

## Electoral Crisis, Governance and Democratic Consolidation in Nigeria

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**ABSTRACT** It is a visible fact that ten years into the Fourth Republic, governance at all levels in the Nigerian polity has woefully failed to deliver the much expected socio-economic and political dividends of democracy. This persistent phenomenon of ineffective governance has also engendered a disillusioned citizenry, which has inevitably put a big question in the sustainability of democracy in Nigeria. Several factors have been identified as been responsible for the low output of governance. The paper, however, in its attempt to explicate the crisis of governance and comatose democracy in Nigeria, focuses on the nation's inability to conduct credible, acceptable, and fair elections. It tries to establish a nexus between election, good governance and democracy by arguing that democracy is inconceivable outside the context of rule-based, fair and credible election as election supplies the essential platform and vitality for the building of democracy. The paper, therefore, posited that until Nigeria is able to put in place a robust, transparent and credible electoral process, the country will continue to experience governance devoid of all the fundamental trappings of a sustainable democracy.

### INTRODUCTION

With the inception of the Fourth Republic in May 29, 1999 after marathon years of failed dictatorial military regimes, it was widely expected by Nigerians that democracy will usher in better deal for them in terms of improving their pitiable standard of living. A lot of Nigerians looked with great expectation of better things to come in the process of governance; they looked forward to the freeing of national resources from the stranglehold of greedy officials and to more effective and efficient programmes of social provisioning in health and education, rehabilitation of infrastructure and facilities, poverty alleviation and general socio-economic development (Jega 2006: 1). And to reassure Nigerians that they are in for better times, President Olusegun Obasanjo in his acceptance speech titled "Restoration of confidence in government" listed his priority areas. These include:

*...the issue of Food, Security and Agriculture, Restoration of Law and Order with particular reference to armed robbery, and to cultism in our Educational Institutions, Exploration and Production of Petroleum, Education, Macro-economic policies..., supply and distri-*

*bution of petroleum products, the debt issue, corruption, drugs, organised fraud called 419 activities and crimes leading to loss of lives, properties and investment, poverty alleviation among others (Adeyemo 2009: 22).*

Obasanjo subsequently spent eight years before handing over to the incumbent President Umaru Musa Yar'Adua who came out with a Seven-Point Agenda as Power and Energy, Food Security and Agriculture, Wealth Creation and Employment, Mass Transportation, Land Reforms and Security.

However, after a decade of what some analysts refer to formalistic democracy devoid of substance, Nigerians seem to have experienced more of pains than gains. Ten years of uninterrupted civilian administration has woefully or visibly failed to approximate the expectation, dreams and yearnings of Nigerians. A decade of ailing democracy has failed to address the problems of inadequate basic needs of life such as good roads, functioning health amenities, quality education, improved wages for workers, restructuring of petroleum sector, uninterrupted power supply, genuine electoral reform, freedom of information, equitable distribution of wealth, justice and fairness and even the resolution of the restiveness in the Niger Delta region without recourse to military offensive.

As such, despite its enormous human and material wealth, Nigeria during the last ten years has fallen into the list of the world's poor-

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est nations. The United Nations Human Development Report confirms that a greater fraction of the Nigerian population live in abject poverty. The report discloses that 92.4 percent of Nigerians live on \$2 per day. Similarly, the Human Development Index, HDI, which measured a country's life expectancy, literacy, education, general standard of living and impact of economic policies on quality of life, Nigeria is ranked 158<sup>th</sup> of the 177 countries surveyed by the UNHDR (Odeinlami 2008: 28).

The tragedy of the Nigerian situation is that "social capital" is almost extinct, while the performance of government at all levels may be measured through the high levels of incompetence and corruption. Ten years of the Fourth Republic has elevated corruption, impunity and meddlesomeness to political creeds that have robbed governance the much needed responsive and caring human face. This is double jeopardy: bad politics and poor economic management characterised by collapsing institutions, disoriented political elites and a abused, violated, disillusioned and disenfranchised populace, has led to governance that has failed to deliver the much promised and political dividends of democracy (The Nation 2009: 15).

