

# Elections, Electoral Process and the Challenges of Democratization in Nigeria's Fourth Republic

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## Abstract

The most widely praised as the best system of government in our contemporary world is democracy, which allows for high level of peoples participation in decision-making and policy formulation through representatives. A major determinant of democracy is the electoral process that provides the electorate the institutional framework for choosing representatives through a competitive free and fair election. Essentially, elections are the only acceptable institutionalized process enabling some or all of the recognised members of a democratic society to choose office holders. The emphasis of this paper is on the challenges of conducting free and fair elections and its impact on the democratization process in Nigeria. Relying on secondary data on elections in Nigeria, we established that elections have been marred by unprecedented abuse of the electoral process in form of election rigging, ballot snatching, inadequate and late arrival of voting materials at polling centres, vote buying, connivance between the ruling party elites and INEC to manipulate and even declare false elections results and so on. Based on these observed abuses we emphasise representative democracy cannot be consolidated nor triumph where there is negation of democratic principles. The recommendation centres on the urgent need for a special electoral malpractice court for the persecution of offenders; for INEC to become an autonomous and really independent body, and more sensitisation of the general public by civil society organisations through seminars and workshops on voter education and democratic culture

**Keywords:** Challenges, Democracy, Democratization, Elections, Electoral Process, Manipulation

## Introduction

Globally, human societies have experienced different forms of government such as oligarchy, aristocracy, theocracy, monarchy, fascism, socialism, authoritarian or dictatorships in form of military rule, and democratic regimes. Among these forms, representative democracy has emerged as the most popular and desirable system of government in our contemporary world. The past three decades have witnessed reforms in the direction of this form democracy away from what Huntington (1991) in Smith (2003) referred to as authoritarianism in form of military rule, one party system, personal dictatorship and racial oligarchy. Factors observed by Smith to have triggered the current wave of democratisation are among others, a response to intensified economic internationalisation, the dominance of neo-liberal ideology and the disintegration of the USSR. In other words the end of the cold war revived the interest in democratisation as the proportion of countries in the world with some form of democratic government increased from 28 percent in 1974 to 61percent in 1998 and third world countries also had their share of these remarkable changes. However, Sub-Saharan African has lagged behind with relatively weak attempts to democratise and the process of democratisation has not been of smooth progression for African countries and in particular for Nigeria.

Focusing on Nigeria among the global committee of sovereign states, out of her 54 years of independence, more than half have been under authoritarian military rule. These years of military rule swept away democratic principles and the attempts at transition to democratic government were characterised by gross abuse of election the only acceptable institutionalised process for a democratic society. For instance, the annulment of the June 12 1993 election which was internationally acclaimed as free and fair by the Ibrahim Babangida regime received outright condemnation from the international community and general protest domestically, and the international community responded by imposing different kinds of sanctions. As such external and internal pressures began the demise of authoritarian military regime and a renewed interest for democratic government in Nigeria.

The process of change from military to civilian administration did received popular endorsement for many Nigerians were dissatisfied with the military regimes that denied people their freedom of expression and

the right to participate in governance through representatives. However, the transition to civil rule spearheaded by the military, had so many setbacks ranging from broken promises of terminal date, selective treatment of political parties and the actors in the process. In the face of these setbacks elections were conducted and the military in 1999 handed over power to an ex-military officer- General Olusegun Obasanjo.

The emergence of a democratically elected government on May 29<sup>th</sup> 1999 was seen as the much expected dawn of democracy, the hopes and expectations of the electorate were high base on the conviction that the return to democratic rule will bring about positive change through their newly elected representatives. This however has not been the case as the gains that would have been reaped from the expansion of the democratic space have been gravely depleted by timing, dating, supervision hitches, delays due to late arrival of electoral materials etc. (Okoosi-Simbine, 2004:98). It is against this background that this paper examines elections and electoral process and the challenges it pose to the democratic experiment in Nigeria's fourth republic.

