

Election Administration in Nigeria and the Challenges of the 2007 Elections

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Abstract: Poor election administration remains a recurring problem of electoral politics in Nigeria. The credibility and general acceptability of any election outcomes and the legitimacy of the elected government are a function of the transparency, freeness and fairness of the electoral process. The 2007 elections look set to be the most critical in the nation's efforts to consolidate and sustain the growing democracy. Apart from its challenge to the nation's capacity to hold a successful civilian-to-civilian election, the election has stimulated keen interest because of its importance in determining the future of democracy in Nigeria. Skepticisms and apprehensions about the feasibility of a successful transition are engendered by the prevailing difficulties confronting the transition process in terms of growing political violence and failing electronic voters registration exercise which is believed to be an artificially and officially created obstacle designed to ensure that the 2007 elections fail and consequently ensuring the actualization of a planned hidden third term agenda for the Obasanjo presidency. The study examines the major challenges confronting INEC in its attempts to conduct credible elections with popularly acceptable results devoid of traditional controversies and crisis associated with previous transitional elections. The study operates from the premise that relative political stability, legitimacy of government and democratic sustainability are interactively conditioned by transparent and credible elections.

Key words: Civic irresponsibility, democracy, election administration, legitimacy, political parties

INTRODUCTION

Conduct of free, fair and credible elections to effect change of government and political leadership is an uncompromising principle of liberal democracy. The credibility of the elections is determined by the capacity and honesty of the electoral body saddled with the conduct of the elections, which should be adjudged by the electorate, political parties and other political stake-holders and 3rd party observers and monitors, as transparently impartial and non-discriminatory to all contesting political parties and candidates. A major limitation to the stability and durability of electoral politics in Nigeria over the years is poor and biased electoral administration. Administration of transitional elections since independence had always resulted in controversy and crisis arising mostly in part from the perceived collaboration of electoral bodies with the respective ruling military regimes and political parties. The implication is that the history of electoral administration in Nigeria has been a history of controversy engendered by electoral malpractices.

The pending 2007 elections have opened up another critical chapter in the electoral history of the nation. The quality of the administration of the elections by the Independent National Electoral Commission (INEC) is bound to affect the future of the emerging democracy and political stability of the country. The apprehensive

problematiques gingered by critical observations have been: How prepared is INEC in conducting free, fair and credible elections that would usher in a legitimate government in 2007? How can INEC rise above the prevailing doubts of opposition parties and critical election analysts that INEC is an affiliate of the presidency and a partisan body merely working to perpetuate the ruling People's Democratic Party (PDP) in office beyond 2007? Is INEC truly independent and neutral in carrying out its electoral assignments? Does the electoral body in its present form have the capacity to achieve credible election results? The major concerns of the study are therefore four. One, to evaluate the credibility value of the on-going election administration in Nigeria. Two, to investigate the basic challenges undermining credible elections in 2007. Three, to examine the implications of the challenges for a resilient and durable democracy and political stability in Nigeria. Four, to suggest some electoral reforms that could help in achieving sustained electoral credibility and constitutional rule in the country.

BACKGROUND PERSPECTIVES ON EMERGING DEMOCRACIES

Democracy is, so far, the best known system of government. This is because of its edifying significance as a mode of governance based on the principles of

popular sovereignty, the rule of law, accountability, participation and the right of resistance to unlawful or tyrannical rule (Nzongola-Ntalaja, 2000). Electoral politics is pursued as a central institutional process for anchoring the democratic system (Jinadu, 2005). The value of election as an opportunity for the electorate to take part in the free choice of political rulers, rather than imposed, confers legitimacy on political authorities and makes the electors active participants in the political system. Democracy exhumes freedom, promote human rights, rule of law and ensure fairness and justice (Ayodele, 2004). It upholds individual's liberty erected on the philosophy of justice (ibid). Olowu *et al.* (1999) in their notion, conceive a democratic society as one which possesses a wide variety of state and society institutions which interact with one another to ensure that state institutions are efficient, responsive, accountable, transparent and bounded by the rule of law. In this sense, they see democratization as a movement from monarchy, which is the dominance of state-society relations by one institution, the executive branch, over a polycentric structured society. Polycentrism ensures plural and widest range of participation by all citizens and societal institutions.

