the National Congress of British West Africa (NCBWA), formed in Accra in 1920, the West African Students Union (WASU), as well as the role played by pan-African nationalists such as Caseley Hayford, W.E.B Du Bois, Marcus Garvey and many others were instrumental in inspiring nationalist agitations in Nigeria. From the outset the British did not grant limited franchise for altruistic reasons but to douse the agitations that were growing across the country. The emergence of the first Legislative Council in Nigeria dates back to the pre-World War I period. The first of such was the Nigerian Council that was brought about by the Supreme Court Ordinance of 1913, which was composed of wholly European appointees of Sir Frederick Lugard. This Council possessed almost no legislative powers because it was largely constituted to advise the governor (Alabi 2009:235).

The lack of involvement of Nigerians led to agitations for inclusion. Their demands were for greater representation based on population and election. All these led to the introduction of Elective Representation in the Legislative Council for Lagos and Calabar in 1922 by Sir Hugh Clifford. That notwithstanding, the elective principle of 1922 was very restrictive, as it was not based on universal adult suffrage. It was rather based on income suffrage, as only adult males with a gross income of not less than £100.00 could vote. Despite its shortcomings, the introduction of elective principle in Nigeria in 1922 encouraged the formation of political parties. For instance, the Nigerian National Democratic Party (NNDP) that was formed by Herbert Macaulay and other leading nationalists participated in the first elections into the legislative council in 1923.

The next elections in the country took place in 1947 following the introduction of Arthur Richards Constitution which established, for the first time, a Central Legislature for the country. However, out of the 24 members of the Central Legislative body, only four were elected, three from Lagos and one from Calabar. The rest were either appointed or nominated by either the colonial authorities or the regional local authorities. A notable feature during this period was that ethnic groups and communities were used by the colonial governments, thus giving these groups or individuals a sense of ethnic consciousness (Nnadozie 2008: 50). This was part and parcel of the British policy of divide and rule or indirect rule (Okafor 1981). It was not long after that the interest and enthusiasm generated by the introduction of limited franchise began to wane when it became clear to the electorate and the African elected members that they could do very little by way of fulfilling election promises.

The Macpherson Constitution of 1951 introduced slight changes to that of Arthur Richards. In the 1952 elections, popular franchise was restricted at the regional level where voting took place only in the primary electoral colleges. Different electoral laws were applied in the regions. It was only in the East and North where every adult male tax payer was entitled to vote. In the West, acclamation was used to choose candidates at the primary college. The Central Legislature which was composed of 136 members was chosen through the Electoral College System. Though the Macpherson Constitution of 1951 did not formally recognize political parties, the leaders of political parties with the greatest followers in the respective regions had stronger advantage in taking the seats provided for the regions by the Constitution (Okafor 1981).

The Lytleton Constitution of 1954 recognized political parties and introduced the party system. It also provided for separate elections into the regional and central legislature, but continued the system of operating different electoral laws for the three regions. In the east, universal adult suffrage for persons over 21 years was stipulated; in the north, voting was by indirect college system and only for adult male tax payers; and in the west, only adult males who paid taxes could vote. During this period, the emerging political party and support were ethnically and regionally inclined. This was noted in the regional drawn support of the three major political parties – the National Council for Nigeria and Camerouns (NCNC), Northern People's Congress (NPC) and the Action Group (AG) – led, respectively, by Dr Nnamdi Azikiwe, Alhaji Tafawa Balewa and Chief Obafemi Awolowo. The 1959 federal elections was the last to be conducted under the direct supervision of the British colonial authorities. In the East, the NCNC won 58 seats and the AG 14; while NPC won a seat. In the West, the AG won 33 seats; the NCNC won 21 and the Independent 8. In the North, the NPC won 134 seats, the AG 25, NEPU 8 and Independents 7. The result of the elections showed that out of a total of 312 seats in the Federal House, the NPC won 134; the NCNC 81 and the AG 73, Northern Elements Progressive Union (NEPU) 8, the Niger Delta Congress (NDC) 1 and other independent candidates 15. The elections witnessed not only intense campaigns by the various political parties to assert their dominance in their respective regions and at the federal House of Representatives, but also the results revealed the decisive role of ethnicity in Nigerian politics (Nnadozie 2008:55; Okafor 1981:224).