The paper, therefore, in its attempt to explain this ugly phenomenon of failed, uncaring and unresponsive governance, will link it up to the perennial problem of the nation's inability and even unwillingness on the part of the political class to put in place a credible, lawful and democratic electoral process. Thus, the main objective of this research endeavour is to establish a nexus between poor governance and inability and unwillingness of the managers of the Nigerian polity to evolve a democratic electoral regime. The crux of the argument is that the failure of governance to meet fundamental needs and aspirations of majority of Nigerians is largely a product of the crisis of electoral administration in Nigeria. Basically, these two issues have come to dominate the discourse on the travails of democracy in contemporary Nigeria.

### Conceptual Overview

From the title of the paper it is obvious that the central themes are: Election, Governance and Democratic Consolidation. It is, therefore,

germane that we give operational clarification to these related concepts.

Election is the most foundational element of modern day representative democracy. In fact, according to Alapiki (2004: 130), election is:

*...the barometer to measure the political maturity, health, legitimacy and stability of a democratic governance. It is generally held to be the single most important indicator of the presence or absence of democratic governance.*

Thus, how a state arranges and conducts its elections tells a lot about the level of political development of that particular state (Paki and Inokoba 2006: 181). What is an election? In its most inclusive form, election is defined as:

*a form of procedure, recognised by the rules of an organisation, whereby all or some of the members of the organisation choose a smaller member of persons or one person to hold office or authority in the organisation (International Encyclopaedia of Social Science 1972: 1).*

In a rather restricted sense, Okolie (2005: 436) defines election as, "the process of selecting the officers or representatives of an organisation or group by vote of its qualified members". And as a political phenomenon, elections are institutionalised procedures for choosing political office holders by the electorate of a country. In other words, it is a means through which the electorate choose their representatives into the different organs (positions) of the government (Paki and Inokoba 2006: 181). However, a more encompassing definition was posited by Bain (1964: 162). He conceives election as:

*...the formal process by which the electorate selects officials and determines the issues submitted to it. It is therefore a procedure for choosing officials or making binding decisions concerning policy by the vote of those formally qualified to participate.*

The above position is also in line with the definition offered by the Encyclopaedia Americana (Vol. 10, 1996), which conceives election as "a procedure for choosing concerning policy by the vote of those formally qualified to participate".

In a nutshell, from the foregoing, election is a formal procedure recognised by law as well as a decision taken by the electorate to decide those who occupy public offices and as well as policy direction of a policy. It is in line with this position that Akzin (1960: 706) con-

ceived election as a social contract between the people and their governors. As such he sees it as “the process by which a person is linked to an office with due provision for the participation of the people meant to come under the officer’s authority”. This perception of election as a framework for forming a government based on popular consent is what makes the product of transparent and credible elections, a responsible, responsive and accountable government.

However, for elections to tamper positively on the output of governance the electoral system must be just, fair and provides a level playing ground for political actors. It is for this reason that the paper categorised elections into two broad types: Democratic and undemocratic elections. Democratic elections in line with the views of Lindberg (2001), Tyani and Shastry (2007) and Animashaun (2008), are elections conducted according to the provisions of the electoral law and constitution with transparency, fairness, justice and equity without the interference of the incumbent leadership. A major distinction of a democratic election is the unfettered participation of high proportion of the electorate and all existing political parties- this enhances the democratic quality of elections. In a democratic election, there is an absence of electoral violence and other forms of intimidation because the contestants and supporters understand virtues of diversity and different viewpoints. This is quite instructive because a decent level of competition is central for democratic qualities like accountability and responsiveness of the elected officials.

In addition, it is also opined that democratic elections create a special kind of state (Hadenius 2001: 131). There is a general consensus that they create an inclusive, interactive and responsive state, open to intercourse in regulated ways with its citizens. Under this environment, governance becomes as approximation of the yearnings, needs and generality of the citizenry.

In contrast, however, undemocratic elections are pervasion and negation of all known democratic tenets. They are characterised by electoral fraud compassing all forms of electoral malpractices, irregularities and rigging, which have underlying criminal intents and purposes. They connote criminal and illegal electoral acts, which unduly sway electoral victory to the desired and unpopular direction. Electoral fraud could take the form of stuffing ballot

boxes with ballot papers well ahead of actual voting; seizure of or hoarding of electoral materials; manipulation and fabrication of electoral results; use of law enforcement agencies to intimidate, maim and disenfranchised eligible voters; murder of political opponents, etc. (Okolie 2005: 437). However, it is pertinent we make a distinction between electoral fraud and electoral irregularities. While electoral fraud is characterised by actions that are designed to undermine democratic principles and popular will, electoral irregularity is occasioned by unconscious shortcomings emanating from the electoral system. And the reason why the Nigerian electoral crisis has endured for so long is because it is deliberately created and is beneficial to a fraction of the political class that is bent on maintaining the present status quo. And the products- that is, the government of undemocratic elections are distinctively exclusive, dictatorial, corrupt, predatory and unresponsive to the needs and yearnings of the populace. Since it is a non-participatory political set-up, the ultimate outcome is the output of governance that falls short of the expectations and needs of majority of the citizenry.

