

# An Examination of Institutional Framework of Administration of Election in Nigeria

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## Abstract

Elections are vital in every democracy because the citizens are afforded the franchise to elect a leader of their choice or not to re-elect a leader who did not perform to expectation on assuming elective post. In Africa, particularly in Nigeria, election as a means of electing a candidate of choice has become in issue of acrimony often resulting in violence, killing, kidnapping and all sorts of vices. Inability to conduct free and fair election by institutions whose responsibility it is to do so, among other challenges such as corruption, account for failure to establish and sustain a credible electoral system. This paper explores institutions with the responsibility to administer elections in Nigeria and posits that proper management is core to the success of any elections and reduction of vices during and post elections.

**Keywords:** Institutional, Administration, Election

## 1.1 Introduction

Free and fair elections are the cornerstone of every democracy. Generally, elections are the means through which leaders of the people are selected by the people and for the people. Therefore, for there to be good governance in any democracy, free, fair and credible elections are vital. In Nigeria, the experience with democratic elections since independence has been mixed. Although the country has managed to transit from one administration to another, hardly any election conducted in the country has been completely free of charges of irregularities, electoral mal-practices, violence and various degrees of disruptions. The factors responsible for this state of affairs include, the character of the Nigerian State as the arena for electoral contests, the existence of weak democratic institutions and processes; negative political culture; weak legal/constitutional framework; and lack of independence and capacity of the Election Management bodies<sup>1</sup>. The focus of this paper is the examination of institutional framework of administration of elections in Nigeria.

## 2.1 Institution for the Administration of Election

### 2.1.1 Independent National Electoral Commission (INEC)

The origin of Electoral bodies in Nigeria can be traced to the period before Independence when the Electoral Commission of Nigeria (ECN) was established to conduct 1959 elections. The Federal Electoral Commission (FEC), established in 1960 conducted the immediate post-independence federal and regional elections of 1964 and 1965 respectively.

The electoral body was however, dissolved after the military coup of 1966, and a new Federal Electoral Commission (FEDECO) was constituted by the regime of General Olusegun Obasanjo. FEDECO organized the elections of 1979, which ushered in the Second Republic under the leadership of Alhaji Shehu Shagari. It also conducted the general elections of 1983.

In December 1995, the military government of General Sani Abacha, which earlier dissolved NEC in 1993, established the National Electoral Commission of Nigeria (NECON), which also conducted another set of elections, Local Government Councils to National Assembly. These elected institutions were however not inaugurated before the sudden death of General Abacha on June 1998 aborted the process. In 1998, General Abdulsalam Abubakar's Administration dissolved NECON and established the Independent National Electoral Commission (INEC).<sup>2</sup> Since 1959 federal elections, six electoral commissions and 13 chief electoral officers (Chairmen) have been put in place to take charge of the electoral process at various times in the country.<sup>3</sup>

<sup>1</sup> Uwais Electoral Reform Committee Report, (2009, June). The Constitution Vol.9, No.2

<sup>2</sup> The Independent National Electoral Commission (INEC), was established by the 1999 Constitution of the Federal Republic of Nigeria and Section 10 of the Independent Electoral Commission (Establishment etc) Act No. 17 of 1998. By virtue of these legal and constitutional provisions, it is largely an autonomous, quasi-judicial constitutional body created to conduct free and fair elections to representative bodies in Nigeria. See Robert O. Dode, (2013), 'The Independent National Electoral Commission and the Challenges of Election Management' in *Nigeria's Democratic experience in the Fourth Republic Since 1999, University press of America* p 152.

<sup>3</sup> They are as follows:- 1958 to 1960 - The Electoral Commission of Nigeria (ECN) with Mr. R.E. Wraith as the Chairman;

The Independent National Electoral Commission (INEC) is a creation of the 1999 Constitution.<sup>1</sup> Its membership includes a Chairman who is the nation's Chief Electoral Commissioner, and twelve other members known as National Commissioners. Both the Chairman and the National Commissioners are nominated by the President, after due consultation with the Council of State, and confirmation by the Senate. They serve for one renewable term of five years and can only be removed from their positions by a two-third majority vote in the Senate.<sup>2</sup> The Constitution provides for the powers and functions of INEC<sup>3</sup>. In addition to the Constitution, the Electoral Act, 2010 (as amended) also confers additional functions on INEC.

### 2.1.2 Election Tribunal/Court

In Nigeria, Election Tribunals are judicial bodies set up by law to adjudicate disputes arising from conduct of elections; a role that is vital in administration of elections.<sup>4</sup> Election tribunals are creature of statutes. The Constitution and the Electoral Act<sup>5</sup> make provisions for election tribunals in respect of National and State House of Assembly, Gubernatorial and Presidential elections.

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1960 to 1963 - The Electoral Commission of Nigeria with Mr. R.E. Wraith as the Chairman; 1963 to 1964 - The Electoral Commission of Nigeria with Chief Sir Kofo Abayomi as the Chairman; 1964 to 1966 - The Electoral Commission of Nigeria with Mr. Eyo E. Esua as the Chairman; 1977 to 1981 - The Federal Electoral Commission (FEDECO) with Chief Michael Ani as the Chairman; 1981 to 1983 - Federal Electoral Commission (FEDECO) with Justice Ovie-Whisky as the Chairman; 1987 to 1989 - National Electoral Commission (NEC) with Professor Eme Awa as the Chairman; 1989 to 1993 - National Electoral Commission (NEC) with Professor Humphery Nwosu as the Chairman; 1993 to 1994 - National Electoral Commission (NEC) with Professor Okon Uya as the Chairman; 1994 to 1998 - National Electoral Commission of Nigeria (NECON) with Chief Dagogo Jack as the Chairman; 1998 to 2000 - Independent National Electoral Commission (INEC) with Justice Ephraim Akpata as the Chairman; 2000 to 2005 - Independent National Electoral Commission (INEC) with Dr. Abel Guobadia as the Chairman; 2005 to 2010 - Independent National Electoral Commission (INEC) with Professor Maurice Iwu as the Chairman; 2010 to 2015 - Independent National Electoral Commission (INEC) with Professor Attahiru Muhammadu Jega as the Chairman. See Onuoha, B. 'The Electoral Machine: The Bureaucracy and the Electoral Process in the making of Nigeria's Fourth Republic, in Olurode, L. & Anifowose, R. (eds.) *Issues in Nigeria's 1999 General Election*, John West publications LTD pp 34-51.

