

**NIGERIA'S ELECTORAL GEOGRAPHY AND THE PATH TO  
FREE AND FAIR ELECTIONS: HOW CAN CITIZENS DEFEND  
THEIR VOTES?**

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This report is a summary compilation of the findings and recommendations of the six zonal workshops held at Katsina, Ibadan, Bauchi, Calabar, Owerri and Jos as part of the Global Rights: Partners for Justice and Electoral Reform Network work to contribute towards improving the political, legal and constitutional framework for free and fair elections in Nigeria.

The Electoral Reform Network wishes to thank Global Rights: Partners for Justice and the British Department for International Development (DFID) for their support in carrying out this project.

Electoral Reform Network, June 2005

## **Preface**

Over the past three years, Global Rights has worked closely with civil society to facilitate free, fair and non-violent elections. The Electoral Reform Network in particular has enjoyed a privileged position in closely collaborating with Global Rights in this pursuit of promoting voter education and increasing the capacity of civil society to promote free, fair and non-violent elections. At the same time, Global Rights had worked closely with its partners in promoting the capacity of civil society in legislative advocacy aimed at significantly improving the Electoral Bill presented to the National Assembly by INEC. The result of the advocacy was the improved versions that emerged as the Electoral Act 2001, and subsequently, as the Electoral Act 2002. Following this work, Global Rights broadened its work in 2003 with this foray into Nigeria's electoral geography. The objective of this project was first of all to work with civil society in critically reviewing the 2003 elections with a view to developing comprehensive proposals for the review of the constitution and electoral act. In addition, the project set out to identify and review geopolitical specificities that need to be addressed if we are to eliminate some of the problems that significantly compromised the 2003 elections. Central to this concern was the necessity of raising the civic consciousness of citizens so that they can be more alive to their responsibilities of defending their votes. At the end of the day, no matter how good the constitution and our electoral laws are, it is the eternal vigilance of citizens that would guarantee the integrity of our elections, and indeed, of our democracy.

The Electoral Reform Network is therefore pleased to be associated with the first phase of this work during the 2002-2004 period. We are excited that with the support of the British Department for International Development, the second phase of this work aimed at enhancing civic consciousness on the need for citizens to defend their votes can finally take off. It is hoped that as Nigeria marches through a critical phase in the consolidation of her electoral democracy, this report will provide the basis for civil society engagement with the democratic project.

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**Chair**

**Advocacy Committee of the Electoral Reform Network**  
**Abuja, June 2005**

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## CHAPTER ONE

### **Introduction**

The organisation of free, fair and violent-free elections in 2007 would be a critical milestone in the deepening and consolidation of Nigeria's democracy. All hands therefore must be on deck to ensure that successful elections are organised. It is within this context that Global Rights: Partners for Justice and its partners in the DFID supported Consortium – IFES and IDASA, as well as its local partners, the Electoral Reform Network, the Transition Monitoring Group and the Citizen's Forum for Constitutional Reform are currently working towards the implementation of a roadmap towards the 2007 elections.

The Electoral Geography project was initiated against the backdrop of the experience of the 2003 elections and in anticipation of the 2007 elections. The conclusion which emerged from the project is that concerted efforts need to be taken at various levels, some short term, others in the longer term, to improve the chances of organising credible elections in 2007. These include:

- A holistic review of the 1999 Constitution. This should address issues like the qualification for membership, appointment and removal of INEC Commissioners, funding the Commission from the Consolidated Revenue Fund as a first line charge, and guaranteeing the autonomy of the Commission as well as its accountability to Nigerian citizens.
- A comprehensive review of the Electoral Act 2002 on the basis of the limitations highlighted by the 2003 elections.
- Increasing civic consciousness of Nigerian voters so that they are more empowered and more willing to defend their votes.
- More consultations on the part of INEC with Political parties, Civil Society groups and other stakeholders in the political process in developing election guidelines and regulations.
- Building the capacity and efficacy of the Independent National Electoral Commission for improved election administration through institutional and human power development. This will undoubtedly improve the election administration capacity of the Commission.
- The development and implementation of a comprehensive Code of Conduct for political parties.
- Establishing mechanisms for the enforcement of rules and regulations contained in the electoral laws and guidelines.

- A radical transformation of Nigeria's Electoral System consisting of replacing the majoritarian first past the post system with a combination of proportional and two rounds electoral systems.

### **The 2003 Elections**

These conclusions emerged out of the electoral geography project initiated by Global Rights: Partners for Justice and her partner, the Electoral Reform Network following the problems revealed by the various reviews of the 2003 elections. Global Rights has worked closely with many partners, including the Electoral Reform Network, the Transition Monitoring Group and the Citizens Forum for Constitutional Reform in promoting voter education and increasing the capacity of civil society to promote free, fair and non-violent elections. Global Rights has worked closely with its partners in promoting the capacity of civil society in legislative advocacy aimed at significantly improving the Electoral Bill presented to the National Assembly by INEC. The result of the advocacy was the improved versions that emerged as the Electoral Act 2001, and subsequently, as the Electoral Act 2002. On the basis of this experience, Global Rights continued its work on elections in 2003 with a focus on what we have termed electoral geography. The objective of this programme was to work with civil society in critically reviewing the 2003 elections with a view to developing comprehensive proposals for the review of the constitution and electoral act. In addition, the programme set out to identify and review geopolitical specificities that need to be addressed if we are to eliminate some of the problems that significantly compromised the 2003 elections. Finally, the programme was committed to improving the capacity of Nigerian voters to defend their votes.

In April 2003, Nigeria conducted the second general election since her return to civil politics in May 1999. The plethora of electoral malpractices such as ballot box stuffing, snatching of electoral materials and smashing of ballot boxes, inflation of votes and other dimensions of electoral fraud and the high incidences of electoral violence once more rekindled the old fears that the basic institutional weaknesses associated with her electoral system could bring the democratic experiment to grief.

It is widely recognized that there are a number of structural, institutional and psycho-cultural factors that need to be addressed for the consolidation

of democracy in Nigeria to be successful.<sup>1</sup> These factors which have combined to make open, competitive and meaningful electoral politics elusive include the dependent and underdeveloped nature of the Nigerian economy, the limited autonomy of various electoral bodies and their weak human resource base and psycho-cultural factors, especially the usurpation of power by authoritarian military regimes for a very long time. Indeed, as is well documented, other factors often cited as undermining competitive electoral politics in Nigeria include: lack of discipline in the form, spirit and implementation of the electoral process; excessive monetization of politics in general; a “winners take all” philosophy embedded in the “first past the post” system operative in Nigeria; the general level of poverty and illiteracy; the absence of clear ideological underpinnings of political parties; and religious bigotry and to some extent, ethnic chauvinism.<sup>2</sup>

### **Electoral Geography and Advocacy**

As useful as these factors are in coming to terms with the problem of the electoral system in Nigeria, there is need to bring into play the question of electoral geography of the country in the overall attempt to understand and capture the different ramifications and dynamic of the deep crisis underlying the electoral system and how to bring about a reform process. It is for this reason that Nigeria’s electoral geography project was conceived.

The need for a better understanding of Nigeria’s electoral geography flows from the analysis of the last elections. Significantly different electoral problems manifested themselves in different zones of the country. While there were fairly orderly and well conducted elections in some zones, no elections at all took place in other zones. There were significantly varied manifestations of electoral problems in different zones and states of the country. This variety of electoral problems made it difficult to give a global judgment on whether the elections could be considered to have been free and fair. It was difficult to determine whether the credibility of the electoral process had been so undermined that they were unacceptable.

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<sup>1</sup> International IDEA, *Continuing Dialogues for Nation-Building*. Stockholm, 2001, p218

<sup>2</sup> Jibrin Ibrahim, *Democratic Transition in Anglophone West Africa*. CODESRIA, Dakar, 2003, pages 36 - 42

The electoral law and the constitution need to be revised to address the numerous problems manifested during the elections. It is however difficult to synthesize corrective measures because of the wide variety of problems. Seeking to understand the country's electoral geography is therefore a necessary prerequisite towards providing the basis for the reform of the electoral law and the constitution. It is also a point of entry in introducing reflections on the electoral system and possibilities of developing a more democratic and effective electoral system. Indeed, reflections on the possibility of developing an alternative electoral system for Nigeria have become a major concern of civil society.<sup>3</sup>

The notion of electoral geography draws attention to historical, geographical (for example, obstacles constituted by physical terrain to effective conduct of elections), political and cultural factors that give each geo-political zone in the country peculiar attributes and characteristics in the understanding of the issues and problems of elections and election system in Nigeria.

Despite the existence of ethnic, religious, cultural and other expressions of diversity that provide the basis for varying degrees of tension and conflicts within the six geo-political zones of the country, the zonal arrangement has come to be accepted as given and does provide an acceptable basis for the purpose of sharing power and resources among the competing power elites in the country. It is therefore justified to use the six zones of the country for this project, namely the - North East, North-West, North Central, South East, South West and the South South zones.

The notion of electoral geography attempts to capture the peculiarities of the various geo-political zones in the country, for the purpose of not only making intelligible the unique problems raised by the conduct and management of elections, but also in anticipating constitutional, administrative and other practical measures for mitigating the impact of these problems on the sanctity of the electoral process.

Although it is correct to assume that a number of problems associated with the Nigerian electoral system are general in nature, a closer examination of

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<sup>3</sup> Jibrin Ibrahim "A Critique of the First-Past-the-Post-Electoral-System" Paper for Independent National Electoral Commission Stakeholders Seminar, Abuja, November 2003.

the details of problems associated with the 1999 and 2003 elections show that some geo-political zones experiences peculiar electoral problems. For example, the Niger Delta area which falls within the South South zone experienced the highest level of electoral violence in the period leading up to, and during the elections. Electoral malpractices such as ballot stuffing, snatching of ballot boxes and the use of violence were perpetrated at the highest level. In most cases, the specter of violence discouraged voter turnout, yet election results were declared. Here, it may be important to bear in mind the prevailing culture of violence and militarism resulting from the militancy of ethnic organizations, youth violence and high level of access to arms as a result of battle over resource control. The riverine nature of the zone also created obstacles to movement of electoral officers and prevented easy access by election monitors and observers. It could be assumed that given this state of affairs, conducting a civil activity like elections without addressing the deep-seated conflicts in the zone may prove a difficult enterprise.

Similarly in the South East zone, the level of electoral malpractices and incidences of violence were equally high leading to a situation in which electoral outcomes did not come close to reflecting the yearnings and aspirations of the people. As it was widely reported, although actual voting did not take place in many areas, results were announced. And as demonstrated recently by the political events in Anambra state where a supposedly elected governor was abducted from office on the claim that he resigned his position, the issue of “political godfathers” has emerged as a key issue in the zone. Another example that could be raised is in the North West zone where, the 2003 elections showed a tendency towards a strong opposition that led to the defeat of the incumbent governor in Kano State. If the 2007 elections are to be free and fair, we need to take more seriously our history of electoral fraud in Nigeria.

### **Electoral Fraud and Competitive Rigging in Nigeria**

The very serious report of experts prepared by the National Institute of Policy and Strategic Studies just before the 1983 elections, correctly predicted that the elections could not be conducted without massive electoral fraud because the parties in power were not ready to allow others to come to power (NIPSS, 1983:3). The report also showed that only the 1959 and 1979 elections were held without systematic rigging and that those two elections had one point in common: they were held in the presence of strong arbiters, the colonial State and the military, who were

not themselves participants in the elections and who desired free and fair elections at those instances. Indeed, it has been observed that rigging is almost synonymous with Nigerian elections, just as advance fee fraud or 419 crimes are synonymous with Nigerians the world over (Kurfi, 2005:101). Are elections doomed to the machinations of fraudsters who frustrate the democratic aspirations of the Nigerian people?

According to Ben Nwabueze (2005:1), election rigging refers to:

Electoral malpractices which are palpable illegalities committed with a corrupt, fraudulent or sinister intention to influence an election in favour of a candidate(s) by means such as illegal voting, bribery, and undue influence, intimidation and other acts of coercion exerted on voters, falsification of results, fraudulent announcement of a losing candidate as winner (without altering the recorded results).

The objective of electoral rigging or fraud is to frustrate the democratic aspirations of citizens who have voted, or would have voted into office someone other than the rigged in individual.