This takes us to the next concept- how do we conceptualise governance? Governance is conventionally conceptualised, as the process by which a political system achieves such values as accountability, participation, openness (or transparency) and respect for the rule of law and due bureaucratic process. It also includes, according to Boeninger (1992), the capacities of a system to exercise authority, win legitimacy, adjudicate conflicts as well as carry out programme implementation. In other words, the bottom line of governance is its ability to respond to the needs, aspirations and yearnings of majority of the citizenry. And once a political system is able to achieve these, it is referred to as responsive, accountable and effective governance.

Conversely, a polity could also experience governance failure. And this becomes an enduring and cyclical phenomenon, such society is said to be facing a crisis of governance. And crisis of governance is characterised by the following features: crisis of rising expectations because governance is not meeting popular expectations, with peoples’ hopes of a better future increasingly being dashed; exclusive and restrictive democratic space; there is lack of

accountability and transparency in many aspects of governance; there are still enormous threats to socio-economic and political stability; and there is increased mass poverty, which continues to constrain democratization. This situation is what Ake (1994) refers to “democratization of disempowerment”.

This now brings us to the issue of democratic consolidation which is a product of the democratization process. A careful perusal of the extant literature on democratic consolidation will reveal that the term implies series of continuous actions and changes geared toward the replacement of an existing system of authoritarian and undemocratic rule (Yagboyaju 2007: 34). By extension, democratic consolidation, according to Asiawaju (2000) “implies the internalisation of democratic culture and the institutionalisation of democratic best process” by a policy that has successfully embarked on a democratic transition.

In essence, according to Jega (2006: 6), democratic consolidation is a term which describes “a vital political goal for new democracies”. Thus, for countries like Nigeria in transition to democracy from authoritarian rule, the term consists of:

*Overlapping behavioural, attitudinal and constitutional dimensions, through which democracy becomes routinised and deeply internalised in social, institutional, and even in psychological life, as well as in political calculations for achieving success (Diamond et al. 1997: XIX, cited in Jega 2006)*

Looking at the Nigerian situation, Jega (2006: 6) argued though Nigeria cannot be referred to as “a new democracy” as one would have wished; it has not reversed or regressed back to the dark days of authoritarian military regime. The nation is still engaged in the democratisation process. But at issue, is the question of the nature and consequences of this democratisation process. Hence, the paper is not oblivious of the tremendous challenge posed to the democratisation process by corrupt electoral process and bad politics that is a distinctive feature of the Nigerian polity. In recognition of this problem, Diamond et al. (1999: 13) opined that:

*If a transition to democracy is ever to be achieved and sustained in Nigeria, a deeper transition must somehow be affected from prebendalism to real institutionalism, where the*

*legal and constitutional rules function with effectiveness to constrain behaviour. This will require not simply wise and imaginative institutional designs, of which Nigerians have shown themselves imaginatively capable at times, but powerful forces and agencies to enforce them.*

The foregoing statement summarizes the enormity of the task of democratic consolidation in Nigeria.

### ELECTION AND DEMOCRACY

It has been suggested by some scholars that the link between election and democratic governance is no more than a tenuous one. This is so because there are several instances in Africa where elections have led to what Olaitan (2005: 44) refers to as the ‘unmaking of democracy’. This is a spurious and weak thesis because proponents of such idea have obviously failed to look at the nature of the elections in question: Are they democratic or undemocratic? It is only democratic elections that can lead to the sustenance of democracy.