<sup>1</sup> Section 153, Constitution of the Federal Republic of Nigeria, 1999 (as amended)

<sup>2</sup> Section 155 and 157 respectively, *ibid*

<sup>3</sup> (a) Conduct of elections to the offices of President, Vice President, Governor, Deputy Governor and National and State House of Assembly; (b) Register political parties in line with the Constitution and the Electoral Act; (c) Monitor political parties operations, finances, etc.; (d) Examine and audit of funds of political parties and publicly report on same; (e) Register voters and maintain the register, including its revision; (f) Monitor and regulates political campaigns; (g) Ensure that all Electoral Commissioners, Electoral and Returning Officers take and subscribe to the Oath of Office prescribed by law.; (h) Delegate any of its powers to any Resident Electoral Commissioner. See the 1999 Constitution of the Federal Republic of Nigeria, Third Schedule, paragraph 15 (a)-(i)

<sup>4</sup> Judging by the historical account of the development of the Nigerian Judiciary, it is safe to aver that the judiciary played no significant role in the nations electoral processes both during and immediately after colonial era. Apart from the fact that the real Nigeria judiciary did not emerge until 1963, the inability of the judiciary to perform any significant role in the electoral process immediately after independence was also due to the diffusion of powers between the three arms of government under the parliamentary system of the Westminster model of Government that was in operation during the period. Although the 1963 Republican Constitution provided for separation of powers between the three organs of government, these provisions were grossly inadequate. However, the grim beginning of the judiciary's intervention in the nation's electoral process became noticeable in the Second Republic, when the Courts were called upon to hear and determine petitions that had arisen from the 1979/83 general elections. There is no doubting the fact that the period 1979-83 was a time of great trial for the judiciary *vis-à-vis* her role in Nigeria's electoral process. The significant role of the judiciary, especially the Supreme Court, in the famous election case of *Unongo v. Aku* (1983) 2 S.C.N.L.R. 332 was no doubt one of the reference point. In line with the genuine spirit of separation of powers as enshrined in the 1979 Constitution, the Supreme Court declared null and void an Act of the National Assembly, which limits the period within which election petitions must be heard and completely determined to 30 days. Nonetheless, it is hardly in dispute that the real test and, of course, the climax of the involvement of the judiciary in resolving electoral disputes was during the case of *Awolowo v. Shagari* (2005) 1 NEPAC 392. In fact, all attention was shifted to the nation's judiciary to resolve the controversy surrounding the legal twist of what exactly constituted two-thirds of nineteen (19) states (i.e. the controversial  $12\frac{2}{3}$ ) in Nigeria. It is worthy of note that the constitutional provision of  $12\frac{2}{3}$  was a fundamental requirement for the emergence of a clear winner with regard to the 1979 Presidential election. In its ruling, the Supreme Court concurred and upheld the position of FEDECO; the basis upon which Shagari was declared the winner of the 1979 Presidential election. See Sat Obiyan, A. & Olutola, O. I. 'Electoral Conflicts, the Judiciary, and Democratic Consolidation in Nigeria', in Sat Obiyan, A. & Amuwo, K. (eds.) *Nigeria's Democratic Experience in the Fourth Republic Since 1999 op. cit* pp 161-162

<sup>5</sup> Section 285 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended); Section 133(1) of the Electoral Act 2010 (as amended) provides that no election and return at an election under this Act shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Act referred to as an 'election petition') presented to the competent tribunal or court in accordance with the

Section 285(1) of the Constitution provides for the establishment of one or more election tribunal to be known as National and State House of Assembly Election Tribunal for each State of the Federation and the Federal Capital Territory. The National and State House of Assembly Election Tribunal has exclusive and original jurisdiction to determine petitions as to whether:-

- a. any person has been validly elected as a member of the National Assembly; or
- b. any person has been validly elected as member.

The Governorship Election Tribunal also has exclusive and original jurisdiction to determine whether any person has been validly elected to the office of the Governor or Deputy Governor of a State.<sup>1</sup> In respect of Presidential elections, the relevant section of the Constitution is Section 239. By virtue of that section, the Court of Appeal established by section 237 of the Constitution has original and exclusive jurisdiction to hear and determine any question as to whether:-

- a. any person has been validly elected to the office of President and Vice-President under this Constitution; or
- b. the term of office of the President or Vice-President has ceased; or
- c. the office of President or Vice-President has become vacant.

It must be pointed out that when hearing or determining a Presidential election petition, the Court of Appeal is not sitting as an election tribunal.<sup>2</sup> The Supreme Court was emphatic in this regard in the case of *Buhari v. Obasanjo* when it held that:

The Court of Appeal does not sit as an Election Tribunal when hearing a petition challenging the election and return of any person as President or Vice-President of the Federal Republic of Nigeria in a Presidential Election conducted under the 1999 Constitution which by its section 237(1) states that there shall be a Court of Appeal. By the provisions of section 239(1) of the 1999 Constitution, the Court of Appeal hears and determines election petition in the exercise of its original jurisdiction.

One may digress here to ask whether election tribunals are superior courts of record. This is crucial as only such courts possess the inherent jurisdiction to ensure that their proceedings are not abused or brought into disrepute.<sup>3</sup> In other words, it would appear that only such courts have the inherent power to punish for contempt committed in relation to proceedings before them. As a matter of fact, the Black's Law Dictionary defines a court of record as: "a court that is required to keep a record of its proceedings and that may fine and imprison people for contempt."

In answering the question whether election tribunals are superior courts of record, it is to section 6 of the Constitution that we must turn. That section in its sub-section 3 provides that the courts specified in section 6(5) (a) to (i) "shall be the only superior courts of record in Nigeria". Meanwhile, election tribunals are conspicuously omitted from section 6(5)(a) to (i). It follows therefore that although election tribunals enjoy constitutional pedestal or has constitutional flavor, they are not superior courts of record. The tribunals cannot punish for contempt committed "in facie curiae", that is, contempt in the face or presence of the tribunal not to talk of contempt committed outside its four-walls.

This is certainly not a cheerful conclusion. It is indeed anomalous given the fact that Chairpersons of both National and State House of Assembly Election Tribunal and Governorship Election Tribunal<sup>4</sup> ordinarily possess the inherent power to punish for contempt when sitting as High Court judges. If someone hurls a missile at the members of an election tribunal, all they can do is to lay a formal complaint whether or not to try the suspect for contempt.

It has been suggested, to which I am in total agreement, that in this clime where election is routinely accompanied by brigandage and hooliganism, it is clearly insensitive that the Constitution fails to empower election tribunals to punish summarily for contempt committed in its presence. A situation, as witnessed in the past, in which an election tribunal is forced to change its venue for fear of assault, is to say the least,

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provision of the Constitution or of this Act, and in which the persons elected or returned is joined as a party.

