

**STRUCTURES, INSTITUTIONS AND UMPIRES FOR CREDIBLE ELECTIONS IN NIGERIA**

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**ABSTRACT**

*Nigeria is today divided by mutual suspicion and distrust, a nation characterized by general depression, cynicism and frustration, a nation in which religion and ethics tensions are on the rise; a nation that has lost pride on itself, and lost faith in the political leadership. All the past elections conducted through the secret ballot were discredited because of various malpractices, demise of the first and second republics was, to a considerable degree, due to electoral malpractices and behaviour that manifested in election result lacking the credence of quite a sizeable section of the Nigeria populace. Nigeria will require non-conventional political approach to secure unity, cohesion and stability. The option A4: selection of state flag-bearers through ward, local government and state congress leading to national convention need to be revisited. In case of Nigeria, floating 60 political parties without workable structures, institutions and umpires on ground will result to mirage. The existing imperfection in the present open ballot system, that is, bribery, undue influence, unofficial announcement of results and its failure to attract international acceptability and recognition, not to adhere to the election etiquette marshaled out to guide electoral behaviours, all these, called for political restructuring. This paper therefore, discusses the structures, institutions and umpires of credible elections in Nigeria. And it was concluded that the judiciary should be seen as the last bus-stop to right every wrongs in relationships between individuals, organs and institutions of government. To avoid discredited elections in Nigeria in near future, this paper recommended that there is need to establish an electoral body that is truly independent with unbiased and neutral umpires.*

**Keywords:** *Structures, Institutions, Umpires, Credible election, Political parties*

**INTRODUCTION**

Nigeria's democratic process has remained Herculean, lacking transparency, accountability and credible elections in leadership recruitment as is self-evident in her republics' experiments since her political independence in 1960. Nigeria seeking to catch up with many developed nations, needs to routinize her political process beyond military adventurism or gang-style maneuvers, as Ejiofor (2007) puts it: is a viable polity whose institutions and structures enjoys high degree legitimacy and popular support through a manner clearly known to the citizens, affectively utilized by them, and found capable of sustaining their political aspirations. It is time Nigerian should endorse political modernization for all-inclusive, free, fair, transparent, and credible political participation in activities that will usher in real national development.

Democracy is not just a potted plant as many western orthodox optimists would claim. It must rest on the structures, institutions and umpires available in a society. Stages of development in a societies, no doubt, affect the role of the structures, institutions and umpires available in a society. It is our objective to discuss the impact of these structures, institutions and umpires in the search for credible elections in Nigeria as the necessary ingredient for democracy.

**Structures**

Although the 1979 Nigerian Constitution had, in Chapter VI, part 1-3, established Federal Electoral Commission (FEDECO) as an independent and autonomous body to guarantee free and fair elections; an independent judiciary to interpret the electoral laws and adjudicate on matters thereof; and a well developed party system of two or more political parties, Banbagida as Nigeria's head of state (and later, president), began massive institutional, structural, political and economic reforms realizing that part of Nigeria's failing is systemic in nature. The Banbagida administration, for political expediency of the time, began a pragmatic pursuit for a transition programme with constitutive and regulative rules aimed at credible democratic political culture in Nigeria; a system of consent of the people feely expressed in a free and fair election (Ekpu, 1990).

The problem of transparent election in Nigeria was uppermost that he emphasized that his transition to democracy was meant “to be supervised, gradual, learning process to ensure that future control of government is in the hands of a new breed of leaders” (Agbese, 1993) while insisting that “we will not serve our people’s yesterday’s food in glittering new dishes.” The president called for a new political culture, which was expected to enthrone new political institutions with a new leadership, not old political wolves in new breed sheepskin (Agbese, 1993). Banbagida’s preference for new breed is in sync with public acknowledgement of the failure of leadership in Nigeria and the need to improve. Banbagida set up a political Bureau under the chairmanship of Justice Silvanus Cookey. The political bureau that made a plethora of fundamental recommendations including the adoption of socialist ideology, two party-system, establishment of agencies like the Mass Mobilization for Social Justice and Economic Recovery (MAMSER), Center for Democratic Studies (CDS) to enlighten and properly educate the masses for effective political participation (Ofoeze, 2001). In the days of Jerry Gana, MAMSER provided a credible political mobilization institution through mass education and enlightenment of the electorates to perform their political franchise.