Thus, it is true that election do not necessarily guarantee worthwhile democratic rule, it is also an incontrovertible fact that elections is at the heart of the modern conception and discourse of democracy following the inability of the modern society to accommodate the classical democratic governance involving every citizen in decision-making (Olaitan 2005: 44). As such, it is a critical part of the democratic process which offers the electorate the freedom to make choice, the power to hold elected representatives accountable and a bulwark against perpetuation of arbitrary rule (Obi and Abutudu 1999; Animashaun 2008). It is through elections that formal allocation of power occurs in all democracies which give meaning to power relationships within the political community. It is the foundation of the social contract between the people and their governors.

Imperatively, the conception of democratic government as a 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 forms 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 and responsive to the needs and aspirations of the people.

In addition to serving as a means of enhancing government responsiveness, elections also serve as a medium of legitimacy- that is, the right of the rulers to govern. A government that is genuinely instituted and constituted by popular mandate enjoys a lot of support and legitimacy because its laws are easily obeyed by the citizens who see public office holders as their representatives freely chosen by them. Conversely, an administration that was established through a fraudulent and violent electoral process usually lacks such vital ingredient 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 is a considerable way, explains why most African states are gross abusers of human rights and why they cannot tolerate dissenting positions and groups (Paki and Inokoba 2006: 183).

Democratic governance, therefore, is not conceivable outside the context of election as election supplies the essential platform for the building of democracy. While election may not constitute the entire gamut of the democratic process, it is an equivocal fact that it remains crucial to the enthronement of democratic governance and consolidation of democratic order.

### **ELECTORAL PALAVER AND THE CRISIS OF GOVERNANCE IN NIGERIA**

Conducting free and fair election has been a weighty albatross in Nigeria's repeated attempts at sustained democratic governance is a fact widely acknowledged. According to the International Institute for Democracy and Electoral Assistance (IDEA) that the electoral process in the country faces many administrative, attitudinal and political problems that have consistently challenge meaningful, open and democratic elections in Nigeria (Nwanuforo 2009). From the fallout of previous electoral exercises, elections in Nigeria are either undemocratically guided or organised to fail or the pro-

cess and the project privatised by sections of the political class.

Since the colonial period, Nigeria has organised about 19 elections. Apart from the inconclusive June 12 elections of 1993, they were all congenitally marred by electoral fraud. These elections were characterised by serious and blatant cases of electoral fraud such as stuffing of ballot boxes, over bloated voting registers, special treatment of voters and election officials, disappearance or destruction of ballot boxes, distortion of results, grand standing of political sponsors (or god-fathers), intimidation of voters and political opponents by law enforcement agents and thugs as well as election related violence, arson and killings.

And examining the electoral history of Nigeria, there is a general consensus that the integrity of election has been on the decline since 1959 with the 2007 general elections widely assessed by both local and international observers as the worse in the country's history. Commenting on this, Dr Chukwuemeka Ezeife, former governor of Anambra State opined that:

*...democracy is associated with elections. How have the elections gone since 1999 till date? The 1999 elections were disputed but it was vastly better than the 2003 elections. People shouted foul about the 2003 election but that was infinitely better than the non-election of 2007. Each election has been worse, more flawed than the one before it. We cannot be getting a democracy by running further away from it (cited by Adeyemo 2009: 22).*

The United States based Human Rights Watch also agrees with the above view by stating in its world survey that the greatest form of human rights abuse going on in Nigeria is that Nigerian have been denied the right to choose their leaders through a free-and-fair election. Rather most of the so-called political leaders are selected and imposed on the people; from the local government to the national level, by Political god-fathers with the consequence that those in power are not considered true representatives of their people (Agbo 2009: 54).

The 2007 general election was designed from the onset to be flawed. In fact, it was built on corruption, pervasion, exclusionary politics, blackmail, intimidation and coercion. Indeed, several months before the April 14 polls, former President Olusegun Obasanjo had declared that winning the elections was a do-or-die affair. And it turned out to be so.

Although the 2007 elections have been contested and won largely by the ruling People's Democratic Party-PDP, the questionable manner in which the "victory" was achieved still lingers in the polity almost two years after its conducts. The entire elections were characterised:

*...by massive irregularities including inflation of voting figures, declaration of result where elections were never held or not conclusive, intimidation of voters as well as manipulation of the security services (Animashaun 2007: 128).*

Both local and foreign observers also agreed that the 2007 elections like the 2003 polls were not conducted in a transparent and credible manner. To affirm this viewpoint, the chief beneficiary of the undemocratic poll, President Yar'Adua admitted in his inaugural speech that the elections were flawed. As such the inauguration of the 21 member Electoral Reform Committee (headed by justice Uwais) by the president was an indictment of the shabby conduct of 2007 polls.