### **Conceptual and Analytical Framework**

Democracy is a popular concept in social science and like other social science concepts defies a universally accepted definition. However, the word "democracy" as captured in scholarly expressions comes from the Greek word *demokratia* and literally means "rule of the people" (Noah, 2006) or from the Greek *demos*, 'people' and *kratos* 'rule' (Oche, 2004). These scholarly views on the origin of the concept democracy find expression in Birch (1993) that democratic government is believed to have originated from the Greek city-states, where democratic ideals started and were transferred to other societies. Even though, the Greek might have provided the idea that make up democracy it has been argued, they did not provide a model and as emphasised by Noah (2006) the Greek practice of democracy differ from those of modern states as only a small minority of the adult population were granted the right of political participation which was achieved through direct vote on issues and these ideals are quite different from the modern democratic system which is based on majority rule and representative government. Democracy in its modern sense therefore came into use during the course of the 19<sup>th</sup> century to describe a system of government in which representatives are chosen through free competitive elections and with most citizens of the society having the right to vote. This form of democracy were instituted in Britain and United States between 1860 and 1890 and later spread to other European countries as well as the developing regions of the world including Africa and Nigeria in the second half of the 20<sup>th</sup> century. The American form of democracy has been adopted as the model of modern democracy and in its ideal form captured as: 'the supreme, absolute and uncontrolled power remains in the people. Our constitutions are superior to our legislature so that people are superior to our constitution...democracy is then that government in which the people retain the supreme power' (Padova, 1963:16 in Noah, 2006:192). In conceptualising modern democracy most scholars often elaborate on this ideal form. For instance Oche (2004:10) argued that democracy has three basic senses in contemporary usage: (1) a form of government in which the right to make political decision is exercised directly by the whole body of citizens, acting under procedures of majority rule, usually known as direct democracy; (2) a form of government in which the citizens exercise the same right not in person but through representatives; and (3) a form of government, usually a representative democracy, in which power of the majority are exercised within a framework of constitutional restraints designed to guarantee all citizens the enjoyment of certain individual or collective rights such as freedom of speech and religion, known as liberal or constitutional democracy. When emphasis is on the electorate then it is regarded as the ability of the electorates to choose freely on a regular basis between competing persons, parties or groups of potential governors to steer the wheels of the state (Aremu, 2004). What is implied from this line of argument is that democracy as a form of political system has basic elements and these are: periodic elections; guarantee of fundamental human rights; existence of alternative choice of parties and candidates during elections; election of representatives by majority vote; and adherence to rule of law and separation of powers (Obasanjo and Mabogunje, 1992 in Noah, 2004:193). With regards to these elements, Anifowose and Enemou (1999:144) made emphasis on equality, sovereignty of the people and respect for human life, the rule of law and liberty of individuals.

From the forgoing views on democracy, it could be stressed that elections are unarguably the most critical of many aspect of any programme of democratic transition and also the foundational element of contemporary representative democracy as well as the hallmark of democracy (Inokoba and Kumokor, 2011, and Molomo, 2006). It is in the regard that election is seen as the selection of a person or persons for office through ballot and making choice as between alternative. While the electoral process entail the method adopted in the selection of persons for political offices. And any act that violates the process amount to electoral frauds or malpractice and these are improper, illegal, deceitful or immoral behaviours and conducts which vitiate free and fair electoral process. In this regard, no government can be regarded as democratic if the electoral process is marred by fraud or irregularities.

For elections and electoral process to be considered as fair it must have some basic structures, which include: statutory provisions establishing the electoral bodies, delineation of wards/constituencies, registration of political parties, registration of voters, recruitment and training of ad-hoc staff, procurement of electoral material,

logistic, screening of candidates, provision of polling agents, monitoring of agents, accreditation of voters, actual voting, counting of votes and providing avenues for settlement of disputed results (Oddih,2007:153). Essentially, election is the formal procedure recognized by law as well as decision taken by the electorate to decide those who occupy public offices and also the policy direction of a polity (Inokoba and Kumokor, 2011). The application of these elements of democracy will help to coordinate and liberalize the political system and consolidate democracy so that the electoral process will be transparent, free and fair. The electoral process must be in line with democratic principles because it is the pivot of representative democracy. The democratic principles is what has made democracy to become more widely praised as the best option for good governance, and all states today profess to be democracies (Dunn,1979 in John and Paul,2009) while other forms such as authoritarian, theocracy, fascism, socialism, monarchy etc. have collapsed or are on the verge of collapsing.