The colonial legislatures lacked independence and autonomy and this affected their effectiveness. In the circumstances, legislative chambers became mere avenues for articulation of anti-colonial and nationalist sentiments and not a platform for governmental accountability. The legislatures were treated by the colonial administrators as 'anti-government' and not as partners in the making of good governance. These perceptions have subtly coloured the executive-legislative relations in the post independence politics. This is simply a carry-over, however, in reality the ruling party, PDP have numerically dominated the

National Legislature, hence, one does not really expect a serious opposition to the Executive.

Constitutional development after independence largely reflected the pattern of the 1957 independence Constitution. Between 1960 and 1966, the Parliamentary System was practised in Nigeria. This system was described as weak. As observed by Alli (1998), the parliament in the first republic had no clear-cut role in policy making, instead, it seems Parliamentarians 'met seldom and merely approved what had already been decided rather than take part in meaningful debates' (Ali 1998: 15). After the seizure of power by the military in January 1966, decrees and edicts replaced the legislative acts at the federal and state levels. The federal parliament was replaced by the Supreme Military Council (SMC). This arrangement was adopted by the General Yakubu Gowon, General Murtala Muhammed and the General Olusegun Obasanjo regimes.

After thirteen years of military rule, the 1979 general elections were held and power transferred to civilian rulers in a transition that lasted from 1975 to 1979. From 1979 to 1983, the legislature existed under a new environment – the presidential system. In a sharp departure from the parliamentary system inherited from the British, the legislature – made up of the two chambers of the Senate and House of Representatives – was separate from the executive branch. However, on 31 December 1983, it was disbanded in a putsch headed by Major General Muhammadu Buhari. The regime, following the termination of civilian administration of Alhaji Shehu Shagari, adopted the Supreme Military Council as its legislative arm. It wasn't long after that General Ibrahim Babangida came in August 1985 and changed the Supreme Military Council to Armed Forces Ruling Council (AFRC). Under intense pressure to return the country to democratic governance, the military government under General Ibrahim Badamasi Babangida organised a series of elections in 1991. The elections saw the inauguration of state governors, state legislative houses and the National Assembly. The State Houses of Assembly were answerable to the governor, who reported to the military president. The National Assembly was answerable to the military head of state, who had earlier given instructions on what the Assembly could discuss and what it could not. Shortly before the Assembly was disbanded in 1993, the military, which had handed over power to a group of civilian nominees called the Interim National Government (ING), took over the reins of power again.

General Abacha who dislodged the Interim National Government of Chief Ernest Shonekan renamed the ruling organ as the Provisional Ruling Council (PRC). On the whole, the various military regimes have over the years undermined the development of the legislature as an institution of lawmaking, representation, accountability and the promotion of good governance. It is against this background that Nigeria's return to democratic rule on 29 May 1999 was generally seen as a landmark development. However, the conduct of elections

for not only the parliamentarians, but also other elective positions, and their performance resulted in people asking more questions about the prospects of democracy in Nigeria.

The Structure and Functions of the National Legislature

The legislature at the federal level is made up of a National Assembly with two chambers, the Senate and House of Representatives. The Senate consists of 109 members and the House of Representatives has 360 members. Both houses are elected for a period of four years. The Senate consists of three Senators from each of the 36 states of the federation and one from the Federal Capital Territory (FCT), Abuja. Each state is divided into three senatorial districts to produce one senator per district. The 360 members of the House of Representatives are elected from 360 federal constituencies.