Another crucial property of democracy is the transparency and credibility of the electoral process. According to Ben Nwabueze and Chukwu (2005) electoral process embraces all the institutional procedures, arrangements and actions involved in elections. Expansively, the process includes delimitation of electoral constituencies, registration of political parties, registration of eligible voters, conduct and supervision of elections, declaration of election results and resolution of complaints and litigations by aggrieved election competitors. The electoral process must be administered and elections conducted by bodies perceived as transparent, honest and credible based on the existing electoral regulations. In addition to a specially appointed electoral body to administer elections, the judiciary is part of the electoral process. Its role is to serve as an impartial and non-partisan umpire and to arbitrate electoral disputes and complaints. A credible electoral process has its significant values. One, it often paves way for political peace and democratic legitimacy while controversial election outcomes are in most cases catalysts for political instability, military interventions and even civil wars as the cases in Algeria since 1992 and until recently in Liberia, Sierra Leone and Togo. Uganda and Democratic Republic of Congo are still combating election-related internal wars. Two and very importantly, transparent election process, as observed by International Institute for Democracy and Electoral Assistance (IDEA) (2001),

ensures democratic consolidation and sustainability when it is clear that electoral rules and results are observed and accepted. On the other side, the lack of a clear adherence to the rules guiding the democratic process is an obstacle to democratic consolidation and sustenance. In specific relations to Nigeria, IDEA (ibid: 218) identifies lack of discipline in the form, spirit and implementation of election processes; and, excessive monetization of politics in general, as major factors, among others, that constantly undermine competitive electoral politics. In the context of money politics, electoral officials and voters are easily bought. In essence, a credible election constitutes a peaceful means of political succession. The constitution and the electoral law set the operating rules of democracy. Electoral laws specify rules and regulations pertaining to the conduct of elections and such other provisions such as registration of political parties, electoral expenses and campaigns (Oyebode, 2007).

In developed democracies, a honest and unbiased election administration to manage political succession has become an enduring tradition which has contributed immensely to the stability of the polities and legitimacy of governments. This is not to infer that the system in those polities is completely immune to crisis but the in-built mechanism in their democratic practice involving bargaining, negotiation, compromise and consensus among the political contenders and enduring tradition of impartial justice administration have ensured the survival and stability of the system. Such legacy is yet to be a character of the growing democracies. Political leadership succession is a major challenge to the new democracies and the political stability and corporate existence of many of them. Adeshina (1999) affirms that political succession problem has manifested in ethnic violence, intra-elite conflicts and has threatened political stability in much of Africa. He further assets that achieving political succession peacefully in Africa is almost difficult. Prolonged military rule and authoritarian dictatorship have submerged democratic traditions in the continent. It is in this regards that the Washington DC based Global Coalition for Africa (2004) notes that one of the challenges of democratic sustenance in the region is how to overcome the legacy of the past regimes and build the culture and institutions that uphold democracy. Apart from prolonged authoritarian rule, the use of the state machinery to amass enormous wealth by public office holders has made politics an attractive venture and therefore made conduct of elections ever more problematic in Africa. There are also monetization and materialization of politics, which are engendered by mass poverty. Electorates monetize their votes by selling them to the highest bidding contestants. Materialization of

votes takes the forms of vote exchanges for such intangible quantity of consumables such as rice, table salt, cooking oil and kerosene. Both monetization and materialization are all about securing a living through their votes. When these are involved, the quality of programmes of competing programmes and the qualification and competence of contestants do not count in the choice of the electorates. In these ways, the electoral process becomes bastardized. Winning elections at all costs by political competitors consequently becomes a limitation on a credible electoral process.