Electoral fraud has become one of the salient features of Nigerian elections. In the passage below, we quote extensively from Bayo Adeganye's review of some of the highpoints of electoral fraud in Nigeria:

- (i) There was the Northern Regional Election of May 1961 which gave the then Northern People's Congress (NPC) a sweeping victory of 94% of seats in the regional assembly, while eliminating the Northern Elements Progressive Union (NEPU) as an opposition. The regional ruling party had achieved that sweeping electoral victory, using in part all forms of electoral chicanery, political intimidation, and even coercion, including arrest and imprisonment of opposition leaders.
- (ii) Similar methods had been employed in the Eastern Regional Elections, also held in 1961, by the then ruling party of the Eastern Region, the National Council of Nigerian Citizens (NCNC) turning the East into a uni-party dominant region. The elections were also marked by persecution of all dissident minority opposition parties operating along the periphery.
- (iii) The mid-Western Regional Elections of October, 1963 and January 1964 turned the then newly created region into what one

- writer at the time called the “cockpit of Nigeria.” There took place in the region a fierce struggle for supremacy among the three majority parties: NPC, NCNC, and the by now politically emasculated Action Group (AG), all of them deploying every man, money and material considered necessary for capturing that region of the federation.
- (iv) The first post-independence Federal General Elections took place in late December 1964 through early January 1965. They were fought between two large political coalitions, i.e. the Nigerian National Alliance (NNA) and the United Progressive Grand Alliance (UPGA). The Nigerian National Alliance (NNA) comprised the NPC and the newly contrived Nigeria National Democratic Party (NNDP) while UPGA was made up of the NCNC and AG. (NNDP) was a break-away party from the former AG that the NPC had helped to keep in power in the old West and apparently against popular wishes). Marked by countrywide electoral malpractices, political intimidation, and violence, the December 1964 elections were climaxed by last-minute boycott by one of the coalitions of parties. This resulted in a serious constitutional crisis, as Nigeria was for three days characteristically governed without a government, during which loose talk about Eastern Regional plan to secede or about an impending army – organized putsch filled the political air.
- (v) Dust from the latter had scarcely settled when Nigeria found herself preparing for yet another election i.e. the Western Regional Elections which did actually take place in October 1965. They proved to be one of the most farcical elections to be conducted in post-independence Nigeria, as the results were heavily rigged against the dominant AG interests and in favour of the break-away NNDP minority party in power in the region since 1962. The Western elections were immediately followed by a mass revolt of the region’s inhabitants against NNDP’s usurpation. Nor could the latter regime be saved by subsequent counter-measures by its supporters in the NPC-dominated Federal government such as “flooding the West with troops.” The bloody violence from the last event, resulting de facto in the break-down of law and order, was threatening to engulf the whole federation when the army majors of January 15, 1966 struck. And, most recently. (Adekanye, 1990:2)

This sad history of electoral fraud or rigging has serious implications for our democratic future because the phenomenon is growing rather than declining. As the elections go by, the principal forms of rigging and fraud are increasing and are being perfected in successive elections since 1964, 1965, 1979, 1983, 1999 and 2003. The result is that elections have become turning points in which the outcome has been the subversion of the democratic process rather than its consolidation. Not surprisingly, major political conflicts have emerged around rigged elections.

The 1983 elections occupy a special place in the history of electoral fraud in Nigeria. Competitive rigging reached its apogee:

All sorts of strategies and stratagems including manipulation of the ballot or “rigging” were employed in order to win elections. Each of the opposition parties used its local power of incumbency to retain power and/or to improve its position vis-a-vis other contenders. However, federal might was used to dislodge state governors in Anambra, Oyo, Kaduna, Gongola and Borno states, thus raising NPN’s tally of governorships from seven to twelve states, reversing the power structure existing before the election when opposition parties had twelve against NPN’s seven governors. (Kurfi, 2005:97)

One interesting case was the Ondo State gubernatorial election in 1983 where the National Party of Nigeria (NPN) candidate, Chief Akin Omoboriowo, was declared elected by the Electoral Commission with 1,228,891 votes as against 1,015,385 votes credited to the Unity Party of Nigeria (UPN) candidate, Chief Michael Ajasin, whereas the true scores, as found by the election count, the Federal Court of Appeal and the Supreme Court from the certificates of results signed by the assistant returning officers and by the party agents as well as from the oral testimony of those assistant returning officers and party agents, were 1,563, 327 votes for Chief Ajasin and 703, 592 for Chief Omoboriowo, Chief Omoboriowo's scores was thus inflated by 523,389 votes while that of Chief Ajasin was decreased by 547, 942 votes. The evidence showed that the falsification was done at the level of the deputy returning officer. Chief Ajasin was accordingly declared by the court to have been duly elected (Ben Nwabueze, 2005:1).

Ahmadu Kurfi recounts that he was in a security meeting with the Secretary of the Government, Shehu Musa, the Inspector General of Police, Sunday

Adeyemi and other security chiefs when the flash came through that “we have delivered Ondo” (Kurfi, 2005, 97). Although Ondo state was successfully “delivered” to the NPN in 1983, the “elected” governor, Akin Omoboriwo had to go into hiding to protect himself from an irate electorate that would not accept that their verdict be stolen. Police stations and houses of prominent NPN supporters were burnt and many people killed. The judicial decision that ceded Ondo state back to the UPN came within the context of a massive level of popular mobilization of citizens determined to protect their votes.

The most significant issue in the 1983 elections was that emphasis shifted from traditional forms of electoral based on manipulation of the ballot to total regard of the figures collated on the basis of ballots and completed forms. Figures totally unrelated to any results – genuine or forged, are simply announced and illegally protected with state power. The emergence of electoral victory by false declaration did not mean that other forms of competitive rigging disappeared. Indeed, the diversity of the forms of competitive rigging employed during the 1983 elections have been carefully enumerated by the Babalakin Commission of Inquiry (FRN,1986:289-290).

- 1) Compilation of fictitious names on voters registers.
- 2) Illegal compilation of separate voters list.
- 3) Abuse of the voter registration revision exercise.
- 4) Illegal printing of voters cards.
- 5) Illegal possession of ballot boxes.
- 6) Stuffing of ballot boxes with ballot papers.
- 7) Falsification of election results.
- 8) Illegal thumb-printing of ballot papers.
- 9) Voting by under-age children.
- 10) Printing of Form EC 8 and EC 8A used for collation and declaration of election results.
- 11) Deliberate refusal to supply election materials to certain areas.
- 12) Announcing results in places where no elections were held.
- 13) Unauthorised announcement of election results.
- 14) Harassment of candidates, agents and voters.
- 15) Change of list of electoral officials.
- 16) Box-switching and inflation of figures.

In 2003, Nigeria conducted the second general election since her return to civil politics in May 1999. The 2003 elections were almost as contentious

as the 1983 elections. The report from Nigerian observers affirmed numerous reported cases of alleged fraud in many states across the country (Transition Monitoring Group, 2003:120). The European Union observer report also reported widespread election-related malpractices in a number of states in the Middle Belt, the South east and the South South (European Commission, 2003:42). The plethora of electoral malpractices such as ballot box stuffing, snatching of electoral materials and smashing of ballot boxes, inflation of votes and other dimensions of electoral fraud and the high incidences of electoral violence once more rekindled the old fears that the basic institutional weaknesses associated with her electoral system could bring the democratic experiment to grief. There are three phases in election rigging: pre-election, election-day and post election rigging. We shall briefly outline some of the forms.

Although it is correct to assume that a number of problems associated with the Nigerian electoral system are general in nature, a closer examination of the details of problems associated with the 1999 and 2003 elections show that some geo-political zones experienced peculiar electoral problems. For example, the Niger Delta area which falls within the South South zone experienced the highest level of electoral violence in the period leading up to, and during the elections. Electoral malpractices such as ballot stuffing, snatching of ballot boxes and the use of violence were perpetrated at the highest level. In most cases, the specter of violence discouraged voter turn out, yet election results were declared. Here, it may be important to bear in mind the prevailing culture of violence and militarism resulting from the militancy of ethnic organizations, youth violence and high level of access to arms as a result of battle over resource control. The riverine nature of the zone also created obstacles to movement of electoral officers and prevented easy access by election monitors and observers. It could be assumed that given this state of affairs, conducting a civil activity like elections without addressing the deep-seated conflicts in the zone may prove a difficult enterprise.

Similarly in the South East zone, the level of electoral malpractices and incidences of violence were equally high leading to a situation in which electoral outcomes did not come close to reflecting the yearnings and aspirations of the people. As it was widely reported, although actual voting did not take place in many areas, results were announced. And as demonstrated over the past few years in Anambra state where a supposedly elected governor was abducted from office on the claim that he

resigned his position. State institutions were also razed to the ground by political thugs in the same state while the police were quiet spectators. Clearly, the issue of “political godfathers” has emerged as a key issue in the zone. Another example that could be raised is in the North West zone where, the 2003 elections showed a tendency towards a strong opposition that led to the defeat of the incumbent governor in Kano State. While features of electoral malpractices identified above prevailed, the existence of a strong opposition mitigated the level of electoral malpractices.

The importance of the electoral geography programme within the overall framework of reviewing the electoral act, constitutional reform and the challenge of designing a workable electoral system arises from the fact that elegant legal and institutional designs of electoral systems do not, on their own, guarantee the sanctity of the electoral process, as the Nigerian example readily demonstrates. Thus, as Michael Cowen and Liisa Laakso<sup>4</sup> have rightly suggested, bringing institutions back in the current multi-party elections and the search for government legitimacy in Africa requires going beyond the electoral law and its implementation. An effort to understand the electoral geography of Nigeria represents one such attempt.

The common questions to be addressed in the context of the electoral geography, among others, include the following. Why has a credible electoral system continued to elude Nigeria despite the existence of a fairly well crafted electoral law? Why do different parts of the country exhibit different problems and tendencies in the context of electoral behavior and the conduct of elections? Why are some zones more capable of others in protecting their vote? In responding to these questions, significant lessons can be learned from the South West.

### **Lessons from the South West**

The Yoruba have set very high standards of civic culture and a determination to protect their vote that is worthy of emulation. Their commitment to the development of education from the 1950s to date is an important factor in political culture. The Yoruba speaking area of the southwest is the most urbanized of all the zones in the country. Similarly, it has a strong tradition of civil society and civil engagement, pre-dating the

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<sup>4</sup> Michael Cowen and Liisa Laakso, “Elections and Election Studies in Africa” in M. Cowen and L. Laakso, Eds. *Multi-Party Elections in Africa*. London: James Currey, 2002. p.17

independence period. Incidents such as the Agbekoya movements and the resistance to electoral malpractices in the first and second republics as well as the resistance to the annulment of the June 12 presidential elections are examples. The South West also has fairly developed infrastructure which is important in the successful conduct of free and fair elections. They also have the most developed mass media in the country.

All these factors translate into a greater political awareness. There is also the complex interaction between ethnicity, religion and politics dictated by the two-faith structure of the South West. Interestingly, the existence of this faith structure is founded on a deep culture of religious tolerance which makes it almost impossible to manipulate religion. Consequently, religion is not a key issue in the politics of the geo-political zone.

The high level of civic consciousness in this zone translates into a community capacity to define the correct political line and to impose sanctions for political misbehaviour. The zone is noted for imposing sanctions on politicians adjudged to have broken rank with tradition or to have acted in a politically embarrassing manner in relation to what is perceived as the collective interest of the Yoruba. There are several examples. Following excessive rigging of the December 1964 elections in the Western Region, communities organised violent resistance to the theft of their mandate following the split between the Action Group and the Nigeria National Democratic Party. In the 1983 general elections, Akin Omoboriowo, who was purportedly declared winner as the governor of Ondo State, having defected from the UPN to the NPN, became a victim of violent attacks and was prevented from stealing the electoral mandate the state had given to Governor Ajasin.

A critical issue in elections in this geo-political zone is the role of collective memory, especially the role of Chief Obafemi Awolowo. Two issues are immediately important here. In one respect, having adopted Awolowo as a symbol in their election campaigns and political mobilization, AD governors in the 2003 wrongly saw themselves as untouchable and natural leaders of the zone. They forgot that their people would evaluate them on the basis of Awolowo's performance standards rather than their choice and support by Afenifere. Having performed very poorly by the standards of the zone, most incumbents in the zone were punished by their people who voted them out. The fact that there were no massive protests about rigging in the zone, although some rigging did occur, meant that the level of rigging did not

significantly change the mandate given by the people. It was in this context that the PDP took over the Awolowo mantle in the zone. They can keep it only for as long as they are seen to serve the interest of their people.

This lesson that it is possible for communities to define, articulate and protect their political interests, including their electoral mandate is an extremely important one for the rest of the country. The South East for example seems to be characterised by pervasive monetization of politics as it would appear that people tend to care for money only rather than the integrity of their votes. There is clearly a cultural problem which can be explained in terms of the collapse in the values of the Igbo people following the profound disorientation visited on the people by the civil war experience. Whereas the Igbo historically valued hard work, integrity and promoted education as exemplified by the life experiences of people like the late Dr. Nnamdi Azikiwe, late Mbonu Ojike and late Akanu Ibiam, the situation today has radically changed.