The Legislature in modern democracies performs four core functions that distinguish it from other arms of government. First, legislatures are the institutional mechanism through which societies realise representative governance. The main function of individual legislators and the body, to which they belong, is to represent the varied and conflicting interests extant in society as a whole. Secondly, the legislatures also legislate. This occurs at two levels – they pass laws and contribute to the making of public policy by crafting legislation in partnership with or independent of the executive. The third function is that of oversight of the executive to ensure that policies agreed upon at the time they are passed into laws are in fact implemented by the state. Fourthly, legislators acting individually are expected to perform the function of constituency service. Constituency services are in different forms and include regular visits by legislators to their districts to meet constituents and assist some with their individual needs. These could include involvement in small-to-medium-scale development projects that provide various forms of public goods roads, water supply systems, schools, health clinics, meeting halls, etc., to the residents of their district (Barkan 2007: 16). Among the four functions mentioned, the fourth presents the most daunting challenge where legislators have been found wanting by the electorate.

The Electoral System and Campaigns for the National Assembly Elections

The electoral system of Nigeria is historically patterned along the British system. This has been sustained since independence with minor adjustments. Based on the principle of First Past the Post (FPTP), the winning candidate is the person with the highest number of votes. The 1999 Constitution provides for the FPTP system for all levels of election, apart from the presidential and gubernatorial levels, where each must have a clear majority win of two-third of electoral areas (states or local government areas) (Sections 134 and 179 of the 1999 Constitution).

Those seeking legislative positions mostly staged their campaigns at party offices in their respective constituencies and reach out to a network of influences and institutional support. Some placed high premium on religious, ethnic and group affiliations to mobilise voters. Campaigns also entailed visiting traditional rulers and demonstrating loyalty to persons that could be of support either financially and/or in the mobilisation of political support. Most of the state governors as well as political godfathers were particularly targeted for such support. Compared to the 1999 and 2003 campaigns, the 2007 campaigns were quite active, characterised by public rallies, gathering at party offices, and at public centres in local governments. Campaigns also featured the use of billboards, posters, and mobilisation through the print and electronic media. Some media houses organised debates for candidates seeking elective positions. However, these debates tended to concentrate on the governorship aspirants than on those seeking legislative positions. In Plateau State, campaigns through the public and private media outlets included the call for peaceful co-existence among the different ethnic and religious groups in the state. This approach to campaign was against the background of several ethnic and religious crises that have occurred in the state since the return to democracy in 1999. Cases of violence were reported during the campaigns in Plateau, Borno and Lagos States, though with varying degree of intensity. During political campaigns, political thugs made up of mainly youth gangs, were reportedly recruited by some persons seeking elections to the National Assembly. On the whole the campaigns tended to focus more on the personality of the candidates seeking legislative positions than on critical policy and ideological issues about how to improve the wellbeing of their constituencies.

The National Assembly Elections

The period before the 1999 elections was characterised by uncertainty and intrigues following the past experiences when democratic experiments failed, and transitions were shifted and elections annulled (Akinboye 2004:136). However, the sustained efforts by the Abubakar government gave some assurance that the transition programme would usher in an elected government in 1999. Abubakar also kept faith by releasing a new political transition programme. Amongst others, the transition programme stipulated the date for National Assembly elections as 20 February 1999. Only three political parties that succeeded after the local government elections of 1998 and were officially registered presented candidates for elections for 109 senatorial seats. The results released by INEC showed that PDP had 59 seats, APP 24 and AD 20. In some areas, the National Assembly elections witnessed low voter turnout. For instance, some of the Igbo residents around Apo legislative quarters and mechanic village in Abuja refused to vote in protest of the presidential primaries of the PDP held in Jos, Plateau State. The primaries witnessed the emergence of a former military Head of State, Chief Olusegun Obasanjo as the PDP presidential candidate in 1999 (Agugua 2003:122).