<sup>1</sup> Section 285(2) of the 1999 Constitution (as amended)

<sup>2</sup> *Buhari v. Obasanjo* (2003) 17 NWLR (Pt. 850) 423

<sup>3</sup> *Ebhodaghe v. Okoye* (2004) 18 NWLR (Pt. 905) 472 at pp. 500-501

<sup>4</sup> Section 6(5)(b) and 6(6)(a) of the Constitution

unacceptable.<sup>1</sup> The Constitution needs to be further amended to deal with this dangerous lacuna. It has been suggested that this can be done by expanding Section 6(5) (a) to (i) to include a new sub-paragraph (j) listing “election tribunals established in accordance with the provisions of this Constitution or the Electoral Act in force.”<sup>2</sup>

The alternative approach to the proposed constitutional amendment would be to argue that although election tribunals are not superior courts of record, they can nevertheless punish for contempt on the basis of a combined reading of Section 6(6) (a) and 6(5) (j). Section 6(6) (a) states that “the judicial powers vested... extend, notwithstanding anything to the contrary in this Constitution, to all inherent powers and sanctions of a court of law”. Those who prefer this approach may argue that election tribunals, also come within the definition of courts in section 6(5)(j) and as such ought to benefit from the “inherent powers and sanctions of a court of law” referred to in section 6(6)(a). They may not have any problem in showing that election tribunals are courts,<sup>3</sup> but it will be difficult for those who subscribe to that line of reasoning to demonstrate that a court that is not superior court of record can in fact have inherent powers or jurisdiction to punish for contempt.<sup>4</sup> And that seems to be the crux of the matter. It seems better and less controversial to insist on constitutional amendment.<sup>5</sup>

### 2.1.3 Security Agencies

Security agencies play tremendous roles in ensuring successful elections. Security agencies such as the Nigeria Police,<sup>6</sup> Army,<sup>7</sup> Department of State Services (DSS), Nigeria Security and Civil Defence Corps (NSCDC), National Intelligence Agency (NIA), among others directly or indirectly play important roles to ensure safety of lives and property before, during and after elections.

It is submitted that due to the nature of military training, the army is not ideal for use for the purposes of providing security during elections. The remaining security agencies listed above are better suited for provision of security during election period.

Security agency mainly focuses on the wellbeing of the people in a country, but duties of security agency are more complex during the election period. A major component of electoral practice is electoral security which has to do with the process of protecting electoral stakeholders and officials, electoral materials, information, facilities or events.<sup>8</sup>

The work of security agency does not start on the Election Day, its works begin during the registration of voters and electioneering campaign of all the political parties. Special trainings must be organized to mentally and physically equipped security officials for electoral security. Essentially in an electoral exercise, security agencies must curb any form of physical harm, intimidation, blackmail, verbal abuse, violent demonstration, psychological manipulation, or other coercive tactics aimed at exploiting, disrupting, determining, hastening, delaying, reversing, or otherwise influencing an electoral process and its outcome.<sup>9</sup>

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<sup>1</sup> Section 36(8) of the Constitution

<sup>2</sup> Aturu, B. *op. cit.* pp. 81 - 86

<sup>3</sup> *Ebhodaghe v. Okoye* (2004) 18 NWLR (pt. 905)472 at pp. 500-501

<sup>4</sup> *Adisa v. Oyewola* (2000) 10 NWLR (pt. 674)116 at pp. 204-205

<sup>5</sup> Aturu, B. *op. cit.* pp. 85 - 86

<sup>6</sup> Section 215 of the 1999 Constitution (as amended) established the Nigerian Police Force

<sup>7</sup> Section 217 of the 1999 Constitution (as amended) established an armed forces for the Federation consisting of an Army, a Navy and an Air Force.

<sup>8</sup> Lamidi, Fagbohun & Ihemeje (2014) ‘Exploring the Character of Political Parties, Civil Society Organizations, Security Agencies, Traditional Institutions and the Press in the Nigerian Electoral Processes’ in *African Journal of Political Science and International Relations*, Vol 8(3), pp. 54-80 available online at <http://www.academicjournals.org/AJPSIR> accessed on 12 February 2015.

<sup>9</sup> *Ibid.* The primary role of security operatives including the Police and other voluntary organizations in elections is to protect the integrity of the electoral processes, and of the participants, institutions and outcome through: (1) Safeguarding the security of lives and property of citizens during the electoral process; (2) Ensuring the safety of electoral officers before, during and after elections; (3) Providing security for candidates during rallies, congresses, conventions, electioneering campaigns and elections; (4) Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination; (5) Maintaining peaceful conditions, law and order around the polling and counting centers; (6) Providing security for electoral officials at the voting and counting centers; (7) Ensuring the security of all electoral materials at the voting centers and during transportation; and (8) Ensuring the security of all electoral material, personnel and citizens during registration of voters, update, revision and any other electoral event. See Igbuzor, O. (2010), ‘Managing Electoral Process: Civil Society Perspective’, being a paper presented at the Nigerian Bar Association Annual General Conference, Spidel Working Session on Public Interest and Development Law held in Kaduna

Where the security agents for example, prove incapable of ensuring maximum security in polling booths, the INEC officials will be largely rendered incapable of conducting the days affairs under a free and fair atmosphere, especially in the face of very desperate party agents.<sup>1</sup> To drive this point home, reference is hereby made to the 2015 general elections in Nigeria (National Assembly and Presidential) originally scheduled for February 14, 2015 and the State elections (Governorship and State Assembly) scheduled for February 28, 2015 by INEC which had to be rescheduled to March 28, 2015 and April 11, 2015 respectively by INEC on the ground of lack of security.<sup>2</sup> Speaking on the postponement, INEC Chairman, Professor Attahiru Jega said:

The conduct of elections in a country like Nigeria is invariably a collective venture that involves not just the Election Management Body (EMB), but also a diverse range of stakeholders, notably security agencies, political parties and their candidates, voters, as well as interest groups, such as the civil society organizations and the media. To guarantee successful conduct of elections, there are things that are wholly the responsibility of the EMB. But there are other things critical for the success of elections, which fall outside the control of the EMB... but as I mentioned earlier, there are some other variables equally crucial for successful conduct of the 2015 general elections that are outside the control of INEC. One important variable is security for the elections.<sup>3</sup>

#### 2.1.4 Civil Societies

Civil society is the “aggregate of non-governmental organizations and institutions that manifest interest and will of citizens.”<sup>4</sup> Civil society includes the family and the private sphere, referred to as the “third sector” of society, distinct from government and business.<sup>5</sup>