In our contemporary world and within this context one can hardly talk of governance of men, its goodness or otherwise anywhere, regardless of ideological orientation, without the concept of democracy. But does contemporary representative democracy as practice in most social systems especially those of African and more specific in Nigeria's polity really rule of the people based on elections and choice of representatives, or is it rule by a few political elites who parade themselves as representatives of the people for their own gain and interest?. Scholarly analysis of most elections in African countries and Nigeria in particular indicate that the electoral process have been marred by electoral fraud and violence in diverse ways (Omotola, 2008). Animashaun (2010) notes no election in Nigeria since 1950 has gone undisputed. While Adebayo and Omotola (2007: 207) emphasised that the 2007 states and federal elections felt short of basic international and regional standards for democratic elections. They were marred by poor organisation; lack of essential transparency, wide spread procedural irregularities, significant evidence of fraud particularly during result collation process, voter disenfranchisement at different stages of the process, lack of equal conditions for contestants and so on. With these observed irregularities in elections and electoral process we are of the opinion that the principles of democracy have not been adhered to in Nigeria. Democracy therefore from the views of John and Paul (2009) could be realistically conceptualised as a political method by which politicians are elected by means of competitive vote. The people do not rule: their role is to elect those who do. In addition it is conceived as a system of elected and competitive elites, a model of elitist democracy with low participation. It is within this context that the elite theory is used as the analytical frame work for the paper.

The emergence and development of the elite theory of democracy is credited to prominent classical theorists Gaetano Mosca (1858-1941); Vilfredo Pareto (1848-1923) and Robert Michels (1876-1936) (<http://eduresourcecentre.blogspot.com/p/vilfredo-classical-elites-theory.html>?). These theorists offered a radical critique of the competing theoretical-ideological streams of thought: the democratic theory- government of the people, by the people, for the people in Lincoln's address, and the Marxist socialism. The views of these scholars contrast with both of these ideologies. Their various arguments emphasised an inescapable division between dominant minorities variously called elites, ruling classes, political classes, oligarchies, aristocracies and so on; and the dominated majority or masses. What is implied here is that, in every organised social system there exist two groups those who rule (minority) and the ruled (majority). As such, the elite theory is seen as a theory of the state which seeks to describe and explain the power relationships in contemporary society in the field of political science and sociology and how social systems are divided into two classes. The works of these prominent scholars are devoted to the explanation of the relations of classes in social systems. Mosca (1923/1939, 51 in John, 2014 <http://www.exu.sk/material/temac/higley/Comenius-Elite-Democracy-Futility.doc>) for instance made emphasis on the ways in which small or a few minorities out-organise and outwit large majorities and that political classes who are regarded as political elites command certain material, intellectual, or even moral superiority over those they govern. Pareto on the other hand posit that in a society with truly unrestricted social mobility, elites would consist of the most talented and deserving individuals; but in actual societies elites are those most adapt at using the two modes of political rule, force and persuasion, and these elites usually enjoy important advantages in form of inherited wealth and family connection in society. In a similar body of ideas, Michels rooted elites ('oligarchies') in the need of mass political parties and all other large organisations for leaders and experts in order to operate efficiently; as these individuals gain control of funds, information flows, promotion, and other aspects of organisational functioning, power becomes concentrated in their hands and retaining this power increasingly governs their actions (Michels 1915/1962 in Linz, 2006).

The various arguments of these scholars' shows that representative democracy is just rule of the elites and as stressed by Femia (2001) the inevitability of elite rule makes democracy an imaginary dream and those elite can never be accountable to the people. In other words the most that is possible is an elite-manipulated democracy. In it there are elected parliaments and other elected offices, but voters do not really choose their representatives. Rather, professional politicians and other power seekers impose themselves on voters or have their friends impose them. A practical example of this argument can be found in the body of literatures on elections and electoral process in Nigeria that these have been marred by fraud and violence in diverse forms- ballot snatching, late arrival of election materials, connivance between INEC officials and ruling party, election

rigging, results falsification and so on are practical examples of how elites manipulate the democratic system. Hence we cannot help but agree with Mosca and Michels that, democracies can never be more than competitions between elites who greatly narrow voters' choices and grossly distort voters' interests. The challenges of elections and electoral process in Nigeria are more of the perpetuation of fraud and violence by the elites in their competition to dominate and control power.