The National Assembly election for the 2003 elections took place on 12 April 2003. Among other issues, the endless crisis and struggle between President Olusegun Obasanjo and the national legislature had set the stage for the texture of elections of 2003. After the 1999 elections, the legislative and executive arms of government were engaged in the contestation of power, with the legislature accusing the executive of interfering with its work. There was a determination by most of the incumbent legislators to remain in power at all cost, probably because of the perquisites of power (Onuoha 2003:57). Beginning with the registration process to the display of voters register, several problems were encountered such as outright lack of registration materials; lack of proper training of supervisory assistants, registration officers and assistant registration officers; insufficient registration centres; underage registration; hoarding and selling/buying of voters cards; late release of voters' lists as a result of problems encountered during the registration of the voters in 2002. As a result of the problems encountered during the registration of voters, the process had to be repeated in January 2003. At the end of the exercise, INEC had received 67.7 million applications for registration. However, only about 60 million voters were accepted due to the cancellation of cases of double registrations. Among the many problems encountered on election days were the late distribution of voter cards, late opening and sometimes early closure of polling units, interference by party agents who sometimes influenced voters and the direct involvement of state officials in some cases. The result declared by INEC shows that of 2,156,019 registered voters in Borno State for the 2003 National Assembly elections, total votes declared for the Senate stood at 886,742, while that of the House of Representatives stood at 877,875. For Lagos State, number of registered voters stood at 4,558,216, out of which 1,434,730 was for the Senate and 1,397,650 was for the House of Representatives; out of this result for Lagos, two representative constituency results remained outstanding. The national assembly elections in Plateau State showed that of 1,391,594 registered voters, total number of voters declared for Senate stood at 955,371 while that of the House of Representatives stood at 922,749.

The 2007 elections were the third elections to be held since the transition from military to civilian rule in 1999. The 2007 elections were considered a test case for Nigeria's commitment to strengthen and consolidate democracy. This was against the background of the problematic elections of 1999 and 2003. The National Assembly elections of 2007 took place on the 21 April on the same day (Ibrahim 2007). Election management proved to be a challenge for INEC which failed to draw lessons from the 1999 and 2003 elections. The administrative lapses on the part of INEC began right from the voters' registration exercises and permeated the entire conduct of the 2007 election. The introduction of the Direct Data Capture (DDC) system proved to be a difficult exercise for INEC, which required a total of 33,000 DDC machines for the registration exercise. However, the failure to secure the required number of machines to cover the exercise as well

as the malfunctioning of the machines during the registration process due to the mechanical and power problems led INEC to abandon the approach. INEC also failed to address problems observed in the previous elections such as underaged voters in several parts of the country and also problems of partisanship of some of its staff. It was alleged that INEC officials collaborated with party agents to thumb print unused ballot papers where the turn out for elections was low. The presence of security agencies such as the police, civil defence corps and others failed to deter these negative activities and behaviour. Angry citizens resorted to the blockage of INEC building and preventing INEC and presiding officers from delivering results.

The PDP was accused of rigging the election in several parts of the South West. Chief Abraham Adesanya, the AD/Afenifere leader accused former President Olusegun Obasanjo and the PDP of rigging the National Assembly elections in the South West and asked INEC to consider changing the electoral officials who were card-carrying members of the PDP. The outcome of election to the legislative houses in the 1999, 2003 and 2007 revealed the dominance of the PDP. The PDP, being in the majority in both the Senate and House of Representatives, produced the Senate President and Speaker of House of Representatives and their deputies (Akinbobola 2003:102). Many political parties did not grasp the importance of the legislature in an emergent democracy.

Assessment of the Conduct of the National Assembly Elections and Performance of the Legislature in Plateau State

Barkin Ladi LGA: Participation in National Assembly Elections

There were reports of low participation in the National Assembly elections in 1999 in many parts of Barkin Ladi LGA. The electorate was not sure that the transition programme would be concluded. This happened against the background of previous experiences where elections and transition programmes were either cancelled or shifted *ad infinitum*. Those who did not take part in the 2003 and the 2007 legislative elections observed that their votes would hardly make any difference, since the candidates they never voted for would still emerge winner. People participated less actively in the campaigns of 1999, than in 2003. Low participation during political campaigns was reported in 2007. Though some people participated as members of political parties, majority participated as voters. Some changed political parties in the 1999, 2003 and 2007 elections. The participants in the FGD in Barkin Ladi observed that all political parties were represented in the 1999 elections; however, not all were represented in the 2003 and 2007 elections. Some of the political parties had no candidates seeking election for legislative positions at the national level. Voter turnout was said to be higher for the 2003 elections than the 2007 elections for the National Assembly.