Even pre-election exercises such as clearance of candidates and voters' registration were manipulated by the PDP using its incumbency power to give party undue advantage. The so-called screening of party candidates for elections by Independent Electoral Commission (INEC), Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt and other related Crimes Commission (ICPC), were all part of the botched plot to witch-hunt and disqualify opposition contestants, particularly Atiku Abubakar (Ajayi 2007: 148).

In the case of voters' registration, the exercise was marred by acute shortage of materials which prevented many eligible voters from registering their names; while those who succeeded in registering their names could not find same on the voters' register when it was displayed. Neither INEC nor the police authorities took action on the allegation that certain numbers of Direct Data Capture machines were found in the Ibadan residence of a chieftain of PDP, Alhaji Lamidi Adedibu.

It is, therefore, not surprising that since the history of democracy in Nigeria, the 2007 general elections recorded the highest number of petitions at the tribunals. According to the legal services department of the INEC, 1,249 petitions were brought before electoral tribunals

on the National Assembly, governorship and House of Assembly elections (Agbo 2009: 54). As a result of the petitions, elections tribunals across the country annulled about 11 governorship elections. Some of these were reversed on appeal in controversial decisions that many critics said amounted to miscarriage of justice. In landmark cases like Rivers, Edo, and Ondo states new governors were sworn in as courts ruled that those sworn in ought not to have assented to power.

The inability of the Nigerian state to organise democratic elections is less surprising when we consider the fact that political parties in the country are devoid of internal democracy. Party flag bearers are selected at the whims of the god-father and imposed in the electorate not on the basis of competence, but on loyalty to the god-father to whom the successful political office holder account for stewardship in cash.

But is apparent from the foregoing discourse is that between 1999 and 2009, election as a democratic vehicle of choosing, changing or affirming leaders and representatives of the people has been reduced to a farce. And since democratic governance is build on a foundation of lawful and credible elections, the implication for the entire society is not farfetched. This is so because no unlawful, perverse and corrupt process (means) will ever give birth to a constructive and transparent end.

As such, the immediate consequence is very poor quality human resource shaping the future of the nation, which materialises in ineffective governance and leadership identified by Achebe as the bane of Nigeria's many troubles. And since these leaders got into power through crooked and fraudulent means, they tend to employ corrupt means to maintain themselves in power. As such corruption like a cancer has permeated into all levels of governance and every gamut of the Nigerian society. A decade of democracy has been ten years of looting public treasury at the local, state and national levels of government. It is reported between 1970 and 2007, Nigeria lost estimated \$400 billion oil revenue to official corruption (Agbo 2009: 55). It is, therefore, less surprising that out of the 36 governors that ruled the states from 1999 to 2007, at least 21 were indicted for looting their state treasures. But despite the politicians, the EFCC and ICPC have not made any serious move to either recover the stolen or prosecuting.

An immediate fallout of the inordinate looting of the common wealth is that money needed to put in place basic infrastructure for the overall growth of the country has gone into private pockets. It is quite regrettable that in spite of over N85 trillion realised between 1999 and 2008, through unprecedented oil receipts, the states and federal government cannot fix collapsing and decaying infrastructures (Adeyemo 2009). The health sector has been comatose as a result of the endless list of anomalies such as shortage of medical staff and drugs, hospital-to-patient infection, obsolete equipment, low morale among health workers, dilapidated and inadequate infrastructure among. Another neglected and forgotten sector is the educational system. Education seems to be worse hit sector by irresponsible corruption and uncaring leadership. And it seems deliberate. Poor governance reigns where ignorance is rampant and rather than clean up our educational system, government is gradually washing its hands off funding. Rather they have chosen to create endless private schools.

Another area of inhuman neglect by government for the past ten years is the roads and transportation sector. Though billions of Naira has gone into road rehabilitation and maintenance, Nigerian roads are a nightmare, causing untimely deaths and reducing the lifespan of motor vehicles. Ten years of democracy and with billions of hard currency from oil to boost agriculture has failed to produce the much expected increase in food production. Nigerians are still bitter that food is scarce and expensive.