### **The Nexus between Election and Democracy**

Generally, social systems either authoritarian, monarchy, socialist, oligarchy aristocracy, democracy and so on from the views of elite theorists are divided into two distinguishing classes or group: the minority and majority, the rule and the ruled. All social systems are characteristic by the competition for scarce resources and political power. Political power in a democratic system comes through what is termed as periodic, competitive, free and fair election. In other words what distinguishes democracy from other forms of government is the conduct of periodic election as a process for transition from one set of political office holders or leaders to another for specific tenure. Election and democracy cannot be divorced from one another for they are organically linked. Scholarly attempt at establishing this link emphasise that it is through elections that formal allocation of power occurs in all democracies which give meaning to power relationships within the political community and also serve as a medium of legitimacy. Election therefore reflects the basis of the social contract between representatives and the represented, or people and their governors. Periodic elections also provide opportunity for transition from particular sets of representatives and office holders to another set of rulers. Inokoba and Kumokor (2001: 142) stressed that the perception of democratic government as responsive and responsive government is not unrelated to the fact that the power of governance, through election, rest essentially with the people themselves; it is through election that the will of the people, which form the basis of democratic government is expressed. And since power is rested in the electorate who supply and withdraw mandate from those who direct state affairs, elected officials are compelled to be accountable to their constituencies. Thus, in order not to be voted out of office, elected officials would as much as possible try to be answerable to the needs and aspiration of the people.

However, it is not in all situations that elections are completely competitive, free and fair, nor are the electorates adequately empowered by established institutions to command compliance and accountability from elected officials devoid of elite manipulation. Yes, elections are conducted but the process in most African countries and Nigeria in Particular has not been without fraud and violence (when compared to elections in developed democracies) such as poor registration process, inadequate and untimely arrival of voting materials, ballot box snatching, vote buying, declaration of false elections results etc. These irregularities are just manifestation of elite activities in the electoral process which renders democracy loose its vital ingredients. Even though Paki and Inokoba (2006) in Inokoba and Kumoko (2011) argued that an administration that is established through a fraudulent and violent electoral process usually lacks such vital ingredients of democracy. Governments that are instituted through questionable electoral processes, in bid to strengthen their stranglehold on power, tend to be high handed and repressive in nature. This in a considerable way explains why most African states are gross abusers of human rights and why they cannot tolerate dissenting positions and groups. Therefore election is key to democracy. In other words, they are interconnected, interrelated, and interdependent phenomena.

### **The Journey to Nigeria's Fourth Republic**

The transition from authoritarian military (elites rule) to a constitutional and representative democracy (by political elites) that is the fourth republic in Nigeria's polity will not be complete without reviewing the Babangida's and Abacha's transition program. In this regard, Momoh and Thovoethin (2001:2) observed that the 1998-1999 transition programs was against the background of two successive military authored political transition programs of the Babangida regime (1985-1993) and the second by the Abacha regime (1995-1998).

General Ibrahim Babangida took over power on August 1985, and initiated a process of transition to civil rule. This process started with the inauguration of a Political Bureau on 13 January, 1986 which was to organize national debates and resulting there from, recommend the framework and blueprint for a third republic. In 1987 the political transition program was announced but a prolonged one, beginning from 1987 and extending till 1993 (Ikelegbe: 1995). In addition, General Babangida had earlier declared the military's commitment to the transition and to withdraw to the barracks during an address at graduation of the National War College course one on May 17, 1985, and that handing over power to democratically elected president by August 1993 as irrevocable (Tell, special edition June 8, 2009 in Hassan and Musa, 2014). As a follow up to this commitment and with the submission of the report of the seventeen-member political Bureau, the regime in September 1987 set up a 46 member Constitutional Review Committee (CRC) headed by Mr. Justice Buba Ardo to review the 1999 constitution. On May 11 1988, a 567 member Constituent Assembly chaired by Justice A. Aniagolu was inaugurated and a year later the 1989 constitution was promulgated and having similar features with the 1979

constitution, (Ikelegbe: 1995).