ELECTION ADMINISTRATION AND LEGACY OF SUCCESSION CRISIS IN NIGERIA

Election administration is the management and organization of all stages of electoral process. It involves the planning, organization and conduct of elections. Election administration has three major stages which are pre-election, actual election and post-election activities. The pre-election phase involves delimitation of constituencies, registration of political parties and eligible voters. It also includes screening and verification of candidates for elections. These are essential activities that must be accomplished before the actual election day. Activities on the actual election day include balloting by registered voters, counting of votes, collating of results and announcement of final results and declaration of winners. Activities on the election day also include election monitoring, observing and reporting by local and foreign poll watchers to evaluate the freeness, fairness, transparency and credibility of the elections. These first two stages are the responsibilities of an electoral body constituting members that can be referred to as election administrators. Post-election period attends to election complaints and litigations by aggrieved parties and contestants. Such complaints/litigations are usually handled by special election panels or tribunals set up for such purpose.

Electoral democracy and election administration in Nigeria are colonial legacies. Electoral politics was introduced to the Nigerian polity in 1922 by the Clifford constitution. The constitution, for the first time, introduced elective principle to the political system, which was sustained and improved upon by successive colonial regimes. In spite of the sustainability of the elective principle by imperial regimes, it was not until 1959 that the out-going imperial administration inaugurated a special electoral body named the Electoral Commission of Nigeria (ECN) to conduct that year's independent and first direct elections in the country. At independence in 1960, the Tafawa Balewa administration launched a new electoral

body christened the Federal Electoral Commission (FEC). The Commission managed the December 1964 and 1965 elections. The elections were flagrantly rigged by the ruling Northern People's Congress (NPC) government headed by Prime Minister Tafawa Balewa. As Dudley (1982) observes, the ruling party abused the electoral procedure to the detriment of the opposition parties notably the Action Group (AG) and National Council of Nigerian Citizens (NCNC), which formed the United Progressive Grand Alliance (UPGA) to contest the elections. The results of the elections were rejected by the opposition and consequently resorted to widespread violence including killing, arson, looting and destruction of properties in the Western region of the country (Ogundiya and Baba, 2005). Three out of the six members of FEC, which conducted the elections, had to resign in protest of government actions (Omotoso, 1997) and to demonstrate that they were not satisfied with the elections and therefore not prepared to underwrite the results (Mudashiru, 2005). Overall, the abuse of the electoral process and the intensity of the electoral violence which characterized the elections caused constitutional crisis affected the legitimacy of the newly constituted civilian government of Balewa and subsequently led to the first *coup d'etat* and the take over of government by the military on 15th January, 1966. The new military regime that took over the political administration of the country suspended the constitution and dissolved all existing political institutions including the Federal Electoral Commission.

The military subverted democratic rule for thirteen unbroken years before handing over to an elected civilian government in 1979 for the 2nd Republic. The Murtala/Obasanjo regime, among other transitional programmes, established the Federal Electoral Commission (FEDECO) which midwived the electoral process leading to the conduct of the general elections in July/August 1979. Special electoral tribunals were also set up to deal with disputed election results cases. The elections elicited very low electoral response. For instance, of the 47.7 million voters registered, only 16.8 million (34%) voters cast their votes in the presidential election. A figure regarded as the lowest in the whole of Nigeria's electoral history (Dudley, 1982). The election results generated controversies as the departing Murtala/Obasanjo regime, FEDECO and the judiciary were alleged of handover conspiracies (Roberts and Obioha, 2005) in favour of the National Party of Nigeria (NPN) which was declared as winning the presidency and the majority of seats in the National Assembly. This was specifically in relation to the interpretation of 12 2/3 of 19 states stipulated in the electoral decree that a presidential

candidate must have won the majority of votes before he could be declared winner in the presidential contest. The ensued lingering controversy undermined the legitimacy and general acceptability of the winning party and the Shehu Shagari presidency till the end.

In 1983, civilian-to-civilian transitional elections were conducted by the incumbent administration of President Shagari. Dissatisfactions by opposition parties with the outcomes of the 1979 presidential election were carried over the 1983 elections. The electoral body, FEDECO, which had been reconstituted by the ruling NPN government, did not enjoy the confidence of the opposition and consequently, before, during and after the elections, the agency was alleged of impartiality in the administration of the electoral process. The ruling NPN had before the elections been alleged of plans to rig the elections particularly in states being controlled by opposition parties. Eventually, the elections were conducted but were marked by intense allegations of widespread electoral fraud including massive rigging of votes (ibid: 401). The rejection of the election results in states like Anambra, Oyo and Ondo resorted into wanton destruction of lives and property. The situation in Ondo state revealed the crude animalistic instincts and the depth of cruelty in some human beings. Apart from bombing the FEDECO office in the state, political actors in the NPN that were considered to have masterminded the rigging of the gubernatorial election in the state were roasted live in vampires. The electoral violence continued until the military took over on 31st December, 1983.