In Nigeria and like other parts of the world, civil society groups play active role in electoral processes. They mainly serve as watch-dog to both the political parties and electoral management bodies, play advisory role to all the governmental institutions. Most importantly, civil society groups organize seminars through which voters are enlightened on the reasons why they must participate in electoral processes. They also advocate for credibility at polls; they criticize unfair rules; they join the electoral commission in debating and deploying best strategies and methods that will bring about free and fair elections. Technically, they serve as observers on election days in order to note the proceedings, loopholes and the general conduct of the election. The role of civil society organization in electoral processes is very pivotal; it has been likened to the role of an auxiliary nurse to a surgeon in surgery theatre.<sup>6</sup>

Speaking on the achievement of a credible, free and fair election, Mr. Salihu Lukman, Chief Executive Officer of the Good Government Group affirmed in an interview with the Open Society Foundations that “the international community must actively engage with the electoral commission INEC, as well as with civil society organizations and, of course, the Nigerian government to ensure fair election.”<sup>7</sup>

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on 24<sup>th</sup> August, 2010.

<sup>1</sup> Dode, R. O. *op. cit* p 155

<sup>2</sup> See Alechenu, A. Fabiyi, O. & Adesomoju, Aworinde, T. “Polls Now March 28, April 11” *Sunday Punch* (9 February, 2015) 2

<sup>3</sup> See Falana, F. ‘Election Postponement: NSA, DSS and Military Chiefs Commit Treason, Coup Plotting’ at [http://www.bellnaija.com/2015/02/08/2015-elections-postponed-new-dates-march-28<sup>th</sup>-april-11<sup>th</sup>/](http://www.bellnaija.com/2015/02/08/2015-elections-postponed-new-dates-march-28th-april-11th/) accessed on 12 February 2015. One must hasten to say that the postponement has been referred to as a “coup against Constitution” by Mr. Femi Falana SAN. According to him, “By forcing INEC to postpone the elections, the military security chiefs violated section 158(1) of the 1999 Constitution, which stipulated that “the electoral body shall not be subject to the direction or control of any other authority or person.” By subjecting INEC to its whims, the security chiefs equally breached section 76(2), 116(2), 132(2) and 178(2) of the constitution, “which have vested the power to fix election dates on the electoral body.” accessed on 12/2/2015.

<sup>4</sup> Dictionary.com’s 21<sup>st</sup> Century Lexicon <http://dictionary.reference.com/browse/civil+society?r66>. accessed on 13 December 2014

<sup>5</sup> “What is Civil Society?” <http://www.civilsoc.org/whatisCS.htm> civilsoc.org

<sup>6</sup> Lamidi, Fagbohun & Ihemeje, *op. cit* p. 73. The responsibility of a credible, free and fair election is no longer to be solely that of the Independent National Electoral Commission, as the tide has shifted to include civil society organization. Prof. Pat Utomi, speaking at a policy dialogue with Presidential candidates’ organized by Murtala Mohammed Foundation, accused President Goodluck Jonathan Campaign Committee of spending ₦100 million of tax payers money daily on Presidential campaign, going further to say that civil society organizations in the country have failed in their duty by keeping quiet over such spending.

<sup>7</sup> Ogu, M. I. ‘The Role of Civil Society in the Nigeria’s 2011 General Elections’, available at

Louis Brown Ogbeifun has described the conduct of a free and fair election in April 2011, as an acid test for civil society organization and not the INEC. Also, the INEC Chairman, Prof. Attahiru Jega, recently at a workshop organized for civil societies in Abuja has tasked civil societies to be more vigilant in the monitoring of political activities in the build up of the April elections. In his words:

In almost all democracies, civil societies are the conscience of the society through the various instrument of advocacy, the pride of social change, public accountability and good governance. In fact, it is impossible to anticipate accountability, transparency and good governance in any electoral process without the active collaboration of civil societies.<sup>1</sup>

Having established the paramount importance of civil society organization in the electoral process and the sustenance of democracy and good governance, it is imperative to also identify some important roles of civil society organizations in the wake of current political transition in Nigeria. These roles basically include, but are not limited to the following:

In educating the voters, civil society organizations are to assist in ensuring that all eligible citizens in the country are made to realize the importance of registering to voting and actually coming out to vote on the election day. Illiteracy levels in the rural areas have largely affected the assurance of the rural citizens on voting and election, and as such these citizens need to understand the importance and power of their votes.

Another equally important role of the civil society organizations is the monitoring of the entire electoral process – from the issuance of notice of election to the swearing-in of elected candidates – to ensure that all the tenets of electoral procedures as stated in the Electoral Act are strictly adhered to in order to achieve fair and free election.<sup>2</sup>

Several civil society organizations are playing important roles to minimize electoral fraud and violence. Groups like Democracy Vanguard and Enough Is Enough Nigeria (EIE) are conducting voters education campaigns; others like the Nigerian Civil Society Situation Room, Transition Monitoring Group (TMG), CLEEN Foundation and the Civil Society Legislative Advocacy Centre (CISLAC), have been very active in building the capacities of various actors and developing more effective poll monitoring in Nigeria. In August 2014, TMG launched its Quick Count project, a citizen-fed data system that will provide information on election day processes and independent results verification.<sup>3</sup> These efforts and initiatives need to be sustained.

#### 2.1.5 Trade Union Organizations

Trade unions are generally organized groupings of workers that relate with employers on various issues related to conditions of employment of their members. They arose as a consequence of the industrial revolution which led to the development of industrial capitalism. The Trade Union Act (1973) defines a trade union as:

Any combination of workers or employees whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers,

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<http://nigeriaworld.com/articles/2011/apr/044.htm> accessed on 15 December 2015.

<sup>1</sup>*Ibid*

<sup>2</sup>Scholars have opined that most civil society organizations have roles that are defined or determined by the environmental factors under which they were created. A specific enumeration of civil society roles has been attempted. Some of these were included; (a) They serve as watchdog to check the excesses of government and expose, curtail violations of human rights, abuse of the constitution; (b) They support the role of political parties in stimulating political participation, increasing political efficiency and skills and promoting appreciation of the obligations of democratic citizens. In democratic settings, the more important role of political parties in stimulating political participation will be much visible if such roles are complemented by the various civil society groups that we have in the society; (c) They provide a crucial arena for the development of such democratic attributes as tolerance, willingness to compromise and respect for opposing viewpoints; (d) They are an important channel of information dissemination and thus help citizens to collectively pursue and defend their interest and values; and (e) When engaged in election monitoring, civil society organizations enhance voters' confidence and affirms credibility by exposing electoral fraud and others. It is also asserted that a democratically included civil society group has roles as: (a) Promotion and defence of the constitution and rule of law; (b) The enhancement of the integrity and efficiency of the democratic institution and processes and (c) The development of a viable democratic culture in the polity. See Emime, F. (2000), 'The Role of Civil Society Groups in Nigeria' in *Journal of Democracy*, Vol XI No. 2. Cited by Ogu, M. I.