Scholars have argued that even with the amendment of the constitution, it does not reflect a true democratic document. Fagge and Alabi (2003:222) stressed that, the constitution was essentially the prerogative of the military elite; and that the inconsistency of the Babangida regime in the implementation of the transition program was almost palpable. Without doubt, the centrality of the system to the survival of liberal democracy is beyond question, thus the Babangida regime attempted to put in place a party structure within which the transition program will be organized. Furthermore, the transition programme was not fair nor transparent because the political parties were formed and funded by the government (Hassan and Musa; 2013, 179). Other scholarly analysis of this development equally notes that about 50 political associations emerged following the lifting of the ban on politics in 1989 but only 13 were able to apply for registration because of very stringent National Electoral Commission (NEC) conditions and a short time space of five months. For instance Ikelegbe (1995:210) observed that instead of registering two of three political associations with the highest scores-People Solidarity Party 43.9%; Nigerian National Congress 42.6% and the Peoples Front of Nigeria 41.2%, the government decided to establish two new parties, gave them names, wrote their constitutions and programs, designed their structures and deployed civil servants to organize them. And also registered party members, distributed party manifestoes and constitutions, and organized party congresses and conventions at all level, as well as the election of party officials. After party leadership were elected in 1990, they were dissolved in October 1992 by the same government.

The dissolution of the political associations which were formed by the politicians, indicates the regimes desire to manipulate the transition process, which was not adequately fair and transparent because of the non involvement of the people in the formation and funding of political parties (Hassan and Musa, 2014:179). The politicians had no option but to join irrespective of cultural and ideological differences the alternative political parties inaugurated by the regime- the Social Democratic Party (SDP) and the National Republican Convention (NRC). As such a philosophy of guided democracy was introduced by the military in its transition reforms and with telling effects on Nigeria's polity and not only on the elections but also on the political parties and political behaviour. The telling effects as rightly observed by Fagge and Alabi (2003:223) is that the political elements in the country continued to struggle along with the transition program despite its many contradictions, the regime's insincerity and ability to stick to the whole program was a problem of monumental proportion. For instance, the 1992 presidential primaries of the two parties were ultimately cancelled on the grounds of electoral fraud and consequently the active participants were banned from the political process. Shifting the hand over date from 1992 to 1993 did not only show how vulnerable the whole program was to the subjective interpretations of the military oligarchy but further demonstrated the insincerity and deceit the regime had consistently built into the programme.

Scholars regarded the General Babangida's transition program as transition without end (Mbachu, 2012). The postponement and further annulment of the June 12 Presidential election which Olaoeye (2004) stressed was adjudged by the 3000 accredited local and international observers to be the fairest and best in Nigeria's political history, generated intense massive public protest, strikes and demonstration by human rights activist, labour activists, social critics etc. This development forced Babangida to step aside and relinquish power to Chief Ernest Shonekan under an Interim National Government (ING).

The succeeding ING was a mere charade designed primarily to ease president Babangida out of office honourably. It was not expected to last because Shonekan was an unelected Commander-in-Chief and lacks the legal authority to command loyalty and even respect from the military, and expectedly, it did not last. On November 17, 1993 General Abacha militarily intervened thus putting an end to what was widely considered as a drift in Nigeria's political process.

Another phase of transition programme began with General Abacha's nationwide broadcast on November 18, 1993 stressing that "A Constitutional Conference with full constituent power will be established to determine the future constitutional structure and also recommend the method of forming political parties which will lead to the ultimate recognition of political parties formed by the people" (Cited in Hassan and Musa, 2012). In fulfilling this plan the regime inaugurated the National Constitutional Conference on June 27, 1994, with a strong message from General Abacha who stressed "our nearly thirty-four years of sovereign existence have been a history of continuous political uncertainties. We have had crisis of legitimacy, crisis of secession, crisis of authority and crisis of nationally accepted leadership, hence, the resolve to terminate the vicious cycle of crisis in Nigeria (Akinboye and Anifowose, 1999:254).