The succeeding Buhari/Idiagbon military regime sacked all democratic institutions and suspended the constitution. It in addition, it arrested, detained and jailed many of the toppled political office holders for corruption. The regime never announced any transition to civil rule programme, implying that it did not plan to transfer power to a democratically elected government. The regime was toppled in a counter-coup led by General Ibrahim Babangida in July 1985. The regime immediately pledged to return power to civilians in 1990. The date was later changed to 1992, only to be changed again to 1993 by the regime. The regime's transition programme was regarded as transition without end. The continued change of departure date showed the unpreparedness of President Babangida to abdicate power. It was later known to the general public that Babangida had a hidden agenda to succeed himself by becoming a civilian president. The regimes transition programme later became the longest and most expensive in the history of transitional electoral process in Nigeria.

The National Electoral Commission (NEC) headed by Humphrey Nwosu, a professor of Political Science administered the elongated electoral process. NEC carried

all its essential duties including conducting and announcing the results of elections up to the state Houses of Assembly and the two-chamber National Assembly. The presidential election was thereafter conducted on June 12th, 1993. The election was adjudged by both local and foreign observers as the freest and fairest election Nigeria ever conducted (Ajayi, 1995). NEC was announcing the results as they were coming in from the states. Results from 14 out of 21 states had been announced before the regime ordered a stop of further announcements and subsequently annulled the results altogether. The annulment of the presidential results and the cancellation of the entire transition programme triggered serious political violence by civil societies particularly in the southwest of the country where the assumed winner of the presidential election, M.K.O. Abiola came from. Eventually, Babangida was forced to step aside from power and transferred power to a self appointed and illegal National Interim Government (ING) headed by Ernest Shonekan. Babangida's hidden plan to continue in government was thus frustrated. The ING, because of its lack of legal foundation and legitimacy, could not arrest the prevailing political crisis inherited from Babangida's regime as the civil society persisted in its agitations for the sanctity of the presidential election. It was predicated on the short-comings of the ING that the military intervened again on 17th November, 1993. General Sani Abacha consequently became the new Head of State.

General Abacha, like Babangida, had the ambition to succeed himself in power by transiting to a civilian president. As a result of this, he did not de-annual the June 12th presidential election. Instead, he arrested and detained Abiola without trial. He eventually died in detention in 1998. In his attempts to achieve his self-succession agenda, Abacha became tyrannical and abused people's basic rights with impunity. Opponents and critics of the regime were either assassinated or jailed for spurious offences including fathom coups. The killing of Ken Saro-Wiwa and the other eight Ogoni environmental activists particularly provoked the international community such as the Commonwealth, the European Union and the United States to impose varied categories of smart sanctions on Nigeria and the regime (Fayemi, 2005). The sanctions led the regime to engage the international community in confrontational foreign policy.

The transitional electoral process administered by the regime's National Electoral Commission of Nigeria (NECON) established in 1995 lacked credibility as it was well known to the public that it was merely working to an already known answer in the sense of installing Abacha as the next civilian president. All the five parties registered by NECON were formed by the regime and it

wrote their constitutions and manifestoes. The 5 eventually adopted Abacha as their consensus candidate in the proposed presidential election, implying that he would have won unopposed. Civil society groups and the Western world continued their opposition to Abacha's dictatorship until he died suddenly in June 1998.

General Abdusalami Abubakar succeeded Sani Abacha as Head of State. The military regime on August 2nd, 1998, dissolved NECON and replaced it with the Independent National Electoral Commission (INEC). The Commission executed the regime's transitional elections which led to the handing over to a democratically elected civilian administration on 29th May, 1999. INEC was however not without some defaults in the conduct of the elections. It lacked accurate voters register and its staff was alleged of fraud and declaration of false results (IDEA, 2001).