The relative neglect and marginalization of the Igbo in what appears to be a punishment for daring secession left the people on their own to take charge of their destiny. Indeed, there is a strong sense in which the people feel that they were treated like a conquered people after the civil war. In response, mad race for wealth and all kinds of opportunism, including resorting to criminal activities to make money became the order of the day. What has been noticed as the decline in male education in the core eastern states can partly be explained in terms of this development?

The consequence is the emergence of an incoherent and opportunistic leadership that has no commitment to the aspirations of the people in the zone. The core of this opportunistic leadership is apparently drawn from the criminal and semi-criminal underworld and the wide crop of distinguished Igbos found in the professions, international organisations and the educational sector appear to have no voice or influence in their society.

The development of a strong civic culture imbued with the determination to protect the electoral mandate of the people is a strong deterrent to the rising culture of competitive rigging we have reviewed in this paper. When people know that excessive rigging would be combated, they tend to be more careful in the level of recklessness they exercise. Protecting the vote is also a solid point of entry in compelling governments to provide the dividends of democracy.

## **The Need for Citizens' to Defend their Votes**

A recurring issue that came up in the six Zonal conferences was that it does not matter how good the legal and constitutional framework for elections were, as long as citizens do not show a determination to defend their votes, electoral fraud was bound to continue and indeed, might even increase. During the North-Central Zone debate, one example that was extensively discussed was the so-called "Doma vote" concept. In the 1983 governorship election in the old Plateau State, a strange political phrase, "the Doma Vote" crept into the political lexicon. Unknown to the opposition National Party of Nigeria (NPN), the ruling Nigeria Peoples Party (NPP), conscious of the fact that the governorship election would be close to call, adequately prepared Doma Local Government for a massive vote haul, and kept it as "Strategic Vote Reserve" to erase whatever gain the opposition may have garnered elsewhere. Additionally, the ruling NPP made sure the Doma Vote would be the last to be counted. And so it happened that when the NPN were already looking forward to a re-run of the governorship election, the Doma Vote came with a bang, shattering the opposition's hope for a major upset.

This rigging by massive padding of votes has since entered the politics of the new Plateau State, precisely in the Fourth Republic. In the 2003 election, the ruling Peoples Democratic Party (PDP) chose Wase Local Government, and later Kanam Local Government as centers for padding of votes. The Peoples Democratic Party (PDP), All Nigeria Peoples Party (ANPP) and the Alliance for Democracy (AD) were running neck to neck in the governorship election before the arrival of the decisive Wase and Kanam Votes. When the votes arrived, they made nonsense of the initial advantage the opposition candidates had.

In the Plateau experience, this rigging strategy, which is now being perfected, is usually executed in areas with low political consciousness or where the terrain makes accessibility very difficult or challenging. The rigging strategists also do not have or cling to one particular "rigging post or center." Once their game is up in a given location, they shift base and set up in another area that is susceptible to manipulation.

The challenge before political parties and civil society organizations is to conduct well targeted and systematic research into this phenomenon. They can identify the features, patterns, and trends of this phenomenon, as well

as potential rigging posts. Armed with such information, aggressive civic and voter education can be carried out in such potential rigging posts in order to empower them to defend the sanctity of their votes.

It is possible to organise the defence of people's mandate. One good example emerged in our discussions in the South East. Owerri Federal Constituency occupies a prime place in the electoral calculations of political parties in Imo State. Located at the seat of power, Owerri, different political parties prepared themselves to place this constituency seat in their political kitty. Since Nigerian politics has gradually been monetized and under the firm grip of governments in power, it was assumed that such a strategic constituency would be taken by the ruling party in the State.

In the 2003 federal elections, the ruling Peoples Democratic Party (PDP) sponsored Uche Ejiogu, younger brother of the former Minister of State, Dr. Kema Chikwe, as its candidate for the Owerri Federal Constituency, while the All Progressive Grand Alliance (APGA) put forward popular Owerri Lawyer and Environmental Rights Campaigner, Uche Onyeagucha as its candidate. The odds were clearly against Mr. Onyeagucha. He had little or no money, nor did he have important "connections." But he had goodwill and a large followership, mostly drawn from the urban poor. His popularity was further enhanced when he became the Attorney for commercial motorcycle riders, known in local parlance as, "Okada" or "Going."

The election proper witnessed a large turnout of voters. Artisans, market men and women, commercial motorcycle riders and farmers trooped out in large numbers to vote. It was clear the election meant a lot to them. The election symbolized to them a major battle between progress and retrogression, between perpetual servitude to forces that had been bringing sadness to them, and forces that offer hope of a better future. They not only voted, but waited for the votes to be counted. Most of them, especially the commercial motorcycle riders, escorted the election officials to collation centers.

Although the elections and counting were concluded in record time, the release of the results moved from unbearable delays to a major confrontation. As time passed and the results were not forthcoming, information reached the commercial motorcycle riders that a major conspiracy to alter the results in favour of the ruling party's candidate was afoot. In no time, the motorcycle riders reinforced and stormed the office of

the electoral commission in Owerri, warning of the dire consequences of “stealing” the mandate which the people had freely given to Uche Onyeagucha. Security forces started fearing that they might make the State Capital ungovernable if within a given time the results were not officially released. The atmosphere had the trappings of a time bomb about to go off. The election commission and State Government moved fast to avert a looming disaster. The results were announced and Uche Onyeagucha was declared winner. It was the triumph of people’s power that could be replicated fairly easily.

It is within this frame of mind that Global Rights, in collaboration with the Electoral Reform Network is organising the next phase of the electoral geography programme. Six zonal workshops, aimed at developing zonal strategies/action plans for guaranteeing free and fair elections in 2007, will be organized. The National Summit on Nigeria’s Electoral Geography would be the final leg in the series of national consultations on regional specificities, constitutional review, electoral review, development of action plans and civil society strategies in the run-up to the 2007 elections. The road map to 2007 developed by DFID will serve as one of the primary discussion points and sources for formulating the strategies/action plans. The National Summit will be devoted to vigorous debate and thorough analysis of the submissions from the respective zones in the country. The idea is for zonal representatives to try to reach a synthesis on the different issues and arrive at a consensus. The consensus will then be presented as a nationally representative position, forming a basis for civil society to elaborate upon the principles outlined in the Road Map to 2007.

We believe that the nationally representative position will serve as a useful tool for civil society in their advocacy for constitutional and electoral reform. It will also serve as a useful information tool for CSOs wanting to design intervention programmes on different themes in the respective zones. The common questions to be addressed in the context of the electoral geography programme, among others, include the following. Why has a credible electoral system continued to elude Nigeria despite the existence of a fairly well crafted electoral law? Why do different parts of the country exhibit different problems and tendencies in the context of electoral behavior and the conduct of elections? Above all, what can citizens do to protect their mandate. Ultimately, the challenge we are trying to address has been how the understanding the electoral geography of the country

can be useful in the design and construction of an enduring and credible electoral system. This would require effective legislative advocacy.

**The legislative advocacy would address the following key issues:**

- i. Specific recommendations for the review of the electoral act 2002 on issues relating to electoral fraud, electoral administration, electoral violence, electoral tribunals etc.
- ii. Specific recommendations for the review of the 1999 Constitution relating to the registration of political parties, the composition and powers of the Independent National Electoral Commission and electoral administration.
- iii. Initiating a debate on alternative electoral systems to the first past the post system currently in practice in the country.
- iv. Specific electoral and political characteristics of geopolitical zones that the State and civil society organisations need to consider in electoral review and civic action.

**The Way Forward**

As we move towards the 2007 elections, Nigerians should look ahead to the future bearing in mind a number of important issues that need to be addressed:

1. Civic education should be accorded a high priority between now and the 2007 elections. The argument that has been made is that the real challenge in producing free and fair elections in 2007 is about what happens before that date. The task of enlightening the citizenry on their rights and duties, and how to defend the sanctity of their votes is crucial. In the 2003 elections, civic groups who carried out civic education did so too close to the elections. The full benefits of the civic education could not be realized. Considering the fact that politicians use religion and ethnicity as tools of political manipulation, the content of civil education should take into consideration how to provide effective responses to such manipulative tendencies. Similarly people should be educated on how to demand accountability from their leaders through Town Hall meetings as well as effective use of recall provisions in the constitution.
2. The need to encourage the culture of opposition politics is of crucial importance to the future of Nigerian democracy. It is widely known that Nigerian politicians always prefer to be on the winning side and would therefore prefer to strike deals with the winning party. It is a

defeatist attitude. It would serve the cause of democracy better if opposition parties remain steadfast, build strength and capacity around their programmes and manifestoes and provide the electorates with credible alternatives in future elections. It is worthy of note that in states like Kano, Kogi and Borno where incumbents were defeated in the 2003 election, it was the vigilance of the opposition that made such possible.

3. The mass media also needs to play a more significant role in promoting and strengthening the credibility of the electoral system. Three main points are important in this regard. First, the need to encourage proliferation of privately controlled media as opposed to those controlled by the governments. Privately-owned media houses are more likely to give better coverage to opposition political parties. Second, Nigeria needs to explore the possibility of community radios which are far less expensive to establish. The present legal regime in the country is not favourable to community radios and an enabling environment needs to be created. Third, we have not made adequate use of the information super high way offered by the internet and electronic e-mail as a means of reaching out and putting information in the public domain concerning elections. The possibilities of using the internet for national and international advocacy in securing free and fair elections should be developed.
4. There is a need to deal with the mindset of people which explains lack of tolerance for the opposition and the absence of democratic temperament in our politicians. This is possible through massive civic education.
5. Government at all levels should deal with issues of mass poverty and unemployment. As long as people remain poor and lack access to basic means of livelihood, they will remain susceptible to all kinds of manipulations, including being used to foment violence during elections. In other words, increase in political awareness without addressing the problem of poverty will not change the situation.
6. Peoples' Forum should be established to promote the culture citizens bringing their representatives to town hall meetings to engage in face-to-face interaction and demand accountability. There is need to build linkages, alliances and coordination among groups such as churches, market women, Okada operators and the media to checkmate the excesses of those in power.
7. Ethnic and community associations should become more active in identifying credible individuals who should be persuaded to enter the

arena of electoral contests. Communities should start developing the culture of sponsoring the elections of such candidates so that the field of electoral contest is not dominated by the rich and powerful. People who have interest in politics should be encouraged.

The subsequent chapters in this report provide a summary of the 2003 electoral geography debates which are a useful point of departure for the next phase.

## CHAPTER TWO

### THE SOUTHWEST GEO-POLITICAL ZONE

#### POLITICAL PECULIARITIES OF THE ZONE

1. The standard of leadership and performance set by Chief Obafemi Awolowo and hence, a culture of critical assessment. A critical issue in elections in this geo-political zone is the role of collective memory, especially the role of Chief Obafemi Awolowo. Two issues are immediately important here. In one respect, having adopted Awolowo as a symbol in their election campaigns and political mobilization, AD governors who wrongly saw themselves as untouchable, had to be evaluated on the basis of Awolowo's performance standards. The closeness of Afenifere to the AD was to further underscore the claim to Awolowo's legacy. As it turned out, many of them substantially deviated from Awolowo's image.

A related aspect of this is that politicians in political parties other than the AD who won in the southwest, especially the PDP, are not only Yoruba who could equally appropriate the legacy of Chief Obafemi Awolowo, many of them were actually involved in the Action Group, the UPN and were also involved in the AD. It is therefore true that they had equal claims to Awolowo as a political symbol.

2. There is also a need to consider changing patterns of elite competition and cooperation. One reality that cannot be ignored is the increasing desire of the Yoruba political and economic elite to be integrated into a more national framework of competition, rather than limiting their horizon to the southwest as it was hitherto the case.
3. The salience of basic education which was a consequence of long term investment in education from the 1950s is another factor: It is a region with a high level of literacy which is a consequence of the free education policy started by the Action Group government under the leadership of Chief Obafemi Awolowo. Again, in the second republic, UPN governments in the zone pursued free education policy.
4. The role of urbanization and a deep culture of civic engagement: The Yoruba speaking area of the southwest is the most urbanized of all the zones in the country. Similarly, it has a strong tradition of civil society and civic engagement, pre-dating the independence period. Incidents such as the Agbekoya movements and the resistance to electoral malpractices in the first and second republics as well as the

resistance to the annulment of the June 12 presidential elections are examples.