In December 1995, the Abacha regime, established the National Electoral Commission of Nigeria (NECON), to replace the dissolved National Electoral Commission (NEC). The electoral commission registered the Political parties were formed - United Nigeria Congress Party (UNCP), National Conscience Party of Nigeria (NCPN), Democratic Party of Nigeria (DPN) and Grassroots Democratic Movement (GDM) (Akinboye and Anifowose, 1999,248). However these political parties adopted General Abacha thus indicating his desire to transform himself to a civilian president and as such a manipulated transition process. Saliu Cited in Saliu

(1999:8) observed that, persecution of political opponents and the remote control approach to running the parties and the bizarre nomination of General Abacha as the sole presidential candidate for all the registered parties, did not work for credibility either for the government or those put in charge of the administration. Cumulatively, the entire transition program suffered excessive control and manipulation. Abacha's transition programme was however cut short when he died mysteriously on 8, June 1998 (Hassan and Musa, 2014:7). With the death of General Abacha, General Abdulsalami Abubakar the then Chief of Defence Staff took over as the new Head of State and Commander-in-Chief of the Armed Forces.

The new military administration was immediately confronted with the herculean task of drawing Nigeria back from the brink of collapse and restoring her image ([www.globalsecurity.org](http://www.globalsecurity.org)). General Abubakar therefore embarked on reconciliation and consultations with different people and groups in the country. He admitted the failure of past attempts at democratization in the country. The existing five political parties under Abacha regime were dissolved and their assets were taken over by administrators appointed by government. Similarly, all previous elections conducted under these parties were cancelled for lack of credibility. In a bid to convince the world that the country has finally turned to the path of democracy, Abdulsalami pledge not to interfere with the party formation. Consequently, Abacha's electoral commission was dissolved and a new electoral commission body was established (Momoh and Thovoethin, 2001:3).

Within weeks and months, several political associations were formed with each of them approaching the Independent National Electoral Commission (INEC) for registration after its reconstitution. In addition, new political transition to civil rule was scheduled to end in May 29<sup>th</sup>, 1999 (Saliu 2004: 8). On December 5, 1998, the election for local government council was held. This election was used as yardstick for final registration of political parties. The electoral guidelines stated among other things, that any party that would eventually be registered must score at least a minimum of five percent of the total number of votes in at least 24 states (Momoh and Thovoethin 2001). However, only three out of the nine associations fulfilled the requirements and other guidelines for registration by INEC. The three political parties are: Peoples Democratic Party (PDP), All People's Party (APP) and Alliance for Democracy (AD). All the parties contested the 1999 general elections and PDP emerged as the dominant party in almost all states of the federation and with General Obasanjo as the presidential flag bearer.

Finally, May 29, 1999 became the long awaited day of handed over of power to civilian government with the formal inauguration and swearing-in of President Olusegun Obasanjo and his deputy Alhaji Atiku Abubakar, and also the state Governors in their respective states of the federation. The National Assembly was however inaugurated some days later (Momoh and Thovoethin 2001: 6). This development marked the beginning and commencement of the journey of the Fourth Republic.

### **Elections, Electoral Process and the Challenges of Democratization in Nigeria's Fourth Republic**

In theory, election is a process of testing the performance of a government, the level of political participation and the credibility of an existing government. Election is often considered as the heart of democracy and as such carries an intense weight in the success of representative democratic politics all over the world. However, conducting free and fair election has been a weighty albatross in Nigeria's repeated attempts at sustained democratic governance (Inkoba and Kumokor, 2001). Similarly, the International Institute for Democracy and Electoral Assistance (IDEA) (2001:217) emphasised that the process of election in Nigeria are characterized by stuffing of ballot boxes with ballot papers, over-bloating of voting registers, special treatment of voters, disappearance of or destruction of ballot boxes as well as distortion or doctoring of election results and that electoral malpractice had become an entrenched practice in Nigerian political system. At worse, the ruling elite resorted to using judicial tribunals to unjustifiably uphold their elections.