President Olusegun Obasanjo, who was elected on the platform of the People's Democratic Party (PDP), retained INEC for the conduct of the civilian-to-civilian elections of April/May, 2003. Opposition political parties, international poll observers and local monitors and pro-democracy groups adjudged the elections as lacking transparency and fairness (Ajayi, 2005). The security agents and INEC officials were alleged of bias and rigging in the elections in favour of the ruling PDP (Roberts and Obioha, 2005; JDPC, 2003). The Commission, according to the European Union, American and Commonwealth observer teams' reports, lacked transparency in all the key stages of the electoral process (Ajayi, 1995).

It can therefore be said from the above the above historiographical survey that since independent Nigeria, transparent and credible election administration has been a major challenge of democratic consolidation and sustenance. Election maladministration which had manifested in fraudulent electoral process had often led to electoral violence and legacy of succession crisis.

THE 2007 ELECTION PROCESSES

The Third Schedule, Part 1, Section 15 subsection a-I of the 1999 constitution and the Electoral Act 2006 empower the Prof Maurice Iwu-led INEC to conduct the 2007 first civilian-to-civilian leadership change general elections. The elections are therefore critical and very sensitive to the nation. In accordance with the provisions of these instruments, INEC came out with a time-table and schedule of activities for the elections. The activities cover collection and submission of nomination forms by parties and candidates, commencement of campaigns by political parties and publication of list of nominated candidates/nominating persons. These activities are

scheduled to take place between November 8th, 2006 and March 8th, 2007. The governorship and State Assembly elections are to take place on April 14th, 2007 while the presidential and National Assembly elections are fixed for April 21st (INEC, 2006). Meanwhile INEC has recognized about 50 political parties for the polls, a number which is unprecedented in the nation's party politics. Similarly, parties have selected their flag bearers in the elections through party primaries and candidates submitted to INEC by the parties are being screened/verified by the body. The registration of eligible voters had earlier commenced on October 25th, 2006 and would end on January 30th, 2007.

THE CHALLENGES OF CREDIBLE ELECTIONS

INEC suffers a number of challenges in its preparations for the 2007 elections. Chief among them is securing public confidence in the transition process. Most members of the public have lost confidence in the process (Oham, 2007). Questions being asked by the public include: Will the elections hold? Is President Obasanjo genuinely prepared to go on May 29th, 2007? Will the elections be free and fair considering the ruling PDP's influence on INEC in the 2003 elections? These mind agitating concerns are fuelled by President Obasanjo's quest for tenure extension for an unconstitutional third term. A bill to this effect was defeated in the National Assembly but the public believes that the president has not relinquished the ambition. INEC is believed not to be transparent in its handling of the transition programmes as it is alleged of working in tandem with PDP to asphyxiate other political parties (Ameah, 2007; Editor, 2007). The closeness of the Commission to the presidency and the ruling PDP has robbed it of its being seen as impartial and transparent by the public and opposition parties.

Electoral apathy and civic irresponsibility constitute setbacks to the credibility of the elections. Most members of the public are not just interested in the electoral process. The most noticeable manifestation of these attitudes concerns INEC's voters registration and validation exercise which commenced on October 25th, 2006. The exercise was ignored by the public as people did not turn-up at the registration centres (Oladesu, 2007). The problem was compounded by logistic hitches suffered by the exercise. The Commission adopts the use of Direct Data Capturing (DDC) machines for the voters registration. The exercise suffered shortage of DDC machines supplies all over the country. For instance, four weeks after the take-off of the exercise, of the 30,000 units required for the exercise (The Nation, 2007) only 10,000

units had been supplied by contractors (Adesina, 2006). Even with two weeks to the end of the exercise, the machines are still not enough across the country (The Nation, 2007). As a result, the few willing eligible voters who had shown up at the designated registration centres were not attended to. In the few centres where the machines were available, many of them were malfunctioning due to technical hitches and lack of electricity to re-charge the batteries (Field Survey, 2006). The problematic questions therefore are: Does INEC has the capacity to register all eligible voters before the expiration of the exercise? Will the machines not break down on the election days considering the continued deteriorating state of the nation's electricity sector and poor technical know-how?