5. The role of infrastructure in the determination of electoral output and performance. Here, issues like the presence of a strong media (in terms of ownership structure and saturation) and improved physical access to the different parts of the zone are critical factors. All this translates into a greater political awareness.
6. There is also the complex interaction between ethnicity, religion and politics dictated by the two-faith structure of the southwest. Interestingly, the existence of this faith structure is founded on a deep culture of religious tolerance which makes it almost impossible to manipulate religion. Consequently, religion is not a key issue in the politics of the geo-political zone.
7. Demographic and locational shifts: Ibadan provides a very useful illustration of the increasing tendency for people to move away from the old city centre to suburbs which have come to experience exponential increase in population. Such suburbs have become the areas of attention in terms of rigging and other forms of electoral malpractices.
8. Sanctions for political misbehaviour : The zone is noted for imposing sanctions on politicians adjudged to have broken rank with tradition or to have acted in a politically embarrassing manner in relation to what is perceived as the collective interest of the Yoruba. There are several examples. In the 1983 general elections, Akin Omoboriowo, who was purportedly declared winner as the governor of Ondo State, having defected from the UPN to the NPN, was a victim of violent attacks. He has since then become politically irrelevant. Both and Lateef Jakande and Dr. Olu Onaguruwa have remained politically ostracized for supporting the Abacha military dictatorship.
9. Participants admitted that PDP governorship candidates who eventually won in most of the states actually spent time and money campaigning and seeking votes. On the contrary, incumbent AD governors, except in Lagos, relied essentially on Awolowo legacy in the hope that it could sway votes in their favour. This may have accounted for the difference in the electoral fortunes of the PDP and the AD in the zone.

Although the factors identified above can be regarded as the positive elements in the politics of the zone, there are a number of factors which are negative: These include:

1. The high poverty levels which accounts for the salience of material incentives. The high poverty level is marked by a mass of unemployed, highly educated people in the context of an educational system that is not dynamic enough.
2. Political Violence: Although the culture of political violence associated with the region has played a positive role in checkmating electoral frauds, there is a sense in which it remains a threat to the entire electoral system. The spate of election-related violence and politically motivated killings in the zone in the build up to the election was simply frightening.
3. The phenomenon of 'godfatherism' is a critical issue as it is being played out between Adedibu and Governor Ladoja. However, unlike the situation in the southeast, it is dictated by the quest for power, rather than money and contracts.

#### ALTERNATIVE ELECTORAL SYSTEM FOR NIGERIA

There was a discussion around what is the current electoral system in practice and the need to explore an alternative to the present "First Past the Post System". One strong argument advanced is that the tendency for the winner to take all creates fear for being in the opposition. This means that a system of proportional representation will mitigate this tendency. The second argument adduced in support of an alternative is that it would reduce the possibility of one-party rule or dictatorship as the outcome of the 2003 elections appears to show. It would also ensure that a candidate with substantial vote would not go home empty. The point was emphasized that we need to redirect the system and our political behaviour.

#### CONSTITUTIONAL ISSUES

1. Citizenship Qualification for contesting elections: The constitutional provision that only Nigerians by birth can be President should be retained. There is a concern that loyalty of 'naturalized' Nigerians could be in doubt and that such persons or individuals could pose a threat to national security.
2. Educational Qualification for contesting elections: Section 318 does not only interpret 'school certificate or its equivalent' so elastically that it becomes meaningless, it gives undue powers to the INEC with the phrase "to the satisfaction of INEC" in determining what is the equivalent of school certificate. It was proposed that this provision be

strengthened to emphasize ability to read and communicate in English language.

3. Section 221 which stipulates that only a political party can canvass for votes or contribute to the election expenses of candidates should be deleted to make room for independent candidacy.
4. Section 222 of the constitution that stipulates the geographical spread of parties should be amended because it implies that all political parties must be national. Although the Supreme Court ruling has removed extra-constitutional obstacles placed by INEC, there is need to further liberalize and encourage the emergence of local parties. However, such parties must not espouse sectarian, ethnic, religious and regional interests.
5. INEC should be removed from the list of federal executive bodies to guarantee its independence. In this way the president will not enjoy the powers to appoint members of INEC.
6. The power of INEC to register political parties: Paragraph 14 (2) (b) of the Third Schedule empowers INEC to register political parties. This section should be removed and reformed to limit the role of INEC to administrative recognition of political parties.
7. Contribution to the campaign funds of candidates needs to be regulated in view of the experience in the last election during which a group of contractors under the name "Corporate Nigeria" came together in breach of the Companies and Allied Matters Act to contribute money to the campaigns of the presidential candidate of the ruling party. A similar trend obtained in states such as Lagos, Delta, Plateau, etc where incumbent governors raised money from such sources. The point was made that corporate bodies that donated towards elections of candidates and campaign funds raised by political parties was in clear violation of the law referred to above. It is however, desirable that the position of the law should be clear and unambiguous.
8. Membership of INEC and its independence: Section 156 which provides that a person cannot be appointed member of INEC unless he is qualified to be elected into the House of Representatives implies that he must belong to a political party in accordance with Section 65 of the constitution. There is a need to amend this section to so as to make it clear that the required qualification does not include membership of a political party. Furthermore, there is need to de-list INEC from federal executive bodies to ensure that members are not appointed by the president. This would require an amendment to

Section 156 (1) (a). A non-partisan and independent INEC to be openly and transparently appointed with men of integrity will enhance better the credibility of the electoral system. The South African model needs to be carefully studied in this regard. Representation should emphasize stakeholders like labour and civil society. Those constituted as members should elect the leadership.

A similar amendment is required in Section 200 in respect of the State Independent Electoral Commission (SIECS).

However, there is a strong sentiment in favour of a 'multi-partisan' INEC comprising representatives of all political parties who will elect a chair among themselves.

9. As a means of enhancing its autonomy, the funding of INEC should come from the Consolidated Revenue of the Federation. The implication is that appropriation power should reside in the National Assembly.
10. Exclusive powers of the Election Tribunals: Section 285 confers on Election Tribunals exclusive jurisdiction to determine whether the term of any member of the National Assembly has ceased. There is need for an amendment to make this power concurrent in the Tribunals and the regular courts. The amendment required is in respect of Section 285 (b).

## ELECTORAL LAW

1. INEC should not audit accounts of political parties. Parties can do audit their accounts using external auditors as done by corporate bodies as a means of internalizing accountability norms.
2. Section 74 which empowers INEC to approve merger of political parties should be expunged. Similarly, Section 75 which empowers INEC to attend all conventions of political parties should be removed.
3. The power conferred on INEC by Section 68 to register political parties should be removed. It should be reformed to reduce the power to administrative recognition rather than registration.
4. Section 12 of the Electoral Act which vests the proprietary rights over the voter's card in the INEC should be deleted from the Act. The proprietary rights should be vested in the individual.
5. The law should emphasize the substance of election petitions brought before tribunals, rather than technicalities as many cases are thrown

out on the latter ground. The provisions are too long and cumbersome that it places too much burden on the petitioner. The whole of part vii of the Act and the first schedule running into about ten pages should be re-written to emphasize the substance of election petitions. It may be fine in terms of the law and the kind of proceedings that we have always had, but there is need to remove the loopholes that are exploited to subvert democracy.

6. On the Implementation of the Law in respect of Election related offences, it was observed that in order to overcome the culture of impunity in the violation of election offences, two major propositions were put forward:
  - a. The need to provide for Public interest/public impact litigation To this end, amendment should be made to S. 6 (6) (b) by adding “including the obligation to defend the Constitution”.
  - b. With respect to criminal offences, there is need to provide for the right of private prosecution in respect of electoral offences, in which case, the power of nolle prosequi vested in the Attorney General shall not apply to private prosecution of electoral offences.
7. In addition, there is need for enforcement of our penal code, while advocacy on the law needs to be intensified to increase awareness.
8. There is need to re-examine the language of the Electoral Act. It is too technical to be comprehended by the average person and it is not gender sensitive.
9. The role of election monitors and their rights, including their presence at the collation centres should be stated in the Act. This would expand their role in the process and prevent them from being assaulted. Assault or molestation of monitors and their acceptance of monetary inducement should be made criminal offences.

## WHAT IS TO BE DONE: FUTURE SAFEGUARD OF THE ELECTORAL SYSTEM

1. There is a need to improve the environment of democracy. The real issue here is to improve economy growth and achieve a measure of redistribution of wealth, create employment opportunities and the overall quality of life. This will substantially reduce the role and influence of money in dictating outcomes of elections.

2. There is a need to deal with the incumbency factor.
3. Opposition parties need to more organised, principled and vigilant and should monitor elections at all levels.
4. Pre-election monitoring should be broadened to include monitoring INEC. This is because INEC is a player; not a neutral arbiter as it is assumed. It should also involve monitoring the police and other law enforcements agencies given the partisan roles they played in the 2003 elections.
5. Electoral officers need to be properly trained. As it became obvious in the last election, they were not exposed to sufficient training and lacked a clear knowledge of the rules and procedures guiding elections.
6. There is need to cultivate a culture of judicial activism. The common law tradition, which Nigeria subscribes to, makes judicial decisions useful and become a useful instrument of law reform.

## CHAPTER THREE

### NORTH-WEST GEO-POLITICAL ZONE

#### PECULIARITIES OF THE ZONE

The Northwest zone is characterized by some political peculiarities evident in the political behaviour in the zone during the 2003 elections. Among others, the salient ones are:

1. The Buhari factor: The ANPP presidential candidate in the 2003 elections, General Mohammed Buhari (rtd) hails from Katsina State in the zone. This makes the Buhari factor a potent issue in the politics of the zone. Buhari is generally perceived to have some personal qualities such as being a disciplinarian, honest and straight in a society where corruption is pervasive. Buhari's image as a disciplinarian became a critical political capital in the face of the failure of democracy to address problem of mass poverty.
2. The national discourse about power shift in the country is a major issue in the zone which includes Sokoto, the traditional seat of the aristocracy, Kano, the centre of populist politics and Kaduna, the epicentre of the northern power elite. There is a widespread feeling that north has lost political power which is considered her point of strength to the Yoruba of the southwest. This partly accounts for the strength of the ANPP in the zone which turned out to be the main opposition to the ruling PDP in the 2003 elections.
3. Religion is a major factor in the zone. Zamfara State which was the first to elevate Sharia Islamic law to the level of criminal jurisdiction is in the zone. Sharia legal code has the highest support in the zone. There is a sense in which the religious factor closely interacted with the ethnic factor.
4. Traditional rulers, religious leaders and district heads are very powerful and command the respect of the people in the zone.
5. It is a very vast zone in geographical terms. The factor of distance therefore impacts organization of election and the management of election logistics.

#### ELECTORAL SYSTEM

The meeting devoted a substantial time to the discussion of an alternative electoral system. It stems from the fact that the present "First Past the Post System" and the winner take all syndrome breeds tension and antagonism. The intense struggle among power contenders and the desperation to win is largely accounted for by the fact that the system is akin to a zero sum game. In addition, the present system is unfriendly to minority and disadvantaged groups in terms of representation. It was considered that introducing some designs into the electoral system is capable of moderating competition for power. There is also concern about the percentage of wasted votes in situations in which an election fails to produce a clear winner as opposed to a simple majority.

The alternative proposed to the "First Past the Post System" is a second ballot for the presidential and governorship election in an even of any of the candidates winning a clear majority. This is the system widely associated with the French presidential system. After the first ballot fails to produce a clear winner, there is a second election between the two leading contenders. The second ballot gives room to people to make up their mind, for new alliances to be formed and to generate more support for the eventual winner.

The second major proposition arising from the discussion is the need to have proportional representation in parliamentary elections. This would mean multiple representation from a constituency in order to allow for diversity, especially gender and minority groups. This however, would require creating larger constituencies such that two or more candidates can be elected from each and guarantee of representation provided for women and ethnic minorities. The experiences of women aspirants in the 2003 primaries and in the elections that followed strengthened the need to give an alternative a chance. It was stressed that since there are different kinds of proportional representation, there is a need to study them more closely, and to look at the Japanese example which has constitutionally-based gender-based representation.

A challenge was thrown to civil society groups to sponsor a bill that will capture an alternative the present electoral system and other relevant changes that need to be made in the law as a means of promoting the integrity of the electoral system as the foundation of democracy.