Garuba (2007) analysis of irregularities that attended the 2003 general elections revealed that events before the elections were deliberately designed strategies to manipulate the elections. Evidence in this regard are the attempt to regulate party registration and the attempt to insert a clause in the 2001 electoral Act was a manipulation of the electoral process, delay in voters registration exercise and display of voters register, non-transparent party primaries, questionable fund-raising dinners and anger over recruitment of electoral and returning officers

The delay resulting from the attempt to restrict party registration and manipulate the Electoral Act affected the ability of eventually registered 27 new parties from preparing adequately for the 2003 general election. The delay in voter's registration exercise and display of voters register further provided grounds for suspicion of INEC bending the rules to favour older parties - PDP, ANPP and AD to the detriment of new ones. INEC's resistance for a fresh voter's registration exercise before the 2003 elections had to be settled in the court in favour of the new opposition political parties. However, the manipulations affected the preparations because of insufficient time required for campaigning, display and correction of names omitted in the voter's register (Garuba, 2007: 99).

Okoosi-Simbine (2004) also observed that during the 2003 elections, several of the parties pursued

practices which could be said to help undermine the chances of peaceful and well-run elections. In this regard, almost all the parties, old and new ones alike, the process of selecting party flag bearers was neither open nor competitive in the real sense of the exercise. For instance, the National Conventions of most of these parties, where presidential candidates were elected were mere charade meant to create the impression that the process was open and competitive. For instance the All Nigeria Peoples Party (ANPP) convention witnessed a situation whereby the four presidential aspirants walked out of the convention ground, protesting that General Muhammed Buhari and Dr. Chuba Okadigbo were already endorsed before the convention. Every other political party handpicked its presidential candidate (Omotola, 2007). The second election in Nigeria as a crucial stage in its democratisation process was characterised by mixed feelings regarding the process and outcome of the election. Opposition political parties, international election observers, local monitors and pro-democracy groups adjudged the 2003 elections as lacking in transparency and fairness (Ajayi, 2005: 164). It was rated in varying degrees as relatively poor (TMG, EU cited in Omotola, 2007). This poor rating has been attributed to several cases of irregularities during the elections such as orchestrated disenfranchisement of qualified voters to use of power of incumbency, vote buying and bribery, falsification of results, intimidation and harassment of party representatives/suspected opposition party followers, hijack/snatching of electoral materials, ballot stuffing, underage and multiple voting, as well as forgery and issuance of fake election result sheet by INEC officials (Garuba,2007).

From the forgoing observed irregularities in the conduct of the 2003 elections, what then could be said of the 2007 elections was it more competitive, free and fair or did the electoral process retain these irregularities? The conduct of the 2007 election is thus examined. Going by the laws of the Third Schedule, part 1, Section 15-Sub Section a-I of the 1999 constitution and the Electoral Act 2006 empowers Prof. Maurice Iwu led INEC to conduct the 2007 first transition from civilian-to-civilian leadership general elections. In accordance with the provision of these instruments, INEC came out with a timetable and schedule of activities to cover collection and submission of nomination forms by parties and publication of list of nominated candidates. These activities were scheduled to take place between November 8, 2006 and March 8, 2007. The Governorship and State Assembly elections were fixed for 14, April 2007 while the Presidential and National Assembly elections were fixed for April 21 2007 (INEC, 2007 cited in Omotola; 2007).

The 2007 election testifies eloquently to the desperation of the political elite in hanging on to power (Obinna, 2012). In that regards, Kwaja (2008) observed that INEC introduced a computerized Direct Data Capturing Machines (DDCM) to modernize voter registration and to prevent multiple voting, unfortunately the result of the exercise failed to meet national and international electoral standards. Even though, according to Kwaja (2008) the commission lacked the technical capacity and material resources to successfully to implement this laudable project. For example, the commission could not supply the DDCM in several places across the country. This is because, of the 33,000 DDCM needed to cover the 120,000 registration centres, and only about 1,500 were available at the commencement of the exercise. Consequently, millions of Nigerians were disenfranchised due to this insufficiency. Kwaja (2008) reiterated that:-

In some areas where these machines were available, there was no electricity to charge the batteries when they run down. In fact, Nigerians made contributions in some places to hire generators and to buy petrol in order operate these registration machines. Evidence abound that in some parts of the country, particularly in Eastern Nigeria, INEC ad-hoc staff collected bribes from qualified Nigerians before they were registered. Many Nigerians were roaming about during this registration exercise trying to find a place to register, since they were denied registration in their place of residence. Meanwhile, the late Alhaji Lamidi Adedibu, the most influential politician in Ibadan, Oyo state harboured Six DDCM in his house where he was illegally registering both qualified and underage people.