Arising from the failing registration exercise, two weeks to the end of the three-month exercise, INEC had registered only 40 million out of the estimated 60 million voters (Owete, 2007). The estimated 60 million eligible voters were based on the previous estimated 120 million population for the country and now that the nation's official population is 140 million, according to the 2006 census results, it implies therefore that the number of eligible voters too would have risen to about 80 million. Is INEC competent of registering the balance of about 40 million within the remaining two weeks that the exercise will last? The low turn-out of eligible voters has become worrisome to governments at all levels. Apart from the fact that the electorates are weary that rigging of votes by politicians, rather than their votes, would count in determining the outcomes of the elections, the poor material conditions of the people have also motivated their apathy to the electoral process. Democracy as a facilitating political engine for human development and welfare is yet to be achieved by the Obasanjo administration since 1999. The rate of poverty has accelerated rather than reduced. Only the ruling political elites are wallowing in stolen wealth. Official corruption has appreciated in spite the administration's anti-corruption policy. Various attempts are being made to mobilize and elicit the public's interest in the exercise. For instance, most state governments have made the possession of voter's card compulsory for their civil servants and contractors (The Nation, 2007b). Non-possession of a voter's card would deny civil servants their salaries while contractors would no longer benefit from government contracts. In the same vein, children whose parents cannot produce their voter's cards could be sent out of school while patients who cannot produce the cards may not enjoy government hospitals' services. All these threats are undemocratic. Registration by eligible voters is supposed to be a voluntary civic

responsibility. The use of intimidation and coercion will only make the exercise incredible and violates people's rights to register or not. Another problem that coercion may cause is that voters may shun the actual elections. Most states and the federal government have also declared public holidays for the exercise (Ikuomola, 2007; The Nation, 2007c). This is a panicky measure which has also engendered panic for the electorates as they now forcefully and gradually embrace registering should in case voter's card would be required for their children's schooling, securing employment in government establishments or for any other future non-electoral purposes by the authorities (Field Survey, 2007).

The registration exercise also suffers the burden of credibility. INEC officials have introduced fraud to the exercise with the active connivance of politicians. Some INEC officials have been caught registering voters illegally in the homes of prominent PDP politicians (Adeyemo, 2007) some DDC machines have been declared missing at registration centres (Isiguzo, 2007) while some INEC officials have been caught engaging in multiple registration (Editor, 2007b) contrary to the Electoral Act 2006. The corruption of the exercise by the officials calls to question, once again, the integrity of the rank and file of INEC officials. The continued connivance of the officials with politicians to perpetrate electoral malpractice on elections cannot therefore be ruled out like they did in the 1999 and 2003 elections.

Other issues that could undermine a smooth poll are environmental factors. The first is the perennial fuel crisis. Like the poor performance of the electricity sector is hindering the smooth functioning of the voters' registration DDC machines, the lingering shortage of petroleum products could constitute logistic barriers to the polls. Movement of electoral materials and the electorates to designated polling booths would be constrained by continued fuel shortages. Though it may not be hard to believe that the ruling PDP deliberately caused the artificial shortage so as to provide justifiable conditions for the postponement of the polls. Rumours of impending adjournment of the elections by the ruling PDP have become so rife that the National Assembly has to expressed trepidation on the issue (Badmus, 2007). The second worrisome aspect that can be inimical to an efficient and credible election administration is the current state of internal insecurity nation-wide. Beside unabated armed robbery cases, political assassination and thugery pose serious danger to the electoral process. Notable politicians are being hacked down by hired assassins and political thugs on daily basis. The spate of assassinations and bloody political clashes are encouraged by the large quantity of illegal small arms in circulation in the country (Editor, 2007c). If the situation remains unchecked, the

polls may not be violent free and may therefore be boycotted by the electorates and thereby leading to low turn-out of voters.

The third environmental factor is the continued protests over the census 2006 results across the nation by state governments, sectarian ethnic groups and civil society groups (Editor, 2007d; Olaniyi, 2007). This could also constitute problems for the elections. It is the belief of critical political observers and opposition parties that President Obasanjo deliberately released the results at this critical time as a ploy to precipitate domestic instability that could be utilized as justification for the postponement of the elections (Ibrahim, 2007). Census, like religion, is a very sensitive issue which usually triggers controversy and national crisis with deadly dimensions in most cases.