In some cases, politicians sought to use monetary inducements to get voters to vote for them. The FGD observed that not all the national legislators declared as winners in elections of 1999, 2003 and 2007 actually won the elections. The most doubtful were candidates declared as winners in the 2007 elections which was said to have been extremely flawed. The elections were characterised by late arrival and shortage of materials, as well as the interference by state officials and political thugs.

Assessment of the Performance of the Legislators at the National Level

Most of the electorate interviewed said they had no access to their legislators. Some legislators who had constituency offices hardly visited the offices. The offices only become vibrant during election campaigns or when political rallies are held. Most people had no knowledge of legislation sponsored/supported by their elected lawmakers that could improve their lives. Participants at the FGD were unaware of constituency projects executed by the elected legislators at the national level. Even though views differed on the actual performance of individual legislators, they were said to have performed below expectation by the electorate from 1999 to 2007.

Jos-South LGA: Participation in the National Assembly Elections

Though participation in the National Assembly elections was low in the elections of 1999, some people did not take part because they lacked interest. Some who participated and did not win believed that they were rigged out. Most people, who participated as voters, were not card-carrying members of any political party. Some reported leaving the PDP because it was hijacked by the state government and supporters of the state governor. The FGD in Jos-South observed that politicians seeking elective positions as national legislators were quite desperate for the office and would do anything to get there. Consequently, most of them devised different means to win at all costs, including the use of monetary inducement and employment of political thugs. Some candidates, especially women, complained of being denied party tickets after spending so much money on campaigns and mobilisation of the electorate. The women pointed out that the men held nocturnal meetings and this timing constrained the women from active participation in political party activities. Some of the women also accused the male politicians of using them to mobilise voters and to sing their praises only to dump them after campaigns. Some decided to team up with the candidates selected by the party, while others switched to a different political party. The FGD agreed that some of the legislators declared winners in the 1999, 2003 and 2009 elections did not actually win the elections. Some argued that the elections held in 2007 were characterised by competitive rigging. The elections of 1999, 2003 and 2007, in varying degrees, were characterised by problems of poor management, interference by state officials and clashes among political groups and parties supporting different candidates.

Assessment of the Performance of the Legislators at the National Level

The FGD noted that performance of the legislators at the national level was below the expectation of voters. Most voters lacked knowledge on how to access the law makers. Those who attempted to seek audience with them were rebuffed.

Political associates and cronies were said to have more access to the lawmakers than other voters. Most people were also unaware of the constituency projects executed by the lawmakers at the national level. Most were also unaware of legislation sponsored by the lawmakers that could be said to improve their lives.

Jos-North LGA: Participation in the National Assembly Elections

Discussions revealed that most people participated in the 1999, 2003 and 2007 elections as voters. While some reported not participating because of lack of interest, others said they did not know the candidates to vote for. Some voters that belonged to certain political parties switched political camps between 1999 and 2007. Whereas all political parties participated in the 1999 elections, however not all political parties participated in the 2003 and 2007 elections. Some of the political parties did not have candidates seeking elective positions on their platforms. The FGD observed that not all legislators declared winners at the national level actually won. Some seeking re-election in 2003 and 2007 were said to have rigged the elections with the support of the officials of the elections management body – INEC. The elections themselves were characterised by several problems, including political violence in some centres, especially where the supporters of PDP and ANPP clashed. The presence of security agencies made little or no difference to the activities of party agents who sought to influence voters, especially those seeking assistance during elections.

Assessment of the Performance of Legislators at the National Level

The electorate reportedly lacked access to the legislators and so made no input into the law making process. Some said they only saw the legislators when they came to seek re-election. Most electorate was also unaware of the sponsorship and/or support of legislation(s) by lawmakers representing them at the national level that could improve their welfare. As such, they were rated to have performed below expectation by the electorate especially in the area of consultation and constituency services.