<sup>3</sup>Jimoh, A. '2015: TMG Launches Quick Count to Monitor Polls,' *Daily Trust* (26 August 2014) available online at [dailytrust.com.ng/daily/news/32751-2015](http://dailytrust.com.ng/daily/news/32751-2015) accessed on 3/2/2015.

whether the combination by any reason of its purpose being in restraint of trade and whether its purpose do or do not include the provision of benefits for its members.<sup>1</sup>

The central trade union in the country was the Nigerian Labour Congress (NLC), which was formed in 1975 as the umbrella trade union and recognized by Decree Number 44 of 1976 as the sole representative of all trade unions in the country. The NLC had a national executive and secretariat as well as state councils in all states. It had more than 100 affiliated unions. Although most labour matters were channeled through the NLC, the affiliate unions had engaged individually in union activities, such as strikes and lockouts.<sup>2</sup>

#### 2.1.6 Traditional Institutions

Traditional institutions can be examined from three different phases, namely: pre-colonial period, colonial period and post-colonial period. But, in this context, the pre-colonial period is irrelevant owing to absence of electoral practice. The colonial era was regarded as the period of increase in the number of traditional rulers. This increase was catalyzed by the policy of Indirect Rule.<sup>3</sup> Justification for the policy of indirect rule has been debated.<sup>4</sup> Lugard was, as Perham puts it “shackled by the poverty of his revenue” and was obliged to open up and to attempt to control (if not administer) a vast territory “much of which had never been viewed by himself or any other European” with the aid of a small and reluctant imperial grant-in-aid, sufficient only for the employment of a tiny cadre of “political” (that is, administrative) officers. A policy of “direct rule” whatever that could conceivably have meant at the time was impossible to contemplate. Accordingly, as Lugard put it in one of his Political Memoranda of 1906, “we must utilize the existing machinery and endeavour to improve it.”

From the foregoing, it is clear that the policy of Indirect Rule actually employed traditional rulers as public servants and, as administrative officers for the colonial government. Any traditional ruler, in the words of Lugard “will hold his place only on condition that he obeys the laws of the protectorate and the conditions of his appointment.” Thus, traditional chieftaincy institutions flourished even in areas such as Tivland, Iboland and Urhoboland where they were absent in the pre-colonial era. Gradually the British transferred the responsibilities of government to the colonial officers, while still retaining traditional rulers as fronts.

Upon the independence in 1960, Nigeria witnessed an explosion in the number of traditional rulers in the country as more traditional institutions were created for reasons mostly political. However, due to the historic roles played in the north, by the duo of Mallam Aminu Kano of Northern Elements Progressive Union (NEPU) and Mallam Ibrahim Imam of Bornu Youth Movement (BYM), the Native Authority systems, as the traditional systems were then called, underwent series of reforms which culminated in the Local Government reforms of 1976. Consequently, traditional rulers were stripped of most, if not all, of their powers both spiritual and temporal and are reduced to no more than ceremonial monarchs.

Little wonder then, the 1979 Constitution of the Federal Republic of Nigeria and its successors of 1989 and 1999, left the future of the Royal Fathers hanging in the balance. However, the jinx of traditional institutions

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<sup>1</sup>Section 1(1)

<sup>2</sup>Martins Library, ‘Trade Union in Nigeria: Nigeria Labour Congress (NLC)’ available online at <http://martinslibrary.blogspot.com/2015/01/trade-union-in-nigeria-nigeria-labour> accessed on 25 January 2015

<sup>3</sup>Aliyu, A. A. ‘Nigeria Our Royal Fathers and Our Constitution’ cited by Lamidi, Fagbohun & Ihemeje (2014), *op. cit* pp 74-75. Fredrick Lugard, who assumed the position of High Commissioner of the Protectorate of Northern Nigeria in 1900 was occupied with transforming the commercial sphere of influence inherited from the Royal Niger Company into a viable territorial unit under effective British political control. His objective was to conquer the entire region and to obtain recognition of the British Protectorate by its indigenous rulers, especially the Fulani emirs of Sokoto Caliphate. Lugard’s campaign systematically subdued local resistance, using armed force when diplomatic measures failed. Efforts to apply indirect rule to the South, which was formally a protectorate from 1906, in emulation of Lugard’s successful policy, in the North set off a search for legitimate indigenous authorities through whom the policy could be implemented. The task proved relatively easy in Yorubaland, where the governments and boundaries of traditional kingdoms were retained or, in some instance, revived. In the Southeast, where Aro hegemony had been crushed, the search for acceptable local administrators met with frustration. As a result, the tasks of government initially were left in the hands of colonial officials, who antagonized many Igbo. The Igbo therefore stressed traditional egalitarian principle as a justification for their early opposition to colonial rule; in Yorubaland and in the North, the devolution of administrative duties to the indigenous ruling elites contained much of the early opposition. See [www.country-data.com/cgi-bin/query/r-9347.htm/](http://www.country-data.com/cgi-bin/query/r-9347.htm/) accessed on 3 March 2015.

<sup>4</sup>Margery Perham, *Lugard: The Years of Authority 1898-1945* (Collins 1960) wherein she has emphasised that there was no practical alternative to the adoption of a policy of Indirect Rule. That a system of ruling through native chiefs was a matter of expediency rather than of high moral, political or philosophical principles.

cannot be outrightly broken in Nigerian politics because most political parties are ethnic, cultural, religious and regional based. Politicians seek for support from their traditional institutions during electioneering campaigns and voting exercise.

Even though, the traditional institutions are not classified as any level of government, citizens mostly have trust and belief in them, its customs and traditions; they accord them with respect; and accept their laws and orders. As a result, traditional institutions are good organs for sensitizing citizens to come out en-masse to participate in all electoral processes; they also enjoin their people to maintain peace, law and orders of the electoral activities; they are also fathers to all political candidates; and they enjoin them to do what will be of great benefit to the society at large. The viability of traditional institutions is more virile at local level. Thus, political power seekers make use of the traditional institutions to get campaigns by political parties. An example of this is the visits by President Goodluck Ebele Jonathan to Obas in the South-West to solicit the support of the royal fathers in the March 28 Presidential election. He visited the Ooni of Ife, Oba Okunade Sijuwade with notable chieftains of the Peoples' Democratic Party on Saturday, March 7, 2015.<sup>1</sup> This is a pointer to the fact that the role of traditional institutions on political representation of the community and community identity is highly influential.