Finally is the screening of party candidates for the elections by INEC, Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt and other related Crimes Commission (ICPC). In the first instance, screening of contestants by any official agency is illegal as there are no legal or constitutional provisions supporting it. Neither the 1999 constitution nor the Electoral Act 2006 authorized screening or verification of candidates by EFCC and ICPC. Opposition parties believe that the ruling PDP under President Obasanjo is merely using the EFCC and ICPC to witch-hunt and disqualify political opponents (Madu-West *et al.*, 2006). A step towards the validation of such belief is the pressure being mounted on INEC by the ruling PDP to disqualify the presidential flag bearer of Action Congress (AC) party, Atiku Abubakar, the incumbent Vice President, who has defected from PDP to AC because of the feud between him and President Obasanjo on the latter's third term agenda. PDP alleged that the Vice President has been indicted for corruption by EFCC (Odenyi, 2007). However, the EFCC indictment report has earlier been declared illegal by a Lagos High Court (*ibid.*: 2). Besides, the insistence of INEC to even screen candidates illegally in collaboration with the EFCC and ICPC is believed to be a ploy to incite the opposition to institute litigations resulting in securing court injunctions restraining INEC from conducting the polls based on those illegalities like the Association for Better Nigeria (ABN) did in the June 12th 1993 presidential election which was invariably annulled by the Babangida regime based on the court injunction secured by the association against the conduct of the election. Already AC has instituted litigation against INEC on the screening exercise. Disqualifying any of the opposition contestants, particularly Atiku Abubakar, contrary to electoral regulations, would create credibility crisis for INEC and would also undermine the transparency and fairness of the entire electoral process.

ACHIEVING CREDIBLE ELECTIONS IN 2007

On the prospects for credible elections in 2007, President Obasanjo carries the burden of convincing the Nigerian public and the international community that he is genuinely prepared to hand over to a legitimate government in May 2007. His failed third term ambition has mottled his honesty of purpose as far as the elections and the transition process are concerned. The surest way of convincing the world and the domestic populace is to allow INEC to be truly independent without operating under the presidency's influence so that it could earn the needed respect, transparency and credibility. The presidency should stop forthwith the unconstitutional interference in the electoral process by EFCC and ICPC which are reeling under the burden of credibility since the opposition believes they are introduced into the electoral process in order to do hatchet jobs for the president. Stopping the two bodies from participating illegally from the electoral process would avert unnecessary lawsuits that could derail the elections.

Poor funding undermines the independence, autonomy and capacity of INEC to administer the electoral process efficiently and assures the control by the presidency. The Commission has not enjoyed adequate funding since 1999 and it has complained severally about this (IDEA, 2001). Its subventions are not only inadequate, they are often deliberately released late by the presidency (Jinadu, 2005). The body cannot but compromise its independence by being cap-in-arms begging the presidency for funds. The surest guarantee to fund the Commission properly and retaining its independence and securing its required impartiality is to draw its votes directly from the Consolidated Federated Account, implying that the Federated Accounts Sharing Commission will post INEC funds directly to its accounts from source without passing through the presidency any longer. This would enable the agency to be able to procure its needs for elections and paying its contractors supplying essential materials for elections such as DDC machines and ballot boxes and ballot papers on time.

The independence and credibility of INEC can also be guaranteed by modifying the mode of appointing and composing its members. The current practice is that the president appoints the members with the approval of the Senate. By this method, the president has the power to appoint members of his party on the Commission thereby eroding the desired non-partisanship character of the body. Consequently, the members, as election administrators, do not enjoy the confidence of the opposition and members of the civil society and the public. Again, once the Commission is made up of the ruling party politicians, their ability to conduct a

transparent and honest electoral process cannot but be naturally doubted. For the body and the run up to the elections to earn the expected credibility, INEC members should henceforth be nominated from the human rights and pro-democracy civil society groups and the ranks of notable and credible non-partisan Nigerians who would not want their long-term hard earned good image and reputations tainted by not engaging in electoral malpractice.