One critical sector in which corrupt and irresponsible governance has caused so much dislocation is the energy sector. Despite injection of several billions of dollars power supply across the country, it is still epileptic. The crisis in the energy sector has dovetailed into the economy causing so much havoc: increased cost of production, low capacity utilisation, retrenchment and shut down. The worse hit by the crisis in the power sector are informal and small scale businesses and manufacturing firms such as textile and tyre industries.

The Fourth Republic governance has also failed to provide adequate security and protection for the lives and property of Nigerians. There are at least 38 high profile unresolved murders recorded between 1999 and 2007 (Agbo 2009: 56). The most embarrassing of them all

is the killing of the number one law officer of the Federation, Bola Ige. It is widely believed that all these murders were politically motivated because none of the killers has been arrested and prosecuted to reassure the citizenry that there is a competent government in place.

Corruption in governance engendered by fraudulent electoral process has also produced too much of bad politics into the Nigerian political system. This has its consequence on the performances of the different organs of government. Apart from the judiciary which has performed credibly well in its contribution to the stability of the current democratic experience in the country, the executive and legislative arms have so far failed to deliver. Eight years of Obasanjo civilian administration was characterised by anti-people and undemocratic attributes such as: disrespect for the rule of law and court decisions; dictatorial tendencies like the clamping down opposition groups as well as some segment of the press; selective and sometimes illegal anti-corruption measures carried by EFCC and ICPC; meddling and creating political crisis in states that have unfriendly governors; his inordinate quest to hang on to power as demonstrated by his botched third term agenda; and his unwarranted and unwholesome interference in the affairs of the National Assembly, especially its leadership.

The administration of the incumbent President, Yar'Adua is one with a lot of motion without progressive movement. His policy pronouncements hardly match his actions. Though he has declared seven-point agenda, it is now becoming clear that he has a zero-point agenda for Nigeria. Two years into his administration he has failed to deliver in the key areas of his agenda. Even though the President recognises the role a credible electoral regime can play in the country, he and most of his governors are not ready to accept the sweeping recommendations of the Justice Uwais Panel on Electoral Reforms. His pronouncement on the respect for the rule of law and anti-corruption is in serious doubt while he has rendered the two anti-graft bodies-EFCC and ICPC useless, he has appointed into his government some of the politicians that were indicated by Ribadu led EFCC.

Ten years of civilian regime has also exposed the legislature-the National Assembly and state Houses of Assembly as chambers of fraud, greed, controversies, rascality and corruption (these

are well catalogued in *The Nation* newspaper, May 29, 2009: 85). The legislatures, both at the national and state levels, have been involved in various bribery scandals that are inimical to its growth. The general perceptive is that the legislative is interested in making money than laws. Apparently, there is no way the executive can be checked and made responsible to the people, if the lawmakers are only guided by their pecuniary interest.

Inevitably, there is no other way one can explain the lack of empathy of the political leader on the electorate without going back to the process through which they got into power. The disconnect between the political leader and the citizenry is as a result of an undemocratic election that was devoid of a social contract. The government in place is a product of stolen mandate as such the officers of the state do not have a moral obligation to respond to the needs of the people. And the people on their own part feel helpless and powerless to ensure that governance approximate their interest.

And according to Hyden (1998), the implication of bad governance is that it could lead to "government inversion" – that is, a situation where government institutions cease to function and instead end up turning inward towards themselves rather than outward towards society. This means that state institutions become progressively irrelevant for society. This reasoning best explains the apathy Nigerians exhibit towards the political system and the electoral process. This is a major challenge to the whole process of democratic consolidation in the country.

#### **ACHIEVING CREDIBLE ELECTIONS AND STRENGTHENING DEMOCRACY IN NIGERIA - THE WAY FORWARD**

It is apparent from the foregoing that the root cause of the crisis in governance and democratic consolidation is largely a function of the lawless and undemocratic nature of elections in the country. The undemocratic conduct and outcome of the 2007 election have in a lot of ways exacerbated the crisis of electoral politics in Nigeria in a manner more profound than the 2003 polls. It has also spawned understandable cynicism among the electorate, opposition parties and civil society on the capacity of election as a means of leadership, recruitment and policy preferences.