#### 2.1.7 Religious Organization

The 1999 Constitution of Nigeria does not provide any role for religions or religious leaders in electoral process. As a matter of fact, the Constitution provides that the government of the Federation or of a State shall not adopt any religion as state religion.<sup>2</sup> The Constitution equally prohibits discrimination on the ground of religion, among others.<sup>3</sup> Membership of any religious organization is not required as a qualification to any political office in Nigeria. In the same vein, that there can be no religious test for public office or for participation in the political process in the United States of America.<sup>4</sup>

However, religious leaders play important role in electoral process particularly for a free, fair and credible election because of vast influence they have on their members.<sup>5</sup> In recognition of the role of religious leaders, INEC organized a two-day meeting with traditional and religious leaders on 8<sup>th</sup> and 9<sup>th</sup> December, 2014 in Abuja where the INEC Chairman, Professor Atahiru Jega said that traditional and religious leaders by their standing in society have enormous responsibility in ensuring that peace prevails in their communities. He pleaded with them to encourage their followers to avoid conflict and to promote peaceful conduct of the elections. In his words:

...Politicians are part of your communities, and many of them actively seek your blessings and wise counsel for their political quests. You are well positioned, therefore, to influence them towards conducting themselves with civility and decorum, as is necessary to ensure prevalence of peace in the country, especially during and after the elections.<sup>6</sup>

At a forum,<sup>7</sup> in the opening remarks of the Consul General of the United States of America, Consul General Joseph Stafford said that the United States Mission in Nigeria had "in the past, as it was doing now, worked and

<sup>1</sup>See 'Jonathan Visits Ooni, Monarch Demands Oduduwa State' *Sunday Punch* (March 8, 2015) 6

<sup>2</sup> See Section 10, 1999 Constitution (as amended).

<sup>3</sup>Section 15(2), *Ibid*

<sup>4</sup> See Peter Montgomery, '12 Rules for Mixing Religion and Politics', in *People for the American Way* available at <http://www.pfaw.org> accessed on 16 February 2015.

<sup>5</sup>There are some fundamental principles underlying religious factors in the electoral process in Nigeria. One of such is how religions often determines the choice of a flag bearer/ running mate for the posts of the President and Governors in States that have a large representation of Christians and Muslims. This is done to ensure that the interests of adherents are protected, given the sensitivity of religion. Where and when this principle is adopted, there is usually a Muslim/Christian or Christian/Muslim ticket. Thus in 1979, the National Party of Nigeria (N.P.N.) adopted a Muslim/Christian ticket while the Unity party of Nigeria (U.P.N.) did not take religion into consideration, hence its adoption of a Christian/Christian ticket. Perhaps, Chief Awolowo saw this as one of the reasons why he lost, he chose a Muslim from the North as his running mate in 1983. Even some military regimes recognized religion as a factor in governance. For instance, the Murtala/Obasanjo era was a Muslim/Christian ticket and Obasanjo, upon becoming the Head of State, chose a Muslim as his deputy. However, the Buhari/Idiagbon regime was Muslim/Muslim, while the two Chiefs of General Staff in the General Babagida administration were Christians. Both Abacha and Abubakar maintained the *status quo* as they picked Diya and Akhigbe (Christians) as their second in command respectively. See Familusi, O. O. 'Religious Factors in the Electoral Process and the Quest for an Enduring Democracy in Nigeria' in (2012) *Humanity & Social Sciences Journal*, Vol. 7 No 1 pp 23-32.

<sup>6</sup>See UNDP, 'Traditional and religious leaders' role key to peaceful 2015 elections' (10 December 2014) (Online). Available from [www.ng.undp.org/content/nigeria/en/home/presenter/articles](http://www.ng.undp.org/content/nigeria/en/home/presenter/articles) accessed on 16 February 2015.

<sup>7</sup>United States Consulate General 'Interfaith Dialogue: Role of Religious Leaders for a Free, Fair and Credible



partnered with a number of interfaith groups to promote mutual understanding between Nigeria and the U.S. in fostering religious tolerance and credible leadership in the Nigerian polity. He said, “we have partnered with the Nigerian Inter-faith Action Association (NIFAA) and with civil society through our USAID Office, we have also had programs on “Muslim Leaders of Tomorrow” thus promoting Muslim-Christian dialogue in the context of today’s international and domestic political realities. Both Muslims and Christians, he emphasized, are and will be very instrumental and important mobilizers in the historical election Nigeria will hold in April.”<sup>1</sup>

#### 2.1.8 The Fourth Estate of the Realm

The press played major role during the evolution of the Nigerian political system. Reverend Henry Townsend, an evangelist who was working for the Church Missionary Society of England, published the first newspaper in Nigeria, *Iwe Irohin*, in 1859. The newspaper, which was published fortnightly in the Yoruba language, later became bilingual newspaper in 1860, published in both English and Yoruba. Thus, the art of writing news stories on public events for newspaper publication (journalism) was begun in Nigeria by the *Iwe irohin* newspaper. Virtually all the newspapers published in the country between 1859 and 1913 were devoted to the coverage of community and religious issues.<sup>2</sup>

The media plays a major role in the success of elections as both the print and electronic media monitor the conduct of the elections and provide adequate coverage on the events that occur in elections. The Nigerian mass media’s position on the elections of 2011, just like in any other elections, largely influenced the views of the members of the public on the credibility of the elections.

The public relies on the media to provide adequate information on the electoral process that would enable the people to exercise their civic responsibility in the elections. What most enlightened voters usually consider before casting their votes for any candidate in an election is the public character of the individual concerned, his or her experience for the job as well as the previous commitment demonstrated by the candidate towards the well-being of society.<sup>3</sup> It was noted that “democratic regimes span a wide spectrum in terms of how freely those in power can be criticized by the press or by the opposition... the amount of information to which citizens have access in reaching their judgments, and the freedom that candidates have to express their views and that citizens have to vote.”<sup>4</sup>

Most politicians, who are in the habit of using the media for whatever reason, do so with the intention of retaining public support to maintain and advance their political career because they are aware that most citizens usually gravitate towards the direction of the media position on public issues. The public often rely on the media for information on the ideologies and manifestoes of political parties, as well as on the competence of the candidates contesting for the elections.<sup>5</sup>

#### 2.1.9 International Observers

Election monitoring is the observation of an election by one or more independent parties, typically from another country or a non-governmental organization (NGO), primarily to assess the conduct of an election process on the basis of national legislation and international election standards. There are national and international election observers. Monitors do not directly prevent electoral fraud, but rather record and report such instances. Election observation increasingly looks at the entire electoral process over a longer period of time, rather than at election-day proceedings only. The legitimacy of an election can be affected by the criticism of monitors, provided that

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Election in Nigeria in 2011’ organized by the Public Affairs Section of the United States Consulate General Lagos.