**PROPOSED CHANGES IN THE CONSTITUTION**

1. Qualifications for elections into the National Assembly, state Assemblies and the offices of President and Governor: It was proposed that 18 years be adopted as age qualification for standing for elections into these offices. It was reasoned that there was need to deal with the problem of fraudulent claims by many people with respect to age. Age qualification for election, it was argued, should be aligned with the voting age.
2. Citizenship Qualification: The constitutional provision that only Nigerians by birth can aspire to the office of the president was considered adequate.
3. Educational Qualifications: The constitution stipulates secondary school certificate or its equivalent or what is deemed satisfactory to INEC. There is a strong feeling that it emphasizes one type of education – western education. The proposal was that what is in the constitution should be replaced by ability to read and write in more than one script. References were made to individuals in the first and second republics who were effective in parliament without attaining high level of education qualification.
4. There is support for independent candidacy to be provided for in the constitution. To this effect Section 221 of the constitution should be deleted.
5. Section 222 provides that only INEC can register political parties. But the problem is more than the question of registration. It includes the prescription that only ‘national’ parties can be registered because of requirement of national and geographical spread. Although the Supreme Court ruling has somehow limited the powers exercised by the electoral body by saying that it cannot impose extra-legal/constitutional conditionalities, participants argued that parties must not necessarily be national as long as they do not espouse sectarian, ethnic, religious and regional interests.
6. Composition and Funding of INEC: At the level of general principle, the point was made that INEC should enjoy both administrative and financial autonomy.
  - i. Section 126 which prescribes that qualification for membership of INEC has to be the same as that of an individual seeking election into the House of Representatives should be amended. This would ensure that members of political parties are not members of the electoral body. Rather, stakeholders should replace political parties since the latter translates to the party in

- power. Stakeholders would include civil society, labour, etc and they should elect the head.
- ii. Similar changes should be reflected in Section 200 in respect of State Independent Electoral Commissions (SIECs).
  - iii. The funding of INEC should come from the Consolidated Revenue of the Federation.
7. Registration of Voters: Following protracted debates that other relevant governmental bodies such as the Department of Civic Registration and the National Population Commission be allowed to handle the registration of voters as a continuous exercise, it was resolved that INEC can continue to do this. What is however important, is citizens' actions and advocacy.
  8. The exclusive power of Election Tribunals to determine the end of terms of office for office holders was questioned. It was suggested that such powers be concurrently vested in the tribunals and the regular courts.
  9. There is need for a clear provision of Affirmative Action in the Constitution.
  10. Term of Office: Participants favoured a single term of five years for executive positions. However, the individual can be re-elected after ten years.
  11. Part- Time Legislators: There is preference for a constitutional amendment for the legislative duties to be performed on part-time basis. The point was strongly made that many legislators have failed to meet the minimum sitting requirement despite the fact that it is full time.

#### PROPOSED CHANGES IN THE ELECTORAL LAW

1. There is an urgent need to review the composition and structure of electoral wards. For now, there is no proportionality between different federal constituencies, despite the fact that equality of population provides the basis for constituency delimitation.
2. The law should provide for open primaries to avoid abuse of primaries by so-called party elders, godfathers, consensus and zoning.
  1. ID cards should be used in future elections.
  2. There is need to provide for decentralization of election activities in the law; not only in keeping with the spirit of federalism, but for more efficiency in the administration of elections.

3. There is need to amend Section 136 or Part IV of the Act which empowers the courts or tribunals to strike out election petitions for non-compliance with the provisions of the Act or the provisions of the First Schedule. The Schedule runs into about 10 pages and contains impossible conditions. Despite the appeal to tribunal chairmen by the President of the Court of Appeal during the inauguration of election tribunals and the rulings of appeal courts on a number of cases, several petitions were thrown out on the grounds of technicalities.

The primary concern here is to increase the legitimacy of election. In the first place, to be rigged out is a disadvantage. As it is now, it places enormous obstacle on the part of the litigant. The litigant has a right to be heard and the law should be on his side. Substance rather than technicalities should be emphasized.

4. Affirmative Action should also be provided in the Electoral Law consistent with the proposed constitutional amendment.
5. Independent candidature should be provided for in the Electoral Act consistent with the amendment to the constitution.
6. There is need to space or stagger elections such as that all the offices are not thrown up for elections at the same time. If such rolling of elections is introduced, there would be elections every two years and we can avoid the present unfortunate situation in which government business is completely shut down because of election fever.
7. Clear limits should be provided to funding of elections and campaign expenditure. There should be limit to the contribution of individuals. Parties must be compelled to ensure full disclosure. Corporate contributions to campaign funds and elections should be disallowed.
8. Presiding officers at elections should be INEC staff rather than people recruited on *ad hoc* basis. This would give the commission the powers to discipline and sanction erring ones. The other officers – the polling clerks and polling orderlies should be appointed with the consent of the political parties to avoid a situation in which the ruling parties and incumbents recruited loyalists to help rig elections and perpetrate other frauds. In addition, names of such *ad hoc* staff should be displayed prior to elections to allow for claims and objections.
9. There is need to make adequate arrangements for election observers and security officials to vote ahead of time so as to avoid their disenfranchisement.

## WHAT IS TO BE DONE: THE WAY FORWARD

1. There is need to encourage the setting up of community radios which, for now is not permitted by law in Nigeria.
2. There is need to provide for adequate security to cover all the stages of elections.
3. Massive voter education has to be carried out a continuous basis by civil society and relevant government agencies like the National Orientation Agency (NOA).
4. There is need to simply the constitution and the electoral law to make them more accessible to the people.
5. Legislative advocacy should be given priority in the work of civic groups and CBOs.
6. Government has to pay attention to the issue of economic empowerment of the citizenry to reduce the negative influence of poverty and unemployment. Public office holders in particular must be made to deliver democracy benefits.
7. There is need to court and engage the media as instrument of advocacy.
8. Provision for independent candidacy would be very helpful in terms of expanding opportunities for credible candidates that may be blocked by their parties.
9. Voters should be allowed to monitor their votes at all the stages of the election.
10. In the same manner, communities must design strategies to protect their votes.
11. Opposition political parties should be alert to their responsibilities of continuously providing alternatives to the electorates.

## CHAPTER FOUR

### SOUTH-SOUTH GEO-POLITICAL ZONE

#### POLITICAL PECULIARITIES OF THE ZONE

The south-south geo-political zone has peculiar characteristics that make the politics of the zone fairly different from others. They are as follows:

1. The Nigeria Delta region is blessed with large deposits of crude petroleum which currently is the linchpin of the Nigerian economy. The significant role of oil in the Nigerian economy and mode of revenue sharing in the country's distorted federal system, and the issues of ecological damage arising from 'unholy' alliance between the Nigerian state and oil transnationals, have all combined to make the Niger Delta the heart beat of Nigerian politics. This would include the protracted dispute over the 'ownership' of Warri between the Urhobo, Ijaw and the Itsekiri, and the numerous inter-ethnic and inter-community violence in parts of Rivers and Akwa-Ibom states.
2. Following from the above, the Niger Delta has become a highly militarized region in the country. This is not just a question of the large presence of the army and the police for the purposes of maintaining peace in the protracted fratricidal violence, or to protect vital oil installations and wells. It also includes the proliferation of ethnic militias and youth gangs in the emergent complex pattern of communal violence in the region. This has led to proliferation of light arms much of which are imported into the region through the creeks.
3. A significant portion of the terrain of the Niger Delta is inaccessible because of the riverine nature. This raises a fundamental problem of logistics for conducting elections.
4. Parts of the Niger Delta like Cross River shares border with the neighbouring Camerouns and includes part of the disputed Bakassi penninsula. This raises a fundamental question of security during elections.

#### CONSTITUTIONAL ISSUES FOR AMENDMENT

1. The status of INEC as a federal executive body needs to be reviewed. The powers exercised by the President in the appointment and composition of members which undermines the independence of the electoral body arises from here.

2. The mandatory requirement that political parties must have national spread does not only abridge the constitutional rights of the Nigerian people to freedom of association, it unduly monetizes the political process. It should be possible for people to form parties that may be interested in the pursuit of local issues provided they are not sectarian in nature.
3. The constitutional provision that only political parties can canvass for elections and sponsor candidates should be expunged to provide for independent candidature.
4. The role of INEC should be limited to administrative recognition of parties rather than registration.
5. The funding of INEC should come from the Consolidated Revenue of the Federation.
6. The power to declare candidates at elections validly returned or elected, or to declare the office vacant should not be jurisdictionally be restricted to the Election Tribunals; such powers should be vested in the regular courts.
7. A non-partisan and independent INEC is desirable, and should be modeled after the South African experience.
8. There is need to amend the constitutional requirement with regard to the age of persons aspiring to the office of the President which should be the same as the Governor.
9. The constitution should be amended to provide for a single term of four years.

#### ALTERNATIVE ELECTORAL SYSTEM

Participants discussed alternative to the present “first past the post” electoral system which Nigeria currently has in place. Many of the participants contended that it was time for Nigeria to examine available alternatives given the obvious inadequacies of the prevailing system. The system as it is appears unfriendly to disadvantaged groups such as women and micro-ethnic minorities. There is a strong favour for adopting proportional representation and providing for multiple candidates in a constituency.

#### PROPOSED CHANGES IN THE ELECTORAL LAW

The following observations and proposals for reforms were made:

1. There is a need for the law to accommodate the quest or desires of election monitors and observers to vote. What obtained in the last two elections is the disenfranchisement of monitors. Consequently, the

role of election monitors and their rights, including presence at collation centres should be stated in the Electoral Act. Specifically, their molestation or assault and their acceptance of monetary inducement should be criminalized.

2. Section 82 which requires political parties to win 10% of votes before eligibility for funding should be expunged.
3. Section 86 (7) should be expunged since the provision which allows a candidate to use or keep a private security or individual for his/her personal campaigns, rallies and procession could be exploited by politicians.
4. There is need to render the language of the electoral law in a simple and readable manner as far as the average person is concerned.
5. The law provides cumbersome provisions which candidates seeking redress through the intervention of Election Tribunals must comply with. There is need to re-examine these provisions with a view to reducing them as technical considerations could dwarf the substance of petitions.
6. To avoid a situation in which election results may be declared in places where elections do not hold, there is need to insert an additional clause to section 33 of the first schedule to empower voters and affected persons to seek relief at the Election Tribunal.
7. Section 135 (2) of the first schedule should be expunged.

#### WHAT IS TO BE DONE: FUTURE SAFEGUARD OF THE ELECTORAL SYSTEM

1. Election monitors need to pay more attention to collation centres where actual manipulation of election figures takes place.
2. Election monitors/observers need to be more pro-active rather than was the situation was in the 1999 and 2003 elections.
3. Political parties must be mandated to conduct open and transparent primaries as opposed to the current practice of endorsing candidates on the basis of consensus.
4. There is need for more voters education and awareness emphasizing, not only how to vote, but how such votes can be protected.
5. There is need for the police and other security agencies to respect their boundaries in the provision of security during elections given that the police and other security agencies are used in the perpetration of electoral frauds.

6. As a means of reducing the level of violence: There should be adequate security planning between INEC, Police and other security agencies involved in the elections; civil society and NOA should embark on early civic education; political parties should perform their expected roles; youth employment and empowerment should be considered matters of priority.
7. To reduce the level of rigging: The review of the electoral law; constitutionalism and the rule of law should be observed; a culture of vigilant opposition politics should be entrenched; and access to information should be provided independent observers.

## CHAPTER FIVE

### NORTH-CENTRAL GEO-POLITICAL ZONE

#### POLITICAL PECULIARITIES OF THE ZONE

In terms of the political experiences peculiar to the zone, participants identified the followings:

1. Monetisation of politics in the zone because of the high incidence of poverty which makes people susceptible to inducement and manipulation.
2. The prevalence of zoning of political offices which limited the possibility of democratic and open contest between the different ethnic communities.
3. The visible and dominant role of the Church in politics. This has had the implication of bringing religious divide to the forefront of political campaigns and electoral competition.
4. Not only is it a zone of ethnic minorities, it is infected with a high level of ethnic conflicts and violence. Examples include the internecine conflicts between the Tiv and their neighbours in both Nasarawa and Taraba States, and the protracted crisis in Wase area in Plateau State. In some places like Wase where several communities were physically displaced as a result of communal violence, elections could not be held as a result of the chains of violence in the area.
5. The high incidence of pre-election violence was a key feature of the politics in the zone. In Kwara State in particular, the personality clash between incumbent Governor Mohammed Lawal and Dr. Olusola Saraki assumed disturbing dimensions.
6. The role of traditional rulers, many of whom became involved in politics to advance the interests of incumbent governors.

#### THE ELECTORAL SYSTEM

Participants examined the flaws in the present “First Past the Post System” and concluded that it would not help in the efforts to consolidate democracy in the long run. The example of Plateau State in the 2003 elections was cited to drive home the lesson that the system is essentially flawed. The incumbent Governor, Joshua Dariye, that was returned actually scored less than 30 % of the total votes cast. Both the ANPP and AD candidates substantially shared the votes. This means that he cannot be said to be a popular governor since over 70% of voters actually rejected him, making

that percentage of votes wasted votes. Yet, because it is a winner take all, his party would share all the political offices without the participation of the other parties. The system that permits a second ballot and proportional representation were considered desirable for the country in the light of this experience.