So also, in an attempt to manipulate the electoral process, in March 2007, INEC released a list of presidential candidates of various political parties qualified to participate in the April polls. By excluding Atiku's name in the list, INEC disqualified him from contesting the presidential poll (Agbedo, 2008: 114). Atiku had to challenge his exclusion in the court. However, in the end the court ruled that INEC has no powers to disqualify a candidate.

In spite these challenges, Nigeria's third national elections since the country returned to democratic rule were held on April 14 and 21, 2007, with widespread election malpractice a fact affirmed by the elected President Yar'adua (late) in his inaugural speech and promised to undertake an electoral reform (Africa Report No. 123, March 28, 2007). It is important to note that the judiciary made some credible attempts to restore sanity in democratic politics in Nigeria by reversing some election victories. Instances of such reversal by the Election Tribunals include: the nullification of the election of Mr. Segun Oni as the Executive Governor of Ekiti State (PDP) in which INEC was ordered to withdraw certificate of return issued and give such to Fayemi by the Court of Appeal. The appellate court held that Fayemi won the April 14, 2007 election and the re-run election of April 2009 with highest lawful votes at the polls. In a similar development the Tribunal in Adamawa State

ordered for gubernatorial re-election between Governor Murtala Nyako of the PDP and Alhaji Ibrahim Bapetel of the ACN following the omission of Alhaji Ibrahim Bapetel's name from the ballot paper by INEC.

A common feature of elections and electoral process in Nigeria is that it has been by irregularities, fraud and lack of credibility. Late president Yar'Adua admitted openly during his inaugural speech that the general election which brought him to power, was seriously flawed and promised correct the weakness in the electoral system, and decided to set up the Electoral Reform Committee (ERC), mandated to fashion out how to improve on the quality of future elections. The committee submitted its findings in December 2008. Among the most significant of the reforms were those to increase INEC independence and fiscal autonomy. Some of the recommendations of the ERC were implemented and became handy in the 2011 elections under the watch of Professor Attahiru Jega the INEC Chairman.

The 2011 election conducted by INEC under its chairman Professor Jega was applauded by both local and international observers of being credible and transparent. But the conduct of the 2011 elections was not without some challenges before, during and after the election. These challenges are among others the problem associated with the PDP zoning formula that became the most contentious and candidacy of President Jonathan; rampant cases of underage registration and voting; Ad-hoc INEC officials who resisted the pressure to register minors and allow them vote were threatened and harassed into submission; cases of ballot box snatching in spite of the open/secret system of voting as well as multiple thumb printing despite the availability of Direct Data Capturing Machine that were used electronically; 60% of polling units were unable to receive the necessary materials and also accusation of outright fraud and collusion amongst INEC agents etc. These shortcomings were noted by the Transition Monitoring Group (TMG) (Think Africa Press, 2013).

### Conclusion

The paper examined the challenges of election and electoral process and the challenges on the democratization process in Nigeria's fourth republic. Democracy cannot thrive where there is gross negation of the cardinal democratic principles in relation to elections and electoral process. The return of the country to a democratic rule on May 29, 1999 brought with it high hopes and expectation on the part of the electorates as it provided the avenues through which they can be able express their choice of office holders in an open competitive free and fair electoral process. Ironically, observation shows that these yearnings and aspirations were met. The elections and the electoral process have (2003, 2007 and 2011) all been characterised by elite manipulations of the process to favour some parties, ballot snatching, late arrival of electoral materials etc. This has marred the democratization process since the commencement of the fourth Republic.

### Recommendations

From the various observations made above, the following recommendations are put forward to government and civil society and the ruling elites.

- i. The government should set up a Special Electoral Malpractice Court in order to punish electoral law offenders.
- ii. The civil society organization should organize workshops, conferences, seminars aimed at sensitizing the general public on voter education and principles of democratic governance.
- iii. The government should completely restructure INEC and make independent and complete autonomy be granted and free from government control and interference in order to regain public trust and confidence.

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