There is the need to ensure that all eligible voters are registered in the on-going voters registration and validation exercise. Barely two weeks to the end of the exercise, as earlier observed, DDC machines are not enough to go round yet. The question therefore is that must INEC use the machines at all costs for the elections considering the lingering shortages? If INEC's answer is in the affirmative, then, more DDC machines must be urgently supplied with more capable hands employed while the deadline for the exercise should be extended beyond the January 30th, 2007 date in order to allow more illegible voters be registered. Aggressive voters' education and mass mobilization should be embarked on as a matter of urgency by INEC in collaboration with the Ministry of Information and the National Orientation Agency at all levels of governance. The mobilization exercise must be particularly rural-based as political apathy, cynicism, illiteracy and civic irresponsibility are higher in the remote areas. It is only in this way that the more than 60 million targeted voters could be registered. The late take-off of the exercise, in part, accounts for the poor performance of INEC. It is therefore advised that for INEC to achieve accurate and credible voters register in future elections, voters' registration and validation should commence not later than nine months to the elections. In fact, such exercise should be made an annual exercise to avoid embarrassments and late delivery of DDC machines by contractors.

The increasing role of external election observers is solicited and should be encouraged by INEC. In addition, more members of the civil society groups should be allowed to monitor the 2007 elections more closely. Permitting the categories of election monitors and observers to participate more closely in the elections would give the electoral process some modicum of transparency and credibility. In the same vein, civil society groups, especially human rights and pro-democracy groups should be allowed to participate in the screening/verification of candidates by INEC. This can only enhance the transparency of INEC and the credibility of the entire transition process.

CONCLUSION

The study finds that the history of election administration in Nigeria is a history of electoral fraud and violence. The 2007 elections have the probability and propensity of being controversial like the previous elections since independence judging from the poor quality of the run-up towards the conduct of the elections by INEC. Already, the sincerity and honesty of purpose of INEC is being doubted as the Commission is largely perceived to be a mere rubber-stamping tool of the ruling PDP party under the firm grip of President Obasanjo. The populace, civil society groups and even the National Assembly are very apprehensive that if the elections are held at all, they may not be free and fair. Three categories of fears being nursed by the electorates are observed by the study based on the close relationship between INEC and the ruling PDP and the influence of the presidency on the body. One is the possibility of aborting the election through frivolous court injunctions. Two is rigging the elections by the ruling PDP party, which is seen as desperate to retain power so to be able to continue with the reform programmes initiated by President Obasanjo. Three is annulling the results of the elections if they do not favour the ruling party.

The perceived prevailing inefficiency in the administration of the election processes coupled with allegations of biased conduct against INEC are obviously making the elections susceptible to deficiencies in credibility that marred past elections. President Obasanjo's tenure extension bid has not helped matters. However, it may need be put on record that the president would fail in this attempt based on the fact that the nation has a history of failed leaders who had attempted to either extend their tenures or planned self-succession as showcased by Yakubu Gowon, Ibrahim Babangida and Sani Abacha. President Obasanjo, the ruling PDP and INEC are implored to make the elections fraudless and violent free. The presidency should hands off its grip and influence on INEC so as to allow it conduct credible elections. Any attempts to do otherwise could result to chaos and anarchy which could affect the corporate existence of the nation since the elections have been ethnicized. Discredited elections with unacceptable outcomes to certain sections of a divided and volatile country and opposition parties would only generate violence and produce an illegitimate government, a situation that may become the needed elixir for the restive Nigerian military to truncate the infant democracy. With the experience of hindsight, there is a strong positive correlation between

electoral maladministration and *coup detats* as show-cased in the overthrow of the 1st and 2nd Republics whereby the military seized the prevailing election crises to usurp political power from politicians.

Lastly, the leadership of INEC has a unique opportunity to re-direct the course of history in his favour. As enunciated earlier, the history of election administration in Nigeria is a history of electoral fraud and violence. INEC can avert this unenviable national political history by making the elections as transparent, free, fair and credible as much as possible. Apart from making the new government legitimate, an efficient and credible election administration would also go a long way in consolidating the fragile democracy as it would facilitate political peace and stability.

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