## PROPOSED AMENDMENTS IN THE CONSTITUTION AND THE ELECTORAL LAW

1. Participants discussed the party system extensively in view of the prime place it occupies in a democracy. The following specific proposals were made:
  - i. The power conferred by the Constitution on INEC to register political parties should be expunged. This would reduce the role of the electoral body to administrative recognition of parties.
  - ii. Political parties should be compelled by the law to conduct open and transparent candidates to nominate candidates for elections.
  - iii. Political parties should not be allowed to introduce undemocratic and unconstitutional provisions in their constitutions.
  - iv. They should be barred from levying aspirants any sum of money as a means of making it possible for credible candidates without access to resources to contest.
  - v. Government appointees should not be party delegates on the basis of their positions.
2. On INEC: The provision that those to be appointed members of INEC should have the same qualifications as those seeking elections into the House of Representatives suggests that such a person must be a member of a political party. This provision is open to abuse and should accordingly be expunged. Furthermore, it was suggested that the membership of INEC should be drawn from the various stakeholders in the political process: political parties, civil society, business sector, labour, etc. The appointment should be subject to the confirmation or approval of the National Assembly and they should choose their members from among themselves. Other relevant issues relating to INEC were discussed as follows:
  - i. INEC should make use of permanent staff as opposed to ad hoc staff for election purpose. Such staff should be put to use in the

- continuous review of voter register. The point was made that they are more amenable to control and discipline by INEC.
- ii. INEC should be funded directly from the Consolidated Revenue of the Federation.
  3. Educational Qualification: It was suggested that minimum qualifications for contesting elections as prescribed by the Constitution should be expunged.
  4. Participants supported the need to provide for independent candidacy by expunging Section 221 of the Constitution which stipulates that only political parties can sponsor candidates for the purpose of election.
  5. The tenure of office for executive positions should be changed to a single term of five years.
  6. Registration of Voters: This should be a continuous exercise so as to ensure the inclusion of almost all eligible voters. Such will be more reliable than one compiled on the eve of election.
  7. Timing of Elections: As a strategy of avoiding the confusion associated with elections, a proposal was made that legislative and executive elections should be separated and held every four and five years respectively at a date to be announced by INEC.
  8. Voting Age: It was proposed that voting age should be lowered from 18 as a means of ensuring greater participation and instill a sense of democratic responsibility among young persons.
  9. Campaign Funding: INEC should make a law regulating campaign funding and should establish a machinery to monitor it. Government should also find all political parties and candidates.
  10. Electoral Malpractices: The punishment for electoral offences are too light and need to be made stiffer so as to serve as a deterrent.
  11. On Electoral Tribunals and Election Petitions: The position of the Electoral Act should be liberalized with regard to election petitions. The extent of proof of electoral malpractices should not be as strident as that of other criminal cases. The time allowed within which to tender an election petition should be extended and graduated from the lower to higher political offices.

#### WHAT TO BE DONE: THE WAY FORWARD

A number of recommendations and proposals were put forward to promote the sanctity of the electoral process. These include:

1. The urgency to embark on civil education by civil society organizations. At the heart of civic education is the building of democratic citizenship that emphasizes how people can defend their votes.
2. Civil society organizations need to network, strategise and share experiences on how to enforce accountability from the political leadership. The use of the media, civil unrest and mass action are some of the strategies that could be adopted in promoting accountability and transparency in governance.
3. Constructive engagement is required on the part of civil society with INEC and SIECs to speed up the process of reviewing the legal framework of elections.

## CHAPTER SIX

### SOUTH-EAST GEO-POLITICAL ZONE

#### POLITICAL PECULIARITIES OF THE ZONE

The zone is marked out politically by a number of features that are peculiar to it. The salient ones have been identified below:

1. A high level of political violence before, during and after the elections. The spate of politically motivated killings and assassinations witnessed in the zone before the election and the criminal abduction of the Governor of Anambra State, Chris Nigige, after the elections provide ample evidence.
2. It is also characterized by pervasive monetization of politics as it would appear that people tend to care for money only rather than the integrity of their votes.
3. The problem in the zone was explained in terms of the collapse in the values of the Igbo people following the profound disorientation visited on the people by the civil war experience. Whereas the Igbo historically valued hard work, integrity and promoted education as exemplified by the life experiences of people like the late Dr. Nnamdi Azikiwe, late Mbonu Ojike and late Akanu Ibiam, the situation today has radically changed.
4. The relative neglect and marginalization of the Igbo in what appears to be a punishment for daring secession left the people on their own to take charge of their destiny. Indeed, there is a strong sense in which the people feel that they were treated like a conquered people after the civil war. In response, mad race for wealth and all kinds of opportunism, including resorting to criminal activities to make money became the order of the day. What has been noticed as the decline in male education in the core eastern states can partly be explained in terms of this development.
5. The consequence is the emergence of an incoherent and opportunistic leadership that has no commitment to the aspirations of the people in the zone. The core of this opportunistic leadership is drawn from armed robbers or their kingpins, drug barons and unscrupulous fraudsters who are the only people with money.

#### PROPOSED CHANGES IN THE CONSTITUTION

With respect to the Constitution, the following changes were proposed:

1. There is need to introduce a clause in the constitutional provisions on political parties to encourage internal democracy, including the conduct of open and transparent primaries as a mode of determining candidates who should conduct elections.
2. Similarly, it should be made a constitutional issue to mandate every political party to sponsor at least 30 per cent of women into elective office. The same should apply to the executives of political parties.
3. The provisions in the Chapter on Fundamental Human Rights which restates that “sovereignty belongs to the Nigerian people and that the participation of the people must be ensured” should be transferred to the Chapter on Fundamental Objectives and Directive Principles of State Policy and be made justiceable.
4. The merger of political parties should not be subject to the approval of INEC. Similarly, the funding of political parties should not be tied to the proportion of seats won, but proportional to the number of candidates sponsored. As it is now, the provision is unfair and promotes electoral fraud.
5. Section 221 – 227 should be reviewed to reduce the powers of INEC from registration of political parties to administrative recognition.
6. There should be provision for independent candidacy.
7. INEC should be removed from the list of Federal Executive bodies so that the president should not exercise powers in the appointment of its members. It should be expressly stated that members of political parties should be members of INEC. The membership must take into consideration diverse interests.
8. Provisions that prevent members of political parties from seeking legal redress should be expunged.

#### PROPOSED CHANGES IN THE ELECTORAL LAW

1. The proposed changes in respect party internal democracy and gender Affirmative Action should be reflected in the electoral law.
2. Stiffer punishments were recommended for breach of the provisions of the Electoral Act on illegal donations to political parties from abroad. The fine of N500,000 presently stipulated can easily be paid. The same should apply to breach of the provisions regarding spending beyond stipulated limits during elections.
3. There should be a drastic limitation on what the individuals can contribute to party funding and campaign expenditure.

4. The law should make provision for an independent commission to oversee party funding to be called Party and Campaign Funds Regulation Commission.
5. There is need to establish a computerized and centrally managed voter register to make easy for those who may have moved from one place to another to vote. To this end, Section 3 (1) should be expunged.
6. To encourage access of political parties and citizens to the Voter Register, Section 9 (1) should be amended to specify the minimum cost to be met rather than leaving it to the discretion of INEC. Obtaining the register should not be subject to any conditions.
7. Section 10 (1) should be amended to provide for the display of voter register at the polling booths, wards and local governments for a minimum of 4 weeks rather than 5-14 days.
8. Section 16 (1) should be amended to ensure that postponement of elections is subject to the approval of political parties and security chiefs.
9. The provision in Section 86 (7) to the effect that candidates seeking elections can have personal security should be expunged since it can easily be abused.
10. There is need to review Section 144 and 145 of the Electoral Act which relate to the trial of electoral offences. The responsibility of investigating electoral offences lies with the Police which is federal and which may be unwilling even if the Attorney General of a State is willing to prosecute such offenders.
11. Elections should be held early enough for all petitions related to elections to be concluded one month (30 days) before swearing-in .

#### WHAT IS TO BE DONE: THE WAY FORWARD

Beyond the 2003 elections, Nigerians should look ahead to the future bearing in mind a number of issues to address:

8. There is need to build linkages, alliances and coordination among groups such as churches, market women, Okada operators and the media to checkmate the excesses of those in power.
9. More creative strategies and approaches such as meeting the rural people through Town Hall meetings should be used.
10. There is need to pay more attention to legislative advocacy.
11. Credible people who have interest in politics should be encouraged.

12. There is need to reform the judiciary so as to have a proactive judiciary and encourage the emergence of courageous and upright judges.
13. Reconstitution of INEC to reflect multi-partisan interest.
14. There is need to challenge president Obasanjo's one-man dictatorship.
15. There is need for a Sovereign National Conference.

## CHAPTER SEVEN

### NORTH-EAST GEO-POLITICAL ZONE

#### THE PECULIARITIES OF THE ZONE

One important issue that emerged from the deliberations in the zone is the peculiarities of the Northeast Zone. The salient ones are as follows:

1. The zone has the biggest land mass in the country. It is therefore a very vast territory, with some areas inaccessible during rainy seasons when elections are usually held. The examples of Tunga in Adamawa and Gembu (Mambilla Plateau) were cited. The terrains make it easy for election results to be manipulated and falsified. More often than not, results from these areas as the last to come and they often determine the ultimate winner.
2. States like Borno, Adamawa and Taraba in the zone constitute a vast part of Nigeria's international border. This raises a fundamental security problem during elections.
3. The Vice-President of the Federation, Atiku Abubakar, comes from the zone. The high incidences of falsification of results/votes in the zone to favour the ruling PDP is largely attributed to his personality and interest.
4. Despite the low level of education and literacy, political consciousness is relatively high. The high voter turn out in the zone during the 2003 elections as in the previous elections is a clear pointer.
5. The zone is not strongly associated with high level of political violence as one can find in the southeast zone, for example. However, this does not preclude cases of skirmishes here and there. This is attributable to the fact that there abound in the zone credible elders and religious /traditional leaders who enjoy the respect of the ordinary people and therefore, more likely to heed good counsel.
6. The dearth of NGOs and CBOs is a key attribute of the whole zone. Unlike the situation in the southwest of the country, for example, there are sprinkles of civil society organizations. This has serious implication for civil society intervention works in all the facets of democratic governance.

#### ALTERNATIVE ELECTORAL SYSTEM FOR NIGERIA

There are two related issues in the debate for an alternative electoral system for Nigeria. These are: proportional representation from constituencies to ensure diversity in representation (especially for women and minority groups) and a second ballot for the presidential election akin to the French system should any candidate fail to secure a clear majority in the first ballot. This was well debated. It became obvious that participants were not well informed on the question of the deficiencies of the present “First Past the Post System” and the attraction offered by the alternative.

Participants found the idea attractive and desirable for the country given her troubled electoral history. But there are also fears that this kind of alternative may sound too complex for Nigeria’s young democracy. In addition, there is a fear that it could have enormous cost implication.

## PROPOSED AMENDMENTS IN THE CONSTITUTION AND THE ELECTORAL LAW

The issues that have been raised in respect of constitutional amendment and the amendment of the electoral laws in the other zones were also raised in the zone. The views from the zone are reflected as follows:

### CONSTITUTIONAL ISSUES

1. Citizenship Qualification for Presidency: Participants were unanimously agreed that the present constitutional provision which restricts the office of the president to those who are Nigerians by birth is in order. Observations were made to the effect that it is not in the interest of the security of the country to entrust such an office to a ‘naturalized’ Nigerian whose loyalty could be in doubt.
2. Age Qualification for offices: Participants consider as adequate the disparity in age qualifications for different offices as follows: President (40years), Governor (35 years) and House of representatives (30years).
3. Educational Qualification: Participants were of the view that the present educational qualification of a minimum of secondary school education or its equivalent or what is deemed by the INEC as the equivalent should be retained only for the purpose of local government offices. They suggested at least a Diploma for the other offices in the land.

4. There is a popular support for Section 221 of the Constitution to be expunged to pave way for independent candidacy. It was argued that this would expand the spectrum of opportunities for people seeking elective offices.
5. Participants express strong support for political parties that could be pre-occupied with local issues such as desertification or any other issue without being interested in controlling power at state or national level. This means that they support the need to amend section 222 of the Constitution which prescribes that political parties should of necessity have national spread.
6. There was also, in the light of the above, support for reducing the powers of INEC from registration of political parties to administrative recognition. This would require an amendment to the Paragraph 14 (2) (b) of the Third Schedule which deals with the powers of INEC.
7. Participants suggested that INEC should be de-listed from federal executive bodies and that Section 156 which stipulates that people to be appointed into INEC should have the same qualifications required for election into the House of Representatives should have a proviso: "provided they are not members of political parties".
8. The funding of INEC should come from the Consolidated Revenue of the Federation.
9. There is support for a single term of five years for executive positions at all levels of governance.