<sup>1</sup> Omotunde, J. ‘Religions Leaders Discuss Free, Credible Elections in Nigeria, *Crossroads*, Nigeria April 2011 Elections Special p.10

<sup>2</sup> Obor, G. E. *Mediatization of Nigerian Elections: Issues and Perspectives for African Democracy*

(Stirling-Horden Publishers Ltd, 2014) 19&20. Many people who had been initially sceptical of the motive behind missionary activities in the country were later converted to the Christian Faith when they saw the good works that were being carried out by the missionaries in the rural areas of Nigeria. The Catholic Missionaries were active among the Igbo people, while the Christian Missionary Society (CMS) evangelized the Yoruba land. The Church pioneered the establishment of schools and colleges in Nigeria and complemented the government’s efforts by helping to provide First Aid Services for the rural population. Most of the first generation of Nigerian leaders who fought for the independence of Nigeria from the control of the British Government would make up the alumni of the schools and colleges established by the Christian missionaries.

<sup>3</sup> Obor, G. E. *ibid*

<sup>4</sup> Maisel, L. S. *American Political Parties and Elections: A Very Short Introduction* (Oxford University Press, 2007) 2

<sup>5</sup> Egbuna, B. ‘Covering Elections: The Broadcaster’s Responsibility’ Available at <http://www.cba.org.uk/conferences> (Accessed on 23 March, 2012)

they are themselves seen as unbiased. A notable individual is often appointed honorary leader of a monitoring organization in an effort to enhance its own legitimacy.

The first monitored election was that of a plebiscite in Moldavia and Wallachia that was monitored by most of the major European powers.<sup>1</sup> Election monitoring was uncommon until after World War II. Election observation activities have expanded significantly following the end of the Cold War, along with the development of international standards on the conduct of democratic elections and the process of monitoring elections by both international<sup>2</sup> and domestic<sup>3</sup> observing organizations.

In the 1990s, international election observing focused on elections in countries with weak democracies or democracies in transition. In recent years, however, there has been an increasing number of observer mission monitoring elections in long-standing democracies, including the United States, France, the United Kingdom and Switzerland.<sup>4</sup>

Standard international election observation missions, as deployed by, for the example, the European Commission or the OSCE Office for Democratic Institutions and Human Rights (ODIHR), monitor the entire electoral process. Election experts and long-term observers begin their work weeks before the actual election day, looking at candidates registration, the legal framework, the media situation, the work of the election administration, and the campaign environment. On election day, short-term observers monitor the opening of polling stations, the vote cast, and the counting and tabulation results. After election day, observers remain in the country for another few weeks to monitor how possible election-related shortcomings and complaints are dealt with by the election administration and the judiciary. The findings of the observers are made public in report issued after election day.

It is beyond contention that elections are part and parcel of the democratic process. As the right to democratic governance has become established as a human right, so too has the right to regular, free and fair elections.<sup>5</sup> Thus, by resolution 45/50 of 1991, entitled “Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections”, the U.N General Assembly stressed the conviction of members states that:

Periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that as a matter of practical experience, the right of everyone to take part in the government of his or her own country is a crucial factor in the effective enforcement by all in a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights.<sup>6</sup>

These principles were reiterated by the Assembly at its 48<sup>th</sup> session (1993-4) during which it declared that “periodic and genuine elections” are “necessary and indispensable elements and a crucial factor in the effective enforcement of a wide range of rights.” The resolution established a procedure for authorizing the monitoring of national elections in states all over the world and endorsed, the Secretary-General’s decision to create an office for the purpose of monitoring elections in member states.<sup>7</sup>

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<sup>1</sup> *Ibid*

<sup>2</sup> “Declaration of Principle for International Election Observation”

[http://www.ndi.org/files/1923\\_declaration\\_102705\\_0.pdf](http://www.ndi.org/files/1923_declaration_102705_0.pdf) accessed on 23 March, 2012

<sup>3</sup> “Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations” [http://www.gndem.org/sites/default/files/declaration/Declaration\\_of\\_Global\\_Principles.pdf](http://www.gndem.org/sites/default/files/declaration/Declaration_of_Global_Principles.pdf) Accessed on 23 March, 2012

<sup>4</sup> International organizations such as the Organization of American States, the Organization for Security and Co-operation in Europe, the European Union, the Commonwealth Secretariat, the Council of Europe and the African Union regularly deploy monitoring teams. The United Nations no longer provides monitoring services; instead it focuses on electoral assistance. Individual governments also participate in monitoring efforts, generally under the umbrella of an international organization. These national efforts are normally managed by the local electoral commission. A wide array of NGOs also participates in monitoring efforts. The Carter Center, for example, played a key role - with the United Nations Electoral Assistance Division and the National Democratic Institute- in building consensus on a common set of international principles for election observation. See The Carter Center list of elections observed <http://www.guardian.co.uk/commentisfree/story/0,,1844618,00.html#table> accessed on 14 January, 2014.

<sup>5</sup> Sagay, I. ‘Elections and Legitimacy of Governments’ Available at [http://www.profitsesagay.com/seminars\\_lectures.php](http://www.profitsesagay.com/seminars_lectures.php) Accessed on 12 November, 2014

<sup>6</sup> *ibid*

<sup>7</sup> The system of election monitoring and observation by independent and indeed outside based organizations and persons has become so wide-spread, that virtually all developing states conducting elections now invite such bodies to monitor their

In inviting international observers and monitors to the recent elections, Nigeria was observing a mandatory requirement for the conferment of validity to its transition to civil rule programme. In the world of the nineties, human rights, self-determination of peoples and the rights to democracy, are no longer matters essentially within the domestic jurisdiction of states, but matters of legal interest and rights of the international community.