Assessment of the Conduct of the National Assembly Elections and Performance of the Legislators in Borno State

Konduga LGA: Participation in the National Assembly Elections

The people in Konduga LGA participated in the 1999, 2003 and 2007 legislative elections for national level elections. However, more participation was reported

in 1999 and 2003 than in 2007. Some said that they wanted nothing to do with 'democracy' and politicians because of their experience with politicians who failed to keep their promises. Several problems were encountered during campaigns and on election days. Politicians used money to buy votes from the people especially the youth who participated actively in the political rallies and campaigns. The youth was the most vulnerable because most of them were unemployed. Some electoral officials were reported to be members of the ruling party posted to do the bidding of the government in the local government. There were also clashes in some areas between the supporters of the PDP and the ANPP. The people expressed doubt whether the legislators declared winners in the 1999, 2003 and 2007 elections actually won. More problems were encountered in the 2007 elections than in the previous elections because some of the law makers wanted re-election by all means possible, including using political thugs and security officials to intimidate voters that were not willing to do their bidding.

Assessment of the Performance of the Legislators at the National Level

Most of the electorate did not know the number of constituency projects executed by their lawmakers. They lamented that the lawmakers hardly came to Konduga to consult with, and interact with them. Supposedly elected members at the national level were mostly at Abuja where people could hardly reach them, and they did not make themselves available to their constituencies. However, the legislators at national level were said to visit their constituencies more frequently during campaigns and when seeking re-election. Most people also had no knowledge of any legislation sponsored/ supported by their legislators since coming into office. Some legislators were said to have bought motorcycles for the youth and also distributed money to some women who supported and campaigned for them. Some were said to have supported the less privileged; however, only few people were able to access these benefits.

Bama LGA: Participation in the National Assembly Elections

With the exception of those who contested for political offices and party members, most of the people in Bama LGA participated as voters in the 1999, 2003 and 2007 elections. However, not all political parties were represented in the 2003 and 2007 elections. Some reported that their names were omitted in the voters register even though they were properly registered as voters. The participation of voters was reported to be higher in 2003 and 2007 than in 1999 because of the mobilisation of the youth in the area. Some of the youth that participated in the elections were reported to be under-aged and vulnerable to the manipulations of politicians. Some of the youth were also used as political thugs by those seeking legislative and other elective positions within the state. The INEC officials did nothing to prevent the under aged voters from voting during the elections. The

FGD observed that there was no need debating whether the candidates declared winners in the elections for legislative positions actually won or not because it was a case of competitive rigging. The candidates with more financial resources to mobilise and attract the support of voters, and/or who rigged most, were declared winners. Apart from monetary inducement, some of the youth were given motorcycles and women were equally mobilised through material inducements like, soap, salt, and clothes to support certain candidates. Several problems were encountered during campaigns and during elections. These included frequent clashes by supporters of political parties and candidates, late arrival of election materials, and the partisanship of some INEC officials.

Assessment of the Performance of the Legislators at the National Level

Some people claimed to know some of the legislators at the federal level, but had no means of reaching them. As such, they made little or no input into the laws initiated by their representatives. Most people in the local government were not aware of the number of constituency projects executed by legislators at the national level since the return to democracy in 1999. Against this background, the legislators were said to have performed below expectation.

Maiduguri LGA: Participation in the National Assembly Elections

Most people of voting age in Maiduguri participated in the 1999, 2003 and 2007 elections as voters and less in the campaigns. Apart from the political parties that were active in terms of the mobilisation of voters, there were a number of smaller groups that identified with candidates seeking elective positions. These groups that were mostly formed by the youths and women groups, participated actively in the campaigns and rallies organised by the candidates and political parties. The smaller groups were either financed by the political party or the candidate seeking a particular position. Some of these groups identified with those seeking elections into the legislature at national level. However, it was noted that most of these groups became moribund after the elections. Most people that were within the voting age (18 and above) and also those below the voting age (below 18) claimed to be members of political parties. All the political parties were represented in the National Assembly election in 1999. However, not all political parties were represented in the 2003 and 2007 elections. Some described the elections for the legislators and other positions in Maiduguri as a game of competitive rigging. Numerous problems were also encountered during the elections, including the late arrival of voting materials, under aged voting, the activities of political thugs and even the involvement of INEC officials in some cases of electoral irregularities.