Having set up the National Electoral Commission (NEC), which supervise the formation of over thirteen political association and recommended only four among them, the AFRC approved only two – the Social Democratic Party (SDP) and National Republican Convention (NRC). Banbagida (1990) rationalised: the new political parties (NRC and SDP) transcended the old lines of cleavage. The use of proxies was neutralized as was also that tendency of the members of the elite to live in the far away cities and to seek to teleguide activities in their local government areas. The emphasis is on community spirits. The option also built into it emphasis on organizational structure rather than on personalities. Thus, in a world press conference, the presidential flagbearer of NRC, Alhaji Bashir Othman Tofa, reinforced: Nigeria is today divided by mutual suspicion and distrust, a nation characterized by general depression, cynicism and frustration, a nation in which religious and ethnic tensions are on the rise; a nation that has a lost pride on itself, and lost faith in the political leadership, whether civilian or military.

Having set up NEC under Nigeria renounced professor of political science, Humphrey Nwosu conducted the first-ever local government elections in Nigeria on December 8, 1990, state governorship elections in 1990 and presidential primaries that were marred by massive electoral fraud through multiple voting, underage voting, inflated figures, stuffing of ballot boxes beyond registered votes, intimidation by unlawful arrests of opponents standing election, etc. These precipitations occasioned the modification of the once sure bait of open ballot voting system. Humphrey Nwosu, attested that: All the past elections conducted through the secret ballot were discredited because of various malpractices, demise of the first and second republics was, to a considerable degree, due to electoral malpractices and behaviours that manifested in election results lacking the credence of quite a sizeable section of the Nigeria populace.

Consequently, INEC recommended a modified open ballot system in open-secret ballot variant (Newswatch, 1992). This became the plank by the administration in annulling the June 12 presidential election results in 1993, for failure to adhere to the election etiquette marshaled out to guide electoral behaviours of the transition period and beyond.

### **Institutions and Agencies for Elections in Nigeria**

As we shall find out, roles of institutions and persons plays vital roles in the events and outcomes of elections. Thus, we will outline few physical institutions and structures for examination on how their roles impact on the credibility, transparency and accountability of the elected political executives in the general developmental aspiration of Nigeria. Among these are the constitution, electoral bodies, political parties, the press, the judiciary, the police and the people.

### **The Constitution**

The constitution is the supreme legal document of any nation. It is the reference point of all national activities. The constitutions which are found in rules, regulations and Acts, thus spells out what nature of political ideology or system that is permissible in a state. This way, it set the constitutive rules as to the form or/order structure of electoral process as a political game should be played including the type of political parties and the party-system that should operate. All party constitutions are, for all ideal and practical purposes, subject to the provisions of national constitution, which can be challenged but not to be defeated.

### **The Electoral Body**

Electoral bodies – Federal Electoral Commission (FEDECO). National Electoral Commission (NEC), National Electoral Commission of Nigeria (NECON) and Independent National Electoral Commission (INEC)  
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were established in line with the basic national constitutional objectives. As a product of the constitution, an electoral body is subject to the constitution and often an independent, and autonomous institution which clearly neutral umpires, charged, as it were, to perform regulative electoral functions. From FEDCO to INEC, a number of chairmen of the electoral bodies in Nigeria since 1964 include Eyo Esua, Mike Ani, Victor Ovie-Whisky, Eme Awa, Humphrey Nwosu, Ephraim Akpata, Abel Guobadia, Maurice Iwu and Attahiru Jega. Many of them have tried to deliver, while some involved themselves in election irregularities to satisfy their ruling party and masters to remain in the job with flawed elections, Professor Humphrey Nwosu was credited with credible, transparent, free and fair election based on application of special formula which by itself was transparent in releasing the results based on verifiable open-secret ballot system.