#### ELECTORAL LAW

1. The power conferred on INEC to register political parties in Section 68 should be expunged.
2. The provision in Section 74 that empowers INEC to approve the merger of political parties is un-necessary and contrary to the Supreme Court judgment. The section should be expunged.
3. The provision in Section 75 that INEC should attend conventions of political parties is not necessary and should be deleted from the law.
4. Section 76 that empowers INEC to monitor political parties should be expunged.
5. The power of INEC to audit accounts of political parties should be withdrawn, while political parties should be mandated to appoint external auditors to audit their accounts.
6. Section 12 of the Electoral Act which vests the proprietary rights over the voter's card in the INEC should be deleted from the Act. The proprietary rights should be vested in the individual.

7. The law should emphasize the substance of election petitions brought before tribunals, rather than technicalities as many cases are thrown out on the latter ground. The provisions are too long and cumbersome that it places too much burden on the petitioner. The whole of part vii of the Act and the first schedule running into about ten pages should be re-written to emphasize the substance of election petitions. It may be fine in terms of the law and the kind of proceedings that we have always had, but there is need to remove the loopholes that are exploited to subvert democracy.
8. On the Implementation of the Law in respect of Election related offences, it was observed that in order to overcome the culture of impunity in the violation of election offences, two major propositions were put forward:
  - i. The need to provide for Public interest/public impact litigation To this end, amendment should be made to S. 6 (6) (b) by adding “including the obligation to defend the Constitution”.
  - ii. With respect to criminal offences, there is need to provide for the right of private prosecution in respect of electoral offences, in which case, the power of nolle prosequi vested in the Attorney General shall not apply to private prosecution of electoral offences. However, before this could be invoked, a reasonable time should be allowed to establish the non-willingness of the state to prosecute offenders.
9. Limit to funding of campaign expenditure: There is need for limit to individual contributions to political party financing and campaign expenditures. In addition, there must be full disclosure of contributions from such individuals. Corporate donations should be disallowed to prevent the kind of situation in which the self-styled “Corporate Nigeria” made huge donations to the campaign funds of the ruling party.
10. There is need to de-emphasize reliance on the ad hoc staff in sensitive roles. The presiding officer, for example, should be a full-time staff of INEC. Other election officials such as polling clerks and orderlies should be appointed from the list drawn by political parties. Names of such officials should be displayed to allow for claims and objections.

## WHAT IS TO BE DONE: THE WAY FORWARD

As in the other zonal consultations, participants discussed the way forward in terms of measure to safeguard the sanctity of the electoral process. A number of proposals were put forward as follows:

1. Civic education should be accorded a high priority between now and the 2007 elections. The point was specifically made that the real challenge is what happens before the elections in terms of enlightening the citizenry on their rights and duties, and how to defend the sanctity of their votes. In the 2003 elections, civic groups who carried out civic education did so too close to the elections that the full benefits could not be realized. Considering the fact that politicians use religion and ethnicity as tools of political manipulation, the content of civil education should take into consideration how to provide counter to such manipulative tendencies. Similarly people should be educated on how to demand accountability from their leaders through Town Hall meetings as well as effective use of recall provisions in the constitution.
2. The need to encourage the culture of opposition politics was emphasized. The point was made that politicians always prefer to be on the winning side and would therefore prefer to strike deals with the winning party. But it was suggested that it would serve the cause of democracy better if opposition parties remain steadfast, build strength and capacity around their programmes and manifestoes and provide the electorates with credible alternatives in future elections. The point was further stressed that in states like Kano, Kogi and Borno where incumbents were defeated, it was the vigilance of the opposition that made such possible.
3. The need to court the media positively in strengthening the credibility of the electoral system was emphasized. Three main points were raised in this regard. First, the need to encourage proliferation of privately controlled media as opposed to those controlled by the governments. Privately-owned media houses are more likely to give better coverage to opposition political parties. Second, the point was made that we should explore the possibility of community radios which are far less expensive to establish. It was pointed out that the present legal regime is not favourable to this as contacts with the National Broadcasting Commission (NBC) seem to suggest. However, since there are groups exploring this possibility and engaging the NBC, there should be broad-based support for this kind of initiative. Third, it was observed that we have not made adequate use of the information super high way offered by the internet and

electronic e-mail as a means of reaching out and putting information in the public domain. It was emphasized that the audience that needs to be reached in this regard is not limited to our national borders.

4. There is a need to deal with the mindset of people which explains lack of tolerance for the opposition and the absence of democratic temperament in our politicians. This is possible through massive civic education.
5. Government at all levels should deal with issues of mass poverty and unemployment. As long as people remain poor and lack access to basic means of livelihood, they will remain susceptible to all kinds of manipulations, including being used to foment violence during elections. In other words, increase in political awareness without addressing the problem of poverty will not change the situation.
6. The need to preach the correct moral values was also raised. The point was made that collapse in the values of the society is largely responsible for the numerous problems that we have confronted in the electoral system. Religious organizations and relevant government agencies should take this as immediate challenge to address.
7. Peoples' Forum should be established to enable people to bring their representatives in a face to face interaction and demand accountability.

## CHAPTER EIGHT

### SYNTHESIS OF PROPOSED AMENDMENTS IN THE CONSTITUTION AND THE ELECTORAL LAW

#### THE ELECTORAL SYSTEM

Consideration of alternative to the present electoral system is one of the issues discussed in the meetings on electoral geography in the different geo-political zones. There is a concern that the present “first past the post” system, the majoritarian principle and the winner take all, is a source of tension in the polity. It not only accounts for the cut throat competition for political offices and the zero-sum character of party competition for power. It is the source of gross under-representation of women and other disadvantaged groups.

There are two elements of the proposed alternative. One is multiple representation from a constituency to take into account gender and other forms of diversity. A second aspect is the adoption of the French model of a two-tier presidential election in which the winner does not emerge with the first ballot.

#### CONSTITUTIONAL ISSUES

1. Citizenship Qualification for contesting elections: The constitutional provision that only Nigerians by birth can be President should be retained. There is a concern that loyalty of ‘naturalized’ Nigerians could be in doubt and that such persons or individuals could pose a threat to national security.
2. Age Qualifications: There is a suggestion that the age requirement for the office of the president and governor should be the same. Although people seem to emphasize the relevance of experience in setting the age qualification for the office, it was considered that once a person can serve in the position of Governor, he could as well be president of the country. It must be noted that there is substantial support for the requirements stipulated in the constitution presently as it is believed that experience is a critical factor for the position of a president of a country like Nigeria.
3. Educational Qualification for contesting elections: Section 318 does not only interpret ‘school certificate or its equivalent’ so elastically that it becomes meaningless, it gives undue powers to the INEC with the

phrase “to the satisfaction of INEC” in determining what is the equivalent of school certificate. Another proposal on this is that the provision can be amended to lay emphasis on those who can read and write in more than one script. The suggestion followed the realization that individuals who did not have formal educational qualification as envisaged by the constitutional provisions have performed creditably and efficiently as legislators in the first and second republics. However, there is a strong feeling in some of the zones that educational qualification for the office of president should be stepped up to a minimum of National Diploma.

4. Section 221 which stipulates that only a political party can canvass for votes or contribute to the election expenses of candidates should be deleted to make room for independent candidacy.
5. Section 222 of the constitution that stipulates the geographical spread of parties should be amended because it implies that all political parties must be national. Although the Supreme Court ruling has removed extra-constitutional obstacles placed by INEC, there is need to further liberalize and encourage the emergence of local parties as was the case in the first Republic with parties such Ibadan Paprapo and Ilorin Peoples’ Party, etc. However, such parties must not espouse sectarian, ethnic, religious and regional interests.
6. The power of INEC to register political parties: Paragraph 14 (2) (b) of the Third Schedule empowers INEC to register political parties. This section should be removed and reformed to limit the role of INEC to administrative recognition of political parties.
7. Contribution to the campaign funds of candidates needs to be regulated in view of the experience in the last election during which a group of contractors under the name “Corporate Nigeria” came together in breach of the Companies and Allied Matters Act to contribute money to the campaigns of the presidential candidate of the ruling party. A similar trend obtained in states such as Lagos, Delta, Plateau, etc where incumbent governors raised money from such sources. The point was made that corporate bodies that donated towards elections of candidates and campaign funds raised by political parties was in clear violation of the law referred to above. It is however, desirable that the position of the law should be clear and unambiguous.
8. Membership of INEC and its independence: Section 156 which provides that a person cannot be appointed member of INEC unless he is qualified to be elected into the House of Representatives implies

that he must belong to a political party in accordance with Section 65 of the constitution. There is a need to amend this section to so as to make it clear that the required qualification does not include membership of a political party. Furthermore, there is need to de-list INEC from federal executive bodies to ensure that members are not appointed by the president. This would require an amendment to Section 156 (1) (a). A non-partisan and independent INEC to be openly and transparently appointed with men of integrity will enhance better the credibility of the electoral system. The South African model needs to be carefully studied in this regard. Representation should emphasize stakeholders like labour and civil society. Those constituted as members should elect the leadership.

A similar amendment is required in Section 200 in respect of the State Independent Electoral Commission (SIECS).

However, there is a strong sentiment in favour of a 'multi-partisan' INEC comprising representatives of all political parties who will elect a chair among themselves.

9. As a means of enhancing its autonomy, the funding of INEC should come from the Consolidated Revenue of the Federation. The implication is that appropriation power should reside in the National Assembly.
10. Exclusive powers of the Election Tribunals: Section 285 confers on Election Tribunals exclusive jurisdiction to determine whether the term of any member of the National Assembly has ceased. There is need for an amendment to make this power concurrent in the Tribunals and the regular courts. The amendment required is in respect of Section 285 (b).
11. Affirmative Action should be provided in the constitution and should also be provided in the relevant section of the Electoral Act. This should be linked to the principle of proportional representation which is being advocated.
12. Terms of office: There is a strong position that the constitution should provide for one term of office. While some support a single-term of four years, others advocate a single term of five years. Again, within the single-term proposal, variation exists. While some advocate a single-term of four years, others advocate a single term of five years. Yet, some argue that after the first term, the candidate could re-contest after a 10-year interregnum.

13. A constitutional amendment is proposed to make the work of legislators part-time. The argument was made that most of the legislators at all levels of governance have abused their offices by failing to meet the constitutionally stipulated minimum sitting requirement. The additional beauty of part-time legislative work is that it will reduce the cost of presidential democracy.
14. Provisions that prevent elected officials from cross-carpeting or changing their parties should be expunged.
15. There is need to introduce a clause into the constitution to ensure that all election petitions are concluded before the swearing-in of elected public officials. This could lead to a considerable reduction of tension associated with trial of petitions amidst swearing-in of an elected public officer whose election is being disputed or challenged before tribunals.

#### THE ELECTORAL LAW

1. The power conferred on INEC to register political parties in Section 68 should be expunged.
2. The provision in Section 74 that empowers INEC to approve the merger of political parties is un-necessary and contrary to the Supreme Court judgment. The section should be expunged.
3. The provision in Section 75 that INEC should attend conventions of political parties is not necessary and should be deleted from the law.
4. Section 76 that empowers INEC to monitor political parties should be expunged.
5. The power of INEC to audit accounts of political parties should be withdrawn, while political parties should be mandated to appoint external auditors to audit their accounts.
6. Section 12 of the Electoral Act which vests the proprietary rights over the voter's card in the INEC should be deleted from the Act. The proprietary rights should be vested in the individual.
7. The law should emphasize the substance of election petitions brought before tribunals, rather than technicalities as many cases are thrown out on the latter ground. The provisions are too long and cumbersome that it places too much burden on the petitioner. The whole of part vii of the Act and the first schedule running into about ten pages should be re-written to emphasize the substance of election petitions. It may be fine in terms of the law and the kind of proceedings that we have always had, but there is need to remove the loopholes that are exploited to subvert democracy.

8. On the Implementation of the Law in respect of Election related offences, it was observed that in order to overcome the culture of impunity in the violation of election offences, two major propositions were put forward:
  - a. The need to provide for Public interest/public impact litigation  
To this end, amendment should be made to S. 6 (6) (b) by adding “including the obligation to defend the Constitution”.
  - b. With respect to criminal offences, there is need to provide for the right of private prosecution in respect of electoral offences, in which case, the power of nolle prosequi vested in the Attorney General shall not apply to private prosecution of electoral offences.
9. In addition, there is need for enforcement of our penal code, while advocacy on the law needs to be intensified to increase awareness.
10. There is need to re-examine the language of the Electoral Act. It is too technical to be comprehended by the average person and it is not gender sensitive.
11. The role of election monitors and their rights, including their presence at the collation centres should be stated in the Act. This would expand their role in the process and prevent them from being assaulted. Assault or molestation of monitors and their acceptance of monetary inducement should be made criminal offences.
12. The need to consider spacing and staggering of elections such that some offices as president and governorship will be conducted in one year, while legislative positions will be conducted two years after. This would avoid the present situation in which the feverish campaigns associated with elections lead to complete shut down of government.
13. The use of ID cards in future elections will help to solve problems of multiple voting, under-aged voting, and other forms of malpractices associated with the 2003 elections.
14. There is need to consider the decentralization of election activities which should be provided in the law. This is not only in keeping with the spirit of federalism, but to guarantee more efficiency. It will help to avoid a situation in which candidates and party officials will have to travel to Abuja for all administrative problems that have to do with INEC. Stakeholders at different levels (both state and federal) to overlook the administration of elections.
15. Limit to funding of campaign expenditure: There is need for limit to individual contributions to political party financing and campaign

expenditures. In addition, there must be full disclosure of contributions from such individuals. Corporate donations should be disallowed to prevent the kind of situation in which the self-styled “Corporate Nigeria” made huge donations to the campaign funds of the ruling party.