Assessment of the Performance of the Legislators at the National Level

The FGD in Maiduguri was of the view that not all people actually knew their representatives in the National assembly nor had access to them. Most of the lawmakers connected with the people only during campaigns, but failed to sustain a line of interaction with the electorate after the election. The national legislators were particularly said to be far from the people, who, coincidentally, were ignorant of how to make inputs into the laws that affected their welfare. People were also unaware of any legislation sponsored by their representatives at the national level that could improve their lives. Overall the performance of the legislators was rated low by the FGD in Maiduguri LGA.

Assessment of the Conduct of the National Assembly Elections and Performance of the Legislators in Lagos State

Somolu LGA: Participation in the National Assembly Elections

Most people reported taking part in the 1999 elections because they were desirous of the military returning to the barracks. However, some did not participate in the elections especially in 2003 and 2007 because of disappointment with ‘democracy’ and the performance of the politicians. The majority reported participating in the elections, but not in the campaigns. Some pointed out that they did not know the candidates to vote for on election days. The campaigns by politicians seeking election into the national assembly were said to be low keyed compared to the gubernatorial and presidential elections. Some candidates seeking election as legislators at the national level were desperate and used every means to achieve their goals. Some argued that it was better to leave politics for the politicians who were desperate to be in office at all cost. They also argued that the actual candidate they voted for in previous elections was rarely declared the winner.

The 2007 elections were seen as the worst elections since the return to democratic governance in Nigeria in 1999. In addition to using monetary inducement, some politicians seeking election as legislators and other elective positions were said to have used political thugs to intimidate not only their opponents but also INEC officials in order to actualize their goals. It is questionable whether those declared winners in the 1999, 2003 and 2007 elections for the national assembly elections actually won. Many problems were encountered during the campaigns and on the election days. These included violence, activities of political thugs, the partisanship of state officials and some security agencies, particularly the police.

Assessment of the Performance of the Legislators at the National Level

People reported knowing some of their legislators and following some of the debates in the National Assembly. However, they argued that since they did not

have access to the law makers, they could not contribute directly by making suggestions on how to improve the laws that affect them. The FGD in Somolu argued that though some of the lawmakers were said to have constituency projects such as scholarships schemes and other forms of support for the people, very few people knew about these and how they could access them due to poor communication between the legislators and the people.

Lagos Mainland LGA: Participation in the National Assembly Elections

Even though many participated in the 1999 elections, they were not very sure that the Abubakar transitional military government would be committed to handing over to a democratically elected government. The case of the annulled June 12 1993 elections and the lack of commitment on the part of previous military regimes to transition programmes, which they midwived only to abort at some point were cited as responsible for such doubt. However, more participation was reported in 2003 than in 2007. Most people participated more during elections than during campaigns. Some argued that since the campaigns are the activities of politicians and their supporters, they have no business being part of them. All political parties were represented in the 1999 National Assembly elections. Most political parties participated in the elections of 2003 and 2007 even through some of these political parties did not have candidates seeking elections for the National Assembly. The FGD observed that politicians used monetary and other forms of material inducement to solicit the votes of the electorate. There was scepticism about the authenticity of those declared winners in the elections as legislators at the national level in the 1999, 2003 and 2007 elections. Numerous problems were encountered in all three elections. These included poor management of elections by the electoral body, partisanship of some INEC officials, political intimidation by thugs and the interference of some influential persons and political financiers.