### **The Political Parties**

The political parties that seek to occupy the decisive position of authority of the state (Ofoeze, 1997) constitute indispensable structure of representative democracy. Political parties form a body of men united for promoting by their joint endeavours the national interest upon some particular principles in which they are all united. Apadorai (1975) and Cord (1974) are agreed that political parties are a group of persons primary concerned with political capture and control of the policy-making institution of government. Party systems can either be one-party, two-system (as in the failed Third Republic) or multi-party, as in the cases with Nigeria's First, second and Fourth Republic. The nature of political system in Nigeria has always depends on the whims of military dictatorships that arrogate to themselves the right to conduct political transitions based on constitutions that are imposed on the citizens. Bravo, the arrival of pure civilian democracy in Nigeria, has brought an end this dictatorship phenomenon.

One other condition for the retention of a registered political party was that after satisfying all the afore-stated requirements, the party shall automatically lose its recognition and have its provisional registration certificate withdrawn by INEC, unless it polls at least 10 percent of the total number of votes cast in each of, at least, 24 states of the federation. This condition is to make political parties more serious and competitive. One would have, thought, therefore, that the existing regulation, would have guided the National Assembly, especially, the House of Representatives, in their constitution review sitting in 2010 to weed the chaff from the grain by proscribing the numerous and unwieldy political parties that do not conform to the dictate of the regulation of 10 percent victory; it would have provided the basis to cut down Nigeria's 60 political parties to a modest and competitive seven or five in number. The more limited in number the political parties are, the more competitive they should be. Placement of such ceiling to institutionalize more functional and effective political parties is however the regulative right and function of the executive through the approval of the legislature.

### **The Press**

The press is an important agent in political socialization because in ideal situation, it is the institution to disseminate correct and standard information that are inevitably accessed for the information of individual and group opinions on the political issues and developments of the society. As important as it is, it is regarded as the fourth estate of the political realm. The press as the fourth estate of the realm is the political watch-dog of the society. For effective service delivery, the press must be transparent and observe its codes of ethics, journalists should avoid extortion and blackmail. As Ajibode (2002) contends: A journalist should neither solicit nor accept bribe, gratification or patronage to suppress or publish information. To demand payment for publication of news is inimical to the notion of news as a fair, accurate, unbiased and factual report of an event. A cash-and-carry coverage is as obnoxious as the legal constraints against good journalism.

### **The Public**

The political public includes the rich and the poor, the political aware, conscious and unconscious, the oligarchy or gladiators and the masses and the plebians. Thus, public opinion counts in swaying public officers' performance. Nigeria public opinion is normally an outpouring of family, village, community, ethnic and religious emotions in the struggle to defend sectional political interests during elections. Those who failed to secure the political positions as a guarantee of their group interest turn into sycophancy. The politicians under this scenario adopt divide-and-rule tactics partnering with the sycophants and the other members of the society that can rock the boat.

### **The Police**

The Nigeria Police Force and other security agencies (military and para-military) are essential bulkwarks of order and good governance.

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It, therefore, behooves these security formations to appreciate their neutral and unbiased security report in the administration of the Nigerian state. It has become nauseating to commonly observe that the Nigeria Police assume the role of uncertified polling agents recruited and paid from headquarters down the ranks to aid and abet electoral fraud in favour of their employers “money bag politicians”. The other security formations prepare false security report against “unfavourable” politicians opponents of their paying masters for arrests, detention of civic rights to vote and monitor proceeding of elections. The Nigeria Police, no doubt, has reached such an alarming disappointing situation in its civic duty that it must be massively reformed along with sister agencies by employing better trained, better paid Nigerian graduates with higher integrity who without jobs are roaming to the streets psychologically put down and perpetrating terror on the citizens.

### **The Judiciary**

The Nigerian Judiciary is called to its revered and assertive role of fearless and transparent interpretation of the position of the law in the resolution of electoral disputes in the country. It should avoid the use of legal technicalities against justice. There is the need to criminalize denials and travesty of justice based on technical erosion of validity of substance of electoral cases, this is equivalent to collaboration in the offence of obtaining by trick, (OBT, Alias 419). The judiciary should realize that it is under scrutiny and must avoid charades of electoral judgments that put the institution in bad light, it should seize the initiative, in an environment where the independent electoral body has been subjugated, to enthrone popular and successful candidates that secure approval of the majority at the polls as a way of accommodation of all shades of democratic opinions and interests based on the dispersal of votes cast and the happiness of the majority.