Indeed, the outcome of the election has re-inforced the fact that since Nigeria's return to civil politics in 1999, it has lost its essence as a tool of expressing popular will, instituting responsive government and legitimizing political regimes. The subsequent fallout is the citizen's apathy and indifference to the political system as reflected in the low voters' turn out in fresh and re-run elections across the country. There is, therefore, the urgent need to reform the electoral regime in a manner that will restore public confidence in the process.

One sure way of convincing the world and the domestic populace is to enhance the independent status of the INEC by removing the undue influence of the presidency in its operation. The presidency should not repeat the unconstitutional act of employing the EFCC and ICPC to screen and disqualify prior to the 2007 elections. It is imperative that for the INEC to enjoy the much needed respect, transparency and credibility, the interference of the presidency must be done away with.

Poor funding also undermines the independence, autonomy and capacity of INEC to administer the electoral process efficiently and assures the control by the presidency. To the extent that its responsibilities border on the sanctity of the electoral process, the electoral body must be adequately funded to meet its logistics and operational needs. There should be a shift from the current method of financing INEC to that of charging its finances (and those of the States Independent Electoral Commissions – SIECs) to the Consolidated Revenue Fund. This measure will considerably enhance the independence of the electoral agencies and save them the burden of going to the presidency cap – in – alms for need resources.

The independence and credibility of INEC and SIECs can also be guaranteed by modifying the mode of appointing and composing its members. The current practice is not desirable where the president appoints the members with the approval of the Senate. By this method, the president has the power to appoint members of his party to the Commission thereby eroding the desired non-partisanship character of the body. As such for the body to earn the expected credibility INEC members should henceforth be nominated from human rights and pro-democracy civil society groups and the ranks of notable and credible non-partisan Nigerians (Ajayi 2007: 149).

To ensure justice and fairness, there should be a reasonable and definite time frame within which to conclude election petitions before election tribunal. This time line is important against the backdrop of delay tactics employed by some politicians to subvert justice. To strengthen this proposal, according to Animashaun (2008), no candidate should be sworn in to occupy elective office being challenged at the tribunal. If it is the presidential election that is being challenged, the Chief Justice can act as President before the determination of the suit. For Governorship election, the Chief Judge of the state can occupy the office in acting capacity. This will guard against future occurrence of the ugly scenario in different states in the country where those who benefited from unlawful and fraudulent elections were allow ample time (running into months) to administer and manage the resources of the state.

In order to enhance and awaken citizens' interest and participation in the electoral process, aggressive voters' education and mass mobilization should be undertaken as a matter of urgency by INEC in collaboration with the Ministry of Information and the National Orientation Agency at all levels of governance. The mobilisation exercise must be particularly rural-based as political apathy, cynicism, illiteracy and civic irresponsibility are higher in the remote areas. It is only in this way that the more than 60 million targeted voters could be registered.

Of democracy in Nigeria:

*...systems alone will not give us free and fair elections. All of us, especially the political elite, must be ready to play by the rules. We must rein However, systems do not work on their own; the electoral regime could succeed in deepening democracy or it could be sabotaged by the attitude and practices of politicians. The bane of the crisis of elections and democratisation in Nigeria has a lot to do with the winner-takes-it-all or do-or-die attitude of Nigerian politicians. President Yar'Adua acknowledged this problem in his address to the nation during the celebration of the 10<sup>th</sup> anniversary in the instinct to win at all cost and the impulse to dismiss as fraudulent any process that does not produce the outcome we want. We must be ready to be democrats in thought, in word and deed (The Nation, May 29, 2009).*

Our recommendation is that in order to check the excesses of politicians during elections, there is need for stringent and effective laws that will declare electoral fraud as a heinous crime against the state and punish culprits accordingly.

But the pertinent question is, will the political class want to tamper with a system that has worked effectively in their own interest? After all, most of the political holders particularly the president and state governors were quick to reject the Justice Uwais Report on electoral reform. Its recommendations cover most of the aforementioned proposals. Thus, the onus is now on the civil society represented by civil liberty organisations and media to mobilise Nigerians for action in order to saving our democracy.

## CONCLUSION

From the recommendations above it is obvious that a major instrument for measuring the democratic status of any nation is regular and credible elections. What this paper has attempted to do is to explain the crisis of governance and democratic consolidation by tracing it to the fraudulent and undemocratic nature of elections in Nigeria. The conclusion is that until the country is able to put in place a robust, lawful and credible electoral require, it will continue to contend with the phenomenon of failed and unresponsive governance.

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