Assessment of the Performance of the Legislators at the National Level

People reported knowing some of their legislators but not having access to them. Those at the national level were particularly said to be distant from the people. Not many knew the number of legislations sponsored/supported by the legislators that could improve their lives. The legislators were said to have performed below the electorate's expectation.

Eti-osa LGA: Participation in the National Assembly Elections

Some people were reluctant to participate in the 1999 elections because of the previous experiences where the elections were either annulled or the transition programs shifted several times. The 2003 and 2007 elections witnessed lower participation because people were dissatisfied with the performance of the

politicians. Some who contested but lost argued that they were rigged out by the richer and more influential candidates backed by political godfathers. Politicians, including those contesting for the elective positions, used various forms of inducement to secure votes. Several problems were equally encountered during campaigns and during elections, including the partisanship of some INEC officials, poor conduct of the elections and politicians that used political thugs to intimidate the electorate.

Assessment of the Performance of the Legislators at the National Level

The legislators hardly reach out to communicate with the people. Some people reported only seeing their representatives on TV. Most of them do not hold consultations with their constituencies to ascertain the views of the electorate concerning issues that affect them. Most people also reported lacking knowledge of legislations sponsored/supported by the legislators at the national levels that could improve their lives.

Conclusion

We have attempted in this chapter to examine the conduct of the 1999, 2003 and 2007 elections into the National Assembly and the implications for governance. This we have done against the background of the realities that led to the re-emergence of the legislature as an institution of democratic governance in Nigeria's fourth republic. The past military regimes in the country undermined institutions that were capable of checking their powers. The legislature suffered from recurrent military bans, and emerged as a very weak institution as observed in the nature of electoral competition for the national legislature in 1999, 2003 and 2007. More attention tended to be focused on the gubernatorial and presidential campaigns and elections than those of the legislature. The study generally revealed the manner of competition among politicians struggling to occupy public offices by focusing on elections into the National Assembly. The politicians employed every possible means to achieve their political goals. These included manipulating the electoral process to increase their chances of emerging as party candidates, manipulating the registration of voters and the actual elections through brazen rigging, and influencing the election management body with the machinations of political godfathers and party financiers to achieve their goals.

The assessment of the participation of the electorate and the performance of the legislators in Plateau, Borno and Lagos States was quite revealing. The study noted from responses of the FGDs, interviews and discussions with major stakeholders that the electorate had low opinion of the elections and also questioned the outcome of the elections in respect of representatives that emerged from the process. The elections into the National Assembly held in 1999, 2003 and 2007 were described as anything but free and fair. The dissatisfaction of

the electorate with the elections, as gleaned from the responses of the FGD, interviews and discussion, particularly implicated the 2007 elections describing it as the worst election conducted for the National Assembly since Nigeria returned to democratic rule in 1999. Findings of the study also revealed that unlike the elections of 1999, not all the political parties participated in elections of 2003 and 2007 because some of the political parties had no candidates contesting for seats in the National Assembly on their platforms. It also revealed that most voters in Nigeria do not participate in either the election of their representatives or in the governance of their own affairs by making inputs to the decision making process. The expectations of the electorate from the national legislators were not in concurrence with the tenets of democratic theory that people should own the process and participate actively in the governance of their own affairs. Voter expectations from the national legislators included good representation, the making and/or support of legislation that could improve the peoples' wellbeing, the involvement of the legislators in some form of constituency development and provision of constituency services – all of which turned to be pipe dreams.

Arising from this study is the realisation that politicians are yet to take the issue of legislative elections and their implications for governance of the country seriously, especially in respect of the representative and oversight functions the legislature is expected to perform. By realising that the character of election and the people elected to represent the people in the National Assembly are important for ensuring effective democratic representation and governance in the areas of law making, accountability, and efficient utilisation of resources, perhaps key political players and social actors will take the election of members of this institution more seriously. Since governance on the part of the legislators involve acting on behalf of the majority, the input of the people in the governance of their own affairs by ensuring their active participation in elections and thereafter in the democratic process will go a long way in the achievement of a more democratic polity.

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