### 2.1.10 The Nigerian Bar Association

The Nigerian Bar Association is a non-profit, umbrella professional association of all lawyers admitted to the Bar in Nigeria. It is engaged in the promotion and protection of human rights, the rule of law and good governance in Nigeria.<sup>1</sup>

NBA has an observer status. In addition to international organizations monitoring elections, there also exist citizen organizations or coalition of organizations monitoring elections in Nigeria, one of which is the Nigerian Bar Association (NBA). It plays active roles in electoral process in Nigeria such as poll-watching, scrutinizing the accreditation, voting, counting and tabulation processes at polling units throughout election day as domestic election observers through its Election Working Group (EWG) arm.<sup>2</sup>

As part of effort to sensitize Nigerians on the exercise of their rights to elect leaders of their choice and ensure that their votes count, the Nigeria Bar Association (NBA), has inaugurated a Committee on voter education.

This is as the association declared that there are several defects in the nation's electoral system, which is occasioned by ignorance. Speaking at the inauguration of the Joseph Daudu-led Committee in Abuja, the NBA President, Augustine Alegeh (SAN), stated that the role of this Committee is very crucial at this time, as we approach the 2015 general elections. He said as follows:

This is because there are several defects on our electoral system occasioned by ignorance on the part of both the political class as well as the electorate. The NBA Voter Education and Mobilization Committee, therefore is charged with the onerous task of sensitizing the public on the exercise of their franchise with a view to ensuring that not only do their votes count, but that elected officials are also held accountable to the citizen.<sup>3</sup>

How the NBA can contribute significantly in sensitizing Nigerians to exercise their voting right was succinctly put by its National Chairman. According to Alegeh, the abiding logic of democracy is that a government that assumes power based on its overwhelming electoral support ultimately has the interest in the overall wellbeing of its citizens. He continued that for there to be a major turnaround in our electoral system, the citizens must be enlightened and educated adequately and that it was in line with that mandate and his administration's solemn promise as contained in his inaugural address of 29 August 2014 where he stated: "The NBA using its network of 109 branches and over

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elections, with the clear implication that only an election endorsed by such internationally respected observers, can grant validity to the election and by clear inference, confer legitimacy on the government emerging from that election process. The results of elections, fully endorsed by respected international monitoring groups and observers, now serve as evidence of popular sovereignty and have become the basis for international endorsement of the elected government. The invitation of international election monitors and observers therefore is no longer an act of courtesy, or a mere demonstration of the integrity of the electoral process, but an application for the recognition of the legitimacy of the government emerging from that process. See Sagay, I. *ibid*

<sup>1</sup> See Nigerian Bar Association, 'Welcome To The Nigerian Bar Association' at <http://www.nigerianbar.org.ng/> (Accessed on 16 February, 2015)

<sup>2</sup>The EWG is made up of 14 members having Dafe Akpedeye SAN as the Chairman. The terms of reference of the group are as follows: (a) Work with the 100 branches of the NBA to set up Voters Registration Complaint Centers to provide detailed reports on the exercise; (b) To observe and collate reports on the progress of voters registration exercise from the 100 branches of the Nigeria Bar Association; (c) To monitor elections and submit reports of the exercise to the President of the NBA; (d) To organize training programs for key officers in the various branches who will in turn replicate same in their branches for the purpose of selection monitoring; (e) To open a link on the NBA website where laws, rules, guidelines and regulations guiding the general elections can be accessed and also create a website where activities of the Working Group can be assessed; (f) To initiate discussions with security agencies to ensure a secured environment for the elections, as well as set up meetings with traditional and religious leaders and other leaders of thought; (g) To partner with Civil Society Organizations and other stakeholders in respect of electoral reforms and activities; (h) To develop programmes in areas of elections, electoral reforms and voter education; and (i) To ensure that cases of electoral offences are prosecuted. See Nigerian Bar Association, 'NBA Election Working Group' at <http://nba.org.ng/web/nba-election-working-group-.html> Accessed on 2 January, 2015.

<sup>3</sup> Nwankwo, J. '2015: NBA Inaugurates Committee on Voter Education' at <http://dailyindependenting.com/2014/11/2015-nba-inaugurates-committee-voter-education/> accessed on 2 January, 2015

2000 Bar leaders would engage in voter education and voter mobilization for the 2015 general elections on a strictly non-partisan basis.”<sup>1</sup>

Lawyers’ responsibility is rivaled perhaps only by that of journalists. Their role is dictated by the uniqueness of their profession. There is scarcely any area of national (and personal) life that the law is left untouched. In particular, the electoral process is all law-woven: it is set in motion by law; it is expected to be carried out according to law; and any disputes arising from it are settled by law. The indispensability of law may have informed the pride of lawyers as ‘learned gentlemen of the honourable profession’. Coincidentally, an electoral process requires both knowledge and honour. Lawyers should therefore invoke these qualities in our current electoral process. Hon. Justice Lawal Gummi, the Chief Judge of the FCT, spoke in this sense when he recently called on lawyers to use their powers in the promotion of development and to resist any attempt to be used to achieve anti-democratic ends.<sup>2</sup>

Lawyers can facilitate the electoral process in various capacities. They have a role to play before, during, and after elections. They share with other elites roles in voting, party memberships, election duty, or seeking election. Professors of law and their junior colleagues, Senior Advocates and their counsel in chambers, seasoned industry in-house lawyers and their younger ones, lawyers ‘in diaspora’ wherever they may be working, should directly contribute to the electoral process. At crucial moments such as now when Nigeria is facing general elections amidst fears and uncertainties, lawyers should come forth to be counted as professionals concerned with the nation. The offer of the Nigerian Bar Association (NBA) of 20,000 of its members to INEC for election duty in the April elections is a giant step in this direction.<sup>3</sup> In the same vein, the NBA also deployed 40 observers for the Governorship election that was held in Osun State on 9th August, 2014.<sup>4</sup>

### 3.1 Conclusion

Attempts have been made to identify institutional framework of administration of elections in Nigeria. The institutional framework identified include the INEC which is the Election Management Body (EMB) and other institutions whose roles in election management were clearly and succinctly discussed. It is posited that administration of elections in Nigeria can only be successful by the efficient observation of the important roles of all the varying institutions within the confines of the law.

Non-observance of their roles by these institutions within the confines of the law definitely will aggravate challenges confronting dispensation of justice in electoral disputes.

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<sup>1</sup> *Ibid*

<sup>2</sup> Mamman Lawan Yusufari, ‘Lawyers and the Electoral Process’ Available at <http://www.gamji.com/article6000/NEWS6867.html> accessed on 2 January, 2015

<sup>3</sup> *Ibid*

<sup>4</sup> See ‘Osun Elections: NBA deploys 40 observers’ *Premium Times* Available online at <http://www.premiumtimesng.com/news/more-news/166272-osun-elections-nba-deploys-40-observers.html> accessed on 2 January, 2015

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