16. There is need to de-emphasize reliance on the ad hoc staff in sensitive roles. The presiding officer, for example, should be a full-time staff of INEC. Other election officials such as polling clerks and orderlies should be appointed from the list drawn by political parties. Names of such officials should be displayed to allow for claims and objections.
17. To avoid the disenfranchisement of election observers and monitors, arrangements should be made to enable them vote ahead of time.
18. As a means of reducing the level of violence: There should be adequate security planning between INEC, Police and other security agencies involved in the elections; civil society and NOA should embark on early civic education; political parties should perform their expected roles; youth employment and empowerment should be considered matters of priority.
19. To reduce the level of rigging: The review of the electoral law; constitutionalism and the rule of law should be observed; a culture of vigilant opposition politics should be entrenched; and access to information should be provided independent observers.

## CHAPTER NINE

### POLICY RECOMMENDATIONS AND THE CHALLENGE OF INTERVENTION

The serious challenges to electoral democracy posed by the problems encountered during the 2003 elections make reform an issue of urgent national concern. Getting the 2007 elections right is not just a necessary condition for sustaining democracy in the country, it has become a prerequisite for guaranteeing the political stability, and indeed, the survival of Nigeria. This involves, among others, the reform of the electoral system because as it has been observed

The choice of an electoral system should ensure that the political cleavages of a society are properly addressed by the electoral legal framework in such a way that the main conflicts and differences between and among social groups can be accommodated through the system of political representation.<sup>5</sup>

The 2007 elections might still appear to be far away, but unless the process of reviewing the 2003 elections feeds into an immediate and holistic review of the legal framework of the electoral process, everyone will be caught napping. In addressing the challenge of the 2007 elections and the imperative of sustaining and consolidating democracy in Nigeria therefore, the following issues need to be frontally addressed:

- A radical transformation of Nigeria's Electoral System consisting of replacing the majoritarian first past the post system with a combination of proportional and two rounds electoral systems.
- A holistic review of the 1999 Constitution. This should address issues like the qualification for membership, appointment and removal of INEC Commissioners, funding the Commission from the Consolidated Revenue Fund as a first line charge, its autonomy and accountability among others.
- A comprehensive review of the Electoral Act 2002 on the basis of the limitations highlighted by the 2003 elections.

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<sup>5</sup> Ibid.

- More consultations on the part of INEC with Political parties, Civil Society groups and other stakeholders in the political process in developing election guidelines and regulations.
- Building the capacity and efficacy of the Independent National Electoral Commission for improved election administration through institutional and manpower development. This will undoubtedly improve the election administration capacity of the Commission.
- The development and implementation of a comprehensive Code of Conduct for political parties.
- Establishing mechanisms for the enforcement of rules and regulations contained in the electoral laws and guidelines.

### ***THE ROLE OF GOVERNMENT, INSTITUTIONS, CIVIL SOCIETY AND CITIZENS***

The challenge of deepening electoral democracy is such that requires the involvement of all relevant institutions and agencies of government, political parties, politicians, civil society and the entire citizenry. In the context of addressing the reform agenda proposed here, these institutions, agencies, civil society organizations and the citizenry are required to take on specific challenges:

#### **A. Government**

Government at the national level in particular has to do the following:

- i. Demonstrate the political will to transform Nigeria's electoral system by initiating and supporting debate on alternative electoral system given the gross shortcomings of the FPTP system.
- ii. The National Assembly in particular should accord priority to the fundamental review of the 1999 Constitution and the 2002 Electoral Act.
- iii. Issues of mass poverty and unemployment need to be addressed by all levels government, for as long as people remain poor and lack access to basic means of livelihood, they will remain susceptible to all kinds of manipulations, including being used to foment violence during elections.
- iv. There is a need to recognize the importance of education as a challenge of governance and the need to make education free at all levels.

## **B. The Independent National Electoral Commission (INEC)**

INEC should do the following:

- i. Reduce the incidence of electoral violence by ensuring adequate security planning in collaboration with the police and other security agencies.
- ii. Provide access to information should be provided independent observers.
- iii. Electoral officers need to be properly trained. As it became obvious in the last election, they were not exposed to sufficient training and lacked a clear knowledge of the rules and procedures guiding elections.
- iv. Supervise the political parties more closely.

## **C. The National Orientation Agency (NOA)**

- i. Massive voter education has to be carried out a continuous basis by civil society and relevant government agencies like the National Orientation Agency (NOA).
- ii. Pay closer attention to the mobilization of the different institutions in the society to the teaching of correct moral values.
- iii. Mobilise, educate and conscientize the citizenry about the danger of ethnic and religious politics.

## **D. Political Parties**

Political parties are central to the notion of electoral democracy and representative government. Hence, they have crucial roles to play in upholding the integrity of the electoral process. Among others, they are called upon to ensure the following:

- i. To develop a culture of internal democracy including commitment to open and transparent primaries as a means of selecting candidates to run for political positions considering that selection of candidates was central to the internal fissures and schisms that undermined the credibility of the 2003 elections.
- ii. The need to encourage the culture of opposition politics was emphasized. The point was made that politicians always prefer to be on the winning side and would therefore prefer to strike deals with the winning party. But it was suggested that it would serve the cause of democracy better if opposition parties remain steadfast, build strength and capacity around their programmes and manifestoes and provide the electorates with credible alternatives in future elections. It needs

to be stressed that in states like Kano, Kogi and Borno where incumbents were defeated, it was the vigilance of the opposition that made such possible.

- iii. The need to develop a code of conduct for party members as a means of promoting values and behaviours that are supportive of a democratic order.

### *E. Civil Society Organizations*

As in the struggles that led to the re-birth of democracy in Nigeria, civil society organizations have far more roles to play in the consolidation and routinization of democracy. In order to deepen electoral democracy therefore, the envisaged roles of civil society include the following:

- i. They should accord civic education a high priority between now and the 2007 elections. The real challenge is what happens before the elections in terms of enlightening the citizenry on their rights and duties, and how to defend the sanctity of their votes. In the 2003 elections, civic groups who carried out civic education did so too close to the elections that the full benefits could not be realized. Considering the fact that politicians use religion and ethnicity as tools of political manipulation, the content of civil education should take into consideration how to provide counter to such manipulative tendencies. In addition, the goal of civic education should include dealing with the mindset of people which explains lack of tolerance for the opposition and the absence of democratic temperament in our politicians.
- ii. They should educate the populace on how to demand accountability from their leaders through Town Hall meetings as well as effective use of recall provisions in the constitution.
- iii. Churches, mosques and other religious institutions need to preach the correct moral values. This is because collapse in the values of the society is largely responsible for the numerous problems that we have confronted in the electoral system.
- iv. There is need to build more linkages and alliances between civil society groups such as churches, market women and Okada operators in order to mobilize and defend the sanctity of elections.

- v. There is need to pay more attention to legislative advocacy.
- vi. Pre-election monitoring should be broadened to include monitoring INEC. This is because INEC is a player; not a neutral arbiter as it is assumed. It should also involve monitoring the police and other law enforcement agencies given the partisan roles they played in the 2003 elections.

### **The Media**

The media is central to the survival of democracy in Nigeria. To enhance its role in this regard, it is important to bear in mind the followings:

- i. The media should take the challenge of strengthening the credibility of the electoral system. Since privately-owned media houses are more likely to give better coverage to opposition political parties their proliferation should be encouraged. Second, the existing legal regime should be reformed to allow community radios which are far less expensive to establish. In this regard the initiative of some groups to engage National Broadcasting Commission (NBC) to change the existing legal regime requires broad-based support for this kind of initiative.
- ii. There is need to make use of the information super high way offered by the internet and electronic e-mail as a means of reaching out and putting information in the public domain. It was emphasized that the audience that needs to be reached in this regard is not limited to our national borders.

### **F. The Citizenry**

At the level of the citizenry, the followings are required:

- i. People known to be credible and have desire to serve the public should be identified and encouraged to run for public offices.
- ii. Voters should insist on monitoring their votes at all the stages of the election as a necessary component of their civic obligation.
- iii. There is need to imbibe the culture of democratic citizenship of participation which includes the need to subject to accountability once elected.

## APPENDIX I

### CONSTITUTIONAL PROVISIONS THAT NEED TO BE AMENDED

**Section 221:** No Association, other than a political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at election.

**Section 222** – No Association by whatever name called shall function as a political party, unless-

- (a) the names and addresses of its national officers are registered with the Independent National Electoral Commission;
- (b) the membership of the association is open to every citizen of Nigeria irrespective of his place of origin, circumstance of birth, sex, religion or ethnic grouping;
- (c) a copy of its constitution is registered in the principal office of the Independent National Electoral Commission in such form as may be prescribed by the Independent National Electoral Commission;
- (d) any alteration in its constitution is registered in the principal office of the Independent National Electoral Commission within thirty days of making such alteration;
- (e) the name of the association, the symbol or logo does not contain any ethnic or religious connotation or give the appearance of that the activities of the association are confined to a geographical area in Nigeria; and
- (f) the headquarters of the association is situated in the Federal Capital Territory, Abuja.

**3<sup>rd</sup> schedule Paragraph 14 (2):** There shall be a State of the Federation and the Federal Capital Territory, Abuja, a Resident Electoral Commissioner who shall-

- (b) be persons of unquestionable integrity;

**Section 156(1):** No person shall qualify for appointment as a member of any of the bodies aforesaid if-

- (a) he is not qualified or if he is disqualified for election as a member of the house of representatives ;
- (b) within the preceding ten years, he has been removed as a member of any of the bodies or as holder of any other office on the ground of misconduct.

(2) Any person employed in the public service of the federation shall not be qualified for appointment as chairman or member of any of such bodies;

Provided that where such person has been duly appointed he shall, on his appointment be deemed to have registered his former office as from the date of appointment.

(3) No person shall be qualified for appointment to any of the bodies aforesaid if, having previously been appointed as a member otherwise than as an *ex officio* member of that body, he has been reappointed for a further term as a member of the same body.

**Section 65(1):** Subject to the provisions of section 66 of this constitution, a person shall be qualified for election as a member of –

- (a) the senate, if he is a citizen of Nigeria and attained the age of thirty – five years; and
- (b) the house of representatives, if he is a citizen of Nigeria and he has attained the age of thirty years;

(2) A person shall be qualified for election under subsection (1) of this section if –

- (a) he has been educated up to at least School Certificate level or its equivalent; and
- (b) he is a member of a political party and is sponsored by that party.

**Section 156(1):** No person shall qualify for appointment as a member of any of the bodies aforesaid if-

(a) he is not qualified or if he is disqualified for election as a member of the house of representatives.

**Section 200:** No person shall be qualified for appointment as a member of any of the bodies aforesaid if-

(a) he is not qualified or if he is disqualified for election as a member of the House of Assembly;

(b) he has within the preceding ten years, been removed as a member of any of the bodies or as a holder of any office on the ground of misconduct;

(2) Any person employed in the public service of a state shall not be disqualified for appointment as chairman or member of any of such bodies provided that where such a person has been duly appointed, he shall on his appointment be deemed to have resigned his former office as from the date of the appointment.

(3) No person shall be qualified for appointment to any of the bodies aforesaid, if having previously been appointed as a member otherwise than as an *ex officio* member of the same body.

**Section 285(1):** There shall be established for the Federation one or more election tribunals to be known as National Assembly Election Tribunals which shall, to the exclusion of any court or tribunal, have original jurisdiction to hear and determine petitions as to whether-

(a) any person has been validly elected as a member of the National Assembly;

(b) the term of office of any person under this constitution has ceased;

(c) the seat of the member of the senate or a member of the house of representatives has become vacant; and

(d) a question or petition brought before the election tribunal has been properly or improperly brought.

(2) There shall be established in each state of the Federation one or more election tribunals to be known as the Governorship and Legislative houses tribunals which shall, to the exclusion of any court or tribunal, have original jurisdiction to hear and determine petitions as to whether

any person has been validly elected to the office of Governor or Deputy Governor or as to a member of any legislative house.

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