### **The Executive**

The executive is the government’s implementing arm of various policies, demands and aspirations of the state. In electoral processes, the executive, in principle, assumes the image of a trusted, neutral and unbiased umpire. It is the organ of government that is primarily charged with order and good government and, therefore, is the chief interest aggregator and mobilizer of the citizens. The disappointing thing here is that government that is supposed to be a trusted, neutral and unbiased umpire is manned by individuals who are by their constitutional rights, politicians. As politicians, it becomes difficult to delineate personal interest from the requirement of an impersonal bureaucratic routines. This way also, it becomes difficult to separate official neutrality from the more personal drive, intrigues and strategies to use official powers to expropriate the political power and authority of the state. This situation was demonstrated during the Abacha-styled constitutional conference. Although pretending that members be elected into the conference, General Sani Abacha, single handedly hand-picked 96 of the 369 delegates, where 123 members could form quorum. It was a deliberate arrangement for self-serving interest of securing two-thirds majority that can pass controversial issues within and outside the realm of his made-up 30-point agenda.

In elections, the elective in the developing states, become the judge and jury at the same time manipulating the process and the institutions towards a predetermined result because there is no true independence of the judiciary. The overriding interest of members of the executive arm of government in securing return tickets to remain in the office, using the electoral body and the local government system as inseparable appendages of the executive, in the face of ineffective judiciary has and indeed accounted, for example, for the obstructive experiences in the Banbagida regime’s transition to civil rule with the manifest issues of banning and unbanning of various categories of political aspirants and cancellations and annulment of primaries of political parties and general presidential election in June 12, 1993.

### **CONCLUSION**

In our study of the structures and the institutions of the state for credible election in Nigeria, we identified the role of the judiciary among the executive and legislature as most vital for impartial, neutral and unbiased umpire in the job of omission and commission during elections. The judiciary is seen as the last bus-stop to right every wrong in relationships between individuals, organs and institutions of government. This is no wonder, it is very pertinent to institutionalize penalties against electoral offenders. Sanctions like the suspension method by the National Judicial Council against five judges - Wilson Egbo – Egbo, Matilda Adamu, A.T. Ahura, A.M. Elelegwu – over act of misconducts and the dismissal of Crystantus Senlong over his role in a bribery scandal involving members of the elections tribunal in Akwa Ibom State, is really unbiased

steps, are novelties and appropriate deterrent to others. The Judicial Council of Nigeria, should be strengthened to surprise the courts and fight against rape of justice in the country. The introduction of electronic voting system in our political process is a welcome idea.

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The e-voting system has the inherent merit of easy identification of votes, counting and cost-saving from security, it removes the chances of rigging through missing and destroyed votes. It is by living up to these responsibilities that offenders and fraudulent candidates and their collaborators would submit to transparent and accountable electoral process for credible political leadership in Nigeria.

### **RECOMMENDATIONS**

To stem fraud and enthrone transparency in electoral system in Nigeria, the following recommendations were made:

- The compulsory authentication and confirmation of genuine party agents and electoral officers (clerks, supervisors, returning officers, etc) at various designated centers of votes-counting.
- There should be truly free press reporting in Nigeria.
- There should be institutionalized for political education and mobilization strong agent/organ to spur electorates to participate and exercise their civic obligation because voter-apathy is a double-edged sword against the loser at the time of election and against the winner when it comes to real support for policy formation and implementation.
- There is the inescapable need for drastic reduction of Nigeria's larger-than-life number of about 60 political parties. The poor and ineffective stance of other political parties against the PDP calls for party merger into strong, viable and competitive parties.
- There is need for the establishment of electoral body that is truly independent with unbiased and neutral umpires.
- There is the equal and serious need for extricating the judiciary from the apron-string of the executive by ensuring that all measures are taken to institutionalize a system of administrative and financial autonomy, lack of which reduces the judicial arm of government to a begging and weeping child of circumstance.
- Enthroning, such electoral laws that are specific, objective and attainable with a system of sanctions against erring electoral officers, however highly placed, that defaults, in the guidelines and rules of elections in the country.
- Ensuring that the incumbents contest for positions out of office to drastically whittle down their powers to only the assessment of work done in office than using public funds to swing electoral victory in their favour.
- Disputed electoral cases should be settled in tribunals and courts before swearing-in political executives into office in Nigeria.

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